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matter of truth, the land does not contain gypsum in sufficient quantities to sustain the mining claim, and it is the truth that up to this time a holding of the so-called "mining claim" until the first well was sunk and oil discovered has been largely by the power of the shotgun; and there is litigation untold in California until the first well is down and oil discovered.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman what is the distinctive difference between this law and the other law?

Mr. SMITH of California. I will explain it. This law requires the person who desires to enter the land to go to the land office and make the best showing he can that he thinks the land contains mineral oil, and thereupon he pays 25 cents an acre and enters it much as you would a desert-land entry, and he then has three years in which to demonstrate that it contains oil.

Mr. STEPHENS of Texas. Then how much does he pay to the Government?

Mr. SMITH of California. He then pays the same price he would for a mineral claim, $5 an acre. This bill also requires him to expend an amount equal to 50 cents an acre each year in the development of oil. Of course, as a matter of truth, in the development of oil, in three years he will have expended—well, all the way from $5,000 to $30,000 in getting down his well, for the wells cost that much in the oil country in California.

Mr. STEPHENS of Texas. Is it not a fact under the placer law at the present time a man secures only 20 acres?

Mr. SMITH of California. The practice in California has been to take eight claims and locate 160 acres as one claim and then locate the same names again and again and again, so that a man with a reasonable supply of relatives can take their names and locate the whole face of the earth.

Mr. STEPHENS of Texas. That is, then, really practicing a fraud, is it not?

Mr. SMITH of California. No; it is not a fraud. It is entirely within the law.

Mr. STEPHENS of Texas. It is legalized, perhaps, because it has been done so long as to become a habit.

Mr. SMITH of California. There is no limitation in the law to prevent it.

Mr. STEPHENS of Texas. Why does not the man take it under his own name instead of using the names of his kinsfolk or his family?

Mr. SMITH of California. The law does not allow him to enter but one 20-acre piece, but the law does allow eight names to join in the entry of 160 acres.

Mr. STEPHENS of Texas. On this 20 acres does he not have to do $100 worth of work each year in order to hold that, and at the end of five years, having done five years of work and put out an outlay of $500, is he then not entitled to have the land patented to him?

Mr. SMITH of California. He can have it patented any time before five years.

Mr. STEPHENS of Texas. Yes; but does he not have to expend $500 on the claim?

Mr. SMITH of California. In thirty days, if he wants to.

Mr. STEPHENS of Texas. Under this bill, as I understand it—the old bill—you would have to pay $500 to get 20 acres. Under this bill you would take 160 acres of land, eight times as much, and you are not required to do any work. Is not that correct?

Mr. SMITH of California. You are required to prove that you have discovered oil in commercial quantities. In every case I have known in California it will cost you from $5,000 up to drill a well.

Mr. STEPHENS of Texas. Suppose a man finds an oil seep or spring somewhere on the claim. That is often the case.

Mr. SMITH of California. I have never heard of one in California.

Mr. STEPHENS of Texas. You do often find asphalt outcropping in canyons and gulches, do you not?

Mr. SMITH of California. This bill does not give him an asphalt vein.

Mr. STEPHENS of Texas. It gives him 160 acres of asphalt land, though.

Mr. SMITH of California. It does not give him the right to enter the asphalt as a ledge.

Mr. STEPHENS of Texas. I understand that. The difference is this, as I understand it: Under the old law you would have to do $500 worth of work on 20 acres. Under this law you are not required to do $500 worth of work or any other work on 160 acres, eight times as much as under the other or old law.

Mr. SMITH of California. You are required to produce a well, which will cost from $5,000 up, and under the present law you can get your patent without discovering the oil if you can show you have got enough gypsum or anything of that kind to bear a title. Then you have your oil underneath if it be oil land. As a matter of truth they do not prove up on the gypsum generally, but sink the first well and prove up on it by showing they have oil land.

Mr. STEPHENS of Texas. Under the law you are now proposing you repeal practically all the old law. Under the old law you would have to sink a shaft 10 feet deep on each 20 acres each year and do your work on each separate tract of 20 acres of land.

Mr. SMITH of California. No, sir.

Mr. STEPHENS of Texas. Unless you run 160 acres together, which you say the practice is to do, so as to evade the law, as I understand the present law.

Mr. SMITH of California. And which they always do.

Mr. STEPHENS of Texas. It evidently was not the intention of the framers of the old law that they could do so; but if they do that now they have to do $500 worth of work on each 20 acres, making $4,000 worth of work to hold the 160 acres of land and get a patent.

Mr. SMITH of California. There is no necessity of discussing it from the standpoint of 20-acre claims, because they never take it that way. My home is in the very heart of the oil district. I have watched that development since 1899, and I have never known a man to take 20 acres. They invariably take eight names and locate a quarter section.

Mr. STEPHENS of Texas. There is in this proposed law a chance for a combination of capital which places much more land (160 acres instead of 20 acres) in the hands of one man, and thus take that many chances away from the people at large.

Mr. SMITH of California. With the exception that in my bill a man can take but one claim of 160 acres, whereas under the present law he can, with seven others, locate as many thousand acres as he chooses and hold it all.

Mr. STEPHENS of Texas. Under this law one man gets as much oil and asphalt lands as eight men do under the old law.

Mr. SMITH of California. But he can do it only once.

Mr. STEPHENS of Texas. That is correct; but the old law required him to spend $100 in one year on each 20 acres, and he must develop by work the 20 acres that he can take under the present mineral laws.

Mr. SMITH of California. He was not obliged to go to the depth of oil in the 20 acres. If he located it on the gypsum seams, he proved up whenever he pleased.

Mr. MONDELL. If the gentleman will permit me, the gentleman from Texas will recollect that while 20 acres constitute a mineral claim under the law, eight persons can join and locate 160 acres, and when they shall have done this, this 160 acres becomes one claim and that claim is 160 acres; so, as regards that feature, I will say to the gentleman the only change between this law and the present law as regards the requirement of assessment work is that the present law requires an assessment work practically of a dollar an acre, while this is 80 cents. There is no difference, however, in regard to that feature of the present practice under the placer law.

Mr. STEPHENS of Texas. But this law would give to a claimant 160 acres instead of 20 acres, and while they could not get it directly, you say that they get it indirectly, that is by using other names or dummies with their own.

Mr. SMITH of California. In a way indirectly.

Mr. STEPHENS of Texas. Under the other they must do $500 worth of work on each claim, and under this law they would not pay out more than $100, if you find oil, without expending more money the first year.

Mr. SMITH of California. Let me explain, as suggested by the gentleman from Alaska, and also by the gentleman from Wyoming. If you take a consolidated claim of 160 acres, then you have but one piece of assessment work, and $100 covers the whole. So there is no difference between the present law and the bill that you ask about.

Mr. GAINES of Tennessee. There is, however, this, that you can take one place and develop it and the other has eight places.

Mr. SMITH of California. It is not the law and it is not the rule of the Department that assessment work must be done on each of the 20 acres, because, as stated by two or three of us, if you unite eight claims as one it takes eight names to make the claim. Then it is considered as one claim on the assessment basis, and is controlled as one.

Mr. STEPHENS of Texas. The present law requires a man when he takes a claim of 20 acres to do $100 worth of work on it the first year and do it on that 20 acres, and then after he does that in the first assessment then the seven other

persons can combine all the claims there by agreeing to do $500 worth of work the next year on the 160 acres, and by doing it anywhere on the 160-acre tract; but they must do their first assessment work.

Mr. SMITH of California. If you enter it as a 20-acre claim in your name and a neighbor 20 acres and another 20 acres, you may not consolidate them into one, because you have to do $100 worth of work on each, but if you take eight names and post them on the monument and call it 160, then it is regarded as one claim, and you have to do but one piece of assessment work—$100 worth—making one discovery on the 160 acres.

Mr. STEPHENS of Texas. You must do your first assessment, and then you consolidate after?

Mr. SMITH of California. No; you do not. Mr. Speaker, I reserve the remainder of my time.

Mr. WILLIAMS. Before the gentleman sits down, I understood him to say a moment ago that you can not enter asphaltum ledges under this bill?

Mr. SMITH of California. I think you can not enter an asphaltum ledge.

Mr. WILLIAMS. What is there in this bill that forbids it, because I notice this in section 2.

He has to file a declaration of intention under oath with the register of the land district that he intends to claim and improve, or cause to be improved, for the oil or asphaltum thereon.

Mr. SMITH of California. Yes.

Mr. WILLIAMS. Now, a lake is "thereon," of course.

Mr. GAINES of Tennessee. The first section provides for that, too.

Mr. WILLIAMS. Farther down it says:

Such land to be chiefly valuable for its deposits of mineral oil or asphaltum.

If it is in a lake, it is a deposit.

That he intends to make or cause to be made a bona fide effort to produce oil or asphaltum on said land in paying quantities.

Then I notice later on in the proviso to section 3:

Provided, however, That any declarant who discovers any vein or lode bearing asphaltum, gilsonite, elaterite, or other like substances within the limits of the land included in his declaration or entry——

Mr. SMITH of California. He may then enter that.

Mr. WILLIAMS (reading)—

under this act shall have the preferential right for a period of ninety days after discovery of such vein or lode within which to locate same under the provisions of the general mining laws of the United States.

By the language before that it is spoken of as "deposit," and in one case it speaks of it as "asphaltum thereon."

Mr. SMITH of California. I want to explain that to the gentleman. The oil that is produced in California is nearly all of it of a very heavy kind, used only for fuel, and the base is asphaltum, and it gradually becomes heavier and heavier in different localities, until you can not tell whether it is oil or liquid asphalt. Therefore I used both terms running through the bill, so that there might be no controversy as to whether you found an asphalt well or an oil well, and a provision was put in as you suggest, and that was done at the suggestion of the Land Department, that if you found a ledge of it—that is, hard asphalt, solidified asphalt—why then you might enter that as a separate mining claim, but it does not pass with the original entry.

Mr. WILLIAMS. Tell me, because I am ignorant upon the subject, what sort of asphalt is found in these lakes of asphalt?

Mr. SMITH of California. We do not have any lakes of asphalt. We find the mineral oil in California in every instance in a sort of quicksand, which is impregnated with the oil.

Mr. WILLIAMS. A lake of asphalt; is that solidified asphalt or is it liquid asphalt?

Mr. SMITH of California. We have no lakes of asphalt in California.

Mr. MONDELL. There are none in the United States.

Mr. SMITH of California. In order to find a lake of asphalt you would have to go to Trinidad.

Mr. WILLIAMS. Why should the word "asphaltum" be used in the bill at all, as it is in every section following the word "oil?" It is only limited, if it be limited at all, by this proviso:

That any declarant who discovers any vein or lode bearing asphaltum, * * * shall have the preferential right for the period of ninety days after discovery of such vein or lode within which to locate same under the provisions of the general mining laws.

But the limitation seems only to apply to a lode bearing asphaltum.

Mr. SMITH of California. For the reason——

Mr. WILLIAMS. Now, I know nothing about it, but does a lode bearing asphaltum invariably bear solid asphaltum and not liquid?

Mr. SMITH of California. Yes; if it is liquid it will not be found in a lode; it will permeate the earth, it will spread out and be found in the pores of the sand in the earth.

Mr. MONDELL. The same as oil.

Mr. SMITH of California. The same as oil. I use the word because we have controversies as to whether a man has an oil well or an asphalt well. The substances come nearly together, as the volatile oils have disappeared in the process of nature and left the residuum. It may still be in liquid form, or semiplastic form, and you would hardly know whether to call it oil or asphaltum.

Mr. WILLIAMS. One other question. I ask you this question because I am rather of the opinion that we ought not to have a patched coat of land laws in the United States—one set of laws for one State and another for another—unless you are going to give the lands to a particular State. If this be a good law for California, why is not it equally a good law for all the public domain?

Mr. SMITH of California. I will explain that. I drew the bill and made it applicable to all the public lands of the United States, and I should like to explain the manner in which I came to draw the bill.

I was visited last year by a committee from the Chamber of Mines of Los Angeles and asked if I would assist them in preparing legislation on which they could found a claim that would justify the very heavy expense necessary in drilling the first wells on new territory. I collaborated with them, and we produced a bill.

We submitted it to the press of California by circular draft of the bill; it was criticised, and we accepted the amendments offered, as we did criticisms and amendments from every direction in the State. Then we submitted it to the Interior Department and they gave further amendments, and we embodied them in this draft of the bill, and then the committee amended it.

The representatives of the public-land States other than California, while they generally agreed that this might be good legislation, as one gentleman remarked, "We will try it on the dog"—we will try it on California was what they meant, but not meaning any disrespect to the State of California. They said, "We will try it on California, and if it works satisfactorily to those willing to make this large expenditure it can be applied to other States hereafter." My idea was to have it apply to other States because gentlemen from California want to go into Utah and other States and make tests for oil. I stood stubbornly by it, but yielded to the Members of the Western States, who said that they would not like to have it apply to their States until they saw how it worked out in California.

Mr. WILLIAMS. I thought what had happened was what frequently happens in such cases as these, that a Member introduces a bill, general in its application, and members of the committee are not willing to vote for it, and then he states that he will confine it to his own constituency or locality, and they vote for it because it does not affect their constituency and they do not care.

Mr. SMITH of California. I do not think that that is a proper criticism of this bill. Mr. Speaker, I will yield to the gentleman from Wyoming.

The SPEAKER. The gentleman from California some moments ago reserved the balance of his time, but debate has been going on and his time is nearly consumed.

Mr. ROBINSON. Mr. Speaker, I will yield ten minutes to the gentleman from Wyoming and three minutes to the gentleman from California [Mr. SMITH].

Mr. WILSON of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from California a question.

Mr. SMITH of California. I will yield to the gentleman.

Mr. WILSON of Pennsylvania. I want some information in regard to a sentence in the bill. In section 3 it provides "that at any time within three years from the filing of the claim aforesaid the claimant or his successor in interest may apply for a patent," and then it further provides that a corporation may be the successor in interest. What I want to know is if it would be possible for two or more individuals to file claims adjacent to each other for 160 acres each and then, by organizing separate corporations, to take over these interests and control a large tract of land?

Mr. SMITH of California. It provides in the bill that an oil claim may be held by a corporation. It has been our experience that there is no other way to develop the land except by this cooperative method, by forming corporations, selling to all the women, children, and neighbors some stock. It is a cooperative proposition and you can not develop oil in any other way, and therefore it seemed to be necessary for it to go to a corporation. It is provided in the bill that a corporation can prove

up on only one claim; it can not take a number of claims and mass them into one holding.

Mr. WILSON of Pennsylvania. Could not some of these organizations control two or more corporations?

Mr. SMITH of California. Yes; that can always be done.

Mr. MONDELL. Mr. Chairman, this bill modifies the present oil-land laws in two important particulars. In the first place, it limits the amount of oil land which can be acquired by an individual. That is an important amendment to the present law, under which there is practically no limitation on the acreage which an individual can locate. On the other hand, while it limits the amount that an individual may acquire, it gives the individual a security in his oil-land holding that he does not have under the present law; so that the two changes, it is believed, balance each other, the one restrictive in the amount of land that can be taken and the other giving the oil entryman a security which he does not now have.

Now, briefly answering the question of the gentleman from Mississippi, a very pertinent inquiry, as to why we did not apply the law generally to the public lands of the country, I will say that in my opinion we would have done much better in our public-land legislation in the past had our legislation, or a considerable portion of it, been passed to fit the conditions of given localities. One difficulty with our public-land laws in the past has been that we have attempted to cover a region from Mexico to Canada and from the Pacific Ocean to the Mississippi Valley with the same law; arid and semiarid territory, mountain and plain, with infinitely diversified conditions, with the result that many laws that have worked well in one locality have not worked well elsewhere.

Mr. ROBINSON. Does the gentleman mean to say that he does not think this bill would work elsewhere than in California?

Mr. MONDELL. I will not say that; I think it may work best there. I will come to that in a moment.

Mr. WILLIAMS. I ask the gentleman with a view of obtaining this answer, why is it? What are the local conditions that make it applicable there and not applicable elsewhere?

Mr. MONDELL. I was coming to the gentleman's question, and I shall preface my answer by the general statement that the application of the same land laws to all creation has resulted in this: That men have differed widely in their views as to the wisdom of land laws by reason of the fact that a law that works well in one locality does not always work well in another locality. So that one viewing the law working well in his locality finds it difficult to understand why those of another State or a locality, having different conditions, object to the law on the ground that it is not working well in their locality.

For some time, for a number of years past, it has been apparent that we, perhaps, ought to have some modification of the laws applying to the acquisition of oil lands, but it has been exceedingly difficult to hit upon any solution of the difficulties confronting the oil operator that people throughout the oil regions of the West as a whole would accept or approve. My opinion is that the gentleman from California [Mr. SMITH] has outlined what is, in some important respects, a very excellent plan, but, in my opinion, it is a plan which will work better in a fairly well-developed oil region than in a new and undeveloped region. In my opinion, it might not work well; it might hamper development in a region where the occurrence of paying oil deposits has not been definitely determined.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. I understood the gentleman to yield me ten minutes. Have ten minutes elapsed?

Mr. ROBINSON. I yielded the gentleman only five minutes. I will yield the gentleman two minutes more.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman this question. I see on page 2, lines 9 and 10, this language:

> In no case shall a claim be more than 1 mile in length.

Now, suppose these parties unite eight claims; would it be possible or not under this bill to have a claim 8 miles in length, let us say?

Mr. MONDELL. Under this bill there can be no such thing as uniting claims.

Mr. WILLIAMS. Is that forbidden anywhere in the bill?

Mr. MONDELL. There is a provision under which an individual can take but one claim in a county.

Mr. WILLIAMS. Well, that is all they ever could do.

Mr. MONDELL. Under the placer act there is no limit to the number of claims an individual may locate.

Mr. WILLIAMS. I understood the gentleman from California a moment ago to state that they could unite eight claims.

Mr. MONDELL. I would say that under the placer-mining laws of the United States a claim is 20 acres of land, and under the law eight mining claims can be united into one.

Mr. WILLIAMS. By one man?

Mr. MONDELL. No; by securing the names of seven associates; and a common practice is, after location is made by an association of eight, to have seven of the parties immediately assign to one man. However, this seeming liberality of the placer-mining laws afford little security to the oil locator, because the validity of a mining claim depends upon a discovery, and in most cases the oil claimant can not make a discovery until after expensive drilling, if at all.

Mr. WILLIAMS. That is the question I want to ask the gentleman. Is it possible under this law—and if it is not possible, what provision of this bill prevents it—for one person to enter 160 acres and then to procure seven other persons, each to enter 160 acres, and transfer to the first entryman? If that is anywhere forbidden by the act, why and how is it forbidden?

Mr. SMITH of California. The bill expressly provides that no one shall be a party to but one final proof of 160 acres.

Mr. MONDELL. And the bill also provides that only one entry can be made by an individual, although an individual can abandon the entry at any time, and then make another filing. This law does restrict the area, but at the same time it gives an additional security, and, like all new legislation covering public lands, it is and must be admitted to be somewhat experimental in character; but it is hoped that, taking into consideration its restrictive character as to original locations on the one hand and the fact that it does give a more definite title on the other, it may prove an improvement over the present law, and it applies to the State of California only because the conditions there are believed to be those best suited to the operation of a law of this kind, and so it is proposed to try it on California, as its provisions seem to be approved there.

This bill is quite a marked departure in some respects, not only from our present oil-land law, but from most of our past land legislation. For instance, it gives the locator unquestioned control of the land covered by his entry for the purposes contemplated by the bill for the period of three years against all comers; and, again, it allows assignments freely, while restricting original locations. These features are more or less experimental, and while the Department of the Interior approved them, the fact that they present new questions in the disposition of our public lands containing oil had its influence in prompting the committee to confine the operations of the law to California. If it works well, it can be extended; if it does not, it can be amended, and in that event only land in California will have been subject to its provisions.

The SPEAKER. The time of the gentleman has expired.

Mr. ROBINSON. Mr. Speaker, I yield six minutes to the gentleman from Mississippi.

Mr. WILLIAMS. Yield two minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. ROBINSON. I yield two minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman from California [Mr. SMITH] or the gentleman from Wyoming [Mr. MONDELL] some questions. On page 4, lines 14 and 15, I find this language, commencing on line 12:

> *Provided*, That if there are any veins or lodes or quartz or other rocks in place-bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits known to exist at date of filing such application for patent, the title thereto shall not pass under any application, entry, or patent under the provisions of this act.

Now, under this provision it seems to me very plain that a man could take 160 acres of lodes, containing gold, silver, cinnabar, lead, or copper and also placers, or anything else that he did not know existed at the time he made his filing and I would suggest this amendment: Strike out in lines 14 and 15 the words "known to exist at date of filing such application for patent." Then it would be impossible that veins or lodes or quartz or other rock in place-bearing gold, silver, cinnabar, lead, tin, copper, nor other valuable deposits, could pass to a man who is taking it up under this law simply for oil or asphaltum.

Mr. SMITH of California. It has been the policy of the United States in every kind of patent to convey whatever is in the ground. If you take up a homestead, you would get a gold mine if it is in there and you did not know it when you got the patent. Of course, when you make final proof in a homestead entry you are making a nonmineral proof that at the time you did not know any gold was there; but if you afterwards found a gold mine on a homestead claim, it would be yours. So I think there should be no segregation of a gold mine for patent——

Mr. STEPHENS of Texas. I do not think it ought to pass at all in this House without striking out the words "known to exist at date of filing such application for patent."

Mr. SMITH of California. I should——

Mr. STEPHENS of Texas. I do not think the discovery of a placer or lode claim of copper, lead, gold, silver, or cinnabar should be secured—as provided in this bill—for, by its provisions, you might lock up a vast amount of fine mineral territory unknown at the time it was taken up, and I do not think that it would be just to do so. The homestead settler can not do that when he takes it up for agricultural purposes—

Mr. SMITH of California. He takes whatever is in the ground.

Mr. STEPHENS of Texas. But he has to make proof that it is not mineral-bearing land at the time he obtains patent.

Mr. SMITH of California. And so it is under this.

Mr. STEPHENS of Texas. I do not so understand it.

The SPEAKER. The time of the gentleman has expired.

Mr. ROBINSON. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the homestead illustration just used by the gentleman from California I do not think will pass muster, because the first section of this bill reads:

That public lands of the United States in the State of California, chiefly valuable for mineral oil or asphaltum, may be acquired under the provisions of this act.

And the entire bill is based upon the idea of allowing mineral lands, or what otherwise would have been considered as mineral lands, to be entered for the purpose of securing oil and asphaltum. Now, Mr. Speaker, this bill and the explanations that have been given of it by two of the brightest men in the House, and the mental condition in which the House is left as to what the bill really means, notwithstanding their explanations, is an illustration of the weakness and folly of attempting to pass bills of this sort with twenty minutes' debate on a side and no opportunity for the House to amend. There was no chance of hearing the bill when it was read to the House because of the disorder, there were no bills to be procured until the bill at the desk had been more than half read, and none of us could get acquainted with the legislation in that way. Now, this bill would require a long enough time in any satisfactory explanation of it for gentlemen to explain just how it connects itself with the present mineral-land law, showing just precisely what provisions of existing law are modified, repealed, or varied by it. There has been no chance for that.

Now, Mr. Speaker, I am still of the opinion, notwithstanding the plausible and perhaps sensible statement of the gentleman from Wyoming [Mr. MONDELL] that we ought not to have crazy-quilt public-land legislation. Unless a real good reason can be given for treating same kind of lands differently the same laws ought to apply. By that, of course, I do not mean that swamp lands should be treated like desert lands, or either should be treated like arable lands, or either of all three should be treated like mineral lands, or mineral lands be treated like oil lands, but I do mean that oil lands everywhere should be governed by a law, and not twenty laws, or two laws, or three laws, and that arable lands for homestead settlement should be governed by a law everywhere, and so forth.

Now, I find on page 2 the language which I read a moment ago.

In no case shall a claim be more than 1 mile in length.

The gentleman from California [Mr. SMITH] tells me that the language on page 4, reading—

No individual or corporation shall be a party to final proof proceedings under this act on more than one claim—

is a restriction on the practice now prevailing for 20-acre tracts of adding seven new tracts to the original entry. But the gentleman from Wyoming [Mr. MONDELL] explained that the manner in which that is done under existing law is by some one individual first entering a 20 acres and then seven other individuals of an association each entering a 20 acres and finally transferring to the first.

Mr. SMITH of California. The gentleman is mistaken about that. That is not the practice. That is not the way in which you get them consolidated.

Mr. CALE. It is not the law.

Mr. WILLIAMS. It is not the law I know, but what is the practice?

Mr. SMITH of California. The practice is to take the eight names and write them all on the same notice of location and post it on the claim and thereby claim 160 acres.

Mr. WILLIAMS. Following that, if I am to take the statement made a moment ago by Mr. MONDELL, the practice is, after that, for the other seven parties to transfer to the one party the claim they have obtained. Now, then, that being the case, why is it not possible under this bill, if it become a law, for eight individuals in an "association" to each enter 160 acres and have seven to transfer or assign—each one of the seven—his 160 acres to some one of the eight? Now, if that could happen, there might be a strip 8 miles long contained in what would have become one claim, and of the breadth necessary to make it 1 mile long for each 160 acres, which would be a quarter, I believe. Now, how does the gentleman——

Mr. SMITH of California. I mean by this that one would have no object in taking those, because he can not patent them, and he can hold it but three years without applying for a patent. Therefore a man is not going to buy up the claims of his neighbors when he must fail to get anywhere with them.

Mr. WILLIAMS. You mean he can not finally patent?

Mr. SMITH of California. No; he can not.

Mr. WILLIAMS. The point, then, is in the language "final proof proceedings?"

Mr. SMITH of California. Yes, sir.

Mr. WILLIAMS. Now, Mr. Speaker, I would like to vote for this bill if I thought it understood, but when one is——

Mr. NEEDHAM. Mr. Speaker——

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from California?

Mr. WILLIAMS. I yield.

Mr. NEEDHAM. Does not the gentleman think this bill, having been worked out in the Department and favorably recommended by the committee, that fact ought to have great weight, and is not this a bill that we would usually pass by unanimous consent?

Mr. WILLIAMS. Mr. Speaker, if I legislated here upon the theory of doing whatever a Department recommended, I think I would be falling far short of my duty, and I am satisfied that the gentleman from California [Mr. NEEDHAM] would feel that he was falling far short of his if he legislated in the same manner. Why, I know gentlemen here—even on that side—who will not even legislate as the President wants them to, although he is the head of all the Departments.

Section 4 of this bill, I call it to the attention of the gentleman from California, reads, on page 5:

That upon receiving and filing an application for patent—

Mark that—

such notice shall be given and such proceedings had as are required for final proof on a mineral entry. If the final proofs are satisfactory, patent shall be issued upon payment to the receiver of the sum of $5 per acre.

Now, it would appear that either the language to which I previously referred, as quoted by the gentleman himself, being on lines 10, 11, and 12, on page 4, and upon which he relied for his statement of the intendment or meaning of the law—either does not mean what the gentleman has construed it to mean, or else, being so construed, that standing upon an equal footing, according to a familiar principle of the law, and being construed together with section 4, it is modified in its meaning or repealed by section 4, or else that the two, taken together, mean nothing at all—that is to say, are, in the light of one another, incapable of construction.

Mr. SMITH of California. I want to explain. Section 4 refers to the notice that must be posted and printed; refers to the nature of the proof that must be furnished at the time patent is sought.

Mr. WILLIAMS. But it says "for final proof," and "shall be the same as for final proof on mineral lands," and goes on further and says "if the final proofs are satisfactory, *patents shall* be issued."

Mr. SMITH of California. The proof that it refers to is the notice that must be published in a newspaper and that must be posted.

The SPEAKER. The time has expired.

Mr. WILLIAMS. Notwithstanding that, the phrase "final proof" evidently means just what it says. I do not think I can vote for a bill that I can not understand after the debate which the rule allows.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. PAYNE. Pending that, I move that the House do now take a recess until 11.30 to-morrow morning.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 128, nays 82, answered "present" 12, not voting 165, as follows:

YEAS—128.

Alexander, N. Y.	Denby	Hinshaw	Olcott
Allen	Douglas	Holliday	Olmsted
Ames	Draper	Howell, N. J.	Parker, N. J.
Bannon	Durey	Howell, Utah	Parsons
Barchfeld	Dwight	Howland	Payne
Barclay	Ellis, Mo.	Hubbard, Iowa	Pollard
Beale, Pa.	Ellis, Oreg.	Hubbard, W. Va.	Pray
Bede	Esch	Huff	Reeder
Bennet, N. Y.	Focht	Humphrey, Wash.	Reynolds
Bonynge	Fordney	Jones, Wash.	Rodenberg
Boyd	Foster, Ind.	Kelfer	Scott
Brownlow	French	Kennedy, Iowa	Sherman
Burke	Fuller	Kennedy, Ohio	Slemp
Burleigh	Gaines, W. Va.	Kinkaid	Smith, Cal.
Burton, Del.	Gardner, Mich.	Knopf	Smith, Iowa
Burton, Ohio	Gardner, N. J.	Küstermann	Southwick
Butler	Gilhams	Lafean	Sperry
Calderhead	Goebel	Lawrence	Stafford
Campbell	Graff	Lee	Steenerson
Capron	Graham	Lindsay	Sterling
Cary	Greene	Lovering	Stevens, Minn.
Chaney	Gronna	McKinley, Ill.	Thistlewood
Chapman	Hale	McKinney	Thomas, Ohio
Cocks, N. Y.	Hamilton, Mich.	McLachlan, Cal.	Volstead
Cole	Harding	McMorran	Vreeland
Cooper, Pa.	Hardwick	Mondell	Waldo
Cooper, Wis.	Haskins	Moon, Tenn.	Wanger
Cox, Ind.	Haugen	Mouser	Washburn
Crumpacker	Hawley	Needham	Watson
Cushman	Hayes	Nelson	Weems
Dalzell	Higgins	Norris	Woodyard
Dawson	Hill, Conn.	Nye	Young

NAYS—82.

Adamson	Denver	Henry, Tex.	Richardson
Aiken	Dixon	Houston	Robinson
Alexander, Mo.	Ellerbe	Hull, Tenn.	Rothermel
Ansberry	Ferris	Humphreys, Miss.	Russell, Mo.
Ashbrook	Fitzgerald	Johnson, S. C.	Russell, Tex.
Bartlett, Ga.	Flood	Kitchin, Claude	Ryan
Beall, Tex.	Floyd	Lamar, Mo.	Sabath
Bell, Ga.	Fornes	Lamb	Saunders
Booher	Foster, Ill.	Lassiter	Sheppard
Brodhead	Fulton	Lever	Sherwood
Burgess	Gaines, Tenn.	Lloyd	Sims
Burleson	Garner	McLain	Smith, Mo.
Burnett	Gill	Macon	Smith, Tex.
Caldwell	Gillespie	Maynard	Stanley
Candler	Godwin	Moore, Tex.	Stephens, Tex.
Carter	Granger	Murphy	Thomas, N. C.
Clark, Mo.	Hackney	Nicholls	Tou Velle
Clayton	Hamilton, Iowa	O'Connell	Williams
Craig	Hay	Patterson	Wilson, Pa.
Cravens	Heflin	Rainey	
Davenport	Helm	Reid	

ANSWERED "PRESENT"—12.

Adair	Diekema	Harrison	Madden
Cooper, Tex.	Goulden	Jenkins	Padgett
De Armond	Griggs	Kimball	Rauch

NOT VOTING—165.

Acheson	Finley	Laning	Powers
Andrus	Foss	Law	Pratt
Anthony	Foster, Vt.	Leake	Prince
Bartholdt	Foulkrod	Legare	Pujo
Bartlett, Nev.	Fowler	Lenahan	Randell, Tex.
Bates	Gardner, Mass.	Lewis	Ransdell, La.
Bennett, Ky.	Garrett	Lilley	Rhinock
Bingham	Gillett	Lindbergh	Riordan
Birdsall	Glass	Littlefield	Roberts
Boutell	Goldfogle	Livingston	Rucker
Bowers	Gordon	Longworth	Shackleford
Bradley	Gregg	Lorimer	Sherley
Brantley	Hackett	Loud	Slayden
Broussard	Haggott	Loudenslager	Small
Brumm	Hall	Lowden	Smith, Mich.
Brundidge	Hamill	McCall	Snapp
Byrd	Hamlin	McCreary	Sparkman
Calder	Hammond	McDermott	Spight
Carlin	Hardy	McGavin	Sturgiss
Caulfield	Henry, Conn.	McGuire	Sulloway
Clark, Fla.	Hepburn	McHenry	Sulzer
Cockran	Hill, Miss.	McKinlay, Cal.	Talbott
Conner	Hitchcock	McLaughlin, Mich.	Tawney
Cook, Colo.	Hobson	McMillan	Taylor, Ala.
Cook, Pa.	Howard	Madison	Taylor, Ohio
Coudrey	Hughes, N. J.	Malby	Tirrell
Cousins	Hughes, W. Va.	Mann	Townsend
Crawford	Hull, Iowa.	Marshall	Underwood
Currier	Jackson	Miller	Wallace
Darragh	James, Addison D.	Moon, Pa.	Watkins
Davey, La.	James, Ollie M.	Moore, Pa.	Webb
Davidson	Johnson, Ky.	Morse	Weeks
Davis, Minn.	Jones, Va.	Mudd	Weisse
Dawes	Kahn	Murdock	Wheeler
Driscoll	Kelliher	Overstreet	Wiley
Dunwell	Kipp	Page	Willett
Edwards, Ga.	Kitchin, Wm. W.	Parker, S. Dak.	Wilson, Ill.
Edwards, Ky.	Knapp	Pearre	Wolf
Englebright	Knowland	Perkins	Wood
Fairchild	Lamar, Fla.	Peters	
Fassett	Landis	Porter	
Favrot	Langley	Pou	

So the motion was agreed to.

The following additional pairs were announced:

For the balance of the day:

Mr. WILSON of Illinois with Mr. MCHENRY.

Mr. WHEELER with Mr. COOPER of Texas.

Mr. DAWES with Mr. SPIGHT.

Mr. JENKINS with Mr. BRANTLEY.

Mr. DAVIS of Minnesota with Mr. BYRD.

Mr. LONGWORTH with Mr. RANDELL of Texas.

Mr. BARTHOLDT with Mr. BOWERS.

On this vote:

Mr. FAIRCHILD with Mr. DE ARMOND.

Mr. LANDIS with Mr. GARRETT.

Mr. LANING with Mr. GREGG.

Mr. LILLEY with Mr. GORDON.

Mr. LOUDENSLAGER with Mr. LEAKE.

Mr. MCKINLAY of California with Mr. MCDERMOTT.

Mr. MCMILLAN with Mr. SMALL.

Mr. WOOD with Mr. UNDERWOOD.

The result of the vote was then announced as above recorded.

Accordingly (at 5 o'clock and 28 minutes p. m.) the House took a recess until to-morrow at 11.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for completing repairs on the post-office building at San Jose, Cal. (H. R. Doc. 873)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting additional estimate for maintenance of the Revenue-Cutter Service (H. R. Doc. 874)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and a resolution were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the Senate (S. 5262) to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes, reported the same without amendment, accompanied by a report (No. 1475), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 142) to establish a fish-cultural station in the State of Alabama, reported the same without amendment, accompanied by a report (No. 1476), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 299) to establish a fish-hatching and fish station in the State of Wyoming, reported the same with amendments, accompanied by a report (No. 1477), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 15931) to establish a fish hatchery and biological station in the Third Congressional district of the State of Indiana, reported the same with amendments, accompanied by a report (No. 1478), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 20708) to establish a fish-cultural station in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 1479), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. J. Res. 51) authorizing the widening of the channel of Michigan City Harbor, reported the same without amendment, accompanied by a report (No. 1480), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 20881) for

the creation of a commission to prepare and submit a measure that will give to the United States a scientific financial and currency system, reported the same with amendments, accompanied by a report (No. 1481), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWLAND, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11801) providing for the allowance of compensation to the members of the United States Land Commission to the Territory of New Mexico, created under the act of Congress of June 21, 1898, reported the same with amendments, accompanied by a report (No. 1482), which said bill and report were referred to the House Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 21048) granting condemned ordnance to certain institutions, reported the same with amendment, accompanied by a report (No. 1492), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 5263) for the relief of William Parker Sedgwick, reported the same without amendment, accompanied by a report (No. 1474), which said bill and report were referred to the Private Calendar.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (S. 2253) for the relief of Theodore F. Northrop, reported the same with amendment, accompanied by a report (No. 1483), which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5388) for the relief of Benjamin C. Welch, reported the same without amendment, accompanied by a report (No. 1484), which said bill and report were referred to the Private Calendar.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5808) placing David Robertson on the retired list of the United States Army, reported the same without amendment, accompanied by a report (No. 1486), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R 8558) for the relief of R. J. B. Newcomb, reported the same with amendments, accompanied by a report (No. 1487), which said bill and report were referred to the Private Calendar.

Mr. SULZER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17572) for the relief of George M. Voorhees, reported the same without amendment, accompanied by a report (No. 1488), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 19757) for the relief of Charles Engstrom and C. Petersen, reported the same with amendments, accompanied by a report (No. 1489), which said bill and report were referred to the Private Calendar.

Mr. McGUIRE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 20735) conveying to the city of Perry certain land for a city library and other public buildings, reported the same with amendments, accompanied by a report (No. 1493), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2, Rule XIII,

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2690) for the relief of Isaiah Heylin McDonald, reported the same adversely, accompanied by a report (No. 1485), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 5334) granting a pension to Lizzie S. Engraff—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8389) granting an increase of pension to Henry A. Billow—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15313) for the relief of William F. McKimmy, administrator of John McKimmy, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 20958) granting an increase of pension to G. W. Wheeler—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HACKNEY: A bill (H. R. 21087) providing for the payment of certain claims against the Chickasaw Nation—to the Committee on Indian Affairs.

By Mr. HOBSON: A bill (H. R. 21088) to provide for the appointment of a commission to gather statistics regarding injuries in the industrial trades—to the Committee on the Judiciary.

By Mr. HUGHES of West Virginia: A bill (H. R. 21089) to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Great Kanawha—to the Committee on the Library.

By Mr. PARSONS: A bill (H. R. 21090) providing for an additional judge for the southern district of New York—to the Committee on the Judiciary.

By Mr. McKINNEY: A bill (H. R. 21091) to authorize the Secretary of War to donate to John Buford Post, Grand Army of the Republic, No. 243, Department of Illinois, Rock Island, Ill., 50 obsolete Springfield rifles with bayonets, bayonet scabbards, and ammunition belts for same—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 21092) providing for an enlarged homestead—to the Committee on the Public Lands.

By Mr. MOON of Pennsylvania: A bill (H. R. 21125) to provide oil portraits of the Chief Justices and the associate justices of the United States Supreme Court from the first appointments made by President Washington to date—to the Committee on the Library.

By Mr. HALE: A bill (H. R. 21126) to authorize French Broad River Power Company to build a dam across French Broad River in Knox County, Tenn.—to the Committee on Interstate and Foreign Commerce.

By Mr. BEDE: Resolution (H. Res. 345) for the payment of an additional messenger on the soldiers' roll and authorizing the appointment of Enock Stahler—to the Committee on Accounts.

By Mr. WATSON: Resolution (H. Res. 346) to pay certain employees of the House a certain sum of money—to the Committee on Accounts.

By Mr. LLOYD: Resolution (H. Res. 348) to increase salaries of certain employees of the House—to the Committee on Accounts.

By Mr. SHERMAN: Resolution (H. Res. 349) to pay certain employees of the House an increase of salary—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 21093) for the relief of Charles M. Campbell—to the Committee on Claims.

By Mr. ADAIR: A bill (H. R. 21094) granting a pension to William H. Finney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21095) granting a pension to Burgess Blackmer—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 21096) granting to the Woman's Missionary Union, of El Paso, Tex., certain unappropriated land for a public sanatorium—to the Committee on the Public Lands.

By Mr. ANSBERRY: A bill (H. R. 21097) granting an increase of pension to Andrew Lybold—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 21098) granting an increase of pension to James H. McMillen—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 21099) granting an increase of pension to Daniel V. Francis—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 21100) granting an increase of pension to Edwin J. Bell—to the Committee on Invalid Pensions.

By Mr. BRODHEAD (by request): A bill (H. R. 21101) for the relief of George A. Armes—to the Committee on Claims.

By Mr. CARLIN: A bill (H. R. 21102) for the relief of T. J. Fannon, of Alexandria, Va.—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 21103) granting an increase of pension to Hamilton C. Ingles—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 21104) granting an increase of pension to Joseph McClain—to the Committee on Invalid Pensions.

By Mr. ELLIS of Missouri: A bill (H. R. 21105) for the relief of Margaret C. Montville—to the Committee on Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 21106) for the relief of James A. Tucker—to the Committee on War Claims.

Also, a bill (H. R. 21107) authorizing and directing the Secretary of the Interior to pay arrearage to Thomas F. Haywood, Nashville, Tenn.—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 21108) granting an increase of pension to Lydia F. W. Angney—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 21109) granting a pension to Lewis N. Fisher—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 21110) granting a pension to Lucinda F. Slater—to the Committee on Invalid Pensions.

Mr. HULL of Tennessee: A bill (H. R. 21111) granting a pension to Winslow Hart Reaves—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 21112) to correct the military record of Francis E. McCulloch—to the Committee on Military Affairs.

Also, a bill (H. R. 21113) to correct the military record of John Minahan, alias John Bagley—to the Committee on Military Affairs.

By Mr. LOVERING: A bill (H. R. 21114) granting a pension to Carrie C. Washburn—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 21115) granting an increase of pension to Amelia Johnson—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 21116) for the relief of William Montgomery—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 21117) for the relief of heirs of J. P. McGaha, deceased—to the Committee on War Claims.

By Mr. THISTLEWOOD: A bill (H. R. 21118) for the relief of James J. Elliott—to the Committee on Military Affairs.

By Mr. WASHBURN: A bill (H. R. 21119) granting an increase of pension to Simeon C. Chandler—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 21120) granting an increase of pension to Samuel B. Piper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21121) granting an increase of pension to William T. Hargrave—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 21122) for the relief of heirs of Samuel W. Lancaster, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21123) for the relief of the heirs, devisees, and legatees of the estate of Willis Lowe, deceased—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 21124) granting an increase of pension to William E. S. Foss—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petitions of the working people of Coshocton, Ohio, for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584); for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BEDE: Paper to accompany bill for relief of D. V. Francis—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of Royal Gorge Lodge, No. 59, Brotherhood of Locomotive Firemen and Engineers, of Pueblo, Colo., for equipment of locomotives with automatic self-dumping and self-cleaning ash pans—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: Petition of John Schietzler, against clause of service-pension act denying assistance of qualified attorneys in prosecution of claims under said act—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of Bade Brothers, against H. R. 20472, for preventing the manufacture, sale, and transportation of adulterated or unlabeled paint, turpentine, or linseed oil—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Bison Society, favoring the Flathead national bison herd bill (S. 6159)—to the Committee on Indian Affairs.

Also, petition of sundry citizens of Brooklyn, N. Y., favoring remedial legislation excluding labor from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petitions of A. X. Parker, of Potsdam, N. Y., and American Paper and Pulp Association, against the repeal of the duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Grand Street Board of Trade, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Interdenominational Council of Women for Christian and Patriotic Service, for an amendment to the Constitution granting suffrage to women—to the Committee on the Judiciary.

Also, petition of the West Coast Lumber Company, in regard to Senate resolution 48, relating to land grants in the State of Oregon—to the Committee on the Public Lands.

By Mr. CARLIN: Paper to accompany bill for relief of T. J. Fannon—to the Committee on War Claims.

By Mr. CARY: Petition of American Association of Masters, Mates, and Pilots, against removal of the life-saving station from the harbor entrance to the Flushing tunnel, Lake Superior—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Merchants and Manufacturers' Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. DARRAGH: Petition of Wesley E. Dawson and 4 other residents of Central Lake, Antrim County, Mich., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petition of Samuel Ballinger and 103 other residents of Ferris Township, Muscatine County, Mich., in favor of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petitions of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Sandy Hill, Luzerne, and Piercefield, N. Y., against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, against repeal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. DUREY: Paper to accompany bill for relief of J. H. Quackenbush—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Banking Association of Illinois, against sections 8 and 11 of the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Columbia Damen Club, of Chicago, for Beveridge-Parsons bill, prohibiting child labor in factories and mines—to the Committee on the Judiciary.

Also, petition of National German Alliance, against amendment of immigration laws until commission reports—to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Paper to accompany bill for relief of William B. Long—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of the International Congress on Tuberculosis, for some suitable Government building in Washington for the exposition September 12–October 12, 1908—to the Committee on Public Buildings and Grounds.

Also, petition of Union League Club, of Chicago, Ill., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York Board of Trade and Transportation, against the Hepburn bill, amending Sherman antitrust act (H. R. 19745)—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Sarah Haywood—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James A. Tucker—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Union League Club of Chicago, for forest reservations in White Mountains and Appalachian Mountains—to the Committee on Agriculture.

Also, petition of the Tennessee River Improvement Association, for appropriation to improve the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of New York Board of Trade, against H. R. 19745 (Hepburn amendment to the Sherman antitrust act)—to the Committee on the Judiciary.

Also, petition of Harlem Council, No. 346, and Coffeyville Council, No. 991, Knights of Columbus, of New York City, favoring H. R. 7559, making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of American Paper and Pulp Association of New York City, protesting attack on the association by Ridder, Seitz, Norris press combination—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of Local Union No. 191 of International Brotherhood of Stationary Firemen, of Bellows Falls, Vt., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. HAYES: Petition of A. E. Yoell, against extention of the right of naturalization—to the Committee on Immigration and Naturalization.

Also, petition of Joint Conference Board of the Allied Printing Trade, for repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. HITCHCOCK: Petition of citizens of Blair, Nebr., favoring the Acheson bill, prohibiting all interstate commerce in liquor—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petition of Local Union No. 236, International Typographical Union, of Ogden, Utah, favoring repeal of duty on white paper and wood pulp, etc.—to the Committee on Ways and Means.

By Mr. HUFF: Petition of hundreds of prominent citizens of Pennsylvania, for a rural parcels post as per S. 5122—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry citizens of Pennsylvania, favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. JENKINS: Petition of I. L. M. and T. A., No. 743, of Superior, Wis., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of sundry citizens of Brooklyn, N. Y., for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Industrial Club of Chicago, with cooperation of other organizations and prominent citizens of the city, against resuming transmission of the mails on the streets by means of wagons—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petitions of citizens of Dekerville and Carsonville, Mich., for a national highways commission and for Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. McKINLEY of Illinois: Petition of Trades and Labor Assembly of Decatur, Ill., against further extension of the rights of naturalization and for stricter exclusion laws—to the Committee on Immigration and Naturalization.

Also, petition of old soldiers at Waynesville, Ill., and vicinity, against discontinuance of the pension agency at Chicago, Ill.—to the Committee on Appropriations.

By Mr. McKINNEY: Petition of Tri-City Labor Congress, of Rock Island and Moline, Ill., and Davenport, Iowa, for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. MACON: Paper to accompany bill for relief of Isaac Shoemaker—to the Committee on Invalid Pensions.

By Mr. OLCOTT: Petition of New York Board of Trade and Transportation, against H. R. 19745 (the Hepburn amendment to the Sherman antitrust law)—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of William Montgomery—to the Committee on War Claims.

By Mr. RICHARDSON: Paper to accompany bill for relief of heirs of J. P. McGaha—to the Committee on War Claims.

Also, petition of Tennessee River Improvement Association, for improvement of the Tennessee River—to the Committee on Rivers and Harbors.

By Mr. SHERMAN: Petition of sundry citizens of the county of Oneida, N. Y., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. SMITH of Arizona: Petition of Bisbee (Ariz.) Board of Trade, for a revision of the mining laws of the United States—to the Committee on Mines and Mining.

By Mr. SMITH of Michigan: Petition of Twentieth Century Club, of Detroit, Mich., for an amendment to the census bill (H. R. 7597), for appointment of the clerical force in accordance with civil-service law—to the Committee on the Census.

By Mr. STEVENS of Minnesota: Petition of the Twin City Implement, Vehicle, and Hardware Club, against advance in freight rates without hearing before the Interstate-Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petitions of George Goetz, of St. Paul, Minn., and Cigarmakers' Union No. 98, favoring pending legislation concerning wage-earners—to the Committee on Labor.

Also, petition of American Institute of Homeopathy, of Boston, Mass., favoring H. R. 6089, relating to status of the Homeopathic Pharmacopœia—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: Papers to accompany bills for relief of estate of Willis Lowe and estate of Samuel W. Lancaster—to the Committee on War Claims.

By Mr. WEEMS: Petition of Thomas W. Hine, of the Island Creek and Pleasant Hill Church, Island Creek Township, Jefferson County, Ohio, for legislation to prevent nullification of State liquor laws and for the Littlefield bill—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 22, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of John A. Norris *v.* United States; and

In the cause of George H. Bellamy, administrator of the estate of John H. Thees, deceased, *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 17506. An act to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897; and

H. R. 19541. An act to authorize the drainage of certain lands in the State of Minnesota.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the Local Union of Sandy Hill, and Local Union No. 4, of Palmer, of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, in the State of New York; of Local Union No. 30, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Berlin, N. H.; of Local Union No. 37, of East Millinocket; of Local Union No. 12, of Millinocket; of Local Union No. 26, of West Enfield, and of Local Union of Solon, all of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, in the State of Maine, and of Local Union No. 113, International Brotherhood of Stationary Firemen, of Palmer, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. STEPHENSON (for Mr. LA FOLLETTE) presented sundry affidavits to accompany the bill (S. 4521) to correct the military record of Frederick E. Burgess, which were referred to the Committee on Military Affairs.

Mr. PLATT presented petitions of sundry citizens of Binghamton, Brooklyn, Elmira, New York City, Norwich, Oneonta, and Poughkeepsie, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Watertown, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented the memorial of P. M. Lennon, of New York City, N. Y., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of the Minnesota Retail Jewelers' Association, remonstrating against the enactment of legislation to regulate the stamping of watch cases, which was referred to the Committee on Patents.

Mr. SCOTT presented a petition of sundry citizens of Point Pleasant, W. Va., and a petition of sundry citizens of Cameron, W. Va., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Point Pleasant, W. Va., praying for the enactment of such legislation as will be equitable to all branches of organized labor, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of sundry citizens of Chico, Cal., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., praying that an appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

Mr. WETMORE presented memorials of Local Division No. 1, Ancient Order of Hibernians, of Westerly; of the Emmet Club, of Providence; of John Dillon Branch, No. 212, Irish National Foresters' Benefit Society, of Providence, and of the Wolf Tone Literary Association, of Providence, all in the State of Rhode Island, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Arlington Woman's Christian Temperance Union, of Providence, R. I., and a petition of the Anna Gordon Woman's Christian Temperance Union, of East Providence, R. I., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a petition of the Scientific Association of Middletown, Conn., praying for the enactment of legislation providing for the preservation of the national forests and other natural resources, which was ordered to lie on the table.

Mr. du PONT presented resolutions adopted at a mass meeting of citizens of Wilmington, Del., and signed by J. E. McClintock, chairman, and A. R. Saylor, secretary, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of sundry teachers and students of the Home Economics Department of the University of Nebraska, of Lincoln, Nebr., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was ordered to lie on the table.

Mr. HOPKINS presented petitions of Local Union No. 182, International Molders' Union, of Belleville; of Local Union No. 90, of Danville; of the Local Union of East St. Louis; of the Local Union of Chicago, all of the American Federation of Labor, and of local branches, Glass Bottle Blowers' Association, of Alton, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GORE presented a memorial of the legislature of the State of Oklahoma, which was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

Whereas the segregated coal and asphalt commission, provided for by resolution of the constitutional convention of the State of Oklahoma, have submitted their report to the governor and the legislature of the State of Oklahoma; and

Whereas the report shows that there are about 444,000 acres of land in the Chickasaw and Choctaw nations in the State of Oklahoma that are segregated from the lands of said nations and are not subject to sale, lease, or settlement; and

Whereas this land is situated almost entirely in Coal, Pittsburg, Latimer, Le Flore, and Haskell counties, and as long as it is held as it is it is nontaxable, making it very difficult for the counties to maintain their county organization; and

Whereas it is desired by the people of the State of Oklahoma to further investigate the extent and the value of the coal and asphalt deposits on said lands with a view of purchasing the same provided the same can be lawfully done; and

Whereas it is the desire of the said Chickasaw and Choctaw nations to have the surface of said lands and the coal and asphalt deposits sold to one purchaser; and

Whereas the best interests of the State of Oklahoma demand that the State own the said segregated lands provided the same can be purchased at a reasonable and fair price: Now, therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and are hereby, requested to enact the necessary legislation permitting the State to enter into negotiations with the said nations and with the proper officers of the Government of the United States looking to the purchase of the said lands by the State of Oklahoma and that full and complete authority be conferred upon the said nations and the proper officers of the United States to complete and carry out the sale of said lands to the State.

J. C. GRAHAM,
President pro tempore of the Senate.
WILLIAM H. MURRAY,
Speaker of the House of Representatives.

O. H. PITTMAN, *Chief Clerk.*

INDIAN ALLOTMENTS.

Mr. CURTIS. I present the memorial of S. M. Brosius, agent of the Indian Rights' Association, remonstrating against the enactment of legislation authorizing the issuance of fee-simple patents for Indian allotments and subjecting them to taxation as a punishment to drunkards and to Indian parents who refuse to permit their children to attend school. I move that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, reported it with amendments and submitted a report (No. 554) thereon.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $375 to pay the Government of Sweden for the proportionate share of the United States on account of a claim of a Swedish subject in Samoa under the convention of November 7, 1899, between the United States, Great Britain, and Germany, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 6460) to establish a shad hatchery on the Kennebec River, in the State of Maine, reported it with an amendment and submitted a report (No. 555) thereon.

Mr. DAVIS, from the Committee on Public Lands, to whom was referred the bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes, reported it without amendment and submitted a report (No. 556) thereon.

MONUMENT TO GEN. WILLIAM CAMPBELL.

Mr. DANIEL. From the Committee on the Library, I report back favorably with amendments the bill (S. 5295) for the erection of a monument to the memory of Gen. William Campbell, and I submit a report (No. 557) thereon. I ask for the present consideration of the bill.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 12, after the word "time," to strike out "and inscribe thereon their names as" and insert "A suitable inscription shall be made thereon, under the direction of the Secretary of War, to the memory of Gen. William Campbell and;" in line 14, after the word "and," to strike out "practically resulted in" and insert "largely contributed to;" and on page 2, line 1, after the name "Lord Cornwallis," to insert "at Yorktown," so as to make the bill read:

Be it enacted, etc., That there shall be erected in the town of Abingdon, Va., a statue to the memory of Gen. William Campbell and comrades; and for the purpose of procuring and erecting said statue, with a suitable pedestal, and for the preparation of a site, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of War or such officer as he may designate and in such sums as the work may re-

quire from time to time. A suitable inscription shall be made thereon, under the direction of the Secretary of War, to the memory of Gen. William Campbell and the heroes of the battle of Kings Mountain, which destroyed one wing of the British army and largely contributed to the defeat and surrender of Lord Cornwallis at Yorktown; and the Secretary of War, or authorized agent, is empowered to select a site for the statue authorized by this act on ground belonging to the Government.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. NIXON introduced a bill (S. 6783) to establish a fish-cultural station in the State of Nevada, which was read twice by its title and referred to the Committee on Fisheries.

Mr. McCREARY (by request) introduced a bill (S. 6784) granting a pension to Margaret H. Flint, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 6785) granting an increase of pension to James A. Grant, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. KITTREDGE) introduced a bill (S. 6786) to correct the military record of David Crotty, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HOPKINS introduced a bill (S. 6787) making the 12th day of October of each year a national holiday and designated Discovery Day, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. BOURNE introduced a bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. DICK introduced a bill (S. 6789) granting an increase of pension to Robert Zeek, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6790) granting an increase of pension to Louisa Thavis, with accompanying papers; and

A bill (S. 6791) granting a pension to J. L. Cooper.

Mr. FOSTER introduced a bill (S. 6792) granting a pension to Susann D. Cross, which was read twice by its title and referred to the Committee on Pensions.

Mr. GORE (by request) introduced a bill (S. 6793) for the relief of Mary E. Pillow, which was read twice by its title and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 6794) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BEVERIDGE introduced a joint resolution (S. R. 79) authorizing the widening of the channel of Michigan City Harbor, which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CURTIS submitted an amendment providing that hereafter the collector of customs for the district of Georgetown, in the District of Columbia, in lieu of fees he is now receiving, shall be paid the same salary that collectors of customs at other points are paid under the act of June 22, 1874, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURKETT submitted an amendment providing that the Brightwood Railway Company shall, after November 1, 1908, run its cars in connection with the Washington Railway and Electric Company through Ninth street to the Center Market from the point on Brightwood avenue opposite the Walter Reed Army General Hospital at intervals of not less than six minutes, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

AMENDMENTS TO THE OMNIBUS CLAIMS BILL.

Mr. DICK submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to be printed and, with the accompanying papers, ordered to lie on the table.

AMENDMENT TO OMNIBUS PUBLIC-BUILDINGS BILL.

Mr. NELSON submitted an amendment proposing to increase the appropriation for the United States post-office, court-house, custom-house, and site at Duluth, Minn., from $125,000 to $220,000, intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

SEAL ISLANDS IN ALASKA.

On motion of Mr. HEYBURN, it was

Ordered, That the Secretary of Commerce and Labor be allowed to take from the files of the Senate the original copy of Senate Document No. 376, Sixtieth Congress, first session, the same being the files copy of the Department.

PROVIDENCE WASHINGTON INSURANCE COMPANY.

Mr. WETMORE. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to require the Commissioner of Internal Revenue to examine and report to the Senate the amount twice paid by the Providence Washington Insurance Company, of Providence, R. I., as taxes on the same identical income or profits under the acts of Congress approved July 1, 1862; June 30, 1864, and July 14, 1870, and amendments thereto.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CULBERSON. I have no objection to the present consideration of the resolution, but I notice that it assumes the facts in the case, except as to the amount. Of course if the Senator from Rhode Island can assure us that the fact of the double payment is not disputed, I will not suggest an amendment. I call his attention to the form of the resolution, in which it assumes that double payment has been made upon the identical property rather than asks for the facts of the case as to whether there has been a double payment of taxes on the same property.

Mr. WETMORE. The resolution is drawn in the exact language of previous resolutions for the same purpose. I have one here, for instance, adopted in 1903, that the Senator from Massachusetts [Mr. LODGE] submitted.

Mr. CULBERSON. Relating to this same company?

Mr. WETMORE. No; to another company. The resolution simply follows the language of previous resolutions for the same general purpose.

Mr. CULBERSON. I will ask the Senator if there is any question about a double payment having been made?

Mr. WETMORE. I understand there is none, but the Commissioner of Internal Revenue will report as to that. In case there has not been, he will report that it is not so. The amount involved is a very small one, I think four or five hundred dollars altogether. I am perfectly willing to have the resolution lie over so that the Senator can look into the matter, if he would prefer that course.

Mr. CULBERSON. I do not care to have the resolution go over; but the Senator does not seem to be able to state positively that a double payment was made. He says he understands so.

Mr. WETMORE. I have here a sworn statement that such is the case, if the Senator would like to examine it.

Mr. CULBERSON. In view of the statement of the Senator from Rhode Island, as I presume we can get the real facts, although I do not yet believe that the resolution is in proper form, I do not object to its present consideration.

The resolution was considered by unanimous consent and agreed to.

HOUSE BILLS REFERRED.

H. R. 17506. An act to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, was read twice by its title and referred to the Committee on Finance.

H. R. 19541. An act to authorize the drainage of certain lands in the State of Minnesota, was read twice by its title and referred to the Committee on Indian Affairs.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. The Chair lays Senate bill 6206 before the Senate.

The SECRETARY. A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of the United States Infantry.

Mr. WARNER. Mr. President, yesterday on the close of my remarks, I had stated that certain of the Americans of Browns-

ville objected to the coming of the colored troops and that the Mexicans of that city did not object, in fact affiliated with the colored people as with their own race. The testimony of many witnesses was introduced in which an expression of the feeling of opposition to the coming of the colored troops was given. That I remarked in the introduction only for one purpose, and that is to show a motive upon the part of the citizens for attacking the soldiers, but it could not be for the purpose of showing a motive for one class of the citizens to attack another class of the citizens.

Some of the Americans who were opposed to the coming of the negro troops expressed their disapproval in vigorous and unjustifiable language. Captain Kilburn, of the Twenty-sixth Infantry, the battalion which was relieved by the three companies of the Twenty-fifth Infantry, testified that some time in May, 1906, after it was known that the negro troops had been ordered to Fort Brown, he heard a Mr. Tillman, in his place of business in Brownsville—and remember, Mr. Tillman's place was the place in which the barkeeper, Frank Natus, was killed—in the presence of several persons, say:

We will run the negro troops out of town in three weeks, and have the white troops back.

I am inclined to the opinion that this officer drew largely upon his imagination in this statement, for on the 11th day of September, 1906, some seven months before giving this testimony before the committee, he made an affidavit for the Constitutional League, in which the conversation with Mr. Tillman is given in these words:

On one occasion in particular, Mr. Tillman, a citizen of Brownsville, * * * in a conversation with me expressed his doubt about the advisability of sending colored troops to Brownsville.

Captain Kilburn's exaggeration of the language of Mr. Tillman may be accounted for by his low estimate of the people of Brownsville, he having testified that there were not in that city more than 12 or 14 families "who had some of the natural innate refinement of ladies and gentlemen." This I submit is rather a severe indictment against a town of from six to eight thousand inhabitants; but, from facts before the committee, Captain Kilburn's social standing while stationed at Brownsville was not such as to qualify him as a judge to pass upon "the natural innate refinement of ladies and gentlemen." Lieutenant Thompson, of the same regiment with Captain Kilburn, testified that after it was learned that the battalion of the Twenty-fifth Infantry was to garrison Brownsville he heard citizens make many derogatory remarks with reference to the colored soldiers, such as:

We don't want the damn niggers here; niggers will always make trouble; to hell with the colored soldiers; we want white men.

Sergeant Huron, of Company M, Twenty-sixth Infantry, testified that after the order was promulgated that the colored troops were to come to Brownsville he heard a Mr. Weller say that—

He did not want these colored soldiers to come there; that no one in Brownsville wanted them to come there, and that he did not think they would stay there very long when they did come. People will not stand for them being here; they will not have them, or something like that. That was the meaning of his words; I am not positive of the exact words.

Huron added:

That the people did not say how they would get rid of the negro troops.

This witness further testified that—

Victorianna Fernandez, a policeman of Brownsville, said to him in the presence of other parties: "I see, sergeant, they are going to send those negro soldiers down here," and I told him they were. He tapped his pistol that he carried on his side, saying, "I want to kill a couple of them when they get here," and that this remark the policeman repeated to him.

When asked if he paid much attention to the remark of Fernandez, he replied:

No, sir; I thought it was more of brag at the time;

that he regarded it as "idle talk." Those of the committee who saw Fernandez I think came to the conclusion that he was as harmless and inoffensive an individual as ever swung a policeman's "billy."

Corpl. John E. Kimmel, a company cook, of the Twenty-sixth Infantry, testified that he heard a saloon keeper by the name of Weller, in speaking of the coming of the colored troops, say:

Well, I don't think they will be here very long.

He did not indicate how they would get rid of them; and that about the same time a Mr. Moore, who ran the Miller Hotel in Brownsville, at the company kitchen, in the presence and hearing of Private Fisher in talking about the change of troops at Fort Brown, said he did not like a nigger anyway, and that they would not be very long getting rid of them.

In answer to the question—

But your idea was they were going to try to get them removed through their influence in Washington?

he replied:

My idea was that they very likely intended to put in a petition to have this done; that was my idea.

The Private Fisher referred to by Corporal Kimmel corroborates the statement as to the remarks attributed to Mr. Moore. Private Fisher had served a term in the penitentiary under sentence of a general court-martial on the charge of desertion.

A Mr. Otis C. West, private in the Twenty-sixth Infantry, testified that shortly after the arrival of the colored troops at Fort Brown a Mexican boy, between 10 and 12 years of age, asked him for a ride. When driving out of the fort this youthful desperado got in the wagon; he noticed that he had in his hat cartridges, and between him and the boy the following occurred:

Q. Did you have any conversation with him?—A. Nothing more than I said, "Kid, what are you going to do with those?" and he kind of looked up at me and grinned and said, "I am going to take them down town to sell them to kill niggers with." I thought nothing of it then.

* * * * * * *

Q. How old would you judge he was?—A. I should judge he was 10 or 12 years old, perhaps.

* * * * * * *

Q. You heard no hostile remarks made at all?—A. No more than what I have mentioned, sir.

Q. This little boy of 10 or 12?—A. He made nothing more than he just made that expression and kind of grinned at me. Whether he meant it or not I don't know.

Q. He did not look very vicious when he made the remark?—A. No.

Q. He just laughed and said he was going to sell them to kill niggers?—A. That is all. I thought nothing of it.

* * * * * * *

Q. Did it strike you as very singular that this little boy should have so many cartridges?—A. Not at all. That is a common thing, to see them have them.

This trifling instance serves to illustrate the industry employed in running down every expression of citizens of Brownsville that could in any way be tortured into a threat against the colored troops.

There will be found in the evidence other expressions voicing the opposition of a portion of the people of Brownsville to the coming of the colored troops, but in most of the cases the impression left upon the witnesses who heard the remarks was that the negro troops were to be gotten away from Brownsville through the influence of Senators and Representatives; this, and nothing more.

It is undoubtedly true that the soldiers were subjected to indignities—indignities that naturally created a spirit of resentment, if not of retaliation. In one instance, Adair, a negro soldier, returning from Matamoras, had in his possession a penholder which he had bought there. An overzealous custom-house inspector took the penholder from the negro with the remark that he did not intend to let "a damn nigger smuggle." Again, a soldier by the name of Reed, on his return from Matamoras, being (as the evidence would indicate) intoxicated, was pushed by one Baker, an inspector of customs, from the gang plank of the ferryboat into the water and mud.

Lieutenant Thompson, in his affidavit to which I have referred, says he was informed by Teofilo Crixell, a saloon keeper in Brownsville, that when one Bates, a custom-house official, was at the bar drinking in the White Elephant saloon, a colored soldier entered and asked for a drink, whereupon Bates turned upon him saying, "No nigger could drink at the same bar with him," and upon the soldier remarking that he was as good as any white man, Bates drew his revolver and hit the soldier over the head.

Another soldier by the name of Newton was struck over the head with a revolver by a Mr. Tate, also an inspector of customs, because, as Tate claims, Newton jostled rudely against his wife, who was standing on the sidewalk with some other ladies. In my judgment Tate's assault upon this soldier was drastic and unjustifiable.

Upon the arrival of the colored troops in Brownsville an order went out among all the saloons which were American that no negroes should be permitted to drink at the same bar with white customers. In some of the saloons they were not permitted to enter at all, while in others they were given a separate bar in the rear of the saloon, which could be reached by a back door from the alley. This treatment was resented by the soldiers, and even those of them who did not frequent saloons necessarily resented the race prejudice which insisted on such exclusion and restrictions.

Jacob Frazier, first sergeant of Company D, and a man of intelligence, after testifying that he believed that citizens of Brownsville shot up the town, said:

Q. What made you think that the citizens of Brownsville had such an antipathy for the soldiers of Companies B, C, and D as to shoot up the town?—A. I will tell you.

Q. That is what I want to know?—A. Before they were ordered there, there were white soldiers there; they got all their money—that is, them that is supposed to want to go to these saloons to spend their money; they got the biggest part of their money. Well, when we got

down there the men found out after we got down there that they were not allowed to go to their bars and drink; that is, in front; well, they would not go at all if they could not go in front. Now they were not going to get their money. There was one man there that was discharged out of Company B; he started up a saloon on the outside of the post; we were paid off on Saturday and they all go to this colored saloon.

Q. That would be Saturday, the 11th?—A. Yes; they all go there: you could not find a man in the rest of the saloons. They were not getting any of their money. It took four or five men to wait on the customers in this colored saloon, and they just looked at it this way: Well, now, we had white soldiers here and we got their money; these colored soldiers, we are not going to get it and the best thing we can do is to get them away. We will get white soldiers here. We will get white soldiers here and then our town will go on just as it has been. That is my belief (p. 79).

* * * * * * *

Q. Do you know of any other reason that occurs to you why the citizens of Brownsville would shoot up their own town except in order to get rid of the colored troops so as to make more trade at the bar rooms of the town?—A. No, I don't know any other reason. I have stated my reasons thoroughly, just what my belief is; and that is what I believe (pp. 79–80).

* * * * * * *

Q. Certainly I am just getting your belief, Mr. Frazier. Now, Companies B, C, and D were paid off on Saturday?—A. Yes, sir.

Q. The 9th I believe that was?

Senator FORAKER: The 11th.

Q. The 11th, I mean; and you say this colored man who had been discharged, who had opened a saloon, was doing such a rushing business that it took four or five barkeepers to wait on his customers?—A. Yes, sir.

Q. To wait upon the members of Companies B, C, and D, who went in there?—A. Yes, sir.

Q. And that continued on Saturday, Sunday, and Monday, did it?—A. On Saturday and Sunday, and on Monday of course there were not quite so many there, but still—— (p. 79).

The saloon referred to by Sergeant Frazier was opened by one Allison, a discharged soldier of the colored battalion. This saloon was located on Garrison road some four or five blocks east of the main entrance of the fort, and its pernicious influence, in my judgment, was largely responsible for the shooting up of the town of Brownsville.

The indignities to which the colored soldiers were subjected in Brownsville were, as might naturally be expected, a matter of common barracks talk. To contend that the negro soldiers did not feel resentful at the treatment to which they had been subjected would be to contend that they were less than human, and I have no disposition to minimize the feelings of opposition to the coming of the colored troops by the citizens of Brownsville, nor to attempt to justify their treatment of them. These indignities, however, it must be remembered, save that of excluding the soldiers from the saloons, were all offered by custom-house officers, not one of them being the act of a private citizen of Brownsville or of a member of the police force of that city.

The most serious of the occurrences previous to the night of August 13 was the assault upon a Mrs. Evans, a resident of Brownsville, who, upon returning from the station to her home, said she was pulled from her horse to the ground by a colored man in the khaki uniform of a soldier, and that upon her giving an outcry the man ran away. Some time during the day of the 13th of August the husband of Mrs. Evans, with the mayor, Doctor Combe, visited Major Penrose and made to him complaint of this attack. This assault was on August 12, and was published in the Brownsville newspapers of the next day, thus coming generally to the attention of the population of the city. It was also known among the troops. The conversation between Major Penrose, the mayor, and Mr. Evans was overheard by a man by the name of Voshelle, a teamster, and the interview was witnessed by Elmer Brown, an enlisted man.

By reason of the Evans assault Major Penrose issued an order that no enlisted men should be out of the reservation after 8 o'clock; prior to that time they were permitted to be out until check roll call, which was 11 o'clock.

It was known to the soldiers that the Evans incident was the cause of the issuance of the order requiring all men to be in the fort by 8 o'clock.

Corporal Wheeler asked Captain Macklin, the officer of the day, the cause for the issuance of the order and received the reply:

People are trying, it seems like, to give us some trouble; a lady has reported that she was insulted, that she was troubled by some of the soldiers, but we do not believe anything of the kind. (Mess. p. 244.)

This language on the part of the officer was calculated to inflame rather than allay the feeling of resentment on the part of the rank and file. Sergt. Maj. Spottswood W. Taliaferro, testified that while he was sitting at the supper table Sergeant Wheeler came in and said:

All passes have been cut off and the men are all ordered to be in barracks by 8 o'clock, and none allowed to leave after that hour. He said: "It is reported that some soldier frightened a white lady on a horse down town" and the people are very angry, and there is likely to be trouble," and I said "I haven't heard anything of this; where did you get your authority for that?" And he said "Captain Macklin was here a short while ago and told me these things."

The witness also testified that—

The mail orderly who came into the fort about 8 o'clock, upon being asked if everything was quiet in town said: "There was a crowd around the post office that tried to engage me in a conversation concerning the newspaper reports of the assault on Mrs. Evans" and he said that he told them he didn't know anything about it, and tried to get rid of them as best he could, and they seemed to want trouble, and finally just as he was leaving one of them said to him, "It's a good thing that your commanding officer has ordered you all in tonight," and he said, "some of you were going to get killed," to which the mail orderly replied: "He didn't guess they would do anything and he guessed the killing would not be all on one side." (P. 1497.)

This threatening language, if the evidence is to be believed, was not reported to any commissioned officer of the battalion.

In view of these instances there is not the slightest doubt, however much individual witnesses may deny it, that the whole command was on edge and was incensed at the people of Brownsville for the indignities which they had put upon the troops and felt a resentment growing out of an outraged sense of justice.

Major Penrose, the day after the occurrence, said:

That the enlisted men have been subjected to indignities since their arrival here, there can be no doubt, and this has caused a good deal of feeling among them. (Mess. p. 32.)

And in speaking of the assault on Newton and the Evans case, he says:

These two instances have served to cause bad blood between the citizens and the soldiers. (Mess. p. 33).

After a thorough examination of the evidence I am convinced that the attitude of the Brownsville people toward the colored troops was unjust and that the feeling of deep resentment against the citizens which the soldiers had was but natural, yet such resentment, however just, could furnish no excuse for the attack which was made by soldiers, but the record of troops at other army posts in the south and west, whether the troops were white or colored, shows such an outbreak and shooting up of a town to be a method of revenge that naturally suggests itself to men who have arms at hand and have been trained in their use.

It is a fact that no sooner had the order been issued that the colored soldiers of the Twenty-fifth Infantry were to be sent to Brownsville, than it was known that the citizens of that city objected to their coming; but the War Department decided, and properly, I think, that questions of local sentiment ought not to influence the disposition of the troops, and accordingly Companies B, C, and D, were ordered from Fort Niobara, where they had been stationed for many months, to Fort Brown. While on their way to Texas an order was issued that they should take part in maneuvers with the National Guard of Texas, at Camp Mabry, near Austin. The order elicited a protest from the commanding officer, Colonel Hoyt, and the other officers of the regiment, on the ground that there was great danger of a collision between the Texas National Guard and the Twenty-fifth Infantry, the State troops in previous maneuvers having charged that some of the colored soldiers had used ball cartridges during the maneuvers and on that account refused to drill with colored troops.

This protest of Colonel Hoyt led to a change of the order by the War Department and the troops were ordered directly from Fort Niobrara to Fort Brown. That this change of order was known to the members of the colored battalion there can be no doubt, and it led them to believe that their reception at Fort Brown would not be of a friendly character. This was shown by remarks made by soldiers to the conductor of the train that conveyed the battalion from a place called Sinton to Brownsville, a distance of about 162 miles. The conductor of the train, a Mr. Lunkenheimer, a Pennsylvanian, testified that soldiers engaged him in conversation, making certain references to women which were of a character not even to be printed in the RECORD, much less to be mentioned on the floor of the Senate. In the course of this conversation the soldiers said:

"Any colored there?" I said, "No, I didn't think there was a half dozen families in the town." He said, "Christ, ain't there any saloons there?" I says, "Oh, yes; saloons galore." He says, "Any colored saloons?" I says, "No; if there is I don't know it, but I have got some boys working for me that drink there." * * * He says, "Well, we don't care whether there is any of them or not; we will drink in any of these damn bars; we will do like we did in so and so [mentioning the place they were from]." (P. 3171.)

More of this same character of conversation was testified to by this witness.

It is true that Samuel Wheeler and Winter Washington, soldiers of the battalion, testified that they occupied the car named by the conductor and talked with him, but they heard no such conversation. This was the only attempt made to contradict the evidence of Mr. Lunkenheimer.

Israel Harris, first sergeant of Company D, and a man of intelligence, in his testimony gave evidence of the feeling of the men of the command regarding their assignment to Fort Brown,

after testifying to difficulties that had occurred between the colored troops and citizens while in Texas in previous years. His testimony reads:

Q. So when your companies went down in Texas you knew of this feeling when you were ordered down to Fort Brown?—A. Yes, sir.
Q. Did you hear any discussion, Mr. Harris, that you did not expect to stay there long?—A. No, sir; I didn't hear any discussion; the only discussion that I heard in regard to the matter at all was the different men, and I myself said, as soon as my time was out I would leave there; I would reenlist for some other place; I did not like to go down in there.
Q. You would leave there? Why?—A. I didn't care to reenlist to serve down in that section of the country.
Q. Why?—A. Because the people down there seemingly had no use for the soldiers.
Q. Unfriendly?—A. Yes, sir; they were very unfriendly toward the soldiers, and that is why I didn't want to stay there.
Q. And therefore there would be a feeling between the soldiers and citizens?—A. Yes, sir.
Q. You realized that when you went there?—A. Yes, sir. (P. 42, vol. 1.)

That the negro soldiers strongly resented the treatment they received, there is abundant evidence. Wm. Forster, a discharged soldier who had served in the Army nine years, leaving it with an honorable record and with the rank of sergeant, testified to hearing a Mr. Voshelle, a white man, the corral boss, give expression to very violent language regarding the citizens of Brownsville. This conversation came up in relation to the striking of Private Newton by Custom-House Officer Tate, of which I have spoken. I submit a portion of his testimony:

Q. Were you in Brownsville on the 13th of August, at the time of what we term "the shooting up of Brownsville?"—A. I was at Fort Brown, sir.
Q. What were you doing there then?—A. I was living at Fort Brown as a teamster.
Q. You were a teamster in the quartermaster's corral?—A. Yes, sir.
Q. In the employ of the Government?—A. Yes, sir.
* * * * * * *
Q. Who was the corral boss?—A. A man by the name of Voshelle.
Q. What was his given name?—A. I don't know, sir.
Q. Voshelle, the corral boss?—A. Yes, sir.
Q. You heard the Tate incident spoken of, did you not?—A. Yes, sir; I heard of it.
Q. Did you have any talk with Mr. Voshelle, or did he make any remarks about it?—A. I heard him say the morning after that incident that he hoped the niggers would go down there and shoot the town up; he cursed and swore, and so forth.
Q. Did you hear any other talk of Mr. Voshelle?—A. Yes, sir; I heard him in Tillman's saloon make a remark.
Q. What was that and when?—A. I believe it was the next day; I think it was about the 7th.
Q. The next day after what?—A. I think it was about the 7th of the month.
Q. Of August?—A. Yes, sir.
Q. What did you hear him say then?—A. Mr. Adams asked him how the niggers were behaving; he said they were behaving all right now, but just wait until pay day and they will come out here and shoot this damn town up. (P. 2656.)

Another discharged soldier, William Henry Adams, who had served through the Spanish-American war in the Second United States Infantry, corroborates the testimony of Sergeant Forster as to the conversation in Tillman's saloon. This witness was in the employ of an ice company and among other customers that he served was Allison, the discharged colored soldier who kept the saloon on Garrison road. While in Allison's place of business a day or two after the affray he said, in a conversation regarding the shooting:

Why, what was the matter with these fellows?

To which Allison replied:

Oh, the Lord knows; I guess they were having a little spree shooting up the town. (P. 2672.)

A Mr. Walter Billingsley, engaged in the dairy business at Brownsville, testified that when in Mr. Crixell's saloon in that city on the morning of the 13th of August, when Captains Lyon and Macklin were there, the following conversation occurred between himself and the proprietor.

I have stated that as being on the morning of the 13th. Possibly that is an error. It may have been on the afternoon of the 13th. Therefore I make the sugestion now. But here is the conversation that he had with Mr. Crixell. He asked him:

Q. Have you heard anything more about the Evans affair?

And he (Crixell) says:

"Nothing in particular," and I says, "What do these officers say about it," and he says, "Nothing particular," and I say, "Have they done anything or do they act like they are going to do anything in regard to the matter," and he says, "I don't think they will do anything," and I says, "Well, there ought to be something done someway." I says, "At the rate these fellows are carrying on here I don't think the soldiers or officers either ought to be allowed in town if they don't do something to help or assist us or to stop these men from conducting themselves the way they are acting in the city." Then I turned around and walked out. That is all I said to him. (Pp. 2475–2476.)

In giving his narration of that conversation, Crixell testified that Captain Macklin, after Mr. Billingsley had left the saloon, said:

Yes, these niggers will surprise this fellow yet. (P. 2485.)

Mr. Crixell's saloon was one in which neither the white nor the black soldiers were welcome. It was the one saloon in the town of Brownsville that the commissioned officers patronized. Mr. Crixell testified as to a further conversation with Captain Macklin, as follows:

Q. Now, returning to the Tate incident, you know Captain Macklin?—A. Yes, sir.
Q. Did he patronize your place?—A. Yes, sir; from the first day he got into the town.
Q. Did you see him in your house after the Tate incident when that matter was being spoken of?—A. Yes, sir.
Q. What did he say there, if anything, as to the result, the probable result, of such conduct by the citizens, as that of Mr. Tate, in striking the colored soldier and knocking him down with a pistol?—A. On the 13th, between 2 and 4 o'clock in the afternoon, Captain Macklin and Captain Lyon and Lieutenant Lawrason came into the saloon and they asked me to serve them three gin fizzes, and while I was mixing up the drinks, he asked me, he says, "Joe, have you ever heard anything about a nigger being hit over the head with a six-shooter around here lately?" I said, "Yes, I heard a little about it." He said, "Have you heard the particulars about it?" I said the only thing I heard was that Mr. Tate, this customs officer, hit a nigger over the head with a six-shooter because the nigger would not give the sidewalk to some ladies.
Senator FORAKER. Speak a little louder.
A. (Continuing.) I told them that I had heard about the nigger being hit over the head with a six-shooter, and he asked me if I had heard any of the particulars, and I told him that I had heard that Mr. Tate had hit the nigger over the head with a six-shooter because the nigger had pushed his wife, or some other lady that was with him, off the sidewalk or something like it. Captain Macklin told me then, he says, "Yes, that is what they claim; but," he says, "Major Penrose and myself have investigated this thing thoroughly, and we have found out that these negro soldiers have been imposed on by the citizens and Federal officers of this town," he says, "and this thing has got to be stopped." He says, "Now, Joe, suppose these niggers would jump that barracks fence and shoot this damn town up any of these nights." He says, "We could not prevent it." (Pp. 2484–5.)

It is true that the officers mentioned as being present at that time denied that such a conversation took place, yet there is no intimation to be found in the evidence that Mr. Crixell is not a truthful and reliable man, and it is difficult to imagine why he should attempt to manufacture a story of this kind out of whole cloth, but I submit the conversation as given in the evidence, leaving it to the Senate to determine the question of veracity between the parties.

William C. Nolan, a private, first class, in the Hospital Corps, testified that when Newton, the soldier who was assaulted by Mr. Tate, reported to the hospital for treatment, in answer to the question as to how he got hurt, said he went by the post-office and some one ran out and hit him with a six-shooter. I asked him if that was all he did, just to go by the post-office, and he said that it was, and I asked him who it was that hit him, and he said:

Oh, that's all right, we'll get them ——— of ——— some day. (P. 2654.)

It is fair to assume that Newton's comrades shared with him a spirit of resentment at the unjustifiable assault upon one of their comrades. Especially is this true when Newton's account of the assault made it more wanton and aggravating than the facts would warrant.

A lad, Bernard Kowalski, some 16 years of age, was attending a young people's party at the Cowan house on the night of the shooting. Young Kowalski testified that he was sitting in the window of the Cowan house when some negroes passed by within a few feet of him, and one of them said:

They are having a fine time in there, but in about a half an hour they will not have such a nice time.

Within an hour after this the house was riddled with bullets. Mr. Kowalski had gotten to his home, some seven blocks away from the Cowan house, when the shooting commenced. In answer to the question:

When you heard that shooting did you make any remark to your mother or any one as to who it was doing the shooting?

he answered:

Yes, sir; when I heard the shots this came to my mind right away what I had heard, and my mother was awake, and in the door I said, "Mamma, those are the negroes doing the shooting."

And in answer to the question:

Were those colored men that you heard make this remark dressed in soldier's uniform?

he answered:

Yes, sir.

Of the scores of witnesses examined by the committee none impressed its members with his absolute truthfulness more than this young man, Kowalski.

Mr. Cowen, whose house was the scene of the children's party, testified that about a week previous to the shooting he had been notified by an old colored man, a former servant in his father's household, that after pay day the negroes would shoot up the town, and that by reason of this information he purchased a Winchester, model of 1876, .45 caliber, and also purchased cartridges, but at the time his house was riddled

with bullets his rifle was at home and he was down in the town. The testimony on this point was in part as follows:

Q. You have no idea why they should have singled out your house and shot into it, have you?—A. I do not know of anything.
Q. That fact was something of a surprise to you, was it not?—A. It was not a surprise to me.
Q. Why was it not a surprise to you?—A. Well, I had been notified that the negroes would shoot up the town of Brownsville.
Q. You had been notified by whom, and when?—A. By a negro man by the name of William Henry.
Q. William Henry?—A. Yes, sir.
Q. He is the man who testified before the grand jury?—A. I believe he did; yes, sir.
Q. Well, what did he tell you and where did he tell you?—A. He met me on the street and he said: "Mr. Louis, I want to tell you something." I said: "What is it, Billie," and he said: "You had better be prepared; I don't know that you can do anything, but they say—the negroes say—they will shoot up the town after pay day."
Q. After pay day?—A. Yes.
Q. About when was it he told you this?—A. About a week prior to the shooting.
Q. Well, can you give us the day of the month?—A. Seven days before the 13th; I will not say it was just seven days; I said about a week.

Mr. President, at the risk of being considered tedious, I have given substantially all the expressions of ill feeling between the colored battalion on the one side, and the citizens and police of Brownsville on the other. That there was an effort by the witnesses to minimize the feeling of ill will of each toward the other, no one who reads the evidence will doubt.

This brings us, Mr. President, to a consideration of the oral evidence before the committee bearing upon the issue as to whether or not the shooting up of the town of Brownsville on the night of August 13-14 was the act of any of the members of Companies B, C, and D. In the taking of the evidence the committee assumed, though not exactly correctly, that the military reservation lies south of the city of Brownsville, and is separated from it by what is known as Garrison road, about 30 feet in width. Between this road and the reservation, immediately in the rear, is a brick wall ranging from 3 to 5 feet in height. Three two-story barracks buildings, each 150 feet in length, with 30 feet of interval between them, lie parallel with the wall and 85 feet therefrom. Of these barracks the western was occupied by D Company, the next by B Company, and the third by C Company. Elizabeth street, the principal commercial street of the city, ran at right angles with the garrison wall, and was continued into the reservation through a large gate between D and B Company barracks. The street next east of Elizabeth ran at right angles with the wall and was called Washington street. Midway between these streets was what was known as Cowen alley, 20 feet in width and parallel with Washington and Elizabeth streets, and about 120 feet from each. Fourteenth, Thirteenth, and Twelfth streets, in the order named, were the next cross streets to Garrison road. The distance from Garrison road on the Cowen alley to Fourteenth street was about 200 feet, the blocks between Fourteenth and Thirteenth and Twelfth streets being about 300 feet in length, these cross streets having a width of 40 feet.

Within the territory I have named the shooting occurred. The rendezvous of the raiders was near the garrison wall in rear of B Company barracks, and between Cowen alley and Elizabeth street.

The uncontradicted evidence is that a number of shots were discharged near this point, and further that not a single bullet was fired at or into the barracks or in such a way as to endanger the life or limb of a soldier, while, on the other hand, three houses on the Brownsville side of Garrison road, namely, the telegraph office at the corner of Garrison road and Elizabeth street, the Martinez residence, and the Yturria house were fired into, the bullet holes being silent witnesses to the fact that all of the shots were fired from the direction of the fort toward the town and not one from the town toward the fort. The men who did the shooting proceeded from Garrison road north by the Cowen alley to Fourteenth street, on their way firing at least ten shots into the Cowen home, a small house standing back 5 feet from the alley and fronting on Fourteenth street; three shots were fired into the Garza house, which stood on the same side of Fourteenth street as the Cowen house, and on the opposite side of the alley and some distance back; two shots were fired into the Leahy Hotel, which extended back from Elizabeth street on the north side of Fourteenth street.

The chief object of the raiders in their march from Garrison road to Fourteenth street was the Cowen house, occupied by a man named Louis Cowen, of mixed Mexican and American blood. At the time of the shooting his wife and five children were in the house. This man Cowen had been intemperate and bitter in his talk against the negro soldiers. He was especially emphatic in his denunciation of the assault charged to have been committed upon Mrs. Evans, declaring to his neighbors that if any woman of his family or of his friends were insulted in any way by a negro soldier, he would take his Winchester and go down and kill him. Mr. Cowen talked a great deal—in fact, from the evidence talking seems to have been his principal occupation.

The Cowen home, as will be seen from the map, was less than 200 feet from the garrison wall. The girls of his family are described as "boyish." One witness testified to having overheard a conversation between one of them and a soldier on guard. On being asked by the soldier whether she was half Mexican or half negro, she replied that she was neither. The soldier said that she looked like it, to which she replied that the soldier "looked like an ape." Whether this furnishes any excuse for the firing into the Cowen house is a question for the Senate.

Major Blocksom, in his report, states that he was frequently informed that the Cowen children had made fun of the "nigger soldiers." In this connection it is but just to remark that Mrs. Cowen in her testimony said that the relations between her children and the soldiers were of the most friendly character.

The next house fired into with deadly intent was the Miller hotel on the south side of Thirteenth street and on the west side of Cowen alley at the corner. This hotel was run by a man by the name of Moore, who was pronounced in his objection to the coming of the negro soldiers to Brownsville. He, like Mr. Cowen, was emphatic in his declarations that they would get rid of the negro soldiers. The next assault was made on Tillman's saloon, also located on Cowen alley and about midway between Thirteenth and Twelfth streets and fronting on Elizabeth street. The attack on this saloon was made from the rear. One witness, and the only eyewitness to what occurred there, testified that four or five colored soldiers entered the courtyard from the alley at the back of the saloon, and when just inside of the gate leading to the alley fired the shot that killed Frank Natus, the bartender. Tillman, the proprietor, was one of the most pronounced of those who denounced the coming of the colored troops, and had in his saloon a separate bar in the rear with entrance from the alley for negroes, no negro soldiers being permitted to enter by the front. After the killing of the barkeeper at the Tillman saloon the raiders proceeded on to the Weller saloon, owned by a man by the name of Weller, who also had been bitter in his denunciation of the coming of the colored troops.

Mr. BULKELEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. WARNER. With pleasure.

Mr. BULKELEY. Will the Senator kindly give us the name of the witness to whom he alluded as having seen the shooting of Frank Natus in the Tillman saloon?

Mr. WARNER. I shall come to that in a few moments, I will say to the Senator, and the Senator will understand just how I am coming to it.

Mr. BULKELEY. I asked the question simply for information.

Mr. WARNER. It is always a pleasure to be interrupted by the Senator, but I will come to that in a moment.

Weller also maintained a separate bar in his saloon for negroes.

The attacking force next fired into the house of a Mr. Starck. The Starck house was next to and of exactly the same construction and appearance as the house occupied by Mr. Tate, the man who had struck the negro soldier, Newton, with a revolver a few days before. Some eight or ten bullets were fired into the Starck house.

When at the corner of Cowen alley and Thirteenth street the raiding party saw the lieutenant of police, Ignacio Dominguez, who was mounted on a light gray horse, and fired at him a number of shots, killing his horse and shattering his arm so that it had to be amputated. While, as I have stated, there is no evidence showing any difficulty between the police of Brownsville and the colored troops, yet the evidence does show that the officers and soldiers of the Twenty-sixth Infantry, which was succeeded by the colored troops at Fort Brown, were bitter in their denunciation of the Brownsville police. How much of the bitterness was transferred to the Twenty-fifth Infantry is simply a matter of conjecture.

The fact, Mr. President, stands out prominently in the evidence that the men engaged in the Brownsville affray directed no attack upon the soldiers, but their attacks were against persons who had been known to be hostile to their coming, those who either by word or act had taken part in the indignities to which the colored soldiers were subjected, all of which the soldiers naturally resented.

The shooting on the night of the 13th can find its expression in general and special motives of the soldier, but I submit, in

the thousands of pages of evidence taken by the committee, together with the reports of the two courts-martial proceedings of Major Penrose and Captain Macklin and the evidence taken by inspectors at the instance of the President, there is an entire absence of evidence to show a motive on the part of anyone else to do the shooting. The people whose houses were attacked and whose lives were endangered were the people whose attitude toward the soldiers was known by the soldiers to be hostile.

The contention that the saloon keepers of Brownsville shot up the town finds no support in the evidence—in fact, the claim that the saloon keepers, in order to get rid of the colored troops, fired into the homes of their friends with a reckless disregard of their lives, while they were careful of the lives of the soldiers, is too great a tax on one's credulity. It is inconceivable that in order to rid the town of the negro soldiers the saloon keepers should attack their friends and sympathizers.

The raiding party started from the fort, making the attack upon the town and not upon the fort, upon citizens and not upon soldiers, riddling homes with bullets, but leaving no scar of a bullet upon any barrack or upon other buildings in the fort.

There is, Mr. President, direct evidence that the shooting was done by the soldiers. To this evidence I desire to direct the attention of the Senate. The first witness is Mr. G. W. Rendall, one of the survivors of the Perry expedition to Japan. As shown by the evidence, he was a man of character and one of the large property holders of the town of Brownsville. He and his wife occupied the second story of the telegraph office building on the northeast corner of Elizabeth street and Garrison road, directly opposite the gate entering the reservation from that street, his house being 35 feet from the garrison wall. He and his wife on the night of the shooting occupied the corner room, having a window facing Elizabeth street and another facing the Garrison road. He testified in part as follows (p. 2033):

Q. On the night of the 13th what was the first you knew of any disturbance?—A. I was asleep when the first shots were fired, and at the second shot, which probably was a second or two afterwards, I got up and went to my front window, which is the window facing toward the garrison.

Q. Toward the garrison?—A. Facing southeast; yes, sir.

Q. What is the width of the Garrison road at that point what you call Fifteenth street?—A. Thirty feet.

Q. Thirty feet?—A. Yes, sir.

Q. And what is the distance from your house to the brick wall of the garrison?—A. From the window where I was looking out it was about 35 feet.

Q. When you heard this shooting—the first shooting—I will get you to state if you saw any parties moving about there at the garrison?—A. I looked out of the window—well, probably in two seconds after the second shot was fired, I just got out of my bed—my bed was within two feet and a half of the window—and looked out of the window, and at my right, at the entrance of the big gate going into the garrison, there are two lights over that, two large lights, and my attenion was naturally called toward those lights because the shots apparently were at the right-hand side of me, and I saw from three to five men coming apparently toward the big gate, as though they were coming out into Elizabeth street, but they were about halfway between the end of the barracks—D, I believe you call it; the lower one [indicating on map] they were about halfway betwixt there and here [indicating] when I saw them.

Q. That is the barracks that is nearest to the river?—A. Yes, sir; that is D. They were about there from the end of that barracks.

Q. Which end, the nearest to the gate?—A. About halfway to the entrance to the gate when I saw them. Just as I glanced at them there was a shot at the left and that drew my attention up that way.

Senator FORAKER. How many men did you say you saw there?

Senator WARNER. He said three to five.

Senator FORAKER. From three to five?

Senator WARNER. Yes.

The WITNESS. I looked up to the left and saw a number of men. I don't know how many, but I judge there were ten or twelve, and as my vision rested on those there were two shots fired, and I thought at the time that they were fired from a self-cocking pistol, and I think that the shots were fired from a pistol in the hands of one man. Now, I am not positive about that, but it was done just about as quick as a man would pull the trigger of a self-cocking pistol. These shots were elevated. I saw the flash from the weapon, and it was shooting up, nearly a north course, but elevated as though it was a signal of some kind, and I judged right away it was an alarm of fire.

Q. You thought it was an alarm of fire?—A. Yes, sir; seeing it elevated up, because I knew that the man was not shooting at anything. (P. 2033.)

Q. Were these shots inside of the inclosure of the barracks?—A. Yes, sir; they were inside. Those men were together—were grouped together at that time, and were about where that letter F is [indicating on the map].

Q. Now, will you please, in giving your answers, not say "right there" and "right here," but indicate it so that the stenographer may get down to something which will be intelligible? Will you mention what street it is on, or the location, as near as you can?—A. Well, they were about midway between the wall and the barracks.

Q. What barracks?—A. Barracks B; and they were moving that way, to the northwest, or the north [indicating]—the northeast I suppose it is. The line of this wall, I judge, runs nearly east and west. They were moving that way at the time those shots were fired. They were apparently coming together there from different places. (P. 2034.)

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The witness then states that he went to the other side of his room and looked out to see if he could discover the light of a fire, and seeing nothing returned again to the window looking out upon Garrison road. Continuing, he said:

Q. That is, you turned to the side fronting on Elizabeth street?—A. Yes, sir; going across that room 20 feet, looking out of one window and then back and looking out of the other, was the time that I was not looking at these men. Outside of that, until they went over the wall, I was looking at them all the time. When I looked at them again, when I turned back to the window overlooking the garrison, they were close to the wall.

Q. Close to the wall inside or outside of the garrison?—A. Inside of the garrison. There is a little building right up there [indicating].

Q. You say "right up in there." Can you not describe the location?—A. Well, right abreast of the alley there was a small building in there, and they were huddled in there. Those I could see from the reflection of the light were in there. That building is whitewashed.

Q. That building is in rear of the wall of the barracks?—A. Yes, sir. * * * The next thing I saw of these men they were going over the wall, and after they got out into the street—into Fifteenth street—I could not tell which way they went. They were out of my sight. Except when they went over the wall they were so far away from the lights at the entrance to the post that it was hard for me to tell who or what they were. I just saw the forms. The only men I identified sure were those that were close to the window.

Q. You say the only men you identified sure were what men?—A. The only men I identified sure were the first ones I saw when I was looking out of the window. They were close up under the light.

Q. How many of them were there?—A. I think there were five of them, but I am sure there were three. I think there were five. You see, I just glanced at those men knowing they ought to be there, and I did not——

Q. Were those white men or colored men?—A. Those were colored men, with the army uniform.

Q. Speak a little louder.—A. They were colored men, black men, with the army uniform on.

Q. You say they turned, as I understood, up to the left? That is, you mean to the left as you were looking into the gate from Fifteenth street?—A. Yes, sir.

Q. They turned up there?—A. Yes, sir.

Q. And then they seemed to collect together before going over the wall, with other parties?—A. They collected together apparently with the intention of going over the wall at one place, and that was just at the west side of that—I don't know what you call it—it is a water-closet. (P. 2035.)

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Q. Was your house shot into that night, Mr. Rendall?—A. Yes sir; there was one shot entered the house in the lower end of the roof. The roof projects over the siding. It passed through five thicknesses of lumber on that side of the house, through my mosquito bar over my bed, and through four thicknesses of lumber on the other side of the house, and went out. (P. 2036.)

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Q. Now, you have only one eye, I believe?—A. That is all; only one good one and that is not extra.

Q. Are you quite clear, Mr. Rendall, that those three to five men that you saw there, that you speak of first, were colored men and soldiers, the men that you saw inside of the wall?—A. Positive that they were; yes, sir.

Q. Did you see any of the soldiers when they returned, if they were soldiers that you saw?—A. I did not. I was looking out of the window until the commissioned officer assembled the men and was calling the roll, and I did not see a man returning.

Q. Did you have any prejudice against the colored soldiers coming there?—A. No, sir; on the contrary, I was in favor of them coming there.

Q. You had no prejudice against them?—A. None whatever. (P. 2037.)

On cross-examination this witness testified:

Q. How many were there of these men all together, according to your present best judgment, who got over the wall?—A. Why, I can only say positively that I saw eight.

Q. You saw eight?—A. Yes, sir.

Q. How did you arrive at that conclusion—at that number?—A. Simply because they were so close. They were nearer me and nearer the light than the others that went over above. There is a little building there——

Q. I mean how many got over the wall altogether?—A. That is what I am speaking of.

Q. Eight got over the wall?—A. The only ones that I am positive that went over the wall, that I could judge by the number, was the group that was next to me, and there was eight in that crowd.

Q. About eight or exactly eight—did you count them?—A. Sir?

Q. Did you count them so that you know?—A. No; I did not count them. It was just a glance at them. I estimated the number.

Q. You testified before the court-martial that you could not tell anything about what kind of men were going over the wall—"only I supposed it was the same men that I saw here down below." That is correct, is it?—A. Yes, sir; that is a fact. As I stated before, I had changed from one window to another while looking at these men, and I could not identify the same men when I saw them again, though it was not more than a few seconds.

Q. Notwithstanding your weak eyesight, having only one eye, and notwithstanding it was a pretty dark night, as I understand, you say you think you saw distinctly enough to testify positively about all these things, do you?—A. Yes, sir; I am positive that they were colored men wearing the United States uniform. (P. 2049.)

In order to test the witness's eyesight he was asked:

Q. You see all the objects in this room distinctly, don't you?—A. Yes, sir.

Q. Can you tell how many men are at the end of the room without any difficulty?—A. Yes, sir.

Q. It is no trouble to you to tell?—A. No trouble at all.

Q. Could you tell if they were 100 feet farther away?—A. Yes, sir.

Q. Tell how many there were and tell the color of them, whether they were white men or black men?—A. Well, there are two black men there at the end of the room.

Q. You see them distinctly?—A. Yes, sir.

Q. There are two black men at the door. You have no trouble at all in distinguishing objects near you, and you would not have if they were farther away? Now, do you see in the daylight at that distance without your glasses?—A. Yes, sir.

Q. Distinctly?—A. Well, not as distinctly as I can with them; no.
Q. You could tell how men were dressed, at a distance of 100 feet away from you in the daylight?—A. Oh, yes.
Q. Without your glasses?—A. Very well.
Q. Tell the color of their clothes, whether they had on hats or caps, and all such things as that?—A. Certainly. (Pp. 2059 and 2060.)

As to this witness I feel justified in saying that his appearance upon the witness stand, together with his manner of giving his evidence, left no doubt upon the minds of any who heard him that he was giving the occurrences of the night of the shooting just as he believed he saw them.

There is some conflict in the testimony as to the lights on the post of the gate entering the fort from Garrison road. Mr. Rendall testifies that the lamps were there and lighted. In this he is fully supported by the testimony of Major Penrose, Sergeant Harris, and others, Major Penrose saying that on the night of the shooting you could see people by the light from the gate lamps "probably 20 feet readily."

Sergeant Harris testifies that during the roll call of his company he was stationed "about 20 or 25 yards" from the gate, and in answer to the question:

Q. Was there light enough so that you could have determined if anyone came in?—A. There were a couple of lights over the gate.
Q. Oil lamps?—A. Yes, sir; the light was clear so I could see as well as I can in this room.

This was one of the soldiers who saw this distance, 25 yards. Mr. Rendall saw but 35 feet.

It is conclusively shown by the evidence that the night was a clear star-lit one without a moon. So there is not any substantial reason for questioning the testimony of Mr. Rendall upon the ground that there was not sufficient light for him to have seen what he swore to having seen.

Mr. Rendall's wife testified to seeing forms of men between the barracks and the brick wall separating Garrison road from the reservation. She and Mr. Rendall were not at the same window except once and she did not have her attention directed to the soldiers whom Mr. Rendall testified he saw when he first looked out of the window.

She was asked:

Q. Did you remain at the same window with Mr. Rendall, or did you change from window to window?—A. No; I changed from window to window. We thought it was a fire, and I went from one window to the other alternately so that I could see any flames or any sign of it.
Q. Mr. Rendall owns considerable property along Fifteenth street (Garrison road), does he not?—A. Yes, sir.
Q. At the time of the shooting did you notice parties moving inside of the garrison near the wall?—A. No; not at that time. Just at the beginning I heard what seemed to be a confused sound of men moving, and low sounds as though low talking.
Q. Confused sounds of men moving, where? Inside the garrison wall?—A. Yes, sir; seemed to me just near the first barracks.
Q. When you speak of the first barracks do you mean the one nearest the river?—A. Nearest the river.
Q. That would be barracks D, the way it is marked on the map?—A. Yes, sir.
Q. What was this confused noise or sound that you heard. What did it sound like?—A. Well, it seemed like persons moving about as quietly as possible and yet making a confused noise. I could not understand it exactly. In fact, I did not think anything about it, but I heard this confused sound.
Q. After that did you notice the shadow of people moving there, inside?—A. It was after that that I saw the few men pass.
Q. Now, when you say you saw the few men pass, just explain that in your own way.—A. Well, I was looking from one of the windows, glancing out, and these men passed quickly along the wall, just a little distance from the wall, rather, but I simply glanced at them. I saw that they were men, but they passed on and got beyond my view in a moment or two.
Q. Was that inside or outside of the wall?—A. Inside. (Pp. 2060 and 2061.)

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Q. Whereabouts, as near as you can tell us, this being barracks D, the one to the right of the gate as you go in, and this being barracks B, the one to the left of the gate as you go in, where were they?—A. Well, they were on the left.
Q. The left as you go on?—A. Yes, sir.
Q. Passing along there, then?—A. Passing toward the alley.
Q. This is the alley here. Did you observe close enough to see whether they were white men or colored men?—A. No, I could not.
Q. You just glanced at them?—A. Just saw that they were men moving, going quickly down. (P. 2061.)

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Q. Did you observe closely enough to tell how many, or about how many, there seemed to be that you saw as you just glanced out and saw them passing on the inside there?—A. I think about six, possibly eight, but I think about six—five or six.
Q. You did not, I understand, pay particular attention to them; you just glanced out and saw them?—A. Just saw them at that moment.
Q. You are quite clear that you saw those men passing between the wall and the barracks?—A. Yes, sir.
Q. How were they moving, slowly or rapidly?—A. They were going quickly, and seemed to be well up together.
Q. You say that you and your husband were not at the same window all the time, but that you moved from window to window?—A. Except once, when we were standing at the window looking into Elizabeth street, when the shot struck the house. I believe that was the only time that we were. (P. 2062.)

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Q. You did not see the men come over the wall?—A. No; I did not. I was not looking at that time. I could have seen them if I had been at the window at the time. Mr. Rendall did, but I was possibly at some other window.
Q. Mr. Rendall told you that he had seen the men going over, did he?—A. Yes, sir. (P. 2062.)

The fact that there was no attempt on the part of Mrs. Rendall and her husband to testify the same things gives additional weight to their evidence. Like her husband, Mrs. Rendall was possessed of intelligence and refinement.

We next pass to the house at the corner of the alley and Garrison road. This on the night of the shooting was occupied as bachelor quarters by one Jose Martinez, a drug clerk in Brownsville, and a man by the name of Shannon. At the time of the commencement of the shooting Martinez was in the corner of the northwest corner of the house, reading, This witness heard the soldiers jump over the wall, which was not more than 35 feet from his room, and when the shooting commenced he put out his light and lay upon the floor. What he saw and heard he tells as follows:

Q. You were in the house at the corner of the alley and Fifteenth street, or Garrison road?—A. Yes, sir.
Q. Where was your room in that house?—A. My room was this corner room right here. The house has three rooms. I was in the parlor in the northwest corner; I was in the parlor when the shooting occurred; I had not gone to bed yet.
Q. About what time of the night was that?—A. A little before 12.
Q. And where was the first shooting that you heard?—A. Right in front of my door.
Q. When you say in front of your door, do you mean it was in the alley or on Garrison road?—A. I mean inside of the garrison.
Q. Inside of the garrison?—A. Yes, sir.
Q. That is, inside the garrison between the garrison wall and the barracks?—A. Yes, sir.
Q. Now, you just state what you saw and what you heard.—A. Well, I heard the first shots, you know, and I tried to go out and see what was the trouble, and I heard many voices calling, "Hurry up" or "Jump," and I thought I would not go out. I blew the light out and lay down on the floor, closed the door and lay down on the floor. (P. 2072.)

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Q. When you heard voices did you know what was said or distinguish anything that was said?—A. Generally they said, "Hurry up" and "Jump," but, as it was not my own language, I could not understand very well what was being said.
Q. Did you see any parties there get over the wall?—A. I could not say positively that I saw them, but I heard them jump.
Q. After you heard the jump what next did you hear or see of those parties?—A. The first thing I heard was the shots, some moments after that I saw people running toward the center of the town, running along the alley (Cowen alley).
Q. How many parties were there who were going down the alley toward the town?—A. When I saw them there were four or five, but I did not count any more.
Q. Was it so you could distinguish to tell whether these parties were white, or colored, or soldiers, or citizens?—A. I could distinguish the khaki uniform color, but it was impossible to distinguish—or I did not pay any attention to the countenances.
Q. State whether those parties who were going up the alley were going in direction of the Cowen house, marked No. 2, on the map?—A. They were.
Q. Where was the shooting that you heard after the parties had gone over the garrison wall?—A. Either in the street running in front of the barracks wall or at the corner of my house.
Q. When you saw the four or five men, as I understood, that went down the alley toward the Cowen house, did you see others go to Elizabeth street?—A. There were others, but I could not see in what direction they went.
Q. How many were there altogether that you saw?—A. Those whom I saw with my own eyes were only those that passed along the alley by my house.
Q. And how many were there?—A. Four or five.
Q. How were they dressed?—A. In light uniforms.
Q. Did you recognize or not whether they had guns, and if so, how they were carrying them?—A. They had guns and they were carrying them in this manner [indicating].
Q. That is, having the stalk of the gun at the hip?—A. Yes, sir.
Q. Were they white men or colored men?—A. They were people with dark faces, but I could distinguish the uniforms more clearly than I could the face.
Q. From what you saw there, did you recognize them as soldiers?—A. Yes, sir; because there were no other people there that wore that kind of dress or clothing and dark faces.
Q. Why was it you lay down on the floor?—A. Because I was afraid that they might shoot.
Q. Did you have a light?—A. At the beginning I had a light.
Q. What did you do with that?—A. I put it out. (Pp. 2072 and 2073.)

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Q. Did you see those men before the light was put out?—A. I saw the reflection of the carbines before I put out the light. (P. 2074.)

There is no doubt that the opportunities and observations of this witness were not so good as those of Mr. and Mrs. Rendall, and this evidence is only strong and of importance because he testifies most positively to hearing the men jump over the garrison wall, and to seeing them fire at the mouth of the alley. It necessarily shows that if the men who did the firing came over the wall then they must have been inside of the reservation originally; and it tends strongly to show that the men who did the firing were the soldiers. This much is clear from the testimony of this witness, that the parties that he saw were dressed in the uniform of the United States soldiers, while he does not pretend to say that he could tell whether they were negroes or white men. This witness, as his evidence will show, was frank and direct in statement, with no attempt to color his testimony.

The next witness, a Mr. F. A. H. Sanborne, an ex-civil war veteran of the Twelfth Maine, and for twenty years telegraph

operator at Brownsville. His office was on the ground floor of the Rendall Building, at the corner of Elizabeth street and Garrison road—his bedroom being just back of the telegraph office. He was aroused from sleep by firing which took place at the mouth of Cowen alley, which is described by him as a volley or an attempt at a volley. Upon getting out of bed and looking out of the door which faced the Garrison road, he saw a colored soldier in uniform, with a gun, returning through the gate into the reservation, he being at that time about 35 feet from the gate. When standing at the open window after the firing had ceased, he saw the colored soldier returning to the fort. He testified:

Q. You say you opened the window?—A. I opened the slats of the blind and looked out, and just as I was looking I saw coming along by the whitewashed garrison fence—I could see plainly because there was a lamp on each side of the large gate of the post—I saw a man come along. He walked along. The man I saw was a colored man in uniform, with his gun. He walked along the fence and did not seem to be very hurried; and passed through the small foot gate of the post and went in and went toward the barracks. After he passed the gate I could not see where he went. Everything was quiet then around the post.

Q. You could see him distinctly, then?—A. Yes, sir; very distinctly; especially as he approached the gate. The lights over the gate showed him plainly against the white or light gray wall.

Q. That wall you say is whitewashed?—A. I rather think that it is light gray, but it is faded nearly to white.

Q. How long has your office been there at that point?—A. About two years in that building.

Q. You recognized that party as being a colored man and a soldier?—A. Yes, sir.

Q. You say you recognized his having a gun?—A. Yes, sir.

Q. Did you see any other soldiers going in?—A. No others at all, sir.

Q. How long after that, if at all, did the shooting continue?—A. I think, I do not recall quite clearly, but I think the shooting had ceased, or rather this must have been right immediately before the time that the shooting ceased. (P. 2086.)

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Q. It has been testified here that there was a soldier out who was out on pass and that he went in the gate. Might that not have been the soldier that you saw?—A. I think not. It is not usual for a soldier to have his gun with him when he is on pass or at any time, unless he is in the ranks.

Q. You are certain it was a gun?—A. Yes, sir; certain it was a gun.

Q. And you are certain he was a soldier?—A. Yes, sir.

Q. But you said a moment ago that the reason you thought he was a soldier was because you knew the uniform.—A. That is the reason I knew he was a soldier, from his bearing, his uniform, and so on.

Q. Didn't you form your opinion because you knew the soldiers were there and you thought he was a soldier that was going in?—A. I don't think so; I was positively convinced that the man was a soldier as much so as I would have been if I had seen he was a citizen or any other thing—indicated by his bearing, uniform, or anything of that kind. (P. 2088.)

There is nothing in the evidence tending to contradict the testimony of Mr. Sanborne. It is true that it was claimed that the information contained in certain telegrams sent to Major Blocksom and Major Penrose with reference to the removal of the troops from Brownsville after the shooting had gotten out among the people, but there is no evidence tending to show that such information was received from Mr. Sanborne. If he saw the colored soldier with a gun passing through the gate after the firing, it is the strongest evidence possible to show that this soldier was one of those who did the first shooting and who left the party and returned to the barracks without continuing on the march of destruction.

Following the trail of the midnight raiders in their reckless march, fatally bent on mischief, we come to the house of Louis Cowen, at the corner of Cowen alley and Fourteenth street. The Cowen home but a few minutes before the shooting was the scene of a children's party, resounding with the laughter of happy boys and girls. At the time of the arrival of the raiders the house, a one-story structure, was well lighted, the family not having retired when the shooting began, Mrs. Cowen, her five children, and a maidservant being the only occupants. The light from a window in the back room shone into the alley. It was in this window that young Kowalski was sitting when he heard the remark of the colored soldier less than an hour before: "They" [referring to the children] "are having a fine time in there, but in about half an hour they will not have such a nice time." The agony of the family in that midnight hour of terror was told by the mother in her testimony, in part, as follows:

Q. The night of this shooting up of the town you were at home, were you?—A. Yes, sir.

Q. Of what does your family consist, Mrs. Cowen?—A. At the time I had six children. My husband was not at home that night, and the little one had not come. I had five children with me. There were the five children, my servant woman, and myself.

Q. Had there been a party at your house that night, a children's party?—A. Yes, sir.

Q. About how many children attended it?—A. Between thirty-six and forty children.

Q. Now, when this shooting commenced, how long before that was it that this children's party had broken up?—A. I should judge about a quarter of an hour. I think about that time; perhaps not quite; not more.

Q. Had you gone to bed when the shooting commenced?—A. No, sir; I was fully dressed, sitting at the head of the table, like I am right here at this table, waiting to get things ready for the night—I had that little boy to get things ready—and had sent the servant girl out for some hot water, and I was sitting at the head of the table just like I am here, just like this.

Q. In which room of the building?—A. In the middle room of the three back rooms which I have told you of, which was the dining room.

Q. Now, Mrs. Cowen, will you take your own time, and without any special questions, just state to us in your own way what you heard there of the shooting, and what occurred?—A. I was, as I told you, sitting at the head of the table, like this, and some of my children, the girls, were in the little room back of me, and my boy was in the room ahead of me. The dining room was small—the rooms are small—and I had told my eldest daughter; I said "Gertrude, do not go to bed; I do not feel well. Stay up with me. Somehow I am nervous;" and she said to me, "I will not go to sleep, mamma; I am just lying here, and when the girl comes in with the water I will get up and help you." Just then she came and stood alongside of the table, and she was partly undressed, and the servant girl came in, just about that distance [indicating], right like there, with a little pitcher of hot water, when we heard the first shots. Well, at the very instant the little children, of course, ran to me, you know, and they said, "Fire, mamma, fire." They all thought it was fire. I am quite familiar with the sound of army guns, because I have lived there twenty years of my married life, and I am perfectly familiar with the sound, especially during the Spanish war that they would have these sham battles, you know. Nothing could fool us to make us not know that it was the army guns. You could not but know that they were. The sounds were loud, you know; and then in the empty garrison, you know, we had heard the first shot, and then one, two, three, four, five shots, you know, and in the meantime the little ones all gathered around me, and I said, "Children, it is the soldiers;" but I thought that the soldiers and the policemen had gotten into a clash, you know. We never had had any trouble with anybody. I thought that they would go right on and we would be left behind, never for a moment believing that there would be any trouble. And with this, the shooting kept on, one, two, three, four, five shots again, you know, and it kept on coming closer, and I jumped up and I went to the hall door, and I said to the servant, "Oh, Mr. Louis is not at home!"

Q. That is your husband?—A. Yes, sir. He was always at home, he was a great home body, and was always at home in the evenings, but he had gone out to get me a lunch. It was late, and I was not well, and he said, "I will get you something, and I will be back in a minute." So I went to the front door and I kept on looking for Mr. Cowen, you know, and this servant girl said to me, she says, "Madam, it is best that he does not come, because he would never get here alive." In the meantime the back part of the house was completely thrown open, blinds and windows and doors and everything, and I was inexperienced. I didn't blow out my light, I didn't know that they would give me any more trouble. I never thought of anything, and the shooting kept on coming closer and closer, and the children all the time stood gathered by me, and when I heard that they were right on us, I said "Children, get under the bed;" they followed me into the bedroom, and I said, "Get under the bed, and pray God to save your lives. If we are alive to-morrow we will all go and thank God in church." They got under the bed—I could tell them what to do, but we were all simply paralyzed, you know—excepting me and my boy. My boy threw himself on the floor at the end of the bed, and I crouched down as close as I could, and again I would rise up, and then again the shooting began. We stood it because we were too frightened to be frightened, if there is such an expression. We were just paralyzed. We heard one shot, and then it seemed that we just waited to see if the next shot would strike us. It did not, but the next one might. It was horrible. Every now and then the girl would call to the little ones, you know, to see if they had been killed—just easy, you know. They were under the bed, and no one made a sound, no one cried or whimpered or anything. This poor girl, you know, still thought it was a fire.

Q. That is your little Mexican servant?—A. Yes, sir; she is as good a girl as you ever saw. She tried to protect us. When she saw that the shooting was right on us—the kitchen was open, and that helped to throw a light out into the yard. The dining room is in the middle, and with the lamp in there it was sufficient to light the three back rooms, you see. She went to the window, and she was there when she saw the soldiers right at the alley—the fence. My alley fence is no further than——

Q. What did she say when she saw the soldiers?—A. She still watched, she stayed there, when she saw them put a gun over the fence and blow out this lamp on the table. She was only that far, not three feet, from it [indicating].

Q. That is, when the shot blew it out?—A. Yes, sir. She dropped down then on the floor, and she couldn't close the windows any more, but she crouched and crept over until she got into my room. She was the only one that could see. She was the only one that had seen. We had the experience, but she had seen; and she panted and panted, she was so frightened.

In the different rooms of the Cowen house there were twenty-three bullet holes, the bullets entering the house from three to four feet above the floor. It was indeed, in the language of Mrs. Cowen, "a wonderful providential escape" that she and her children had. Placing the children under the bed for safety Mrs. Cowen attributes to the "providence of God," because she said "I don't know why I selected that place to put my children in; it was the only place they could have been safe; any place else they would have been killed."

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

Mr. HALE. I ask that the unfinished business be temporarily laid aside so that the Senator from Missouri may complete his remarks.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. WARNER. I thank the Senator from Maine, but I will say that I am not feeling in the best of trim, and I should like to proceed for only a short time, with the courtesy of the Senate, to finish up the point I am just on.

Mr. HALE. I will await the convenience of the Senator.

Mr. WARNER. I am much obliged to the Senator.

Mrs. Cowen is a frail little woman of education and intelligence, her face being an index of purity and refinement. When upon the witness stand, months after the night of the shooting, in answer to the question of Senator Foraker, "You have been very much excited whenever this matter has been brought to your mind ever since, haven't you?" she said, "When I speak of it it seems like I could not breathe—like it would choke me."

Amada Martinez, Mrs. Cowen's maidservant, testified to seeing the colored soldiers when she attempted to close the shutters of the window opening on the Cowen alley, the soldiers at the time being only a few feet from her. She, like Mrs. Cowen, heard the shooting—heard it coming from Garrison road in the direction of their home, and, as might be expected, became excited and frightened. Realizing the danger, as the shooting came nearer and nearer the house, she ran to the back window of the corner room on the alley to close the blind when she saw what she described as two rows of five soldiers each, one of them about to fire into the house. The light in the kitchen shone into the alley. She testified that the men whom she saw were negroes in soldiers' uniforms. Her testimony is, in part, as follows:

Q. Were you at the Cowen house on the night of the shooting-up of the town of Brownsville?—A. Yes, sir.
Q. There was a children's party there that night, was there?—A. Yes, sir.
Q. Did you hear the shooting that night?—A. Yes, sir.
Q. State in your own way now what you heard and saw. State it fully.—A. I was coming from the kitchen with a little jar of warm water and as I reached the door I heard the shooting begin. I heard the shooting coming from the barracks, and Mrs. Cowen told me to put the jar on the table. I went into another room and closed the door and stayed there for some time while the shooting took place. I was in the room, there, closing a shutter at the window and stood there for some time. While there I saw them coming, five in front and five behind, and then I turned around as the first shot entered the house, coming through the window over a table in the dining room. One of the shots went over my head and over a wardrobe. I allowed myself to drop down. Then I crawled the best way I could into Mrs. Cowen's room. Then I sat down there. Mrs. Cowen told me to sit down and not to move or go anywhere. Then I heard some voices talking and I went to the door of the passageway. (Pp. 2803 and 2804.)

* * * * * * *

Q. When you saw these men coming, as you say, five in advance and five back, could you tell whether or not they were soldiers?—A. Yes, sir: I saw that they were soldiers.
Q. How do you know that they were soldiers?—A. Because as I closed the window in the alley I could see them coming, and I could plainly see that they were soldiers.
Q. Do you know how the soldiers are usually dressed—the soldiers' uniforms?—A. Yes, sir.
Q. Were those men dressed the same as the soldiers you had seen there—the other soldiers?—A. Yes, sir. (P. 2804.)

* * * * * * *

Q. Where were you when the firing commenced?—A. I was in the little room; just as I was going to close the window.
Q. Do you mean the little room next the alley?—A. Yes, sir; next to the alley.
Q. Did you close the window?—A. I closed it and retired immediately.
Q. Were you closing the window or the shutters of the window?—A. The shutters of the window.
Q. Was the window raised when you went to it?—A. Yes, sir; the glass sash was up and open.
Q. And the shutters were thrown back?—A. Yes, sir.
Q. Did you reach out and get hold of the shutters?—A. Yes, sir; this way [illustrating].
Q. And before you brought them together you let go and ran away, did you?—A. Yes, sir.
Q. And did not go to the window again?—A. No, sir.
Q. Whatever you saw then, you saw then in just the moment you were at the window trying to bring the shutters together?—A. Yes, sir.
Q. And that was before any shot was fired into your house?—A. Just as I turned around the firing began.
Q. The firing commenced at your house?—A. Yes, sir.
Q. But no shots had been fired into your house when you went to the window?—A. No, sir.
Q. Did you see that those were black men?—A. Yes, sir.
Q. How black did they seem to be?—A. They were black. I saw them well.
Q. Were they any blacker than a good many of the Mexicans are who live in Brownsville?—A. Yes.
Q. Much blacker than any of the Mexicans?—A. Yes.
Q. Were they black men or simply mulatto men?—A. Negroes.
Q. You are not mistaken about that?—A. No, sir; I saw them.
Q. Were they any blacker than the policeman, Padron?—A. Oh, yes. (P. 2805.)

It is evident that this Mexican girl was in a position which gave her an opportunity of seeing the men in the alley who were doing the shooting, for at most at the time she saw them they could not have been more than 5 or 10 feet from her.

The next group of witnesses were those who were in a hotel kept by Mrs. Leahy, the widow of an enlisted man, who at one time was stationed at Fort Brown. The Leahy Hotel, a two-story structure, fronted on Elizabeth street, extending back to the Cowen alley. It appears from the evidence that the room nearest the alley and some 20 feet away from it was occupied on the night of the shooting by a clerk in one of the business houses of Brownsville, named Herbert Elkins. The middle room was occupied by Judge Parks. The third room nearest Elizabeth street was vacant. These rooms, as it appears from the evidence, were so located as to enable a person standing at the window of either of them to see a portion of the upper galleries (porches) of B Company barracks. Mrs. Leahy testified that she heard the shooting and soon realized what it was; that upon the first report she ran upstairs into the vacant room and from its window saw flashes of guns discharged from the gallery of B barracks.

Mr. President, I am trying in a measure to bring before the members of the Senate who desire to hear it a synopsis of the evidence in this case, certainly with no attempt at rhetoric or oratory, and it is somewhat laborious. The Senator from Maine can now proceed with the regular order, and I will give way until to-morrow, thanking the Senator for his courtesy.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now, let us go on with the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill at line 3, page 43, subheading "Public works under Bureau of Navigation."

The next amendment of the Committee on Naval Affairs was, under the subhead "Public works, Marine Corps," on page 48, line 9, before the word "officers," to strike out "three" and insert "four;" and in line 10, before the word "thousand," to strike out "ten" and insert "thirty," so as to make the clause read:

Barracks and quarters, Marine Corps: To complete four officers' quarters, marine barracks, navy-yard, Philadelphia, Pa., $30,000.

The amendment was agreed to.

The next amendment was, on page 48, line 16, before the word "marine," to insert "officers' quarters;" and in line 18, before the word "thousand," to strike out "fifty" and insert "seventy-five," so as to make the clause read:

For the completion of officers' quarters and marine barracks, naval station, Charleston, S. C., $75,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to insert:

For the completion of necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, $10,000.

Mr. HALE. That clause is in twice. This should be taken out.

The amendment was rejected.

The next amendment was, on page 49, after line 4, to insert:

For the necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, $10,000, which sum shall be in addition to the $25,000 appropriated for this object in the naval appropriation act approved June 29, 1906.

The amendment was agreed to.

The next amendment was, on page 49, line 13, before the word "thousand," to strike out "two hundred and ten" and insert "two hundred and seventy-five," so as to read:

In all, public works, Marine Corps, $275,000.

Mr. HALE. Before the word "thousand," in line 13, I move to strike out "seventy-five" and insert "sixty-five," so as to read "$265,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 50, line 3, after the word "wagons," to insert "automobiles;" and in line 4, after the word "cows," to insert "other than for hospitals," so as to read:

Contingent, Bureau of Medicine and Surgery: For tolls, ferriages, care, transportation, and burial of the dead; advertising, purchase of books and stationery, binding of medical records, unbound books, and pamphlets; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons, automobiles, and harness; purchase of and feed for horses and cows other than for hospitals; trees, plants, garden tools, and seeds, etc.

The amendment was agreed to.

Mr. BACON. Mr. President, as to the amendment just adopted, on page 50, line 3, inserting the word "automobiles," I wish to know whether or not the Senator from Maine can give us any information in regard to that matter.

Mr. HALE. It simply goes with the march of the times. Automobiles are recognized now not only as conveniences and necessities for private use, but for all large private establishments and for Government establishments.

Mr. BACON. Mr. President, of course I understand that; at least I surmised that; but I want to know if there is any limitation whatever upon the number?

Mr. HALE. No.

Mr. BACON. Or upon the discretion of any officer as to what number he shall get or what amount he shall pay for them?

Mr. HALE. No more than there is upon the purchase of wagons or horses or any means or vehicles for transportation. The aggregate of the appropriation is not increased by introducing this word, and the limitation will be that only the amount can be expended that Congress appropriates. What amount will be needed for automobiles or for wagons I do not know, and I know of no way of finding out.

Mr. BACON. Well, Mr. President, I only make the inquiry because I suppose the committee, in making up the aggregate, must have had some idea as to the details. It is simply an illustration of the absolute impossibility—and that is the purpose I had in calling attention to it—of our doing what the Senator from Maine a few days ago so eloquently and earnestly urged upon us that we should do—look into the expenditures of the Government and endeavor, if possible, to curtail them.

It is an absolute and utter impossibility for Senators, with a paragraph such as this, beginning on page 49, under the head of "Contingent, Bureau of Medicine and Surgery"—and I do not select this because of any special objection to any item, but simply to illustrate what I say as to the impossibility of Senators forming any judgment about it or voting intelligently—there is a page of items, I suppose, glancing at it with my eye over the page, there are probably two dozen different items of all kinds from tolls, ferriages, care, transportation, and burial of the dead, to automobiles, quarters at hospitals, trees, shrubs, dispensaries, and many other things, and these all lumped up with a sum of $60,000.

Of course there is nothing for us to do but to vote for the provision upon the assumption that it is necessary; but the Senator will pardon the suggestion I make, which is not for the present, and not particularly for this body, but as to the method which should be pursued—I say "should be;" probably that is too strong an expression to one who is, you might say, a layman—but it does seem to me that the appropriation bills ought to come with such classifications as to enable us to have some little idea as to whether or not the amounts appropriated are proportioned to the needs of the service, which is an utter impossibility as such bills are now presented.

Mr. HALE. Mr. President, the Senator is right in his proposition that the Senate ought to know as much as is possible in the way of information about all these appropriation bills; but the contingent expenses—these being for the Bureau of Medicine and Surgery—in all the Departments and in all the bureaus are made up of so many little items, and items that vary from year to year, that it has not been deemed necessary nor advisable by the committees in either House to scrutinize these subjects and to detail the amounts to be expended for each one of the small items. I suppose that might be done, but it would take an immense labor by the committee; it would take great space on appropriation bills, and I doubt if the benefit derived would be commensurate with the additional labor.

We have to trust these details of expenditure to the proper officials. The authority and check we have upon them is in the amount of money that we give to them. While I see what the Senator desires should be done, I doubt whether, if he were examining the chief of a bureau on this matter of contingent expenses, he would think it worth while to spread out upon the record the amount for every one of these small items. At any rate, the committee did not think that essential.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Idaho?

Mr. HALE. I do; certainly.

Mr. HEYBURN. There is one item, in line 4, on page 50, that provokes an inquiry in my mind. That is the item as to "cows." This provides for "the purchase of and feed for horses and cows other than for hospitals." If those last words had not been there I would have supposed that that item of "cows" was in connection with the hospitals, perhaps for the purpose of securing a supply of pure milk; but why it should provide for the keeping of cows in connection with the Navy Department and then except the only purpose for which I could imagine cows might be kept, awakens an inquiry in my mind.

Mr. HALE. Of course this is an item for the feed.

For horses and cows other than for hospitals.

It is not for the purchase of horses and cows, which, I suppose, they already have. It is simply for the feed.

Mr. HEYBURN. Mr. President, it would seem to me that the feeding of an animal necessary in connection with any Department would belong to the class of items or the item for purchasing or acquiring the animal; and unless there is some other provision in the bill for acquiring these cows in connection, I presume, with the hospital, I can imagine no other branch of the service of the Navy where a cow would be kept by the Government of the United States.

Mr. HALE. They have already got the cows and horses, and this is for the feed.

Mr. HEYBURN. Of course if they have them, they must feed them.

Mr. HALE. Well, they have them.

The Senator knows that there have been great amplifications in the bureaus and the Departments. The Department of Agriculture is dealing now with the purchase, testing, and use of machinery, of animals, and of almost everything that is used in every branch of human industry. Other Departments are following on, not with quite equal footsteps, but as near as possible, and are "doing business generally at the old stand," and using everything and every kind of appliance that is used in private business.

Mr. WARREN. Mr. President——

Mr. HALE. I have set myself sometimes against this. I do not like it very much, but it is like trying to swim up Niagara. All the Departments do it.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. Mr. President, remembering the discussion of the Army bill lately and the criticisms made upon it, I desire to say that I do not recall anything in the Army bill that provides for cows; but of course if cows are necessary on shipboard I think we ought to feed them.

Mr. HALE. I am very glad that there is one Department that has not got any cows in it.

Mr. WARREN. And the agricultural appropriation bill surely does not provide that cows shall be taken to sea.

Mr. HALE. Some years ago, I remember, in running an appropriation bill in the other House there was some provision for horses for the Marine Corps, and the question was asked what the Marine Corps had to do with horses. Well, it turned out that when they are stationed on shore and have a bureau they have to have a carriage and they have to have a horse. These have to be paid for and the Government has to foot the bills. I am very glad that the War Department has not provided for such things, but I suggest to the Senator from Wyoming, as he has made that statement, that he look particularly into all of the Army posts and the different depots and stations of the Army and I shall be surprised if he does not find somewhere at these posts that they even have cows. [Laughter.] Maybe not, but they will soon have them if they have not now.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. The Senator from Maine has convinced me that we ought to have them, and I presume the Senator will help me in the next bill to provide for them.

Mr. HALE. I have given up all opposition to it. I shall not contend against it, because it will go anyway.

Mr. HEYBURN. Mr. President, my attention was attracted by these items, one of which the Senator from Georgia [Mr. BACON] suggested. Automobiles and cows for the Navy of the United States! Well, a more inappropriate provision for the Navy of the United States than either of those items I can hardly imagine.

Mr. HALE. The Senator understands that the naval hospital—whose inmates are provided for by the Government, have got to eat and drink and have milk and everything else except beer and liquors—is on shore. We rarely put one of these hospitals afloat at sea, unless it makes a part of the military establishment. They are in the Navy, but of course they are on land and subject to the necessities and the appetites that are common to mankind on shore.

Mr. HEYBURN. But, Mr. President, I think that in every instance the naval hospitals are conveniently located to the wharves.

Mr. HALE. No.

Mr. HEYBURN. I am not well informed in regard to the location of naval hospitals, but those with which I am acquainted are conveniently located to water. However, it is the beginning of a new departure to provide the Navy with automobiles.

Mr. HALE. It is undoubtedly; it is the beginning of a new departure to provide anybody with automobiles.

Mr. BACON. I would suggest to the Senator from Idaho that possibly he may be relieved of his difficulty by offering an amendment putting in before the word "cows" the word "sea." [Laughter.] Then it will surely be covered.

Mr. HEYBURN. Then, Mr. President, it has also occurred to me that in connection with the word "automobiles," I might offer an amendment to make it read "water automobiles," inasmuch as I have recently seen in the Scientific American a picture of water automobiles. [Laughter.]

Mr. HALE. I also suggest where the word "horse" occurs the addition of the word "marines," so that it will read "horse marines." [Laughter.]

Mr. HEYBURN. I did not desire to offer an amendment. I desired simply that attention might be called to the fact that we were providing for the care of cows in the Navy—for dairies, I presume, on shipboard.

Mr. BACON. I desire to say simply a word in response to the suggestion of the Senator from Maine [Mr. HALE] in regard to the difficulty of going into details. I do not wish to be misunderstood in regard to the matter, and I repeat that I have no special criticism upon this particular provision. My suggestion was, not that all details should be expressed in the bill, but that there should be a classification; in other words, I think it is very well that, if there is an item providing for automobiles, there should be some estimate as to how much the automobiles are going to cost; or, if there are items for horses or cows or any other particular articles, there ought to be such a classification as will enable the Congress to have some idea as to whether the estimate for the expenditure is excessive.

I want to call the attention of the Senator from Maine to what I think is the main difficulty in this method of appropriation. I am not criticising the amount of this appropriation; it may be all right; but, after enumerating articles which occupy perhaps a page, enumerating automobiles, harness, feed for horses and cows, trees, garden tools, dispensaries, for washing, and for everything else that can be imagined, it winds up in this way:

And all other necessary contingent expenses * * *, $60,000.

Leaving it absolutely without limitation or qualification to the officer who will be charged with this disbursement to say which of these articles he shall buy and which he shall not buy, or how many of them he will buy and how many of them he will not buy, and then how many articles he will buy that are not enumerated, or how many expenses he will incur for articles not suggested in this enumeration. In other words, there is absolutely nothing in such a method of appropriation to put Congress upon notice and enable them to judge whether or not the expenditure is proper or improper. While it is impossible—not only impracticable and inconvenient, but impossible—to specify all details in appropriating for any one of the Departments, and particularly this one of which the Senator speaks as having a great many small matters to look after—while that is impossible, it is possible to have the items so classified that the officer in charge of the disbursement or expenditure will be limited to the particular estimate for particular classes of articles and not be turned loose, as he is in this item and as he is in other items—I am not criticising this one in particular; I am only using it for illustration—turned loose to absolutely do as he pleases. The effect of it, Mr. President, is this——

Mr. PERKINS rose.

Mr. BACON. The Senator from California will pardon me a moment, until I finish this particular thought. I see that he desires to interrupt me.

The effect of it is that the matter of expenditure, while it is nominally in Congress, is absolutely in the bureaus; and what the Senator has said about what will be found upon investigation as to the expenses of various kinds being incurred by any one particular bureau illustrates what I say.

I presume the other House proceeds very much as we do, and certainly there is no opportunity here for us to know anything about these items. The Secretary from the desk reads the headnote, omits perhaps a whole page following, and then says "$60,000." We do not even have the opportunity to look at it, much less to judge of it. The effect is this, that the bills are estimated for by the Departments, and I presume they are largely framed by the Departments, and we go through the form of appropriating without anybody on this floor knowing anything whatever about the matter. I challenge any Senator here to show to the contrary. He may think to the contrary; but let him attempt to show, if he can, the amount of expenditure for any one of these items, and the fact will be shown plainly that we legislate absolutely in the dark, simply upon the estimates of the bureaus, and leave the bureaus then to determine in what manner they shall make the expenditure. So far as appropriations are concerned we are rapidly becoming simply a bureaucracy.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. PERKINS. I simply wish to say to the Senator from Georgia, Mr. President, that the language of the bill is meant to cover all contingencies. There is nothing expended until a requisition has been duly made out, properly signed by the superior officer, and then passed through the pay department regularly up to the Auditor. Therefore, unless you give the officer this free range in accounts, so that he can certify to them, it will be impossible for us to meet these incidental expenses which we could not provide for by enumerating them.

My friend from Idaho [Mr. HEYBURN] has referred to the cows, and so forth, in the Navy. I want to say, in behalf of your committee, Mr. President, that there are many other things we might have included in this bill. For instance, there are the dog watches. [Laughter.] It is a wonder we have not provided for the dogs, for certainly we have two dog watches every day on every ship of the Navy.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. PERKINS. Yes.

Mr. HEYBURN. I take it for granted that it is not within the contemplation of this appropriation to provide for sea dogs. [Laughter.]

Mr. BACON. Mr. President, I want to say that the Senator from Louisiana desires me to ask the Senator from California, who is familiar with nautical matters, whether we have done away with the "cat o' nine tails?" [Laughter.]

Mr. PERKINS. We have dispensed with the "nine tails" now and are putting the "cat" on short rations. [Laughter.] We also have not provided in this bill for the "hatchway," a matter with which the Senator probably is familiar, as he has traveled across the ocean. There are many other contingent expenses which we have not enumerated.

But I want to say seriously to my friend from Georgia that if he will go down to the Auditor of the Navy Department he will find that every dollar of the appropriations provided for in this bill is properly expended according to the certificate of the commanding officer. Even in the engineers' department he will find that for the ball of waste, the can of oil, and everything else, a requisition is made and approved by the commanding officer. So it is with the stewards' department; so with the mates' department, the boatswains' department, and every other department of the Navy. If there is any other way which the Senator from Georgia or any other Senator can suggest whereby we can provide for all these expenditures for the Navy, I will thank him, as one member of the committee, if he will inform us.

Mr. WARREN. Mr. President, all pleasantries aside, of course we understand that a great deal of the business of the Navy Department is done on land, and I dare say they need the automobiles they ask for.

As to the appropriations under the head of "Contingent," I assume that the practice in the Navy has been the same as in the Army. The Quartermaster in the Army has a table which shows where every dollar has gone for every item of contingent expenses during the past fiscal year, and upon that showing estimates are made for the coming year. The distribution thus made is put in print, and is before the committee in the make-up of the bill. I assume that the Senator from Maine has seen such a list and examined it in connection with the consideration of this bill. But the bill does not subdivide sufficiently, and therefore yesterday I submitted the amendment which I did and which the Senator from Maine accepted. I shall hope to see a more minute subdivision in the next bill than in this, but there will always be necessity for some appropriation for contingent expenses, and that must be used in the judgment of some proper officer, the items for which can not be named beforehand.

Mr. BACON. I think that is undoubtedly true, Mr. President; but while that is true, it would be rendered very much safer and freer from abuse if there were a subdivision such as that to which the Senator refers, so as to leave articles properly to be embraced within the general contingent fund of less range than that they now have.

Mr. HALE. Mr. President, I shall not consume any more time of the Senate upon these matters. Individually, they are small, and the aggregate is in no case very great. In all the appropriations which go to swell the bill and make up its large

proportions the items are given in terms and in amount, so that "he who runs may read." As to the little items under head of "Contingent," there has always been a good deal of discussion, as I have said, and I presume there always will be.

While I am up, Mr. President, I want to call attention to some large matters in the bill. I see that complaint has been made, and a Senator brought me not long ago a copy of a well-known and important New York paper, announcing not only all kinds of war outside, but in the Senate, and also that the committee had not cared, by proper appropriations, for new construction authorized in the House bill and reported by the Senate committee. I wish to say right here that for beginning the work upon the battle ships, destroyers, and submarines no appropriation was made in the House, the attempt being made there and voted down upon the theory announced that no appropriation would be needed until the December session of Congress. When the bill was reported no estimate covering these conditions had come to the Senate committee, but since then estimates have come in calling attention to the fact that upon this new construction—the two battle ships, the submarines, and the destroyers—certain amounts of money could be expended, giving, in some cases, the total for the entire expenditure. In accordance with that late estimate I have prepared an amendment which I shall offer for the committee. I am almost sorry for this, because I want to keep this bill, as far as possible, within the limit of the money that we can afford to appropriate, considering the conditions of the revenue. The amendment, which I shall offer at the proper time, covering the submarine boats, destroyers, and battle ships, provision for which will be found upon pages 87 and 88, would increase the amount carried by the bill beyond any figures which I have given before, because I had not contemplated this necessity. It will add, if the Senate passes it and sends it to the House, $7,000,000 to the bill. So when the bill goes back to the House, on these items alone—to commence the work on the new structures—it will have been increased $7,000,000.

I state this now in order that Senators or newspaper men or anybody else may possess their souls in peace, because the committee is ready, when it sees the necessity for a thing, to report it to the Senate, and the Senate will have an opportunity either to vote on or off these amendments, and when they go to the House the bill will be very large. I said more than once that even with the limitations, even with the two battle ships and not the four, the bill is much larger than it ever has been before; and these amendments, on the basis of the report of the committee, will add $7,000,000 more in money to it.

Mr. BACON. Suppose we have four battle ships; I will ask the Senator how much the increase would be, necessarily?

Mr. HALE. That would add, not all for this year, but for the next year or two, about $22,000,000.

Mr. BACON. How much in this particular bill?

Mr. HALE. About $4,000,000.

Mr. BACON. I understood the Senator to say $7,000,000 for the two.

Mr. HALE. That includes the destroyers. It is about five millions for the battle ships.

Mr. WARREN. What does the Senator include in that statement?

Mr. HALE. I have included machinery, material, armor, armament, and equipment.

Mr. WARREN. As a matter of fact, the $7,000,000 is really to carry out what the House has legislated for and failed to provide the money to carry out?

Mr. HALE. I do not think it can all be expended between now and December. I think there was some ground for the attitude taken by the House, that there would not be much needed before December. But still if it is not expended before December, it will go right on, instead of being part of the appropriations which we will have to make afterwards to complete these structures.

Mr. WARREN. I am assuming that the fact as to the naval bill is very much as the fact in respect to the Army bill, where the House provided for raising the pay of the entire enlisted force, amounting to some $6,000,000 or more, but did not appropriate a dollar with which to pay it. I assume this is very much the same.

Mr. HALE. The House, I think, had rather more reason for its action. It is not for me to criticise. It was not a matter of inadvertence. It was brought up, and the Representative in charge, selected to manage that side of the affair in the House, moved these appropriations, and they were rejected.

Mr. WARREN. In that case, then, it differs from that of the Army bill?

Mr. HALE. Yes.

Mr. WARREN. Because, in that case, the amendment never was offered even by the committee to the Army bill.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Naval Affairs was, on page 51, after line 13, to insert:

The nurse corps (female) of the United States Navy is hereby established, and shall consist of one superintendent, to be appointed by the Secretary of the Navy, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, and of as many chief nurses, nurses, and reserve nurses as may be needed: *Provided*, That all nurses in the nurse corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of the Navy, and that they shall be graduates of hospital training schools having a course of instruction not less than two years. The appointment of superintendent, chief nurses, nurses, and reserve nurses shall be subject to an examination as to their professional, moral, mental, and physical fitness, and that they shall be eligible for duty at naval hospitals and on board of hospital and ambulance ships and for such special duty as may be deemed necessary by the Surgeon-General of the Navy. Reserve nurses may be assigned to active duty when the necessities of the service demand, and when on such duty shall receive the pay and allowances of nurses: *Provided*, That they shall receive no compensation except when on active duty. The superintendent, chief nurses, and nurses shall respectively receive the same pay, allowances, emoluments, and privileges as are now or may hereafter be provided by or in pursuance of law for the nurse corps (female) of the Army.

The amendment was agreed to.

The reading was continued to the end of line 18, on page 53.

Mr. BACON. I do not see the Senator from Maine in his seat.

Mr. BEVERIDGE. He has just stepped out for a moment. He will be right back.

Mr. BACON. I do not know whether any other member of the committee can answer the question I wish to ask, but I presume so. It is whether this amount is the amount for the subhead "Bureau of Supplies and Accounts" or whether it includes preceding amounts? On page 53 the Clerk has just read, summing up:

In all, $6,931,153.75.

Mr. PERKINS. If the Senator desires, I will read from the Book of Estimates, which I have before me, how that total is made up.

Mr. BACON. No; the Senator misunderstands me. I simply want the information whether that large item of $6,931,000——

Mr. PERKINS. This is confined to the Bureau of Supplies and Accounts—that is, the paymaster of the Navy.

Mr. BACON. It includes the pay?

Mr. PERKINS. That is as it came from the House.

Mr. WARREN. What the Senator from Georgia refers to is the item for the Bureau of Supplies and Accounts, and whether the total contained in the last part of the paragraph includes any item above the subhead on the preceding page.

Mr. BACON. That is what I want to find out—whether the $6,931,000 is simply the appropriation for the Bureau of Supplies and Accounts or whether it includes prior subdivisions which have been passed over. Is it confined exclusively to the Bureau of Supplies and Accounts?

Mr. LODGE. I will say to the Senator that it covers all the rations of the Navy—all the provisions for food.

Mr. BACON. I understand. I simply wish to know whether, under the heading "Bureau of Supplies and Accounts," there were contained the items for which the appropriation of $6,931,000 is made.

Mr. LODGE. Yes; and nothing else.

Mr. BACON. Or whether that amount includes any items prior thereto?

Mr. LODGE. No.

Mr. BACON. It includes simply that.

The reading of the bill was resumed and continued to the end of line 21, on page 58, the last paragraph read being as follows:

In all, civil establishment, Bureau of Supplies and Accounts, $103,978.34.

Mr. BACON. The Senator from Maine will pardon me for a moment. I ask simply for information. We have just passed an item for the Bureau of Supplies and Accounts, six million nine hundred and thirty-one and odd dollars. Then the next item, the one last read by the Clerk, is "Contingent, Bureau of Supplies and Accounts." I desire the Senator to explain to us the difference between the "Bureau of Supplies and Accounts" and "Contingent, Bureau of Supplies and Accounts."

This last item adds over a hundred thousand dollars to it. I simply desire to know what is the difference between the two. In what does the difference consist, and why do they have to be separated?

Mr. HALE. Because the first paragraph consists of the larger expenses and items in the Bureau appropriated for by Congress. The contingent is just such an appropriation as we had up about the contingent for the Bureau of Medicine and Surgery. It is made up of small items. It is contingent upon the operation, and we have always kept them distinct and apart. There is this limitation, in that as to each of these items the amount is fixed so that they can expend only so much. If we put them all into one, then they could expend the whole of it or any part of it, and we divide as much as we can.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Construction and Repair," on page 60, line 8, before the word "thousand," to strike out "eighty-three" and insert "fifty-three;" in line 15, after the word "dollars," to insert "the Maine, $562,500;" in line 23, before the word "thousand," to strike out "twenty-five" and insert "fifty-five;" and in line 24, before the word "thousand," to strike out "twenty-five" and insert "fifty-five," so as to read:

And the Secretary of the Navy is hereby authorized from the foregoing appropriation to make expenditures for repairs and changes on the vessels herein named in an amount not to exceed the sum specified for each vessel, respectively, as follows: The Brooklyn, $453,500; the San Francisco, $600,250; the Baltimore, $653,300; the Alabama, $667,500; the Illinois, $667,500; the Iowa, $557,500; the Kearsarge, $673,500; the Kentucky, $673,500; the Maine, $562,500; the Adder, $46,500; the Bennington, $195,750; the Grampus, $57,500; the Moccasin, $46,500; the Pike, $57,500; the Paul Jones, $77,000; the Nicholson, $55,000; the O'Brien, $55,000.

Mr. HALE. The committee have several amendments to the amendment made necessary by the new estimates the Department has sent in. I will send them to the desk.

The VICE-PRESIDENT. The Senator from Maine proposes amendments to the amendment which will be stated.

The SECRETARY. On page 60, line 1, strike out "from the foregoing appropriation;" in line 2, after the word "expenditures," to insert "from the appropriate fund under the various bureaus."

The amendment to the amendment was agreed to.

The SECRETARY. On page 60, lines 15 and 16, strike out the words "five hundred and sixty-two" and insert "six hundred and fifty-seven," so as to read "the Maine, $657,500."

The amendment to the amendment was agreed to.

The SECRETARY. On page 60, line 24, strike out the word "twenty-four" where it appears before the word "thousand" and insert "nineteen."

The amendment to the amendment was agreed to.

The SECRETARY. On page 61, line 1, strike out the words "five million five hundred and sixty-three thousand three hundred dollars and eighty-eight cents" and insert "six million two hundred and forty-five thousand eight hundred dollars."

The amendment to the amendment was agreed to.

The SECRETARY. On page 61, at the end of line 4, insert——

Mr. CLAY. With the permission of the Senator from Maine, I wish to call his attention to the provisions of the bill on page 60, before we leave it. I hold in my hand a copy of a provision that we inserted in the last naval appropriation act. The naval appropriation act approved March 2, 1907, provides as follows under the caption "Bureau of Construction and Repair," subhead "Construction and repair of vessels:"

* * * *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home: *And provided further*, That the Secretary of the Navy shall hereafter report to Congress at the commencement of each regular session the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than $200,000, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in details are provided for by Congress. * * *

In pursuance of that law, the Navy Department has made a report to Congress setting forth the repairs that ought to be made on each vessel, naming the vessel, and the cost of repairing it. I have that report here. It says:

Pursuant to the foregoing, I have the honor to report that the following vessels will probably require general overhauling to the extent of $200,000 or more—

Naming them.

Then follows a letter from W. L. Capps, Chief Constructor, United States Navy, Chief of Bureau, in which he says:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., January 11, 1908.

SIR: 1. Referring to the provision of the naval appropriation act for the fiscal year 1908 that the Secretary of the Navy shall report to Congress the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than $200,000, the extent of such proposed repairs and changes, and the amounts estimated to be needed for same on each vessel, the Bureau has the honor to state that the following vessels will probably require general overhauling during the fiscal year ending June 30, 1909. In each case a brief statement of the character of the work involved and the estimated total expenditure under this Bureau only is given:

Brooklyn.—General overhauling; rearrangement of magazines and ammunition hoists in connection with the fitting of new intermediate battery; fitting fire-control system; modernization of turrets in accordance with present requirements. Estimated cost, $275,000.

The pending bill, for the same item, on page 60, carries $453,500, instead of $275,000 estimated by the Navy Department.

Now, take the next ship, the *San Francisco*.

San Francisco.—General overhauling; necessary work for converting into a ship for laying mines; work in connection with installation of new boilers; miscellaneous improvements of moderate cost. Estimated cost, $200,000.

This bill carries for that identical ship $600,250, more than $400,000 more than the estimate made by the Navy Department.

Again, with the Senator's permission, take the *Baltimore*.

Baltimore.—General overhauling; necessary work for converting into a ship for laying mines; work in connection with installation of new boilers; miscellaneous improvements of moderate cost. Estimated cost, $200,000.

The item in this bill is $653,300.

Take the *Alabama*. The report of the Navy Department says:

Alabama.—General overhauling; work in connection with changes in battery and magazines to bring them into accord with the present practice; installation of ammunition hoists and other turret fittings in accordance with present requirements; miscellaneous alterations and improvements of moderate cost. This vessel was originally commissioned October 16, 1900, and has been continuously in commission since that date, without any general overhauling. The vessel is now provided with a modern fire-control system. Estimated cost, $350,000.

The appropriation in the bill to repair the ship *Alabama* is $667,500.

Take the *Illinois*. The estimate for repairing the *Illinois* made by the Navy Department was $350,000, and this bill carries $667,500 for repairing that ship.

Take the *Iowa*. The general estimate made for repairing that ship by the Navy Department January last was $350,000, and the pending bill carries for the *Iowa* $557,500.

Now, take the next ship, the *Kentucky*. The estimate made by the Navy Department for repairing this ship January last was $350,000, and the bill carries $673,500.

There are some other vessels for which smaller amounts are estimated. I go to the next page of the House document which I have before me and in the estimates made I find that for the *Adder* the estimate was $24,500, and the bill carries $46,500; for repairing the *Bennington* the estimate was $75,000, and the bill carries $195,750. There is another ship—the *Grampus*. The estimate was $33,500, and the bill carries $57,500. For the *Pike* the estimate was $33,500, and the bill carries $57,500.

I wish to call the attention of the Senator from Maine to the fact that these are House items, but in the last appropriation act we required the Secretary of the Navy to make careful estimates of the amounts that would be necessary to repair each ship, naming each ship, and the cost of the repairs, and in January last, less than three months ago, the Navy Department sent to the House estimates as to how much it would cost to repair each of these ships, and the amounts in this bill, in most instances, are even treble the amount of the estimate made by the Navy Department.

I am unable to see how there has ever passed the House an appropriation of $650,000 for repairing a ship when the Navy Department in January last insisted that only $200,000 was necessary to make the repairs. These are not Senate items; they are House items. Here is one ship that has been in commission only four years, and we are asked in this instance to give $650,000 to repair it.

There is another item here of $562,500 in regard to the *Maine*. I do not remember when the new *Maine* was built and commissioned, but it has been only a very few years since the old *Maine* was destroyed, and I am unable to understand how a ship commissioned two or three years ago can cost at this time more than half a million dollars for repairs. All these items are on pages 60 and 61 of the bill, and the House document which I hold in my hand goes into details, showing how the repairs ought to be made, and they even say that they make a liberal estimate in regard to the cost of these changes and repairs.

The Senator from Maine may be in possession of other information since this report was made in January which will show that these ships must be changed to meet new conditions, but at least the Senate ought to be put in possession of that information. The Senator will find all these items in House Document No. 656 of the Sixtieth Congress. Undoubtedly he is perfectly familiar with it.

Mr. HALE. Mr. President, if I had been asked to give the reason for the appropriations on this page I should have had read the statute that the Senator from Georgia has most opportunely presented and read to the Senate. The statute which the Senator from Georgia has cited was a most important act, a much-needed act. The necessity for it is illustrated by the natural wonder of the Senator that a big ship costing millions and millions of dollars should so soon after she is completed need such heavy repairs.

That is one of the infirmities of the big battle ships. They begin to repair them almost as soon as they are set afloat. A battle ship is being constantly repaired and almost rebuilt, and at the end of ten years, when her repairs will perhaps have amounted to half as much as the original cost of the ship, it is discovered that she is obsolete.

Now, Mr. President, these conditions can not be helped. We have started upon the establishment and maintenance of a great navy. As Sir William White, a most competent authority, for years formerly at the head of the British Admiralty, and who lately visited this country, and whom I had the pleasure of seeing and talking with on naval matters, said:

> You have, all things considered, the best fleet in the world; it is not as large as that of Great Britain, but next to it. You have what we have not got, because while we spent hundreds of millions of dollars upon ships that soon became obsolete, you waited and did not begin the construction of these big ships until some ten or twelve years ago. Those that you have are the best of their kind, corresponding with ships that were built at the same time. But you will find, just as we have found, that the expense of a navy begins only when you have built the ship.

That is the fundamental condition which accounts for the statute the Senator has read and the appropriations which cover this page of the bill. We found that unless by law we directed the Department to estimate specifically and Congress to appropriate specifically, not only would the Department urge upon us enormous programmes for new ships, but it would go on and reconstruct old ships without the knowledge of Congress as to the extent of that work.

Based upon the belief (perhaps it is heresy to-day) that Congress had something to do with the building of a navy, and with the appropriations that it should make, and with the expenditures that it should authorize, upon the theory that Congress has authority in such matters and may exercise its own discretion, Congress ventured to pass the act, which held the Department in check so that we might know and might appropriate for whatever was required, not only in building new ships, but in reconstructing old ones.

So it fell out that the Secretary for the first time was confronted very much as a householder is with the question of repairs. The householder sends for an architect, who makes his estimate, and it is never half as much as it is when the bills come in. When the original calculation was made, I am told from the House that nearly every one was inadequate. New estimates, additional estimates, kept coming in afterwards before the House.

Mr. CLAY. With the Senator's permission, on that hangs a very difficult point. Do I understand the Senator to say that since the Navy Department, January 11 last, recommended that $220,000 be appropriated for the purpose of repairing the *San Francisco* the Department has recommended that the appropriation be increased to $600,000?

Mr. HALE. Yes; I understand just that, and it is a thing that we meet every day. The first estimates that come in are sometimes not half what is needed.

Mr. CLAY. I will say to the Senator——

Mr. HALE. Let me give the Senator an instance.

Mr. CLAY. Certainly.

Mr. HALE. There was one ship that was left out in the original list. For some reason or other it did not get in it at all.

Mr. CLAY. That was the *Maine*, I reckon.

Mr. HALE. It was the *Maine*. When the Senate was confronted with the question what it should appropriate for that ship, it said to the Department that it wanted the estimate to cover everything up to the present date and not a part of it. So when we got the estimate of the *Maine* from the Department, instead of its being as the others, when they were sent in, $200,000 or $300,000, we got everything in, and it came to us complete, at almost $600,000. We put it in because we had all the estimates, instead of coming in from time to time; for after the time when the first calculations are made, as will always happen, additional information comes in. I will say to the Senator I am by no means certain that before another year, when this work is undertaken, as everything is very expensive, we may be called upon for an additional amount in the case of every one of the vessels which are here fully provided for.

The Senator does not appreciate, and I do not wonder that he does not, first, the enormous expense always attendant upon these ships, and, then, the impossibility of being able to make a calculation of what the repairs will amount to. It can not be done exactly any more than in the case of a householder. The estimates keep coming in all the time.

That is all I can say about this matter. I am afraid even this large amount will not be all that we will be called upon for. To repair and to rebuild is one of the necessities which comes from a great naval establishment; but it is on our hands, and we have to pay the bills.

Mr. CLAY. Mr. President, I want to say just a word further. Of course I appreciate all that the Senator from Maine has said, but I must confess, if the Navy Department recommended $200,000 to repair the *Brooklyn* January 11, 1908, and in less than three months afterwards placed that estimate at $453,000, I do not see how Congress can be guided by the recommendations of the Navy Department.

If the Navy Department January 11, 1908, recommended $350,000 for the repair of the *Alabama*, and the *Alabama* is now with our fleet and has not been here since that time, and since that date the Navy Department has recommended $667,500 for the repair of that ship, it is indeed a very serious condition of affairs. If the Navy Department recommended for the repair of all these ships $1,600,000 in January last, and now recommends nearly $6,000,000 for the repair of the same ships, I must confess as a Senator I am unwilling to be guided by the recommendations of the Navy Department.

Where are we standing? We appropriate $100,000,000 every year for the purpose of maintaining our Navy, and we rely upon the information that we receive from the Department to guide us in the expenditures of the public money. If in three months there is a change from a million and a half to $5,000,000 for the purpose of repairing these ships, how can we trust the Navy Department?

Mr. President, this is the first time to my knowledge since I have been a member of the Senate that we have more than trebled the estimates made by any Department. I believe we ought to take this page and we ought to revise it notwithstanding it comes from the House, and fix it in accordance with the estimates made by the Navy Department.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. CLAY. Certainly.

Mr. PERKINS. The first estimate, as your committee understands it, came from the Bureau of Construction and Repair. Subsequent events developed that the Bureau of Engineering had not made any estimate. The life of a boiler is about eight years. We found that new boilers were needed, I think, on the *Maine* and one or two other ships the names of which have escaped my mind.

Mr. HALE. And there is also the Bureau of Equipment.

Mr. PERKINS. Also there was an estimate made by the Bureau of Equipment. The estimate made by the Bureau of Construction and Repair is correct, and subsequently there was added the estimate of the Engineering Bureau and also the estimate of the Bureau of Equipment.

Mr. CLAY. The report which I read, I will say to the Senator from California, placed the total cost of repairs of the ship I just mentioned at $350,000.

Mr. PERKINS. That is the hull of the ship.

Mr. CLAY. They placed the total cost of repairs on that ship at $350,000. Here is another thing which I have just read. They say here:

> 5. Attention is especially invited to the fact that the above-noted estimates do not require additional appropriations over and above those already covered in the estimates submitted with the Bureau's letter, No. 945–A 121, of September 24, 1907. The estimates already submitted are sufficient to cover such work on the above-noted vessels as can be undertaken during the fiscal year ending June 30, 1909, and the accompanying statement of probable expenditures is submitted in compliance with the specific requirement contained in the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Mr. PERKINS. What name is signed to that report?

Mr. CLAY. It is from the Secretary of the Navy.

Mr. PERKINS. It is a report to the Secretary of the Navy from the chief of one of the bureaus.

Mr. CLAY. Suppose it is from one of the chiefs of bureau through the Secretary of the Navy.

Mr. PERKINS. It relates only to his Bureau.

Mr. CLAY. Will the Senator from California furnish to the Senate an itemized statement from the Navy Department showing why these estimates on the various ships have grown from $200,000 to $450,000? We have the estimates made January 11 last, and if any estimates have been made during the last month or six weeks other than these estimates let us know

what they are. Let us know all the items. If after our ships have been commissioned and on the waters three or four years it requires $600,000 to repair one of them, I want to understand why it is.

Mr. President, I am in favor of an efficient navy. An efficient and a strong navy is more important to defend this country than an army. If we are ever attacked at all, it will be from across the waters, and I am not uneasy about it in any way. I am not expecting any war to take place in this country in the next five or six years. I have no patience with such talk.

If we govern properly and treat fairly and justly all the nations of the earth and keep up that high standard of civilization which it is our privilege to enjoy, we will in all probability not engage in war with any of the nations of the earth.

Mr. PERKINS. Mr. President——

Mr. CLAY. With the Senator's permission, just a word. The civilized nations of the world to-day are preparing to settle their disputes outside of battle. We are gradually gaining ground in favor of the arbitration of all disputes. We are a Christian people, highly educated, that love truth, justice, and right, and there is no probability of this nation being engaged in a war with other countries. I believe that all this war talk that we hear is without the slightest foundation. There is nothing in it; at least I hope there is not.

Mr. PERKINS. Mr. President——

Mr. CLAY. I do not want to discuss war.

Mr. BEVERIDGE. Will the Senator yield to me?

Mr. CLAY. Certainly; but I will yield to the Senator from California first.

Mr. PERKINS. I agree with the Senator from Georgia on the war basis. What I want to do is to answer his criticism on repairs. The life of a ship in the mercantile service and in the Navy is equally the same. It is twenty years. In other words, every prudent merchant shipowner writes off 5 per cent every year of a ship by depreciation in value, and, besides, he has to spend 5 per cent more to keep up the ship to that standard. Now, take a ship costing $4,000,000. Five per cent on that is $200,000. That is the result, and it fully explains the great cost which my friend from Georgia is criticising.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. CLAY. With pleasure.

Mr. BEVERIDGE. I merely want to ask the Senator a question. I listened to his very eloquent remarks a moment ago. Did this country treat Great Britain justly in 1810–1812?

Mr. CLAY. I think so.

Mr. BEVERIDGE. And yet we got into a war there. Did we treat Spain justly and act in the interest of humanity in 1898?

Mr. CLAY. I think so.

Mr. BEVERIDGE. And yet we got into a war there.

Mr. CLAY. We did.

Mr. BEVERIDGE. These are two illustrations, and I will ask another. Did we treat Mexico justly in 1846?

Mr. CLAY. I think so.

Mr. BEVERIDGE. Yet we got into a war there.

Mr. CLAY. I am always on the side of my own country. The Senator has mentioned three wars, and this country is more than 125 years old. I do not want to discuss war now. I want to discuss these items, because they are on my mind. I have not yet been able to understand why these items were inserted in the House.

Mr. BEVERIDGE. Just one moment to correct what I know the Senator does not want to go into the RECORD. He said I had mentioned three wars 125 years old. The Spanish war is hardly 125 years old.

Mr. CLAY. No; I did not. I said this country is more than 125 years old.

Mr. BEVERIDGE. Of course; I do not dispute that.

Mr. CLAY. I presume I know that the Spanish war is not 125 years old.

Now, Mr. President, the Senator from Maine in charge of the pending bill has always been able to explain the various items in a bill. I have served on committees with him. He is a very industrious Senator, and so is the Senator from California. I am convinced from the speech the Senator from Maine made that he himself is not satisfied with these items. In fact, if the Senator explained the items satisfactorily, I must confess that I could not understand it. He is always clear and forcible.

Mr. HALE. I can simply repeat that these items did not all come in at once. I do not know the items that they cover. I have not gone over all those, but the first estimates were only the general repairs under one bureau. Afterwards other bureaus were found to require almost as much—the Steam Engineering Bureau and the Equipment Bureau—so that when the Senate committee tackled the bill I had put on a provision the House did not put on before they passed it to the Senate. All the funds were left to come out of the funds of the Bureau of Construction and Repair. The House left the bill in that way.

When it was found that the original estimates were so largely increased by the other bureaus, some being as much as the estimate of the Bureau of Construction and Repair itself, making this great aggregate, the House neglected to provide that the money should be taken out of the funds of these other bureaus. It would not have been right for the Bureau of Construction and Repair to pay all these bills. That was an element of wrong in the appropriation which we had to correct here. That is why I can not explain the details. The Senator says he thinks I am dissatisfied. I wish these items were not so large. But I do not know the items; I do not pretend to know; only I know why it was that the document which the Senator reads from does not measure the necessity of the entire appropriation. The reason is that other estimates came in afterwards.

Mr. CLAY. I wish to say this to the Senator——

Mr. CARTER and Mr. ELKINS addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. CLAY. I will yield to the Senator from West Virginia and then I will yield to the Senator from Montana.

The VICE-PRESIDENT. The Chair recognized the Senator from Montana. Does the Senator from Georgia yield to that Senator?

Mr. CLAY. I yield to the Senator from Montana.

Mr. CARTER. I rise merely to ask the Senator from Georgia a question.

I understand the Senator to take exception, for instance, to the appropriation, on page 60, of $453,000 for the *Brooklyn*, based upon an estimate made in January, and to inquire why it is that since January the item should have so materially increased in amount. I find in the document here from which the Senator reads that the items when added together make the exact amount of the appropriation as outlined in the document to which the Senator refers, which was printed February 12. On page 3 the Senator will observe that the appropriation for the *Brooklyn*, general overhauling, and so forth, is estimated at $275,000. By reference to page 5 the Senator will observe that the Bureau of Ordnance fixed the estimates at $53,500 for that Bureau work.

On page 7 the estimate of the Bureau of Equipment for the *Brooklyn* amounts to $75,000. On page 8 of the document I find the estimate of the Bureau of Steam Engineering for the *Brooklyn*, $50,000. All these are for the *Brooklyn*. These items, to wit, $275,000 first referred to, $53,500 referred to in another subdivision, $75,000 for equipment, and $50,000 for steam fitting, make, in the aggregate, the $453,500 mentioned in the bill.

Mr. HALE. All that is in the document?

Mr. CARTER. Entirely in the document.

Mr. HALE. I am very glad the Senator has found it.

Mr. CARTER. All the items are here, but the estimates seem to have been made by the different bureaus covering the particular class of construction coming within their province. The first is the Bureau of Construction, $275,000.

Mr. HALE. That is the original estimate for general overhauling, which caught the eye of the Senator from Georgia.

Mr. CARTER. Manifestly the Senator from Georgia believed that that was the amount of repairs required in January. The amount of repairs in January to be performed in that Bureau is identical with the amount for repairs in that Bureau to-day; but the other bureaus make other estimates, and the aggregate of all the estimates appears on page 60 of the bill as an item of $453,000, the sum of all the items.

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. CLAY. Certainly; with pleasure.

Mr. ELKINS. I am much interested in the large amounts spoken of by the Senator from Georgia. As I understood him, he said the estimates for some of the ships were made in January and that since January the estimates have been increased enormously. What I want to ask is how they make the estimates? The ships in the fleet are now going around the world, and how can the Department make an estimate for their repair?

Mr. CLAY. I want to call the Senator's attention, in reply to that question, to page 4, paragraph 4, of this report, which says:

4. The *Brooklyn* and *Iowa* are not now in active service, but are in reserve. General surveys have been held, but the detailed estimates under the survey have not yet been received.

Still they say how much it will take to repair those ships—

The *Alabama, Illinois, Kearsarge,* and *Kentucky* are still in commission and are with the fleet. They can not be surveyed until they are available for the purpose. The estimates for these last-named vessels are therefore approximate and are based on previous experience in the overhauling of similar vessels.

Mr. ELKINS. Does the bill carry an appropriation for the repair of these ships?

Mr. CLAY. Certainly it carries an appropriation for these identical ships I have named.

Mr. ELKINS. I desire to ask the Senator from Georgia another question.

Mr. CLAY. Very well.

Mr. ELKINS. How are we going to make repairs on these great battle ships of the fleet while they are going around the world?

Mr. CLAY. They say they have not been surveyed; that the estimates have not been made. They have since approximately guessed at it on the ground that it usually costs so much to repair ships of that kind.

Mr. ELKINS. Mr. President, I should like to inquire, if the fleet is going around the world and it will take another year, as I understand, before it can return and these ships be surveyed, why make appropriations to repair them now?

Mr. CLAY. I think the Senator's inquiry is very pertinent. These ships can not be repaired until they come back here, especially if such an amount of money is to be spent on them.

Mr. CARTER. Why not, if they need repairs?

Mr. CLAY. They can repair them even on the water to some extent. They can make the necessary repairs to keep them going; but I should not think that we would spend half a million dollars in repairing a ship while it was on the ocean. I am not certain about that, but I should not think so. Common sense would indicate that I am correct, though I may be incorrect.

Mr. ELKINS. Mr. President, we might be able to reduce these estimates somewhat if the repairs could be deferred until the return of the fleet, which will be more than a year hence. I can not understand how you can put $600,000 on a ship while it is going around the world. You might put some ordinary repairs on it.

Mr. CLAY. I can not understand that myself.

Mr. ELKINS. I want information as to that.

Mr. CLAY. I think the Senator is correct.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. CLAY. I do.

Mr. PERKINS. Mr. President, I want to say to my friend from Georgia [Mr. CLAY], bearing out a statement which I previously made, that he was reading only the estimates furnished by the Bureau of Construction and Repair and the Bureau of Equipment. Take the case of the *San Francisco,* for instance, which the Senator criticised in his forcible manner and very intelligently. The Bureau of Equipment, as to the *San Francisco,* says:

San Francisco and *Baltimore.*—Refitting and equipping as mine-laying vessels, including general overhauling of equipment installation, and changes necessary to make the vessels efficient, including work incidental to that under other bureaus, $50,000 each, $100,000.

Now we come down to the Bureau of Engineering, and as to this same vessel, the *San Francisco,* it estimates:

San Francisco.—General overhauling of machinery, necessary work for conversion of ship into a mine layer, installation of new boilers, and general repairs, $200,000.

Adding those two amounts to the amount which the Senator read makes the sum total which is contained in the bill. The same thing holds good as to the other ships about which the Senator has read from the House document.

Mr. CLAY. With the permission of the Senator from Maine [Mr. HALE], I desire to examine most critically this entire document and the supplemental reports that have been filed. I will do so between now and morning. I hope the Senator does not expect to have this bill passed this evening.

Mr. HALE. I plainly perceive that we shall not be able to pass the bill to-night.

Mr. CLAY. I want to examine the supplemental reports and to examine this entire document, so as to see exactly what has been reported, and to go over the items. I will do that between now and morning. Can the Senator from Maine tell me where I can get the supplemental report? I presume I can obtain it from his committee.

Mr. HALE. The documents the Senator desires are House Document No. 656—I presume that is the one the Senator has—and Senate Document No. 414. The latter document relates only to the *Maine.*

Mr. CLAY. Will the Senator tell the Senate when the *Maine* was commissioned?

Mr. HALE. I do not remember.

Mr. CLAY. It has not been long, surely.

Mr. HALE. It was some time ago.

Mr. CLAY. Some three or four years ago?

Mr. HALE. Not more than that. I should think hardly so long as that—the new *Maine.*

Mr. CLAY. I mean the new *Maine.* That item, as I believe, is for five or six hundred thousand dollars.

Mr. HALE. Five hundred and sixty-odd thousand dollars.

I now offer an amendment to the amendment, which I send to the desk.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 61, line 4, after the word "Congress," it is proposed to insert "and letters of the Secretary of the Navy of April 20, 1908, concerning general repairs to the Maine."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of line 3, on page 65.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 65, at the end of line 3, it is proposed to strike out the period and insert a comma, and to insert the following proviso:

Provided, That so much of the foregoing appropriation of the current appropriation for steam machinery as may be necessary may be used to complete the machinery of the seagoing tugs Patapsco and Patuxent, now building at the navy-yards at Portsmouth, N. H., and Norfolk, Va.

The amendment was agreed to.

The reading of the bill was resumed, and continued to the bottom of page 68.

Mr. HALE. I offer the amendments which I send to the desk.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. On page 69, line 3, after the word "thousand," it is proposed to insert "six hundred," so as to read:

Pay of professors and others, Naval Academy: One professor of physics, $3,600.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 6, before the word "thousand," to strike out "two" and insert "three;" and in the same line, before the word "dollars," to strike out "five hundred," so as to read:

One professor of mathematics, one of mechanical drawing, one of English, one of French, and one of Spanish, at $3,000 each.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 8, before the word "hundred," to strike out "two" and insert "six;" and in the same line, before the word "dollars," to insert "and forty," so as to read:

Three professors, namely, one of English, one of French, and one of Spanish, at $2,640 each.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 10, after the word "thousand," to insert "four hundred," so as to read:

Five instructors, at $2,400 each.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 11, before the words "thousand," to strike out "one" and insert "two;" in the same line, after the words "thousand," to strike out "eight" and insert "one," and, in the same line, before the word "dollars," to insert "and sixty," so as to read:

Four instructors, at $2,160 each.

The amendment was agreed to.

The Secretary read the next amendment submitted by Mr. HALE, which was, on page 69, line 13, before the word "hundred," to strike out "five" and insert "eight," so as to read:

Ten instructors, at $1,800 each.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 24, on page 71.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 71, line 23, before the word "thousand," it is proposed to strike out "thirty-four" and insert

"forty-five," and, in the same line, after the word "thousand," to strike out "six" and insert "one," so as to read:

In all, $145,108.26.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Naval Academy," on page 71, after line 24, to insert:

The Secretary of the Treasury is hereby authorized and directed to close and balance as expended the sum of $24,500 now standing on the books of the Treasury under the appropriation "Pay of the Navy," which was advanced by direction of the Secretary of the Navy in 1867 and 1868, and has heretofore been used as a midshipmen's store fund at the Naval Academy: *Provided*, That hereafter the storekeeper at the Naval Academy, authorized by section 1527 of the Revised Statutes, shall render quarterly returns of property to the Chief of the Bureau of Supplies and Accounts, under such regulations as the Secretary of the Navy may prescribe. A full report shall be made annually of receipts and expenditures by the Chief of the Bureau of Supplies and Accounts to the Secretary of the Navy: *And provided further*, That an inspection of the storekeeper's accounts shall be made quarterly by the general inspector of the Pay Corps, with such recommendation as he may deem necessary to the Chief of the Bureau of Supplies and Accounts.

Mr. BACON. Mr. President, I will ask the Senator from Maine if he will explain the first part of that amendment? I have no doubt it is all right, but it is not clothed in language which enables us to understand what it is. I refer to that part relating to the unexpended sum of $24,500.

Mr. HALE. I would say, generally, the amendment speaks for itself. It is to provide for a better and a more correct accounting from time to time for this fund and for regular reports to be made.

Mr. BACON. I am not referring to that part of it. The amendment refers to the money advanced by the Secretary of the Navy in 1867 and 1868. I supposed that was the fund set apart for the purposes enumerated in the balance of the section, but I was not sure, and for that reason I asked the Senator to explain it.

Mr. HALE. I am going to have read a letter from the Department. The amendment covers the—

Sum of $24,500 now standing on the books of the Treasury under the appropriation "Pay of the Navy," which was advanced by direction of the Secretary of the Navy in 1867 and 1868, and has heretofore been used as a midshipmen's store fund at the Naval Academy.

The fund has been used generally without being accounted for, and the amendment provides for the accounting; but if the Senator desires I will have the letter read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, April 14, 1908.

SIR: 1. Section 4 of the act of March 2, 1867 (14 Statutes, 516), now section 1527 of the Revised Statutes of the United States, provides that the storekeeper at the Naval Academy shall be detailed from the Paymaster Corps, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the midshipmen and cadet engineers in the same manner that supplies are now furnished to the Navy. Prior to the passage of this law a civilian storekeeper provided for the needs of the midshipmen under an arrangement between himself and the officials of the Academy.

2. To give effect to the law above quoted the Chief of the Bureau of Provisions and Clothing, by direction of the Secretary of the Navy, issued instructions to the Superintendent of the Naval Academy, under date of April 18, 1867, directing the paymaster in charge to require $50,000 under head of "Pay of the Navy" as a fund, to be in addition to whatever sum may be paid by the paymaster in charge to the naval storekeeper for his stores, and informing him that should a sum greater than $5,000 be found necessary hereafter it may be increased on application to the Bureau.

3. Under this authority the sum of $24,500 was advanced out of the appropriation "Pay of the Navy, 1867," to Paymaster Gilbert E. Thornton, United States Navy, who had been designated as storekeeper.

4. The Comptroller of the Treasury, under date of October 1, 1887, held that this fund has been used in a manner not authorized by law since 1867 and suggested that Congress be asked to transfer the amount from "Pay of the Navy" to a fund to be designated as a fund for the support of the Naval Academy for the purpose of providing clothing and other necessaries for the use of naval cadets. Since that date the matter has several times been brought to the attention of the Department and to Congress, and, although some years ago a bill was introduced by Senator HALE to legalize the matter as suggested by the Comptroller, no legislative action has yet been taken.

5. The matter has again been brought to the attention of the Comptroller, who holds that, unless the fund now used for the midshipmen's store at the Naval Academy be set aside for that purpose by the authority of Congress, the original amount advanced must be turned into the Treasury to be credited to the appropriation "Pay of the Navy, 1867," and the profits, now amounting to over $30,000, be turned into the Treasury under the head of "Miscellaneous receipts." This action would greatly embarrass the authorities at the Naval Academy, and it is therefore urgently recommended that the following provision be inserted in the naval appropriation bill now under consideration:

"The Secretary of the Treasury is hereby authorized and directed to close and balance as expended the sum of $24,500 now standing on the books of the Treasury under the appropriation 'Pay of the Navy,' which was advanced by direction of the Secretary of the Navy in 1867 and 1868 and has heretofore been used as a midshipmen's store fund at the Naval Academy: *Provided*, That hereafter the storekeeper at the Naval Academy, authorized by section 1527 of the Revised Statutes, shall render quarterly returns of property to the Chief of Bureau of Supplies and Accounts, under such regulations as the Secretary of the Navy may prescribe. A full report shall be made annually of receipts and expenditures by the Chief of the Bureau of Supplies and Accounts to the Secretary of the Navy: *And provided further*, That an inspection of the storekeeper's accounts shall be made quarterly by the general inspector of the Pay Corps, with such recommendation as he may deem necessary, to the Chief of the Bureau of Supplies and Accounts."

6. This provision, if enacted into law, would involve no appropriation, but would merely authorize the continuance of a practice of forty years, which has added greatly to the efficiency of the Academy and to the comfort and economy of the midshipmen. As above stated, the surplus now amounts to over $30,000, and under the provisions of the above mentioned clause, the whole capital of the midshipmen's store would be carefully accounted for and could be turned into the Treasury at any time that Congress might direct.

Respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

CHAIRMAN OF THE NAVAL COMMITTEE UNITED STATES SENATE.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 72, after line 19, to insert:

Navy bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts, when the furnishing of such music places them in competition with local civilian musicians.

Mr. DICK. Mr. President, I should like to have that amendment passed over, as I desire to speak briefly upon it so far as it refers to the band at the Naval Academy.

Mr. HALE. I am entirely willing that that shall be done.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 75, line 16, it is proposed to strike out "$609,713" and insert $721,713: *Provided*, That so much of the foregoing appropriation as is needed to pay the additional officers of the Marine Corps provided for in this act shall be immediately available.

The amendment was agreed to.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 76, line 14, it is proposed to strike out "one million nine hundred and thirty-five thousand dollars" and insert:

two million one hundred and two thousand six hundred and eight dollars: *Provided*, That so much of the foregoing appropriation as is needed to pay the additional enlisted men of the Marine Corps provided for in this act shall be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Marine Corps," on page 76, after line 22, to insert:

That from and after the passage of this act, and in order to further increase the efficiency of the United States Marine Corps, the following additional officers, noncommissioned officers, drummers, trumpeters, and privates to those now provided by law for said corps are hereby authorized and directed, namely: One major-general commandant, in lieu of the present brigadier-general commandant; 1 lieutenant-colonel; 2 majors; 18 captains; 7 first lieutenants; 14 second lieutenants; 1 assistant adjutant and inspector, with the rank of lieutenant-colonel; 1 assistant quartermaster, with the rank of lieutenant-colonel; 1 assistant quartermaster, with the rank of major; and 3 assistant quartermasters, with the rank of captain; 1 assistant paymaster, with the rank of major; 1 assistant paymaster, with the rank of captain; 2 sergeant-majors; 15 quartermaster-sergeants, 5 of whom are to serve in the pay department; 20 first sergeants; 50 sergeants; 125 corporals; 10 drummers; 10 trumpeters; and 518 privates: *Provided*, That hereafter the number of enlisted men in the United States Marine Corps shall be such as the Congress may from time to time authorize.

That the vacancies now existing in the line and staff departments of the United States Marine Corps and those created by this act shall be filled in the manner provided by law.

Mr. WARREN. Mr. President, I observe that this amendment provides for the addition of about a regiment of marines. I want to ask the Senator if there is any increase in the number of enlisted men in the Navy provided for in this bill?

Mr. HALE. Yes; 6,000 men. The Department asked for just double the number that has been given for the Marine Corps, but the committee was not ready to grant that much, and merely increased the number so that the Marine Corps might have a corresponding increase with the increase in the Navy. We gave them half of what they asked.

Mr. WARREN. I want to call the attention of the Senator and of the Senate to the fact that there seems to have been a feeling of resentment and opposition here in the Senate, on the part of some, to any enlargement of the Army. It has gone to such an extent that newspaper items and newspaper writers have been made the texts for rather extensive debate, and on a morning not long ago, after the passage of the regular annual Army appropriation bill, that bill was recalled and

held up for a time on a motion to reconsider. The extravagancies of the appropriations for war and for the prevention of war were portrayed, and the fact that the Army bill had contained a very large addition, made by the Senate committee, was brought out.

Mr. President, that bill did not contain any increase in the number of enlisted men or officers. When a proposition for an increase of the Army is made the Military Committee brings a bill onto this floor and asks the Senate to consider it separately from an appropriation bill, which necessarily must be hurriedly considered along toward the last days of the session.

We have had in the recent past a bill respecting the Medical Corps of the Army and a bill respecting the Ordnance Corps, both of which have been thrashed out on the floor during two or three sessions of Congress, and have been contended against by the Senator who now has charge of this bill, and others, and when they were finally settled they were settled on their merits by themselves. The same holds true as to the act increasing the Artillery Corps.

I believe the Senator from Maine is right in proposing an increase of the enlisted force of the Navy and an increase of the enlisted force of the Marine Corps, but it ought not to be done in this way, as it is technically against rule and reason to thus legislate in our supply bills. I shall support the Senator in this amendment, but I register a protest against further legislation of this kind in this way.

Mr. HALE. The Senator understands there would not be the slightest necessity for any increase if we were not adding ships all the time. That is not true about the Army. We are all the time building new ships.

Mr. WARREN. We have been adding new countries, however.

Mr. HALE. Not lately.

Mr. WARREN. Not very lately.

Mr. HALE. That is the reason why we have increased the Navy. I have no antagonism toward the Army or toward the bills to which the Senator refers. I gave up my opposition long ago.

Mr. WARREN. Nevertheless, Mr. President, we had an aftermath in which the Senator engaged the day after the passage of the Army appropriation bill of some hours' extent, in which the Secretary of War was charged with a desire to increase the Army to 125,000 men.

Mr. HALE. I said I hoped the Secretary was not responsible for that. I have learned since that he was not.

Mr. WARREN. I said at the time that I did not believe he was responsible for the yarn. At least he had kept me at such a distance that even as chairman of the Military Committee I never had heard even a hint that he desired to increase the Regular Army to 125,000 men. The Secretary of War was discovered on the evening of the day of that debate at Council Bluffs and responded at once to an inquiry from the Associated Press. As what he said is very short, I think I will send it to the desk and have it read, so that we can understand about this great bugaboo of an Army which is going to eat up the entire revenues of the United States; that is to say, what is left after paying for the battle ships and paying other Navy Department expenses.

Mr. HALE. There will not be much left.

Mr. WARREN. I think so myself. The difference, Mr. President, between the Army and the Navy is that while a regiment of infantry may cost a million dollars per year, a battle ship costs $10,000,000 first cost, then a million dollars a year for depreciation and repairs, and also a regiment or more of men at a cost of over another million per year to equip it for service. I now have here the item I refer to, the interview of Secretary Taft.

Mr. HALE. I saw the item and was very glad to see that the Secretary declared he was not responsible for the article, and I said when I brought the matter before the Senate that I did not believe the article was inspired; that I did not believe the Secretary was behind it. I was not aiming in what I said at the Secretary of War in any way. I wanted to call attention to what I believed was the general extravagance in military expenditures and was in a way preparing for the contest that I thought might come up about the big battle-ship programme in the Senate, and so far as that goes I accomplished the object.

But as I say, I was very glad to see that the Secretary of War did not inspire the article by that correspondent, and for a time we heard very little, the Senator noticed, of that correspondent. But I see he has now resumed his statements and prophecies, and if it turns out they have no more basis than the other, and that he does not speak ex cathedra, they will go for what they are worth. The Senator has had some experience with correspondents.

Mr. WARREN. I have had; and I do the Senator from Maine the justice to say that in inveighing against the Army on that particular occasion he did not neglect to lambast the Navy and its expenditures to some extent as well.

Mr. HALE. I was thinking more of the Navy than I was——

Mr. WARREN. But speaking of newspapers and of the fact that we spent two or three hours here in animated debate over a newspaper article, shivering with fear because of the expense of an army of 125,000, notwithstanding that I, in a feeble way, stated that I had no confidence in it and would not support such a move, yet nearly all the metropolitan newspapers have since been filled with statements to the effect that we were going to have an army of 125,000, but for the fact that the Senator from Maine [Mr. HALE] had valiantly attacked the scheme and had probably pricked the bubble.

So, Mr. President, I desire to have read what the Secretary said when his attention was directed to the matter.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Washington Post, April 8, 1908.]

COUNCIL BLUFFS, IOWA, *April 7.*

Secretary Taft was to-night shown a report of the Senate proceedings, wherein Senator HALE discussed increased appropriations for the Army. He read it with keen interest.

"I certainly have no knowledge of who wrote the article in the Washington paper referred to by Senator HALE," said the Secretary, "nor of its contents. It was not inspired by any person officially connected with the War Department."

Mr. WARREN. So much for the Secretary of War. In the same debate it was stated that the Chief of Staff believed in an army of 125,000 men. I should like to have read what is between the two marks on the letter I send to the desk. I wish to take only a little time.

The Secretary read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, April 10, 1908.

Hon. FRANCIS E. WARREN, *United States Senate.*

MY DEAR SENATOR:

* * * * * * *

If the article was inspired by anyone—

Mr. WARREN. It refers to the article of the correspondent whom the Senator from Maine has already referred to.

Mr. HALE. Mr. O'Laughlin.

Mr. WARREN. Yes.

The Secretary read as follows:

If the article was inspired by anyone, I have no knowledge thereof, but judging from the fact that most of the data contained therein was evidently taken from a public document published by Congress, it is apparent that the author needed no inspiration. It is true that the Secretary of War has taken under consideration and studied from time to time numerous propositions concerning needed changes in the present organization of the Army, and has arrived at the conclusion that some increase is needed by certain portions thereof and that most of it needs reorganization to enable it to be thoroughly efficient when called on in an emergency. It is not true, so far as I know, that he has ever contemplated or concluded it advisable to increase the Army to 125,000 men in time of peace. He has never concealed his views concerning the needs of the Army and may possibly have mentioned them to newspaper correspondents, who seek information from him as they do from all public men. In fact, he set forth quite fully his views in an address delivered by him in Columbus, Ohio, on April 2, to the board of trade of that city. Nothing can be found in that address indicating that he contemplates increasing the Army to 125,000 men in peace. In fact, if there is anyone who has ever contemplated such a thing, I have never heard of it.

I have never even thought of "doubling" the Army, much less suggested or advocated it to anyone. So far as I know, neither the General Staff nor anyone in my office has ever done so either.

* * * * * * *

Very sincerely, yours,

J. F. BELL,
Major-General, Chief of Staff.

Mr. WARREN. Perhaps it would be well to call another witness, Mr. John Callan O'Laughlin himself. I have had no communication whatever with him, except to receive the letter, a copy of which I send to the desk and request the Secretary to read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

HIBBS BUILDING,
Washington, D. C., April 8, 1908.

Hon. FRANCIS E. WARREN, *United States Senate,*
Chairman of the Military Committee of the Senate.

SIR: In view of the debate which occurred in the Senate regarding an article I wrote for the Washington Post, I trust you will not consider it amiss to permit me to confirm your statement that the publication was not inspired by Secretary Taft or anyone else. Indeed, in justice to the Secretary, I must say that I have not discussed the matter with him, and what I wrote was based upon information which

reached me through other channels. Moreover, as I stated in the article in question, the plan of reorganization was merely under consideration and there was no finality as to what would be done or as to the size of the increase which eventually would be considered desirable by the War Department.

I have no objection whatever to your use of this letter in any way that you may see fit.

I have the honor to be, sir,

Very respectfully, JOHN CALLAN O'LAUGHLIN.

Mr. WARREN. It will be remembered that the remarks which were made upon that day were largely predicated upon this newspaper article, and if the denial on this floor had been sufficient, or if my assurance that I did not stand, or the members of the committee who are associated with me did not stand for such an increase, had been sufficient, I should not have brought the matter in here to-day. But I am still and continually seeing it in the newspapers, and it looks very much as if in order to get four or six or ten battle ships and a larger Navy, that the water must be blackened around the expense of the Navy so as to obscure it from view while the Navy is increased enormously from time to time, and meanwhile we give the Army very little consideration.

In justice to the Senator from Maine, I should say that his remarks the other morning applied as much, perhaps, to the Navy as to the Army, but the difference is that the Military Committee and those who represent the Army on this floor hold it down as to size and appropriation therefor as closely as they can in committee and present measures here in itemized detail which show where every dollar goes, and if we want to increase the Army we bring the bills in separately and ask that they be considered separately in both Houses.

On the other hand, in the treatment of legislation and appropriations for the Navy it is entirely different. Every year the Senator from Maine, chairman of the Naval Committee, is called upon to receive this Navy appropriation bill from the House at a very late day in the session, when engaged in his duties on the general Appropriations Committee on other bills. It is crowded in. Large amounts are put in two or three paragraphs, and we are called upon to give just exactly what is asked by the Executive or by the House, or, I might almost say, by any amendment that may be offered on the floor, without due consideration thereof by members of this Senate.

It seems to me that we ought to know something about the next naval bill. When the Senator from Colorado said the other day, with that frankness which always characterizes him, that he was not aware that the President had made the rate of pay for the enlisted men of the Navy all these years, and upon investigation it was learned that that had been the law since 1814, I think we ought from that to take notice and to understand that we have been legislating largely and altogether too much in the dark.

I do not believe the Senator in charge of this bill will claim that he thinks an annual appropriation bill is the proper place to add legislation providing for a regiment of enlisted men and 6,000 seamen. Here is given in great detail the different officers of this corps: The major-general, the lieutenant-colonels, which under the proposed new law will get $4,800 apiece, the majors, captains, lieutenants, sergeants, corporals, and so forth. Here are all the officers from major-general down; and the corporals, of which there are a hundred and twenty-five; a sufficient number of privates, and so forth. I assume they are all needed and I will vote with the Senators for them.

But I want to say that this corps is simply infantry. It is an addition to the Army, which has been so described. The only difference is that they are more generally used on shore near points where the Navy may be situated with its naval bases and its supplies. They receive the same pay and the same designation as Army officers and are really infantry. We add that much to the Army, only we add it under the cloak of the Navy. I think they are necessary, but let us admit frankly it is an increase of our fighting force.

So far as the Army is concerned, while we would oppose as strongly as would the Senator from Maine or any other Senator any proposal to now in peace provide for a regular army of a hundred and twenty-five thousand men, yet we must increase slightly, in my judgment, certain corps. For instance, there is the Signal Corps. Inventions, improvements that have been made, and the experience that has been had in late wars, have taught us that we must have as a matter of economy and as a matter of efficiency a larger Signal Corps. I expect to ask the Senate to consider the addition of a few men, not as many perhaps as are given here in a mere paragraph of this appropriation bill which we pass in a minute or so. I expect to take time to have the Signal Corps matter duly considered.

There is only one other project of increase enacted upon before the committee, and that is to add a service corps of noncommissioned officers and privates in the departments of quartermaster, commissary, and so forth, throughout the country. So far as I know, that is all that is contemplated in the way of an increase of the Army in the near future.

The Senator from Maine very generously assisted me and those upon my committee in providing for the raise of the pay of the Army. But even in that case we brought the pay bill and the whole matter on the floor first by itself in order to get, in a deliberate and orderly way under the rules, the Senate's consent. The Senator from Maine was not able to do this in the case of the Navy for reasons which are all known. But it does seem to me that if we want to add 6,000 seamen and to add a thousand or so of men to the Marine Corps, a matter of 7,000 men, we might expect the assistance of such men as the Senator from Rhode Island and the Senator from New Hampshire, who were so much ruffled by the fake 125,000 men story on Secretary Taft, and who so much feared that we were going to be run over with an extensive army the other morning because a newspaper man told a nice story in order to increase the circulation of the periodical by which he is employed—to help the Senate out at this juncture—and at least register some mild reproach against this new debauchery of militarism, sprung upon us without notice in a regular annual supply bill, an appropriation bill which must as a matter of course be passed.

Mr. FORAKER. Mr. President, I think in view of what has been said on this subject the exact language employed by Secretary Taft should be read to the Senate. I send to the desk a complete report of the speech made by Secretary Taft at Columbus on the night of April 2, before the Columbus Board of Trade, and ask the clerk to read the paragraph I have marked, which bears upon this subject.

Mr. WARREN. I have no objection whatever to the entire speech being put into the RECORD. I have not read it, but I submit I would not like to have a paragraph from a speech of mine inserted unless the whole speech was also published.

Mr. FORAKER. I will ask that the whole speech may be inserted in the RECORD, but that the paragraph I have marked may be read first.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[Ohio State Journal, Friday morning, April 3, 1908.]

A bill is now pending in Congress also authorizing the employment upon a small stipend for a drill every two years of men who have served in the Regular Army and been discharged, as a reserve corps out of which the Regular Army could be enlarged at once in case war were declared or threatened. This would enable us to increase the Regular Army to 150,000 men without great difficulty, and would secure us 250,000 well-equipped, well-drilled soldiers of the Republic. This plan for a small army capable of rapid expansion is perfected, but not carried out fully into legislation. I am glad to say, however, that Congress manifests such an interest in the development of the Army and a willingness from time to time to improve the various branches that during the next decade I feel confident that we shall soon have a Regular Army and a reserve citizen soldiery sufficient to put into the field 250,000 men capable of carrying on war with courage and efficiency.

Of course in the support of such an Army the Republic is subjected to very heavy expense, because the whole Army, both Regular, militia, and volunteers, are volunteers and must receive compensation sufficient to enable them to live and support somebody beside themselves. We do not raise the armies by conscription, except in the very last resort. As a consequence our armies are vastly much more expensive than the European armies even in time of peace. Our Regular Army to-day of 60,000 men costs about $72,000,000 a year. France maintains an army of 546,000 men, and it costs her $133,000,000 a year. Germany maintains an army of 646,000 men, and it costs her $144,000,000 a year.

Mr. FORAKER. Mr. President, it will be seen by anyone who reads that carefully that the idea in the mind of the Secretary, in so far as he has given any expression of which I am aware, is that there should be such legislation as will enable us during the next ten years, through the agency of a reserve force as well as the active Army, to provide a force of 250,000 men. It is not his idea, as I understand, that we should raise the Army to 250,000 men immediately or to 125,000 men immediately, but that all that is merely in prospect. It is a sort of plan or programme which he has in his mind. As the Senator from Wyoming has suggested that is only a part of his speech, and inasmuch as it is only part of an extended speech on that subject, I agree with the Senator from Wyoming that the whole speech should properly go into the RECORD, and I ask that it all may be incorporated.

Mr. WARREN. I did not ask that it should all go in because of the fact that the Senator asked to have only a part read. It was simply that those who read the RECORD may have the whole speech before them.

Mr. FORAKER. I understand. I think everyone who reads the RECORD ought to have the benefit of the whole speech.

Mr. WARREN. While I have not read the speech, that part just read at the desk indicates that the Secretary feels exactly as I assumed he did and as he has often expressed him-

self. The Army is large enough at present, with one or two additions, possibly a thousand or two thousand men, but that we should have a National Guard sufficiently provided so that we could have on short notice an army of 125,000 men if needed, and if we went into real war, still an additional number near at hand provided through the militia forces of the different States.

The VICE-PRESIDENT. Without objection, the entire speech will be printed in the RECORD.

The speech of Secretary Taft is as follows:

I am always glad to visit this central and capital city of Ohio, where the governor executes, the legislature legislates, and the steady growth of this enterprising community measures the progress of our great State. The last time I had the honor of addressing an audience in this city was in this very hall in the heated days of August of last year, the memory of which still makes my heart beat in sympathy for those unfortunates who were subjected to a Turkish bath of an hour and three-quarters' duration. I promise to inflict upon the present audience no such cruel and unusual punishment.

I have selected for a topic to-night an institution in this country which I think has too little popular consideration and attention in time of peace. I refer to the Army of the United States. The Navy is a favorite of the people, whether they belong to the web-footed class that go down to the sea in ships, or inhabit the Mississippi Valley, or live upon the Rocky Mountain Range. There is something about the concrete strength of a great battle ship and the simplicity and courage of the sailor man behind the gun representing us in all parts of the world, and coming into contrast with the ships and sailors of other countries, that appeals to the imagination of the American people. They take the blue jackets into their arms with affection, and no appropriation necessary for the increase and perfection of the Navy seems unreasonable. I am glad that this is so, because I should be the last to detract from the importance of maintaining and increasing the Navy, and am a great admirer of the efficiency and esprit of its blue jackets and marines. But what I wish to plead for to-night is that the boys in khaki and blue of the Regular Army are just as much entitled to the kindly feeling and high interest of the American people as the sailors of the Navy, and that the work they have done and are doing and may have to do in the future is of just as great importance as any that the Navy has done, is doing, or will have to do. The functions which the Navy performs is perhaps a bit more spectacular than that of the Army, and that of itself explains perhaps the difference in the popular attitude toward the two services.

IN THE PHILIPPINES.

Take the battle of Manila Bay, and the operations which followed it. The glory which the Navy properly received from its accomplishment upon that May morning far exceeded anything that was accorded to the Army's arduous and delicate work which it carried on in the four years succeeding for the pacification of the Philippine Islands, and bringing them into a condition in which the benevolent policy of McKinley could be carried out successfully.

The detailed history of the instances of courage, privation, patience, and patriotic devotion to our national policy in the islands, exhibited by the officers and enlisted men of the Army, which will do justice to them, can never be written, first, because an adequate record of it does not exist; and, second, because it can only be known to the people of the United States through results, and not through such a triumphant and dramatic picture as that we all like to dwell upon of the epoch-making naval victory off Cavite.

The naval action is usually affirmative. To be useful it must strike, and this makes its function dramatic and commands the popular attention. The function of the Army of late years has generally been that of accomplishment by patient effort, stretching sometimes over months and years, but always requiring close attention, tenacious courage, and self-restraint. Its work has been not only that of attack, but more often and longer that of police administration and pacification.

Take its work in San Francisco. Could anything be more commendable than the maintenance of order by the Army through that stricken city, shaken by the earthquake, destroyed by fire, and about to be exposed to the awful violence of mob and riot, when, under the inspiration of the 2 o'clock courage of Funston, its control passed into the hands of the Regular Army, and thereafter theft and rapine and violence were banished by the long, faithful hours of the regular soldiers on guard?

SERVE IN CUBA.

Take the instance of Cuba. The formidable naval fleet came first and gave to the hands of those seeking peace the effective power to command it; but in a short two weeks to the Army fell the task of garrisoning the island in such a way as to discourage lawlessness and encourage the friends of order. I ask you, Has anything been finer in the history of the Army than the way in which our 5,000 men have settled down in an alien country like Cuba, have secured the maintenance of peace and order without the slightest complaint that any officer or soldier has exhibited any lack of respect for the feelings of the Cubans under the trying circumstances of our occupation, or any lack of tact in carrying out the difficult task assigned to them? But such work, made up of an infinity of little things and proving a constant and uniform self-restraint, appreciation of the situation and commendable military discipline, does not strike the popular imagination and is not apt to call forth the admiration and gratitude of the country whose servants and representatives those soldiers are.

Then, too, the Navy is removed from contact with the people. It is flying a flag in foreign waters. It rarely, if ever, has to exercise any authority in domestic troubles. There is an indefinite, elusive, but influential impression in the minds of many that there is something in a regular army inconsistent with the purposes of a republic. It derives its force from the uses to which regular or standing armies have been put in maintaining governments over oppressed and helpless people. The election of an emperor by the Prætorian Guard, the suppression of a parliament by the army under Cromwell, and the many other instances in history in which the will of the people has been defeated by the trained soldiery of a tyrant, are used to point the moral that in a government of the people, by the people, and for the people, a standing army should be looked upon with suspicion and reduced to the lowest number. It is doubtless true that the enlargement of popular influence in all governments has exercised a beneficent influence to reduce the probability of war.

Still there have been many wars in this country, and not a few of them have proceeded from the popular desire without encouragement by Government authority. Making every concession, therefore, which history justifies in favor of the peaceful character and tendency of a republic, he is a very unwise statesman who urges upon the people a policy reducing the efficiency and size of the Army so as to make the country utterly helpless should emergencies arise, which it is entirely reasonable to anticipate.

We need an army for three purposes. First, as essential to any satisfactory system of national defense; second, as an indispensable instrument in carrying out our established international policy; and third, the suppression of insurrection and civil strife.

In his farewell address Washington advised his countrymen to remember "that timely disbursements to prepare for danger frequently prevented much greater disbursements to repel it," and also advised them to take "care always to keep themselves, by suitable establishments, in a respectable defensive posture."

John Adams, Washington's successor as President, said that "the national defense is the cardinal duty of a statesman."

Secondly, we have taken the position with respect to the republics established in this country, in Central and South America and the West Indies which is approved by both the great national parties and which has been repeatedly announced as the policy of the Government by various Presidents and Secretaries of State. I allude to the Monroe doctrine. There are differences of opinion as to what this doctrine includes, and as to how and with what limitations it ought to be stated. Speaking generally, however, it is an assertion on the part of the United States to the European and other powers of the world that no interference with the Central and South American and West Indies governments by a European power will be permitted which shall have for its object and result the acquisition by a European power of the territory of such nations for colonization or territorial aggrandizement.

This is not a doctrine sustained by any principle of international law; it is a governmental policy which this Government believes to be essential for its own interests and well for the interests of the countries whose integrity it protects. Whatever the motive, whatever the purpose, the assertion involved must rest for its sanction, not upon the international law acquiesced in by all civilized nations, but rather upon the power to enforce it of the nation which asserts it. By virtue of this doctrine we, in effect and for defensive purposes, extend the frontiers of the United States far beyond the actual confines of our territory, to Central America and the islands of the Gulf of Mexico and the Caribbean, to the mouths of the Orinoco and the Amazon, to Magellan and Tierra del Fuego. As we assume the right, so we must undertake the responsibility of measures for the defense of those boundaries whenever, for the purpose of disturbing the integrity of any of the many nations thus included, a foreign force shall invade their borders. How could we maintain such a doctrine if it should ever be questioned in the strenuous race for trade and for colonization that now is rife among the European powers? Could we do it otherwise than by an expeditionary force to the country invaded for the purpose of assisting the local force in repelling the invader? It is true that our Navy, enlarged as it is, would discharge a most useful function in the defense of the invaded country, but it could make but little headway against hostile forces landed therein, and after that the only method of asserting our international policy would be by the use of the Army of the United States.

Third. Of course there is no probability of a recurrence of a great civil war, but should the forces of anarchy and socialism and revolt against organized government manifest themselves, a well-organized militia would be most necessary. The suppression of local disturbances is to the Regular Army a very unpleasant duty, and it is one to which the President would summon Regular troops with great reluctance. An increase in the efficiency of the militia, which we may anticipate, may well relieve the Regular Army of any such duty. The moral effect of a regular army, however, to discourage lawlessness, is valuable.

The history of this country since the beginning of the Revolutionary war shows that during at least one-fourth of the life of the country the Government has had a war on its hands in some part of its territory. It is therefore most unwise to prophesy as to what may happen in this respect in the future. The people of this country, down to the time of the Spanish war, had pursued a policy utterly ignoring the lessons of the past. Through national parsimony and the prejudice against the efficiency of the Army and the making of proper plans for the organization of national volunteers and the drill and mobilization of the militia, we have in times past incurred great losses of life and the expenditure of immense treasure, a large part of both of which might have been avoided had the proper and economical measures been adopted for the maintenance of a small but efficient regular army and a suitable force of militia.

This was true of the war of 1812, of the great civil war, and of the Spanish war.

There is a popular feeling that an army in time of peace is not maintained and administered to be used for war and that the Army exists merely for show, like the mace which is carried before the speaker of the House of Commons, or the truncheon of a field marshal, or the scepter of a king. This impression has led a usually practical and hard-headed people like the Americans to the most absurd military policy. An army is for war. If there were no possibility of war, foreign or domestic, and we could be guaranteed a continuous peace, we should disband the Army; but we have not arrived at this happy condition. We have not yet reached a point in the progress of civilization when war and the fear of war do not play a large part in determining the policies of governments. The voice of the United States in favor of international justice will be much more weighty if it is known to have a good army and a good navy to enforce its views and defend its rights.

Now, it is a fact that time is indispensable to the making of good soldiers and a good army. Our own experience should prevent us from entertaining any illusion as to the inefficiency of a brave but unorganized people to grapple successfully with another nation equally brave but better organized. We have great confidence in ourselves and in our power of quickly adapting circumstances to meet any national emergency. But this should not make us deliberately blind to the most obvious military principles. We should not be misled by the good luck which has attended us in most of our wars. The most insidious argument against the maintenance of an army of present efficiency is that we once had a magnificent army of volunteers of a million men, the flower of which marched down Pennsylvania avenue in the grand review under Grant and Sherman; and it is asked, "Can we not raise such an army again?"

The awful sacrifice of life and money which we had to undergo during the four years in order to train this great army is forgotten, and the country is lulled into the utterly unfounded assurance that a volunteer enlisted to-day or a militiaman enrolled to-morrow can in a week or a month be made an effective soldier. There are no better officers, no better men in any army than we can raise in America. We are a warlike people. Most privates have an independence and a self-reliance that fit them to adapt themselves to different situations, and there are no braver men. But they must know how to shoot straight, they must know how to move at the word of command, they must understand all the duties of a soldier, which grow more complicated with modern guns and modern methods. They can not know it intuitively. We have no right as a nation to ask our citizens to expose themselves as enlisted men in battle without reducing the chances of disaster and death by proper military education of the officers and proper military training of the men.

I am glad to say that our experiences in the Spanish and Philippine wars have had a most healthy effect upon Congress and the people at large with reference to the preparation for our national defense. After the civil war we rapidly reduced our armament, our Navy, and our Army. Our Navy was a collection of wooden frigates and gunboats that could not stand for a minute before the newly invented high-power guns, and our coasts, though lined with the old-fashioned forts, were utterly defenseless against European navies. Our Army was reduced to 25,000 men, smaller in proportion to the population than ever in the history of the country. Slowly but reluctantly in the eighties we took up the project of a new navy, of new coast defenses, but the Army was still continued until the Spanish war at 25,000 men.

In the latter part of Mr. Cleveland's Administration we asserted the Monroe doctrine with as much emphasis and what might almost be called "truculence" as ever in our history, and asserted it against the greatest naval power of the world. On the very day when Mr. Cleveland's message went into Congress demanding arbitration as to the Venezuelan boundary there was just one modern gun mounted on our whole Atlantic, Gulf, and Pacific coasts.

Since then, and under the stress of the Spanish war, we have greatly increased our coast defenses, so that now they are very respectable, both on the Atlantic and Pacific coasts, although they are by no means completed. Since then we have constructed a navy that in point of efficiency is perhaps equal to any except that of Great Britain. Since then we have taken progressive steps toward the organization of a regular army, which is to-day much more efficient than ever in our past and is much more capable of expansion and efficient addition. But much remains to be done. If I may trespass on your patience a while longer, I should like to invite your attention to the character of the present Army, its size, and its capacity for expansion, together with needed measures to increase the possibility of its being made adequate and useful in time of war.

The change in the Army, its improvement, and adaptation to modern needs are largely due to the ability, energy, deep interest, and enthusiasm and well-directed effort of Elihu Root, Secretary of War under McKinley and Theodore Roosevelt. The legislation under which it is now maintained was almost all of it drafted and pressed upon Congress by that distinguished statesman. Such legislation as has been adopted since he laid down his office is only corollary to that which he had recommended and put through, suggested by actual experience under his new system.

The Regular Army of the United States to-day is limited in number of enlisted men to 100,000, exclusive of the Hospital Corps men. There is authority given the President to enlist upward of 50,000 infantry, 18,000 cavalry, 20,000 Coast Artillery, 6,000 field artillery, and enlisted men of the Signal Corps, the Engineer Corps, the Ordnance Corps, and the other subsidiary corps, together with 12,000 Philippine Scouts, who are a part of the Regular Army, to make that number about 114,000 men. But this right to increase the number of enlisted men in all the different corps is limited by the superior restriction that altogether they shall not exceed 100,000 men. Of course the power of the President to enlist this number of men is subject to the further limitation that Congress may withhold appropriations to pay more than a certain number, so that while he might temporarily increase the force, his power would practically soon be at an end on the failure of Congress to approve such an increase by withholding the necessary money with which to pay them in the future. The number of men and officers actually authorized by order of the President in the aggregate is, in round numbers, 76,000 men, while the number of officers and men actually in the Army does not reach 60,000. The reason for this difference between the number authorized and those actually in service in the Army is the difficulty that we have had in recruiting. The enlisted men to-day receive the same pay which they received in 1861, to wit, $13 a month. This is not enough to attract him, although, of course, it does not at all measure the actual compensation which he receives, because he is fed and well clothed and well housed. Still there ought to be an increase over the wages which were received by him thirty years ago.

A still greater defect in the present system of compensation in the Army is the failure to pay the noncommissioned officers, the sergeants and corporals, a sufficient salary to make them permanent members of the Army. They are, in a sense, the disciplinary backbone of the Army. They are the ones who whip the recruits into service and make good soldiers of them. They are the ones who come much more intimately into contact with the men than do the commissioned officers, and their pay should be made much nearer to that of the commissioned officers than it is to-day. I am glad to say that a bill is now pending in the House, which has passed the Senate, giving an adequate increase in the pay of the enlisted men of the different branches of the Army, which I hope and believe will relieve us greatly in the matter of our recruiting and enable us to fill up the Army to the quota authorized by the President. We are striving in every way to remove from the life of the private soldier those features of it which tend to discourage reenlistment, and with the increased pay we hope that we may make the life of an enlisted man a comparatively attractive one.

In order to properly discuss the Army, we should divide it into two forces, the mobile and the immobile army. The mobile army is that which may be sent into any part of the United States or of the world as an expeditionary force. It consists of the infantry, the cavalry, the field artillery, the engineers, and the Signal Corps, with a suitable part of the Hospital Corps, and it is divided into tactical units—regiments brigades, divisions, and army corps. The immobile army is the Coast Artillery, the duty of which is confined to manning the guns of the coast defenses and operating submarine mines, torpedoes, searchlights, and power plants used in connection with the defenses of all fortified harbors of the United States. The authorized force of the Coast Artillery is, in round numbers, 20,000. Of this 5,000 are necessary to operate the submarine mines, torpedoes, searchlights, and power plants. This leaves but a little over 14,000 for the manning of all guns now mounted in the fortifications of the entire country.

In order to man these guns with one shift of men, there are required 37,000 enlisted men, so that the maximum number of men authorized to-day available for manning guns would be about 4,000 less than one-half of a complete manning detail. When our coast defenses are completed as they are now projected, both in this country and in our insular possessions, and at Panama, the number of men required for one complete manning detail for both the mines, searchlights, power plants, and guns will be 55,000. In war this would have to be considerably increased, because one detail would hardly be enough. As it is, under existing circumstances we have only 20,000, where we need 37,000 for a complete detail. It is now proposed and seems to be practicable to make up the deficit in this manning detail by training a militia coast artillery to man the guns of the coast defenses. The idea has been suggested to the State authorities, and in many of the States along the coast militia companies have been organized for this purpose. It offers an opportunity for service to men who do not wish to go far from their homes, and yet who would be glad to be enrolled in the ranks of the defenders of their country when she is in danger and are willing to devote the necessary month or six weeks of each year to the training necessary to render them efficient for the purpose. In time of war they might be willing to enlist in the regular Coast Artillery during the war, and thus make up the regular detail which is essential to the effectiveness of our coast defenses. Taking away 20,000 from the authorized strength of the Army for the immobile force, it leaves 55,000 as a mobile army under the present quota authorized by the President, or 80,000 for a mobile army if the President were to increase the authority to enlist to 100,000 men. There are thirty regiments of infantry, fifteen regiments of cavalry, six regiments of field artillery, two regiments of engineers, and two regiments of the Signal Corps. This by no means represents the proper proportion for an army in the field. For an army in the field the cavalry ought not to exceed 10 per cent of the total force, of which the infantry will represent more than 80 per cent. It will be necessary to amend the law distributing the cavalry so as to double the number of cavalry regiments and reduce each regiment to six troops instead of twelve, as now constituted, because in no army in the world but ours does the regiment of cavalry have more than six troops. Most of them have but five.

The drain upon the Army by sending 5,000 troops to Cuba and 12,000 troops to the Philippines, is such that there must be an increase in the infantry regiments. Whether this shall involve an increase in the actual number of infantry or only divide them into more regiments is a question which it is not necessary at present to discuss. But certainly there ought to be more regiments of infantry in view of the constant necessity for changing their tours of duty from the United States to the Philippines and from the United States to Cuba.

The separation of the Coast Artillery from the field artillery, effected by the law of last year, has been a move in the right direction and a great improvement. There was no logical connection between the duties of those engaged in our coast defenses and the manning and use of the coast guns of the fortifications and the drill and tactics of the field artillery. The latter belong to the mobile army just exactly as the infantry and cavalry do, and they are now placed where they belong. We are attempting to enlarge posts so that we shall have brigade posts, with the tactical unit of a brigade, for maneuvers under general officers and with the brigade discipline and drill which prepare the men and officers for fieldwork in large maneuvers. All this progress is slow, but it is being made.

One of the greatest improvements which has been made in our Army is in the graduate education of its officers. West Point is as thorough a school for general military education as there is in the world, and this has been long established. The great improvement, however, in the education of our officers in the last decade has been the institution of graduate schools in the different branches of the service. Officers are now studying in garrison schools, and then are offered the opportunity, if they show themselves fit, of taking a course in the Artillery School at Fortress Monroe, in the Engineers' School at Washington, in the Infantry and Cavalry School at Fort Leavenworth, or in the Cavalry School of Equation at Fort Riley, according to their respective branches. Then if they succeed by competition in establishing their right to do so, they are enabled to take a course at the Staff College at Leavenworth. Selected from all the Army are the most likely young officers for the War College at Washington, where they are engaged in working out problems of grand strategy.

The other great improvement in the Army has been the establishment of a General Staff, consisting of men selected by a board of general officers without consultation with the President or Secretary of War for their fitness, who act as advisors to the Chief of Staff and to the Secretary of War, and whose business it is to recommend policies and to make plans for defense and for possible campaigns. The Chief of Staff and the General Staff coordinate all the bureaus of the Army and preserve a consistent policy without respect to changing Secretaries and the changing personnel of the general officers. The system of education and of the General Staff have been in operation now for several years and fully justify the hopes of those who brought about these two reforms.

There is a dearth of officers. We have only about 3,600 officers, and so many are detailed on important duties connected with military schools, with militia, with teaching at West Point, with the graduate schools in the Army, and with the recruiting service and on the General Staff, that a bill has passed the Senate authorizing the increase of officers by something over 600. This will enable us to detail officers to take charge of the militia in every State and to remain permanently on duty with the National Guard, and thus make it possible to make the discipline of the National Guard like that of the Regular Army.

This brings me to the great improvement which has been made by recent legislation in respect to the militia. By the "Dick bill," which was introduced in Congress by the then Representative and now Senator DICK, and which passed in 1902, the National Guard became recognized as the organized militia of the State, subject to call by the General Government and entitled to arms, munition, clothing, supplies, and transportation, in case it organized and adopted the discipline of the Regular Army.

Another bill is now pending which is likely to pass, increasing the benefits to be derived by the National Guard, enlarging the time of service and the character of service, under direction of the Federal authorities, and authorizing a continuance of the joint maneuvers be-

tween the Regulars and the militia, who have already proven to be successful and have developed an intense enthusiasm and interest on the part of the State soldiers. In the course of five or six years we may count on having a well-disciplined force of organied militia, subject to call by the President, amounting to 120,000, so that we might be sure of putting in the field on short notice an army of 200,000 men. This would not be enough, and we should have to resort to a volunteer law which has been introduced in Congress, and which I hope will pass, preparing for the organization of volunteers under regular officers and officers of the National Guard, which shall constitute a third or volunteer force of the United States Army.

A bill is now pending in Congress also authorizing the employment, upon a small stipend for a drill every two years, of men who have served in the Regular Army and been discharged, as a reserve corps out of which the Regular Army could be enlarged at once in case war were declared or threatened. This would enable us to increase the Regular Army to 150,000 men without great difficulty and would secure us 250,000 well-equipped, well-drilled soldiers of the Republic. This plan for a small army, capable of rapid expansion, is perfected but not carried out fully into legislation. I am glad to say, however, that Congress manifests such an interest in the development of the Army and a willingness from time to time to improve the various branches that during the next decade I feel confident that we shall soon have a Regular Army and a reserve citizen soldiery sufficient to put into the field 250,000 men capable of carrying on war with courage and efficiency. Of course in the support of such an army the Republic is subjected to very heavy expense, because the whole Army, both regular, malitia, and volunteers, are volunteers and must receive compensation sufficient to enable them to live and support somebody beside themselves. We do not raise the armies by conscription except in the very last resort. As a consequence, our armies are vastly much more expensive than the European armies even in time of peace. Our Regular Army to-day of 60,000 men costs us about $72,000,000 a year. France maintains an army of 546,000 men and it costs her $133,000,000 a year. Germany maintains an army of 645,000 men, and it costs her $144,000,000 a year. In other words, France has an army nine times the size of ours, which it costs her less than twice the sum to maintain, while Germany has an army ten times as large as ours which it costs her just about double our sum to maintain. In addition to this we are paying out pensions for our civil war and Spanish war veterans of $150,000,000. In view of this it is entirely natural for the Representatives of the people in Congress to hesitate to increase a military establishment so expensive as compared with other nations. The lesson from the pension fund, however, instead of being, as it is thought to be, a restraint upon expenditure to secure an efficient army, ought, if historically and critically considered, to be a warning against the lack of preparation, for the extent of that pension roll is itself the greatest exponent of the fatuity of a policy of insufficient national defense.

A shortsighted parsimony with respect to an efficient army which might suppress a rebellion or end a foreign war in a short time leads to the raising of enormous fresh levies of unskilled troops and the expenditure of great treasure which might have been avoided. After the emergency arises, and when it is too late for economical preparation, then the legislature opens the Treasury by appropriations and provisions of the greatest liberality to meet the necessities which only time and thorough preparation could properly and economically meet.

I do not think that I can close this address by any words more appropriate than those of Washington while he was President, when he said:

"The United States ought not to indulge in a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every nation abounds.

"There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness.

"If we desire to avoid insult, we must be able to repel it.

"If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war."

Mr. HALE. Mr. President, the item between lines 20 and 23, on page 72, has been reserved. I shall ask the Senate to remain in session only a few minutes longer, to get through the routine part. Then I shall ask for an adjournment. The clerk may continue the reading.

Mr. MONEY. I should like to ask the Senator from Maine to have printed in the RECORD the list that he has of the navies of the world. He has it all ready, I believe, for publication, and I ask him if he will not have it printed in the RECORD, so that the people of the United States may see what we have.

Mr. HALE. I shall be very glad to have that done.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

COMPARATIVE NAVAL STRENGTH OF THE GREAT POWERS NOVEMBER 1, 1907.

Number and displacement of war ships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons.

[Vessels over 20 years old not included unless reconstructed since 1900.]

	Number.	Tons.
GREAT BRITAIN.		
Battle ships (10,000 tons and over)	56	821,390
Coast-defense vessels		
Armored cruisers	38	468,350
Cruisers above 6,000 tons	19	183,960
Cruisers 6,000 to 3,000 tons	46	203,580
Cruisers 3,000 to 1,000 tons	26	56,305
Torpedo-boat destroyers	150	60,791
Torpedo boats	71	13,926
Submarines	48	13,318
Total	454	1,821,610

Number and displacement of war ships, built and building, etc.—Cont'd.

	Number.	Tons.
UNITED STATES.		
Battle ships (10,000 tons and over)	29	406,146
Coast-defense vessels	11	45,334
Armored cruisers	12	147,445
Cruisers above 6,000 tons	5	43,800
Cruisers 6,000 to 3,000 tons	20	72,620
Cruisers 3,000 to 1,000 tons	19	26,317
Torpedo-boat destroyers	21	10,107
Torpedo boats	32	5,615
Submarines	19	3,774
Total	168	771,758
FRANCE.		
Battle ships (10,000 tons and over)	27	368,461
Coast-defense vessels	12	73,300
Armored cruisers	23	220,074
Cruisers above 6,000 tons	3	24,469
Cruisers 6,000 to 3,000 tons	13	52,549
Cruisers 3,000 to 1,000 tons	12	23,152
Torpedo-boat destroyers	60	19,595
Torpedo boats	271	25,680
Submarines	99	27,992
Total	520	836,112
GERMANY.		
Battle ships (10,000 tons and over)	28	358,650
Coast-defense vessels	8	33,200
Armored cruisers	10	113,800
Cruisers above 6,000 tons	1	6,300
Cruisers 6,000 to 3,000 tons	21	85,210
Cruisers 3,000 to 1,000 tons	19	40,685
Torpedo-boat destroyers	72	33,858
Torpedo boats	48	8,530
Submarines	3	540
Total	210	680,782
JAPAN.		
Battle ships (10,000 tons and over)	13	191,498
Coast-defense vessels	3	18,786
Armored cruisers	13	138,100
Cruisers above 6,000 tons	2	13,130
Cruisers 6,000 to 3,000 tons	11	43,094
Cruisers 3,000 to 1,000 tons	9	17,888
Torpedo-boat destroyers	57	20,556
Torpedo boats	77	6,842
Submarines	9	1,426
Total	194	451,320
RUSSIA.		
Battle ships (10,000 tons and over)	9	121,200
Coast-defense vessels	4	21,380
Armored cruisers	7	70,200
Cruisers above 6,000 tons	7	46,460
Cruisers 6,000 to 3,000 tons	1	3,100
Cruisers 3,000 to 1,000 tons	7	8,800
Torpedo-boat destroyers	97	36,254
Torpedo boats	57	6,834
Submarines	31	5,812
Total	220	320,040
ITALY.		
Battle ships (10,000 tons and over)	13	167,904
Coast-defense vessels		
Armored cruisers	10	78,520
Cruisers above 6,000 tons		
Cruisers 6,000 to 3,000 tons	1	3,530
Cruisers 3,000 to 1,000 tons	10	21,920
Torpedo-boat destroyers	13	5,593
Torpedo boats	77	10,109
Submarines	6	857
Total	120	288,433
AUSTRIA.		
Battle ships (10,000 tons and over)	3	31,800
Coast-defense vessels	6	41,700
Armored cruisers	3	18,800
Cruisers above 6,000 tons		
Cruisers 6,000 to 3,000 tons	2	8,000
Cruisers 3,000 to 1,000 tons	3	7,050
Torpedo-boat destroyers	6	2,400
Torpedo boats	39	4,885
Submarines	6	1,600
Total	68	116,235

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 78, line 1, to increase the appropriation for payment to discharged soldiers for clothing undrawn from $98,707.80 to $102,707.80.

The amendment was agreed to.

The next amendment was, on page 78, line 4, to increase the appropriation for mileage to officers traveling under orders without troops from $45,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 78, line 6, to increase the appropriation for commutation of quarters of officers on duty without troops where there are no public quarters from $30,000 to $35,500.

The amendment was agreed to.

The next amendment was, on page 78, line 10, to increase the appropriation for the salary of one chief clerk in the office of the Brigadier-General Commanding from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, on page 78, line 14, to increase the appropriation for the salary of one chief clerk in the office of the paymaster from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, on page 78, line 20, to increase the appropriation for one chief clerk in the office of the adjutant and inspector from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, on page 78, line 25, to increase the appropriation for the salary of one chief clerk in the office of the quartermaster from $1,600 to $1,800.

The amendment was agreed to.

The next amendment was, on page 79, line 12, after the word "dollars," to insert "in the Quartermaster's Department, for duty where their services are required, two clerks, at $1,400 each," so as to make the clause read:

In the office of the assistant quartermaster, Philadelphia, Pa.: One clerk, at $1,600; one messenger, at $840; in the Quartermaster's Department, for duty where their services are required, two clerks, at $1,400 each.

The amendment was agreed to.

The next amendment was, on page 79, line 16, to increase the total appropriation for the pay of civil force from $30,311.28 to $33,911.28.

Mr. HALE. I offer an amendment to the amendment.

The SECRETARY. On page 79, line 17, strike out "thirty-three thousand nine" and insert "thirty-six thousand seven," so as to read "$36,711.28."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 79, line 23, to increase the total appropriation for pay Marine Corps from $2,948,201.08 to $3,239,859,08.

Mr. HALE. I offer an amendment to the amendment.

The SECRETARY. On page 80, line 1, strike out "thirty-nine thousand eight hundred and fifty-nine" and insert "forty-six thousand seven hundred and nine," so as to read "$3,246,709.08."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 80, line 11, before the word "thousand," to strike out "six hundred and forty-eight" and insert "seven hundred and twenty-three," so as to read:

Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore, for subsistence of enlisted men when traveling on duty, or cash in lieu thereof, for commutation of rations to enlisted men regularly detailed as clerks and messengers, for payment of board and lodging of recruiting parties, transportation of provisions, and the employment of necessary labor connected therewith, and for ice for preservation of rations, $723,543.

The amendment was agreed to.

The next amendment was, on page 80, line 23, to increase the appropriation for clothing, Marine Corps, from $650,920 to $725,920.

The amendment was agreed to.

The next amendment was, on page 81, line 3, to increase the appropriation for fuel, Marine Corps, from $100,000 to $112,000.

The amendment was agreed to.

The next amendment was, on page 82, line 3, to increase the appropriation for military stores, Marine Corps, from $230,000 to $270,000.

The amendment was agreed to.

The next amendment was, on page 82, line 7, to increase the appropriation for transportation and recruiting, Marine Corps, from $236,000 to $261,000.

The amendment was agreed to.

The next amendment was, on page 83, line 1, to increase the appropriation for repairs of barracks, Marine Corps, from $88,836 to $96,836.

The amendment was agreed to.

The next amendment was, on page 83, line 6, to increase the appropriation for forage, Marine Corps, from $17,700 to $19,200.

The amendment was agreed to.

The next amendment was, on page 83, line 18, to increase the appropriation for commutation of quarters, Marine Corps, from $60,000 to $68,000.

The amendment was agreed to.

The next amendment was, on page 84, line 1, after the word "paper," to insert "printing and binding;" and in line 12, after the word "wagons," to insert "motor wagons, carts, and drays," so as to read:

Contingent, Marine Corps: For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of officers and marines, including the transportation of bodies and their arms and wearing apparel from the place of demise to the homes of the deceased in the United States, stationery and other paper, printing and binding, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period of not less than ten days, employment of civilian labor, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipage and implements, mess utensils for enlisted men, such as bowls, plates, spoons, knives, and forks, tin cups, pans, pots, etc.; packing boxes, wrapping paper, oilcloth, crash, rope, twine, quarantine fees, camphor and carbolized paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, motor wagons, carts, and drays, purchase and repair of public harness, etc.

The amendment was agreed to.

The next amendment was, on page 85, line 5, to increase the appropriation for contingent, Marine Corps, from $285,000 to $370,000.

The amendment was agreed to.

The next amendment was, on page 85, line 8, to increase the total appropriation under quartermaster, Marine Corps, from $2,316,999 to $2,601,499.

Mr. HALE. I offer an amendment to the amendment, so as to make the total read:

Two million six hundred and forty-six thousand four hundred and ninety-nine dollars.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 85, line 11, to increase the total appropriation for Marine Corps, exclusive of public works, from $5,265,200.08 to $5,886,348.08.

Mr. HALE. I offer an amendment to the amendment, which is the last amendment.

The SECRETARY. On page 85, line 13, it is proposed to change the total to "$5,893,208.08."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. Now, having reached the item for the increase of the Navy, I yield to the Senator from Illinois [Mr. CULLOM], who desires to move an executive session.

Mr. CULLOM obtained the floor.

Mr. HEYBURN. Will the Senator from Illinois yield to me for a moment?

Mr. CULLOM. I yield.

FOREST SERVICE EMPLOYEES.

Mr. HEYBURN. I submit a resolution and ask for its present consideration. It merely calls for information.

The VICE-PRESIDENT. The Senator from Idaho submits a resolution, for which he asks present consideration. The resolution will be read.

The resolution was read, as follows:

Resolved, by the Senate, That the Secretary of Agriculture be, and he is hereby, directed to send to the Senate a statement containing the name and official designation of any officer or employee of the Forest Service who has attended any meeting or convention during the year 1907; whether such convention was official or unofficial; the place from which such employee started to attend such convention; the place of his employment, and the amount of expense incurred by reason of such attendance upon such meeting or convention which has been paid by the Government.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the resolution. It merely calls for information.

Mr. NELSON. Let it go over.

Mr. LODGE. Let the resolution go over, Mr. President. I should like to have time to look at it.

Mr. HEYBURN. The agricultural appropriation bill can not be disposed of until that information is with the Senate.

Mr. LODGE. It is a pretty long resolution. I should like to look at it before it is passed. I have heard it read only once.

Mr. KEAN. The Senator from Minnesota [Mr. NELSON] also asked to have it go over.

The VICE-PRESIDENT. The resolution will lie over.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After thirty-five minutes

spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 23, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 22, 1908.

APPOINTMENTS IN THE ARMY.

General officers.

Brig. Gen. Thomas H. Barry to be major-general from April 29, 1908, vice Hall, to be retired from active service.

Col. Charles Morris, Coast Artillery Corps, to be brigadier-general, vice Barry, to be appointed major-general.

Col. Philip Reade, Twenty-third Infantry, to be brigadier-general, vice Morris, to be retired from active service.

To be placed on the retired list.

Col. Henry M. Adams, Corps of Engineers.
Col. Clinton B. Sears, Corps of Engineers.
Col. Richard L. Hoxie, Corps of Engineers.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 22, 1908.

PROMOTIONS IN THE NAVY.

Midshipman Douglas L. Howard to be an ensign in the Navy from the 13th day of February, 1908.

Passed Asst. Surg. Ralph W. Plummer to be a surgeon in the Navy from the 23d day of February, 1908.

APPOINTMENTS IN THE NAVY.

To be assistant surgeons in the Navy from the 11th day of April, 1908:

George C. Rhoades, a citizen of West Virginia;
Sankey Bacon, a citizen of Nebraska;
Frank P. W. Hough, a citizen of Virginia; and
Joseph A. Biello, a citizen of Pennsylvania.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Capt. Worth Gwynn Ross to be captain commandant in the Revenue-Cutter Service of the United States.

Chief Engineer Charles Albert McAllister to be engineer in chief in the Revenue-Cutter Service of the United States.

POSTMASTERS.

COLORADO.

George C. Bruce to be postmaster at Fort Lupton, Weld County, Colo.

GEORGIA.

Robert L. Williams to be postmaster at Griffin, Spalding County, Ga.

ILLINOIS.

Charles A. Brown to be postmaster at Toluca, Marshall County, Ill.

Frank E. Davis to be postmaster at Arlington Heights, Cook County, Ill.

John Grierson to be postmaster at Morrison, Whiteside County, Ill.

Harry Whitver to be postmaster at Walnut, Bureau County, Ill.

INDIANA.

Charles T. Benton to be postmaster at Brownstown, Jackson County, Ind.

John W. Call to be postmaster at Gary, Lake County, Ind.

Harry H. Crooke to be postmaster at Odon, Daviess County, Ind.

Richard C. McCain to be postmaster at Kentland, Newton County, Ind.

Francis H. Manring to be postmaster at Greentown, Howard County, Ind.

Will K. Penrod to be postmaster at Loogootee, Martin County, Ind.

William A. Phillips to be postmaster at Atlanta, Hamilton County, Ind.

Adam G. Ritz to be postmaster at Crothersville, Jackson County, Ind.

IOWA.

William A. Grummon to be postmaster at Rockwell, Cerro Gordo County, Iowa.

KENTUCKY.

Llewellyn F. Sinclair to be postmaster at Georgetown, Scott County, Ky.

MASSACHUSETTS.

William H. Pierce to be postmaster at Winchendon, Worcester County, Mass.

MICHIGAN.

Albert J. Capen to be postmaster at Fennville, Allegan County, Mich.

William J. Ingersoll to be postmaster at Mayville, Tuscola County, Mich.

Montague W. Ripley to be postmaster at Montague, Muskegon County, Mich.

MINNESOTA.

John Atz to be postmaster at Hancock, Stevens County, Minn.

Francis M. Shook to be postmaster at Aitkin, Aitkin County, Minn.

MISSOURI.

Charles L. Farrar to postmaster at Macon, Macon County, Mo.

Louis Haeffner to be postmaster at Valley Park, St. Louis County, Mo.

Thomas R. Tolleson to be postmaster at Leadwood, St. Francois County, Mo.

NEW YORK.

Francis C. Allen to be postmaster at Ovid, Seneca County, N. Y.

Frank S. Kenyon to be postmaster at Adams, Jefferson County, N. Y.

Frank N. Lovejoy to be postmaster at Macedon, Wayne County, N. Y.

Conrad Metzger, jr., to be postmaster at Jeffersonville, Sullivan County, N. Y.

NORTH DAKOTA.

W. H. Pray to be postmaster at Valley City, Barnes County, N. Dak.

OHIO.

Mary M. Carey to be postmaster at Lexington, Richland County, Ohio.

SOUTH CAROLINA.

Leonidas Cain to be postmaster at St. Matthews, Orangeburg County, S. C.

TEXAS.

John M. Hill to be postmaster at Cooledge, Limestone County, Tex.

THE HAGUE CONVENTIONS.

On motion of Mr. CULLOM, April 21, 1908, it was—

Ordered, That the injunction of secrecy be removed from all the so-called "Hague conventions" and the documents accompanying them (from Exhibit F, Sixtieth Congress, first session, to Exhibit V, Sixtieth Congress, first session, inclusive), and that they be printed as a single document.

ARBITRATION WITH GREAT BRITAIN.

The injunction of secrecy was removed April 22, 1908, from an arbitration convention between the United States and Great Britain, signed at Washington on April 4, 1908.

ARBITRATION WITH SPAIN.

The injunction of secrecy was removed April 22, 1908, from an arbitration convention between the United States and Spain, signed at Washington on April 20, 1908.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 22, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

DISPOSAL OF LANDS VALUABLE FOR OIL AND ASPHALTUM.

The SPEAKER. The question is on the motion of the gentleman from California [Mr. SMITH] to suspend the rules and pass the bill H. R. 17827, with the amendments.

Mr. WILLIAMS. And on that, Mr. Speaker, I call for the yeas and nays.

Mr. PAYNE. I make the point of order that no quorum is present.

The SPEAKER. The gentleman from New York makes the point of no quorum. The Sergeant-at-Arms will close the doors. The question is on the motion of the gentleman from California; all those in favor of the motion will, when their names are called, answer "yea," those opposed will answer "nay," and those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 152, nays 95, answered "present" 15, not voting 125, as follows:

YEAS—152.

Acheson	Davidson	Hubbard, Iowa	Norris
Alexander, Mo.	Davis, Minn.	Hubbard, W. Va.	Nye
Allen	Dawson	Humphrey, Wash.	Olcott
Ames	Douglas	Humphreys, Miss.	Olmsted
Andrus	Draper	Jones, Wash.	Parker, S. Dak.
Anthony	Dwight	Keifer	Parsons
Bannon	Ellis, Mo.	Kennedy, Iowa	Payne
Bartlett, Nev.	Esch	Kennedy, Ohio	Pollard
Bates	Fairchild	Kinkaid	Pray
Beale, Pa.	Ferris	Knapp	Prince
Bennet, N. Y.	Focht	Knopf	Reeder
Bonynge	Fordney	Knowland	Reynolds
Boyd	Fornes	Küstermann	Rodenberg
Bradley	Foss	Lafean	Rothermel
Brownlow	Foster, Vt.	Landis	Ryan
Burleigh	French	Law	Scott
Burnett	Fuller	Lawrence	Slemp
Burton, Del.	Gardner, N. J.	Lilley	Smith, Cal.
Butler	Gilhams	Lindbergh	Smith, Iowa
Calderhead	Goebel	Lindsay	Smith, Mich.
Campbell	Goulden	Longworth	Snapp
Capron	Graff	Loudenslager	Southwick
Cary	Greene	McGuire	Sperry
Chaney	Gronna	McKinlay, Cal.	Stafford
Chapman	Hale	McKinley, Ill.	Steenerson
Cocks, N. Y.	Hamilton, Iowa	McKinney	Thistlewood
Cole	Hamilton, Mich.	McLachlan, Cal.	Thomas, Ohio
Conner	Harding	McLaughlin, Mich.	Townsend
Cook, Colo.	Haskins	McMillan	Volstead
Cook, Pa.	Haugen	McMorran	Waldo
Cooper, Pa.	Hawley	Madden	Wanger
Cooper, Wis.	Hayes	Madison	Watson
Cox, Ind.	Higgins	Mann	Weeks
Craig	Hinshaw	Marshall	Weems
Crumpacker	Holliday	Mondell	Wilson, Ill.
Cushman	Howell, N. J.	Morse	Wood
Dalzell	Howell, Utah	Murdock	Woodyard
Darragh	Howland	Nelson	Young

NAYS—95.

Adair	Ellerbe	Hull, Tenn.	Pujo
Adamson	Favrot	Johnson, Ky.	Rainey
Aiken	Fitzgerald	Johnson, S. C.	Randell, Tex.
Ansberry	Flood	Kipp	Richardson
Ashbrook	Floyd	Kitchin, Claude	Robinson
Bartlett, Ga.	Foster, Ill.	Lamar, Mo.	Russell, Mo.
Beall, Tex.	Fulton	Lee	Sabath
Bell, Ga.	Gaines, Tenn.	Legare	Saunders
Booher	Garner	Lenahan	Shackleford
Bowers	Garrett	Lever	Sheppard
Brodhead	Gillespie	Lewis	Sherley
Burgess	Glass	Lloyd	Sherwood
Burleson	Godwin	McDermott	Sims
Byrd	Goldfogle	McHenry	Small
Caldwell	Granger	McLain	Smith, Mo.
Candler	Griggs	Macon	Smith, Tex.
Carter	Hackney	Maynard	Spight
Clark, Mo.	Hardwick	Moon, Tenn.	Stephens, Tex.
Cooper, Tex.	Hay	Moore, Tex.	Sulzer
Cravens	Heflin	Murphy	Thomas, N. C.
Crawford	Helm	Nicholls	Tou Velle
Davenport	Henry, Tex.	O'Connell	Willett
Denver	Houston	Page	Williams
Dixon	Hughes, N. J.	Patterson	

ANSWERED "PRESENT"—15.

Boutell	Gaines, W. Va.	Harrison	Sherman
Clayton	Gillett	Jones, Va.	Talbott
Cockran	Hamlin	Lamb	Taylor, Ala.
Finley	Hardy	Padgett	

NOT VOTING—125.

Alexander, N. Y.	Englebright	Kimball	Ransdell, La.
Barchfeld	Fassett	Kitchin, Wm. W.	Rauch
Barclay	Foster, Ind.	Lamar, Fla.	Reid
Bartholdt	Foulkrod	Langley	Rhinock
Bede	Fowler	Laning	Riordan
Bennett, Ky.	Gardner, Mass.	Lassiter	Roberts
Bingham	Gardner, Mich.	Leake	Rucker
Birdsall	Gill	Littlefield	Russell, Tex.
Brantley	Gordon	Livingston	Slayden
Broussard	Graham	Lorimer	Sparkman
Brumm	Gregg	Loud	Stanley
Brundidge	Hackett	Lovering	Sterling
Burke	Haggott	Lowden	Stevens, Minn.
Burton, Ohio	Hall	McCall	Sturgiss
Calder	Hamill	McCreary	Sulloway
Carlin	Hammond	McGavin	Tawney
Caulfield	Henry, Conn.	Malby	Taylor, Ohio
Clark, Fla.	Hepburn	Miller	Tirrell
Coudrey	Hill, Conn.	Moon, Pa.	Underwood
Cousins	Hill, Miss.	Moore, Pa.	Vreeland
Currier	Hitchcock	Mouser	Wallace
Davey, La.	Hobson	Mudd	Washburn
Dawes	Howard	Needham	Watkins
De Armond	Huff	Overstreet	Webb
Denby	Hughes, W. Va.	Parker, N. J.	Weisse
Diekema	Hull, Iowa	Pearre	Wheeler
Driscoll	Jackson	Perkins	Wiley
Dunwell	James, Addison D.	Peters	Wilson, Pa.
Durey	James, Ollie M.	Porter	Wolf
Edwards, Ga.	Jenkins	Pou	
Edwards, Ky.	Kahn	Powers	
Ellis, Oreg.	Keliher	Pratt	

So, under the special rule, the majority having voted in favor therof, the rule was suspended, and the bill was passed.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. LOUD with Mr. PADGETT.

Mr. HENRY of Connecticut with Mr. CLARK of Florida.

Mr. KAHN with Mr. WILEY.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. ENGLEBRIGHT with Mr. POU.

Mr. LANGLEY with Mr. HAMLIN.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. JACKSON with Mr. WEBB.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. MOON of Pennsylvania with Mr. HOBSON.

Mr. MCCREARY with Mr. RHINOCK.

Mr. MUDD with Mr. WALLACE.

Mr. SULLOWAY with Mr. TALBOTT.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. DUNWELL with Mr. WATKINS.

Mr. TAYLOR of Ohio with Mr. WOLF.

Mr. TIRRELL with Mr. PETERS.

Mr. DAWES with Mr. EDWARDS of Georgia.

Mr. GARDNER of Michigan with Mr. RUSSELL of Texas.

Mr. DRISCOLL with Mr. GILL.

Mr. FOULKROD with Mr. HACKETT.

Mr. GAINES of West Virginia with Mr. RUCKER.

Mr. HUFF with Mr. OLLIE M. JAMES.

Mr. LITTLEFIELD with Mr. BRANTLEY.

Mr. STURGISS with Mr. SPARKMAN.

Mr. OVERSTREET with Mr. HOWARD.

Mr. PEARRE with Mr. LAMAR of Florida.

Mr. ALEXANDER of New York with Mr. CARLIN.

Mr. BARCHFELD with Mr. CLAYTON.

Mr. BARTHOLDT with Mr. DAVEY of Louisiana.

Mr. BINGHAM with Mr. DE ARMOND.

Mr. BIRDSALL with Mr. GORDON.

Mr. CALDER with Mr. HAMILL.

Mr. DIEKEMA with Mr. HILL of Mississippi.

Mr. DENBY with Mr. HAMMOND.

Mr. FASSETT with Mr. RAUCH.

Mr. GRAHAM with Mr. LEAKE.

Mr. HUGHES of West Virginia with Mr. REID.

Mr. JENKINS with Mr. LAMB.

Mr. LOVERING with Mr. TAYLOR of Alabama.

Mr. TAWNEY with Mr. UNDERWOOD.

Mr. COUDREY with Mr. WILSON of Pennsylvania.

Until April 28:

Mr. LOWDEN with Mr. HARRISON.

Mr. CAULFIELD with Mr. HARDY.

For this day:

Mr. MOORE of Pennsylvania with Mr. KELIHER.

Mr. MCCALL with Mr. JONES of Virginia.

Mr. GILLETT with Mr. HITCHCOCK.

Mr. POWERS with Mr. PRATT.

Mr. BOUTELL with Mr. WEISSE.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

REMOVAL OF RESTRICTION FROM PART OF LAND OF ALLOTTEES OF FIVE CIVILIZED TRIBES.

Mr. MCGUIRE. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15641, for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, with amendments.

The Clerk read the bill, as follows:

A bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

Be it enacted, etc., That from and after sixty days from the date of this act the status of the lands allotted heretofore or hereafter to allottees of the Five Civilized Tribes shall, as regards restrictions on alienation or incumbrance, be as follows: All lands, including homesteads, of said allottees enrolled as intermarried whites shall be free from all restrictions. All lands, including homesteads, of said allottees enrolled as freedmen shall be free from all restrictions. All lands,

including homesteads, of said allottees enrolled as of less than half Indian blood shall be free from all restrictions. All lands, except homesteads, of said allottees enrolled as mixed-blood Indians having half or more than half Indian blood shall be free from all restrictions. All homesteads of said allottees enrolled as mixed-blood Indians having half or more than half Indian blood and all allotted lands of enrolled living full bloods shall not be subject to alienation, contract to sell, power of attorney, or any other incumbrance prior to April 26, 1931, except that the Secretary of the Interior may remove such restrictions, wholly or in part, under such rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe. The Secretary of the Interior shall not be prohibited by this act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions removed from land by or under any law prior to the passage of this act.

SEC. 2. That all land allotted to adult allottees of the Five Civilized Tribes and subject to restriction may be leased by the allottees, or in the case of minors as provided in section 6 hereof, for periods not exceeding five years without the privilege of renewal, except that oil, gas, or other mineral leases of adults for any period of time, and other leases of adults if made for more than five years, of any such restricted lands, may be made with the approval of the Secretary of the Interior and not otherwise.

SEC. 3. That the rolls of citizenship and of freedmen of the Five Civilized Tribes approved by the Secretary of the Interior shall be conclusive evidence as to the age and the quantum of Indian blood of any enrolled citizen or freedman of said tribes to determine questions arising under this act.

SEC. 3a. That all oil, gas, and other mineral leases entered into by any of said allottees prior to the removal of restrictions requiring the approval of the Secretary of the Interior shall not be rendered invalid by this act, but the same shall be subject to the approval of the Secretary of the Interior as if this act had not been passed: *Provided*, That the owner or owners of any allotted land from which restrictions are removed by this act, or have been removed by previous acts of Congress, or by the Secretary of the Interior, or may hereafter be removed under and by authority of any act of Congress, shall have the power to cancel and annul any oil, gas, or mineral lease on said land whenever the owner or owners of said land and the owner or owners of the lease thereon agree in writing to terminate said lease and file with the Secretary of the Interior, or his designated agent, a true copy of the agreement in writing canceling said lease, which said agreement shall be executed and acknowledged by the parties thereto in the manner required by the laws of Oklahoma for the execution and acknowledgment of deeds, and the same shall be recorded in the county where the land is situate.

SEC. 4. That all land from which restrictions shall have been removed shall be subject to taxation and all other civil burdens as though it were the property of other persons than allottees of the Five Civilized Tribes: *And provided further*, That allotted lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the removal of restrictions, other than contracts heretofore expressly permitted by law.

SEC. 5. That any attempted alienation or incumbrance by deed, mortgage, contract to sell, power of attorney, or other instrument or method of incumbering real estate, made before or after the approval of this act, which affects the title of the land allotted to allottees of the Five Civilized Tribes prior to removal of restrictions therefrom, and also any lease of such restricted land made in violation of law before or after the approval of this act shall be absolutely null and void.

SEC. 6. That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives for the eastern judicial district of the State of Oklahoma as he may deem necessary to inquire into and investigate the conduct of guardians and curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian and curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardians and curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessary remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the further duty of such representative or representatives to make full and complete reports to the Secretary of the Interior. All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of said minors. The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian and curator for such minors, without fee or charge.

And said representatives of the Secretary of the Interior are further authorized, and it is made their duty, to counsel and advise all allottees, adult or minor, having restricted lands of all of their legal rights with reference to their restricted lands, without charge, and to advise them in the preparation of all leases authorized by law to be made, and at the request of any allottee having restricted land he shall, without charge, except the necessary court and recording fees and expenses, if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this act or any other act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Supplemented to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated for the salaries and expenses arising under this section, out of any funds in the Treasury not otherwise appropriated, the sum of $90,000, to be available immediately and until July 1, 1909, for expenditure under the direction of the Secretary of the Interior: *Provided*, That no restricted lands of living minors shall be sold or encumbered, except leases authorized by law, by order of the court or otherwise.

And there is hereby further appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available and available until expended as the Attorney-General may direct, the sum of $50,000, to be used in the payment of expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma.

SEC. 7. That no contest shall be instituted after sixty days from the date of the selection of any allotment hereafter made, nor after ninety days from the approval of this act in case of selections made prior thereto by or for any allottee of the Five Civilized Tribes, and, as early thereafter as practicable, deed or patent shall issue therefor.

SEC. 8. That section 23 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, is hereby amended by substituting for the words "a United States commissioner," at the end of said section, the words "a judge of a county court of the State of Oklahoma."

SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions from the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of said estate.

Mr. CARTER. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule, a second is ordered.

Mr. FITZGERALD. It may be, Mr. Speaker, that somebody is opposed to this bill.

The SPEAKER. Is the gentleman from Oklahoma opposed to the bill?

Mr. CARTER. I am not.

The SPEAKER. Is there any gentleman opposed to this bill that desires to demand a second?

Mr. FITZGERALD. It is impossible to tell, Mr. Speaker, at this time whether the bill is satisfactory to everybody or not. If the gentleman from Oklahoma is disposed to yield time to both sides, I do not care to object.

Mr. CARTER. I will yield time to both sides.

The SPEAKER. Under the rule, a second is ordered, and the gentleman from Oklahoma is entitled to twenty minutes and his colleague [Mr. CARTER] is entitled to twenty minutes.

Mr. McGUIRE. Mr. Speaker, this bill relates to what is known in Oklahoma as the "Five Civilized Tribes"—the Choctaws, Chickasaws, Cherokees, Creeks, and Seminole Indians. These five tribes occupy nearly the entire portion of that part of the State of Oklahoma which was originally the Indian Territory—in other words, nearly one-half of the State of Oklahoma. Under existing law they can not alienate their lands. They have their homesteads. Nearly all of them, in addition to their homesteads, have what is known there as "surplus land." Under the present law they can not alienate; under the law as it is these lands can not be taxed. Since Oklahoma has become a State this portion of the State has been organized into counties and county governments, and in a great portion of that territory there has been organized school districts.

But we now encounter this difficulty: While we have county organizations, there is no real estate outside of the cities upon which a levy can be made for the purposes of taxation, and consequently we are unable to support local government and unable to support common schools.

If this bill passes it will release about three-fifths of that part of Oklahoma and make it taxable. The bill does not affect the full-blood Indian in that country, except that it provides that a showing may be made to the Secretary of the Interior by any Indian of full blood, and if that showing, in the judgment of the Secretary, is sufficient he can secure a patent in fee for his land, but he must show that he has the capability; he must show that he is competent to transact his own business.

Upon what is known in that State as the "intermarried whites" the bill removes restrictions entirely. These people were allotted with the Indians, and hold their allotment and surplus. It also removes the restriction which is now upon the land of the freedman of that country, who also under the law was allotted with the Indians. It removes the restrictions entirely upon the Indian of mixed blood where he is less than one-half Indian blood. It removes restrictions upon all but the homestead—that is, the surplus of the Indian of full blood or more than half of Indian blood.

Mr. SCOTT. Will the gentleman from Oklahoma explain what he means by surplus land?

Mr. McGUIRE. Under the laws passed based upon treaty the Indian took so much land for a homestead, and then the remainder was divided among the various members of the tribe, and the remaining portion is called "surplus land."

Mr. SCOTT. What proportion does it bear to all the land held by the Indians?

Mr. McGUIRE. That I am not prepared to say.

Mr. SHERMAN. It is a very small proportion—under 5 per cent.

Mr. MURDOCK. I would like to ask the gentleman if there is anything in this bill granting any right of alienation of any homestead either to a freedman, mixed blood, or full blood?

Mr. McGUIRE. The bill provides for alienation on homesteads of intermarried whites, of the freedman, and of the person less than one-half of Indian blood.

Mr. MURDOCK. Of the homestead?

Mr. McGUIRE. Of the homestead.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman from Oklahoma a question with reference to restrictions of homesteads in Oklahoma, whether or not it is necessary for the wife to join with the husband in making the deed.

Mr. McGUIRE. In Oklahoma it is, under the Oklahoma statute.

Mr. STEPHENS of Texas. Then the Indian wife here would have to join her husband in making a deed to the homestead.

Mr. McGUIRE. She would.

Mr. STEPHENS of Texas. And that would have to be severally acknowledged and recorded in accordance with the constitution and laws of Oklahoma.

Mr. McGUIRE. Yes.

Mr. MANN. Will the gentleman yield for a question?

Mr. McGUIRE. I will.

Mr. MANN. The bill, as the gentleman offers it, I notice, has a number of amendments which have never been printed. Will the gentleman say whether the bill as now presented has the unqualified approval of the Secretary of the Interior and the Commissioner of Indian Affairs?

Mr. McGUIRE. The bill has been amended in a minor way since it was approved by the Secretary of the Interior, but in no material point.

Mr. MANN. Well, I do not know what the object is in bringing in immaterial amendments on a motion to suspend the rules. I should like to know whether they have the approval of the Secretary of the Interior.

Mr. SHERMAN. Mr. Speaker, if the gentleman from Oklahoma will yield to me for a moment——

Mr. McGUIRE. I yield to the gentleman from New York.

Mr. SHERMAN. The amendments that are now presented to the bill are largely phraseological, to make more clear and distinct the real intent of the bill. I have discussed the bill with the Secretary of the Interior, not with the Commissioner of Indian Affairs, and I know what his attitude toward it is, and I know that the main principle as laid down in this bill meets with the unqualified approval of the Secretary of the Interior. The amendments do not change the question of who shall be given the right to alienate, nor do the amendments change any other principle of the bill. One amendment here, for instance, is transposed from section 1 to section 4 with an amendment, because it is more appropriately in section 4 as a part of the subject there treated.

Mr. MANN. Does this bill, then, meet the approval of the Commissioner of Indian Affairs?

Mr. McGUIRE. It does.

Mr. SHERMAN. About the Commissioner of Indian Affairs I will have to leave the gentleman from Oklahoma to state, because I have not discussed this with him, either before the bill was approved or since; but I have discussed it with the Secretary of the Interior, and I know the bill as now presented in principle meets his approval, and the amendments that are now suggested do not change in any particular the object sought to be attained by the bill.

Mr. STEPHENS of Texas. Will the gentleman from New York permit a question?

Mr. SHERMAN. I will, if the gentleman from Oklahoma will yield further.

Mr. STEPHENS of Texas. There is an amendment here that must be a mistake, on page 2, lines 21, 22, and 23.

Provided, That these lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the passage of this act.

Mr. SHERMAN. That is transferred to section 4, where it more appropriately belongs.

Mr. STEPHENS of Texas. I thought there must be some mistake about that.

Mr. SHERMAN. The amendment is transferred to section 4.

Mr. STEPHENS of Texas. I see another part of the bill provides that leases of oil and coal lands heretofore existing have to be approved by the Secretary of the Interior, and that these shall be binding on the Indians and lessees when so approved, and consequently that provision would leave a lease inoperative if left standing as it is if the Secretary should not approve the lease. Would that be right?

Mr. SHERMAN. No; this is the purpose of that: There are leases already made which are in process of being approved—that is, they have not yet reached the Secretary of the Interior for his final action thereon, and so this provision is to make it impossible to invalidate those until they have reached the Secretary. Then, if approved, they are validated, and if he disapproves they are invalidated.

Mr. STEPHENS of Texas. I don't think these leases should be invalidated, because many men have expended money on them on faith of their being approved by the Secretary of the Interior.

Mr. SHERMAN. That is precisely what the provision does—it makes it impossible to invalidate them.

Mr. McGUIRE. Mr. Speaker, I reserve the balance of my time.

Mr. SAUNDERS. Mr. Speaker, if I have some time I think I can answer the gentleman from Texas [Mr. STEPHENS].

The SPEAKER. The gentleman from Oklahoma reserves the balance of his time, ten minutes.

Mr. CARTER. Mr. Speaker, I can explain the proposition about which the gentleman from Texas was asking, and I will also explain to the gentleman from Illinois [Mr. MANN] this amendment, which has been transposed from the bottom of section 1 to the bottom of section 4. In that there has been a slight change.

The amendment originally read:

Provided, That these lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the passage of this act.

This amendment, as changed and placed at the end of section 4, reads as follows:

Provided further, That allotted lands shall not be subject or held liable to any form of personal claim or demand against the allottees arising or existing prior to the removal of restrictions other than contracts heretofore expressly permitted by law.

The words "other than contracts heretofore expressly permitted by law" were not in the original bill at all. And that explains it.

Mr. STEPHENS of Texas. I think that is satisfactory, because if left standing here, without some subsequent part of the bill modifying it, it would invalidate their rights.

Mr. CARTER. This slight change was made for that specific purpose. The gentleman from Virginia [Mr. SAUNDERS] wrote that amendment at my suggestion, and in order that legal contracts already in existence might not be impaired the latter clause was added.

Mr. SAUNDERS. That addendum is not found in the original amendment.

Mr. ADAIR. May I ask the gentleman a question? Is this bill unanimously reported from the Committee on Indian Affairs?

Mr. CARTER. Yes; it is.

Mr. STAFFORD. Can the gentleman from Oklahoma state whether this has been the policy of the Government as to other Indian lands, or will the gentleman yield to the chairman of the Committee on Indian Affairs to answer the question.

Mr. CARTER. I yield to the chairman of the committee to answer that.

Mr. SHERMAN. It has always been our policy to limit the right to alienate for a specific length of time all over the United States.

Mr. STAFFORD. But you are removing the limitation of alienation.

Mr. SHERMAN. Now, we are removing in part the power of alienation, but a very large portion of the entire State is made up of this land, so that, unless you release the limitation upon alienation, you have no land which you can tax for carrying on county and municipal divisions.

Mr. STAFFORD. Is there any instance where the Government has heretofore raised the barrier of alienation under like conditions?

Mr. SHERMAN. Oh, certainly, there is a general provision under which the Secretary of the Interior can release the limitation on alienation of the land of any Indian who on investigation he determines is competent to take care of himself, and under that provision there have been two or three million acres of this very land already released from alienation.

Mr. STAFFORD. Under this bill you are permitting alienation beyond the discretion of the Secretary of the Interior, without his approval, and vesting it entirely in these designated classes of Indians.

Mr. SHERMAN. That is what we are doing, but with the approval of the Secretary. We are in this manner releasing 8,000,000 out of 19,000,000 of acres of land, that is all; we are not releasing all of it.

Mr. STAFFORD. When the gentleman suggests with the approval of the Secretary of the Interior does he mean to convey the impression that no transfer of any of this allotted land will be permitted except upon approval of the Secretary of the Interior?

Mr. SHERMAN. Oh, no; I mean to say that the Secretary of the Interior approved this bill; in fact, this bill was drawn in the Interior Department.

Mr. STAFFORD. As I understood the bill when it was read, it takes away all discretion from the Secretary and vests all power of alienation in these designated Indians.

Mr. SHERMAN. In certain classes and to certain lands.

Mr. STAFFORD. Those having less than half blood.

Mr. STEPHENS of Texas. And to homestead also.

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman in regard to this proviso which is on page 2 and which I understand is an amendment to come in paragraph 4, which provides as follows:

Provided, That these lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the passage of this act.

Now, if the gentleman will permit, is the purpose of this proviso to relieve the Indians who get ownership of their land free from restrictions from all liability to previous debts?

Mr. CARTER. That is to relieve the land——

Mr. SHERLEY. Is it the purpose to relieve a man from the payment of his debts when he gets control of his property?

Mr. CARTER. I can explain that in just a minute.

In Oklahoma the lands at the present time are restricted. They are not subject to any of these personal claims or any judgments, and for that reason a great many judgments have been taken against Indians down there by default. The Indians knew a judgment could not be enforced as against their lands, and so they did not appear in court in many instances. A great many of them are judgments which are not just, but they cloud the title. That is the very thing we are trying to clear up now, and we want to give the Indians a new start. We want to turn this class loose with these lands and let them take a new start without any cloud on the title of their lands whatever.

Mr. SHERLEY. I do not think there is anything in the fact of the cloud on the title, because any cloud by reason of a judgment or lien can be gotten rid of at any time. There may be something in the proposition of the gentleman that inasmuch as these Indians have had judgments go by default against them, which are not judgments in equity, therefore they should not be enforced against the land.

Mr. CARTER. It has always been the policy of the Department, the Indian Office, and the Federal Government not to allow any claim enforced against an Indian's land on which there were restrictions.

Mr. SHERLEY. The proposition that strikes me as rather startling is that a judgment that is supposed to represent a debt should not be paid by the man who is considered as sufficiently capable to be given full possession of his land.

Mr. CARTER. This simply releases him from that obligation so far as his land is concerned, and no further.

Mr. SHERLEY. As I understand it, it simply prevents the collecting of the debt.

Mr. ADAIR. Does the judgment still stand against him, and could it not be collected against his personal property?

Mr. CARTER. Certainly.

Mr. SAUNDERS. Mr. Speaker, I think that I can answer the questions that have been asked in relation to this amendment so as to satisfy the gentlemen who have propounded them.

The SPEAKER. Does the gentleman yield?

Mr. CARTER. I yield two minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. The Indians to whom this amendment relates could not be subjected before the passage of this bill to any form of personal liability. There was no way under the law by which they could be held liable.

Mr. SHERLEY. Why?

Mr. SAUNDERS. Simply because the statutes provided it could not be done.

Mr. SHERLEY. Was not the reason based on the supposition that the Indian was not able to take care of himself?

Mr. SAUNDERS. Certainly.

Mr. SHERLEY. Now that he is able to take care of the land to the extent that he is given absolute control of it, why should he not be answerable for his debts?

Mr. CARTER. Because the debts were contracted before the Indian was considered capable.

Mr. SAUNDERS. The answer to that, Mr. Speaker, is, that as to subsequent accruing liabilities, after these restrictions are removed, the Indian will be held liable. This amendment simply removes any question of liability as to contracts undertaken to be entered into at a time when he was not capable to make a contract.

Mr. GOLDFOGLE. Where does that appear?

Mr. SAUNDERS. That appears in the amendment.

Mr. GOLDFOGLE. Is it not general?

Mr. SAUNDERS. The fact that the Indian could not enter into these contracts is general, but the suggestion was made that possibly when we removed these restrictions it might be hereafter considered that, in some way, this removal validated those claims which were not valid prior to the removal of the restrictions.

Mr. GOLDFOGLE. Now, if the Indian contracted debts and incurred obligations at a time when he had sufficient understanding and knew just what it meant to contract a debt, or just what it meant to incur an obligation, why should he be released now when it is conceded or, rather, when it is claimed by those in charge of the bill that he has sufficinet intelligence to deal with his lands?

Mr. SAUNDERS. When was that time? You observe that those contracts relate to a period when, by the general statutes, the Indian was presumed to be incapable of contracting.

Mr. SHERLEY. If the gentleman will permit——

Mr. SAUNDERS. Certainly.

Mr. SHERLEY. The contract would not be enforcible in the form of a judgment unless both parties to it were capable of making a contract.

Mr. SAUNDERS. You observe from the statement made by the gentleman from Oklahoma [Mr. CARTER] that these Indians are seeking relief as to contracts which were made at a time when they had a right to consider that they could not be enforced.

Mr. GOLDFOGLE. That does not appear in the bill.

Mr. SAUNDERS. It does not make any difference whether it appears in the bill or not. The amendment relates to conditions that existed under other statutes.

Mr. SHERLEY. The gentleman does not catch the point I desire to make.

Mr. SAUNDERS. I think I do.

Mr. SHERLEY. Which is that if the Indian is capable of making a valid contract, he ought to live up to it.

Mr. STEPHENS of Texas. But this was before he was capable of making a valid contract.

Mr. SHERLEY. If he was not able to make a valid contract, there is no valid contract that you need to bother about.

Mr. SHERMAN. The purpose of this is to show that Congress so intended. I do not think that they could enforce them, but the point of the committee was that it was the intent that no illegal contract should be a lien on any of these lands, it being suggested that if we remove that restriction it might have a retroactive effect and validate these invalid contracts.

Mr. SHERLEY. It can not do it. It can not have the effect of validating an invalid contract.

Mr. SHERMAN. In case there is a contract which the Indian was capable of making, this law will not have that effect. It expressly leaves valid every contract which under the general laws the Indian was capable of making.

Mr. CARTER. I will state to the gentleman from Kentucky that the Indian is considered capable in everything except the management of his tribal estate—that is, his land.

Mr. GOLDFOGLE. Why should he not pay his debts?

Mr. SAUNDERS. These were debts that he could not incur.

Mr. MURDOCK. Let us have order.

Mr. CARTER. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has six minutes remaining.

Mr. STAFFORD. Will the gentleman yield to a question?

Mr. CARTER. I have only six minutes; I can not yield.

Mr. Speaker, this bill provides for straightening out land conditions in the State of Oklahoma in a way that will be equitable to all classes concerned. We have on the tribal rolls a number of whites and freedmen and a considerable number of Indians, something more than 100,000 in all, I believe.

Several MEMBERS. Go down in front, CARTER. Come down in front, Indian; we can not hear you.

Mr. CARTER. A very large proportion of these people are fully competent to take care of themselves and are able to stand up and hold their own without the strong arm of the Federal Government to protect them.

There are in round numbers 20,000,000 acres of land in our State owned by this class of people. As I have stated before on the floor of this House, this land is nontaxable and inalienable.

This bill proposes a fair adjustment of these conditions. It provides that some of these lands may be taxed; it provides that those who are competent may be allowed to handle their own property according to the dictates of their own judgment,

and without Federal supervision. It provides for the removal of restrictions upon the intermarried citizen, the white man, who is not an Indian at all. It provides for the removal of restrictions on the freedmen, the former slave of the tribesmen, who is not an Indian at all. It provides for the removal of restrictions upon the lands of the Indian having less than half Indian blood, who is not an Indian at all except for revenue purposes.

It provides for the removal of restrictions on the surplus allotment of the mixed-blood Indian of half or more than half Indian blood, and there it stops, leaving the entire allotment of the full-blood Indian and the homestead of the mixed-blood Indian of half or more than half Indian blood in statu quo—that is to say, these lands are left inalienable and nontaxable, with the exception that the Secretary may remove such restrictions upon a showing of competency by the Indian or whenever, in his opinion, it will conserve the Indian's best interest to have a part of such lands sold.

Now, Mr. Speaker, it is a foolish sentimentality that prompts any man familiar with the facts to say that the class above referred to are incompetent. That there may be some cases of incompetency, no one will attempt to deny. There always exists these exceptions. In these strenuous times of commercialism and development no man or set of men are thoroughly competent to deal with every proposition that confronts them. As an evidence of this fact I submit that I and other Members of this House often vote for or against a measure which we do not thoroughly understand, but this is the exception and not the rule.

Those Indians whose restrictions are removed by this bill are, as a rule, just such men as I. I see that some of the gentlemen seem to be skeptical about this statement, but the proof of the pudding is in the chewing the string, and if you will come out into Oklahoma you will find that a great many of these Indians are worth ten times as much of this world's goods as I, and if you will attempt to make a few deals with them you will find when you are through that you are not worth as much as you were before. [Laughter.] I think this ought to be evidence sufficient of their business capacity as compared to mine. This bill does not propose to remove restrictions from those who are incompetent as a class, but leaves the restrictions upon their land until, in the opinion of the Secretary of the Interior, it is to their best interest to have such lands sold.

No man on the floor of this House is more zealous in his desire to protect the incompetent Indians than I. No one of you can feel more keenly his responsibility to this person than I. No one would deplore more than I seeing the incompetent Indian left absolutely helpless.

No one would regret more than I seeing them driven into a state of vagrancy, and when legislation in this Chamber approaches the point of permitting the plunder of incompetent Indians, you will always hear my feeble voice raised in protest. What becomes of these people if they are left homeless? Why, the State of Oklahoma, and not the Federal Government, will have to care for them if they become paupers. Therefore, I do not think the people of the State of Oklahoma want the last home of the incompetent Indian turned loose, so that he may be cheated out of his just rights.

Mr. SULZER. Are the Indians in favor of this bill?

Mr. CARTER. Yes, sir; they are.

Mr. SULZER. If they are, then I am in favor of the bill.

Mr. CARTER. Only a few days ago the President of the United States went a great deal further in his recommendation than this bill provides. He told the Secretary of the Interior that he wanted the restrictions removed from every acre of land in Oklahoma except the 40-acre homestead of the full-blood Indian. Now, some of you gentlemen, imbued with a misguided sentimentality in favor of the Indian, may think this recommendation of the President a great mistake. You doubtless think it would be little short of a national crime to go to the limit recommended by the President. I do not propose at this time to have anything to say in that connection. I am not here to argue that point, but to defend the provisions of this bill, which does not, in any manner, subject the Indian to injustice.

The removal of restrictions embraced in this bill will not prove a detriment but an advantage to all of the Indians whom it affects. They are thoroughly competent, and it will place them on their own responsibility. It will give them an opportunity to handle their property to the best advantage, without any interference from the Federal Government or anyone else, which is always resented by an intelligent person. It will place all of the burdens of American citizenship upon them, and why not, since they receive all the benefits? Why place these limitations upon competent citizens of the United States? Listen to me. You place these Indians on their feet; place them on their own responsibility, give them an equal show with their white brother, grant to them full-fledged American citizenship in all that the term implies, and mark my words, they will measure up to the full standard of your American citizenship. [Loud applause.]

I yield the remainder of my time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, there are in the Five Civilized Tribes about 106,000 Indians. They have about 19,000,000 acres of land. By an act of Congress passed in 1907 the power to alienate over 3,000,000 acres has been given to these Indians. Under this bill the restrictions will be taken from 8,000,000 acres more, so that out of 19,500,000 acres of the Indians' land there will be 11,000,000 acres subject to alienation. Whoever is familiar with the conditions in the new State of Oklahoma realizes that some action is necessary to be taken by Congress in order that there may be land subject to taxation in that portion of the new State included within the Indian Territory.

It should be understood, Mr. Speaker, however, since this step is to be taken, which will be followed eventually by the removal of the restrictions from all of the Indians' lands in the State of Oklahoma, that the people of the State of Oklahoma should understand that after the restrictions have been removed from the Indians' land, unless they protect the Indians in their rights, Oklahoma will hereafter be compelled to support the Indians and not expect the people of the United States to do so.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman have the slightest doubt that if that condition of affairs should come about, Congress would be asked to contribute to the support of these Indians and that it would be done?

Mr. FITZGERALD. Well, I shall agree to half of the suggestion of my friend. I have no doubt that Congress will be asked, but the answer that I would send back would be this:

> You have despoiled 100,000 Indians of 19,000,000 acres of land; you have taken their rich mineral deposits; you have squandered their vast funds; you have taken their property, and, having done so, you must take the care and responsibility of these Indians and support them without help from the rest of the United States.

To my friend from Illinois I wish to say that if Divine Providence should permit this House to be Democratic, a Democratic House, at least, would see that the people of Oklahoma lived up to their implied promise that they now make to support these Indians after they have taken their lands.

Mr. MANN. After all, would not Oklahoma and the Indians have the right to say, "This was done by virtue of an act of the Congress of the United States and not by virtue of an act of the legislature of the State of Oklahoma?"

Mr. FITZGERALD. The legislature of Oklahoma has no power to do it. I believe that before this bill is passed it is proper that somebody should send out a message to the people of Oklahoma. I do not say that they are asking this legislation in bad faith. I do not pretend that they are not as much if not more interested in making good, desirable, intelligent, and successful citizens out of the Indians than anyone else in the United States; but if there be anybody there who imagines that the United States will hereafter contribute to the expenses of maintaining these Indians, they should know now that their hopes will be vain.

Mr. McGUIRE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Oklahoma has ten minutes.

Mr. McGUIRE. I yield three minutes of that time to the leader of the minority [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the theory upon which we have taken care of the Indians in the past presents a totally different question from the condition with which we are confronted in Oklahoma now. We have treated the Indians as foreigners always. We have dealt with them by treaty just as we deal with other foreigners. They are foreigners within the bounds of the United States, it is true—tribal governments within a Territorial government and within the bounds of the General Government. This is the first time that Congress has ever dissolved the tribal relations of entire tribes who have become in the meanwhile citizens of a State. I say this in reply both to what has been said by the gentleman from New York [Mr. FITZGERALD] and to what has been said by the gentleman from Wisconsin [Mr. STAFFORD], to show the difference between the condition here and the conditions in the past, which bred the historic policy of the United States toward the Indians, which historic policy was a moment ago called to the attention

of the chairman of the Committee on Indian Affairs by the gentleman from Wisconsin [Mr. STAFFORD].

Now, Mr. Speaker, the situation is this: The white people down there are paying nearly all the taxes, while the Indians are owning nearly all the lands, and while the Indians themselves are getting no full benefit from the ownership of the land; none of the higher benefit which comes with the right of final disposition. I am in favor of the passage of this bill. I find here this statement in the report:

It will be readily observed from the foregoing statement that there is little taxable property in that portion of the State of Oklahoma except personal property and real estate in the corporate limits of cities and towns. The meaning of this is that there is a government, State and local, to support with practically no real estate upon which there may be a levy for taxable purposes. The cities are required to bear the expenses of county and State government with the exception of personal property and small per cent of outside real estate mentioned in the preceding paragraph. This leaves a portion of the people of that State bearing all the burdens of taxation, and relieves another—the most wealthy of the people of the State—from any of the burdens of taxation. The result is that it is impossible to support schools except in the extremely wealthy section more than two or three months in the year. For those persons who are taxed, the per cent of taxation is enormously high—almost unbearable.

I am very glad to support the bill, and I hope the new policy for which the precedent is established in this bill will be followed hereafter more and more. These Indians in the Indian Territory and Oklahoma are not savages; they are not barbarians, nor semibarbarians. For the most part they can read and write. They can understand what their own rights are under the law. They are independent and self-dependent citizens of the State, and they ought not to be held in tutelage and wardship any longer by the Government of the United States. It is insulting to them. Wherever we provided a contrary policy it is because of the fact that the illiteracy and ignorance of the Indian made him necessarily an object of protection of the United States Government. These people are able to protect themselves. They belong to the civilized tribe. Some of them are very wealthy. A great many of them are remarkably intelligent people, and it seems to me that in their own interest, even if nobody else were concerned, we should remove from them the shackles in which they have hitherto been bound, give them the freedom of action and the sense of responsibility which the right to dispose of their own property would give them, and that is what this bill will do to the extent at least of 8,000,000 acres of land.

Mr. McGUIRE. I now yield three minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, in the few moments of time that I have I desire to acquaint the House with three or four statements that the House ought to know. In the first place, the delegation from Oklahoma, each and every Member in both the House and the Senate, is in favor of this bill. When we came up here from Oklahoma we believed that the entire section of the State of Oklahoma was for the removal of these restrictions. It has been debated over the State, both among the Indians and the whites universally interested, and it has been universally asked for. We recognize the superior ability of the Indian Office and the Interior Department. We began the first day we came here, and we kept up meeting after meeting and day after day and week after week with the Indian Office and with the Secretary of the Interior and their attorneys.

This bill is agreed to by the Secretary of the Interior, by the Indian Office, by the Oklahoma delegation, and has the unanimous consent of the Committee on Indian Affairs. These people have all agreed to this bill reported, and are anxious to have it pass.

Now, one moment as to what it does. In the eastern half of the State of Oklahoma there are 19,000,000 acres of land; 3,000,000 acres of land have been removed, leaving 16,000,000 acres of land now tied up. This bill removes the restriction from the freedmen, who were formerly slaves of the Indians; it removes restrictions from the intermarried white people who went into Oklahoma and married Indian citizens, and from those with less than half Indian blood, such as the gentleman from Oklahoma, Mr. CARTER, and Senator OWEN. These Indians are at the head of banking institutions, at the head of other important business institutions, good lawyers, good physicians, and are carrying on business in all the walks of life. It is ridiculous to keep people like that tied up by these restrictions.

Now, I want to say to the House that when you say the people of Oklahoma have too much land, it seems at first a violent statement or a violent conclusion, but they have on a rough gross estimate 190 acres of land apiece. That does not seem to be very large, but you take a family with a husband, a wife, and eight children, making ten in all, and 10 times 190 is 1,900 acres, and that is too much land for any one family to own, I don't care whether it is an Indian or a white citizen or what his complexion is. A tract of 1,900 acres of land is too much for any one family to own.

This bill does not take it away from them or sell them arbitrarily. It merely lets them sell on their own motion, in their own way, and for such prices as they can procure—merely gives them the right to deal in their own way with their own property; merely makes them feel men and women in Oklahoma.

Mr. McGUIRE. I yield the rest of my time to the gentleman from New York [Mr. SHERMAN].

Mr. GAINES of Tennessee. Before the gentleman from New York proceeds, will he tell me what per cent of these people can read and write?

Mr. CARTER. In the Chickasaws I will say that 100 per cent of them can.

Mr. DAVENPORT. In the Cherokees there is not a man or a woman over the age of 15 years who can not read and write.

Mr. GAINES of Tennessee. Do they own this land?

Mr. DAVENPORT. Yes.

Mr. SHERMAN. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] and the gentleman from Oklahoma [Mr. McGUIRE] have given all of the statistics that relate to this matter, so that I need not repeat those, but I want to call the attention of the House to one or two important facts in connection with the matter. All of these Indians in Oklahoma are voters. They have full franchise to-day, which the Congress of the United States has given them, although substantially all of their land—sixteen out of nineteen million acres—is now untaxed. This is a proposition to release not the total of the 19,000,000 acres, but to release one-half of the 16,000,000 acres that are now inalienable. It still leaves 8,000,000 acres of the 19,000,000 comprising the lands of the Five Civilized Tribes inalienable and nontaxable. Oklahoma proper, or old Oklahoma, contains 24,000,000 acres, and the old Indian Territory 19,000,000 acres, or 42,000,000 acres all told, and even with the passage of this bill it leaves eight million and odd thousand acres, or 20 per cent, of all the land in the new State of Oklahoma nontaxable. It does seem to me in all fairness, the large percentage of these Indians being as intelligent as the ordinary citizens in the Congressional district of any gentleman upon the floor, that they ought to be given the right to alienate these lands, and as soon as they are alienated the lands ought to be taxed. It is a heavy burden to put upon the citizens of any State, of any community, of any county, the care of meeting all expenses of the municipality or State by levying a tax therefor upon 80 per cent of the lands. This bill has been well thought out. Originally it was framed by the law officers of the Department, with the active cooperation of the Secretary himself, an able and a careful lawyer and a thoughtful man. It then came to the committee of the House, who gave full hearings to every single interest desiring it. We put no limit whatever upon the time for hearings, so that every interest has been fully heard, and at the end of those full hearings, weeks being devoted to the consideration of the matter, the Indian Committee brings in this unanimous report. I believe, Mr. Chairman, that the bill ought to pass without a dissenting vote in the House.

Mr. STEPHENS of Texas. Will the gentleman yield for a moment?

Mr. SHERMAN. I will if I have the time.

Mr. STEPHENS of Texas. I desire to state that I also favor the passage of this bill and the removal of the restrictions, and in answer to what the gentleman from New York [Mr. FITZGERALD] has said, I do not think it possible that these Indians will ever come back on the Government, for the reason that they will become voters, and after becoming voters they become citizens of the country; and hence, being citizens of Oklahoma, the United States Government never can have anything further to do with them.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on suspending the rules and passing the bill as amended.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays, in order to expedite public business.

The yeas and nays were ordered.

The question was taken, and there were—yeas 250, answered "present" 11, not voting 126, as follows:

YEAS—250.

Adair	Anthony	Bennet, N. Y.	Brownlow
Adamson	Bannon	Bingham	Brundidge
Aiken	Barchfeld	Bonynge	Burgess
Alexander, Mo.	Barclay	Booher	Burleigh
Alexander, N. Y.	Bartlett, Ga.	Bowers	Burleson
Allen	Bartlett, Nev.	Boyd	Burnett
Ames	Bates	Bradley	Burton, Ohio
Andrus	Beall, Tex.	Brantley	Butler
Ansberry	Bell, Ga.	Brodhead	Byrd

Calderhead	Gaines, Tenn.	Knowland	Prince
Caldwell	Gardner, Mich.	Lafean	Rainey
Campbell	Gardner, N. J.	Lamar, Mo.	Randell, Tex.
Candler	Garner	Landis	Rauch
Capron	Gilhams	Law	Reeder
Carter	Gillespie	Lawrence	Reid
Cary	Glass	Lee	Reynolds
Chapman	Godwin	Legare	Richardson
Clark, Mo.	Goldfogle	Lenahan	Robinson
Clayton	Gordon	Lever	Rodenberg
Cocks, N. Y.	Goulden	Lewis	Rothermel
Cole	Graff	Lindbergh	Russell, Mo.
Conner	Granger	Lindsay	Ryan
Cooper, Pa.	Gregg	Littlefield	Sabath
Cooper, Tex.	Griggs	Lloyd	Saunders
Cooper, Wis.	Gronna	McCall	Scott
Cousins	Hackney	McGavin	Sheppard
Cox, Ind.	Hale	McGuire	Sherley
Craig	Hamilton, Iowa	McHenry	Sherwood
Cravens	Hamilton, Mich.	McKinlay, Cal.	Sims
Crumpacker	Hammond	McKinley, Ill.	Slemp
Cushman	Harding	McKinney	Small
Dalzell	Haskins	McLachlan, Cal.	Smith, Cal.
Davenport	Haugen	McLain	Smith, Iowa
Davidson	Hawley	McLaughlin, Mich.	Smith, Mich.
Davis, Minn.	Hay	McMillan	Smith, Mo.
Dawson	Hayes	Macon	Smith, Tex.
De Armond	Heflin	Madden	Southwick
Denby	Helm	Madison	Sperry
Denver	Higgins	Mann	Spight
Diekema	Hill, Conn.	Maynard	Stafford
Dixon	Hinshaw	Miller	Steenerson
Draper	Holliday	Mondell	Stephens, Tex.
Durey	Houston	Moon, Pa.	Sulzer
Dwight	Howell, N. J.	Moon, Tenn.	Taylor, Ala.
Ellerbe	Howell, Utah	Moore, Tex.	Thistlewood
Ellis, Mo.	Howland	Morse	Thomas, N. C.
Ellis, Oreg.	Hubbard, Iowa	Mouser	Thomas, Ohio
Esch	Hubbard, W. Va.	Murdock	Tou Velle
Fairchild	Huff	Murphy	Townsend
Favrot	Hughes, N. J.	Nelson	Underwood
Ferris	Hull, Tenn.	Nicholls	Volstead
Fitzgerald	Humphreys, Miss.	Norris	Waldo
Flood	Johnson, Ky.	Nye	Wanger
Floyd	Johnson, S. C.	O'Connell	Watson
Focht	Jones, Wash.	Olcott	Webb
Fordney	Keifer	Page	Wheeler
Fornes	Kennedy, Iowa	Parker, S. Dak.	Williams
Foster, Ill.	Kennedy, Ohio	Parsons	Wilson, Ill.
Foster, Ind.	Kinkaid	Patterson	Wood
Foster, Vt.	Kipp	Payne	Woodyard
French	Kitchin, Claude	Pollard	Young
Fuller	Knapp	Pou	
Fulton	Knopf	Pray	

ANSWERED "PRESENT"—11.

Boutell	Hardwick	Jones, Va.	Padgett
Gaines, W. Va.	Hardy	Lamb	Talbott
Hamlin	Harrison	Mudd	

NOT VOTING—126.

Acheson	Finley	Kitchin, Wm. W.	Ransdell, La.
Ashbrook	Foss	Küstermann	Rhinock
Bartholdt	Foulkrod	Lamar, Fla.	Riordan
Beale, Pa.	Fowler	Langley	Roberts
Bede	Gardner, Mass.	Laning	Rucker
Bennett, Ky.	Garrett	Lassiter	Russell, Tex.
Birdsall	Gill	Leake	Shackleford
Broussard	Gillett	Lilley	Sherman
Brumm	Goebel	Livingston	Slayden
Burke	Graham	Longworth	Snapp
Burton, Del.	Greene	Lorimer	Sparkman
Calder	Hackett	Loud	Stanley
Carlin	Haggott	Loudenslager	Sterling
Caulfield	Hall	Lovering	Stevens, Minn.
Chaney	Hamill	Lowden	Sturgiss
Clark, Fla.	Henry, Conn.	McCreary	Sulloway
Cockran	Henry, Tex.	McDermott	Tawney
Cook, Colo.	Hepburn	McMorran	Taylor, Ohio
Cook, Pa.	Hill, Miss.	Malby	Tirrell
Coudrey	Hitchcock	Marshall	Vreeland
Crawford	Hobson	Moore, Pa.	Wallace
Currier	Howard	Needham	Washburn
Darragh	Hughes, W. Va.	Olmsted	Watkins
Davey, La.	Hull, Iowa	Overstreet	Weeks
Dawes	Humphrey, Wash.	Parker, N. J.	Weems
Douglas	Jackson	Pearre	Weisse
Driscoll	James, Addison D.	Perkins	Wiley
Dunwell	James, Ollie M.	Peters	Willett
Edwards, Ga.	Jenkins	Porter	Wilson, Pa.
Edwards, Ky.	Kahn	Powers	Wolf
Englebright	Keliher	Pratt	
Fassett	Kimball	Pujo	

So the rules were suspended, and the bill as amended was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. OLMSTED with Mr. RUSSELL of Texas.

Until further notice:

Mr. ANTHONY with Mr. SHACKLEFORD.

Mr. FASSETT with Mr. HARDWICK.

Mr. COOK of Pennsylvania with Mr. EDWARDS of Georgia.

Mr. LANING with Mr. CRAWFORD.

Mr. BEDE with Mr. ASHBROOK.

Mr. BIRDSALL with Mr. CARLIN.

Mr. CHANEY with Mr. HILL of Mississippi.

Mr. DOUGLAS with Mr. LASSITER.

Mr. LONGWORTH with Mr. MCDERMOTT.

Mr. LOUDENSLAGER with Mr. PUJO.

Mr. ENGLEBRIGHT with Mr. STANLEY.

Mr. TAWNEY with Mr. WILLETT.

The result of the vote was announced as above recorded.

TRADE IN THE PHILIPPINES.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill S. 5262.

The SPEAKER. The gentleman from Wisconsin moves to suspend the rules and pass the following Senate bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 5262) to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes.

Be it enacted, etc., That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago.

SEC. 2. That on and after the passage of this act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Islands which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries.

SEC. 3. That the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Islands and the United States.

SEC. 4. That the Philippine Commission shall be authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this act and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

SEC. 5. That such of the navigation laws of the United States as are in force in the Philippine Islands in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Philippine Islands.

SEC. 6. That the act entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Islands, between ports or places in the Philippine Islands, and for other purposes," approved April 30, 1906, and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule, a second is ordered. The gentleman from Wisconsin [Mr. COOPER] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. COOPER of Wisconsin. Mr. Speaker, this bill will, I think, have no opposition in the House when its provisions are understood. The first section does not change existing law. Section 2 does not. Section 3 is the only section in the bill which changes existing law, and it, if enacted into law, will repeal the statute which requires that after April 1 of next year all trade between the Philippines and the mainland shall be carried in American ships. That law, which would require all trade between the Philippine Islands and the mainland, whether import or export from either country, to be carried in American ships was passed in 1906. It was to go into effect a year or more ago, but Congress saw fit to extend the time when it would go into effect to April 1, 1909. Now, if that law were to stand unrepealed, the result would be one of two things, either that there would have to be a sufficient number of American ships to carry this trade and also a very material reduction in existing freight rates, or else there will not be a sufficient number of American ships to carry the trade, and the trade will go elsewhere. Although the shipping interests of the United States have had ample notice of the time when this law must go into effect, there has been but very little effort, and that a wholly unsuccessful effort, to build enough ships to meet the requirements of this trade. For example, last year the exports from the Philippine Islands to this country aggregated more than $12,000,000, of which only about $800,000 worth of those products were carried in American bottoms—that is, less than 7 per cent—6.8 per cent. The imports into the Philippine Islands from the United States were in value about $5,000,000, and of this American bottoms carried only 16 per cent—a small fraction. So it amounts to a demonstration that unless we repeal this law there will be a marked increase in the freight rates between the Philippines and the United States, and this trade will go elsewhere. There is nothing to compel the Filipinos to trade with this country. There is nothing to compel them to pay the higher freight rates, and it is inevitable, therefore, that the United States would lose much of this trade. The total imports into the Philippines last year were about $29,000,000 from all countries, and the total exports from the Islands were about $34,000,000, show-

ing a very healthy balance of trade in favor of the Philippines of approximately $4,000,000. The report of the Insular Committee, which I drew, contains an error—an error in copying. It says:

Of the 467 steam vessels which cleared at Philippine ports—

It should have been "which entered at Manila"—

only 24 were American vessels.

Manila, both in imports and exports, does about 80 per cent of the business of the Philippine Islands. This proportion of American ships to the total number of ships holds approximately good for other ports in the archipelago.

I now yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, the necessity for the enactment of this bill, I think, is recognized by everyone who is at all familiar with the history of legislation on the subject and the real conditions between this country and the Philippine Archipelago.

Mr. WILLIAMS. Will the gentleman yield to a question?

Mr. CRUMPACKER. I will.

Mr. WILLIAMS. As I understand this bill, it permits foreign-built ships to be used in the trade between the Philippine Islands and the United States?

Mr. CRUMPACKER. That is the purpose of the bill.

Mr. WILLIAMS. And they shall continue to be used until further legislation by Congress?

Mr. CRUMPACKER. Yes.

Mr. WILLIAMS. I want to ask the gentleman this question: I introduced a bill providing that ships, no matter where bought, might be admitted to American registration and sail under the American flag if owned by Americans and if they were used exclusively in the trade between continental United States and these colonial ports. They would have been the property of American citizens. My bill did not go quite as far as this does. This bill permits ships owned by foreigners to go into the trade no matter where bought—mine only those owned by Americans. Does not the gentleman think it would have been better that American-owned ships be permitted to enter that trade, under these peculiar conditions, bought anywhere where they might have been bought, while foreign-owned ships remain excluded?

Mr. CRUMPACKER. I do not; because there is not trade enough now between the Philippine Archipelago and the United States to justify the establishment of a coastwise line of boats. The American boats that operate now are engaged in the foreign trade, and incidentally do coastwise trade. Most of the commerce is now conducted in foreign bottoms, and if they are prohibited, it will greatly cripple the trade.

Mr. WILLIAMS. One other question. Does the gentleman think there would have been enough bottoms if the trade took in the trade between the United States and the Philippines and also between the United States and Hawaii, and between Hawaii and the Philippines?

Mr. CRUMPACKER. By no manner of means. I do not believe it would afford any substantial relief to the people of the archipelago and the Hawaiian Islands.

Mr. WILLIAMS. I will support your bill rather than submit to a monopoly of American-built ships.

Mr. CRUMPACKER. The trade between the Philippine Islands and the United States is not large, not as large as it ought to be; but if we make the shipping coastwise it will result in the practical destruction of all the trade and the loss of many of the conveniences that they now have and enormously increase the freight rates. The law we passed several years ago making our navigation laws applicable to the Philippine Islands after April 11, 1909, would not do the American merchant marine any good whatever. I feel confident sufficient American boats would not regularly enter into that trade, and the result would be the destruction rather than the building of it up.

Mr. BURTON of Ohio. Will the gentleman allow me to ask him a question?

Mr. CRUMPACKER. I will.

Mr. BURTON of Ohio. What is the regulation under this bill with reference to boats trading between the different ports of the United States and the Philippine Archipelago?

Mr. CRUMPACKER. The regulation is under the Philippine government. Congress has committed to the government of the archipelago the power to make such regulations as it sees fit, until we have developed a merchant marine, and until we admit boats of Philippine construction to American registration.

Mr. BURTON of Ohio. Then I understand that under this first section the authority to enforce regulations shall include the right to permit foreign boats to trade between the different ports in the Philippines.

Mr. CRUMPACKER. I understand that to be true, and that is the law now. That is the existing law. This bill practically reenacts existing law, except in section 3. This is the section that repeals the act we passed two years ago, making the coastwise laws applicable to the Philippine trade after April 11, 1909. That is the only new provision in the bill. Mr. Speaker, it should be the policy of the Federal Government to encourage the Philippine trade rather than discourage it; and if this law is not enacted, if no action is taken, the effect will be the practical destruction of Philippine commerce with America, and the loss of the means of communication that they have now.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Virginia.

Mr. JONES of Virginia. Mr. Speaker, I had not intended saying anything in regard to this measure, but since the gentleman from Wisconsin [Mr. COOPER] has kindly yielded me a few moments I will avail myself of the opportunity to say that I very heartily approve all its provisions. I fully concur in what has been said by him and by the gentleman from Indiana. The commerce now carried on between the Philippines and the United States is very inconsiderable, indeed, it is wellnigh insignificant. Leaving out of consideration hemp, the importation of which into the United States from the Philippines exceeds in value the total value of all other Philippine products sent here from those islands, our importations are scarcely worth mentioning. This would be true, too, of hemp if it were not that the Philippine treasury is now compelled to refund the export duties which it collects upon hemp imported directly into the United States. The tax thus refunded going into the pockets of the cordage trust. But for this considerable advantage enjoyed by the cordage trust, and paid for by the poor Filipino farmer, the total volume of our trade with the Philippines, small as it now is, would be even less. If we compel all the commerce between the Philippines and the United States to be carried in American bottoms, which will be the case after the 1st of April of next year unless the operation of our coastwise laws are further suspended, we will effectually destroy the little commerce we now have with those islands. The object of this bill is to suspend the operation of those laws, not for the period of one year or of two years as has hitherto been done, but to suspend them indefinitely.

If Congress shall, by a failure to enact some legislation, permit the coastwise laws of the United States to go into operation between this country and the Philippines, there will be created a monopoly in the carrying trade between the two which all men know will greatly enhance the cost of transportation and which I firmly believe will result in the total extinction of such trade as we now have with the Philippine Islands.

This legislation is therefore demanded in the interest of the American people as well as that of the Filipinos, for unless our shipping laws are changed the trade which we now enjoy will surely go to Spain, Germany, England, and other European countries.

For these reasons I have long favored the indefinite suspension of our coastwise shipping laws as to the Philippines, rather than their suspension for a year or two at a time.

This act simply obviates the necessity for coming to every Congress and asking for a further suspension.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from Virginia if the enactment of this bill will, in his opinion, facilitate trade between the Philippines and the United States?

Mr. JONES of Virginia. I have not the slightest doubt but that it will do so. I am entirely certain that if our coastwise shipping laws go into effect as to the Philippines a year from now, as they will do unless some such measure as this is passed, we will lose what trade we now have with those islands.

Mr. SULZER. Now, Mr. Speaker, does not the gentleman from Virginia think it would be better to pass a bill to remove all restrictions on trade between the Philippines and the United States?

Mr. JONES of Virginia. I will say to the gentleman that I certainly do, and I would welcome the opportunity to vote for the removal of all restrictions; for the tearing down of the tariff wall which we have most unjustly raised up against the poor Filipinos. Having forcibly deprived them of their old-time markets, we have no moral right to exclude them from those of the United States.

Mr. SULZER. Mr. Speaker, I quite agree with the gentleman from Virginia, and I am glad to hear him say what he has just said.

Mr. COOPER of Wisconsin. Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. I yield seven minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, I understand from the statement made by the gentleman from Mississippi [Mr. WILLIAMS] a few moments ago that he has introduced a bill intended to relieve this situation, and from his statement as to what his bill contains I am surprised that it is not the bill reported out by this committee. We ought to be considering now not this bill, but the bill introduced by the gentleman from Mississippi.

The effect of the measure under consideration, in brief, is to do away with our coastwise laws, so far as they relate to traffic between the United States and the Philippine Islands; in other words, to admit to that trade the vessels of any nation until some act shall have been passed here authorizing the admission to American registry of vessels owned in the Philippine Islands. And I understand from the hearings that the Secretary of War testified that the time when vessels from the Philippine Islands ought to be admitted to American registry would come whenever we had a ship subsidy in this country, and until that time shall arrive it is necessary, according to the opinion of Secretary Taft, to let the vessels of other nations engage in this trade on equal terms with our own.

Now, the object of laws affecting our shipping at the present time is or ought to be to add more tonnage to the American merchant marine. There have been only three ways for nearly a hundred years by which vessels could be added to the American merchant marine. The American citizen must buy a vessel built in an American shipyard or build a vessel in an American shipyard. If he buys her, he must buy one that has been constructed in an American shipyard and has already paid tribute to the trusts. For nearly a hundred years a vessel could be admitted to American registry in another way. An American citizen could prowl along our coasts until he found a vessel wrecked, and if he repaired her in an American shipyard and paid enough tribute to the steel trust—in other words, if the repairs cost three-fourths of her value—she could be admitted to American registry.

Mr. GREENE. I will ask the gentleman if that law is now in existence?

Mr. RAINEY. No, sir. We repealed the repaired-wreck law in the Fifty-ninth Congress; but under the repaired-wreck law we admitted to American registry over 300 vessels. By special bills we added in the same period of time 200 more repaired wrecks to our merchant marine. In other words, one-fifteenth of the entire tonnage of our merchant marine was acquired in this way. After repealing the repaired-wreck law there were then left only two ways in which an American could become the owner of a vessel. He must capture one in war or he must build one in an American shipyard or buy one that has already been built in an American shipyard. Capturing vessels in war is not a particularly profitable occupation in this country. Therefore there is only one way now, since the repaired-wreck law has been repealed, by which you can get a vessel admitted to American registry—pay tribute to the trusts in this country and build the vessel here. An American citizen can not buy a vessel built anywhere else and sail her under the American flag. He can not build a vessel out of materials admitted free of duty and use her in the coastwise trade longer than two months in the year; and on account of this limitation advantage is never taken of the law admitting material free of duty.

Now, the bill introduced by the gentleman from Mississippi [Mr. WILLIAMS] provides that this need of vessels between the United States and the Philippines may be supplied in a logical way; it provides that an American citizen desirous of going into that trade can buy ships wherever he pleases and avoid paying tribute to the American steel trust. There is nothing new in that policy. In 1832, when we were unable to roll iron as cheaply as they could in England, and again, in 1842, we built railroads across this country out of railroad iron admitted free of duty. We encouraged the building of railroads in those days in that manner. We roll iron cheaper here now than they do in England and maintain a tariff that excludes the rolled iron of England from competition here. We, however, successfully compete with England abroad and sell cheaper there than at home. We protect our ship industries at the present time by refusing the admission of free raw material so that it can be of real service to the industry. We have always refused to permit Americans to buy ships anywhere else except in one instance. In 1892 we passed an act which provided that American companies owning a majority of the stock in ship——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. I will yield to the gentleman five minutes more.

Mr. RAINEY. As I was saying, in 1892——

Mr. BEALE of Pennsylvania. Will the gentleman state for the benefit of the House what was the cost of rails in 1842?

Mr. RAINEY. Oh, I do not know. In 1842 we admitted them free of duty in order to help the railroads, because they cost less abroad than they cost here. We could not make them then as cheaply at home as they were making them in England. We admitted them free of duty in 1842, and also in 1832. We produce steel rails cheaper now than in any other country in the world, therefore we protect the industry. The policy of the Republican majority in the present Congress seems to be to do what they can to help these great corporations levy some sort of tribute on the American people. [Applause on Democratic side.]

Now, in 1892 we passed an act providing for the admission to American registry of vessels built abroad when a majority of the stock of the company owning the ships was owned by American citizens, provided the Americans owning the stock would build an equal amount of tonnage in American shipyards and therefore pay some tribute to the American steel trust.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. RAINEY. I will yield to the gentleman.

Mr. COOPER of Wisconsin. I understood the gentleman from Illinois to say that from 1832 to 1842 there was no tariff on rails or materials that went into railroads across the country.

Mr. RAINEY. No; I did not say that. I said the act of 1832 and the act of 1842 admitted steel rails free of duty, to be used in the construction of railroads across the United States.

Mr. COOPER of Wisconsin. How were they building railroads across the United States in 1832 or 1842 when the first railroad out of Chicago wasn't built until 1852?

Mr. RAINEY. They were providing for and anticipating the construction of railroads across the country, although none were built at that time entirely across the country. The gentleman will find, if he studies the tariff history of the country, that in 1832 and in 1842 iron rails were admitted free of duty.

Mr. COOPER of Wisconsin. That I understand to be true.

Mr. RAINEY. Then if it be true, there is no dispute between us.

Mr. COOPER of Wisconsin. I wanted an interpretation of the gentleman's assertion that they were admitted free of duty to construct railroads across the continent. The first railroad out of Chicago was not built until 1852.

Mr. ADAIR. They could have built them across the country.

Mr. RAINEY. Yes; and they did do it afterwards. They did aid railroad construction, whether they actually reached the Pacific coast or not, by admitting rails free of duty.

Under the act of 1892 only two ships were admitted to American registry—the *City of New York* and the *City of Paris*—and no more. Those are the only ships in our merchant marine today not built in American shipyards, except repaired wrecks. The bill introduced by the gentleman from Mississippi [Mr. WILLIAMS] gives American citizens the opportunity to invest their money in ships and sail them under the American flag and avoid paying tribute to the steel trust. As the matter stands now perhaps as much American capital is invested in ships sailing under foreign flags as is invested in ships sailing under our own flag. The Standard Oil Company is operating under the German flag oil vessels built in foreign shipyards, and is carrying oil to the various ports of the world—a conspicuous example of American capital invested in foreign ships, sailing under foreign flags.

If it is a good thing to have more ships in this country, then why not, in this particular at least, give Americans an opportunity to buy a few ships or build a few ships abroad? It is admitted that in this service this policy would not interfere with our coastwise trade. The mere fact that this bill has been reported out shows that the committee is of the opinion that it will not interfere with our coastwise trade to permit foreign vessels to engage in this particular trade. If it does not hurt the coastwise trade in any way to permit foreign ships to enter this particular field, then why not give American capital the opportunity to buy ships abroad for this trade and escape the exactions of the steel trust in this country? We would then own the vessels engaged in this trade and the tonnage of our merchant marine would be considerably increased without resorting to subsidies. Foreign ships can always be built for two-thirds of the price they cost in this country, on account alone of the difference in the cost of materials.

It is proposed here to hold the trade of the Philippine Islands by this temporary makeshift, and at the same time fully protect the American Steel Company. You are not sup-

porting the shipbuilding industry any more in this country by refusing to admit to American registry vessels built abroad. An American citizen can buy anything abroad and bring it back to this country except a ship, and there is no reason why he should not be permitted to buy ships, especially for this trade.

The SPEAKER pro tempore (Mr. WOODYARD). The time of the gentleman from Illinois has expired.

Mr. WILLIAMS. I yield five more minutes to the gentleman.

Mr. RAINEY. Mr. Speaker, shipbuilding in this country is not a craft any more. It is not necessary to protect it by this character of laws. Shipbuilding in this country is simply a process of manufacture. We manufacture watches, we do not make them any more. They simply feed strips of metal into a machine and it comes out parts of watches at the other end. You can not find watchmakers any more in this country. There are no shoemakers now. No man can make a shoe unless he is a very old man at the present time. We manufacture all of our shoes, and we manufacture ships. Nowadays the man who makes the blueprints builds the ship, and it does not take subsidies and coastwise laws to develop men who can make blueprints. The enlarged blueprints are laid down on a floor. Strips of basswood are laid over the blueprints and cut out, and from the basswood strips the parts of an iron ship are quickly molded up. The parts are then riveted together, and the ship is quickly launched and finished up.

It does not require subsidies to accomplish that. They are building ships now in other parts of the world—iron ships—in about half the time it takes us to build them here. It requires now in a shipyard only a few men skilled in the metal trades and a large number of laborers. Yet we are maintaining our absurd navigation laws upon the theory that we are helping to build up a shipbuilding industry in this country. The real reason why we maintain our navigation laws is this: We maintain them intact in order to enable the steel trust to charge 33⅓ per cent more for ship plates sold here in American shipyards than those same steel ship plates, manufactured by the same trust, are sold to foreign yards.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. RAINEY. Yes.

Mr. CRUMPACKER. Is it not true that under the present tariff law all imported material that goes into the construction of a ship comes in free of duty; that shipbuilders pay no duty on imported material, iron or anything else?

Mr. RAINEY. I am not surprised that the gentleman makes that mistake. The same mistake was made by the President of the United States in an address he made not long ago. I deny that that is the law. The law is this: Under the law of 1894, and again under the law of 1897, material for the construction of ships to be used——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. I yield the gentleman two minutes more.

Mr. RAINEY. Material for the construction of ships constructed for foreign ownership or to be used in the foreign trade are admitted free of duty, provided a ship constructed for American ownership out of material admitted free of duty can be used in the coastwise trade for only sixty days in the year.

Mr. CRUMPACKER. Mr. Speaker, I ought to have qualified my question according to the gentleman's statement. I knew, of course, that ships that are used in the coastwise trade and have an absolute monopoly of that trade secure no special advantages in construction, but it is true that ships built in American shipyards for the foreign trade do have the right to import material for construction free of duty.

Mr. RAINEY. I just stated that, and the vessel can be used in our profitable coastwise trade for only sixty days in the year, and during all the life of that vessel it is excluded from our coastwise trade for a longer period each year than that. I have a bill pending here providing for free raw material for building and equipping ships. There are 1,200 firms and individuals in the United States engaged in building ships or in equipping and furnishing material for ships. I wrote to every one of them and got 500 answers. I was able to find only one ship ever constructed in an American yard which took advantage of the law of 1897, the *Dirigo*, of Maine. I was able to find only one ship that ever repaired under that law, and I have letters from both those shipowners and they say they are sorry they took advantage of it. Why? Because they are excluded forever from our coastwise trade; you can not coast sixty days in the year and go foreign the rest of the time. It cost James J. Hill nearly a million dollars more to build the *Minnesota* and the *Dakota* out of American material, although those two vessels were to be used in exclusive foreign trade, than it would have cost him if he had taken advantage of this law. Why didn't he do it? Because during the entire life of those great ships—one of them is now destroyed—if he had taken advantage of this law, he could not have stopped at two American ports on the Pacific coast before crossing the ocean, and so he paid the tribute of a million dollars to the steel trust and built them out of American material. [Applause.]

The SPEAKER pro tempore. The gentleman from Mississippi has one minute remaining.

Mr. WILLIAMS. Well, I do not know just exactly how it was calculated, but there ought to be at least two minutes remaining. Mr. Speaker, I am in favor of this bill because I am in favor of treating the Filipinos fairly and generously——

The SPEAKER pro tempore. The Chair begs the gentleman's pardon. The gentleman from Mississippi has three minutes remaining.

Mr. WILLIAMS. Ah, I thought it could not be less than two. Mr. Chairman, I am in favor of treating the Filipinos fairly as long as they are unjustly held under the American flag. I would give them the benefit of our markets to purchase our goods in, and I would give our people the benefit of their markets to purchase their goods in. And I would give them the cheapest possible freight for the trade between them and us, and undoubtedly the cheapest possible freight could be secured by allowing full competition in the freight-carrying business between the two localities.

Ninety per cent of the ships engaged in the trade between continental United States and the Philippines are of foreign ownership. I introduced a bill, the object of which was to enable American-owned ships to be bought anywhere by Americans who chose to buy them and go into the business, and to be free of the restrictions of the coastwise navigation laws so long as they were exclusively used in the trade between the mainland of the United States and the Philippines or Hawaii, or between the Philippines and Hawaii. I wanted to try the experiment and see if we could not build up an American merchant marine in the Pacific Ocean by free American-owned ships. Now, this committee, with its large majority of Republicans, seemed to prefer rather to have foreign ships carry on the business than to have American-owned free ships carry it on. Still I am in favor even of this bill, because I think it is much better, both for us and the Filipinos, than we now have.

I think it is much better than to tax these people with heavy exploiting freight charges by American-built ships possessing a law-given monopoly to let even foreigners carry on the trade. But I would much rather have seen the experiment tried of American-owned free ships in that trade between the mainland of the United States and the Philippines, between the mainland of the United States and Hawaii, and between Hawaii and the Philippines, and I want to express my regret that that bill has not been brought in rather than the one that has been brought in. I do not now remember whether that bill was referred to the Committee on Insular Affairs or the Committee on Merchant Marine and Fisheries, but, at any rate, to whichever committee it was referred, it has slept the sleep.

Mr. COOPER of Wisconsin. I will say to the gentleman from Mississippi that I have no recollection of any such bill coming to the Committee on Insular Affairs.

Mr. WILLIAMS. I am informed it was sent to the Committee on Merchant Marine and Fisheries. The assignment was a proper one, I believe, though it might have gone to either committee, and would have stood a better chance, I believe, in the Committee on Insular Affairs. Now, Mr. Speaker, I am of the opinion we should have the right to encourage an industry by untaxing trade. I have never held to the idea you had a right to encourage it by taxing trade, but you have a right to encourage it by lightening the burdens of taxation, though not by increasing the burdens of taxation——

The SPEAKER pro tempore. The time of the gentleman has expired. [Applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has five minutes remaining.

Mr. COOPER of Wisconsin. Then, Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I want to say just a word in regard to the argument for free ships which was made by the gentleman from Illinois [Mr. RAINEY]. He spoke about the effect free ships would have. I wish to call his attention to the fact that on the Pacific coast to-day we have the three great ships of the Oceanic Line that were running across the Pacific Ocean receiving a subsidy of $283,000 a year from the Government; it had a regular trade already established, yet those ships are unable to continue to run. Now, if

the American shipowner can not run ships which he already owns, where he also receives a subsidy and has a trade already established, I am unable to see how anyone can argue that he would go abroad and buy ships at any price and run them. If he can not run the ship which he already owns and which the Government helps him to run, how can the gentleman figure that he can go abroad and buy ships and run them, even if they were given to him?

Mr. WILLIAMS. But the gentleman must admit the ship that is bought cheaply will make more profit on its trade than one which is bought at a high price?

Mr. HUMPHREY of Washington. I admit that the gentleman is correct about that, but where a man already owns a ship and can not run one at a profit, and where he already has an established business, and is receiving assistance from the Government——

Mr. WILLIAMS. But if he already had it, it is because he has already bought it, and if he has already bought it, then he has got to make interest upon his plant. That is the reason why he can not run at a profit.

Mr. HUMPHREY of Washington. But if he owns a ship, or, in other words, if a ship is given to him, and he has a ship already and can not run that at a profit, how can he run another one at a profit?

Mr. WILLIAMS. I have not heard of anybody having any given to them.

Mr. HUMPHREY of Washington. They already own the ships, have got their money invested in them, and yet can not afford to run them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I will grant the gentleman one minute more.

Mr. HUMPHREY of Washington. I want to refer just one moment to the fact that when the bill was brought into the House, two years ago, to extend the time of the coastwise laws going into effect, at that time there were seven vessels running to the Philippines. There are now only two, and while at that time I should have opposed the bill had I known it was coming up for consideration, under present conditions I think that this bill should probably be passed. The damage was done two years ago, when the bill was introduced on one day, reported the next day, and called up in this House and passed on the third day, before any opportunity was given for anyone to be heard upon it. In addition, a similar bill had been pending before the Committee on Merchant Marine and Fisheries and was reported adversely.

Mr. COOPER of Wisconsin. Mr. Speaker, it was not the Committee on Insular Affairs which reported the bill and called it up for consideration two years ago.

Mr. HUMPHREY of Washington. The gentleman is mistaken. It was from the Insular Committee. It was introduced by the gentleman from Indiana [Mr. CRUMPACKER], and my recollection is that it was introduced one day, reported the next day, and called up in the House on the third day. I know that I went to the gentleman from Indiana [Mr. CRUMPACKER] and asked him when the bill was going to be considered by his committee, as I would like to be heard on it, and he informed me that he was just going to call it up for passage.

Mr. CRUMPACKER. The gentleman from Washington [Mr. HUMPHREY] is partially right. It had taken up about four days, and the Insular Committee did report and put in the last bill.

Mr. COOPER of Wisconsin. This bill ought to pass for another reason than any that has been given. It is this: We have a tariff against Philippine products of 75 per cent of the Dingley rates, and yet Congress passed this law limiting after April 1, 1909, the carrying of all freight between the United States and the Philippines to American bottoms. If anything more unfair was ever done by Congress since Congress came into existence, I have never read or heard of it—to put a tariff of 75 per cent upon products coming from the Philippines, and at the same time compel the business men of the Philippines to send them in nothing but American ships. Congress ought to have repealed this law the next day after it was passed. We now propose to do tardy justice by repealing it. Mr. Speaker, I call for a vote.

The SPEAKER pro tempore. The question is, Shall the rules be suspended and the bill passed?

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 221, nays 4, answered "present" 11, not voting 151, as follows:

YEAS—221.

Adair	Dixon	Huff	Parker, S. Dak.
Adamson	Draper	Hughes, N. J.	Parsons
Aiken	Durey	Hull, Tenn.	Patterson
Alexander, Mo.	Ellis, Mo.	Humphrey, Wash.	Payne
Allen	Ellis, Oreg.	Humphreys, Miss.	Pollard
Andrus	Esch	Johnson, Ky.	Pou
Ansberry	Ferris	Johnson, S. C.	Pray
Ashbrook	Fitzgerald	Jones, Va.	Rainey
Barchfeld	Flood	Jones, Wash.	Randell, Tex.
Barclay	Floyd	Kennedy, Iowa	Rauch
Bartlett, Ga.	Focht	Kennedy, Ohio	Reeder
Bartlett, Nev.	Fornes	Kinkaid	Reynolds
Beale, Pa.	Foss	Kipp	Richardson
Beall, Tex.	Foster, Ill.	Kitchin, Claude	Robinson
Bede	Foster, Ind.	Knapp	Rodenberg
Bell, Ga.	Foster, Vt.	Knopf	Rothermel
Bennet, N. Y.	French	Knowland	Russell, Mo.
Bingham	Fuller	Küstermann	Ryan
Bonynge	Gaines, Tenn.	Lamar, Mo.	Sabath
Booher	Gardner, N. J.	Lamb	Saunders
Bowers	Garner	Laning	Scott
Boyd	Garrett	Lassiter	Sheppard
Bradley	Gilhams	Lawrence	Sherley
Brodhead	Gillespie	Lee	Sherwood
Brownlow	Glass	Lenahan	Slemp
Burgess	Godwin	Lever	Smith, Cal.
Burleigh	Goebel	Lindbergh	Smith, Iowa
Burleson	Goldfogle	Lloyd	Smith, Mo.
Burton, Ohio	Graff	Longworth	Smith, Tex.
Butler	Granger	Loudenslager	Sparkman
Caldwell	Greene	McCall	Sperry
Campbell	Gregg	McGavin	Spight
Candler	Griggs	McHenry	Stafford
Capron	Gronna	McKiniay, Cal.	Stanley
Carter	Hackney	McKinley, Ill.	Steenerson
Cary	Hale	McKinney	Stephens, Tex.
Chapman	Hamilton, Iowa	McLaughlin, Mich.	Sterling
Clark, Mo.	Hamilton, Mich.	Macon	Stevens, Minn.
Clayton	Harding	Madden	Sulzer
Cockran	Haskins	Mann	Thomas, N. C
Cole	Haugen	Maynard	Thomas, Ohio
Conner	Hawley	Miller	Tou Velle
Cook, Pa.	Hay	Mondell	Townsend
Cooper, Wis.	Hayes	Moon, Tenn.	Underwood
Cousins	Heflin	Moore, Tex.	Volstead
Cox, Ind.	Helm	Morse	Wanger
Craig	Higgins	Murdock	Watson
Crumpacker	Hill, Conn.	Murphy	Wheeler
Cushman	Hinshaw	Nelson	Willett
Dalzell	Holliday	Nicholls	Williams
Darragh	Houston	Norris	Wilson, Il.
Davis, Minn.	Howell, N. J.	Nye	Wood
Dawson	Howell, Utah	O'Connell	Woodyard
De Armond	Howland	Olcott	
Denby	Hubbard, Iowa	Olmsted	
Denver	Hubbard, W. Va.	Page	

NAYS—4.

Fordney	Goulden	Lindsay	McMorran

ANSWERED "PRESENT"—11.

Bates	Gillett	Hardy	Sherman
Carlin	Hamlin	Harrison	Sims
Finley	Hardwick	Padgett	

NOT VOTING—151.

Acheson	Dwight	Kimball	Pratt
Alexander, N. Y.	Edwards, Ga.	Kitchin, Wm. W.	Prince
Ames	Edwards, Ky.	Lafean	Pujo
Anthony	Ellerbe	Lamar, Fla.	Ransdell, La.
Bannon	Englebright	Landis	Reid
Bartholdt	Fairchild	Langley	Rhinock
Bennett, Ky.	Fassett	Law	Riordan
Birdsall	Favrot	Leake	Roberts
Boutell	Foulkrod	Legare	Rucker
Brantley	Fowler	Lewis	Russell, Tex.
Broussard	Fulton	Lilley	Shackleford
Brumm	Gaines, W. Va.	Littlefield	Slayden
Brundidge	Gardner, Mass.	Livingston	Small
Burke	Gardner, Mich.	Lorimer	Smith, Mich.
Burnett	Gill	Loud	Snapp
Burton, Del.	Gordon	Lovering	Southwick
Byrd	Graham	Lowden	Sturgiss
Calder	Hackett	McCreary	Sulloway
Calderhead	Haggott	McDermott	Talbott
Caulfield	Hall	McGuire	Tawney
Chaney	Hamill	McLachlan, Cal.	Taylor, Ala.
Clark, Fla.	Hammond	McLain	Taylor, Ohio
Cocks, N. Y.	Henry, Conn.	McMillan	Thistlewood
Cook, Colo.	Henry, Tex.	Madison	Tirrell
Cooper, Pa.	Hepburn	Malby	Vreeland
Cooper, Tex.	Hill, Miss.	Marshall	Waldo
Coudrey	Hitchcock	Moon, Pa.	Wallace
Cravens	Hobson	Moore, Pa.	Washburn
Crawford	Howard	Mouser	Watkins
Currier	Hughes, W. Va.	Mudd	Webb
Davenport	Hull, Iowa	Needham	Weeks
Davey, La.	Jackson	Overstreet	Weems
Davidson	James, Addison D.	Parker, N. J.	Weisse
Dawes	James, Ollie M.	Pearre	Wiley
Diekema	Jenkins	Perkins	Wilson, Pa.
Douglas	Kahn	Peters	Wolf
Driscoll	Keifer	Porter	Young
Dunwell	Keliher	Powers	

So the rules were suspended and the bill was passed.

The following additional pairs were announced.

Until further notice:

Mr. ALEXANDER of New York with Mr. FULTON.

Mr. LANDIS with Mr. LEWIS.
Mr. PARKER of New Jersey with Mr. SMALL.
Mr. BATES with Mr. BRUNDIDGE.
Mr. MARSHALL with Mr. CRAVENS.
Mr. MCMILLAN with Mr. ELBERBE.
Mr. TAWNEY with Mr. BYRD.
Mr. CALDERHEAD with Mr. BURNETT.
Mr. DAVIDSON with Mr. COOPER of Texas.
Mr. KEIFER with Mr. DAVENPORT.
Mr. LAFEAN with Mr. FAYROT.
Mr. MALBY with Mr. HENRY of Texas.
Mr. NEEDHAM with Mr. LEGARE.
Mr. SMITH of Michigan with Mr. MCLAIN.
Mr. SOUTHWICK with Mr. PUJO.
For the balance of the day:
Mr. DWIGHT with Mr. SIMS.
The result of the vote was then announced as above recorded.

IMMIGRATION TO HAWAII.

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 10568.

The Clerk read as follows:

A bill (H. R. 10568) relating to immigration into the Territory of Hawaii.

Be it enacted, etc., That nothing in the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, shall be taken, for a term of six years from the approval hereof, to exclude from admission to the Territory of Hawaii, as contract laborers as defined by section 2 of the said act, European aliens who have been induced or solicited to migrate to the said Territory of Hawaii by offers or promises of employment within the said Territory, held out to them by the said Territory or by the board of immigration of the said Territory, or the officers, members, or agents of such board, or to exclude from admission to the said Territory European aliens whose tickets or passages have been paid for with money of, or who have been assisted to migrate by, the said Territory or its board of immigration, or the officers, members, or agents of such board, even though it is not affirmatively shown that such European aliens' tickets or passages were not paid with money contributed to the said Territory, or its board of immigration, by individuals, companies, partnerships, or corporations: *Provided, however,* That nothing contained herein shall be taken to exempt European aliens induced or solicited or assisted to migrate to the said Territory, in the manner hereinbefore described, from examination and exclusion from the said Territory under any and all of the provisions other than those hereinbefore specifically mentioned of the said act of February 20, 1907.

SEC. 2. That nothing contained in the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, shall be taken, for a term of six years from the approval hereof, to prohibit any person, company, partnership, or corporation from contributing to the said Territory of Hawaii, or to the board of immigration of said Territory, money to be used by the said Territory, or board of immigration, or the officers, members, or agents of such board, in paying the transportation, or assisting or encouraging, by printed or published advertisements or otherwise, the importation or immigration into the said Territory of European aliens in accordance with the provisions of section 1 hereof; or to attach to the contributing of money by any person, company, partnership, or corporation to the said Territory, or its board of immigration, for use in the manner hereinbefore described, or to the doing by the said board, or its officers, members, or agents, of any of the acts herein authorized, any penalty or forfeiture.

SEC. 3. That nothing herein contained shall be construed to admit to any port or place of the United States on the North American Continent any alien who is inadmissable under the provisions of the act approved May 20, 1907.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

The SPEAKER. Under the rules, the Chair orders a second. The gentleman from California is entitled to twenty minutes and the gentleman from Mississippi is entitled to twenty minutes.

Mr. HAYES. Mr. Speaker, this bill was introduced by the gentleman from Iowa [Mr. HEPBURN] and is reported to the House by the Committee on Immigration and Naturalization, by whom I am directed to bring it up. The purpose of it is to permit the government of Hawaii to induce the immigration of white laborers into those islands. As perhaps all Members of the House know, for many years past the islands have been restricted almost entirely to oriental labor. Many years ago a large number of Chinese coolies were landed in the islands. Their number has been gradually lessening, until now they number probably not more than five or six thousand. In more recent years the people of Hawaii have chiefly depended upon Japanese labor, and to-day the Japanese constitute a majority of the inhabitants of the islands. The desire of the citizens of Hawaii is that they may have an opportunity to induce the immigration of white labor into those islands, and they are willing to pay the expenses of transportation there, thinking that it will be impossible otherwise to induce immigration of any considerable number of white laborers, since the expense of going there is so great.

Mr. HAMILTON of Michigan. There are a good many Portuguese in the islands. Will the gentleman state about them?

Mr. HAYES. I was going to state about them. I want to say, in addition to what I have already said, that before the passage of the last immigration law the government of Hawaii had imported three shiploads of Portuguese and other south of Europe immigrants—two, I think, from Portugal and one from the Azores Islands, in the aggregate about 5,000 people. They have been there now for some time. They are all employed there, all contented, and they are making very satisfactory laborers and very satisfactory inhabitants of those islands, and this bill simply intends to permit the government of Hawaii to go on with what was done before the last immigration law passed by the Congress of the United States went into effect.

Mr. CLARK of Missouri. I should like to ask the gentleman a question.

Mr. HAYES. Certainly.

Mr. CLARK of Missouri. What is the present population of the Sandwich Islands?

Mr. HAYES. I do not know the exact figures, but it is less than 200,000, I think.

Mr. CLARK of Missouri. Is the population increasing or diminishing?

Mr. HAYES. It is increasing.

Mr. CLARK of Missouri. What proportion are Japs, what proportion Chinese, what proportion Kanakas, and what proportion white people?

Mr. HAYES. The proportion of Japanese in the islands is something over 50 per cent, and the proportion of Orientals is over 60 per cent of the population. I should say that of the balance, probably one-fourth, are white and the remainder Kanaka.

Mr. CLARK of Missouri. How do these Japs get there? Does anybody pay their expenses?

Mr. HAYES. Yes.

Mr. CLARK of Missouri. What right has anybody to pay their expenses?

Mr. HAYES. I do not think they have any right, but I have no doubt they are doing it.

Mr. CLARK of Missouri. Is it not positively prohibited by law?

Mr. HAYES. It is.

Mr. CLARK of Missouri. Why does not the Federal court enforce the law?

Mr. HAYES. I am not speaking for the Federal court. Nearly every one of those Japanese and Chinese coolies has his passage paid there by somebody. If it was not paid he could not come to the United States, or to Hawaii.

Mr. CLARK of Missouri. Do you suppose that can be proved?

Mr. HAYES. I do not suppose it can be proved except by oriental testimony, and if the gentleman has had any experience with that kind of testimony, he knows that almost anything can be proved by it that the Oriental wants to prove.

Mr. CLARK of Missouri. I have not had any experience with it and do not want any.

Mr. GAINES of Tennessee. Is not this the fact, that the people who are interested in bringing these laborers there go to Japan and say, "If you will go to Hawaii, I will pay your way, and then you can work out the expense when you go to work for me?"

Mr. HAYES. I have no doubt they do it in some way.

Mr. GAINES of Tennessee. And the steamship companies know that these individuals are being carried there in that way?

Mr. HAYES. Undoubtedly.

Mr. GAINES of Tennessee. It is a commonplace thing, and is it not against the law?

Mr. HAYES. Undoubtedly quite a common thing.

Mr. GAINES of Tennessee. Where are the grand juries and Federal judges in Hawaii?

Mr. HAYES. They are there doing business.

Mr. GAINES of Tennessee. Where is the immigration commissioner there?

Mr. HAYES. He is there doing business.

Mr. GAINES of Tennessee. Who is running Hawaii?

Mr. HAYES. I suppose the government is running it.

Mr. GAINES of Tennessee. What government?

Mr. HAYES. The Territorial government.

Mr. GAINES of Tennessee. In other words, they are running it so as to bring in these people in the face of the law?

Mr. HAYES. No; I do not think the government of Hawaii can be criticised in that regard. Everybody who knows the oriental character knows that you can prove anything by oriental witnesses that they want to prove, and you can not prove anything by those witnesses that they do not want to prove.

Mr. GAINES of Tennessee. What are you going to do about it? Are you going to turn out all the officials in Hawaii and get somebody there who will enforce the law?

Mr. HAYES. I am not speaking for the government of Hawaii.

Mr. GAINES of Tennessee. Do you suppose the government of Hawaii has any cognizance of these things?

Mr. HAYES. I suppose they have, the same as we have, but of course they can not deal with it any more than we can, unless they can prove it or it is proved to them in an official way.

Mr. BONYNGE. Under the provisions of this bill is it not intended not only to permit the government of Hawaii to encourage immigration, but also to permit contract labor to be carried into the Hawaiian Islands?

Mr. HAYES. No, sir; it is not.

Mr. BONYNGE. If you waive the contract-labor provision in the immigration act, will it not permit the importation into the Hawaiian Islands of those under contract for labor in those islands?

Mr. HAYES. No; the law is not waived to that extent. It permits the government of Hawaii, or its immigration commissioners, to induce such immigration and to pay the expenses of those who come there.

Mr. BONYNGE. What is there to prevent the importation of contract labor except the immigration act?

Mr. HAYES. Nothing.

Mr. BONYNGE. If you waive that provision, what then will remain to prevent the importation of contract labor into the Hawaiian Islands?

Mr. HAYES. If we simply abrogated that provision there would be nothing remaining.

Mr. BONYNGE. Is not that what you do?

Mr. HAYES. No; the bill does something less than that.

Mr. BONYNGE. This bill says:

That nothing in the act entitled—

And then you go on to name the act—

shall be taken for a term of six years from the approval hereof to exclude from admission to the Territory of Hawaii as contract laborers, as defined by section 2 of the said act, European aliens who have been induced or solicited to migrate to the said Territory of Hawaii by offers or promises of employment within said Territory.

Is not that the clause prohibiting the importation of contract labor?

Mr. HAYES. No; and it is not permitted to be done by private individuals.

Mr. BONYNGE. The government of the Hawaiian Islands can contract to import laborers into the Hawaiian Islands?

Mr. HAYES. That is the purpose of the bill.

Mr. BONYNGE. That is what I asked. Now, will the gentleman answer two more questions? What is the prevailing rate of wages now in the sugar fields of the Hawaiian Islands to the Japanese?

Mr. HAYES. Twenty to twenty-five dollars a month.

Mr. BONYNGE. What was it when the Japanese first commenced to come to the islands?

Mr. HAYES. I can not answer the gentleman.

Mr. BONYNGE. Is it not a fact that it was about $8 a month?

Mr. KALANIANAOLE. Formerly, I think, the pay of the Japanese under the monarchy, when they came in under contract, was lower.

Mr. BONYNGE. How much did they get?

Mr. KALANIANAOLE. Fourteen to eighteen dollars a month.

Mr. BONYNGE. Was not it as low as $8 a month?

Mr. KALANIANAOLE. I should not wonder. But, Mr. Speaker, the purpose of this bill is not to encourage these Asiatic laborers, but to encourage white people, so that in time we will have an increase of American citizens in that country, which at the present time we have not.

Mr. BONYNGE. What is the pay of the Portuguese who are imported there under contract?

Mr. KALANIANAOLE. For the last two years we have imported about 4,000 to 6,000 Portuguese and Spaniards and a few from other European nationalities.

Mr. BONYNGE. How much are they paid?

Mr. KALANIANAOLE. They are not brought there under contract.

Mr. BONYNGE. How much do they get?

Mr. KALANIANAOLE. As soon as they land, the planters have their agents at the immigration station, and they bring forward to them this offer, that they can have an acre or 2 acres to live on, besides getting $20 or $25 a month for their work. They work on that scale for a year or two, and at the end of that time the planter turns over to them the title in fee to the 2 acres of land that they had first settled on.

Mr. BONYNGE. I have been advised that the Portuguese were getting only $8 a month.

Mr. KALANIANAOLE. That is not correct at all. If anybody is getting low wages, it is the Asiatic.

The Portuguese and other laborers from European countries are getting from $20 to $25 a month besides having the advantage of the acre or 2 acres of land. In three years, if I recollect correctly, they have the right to work in the plantation, and at the same time they are supplied with a house, firewood, and such as that, and within that three years the planters will give them the fee-simple title to the land.

Mr. BONYNGE. You say it is not correct that the Portuguese are employed at lower wages than the Japanese?

Mr. KALANIANAOLE. No; they are not. We are encouraging these men in order to get rid of the Asiatics in our country.

Mr. BONYNGE. I have been informed that the real purpose of this bill is to get the Portuguese at lower wages than they can get the Japanese for.

Mr. HAMILTON of Michigan. I understand that the Portuguese are said to be the best laborers in the islands.

Mr. KALANIANAOLE. Yes.

Mr. COOK of Colorado. I would like to inquire of the gentleman from California whether the contract labor imported into the Hawaiian Islands from Portugal, China, and Japan does not come in competition with the American laborer in the gentleman's State and all other States producing beet sugar.

Mr. HAYES. I was going to explain further to the gentleman from Colorado [Mr. BONYNGE], and I will explain now, that the governor of Hawaii assures me that these 5,000 white immigrants were not contract laborers; that no one had any contract with them and they had no contracts to labor anywhere; that they were imported absolutely free from any obligation of any kind, but were at liberty as soon as they landed in Hawaii to make any contracts with anybody that they chose.

Mr. COOK of Colorado. Is it not a fact that the sugar producers in the Hawaiian Islands pay the transportation of this cheap labor?

Mr. HAYES. The government did pay the transportation of the 5,000 immigrants from Europe to which I have referred.

Mr. COOK of Colorado. Our Government?

Mr. HAYES. The Territorial government of Hawaii. Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, it seems hard in this House to get consideration for legislation in favor of American labor before the House. It seems easy to get legislation considered that strikes a blow at American labor. This bill strikes down the contract-labor law so far as the islands of Hawaii are concerned. This hurts in the first place the negro laborers of Louisiana who are earning wages upon the sugar plantations there by bringing into quick and easy competition with them contract laborers to raise sugar in Hawaii and to put that sugar upon the American market without any tariff between Hawaii and the United States, and, of course, in competition with these American citizens, negro laborers, in the State of Louisiana. It is a blow, in the second place, though more remotely, at all American labor in the United States, because, notwithstanding the last would-be saving clause of the bill, which says, that "nothing herein contained shall be construed to admit to any part or place of the United States on the North American continent any alien who is inadmissible under the provisions of the act approved May 20, 1907," it would be absolutely a physical impossibility after this bill once passes to prevent these people, having once been settled for a considerable length of time in Hawaii, from crossing the Pacific Ocean to the States upon the Pacific coast. So that, having raised the barrier, they would finally all come here that chose to come.

The idea under this bill is to get cheap Portuguese labor in the Hawaiian Islands upon the sugar plantations there. The very object of it is to get a cheaper labor. Now, the pretext made for it is that the law excluding contract labor is now being violated, as far as the Japanese immigrants into Hawaii are concerned. It is never sound doctrine to repeal a law, if it be a good law with regard to some, because others are violating it. If contract alien labor is entering into Hawaii, whether in the shape of Japanese, Chinese, or Europeans, the proper remedy is to enforce the law and stop it; and if the immigration commissioners now charged with that duty are not performing that duty in the Hawaiian Islands, then it is for this Administration to replace them with others who will perform that duty, or else for the American people to replace the Administration with an Administration that will appoint somebody who will perform the duty of executing the immigration laws. [Applause on the Democratic side.]

Mr. Speaker, I now yield eight minutes to the gentleman from Alabama [Mr. BURNETT], a member of the committee reporting the bill.

Mr. BURNETT. Mr. Speaker, I was not present at the time of the consideration of this bill by the Committee on Immigration. I knew nothing of the fact that it was being considered or was pending before the committee until I found that it had been reported by the committee. I then stated to the gentleman who reported it that I would not support the bill and that I believed it vicious. I believe that it is an attack upon the contract-labor system, or the prohibition of laborers coming in under that system, and it is a step toward breaking it down. If you gentlemen are prepared on either side to take a step to annul that salutary legislation, you have the opportunity to do it now. It is up to you to do it or not to do it. As a member of the Immigration Commission I visited the Azores last spring and found that individuals under the guise of the Hawaiian government had been there getting laborers to go to Hawaii in violation of our contract-labor law. Mr. Speaker, there were those who believed that under the rulings of the Attorney-General in the South Carolina case our law was not stringent enough, and at the last session of Congress a law was passed forbidding the States to engage in this very business.

And yet here is a bill allowing the Territory of Hawaii to do just this very thing. Mr. Speaker, I believe that that is wrong, because I think that the contract-labor law is right; and if that is true, then any innovation, any attack upon it from any direction, is wrong. Why, it might just as well be said that in California, where thousands of Japanese are coming over every year and settling in that country—that that section might make the same appeal in order to get white laborers to drive out this foreign labor. The same argument might be made for both. It is simply an assault upon the white laborers of the country. Mr. Speaker, if they would pay the white laborers of America wages enough, they could get them to go there, and it is all a pretext and subterfuge, in my opinion, to say that these people are being taken there for the purpose of driving out the Japanese or for the purpose of having more white people there than Japanese.

Mr. HAMILTON of Michigan. Will the gentleman permit an inquiry?

Mr. BURNETT. Certainly.

Mr. HAMILTON of Michigan. Is it true that certain States in the South are making arrangements for the importation of laborers from Europe for employment in the South now?

Mr. BURNETT. If the gentleman had remembered about the last immigration bill that was passed, he would have recollected that that was being done by the State of South Carolina, and under the ruling of the Attorney-General was permitted at that time, and the amendment that I have referred to was for the purpose of preventing the States from doing this very thing.

Mr. HAMILTON of Michigan. Did they displace labor to any extent?

Mr. BURNETT. It was displeasing to many who believed too many of that very class of people were coming to the South——

Mr. HAMILTON of Michigan. I asked if they displaced labor to any extent.

Mr. BURNETT. I beg the gentleman's pardon; I misunderstood your question.

Mr. HAMILTON of Michigan. I asked the gentleman if they displaced labor.

Mr. BURNETT. No; they did not displace labor to a very great extent, for there was work for all of them there; but these very men who were then being brought in, since the hard times have come, have taken the wings of the morning and flown away, and carried their money with them, or else they are paupers depending upon the people in many communities to keep them from starving. This at least is the case in my section. [Applause on the Democratic side.] And you will find the same trouble here. Hawaii is going to be populated gradually, and are we bettering the thing by placing there the Italians or the Spaniards or the people from the Azores who are Portuguese side by side with the Japanese? You can not obtain white men or Americans to go there to make contracts to perform that labor when at every stage they have to come in contact with some of the men from the Mediterranean Sea or the Atlantic Ocean that belong to the Iberic race, different from the white people of our own blood; and, Mr. Speaker, I desire here and now to enter my protest against this entering wedge—because that is what it is. If you come up with this kind of a plausible pretext for it in this case, then the next thing you would hear is that some other country needs to be filled up with some other industrious people, and therefore you must open the flood gates in order to let men come in under contract to afford this labor. [Applause on the Democratic side.] Mr. Speaker, I yield back the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK]. [Applause on the Democratic side.]

Mr. CLARK of Missouri. Mr. Speaker, in the first place, I believe that the laws against the importation of contract labor into the United States are absolutely right and ought to be enforced rigidly. In the second place, if the United States courts and the district attorneys and marshals and immigration officers in Hawaii are not enforcing the laws they ought to be "fired" and a new set put in who will enforce the laws. [Applause on the Democratic side.] I am in favor of rooting the Chinese, Japanese, and all other Orientals whatsoever out of the Hawaiian Islands and making that a place for white men to live. [Applause on the Democratic side.] Now, let us see what this bill provides for. I am teetotally opposed to making these islands over there the breeding ground for a mongrel lot of foreigners who are going to put our own people out of employment. Now, what does this bill provide? This is the most transparent trick I have ever seen in my lifetime. In the first place, it authorizes the authorities of the Sandwich Islands to practically suspend the laws against contract laborers in the Sandwich Islands for six years. On the face of it that may seem fair to the uninitiated, but on page 2, in line 6, if you will read the clause beginning with the word "even," you will find the "joker" in this bill. Here it is:

Even though it is not affirmatively shown that such European aliens' tickets or passages were not paid with money contributed to the said Territory or its board of immigration by individuals, companies, partnerships, or corporations.

What does that mean? Why, it means that these corporations, the big sugar planters, and the corporations that run them, shall contribute this money to get these laborers over there and be the beneficiaries of it. If you do not believe that, read the second section of the bill. It makes it absolutely plain. It is as follows:

SEC. 2. That nothing contained in the act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, shall be taken, for a term of six years from the approval hereof, to prohibit any person, company, partnership, or corporation from contributing to the said Territory of Hawaii, or to the board of immigration of said Territory, money to be used by the said Territory, or board of immigration, or the officers, members, or agents of such board, in paying the transportation—

of these fellows. That gives the whole thing away. It is just as clear as crystal that the whole object of this bill is to enable the big corporations which run the great sugar plantations in the Hawaiian Islands to get a lot of cheap labor in there for their own benefit, under the guise of having it done by the constituted authorities of the Sandwich Islands.

We have enough trouble here at home now. I saw it stated in a newspaper the other day—I do not know whether it is a lie or the truth—that there are 4,500,000 people out of employment in the United States at this very minute. I take it that that is an exaggeration, but suppose half of it or two-thirds of it is true. Then, as the gentleman from Alabama [Mr. BURNETT] suggested, a gentleman who is on this Immigration Committee and also on the Immigration Commission sent abroad to investigate the subject, let us keep these "cheap Johns" out of the Sandwich Islands; shut the Japanese out, shut the Chinese out, and our own laborers will go to those islands and work the rich land. That is precisely what I want to see. [Applause.] The rest of you can do as you please——

Mr. COOPER of Wisconsin and Mr. PADGETT rose.

The SPEAKER. To whom does the gentleman yield?

Mr. CLARK of Missouri. I yield first to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. I have been unable to procure a copy of the bill, but I notice in the report this language:

That nothing herein contained shall be construed to admit to any port or place in the United States on the North American Continent any alien who is inadmissible under the provisions of the act approved May 20, 1907.

What act was approved May 20, 1907? We adjourned on the 4th of March.

Mr. CLARK of Missouri. I do not know. That may be a typographical error.

Mr. PADGETT. The gentleman is speaking about the idle. Here is a report, an official document, from New York.

Mr. CLARK of Missouri. How many does it give?

Mr. PADGETT. It gives an itemized statement there.

Mr. CLARK of Missouri. I have not time to read it.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. WILLIAMS. I will give one minute more to the gentleman from Missouri.

Mr. CLARK of Missouri. Now, Mr. Speaker, after full argument in this House, first and last, we all came to the con-

clusion—I do not know that there was any party matter mixed up in it, and it was the best judgment of this House and the best judgment of the Senate—that the laws against importing contract laborers into this country were correct, and they are correct. I was in favor of them before they were ever passed. I am in favor of them now. This bill is just simply the opening wedge to nullify the law that we have been operating under and that we were all in favor of, and that is the test right here now. A man that votes for this bill is in favor of contract labor, and the man that votes against it is against contract labor.

Mr. WILLIAMS. Mr. Speaker, how much time has this side left?

The SPEAKER. There are six minutes remaining.

Mr. WILLIAMS. How much has the affirmative?

The SPEAKER. Six minutes.

Mr. WILLIAMS. Does the gentleman from California [Mr. HAYES] propose to occupy that entire six minutes in one speech?

Mr. HAYES. No, sir.

Mr. WILLIAMS. Then, will you yield to somebody on that side?

Mr. HAYES. I yield to the gentleman from Ohio [Mr. KEIFER] four minutes.

Mr. KEIFER. Mr. Speaker, I wish we had time to properly consider this bill. Those who seem to be against it proceed upon the idea that they know all about the conditions in the Hawaiian Territory. They talk as though the conditions that they are familiar with at home exist there. They talk as though they would like to dedicate those islands to our own American laborers who are employed here at very high wages comparatively. It is impossible to do that. The situation in the Hawaiian Territory for some purposes is exceedingly unfortunate. Our laborers will not go to the island, and until conditions entirely change there they never will. They can get better wages under better circumstances at home.

The central idea of the bill is to secure white European labor into the Hawaiian Territory to become permanent settlers and to take the place of Japanese or Chinese laborers. And the bill also looks to a method of procuring white or European laborers to secure the more certain development of these rich islands, and to discourage the emigration of a worse class of residents.

The islands are well adapted to raising fruit, pineapples, and oranges, and all things of that kind, but there is no general or foreign market for such fruit because they are so far away from a country that would consume it, and their sales can only be to their own people and to the ships that come into their harbors. These islands can not compete with California in selling fruit to the people in the States. They are too remote and the transportation by water is too slow. The whole of the islands, and they are rich islands, are chiefly adapted to raising sugar. No ordinary farmers of usual qualifications will or can go there to cultivate the cane or anything else on any considerable scale. The cane growth is the best growth of course, but that is impossible with men of ordinary means. Most all the great cane fields there cost a million or more dollars in preparation and for canals or ditches for irrigation before you can raise any cane on them at all. On some of those great canals and ditches they have spent $3,000,000 before they got the water on the cane fields. Without an adequate supply of water in general, the lands are valueless. The owners of the lands in these rich islands can not get the kind of laborers they ought to have. I went over the Kona district, in the western part of the great island of Hawaii, which is largely grown up with coffee trees, every one looking perfect, not a blasted leaf, not a stem that did not have coffee upon it. Everything looked prosperous, but everybody looked dejected, and why? Because there was not enough labor in that region to harvest one-tenth of the coffee that was growing in that district.

Mr. McGAVIN. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. McGAVIN. Being with the same party that the gentleman went out with——

Mr. KEIFER. In the same wagon.

Mr. McGAVIN (continuing). I will ask him if it is not a fact that with many of the sugar planters there was a demand for this cheaper labor from Asia, but among the people of the Hawaiian Islands generally there was a positive and most emphatic opposition?

Mr. KEIFER. There was against Asiatic labor, but in favor of the kind of labor this bill is intended to bring into the Islands.

Mr. McGAVIN. I will ask if it is not a matter of common knowledge in the Hawaiian Islands that these Japanese and Chinese were being imported from the Hawaiian Islands up to Nova Scotia and then down into the United States? [Loud applause on the Democratic side.]

Mr. KEIFER. I did not go into that question. I do not believe it was so. The people in the Hawaiian Islands, Japanese, Chinese, and all, have plenty of employment in every direction, and they were not seeking other places of employment. In general, the Japanese and Chinese do not remain long in the island, but go home after a few prosperous years.

Mr. COOK of Colorado. I would like to inquire of the gentleman from Ohio whether or not he is in favor of the importation of contract labor, either Japanese, Chinese, or Portuguese, to work in the fields in his district or State? [Loud applause on the Democratic side.]

Mr. KEIFER. If we had that subject up I might consider it. Of course not. In this bill we are not attempting to deal with that question. My district is not a district at all like the Hawaiian Islands, and the conditions do not exist there that exist in Ohio. Now, I am in favor of some labor there. American labor does not go there. The American farmer can not go there, because he can not live under the conditions that now exist there. If you are going to make those Islands productive you must get labor from where it can be had. No amount of wages will induce the laborers of any of the States of the United States to go to these islands. I am not in favor of having Japanese labor and Chinese labor go there or anywhere else, but I am in favor of getting white labor if it has to come from Portugal, Spain, or South America, or wherever it may come from, to go there to take the place of the Asiatic laborers. I am in favor of building up that country so that it may be equal to all its opportunities.

Mr. WILLIAMS. I now yield three minutes to the gentleman from Colorado.

Mr. BONYNGE. Mr. Speaker, I am opposed to this bill, because, in my judgment, its principle is absolutely wrong. I do not think it is necessary to be familiar with conditions in the Hawaiian Islands to determine whether or not we are in favor of the passage of this bill. Every Member upon the floor of this House, upon both sides of the middle aisle, has declared in favor of the provision prohibiting the importation of contract labor. [Applause.] This bill, by section 2, absolutely suspends that provision of the law in reference to the Hawaiian Islands, and permits corporations and others engaged in sugar production in the Hawaiian Islands to contribute money to the Hawaiian authorities for the purpose of importing into those islands cheap labor. It will not do, Mr. Speaker, to attempt to fool the House of Representatives by asking us to believe that these sugar planters are desirous of contributing that money to the treasury of the Hawaiian Islands for any philanthropic purpose. They are doing it because they will be enabled thereby to get cheaper labor than they otherwise could.

Now, Mr. Speaker, the sugar made in the Hawaiian Islands is admitted to the United States free of duty. They have an advantage now over the sugar producers of the United States, because sugar can be produced in the islands cheaper than in the United States, and they want an additional advantage, by being able to get cheaper labor there than we can in the United States; and that is the milk in the cocoanut in this bill, and nothing else.

Moreover, Mr. Speaker, I want to call attention to another fundamental objection to the bill. It is true that section 3 provides that nothing in the bill shall be construed to admit those who have been imported into the Hawaiian Islands to come to the United States; but everyone knows, who will give it a moment's consideration, that if this contract labor is admitted into the Hawaiian Islands, it will be impossible to keep that same labor out of continental United States. They will work their way to continental United States, and the Hawaiian Islands will be the gateway through which contract labor can be imported not only into those islands but into the United States. [Applause.]

Mr. WILLIAMS. I now yield one-half of one minute to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, I am opposed to this bill, because I believe it is a discrimination in favor of large interests and against labor. I live in a community where labor is very hard to get and where we have to pay as high as $3 a day for harvest men. Why not give to the small farmer, with the small acreage, the same opportunity to get his work done as you are giving to the people who own these large plantations? [Applause.]

Mr. WILLIAMS. I now yield the remaining two minutes and a half to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. The gentleman from California [Mr. HAYES] has introduced a bill to exclude the Japanese from California. He is willing to have alien European labor come in by way of the Hawaiian Islands. If the House passes both his bills, he gets the benefit "coming and going." I wish to call the attention of the House to this fact, that this bill will not accomplish what its authors desire. Several shiploads of Portuguese farmers were brought to the Hawaiian Islands. They were employed there by the sugar planters. Because of the conditions and the terms of employment it was a notorious fact, evident to everybody in the islands when I was there last summer, that just as quickly as those men could accumulate the price of passage to this continent, they immediately embarked for the United States. The Portuguese are home seekers, they are home builders; they wish to acquire a small tract of land and to build and own their own homes. In those families where it was impossible for the heads of families, because of the drastic conditions under which they were employed by the sugar planters, to accumulate enough money to take their families of five or six to the United States, the young men, as soon as they reached the age of 21, left the employment of the sugar planters and went into other fields, and as soon as they could get sufficient money, or if they could get employment of any character upon a ship coming to the coast, they took passage and came here.

This bill should be entitled "A bill to permit the sugar planters of the Hawaiian Islands to legalize peonage," because that will be its effect. Until some change is made in the Hawaiian Islands, so that the home seeker, the man who desires to acquire his acre or 2 acres and to build his own house and establish his own home for his family, is permitted to do so, then it is a wrong to permit men to be brought to the Hawaiian Islands with their families and practically placed in perpetual slavery and bondage to the sugar planters. [Applause.] I hope the bill will be defeated.

Mr. HAYES. I now yield one minute to the gentleman from Hawaii [Mr. KALANIANAOLE].

Mr. KALANIANAOLE. Mr. Speaker, much has been said about the Americanizing of the islands of Hawaii. How can you do it? As it is to-day the islands are open to any American citizen who will come there. Since the annexation of the islands, what has been done in the way of the settlement by Americans from the mainland going to Hawaii? Nothing whatever has been done. Everything has been given in the way of inducements to encourage your people to go to those islands, but has that been successful? Not so far as farmers and agricultural laborers are concerned. Why do they not come down there? There are many thousands of acres of land there that are open to American citizens if they will only come down there. But we are so far from mainland markets that the American farmer and laborer thinks he can do better for himself in the States than he can in Hawaii. Since we can not get them to come, what are we going to do? I, as an American, am in hearty sympathy with American ideas on the subject of labor. If any Americans there are being driven out, it is not by Europeans, but by Asiatic cheap labor. [Applause.]

Now, we, as American citizens, want to do away with these conditions as they are there to-day. We want more laborers who are citizens or eligible to become citizens. There is no other way unless we get you to come down and settle our country; and if you can not come, or will not come, we must get people who will come and who will in time be American citizens that you will be proud of, and these people are the Europeans. [Applause.]

Mr. HAYES. Mr. Speaker, I think I am as thoroughly in favor of the contract-labor law and its rigid enforcement as any gentleman on the other side of the House, and helped to frame the present law on that subject; but that question is not involved in this bill. I yield the remainder of my time to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, that probably is just enough time for me to say that, differing as I do with the gentleman from Iowa [Mr. HEPBURN] on the immigration question, I agree with him on this. The condition of the Hawaiian Islands is simply this: There is no white labor to speak of, and the native race represented by the gentleman from Hawaii, who has just spoken, is decreasing. There are 60,000 Japanese in the islands, 8,000 of them veteran soldiers of the war between Russia and Japan. Why that 8,000 are there I leave the answer to your imagination. The sentiment of the American citizens there is in favor of white people, but they can not get them. They have been getting them, but we passed an act which prevents them from getting any more. I am in favor of their getting every white man they can and keeping out the Japanese laborer.

My friend from Colorado [Mr. BONYNGE] says that we want cheap labor. The labor they get from the Portuguese islands costs more money than the Asiatic labor. They are now bringing in dearer labor, and they are willing to pay more for it because they are paying it to white men.

The SPEAKER. The time of the gentleman has expired.

The question is on suspending the rules and passing the bill.

Mr. WILLIAMS. Mr. Speaker, upon that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were yeas 19; nays 186; answered "present" 15; not voting 167; as follows:

YEAS—19.

Allen	Bradley	Durey	Mondell
Ames	Calderhead	Hill, Conn.	Olcott
Andrus	Cary	Keifer	Parsons
Bennet, N. Y.	Cocks, N. Y.	Küstermann	Pollard
Bingham	Cook, Pa.	Mann	

NAYS—186.

Adair	Ferris	Johnson, Ky.	Pou
Aiken	Finley	Jones, Va.	Pray
Alexander, Mo.	Fitzgerald	Jones, Wash.	Prince
Ansberry	Flood	Kennedy, Iowa	Rainey
Bannon	Floyd	Kennedy, Ohio	Randell, Tex.
Barclay	Focht	Kinkaid	Rauch
Bartlett, Nev.	Foster, Ill.	Kipp	Reeder
Beall, Tex.	Foster, Vt.	Kitchin, Claude	Reid
Bell, Ga.	French	Knapp	Reynolds
Bonynge	Fuller	Knopf	Richardson
Booher	Gaines, Tenn.	Knowland	Rodenberg
Boutell	Garner	Lafean	Russell, Mo.
Bowers	Garrett	Lamar, Mo.	Ryan
Boyd	Gilhams	Lamb	Sabath
Brownlow	Gillespie	Lawrence	Scott
Burgess	Glass	Lee	Sheppard
Burleigh	Godwin	Lenahan	Sherley
Burleson	Goldfogle	Lindbergh	Sherwood
Burnett	Goulden	Lindsay	Slemp
Campbell	Graff	Lloyd	Small
Candler	Granger	Longworth	Smith, Mich.
Capron	Griggs	McCall	Smith, Mo.
Carlin	Gronna	McGavin	Smith, Tex.
Carter	Hackney	McHenry	Sperry
Chapman	Hamilton, Iowa	McKinlay, Cal.	Spight
Clark, Mo.	Hamilton, Mich.	McKinney	Stafford
Clayton	Hammond	McLachlan, Cal.	Stanley
Cole	Harding	McLaughlin, Mich.	Stephens, Tex.
Cook, Colo.	Haskins	Macon	Sterling
Cooper, Pa.	Hawley	Madden	Sulzer
Cooper, Wis.	Hay	Madison	Thistlewood
Cox, Ind.	Heflin	Maynard	Thomas, N. C.
Craig	Helm	Moon, Tenn.	Thomas, Ohio
Crumpacker	Henry, Tex.	Moore, Tex.	Tou Velle
Cushman	Higgins	Morse	Townsend
Dalzell	Hinshaw	Murdock	Underwood
Davenport	Holliday	Murphy	Vreeland
Davis, Minn.	Houston	Needham	Washburn
Dawson	Howell, Utah.	Nelson	Watson
De Armond	Howland	Nicholls	Webb
Denby	Hubbard, Iowa	Norris	Willett
Denver	Hubbard, W. Va.	Nye	Williams
Dixon	Huff	O'Connell	Wilson, Ill.
Draper	Hughes, N. J.	Page	Wood
Ellerbe	Hull, Tenn.	Parker, S. Dak.	Woodyard
Ellis, Oreg.	Humphrey, Wash.	Patterson	
Fairchild	Humphreys, Miss.	Payne	

ANSWERED "PRESENT"—15.

Adamson	Gaines, W. Va.	Jenkins	Robinson
Ashbrook	Gillett	Johnson, S. C.	Sims
Bartlett, Ga.	Hamlin	Padgett	Talbott
Cousins	Howard	Parker, N. J.	

NOT VOTING—167.

Acheson	Coudrey	Gardner, Mich.	James, Ollie M.
Alexander, N. Y.	Cravens	Gardner, N. J.	Kahn
Anthony	Crawford	Gill	Keliher
Barchfeld	Currier	Goebel	Kimball
Bartholdt	Darragh	Gordon	Kitchin, Wm. W.
Bates	Davey, La.	Graham	Lamar, Fla.
Beale, Pa.	Davidson	Greene	Landis
Bede	Dawes	Gregg	Langley
Bennett, Ky.	Diekema	Hackett	Laning
Birdsall	Douglas	Haggott	Lassiter
Brantley	Driscoll	Hale	Law
Brodhead	Dunwell	Hall	Leake
Broussard	Dwight	Hamill	Legare
Brumm	Edwards, Ga.	Hardwick	Lever
Brundidge	Edwards, Ky.	Hardy	Lewis
Burke	Ellis, Mo.	Harrison	Lilley
Burton, Del.	Englebright	Haugen	Littlefield
Burton, Ohio	Esch	Hayes	Livingston
Butler	Fassett	Henry, Conn.	Lorimer
Byrd	Favrot	Hepburn	Loud
Calder	Fordney	Hill, Miss.	Loudenslager
Caldwell	Fornes	Hitchcock	Lovering
Caulfield	Foss	Hobson	Lowden
Chaney	Foster, Ind.	Howell, N. J.	McCreary
Clark, Fla.	Foulkrod	Hughes, W. Va.	McDermott
Cockran	Fowler	Hull, Iowa	McGuire
Conner	Fulton	Jackson	McKinley, Ill.
Cooper, Tex.	Gardner, Mass.	James, Addison D.	McLain

McMillan	Porter	Slayden	Volstead
McMorran	Powers	Smith, Cal.	Waldo
Malby	Pratt	Smith, Iowa	Wallace
Marshall	Pujo	Snapp	Wanger
Miller	Ransdell, La.	Southwick	Watkins
Moon, Pa.	Rhinock	Sparkman	Weeks
Moore, Pa.	Riordan	Steenerson	Weems
Mouser	Roberts	Stevens, Minn.	Weisse
Mudd	Rothermel	Sturgiss	Wheeler
Olmsted	Rucker	Sulloway	Wiley
Overstreet	Russell, Tex.	Tawney	Wilson, Pa.
Pearre	Saunders	Taylor, Ala.	Wolf
Perkins	Shackleford	Taylor, Ohio	Young
Peters	Sherman	Tirrell	

So the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. ELLIS of Missouri with Mr. ROBINSON.

Mr. HOWELL of New Jersey with Mr. JOHNSON of South Carolina.

Until further notice:

Mr. CURRIER with Mr. LEVER.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. STERLING with Mr. BRODHEAD.

Mr. LANING with Mr. ASHBROOK.

Mr. FOSTER of Indiana with Mr. GRANGER.

Mr. PARKER of New Jersey with Mr. WOLF.

Mr. CONNER with Mr. COCKRAN.

Mr. FORDNEY with Mr. FAVROT.

Mr. GREENE with Mr. FORNES.

Mr. HAUGEN with Mr. GREGG.

Mr. HAYES with Mr. LEGARE.

Mr. SMITH of Iowa with Mr. MCDERMOTT.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. BARTLETT of Georgia. Mr. Speaker, I voted "no." I desire to change that vote to "present," on account of being paired with the gentleman from Pennsylvania [Mr. BUTLER].

The SPEAKER pro tempore (Mr. AMES). The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BARTLETT of Georgia, and he answered "present."

Mr. ROBINSON. Mr. Speaker, I voted "no." I am paired with the gentleman from Missouri, and I desire to be recorded as being "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ROBINSON, and he answered "present."

Mr. JOHNSON of South Carolina. Mr. Speaker, I am paired with the gentleman from New Jersey [Mr. HOWELL]. I voted "no." I desire to withdraw that vote and vote "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. JOHNSON of South Carolina, and he answered "present."

The result of the vote was announced as above recorded.

OREGON AND CALIFORNIA RAILROAD LAND GRANT.

Mr. MONDELL. Mr. Speaker, I move to suspend the rules and adopt the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

Ordered, That immediately upon the adoption of this order the joint resolution (S. R. 48) authorizing the Attorney-General to institute certain suits, etc., shall be read in the House and one amendment thereto may thereupon be offered, and said resolution and amendment shall be considered in general debate for not exceeding three hours, at the end of which time a vote shall be taken, first, upon the amendment if any be offered, and thereafter a vote shall be taken on the final passage of the resolution, amended or unamended as the case then shall be, without intervening motion or question.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Has the Committee on Rules been abolished?

The SPEAKER pro tempore. The rules are such that a majority of the House can have its way. [Applause on the Republican side.] Is a second demanded?

Mr. FITZGERALD. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Wyoming [Mr. MONDELL] is entitled to twenty minutes and the gentleman from New York [Mr. FITZGERALD] to twenty minutes.

Mr. MONDELL. Mr. Speaker, this is a Senate resolution authorizing the Attorney-General to institute suits for the purpose of enforcing all of the rights and remedies of the United States in the matter of certain land grants. The resolution as it is now presented to the House was, as I understand, prepared by the Attorney-General, and comes to us with the unanimous indorsement of the other body, and is reported to the House practically unanimously from the Committee on Public Lands.

Mr. GAINES of Tennessee. The gentleman means the Senate resolution, and not this resolution or order has been practically unanimously reported.

Mr. MONDELL. This is the Senate resolution. Mr. Speaker, I want to say to the House that this matter has had an unusual amount of consideration. Our committee had numerous hearings in regard to it. We heard all interested parties who expressed a desire to be heard. We had before us the officials of the Attorney-General's Office who had investigated the present status of these land grants. Various amendments were proposed. All were carefully discussed and considered, and the committee agreed, as I say, practically unanimously to report the resolution to the House unamended.

Mr. STEPHENS of Texas. Will the gentleman yield for a question

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. This is the Pacific Railroad land grant that is aimed at?

Mr. MONDELL. This is what is known as the "Oregon and California land grant." I shall come to that in a moment. Mr. Speaker, this resolution has to do with certain large grants of land, the history of which I shall give to the House very briefly.

In 1866 a grant of land was made by Congress to aid in the construction of a railroad from Portland, Oreg., to a connection with the Central Pacific road in California. By reason of noncompliance with the terms of the grant it became necessary for Congress two years later to provide for an extension of the grant, and again, the conditions of the grant not having been fulfilled, a further extension of the grant was had in the year 1869, and at that time an amendment was made to the original grant, which amendment forms the basis of the action now proposed, and it is, therefore, exceedingly important. That amendment was as follows:

That the lands granted by the act aforesaid shall be sold to actual settlers only in quantities not greater than one-quarter section to one purchaser and for a price not exceeding $2.50 per acre.

Before I discuss the question of the manner in which the railroad company proceeded to dispose of the grant I desire to call attention to the fact that the resolution also treats of another and a smaller grant made in aid of a railway from Portland to Astoria and McMinnville, in Oregon, and also a grant made to the State of Oregon to aid in the construction of a military road from Coos Bay, on the coast, to the town of Roseburg. The grant to what became the California and Oregon Railway amounted approximately to 3,000,000 acres including the small amount which was included in the McMinnville grant. The grant in aid of the military road amounted to about 100,000 acres. Mr. Speaker, these roads were not constructed in accordance with the terms of the grant, but Congress waiving the right of forfeiture for failure to construct within the time limit fixed in the grant and the roads having finally been completed, the Interior Department began to patent the land to the railroad company. For a time the lands were sold in substantial compliance with the conditions of the grant—that is, they were sold to persons claiming to be settlers in tracts not to exceed 160 acres and for not more than $2.50 an acre. Approximately 127,000 acres were so sold in substantial compliance with the terms of the grant.

There came to be, some years after the grant was made, something of a demand for the lands on the part of those who desired larger areas than 160 acres, and the companies holding the grants began to sell their lands in larger areas than 160 acres and at a price in excess of $2.50 an acre. The Oregon and California Company and its successors in interest continued this policy of selling the lands in larger areas and for a higher price and entirely ignored the provision requiring the land to be sold to actual settlers. So it came about that there was eventually sold of the Oregon and California grant of nearly 3,000,000 acres approximately 600,000 acres in violation of all the conditions of the grant.

Mr. SCOTT. Will the gentleman permit a question?

Mr. MONDELL. Certainly.

Mr. SCOTT. When this violation of law took place why was not complaint made? Why did it not become the duty of the Attorney-General or the United States district attorney to institute suit and compel the proper carrying out of the law? Why is it necessary now to direct the Attorney-General by resolution to proceed to enforce the law of the United States?

Mr. MONDELL. Mr. Speaker, I expect to reach the last question proposed by the gentleman from Kansas in just a moment, but answering the first question, I would say that it occurs to me it would have been right and proper for the officials

of the Government to have called attention to the fact that the terms of the grant were being violated. Why they did not do this, I am not informed.

Mr. GAINES of Tennessee. Will the gentleman please read to the House the proposed amendment? There are a good many inquiries over here, and we would like to know what it is.

Mr. MONDELL. I will say to the gentleman I have not myself seen the proposed amendment except to have a very hurried glance at it, and I do not know its exact form. I presume it will be offered by the gentleman from Michigan for the information of the House very shortly.

Mr. GAINES of Tennessee. Well, we are fixing an order here to consider an amendment that no one knows anything about except one or two people.

Mr. MONDELL. The amendment must be before the House for three hours, I will say to the gentleman. Under this rule the amendment must be offered the moment this order is adopted.

Mr. STEPHENS of Texas. I desire to inquire whether it will be in order to offer another amendment to recover for grants in New Mexico obtained by the Santa Fe Railroad? Would it be in order to amend and include the Santa Fe Railroad Company's lands unlawfully secured in New Mexico and held away from actual settlers?

Mr. MONDELL. It will not. I wish the gentleman would not take up my time. I have not very much time, and I am anxious to discuss this matter so that others will understand it. Now, Mr. Speaker——

Mr. CLAYTON. Mr. Speaker, would it interrupt the gentleman to inquire of him how this land-grant law was violated? Who owns these lands now acquired in pursuance of that violation of law?

Mr. MONDELL. Possibly the gentleman has not been here during my discussion of the matter.

Mr. CLAYTON. No; I confess I have not.

Mr. MONDELL. I will say to the gentleman that there are three limitations. The land shall be sold in tracts not to exceed 160 acres, at a price not to exceed $2.50 an acre, and to actual settlers, and from the time the grant was made down to the present time practically all of those limitations have been ignored by the companies claiming the grants whenever it was to their interest to ignore them, and large areas of lands have been sold in very large tracts.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. I would like, if possible, to make a brief statement of the facts, as I think I can present the matter to the House better in that way. I will be very glad to yield to the gentleman a little later.

Mr. Speaker, as I said a moment ago, approximately 600,000 acres of these lands were sold in violation of the terms of the contract. They were sold in tracts as large as 45,000 acres to one corporation.

Mr. CLAYTON. Who owns them now?

Mr. MONDELL. Over 2,000,000 acres are still held by the railroad company and about 800,000 acres are held and claimed by the purchasers from the railroad company.

Mr. GAINES of Tennessee. Harriman owns the most of them, I can tell the gentleman.

Mr. MONDELL. One of these purchases amounts to 45,000 acres, and it was made at, approximately, $10 per acre. Other purchases were made of less acreages at a somewhat lower price, but in the aggregate, as I said a moment ago, 600,000 acres of these lands have been sold in violation of all the conditions and terms of the grant. Now, about two years ago the railroad company, the Central Pacific having succeeded to the ownership of the Oregon and California Company, and therefore to the ownership of these lands, adopted a policy of retaining the lands from sale—of making no sales whatever. So long as the company was selling the lands, even though in large blocks and at high prices, the public sentiment in the region of these grants was not aroused against the violations of the terms of the grant to the extent that it has been since the railroad company refused to sell the lands to anybody at any price. Mr. Harriman has declared that it is the intention of his company to retain these lands, largely timbered lands, in the hands of the company indefinitely, to establish a permanent estate.

Now, the effect upon the State of Oregon can be readily understood when you take into consideration the fact that these lands constitute an area nearly as large as the State of Maryland, with the alternate sections of the public lands lying in the same area. And now that the railroad company has ceased to sell this land, the industries of that vast region have practically been brought to a standstill, except as the lumbering industry is being carried on on some of the lands which have been sold. It is practically impossible for the people of southwestern Oregon to develop their country by reason of the fact that the railroad company, the owner of the alternate sections, refuses to dispose of them, and it is practically impossible to develop the Government sections with the railroad sections thus held in a single ownership.

The gentleman from Kansas [Mr. SCOTT] asked me a moment ago why this resolution is presented. It is presented because it is the opinion of the Attorney-General that Congress alone can declare a forfeiture, and that Congress alone can authorize proceedings with a view of declaring a forfeiture. All other rights and remedies the Government now has, save alone the remedy of forfeiture, and this resolution is presented for the purpose of giving to the Attorney-General the right to institute suit to declare a forfeiture of the railroad land grant, and at the same time to set up all other rights and remedies of the Government in the premises. Remember that the railroad company still holds approximately 2,000,000 acres of this land.

That means an estate larger than Delaware by 25 per cent, if I remember correctly the area of that Commonwealth, and, with the alternate Government sections, represents an area, as I said a moment ago, as large as Maryland—a territory tied up so its development is practically at a standstill except as the lumber business is carried on by those who have purchased from the railroad company, by reason of this policy established by the Union and Central Pacific Railway interests.

When this condition of affairs is taken into consideration, it is patent that some action should be taken for the purpose of determining whether or no the railroad companies now holding these lands under the grant have a right to permanently withhold them from settlement and development.

That question has been raised, not by adverse action of the Government, but by the policy of the company, first, in selling the lands in large blocks contrary to the provisions of the grant, and later in refusing to sell them under any conditions, and it is absolutely essential, not only in the interest of the people at large, in the interest of the Government which placed these limitations upon the grant, but in the interest of the purchasers from the railroad company themselves, that suit be instituted to settle the question of title.

Public sentiment in the region has been so thoroughly aroused, attention has been so emphatically and persistently called to the limitations of the grant, all titles under the grant have been so sharply called in question, the titles of all holders are so continuously challenged and insecure, and the rights of the company to hold the land so challenged, that proceedings in the courts are essential and necessary to the quieting of all titles claimed under the grant.

It is claimed on behalf of the Government that the limitations contained in the grant are in the nature of conditions subsequent, and that a breach of these conditions by the railroad company renders the grant liable to forfeiture. Forfeiture can only be asserted through action by Congress. Hence the necessity of the resolution which authorizes the Attorney-General to institute proceedings for the purpose of establishing all of the rights and remedies of the Government, including that of forfeiture. It is of course possible that the courts will not hold that the lands are subject to forfeiture, in which event the Government, through the Attorney-General, can still assert its other rights and remedies, including that of demanding specific performance by the companies, or, in other words, a compliance with the terms of the grant as to the lands now unsold.

It is so patent to some of the purchasers under these grants that their titles can never be made secure until proceedings have been had for the purpose of setting at rest the questions in controversy, that the present holders of the grant made in aid of the Coos Bay military road, holding practically the entire grant for that road of approximately 90,000 acres, have requested the Attorney-General in writing that suits be instituted by the Government for the purpose of determining what their rights are.

The resolution as it passed the Senate and as reported from the Public Lands Committee ought to be passed without amendment, because the amendment proposed is almost certain to defeat the Government in its attempt to assert its rights and remedies against the railroad companies that are the present holders of the grants. If the conditions contained in the grant were conditions subsequent, then it is very doubtful if the Government can assert, successfully, its claim for a forfeiture by reason of a breach of these conditions if in advance we confirm the very sales by which the conditions of the grant were breached, and no amendments—least of all, no such amendment as has been proposed—is necessary to protect the rights of bona fide purchasers, for such rights will and must be preserved by

the courts in the suits in equity which will be brought by the Attorney-General under this resolution.

The SPEAKER. The gentleman's time has expired. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. I am opposed to the adoption of this order. I wish to call the attention of the House to the existing order. Up to this time we have been operating in a manner under which no amendment could be offered to anything brought before the House. At last light has penetrated the minds of those in control of the organization here, and now they have condescended to permit a bill to be brought before the House and to permit one amendment to be offered to the bill. I wish to congratulate the Speaker of the House upon the fact, as the Speaker announced that under the rules now adopted the majority can do as it pleases. [Laughter.]

Mr. MONDELL. Will the gentleman yield to me for a very brief explanation?

Mr. FITZGERALD. The gentleman has consumed twenty minutes; I only wish to talk a few minutes.

Mr. MONDELL. I simply want to say to the gentleman that I have made inquiry among the Members of the House, and it is believed an opportunity to offer one amendment would be sufficient.

Mr. FITZGERALD. I decline to yield. The gentleman did not ask whether I wished to offer any amendment to this resolution. I have just as much right to consider resolutions and to offer amendments as the gentleman and those who are interested in some particular phase of the question.

I wish to call the attention of the House to the fact that yesterday I stated that the Speaker was the whole business in this House. This resolution demonstrates it. [Laughter.] The Committee on Rules yesterday slipped up; the mechanism was not well geared; instead of having forty minutes' debate on a rule, we had eighty minutes. The Speaker evidently made up his mind not to trust it again; the committee had gotten so rusty that he would not trust them again. So he handed this order or rule to an outsider, one who has not been permitted to sit within the sacred circle up to this time—an outsider on the subject of rules—to move to suspend the rules and pass the order now before the House. Poor old Committee on Rules. [Laughter.] No more will they be able to get up before us and say, "I offer a privileged report." The Speaker will take no more chances. [Laughter.] The crown has been snatched from the head of the gentleman from Pennsylvania. [Laughter.] He has been banished and relegated to oblivion until he freshens up a rusty memory and becomes familiar with the practices—the practices in a Republican House under a Republican set of rules [laughter and applause on the Democratic side]—so that when the Speaker pulls the string the marionettes will work in harmony with his wish.

Mr. MONDELL. Will the gentleman permit me?

Mr. FITZGERALD. I hope the gentleman will not intrude in the discussion of this order anything relating to the merits of the resolution to be considered under this rule.

Mr. MONDELL. I object to the gentleman referring to me as "an outsider." [Laughter.]

Mr. FITZGERALD. Mr. Speaker, I tender my sincere apologies to the gentleman from Wyoming, and I congratulate him and the House that to-morrow he will appear here as radiant as Solomon in all his glory, bedecked with one of the selected carnations reserved for the "big five of the House." [Laughter and applause on the Democratic side.]

Mr. Speaker, of course anybody who is familiar with the rules of the House, who understands their simplicity, who realizes how easy it is for the majority to do business under the rules, who appreciates the value of the Committee on Rules to the organization of the House, must protest against this outrage, perpetrated, not upon the minority of the House, but perpetrated against that sacred, omnipotent, Committee on Rules.

I wish to voice the resentment of the gentleman from Pennsylvania [laughter]; I wish to enter his emphatic protest against the scandalous manner in which he, who has reveled in the delight of running roughshod over the minority of this House, has been ruthlessly set aside by a Republican Speaker. How outraged he now looks when he finds that his crown has been stolen and that the chairman of the Committee on Public Lands is substituted for him as the man who shall hold the throttle and make this perfect organism go!

Now, Mr. Speaker, how much time have I used?

Mr. WILLIAMS. Before the gentleman sits down——

Mr. FITZGERALD. I am not going to sit down. [Laughter.]

The SPEAKER. The gentleman has used five minutes.

Mr. WILLIAMS. I wanted to ask the gentleman if it had occurred to him that, perhaps, the real reason for the adoption of this procedure was to prevent my colleague, the gentleman from Missouri [Mr. DE ARMOND], and myself, the minority members of the committee, from running over the Speaker and the other members of the committee?

Mr. FITZGERALD. Why, just now, under the leadership of the gentleman from Mississippi, the House by an overwhelming vote defeated one of the privileged motions that was introduced and was thought would be adopted by this House. Naturally, the Speaker took no chances. [Laughter.]

Now, let me read from these sacred rules:

> The following-named committees shall have leave to report at any time on the matters herein stated, viz:
> The Committee on Rules, on rules, joint rules, and order of business.

I understand, Mr. Speaker, why the Speaker would not permit the gentleman from Pennsylvania [Mr. DALZELL] to offer this resolution. It would be too offensive for the Speaker to ask the gentleman from Pennsylvania to offer a resolution that would permit even a single amendment to be offered to anything before the House. [Laughter.] His specialty is to bring in resolutions and orders that will prevent anything being done except the minority obtaining their constitutional right to call the roll; and if even this slight condescension was to be given, not to the minority, but to a Member of the majority, that he be permitted to offer an amendment, the gentleman from Pennsylvania would resent that as an intrusion upon his rights and would insist that no amendment be offered at all.

This illustrates what a farce it is for the gentleman from Pennsylvania, at the opening of the session, before anybody has had time to read the rules, to stand up here and tell his side of the House that they are the most perfect system ever devised. Hereafter the gentleman from Pennsylvania will bear in mind that this tyrannical power lodged in the Speaker will be used against him, just as it will be against the most humble Member on this side; and whenever he slips up, whenever he misbehaves, whenever he grows rusty, that the power will be taken from him and some other Member of the majority elevated to the high place that he now occupies.

Mr. Speaker, I wish to yield five minutes of the time left to the gentleman from Tennessee [Mr. GAINES] and the balance of the time to the gentleman from Michigan [Mr. FORDNEY] in whichever order they prefer to take it. How much time is there remaining, Mr. Speaker?

The SPEAKER. Eleven minutes.

Mr. FITZGERALD. I yield six minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker, as the gentleman from Wyoming [Mr. MONDELL] has said, if this resolution is enacted into law without amendment it will authorize the Attorney-General of the United States to proceed in a court of equity to forfeit all lands granted to the California and Oregon Railroad Company, all lands granted to the Military Wagon Road Company—that company built a wagon road from Coos Bay to Roseburg in Oregon—128,000 acres of land granted and patented to a railroad company known as the Portland, Astoria and McMinnville Railroad; in all, Mr. Speaker, about 3,300,000 acres of land, 915,000 acres of which have been sold by these companies to individuals, to corporations, and to lumbermen in that State.

Mr. Speaker, practically all of the lands that have been sold by these companies to present holders have been patented. Some 2,800,000 acres of land were patented to the California and Oregon Railroad Company. There is due that company yet some 300,000 acres of land for which they have not received patents. What I will show if I am given time to-morrow in general debate is this, that there are 127,000 acres of those lands sold by the California and Oregon Railroad Company to individuals, strictly in compliance with the terms of the granting act; that is to say, that they have been sold in quantities not exceeding 160 acres, and to actual settlers, and at a price not exceeding $2.50 per acre.

The Assistant Attorney-General representing the Government in opposition to this bill before the Committee on the Public Lands stated that there had been 173,000 acres of those lands sold in quantities not exceeding 160 acres to actual settlers, but at prices slightly in excess of $2.50 cents per acre. The balance of 815,000 acres of those lands sold by the railroad company have been sold in quantities in excess of 160 acres and at prices exceeding $2.50 per acre.

Let me say to you briefly, gentlemen, that there are 250 sawmills in the State of Oregon, cutting timber from those lands, employing 8,000 men and cutting 600,000,000 feet of lumber annually. On those lands are large sawmills and lumbering operations; railroads constructed from the mills into the lumber woods to haul the timber to the mills, and in some instances villages consisting of more than a thousand people situated on those lands that have been sold by this company, all of which this resolution proposes to forfeit to the Government.

Those people have purchased these lands, purchased them without knowledge of any limitations or restrictions whatever as to their disposition. I have here and will show to-morrow an abstract of title taken from Crook County, Oreg., records, where patents were recorded by the Government which refer to the act of 1866 only, and nowhere do these patents refer to the act of 1869, which act contains the limitations as to the quantity and price, and as to whom it should be sold. And when these people went to the abstractor in Crook County and obtained an abstract of title it showed an absolutely clear title from the Government to the parties whom they purchased from, and on the strength of that abstract and by the advice of the best legal talent that could be had, they paid the consideration and took the land. Now you propose by this resolution to authorize the Attorney-General to go into court and cancel the patents that were issued as far back as 1872, and some of which carry General Grant's signature to them. Gentlemen, it is absurd.

The SPEAKER. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Speaker, I wish to show to the gentlemen of the House, so that they may get my amendment, and I will have it read for information.

The SPEAKER. Is time yielded to the gentleman to have his amendment read?

Mr. GAINES of Tennessee. Yes; I am anxious to hear it.

The Clerk read as follows:

Provided, however, That this resolution shall not relate to any lands for which patents have been issued, which are now held by bona fide purchasers, other than railroad corporations or corporations or persons holding title for any such railroad corporations as trustees to secure any bonded or other indebtedness, or for any purpose whatsoever.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman from Michigan whether the Department of Justice has approved this amendment?

Mr. FORDNEY. I do not think the Department of Justice has ever seen it; no, sir.

Mr. GAINES of Tennessee. Has the gentleman made any effort to submit it to the Department of Justice?

Mr. FORDNEY. No; I hardly had time to prepare it when I heard that the bill was coming up to-day.

Mr. GAINES of Tennessee. Has the Public Lands Committee approved it?

Mr. FORDNEY. I do not think they approve of any amendment.

Mr. GAINES of Tennessee. They do not approve of any amendment, and this morning they voted 15 to 1 to instruct the chairman of the committee to insist on the passage of the Senate resolution 48 without amendment. The Department of Justice—General Bonaparte—and its special counsel, Mr. Townsend, have been before that great committee and insisted upon this resolution being passed exactly as it was sent here by the Senate of the United States last February, and it has been under consideration by that committee down until this morning at 11.30 o'clock, when we were called here to vote on another public-land bill. As I say, this morning, by a vote of 15 to 1, the chairman of the committee was directed to insist upon the Senate resolution and that alone.

The SPEAKER. The gentleman from Tennessee will suspend. The Chair will state that it is not in order to refer in the House to what passed in the committee.

Mr. MONDELL. Will the gentleman yield to me?

Mr. GAINES of Tennessee. I understand that, but there has been so much about public-land frauds, Mr. Speaker, that has been locked up for so long, that this is one of the cases where everything ought to be known.

The SPEAKER. Two wrongs or two infractions of the rules do not make a right.

Mr. MONDELL. I want to call the gentleman's attention to the fact that the committee has offered no amendment; that the committee is opposed to all amendments. The gentleman from Tennessee knows that it is impossible to get on the floor for consideration of these matters unless we give an opportunity to the House to consider an amendment.

Mr. GAINES of Tennessee. I am informed here and elsewhere concerning this matter that the Speaker absolutely refused recognition to bring up Senate resolution 48 without this amendment.

Mr. FORDNEY. The gentleman is mistaken about that.

Mr. GAINES of Tennessee. That is what I am informed by members of the Public Lands Committee, who have the matter in charge, and I say it without reflecting at all upon the Speaker. The Speaker has the right to do it.

The SPEAKER. If the House will indulge the Speaker—and this is not to be taken out of the time of the gentleman from Tennessee—the Speaker desires to say that this is a motion to suspend the rules, and the Speaker did, in the performance of his duty as a Member of the House and as Speaker, propose that the motion to suspend the rules should give the House a chance to vote upon the amendment. [Applause.]

Mr. GAINES of Tennessee. Here is an amendment to amend a resolution that meets with the hearty approval of the Department of Justice, based upon the recommendation of the President of the United States, a resolution, if you please, that has passed the United States Senate, a resolution that has been pending before, and thoroughly considered for four or five weeks by, and which meets with the hearty approval of, the Public Lands Committee of the House, and yet here is a green amendment brought in here at this late hour. The amendment of the gentleman from Michigan is not submitted to the committee, nor to the Department of Justice, nor to the Senate of the United States.

Yet, with this great question, involving $50,000,000 in public lands, with the President and the Department of Justice on one side, together with the Senate and the Public Lands Committees of the Senate and House, demanding that justice be done and that the Department of Justice be not clogged by any such amendment as that, we find that the Speaker *will not let this great question come up unless that amendment be considered,* which meets with the approval of a lot, they say, of innocent purchasers—"innocent purchasers!"—that will not submit their claims to the arbitrament of the great Supreme Court of the United States!! *How can they so feel, if they are innocent?* And what does this elaborate and able House report mean, which says "that none of the large sales are to *actual settlers,*" but to lumber people and lumber kings and people of millions and "speculators." Harriman is against all this proposition, and he has withdrawn a great portion of the Oregon land from any settlement at all and is paralyzing that State. He will not in recent years let anybody buy this land. He has been disobeying the law, and so has his great railroad, for years and years and years. Yet, Mr. Speaker, here we find an amendment that comes in here undigested, and that does not meet with the approval of but a few at most, which may tie the hands of the Supreme Court of the United States and embarrass the Department of Justice in its great work.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on suspending the rules and agreeing to the motion to adopt the order.

Mr. PAYNE. Mr. Speaker, pending that motion, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

Mr. SPEAKER. Pending that, the question is on the motion of the gentleman from New York, that the House do take a recess until to-morrow morning at 11.30 o'clock.

The question was taken.

The SPEAKER. The ayes seem to have it.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 123, nays 83, answered "present" 13, not voting 168, as follows:

YEAS—123.

Alexander, N. Y.	Davis	Huff	Parsons
Allen	Dawson	Humphrey, Wash.	Payne
Ames	Denby	Jenkins	Pollard
Andrus	Draper	Jones, Wash.	Pray
Bannon	Durey	Keifer	Reeder
Barchfeld	Ellis, Oreg.	Kennedy, Iowa	Reynolds
Beale, Pa.	Esch	Kennedy, Ohio	Rodenberg
Bede	Fairchild	Kinkaid	Scott
Bennet, N. Y.	Ferris	Knapp	Slemp
Bonynge	Focht	Knopf	Smith, Cal.
Boyd	Fordney	Knowland	Smith, Iowa
Brownlow	Foss	Lafean	Smith, Mich.
Burleigh	Foster, Ind.	Littlefield	Snapp
Burton, Ohio	Foster, Vt.	McCall	Southwick
Calderhead	French	McKinlay, Cal.	Sperry
Campbell	Fuller	McKinney	Stafford
Capron	Gardner, N. J.	McLachlan, Cal.	Steenerson
Cary	Gilhams	McLaughlin, Mich.	Sterling
Chapman	Goldfogle	McMorran	Taylor, Ohio
Cocks, N. Y.	Hale	Madden	Thistlewood
Cole	Hamilton, Mich.	Madison	Thomas, Ohio
Conner	Hammond	Mann	Volstead
Cook, Colo.	Haugen	Mondell	Vreeland
Cook, Pa.	Hawley	Moon, Pa.	Washburn
Cooper, Pa.	Higgins	Morse	Watson
Cooper, Wis.	Hill, Conn.	Murdock	Weeks
Cousins	Hinshaw	Needham	Wheeler
Crumpacker	Holliday	Nelson	Wood
Cushman	Howell, Utah	Norris	Woodyard
Dalzell	Howland	Nye	Young
Davidson	Hubbard, Iowa	Olcott	

NAYS—83.

Adair	Bell, Ga.	Carter	Denver
Aiken	Bowers	Clark, Mo.	Dixon
Alexander, Mo.	Burgess	Clayton	Finley
Ansberry	Burleson	Cooper, Tex.	Fitzgerald
Bartlett, Nev.	Caldwell	Cox, Ind.	Flood
Beall, Tex.	Candler	De Armond	Floyd

Foster, Ill.	Houston	Moore, Tex.	Saunders
Gaines, Tenn.	Hughes, N. J.	Murphy	Sheppard
Garner	Hull, Tenn.	Nicholls	Sherley
Garrett	Humphreys, Miss.	O'Connell	Sherwood
Gillespie	Johnson, Ky.	Page	Smith, Mo.
Godwin	Jones, Va.	Patterson	Smith, Tex.
Gordon	Lamb	Rainey	Spight
Gregg	Leake	Randell, Tex.	Stanley
Griggs	Lee	Rauch	Stephens, Tex.
Hackney	Lindsay	Richardson	Sulzer
Hamilton, Iowa	Lloyd	Robinson	Thomas, N. C.
Hay	McLain	Rothermel	Tou Velle
Heflin	Macon	Russell, Mo.	Webb
Helm	Maynard	Ryan	Williams
Henry, Tex.	Moon, Tenn.	Sabath	

ANSWERED "PRESENT"—13.

Adamson	Ellerbe	Padgett	Sims
Bartlett, Ga.	Gillett	Parker, N. J.	
Bradley	Hamlin	Roberts	
Brundidge	Lassiter	Sherman	

NOT VOTING—168.

Acheson	Ellis, Mo.	James, Ollie M.	Olmsted
Anthony	Englebright	Johnson, S. C.	Overstreet
Ashbrook	Fassett	Kahn	Parker, S. Dak.
Barclay	Favrot	Kelliher	Pearre
Bartholdt	Fornes	Kimball	Perkins
Bates	Foulkrod	Kipp	Peters
Bennett, Ky.	Fowler	Kitchin, Claude	Porter
Bingham	Fulton	Kitchin, Wm. W.	Pou
Birdsall	Gaines, W. Va.	Küstermann	Powers
Booher	Gardner, Mass.	Lamar, Fla.	Pratt
Boutell	Gardner, Mich.	Lamar, Mo.	Prince
Brantley	Gill	Landis	Pujo
Brodhead	Glass	Langley	Ransdell, La.
Broussard	Goebel	Laning	Reid
Brumm	Goulden	Law	Rhinock
Burke	Graff	Lawrence	Riordan
Burnett	Graham	Legare	Rucker
Burton, Del.	Granger	Lenahan	Russell, Tex.
Butler	Greene	Lever	Shackleford
Byrd	Gronna	Lewis	Slayden
Calder	Hackett	Lilley	Small
Carlin	Haggott	Lindbergh	Sparkman
Caulfield	Hall	Livingston	Stevens, Minn.
Chaney	Hamill	Longworth	Sturgiss
Clark, Fla.	Harding	Lorimer	Sulloway
Cockran	Hardwick	Loud	Talbott
Coudrey	Hardy	Loudenslager	Tawney
Craig	Harrison	Lovering	Taylor, Ala.
Cravens	Haskins	Lowden	Tirrell
Crawford	Hayes	McCreary	Townsend
Currier	Henry, Conn.	McDermott	Underwood
Darragh	Hepburn	McGavin	Waldo
Davenport	Hill, Miss.	McGuire	Wallace
Davey, La.	Hitchcock	McHenry	Wanger
Dawes	Hobson	McKinley, Ill.	Watkins
Diekema	Howard	McMillan	Weems
Douglas	Howell, N. J.	Malby	Weisse
Driscoll	Hubbard, W. Va.	Marshall	Wiley
Dunwell	Hughes, W. Va.	Miller	Willett
Dwight	Hull, Iowa	Moore, Pa.	Wilson, Ill.
Edwards, Ga.	Jackson	Mouser	Wilson, Pa.
Edwards, Ky.	James, Addison D.	Mudd	Wolf

So the motion was agreed to.

The Clerk announced the following additional pairs.

For the vote:

Mr. DARRAGH with Mr. AIKEN.

Mr. LILLEY with Mr. CRAIG.

Mr. LOUDENSLAGER with Mr. DAVENPORT.

Mr. MCKINLEY of Illinois with Mr. KIPP.

Mr. MILLER with Mr. CLAUDE KITCHIN.

Mr. MOUSER with Mr. MCDERMOTT.

Mr. TOWNSEND with Mr. MCHENRY.

Mr. WALDO with Mr. UNDERWOOD.

Mr. LAW with Mr. CARLIN.

For the balance of the day:

Mr. HARDING with Mr. SMALL.

Mr. PRINCE with Mr. GLASS.

Until further notice:

Mr. PARKER of South Dakota with Mr. HOBSON.

Mr. HUBBARD of West Virginia with Mr. LENAHAN.

Mr. OLMSTED with Mr. BOOHER.

Mr. BINGHAM with Mr. PUJO.

Mr. BURTON of Delaware with Mr. WILLETT.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

The result of the vote was announced as above recorded.

Accordingly (at 4 o'clock and 46 minutes p. m.) the House took a recess until to-morrow at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel A. Sheldon, administrator of estate of Henry Bennett, against The United States (H. R. Doc. 875)—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Choctawhatchee River, Florida and Alabama (H. R. Doc. 876)—to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2, of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18513) to repeal section 5 of an act entitled "An act relating to the sale of gas in the District of Columbia," approved June 6, 1896, reported the same without amendment, accompanied by a report (No. 1499), which said bill and report were referred to the House Calendar.

Mr. SPARKMAN, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate, S. 4171, reported in lieu thereof a bill of the House (H. R. 21173) to provide for continuation of investigations of the water resources of the United States, accompanied by a report (No. 1500), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21127) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1494), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5938) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and helpless and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1495), which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6192) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and helpless and dependent children of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 1496), which said bill and report were referred to the Private Calendar.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 19746) to ratify a certain lease with the Seneca Nation of Indians, reported the same without amendment, accompanied by a report (No. 1497), which said bill and report were referred to the Private Calendar.

Mr. LANING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21135) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1498), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHAPMAN, from the Committee on Invalid Pensions: A bill (H. R. 21127) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. CARTER: A bill (H. R. 21128) providing for the support of a school of mines and mining at Wilburton, State of Oklahoma—to the Committee on Appropriations.

By Mr. BOUTELL: A bill (H. R. 21129) to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries—to the Committee on Ways and Means.

By Mr. HAY: A bill (H. R. 21130) authorizing the extension of Allison street NW.—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 21131) for the relief of laborers, mechanics, and other employees of the United States injured, and the families of those killed, while in the discharge of their duties—to the Committee on the Judiciary.

By Mr. KEIFER: A bill (H. R. 21132) to authorize the purchase of land on which was fought the battle of Monocacy, July 9, 1864, for a park on which monuments and markers may be erected in honor of the troops who fought there—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 21133) to provide for the establishment of an annex to all National Homes for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 21134) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890—to the Committee on Ways and Means.

By Mr. LANING, from the Committee on Pensions: A bill (H. R. 21135) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. DAVENPORT: A bill (H. R. 21136) to pay to certain Cherokee citizens moneys to which they have been found entitled by the Supreme Court—to the Committee on Indian Affairs.

By Mr. TOU VELLE: A bill (H. R. 21137) for the erection of a memorial structure at Fort Recovery, Ohio—to the Committee on the Library.

By Mr. BURTON of Delaware: A bill (H. R. 21138) to increase the efficiency of the Pay Department, United States Army—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: A bill (H. R. 21139) to amend section 2, chapter 1159, United States Statutes at Large, volume 32, part 1, page 405, and for other purposes—to the Committee on the Territories.

By Mr. REEDER: A bill (H. R. 21140) providing for an increase of the irrigation fund, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. MANN: Resolution (H. Res. 350) authorizing the committee on investigation of wood pulp and print paper to print, and so forth—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21141) granting a pension to Rollin T. Bobo—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 21142) for the relief of the heir of and legal representative of R. W. Daniels, deceased—to the Committee on War Claims.

By Mr. ANSBERRY: A bill (H. R. 21143) granting a pension to Celia Spitsnale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21144) granting an increase of pension to Henry F. Feger—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 21145) granting an increase of pension to Paul Tracy—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 21146) for the relief of the estate of Auguste D. Dudoussat—to the Committee on War Claims.

Also, a bill (H. R. 21147) for the relief of the estate of Louis Cavalier—to the Committee on War Claims.

By Mr. BURGESS: A bill (H. R. 21148) granting an increase of pension to John G. Burchfield—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 21149) granting an increase of pension to Simon Neff—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21150) for the relief of Mrs. Elizabeth M. Strother, of Fauquier County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 21151) for the relief of Henry Simpers, of Fauquier County, Va.—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 21152) granting an increase of pension to James P. Farmer—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 21153) granting an increase of pension to William H. Kidd—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 21154) granting a pension to William Costello—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 21155) granting a pension to Moses Schuman—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21156) granting a pension to Mary Haney—to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 21157) granting an increase of pension to James C. Preston—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 21158) for the relief of Andrew Barr—to the Committee on Claims.

By Mr. LEE: A bill (H. R. 21159) granting a pension to Allen Philpot—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 21160) granting a pension to T. P. Godfrey—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 21161) granting a pension to Thomas E. Shoemaker—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 21162) granting an increase of pension to Basil D. Prather—to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: A bill (H. R. 21163) granting a pension to Monzue Fabr, alias Monsue Feber—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 21164) granting a pension to Patrick Magrath—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 21165) granting an increase of pension to Emily Lee—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 21166) granting an increase of pension to William J. Caskey—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 21167) to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary—to the Committee on Claims.

By Mr. SNAPP: A bill (H. R. 21168) granting a pension to Clara Zellar Moore—to the Committee on Pensions.

By Mr. SPERRY: A bill (H. R. 21169) granting an increase of pension to Nicholas Terhune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21170) granting an increase of pension to Fidelis W. Sweetman—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 21171) for the relief of the heirs of J. D. Bellah, sr.—to the Committee on War Claims.

By Mr. TALBOTT: A bill (H. R. 21172) to refund certain duties inequitably collected on anthracite coal by the collector of customs at Baltimore, Md.—to the Committee on Ways and Means.

PETITIONS, ETC.

Under Clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Buffalo Council, No. 184, Knights of Columbus, favoring H. R. 18517, for making the 12th of October a holiday—to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of Tri-State Live Stock Dealers' Association, indorsing the Culberson-Smith car and transportation service bills (S. 3644 and H. R. 13841)—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Paper to accompany bill for relief of Edwin W. Smith—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of Equal Suffrage League of Brooklyn, N. Y., for enactment of such legislation as will enforce the fourteenth and fifteenth amendments to the Constitution, and favoring the Bennet bill—to the Committee on the Census.

By Mr. BROWNLOW: Petition of seventy-five citizens of Tennessee, favoring S. 5117 and H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Appropriations.

By Mr. BURLEIGH: Petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers of Madison and Solon, Me., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. CALDER: Petition of H. Singer, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of National Child Labor Commissioner, for S. 4812, for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of Glens Falls Commercial Association and G. R. Hanford against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petitions of Charles H. Potter and Empire Repair Company, for the bill to carry Panama Canal supplies in American vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of James B. Geary, for remedial legislation from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Frank Gilbert Paper Company, against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Valley Grange, No. 1050, of Ellensburg Depot, N. Y., for a national highways commission and for Federal aid in road construction—to the Committee on Agriculture.

By Mr. DAVEY of Louisiana: Paper to accompany bill for relief of heirs of Jean Cheri Verneuil—to the Committee on War Claims.

By Mr. DUNWELL: Petition of Branch No. 52, Glass Bottle Blowers' Association, of Brooklyn, N. Y., favoring the Hepburn bill, amending Sherman antitrust act (H. R. 19745)—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Nautical School, for H. R. 20012, for support of public marine schools—to the Committee on Naval Affairs.

Also, petition of National Child-Labor Commission of New York City, for favorable consideration of S. 4812 (regulating child labor in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of International Congress on Tuberculosis, for an adequate space at the National Capital for the exhibit September 21 to October 12, 1908—to the Committee on Disposition of Rooms.

Also, petition of American Bison Society, favoring the Flathead National Bison Herd bill (S. 6159)—to the Committee on Indian Affairs.

Also, petition of Union League Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Tennessee River Improvement Association, for the improvement of the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of Frank Gilbert, of Waterford, N. Y., against repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of Trades Assembly of Norwich, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. ESCH: Petition of L. Forester, favoring H. R. 20472, to prevent manufacture, sale, and transportation of adulterated paint—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of citizens of New York and vicinity for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of Marine Engineers' Beneficial Association of San Francisco, against the passage of H. R. 235 and S. 5787—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Security Savings Bank, favoring a purely emergency currency—to the Committee on Banking and Currency.

Also, petition of United Mine Workers of America, for H. R. 100, to investigate causes of mine disasters—to the Committee on Mines and Mining.

Also, petition of American Paper and Pulp Association, deprecating attacks on paper industry of the country—to the Committee on Ways and Means.

By Mr. FOCHT: Petition of Hart's Log Valley Grange, of Alexandria, Pa., for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. FOSTER of Vermont: Petition of Shrewsbury (Vt.) Grange, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petitions of Brotherhood of Pulp, Sulphite, and Paper Mill Workers of Wilder and Milton, Vt., against repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Dr. H. P. Dorsey, of La Salle, Ill., favoring S. 4432, to reorganize Corps of Dental Surgeons in United States Army—to the Committee on Military Affairs.

By Mr. GILL: Petition of Baltimore Federation of Labor, for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584); for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. GOEBEL: Petition of citizens of Cincinnati, Ohio, for legislation increasing and equalizing the pay of officers and enlisted men of the Army, Navy, and Marine Corps—to the Committee on Military Affairs.

By Mr. HALE: Paper to accompany bill for relief of H. Q. Walker—to the Committee on War Claims.

By Mr. HAYES: Petition of the Marine Engineers' Beneficial Association, No. 35, of San Francisco, approving the work and policies of the National Rivers and Harbors Congress, held at Washington, D. C., December 4, 5, and 6, 1907—to the Committee on Rivers and Harbors.

Also, petition of the Merchants' Exchange, against the Aldrich currency bill (S. 3023) and the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Franklin Mutual Building and Loan Association, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

By Mr. HAMILL: Petition of mass meeting of citizens at Hoboken, N. J., protesting against a ratification of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HOWELL of New Jersey: Petition of locomotive engineers of Phillipsburg, N. J., favoring S. 6320, to secure safety devices for protection of the lives of trainmen—to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Trade of Long Branch, N. Y., against the Crumpacker census bill (H. R. 16954)—to the Committee on the Census.

By Mr. LILLEY: Petitions of citizens of Danbury and Norwich, Conn., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of the Second Battalion Naval Militia of New York, favoring H. R. 7620—to the Committee on Naval Affairs.

Also, petitions of Abraham L. Gifford and citizens of Brooklyn, N. Y., for amendment to the Sherman antitrust law, for the Pearre bill limiting injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. McDERMOTT: Petition of Chicago Federation of Labor, for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. McKINLEY of Illinois: Petition of citizens of Philo, Ill., for legislation making October 12 a legal holiday—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of the Men's Christian Club, favoring a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLMSTED: Petition of Central Labor Union of Lebanon, Pa., urging legislation providing for cheaper rates of postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of the Eighteenth Congressional District of Pennsylvania, for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584); for the Pearre bill (H. R. 94); the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of Elizabeth Lewis—to the Committee on War Claims.

By Mr. PAYNE: Petition of Wideawake Grange, No. 747, Patrons of Husbandry, of Phelps, N. Y., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of L. M. Baldwin and other citizens of New York, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. POLLARD: Petition of students and instructors of University of Nebraska, for favorable consideration of S. 4812 (regulating child labor in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. POU: Petition of members of the Presbyterian Church of North Carolina, for legislation to compel Alaska-Yukon-Pacific Exposition to close its grounds entirely on Sunday—to the Select Committee on Industrial Arts and Expositions.

By Mr. RYAN: Petition of the Tri-State Live Stock Dealers, favoring the Culberson-Smith car-service bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Kansas City (Mo.) Clearing-House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of American Institute of Homeopathy, favoring H. R. 6089, for placing Homeopathic Pharmacopœia in the food and drug act with the United States Pharmacopœia and National Formulary—to the Committee on Interstate and Foreign Commerce.

Also, petition of Encampment No. 51, Union Veterans' Legion, of Fort Wayne, Ind., for appropriation to erect Anthony Wayne memorial—to the Committee on the Library.

Also, petition of Tennessee River Improvement Association, for appropriation to improve the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of the Union League Club, of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of clearing house of Buffalo, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Central Federated Union of New York, favoring battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Lake Seamen's Union, against H. R. 225, to amend section 4463 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of Local No. 71, A. S. M. Works, of Buffalo, N. Y., against bill for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of District Lodge No. 44, National Association of Machinists, for battle ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Fort Wayne Clearing House, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. SABATH: Petition of Chicago Federation of Labor, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Tennessee River Improvement Association, for appropriation to improve the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of Union League Club, of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., favoring H. R. 20584, amendment to the Sherman antitrust law, and for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Henry S. Nichols and other members of Frank Powell Post, No. 187, Grand Army of the Republic, of Oxford, Mich., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of citizens of New Haven, Addison, Danbury, and Ansonia, Conn., against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Manufacturers' National Bank of Waterbury, Conn., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. TALBOTT: Petition of Hazard Wharf Company, of Baltimore, Md., for refunding duties inequitably collected on anthracite coal during the coal famine of 1902—to the Committee on Ways and Means.

By Mr. WASHBURN: Paper to accompany bill for the relief of Simeon C. Chandler—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *April 23, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 15641. An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

H. R. 17827. An act to provide for the disposal of lands chiefly valuable for oil and asphaltum.

The message also announced that the House had passed the bill (S. 5262) to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Holyoke, Mass., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented memorials of Local Union No. 105, International Brotherhood of Stationary Firemen, of Glens Falls, N. Y.; of Local Union, International Brotherhood of Stationary Firemen, of Berlin, N. H.; of Local Union No. 252, International Brotherhood of Stationary Firemen, of Wilder, and of Local Union No. 5, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Bellows Falls, in the State of Vermont, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. PLATT presented the memorial of Edward J. O'Connor, of Buffalo, N. Y., and a memorial of the Emmet Club, of Tarrytown, N. Y., remonstrating against the ratification of the arbitration treaty between the United States and Great Britain, which were ordered to lie on the table.

He also presented a memorial of Local Union No. 34, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Willsboro, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Brooklyn, Corning, Poughkeepsie, Watertown, Elmira, Geneva, Oneonta, and Tarrytown, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Manufacturers' Association of Brooklyn and New York City, in the State of New York, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. NIXON presented a memorial of the Clearing House Association of Reno, Nev., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

Mr. BRIGGS presented petitions of sundry citizens and labor organizations of Bridgeton and Glassboro, in the State of New Jersey, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Belleville, West Nutley, Newark, Clayton, Trenton, Lyndhurst, North Arlington, and Kingsland, all in the State of New Jersey, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" excluding labor organizations from its provisions, which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of sundry citizens of Lincolnville, Me., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Local Union No. 14, of Lisbon Falls; of Local Union No. 17, of Madison; of Local Union No. 37, of East Millinocket; of Local Union No. 15, of Millinocket; of Local Union of Solon; of Local Union No. 26, of West Enfield, and of Local Union No. 8, of Livermore Falls, all of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, in the State of Maine, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. McCREARY presented the petition of John Young, president of the Federation of Labor, of Louisville, Ky., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of the Trades and Labor Council of Danville; of the Local Union of Centralia; of the Local Union of East St. Louis; of Local Union No. 90, of Danville, all of the American Federation of Labor; and of local branches Glass Bottle Blowers' Association, of Alton, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of the Local Union of Bloomington; of the Local Union No. 859, of Belleville, of the American Federation of Labor; of Local Branch No. 164, International Brotherhood of Leather Workers, of Cairo, and of local branches Glass Bottle Blowers' Association, of Alton, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of sundry citizens of Springfield, Mass., and a petition of sundry citizens of Holyoke, Mass., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of sundry citizens of West Dummerston, Vt., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 191, International Brotherhood of Stationary Firemen, of Bellows Falls, Vt., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. STEWART presented a memorial of Local Union No. 5, International Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Bellows Falls, Vt., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Local Union, American Federation of Labor, of Bellows Falls, Vt., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

THE UNITED STATES NAVY.

Mr. TELLER. As the naval appropriation bill is to be before the Senate to-day, I have here a communication in proper form that I should like to have inserted in the RECORD without reading. It is from Mr. Willard S. Isham, of Washington, D. C., and relates to the building of more battle ships.

The VICE-PRESIDENT. The Senator from Colorado asks that there may be printed in the RECORD, without reading, a paper on the subject of more battle ships for the Navy. Without objection, it is so ordered.

The paper is as follows:

We are again confronted with the proposition of building more battle ships predicated upon two questionable assumptions, either of which being incorrect render such ships practically worthless.

The first assumption is that the primary batteries of such ships can penetrate the thick armor protecting the vitals and personnel of an adversary of the same class at the battle range imposed by the destructive limit of the torpedo. Were this effect impossible, in fact, battle ships would evidently become merely armored torpedo vessels, and, consequently, should be given greater speed and torpedo equipment in place of the big guns and turrets in order that the capacity for destructive blows might be as great as possible. In other words, if this effect is impossible, guns would bear the same relation to the torpedo that a dog's bark does to his bite, and therefore we should propagate a breed of ships with less bark and more bite.

Concerning the possibility of such armor penetration at battle ranges, your attention is respectfully directed to the reports of the intelligence bureaus of different countries upon the effect of gun fire in the Russo-Japanese war, and to testimony recently taken before the committees of Congress, which show that thick armor has never been penetrated either in war or on the proving grounds at the minimum battle range of 5,000 yards fixed by the 21-inch torpedo now used, although hundreds of hits have been scored on such armor, but that when battle ships were sunk by gun fire in the war referred to it was because they were loaded down until the thick armor was submerged and it was necessary simply to penetrate the thinner armor.

If this testimony is to be accepted as to past results it must be admitted that thick armor plate never will be penetrated in future wars, because the gun is already overstrained by pressures that make it useless after about sixty shots, while the possibilities of increasing the range with the torpedo are practically unlimited. If this testimony is not accepted as conclusive it is certainly of sufficient weight to demand that a test should be carried out to prove the point before another cent is expended upon battle ships based upon such an assumption. No business man would pay for a machine while there was a doubt as to its efficiency but would first test the feature in controversy. Should Congress compel the taxpayers of this country to do what they would not do if permitted to exercise their own judgments?

The second assumption is that outside high-explosive shell will not destroy a battle ship. This assumption is known to be incorrect by all authorities, yet it is kept a secret from Congress, which ought to know the facts and take them into consideration, if the Treasury of this country or the efficiency of our defenses are to be factors in deciding upon defensive constructions and implements. Tests have already been made showing that such shells will destroy a battle ship if exploded in the water even at a distance from such vessels, and in case of the most powerful of these this distance is nearly 50 feet, or, in other words, there is an encircling zone about a battle ship of an area equal to that occupied by the ship itself within which such shells may explode and destroy the ship as proven by tests. Hence a 25-knot vessel of the *Invincible* type employing such shell, with which England is experimenting, could select and maintain such a point of attack with reference to a fleet of our battle ships, employing armor-piercing shell, that her thinner armor would be impenetrable to their projectiles while her own shell would be destructive and decide the combat in her favor. A comparison would be a mounted rifleman opposed in an open country by a band of men on foot armed with shotguns. There is no need to indicate the strategy or tactics that would be employed in the combat or to argue as to the result. If outside explosive shell will destroy battle ships if exploding in the water near them, as the record shows, every dollar expended upon such ships on present lines is evidently so much money wasted.

Outside high-explosive shell, however, are not limited in their employment to the subaqueous effects cited, but are believed to be equally as efficient if striking a ship anywhere and under any condition of impact or even after striking water and bounding. Tests have been made against plates, but this question should be definitely settled by tests made against such armor in position on a ship. The Navy Department is about to carry out tests against the *Florida* with shells of about one-sixth the strength of those which might be employed, the object being to decide as to the immunity of sights and other appliances to the explosive shock of such shell. Of what use is such a test when an enemy may employ the stronger shell and why should money be wasted upon such a test or upon installations based upon the results? The most powerful shell ever fired from a service gun should be employed and its effect upon the turret, belt armor, and personnel, represented by domestic animals, should be noted. A request was made that such a test be carried out with the Isham shell, but this was met by the statement that the shell was dangerous and that a bond must be furnished to cover any possible loss through accident.

This shell has been experimented with in this country for ten years, and the only time an accident has occurred with it was when certain incidents entered into the test that fully doubled the severity of the conditions as stipulated which caused the Army Chief of Ordnance to report that the results "did not affect the merits of the invention" and the Secretary of War to order two more tests to be made. The Isham shell has always been fired with perfect safety with the gun pressure employed with armor-piercing shell, and as it is proposed to use ordinarily very much less pressure with it in order to prolong the life of the gun, since the effect of the shells is the same, and, furthermore, as in the proposed test it was suggested to use even a very much lesser pressure, it is submitted that this request for a bond savors of an attempt to prevent a test and is not made to protect the country against loss, but to protect the Department against discredit if the tests were carried out and were successful, because in such case, as Captain Simms, Naval Aid to the President, stated before your committee, "the jig would be up with the navies of the world, including our own," and the Department would be asked by an interested public why this matter had not been determined ten years ago when it first came up and the country saved the hundreds of millions of dollars wasted in ships constructed on unsubstantiated hypotheses.

Fair play would seem to demand that if this bond is further urged that the officers requesting it should be asked to furnish a bond to protect the country against loss through the ships becoming useless by the substantiation of these claims at a later date when the officers who now urge these tests, but are opposed by the Departments, come into power and direct in such matters.

These tests as delineated should be made; no subterfuges should be permitted to prevent them, as it is not at this time and will not be in the future an edifying sight to witness an investigation made to ascertain why ideas have not been tested as presented and the country saved the appropriations made to correct the resulting mistakes. Moreover, in this instance failure to carry out these tests might imperil the very existence of the nation. I should be pleased to appear before your committee and present witnesses and evidence in favor of these contentions, and trust that in case you do not consider it necessary to do so that you will order the tests to be made as requested or that the whole matter will be subjected to a searching investigation as called for by a resolution introduced by Senator DILLINGHAM and which was referred to your committee at the request of your chairman. I am,

Very respectfully,

WILLARD S. ISHAM.

WASHINGTON, D. C., *April 20, 1908.*

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 155) authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908, reported it without amendment and submitted a report (No. 559) thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 6487) to govern seagoing barges, reported it without amendment and submitted a report (No. 560) thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 6417) to amend sections 4467 and 4468 of the Revised Statutes, reported it with amendments and submitted a report (No. 561) thereon.

MICHIGAN CITY HARBOR IMPROVEMENT.

Mr. SMITH of Michigan. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 79) authorizing the widening of the channel of Michigan City Harbor, to report it favorably without amendment, and I submit a report (No. 558) thereon. I call this to the attention of the Senator from Indiana [Mr. BEVERIDGE].

Mr. BEVERIDGE. As the joint resolution will have no opposition, I am sure, I ask unanimous consent for its immediate consideration.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to use any unexpended balance of money heretofore appropriated or that may be hereafter appropriated for the improvement or maintenance of the harbor at Michigan City, Ind., for the rebuilding of the western revetment of said harbor upon a new alignment, with the view of widening the channel of said harbor.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. OWEN introduced a bill (S. 6795) for the refunding of certain moneys, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. RAYNER (by request) introduced a bill (S. 6796) to refund certain duties inequitably collected on anthracite coal by the collector of customs at Baltimore, Md., which was read twice by its title and referred to the Committee on Finance.

Mr. TELLER introduced a bill (S. 6797) for the relief of persons who have conveyed lands to the United States under certain conditions, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 6798) granting an increase of pension to Charles H. Millis, which was read twice by its title and referred to the Committee on Pensions.

Mr. BACON (by request) introduced a bill (S. 6799) for the relief of John W. Boston, which was read twice by its title and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 6800) authorizing the President of the United States to confer rank upon Major Joseph W. Wham, United States Army, retired, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CULBERSON (by request) introduced a bill (S. 6801) for the relief of Sarah E. Dixon, which was read twice by its title and referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 6802) to amend section 3834 of the Revised Statutes by striking therefrom the requirement for an additional condition, relating to the money-order business, in the bond of a postmaster at a money-order office, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

Mr. FLINT introduced a bill (S. 6803) for the relief of Ella Phillips, widow of David Phillips, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 6804) granting an increase of pension to George H. Ricker, which was read twice by its title and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 6805) to encourage the development of coal deposits in the Territory of Alaska, which was read twice by its title and referred to the Committee on Public Lands.

Mr. PAYNTER introduced a bill (S. 6806) to correct the military record of William N. Air, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6807) granting a pension to Arch. C. Vickers, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6808) for the relief of the heirs or estate of Henry Cohen, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. STEPHENSON (for Mr. LA FOLLETTE) introduced a bill (S. 6809) relating to trial by jury in Federal courts and limiting the power of the presiding judge to express an opinion to the jury on the facts of the case and the stenographic record thereof, which was read twice by its title and referred to the Committee on the Judiciary.

He also (for Mr. LA FOLLETTE) introduced a bill (S. 6810) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. STONE introduced a bill (S. 6811) granting an increase of pension to Stephen Corwin, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GUGGENHEIM submitted an amendment providing for the survey of land in township 9 north, etc., in the State of Colorado, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Lands and ordered to be printed.

Mr. HOPKINS submitted an amendment directing the Postmaster-General to contract for a term not exceeding four years from July 1, 1908, by underground electric-car service in the city of Chicago, Ill., etc., intended to be proposed by him to the Post-Office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. OVERMAN submitted an amendment, proposing to appropriate $50,000 for the construction of a public building at Salisbury, N. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $42,532 to pay to the State of North Carolina for cotton taken from the authorities of that State immediately after the close of the civil war, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LONG submitted an amendment authorizing the Secretary of the Interior to pay to H. C. Linn and Samuel Powell a certain amount of the appropriation provided for by the act of Congress of June 30, 1906, providing for the payment of the judgment rendered by the Court of Claims in consolidated causes Nos. 23195, 23214, 23212, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COMMITTEE SERVICE.

Mr. BANKHEAD was, on his own motion, and by unanimous consent, relieved from further service upon the Committee on Privileges and Elections.

Mr. JOHNSTON was, upon his own motion, and by unanimous consent, relieved from further service upon the Committee on Indian Affairs.

Mr. CULBERSON, on behalf of Mr. STONE, asked that that Senator be relieved from further service on the Committee on the Philippines, and, by unanimous consent, the request was complied with.

Mr. CULBERSON submitted the following resolutions, which were considered by unanimous consent and agreed to:

Resolved, That Mr. BANKHEAD be appointed to fill the vacancy in the Committee on Indian Affairs.

Resolved, That Mr. JOHNSTON be appointed to fill the vacancy in the Committee on Privileges and Elections.

Resolved, That Mr. PAYNTER be appointed to fill the vacancy in the Committee on the Philippines.

Resolved, That Mr. STONE be appointed to fill the vacancy in the Committee on Foreign Relations.

HOT SPRINGS RESERVATION, ARK.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes. It is a local matter.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HALE. I gave notice that I would desire to take up the naval appropriation bill this morning. The appropriation bills are in such a condition that they must be pushed. The Senator from Missouri [Mr. WARNER] has given way, and I can not consent to take up bills, if any, that will give rise to any discussion.

Mr. CLARKE of Arkansas. This will not, I think.

Mr. HALE. After this bill is disposed of, I shall ask for the regular order.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

H. R. 15641. An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 17827. An act to provide for the disposal of lands chiefly valuable for oil and asphaltum was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands, in the absence of objection.

Mr. HEYBURN. It should go to the Committee on Mines and Mining. The Senator from California [Mr. FLINT] has a bill on the same subject now pending before a subcommittee of that committee.

The VICE-PRESIDENT. The bill will be referred to the Committee on Mines and Mining.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the naval appropriation bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

Mr. HALE. The Senator from Missouri expected to go on with his remarks this morning, but finds himself in a condition where it will be preferable, in his judgment, not to speak to-day. He has indicated to me that he will not resume his remarks until Monday. Therefore I propose to go on with the naval appropriation bill. But the Senator from Maryland [Mr. RAYNER] tells me that he is so situated, as it is very important that he may get away, that he would like to submit some remarks to the Senate now, and I yield to him for the present.

Mr. FORAKER. Before the Senator from Maryland proceeds, if I understand the announcement, it is that the Senator from Missouri does not care to go on this morning, as was contemplated, but he will go on to-morrow.

Mr. WARNER. No, on Monday, for reasons which I explained to the Senator from Ohio.

Mr. FORAKER. I understand. That is perfectly satisfactory.

RESERVED RIGHTS OF STATES.

Mr. RAYNER. I call up Senate resolution No. 149, and ask that it be read.

The VICE-PRESIDENT. The Chair lays the resolution before the Senate. It will be read by the Secretary.

The Secretary read the resolution submitted by Mr. RAYNER on the 13th instant, as follows:

Resolved, That in the opinion of the Senate the powers delegated by the Constitution to the United States must not be enlarged by implication or so construed as to conflict with or encroach upon the reserved rights of the States as guaranteed by the tenth amendment.

Mr. RAYNER. Mr. President, it has been a custom more honored in the breach than in the observance during the sessions of Congress preceding a Presidential election for Members of both Houses to submit their views upon public questions to be circulated as campaign literature during the pendency of the contest. I hope that what I propose to say will not be used for that purpose, because I do not believe in the propriety of the practice and because I have no such object in view in presenting the proposition that I shall now briefly advert to. The motive that influences me at the present moment is simply, if I can, to clear away a misapprehension that has taken hold of the public mind in reference to the doctrine of States rights that since I have been a member of this body has been advocated by a number of us in discussions upon this floor, and around which there adheres among a large class of people a degree of confusion and misunderstanding which in justice to those of us who still take great pride in being denominated States-rights Democrats should be removed, because we are being constantly charged with being what we are not, and with favoring governmental policies that no longer play a practical part in the settlement of the great questions that are pending before the country.

I will, therefore, now define what I mean by States-rights Democracy. I mean this, nothing less and nothing more: I mean that the rights of the States must be maintained inviolate as intended by the framers of the Constitution; that there must be no perversion of the delegated powers so as to strike down the reservation to the States, and that whatever rights the States possess under the Constitution and under the amendments must remain intact and unimpaired until, if ever, the Constitution should be changed by the voice of the people according to the methods that it provides, and the structure of our Government should be diverted from its present conception and design.

We fully realize that we can not stand upon a construction of the Constitution that has been forever settled by contending arms and the adjudication of civil war; we further realize that until the day when, perhaps, some of the decisions may be reversed, we are bound by the judgment of the Supreme Court in interpreting the Constitution, and we also know that the fourteenth and fifteenth amendments, unlawfully adopted it is true, have, nevertheless, become an integral part of our organic law until, perhaps, at some time they may be repealed or modified in a lawful way by a law-abiding people. If I may be allowed, therefore, to say so, the modern doctrine of States rights is an old principle, but with a new purpose and a new application. The doctrine has almost slumbered for nearly half a century, because there were no great forces at work to revive it and the spirit of its principal advocates had been silenced and subdued, and it was not until the advent of the present Administration that the lines have been clearly and unmistakably drawn between the purpose on the one hand to centralize and concentrate Federal power and Executive prerogative, and the purpose of those who still remain true to the traditions of their faith to rescue, if possible, the States from the impending dangers that confront them.

A CRISIS OF CONSTITUTIONAL HISTORY.

We are passing through a great crisis of constitutional history. We are doing this unconsciously, to a large extent, but positively and permanently. Nearly all important changes in the form of governments take place in this way, unnoticeable at first, and then when the consummation comes the people wonder how it was accomplished, forgetful of the fact that it is merely the result of the logic of events gradually working its way to its final realization. Some day when the people suddenly discover that the reserved rights of the States have been reduced to a minimum and that the States have been shorn of their sovereign functions and the whole structure of the Constitution has been changed they will be startled and they will want to know how it came about and they will want to learn the process by which it can be all undone. It will then be found that it is too late, that the chain is riveted, and that each succeeding link was forged while they were sleeping on their rights. The way to arrest a radical attack upon our institutions is not to wait until the edifice is crumbling, but to guard its approaches and to protect them at every point from the invader's touch. The Supreme Court of the United States is not the forum within which to make the contest for constitutional rights. The Supreme Court is vested with a tremendous responsibility. There is no appeal from its decrees. It may make the greatest possible mistakes, and there is no way of rectifying them, except by a voluntary reversal of its own decisions. The people are powerless, because the judges are above the people, and there is, therefore, no remedy when the edict is once announced. There is no judicial tribunal on earth possessing the unlimited power that is vested in the Supreme Court of the United States.

Taking it as a whole, not in fragments, but as a unit, I regard it in times gone by, and even at the present hour, as the bulwark of the Constitution. The power to set aside an act of Congress by declaring its legislation unconstitutional is one that was never intended to be reposed in this tribunal by the framers of the instrument. It is a strange historic reminiscence to refer to that a motion to confer such a jurisdiction was twice voted down in the constitutional convention, but, nevertheless, it is a power that the Supreme Court has constantly exercised and upon many an occasion in the interest of constitutional guaranties of personal freedom and of individual rights. One thing, however, I contend for, and that is that if there is to be any contest for constitutional rights we should not enact legislation here of doubtful validity to be remitted to the Supreme Court for its determination, but here upon the floor of Congress is the place to make the contest, and while we are making it have it fully understood, so that there can be no mistake about what the contest means.

THE STORM CENTER OF THE CONFLICT.

The storm center around which constitutional discussion is now being waged is the clause that gives Congress the right to regulate commerce between the States. Those of us who can not acquiesce in the novel and original conception of governmental power that is claimed to come within this provision are immediately informed that the Constitution grows and expands with the progress and development of the country, and that when the benighted authors of that document placed the commercial clause among its principal provisions they failed to

comprehend that commerce would eventually comprise almost everything contained in the vocabulary, and that the right to regulate it would mean the right to destroy it, the right to own the instrumentalities that convey it, to supervise the labor that is engaged in its manufacture, to take jurisdiction over every place where it is produced and handled, and the arbitrary right without restraint or limit to control and circumscribe it from the time that it makes its appearance as the raw material of the earth until the finished product is landed in the place of its ultimate destination.

I propose now under this clause to give some striking illustrations for the purpose of showing not only what the doctrine of States rights means at the present moment, but in order to demonstrate how far the perversion and misinterpretation of the Constitution has proceeded in the direction of minimizing the functions of the State, and expanding beyond the intention and spirit of the instrument the delegated powers of the General Government.

WHAT IS COMMERCE?

One of the most extreme instances that I can give of the tendency to distort the delegated powers of the Constitution is exemplified in the child-labor bill which was framed by the senior Senator from Indiana [Mr. BEVERIDGE] and was discussed by him in a most interesting and instructive discourse delivered at the last session of the Senate, and which is now under consideration by the Committee on Education and Labor. I entirely agree with the Senator from Indiana in the great moral principle that underlies this bill, and I only wish that I could find constitutional sanction for its passage. At the proper time I shall submit to the Senate a line of authorities, which, in my judgment, withdraws the enactment of such a measure from the provisions of any of the delegated powers of the Constitution. The Senator from Indiana, with a spirit of zealous devotion that always distinguishes him in his advocacy of any cause that enlists the powers of his intellect or the sympathies of his heart, discussed this bill in an address which I have referred to, and which takes rank, in my judgment, with some of the ablest efforts that we have ever heard in this Chamber, but his argument, analytical and comprehensive as it was, illustrates in a marked degree the existence of the constructive and destructive principle that I am discussing, and which is now at work groping its way toward the citadel of our institutions, and which will gradually undermine it unless in the arena of debate we can challenge it to battle and compel it to retreat.

I read the first section of the bill:

Be it enacted, etc., That six months from and after the passage of this act no carrier of interstate commerce shall transport or accept for transportation the products of any factory or mine in which children under 14 years of age are employed or permitted to work, which products are offered to said interstate carrier by the firm, person, or corporation owning or operating said factory or mine, or any officer or agent or servant thereof, for transportation into any other State or Territory than the one in which said factory is located.

Is it not patent upon its face that this is a bill not to regulate commerce, but to regulate the labor that produces the commerce? Is there any warrant in the Constitution for the exercise of such a power? In order to accomplish its purpose we would have to amend the commerce clause of the Constitution so that it shall read:

That Congress shall have the power to regulate commerce among the States and also the labor that is engaged in its production or manufacture.

Here is the case of the dormant power referred to by the Secretary of State in the celebrated discourse that he delivered some time ago. The States have failed to exercise it for their mutual and general welfare. Now make your insertion manu forti and interpolate it among the delegated powers of the General Government.

The Senator from Indiana, in his views upon this question, has stepped in front of his party lines so radically that even the President, after following him in his message last year, has, by subsequent messages, sounded a slow retreat from the advanced limits of centralization which the Senator from Indiana has reached in the measure that I am now discussing. I will not call these doctrines of the Senator from Indiana Republicanism, but I will distinguish him as the new apostle of the new creed of nationalism and Federalism which has sprung up in our midst. He asserts and defends the doctrine that if there is a manufactory in the United States that employs a single child in its establishment, then, under the supervision of Federal inspectors and supervisors and secret-service agents, its business can be destroyed and its whole output of adult labor can be excluded from the channels of interstate commerce. It is so pertinent in this connection, and it is so brief, that I want to read an extract from the opinion of Mr. Justice Lamar, when he was treating a subject that was kindred to the one that I am now discussing.

Says Justice Lamar, in Kidd *v.* Pearson, in 128 United States:

No distinction is more popular to the common mind, or more clearly expressed in economic and political literature, than that between manufacture and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form and use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be vested, to the exclusion of the States, with the power to regulate, not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an interstate or foreign market? Does not the wheat grower of the Northwest or the cotton planter of the South plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York, and Chicago? The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multiform, and vital interests—interests which in their nature are and must be local in all the details of their successful management.

STARTLING PROPOSITIONS.

Advancing a step beyond the principle embraced in this bill, we have another doctrine, and, I regret to say, sustained by high Democratic authority, that Congress ought to pass a law providing that corporations should be limited in the amount of the product that they can consign into other States and that Congress has the right to place an arbitrary figure upon their business transactions when they enter into the channels of interstate commerce. The Constitution makes no classification of corporations or any distinction between them and individuals, and if we have a right to do this with corporations, we have precisely the same right to do it with individuals. We have a bill now before the Senate that substantially embodies this principle. It is a monstrous proposition and one that would finally place every commercial transaction and every business enterprise under Federal supervision. If such a bill should pass, I have no doubt that the Supreme Court would declare it unconstitutional, and as I understand that an attempt will be made to incorporate this provision in the Democratic platform, the people should be made to understand as soon as possible that their representatives in this body, at least, have still a glimmering recollection of what the Constitution means and that the Democratic party has still a bodyguard of faithful watchers, who will see to it that the party is not thus dismembered in her coming platform while there is yet a spark of life within her veins.

This brings me to another proposition that is more startling than those I have just referred to. Congress is given the right by the Constitution to establish post-offices and post-roads. The President deduces from this grant the power to control the intrastate railways of the United States that do not pass beyond the boundaries of the State that created them.

This is his language:

To-day I wish to say a word to you about the first and most important feature of this task—the control of the common carriers doing an interstate business, a control absolutely vested in the nation, while in so far as the common carriers also transport the mails, it is, in my opinion, probable that whether their business is or is not interstate, it is to the same extent subject to Federal control under that clause of the Constitution granting to the National Government power to establish post-roads, and therefore, by necessary implication, power to take all action necessary in order to keep them at the highest point of efficiency.

I quote it literally, that the business of common carriers, whether interstate or not, is subject to Federal control. This suggestion of the President proceeds beyond anything in the line of Federal centralization that has ever been advocated since the Constitution was adopted. If this construction is correct, it places the Government of the United States right within the boundaries of the State and gives it complete jurisdiction over every internal highway in the country. Every highway either is or can be made a post-road, and, being a post-road, it can be controlled, not only for post-road purposes, as contemplated by the terms of the Constitution, but for all purposes of commerce and traffic that pass over its bed. As the governmental authority prevails whenever it exists under the delegated powers of the Constitution, according to this process of constitutional interpretation the highways of every State in the Union ex rei necessitate pass into the control and jurisdiction of the Federal Government, without any reference whatever to the commerce clause of the Constitution at all. No judge, no jurist, no court, no text writer, no expounder or commentator whom I have ever heard of ever conceived of such an interpretation as this, and the President alone is entitled to all the credit and all the glory that attaches to this unheralded discovery. His great intellect perceived in this perfectly innocent grant of the right to establish a post-road for the purpose of carrying the mail, and of a post-office for the

purpose of receiving and distributing it, an opportunity to swoop down upon the States and upon their municipalities and deprive them of their right of eminent domain, which is absolutely essential for their local sovereignty and existence.

COROLLARIES.

As a corollary from this constitutional demonstration we have the President recommending in the same address the national incorporation of railroads, and we have heard this scheme earnestly and intelligently advocated upon this floor. I will admit that if we were just assembled in convention and framing a constitution for the United States, that it might possibly be an open question whether interstate-commerce carriers should obtain their franchises from the States or from the National Government. As it is now, these charters, with a few exceptions, have been granted by the State governments. One State grants the charter and other States grant the right of way over their respective territories. What do we propose to do about it? This is one of the questions of the future that this new Nationalist, or Socialist, party, or by whatever name it may be called, that is now looming up on the horizon proposes to agitate. There is only one way of accomplishing the object, and that is to pass a law that all common carriers shall be prohibited from carrying interstate commerce unless they submit to Federal incorporation. It must be observed that there is nothing in the Constitution that prohibits in express terms the Federal Government from violating the obligation of contracts. The language of section 10 is:

That no State shall pass any law impairing the obligation of contracts.

The principle involved in the Dartmouth College case may therefore, of itself, be no obstacle to the exercise of Federal power, though the Government can not take property without due process of law.

The point, therefore, that I make is that all the charters, with but few exceptions, will be forfeited under such a law, and that every franchise granted to every common carrier by every State in the Union would be practically vacated, and I predict it here now that this is a proposition that we must soon encounter and battle with.

The senior Senator from Indiana says that commerce can be absolutely prohibited between the States, relying upon certain adjudications of the Supreme Court, which I do not believe sustain him, and there are bills from our side that are now before us embodying the same principle, that the right to regulate includes not only as to foreign nations, but as between the States, the right of absolute prohibition.

In other words, let me state the case so that it can be plainly understood. The proposition is that whenever the commercial clause of the Constitution comes in contact with the reserved rights of the States protected by the tenth amendment, the reserved rights of the States must yield, not by reason of a construction which gives the commercial clause of the Constitution the preference and the right of way, but by a penalty of prohibition which, by implication, shall be annexed to the power to regulate and by virtue of which an embargo can be laid upon the products of any State unless those who are in possession of its chartered rights and franchises submit to Federal jurisdiction.

It is well to grasp this situation at the threshold, because it is all around us. It is permeating this Senate Chamber and the House of Representatives, and under this particular phase of it that I am now discussing it simply means that, if one State in the Union grants a charter to a railroad and other States through which it passes grant it the right of way over their territory, both the original and ancillary jurisdiction of the States to create and organize the corporation and enable it to perform its functions must, under the penalty of prohibition, surrender to Federal jurisdiction, and the common carriers must abdicate all the rights and franchises granted to them by the States of their creation and their domicile.

THE SECRETARY OF STATE UPON THE SCENE.

Having reached this stage of constitutional construction, we come to a proposition now that overtops the whole of them, and by one fell stroke, if it can be successfully maintained, obliterates the framework of our Government.

We have a proposition boldly announced by our Secretary of State, a lawyer of profound intellect and of preeminent ability, that, if the States do not come to the rescue of the Federal Government whenever an emergency arises for the exercise of Federal power, ways will be found which will give the Federal Government the right to exercise the power that it proposes, whether it comes within its delegated functions or not. I said at the last session of Congress in an address before this body upon Executive usurpation, and I repeat it now, that this is the most startling and dangerous doctrine ever announced before the American people. The States have certain dormant powers. Those powers, says the Secretary, when Federal emergency requires it, must be brought into exercise and activity; if they are allowed to remain passive, and if a State does not conduct its legislation with regard to the welfare of all the other States, judicial constructions will be found that will override the reserved rights of the States and transfer their dormant and unexercised power into the hands of the General Government. I have been waiting for a year, with resignation and with patience, for the Secretary to recall this revolutionary utterance or in some way to temper or to moderate it, but there it still stands as it did upon the day on which it was first uttered, as a letter of marque and reprisal to justify every pirate in his attempt to depredate upon the ship of state. We had better tear the Constitution into shreds and start anew than have such a manifesto as this, emanating from the heights, thundered down to Congress and to the Federal circuits of the United States.

It says to Congress: "Pass your unconstitutional laws, and we will see to it that the courts will make them valid by interpolating them into the Constitution."

It is forever an end to the sovereignty of the States within their own jurisdiction, it puts the torch to the framework of the Constitution, and, what is worse than all combined, coming from such a distinguished source, it inculcates into the minds of the rising generation a precept which, if put into practice by those to whom it is addressed, will eventually and inevitably bring dishonor upon the institutions of the country. Fortified by such an authority as this, is there any wonder that the President proposed through the treaty-making power to overthrow the local institutions of every Commonwealth of the land with which it came in conflict? The States levy a tax for the support of their local governments, and without asking any help or advice from the Federal Government in this regard, they legislate with reference to the usages and the customs and the needs and requirements of their people.

"But," says the President, "you do all this subject to my right to barter your rights away. You have the right, but I have the power, with the consent of the Senate, to make the treaty, and when the two rights conflict, mine prevails and the States must surrender."

I want to say to the Senate now that in my opinion if it had not been for concessions that the State of California made, or for concessions that the foreign government made, either one or the other—I know not which—when this controversy was at its height, we would have had a conflict over this question, led by the President and his Secretary, the result of which and its disastrous consequences it would have been found impossible to foresee.

ARE WE AN INDESTRUCTIBLE UNION OF INDESTRUCTIBLE STATES?

These are all new propositions that have been born over night, and this is what we are coming to; and speaking now beyond these halls to the rising generation, I appeal to them again and again, as I have often done before, not to ignore these insidious attacks upon the institutions of our country. Are we, as proclaimed by the Supreme Court of the United States, an indestructible Union of indestructible States, or is this a Government of inherent power? If so, where is the power that lies in sovereignty and not in grant? We States-rights Democrats have no purpose whatever to nullify any of the powers of the General Government. As I have said before, States rights now are something entirely different from what they were in the days that are past. The old doctrine is buried in the graves of those who sacrificed their fortunes and their lives in its defense, and this new doctrine that I am now discussing was ushered into life with the advent of the present Administration, and the emergencies that have called forth Federal activities absolutely compel us now to inquire what is the limit to their exercise. Is the emergency to control them or are they governed by law? I am a representative of one of the original States, and I stand by the terms of the covenant, not by the letter, but by the logic and the spirit of the charter. I say, put into execution every delegated power when the necessity arises for its exercise, but not if I can prevent it shall the instrument be perverted and new powers that do not belong there incorporated into its provisions. We want the Constitution to stand as it is; and if it is to be amended, to have the change made in accordance with the methods that it provides. I will not say that the Republican party in its entirety stands for any different process, because there are many members of that party who agree with us upon this subject; but I do unhesitatingly say that a new school of revisionists has arisen in the land, who are undermining the fabric and shaking the pillars of the temple. They want the covenant broken. Call them what you will, Federalists or Nationalists, they are the apostles of destruction. They are gathering their disciples principally from the ranks of those who do not understand the philosophy of our institutions.

Every act of Executive usurpation meets with their approval, and every attempt to curtail the liberty of the States has their sanction and indorsement.

I am here to oppose to the last degree this new doctrine of Federal centralization. We are fully capable in the States of managing our own affairs in accordance with our traditions and our usages and our customs. We do not want the jurisdiction of the Federal courts enlarged unless demanded by the necessities of the case, nor our State courts interfered with in the administration of justice. We do not want any unnecessary embargo laid upon our legitimate commerce nor our State charters subjected to Federal forfeiture. We protest in unmeasured terms against the presence of Federal inspectors and deputy marshals and supervisors in the business establishments of our States. We deny the right of the General Government to dictate the kind of labor that we shall employ in our manufacturing establishments. We stand upon our rights under the tenth amendment to the Constitution. This tenth amendment has added nothing whatever to the rights of the States, as they existed before its adoption. The rights of the States, outside of the delegated powers, would have existed with equal force if this amendment had never been framed. Its only purpose was out of extreme caution to emphasize the proposition that they should not be intruded upon.

MY DEMOCRACY.

I have stated now what is my Democracy. I do not believe that our party can be born again. It is either a States-rights party under the present acceptation of that term, or it is nothing. It will never come into power as an annex of the Republican party. If it changes its historic principles, it must change its historic name. It can not accept the new revelation and cling to its ancient title. The moment it parts with its heirloom and is birthright it disintegrates.

The Democratic party to-day is in favor of the exercise of Federal power wherever it exists and whenever it is necessary to bring it into operation. Whenever the emergency of the Union demands it, we shall answer with loyal hearts the summons of the Constitution and maintain and defend it. Whenever the welfare of all the States demands the exercise of the delegated powers, we resolutely believe in bringing them into play. We do not, and we shall not, and we can not, believe in perverting the delegated powers of the Federal Government. We deny as a party the right of Congress, or the Executive, or the courts, to misconstrue them and enlarge them beyond the intent and spirit of the instrument. However much it may regale the body politic, and whatever new vitality it may infuse into its organs, we reject the application and shall not put the chalice to our lips. If this is not Democracy, then I know not what I am. I am here in strict obedience to the Constitution. I have sworn to support it, and every clause and line of it commands my fealty and allegiance. I have not sworn, and I never will swear, until I become an apostate from the altars of my political faith, to support that which is not in the Constitution and that which was never intended to be placed there.

WHAT WILL BE OUR PLATFORM?

I have been asked in this connection, "What will be the platform of your party at the next convention?" I can not tell. If I had a hand in its construction, it would be a Democratic platform. It would ring with the martial music of the ancient lays. I would not hang our harp upon a willow tree. As a rule, people do not read platforms, and those who read them do not believe them. I would give them something new, but that which is new is something old. I would reanimate the Constitution, which has been disfigured and defaced, and try to infuse into the minds of the people the philosophy of our institutions.

I would undoubtedly continue our historic contest against a tariff levied for protection. I do not believe that the present system should be reformed by its friends. I believe it should be reformed by its enemies.

I would agree that this Government should become a world power upon the field of commerce and of enterprise and of civilization, but I would reject every proposal to unite with any other robber government in the despoilment of foreign territory or in the conquest of helpless races.

I would with no uncertain sound declare against Executive usurpation, and would again announce the doctrine settled nearly a century ago in this body, that this is not an Executive Government, and that the President, in the exercise of his functions, must be guided by the specifications of the instrument that creates them.

I would unhesitatingly announce that the Democratic party is in favor of the enforcement of every Federal enactment upon the statute book, and the greater the criminal who violates it the more severe should be the penalties that are to be visited upon him, and that the law should be put in force against every industrial monopoly that is throttling competition and plundering the home of the American consumer.

I would limit the Presidential office to a single term, and would further proclaim that no President should have the right to determine the selection of his successor through the use of Federal patronage.

Above everything else, however, I would add a plank declaring that there is no such thing as an unwritten constitution of the United States, and that it is a treasonable act to insert into it, whether by judicial construction or otherwise, any power or grant that is not contained within the limitations of the instrument, and that no Commonwealth of the Union should be interfered with in the exercise of its sovereign functions within its own jurisdiction, and that the guaranty of the tenth amendment, so long as the integrity of our Government is maintained, must stand inviolate and unprofaned. I know it is claimed that the people are in favor of a strong centralized Government and of an Executive with imperial prerogative, and it is also claimed that the contest will be lost if we insist upon maintaining the rights of the States or weakening the power of the President, and that we ought to abandon the question of constitutional rights and accept the new revelation that has been vouchsafed to us under the present Administration. We are told that the men who made the Constitution did not comprehend what it meant, and that the President is the oracle who has relieved it of its mysteries and unfolded its true interpretation, and we are admonished that inasmuch as he has been praised and commended by prominent leaders of our party that his version of the Constitution has been approved, and that we ought to hail him as our prophet and deliverer. This is a transcendent position for the Democratic party to occupy. Speaking for myself, I regret that I can not accept his Messiahship, and I respectfully raise the standard of revolt.

THE PRESIDENT.

The trouble with the President is—and I always speak of him not only deferentially, but with great personal respect—that he regards himself as vested with unlimited executive power under the Constitution. I presented this aspect of the subject in full to the Senate at the last session, and if I ever demonstrated anything in my life, I think that I satisfied the Senate on that occasion that the article in the Constitution that vests executive power in the President is simply a distribution, and not a grant of power, and that the grant lies entirely in the specifications of the instrument. The President evidently does not agree with me, nor does he agree with any one of that distinguished group of statesmen who, in the early days of the Republic in this body, resolutely and successfully maintained the same ground. He believes, in the language of one of his panegyrists, whom I quoted literally in the address that I refer to, that his executive powers are unqualified, plenary, and unlimited. Notwithstanding the attitude of the President in reference to his constitutional prerogative, which is at utter war with every Democratic principle and tradition, an attempt has been made within our party to place us in a situation upon this subject which is almost inextricable. Some of our prominent leaders, with unrestrained exultation, have applauded the President to the echo, and in unmeasured terms have commended his revised edition of the Constitution of the United States. A wild and frantic hosanna lately pealed forth in an adjoining Chamber from Democratic bosoms as a message replete with the assumption of unlawful executive authority resounded through the Hall.

In view of this complication I would like an answer to this question, and perhaps some one can enlighten me upon it: If the President should be nominated by the next Republican convention, what will our spokesmen and orators say who have become the disciples of his creed and in worshipful idolatry have bowed at his shrine? A distinguished southern editor some time since tried to help us out of our difficulty and solve the distressing problem by suggesting that the Democratic party ought to anticipate the convention of the Republican party and by force tear away the President from his own party and nominate him as our candidate. If the Democratic party had availed itself of this advice and nominated the President as its candidate, and the Republican party had afterwards assembled in convention and torn him again away from the Democratic party and also nominated him as its candidate, I would have been placed in the most embarrassing situation that anyone could possibly occupy. I do not know what I would have done under such circumstances. I would have felt like exclaiming "The Republican party has given; the Republican party has taken away; blessed! blessed! be the name of the Republican party."

SHALL OUR PARTY DISINTEGRATE?

In view of the dilemma that confronts us, I feel that in speaking here to-day upon the subject of States rights I can only speak for myself, and that I have no right to bind my party to any utterance that I have made, and thus speaking for myself alone, I desire now to say that so far as I am concerned I do not want anyone to tell me, not even a Republican President, what the Constitution means. If I want to find out its meaning I will go to the men who framed it, and not to the men who are paraphrasing and translating it. I will examine the pages of the Federalist.

I will consult with Marshall, and with Taney, and with the Supreme Court that for the hundredth time in its last announcement, speaking through Justice Brewer in Kansas against Colorado, again proclaimed that this is a Government of delegated powers and that no invasion must be tolerated upon the reserved rights of sovereign States acting within their own jurisdiction. I know that Democrats in prominent places are clamoring for implied powers and for enlarged construction. I will admit that the Constitution is not perfect, but with all of its imperfections, I say, let it stand. I have not seen anyone yet whom I would trust to improve upon the work of Hamilton, of Franklin, of Patterson and Wilson, of Randolph and Madison, of Martin and of Mason, of Rutledge and of Pinckney.

I have always looked upon the Democratic party as the sentinel of the Constitution, and as a party man I protest against its being tampered with by scribes and mountebanks. I believe that in the coming contest we ought to plant our colors upon the tenth amendment, and make the contest clear and clean between the reserved rights of the States upon the one hand, and Federalism and centralization on the other. It is predicted that if we adopt this course that we will lose. Very well, Mr. President, so far as I am concerned, I would rather lose and go down to defeat than purchase victory at the sacrifice of principle. We have been defeated over and over again, but we have never yet in all our history sounded a final and an ultimate retreat. To accept these heresies now is a cowardly surrender at the post of duty.

I want it known that we can never take this step unless we do it voluntarily. If we become the party of the Federal Government as against the rights of the States, if we are to fill our platform with the creed of the propagandist, if this is our new rôle and we are to abjectly abandon everything that we have stood for in the past and venture into this foreign field and partake of this forbidden fruit, then when history recounts the tragic manner of our death as a political party I want posterity also to know that in the hour of our brightest hopes and most alluring prospects, determined to end our great historic career, of our own free will and choice we threw ourselves upon the poisoned weapon of Federal centralization and died of a self-inflicted wound.

The VICE-PRESIDENT. What disposition does the Senator from Maryland desire made of his resolution?

Mr. RAYNER. Let it lie on the table, Mr. President.

The VICE-PRESIDENT. Without objection, the resolution will lie on the table.

NAVAL APPROPRIATION BILL.

Mr. HALE. Mr. President, I ask that the consideration of the naval appropriation bill be now resumed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

The reading of the bill was resumed at page 85, line 14. The next amendment of the Committee on Naval Affairs was, under the subhead "Increase of the Navy," on page 86, after line 5, to insert:

And the contract for the construction of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same; the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy.

Mr. GORE. I desire to offer an amendment to the amendment, Mr. President.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment to the committee amendment which has just been stated. The amendment to the amendment will be stated.

Mr. GORE. I do not recall the line where I desire my amendment to the amendment inserted, but it is after the words "best responsible bidder." I move to insert at that point the words "without reference to the residence, citizenship, or nationality of the bidder or the location of his shipyard." I believe that is all I desire to offer at this point, but I shall offer another amendment later.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma to the committee amendment will be stated.

The SECRETARY. On page 86, line 8, after the words "best responsible bidder," it is proposed to insert "without reference to the residence, citizenship, or nationality of the bidder or the location of his shipyard."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. GORE. I should like to have a yea and nay vote on the amendment to the amendment.

Mr. HALE. Yes; let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I desire to say, Mr. President, that some parts of that amendment I should favor, and there are other parts which I should not favor. Consequently I can not vote for the amendment.

The yeas and nays having been taken, the result was announced—yeas 1, nays 62, as follows:

YEAS—1.

Gore

NAYS—62.

Aldrich	Clarke, Ark.	Hale	Piles
Allison	Clay	Hemenway	Platt
Ankeny	Crane	Heyburn	Richardson
Bacon	Culberson	Johnston	Scott
Beveridge	Curtis	Lodge	Simmons
Borah	Davis	Long	Smith, Md.
Bourne	Dick	McCreary	Smith, Mich.
Brandegee	Dixon	McCumber	Smoot
Briggs	du Pont	Milton	Stephenson
Brown	Elkins	Money	Stewart
Bulkeley	Flint	Nelson	Sutherland
Burkett	Foraker	Newlands	Teller
Burnham	Foster	Nixon	Warren
Burrows	Gamble	Overman	Wetmore
Carter	Gary	Paynter	
Clapp	Guggenheim	Perkins	

NOT VOTING—29.

Bailey	Frazier	Knox	Stone
Bankhead	Frye	La Follette	Taliaferro
Clark, Wyo.	Fulton	McEnery	Taylor
Cullom	Gallinger	McLaurin	Tillman
Daniel	Hansbrough	Martin	Warner
Depew	Hopkins	Owen	
Dillingham	Kean	Penrose	
Dolliver	Kittredge	Rayner	

So Mr. GORE's amendment to the amendment of the Committee on Naval Affairs was rejected.

Mr. GORE. Mr. President, I wish to say that if I were a lover of solitude, I certainly ought to be pleased with my vote upon the amendment to the amendment, and perhaps I ought to explain the reason why I offered the amendment. It was as a beginning to rescue this country from the toils of the steel trust, which I regard as the tapeworm of the Treasury. I remember that in the testimony given before the Merchant Marine Commission a prominent shipbuilder testified that an order had recently been filled under which a hundred thousand tons of steel plate had been shipped to Belfast and delivered at $24 a ton, which ought to have made a price of $22 a ton in this country at tide water, whereas the reigning price at that time was $32 per ton.

I do not think this Government ought to stand and deliver at the demand and command of the steel trust. I believe in a strong Navy; I believe in protecting our shores and in protecting our people; but that protection can be had without enriching one trust or another in this country. They should not capitalize and make merchandise of the patriotism of this country. That provision has been one of the many reasons why we to-day have no merchant marine in the United States, and we witness the marvelous spectacle of nineteen battle ships, eleven armored cruisers, and six torpedo boats to-day, amid much acclaim, escorting eight merchant marine vessels of the United States around the globe. Of the thirty-seven vessels carrying coal for our fleet, I understand that twenty-nine do not belong to the people of this country. The reason is our ancient, antiquated, and miserable navigation laws, which require the construction of American merchant marine vessels in the United States. We are the only nation upon the globe, as I understand, which clings to that antiquated and abandoned doctrine.

I want to shake this country loose from the grip of the trust and make this as a beginning not only for a cheaper and a larger Navy, but for a cheaper, a larger, a respectable merchant marine.

Now, sir, I desire to move to strike out the clause requiring that the materials used shall be of domestic manufacture.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment to the amendment which will be stated.

The SECRETARY. On page 86, after the word "act," in line 18, it is proposed to strike out—

And in all their parts shall be of domestic manufacture, and the steel material shall be of domestic manufacture.

Mr. HALE. I do not think anybody wants to discuss this matter. I move to lay on the table the amendment to the amendment.

The VICE-PRESIDENT. The Senator from Maine moves to lay on the table the amendment to the amendment.

Mr. GORE. I should like to have the yeas and nays on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I would vote "nay," but I am paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained by illness. If he were present, I should vote "yea."

Mr. ELKINS (when his name was called). I have a general pair with the junior Senator from Texas [Mr. BAILEY]. If he were here and voting, I should vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. As he is not here, I will withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "yea."

Mr. DEPEW. I have a general pair with the Senator from Louisiana [Mr. MCENERY]. If he were present, I should vote "yea."

Mr. DAVIS. I have a general pair with the Senator from Oregon [Mr. FULTON], but by agreement it has been transferred to the Senator from Mississippi [Mr. MCLAURIN]. I vote "nay."

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. He not being in the Chamber, I withhold my vote.

Mr. MONEY. My colleague [Mr. MCLAURIN] is absent on important business.

The result was announced—yeas 48, nays 9, as follows:

YEAS—48.

Aldrich	Carter	Gamble	Perkins
Allison	Clapp	Guggenheim	Piles
Ankeny	Clarke, Ark.	Hale	Platt
Beveridge	Clay	Heyburn	Richardson
Borah	Curtis	Hopkins	Smith, Mich
Bourne	Dick	Johnston	Smoot
Brandegee	Dixon	Lodge	Stephenson
Briggs	du Pont	Long	Stewart
Brown	Flint	McCumber	Sutherland
Burkett	Foraker	Nelson	Teller
Burnham	Foster	Nixon	Warren
Burrows	Frye	Paynter	Wetmore

NAYS—9.

Bacon	Gary	McCreary	Money
Culberson	Gore	Milton	Simmons
Davis			

NOT VOTING—35.

Bailey	Dolliver	Knox	Rayner
Bankhead	Elkins	La Follette	Scott
Bulkeley	Frazier	McEnery	Smith, Md.
Clark, Wyo.	Fulton	McLaurin	Stone
Crane	Gallinger	Martin	Taliaferro
Cullom	Hansbrough	Newlands	Taylor
Daniel	Hemenway	Owen	Tillman
Depew	Kean	Overman	Warner
Dillingham	Kittredge	Penrose	

So Mr. HALE's motion to lay on the table the amendment of Mr. GORE to the amendment of the committee was agreed to.

Mr. BACON. Mr. President, as the amendment is still pending, I desire to say a word, not with any view to general discussion at all, because I recognize the fact that it would not be of practical benefit, but in support of the attitude which I occupy in regard to this matter.

I am not indifferent to the desire, which all Americans must naturally have, that, so far as practicable, all the material used in the construction of our war ships shall be domestic material. At the same time I am not willing to put myself on record that I propose to give to those who have the opportunity, by reason of enjoying monopolistic advantages, to prey upon the American people. I am in sympathy with the statement made by the Senator from Oklahoma [Mr. GORE] giving the reasons why he offered the first amendment. I voted against that amendment because, in my opinion, it went too far.

But I am unwilling, Mr. President, to say, when we are going to make these immense expenditures in the construction of battle ships, that, regardless of combinations which are made, and which we know are made, for the purpose of extorting from this Government extravagant prices for material, they shall have the assurance in the beginning that this Government is bound hand and foot and is obliged to submit to their exactions and their extortions, and that, regardless of how great those exactions and extortions, by law those exactions must be submitted to.

Mr. President, this is a different matter from the ordinary purchase of material. We all know the fact that the material which enters into the construction of battle ships, at least that part of it which relates to armor plate, can be made by only two or three concerns in the United States, and there is not a Senator on this floor who does not know the fact that whenever the time comes for the bidding for this material there is a combination among the producers of this material which puts the Government absolutely at the mercy of the producers of that material, if we adopt such an amendment as that proposed here, that under no circumstances can the Government have the advantage of competition, regardless of what may be the extortions and exactions. That is the reason why I voted against the proposition to lay upon the table an amendment proposing to strike out the provision which says that under all circumstances the Government shall buy from them and them alone.

Mr. President, there was a time when we in the Senate were very much more familiar with this question than we are now. Senators who were here ten years ago will remember the debates we had upon the subject of the extortionate prices charged for armor plate. We know the evidences which were brought to the attention of the Senate of extortions in the prices of armor plate; and the discussions were discussions which were not limited in the objections urged to any one party. The criticisms which were made—and more than criticisms; the denunciations which were heard upon this floor—were not limited to Senators who were opposed to the protective tariff. I recollect when the Senator from Maine [Mr. HALE], standing where he now sits, in the discussion of this question and speaking of the impositions, the extortions of these producers of armor plate, used the expression that they had the opportunity, and they had put the knife into us. I am using the language of the Senator. Although it is ten years ago I remember it well, that the very people that you say by this iron-clad amendment shall be protected against any and all competition—and they are the same corporations that they were then—were the very people who when they had the opportunity put the knife into us. That was the expression of the Senator from Maine.

Mr. President, we know how session after session this matter was debated in the Senate. We know how investigations made by the Naval Committee, of which I then had the honor to be a member, serving with the Senator from Maine (and there is a printed volume of testimony in the document room), disclosed that the making of armor plate cost the producer only something like $200 a ton and we were paying $500 a ton for it. We know what was the report of the experts of the Navy Department—practically to the same effect. We know how indignant the Senate was on that subject as well as the House, and we passed at one session a law which limited the price. But bound hand and foot as we were by these producers of steel plates, they simply entered into a combine and refused to bid. They held us by the throat and said "If you do not give us our prices, you shall not have battle ships."

They, as the Senator from Maine has said, had the opportunity and they continued to put the knife into us. I am quoting his language literally.

It went on from session to session. We even went to the extent of trying to get through a proposition that the Government should itself establish a factory for the manufacture of armor plate; and it was very freely stated on this floor—and no man can successfully deny the fact—that if we never made a sheet of armor plate, it would pay the Government of the United States to construct a factory to make armor plate, in order to furnish the opportunity for competition and hold these people in check. But they had power enough to prevent it. There were Senators on the other side as well as Senators on this side of the Chamber who urged it most earnestly.

Finally, I recollect, the then junior Senator from Ohio, Mr. Hanna, who had acquired great influence, suggested the proposition that this matter ought to be taken out of politics. That

was his suggestion—that having it debated here was having it in politics, although there were no party lines on the subject; that it must be taken out of politics and put on a business basis; and his idea of a business basis was that Congress should have nothing to say on the question of prices, but that it should be left entirely to a matter of negotiation between the Department and the producers of these steel plates. That was the direction given to it under the powerful influence of the then junior Senator from Ohio, and that is the direction it has taken even since; and year after year we come here and provide for these immense expenditures—expenditures running, if I am correctly informed, on this bill to over $120,000,000 and with the steel trust asking possibly a hundred per cent over the cost of the material and the manufacture. And yet we are to be told not only that we are going to have the disadvantage of being almost within their power, in the absence of any such provision as this, because, of course, freights are heavy and they constitute a great protection to our manufacturers even if there were no tariff, but we have the tariff and the ocean freights to protect them—we are to be told that while we are in their power to that extent, we must give them the assurance by written law that the Secretary of the Navy shall be powerless, regardless of any exactions or any extortions, to say to them, "If you do not let me have that material at such a price, I will buy it somewhere else."

I am not in favor of buying it anywhere else as long as we can buy it at proper prices at home; and when I say "proper prices" I mean prices with the most justifiably liberal profit. I have never been in favor of holding the steel trust or the manufacturers of these steel plates down to small profits. I have always been in favor of their having large profits. I have no idea that there is going to be any material bought anywhere else. I have no idea that even if we should strike this out any material would be bought anywhere else, and I do not suppose there is any Senator who thinks the material is going to be bought anywhere else. But why should we give them this assurance?

Mr. President, any man who has watched the bids which have been made in the last six or eight years, since we put this matter upon a business basis, as the then Senator from Ohio denominated it, in other words, since Congress has ceased to look after the matter at all, since we have been in the habit of passing naval appropriation bills without knowing what was in them and without the possibility of any opportunity to dissect them or analyze them, what has been the fact with reference to bids for these vessels?

Let any man take up the bids. There are two steel plants that bid on the armor plate and bid on other materials. He will see two bids put in where two ships are to be built, and he will see the bid made by No. 1 steel plant or manufacturer of steel plates for one of those vessels just a little under that of Company No. 2; and then, put in on the same day or within a few days, he will see the bid of No. 2 Company for the other ship just a little under that of Company No. 1. There is evidence in the most plain and unmistakable manner of an arrangement between them. They will both bid on the two ships, but one will bid high and the other will bid low on a certain ship, and reverse it as to the other ship, showing a combination beyond any possibility of doubt.

Mr. President, I am not afraid to be judged on the vote in the negative, on the proposition to lay upon the table an amendment which does not seek to say that any goods shall be bought anywhere else, but simply objects to saying in the law that, regardless of extortion, regardless of exaction, you shall buy from them and from nobody else.

Mr. President, I am satisfied with the correctness of that position. We ought not to give any such assurance. I am perfectly willing that the matter shall be left without a statement one way or the other, with the full knowledge of the fact that the things are going to be bought in the United States, but I am unwilling to tie the hands of the President and the Secretary of the Navy and say that they shall not purchase anywhere else in the case of the most extravagant and extortionate charges, if such should be presented to them.

Mr. GORE. Mr. President, in any contest between American labor and foreign labor and an equal contest between American capital and foreign capital I do not hesitate to say that I am for the American labor and the American capital, and I am against the foreign labor and the foreign capital. But, sir, I am not willing to rob the American people in order to enrich one trust or another, or, to use a more polite phrase, to enrich one corporation or another. Neither am I willing to jeopardize the strength and the security of the American Navy by hazarding anything as to the character of the material which shall be employed in its construction.

Much to my surprise, I heard one Senator observe during the calling of the roll that he is unwilling to trust the enemy with the making of our weapons of defense. Sir, these weapons would be made in time of peace and not in time of war; and if we have not in the United States experts sufficiently skilled to determine whether the armor be well or ill made, then, sir, our defenses are in a deplorable plight.

I did not suppose that anyone was so unsophisticated as to imagine that if this amendment were adopted one ounce or one inch of this armor plate or other material would be manufactured abroad. The steel manufacturers of the United States can and do make and manufacture steel cheaper than anybody else on the face of the earth. I have as high authority as the late Secretary Hay of the State Department for the statement that steel rails manufactured in this country are sold in Birmingham and that steel bridges manufactured in the United States are shipped thousands of miles and flung across the Nile, notwithstanding our competitors in the Old World have 4,000 miles the start.

I did not imagine that one ounce or one inch of these plates would be manufactured abroad; but, sir, I did suppose that, according to the estimates I formerly submitted, these vessels would be constructed for one-third less than they will be under the provisions of this measure, and I wanted to obtain three battle ships for the money we will expend under this measure for two battle ships.

I remember that when steel dredges were being bought for the Panama Canal Secretary Taft desired to purchase those dredges abroad at $652,000, but Congress tied his hands and obliged him to purchase the dredges in the United States at a cost of $724,000.

Sir, equivocate as you may, that transaction was cold-blooded robbery of the taxpayers of the United States. Whatever the enemies of the Secretary may say against him, the indictment should not contain a count against him in regard to that transaction. If there be anything in his public service to his credit, that effort ought to be set down in his favor.

Sir, I have no patience and very little confidence in the plaudits which are showered by Democrats upon Republican candidates, but that, at least, can not be set down to the discredit of the Secretary. The failure to adopt the amendment this morning may possibly not inure to the credit of others.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. MONEY. I want to offer an amendment to that.

Mr. HALE. If the Senator has an amendment to propose to the pending amendment, I will withhold my amendment, as it comes in subsequently.

Mr. MONEY. I ask the clerks to take down the amendment I propose. It is to insert—

That the material used in the construction of the vessels authorized by this bill, whether in the Government navy-yards or by private contract, must be of American manufacture or product, but can be purchased in any market in the world.

I will state the purpose of my amendment. American manufactures of steel and iron are sold abroad very much cheaper than they are sold at home. The United States, at least as the constructor of its own ships and in its own navy-yards, should have the benefit of the markets of the world in buying American manufactured steel and iron, and the private contractors in the building of these ships should also have the same privilege. It is not necessary to have the tax of a prohibitive tariff on goods manufactured in America to be used in the construction of these ships. If this is denied, it is now attempted, it seems to me, not only to rob the people under the form of law, as the Supreme Court once said about this sort of legislation, but also the Government itself in the construction of its own ships.

I do not see that there can be a good objection when we say that the material is of American manufacture. Let the Government have the benefit, at least, of competition with all the balance of the world in any market in the world.

Mr. HALE. Mr. President, I do not conceive that there is any necessity for the amendment proposed by the Senator from Mississippi. The clause that is found in the bill which is sought to be amended is the same that has been in all the naval appropriation acts since 1886, referring to that as the fundamental law. The fundamental proposition on material is that all of it shall be of domestic or American manufacture. There is nothing said about where it shall be purchased or where the market shall be. Being well enough as it is, I do not think it is advisable to suggest by any amendment the likelihood or possibility of seeking to purchase any of this material abroad, even if it shall be of American manufacture. I think the bill is more symmetrical as it is, and I should not be willing, for one, to agree to the amendment of the Senator from Mississippi. I do not think it will accomplish any real purpose.

If the Department at any time shall find that the discrepancies between the prices here and the prices of American material abroad are so great, they can go to the foreign country. The present bill authorizes that to be done, but I do not believe any such condition is likely to arise.

Mr. MONEY. In reply to the Senator, I will say that there certainly can be no harm done by the insertion of this amendment. The theory of the bill is that all material shall be of American manufacture. I yield that to the Senator, but why deny the right of any contractor the privilege of competition in the markets of the world for this American manufacture? I have introduced the amendment because it is a well-known fact—and I am not disclosing a revelation to the Senate—that the American manufacturer does send his iron products abroad and sells them in the foreign markets very much cheaper than to his fellow-citizens at the door of his manufactory.

There is no dispute about that proposition, and as long as we are securing the American manufactured article, and thereby encouraging manufacture in this country, why not permit the Government and the contractor—for it comes out of the price of the vessel if he has that privilege—to get these same goods anywhere they can be found at the price in that market? If it should so happen that there is no lower price anywhere else than there is at home, there will be no need to purchase it abroad.

It is simply a privilege of which the Government constructor and the private constructor in private yards can avail themselves, in order to put the American product in the manufacture of the ships of our own, to buy the goods wherever they are offered the cheapest anywhere in the world. I can not see how any protectionist can object to that provision, unless it is intended that the manufacturer shall put his hand into everybody's pocket, including that of the Government, even in the manufacture of the means of national defense.

Mr. BURKETT. I should like to ask the Senator a question. I have been reading that section. It seems to me that nothing in it prohibits buying domestic products anywhere in the world.

Mr. MONEY. I wish to ask the Senator from Maine a question. Is this provision in the bill already? Is there anything like this permitted in the bill? If so, my amendment would be absolutely useless, and I withdraw it.

Mr. HALE. Does the Senator ask if the provision contained on page 86 is in the present statute of last year and the year before—that it is the present law?

Mr. MONEY. What I ask is, if the law now permits these contractors to purchase material abroad?

Mr. HALE. I have just said, and the Senator from Nebraska [Mr. BURKETT] has also made the suggestion, that there is nothing in the law as it is now that forbids purchasing abroad for the construction of the ships and armor material of steel of American manufacture. I would not think it advisable or desirable to put it in in terms in the bill. I do not think it is needed. I do not think the question will ever arise, but, undoubtedly, it can be done if any contractor chooses to do it.

Mr. BEVERIDGE. Mr. President——

Mr. MONEY. Excuse me a moment. If that is so, and I have no doubt it is—I was not aware of it—my amendment would be useless. But I recollect how it was in the Panama matter, when I offered the same amendment, and it was rejected, and you were compelled to purchase in America articles of American manufacture at a very great loss to the Government. That was abundantly shown at the time. Yet the Republican party lined itself over there in compelling the United States to furnish American products at home and not abroad, when it was much cheaper. So I withdraw the amendment.

Mr. BEVERIDGE. It may illuminate what has been said to state that as far as armor plate is concerned, the United States has paid less for its armor than any other power in the world excepting only Japan. I have the figures here.

Mr. MONEY. In reply to the Senator from Indiana, I will state that I happened, fifteen years ago, to be on the committee that investigated the plate-armor fraud at the Carnegie and the Homestead works. That committee published a volume of about 1,200 pages. It showed the grossest frauds, admitted by the superintendent of the office, the jockeying of the instrument that measured the tensile strength of the bolt that confined the armor to the ship, jockeying about substituting lower plates for other plates that had been tried at Indianhead, the Department having made a ballistic test there. These frauds were confessed, and Mr. Carnegie was fined very heavily by the Secretary of the Navy, and the fine was in great part remitted by Mr. Cleveland. I knew about different frauds; and at the same time we were paying $550 a ton for this rotten armor.

Mr. BEVERIDGE. The Senator is mistaken.

Mr. MONEY. The then Senator from New Hampshire, Mr. Chandler, offered a provision to reduce the price about one-half, and he read a contract which these same works had with Russia to supply them with armor we were paying $550 a ton for at the rate of $230 a ton. That is a part of the record.

Mr. BEVERIDGE. I do not want to prolong the debate, but I have directly authoritative figures here. The Senator is inaccurate as to the amount paid for armor plate. I again repeat the statement that we pay less for armor plate, as shown by the figures, than any other power in the world, excepting only Japan.

Mr. BACON. Mr. President, we have heard in this Chamber time after time about what is paid in other countries. The fact stated by the Senator from Mississippi [Mr. MONEY], of course, all Senators who were here then remember. It is not a question whether or not we are paying more than other countries. It is a question whether we are paying more than a legitimate profit to those who produce it in this country.

I repeat the statement, Mr. President, that this matter has been thoroughly investigated and the facts were brought to the attention of the Senate. Reports are now to be had in the document room, if any Senator desires them. The Senator from Maine and myself served on the committee of investigation and sat during a large part of the recess, if I recollect correctly, taking testimony and hearing all sides, hearing naval officers, the Secretary of the Navy, manufacturers of the Bethlehem steel plant and the Carnegie steel plant, and all the others. It is all there. I have forgotten the exact figures, but the conclusion I think was, to the best of my recollection, that the cost of plate was somewhere in the neighborhood of $200 a ton, and at that time we were paying as high as $550 a ton for it—a most extravagant price. There is no question about it in the world. A ton of steel is not much larger than the top of one of these desks—certainly not larger than the entire desk, if that. While the machinery is ponderous and the methods of manufacture are ponderous, they are simple. But we can not go into that now to any great extent.

I simply wish to reply to the suggestion of the Senator from Indiana [Mr. BEVERIDGE]. It is impracticable to debate the question at length now because of the fact that it requires considerable investigation to present the figures. There is no inducement to present them, because we all know what is going to be done. The question is not, What is the pay in other countries? The question is, What does it cost in this country, and what is the legitimate profit on it?

Now, I am going to offer an amendment, and we will see whether it will be objectionable or not. The amendment is to add the following proviso:

Provided, That the President shall be authorized to purchase any part of said material abroad in any case where the material of domestic manufacture can not, in his judgment, be purchased at a reasonable price, having regard to the cost of manufacture and a reasonable profit thereon.

I send the amendment to the desk, and I trust it will be adopted.

The VICE-PRESIDENT. The Chair understands the Senator from Mississippi to have withdrawn his amendment.

Mr. BACON. I so understand.

Mr. HALE. Let us have a vote on the amendment now presented.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia. [Putting the question.] The noes seem to have it.

Mr. BACON. I call for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

Mr. BACON. Mr. President, I wish to call the attention of the Senators to the fact that a similar provision after full discussion was adopted in the measure which required material for the Panama Canal to be purchased in this country, and, as is suggested to me by the Senator from Maryland [Mr. RAYNER], the language was even stronger than that which I have employed. It does seem to me to be the most reasonable of provisions. It leaves it all to the President of the United States.

Mr. BEVERIDGE. Is it in the same language?

Mr. BACON. I can not say that it is the same language. I say it is suggested to me that it is not so strong as the language then used, but it is to the same effect. It simply relieves the situation from that which I have spoken of. Under the amendment as it is now phrased the producers of this material are put upon notice that under the law, as we now propose to enact it, regardless of the question of extortion or of exaction, the President is not at liberty to buy any material except that which they themselves manufacture. I understand there are

now but two factories in the United States, and they are in a close combination, with the power to put the price at anything they see fit, regardless of what it may be worth elsewhere, or regardless of the cost here with a reasonable profit thereon. I simply desire that they shall be put upon notice that they must have a reasonable price and that they must have a reasonable profit and no more.

Mr. TELLER. I should like to have the amendment read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Georgia.

The SECRETARY. On page 86, following the word "Navy," in line 23, add the following proviso:

Provided, That the President shall be authorized to purchase any part of said material abroad in any case where the material of domestic manufacture can not, in his judgment, be purchased at a reasonable price, having regard to the cost of manufacture and a reasonable profit thereon.

Mr. TELLER. I think that is the language of the Panama Canal amendment, but in that case the President was in entire charge of the operations down there. Under this bill, on page 86, I find that the contract for the construction of such vessels shall be awarded by the Secretary of the Navy.

Mr. BACON. That had escaped me. I am perfectly willing that the words "Secretary of the Navy" shall be substituted for the word "President." I ask that the amendment be so modified.

The VICE-PRESIDENT. The amendment will be so modified. The Secretary will call the roll on agreeing to the amendment of the Senator from Georgia as modified.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. Not knowing how he would vote, I withhold my vote.

Mr. DAVIS (when his name was called). I have a general pair with the Senator from Oregon [Mr. FULTON], but I transfer my pair to the Senator from Mississippi [Mr. MCLAURIN], and I vote "yea."

Mr. SCOTT (when his name was called). I have a standing pair with the senior Senator from Florida [Mr. TALIAFERRO]. I make the announcement now and for future roll calls.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I will transfer my pair to the Senator from Tennessee [Mr. TAYLOR] and vote "yea."

Mr. WARREN (when his name was called). I ask if the Senator from Mississippi [Mr. MONEY] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. WARREN. I withhold my vote, as I am paired with that Senator.

The roll call was concluded.

Mr. DEPEW. I am paired with the Senator from Louisiana [Mr. MCENERY]. If he were here I should vote "nay."

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I will transfer my pair to the senior Senator from New Hampshire [Mr. GALLINGER] and vote. I vote "nay."

The Secretary recapitulated the vote.

Mr. DEPEW. I transfer my pair to the Senator from New Jersey [Mr. KEAN] and vote "nay."

Mr. DANIEL. I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. Otherwise I should vote "yea."

The result was announced—yeas 24, nays 36, not voting 32, as follows:

YEAS—24.

Bacon	Clarke, Ark.	Frazier	Nelson
Bankhead	Clay	Gary	Overman
Beveridge	Culberson	Gore	Paynter
Borah	Davis	Johnston	Rayner
Brown	Dixon	McCreary	Smith, Md.
Burkett	Foster	Milton	Stone

NAYS—36.

Aldrich	Depew	Hale	Platt
Ankeny	Dick	Hemenway	Richardson
Bourne	Dillingham	Heyburn	Smith, Mich.
Brandegee	du Pont	Hopkins	Smoot
Briggs	Elkins	Lodge	Stephenson
Bulkeley	Flint	Long	Stewart
Burnham	Foraker	Nixon	Sutherland
Burrows	Frye	Perkins	Teller
Crane	Guggenheim	Piles	Wetmore

NOT VOTING—32.

Allison	Dolliver	La Follette	Penrose
Bailey	Fulton	McCumber	Scott
Carter	Gallinger	McEnery	Simmons
Clapp	Gamble	McLaurin	Taliaferro
Clark, Wyo.	Hansbrough	Martin	Taylor
Cullom	Kean	Money	Tillman
Curtis	Kittredge	Newlands	Warner
Daniel	Knox	Owen	Warren

So Mr. BACON's amendment to the amendment of the committee was rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Naval Affairs.

Mr. BACON. Mr. President, as we have got to buy this material in this country, regardless of what may be the disposition of those who alone can furnish it, in fixing the price, I should like to know from the Senator from Maine something about what its cost is to be. As I stated before, it has been a good while since we have had this matter discussed in the Senate, since the then Senator from Ohio, the late Mr. Hanna, urged that the matter should be taken away from the consideration of Congress and put upon business methods. I should like to know what is the price that we now pay for armor upon these ships?

Mr. HALE. Mr. President, I do not desire to prolong the debate, because I am very hopeful of the Senate acting upon the bill to-night, but I will answer the Senator from Georgia, without further remark, that the average price that we are now paying is $416 and a fraction per ton. Twelve or fifteen years ago we were paying $550 and $600 per ton; but the present average is about $416 and a fraction, as I have said.

Mr. BACON. I should like to ask the Senator whether, in arriving at the average, he takes the average of the different prices or whether he takes the average of the total price? The Senator will see the difference. There may be a small amount at a high price and a large amount at a low price, or it may be reversed, and there may be a large amount at a high price and a small amount at a low price, and the average would be the average price. I want to know what the average cost is, what the average total expenditure is—that is, the entire amount, the number of dollars divided by the number of tons, that being the way to get at it.

Mr. HALE. Mr. President, I understand that the average is made up at any given time by the prices that are paid by contract upon the ships under contract, as any average would be made. It does not vary much. It is not a question of the average being cut down by a small amount being purchased for a lower price, because the large contracts for armor are always the ones upon which the average is reckoned; and the result is that we are paying, and have in the last contracts paid, an average, as I have said, of $416 and a fraction per ton.

Mr. BACON. It doubtless is due entirely to my lack of capacity for understanding what the Senator says, but he has not answered my question as I intended it to be understood. Possibly I have not made myself clear; possibly I have, and then I do not understand the Senator. There is a very marked difference, which anyone will readily recognize, between the average in price and the average in cost. You get the average price by getting the average of the different prices. You get the average cost by taking the number of pounds or tons and dividing it into the number of dollars expended for the entire amount purchased. They are two very different things. I desired, if I might trespass upon the time of the Senator from Maine, to ascertain whether it was the average in price or the average in cost which he had given us.

Mr. HALE. It is the same thing, Mr. President. When the tables are given of the average cost, that means the cost to us, what we pay. You might just as well call it "price," but as we make up the tables "cost" means cost to the Government, what it pays. That is the price. It is not the price that is asked, but it is what we pay, what it costs us.

Mr. BACON. Well, Mr. President, I must say that I can not agree with the Senator from Maine that the average price is the same thing as the average cost. They are two very different things, as I will illustrate.

Mr. HALE. The whole average price paid is the average cost.

Mr. BACON. Not necessarily.

Mr. HALE. I do not see the difference.

Mr. BACON. I will try to suggest it to the Senator, and see whether or not he will see it.

Mr. President, if there was one price of $200 and another price of $100, the average price would be $150; but if there were ten times as much purchased of the material at $200 as there was of the material at $100, $150 would not be the average cost. There is the distinction, and a very plain one. I desire to know of the Senator whether the response which he gave was as to the average price or as to the average cost.

Mr. HALE. It was as to the average cost. Mr. President, there never is any case where, in the bids for this large armor, there is any very great difference. There is not one offer to furnish for $100 and another concern offering to furnish armor for $200, so that the danger which the Senator anticipates of an average cost not showing the real cost does not exist. The bids are all close; they are near each other, and are finally decided. Then we are given what is the average cost to us, which is the price we pay.

Mr. BACON. Mr. President, I presume it is true—it certainly was years ago; I do not know whether it is so now or not—that different prices were charged for different kinds of armor on the same ship—some of it being very much higher than others. It is for that reason that, if the Senator has the information, I desired to know whether the amount named by him was an average of prices or an average of cost, because there may be a very great and material difference between the two. I think anyone with reasonable mathematical faculty will see the difference. Do I understand the Senator is unable to give me a direct answer to the question?

Mr. HALE. No. I understand I have given the Senator a direct answer—all the answer I can give.

Mr. BACON. That is very manifest.

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Carolina?

Mr. HALE. Certainly.

Mr. OVERMAN. The average price, as I understand, of armor in this country is $416 per ton. Can the Senator from Maine inform the Senate what is the average price per ton in other countries—in England or Germany, for instance?

Mr. HALE. I have, Mr. President, a table of the prices per ton for furnishing armor in the European countries. In Austria it is $449; in Italy, $521; in Germany, $450; in France, $500; in England, $625; and in the United States it is $416.67.

Mr. BACON. Now, Mr. President, I should like to ask the Senator if it is not true that there is a large difference in the price of armor of one kind and the price of armor of another kind on the same ship? In other words, is there not a higher price for certain parts of the armor than there is for other parts of the armor?

Mr. HALE. No; there is no great difference in the large supplies. In each ship there is some small armor that does not cost so much, but that does not figure largely in the result, because the amount is small. The general armor which is furnished is of the price which I have indicated, the higher price, because it is of a higher quality; it is thicker, it costs more, and it makes up almost all the protection of the ship.

Mr. BACON. Does not the Senator recall—if I am in error, he will correct me, I know, because he is very much more familiar with the matter than I am—that in the days when we had the discussions as to the reasonableness of the prices that were being charged there was one class of armor the price of which was at that time, I think, $550—if I recollect aright, that was approximately it—and that one defense that was made of that price was that there was not much of that kind of armor and that the larger part of the armor was of a lower price. I think that was true then; I do not know whether it is now or not.

Mr. MONEY. Mr. President, if the Senator from Georgia will permit me a moment, I will ask the Senator from Maine if he does not recollect the fact that in the manufacture of armor the ingot passes, when it is sufficiently heated, under the hydraulic hammer, which presses it to the thickness required—whether 12 or 20 inches—leaving a little to the planer. The planer then goes over the plate and smoothes it. Then the plate is cut in two through its longest axis and is called the upper and lower plate. In the casting of these ingots, I do not care how much care may be used, there are certain ingredients that settle mostly to the bottom, and the lower plate is some 20 or 30 per cent better than the upper plate, and therefore is sold for a greater price than the upper plate that came from the same ingot. The Senator, I know, will recollect that it was a common trick of the Carnegie Works, when a lieutenant or Government inspector had selected from a group of thirty plates one plate that was to stand the test for the whole and had put his mark upon it, to substitute for an upper plate a lower plate, which would stand the ballistic test that the upper plate would not stand. Now, the Senator must know that there was not the same price paid for the lower and upper plates from the same ingot.

Mr. HALE. Mr. President, I do remember generally the old investigation, the question about open-hearth and other steel, the charge that imperfect armor had been imposed upon the Government by some of these companies, and the investigation accomplished its object. Two things resulted—the price paid by the Government for this armor was reduced and, so far as known, the frauds and abuses that were disclosed by the investigation have vanished. There are a great many other things in connection with that investigation as it has passed and gone into the limbo of the past that I am very glad to say I have forgotten. I do not claim to carry in my mind every detail of what took place in an investigation twenty years ago or twelve years ago. I am more interested in the result of the investigation, and I am convinced, as I have said, that two things were accomplished—the reduction of the price and the disappearance of the abuses.

I do not say that everything is perfect—I do not know of any human transaction that is—but we are getting armor to-day, and good armor, at a lower price than we paid a number of years ago.

Sir William White, who is an expert upon everything relating to navies and the construction of ships, says that we have got the best ships, considering construction, armament, gunnery, and everything that makes up the efficiency of ships, that any nation in the world has got, and that contents me. It was not a surprise to me; I believed it before; but I was glad to have the testimony of so acute, discriminating, and searching an investigator as Sir William White.

Now, as I say, I can not follow the Senators in remembering everything that occurred in this investigation years ago. My mind is not able to compass all of that load of accumulated memories.

Mr. BACON. The Senator recollects the language which I quoted from him this morning, does he not?

Mr. HALE. If the Senator will repeat it, I will take his recollection for mine.

Mr. BACON. I asked the Senator if he did not remember standing where he now stands when a naval appropriation bill was before the Senate and speaking of the time when the manufacturers of steel plates had the opportunity to do so, and using the language "They put the knife into us?"

Mr. HALE. Quite likely. I hope I have used that trenchant phrase to some purpose about other things where the knife has been put in; but when the knife has ceased to be put in and the wounds have ceased to be inflicted and the grievance has passed, I have held my peace.

Mr. GORE. Mr. President, I simply want to ask the Senator from Maine a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Oklahoma?

Mr. HALE. Certainly.

Mr. GORE. I will ask the Senator from Maine if Sir William White's estimate of our Navy is not based on the fact that we have postponed building until recent improvements were made, whereas the British had spent hundreds of millions prior to those improvements and for that reason their vessels were obsolete and our vessels were superior to theirs? He did not say that of those built at the same time the American vessels were superior to the English vessels, unless I am mistaken.

Mr. HALE. I will ask the Senator to repeat his question.

Mr. GORE. The question I asked was this: If Sir William White did not state that the reason why our Navy was superior to the British navy was because we had postponed building our ships until modern and recent inventions and improvements were made, whereas Great Britain had spent hundreds of millions in the construction of ships prior to those inventions and improvements, and consequently many of her vessels were obsolete, and for that reason our Navy as a whole was superior to hers? I do not think he stated that of the ships built by England and the United States during the last few years, one was superior to the other, but he based his estimate on the fact that many British vessels were obsolete.

Mr. HALE. No, Mr. President, he stated that we were fortunate in having waited as we did and not beginning upon models now obsolete, as Great Britain did; but the significance of what he said was that ship for ship, class for class, construction year by year, up to the present time our ships were fully equal to any ships in the world.

Mr. BACON. Mr. President, I do not propose to provoke a serious discussion of any length, but I desire to reply to one expression which fell from the lips of the Senator from Maine. The Senator from Maine says that when the abuses ceased he held his peace. The point to which I desire to direct the attention of the honorable Senator is this, that the abuses did exist, that no man was more sensible of the fact than the Senator from Maine, and no one more outspoken in his denunciation and condemnation than the Senator from Maine. I am not saying that any abuses exist now, but I am trying to guard against the possibility of the repetition of those abuses. The same people who perpetrated the abuses which the Senator denounced are the people with whom we now have to deal. My sole purpose to-day has been to put the Government of the United States in a position in the passage of this bill where, if those who abused our confidence in the past should again attempt to abuse it, we would not be powerless and helpless and at their mercy.

Mr. HALE. Mr. President, I shall join the Senator, who is a very faithful public servant, when the time comes and I

believe any such grievance exists, any such wrong is brought to light—I shall join him in trying to eradicate that abuse.

Mr. BACON. I do not doubt it at all; but I suggest to the Senator, without pursuing the matter further, that the time to guard against it, to save the country from the loss, is not after the abuse has been perpetrated, but before it has been perpetrated, and put restraints upon the contractors, so that they can not again perpetrate these abuses.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 86, line 24, after the word "colliers," it is propsed to strike out "16-knot" and to insert "of 14 knots trial;" in the same line, after the word "speed," to insert "when carrying;" and in line 25, after the word "hundred," to strike out "capacity" and insert "tons of," so as to read:

Two fleet colliers of 14 knots trial speed when carrying not less than 12,500 tons of cargo and bunker coal.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 87, line 2, after the word "yard," to insert "on the Pacifice coast," so as to make the clause read:

Two fleet colliers of 14 knots trial speed when carrying not less than 12,500 tons of cargo and bunker coal. One of said colliers to be built in such Government yard on the Pacific coast as the Secretary of the Navy shall direct. Cost not to exceed $1,800,000 each, and toward the construction of both $1,500,000 is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 87, after line 5, to insert:

The Secretary of the Navy is hereby authorized to purchase three new steam colliers of American registry, ready for service, having a cargo-carrying capacity of 7,200 tons dead weight each, at a cost not exceeding $600,000 each; and the sum of $1,800,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of the colliers above authorized.

Mr. BURKETT. Mr. President, I should like to ask the Senator from Maine a question in regard to the amendment on page 87. I will say to the Senator from Maine that if he observed my vote he must have noticed that I voted against any proposition to build any part of the Navy anywhere else than in the United States; but, in line 7, the amendment provides that these three vessels must be of "American registry, ready for service." As I understand that provision, it means that these ships are to be bought at once and are to be of American registry. Have I the right understanding of the provision?

Mr. HALE. Oh, yes; they are simon-pure, American-built colliers.

Mr. BURKETT. The amendment provides that they shall be of American registry, and it provides, as I understand, that they must be bought at once. The Senator in the debate on the floor the other day, when we had another matter up, made the statement that there were practically no vessels of American registry at present available for colliers. I questioned the Senator's statement at that time, and thought it was a matter of price more than of possibility. As I recall, the Senator's statement was that there were under American registry no ships to be had which were suitable for colliers.

I will also say that a day or two after that colloquy on the floor of the Senate with the Senator from Maine I received a letter from the Merchant Marine League, at Cleveland, Ohio, reiterating that statement and stating that there were practically no ships in American registry that were suitable for colliers, and calling attention to the fact to which the Senator from Maine referred that, when these colliers had to be bought for the Spanish war, we had to take yachts and tugs and any old thing we could pick up for the emergency.

Now, it occurs to me—and that is why I am asking the Senator the question—that the paragraph ought to be amended so that, if this statement is correct, that there are no vessels under American registry which are suitable for colliers, we ought not by law to compel the Secretary of the Navy to buy three of them and buy them at once and to buy them ready for use. If you want vessels of American registry, you ought to give some time to have them built, if necessary. That is the reason why I ask the question. I may misunderstand the paragraph, I will say to the Senator from Maine.

Mr. HALE. So far as concerns any statement that I may have made about there being American ships available as colliers at the time when the fleet was equipped, if I made it so broad as to exclude the fact that there might be instances of ships like the three that are provided for here, I went too far. But my purpose was to show that for the great number of ships as colliers that the Department needed and must have to start the fleet on its voyage there was nothing in the American ship market commensurate with the needs. I still believe, and think I know, that that is the fact. There are very few ships, and there were very few ships. Whether these ships were offered I do not know, and I am not inclined to censure the Department under the then existing conditions that it did not wait longer and hunt up every possible ship that it could find.

These ships are put in the appropriation bill because the Department has investigated and the committee has considered the cost of other colliers somewhat larger, but not greatly so, and believe that the price is low and that it will be to the advantage of the Government to buy these three colliers; that it is a good trade. I believe that the Government ought to take advantage of the offer and secure these vessels. The ones that are here provided for cost more than double this sum, and to build absolutely new ones would undoubtedly cost double. But the Department has examined and found that they are good ships and that it can make a good bargain, and that is why they were put in here.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Rhode Island?

Mr. HALE. Certainly.

Mr. ALDRICH. I desire to ask the Senator to modify the language used in the amendment, so that the Department may purchase ships of approximately that size, provided it can buy them at a lower rate. I have a constituent who has one or two colliers that he thinks would come within this description, but perhaps they would not if the language is so rigid as that now used by the Senator in his amendment. I would suggest that he use the words "approximately 7,200 tons," in order that it should not be held to apply rigidly to any particular ships. In other words, my suggestion would leave the matter open to competition. There are other colliers that the Government can buy, and it should not be embarrassed by the limitation.

Mr. HALE. I see no objection to the insertion of the word "approximately" after the word "of."

The VICE-PRESIDENT. The amendment proposed by the Senator from Rhode Island to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 87, line 8, before the words "seven thousand," insert "approximately," so as to read:

Having a cargo-carrying capacity of approximately 7,200 tons dead weight each.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Rhode Island to the amendment of the committee.

Mr. BURKETT. I want to say a word in reply to the Senator from Maine.

Mr. CULBERSON. Will the Senator from Nebraska yield in order that the amendment as it is proposed to be amended may be stated?

Mr. BURKETT. Certainly.

The VICE-PRESIDENT. The Secretary will state the amendment as proposed to be amended.

The SECRETARY. On page 87, after line 5, insert the following:

The Secretary of the Navy is hereby authorized to purchase three new steam colliers of American registry, ready for service, having a cargo-carrying capacity of approximately 7,200 tons dead weight each, at a cost not exceeding $600,000 each; and the sum of $1,800,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of the colliers above authorized.

Mr. CULBERSON. I understand the only amendment proposed by the Senator from Rhode Island is the insertion of the word "approximately," in line 8.

The VICE-PRESIDENT. That is the amendment proposed by the Senator from Rhode Island to the amendment.

Mr. BURKETT. I submit to the Senator from Maine that in the light of what was said on the floor the other day and in the light of the letter which I have received from the Merchant Marine League of the United States at Cleveland, there ought to be more leeway given to the Secretary of the Navy to contract for these vessels. I am willing, if this is a part of the Navy proper, that it shall be of American construction, and all that sort of thing.

After submitting some remarks, as I did the other day, the secretary of the Merchant Marine League in Cleveland addressed me a letter criticising considerably my remarks, which I will say substantiated everything that I contended for. But he makes the statement, speaking of the American trans-Atlantic combination, which has 130 ships, that there are only 10 of them under American registry. And note these words:

And not more than one of its American steamers is at all adapted to carrying coal to the Pacific.

"Carrying coal to the Pacific," which, I understand, is the object of a collier.

Later on he makes this statement in the letter in reenforcing what the Senator from Maine says:

No American steamers at all were offered. * * * They were not offered for the simple reason that they did not exist. Our coastwise tonnage, large as it is, does not contain many large steamships of the collier type suitable for the 13,000-mile voyage to the Pacific Ocean.

Then he goes on and makes this statement:

The numerous auxiliaries purchased in the Spanish war were chiefly yachts and tugboats.

The Senator from Maine and two or three other Senators, speaking of that the other day, used practically the same language, and referred to the fact that when the Spanish war came on we had very hastily to buy whatever we could get for colliers, and the result was that we did buy—I think this is the Senator's own language—yachts and tugboats and all that sort of thing, and they soon became of no use or fell into disuse as a matter of fact.

I submit when we are going to buy these colliers we ought not to put in a provision, in this time of peace, when there is no great urgency, although there is urgency in having colliers, but no immediate, precipitant urgency, compelling the Secretary of the Navy to go right out among a limited number of boats and pick up tugs and yachts again.

It seems to me if, in line 6, before the word "purchase," words could be put in so that it would read "the Secretary of the Navy is hereby authorized to contract for the purchase of three steam colliers of American registry" and leave out the words "ready for service" it would be much better. You would then provide for the colliers and not limit it to a very few ships and to those entirely unsuitable. I do not like to offer the amendment without some indorsement of the Senator from Maine, because he is more familiar with the subject than I am.

Mr. HALE. The committee believed there could be no greater emergency showing the necessity of equipping the Navy with a suitable force of colliers than the spectacle disclosed to the world of a great fleet traversing the seas, as to which three-fourths or more of all its attendant colliers necessary had to be chartered from foreigners. The committee believed that that demonstrated that we ought to proceed at once in equipping the Navy with a considerable force of colliers. It believes, as I have said—I do not like to repeat—that these colliers fill the bill, and we are the more ready to buy them because they are ready to be used, and we are the more ready to buy them because the transaction, if completed, is not invested with any suspicion that the owners are trying to get an unfair price and impose upon the Government. But investigation shows that they can be bought remarkably cheap, and that is why I should not be willing to consent to an amendment that changes it entirely and which might be construed as authorizing a contract for the building. I think it is good policy to buy these colliers. I never heard of them until it came up and the investigation was made and the Department looked into it and recommended it. I believe it is a good thing and in the right direction. If the Senate does not want to authorize these colliers it will reduce the bill so much.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Rhode Island to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to the end of line 17 on page 87.

Mr. HALE. I offer the amendment I send to the desk. It is one of the amendments that increases the amount which I alluded to yesterday morning.

The SECRETARY. On page 87, line 16, before the word "millions," to strike out "one" and insert "three," and at the end of line 17, to add:

And for the completion of the submarine boats heretofore authorized.

The amendment was agreed to.

Mr. JOHNSTON. I offer an amendment, to be inserted on page 87, after line 17.

The VICE-PRESIDENT. Is it a committee amendment?

Mr. JOHNSTON. No, sir.

The VICE-PRESIDENT. Then it is not yet in order, the committee amendments not having been disposed of.

Mr. HALE. The Senator from Alabama has an amendment to be inserted after line 17.

The VICE-PRESIDENT. Is it to be offered as a committee amendment?

Mr. HALE. No; but it is an amendment agreed to by the committee.

The VICE-PRESIDENT. The Senator from Alabama proposes an amendment, which will be stated.

The SECRETARY. On page 87, after line 17, insert:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer or torpedo boat of the type known as "subsurface," "semisubmerged" (or the like), the essential feature of which is to have during its operation some portion of the hull or superstructure always on or above the surface, such vessel to cost not to exceed $400,000 and to have a speed not less than 22 knots; also two small vessels of like type having a speed of not less than 16 knots and to cost not to exceed $22,500 each: *Provided*, That before any vessel of the type provided for in this paragraph shall be purchased or contracted for a vessel of such type shall have been constructed complete and of full size for naval warfare and submitted to the Navy Department for such trial and tests as the Secretary of the Navy may, in his discretion, prescribe, and as the result of such tests be demonstrated to have fulfilled all the reasonable requirements of naval warfare for a vessel of its class, and for these vessels the sum of $445,000 is hereby appropriated.

Mr. HALE. This is a provision which was thoroughly looked into by the House committee, reported to the House, but which was stricken out on a point of order.

The amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. OVERMAN. I desire to submit an amendment.

The VICE-PRESIDENT. Is it a committee amendment?

Mr. OVERMAN. No. I thought we were through with the committee amendments.

The VICE-PRESIDENT. All committee amendments have not yet been considered.

The reading of the bill was resumed and continued to the end of line 3 on page 88.

Mr. HALE. I submit an amendment to be inserted after line 3 on page 88.

The SECRETARY. On page 88, after line 3, add as a new paragraph the following:

Toward the construction and machinery and armor and armament of the vessels herein authorized, $7,000,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 9 on page 88.

Mr. HALE. I submit the amendment I send to the desk.

The SECRETARY. In line 8, page 88, strike out "$18,677,962" and insert "$21,177,962."

The amendment was agreed to.

Mr. HALE. Also the following.

The SECRETARY. On page 88, at the end of line 9, add as a new paragraph the following:

New trunked-in ammunition hoists for battle ships and armored cruisers, $500,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 88, line 11, after the words "Navy Department," to strike out "at Washington," and in line 12, before the word "given," to strike out "be" and insert "is herein;" so as to make the clause read:

That no part of any sum appropriated by this act shall be used for any expense of the Navy Department unless specific authority is herein given for such expenditure.

The amendment was agreed to.

The next amendment was, on page 88, after line 13, to insert:

So much of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1899, and for other purposes," approved May 4, 1898, as provides that monitors owned by the United States shall be named for the States, and shall not be named for any city, place, or person until the names of the States shall have been exhausted, is hereby repealed, and monitors now owned by the United States or hereafter built may be named as the President may direct.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CULBERSON. I desire to ask the Senator from Maine a question. On page 88, after line 3, an amendment was adopted. I will ask the Secretary to state it.

The VICE-PRESIDENT. The amendment will again be stated.

The SECRETARY. On page 88, after line 3, add as a new paragraph the following:

Toward the construction and machinery and armor and armament of the vessels herein authorized, $7,000,000.

Mr. CULBERSON. I desire to know of the chairman of the committee if the proviso beginning at the bottom of page 87 applies to this increase of $7,000,000 in the amendment adopted.

Mr. HALE. Which is the proviso?

Mr. CULBERSON (reading):

Provided, That no part of this appropriation shall be expended for armor for vessels except upon contracts for such armor when awarded by the Secretary of the Navy to the lowest responsible bidder, having in view the best results and most expeditious delivery.

I desire to know if that proviso applies to this amendment.

Mr. HALE. Undoubtedly.

Mr. CULBERSON. Ought it not, then, to appear before the proviso?

Mr. HALE. I see the point the Senator makes—that the proviso at the bottom of page 87——

Mr. CULBERSON. Should apply to the amendment inserted on the floor.

Mr. HALE. Let us see.

Provided, That no part of this appropriation shall be expended for armor for vessels except upon contracts for such armor when awarded by the Secretary of the Navy to the lowest responsible bidder, having in view the best results and most expeditious delivery.

Yes; the Senator is right. There are two ways of getting at it. We can say that no part of this appropriation or of any appropriation for armor in this bill shall be expended, and so forth; or the proviso can be transposed and put in afterwards.

Mr. CULBERSON. I hope the Senator will prepare an amendment which will make the proviso applicable to the amendment inserted on the floor.

Mr. HALE. That is right; it ought to be. Mr. President, I will ask that the proviso at the bottom of page 87 be stricken out and that it be inserted after the amendment of $7,000,000 just agreed to by the Senate.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment which will be stated.

The SECRETARY. On page 87, line 24, strike out the proviso beginning after the word "dollars" and insert it at the end of the amendment agreed to after line 3, on page 88.

The amendment was agreed to.

Mr. BACON. May I make an inquiry of the Senator from Maine?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. I desire to know whether in this bill or in any provision of law authority is given to the Secretary of the Navy to reject any bids that he may not approve of?

Mr. HALE. The same authority is given under the act of 1886 that——

Mr. BACON. Is there a general law applying in all cases?

Mr. HALE. Yes; it applies in all cases.

Mr. BACON. That is what I wish to know.

Mr. HALE. Yes. Mr. President, on page 52, line 14, there is an amendment which I omitted to offer.

The VICE-PRESIDENT. The Senator from Maine proposes an amendment which will be stated.

The SECRETARY. On page 52, after line 14, insert:

The pay of enlisted men of the Hospital Corps shall be the same as that provided for the corresponding ratings of the seaman branch and other staff corps of the Navy.

The amendment was agreed to.

The VICE-PRESIDENT. The first passed-over amendment appears on page 3. It will be stated.

The SECRETARY. On page 3, after line 6, the committee reported to insert an amendment which, as heretofore amended, reads as follows:

The pay of all active and retired commissioned officers, warrant officers, midshipmen, and pay clerks in the Navy, civilian professors and civilian instructors at the Naval Academy, is hereby increased 20 per cent. And the pay of all active and retired noncommissioned officers, mates, and other petty officers, musicians, and other enlisted persons in the Navy is hereby increased 10 per cent: *Provided*, That the word "pay" as used in this paragraph shall be exclusive of all additions in the form of allowances or commutations, and section 1267, Revised Statutes, shall not apply to officers of the Navy: *Provided further*, That hereafter the pay and allowances of professors of mathematics, naval constructors, and civil engineers and assistant civil engineers in the Navy shall be the same as are or may be provided by or in pursuance of law for officers of the same rank in the Medical and Pay Corps of the Navy, but nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Navy. And the rate of pay herein established shall continue to be in force until changed by new enactment of law.

Mr. WARREN. Mr. President, I believe the amendment on page 3, was passed over upon my request.

Mr. HALE. Yes.

Mr. WARREN. Just a word as to it.

Mr. President, I appreciate fully the perplexities under which the Senator has arranged this proposed pay statute. More than a year ago a tender was made in the way of an amendment to the annual appropriation bill for the Army to raise the pay of the United States fighting force. It was thought best at that time to pass it over for another year, and during that year there has been a joint committee of naval and Army officers at work upon pay schedules and upon the question of increased pay for the enlisted men and commissioned officers of the entire fighting force.

It finally took form in a bill introduced in both the House and the Senate called the "Dick-Capron bill," which raised the pay of the Army and Navy, and proposed to pay the commissioned officers of the Army and Navy the same equal salaries for corresponding offices, and in the same way that they are now paid; that is to say, that the first nine rear-admirals should receive the same pay each as the six major-generals of the Army, that the junior rear-admirals should receive the same pay as brigadier-generals, and so on down.

It was thought best early in the session to divide the question and to take up the increase of the pay for the Army in the Committee on Military Affairs and the Committee on Naval Affairs to take up the pay of the Navy. From the Military Committee we brought in a bill, independently of the appropriation bill, in order to make a start, and it passed in the Senate, granting a raise for the commissioned officers of percentages ranging from 5 per cent for lieutenant-general to 25 per cent for lieutenants. In short, it ran 5 per cent on Lieutenant-General, 10 per cent on major-generals, 15 per cent on brigadier-generals, 20 per cent, I believe, on the field officers, and 25 per cent on captains and lieutenants. That bill also provided that the enlisted force might be paid in the same way as the naval force had been paid heretofore—that is to say, upon the recommendation of the President.

As I expected, that was not satisfactory to the Senate. The bill, however, was passed in another form and the matter practically sent back to the committee with the understanding on this floor that in the appropriation bill we should provide a schedule which would give the exact pay of each class of enlisted men, noncommissioned officers, privates, and so forth. The appropriation bill passed the Senate, and it is now in conference.

I wish to say to the Senator for his information that as far as we have gone in the conference, which we were obliged to delay on account of the absence of some of the House conferees, it seems that it will not be possible in that conference to obtain a greater increase than the following: Nothing at all for Lieutenant-General; $500 additional per annum for major-generals; $500 additional for brigadier-generals; $500 additional for colonels, lieutenant-colonels, and majors, and perhaps $400 to $500 additional for captains, and $200 to $300 additional for lieutenants.

The measure proposed by the Committee on Naval Affairs provides 20 per cent additional all around, which would, if applied to the salary of the Admiral, make a raise of some twenty-seven hundred dollars. As to the first nine of the rear-admirals, it would raise their pay $1,500 each per annum, making their salary $9,000 per annum. The bill that passed the Senate for the Army would have added $750 per annum for major-generals—the rank corresponding—but $500 is the probable sum that we will have to compromise on. Thus, instead of senior rear-admirals and major-generals being equal, as before, the former would get $9,000 per annum, while the latter would get $8,000.

So if the naval bill should not be changed in conference we would have a provision that would give us a different schedule, and whereas heretofore Army and Navy officers have received exactly the same pay for corresponding ranks, we would, under the new bills, have the rear-admirals drawing $1,000 per annum more than the corresponding rank in the Army as to the first class, and as to such of the rear-admirals, second class, as correspond to our brigadiers and now get 6,000, they would get $1,200 more than Army brigadier-generals, and those now getting $5,500 would get $600 more than Army brigadier-generals, and the colonels and lieutenant-colonels in proportion.

I wish to ask the Senator whether it is his expectation that he will be able to correct this in the conference which will naturally follow the passage of this bill for the Navy?

Mr. HALE. Yes, Mr. President; I apprehend that the conferees on the part of the Senate will have trouble enough in getting not only this proposition through, but any proposition increasing the pay of the Navy. If one branch is increased, the other ought to be increased.

Mr. WARREN. That is very true.

Mr. HALE. After the bill goes to conference I shall not seek to push action in the conference until I see what is done with the Army, and I shall try to put the two as near as I can upon something near an equal basis. But I am afraid the conferees will have trouble enough in getting it put in. I do not know how much trouble the Senator will have with the other branch.

Mr. WARREN. I want to ask the Senator another question. In view of the fact that for many years the pay has been the same in the Army and the Navy for corresponding rank, I ask the Senator if it is his intention to change that comity between the two bodies?

Mr. HALE. It has always been claimed by the Navy that their pay should be rather more than that of the Army, because it is service that calls them away from home, and there are more hardships and more expenses. We have observed that in the provisions for the rank and file for the seamen of the Navy. If the two bills go through, the enlisted men and petty officers in the Navy will receive some 10 or 15 per cent more than the Army, for the reason I have indicated. Whether that applies with the same force to the higher rank of officers I can not yet tell, but my mind is entirely open with regard to it. Considering this general proposition, I think the two services ought to be on as near the same basis as is possible, and I shall try to bring that about.

Mr. WARREN. I thank the Senator for his frankness. I want to say further—and I ask the attention of the Senate because this is a question that there may be a hereafter to—as a matter of fact the rank and file, the enlisted force of the Navy, has been receiving very much higher pay than we in the Senate, or, I take it, the lawmakers at the other end of the Capitol or the public generally, have understood, because we have always had in mind the Regular Army pay schedule. Of course that pay has been regulated from time to time by the Chief Executive of the nation, and it has been raised to a point which I have understood has been entirely satisfactory to the rank and file of the Navy. It amounted on an average to very nearly double what the average of the enlisted force of the Army received.

I am perfectly well aware, however, that when we raise the pay of the officers of the Navy and the officers and enlisted men of the Army, the enlisted men of the Navy will expect some notice. Although they would have been considerably higher without this addition of 10 per cent than what we propose to raise the rank and file of the Army to, I am not going to make objection to it. I realize the position the Senator and his committee are in. I assume there will have to be some percentage allowed all along.

But now, as to the question of the pay of the officers, it is true that on a cruise the officers are away from home, but I beg the Senate to remember that as to the Army, with a part of it in Cuba, part in Porto Rico, part in Panama, and other parts in the Philippines and up in Alaska and in Hawaii, the case is very different with Army officers than it formerly was.

Mr. HALE. Let me see. Do not officers in the Army have extra pay when in service in the Philippines?

Mr. WARREN. Ten per cent.

Mr. HALE. That they already have?

Mr. WARREN. Yes.

Mr. HALE. And in Cuba?

Mr. WARREN. In Cuba 10 per cent. I am asking for information because I am not certain. Is there a difference in the pay of officers of the Navy as to sea pay and shore pay, for foreign service or home service?

Mr. HALE. No; it has been abolished.

Mr. WARREN. All that has been abolished?

Mr. HALE. The Army has 10 per cent?

Mr. WARREN. The Army has for officers 10 per cent in foreign service and the men have 20 per cent, but not in Hawaii or in Porto Rico, and not under the proposed new schedule.

I want to see the matter settled, as I know the Senator does, in a satisfactory way. I know that the officers of the Army and those who desire to see them have justice will not be satisfied if in this raise an admiral in the Navy, corresponding to the rank of a major-general in the Army, receives three times as much of a raise as the officer in the Army, and thereby receives $9,000, while the corresponding officer in the Army receives $8,000.

I take it, moreover, that the Senator expects that he will have control of the matter in conference, so that there may be a matter of equity between the two services, because I shall be called upon, as other Senators will, if there should be too great a difference, not to reduce the Navy afterwards, but to bring the Army up to it. I do not want to go into that kind of extravagance. I think we ought to reduce, and will have to reduce, in order to have satisfaction, the allowance that the bill now proposes for the officers of the Navy of the higher grades. But I am perfectly willing that it shall go into conference, upon the assurance of the Senator from Maine.

I should have said, when speaking on this raise of pay proposed for the officers, that I observed in this bill a very substantial raise, and I think a deserved one, for cadets at the Naval Academy. I want to say, for the information of the Senator from Maine, that so far we have received very little encouragement in our conference on the Army appropriation bill that we will be able to raise the pay at all or in any substantial way for cadets of the Military Academy. I want to call the Senator's attention to another thing which seems to trouble the conferees when we meet. It is the raise of pay for high officers of the retired force, for if we raise the rate too high at this time, for instance, in this pay, we will say $1,500 for a rear-admiral, of course, it raises three-fourths of that sum for every rear-admiral on the retired list.

As the Senator knows, and as we all know, there is a very large retired list at the present time of rear-admirals of the Navy and of brigadier-generals of the Army, on account of the personnel act in the one case and on account of the Spanish war and the retirement of a great many of the veterans in the other. Hence, in raising this pay it amounts to but little to raise the pay of nine admirals of the first class and nine of the second; but when you come to the hundreds of those retired, it does make a large sum.

It is the same in the Army. We have six major-generals and it is a small matter of $500 or $1,000 or $1,500 to each one. It is hardly worth talking about; but when you come to apply three-fourths of that amount to each one of 200 or 300 retired generals, it does make a very considerable sum. While I feel liberally inclined to both the Army and the Navy, I should prefer that we now make the mark too low in raising their pay rather than too high, for I apprehend it would be termed very ungracious in us individually or as a body if we sought to reduce the pay of the Army or Navy at any time.

So I hope that all these matters will be considered in the naval appropriation bill conference, as we are compelled to consider them, it seems, from the stout resistance on the House side, in the Army appropriation bill conference.

Mr. HALE. On page 3, line 17, I wish to perfect the amendment. I send the amendment to the amendment to the desk.

The SECRETARY. On page 3, line 17, in the committee amendment, after the word "constructors," insert "assistant naval constructors."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The next amendment passed over will be stated.

Mr. HALE. It is on page 13.

The SECRETARY. On page 13, beginning on line 13, the Committee on Naval Affairs reported to insert the following:

> Officers in the various staff corps of the Navy shall hereafter have actual rank and title as now established for the staff corps of the Army. Such officers of the staff corps of the Navy shall at all times have the title and designation of their rank, and new commissions in accordance therewith shall be forthwith issued to them: *Provided*, That this provision shall in no case carry with it command over any vessel of the Navy Department, but such command shall be exercised only by line officers.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LODGE. Mr. President——

Mr. HALE. Let me perfect the amendment before the point is made. In line 17, after the word "rank," I move to insert the words "in the Navy."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 13, line 17, after the word "rank," insert the words "in the Navy," so that it will read:

> Such officers of the staff corps of the Navy shall at all times have the title and designation of their rank in the Navy, and new commissions in accordance therewith shall be forthwith issued to them.

The amendment to the amendment was agreed to.

Mr. LODGE. Mr. President, I am in very hearty accord with the proviso of this amendment, but I am strongly opposed to the body of the amendment itself and always have been. I do not wish, however, to consume the time of the Senate in a debate on the merits of the amendment, and so I make the point of order that it is new legislation.

Mr. HALE. Mr. President, I make points of order myself too often not to recognize their weight when made by other Senators. I regret very much that the Senator feels constrained to make the point of order. Here is an opportunity—I can say only a few words—to end an embarrassing and I may say almost distressing condition in the Navy between the line and the staff corps, the question of recognized rank, not relative, but absolute rank. The staff officers feel that they ought to have what the Army staff officers have, what General Ainsworth says has worked well in the Army, that the quartermasters, paymasters, and all the other corps having actual rank, being generals, colonels, and so recognized, it has not only done no harm but has put an end to all the old jealousies. The committee reported this provision with a view of getting the same condition in the Navy that exists in the Army, so that after years of jealousy and heart-burning, which has never

ceased and will not without something of this kind, we should have a harmonious condition.

I regret it all the more because the two propositions go together, because it is a part of this amendment that while the Staff shall have actual rank and recognition and title they must be satisfied with that and must never have military command upon any ship.

That question, as Senators know, became very acute about the early part of the present session. It is a thing that ought to be settled, but it has got to be settled, as the President has said, by law, because he has taken certain ground under existing law which has been carried out and is believed to be within the range of existing law.

If we can get this whole provision put on, it settles all those questions. The Staff will hereafter get not only relative but actual title, but they will have no command over any ship—hospital ship or any other. All that will be left with the line officers of the Navy.

I had hoped that no Senator would make this point of order. I understand the Senator has not made it in any captious way, and that there are a great many officers of the Navy who do not believe, on the one side, in the first part of it, giving rank, and others who do not believe in taking away command from the Staff. Therefore I have no reason in any way to find fault with any Senator, as much as I may regret it, for making the point of order..

The VICE-PRESIDENT. Does the Chair understand the Senator from Massachusetts to make the point of order that the amendment proposes new legislation?

Mr. LODGE. Yes; new and general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment proposes general legislation, and therefore the Chair sustains the point of order.

Mr. CLAY. Mr. President, I will not again go over what I said yesterday, but I will call attention to simply one of the items on page 60, and I ask the attention of the Senator from Maine, because it relates to the amendment adopted by the Senate. As I said, I will not go over the different battle ships that I discussed yesterday, but I simply want to call his attention to just one ship, the item in lines 15 and 16, for repairing the *Maine*, $562,500.

I sent to the Committee on Naval Affairs and the committee has sent to me the last estimate of the Navy Department, and I will read it:

NAVY DEPARTMENT,
Washington, March 31, 1908.

SIR: Referring to the letter of this Department of the 11th ultimo, forwarding, pursuant to the provision contained in the naval appropriation act approved March 2, 1907, under the caption "Bureau of Construction and Repair," subhead "Construction and repair of vessels," a list of vessels requiring general overhacling to the extent of $200,000 or more during the fiscal year ending June 30, 1909, or repairs during the same period, which in the aggregate under all bureaus will probably exceed 20 per cent of the total value of each of said vessels, I have the honor to request that the name of the U. S. S. *Maine* be added to the above-mentioned list, as that vessel will require new boilers, general overhauling, and repairs to machinery installed, at a total cost of more than $200,000.

Very respectfully, TRUMAN H. NEWBERRY,
Acting Secretary.

The PRESIDENT OF THE UNITED STATES SENATE.

I should like to ask the Senator from Maine if on March 31 the Navy Department sent an estimate to the Senate that the total cost of repairs on the *Maine* would be $200,000, how can we be justified in inserting $560,000? This is the document that the Senator referred me to, and I have not been able to secure any other information showing me why the appropriation ought to be made $560,000 instead of $200,000. If the Senator has any other information, I would be glad to have him give it to me.

Mr. HALE. There are one or two letters. This estimate was made March 31, 1908. In the letter of April 20, which the committee acted upon, the Department recommends that—

There should be inserted after "dollars," on page 54, line 20, the following:

The House did not insert the provision in the bill—

"The Maine, $657,500;" and the words "88 cents," same line, should be omitted.

The total, in lines 21 and 22 of page 54, should therefore be corrected to agree with the above detail figures, and should read "$6,245,800."

The estimate for overhauling of the *Maine* is submitted at this time in view of the recently developed necessity for reboilering that vessel, making it advisable to undertake a general overhauling in all departments, this vessel having been continuously in commission for more than five years.

This shows we all miscalculate in reckoning the past. I said yesterday that I thought it was three or four years, but the *Maine* is five years old.

On April 20 the Department sent a letter on this subject, which I shall ask the Secretary to read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., April 20, 1908.

[Subject A—*Maine*—Repairs in excess of $200,000.]

SIR: 1. Referring to the Department's memorandum of the 18th instant, relative to the submission of estimates for contemplated alterations on the *Maine*, the Bureau submits an estimate of $300,000 for this purpose.

2. The *Maine* has been continuously in commission for over five years and would shortly require a general overhauling in any event. In view of the understanding that the renewal of her boilers is necessary, it is deemed best that this general overhauling be undertaken so that it may proceed concurrently with the work on the boilers. As the present boilers are of the water-tube type and capable of being removed without serious disturbance of the decks and bulkheads, and as the vessel has not been in service quite so long as the battle ships mentioned in the Bureau's letter of January 11, 1908, No. 2182–A.21, the necessary work on the *Maine* will be less expensive than on the other vessels referred to. It will, however, be of the same general character, consisting of making changes in battery and magazines to bring them into accord with present practice; installing ammunition hoists and other turret fittings in accordance with present requirements; reducing the top hamper; installing fire-control towers, and making general repairs and such miscellaneous alterations as may be practicable at moderate cost.

3. The expenditures on the *Maine* for the above-mentioned work during the fiscal year 1909 can be paid for from the Bureau's regular appropriation for that year, hence no special appropriation for this work will be necessary.

Very respectfully, W. L. CAPPS,
Chief Constructor, United States Navy, Chief of Bureau.

The SECRETARY OF THE NAVY.

Mr. CLAY. Then, as I understand, the Secretary of the Navy, on March 31, 1908, addressed a letter to the President of the United States, stating that the total cost of boilers and general overhauling and repairs on the *Maine* would be $200,000.

Mr. HALE. Did that include the boilers?

Mr. CLAY. This report that I have here of March 31, 1908, says "boilers." I have read it just exactly as it is. On March 31, 1908—I will read it again—it is stated:

I have the honor to request that the name of the U. S. S. *Maine* be added to the above-mentioned list, as that vessel will require new boilers, general overhauling, and repairs to machinery installed, at a total cost of more than $200,000.

Now, Mr. President, in twenty days we have another letter from the Navy Department saying that it will cost $650,000. We have a great Department of this Government, spending a hundred million dollars every year, on the 21st day of March telling the President of the United States that it will cost $200,000 for boilers and general repairs on the *Maine*, and in twenty days thereafter another letter comes here saying that it will cost $650,000. It is not only serious—the Senator from Indiana [Mr. BEVERIDGE] says it is serious—but it is not explained. It is indefensible—absolutely indefensible. Why, Mr. President, if you take the estimates read by the Senator from Montana [Mr. CARTER] from other Departments of the Government, you will find for general repairing from one Department the estimate is $350,000; and when you go to another Department you find it is $150,000 for repairing; but the total cost of repairing the *Maine* on the 31st day of March, 1908, was put at $200,000.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?

Mr. CLAY. Yes.

Mr. CULBERSON. I wish to ask the Senator a question for information.

Mr. CLAY. Certainly.

Mr. CULBERSON. The Senator from Georgia appears to be reading from a letter to the President from the Secretary of the Navy.

Mr. CLAY. Yes.

Mr. CULBERSON. The letter which has been read by the Senator from Maine [Mr. HALE] appears to be from a chief of one of the bureaus of the Navy Department. Have we any information that the Secretary of the Navy himself has changed his opinion since writing the letter to which the Senator from Georgia has referred?

Mr. CLAY. I can not answer that question. Probably the Senator from Maine [Mr. HALE] can answer it.

Mr. HALE. The estimate is made by the head of the bureau and is transmitted by the Secretary. That is the custom.

Mr. CULBERSON. The letter, however, appears to be signed by the chief of one of the bureaus. Is that the method of transmitting it?

Mr. HALE. In making up the accounts the estimate is generally made by the chief of the bureau; and then the Department adopts that, and transmits it, as it did in this case, from the Department.

Mr. CULBERSON. With the permission of the Senator from Georgia, I will ask the Senator from Maine if he has any information that the Secretary of the Navy has changed his personal opinion since writing the letter to the President?

Mr. HALE. Mr. President, I have not a particle of information except what is derived from these letters.

Mr. CLAY. Again, with the Senator's permission——

Mr. HALE. I can say nothing more than has been disclosed by the letters that I have last had read. I can add no new information. If the Senate does not believe that this amount should be so large, let it reduce it.

Mr. CLAY. I am not criticising the Senator from Maine.

Mr. HALE. I know the Senator is not.

Mr. CLAY. But, Mr. President, we have to act largely on——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. With pleasure.

Mr. FORAKER. I simply want to ask for information, how long has the *Maine* been in commission?

Mr. CLAY. I think it was commissioned in 1902.

Mr. FORAKER. Has it ever been repaired before? Have we had to make any appropriations heretofore for that purpose?

Mr. CLAY. It is my understanding that the Navy Department insists that these ships are repaired every year. I think the rule adopted, or at least I have been so informed, is that it spends about 5 per cent a year on them.

Mr. FORAKER. I want to know whether this necessity for repair was caused by some accident or whether it is merely wear and tear.

Mr. CLAY. It is the natural wear and tear, according to my understanding. I have not heard of any accident.

Mr. FORAKER. And I want to know whether these ships deteriorate at this rate annually or whether this was for the whole period of five years. I just want to get some idea as to the durability of these ships.

Mr. HALE. If the Senator from Georgia will allow me——

Mr. CLAY. Yes.

Mr. HALE. Previous to the enactment of the provision directing specific estimates for large repairs to be made and appropriations in detail accordingly, nobody knew, I will say to the Senator from Ohio, what small repairs were put upon a ship. We gave the different bureaus of the Department a gross sum. They went on and kept the ships in shape. Under that system evils grew up, so that we found, as was stated in the other House, that they were practically reconstructing the ships without us knowing anything about it. So we provided that they should send in, whenever the repairs amounted to anything like $200,000, estimates as to the amount, and the appropriation should be made and based upon them in detail. Hereafter there will be no large repairs made for any ship excepting on report and indorsement by Congress.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. CLAY. Certainly.

Mr. WARREN. I want to ask the Senator from Georgia what he means by his statement that the expenditure amounts to about 5 per cent a year? My understanding is that it costs about 5 per cent in the ordinary running repairs of a battle ship, but that once in five or eight years there has to be a renewal of the boilers and other machinery, which brings the total up, in the run of the life of a ship, nearer to 10 per cent. That is to say, we do not get, on an average, more than ten years' service of a ship—that is, a first-class ship, although it might be rated a second or third class ship and last a while longer after the first ten years.

Mr. CLAY. I may not be correctly informed, but I have been informed that the life of a ship is twenty years, and that the cost of repairing a ship for that time is about equal to the original cost of a ship.

The Senator from Maine is correct. We acted wisely, in my opinion, when we amended a previous naval appropriation bill and put in a provision requiring the Navy Department to send to us annually a list of the ships to be repaired and the amount of money to be expended on each ship. The object and purpose of that law was that the Congress might know what repairs were needed each year on a ship and how much our naval establishment costs; but when I read the report following that law I was amazed. Take the different bureaus of the Navy Department and the estimates made in each bureau for general overhauling; take one bureau, and for general overhauling they need so much; take another bureau, and for general overhauling they require so much. I believe in specific appropriations. I believe if the Navy Department intends to expend $300,000 on a ship it ought to say how that money is to be expended. Congress ought to be in close touch with the items contained in appropriation bills.

I do not believe that any Senator can justify the discrepancies in the letter read by the Senator from Maine and the letter that I have just read from the Secretary of the Navy. I do not desire to unjustly criticise the Secretary of the Navy. The maintenance of a navy necessary to defend this country is not a party question; it is a question in which every patriotic citizen is equally and vitally interested; but when you come to the question of expending $500,000 on a ship, how do you know what repairs it needs, except from the Navy Department? How do I know how to cast my vote for an item of $200,000 or $300,000 unless I can rely upon the recommendations and estimates made by the Navy Department?

Mr. President, I again say that here is a recommendation, an estimate of $200,000, on March 30, 1908. There was nothing asked for the repair of this ship in the other House, and the Navy Department sent nothing to the Senate or the Senate committee in regard to this ship until the identical day this bill came from the Committee on Naval Affairs, if I remember correctly.

Mr. HALE. I see the force of the position of the Senator. I do not myself wholly recognize the reason for these apparent discrepancies. Perhaps it is because both the Senator and I are dull in the matter and do not see. But it has occurred to me that this is an amendment to a House provision and will go to conference; and whether it goes in as it is or is amended, I shall ask the Secretary of the Navy to explain fully the reason why it is they want $560,000 for the *Maine*. I suppose it will result in their showing—which I do not think they have yet done—more in detail why this money is needed, and I think they ought to show it. I am indifferent as to whether this item remains as reported by the committee or is reduced, for it will all come up in conference. If the Senator wants to cut it down to the figures stated in one of the letters—no, I do not think that would do, because it would not raise the question in conference. I think the safer way, perhaps, is to leave it, with the understanding that a full explanation will be required, and I shall be glad to state to the Senator before any conference report is brought in what the explanation is. We shall not agree and, I presume, the House will not agree—we will have trouble enough there—unless the whole matter is cleared up.

Mr. CLAY. The statement of the Senator is a very fair one. The Senator is always fair—I have found him to be so, but I am sure the Senator has not sufficient information to satisfy himself in regard to this amendment, and I believe I will move to strike out "$562,500," and insert "$200,000," in accordance with the estimate, without any further remarks.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 60, lines 15 and 16, it is proposed to strike out "$562,500," and insert "$200,000."

Mr. HALE. I think the other way, Mr. President, would be a safer way—to leave it as it is, because, if you fix an entirely inadequate amount, the conference committee can not raise it. We have very strict rules in that regard. We can get up to the highest figures put in by either House, but we can not go beyond that.

Mr. CLAY. I ask the Senator is not the *Maine* with the fleet now?

Mr. HALE. Oh, I was going to say half of these vessels are with the fleet.

Mr. CLAY. My understanding is that the vessels for which the largest repairs are provided are now with the fleet, and will not probably return to this country for some time.

Mr. HALE. Many of them are.

Mr. CLAY. Does the Senator think that we can utilize this money on repairing these vessels while they are absent?

Mr. HALE. I suppose some of it can be utilized, but not much, I should think.

Mr. CLAY. I should not think much of it could be so used.

Mr. HALE. Mr. President, I will not make any point on the amendment. Let it go. No great harm can come from it.

Mr. FORAKER. Mr. President, I should like to ask the Senator from Maine if he expects to get a vote on this bill this evening? If not, I want to suggest that, if we are to make any appropriation at all, I think we should make what is necessary. An appropriation of $200,000 if $600,000 is really needed would be a vain thing. By morning we could be advised by the Secretary of the Navy whether there was some mistake about what has been sent to us. There must be some mistake. Somebody has been under a misapprehension. I would rather vote to strike it all out than to reduce it to something that would do no good.

Mr. HALE. I was induced to consent by the other consideration, that really I do not see how any of this money can be expended before next December, when we will have another session of Congress.

Mr. FORAKER. We have shipyards on the Pacific coast, have we not?

Mr. HALE. Not competent to make any extensive repairs.

Mr. PERKINS. With the permission of the Senator, I will say that we have in San Francisco the best navy-yard outside of New York.

Mr. FORAKER. I thought perhaps they had sent these ships around there to be repaired.

Mr. PERKINS. I will further state, Mr. President, that if the ships are to be reboilered, the work can go on while the ships are absent. It will take six months or more; but still I agree with the Senator from Maine that it would do no great harm to accept this amendment.

Mr. FORAKER. Do I understand the Senator from California to state that they can put new boilers in the ships while on this cruise?

Mr. PERKINS. While they are in the harbor of San Francisco, Mr. President, we can take excellent care of them.

Mr. FORAKER. Of course if we are going to vote on the bill this afternoon, I will not make the suggestion; but if we are going to let it go over until to-morrow, the Navy Department might be heard from further.

Mr. HALE. I had hoped, Mr. President, that we might finish the bill to-day.

Mr. FORAKER. I withdraw the suggestion I made.

The VICE-PRESIDENT. The amendment of the committee will be regarded as open. The question is on agreeing to the amendment proposed by the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. I now offer one or two formal amendments, and then I am through.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. On page 70, line 3, after the word "thousand," it is proposed to strike out "two" and insert "four."

The amendment was agreed to.

The Secretary stated the next amendment submitted by Mr. HALE, which was on page 70, line 4, after the word "hundred," to insert the words "and forty," so as to read:

One thousand four hundred and forty dollars.

The amendment was agreed to.

The Secretary stated the next amendment submitted by Mr. HALE, which was on page 70, line 4, after the word "thousand," to insert "two hundred."

The amendment was agreed to.

The Secretary stated the next amendment submitted by Mr. HALE, which was, on page 71, line 23, after the word "all," to strike out "$145,108.26," and to insert "$145,548.26."

The amendment was agreed to.

The Secretary stated the next amendment submitted by Mr. HALE, which was, on page 75, in lines 11, 12, and 13, to strike out "$475,728.36," and to insert "$487,028.36."

The amendment was agreed to.

Mr. DICK and Mr. HEYBURN addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Idaho?

Mr. HALE. The Senator from Ohio [Mr. DICK] reserved an amendment.

Mr. DICK. But I yield for the present to the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. Mr. President, on page 3, I move to amend the committee amendment, in line 16, after the word "of," where it first occurs, by inserting the word "chaplains."

The VICE-PRESIDENT. In the absence of objection, the amendment of the Committee on Naval Affairs, on page 3, after line 6, relating to the pay of the Navy, will be considered as open. The Senator from Idaho proposes an amendment to the amendment of the committee, which will be stated.

The SECRETARY. In the amendment of the committee, on page 3, line 16, before the word "professors," it is proposed to insert "chaplains."

Mr. HEYBURN. In enumerating the officers to be equalized the chaplains were omitted, and they seem to be the only officers who are omitted. There are only twenty-four of them, I believe, in the Navy. The amendment does not increase the appropriation, but merely includes all of the officers that were intended to be included within the class.

Mr. HALE. The reason the chaplains were omitted is that only a short time ago we took up, adjusted, and increased the pay of the chaplains, and put them up beyond, as the complaint at the time was, other staff officers. They, having the advantage and benefit of that, were not put in this provision; but the chaplains, I will say to the Senator, in addition to that, will get the 20 per cent increase which is provided in this bill, the same as if they had not been put up; but they ought not to be put on any different plane.

Mr. HEYBURN. Mr. President, I have been advised upon some inquiry that this will not advance them, but only equalize them, and that they are not now on an equal basis in estimating or determining their compensation.

Mr. HALE. Of course, no one grade is on an equality with the others, but we advance them generally.

Mr. HEYBURN. They hold a uniform rank.

Mr. HALE. They hold, like all staff officers, a relative rank.

Mr. HEYBURN. A relative rank.

Mr. HALE. I may say positive rank, without title and designation.

Mr. HEYBURN. This amendment would simply give them pay in accordance with the rank which they hold, which is what was done with the other officers.

Mr. HALE. No; this part of the amendment only applies to certain corps that were not put up and are not on an equality with other corps. The chaplains' corps is not one of that kind, because it is on an equality with other staff corps, and they were not included in this provision, because they are not at present discriminated against as the corps of naval constructors and civil engineers are. That is why we put them in.

Mr. HEYBURN. I should like to ask the Senator from Maine whether professors of mathematics are not exactly in the same position?

Mr. HALE. No; they are not, because we have never put them up.

Mr. HEYBURN. How about naval constructors and civil engineers?

Mr. HALE. Naval constructors more than any others have been discriminated against.

Mr. BEVERIDGE. I wish to ask the Senator when the chaplains were advanced in pay?

Mr. HALE. Their pay was adjusted and increased in the act that was passed in 1906.

Mr. WARREN. Are the chaplains in the Navy commissioned the same as they are in the Army, with the right of retirement, and so forth?

Mr. HALE. Undoubtedly.

Mr. WARREN. If so, the percentage applies to them.

Mr. HALE. The percentage applies to them. They will get the 20 per cent increase.

Mr. WARREN. They have the rank, I suppose, of captains?

Mr. HALE. We gave them what they asked for two years ago.

Mr. WARREN. If they take the same grade as do the chaplains in the Army, by an act respecting chaplains of the Army passed a few years ago, after being in a certain length of time part of them become majors.

Mr. HALE. They can only go up to a certain grade. They can not reach the higher grades.

Mr. WARREN. But they are regularly commissioned officers, and they get the pay of their rank.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. I think the Senator from Ohio [Mr. DICK] desires to make some remarks in regard to it.

Mr. DICK. Mr. President, I have an amendment or two which I desire to offer on the pay provision when the amendment which the Senator from Idaho has offered has been voted on. I am entirely favorable to the proposition of the Senator from Idaho. I see no good reason why the chaplains should not stand upon practically the same basis as other officers.

It is true that we passed legislation looking to equalizing it, but now that we are aiming again to equalize the pay and rank of officers of the Navy, I see no good reason why the chaplains should not be included in the general proposition.

When this motion is disposed of I have two more amendments I should like to present.

Mr. WARREN. Does the Senator from Ohio contend that line 7 does not raise the pay of chaplains? I am under the impression that chaplains are raised by the language in line 7, "pay of all commissioned officers."

Mr. DICK. Not at all. I think their pay is increased by this amendment.

Mr. WARREN. Yes; I thought so. As commissioned officers.

Mr. DICK. Yes, sir.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho, which will be stated.

The SECRETARY. On page 3 in the committee amendment, line 16, before the word "professors," insert the word "chaplains."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DICK. I offer an amendment to be inserted on page 3, line 24.

The SECRETARY. It is proposed to add, after line 24, on page 3, the following:

That hereafter immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Navy the Paymaster-General of the Navy shall cause to be paid to the widow of such officer or enlisted man, or any person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less $75 in the case of an officer and $35 in the case of an enlisted man, to defray expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of death, and said amount shall be paid to that person from funds appropriated for the pay of the Navy.

Mr. HALE. I do not know how I would vote if that was submitted as a general bill, but it clearly has no place in an appropriation bill, and I make the point of order on it.

Mr. DICK. Mr. President——

Mr. HALE. I withhold the point of order if the Senator from Ohio wishes to speak.

Mr. DICK. My reason for submitting the amendment at this time is to provide for the officers of the Navy as we did provide for the officers of the Army in the Army appropriation bill, to which no objection was made and which is now in conference. We will there provide, in accordance with the provisions of that amendment, for the officers of the Army and Marine Corps and the Revenue-Cutter Service and for the enlisted men of the Army, and this provision is for the purpose of giving the same privileges to the Navy that we have already practically accorded without opposition to the Army.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Maine?

Mr. DICK. I do.

Mr. HALE. Has the Senator looked carefully into that, and is he certain that this is no more for the Navy than has been passed by the Senate upon the appropriation bill for the Army?

Mr. DICK. That is true.

Mr. WARREN. Matter similar to that which the Senator from Ohio alludes to was put in on the floor on the Army pay bill, which passed here as a separate measure, and because of that it was included in the appropriation bill. I will say, while I am on my feet, although I have not looked into it closely, that I believe it is surplusage to mention the Marine Corps in the amendment, because it is provided for in the Army measure.

Mr. HALE. It is, undoubtedly.

Mr. DICK. It is.

Mr. WARREN. So it should not be included in this amendment.

Mr. DICK. It ought to be stricken out.

Mr. HALE. I will withdraw the point of order under the circumstances, but I think the Senator had better strike out the Marine Corps.

Mr. WARREN. Yes.

Mr. DICK. If it is included in the Army bill, I shall be very glad to have it stricken out.

Mr. WARREN. I was speaking without having the language before me, but I understand the Senator from Ohio has copied exactly the Army measure, only applying it to the Navy.

Mr. DICK. I have.

Mr. WARREN. With the same amounts—$75 and $35 for burial, and so forth.

Mr. DICK. Yes, sir.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. DICK. I offer an amendment which makes like provision for retired officers of the Navy, they being the only ones excepted under the present law.

The SECRETARY. After the amendment just adopted it is proposed to insert:

That when an officer has been thirty years in the service, he may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list. When an officer has served forty consecutive years as a commissioned officer he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. And any officer of the Navy who is now serving or who shall hereafter serve as chief of a bureau of the Navy Department and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such bureau chief.

Mr. CULBERSON. I make the point of order on the amendment that it proposes general legislation.

Mr. HALE. It does, undoubtedly.

The VICE-PRESIDENT. The provisions of the proposed amendment are clearly general legislation. Therefore the Chair sustains the point of order.

Mr. HALE. What does the Senator from Ohio want done with the band amendment?

Mr. DICK. I now offer an amendment to that amendment.

Mr. HALE. It is reported in the bill on page 72, and the Senator reserved it.

Mr. DICK. Yes. I have an amendment which I desire to offer.

The SECRETARY. On page 72, after line 19, it is proposed to insert the following:

That the Naval Academy band shall consist of one leader, who shall have the rank, pay, and allowance of a second lieutenant in the Marine Corps; one second leader, with pay at the rate of $50 per month; twenty-nine musicians, first class, and eleven musicians, second class; and shall be paid from pay of the Navy.

That the members of the Naval Academy band as now organized shall be enlisted in the Navy and credited with all prior service of whatever nature as members of said band, as shown by the records of the Naval Academy and the pay rolls of the ships and academy; and the said leader and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other enlisted men of the Navy.

Mr. CULBERSON. That is a very long amendment. I could not catch all of it. I make the point of order that some of it at least is general legislation, and obnoxious to the rule.

Mr. HALE. It is clearly general legislation.

The VICE-PRESIDENT. The Chair has examined the proposed amendment, and is of the opinion that it proposes general legislation, and is obnoxious to the rule. The Chair therefore sustains the point of order.

The question is on agreeing to the committee amendment passed over, contained in lines 21 to 24, on page 72.

Mr. HALE. That has not been acted upon.

The VICE-PRESIDENT. Without objection, it is agreed to.

Mr. NELSON. I offer an amendment to come in at the end of line 12, on page 13. I think it comes very appropriately after that paragraph of the bill.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. On page 13, after line 12, it is proposed to insert:

That the use of irons, single or double, as a form of punishment in the Navy of the United States, whether imposed by a naval commander or the judgment of a summary court or court-martial, is hereby abolished.

Mr. NELSON. In support of the amendment I ask to have certain communications read. Let the longer letter be first read.

The Secretary proceeded to read the letter.

Mr. NELSON. I will ask that the letters be inserted in the RECORD, and let us take a vote on the amendment.

The VICE-PRESIDENT. Without objection, the letters will be printed in the RECORD.

The letters referred to are as follows:

LA CROSSE, WIS., *March 2, 1908.*

Hon. KNUTE NELSON, *Washington, D. C.*

DEAR SIR: Inclosed find a clipping that will give you an idea of my personal petition to you.

In November, 1906, I had occasion to visit my son, who was then an enlisted seaman in the United States naval service. From the time of his enlistment in 1903 I became very much interested in the welfare of the "blue jackets." His ship lying in Boston at the time gave me an opportunity of visiting several other vessels lying in the harbor and the hospital at Chelsea, Charlestown, Mass. The need of the abolishment of the use of irons from the United States Navy had already impressed me, but I assure you when I found boys sick on their cots with feet in shackles I thought it an imperative duty to report the same at Washington. Upon leaving Boston I also visited the Brooklyn naval yards where I again became conscious of the fact that the use of irons bore evidence of untold cruelty, witnessing men shackled hands and feet hobbling over the rough cobblestones of the naval yards. I was fortunate in meeting the Secretary of the Navy, General Bonaparte, since Attorney-General, to whom I explained the condition of affairs. He became greatly interested, urging me to remain another day and he would give me still more time to look up the matter. The rigid rules as to enlisted men making reports while in the service caused me to fear that I should implicate my son, who still had five months left to serve, and therefore I thought best to leave. General Bonaparte, however, gave me this advice: That I go home and interest the Congressman of our district in the matter, and then use my personal influence. As a busy house mother, having raised a large family, I have had little or no occasion for gaining influence. Mr. ESCH, our Congressman, took up the matter with great interest and energy, giving me courage to exert myself to the utmost to help on the cause. The bill is now before Congress, and my plea to you is that, for the sake of the mothers of the "blue jackets," that you will influence the Congressmen of your district to aid in the passing of House bill 15658, to abolish the use of irons in the United States Navy.

My sister, Mrs. Henrietta C. Olberg, of Minneapolis, referred me to you, as she knew you would be interested in anything that pertained to the welfare of humanity.

Respectfully, yours,

MRS. EMMA P. OLBERG,
1615 Ferry street, La Crosse, Wis.

[From Army and Navy Register of March 7, 1908.]

Senator NELSON yesterday submitted an amendment to the naval appropriation bill which provides: "That the use of irons, single or double, as a form of punishment in the Navy of the United States, whether imposed by a naval commander or the judgment of a court-martial, is hereby abolished."

SENATOR NELSON: It is refreshing to the "white and free-born" American to read the above humane provision.

Such brutal and degrading punishment was abolished in the Army long ago along with that relic of barbarism, previously abolished by law, of "flogging on the bare back." The result of the abolition in both cases was most beneficial to the service.

It cuts the heart out of the average decent and self-respecting American soldier, marine, or sailor to be manacled and shackled like a galley slave, at the caprice of those in brief authority, as a punishment for some slight offense.

No wonder the good American fathers and mothers lament the enlistment of their sons, to be subjected to such degrading humiliation!

May success attend your patriotic efforts to right this burning shame—pro bono publico.

AMERICAN CITIZEN.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. LODGE. I desire to offer an amendment. On page 61, after the words "cents," in line 1, I move to insert:

For repair of the steamship Enterprise, $44,500.

It is the training ship.

Mr. HALE. I feel I must make the point of order that this is not a matter which has been estimated for.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. LODGE. I offer an amendment to come in as a new section at the end of the bill.

The SECRETARY. It is proposed to add at the end of the bill, as a new section, the following:

That after June 30, 1908, all persons engaged in clerical work, including draftsmen, employed at United States navy-yards, gun factories, and naval stations, whose compensation is based on a per diem, monthly, or yearly rate, shall be granted thirty working days' leave of absence in each year, without forfeiture of pay during such leave: *Provided*, That it shall be lawful to allow pro rata leave only to those serving twelve consecutive months or more: *And provided further*, That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted.

Mr. HALE. I do not think this is a proper place to consider that new legislation, and I make the point of order that it is general legislation.

The VICE-PRESIDENT. The Chair is of opinion that the amendment is clearly obnoxious to the rule which prohibits the acceptance on appropriation bills of amendments proposing general legislation, and therefore sustains the point of order.

Mr. BURKETT. I desire to offer an amendment on page 35.

The SECRETARY. On page 35, after the word "dollars," in line 5, it is proposed to insert:

For addition to brass and iron foundry, the total cost not to exceed $300,000, $100,000.

Mr. HALE. That is a matter which came up in the House and was rejected there. I must make the point of order that it is an additional appropriation, for a new subject, and is not recommended by the committee or estimated for by the Department. The Department, I find, has requested it.

Mr. BURKETT. I understood the Senator from Maine to say that this is not recommended by the Department. It is in the Book of Estimates, I will say to the Senator, on page 249, and it is also recommended and recommended very strongly. The Department has been very anxious about this matter for a number of years. It is not only a question of economy, the Department says, but a question of humanity, and the Department has put it up to Congress year after year as one of the things which ought to be done for the sake of the men and for the sake of the decency of the yard, as well as a matter of economy. The Department says it will save a vast amount to the Government each year, and, moreover, that the foundry building where these men have to work is in such a dilapidated and unsanitary condition that, from the standpoint of simple respectability and decent treatment to the men we employ, the Department urges that this amendment should come in. It is not only in the Book of Estimates, but it is in the report of the Navy Department, and there is a considerable paragraph devoted to this special subject.

Mr. HALE. I stated that, on examining, I saw that the Department had estimated for it. There is no doubt about that. I stated before the Senator from Nebraska rose that I saw it was recommended by the Department.

Of course it is the erection of a new plant, not in any way authorized by law. The main thing that actuates me is the fact that it came up in the House and was fought out there and was thrown out. It gave rise—I suppose the Senator has read the debates in the House—to long debate, and was finally thrown out there. I do not suppose there is any likelihood that the House will change its action. But seeing that it is recommended by the Department, of course I do not make that as a point of order.

The VICE-PRESIDENT. Does the Senator from Maine insist upon his point of order?

Mr. HALE. I find it has been estimated for, and so I do not propose to make that point.

Mr. BURKETT. Mr. President, I wish to say, in reply to the Senator from Maine, that the House never got to a vote on the question. There was a point of order raised there against the amendment, their rules being different from ours, and it went out on a point of order. While it was debated very slightly, and very slightly indeed, it went out on a point of order and no opportunity was ever given for a vote.

I want to read from the report——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maine?

Mr. BURKETT. Certainly.

Mr. HALE. Let me ask the Senator a question. I do not remember about it. I can not carry all these things in my mind. Was it reported by the Naval Committee of the House, and did it go out on a point of order?

Mr. BURKETT. I think not. No; it was introduced on the floor of the House.

Mr. HALE. It was moved on the floor?

Mr. BURKETT. Yes.

Mr. HALE. That was my recollection.

Mr. BURKETT. I want to read what the Secretary of the Navy says in speaking of this matter:

The present foundry is antiquated and entirely inadequate in size and unsuitable as a foundry for such an institution as the Naval Gun Factory. It is a menace to the health of the employees and the officers resident in the yard in its present situation. The loss to the Government every year by not having better facilities in this regard would soon equal the amount requested to properly provide for this portion of the Gun Factory, and its increased products would materially aid in the output of the armament from our shops, saving both in time and expense. It is the most needed of all improvements recommended, and it is urged that every effort be made to secure a suitable appropriation for the starting of this much-needed improvement. At present, in case of hostile emergency, the requirements of the Gun Factory could not be met, and the Government would be embarrassed by not having suitable facilities for getting out foundry work.

Mr. HALE. I read the discussion in the House. I think the Department makes out a pretty good case for the necessity of this amendment, and I shall make no further objection to it.

The amendment was agreed to.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Maine to the fact that it will be necessary to increase the total, on page 35, in line 5.

Mr. HALE. Let the Secretary state it.

The SECRETARY. It should read "in all, $148,000."

Mr. HALE. Let that amendment be made.

The amendment was agreed to.

Mr. PILES. On page 85, line 17, before the words "first-class battle ships," I move to strike out "two" and to insert in lieu thereof "four," so as to provide for four battle ships. I ask that the matter may go over until to-morrow. It is now too late to undertake to discuss it.

The VICE-PRESIDENT. The Senator from Washington proposes an amendment, which will be stated.

The SECRETARY. On page 85, before the words "first-class battle ships," in line 17, strike out "two" and insert "four."

Mr. PILES. I ask that the matter may go over until to-morrow, as it is too late to discuss it to-night.

The VICE-PRESIDENT. The Senator from Washington asks that the amendment may lie over until to-morrow.

Mr. HALE. This is the only subject that is left, and I think it will give rise to some debate, although, unless I change my mind, I think I shall see no reason for consuming the time of the Senate upon a matter as to which I presume its mind is already made up. But other Senators feel differently about it, and two or three have suggested to me that as they desire to speak upon it and are not ready to-night, they prefer that it shall go over. We are always very liberal about making those arrangements.

I should like to ask if any Senator is now ready to go on who desires to debate the amendment which proposes four battle ships instead of two, as the committee has reported. If any Senator is ready, I shall be very glad, in the way of helping the bill along, to have him proceed.

Mr. FOSTER. I desire to offer an amendment.

Mr. HALE. Let us get in the other amendments if we can.

Mr. FOSTER. I offer the amendment I send to the desk. I have submitted it to the chairman and the Senator from California.

The VICE-PRESIDENT. The Senator from Louisiana proposes an amendment, which will be stated.

The SECRETARY. On page 37, line 2, after the word "dollars," insert "improvements to river front, $25,000."

The amendment was agreed to.

Mr. FOSTER. In order to have the total correspond, I move, in line 3, page 37, to strike out "31" and insert "56."

The amendment was agreed to.

Mr. OVERMAN. I offer an amendment, to be inserted as a new section.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the President be, and he is hereby, authorized to appoint dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed thirty in all. Said dental surgeons shall be attached to the Medical Department of the Navy; shall have the rank and compensation of acting assistant surgeons in the Navy; shall be graduates of standard dental colleges, trained in the several branches of dentistry; within the age limits of 24 and 35 years; of good moral character and professional standing, and shall pass a physical and professional examination; and their appointments shall be for a term of years and revocable at the pleasure of the President: *Provided*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. OVERMAN. I will say to the Senator from Maine that that is the provision of a bill introduced by him at the last session of Congress, and also the same provision that was in a bill recommended favorably by the House. I will not ask that the report of the House committee be read, but that it be placed in the RECORD.

The VICE-PRESIDENT. Without objection, the report will be inserted in the RECORD.

The report referred to is as follows:

[House Report No. 1227, Sixtieth Congress, first session.]

DENTAL SURGEONS FOR THE NAVY.

March 13, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DAWSON, from the Committee on Naval Affairs, submitted the following report to accompany H. R. 16620:

The Committee on Naval Affairs, having had under consideration the bill (H. R. 16620) authorizing the appointment of dental surgeons in the Navy, report the same without amendment and recommend its passage.

This bill provides for the appointment of thirty dental surgeons with "rank and compensation of acting assistant surgeons." Their appointments are made for such term as the President may determine, are revocable at his pleasure, and do not carry the right of promotion nor age-retirement pay.

Similar bills were favorably reported by this committee February 3, 1905, and March 9, 1906. For seven years the Navy Department has recommended legislative authority for the appointment of dental surgeons and presented evidence that their service is imperatively required for humanitarian and economic reasons.

In a letter to Hon. GEORGE EDMUND FOSS, chairman of the Committee on Naval Affairs, under date of March 3, 1908, Hon. V. H. Metcalf, Secretary of the Navy, recommends the passage of this bill in the following words:

"Attention is invited to the bill (H. R. 16620) authorizing the appointment of dental surgeons in the Navy, the provisions of which are in line with the Department's views on the subject."

The urgent need of dental surgeons in the Navy is emphasized by the Surgeon-General of the Navy, in his annual report for 1907, in the following statement:

"Like the eyes, the teeth are coming properly to be regarded as intimately and widely associated with the various organs and functions of the body, and that defective teeth may be responsible for much ill health is recognized by all who keep in touch with the accumulating truths of medical science. The naval surgeon is alert to detect dental disorders early lest an aggravation of them produce grave illness. He, however, has not that special knowledge required to fit him to cope with diseased teeth in a final manner. He can and often does put in temporary fillings and treats the medical and surgical complications incident to dental disorders and often extracts such teeth as are not worth preserving, but naval surgeons are not expected to deal with dental disorders in a radical manner. The practice of dentistry requires a special education and training.

"The teeth and the mouth are indubitably important factors in the causation of certain diseases of bacterial origin. This is not a hypothetical conclusion, for it has been proven beyond doubt that not only are bacteria found in great numbers in uncared for and neglected mouths, but their disease-producing properties are greatly increased, particularly in and about decayed teeth. Much of the tonsilitis and pharyngitis in the Navy can undoubtedly be traced to bad teeth, as can also deranged digestion and general physical deterioration. In this connection it is not improbable that the teeth are an important contributory factor in tuberculosis by producing a state of lessened resistance to the disease by the constant absorption of poisonous matter.

"In thus indicating the prominent reasons for the Navy's need of proper dental services, it may be added that a bad tooth may occasionally give rise to serious complications, which may even endanger life.

"Surg. W. H. Bell, writing from Camp Elliott, on the Isthmus of Panama, says:

"'During February (1905) a problem presented which gave us considerable worry, as there appeared no immediate solution. It concerned some very necessary dental work which thirty-five or forty of the command required to have done. Quarantine was then in force against Panama on account of yellow fever, and that fact, therefore, excluded us from the possibility of sending our men there for dental services, and as there was no dentist in Colon or anywhere else along the line the problem became a difficult one. We tried in vain to persuade one or the other of the American dentists on the Isthmus to come to camp with his outfit, and the only other resort was a native dentist, whose work, as far as it came under our observation, was so inferior that we hesitated to employ his services, but even he finally would not come. It was an experience which forcibly indicated the need of dental surgeons in the service. The end of the whole matter was the detachment of most of the men without having received any but palliative treatment and their transfer to Santo Domingo, where their chance for needed attention was, if possible, worse.'

"This quotation is only one of many similar reports from the various naval stations and ships, and with reference to our extensive service in equatorial latitudes it is to be pointed out that teeth deteriorate with particular rapidity in the Tropics. The importance of having skilled dentistry within the reach of those on duty in the outlying and isolated stations is evident, and at the large stations, where recruits are assembled and apprentices are trained, the value of the service of such professional attention is of no less moment.

"Dental surgeons are needed in the Navy quite as much as, if not more than, in the Army, which service enjoys free treatment by dentists employed in accordance with law, and it seems an unjust discrimination against the enlisted men of the Navy not to provide for similar dental work, especially in view of the universally recognized economic importance of sound teeth in military service."

A similar bill was favorably reported to the House in the first session of the Fifty-ninth Congress (H. Rept. 2181), and the same is herewith appended as a part of this report:

"The Committee on Naval Affairs, having had under consideration the bill (H. R. 13851) authorizing the appointment of dental surgeons in the Navy, report the same without amendment and recommend its passage.

"A bill substantially the same as this was recommended by the Navy Department in the following letter:

NAVY DEPARTMENT,
Washington, March 2, 1904.

SIR: Referring to the Department's letters of May 29, 1902, January 26 and February 8, 1904, reporting upon bills for the employment of dental surgeons in the Navy, and recommending the enactment of a measure authorizing the Secretary of the Navy to employ under contract not more than fifteen such surgeons, I have the honor to state that after further consideration of the matter the Department withdraws its previous recommendations in the premises and recommends instead the passage of the measure of which a draft is inclosed. The main points of difference between the bill heretofore suggested and that now proposed are that the latter authorizes thirty instead of fifteen dental surgeons and provides that they shall have the rank and pay of acting assistant surgeons, instead of being employed under contract at not to exceed $1,800 per annum.

Acting assistant surgeons, of whom twenty-five were authorized by the act of May 4, 1898 (30 Stat., 380), to be appointed by the President for temporary service, have the rank of assistant surgeons and receive the pay provided for the latter by section 1556 of the Revised Statutes, namely: During the first five years after date of appointment, when at sea, $1,700; on shore duty, $1,400; on leave or waiting orders, $1,000; after five years from such date, when at sea, $1,900; on shore duty, $1,600; on leave or waiting orders, $1,200.

Very respectfully,

W. H. MOODY, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

At present there is no provision of law under which the Department can employ dental surgeons except one for service at the Naval Academy.

Surgeon-General Rixey informs this committee that the dental operations performed by the hospital stewards "are limited to simple procedures and urgent cases," that "this arrangement is a makeshift unsatisfactory to the Bureau," that "the necessity of the care of the teeth of the enlisted men existed and its importance to the health of the Navy is appreciated," and therefore this makeshift was resorted to "until legislation could be obtained giving advantages to the enlisted men of the Navy similar to those which the Army has had for several years."

To show the estimate of the importance and value of the service rendered by the dentists in the United States Army the Surgeon-General submitted copies of reports of Army officers, from which we quote the following extract from the report of the Surgeon-General United States Army:

The energies and resources of the Dental Corps have been taxed to their fullest extent in caring for those officers and enlisted men who have sought their services for the relief of suffering, and this has made it necessary in some instances for the dental surgeons to operate daily from 8 a. m. to 5 or 6 p. m. The great amount of service that has been rendered by the dental surgeons could not have been accomplished but for these long hours of work and the assistance accorded them through the extra details of members of the Hospital Corps.

The tabulation of diseases and injuries of the mouth and jaws, of the teeth and gums, and of operations and treatment which follow shows that a large part of the time and skill of the dental surgeons was expended in giving relief from the suffering caused by dental caries, pulpitis, pericementitis, alveolar abscess, pyorrhea alveolaris, and gingivitis. The comparatively large number of teeth extracted is due to the great prevalence of dental caries of a severe type among the enlisted men who are serving or have served in Cuba, Porto Rico, or the Philippines.

The services of the dental surgeons have been highly appreciated by the officers and enlisted men of the Regular and Volunteer armies, and have proved very satisfactory to the Medical Department, because they have been able to relieve a great amount of acute suffering and to conserve a large number of teeth and restore them to a healthy condition, thus almost immediately returning to duty many cases that were previously carried for several days upon the company's sick report. This has resulted in greatly reducing the loss of valuable time to the service.

[Extract from the Surgeon-General's indorsement of Senate bill 5420.]

The dental surgeons appointed in accordance with the act of February 2, 1901, are rendering excellent service, and their services are highly appreciated by the officers and enlisted men of the Army, especially in the Philippines and at the large military posts in the United States. A larger number could be utilized to good advantage, and the permanent retention of dental surgeons as part of the military establishment will, in my opinion, be in interest of the service.

[Extract from the report of General Grant, Department of Texas.]

DENTAL SURGEONS.

* * * * * * *

In my opinion, after careful investigation, the principal needs of the service, with respect to dental surgeons, are: First, more dental surgeons; second, a suitable operating room at each post; third, some positive and practicable methods compelling enlisted men to give proper attention to personal care of the teeth. I believe that there should be three dental surgeons assigned to this Department, if possible, but not less than two under any circumstances. It is well known that the Philippine climate has a deleterious effect upon teeth, and every regi-

ment, before being sent to the Philippines, should have careful attention given to dental requirements, while those regiments returning should be no less carefully attended to in this regard.

[Extract from a letter from Col. Marion P. Maus, United States Army.]

HEADQUARTERS TWENTIETH UNITED STATES INFANTRY,
Malate Barracks, Manila, P. I., May 20, 1904.

THE MILITARY SECRETARY,
War Department, Washington, D. C.
(Through military channels.)

SIR: I have the honor to invite attention to the importance of dentists in the Army, especially at remote stations, in order that officers and enlisted men may have proper treatment.

While in command at Camp Marahui, Mindanao, certain officers, including myself, and a number of enlisted men suffered very much from the want of such service. Later, however, a dentist was provided, and great relief and benefit were realized.

There are times when the services of a dentist are as necessary as that of an Army surgeon. From my experience in the service, including all parts of the United States and dependencies, I can testify to the importance of this branch of the service and to much suffering from the want of it.

It would, perhaps, be desirable to have dental surgeons assigned to certain regiments in the same way as chaplains. * * *

I have the honor to be, very respectfully, your obedient servant,

MARION P. MAUS,
Colonel Twentieth United States Infantry, Commanding.

There exists in the Navy as much, if not more, urgent need of the service of dental surgeons than exists in the Army, and quite as potent reasons, both humane and economic, for supplying the need. First, because of the early age at which a large percentage enter the naval service; second, because of the longer periods those at sea are inaccessible to competent dentists.

The apprentice boys in training schools and on ships, who February 1, 1904, numbered 4,519, are taken in the service when the care of the dental surgeon is necessary to protect them from the effects of dental disorders, which either immediately or later, in the absence of such care, affect for life their general health, comfort, longevity, and efficiency.

The Government assumes, in a sense, the guardianship of these boys when it receives them for life service in the Navy; therefore for humane reasons nothing so vitally affecting their health and comfort should be neglected.

The attention of this committee was called to charts made by a doctor of medicine and dental surgery, employed as a hospital steward in the naval service, which show the condition of the mouths and teeth of fifty boys now, or recently, in training at the naval training station at Newport. One apprentice, but 16 years of age, had lost every one of the teeth from his upper jaw; another, aged 18 years, exhibited cavities *in his fourteen* upper teeth; another, aged 16 years, had lost practically all of his molar teeth, and the few remaining teeth were imperfect; another, aged 17 years, had lost seven teeth, and another, aged 18 years, had lost seven molar teeth. Several others of the fifty cases, from 16 to 18 years of age, had lost from three to six teeth. It was said of these cases, in general, that they presented either ordinary cavities of decay; dead teeth; inflamed gums; chronic abscesses, discharging pus in the mouth; pus-producing diseases of the teeth, gums, and underlying bone, or germ-laden foreign matter in contact with the gums and teeth. Such conditions cause gastric and intestinal disorders, impair vitality, and make one more susceptible to infectious diseases. Experts in dentistry inform us that, under present conditions, a large percentage of the cases exhibited from this one station must inevitably lose their teeth at an early age, which may render them pensionable under existing law.

There are no available statistics showing the conditions throughout the Navy, but the general condition is probably well illustrated by the reports from two vessels, covering in each instance a period of one year, which, summarized, are as follows:

[From the U. S. receiving ship *Wabash.*]

The hospital steward detailed to dental service:

Restored by filling, crowning, etc	teeth	990
Treatment for various diseases	do	502
Extracted	do	92
Simple, chronic, and ulcerated conditions of the gums treated	cases	227
Diseased nerves of teeth treated	do	165
Dead teeth treated and filled	do	110

[United States hospital ship.]

* * * I was employed for twelve months by special agreement with the Navy Department to service as a dental surgeon for the officers and enlisted men of the U. S. S. *Yosemite,* and during that time more than 75 per cent of the officers and enlisted men required and received dental service at my hands. Many of the cases were of a more or less serious character, and not a few of them had resulted from incompetent dental service rendered by men who were not educated to dentistry. No class of men are so helplessly in need of skilled dentistry as the men of the United States Navy. I did dental work both while the ship was at anchor in the harbor and while at sea.

ARTHUR R. BENNETT, D. D. S.

As dental conditions in the Navy probably differ from those in the Army only by reason of the earlier age at enlistment and the longer period of service in the former, we quote from three physicians experienced in Army medical service, as follows:

[Thomas S. Latimer, M. D.]

There can be no doubt that many soldiers were as effectually disabled by toothache, facial neuralgia, and other ailments, oral and gastric, due to lack of proper treatment, as from any other form of sickness or from gunshot wounds.

Precisely as the exhaustion, exposure, and unsuitability of food incident to an active campaign is the need of good masticatory organs. These being neglected or improperly treated, scurvy, dyspepsia, dysentery, and diarrhea are prone to ensue.

Nor is there any disability from any injury or sickness, even where not directly connected with imperfect mastication, that is not more protracted when mouth complications exist.

I need scarcely say that no ailments occasion greater suffering than toothache and neuralgia arising from decayed teeth. Nor are any more susceptible of prompt and complete relief under proper management. I may add that the regimental surgeon is incompetent to render the service required.

[Thomas Opie, M. D.]

That the health, strength, longevity, and courage of the soldier depend in large measure upon his powers of mastication can not be questioned. The dental specialist is best equipped for dealing with these lesions of the teeth, and surely the man who fights his country's battles has the right to claim the comfort and health which accrue from their being in perfect order.

[W. O. Owens, M. D.]

For seven years I have been giving especial attention to the diseases of the mouth and teeth because of their influence on the general health. During the time in which I was in charge of Corregidor Hospital about 300 soldiers, more or less disabled by dental disorders, were under treatment. I recall one case in particular, a diarrheal trouble of several months' standing, which resisted treatment until placed under the care of a dentist, whose treatment, directed to the mouth alone, effected a cure and the restoration of the soldier to active duty in two weeks. There were fifteen or twenty similar cases, known as pyorrhea of the sockets of the teeth, with pus, bathing the teeth, mixing with food, and entering therewith the alimentary tract. Neglected, such cases cause a pensionable disability.

When men are kept at sea continuously for a considerable time or located at remote stations where dental surgeons are inaccessible, it seems to us an inexcusable hardship, and the neglect of proper treatment for the teeth may ultimately result in great expense through pensions, besides the inhumanity and suffering which necessarily occurs in the absence of prompt and scientific treatment of the teeth when needed. The charts or diagrams of some fifty or more particular cases represented to this committee from a single station, at Newport, R. I., is ample proof of conditions which ought not to exist.

We therefore recommend that House bill 13851 be enacted.

Mr. OVERMAN. I know the amendment is subject to the point of order, but I hope, as the Senator from Maine is in favor of the proposition, he will not make the point of order.

Mr. HALE. I wish I could waive it, but, as the Senator says, it is a scheme of general legislation, and I am constrained to make the point of order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. MILTON. On page 46, after line 22, I move to insert the following paragraph:

To complete officers' quarters, Marine Barracks, navy-yard, Pensacola, Fla., $5,000.

The amendment was agreed to.

Mr. DANIEL. After the word "cents," in line 12, page 73, I move to insert:

Provided, however, That the pay of draftsmen, Department of Marine Engineering and Naval Construction, shall be increased in the same ratio as the professor of mechanical drawings.

The draftsmen in the Department of Marine Engineering and Naval Construction perform the same duties, so far as the instruction of midshipmen is concerned, as the professor of mechanical drawings. The object of the amendment is simply to give them the same proportionate increase that applies to those who are in similar employment, and it would increase it from $1,800 a year to $2,160.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia.

Mr. McCUMBER. I hope the Senator in charge of the bill will consent to that amendment. I think there is an error in not including the draftsmen among others, and it can be taken into consideration in conference.

Mr. HALE. That is all right.

The amendment was agreed to.

Mr. HALE. Let it be understood that the amendment offered by the Senator from Washington [Mr. PILES] goes over until to-morrow morning. Otherwise the bill is completed. I will say that I shall ask the Senate to resume the consideration of the bill to-morrow, directly after the routine morning business is finished.

I move that the Senate adjourn.

Mr. CULBERSON. Before the motion is made, I invite the attention of the Senator from Maine to the fact that the Senator from Alabama [Mr. BANKHEAD] has given notice that he desires to address the Senate to-morrow morning after the routine business. The notice is on the Calendar and has been there for a day or two.

Mr. HALE. I am very desirous, of course, and I think every Senator is, of getting the pending bill out of the way. Other appropriations bills are waiting. But we arrange these matters by conferences with Senators. If the Senator from Alabama in the morning feels that he desires and must go on, of course we do not interfere with Senators when they want to make speeches. But some time we must come to a point where we have to pass the appropriation bills. I will say to the Senator from Texas that I will confer with the Senator from Alabama, and nothing shall be done that will be displeasing to him.

Mr. CULBERSON. Very well.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 24, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 23, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

OREGON AND CALIFORNIA LAND GRANT.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. It is evident to the Chair that there is no quorum present. The Doorkeeper will close the doors. The Sergeant-at-Arms will notify absent Members. As many as favor the motion will, as their names are called, answer "aye;" as many as are opposed will answer "no," and those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 173, nays 95, answered "present" 11, not voting 108, as follows:

YEAS—173.

Allen	Dwight	Keifer	Payne
Ames	Ellis, Oreg.	Kennedy, Iowa	Pearre
Andrus	Englebright	Kennedy, Ohio	Perkins
Anthony	Esch	Kinkaid	Pollard
Bannon	Fairchild	Knapp	Porter
Bartlett, Nev.	Focht	Knopf	Pray
Bates	Fordney	Knowland	Prince
Beale, Pa.	Fornes	Küstermann	Rauch
Bennet, N. Y.	Foss	Lafean	Reeder
Bonynge	Foster, Ind.	Landis	Reynolds
Boyd	Foster, Vt.	Laning	Robinson
Brownlow	Foulkrod	Lawrence	Rodenberg
Burgess	French	Lindbergh	Scott
Burleigh	Fuller	Lindsay	Slemp
Burton, Del.	Gardner, Mich.	Longworth	Smith, Cal.
Burton, Ohio	Gardner, N. J.	Loudenslager	Smith, Iowa
Campbell	Gilhams	Lovering	Smith, Mich.
Capron	Goebel	McCall	Snapp
Carter	Graff	McGuire	Southwick
Cary	Griggs	McKinlay, Cal.	Sperry
Chapman	Gronna	McKinley, Ill.	Stafford
Cockran	Hale	McKinney	Steenerson
Cocks, N. Y.	Hall	McLachlan, Cal.	Sterling
Cole	Hamilton, Iowa	McLaughlin, Mich.	Sulzer
Conner	Hamilton, Mich.	McMillan	Taylor, Ohio
Cook, Colo.	Hammond	McMorran	Thistlewood
Cook, Pa.	Harding	Madden	Thomas, Ohio
Cooper, Pa.	Haskins	Madison	Townsend
Cooper, Wis.	Haugen	Mann	Underwood
Cousins	Hawley	Mondell	Volstead
Cox, Ind.	Hayes	Moon, Pa.	Waldo
Craig	Higgins	Morse	Wanger
Crumpacker	Hill, Conn.	Mouser	Washburn
Cushman	Hinshaw	Murdock	Watson
Dalzell	Holliday	Needham	Weeks
Darragh	Howell, N. J.	Nelson	Wheeler
Davidson	Howell, Utah	Nicholls	Wilson, Ill.
Davis, Minn.	Howland	Norris	Wilson, Pa.
Dawson	Hubbard, W. Va.	Nye	Wood
Denby	Humphrey, Wash.	Olcott	Woodyard
Douglas	Humphreys, Miss.	Overstreet	Young
Draper	Jenkins	Parker, N. J.	
Driscoll	Jones, Wash.	Parker, S. Dak.	
Durey	Kahn	Parsons	

NAYS—95.

Adair	Ellerbe	Hull, Tenn.	Reid
Adamson	Ferris	Johnson, S. C.	Richardson
Aiken	Fitzgerald	Keliher	Rothermel
Alexander, Mo.	Flood	Kitchin, Claude	Russell, Mo.
Ansberry	Floyd	Lamar, Mo.	Russell, Tex.
Ashbrook	Foster, Ill.	Lamb	Ryan
Beall, Tex.	Fulton	Leake	Sabath
Bell, Ga.	Gaines, Tenn.	Lenahan	Saunders
Booher	Garner	Lewis	Sheppard
Bowers	Garrett	McDermott	Sherley
Brodhead	Gill	McHenry	Sherwood
Burleson	Gillespie	McLain	Sims
Burnett	Glass	Macon	Small
Byrd	Godwin	Maynard	Smith, Mo.
Caldwell	Goldfogle	Moon, Tenn.	Smith, Tex.
Candler	Gordon	Moore, Tex.	Sparkman
Clark, Fla.	Granger	Murphy	Spight
Clark, Mo	Hackett	O'Connell	Stanley
Clayton	Hackney	Padgett	Stephens, Tex.
Cravens	Hay	Page	Thomas, N. C.
Crawford	Heflin	Patterson	Tou Velle
Davenport	Helm	Pujo	Webb
Denver	Henry, Tex.	Rainey	Williams
Dixon	Houston	Randell, Tex.	

ANSWERED "PRESENT"—11.

Bartlett, Ga.	Gaines, W. Va.	Hardy	Slayden
Butler	Goulden	Roberts	Talbott
Finley	Hamlin	Sherman	

NOT VOTING—108.

Acheson	Diekema	Hull, Iowa	Miller
Alexander, N. Y.	Dunwell	Jackson	Moore, Pa.
Barchfeld	Edwards, Ga.	James, Addison D.	Mudd
Barclay	Edwards, Ky.	James, Ollie M.	Olmsted
Bartholdt	Ellis, Mo.	Johnson, Ky.	Peters
Bede	Fassett	Jones, Va.	Pou
Bennett, Ky.	Favrot	Kimball	Powers
Bingham	Fowler	Kipp	Pratt
Birdsall	Gardner, Mass.	Kitchin, Wm. W.	Ransdell, La.
Boutell	Gillett	Lamar, Fla.	Rhinock
Bradley	Graham	Langley	Riordan
Brantley	Greene	Lassiter	Rucker
Broussard	Gregg	Law	Shackleford
Brumm	Haggott	Lee	Stevens, Minn.
Brundidge	Hamill	Legare	Sturgiss
Burke	Hardwick	Lever	Sulloway
Calder	Harrison	Lilley	Tawney
Calderhead	Henry, Conn.	Littlefield	Taylor, Ala.
Carlin	Hepburn	Livingston	Tirrell
Caulfield	Hill, Miss.	Lloyd	Vreeland
Chaney	Hitchcock	Lorimer	Wallace
Cooper, Tex.	Hobson	Loud	Watkins
Coudrey	Howard	Lowden	Weems
Currier	Hubbard, Iowa	McCreary	Weisse
Davey, La.	Huff	McGavin	Wiley
Dawes	Hughes, N. J.	Malby	Willett
De Armond	Hughes, W. Va.	Marshall	Wolf

So the order was agreed to.

The Clerk announced the following pairs:

For this day:

Mr. POWERS with Mr. PRATT.

Until April 28:

Mr. CAULFIELD with Mr. HARDY.

Mr. LOWDEN with Mr. HARRISON.

Until further notice:

Mr. CALDER with Mr. HAMILL.

Mr. HUFF with Mr. OLLIE M. JAMES.

Mr. GAINES of West Virginia with Mr. RUCKER.

Mr. FASSETT with Mr. HARDWICK.

Mr. CHANEY with Mr. HILL of Mississippi.

Mr. BARTHOLDT with Mr. DAVEY of Louisiana.

Mr. TIRRELL with Mr. PETERS.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. LANGLEY with Mr. HAMLIN.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. MOORE of Pennsylvania with Mr. WILEY.

Mr. MCCREARY with Mr. RHINOCK.

Mr. MUDD with Mr. WALLACE.

Mr. SULLOWAY with Mr. TALBOTT.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. DUNWELL with Mr. WATKINS.

Mr. ACHESON with Mr. BRUNDIDGE.

Mr. BARCHFELD with Mr. CARLIN.

Mr. BEDE with Mr. COOPER of Texas.

Mr. HUGHES of West Virginia with Mr. EDWARDS of Georgia.

Mr. BOUTELL with Mr. FAVROT.

Mr. BINGHAM with Mr. HITCHCOCK.

Mr. COUDREY with Mr. HOBSON.

Mr. CALDERHEAD with Mr. HOWARD.

Mr. DIEKEMA with Mr. HUGHES of New Jersey.

Mr. ELLIS of Missouri with Mr. JOHNSON of Kentucky.

Mr. GILLETT with Mr. JONES of Virginia.

Mr. GRAHAM with Mr. KIPP.

Mr. GREENE with Mr. LAMAR of Florida.

Mr. HENRY of Connecticut with Mr. LASSITER.

Mr. LAW with Mr. LEE.

Mr. LORIMER with Mr. LLOYD.

Mr. LOUD with Mr. LEGARE.

Mr. MCGAVIN with Mr. LEVER.

Mr. ALEXANDER of New York with Mr. POU.

Mr. MARSHALL with Mr. RANSDELL of Louisiana.

Mr. MILLER with Mr. SHACKLEFORD.

Mr. OLMSTED with Mr. TAYLOR of Alabama.

Mr. STEVENS of Minnesota with Mr. WEISSE.

Mr. VREELAND with Mr. WILLETT.

Mr. TAWNEY with Mr. WOLF.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RIORDAN.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the follow-

ing title, in which the concurrence of the House of Representatives was requested:

S. 5295. An act for the erection of a monument to the memory of Gen. William Campbell.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 15852. An act to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5295. An act for the erection of a monument to the memory of Gen. William Campbell—to the Committee on the Library.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15219. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909;

H. R. 15852. An act to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes.

MEMORIAL EXERCISES ON LATE SENATORS MALLORY AND BRYAN, OF FLORIDA.

The SPEAKER. Pending the announcement, by unanimous consent, the gentleman from Florida [Mr. SPARKMAN] desires to make a request.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent for the present consideration of the order which the Clerk will report.

The Clerk read as follows:

Ordered, That the House shall meet at 12 m. on Sunday, May 3, which shall be set aside for memorial addresses on the life, character, and public services of Hon. S. R. MALLORY, late a United States Senator from the State of Florida.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the order.

The question was taken, and the order was agreed to.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Ordered, That Sunday, May 3, at the conclusion of the addresses on the life, character, etc., of the late STEPHEN R. MALLORY shall be set apart for memorial addresses on the life, character, and public services of Hon. WILLIAM J. BRYAN, late United States Senator.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the order.

The question was taken, and the order was agreed to.

REPRINT OF BILL.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent for reprint of the bill H. R. 20472.

The SPEAKER. The gentleman from North Dakota asks unanimous consent for the present consideration of a bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 20472) for preventing the manufacture, sale, or transportation of adulterated or unlabeled paint, turpentine, or linseed oil.

Mr. WILLIAMS. Reserving the right to object, this is merely for the reprint of a bill, is it not?

Mr. MARSHALL. That is all. The reprint of a bill.

Mr. WILLIAMS. Which is exhausted?

Mr. MARSHALL. Yes.

OREGON AND CALIFORNIA RAILROAD LAND GRANT.

The SPEAKER. The ayes have it. The resolution is agreed to. The Clerk will report the joint resolution. The House will be in order.

The Clerk read as follows:

Joint resolution (S. R. 48) instructing the Attorney-General to institute certain suits, etc.

Resolved, etc., That the Attorney-General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of or pertaining to either or any of the following-described acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon," approved July 25, 1866, as amended by the acts approved June 25, 1868, and April 10, 1869; also "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," approved March 3, 1869; also "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, including all rights and remedies in any manner relating to the lands, or any part thereof, granted by either or any of said acts; and in and by any and all such suits, actions, or proceedings the Attorney-General shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the United States relating to the subject of such suits, actions, and proceedings, including the claim on behalf of the United States that the lands granted by each of said acts respectively, or any part thereof, have been and are forfeited to the United States by reason of any breaches or violations of any of the terms or conditions of either or any of said acts which may be alleged and established in any such suits, actions, or proceedings; it not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney-General in and by such suits, actions, or proceedings to assert on behalf of the United States and the court or courts before which such suits, actions, or proceedings may be instituted or pending to entertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and if found to enforce the same: *Resolved further*, That the authority and direction hereinbefore given shall extend to any and all suits, actions, or proceedings which may be instituted or pending under the authority of the Attorney-General at the time of the adoption and approval hereof.

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. FORDNEY] for the purpose of offering his amendment.

Mr. FORDNEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Provided, however, That this resolution shall not relate to any lands for which patents have been issued, which are now held by bona fide purchasers, other than railroad corporations, or corporations or persons holding title for any such railroad corporations as trustees to secure any bonded or other indebtedness, or for any purpose whatsoever.

The SPEAKER. The Chair desires to announce that he will recognize the gentleman from Wyoming [Mr. MONDELL] for one hour and a half. There was an understanding between gentlemen that an hour and a half of time should be consumed by those for the bill without the amendment and an hour and a half of time by those who favor the amendment. If there be no objection, the Chair will recognize the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Michigan [Mr. FORDNEY] to control that time. [After a pause.] The Chair hears no objection.

Mr. MONDELL. I desire to inquire of the gentleman from Michigan [Mr. FORDNEY] at what place in the resolution his amendment is intended to be inserted?

Mr. FORDNEY. On page 3, line 8, after the word "same."

Mr. MONDELL. Page 3, line 8——

Mr. FORDNEY. After the word "same."

The SPEAKER. The Chair desires to state that this is an exceedingly important bill, and the Chair trusts that the House will be in order, refraining from conversation during its consideration. [Applause.] The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Speaker, in the statement which I made on yesterday I very briefly and hurriedly outlined the history of the grants referred to in this resolution and the policy of the railway companies in the disposition of the land. I can not discuss that question further at this time, as I desire to yield to other gentlemen for a discussion of the resolution. But I desire to very briefly emphasize one fact with regard to this Senate resolution, and that is that the passing of the resolution does not unsettle or jeopardize any man's title more than it is now jeopardized and unsettled.

On the contrary, the passage of this resolution and the proceedings which will be had under it are absolutely necessary and essential to determine the rights and the title of all the parties in interest, the people, the Government, and the purchasers from the railways. So clear and patent has this been to the purchasers of the grant that the present holders of 90,000 acres of the grant to the Coos Bay military road some time ago applied to the Attorney-General in writing, asking him to institute proceedings in court for the purpose of determining their title. These titles have been sharply challenged, all of them, not by the act of the Government, but by reason of the notorious fact of the wide violation of the terms of the grant; and there must be such action as is contemplated by this resolution before it shall be known or determined what the rights of the Government, the railway company, and the purchasers are. Therefore the resolution ought unquestionably to be passed.

Now, as to the amendment which has been proposed. My opinion is that nothing could occur which would be so harmful or disastrous to the interests of the Government, of the people of the United States, and of innocent bona fide purchasers themselves as the adoption of this amendment. The probability is that the court would hold it to be unconstitutional, as being discriminatory, as being class legislation; and so at the end of long and tedious litigation, the court of last resort having declared the whole resolution unconstitutional, the titles of the so-called "innocent purchasers" would be in the same position they are to-day—challenged and insecure. If the court did not hold this amendment unconstitutional, it is altogether probable that the Attorney-General would find it utterly impossible to assert the rights and the remedies of the Government and people if this amendment is adopted. If it is contended that limitations contained in this grant constitute a condition subsequent, then the conditions subsequent, if such they be, have been breached in the sales in violation of those conditions; and if the Congress, at the same time that it authorized the institution of the suits, provides that we shall forgive and condone the very breaches on which our suit must be founded, any suit undertaken by the Government would be altogether futile and useless, and in that event the titles of the so-called "bona fide purchasers" would still be in their present unsatisfactory and insecure condition.

Mr. STEPHENS of Texas. Will the gentleman yield to me?

Mr. MONDELL. I am sorry I can not yield.

Mr. STEPHENS of Texas. I am on your side of the question.

Mr. MONDELL. Mr. Speaker, the rights of all bona fide purchasers from the railroad companies will be fully preserved under this resolution without amendment. A court of equity which must pass upon these matters will and must take into consideration the equity of these purchasers. They will be taken into consideration, and all innocent purchasers will unquestionably be protected. But if now, in the institution of the suit, in authorizing the Attorney-General to proceed and assert all the rights and remedies of the Government, we condone the very acts, the very breaches, upon which we are proposing to assert this forfeiture, what use will it be for the Attorney-General to institute any suit? So in the interest of the people, in the interest of the Government, and in the interest of the purchasers themselves this resolution should be passed, and passed without a word or line of amendment.

Mr. COOPER of Wisconsin. Will the gentleman yield to me for a question?

Mr. MONDELL. I will.

Mr. COOPER of Wisconsin. Do I understand this committee stands 15 to 1 against this amendment?

Mr. MONDELL. The Committee on Public Lands stands practically unanimously against the amendment.

Mr. COOPER of Wisconsin. Is the Attorney-General and the Department of Justice against the amendment?

Mr. MONDELL. The Attorney-General has said if any amendment is adopted it is very questionable whether they will institute any suit, because he believes it will not be possible for the Government to assert its rights and remedies; and nothing could occur, as I said before, that will be so harmful to the innocent purchaser, the bona fide purchaser, as to have a condition arise in which no suit can be instituted.

Mr. COOPER of Wisconsin. So that the committee, the Attorney-General, and the Senate of the United States are for the original resolution?

Mr. MONDELL. Without amendment.

I now yield eight minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Speaker, this resolution is one of the most important matters that has been considered at this session of Congress; and while it is totally impossible for any gentleman here to discuss the subject adequately within the brief time that has been alloted to me, I want to call the attention of the Members of the House to some vital facts which, in my judgment, make necessary the adoption of the resolution without any amendments. Permit me to state, for fear that I may fail to do so before my time expires, that I fear the adoption of this amendment or any similar amendment will thwart the very vital purposes of the resolution itself, and in the end defeat the object of the Government in preparing to institute these suits.

Listen! In 1866 Congress passed an act granting a large area of lands to railroad companies for the purpose of aiding in the construction of railroads. The time limit provided in that act expired. In 1868 the time was extended. In 1869 the time was again extended, and a limitation was put in the act, providing that the railroad companies should sell those lands to actual settlers only, and in areas not exceeding 160 acres to each settler, and for a price not to exceed $2.50 an acre. The Congress of the United States then sought to protect the State of Oregon against just what has happened there. While it was voting this large area of land to aid in the construction of railroads, it sought also to provide for the settlement and the upbuilding of the territory which constitutes a large part of the southwestern portion of the State of Oregon. Notwithstanding the limitations passed upon the power of the railroad to grant these lands, as I have explained them, the railroad, with the exception of a few cases, has totally disregarded those limitations, and the grantees of the railroad company have amassed them in large areas. There were patented to this railroad almost 3,000,000 acres of land, and the railroad company has sold about 813,000 acres of the lands so patented to it, and now it has announced its policy of reserving absolutely from sale the remaining two million eighty thousand and a little more acres of land still held under the terms of this grant, so as to block forever the building of homes in that portion of the State of Oregon.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. ROBINSON. I have only a few minutes.

Mr. STEPHENS of Texas. I want to know whether these lands were not mortgaged.

Mr. ROBINSON. I am going to state that. These lands were sold by the railroad company. Three hundred and sixty-three thousand acres, in violation of the express terms of the grant, the conditions subsequent, if you please, expressed in the grant itself, have been acquired by thirty-eight purchasers, and it is these parties who are primarily interested in the adoption of this proposed amendment. They have not only gobbled up and assumed control of these lands which Congress appropriated or granted for two purposes—the building of a railroad and the settling up of that territory in Oregon with actual homes—but they have enabled these parties to acquire them in such amounts as in all probability will forever prevent the building of homes there. Now, the railroad company has not only conveyed a portion of these lands, but it has executed a mortgage of $20,000,000 on the remainder of them, and God only knows what conveyances are outstanding and not on the record. I am opposed to the adoption of this amendment, because I believe that the courts of my country, that are charged with the construction and the enforcement of its laws, have the power to do equity and can do equity to all parties.

I am further opposed to the adoption of this amendment because the Attorney-General of the United States says that its adoption will greatly embarrass the Department of Justice in the enforcement of this law. I am further opposed to the adoption of the amendment because it might be considered as a legislative act, treating those limitations as covenants only and not as conditions subsequent, and if that be done, then your remedy is against the railroad company only, that has already placed a mortgage of $20,000,000 upon the remaining property. The courts must determine in the lawsuits whether these limitations were conditions subsequent or merely covenants, and that will determine the rights and remedies of the people of the United States.

Mr. Speaker, there are two sides to this proposition. I speak for the people of the United States. The public domain of the United States from the beginning of our history has been treated and regarded as a resource which the Government may well use in establishing and providing for the maintenance of homes. But often during our history has this great fundamental principle in the administration of our public-land laws been violated, and in this case openly and flagrantly violated.

We are told now that parties who purchase under the terms of that grant ought to be relieved from any liability whatever. If you adopt this amendment, you make impossible, in my judgment, the enforcement of the terms of that grant, and you throttle the power of the Department of Justice to bring and maintain these suits.

Another proposition; if when Congress becomes possessed of the facts, it appears that hardship has been done by the decision of any court, or injustice, if you please, done by a court of equity, then Congress, with the knowledge of the facts in its possession, can pass remedial legislation.

But it is proposed by the adoption of this amendment to keep out of court, prevent investigation, prevent disclosure, if you please, of the circumstances under which these lands were acquired by parties who get the land by fraud, contrary to the terms of the grant to the railroad company. Mr. Speaker, there has not been, I repeat, a more important matter proposed to this Congress. If we want to maintain the integrity of our public-land laws, if we want the power of the United States

Government and its courts to stand behind the enforcement of its laws, if we want to protect the public domain from the tread of the spoiler, then let us vote down this amendment and adopt the resolution. [Applause.]

Mr. MONDELL. Mr. Speaker, I now yield ten minutes to the gentleman from Oregon [Mr. HAWLEY], in whose district these lands are situated.

Mr. HAWLEY. Mr. Speaker, the title to these lands passed to the present holders under the act of 1869. The acts of 1866 and 1868 applied to a company on the west side of the Willamette River, and when the act of 1869 was passed a company on the east side of the Willamette River, whose successors are the present holders of the land, took advantage of it. The company gladly accepted the terms of this grant, and in this act of 1869 were these provisions: That the land should be sold to actual settlers only in lots of 160 acres and at a price not exceeding $2.50 per acre.

Inquiry was made yesterday on the floor of the House as to why action by the Government had not begun sooner. The railroad company did not begin to sell these lands in large bodies generally until about the years 1894 and 1895, and it sold them on long-time contracts. The contracts were not known to the public until the terms of the contracts expired, the final payments made, and the deeds registered in the various counties. Then it became known that the company was violating the terms of the grant.

Mr. HAMILTON of Michigan. Will the gentleman state what was the length of the term of these long-term contracts that he speaks of?

Mr. HAWLEY. I understand the contracts generally ran from seven to ten years. The company since 1902 has refused to sell any of the land, with a few unimportant exceptions. Since 1902 it has held in its power so far as we know without an intention to sell, unless there have been further secret contracts, 2,300,000 acres of land, worth more than $35,000,000. In a public speech made at Oakland, Cal., in September last, in answer to a question by the governor of Oregon, the present president of the holding company declared that it was the intention of the railroad company not to dispose of any more of these lands.

The question at issue now is not what effect the adoption of this resolution will have on the lands still supposed to be held by the railroad company, but is, How will the resolution affect the purchasers from the railroad company? When the matter was brought before the Committee on the Public Lands a large number of telegrams were sent in stating various disasters that would happen to people in the State of Oregon if Senate joint resolution No. 48 was passed unamended. They were largely made on the same pattern, at least those that I received and those that I saw. An attorney of the Southern Pacific Railroad, the present holding company, asked the president of the leading commercial organization in one of the principal cities of my district to send me a similar telegram, but, instead, he refused and wrote me that the telegrams were based upon an entirely erroneous assertion, that the title to no farm, that the title to no town lot, that the title to no agricultural land owned by the small holder was involved in the operation of the resolution as it stood.

The people in my district, in which these lands lie, have been writing me very freely on all subjects, and I have yet to receive a letter citing a special instance of anyone who owns a town lot or a farm, or any man who owns orchard land, saying that his title is called in question or is in any way affected by this resolution.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. HAWLEY. I will; but my time is short.

Mr. CRUMPACKER. I understand the object of this resolution is to make available any right the Government now has to the lands that have heretofore been patented, and that it creates no new rights?

Mr. HAWLEY. It creates no new rights.

Mr. CRUMPACKER. It puts no man's property in jeopardy or in peril, but simply makes available any rights the Government may have?

Mr. HAWLEY. Yes; and submits the matter to a court of equity, where no innocent man was ever hurt.

Mr. GAINES of West Virginia. Does it create any new ground of forfeiture?

Mr. HAWLEY. No; no new ground of forfeiture.

Mr. GAINES of West Virginia. Merely provides for investigation when a forfeiture operates under existing law?

Mr. HAWLEY. Yes. It has been held in this country under decisions of the Supreme Court that the grantor must make some proof of his determination to reenter, and this resolution simply supplies that determination. If the Government has a right to reenter, this will be determined by the court to which the matter is submitted. One hundred and twenty-seven thousand acres of these lands have been sold in compliance with the terms of the grant, and about 170,000 acres have been sold in compliance except as to price, the price being a little higher than $2.50. These 300,000 acres of lands will not be affected at all, and all these small holders to which reference has been made will be entirely unaffected. Those who are asking the adoption of this amendment to the resolution, I understand, are mainly comprised in two classes—large lumber manufacturing concerns, large sawmill operators, who have bought great bodies of these lands in violation of the terms of the grant, and others who have bought them with the idea that in the future their value will increase. They have all maintained in the hearings before the Committee on Public Lands that their titles were good, and if their titles are good no court of equity will ever do them anything but justice and all that is right in the matter and grant them all the rights and protection that they are entitled to.

Mr. NORRIS. I wish the gentleman would tell us something about the amendment.

Mr. HAWLEY. This amendment as proposed provides that bona fide purchasers other than railroad corporations or persons holding title for any such railroad corporation as trustees to secure any bonded or other indebtedness, or for any purpose whatsoever, shall not be affected by this resolution. There are three dangers in this amendment.

First, the first company that tried to accept the grant made by the act of 1869 was decided by the supreme court of the State of Oregon to be an invalid company. It may have been a de facto company, but was not a company de jure. When it went out of business and transferred the lands and all its property and business to the Oregon and California Railroad Company, it transferred them in the form of a sale. This amendment would include that in all probability.

The second danger comes from the two mortgages that have been placed on these lands by the railroad companies, one early in the history of the grant, of about $20,000,000, and placed on the land and the other property of the railroad company. The laws of the State of Oregon provide that title shall not pass to a mortgagee, who has only a lien upon the land; but this amendment says that only those who hold title for any such railroad company as trustees shall be excepted from the benefits of the amendment, and thus it operates to defeat the interests of the Government. On June 2, 1881, there was another mortgage placed on the land, and it is expressly excepted by the terms of this amendment and confirms the loss of the Government's interest. So that, if this amendment prevails, both those mortgages will be validated and all the actions thereunder, depriving the Government of the United States entirely of any interest in, or right to, the lands yet undisposed of by the railroad company.

The third danger arises from the fact that secret sales have been made in the past, and we have reason to believe that the railroad company has made secret sales within a recent period. Mr. Harriman, in the Portland Telegram, in an interview under date of September 2, 1907, says this:

> Yes; the Southern Pacific, too, but the Southern Pacific hasn't much land. You see before we came into the Southern Pacific the company was pressed for money and was disposing of lands and giving options to syndicates and speculators, and we didn't know how much land we had, so we stopped until options expired to ascertain just what we had in land.

We do not know what secret sales have been recently made, but we have reason to believe that there are many options, or contracts, secret in nature, on almost all the lands; and that these were made within a very recent time conveying large bodies of lands to other purchasers, and this amendment will take out all right the United States has in these lands, so that when the amendment passes there will be nothing left.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I yield three more minutes to the gentleman.

Mr. HAWLEY. I think I shall not take the three minutes that the gentleman has very kindly yielded to me. I have only two or three things more to say. The first is that the Department of Justice is kindly disposed toward the interests of all; it has no ill will or animus toward any of them. It will desire and will urge that all the rightful interests of everyone be protected, and, as I said a moment ago, I understand that when a man goes into a court of equity with clean hands—that is, as an innocent purchaser—all his rights are protected. More than a year ago Judge Ballinger, Commissioner of the General Land Office, pointed out the remedy that the Government had

against the purchasers if it desired to exercise it and be harsh against them, and that was to set aside the titles to the lands they had obtained.

The reason for this resolution is that while the Government has already the right to enforce all remedies except forfeiture; after eight months' study of the situation and study of the authorities and decisions of the Supreme Court, the Department of Justice became convinced that the court to which it applied for an enforcement of its rights and remedies might possibly hold that forfeiture was the proper remedy for the Government, but if it failed to ask a forfeiture it might forever lose the rights and interests of the Government and people to these lands. It asks no new remedy against the railroad company. It only asks that remedy which has existed and been applied in a number of instances before in this country, the right to reenter, but it must be asserted by a declaration by the Congress of the United States, the grantors of the lands. There must be a declaration by Congress that it intends to reenter before the Government can reenter. If the terms of the grant are enforced against the railroad company, what will become of the land? If specific performance is decreed, the terms of the grant will be enforced and the land sold as therein provided unless Congress takes some action otherwise disposing of it. If the courts decree a forfeiture, then the lands will be returned to the general public domain of the United States to be disposed of under the existing laws of the United States, or to be disposed of under such laws as Congress in the future may enact. The entire question, I will have gentlemen observe, is submitted to the court, and everyone can have all his rights enforced and all his rights protected in the court of equity. [Applause.]

Mr. MONDELL. Mr. Speaker, I trust that the gentleman from Michigan [Mr. FORDNEY] will now consume a portion of his time. I reserve the balance of my time.

Mr. FORDNEY. Mr. Speaker, I yield five minutes to my colleague [Mr. DENBY].

Mr. DENBY. Mr. Speaker, very reluctantly and with deep regret I find myself in opposition to a measure which seems to have back of it the good opinion of so many distinguished gentlemen, but either something is wrong with my understanding or something is wrong with this resolution as it stands to-day before the House. I was brought up to believe, and I have always believed, that it is better that many guilty men should escape than that one innocent man should suffer. That is a fundamental principle of our jurisprudence, but of late years it seems to be undergoing a curious perversion, manifested now in the very temple of justice itself, which appears to maintain to this House that it is better that many innocent men should suffer rather than one guilty man should escape. The terms of this bill unamended seem to me vicious in the extreme. It provides that the Attorney-General shall be directed to enforce whatever remedies shall be found by the United States, including a claim on behalf of the United States that the land grants of each of the acts referred to here, or any part thereof, have been and are forfeited to the United States by reason of any purchase or violation of any terms or contract of either of the said acts. The House should consider well whether or not that does not mean that in case in any one parcel of any of the lands granted under this act there is such a violation as would justify forfeiture, not only that parcel but all other parcels, however innocently they may have passed into the hands of other purchasers, shall be also forfeited at the same time.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. DENBY. With great pleasure, although my time is short.

Mr. PARSONS. I would like to call the gentleman's attention to the statement of the Attorney-General, on page 15 of the hearings——

Mr. DENBY. I am very much afraid I shall have to ask the gentleman to take time of his own.

The SPEAKER. The gentleman from Michigan declines to yield.

Mr. DENBY. The gentleman from Wyoming stated yesterday that the purpose of the bill was to enable such a forfeiture, but at the same time he stated that the rights of innocent purchasers shall be protected by the court. I would like to ask him how the rights of innocent purchasers can be protected by the court if there is a sweeping forfeiture of all the land involved under these grants? I would like to point out to the House the absolute certainty of innocence of a great many purchasers under this act. The act of 1866 does not contain any restriction whatsoever save that of mineral land, and the patents of the Government of the United States in many instances refer only to the act of 1866, so no matter how careful an investigation by any attorney about a purchase was he could not find anywhere any reference to the act of 1869 in regard to a sale of land of an amount not greater than 160 acres and for a price not greater than $2.50.

Mr. NORRIS. Will the gentleman yield?

Mr. DENBY. I am sorry that I can not. And so clear has it been, Mr. Speaker, that that is the case, and that careful investigation would not disclose any fault in the land grants, that the Government of the United States has repurchased some lands under these very grants and under these very patents after having the titles carefully examined, and has given in lieu thereof other scrip entitling the holders to enter upon other valuable United States lands. The Government has either been deceived or else never even thought that there was any fault or flaw in the patents issued by its own duly authorized officers under which title has been acquired by many innocent purchasers. It is stated that all innocent purchasers will be protected in court. It must be clear that during the pendency of all this litigation—and heaven only knows how long it will last—the purchaser, the holder, of any lands under these grants will have such a cloud placed upon his title that his land will be absolutely worthless to him. He can not raise a penny upon it, because no man will buy land that stands under the shadow of a United States forfeiture. If he is operating on those lands with a sawmill, he can not continue to operate for fear that if the land is declared forfeited later he will be held to have been a trespasser and be compelled to pay damages as well as to give up his title to the land.

I think, Mr. Speaker, that either this bill ought to be amended in such manner as to protect not the so-called "innocent purchaser," but the actual innocent purchaser, or else it ought to be defeated on this floor. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Speaker, it has been well said by the speaker that this resolution is the most important measure that has been brought before Congress in a long time. In my nine years in this House, gentlemen, it is my opinion that no measure of the importance of this resolution has been brought before this House. The gentleman from Oregon [Mr. HAWLEY] says to you that under this resolution no man who is a bona fide purchaser will be disturbed in his title. It is not only the opinion of myself but it is the opinion of the best counsel that can be employed in this country that the Attorney-General can not proceed to forfeit the title to a portion of those lands without forfeiting the title to all. The gentleman from Wyoming [Mr. MONDELL] and the gentleman from Oregon [Mr. HAWLEY] say that those lands have been deeded to the railroad and wagon-road companies absolutely under the provisions of the act of April 10, 1869, which act carries a limitation as to the quantity of land that can be sold to any one purchaser and as to the price per acre to be obtained by the railroad company.

Mr. Speaker, the gentleman from Oregon [Mr. HAWLEY] says that he would protect everybody in their title. I want to read to the House just what the gentleman from Oregon said in his remarks before the Committee on Public Lands in their hearing. He said:

> But, as I said a moment ago, and have said to everybody—to the Government representatives and to others—we would be glad if it could be so arranged that all who ought to be protected could be protected. We do not want to see any of the industries disturbed. You can appreciate how we feel on that subject. I would like to see all our industries preserved, but we do not want to have the railroad company released from its obligations.

Mr. Speaker, I insist that this amendment offered by me and to be considered now in the House protects only the bona fide purchasers. What does the word "bona fide" mean, gentlemen? It means, first, that the purchaser must purge himself of any ill intent, any fraud, of any dishonest intent. He buys in good faith. He pays valuable consideration, and he purchases without fraud.

Now, I will show to you during my remarks, gentlemen, that the Government is barred by the statute of limitations against going into court and proceeding to annul those patents, and certainly patents that have been issued more than six years. It is very strange to me, gentlemen of this House, that the Committee on the Public Lands on February 11 last reported a bill that is now on the Calendar of the House affecting the title to lands in the Territory of New Mexico, namely, H. R. 16277, and report accompanying it; and it is to this effect, namely, that the United States granted to that Territory certain lands for school purposes and otherwise, and in that granting act, in the act that conveyed those lands to the Territory, there was a limitation as to the amount of land that could be sold to any one person, that being 160 acres. That is identically this case, my friends. There is a limitation in the act of Congress of April 10, 1869, that limits the amount to be sold by the railroad

companies and the wagon-road companies to 160 acres. The Territory of New Mexico sold a great number of acres—a large quantity, about 100,000 in all—and as I take it from the report, the most of those lands were sold to four lumber concerns that built mills and began to operate and make lumber from the timber they cut from those lands.

The Government proceeded to stop them from taking the timber from this land, because the conveyance was not in accordance with the terms of the act that granted the land to the Territory, and what did the Committee on Public Lands do? It reported back that bill by a unanimous vote, recommending that the title to all such lands sold shall be confirmed.

Mr. DOUGLAS. Before proceeding, will the gentleman yield for a question or two I want to ask him in relation to this resolution?

Mr. FORDNEY. I yield to the gentleman.

Mr. DOUGLAS. I call your attention to the language of the amendment, and ask you why it was that the word "by" was employed before the word "person?" It reads, "to any lands for which patents have been issued which are now held by bona fide purchasers other than railroad corporations or corporations or persons." In regard to the words in the amendment, "or persons holding title," do you mean by "persons" those holding title as trustee?

Mr. FORDNEY. I mean this: It is contended by the Government that the railroad company, in order to evade the law, have transferred their land to a holding company. I do not wish to tie the hands of the Government because of such a transfer. I wish in no way to tie the hands of this Government in their effort to proceed against the railroad company and punish them for a violation of the law.

Mr. DOUGLAS. But, if you will excuse me, the last clause relates to something else.

Mr. FORDNEY. No, sir.

Mr. DOUGLAS (reading):

Or persons holding title for any such railroad corporation as trustees to secure any bonded or other indebtedness.

Mr. FORDNEY. As the gentleman from Oregon has said, there is a mortgage of $20,000,000 covering the land owned yet by the railroad company; but he failed to state that the mortgage covers not only the lands, but the rolling stock, the railroad line, the terminals, and all the property belonging to the railroad company, and if the title to these lands is forfeited, the security for these bonds is ample in the other property covered in the mortgage. I do not propose by this amendment to tie the hands of the Government from proceeding against any such holding company who are seeking to hold it as trustee or mortgagee.

Mr. DOUGLAS. I would like to know, if you can answer, what proportion of these lands are covered by this mortgage?

Mr. FORDNEY. That I can not tell. I imagine that all the land yet unsold by them to individuals or the companies holding from them. Now, let me say to you, further, gentlemen, the act of 1866, which granted the lands to the State of Oregon, or withdrew them from public entry for the benefit of the railroad company that was to build this railroad, had no limitations. It contained no limitation whatever as to the amount that might be sold by the railroad company proposing to construct the railroad. The company went back to Congress in 1868 and asked for an extension of time in which to build the railroad. Then they came back to Congress in 1869 and asked for additional time. Congress granted that time. I am going to read to you the language of that act. It is very short, and I will read it to the House:

An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon, approved July 25, 1866, be, and the same is hereby, amended so as to allow any railroad company heretofore designated by the legislature of the State of Oregon, in accordance with the first section of said act, to file its assent to such act in the Department of the Interior within one year from the date of the passage of this act; and such filing of its assent, if done within one year from the passage hereof, shall have the same force and effect to all intents and purposes as if such assent had been filed within one year after the passage of said act: *Provided*, That nothing herein shall impair any rights heretofore acquired by any railroad company under said act, nor shall said act or this amendment be construed to entitle more than one company to a grant of land.

Now comes the limitation.

Provided further, That the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one quarter section to one purchaser, and for a price not exceeding $2.50 per acre.

Now, Mr. Speaker, the gentleman from Oregon states that all the lands that have been sold by the railroad company are sold under the terms of that extension. I deny that, gentlemen, and I am going to prove to you that the gentleman from Oregon is mistaken.

Six-sevenths of all those lands that have been patented were patented under the terms of the act of 1866, and make no reference whatever to any other act, and here is an abstract of title taken from the records of Linn County, Oreg., where some of these lands are located, and here are the patents, and I am going to read one of these patents to you to show that if the act of 1869 had any bearing upon the act of 1866 the Government was negligent in making no reference to the act of 1869 in its patents.

Let me read an extract from the patent. I will not refer to the provision about the time in which they should build the road. Let me say there is no contention here on the part of the Government that the railroad companies and the wagon-road companies have not earned those lands. Every condition, according to the terms of the act, has been complied with in acquiring these lands and earning them. Here is a patent dated December 3, 1894, and it reads as follows:

The United States of America; To all to whom these presents shall come, Greeting: Whereas by the act of Congress approved July 25, 1866, "to aid in the construction of a railroad and telegraph line from Portland in Oregon, thence southerly through the Willamette, Umpqua, and Rogue River valleys to the southern boundary of Oregon" authority is given to the Oregon and California Railroad Company, of Oregon, a corporation existing under the laws of the State "to construct a railroad and telegraph line" under certain conditions and stipulations—

And so on. It provides that on the completion of each 20 miles of line the President shall appoint a commission to inspect the roads, and if the commission reports that the road has been completed according to the terms of the act and so certifies to the President, the company then are entitled to select twenty sections of land for each mile of line built, ten sections on each side of the road.

Mr. HAWLEY. I want to ask if you are certain about the name of the county? Is it Crook County?

Mr. FORDNEY. I will see if it is. I may be wrong.

Mr. HAWLEY. There are none of these lands in Crook County.

Mr. FORDNEY. It is Linn County. The gentleman is right. Now, the commission was appointed. It reported back to the President that the road had been built according to the terms of the act. The railroad company filed their list of selections and the lands were patented. Here is a patent that carried 229,643.52 acres.

And that the same has been accepted by the President—

Referring to the report of the commission—

And whereas certain tracts of land have been listed by the duly authorized agent of the Oregon and California Railway Company, as shown by such agent's original lists of sections on record, approved by the local land officers, and now on file in this office;

And whereas said tracts of land lie within the territorial limits of said grants, and are particularly described as follows—

And so on, reserving to the Government all ores and minerals, not including iron and coal.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. FORDNEY. Yes.

Mr. PARSONS. Does not the part of the grant in question which refers to the issuing of a patent exist only in the act of 1866, in section 4, so that it was unnecessary for the Government, in reciting why it should issue a patent, to refer to any other acts than that of 1866?

Mr. FORDNEY. No; pardon me. The Supreme Court has said over and over again that the purchaser is not expected to go back of the language in the patent to find out what that patent means. The authority to issue the patent vests solely in the Government and the Government officers, elected and appointed to perform their duties; and if they omit from the patent any language in the law that should go there, the purchaser shall not be punished for the negligence of the officers of the Government. I can show you Supreme Court decisions here that I could cite to you until this time to-morrow.

Mr. PRINCE. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. PRINCE. If your contention is correct, that the Supreme Court has so held, then if a suit is brought to oust these people from their possession, they can plead that in defense?

Mr. FORDNEY. Oh, yes; they can do that, but what I want is not to clothe this Government with authority to take all these people into court, when to-day they have not got that authority. The statute of limitations operates against these patents, and I have here and will now call your attention to a decision of the Supreme Court, rendered no longer than Monday morning of this week, relating to the title to lands in the State of Michigan. I will quote to you what the court says:

The defendant claims that this strip—

There is a piece of land at Sault Ste. Marie, Mich., which a water-power company located, and in 1883 this Government issued a patent to that company for the land. Later on

the Government goes into court and attempts to annul that patent and claims that the patent was unlawfully or erroneously issued, and here is what the court says:

The defendant claims this strip and the islands under a patent from the United States dated December 15, 1883, describing the land as bounded by the river St. Mary on the east, north, and west. The United States says the patent was void because the land had been reserved for public purposes and that even if it was valid the islands did not pass. The defendant replies that the land was not reserved, and also sets up the statute of limitations, act of March 3, 1891 (ch. 561, sec. 8, 26 Stats., 1093).

Let me tell you what that act of March 3, 1891, was. It fixed the time that this Government could go into court to recover title and annul the patent at five years—that is, any patent issued five years prior to that date, the Government could go into court at any time during the five years and proceed to annul a patent.

The circuit court dismissed the bill and its decree was affirmed by the circuit court of appeals. (125 Fed. Rep., 25.)

There is force in the contention of the United States that the land was reserved and that it had not been surveyed, but we find it unnecessary to state or pass upon the arguments, because we are of opinion that now the patent must be assumed to be good. The statute just referred to provides that "suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act," that is, to say, from March 3, 1891. This land, whether reserved or not, was public land of the United States and in kind open to sale and conveyance through the Land Department. (United States *v.* Winona & St. Peter R. R. Co., 165 U. S., 463, 476.)

The patent had been issued in 1883 by the President, in due form and in the regular way. Whether or not he had authority to make it, the United States had power to make it or to validate it when made, since the interest of the United States was the only one concerned. We can see no reason for doubting that the statute, which is the voice of the United States, had that effect. It is said that the instrument was void and hence was no patent. But the patent presupposes an instrument that might be declared void. When it refers to "any patent heretofore issued" it describes the purpose and source of the document, not its legal effect. If the act were confined to valid patents, it would be almost or quite without use.

They construe the law to mean where a patent has been issued erroneously, as we claim in this case, by the Government, not referring to the act of 1869, which was an error on the part of the Government, that the present owner of that land should not suffer.

Further the court cites:

This statute must be taken to mean that the patent is to be held good and is to have the same effect against the United States that it would have had if it had been valid in the first place.

Here is a patent that the court recognized was invalid when issued, but on account of the lapse of time the Government is barred by the statute of limitations, and the court confirmed the title in the persons holding the land. I have forty such cases if I only had time to read them.

Mr. PARSONS. Will the gentleman yield?

Mr. FORDNEY. I will yield if the gentleman will be brief.

Mr. PARSONS. May I ask the gentleman to cite a case which says that the patent should recite every act which granted the land to the railroad?

Mr. FORDNEY. I may get to that. Here is the act of 1896 referred to, which limits the time, and I will not take the time to read it because my time is limited. Here is the decision of the Supreme Court touching upon this question, and I want the House to bear long enough with me to read it. It is known as The United States *v.* The California and Oregon Land Company (148 U. S. Repts., 43).

This is one of the companies affected by this resolution, and the gentleman owning an interest in these lands sits in the gallery, and he and his associates have held these lands since 1877 under a patent which has the signature of President Grant, and that company has paid $167,000 to the State of Oregon in taxes on these lands.

It is a universal principle that, where power or jurisdiction is delegated to any public officer or tribunal over a subject-matter, the acts so done are binding and valid as to the subject-matter; and individual rights will not be disturbed collaterally for anything done in the exercise of that discretion within the authority and power conferred. The only questions which can arise between an individual claiming a right under the acts done, and the public, or any person denying its validity are power in the officer and fraud in the party. All other questions are settled by the decision made or the act done by the tribunal or officer, whether executive, legislative, judicial, or special, unless an appeal is provided for, or other revision, by some appellate or supervisory tribunal, as prescribed by law.

Mr. PARSONS. Will the gentleman yield?

Mr. FORDNEY. Yes; if the gentleman will not take up too much of my time.

Mr. PARSONS. Did not the attorney for this very company request the Government to bring the suit so that title could be settled?

Mr. FORDNEY. I do not know what he did. I know I want to impress upon the gentlemen of this House that the title to these lands in the hands of these people to-day is unassailable, and what you will do by your resolution would be to give over to the courts the right to proceed, and some assistant attorney will bring these purchasers to court and haul them across the continent from one end to the other and compel them to defend their titles which they are secure in to-day, according to law, and the gentleman can not deny it.

Mr. CRAIG. Mr. Speaker, the gentleman cited a case which I did not catch the volume of. I wish he would give it to me.

Mr. FORDNEY. United States report, volume 148, page 43. I have it right here. To continue:

It has been repeatedly held by the Supreme Court in many decisions rendered that the patent obviates the necessity of any further evidence of the grantee's right to the land, and it has also been said by the same court that a purchaser is not required to go behind the patent.

That is what the Supreme Court says:

Accordingly, it would seem that a purchaser from the patentee is entitled to regard the patent as correctly showing the grantee's title, and that the United States is not in a position to assert to the contrary. If a limitation to the act of 1869 was omitted from the patent through a misconception on the part of the Land Department, as to its scope and effect, the mistake is one which can not be corrected to the injury of the purchaser.

Mr. DAVIS of Minnesota. Will the gentleman yield?

Mr. FORDNEY. Yes; if the gentleman makes it brief.

Mr. DAVIS of Minnesota. I have been endeavoring to read the amendment, and it seems somewhat peculiar to me, and I have no doubt that the gentleman can explain it in just a moment, satisfactory to him, at least.

Mr. FORDNEY. I will try to.

Mr. DAVIS of Minnesota (reading):

Provided, That this resolution shall not relate to any land for which patents have been issued which are now held by bona fide purchasers, other than railroad corporations, etc.

Mr. FORDNEY. Now, let me explain——

Mr. DAVIS of Minnesota. Let me ask the question first. The reading of this amendment signifies, to my mind, that there are two classes of bona fide purchasers.

Mr. FORDNEY. No; not at all.

Mr. DAVIS of Minnesota. That is the way it reads to me. One of them is the railroad, and if such should prove to be the case hereafter in court, would it not invalidate the whole resolution as being class legislation and unconstitutional? [Applause.]

Mr. FORDNEY. I stated a while ago, while the gentleman was out perhaps—let me say further that some of the best attorneys in this country have passed upon that amendment and say it is not class legislation—that this Government to-day, through its Attorney-General and through the effect of this resolution, is trying to get authority to go into court and punish the offender, the railroad company.

Mr. DAVIS of Minnesota. Does not the gentleman consider that the railroads owning the lands are bona fide purchasers?

Mr. FORDNEY. Whether they are or not I do not care a snap, and I do not care anything about protecting them. They are able to look out for themselves.

Mr. DAVIS of Minnesota. Yes; but if we legislate, we must legislate for all alike.

Mr. FORDNEY. I decline to yield any further. What I want to do is to protect the innocent fellow that has no money to come here and defend his own title.

Mr. DAVIS of Minnesota. His title seems to be from the same source and authority——

Mr. FORDNEY. I will not yield any more. The gentleman from Oregon [Mr. HAWLEY] states the lands have all been conveyed according to the terms of the act of 1869. Let me call attention to a significant fact. The limitations as to the sale of those lands in quantities and prices are contained in the act of 1869, and it is contended by the gentleman from Oregon [Mr. HAWLEY] and by the gentleman from Wyoming [Mr. MONDELL] that is public notice to everybody. The gentleman from Oregon [Mr. HAWLEY] is an intelligent gentleman and is a lawyer, and before the Committee on the Public Lands he stated that he was born in 1864 in one of the counties in which some of those lands are situate and has lived there all his life until two years ago and had never heard of the act of 1869 [applause] until it was taken up in the courts of Oregon or in the legislature. Is it reasonable to suppose that the average layman purchasing lands and knowing nothing about law should know all about it, when Mr. HAWLEY, an intelligent gentleman and a lawyer, living on the land himself never heard of it? It is ridiculous.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield for a question?

Mr. FORDNEY. Yes; if it is brief.

Mr. HUMPHREY of Washington. I will ask the gentleman if it is not true that the majority of the lands that have been purchased from the railroads have passed by quitclaim deeds from the railroad, and if that is not notice to everybody?

Mr. FORDNEY. No; that is not notice, and the Supreme Court says so. It may be in some cases, but not in others. Let me say to you, gentlemen of the House, that those lands have all been disposed of by the railroad companies either by quitclaim or special warranty known as "bargain-and-sale deeds" in the Pacific States, which means the conveyance only guarantees to the purchaser against the acts of the railroad companies, and not beyond that, and if the title to those lands is forfeited to this Government and taken away from the present holders, they have no recourse against anybody on God's green earth.

But you propose to take away from them every dollar's worth of property they have to-day.

Mr. HUMPHREY of Washington. Will the gentleman yield for a further question?

Mr. FORDNEY. Yes.

Mr. HUMPHREY of Washington. I will ask the gentleman if in the statement which was made, placed on my desk—I do not know whether the gentleman placed it there, yet I think it came under an envelope bearing his frank——

Mr. FORDNEY. Yes; I did.

Mr. HUMPHREY of Washington. Did not you state in that all these transfers since 1896 have been made by quitclaim deed?

Mr. FORDNEY. That is an oversight. A bargain-and-sale deed is a quitclaim deed in every respect except as to the railroad company. Now, wait a minute, I can not yield further. Mr. Speaker, let me say to you the Booth-Kelly Lumber Company, which is one of the claimants here, purchased from the railroad company from time to time a sufficient quantity of land to amount to something over 67,000 acres. They have purchased this land in violation of the terms of that act, but here is a telegram from an officer of that company saying that no officer of that company ever heard of the limitations of these patents until two years ago, long after they had made all their purchases, and let me say again——

Mr. PARSONS. Will the gentleman yield?

Mr. FORDNEY. No, I will not yield; I want to make a point. Some of the land purchased by the Booth-Kelly Company from the railroad afterwards fell within the limits of forest reserve, and under the forest-reserve law each and every individual or set of individuals can convey such land to the Government by quitclaim deed when the abstract title is furnished showing their title to be perfect, and such persons can go elsewhere and select a like amount of acres anywhere over the public domain where there is unappropriated public lands, and the Booth-Kelly Lumber Company in one deed conveyed to the United States Government 9,000 acres of land, the title to which they obtained from the railroad company, and the Department of Justice or some lawyer or some man employed by the Government passed upon the title and pronounced it perfect. What do you say about canceling the title to these 9,000 acres now in the hands of the Government?

Mr. FERRIS. Will the gentleman yield for a question? I just want to ask the gentleman if he is aware of the fact that one of the attorneys who gave that opinion was at the time of the passage of that act in the United States Senate, and I want to ask him further, is not that same attorney——

Mr. FORDNEY. I will reach that.

Mr. FERRIS. I would like to have the gentleman refer to that.

Mr. FORDNEY. Mr. Williams was the Attorney-General under Grant, and was at the time that this act of 1869 was passed a United States Senator, and I have here—I have not time to read it—an exhaustive opinion by his firm, prepared for one of my constituents who purchased this land, stating that his title to this land is absolutely beyond attack by this Government or anybody. That is the point I was getting at.

Mr. GOLDFOGLE. If that is so, they can defend successfully in court.

Mr. FORDNEY. Yes; you can take us into court, where we do not want to go.

Mr. GOLDFOGLE. How many individuals will be affected or necessarily brought into court?

Mr. FORDNEY. One hundred and twenty-seven thousand acres of this land have been sold strictly in compliance with every condition of every act and in quantities less than 160 acres, and in 160 acres or less a hundred and seventy-odd thousand acres have been sold, but at a price slightly in excess of $2.50.

Now, then, the gentleman representing the Government said, "We do not propose to disturb these people at all;" but the city of Portland purchased 3,000 acres of this land, contrary to the terms of the act, on which the water supply of the city is situated. "We do not propose to disturb them," he says; but, gentlemen, let me say to you under the provisions of this resolution, or any law under God's sun, this Government can not go into court and forfeit a portion of these lands that have been sold, whether sold according to the terms of the contract or otherwise, without forfeiting all the lands. What are you going to do with these 127,000 acres where there has been no violation of law? "Why," he says, "temporarily"——

Mr. PARSONS rose.

Mr. FORDNEY. I can not yield. "Temporarily we will reinvest the title in the United States Government, and these people can come to Congress and ask for relief." Oh, that is what gentlemen said that were representing the Government. Your side of the argument does not meet mine at all, gentlemen. Reference has been made here that anybody purchasing these lands in quantities in excess of 160 acres, or in large quantities, are violators of the law; that they are speculators; that they are land grabbers. They do not say "land thieves," but they mean it.

What do you mean by that, gentlemen? The Booth-Kelly Lumber Company that holds title to 67,000 acres of those lands to-day has four sawmills located on those lands and railroads leading from the sawmills into the timber. They have in their employ 1,200 men, and in the 250 mills now cutting timber from those lands there are 8,000 men employed cutting timber and converting it into lumber, supporting a population of 40,000 people. In one place there is a little town there that has a population of 1,000 people, situated on section 13 and section 23 in township 8 south, of range 7—east or west, I have forgotten which. The title of all that property it is proposed by this resolution and by the Attorney-General to be reinvested in the United States, and then let those 40,000 people come to Congress and ask for relief. No, gentlemen; it is absurd upon its face. If the railroad company has violated this law, are you going to punish the 40,000 people who have invested all the money they have in the world in those lands? Did you ever hear tell of a shipowner sinking his ship and all on board in order to punish an unruly captain? Did you ever hear of a farmer setting fire to his wheat field in order to burn the Canadian thistle or cockle in it? Did you ever hear of a farmer burning his barn in order to kill the rats in the wheat bin? If there is a nigger in the fence, why don't you get after him? Why does not this Government proceed against the railroad company for selling those lands in violation of the law and collect the difference between the price obtained for the lands and the price which they were authorized to obtain?

Mr. HAMILTON of Michigan. What is to prevent the Government from commencing suits to work the forfeiture in these cases without this act? I simply ask for information.

Mr. FORDNEY. Why, I will say to you that the Government is barred by the statute of limitations from attacking any patent that has been issued longer than six years. And the heft of those lands have been patented more than six years ago, some patents beginning to issue in 1872.

Mr. HAMILTON of Michigan. Could not this six-year limitation be asserted even though this act should be passed, as a defense?

Mr. FORDNEY. I have just read you a decision rendered by the Supreme Court on Monday last, holding that act constitutional, and barring from the court or throwing the Government out of court in its effort to cancel a patent that was issued more than six years ago. Now, here is another decision. Mr. Justice Cooley, in his Constitutional Limitation, said:

> When the period prescribed by a statute has once run, so as to cut off the remedy which one might have had for the recovery of the property in the possession of another, the title of the property, irrespective of the original, is regarded in law as vested in the possessor, who is entitled to the same protection in respect to it which the owner is entitled to in other cases.

How much time have I consumed, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has consumed forty minutes.

Mr. FORDNEY. Well, I will close quickly here, because I want to give some other gentlemen time. When the United States waives its sovereignty, as occurs in these two statutes, they become statutes of repose. Mr. Cooley says that a subsequent repeal of the limitation law could not be given a retroactive effect which this resolution proposes to give, so as to disturb this title, which is vested as completely and perfectly and is as safe from legislative interference as it would have been had it been perfected in the owner by grant or any other species of assurance. And in support of this he cites Supreme Court decisions.

Mr. Speaker, I will reserve the balance of my time. [Applause.]

Mr. MONDELL. Mr. Speaker, I yield ten minutes to the gentleman from Alabama [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, the gentleman from Michigan [Mr. FORDNEY] says if there is a nigger in the woodpile, why do we

not go after him? Gentlemen, I propose to go after him, and here it is. This Government comes here and asks for authority to the Attorney-General to do what? To declare a forfeiture of these lands, and the gentleman asks why the Attorney-General comes here? It is simply for this reason: In the case of an individual, as every lawyer knows, in order to take advantage of a breach of a condition subsequent to declaring a forfeiture, you must reenter the premises in some way. You must show some act of authority and possession over the property. The Government is the same as an individual. We must do something to show some authority, some act of possession in regard to this property. How can that be done? How could that be done? The Attorney-General can not do it, because the Constitution has lodged in Congress the power first to dispose of the public domain. Therefore Congress must take some steps to say that we reenter this property and take possession of it, and we authorize the Attorney-General, as the agency of this Government, to go forward and assert the rights of the Government.

Mr. KEIFER. Will the gentleman allow me to interrupt him?

Mr. CRAIG. I decline to yield.

Mr. KEIFER. I wanted to state to the gentleman that the provision of the resolution is just the reverse of his statement.

Mr. CRAIG. The resolution is not the reverse of my statement, Mr. Speaker.

Mr. KEIFER. Read it.

Mr. CRAIG. Now, Mr. Speaker——

Mr. ELLIS of Missouri. Before the gentleman proceeds, the gentleman wants to be fair. Refer to the language of the resolution.

Mr. CRAIG. I am referring to the language of the resolution.

The SPEAKER pro tempore. The gentleman from Alabama is entitled to the floor.

Mr. ELLIS of Missouri. I wanted to ask him to yield just to find what the language of the resolution is.

The SPEAKER pro tempore. The Chair will protect the gentleman in his right to the floor. The gentleman has declined to yield.

Mr. CRAIG. I will answer him in my own time, Mr. Speaker. The resolution says:

That the Attorney-General of the United States be, and is hereby, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate to enforce any and all the rights and remedies of the United States.

Mr. ELLIS of Missouri. Read what it says at the bottom of page 2, beginning with the semicolon:

Mr. CRAIG (reading):

It not being intended hereby to determine the right of the United States to any forfeiture or forfeitures.

No.

Mr. ELLIS of Missouri. That is it exactly.

Mr. CRAIG. We should reenter these lands as I have said. We would have to reenter before he, the Attorney-General, could bring his suit. Now, we come to some of the special interests, Mr. Speaker, who say that you shall not give the Attorney-General the right to proceed against them, but we may proceed only against the railroad companies. That I claim, Mr. Speaker, is as clearly unconstitutional as anything in this world can possibly be. The amendment says:

Provided, however, That this resolution shall not relate to any land for which patents have been issued, which are now held by bona fide purchasers, other than railroad corporations or persons holding title for any such railroad corporation as trustees to secure any bonded or other indebtedness, or for any purpose whatsoever.

The Supreme Court in the case of Missouri Railway *v.* Mackey (127 U. S., 209) said:

Special legislation is not obnoxious to the last clause of the fourteenth amendment, if all persons subject to it are treated alike under the same conditions.

I submit to you that there are two classes of bona fide holders contemplated in this amendment; one is excluded and the other included.

The equal-protection clause of the fourteenth amendment was designed to prevent the singling out of any person or class of persons as special subjects for discrimination and hostile legislation. (Pembina Mining Company *v.* Pennsylvania, 125 U. S., 188.)

Equal protection under the law means the same protection to all persons in the same place and under like circumstances. (Marchant *v.* Pennsylvania Railroad, 153 U. S., 389.)

Do you give the lumber company the same show that the railroad company gets under this amendment? You give them just so much better show that they will never be brought into the court.

Mr. FORDNEY. They will not, either, if they are bona fide purchasers.

Mr. CRAIG. Are they bona fide purchasers? That is the question we want to submit to the court. The gentleman from Michigan has made an argument as if he were arguing this question before a court. If there are any of the equities which the gentleman from Michigan says really exist, he ought not to fear to go into the courts of this country. [Loud applause.] But, Mr. Speaker, they are the worst scared innocent people I ever saw in my life. [Laughter.]

Mr. FORDNEY. Will the gentleman permit me to interrupt him?

Mr. CRAIG. I have not the time. The gentleman would not yield to me.

The SPEAKER pro tempore. The gentleman declines to be further interrupted.

Mr. CRAIG. The gentleman from Michigan [Mr. FORDNEY] says that ex-Senator Williams investigated the title and said it was absolutely good. Yes; he said it was aboslutely good. Let us see what he did say.

This brief was presented when the bill was before the Committee on Public Lands, and is signed by Mr. Williams's firm:

It might be argued that the last proviso of this act qualifies all that precedes it, and is, hence, a limitation upon the grant of 1866; but this is by no means convincing. If such was in fact the intent of Congress, it was certainly not expressed in clear and unmistakable language which we would have a right to expect. Besides, such a conclusion would seem to require an interpretation of the preceding portions of the act not warranted by their apparently plain and unambiguous terms. It is also contrary to what appears to be the settled construction of the Land Department which omits all reference to the act in the patents issued upon the grant.

That is what he says now. When a like bill was pending before the Senate on May 4, 1870, with just the same clause in it as in this bill of 1869, Mr. Williams said:

I suppose it is not necessary now to defend the policy that has been adopted by the Government to assist in the construction of railroads in new States by grants of land. Oregon is a State that has nearly 100,000 square miles within its borders. It has had one grant for a railroad, and now asks Congress to make another grant to assist in the construction of another small railroad in that State. The objection which the Senator makes to this bill is not available, for the reason that the bill provides expressly that every foot of the land shall be sold to actual settlers——

[Applause.]

The lands granted are as open, under the provisions of this bill, to actual settlers as they are under the preemption laws of the country. It simply provides that when settlers go upon these lands they may buy them of the company, and the proceeds shall be applied to assist in the construction of the road.

But, gentlemen, laying the two statements side by side, which are you going to take? When he wanted the grant he said that. When he wants to protect himself against the Government and the people of this country asserting their rights he says that those words do not mean a thing on the face of God's earth. [Applause.] Yet they say they are bona fide purchasers, and that is why they claim they are. They say they even went so far as to get the man who was here when the bill was passed to investigate the title. Gentlemen, why did they get that man? I leave that to your imagination. If they are purchasers without notice, why did they go to the man who passed the bill, and why do they rely on him now?

But they say these patents were issued under the act of 1866 and not under the act of 1869. Gentlemen, it would take three hours to explain all the intricacies of this matter to you, but as rapidly as I can I will tell you. There was a company, known as the "West Side Company," in Oregon, organized and designated by the legislature of Oregon to receive this grant. They filed their acceptance within the time required by law. Now, they went ahead and started the construction of their road. Another crowd out there in Oregon got hungry for this land and formed a corporation under the same name and started a railroad down on the east side of the Willamette Valley, and they began to contest with the other company the validity of their charter. In the meantime the one year in which they were to make the 20-mile extension of the road expired, so that the first company had nothing. They never did complete 20 miles of road, and the law required that they should complete 20 miles before they received any patent. They never built 20 miles, and therefore received nothing. The other company was not designated by the legislature to receive the grant until the act of 1868. Therefore they did not receive anything before 1869, when the amending act was passed, the consequence being, gentlemen, that at the time the act of 1869 was passed, these grants had been absolutely lost to the State of Oregon, and without it, even in spite of the act of 1866 and the act of 1868, they would not have received one foot of land. Therefore these grants come under the act of 1869, which has this provision in it limiting sales to actual settlers at a certain price and in limited quantities, thereby creating an express trust in the hands of the railroads; and I defy any lawyer in this House or any-

where else to show me a decision that says the statute of limitations ever runs against an express trust. [Applause.]

Mr. MONDELL. Mr. Speaker, I yield to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, although the act of 1869, which was part of the grant, provided that the land should only be sold in tracts of 160 acres and for not more than $2.50 an acre, one of these lumber companies has 70,000 acres, all of it acquired in tracts greater than 160 acres, and at prices greater than $2.50 an acre, a very plain violation of the statute.

Mr. PERKINS. Did the company obtain that large quantity of land by one conveyance, or by purchasing a number of small conveyances to various grantees?

Mr. PARSONS. A number of conveyances were made to the company.

Mr. PERKINS. A number of conveyances, all to the one company.

Mr. PARSONS. And each conveyance was in violation of the statute. Each conveyance was for more than 160 acres.

Mr. PERKINS. And the various conveyances, in their total, amount to 70,000 acres.

Mr. PARSONS. The conveyances total 70,000 acres.

A great deal has been said about the effect of the patent which the Government issued, and the gentleman from Michigan [Mr. FORDNEY] has laid great stress on the fact of the patent and has argued that these purchasers are protected because patents were issued. Now, the Government acted entirely properly when it issued the patents. It did not issue the patents to the purchasers. It issued the patents to the railroad company. As soon as the railroad company had built a certain number of miles of railroad the Government issued patents to it, and the Government has issued patents for two million and a half or more of acres, but the railroad has only sold, I think, six or eight hundred thousand acres. The conditions subsequent in the statute do not relate to the patents at all. They relate to the sale which the railroad company could make after it had received a patent.

Now, this matter comes down to this, that if you pass the amendment you may defeat the suit that the Government will bring. The Attorney-General fears that if you pass this amendment you will defeat the suit, and it will be useless to institute it, because in order to prove a forfeiture you must prove breaches, and this amendment would condone the breaches. And what would a court of equity say when you came to get a forfeiture decreed and yet you had condoned the breaches?

On the other hand, suppose you pass the resolution unamended. Then every one of these purchasers has full opportunity to set up all his equities and defenses. Every argument the gentleman from Michigan [Mr. FORDNEY] has made can be set up in the proceedings brought by the Government. Every lawyer who appeared for any of these purchasers admitted, as did the Attorney-General and the special district attorney, that every one of these defenses could be brought up in the proceedings that may be instituted.

Mr. SULZER. Just in line with what my colleague was saying—why put these innocent purchasers to the expense of defending the suits that the Government may bring against them? Is not that a great hardship? Many of these purchasers are poor people.

Mr. PARSONS. It will not hurt any poor people.

Mr. SULZER. It will hurt innocent purchasers.

Mr. PARSONS. It does not hurt any poor people.

Mr. SULZER. An innocent purchaser may have to employ counsel to defend his case in court.

Mr. PARSONS. The Attorney-General said that as to the people who had purchased not in violation of the act no proceedings would be instituted against them.

Mr. GAINES of Tennessee. Will the gentleman yield now?

Mr. PARSONS. Yes.

Mr. GAINES of Tennessee. Does the gentleman have any doubt about the constitutionality of this proposed amendment, wherein it says that the resolution shall not apply to any bona fide purchaser "other than railroads and corporations, or corporations holding as trustees;" in other words, putting a human being on one side and saying that it shall not apply to him, but that it shall apply to corporations? Is that a constitutional provision or is it very doubtful?

Mr. PARSONS. I think it is doubtful.

Mr. GAINES of Tennessee. And if it were to fall, that being a substantive part of the resolution, the whole resolution would be wiped out, and if we pass the resolution without the amendment, there will be no trouble for the court to go right along.

Mr. PERKINS. I should like to ask the gentleman another question, if he is willing to allow me to take his time.

Mr. PARSONS. Certainly.

Mr. PERKINS. As the gentleman knows perfectly well, the condition under which a forfeiture can be claimed is always inserted in the deed itself. Where there is a grant to a corporation under certain conditions—say, for church purposes, for instance—and upon failure, then it reverts. Now, the gentleman says that the Government gave its patents directly to the railroad corporation. Of course that is so; but should not the Government have inserted in the conveyance to the railroad corporation the condition upon which the forfeiture could be claimed, which would have been notice to everyone who took under it instead of giving a deed in such form that you must hunt through the statutes of the United States to see if perchance there is something there that restricts the full effect of this deed?

Mr. PARSONS. That really does not enter into this question for two reasons. One is, that the Booth-Kelly Company has 70,000 acres of this land, 10,000 of which comes from these patents which recite the last act and thus put them on notice of that limitation, and the second is that the brief or the opinion which is adverted to all the time is the opinion of Mr. Williams, who was attorney-general, and who was Senator from Oregon at the time the act was passed in 1869, and therefore these people knew of that act through him.

Mr. FORDNEY. Will the gentleman yield?

Mr. PARSONS. Yes.

Mr. FORDNEY. I want to say to the House that the opinion of Williams, Wood & Lithicum was given long after the lands were purchased, and not until that company discovered the limitation, long after the purchase of the land.

Mr. PARSONS. They had given another opinion several years before. Some or these purchasers, the one referred to by the gentleman from Michigan a little while ago, asked the Government about a year ago to institute a suit making them parties, so that their title could be determined, and when the Government institutes a suit everybody's title will be determined.

There is a peculiar vice about this amendment that I wish to call to the attention of the House. It provides that the resolution shall not relate to any land for which patents have been issued which are now held by bona fide purchasers. In other words, the purchaser only has to prove that he is a bona fide purchaser. It was argued by the lawyers who appeared before the committee that any purchaser, no matter if he knew what the provisions of the act of 1869 were, was a bona fide purchaser. Williams, Wood & Lithicum, in their opinion, argued that, although Mr. Williams was a Senator from Oregon and procured the passage of the act of 1869, the effect of this amendment would be to protect every purchaser. Now, I submit to the House that if there is a company that in plain violation of this statute has acquired 70,000 acres of land this House does not wish to adopt an amendment which, although that company's lawyer knew about the condition subsequent in the act of 1869, would declare that that company with 70,000 acres of land was a bona fide purchaser. [Applause.]

Mr. MONDELL. Mr. Speaker, I will ask the gentleman from Michigan to use some portion of his time.

Mr. FORDNEY. How much time has the gentleman from Wyoming consumed?

The SPEAKER pro tempore (Mr. GAINES of West Virginia). The gentleman from Wyoming has forty-one minutes remaining, and the gentleman from Michigan has forty-four minutes remaining.

Mr. FORDNEY. I do not think we are quite ready on this side.

Mr. MONDELL. Then I will yield five minutes to the gentleman from Iowa [Mr. HAMILTON].

Mr. HAMILTON of Iowa. Mr. Speaker, the proposition, as I understand, before the House is a simple one and one we should not permit to become clouded with legal contentions that are to be determined by the court.

The resolution that we have before us for consideration is one authorizing the Attorney-General of the United States to enforce the laws of a previous Congress. It simply gives him the authority to go into court and have the question determined whether or not the act of Congress has been violated. It does not give him any more authority. It does not enlarge the statutes upon which he is to bring this prosecution in any way whatever.

Mr. SULZER. Has he not got that right now?

Mr. HAMILTON of Iowa. I can not be interrupted, as I have only five minutes. The amendment offered by the gentleman from Michigan can only be for the purpose of obstructing the prosecution upon the part of the Department of Justice as to violations of the provisions of law as contained in the grant.

If the contention made by him in his argument to this House be true, then, as it has already been stated, the party whom he represents as an innocent purchaser has nothing to fear from a court of equity. There can be no question as to that, if he is correct as to the legal proposition. The Department of Justice can only bring the parties into court that have violated the law and determine their rights. It is contended by the gentleman from Michigan that these parties may be put to a great deal of trouble when there is absolutely no question about their title. He is presuming that the Attorney-General of the United States does not know any law, and that he will bring actions and prosecutions under this resolution without any justification whatever. The presumption is that he will bring no action against anyone whom the facts show have title that can not be affected by the prosecution. If the amendment offered by the gentleman from Michigan is adopted and tacked on to this resolution I shall vote against the resolution, because it is far better for the Department of Justice to have no resolution at all than to have one with this amendment which, in my judgment, is placed here for the purpose of absolutely killing all of the virtue there is in the original resolution. [Applause.]

If by the act granting this land Congress meant what it said, then let us maintain the sanctity of the law. Why enact legislation as to the public domain in such manner as to protect it against the greed of corporations? If when the Department of Justice desires to enforce its limitations we place obstructions in its way, and thus make nugatory the solemn declarations of Congress, we hear precisely the same defense here that we have heard in this country for years. Whenever the Government starts out to prosecute a corporation, a man, or a set of men, on the ground that they have violated the laws of the country, we are told that we must stop these prosecutions or we will interfere with business or affect the property belonging to some poor widow or orphan who owns stock in the company. [Applause.] I for one shall cast my vote in favor of this resolution without any amendment, with dotting an "i" or crossing a "t," and saying to the Department of Justice, "You have a clear bill from the Congress of the United States to enforce the laws that a former Congress has enacted." [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield ten minutes to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I read in the newspapers recently that a very scholarly minister in Chicago wanted to go away over Sunday, and he was told that he could get a man from the center of Illinois to fill his pulpit for one meeting. He got a young man who brought down a very carefully prepared sermon on the subject of divorce. The Chicago divine said:

> My young friend, it will not do to discuss that matter in this church, because recently one of my very richest members secured a divorce.

The young man replied that he must discuss this, or rather preach that sermon, because he was not prepared to discuss any other subject, when the Chicago man said:

> Oh, attack corporate wealth. Corporate wealth has no friends in this church.

Now, I realize, Mr. Speaker, what we are up against here. All you have got to do, even in the face of the Congress of the United States, is to attack a corporation. Some weeks ago I received a letter from Oregon from a man who formerly lived in my district, who told me that his little home was threatened, and asked me if I could do anything for him as an old-time friend.

I telephoned over to the Committee on Public Lands and learned that that committee had made a report. I examined this report and wrote him that according to the language of that report there was absolutely no saving him and his little home was gone. A little while afterwards my attention was further called to the matter. I said, "Inasmuch as it is coming up in Congress I am going to look it over and discharge my duty as a Member of Congress," and I want to say to this House that I am not going to let any clerk in the Attorney-General's office, or any other officer of this Government, instruct me as to my duty. I know my duty and I propose to do it. I have examined this question for myself and I disagree very largely with gentlemen who are advocating the passage of this resolution, and I also disagree with some of my associates who are assisting in the passage of this amendment. I have my own views, and I know how lawyers disagree.

Let us go back very hurriedly, because my time is limited. We find that in 1866 the Congress of the United States in its wisdom made a land grant. I can not stop now to discuss whether that was wise or not. I do not propose to criticise my predecessors, but it is enough for us to know that they made a land grant. I think the report of the committee is wrong when it tells the country that there was incorporated into and made a part of that land grant a condition that no sale should be made as stated in the House.

I want to say to this House that there is no condition in that land grant anywhere, as far as this question is concerned. There was a condition with reference to the building of roads. There was a condition with reference to performing the contract. There was a reversionary interest which created a condition, and I want to assert now, if my few years of experience as a lawyer are good for anything, there is no condition; and if I were employed to-day by the people owning these lands I would say: "My friends, you have no more to fear than you have when you lie down to go to sleep." Every lawyer knows what a condition is, and whether or not it has been violated. I assert that there is no condition here at all, but I am perfectly willing, and I think it is the duty of this Congress, as far as lies in its power, to proceed against this railway company. I think we would be derelict in our duty if we did not proceed against this railroad company, but I am absolutely opposed to exercising the great power of this nation against those people who have innocently gone to work and bought those lands.

I can not be fooled with the seductive talk of the gentlemen who have been advocating the passage of this resolution when they say it does not jeopardize their interests. I do not agree with my learned friend from Alabama when he says that they can go into a court of equity, this honest settler, and have his rights protected. If a law student were answering those questions as I have heard it debated to-day, it would be said that he was not competent to be a lawyer. What is the proposition—that a court of equity has got to declare a forfeiture and that a court of equity will protect their interests? I know the gentlemen when they say it does not mean it. It is thrown in here in order to induce this House to defeat the amendment. A court of equity has nothing to do with these questions. A forfeiture is declared by the person who has the right to make a forfeiture, and I propose, if I can get the time, to call attention to the words of the resolution and the words of the report to verify my argument.

I want to say to-day that the railroad company is not in any danger under this resolution, and the learned Attorney-General will find he can not proceed against the company and that he has got to have further aid of Congress. Suppose to-day a person gave a deed to a party, and it was provided in the deed that no liquor should be manufactured or sold upon the premises and that if it was the land should revert to the grantor, his heirs, etc. It would rest entirely with the beneficiary to say whether or not he would insist upon the forfeiture. He could go into the possession of the land if vacant and unoccupied; if occupied he would have to bring his action in ejectment, and no lawyer would think of bringing an action in equity. There is nothing for a court of equity to act upon. You bring your simple action in ejectment and say we are entitled to the possession of that land because you have violated the condition upon which this land was granted. Therefore when you talk about a court of equity protecting these honest settlers, these innocent purchasers, I want to say to you, gentlemen, in all kindness, it is a fraudulent statement. A court of equity can not protect them for this reason.

The Congress of the United States declares a forfeiture; the courts do not declare a forfeiture. The courts enforce a forfeiture, and the Congress of the United States can say whether or not they will take advantage of the condition that is provided, if there is a condition. If the Congress of the United States exercises its right and its power and declares for a forfeiture, there is nothing left to do for the law officers of the Government but to go into the courts and have the forfeiture enforced. Now, how can an innocent purchaser be protected? I am very well aware, Mr. Speaker, that a large number of gentlemen who own some of this land are very wealthy men, but I do not know, under the Constitution, where this Government or any officer of this Government or the Congress of the United States has any right to take from a man property just simply because he is rich. I believe that in this nation every man is protected in his property rights and his personal rights without reference to whether he is rich or whether he is poor.

I would not be so influenced in my determination of that question. I want to know just exactly what is right and what is our duty now. They come in here and ask us to declare a forfeiture, and I want to say that the gentleman who drew this resolution never knew what he was about when he was drawing the resolution. His views are corroborated by the report of this committee. Look and see what they are talking about. I am willing to leave it to any lawyer in any section of the country, and it does not need a citation of authorities to sustain the position that the Congress of the United States

has a right to declare a forfeiture, and we must determine, not the courts, whether a forfeiture or not exists. We must determine whether or not liquor has been manufactured or sold upon the premises, not the court. All the court can do is to put you in possession of your property if the condition has been broken. Now, look briefly at the resolution and see if I am not right, and then look at the decisions of the Supreme Court of the United States, and I want to tell you to-day that the Attorney-General of the United States is just as helpless after the passage of this resolution as though it had never been passed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Speaker, I yield five minutes additional to the gentleman.

Mr. JENKINS. Now, if you will look at the resolution, it says, in short, that the Attorney-General is directed to commence suit. There is nothing to be gained by the commencement of a suit. What we have got to do, in the language of the law and the language of the Supreme Court of the United States, is to declare a forfeiture and insist upon the reinvestment of title. There is no such language in the resolution, and if you read the report you will discover that they are following along the lines of the resolution and saying that they are not going to declare a forfeiture; they are going to ask the court what their legal rights are. Then, after the court has established their legal right, they will determine what they can do. They will be out of court. I am saying this with all fairness with reference to proceeding against this railroad company, but they say a court of equity will protect these innocent purchasers. I regret to hear Members on this floor make any such argument. I want to know why the rights of innocent purchasers are not sacred and why we should, in the plenitude of our power, pass a resolution of forfeiture and say to the Attorney-General, "You proceed against these little homes out there and let these men spend all the money they have got in defending their rights."

Each man in possession has got to be proceeded against. Each man has got to put up this defense, has to employ a lawyer, and, as my very worthy friend suggested to me just now, he did not know, as he said, how you are going to ascertain whether they were bona fide purchasers. Why, we have an army of agents all over this nation, smelling out and ascertaining these matters, and they can go and investigate this matter. If they are satisfied that a man is not a bona fide purchaser, they can proceed against him. I wish I had time to take up these matters as they ought to be taken up, because it is an important question. I do not agree with my friend from Iowa when he says it is an absolutely simple question. It is not for us to put the machinery of this Government in motion and say that we will proceed against these people out there without knowing what our rights are and what their rights are. Now, when they say that it is unconstitutional, my friends, I want to say in all kindness to any gentleman that will advance any such argument, it is too small to talk about. We have a right to-day to say whether we will proceed against Mr. A or Mr. B.

If we have got any right at all, it is the right of forfeiture, and it is not class legislation. There is no class legislation about it. We are simply declaring that we will enforce a forfeiture, and when we make that declaration, it is all-sufficient for the Attorney-General to act, and he has got to go to work and act, and when one of those innocent purchasers comes in here and says, "I am an innocent purchaser for value," the court will have to strike his answer from the files and refuse to allow him to offer any evidence in support of his claim.

Mr. PARSONS. Will the gentleman yield?

Mr. JENKINS. I would gladly yield if I had the time, but I have not.

Now, Mr. Speaker, I want to say that there is no equity in forfeiture—none at all. The question is whether the condition has been violated, and that calls to my mind, and my time being limited, I will go back to that question. What is a condition? It is nothing more nor less than a part of the contract which provides in certain events that title shall revert, and the way to determine it is to look at the provision and see whether there is any reversionary interest.

They did provide, if they did not build the road according to the terms of the grant, it should revert, but later, in 1869, they passed an amendment which simply provided that any railroad company organized under the laws of the State of Oregon could come in and avail themselves of the benefit of that grant, and said, "provided," and so forth. It was not a condition, I will say to my friends on the opposite side of this question, but a mere limitation that does not affect the title to this property. It simply says:

You can not sell in excess of $2.50 an acre, and 160 acres in all, and that to a bona fide settler.

Now, I say the Government has been derelict, and I do not sympathize with the argument that has been made by some of the gentlemen that the people——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FORDNEY. I yield three minutes more to the gentleman.

Mr. JENKINS. Now, I want to know, gentlemen, while we are disposing of this question, and a later Congress will say so, why we do not watch the rights of these parties? They now say that we will pass this forfeiture, we will direct the Attorney-General to go to work, we will spend millions of dollars in enforcing this forfeiture, and then later, when some poor settler has been deprived of all that he has got, and, as the man wrote me said, "My wife and I are pretty nearly crazy now," in ten or fifteen years from now they will be coming up here to this Congress and begging for replenishment. And you know how they will fare. A man had better be in the hospital with his back broken than to have an honest claim against the Government of the United States. [Applause.] And we know it.

Let us settle it now. We do not want to stand on the cold letter of the statute as against these men who bought, whether they are rich or poor. Let us do justice. Let us be fair in our operations, and we will command the respect of the people. Who is going to get this land? I thought when my friend from Oregon was talking how honestly he presented the question. Why, he said, when we get it the people are going to be benefited. The people? Well, we are the people. There is not a man here to-day that would be benefited by it. That is, you rob Peter to pay Paul. You say to that honest homesteader who thirty years ago bought that property and has made it his home ever since, has reared his family there: "You have got to get off of that property and come back in fifteen years and ask for some assistance from Congress." If Congress does not legislate with reference to this man, we all know what will happen to him.

Anybody can go in there, and one man may go there, the absolutely poor man or the wealthy man may go there, and occupy it as a homestead under the homestead laws, and get it. You are simply putting A out and putting B in. Talk about the people! That is all right in addressing a political assemblage, but you can not fool the people with any such cheap talk. The people are not going to be benefited. The great question here is whether this Congress shall authorize this power and say we will or will not proceed against these honest purchasers. But they say it will hurt our bill; it is unnecessary. To-morrow the man who makes that argument will be ashamed of himself. We simply here by this amendment say that we will not proceed against any person who is an innocent purchaser for value. [Loud applause.]

Mr. FORDNEY. I yield five minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, if the statute under consideration operated to work absolute forfeiture of this land to the United States without any election to declare a forfeiture, then I take it the Attorney-General would have the right to prosecute a suit to reclaim the land. It is said in the report of the committee that the sole object of this resolution is to confer more ample authority to invoke the remedy of forfeiture. If this resolution does that, it must do it either by declaring forfeiture or by authorizing the Attorney-General to declare forfeiture. It is always, I think, within the right of a vendor entitled to a forfeiture to waive the forfeiture. This is a resolution either to declare a forfeiture or to authorize the Attorney-General, as the agent of the Government, to declare a forfeiture. Now, whenever the right to declare a forfeiture accrues, a legal right to declare forfeiture, it is incumbent in morals upon the vendor to say whether he ought to declare a forfeiture or not. If, as stated here, this is simply authority to bring suit under a previous statute, I certainly would favor the resolution without amendment. But this is the exercise of an alleged right to declare a forfeiture or authorize the declaration of a forfeiture on behalf of the United States by the Attorney-General, and if there have been such acts as to legally authorize the United States to declare a forfeiture, then it is incumbent upon us to say whether in good morals the forfeiture ought to be declared or whether in good morals it ought to be waived. Shall we confer upon the Attorney-General authority to say that a forfeiture shall not be declared against a bona fide purchaser or shall we by this resolution declare such a forfeiture? That,

in my judgment, is the real question pending before the House. If a forfeiture already exists, if the title is in fact revested in the United States, then I do not think the Attorney-General needs any additional authority; but if this be one of those cases in which the vendor must elect and declare forfeiture, then this resolution would not, in my judgment, accomplish its purpose. It is either a declaration of forfeiture, a delegation of the power to the Attorney-General to declare a forfeiture, or it is nothing.

Mr. LITTLEFIELD. Will the gentleman permit me?

Mr. SMITH of Iowa. I have only five minutes.

Mr. LITTLEFIELD. I would like to ask the gentleman what in his judgment, the resolution does accomplish?

Mr. SMITH of Iowa. I do not think the resolution accomplishes much in the way in which it is drawn; but this resolution is being considered upon the theory that it does something. If it does do anything, it is either to declare or authorize the declaration of a forfeiture.

Mr. LITTLEFIELD. What does the amendment accomplish?

Mr. SMITH of Iowa. The amendment is a declaration of Congress that if it has the right of forfeiture it will not declare a forfeiture as against bona fide purchasers, and the question is, Will we authorize the Attorney-General to declare a forfeiture?

Mr. SMITH of Arizona. It says any man to whom the patents have been issued. It does not say "bona fide."

Mr. LITTLEFIELD. Does that mean all bona fide purchasers?

Mr. SMITH of Iowa. All bona fide purchasers except railroad companies.

Mr. LITTLEFIELD. Then if a railroad company is a bona fide purchaser, it will not get the benefit of the provision.

Mr. SMITH of Iowa. It will not get the benefit of the provision, because it is well understood that these lands have been passed from one railroad to another, under reorganization schemes, until it does not seem feasible to protect them, as it does to protect outsiders. But, in my judgment, that constitutes no reason why this Congress should authorize the declaration of a forfeiture as against persons wholly disconnected with these railroad enterprises, who are bona fide purchasers of these lands.

Mr. LITTLEFIELD. Suppose a purchaser is a bona fide purchaser, whether a railroad or otherwise, I should like to know why we want to treat one bona fide purchaser differently from the way we treat another.

Mr. JENKINS. Because they may not be bona fide.

Mr. LITTLEFIELD. Oh, well, bona fide is bona fide.

Mr. SMITH of Iowa. I am not here to claim that an actual bona fide purchaser ought not to be protected, whether it be a railroad company or anybody else.

Mr. LITTLEFIELD. Then let us have one amendment that does that.

Mr. SMITH of Iowa. The gentleman knows very well that under this programme there is only one amendment allowed; and I insist that if we have the power, this Congress ought not to exercise it by declaring a forfeiture as against bona fide purchasers for value without notice.

Mr. LITTLEFIELD. That is, you mean some bona fide purchasers.

Mr. MONDELL. Mr. Speaker, I now yield five minutes to the gentleman from Ohio [Mr. HOWLAND].

Mr. HOWLAND. Mr. Speaker, replying to the argument of the gentleman from Iowa [Mr. SMITH], who has just taken his seat, I would call his attention to the reading of the resolution itself, which expressly provides that the thing which he is arguing against can not take place:

> It not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney-General in and by such suits, actions, or proceedings to assert on behalf of the United States and the court or courts before which such suits, actions, or proceedings may be instituted or pending to entertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and if found to enforce the same.

Mr. SMITH of Iowa. Congress can not determine the right.

Mr. HOWLAND. This resolution is not asking Congress to exercise the right at all, but to refer it to a court of competent jurisdiction, where evidence can be submitted upon the question and a proper decision rendered. I am surprised, Mr. Speaker, that gentlemen on the floor of this House under the guise of speaking to an amendment to this resolution have attacked the resolution itself.

The resolution simply authorizes and directs the Attorney-General to enforce the existing rights of the Government, and the Congress can not afford to stultify itself by refusing to pass this resolution. And now, if you please, I wish to direct the attention of the House for just a moment to a matter which seems to have been lost sight of in this discussion, and that is the amendment itself. This amendment has been before the Committee on Public Lands for the last month or two, shaped up in substantially its present form by the best lawyers in this country, lawyers from Michigan, lawyers from Washington, lawyers from Pennsylvania, representing all of these interests, and it has been before the committee in every guise and shape except the one which is presented here to-day. Now, then, read it; and I want every Member of this House to read the amendment and see what it means.

Mr. FORDNEY. Is it not true that the committee and the Attorney-General have rejected every amendment offered, and that there have been many amendments offered to the committee?

Mr. HOWLAND. It is absolutely true that the Committee on Public Lands, of which I have the honor to be a member, has wisely rejected every amendment which your attorneys have submitted to that body [applause]; and we want the House to reject this amendment, because, in our judgment, it deprives the United States Government of rights which it now has, amounting to millions of dollars. [Applause.]

Now, I again direct your attention to this amendment, which is the product of the combined abilities of the best attorneys of the railroad companies, of the lumber companies, and other wise men that have appeared before our committee.

Mr. FORDNEY. I beg the gentleman's pardon. What authority has he to say that this amendment was framed by the railroad company?

Mr. HOWLAND. Because they have been working on these amendments for the last two months.

Mr. FORDNEY. There is no proof that the railroad company prepared it. The gentleman has no right or authority to make that statement, because it is not correct.

Mr. HOWLAND. I simply say that we have been considering these amendments submitted to us for the last two months, and every one they submitted to the committee has been rejected.

Mr. FORDNEY. I want to say to the gentleman——

Mr. HOWLAND. I can not yield any further, for I have only five minutes. I want to call attention to the amendment, which seems to have been lost sight of in the discussion of this matter. The amendment divides bona fide purchasers into two classes—lumbermen and railroad companies—and protects the one and not the other. It will also be observed that the words "without notice" are not in the amendment. They are not there, because the attorneys for the purchasers would not allow them to be put there. Again, the amendment says:

> *Provided, however,* That this resolution shall not relate to any land for which patents have been issued which are now held by bona fide purchasers other than railroad corporations—

Then place a comma right there, and the balance of the amendment brings the persons therein described under the same protection as bona fide purchasers.

That construction would be contended for, and the gentleman from Michigan knows that that construction would be contended for in the courts. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I now yield five minutes to the gentleman from Minnesota [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, the House should clearly understand that it is not the purpose of this resolution to deprive anyone—a railroad company or an innocent purchaser, or anybody else—of any legal weapon or any equitable shield that such a one may possess. This is simply a resolution authorizing the Attorney-General to go into the courts of the United States and in an appropriate manner attempt to secure for the United States its just and proper rights; nothing further is attempted. As has been suggested here, it may occur to lawyers that it would be better for the success of the suitor if a forfeiture were declared and suit begun upon that forfeiture. As a legal proposition I presume that that will commend itself to every lawyer in this body, but authorities are not lacking for the proceedings that the Attorney-General desires to institute—a judicial inquiry, an ascertainment of the rights of the Government, and then an effort to apply the appropriate remedy.

As I said before, it is not an attempt to take away from anybody any right that he has or any privilege that now exists in his favor. This resolution is merely an authorization to the Attorney-General and a direction that he institute and prosecute all suits in equity and all actions at law and other proceedings that he may deem adequate and appropriate to enforce the rights and the remedies of the United States. Is it so great a hardship to compel these gentlemen and these corporations who say that they are innocent purchasers to set up their claims in court as other people do? Is it not true that when a claimant to land comes into court and asks for a writ or seeks to

recover the land by any legal process he makes other persons who have interests or claims in the land parties defendant, and is it considered a great wrong on his part or a great error for him so to do, and is it so great and so onerous a hardship to compel the defendants to prove their rights? Is the hardship so great and so onerous that the suit must not be brought for fear, forsooth, that they may have to engage an attorney to defend their claims in court? But suppose after this case has been tried the United States Government should be successful——

Mr STANLEY. Will the gentleman yield for a question?

Mr. HAMMOND. Yes.

Mr. STANLEY. Is it not true that all these cases are on the same footing, and that one case would practically settle them all?

Mr. HAMMOND. That depends altogether upon the kind of action the Attorney-General brings. This resolution does not limit him to any one action or to any one kind of legal procedure.

Mr. STANLEY. The gentleman does not understand. As I understand, as far as the rights of the bona fide holders are concerned, would not one suit settle that, and not require an army of them to go into court?

Mr. HAMMOND. I am not prepared to say that there may not be different equities, and there may not be different defenses. I presume those who have patents may claim to be upon somewhat different footing than those who are in possession of land under contracts, and who have not yet received patents. But in general the principle, I suppose, upon which a recovery is gained, if one is gained, will govern all the cases.

Mr. LITTLEFIELD. I would inquire why the Attorney-General can not assert these rights now without the resolution?

Mr. HAMMOND. I am inclined to think the Attorney-General can assert them without the resolution.

Mr. LITTLEFIELD. Then why cumber the statutes with an unnecessary resolution?

Mr. HAMMOND. Because that is simply my opinion. The Attorney-General has come before Congress and has asked for this authority, and, in his opinion, it is of importance to him to have a direction and an authority from Congress in the institution of the inquiry that he proposes to make.

Mr. LITTLEFIELD. Will this authorize the Attorney-General to bring any suits, such as suits in equity, that he can not now bring? That is, does it confer any jurisdiction in equity over this subject that the court does not now have?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. ENGLEBRIGHT].

Mr. ENGLEBRIGHT. Mr. Speaker, this proposition of the Oregon land grants has been brought to my attention by some of the people who live in northern California immediately adjoining the Oregon line, principally people who are connected with the lumber business. Calling attention to the committee's report, it will be found that there have been patented 2,800,000 acres of land to the railroads, and there are 300,000 acres more still claimed. Of the patented land, the railroad company has sold approximately 813,000 acres, and this is the quantity of land that it is desired to protect by this amendment, to keep the owners of this land from needless litigation and from mixing their business all up, stopping their sawmills, and throwing that whole section of country into a mixed and demoralized condition. According to the provision that was put in the last railroad land grant, "*Provided further*, That the lands granted by the act aforesaid shall be sold to actual settlers only in quantities not greater than one quarter section to one purchaser, for a price not exceeding $2.50 per acre," there is not an acre of that whole 800,000 acres but what would be subject to litigation under the resolution unless the amendment is adopted.

The gentleman from Oregon [Mr. HAWLEY], in making an address on this subject a few days ago, said:

> As I have said, there are nearly 300,000 acres the titles to which, I understand, will never be questioned. I think they can not be questioned. There are some 500,000 acres sold in large quantities. Upon many of these large purchases sawmills have been erected, or they are the sources of log supplies for mills.
>
> Many mills have built expensive plants, including logging roads. They are valuable and flourishing industries.

He says later:

> The purchasers of lands in large quantities from the grantees universally assert their belief in the validity of their titles. If they are correct, they have nothing to fear in any event. It seems quite possible by stipulation to arrive at a speedy determination of any questions relating to their holdings. Should there be found any case or cases where for any reason the courts could not afford adequate relief, Congress can do so when specific information has been presented.

Now, gentlemen, I want to call attention to the fact that there is no necessity of Congress mixing up these people and their whole 800,000 acres of land until Congress has specific information on which to act. There are 2,300,000 acres of land which clearly come under this bill that are in the hands of the railroads. Let the United States Attorney-General go to work on that 2,300,000 acres of land, and when he gets specific information of anything wrong on the 800,000 acres that were sold, it is time enough to consider the rest. I yield back the balance of my time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I yield eight minutes to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Speaker, I think it is evident from what has been said in regard to this resolution that there are a good many lawyers upon this floor. It illustrates the fact that they do not usually agree. Now, let me call attention to just a few things in connection with this resolution. It is perfectly evident to me that there is good authority for this form of resolution. The Attorney-General believes that it is sufficient in form. I believe it is sufficient and believe that it is a much more favorable resolution to the parties who claim they are innocent purchasers than a resolution such as they recommend, because this resolution expressly says that it does not declare a forfeiture. What does that mean? It means this, that the Attorney-General can not commence a suit in ejectment which might deprive them of all equitable defenses, because the title which is vested under these deeds will not be revested until it has been determined in court that the United States is entitled to these lands. This makes it necessary that the United States go into a court of equity, as there the old familiar doctrine will apply that when a court of equity gets possession it will do full equity. The Attorney-General has said that he intends to bring a suit in equity. Everyone who has appeared before the Public Lands Committee has said without hesitation, friends or foes of this resolution, that they could have their rights thrashed out and the equities adjusted in a court of equity whenever the matter was brought before such a court. The resolution is drawn with that idea in view. Allow me briefly to call attention to the amendment which is offered in this case. It is not a fair amendment. It does not place all parties on the same footing. Why should we treat one class of citizens differently from another class? The fourteenth amendment to the Constitution of the United States as applied to the States provides there shall be equal protection to all. Why single out a few? Let all these men stand on the same footing, exempt none from obedience to the act. Those who have obeyed the act are protected because the Supreme Court of the United States has held that purchasers in obedience to the act are protected, so far as they are concerned no one need concern himself. There is no occasion to plead for the widows and orphans in this matter. They are nearly always brought in whenever you attack any illegal act, especially when you attack a corporation. My friends, here is a plain wrong, here is a plain outright violation of the statute. There is no question about that. It seems to me under the circumstances we ought not to hamper the Government in enforcing whatever rights we have under the law. [Applause.] It seems to me perfectly plain in this instance that they are expecting to gain an advantage by this amendment, and there is no doubt in my mind they will get a substantial advantage if it does pass, but not the advantage that they claim. If this amendment goes on the burden of proof is shifted from the parties now claiming under the deeds to the United States so that the United States would have to show the fact that these parties are not innocent purchasers. The present claimants could make it almost impossible to show that. It does another thing. This amendment distinctly recognizes that there are innocent purchasers. Under the circumstances there can be no bona fide purchasers as I understand the law. The Attorney-General says that in his view there are no bona fide purchasers, but if this language goes in the Congress of the United States has distinctly recognized that there is a class of bona fide purchasers. This would change the law as applied to these lands. In 1896 an act was passed legalizing certain conveyances.

In a case construing the act the Supreme Court said that because Congress had used the expression "bona fide purchasers" where there were none in fact, it had given a different meaning to that expression, and there is no doubt in my mind if that amendment becomes a part of the resolution the Supreme Court, or whatever court administers the law in this case, will have to hold that Congress changed the law and recognized a class of purchasers as bona fide which, under the law, are not such. It does not seem to me, gentlemen, that we ought at this time to undertake to try this lawsuit, and it does not seem to me that we ought to try to give any one class of litigants any greater

rights than another class of litigants. Let us be fair about it and give to every man the same rights. Why, these parties who have come before us and pleaded with us, though they have always asked to get some protection, have at the same time insisted that the courts would protect them. They remind me of the man who was arrested for a crime. He was talking with a friend about it and seemed pretty anxious. His friend finally asked him the name of the judge who was going to try the suit. He was told that it was so-and-so, when his friend replied: "You do not need to be afraid, because that man is perfectly fair; he is going to give you justice." "Well," he answered, "that is just what I am afraid of." And that, it seems to me, is just what these fellows are afraid of. They can get justice in the courts of the United States, and that is all they have a right to do. Let us not take away from the Government any right which it has at present. When the time comes, when these lawsuits have been tried, if this land reverts, then all right; we can adjust it. We have the right to do it. And then we will have all the facts, all the circumstances, before us, and we will know the equity of each particular claimant under these deeds. Now we do not know. Many of those corporations that may be protected under this amendment may be owned practically by these same railroads, and still would be protected by it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I was very much astonished a while ago to listen to my learned friend, the gentleman from Wisconsin [Mr. JENKINS], who stated that the court, under this proposed resolution, without this amendment, would have no right to declare forfeiture. That is a mistake. The Department of Justice has passed upon this resolution through Attorney-General Bonaparte. Mr. TOWNSEND, who is a very able lawyer, has been employed in this matter for the last eighteen months, and is very much in favor of the Senate resolution and very much opposed, I may add, to the amendment offered by the gentleman from Michigan [Mr. FORDNEY]. Now, then, Congress itself can declare a forfeiture or can authorize a court to declare a forfeiture. The latter is exactly what this resolution provides. After a court of conscience, after the Supreme Court of the United States finds the facts in favor of the Government of the United States, the court will then have jurisdiction to proceed to a forfeiture if the facts warrant that.

Now, gentlemen, what an absurdity it is, what an absolute absurdity it is, for a lot of "innocent purchasers" to say that that great court in yonder is going to rob them of their land! That is a reflection upon that great tribunal.

The gentleman from Wisconsin [Mr. JENKINS] hoots at the idea of these propositions of law, but here in the case of The United States *v.* The Northern Pacific Railroad Company the Supreme Court of the United States (177 U. S. Reports) distinctly recognizes that the Congress itself can declare a forfeiture, which is not this case, or it can arm the court to do so under this resolution. And all in the world that the Attorney-General is asking here to-day is for authorization for him to go forward and cause to be found all the facts—find them in favor of the railroad, find them in favor of the Government, find if there are any innocent purchasers, and point out what their rights are and who they are, and let the great courts of this country settle those rights *under the existing law.*

Mr. Chairman, I have not time, of course, to read all that opinion, but I will hand it to my friend from Maine [Mr. LITTLEFIELD], whom we all know is a good lawyer.

The court in part lays the law down thus:

> That lands granted by Congress to aid in the construction of railroads do not revert after conditions are broken until a forfeiture has been asserted by the United States, either through judicial proceedings instituted under authority of law for that purpose or through some legislative action legally equivalent to judgment of office found at common law, etc.

Why, my friend from Wisconsin [Mr. JENKINS] talks about some widow in Wisconsin writing to him. I want to say to him that some of the Representatives from the State of Washington have been written to about this matter. I will ask the gentleman from Washington [Mr. JONES] if he has been written to about this matter? Or I will ask his colleague [Mr. HUMPHREY] if he has been written to, to favor this amendment?

Mr. HUMPHREY of Washington. I have been written to about the amendment—against it.

Mr. GAINES of Tennessee. Were you urged to vote against Senate resolution 48?

Mr. HUMPHREY of Washington. No; I was not.

Mr. GAINES of Tennessee. Are you, as a neighbor of Oregon, in favor of Senate resolution 48?

Mr. HUMPHREY of Washington. I favor the resolution, without amendment. [Applause.]

Mr. GAINES of Tennessee. Here we have the case of the widows of Wisconsin, who have homesteads to spare, urging their Members to stand by Harriman and his gang of land grabbers and thereby continue to deny the chance to have homesteads to the Oregon and Washington widows, who have not where to lay their heads. [Applause.] Shall we turn a deaf ear to their appeals and the voice of law and justice? [Laughter and applause.]

Mr. MONDELL. I yield four minutes to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, this resolution ought to have careful consideration. The property that this resolution affects is worth a great amount of money. I have talked with men from the State of Oregon, men who know the value of these lands, practical people, and they have repeatedly told me that the amount of money involved in these lands is from thirty to fifty million dollars.

I want to say, as a member of the Committee on the Public Lands, it was not our intention to discriminate against anyone, but treat all interests fairly, whether it was a corporation or individuals, so long as the law has been complied with; and for that reason I must say that I am strongly opposed to the amendment offered by the gentleman from Michigan, because I believe if a corporation is an innocent purchaser, has acquired property honestly and not contrary to the provisions of law, under the Constitution of the United States they would have as much right to their property as an individual. The law provides that the land shall be sold to actual settlers at a price not to exceed $2.50 per acre and not to exceed 160 acres to any one settler. The corporations have known at all times that they have disposed of this land directly and clearly in violation of this law. There has been transfer made of as much as 45,000 acres of land by the railroad companies to one purchaser, and, let me say, the patents have not been issued to what you call "innocent purchasers," but the patents have been issued to the railroad companies.

Congress, by the act of 1866, granted lands for the building of railroads, 20 miles on each side of the railroad. Each alternate section, or 12,800 acres, at $2.50 an acre, or $32,000 per mile, was given as a subsidy to these corporations; but there was a limitation placed upon that—how it should be disposed of—namely, that of the price and the number of acres. These corporations have, in violation of this law, disposed of this land in large tracts and at prices far in excess of the price provided by law.

I want to say, Mr. Speaker and gentlemen of this House, that the attorneys who appeared for the lumber companies, each and every one of them, appearing before the Committee on Public Lands, admitted that nothing will be taken away from them if this resolution is passed. The Committee on Public Lands heard all the parties that wanted to be heard. We have not heard a single complaint from any small holders of this land, who have so often been referred to as "innocent purchasers," who are in possession of 160-acre tracts. The only people that have complained to the committee are the large corporations, who seem to fear something will be taken away from them. But the attorneys for these companies have admitted themselves that nothing will be taken away from them should this resolution, without any amendment, be passed. I therefore say, Mr. Speaker, that it is fair to the small holders and to the large holders, and I am strictly opposed to the amendment offered by the gentleman from Michigan, because it is discriminatory and would practically nullify the act.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has twelve minutes.

Mr. MONDELL. Will the gentleman exhaust the balance of his time?

Mr. FORDNEY. I yield seven minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, in that time I shall not undertake to discuss this question, though it is a grave one. I have listened with a great deal of astonishment to the various statements made here in reference to this resolution. The gentleman from Alabama [Mr. CRAIG], trying to put his opposition on the right ground, stated that the resolution gave to the courts power to treat the United States entering upon these lands, which he says is essential to the right of the United

States to maintain any of the suits to recover any lands. The gentleman from Iowa [Mr. SMITH], speaking on the same side of the question, repudiated that, rightfully. The resolution only undertakes to authorize suits based on existing conditions. Then on the same side of the question other gentlemen seemed to think that the resolution said that the courts, if they are to get jurisdiction at all under this resolution, ought to get it upon defaults condoned. The gentleman from New York [Mr. PARSONS] says that the amendment would not do, because that in itself is an admission that there was some condoned fault, and in that state of the case would leave no right of action against anybody. Whoever heard of such an absurdity? It is only the condoned faults of the party to be affected by the judgment to be rendered. Take the great case decided only two years ago of the United States against the Detroit Lumber Company and another corporation, where they were dealing with precisely this question. That case will be found reported in volume 200, United States Reports, page 321.

In that case the Supreme Court of the United States held that the Detroit Lumber Company was an innocent purchaser from the Martin & Alexander people, who had acquired the title under patents, and the court refused to set aside the title to the Detroit Lumber Company, but set aside the patents to seventeen tracts held by the other corporations. Well, what is the situation here? The resolution speaks about forfeiture being declared by a court of equity. Whoever heard of such a thing before? Courts of equity in all time have not sat for the purpose of declaring forfeitures. They declare, in a case like this, whether or not the title remains in the party having it, as they did in the case of the Detroit Lumber Company.

It is admitted that there was no defect in the title of these railroad companies, originating anterior to the issue of the patents. Is there anybody who denies that? Were not the patents clean and clear of any fault or fraud, or anything affecting their integrity at the time they were issued in each of these cases?

Mr. MONDELL. In what way could the Government determine in advance of the sale of the land by the railroad company that it intended to violate the terms of the grant?

Mr. KEIFER. We are not dealing with intentions. The Supreme Court of the United States, every time it has reached the question, has said that you must deal with the patent, as to whether or not it was void or valid; and if it was valid when issued, that ends it. The gentleman says, "How did you know until some time after whether the company intended to violate the terms of the grant?" How did you know until some time afterwards whether the Government intended to rob the party of the deed?

Mr. MONDELL. Is the gentleman aware of the fact that this is a condition subsequent?

Mr. KEIFER. As it was in the act of 1866, with reference to the railroad company carrying soldiers, if they failed they were to pay the penalty, and it did not defeat their title at all. A condition subsequent is a different proposition, unless it is a condition that when violated causes the title to revert to the original owner. There is no such provision here and no cause for it.

Mr. MONDELL. If the patents are good and unassailable, then why need anybody be disturbed?

Mr. KEIFER. They need not be disturbed. And let me say that except for the cry that some corporations are going to catch the very devil by this resolution, there would not be a lawyer on the floor of this House who would think of voting for it. Nobody will ever lose any land under this, I agree. Titles are not thus divested. If you will take the cases of the United States against the Detroit Lumber Company and others already mentioned, you will see that the patent is a protection forever and ever, if it is issued honestly and delivered fairly, even to those who acquired only an equitable title before the date of issue. The great trouble in that case was as to the rights of the parties who had acquired title before the issue of the patent; but the courts say that when it is issued, and is unassailable for anything that occurred prior to that time, then it shall stand.

Mr. PARSONS. In the Detroit Lumber Company case was not the question whether there was fraud before the patent issued?

Mr. KEIFER. Yes; exactly so. There was just that question in that case, and the court found there was no fraud before, and that there could not anything happen afterwards that would wreck the title; that the title vests absolutely on an unassailable patent. The gentleman is perfectly right. There was no fraud before the patents issued to invalidate them. The corporations had a right to convey the lands, and innocent purchasers under them should be protected. The attempt was made in the Detroit lumber case to prove that the lumber company had antecedent contracts, and the circuit court of the United States in its finding of facts said that there were no antecedent contracts. They drew a very fine bead, and said there was some expectation, but not sufficient to constitute a fraud that would defeat their title.

The amendment should be adopted to protect bona fide purchasers from vexatious and expensive lawsuits, which in the meantime throws a cloud on their title. No provision is made even to reimburse these innocent parties the money they have paid for their lands. What sort of equity would be administered if the courts were to take these innocent parties' lands and not give them back the purchase money they have in good faith paid?

Mr. FORDNEY. Mr. Speaker, I wish to set myself right here and not be misunderstood in a statement that I made during my remarks. I referred to an Assistant Attorney-General, who might be a cheap skate, and so on. What I had in mind was this: First let me say to you that the gentleman representing the Government who appeared before this committee, Mr. Townsend, is an able and courteous gentleman. I had no reference to any man now in office; but if this resolution becomes a law this litigation will no doubt go on and on for five, ten, or fifteen years, and there is no telling who may represent the Government in the litigation with the parties holding title from the railroad companies. So do not misunderstand me.

Some gentleman over there stated that this amendment had been carefully prepared by the best legal talent employed by the railroad company. He would not permit me to interrupt him further, but I want to say, and I do not wish to be misunderstood, that this amendment was prepared in my office, dictated by gentlemen representing the interests of the land involved in this resolution, and that no attorney representing any railroad company affected ever stepped his foot in my office, or ever dictated a single word in that amendment.

Mr. HOWLAND. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HOWLAND. Will the gentleman read for the benefit of the House what he stated before the Committee on Public Lands and printed in these hearings?

Mr. FORDNEY. That is not my amendment; that amendment was prepared by Mr. Brown, of Britton & Gray, and that is not this amendment. The committee rejected that amendment.

Mr. HOWLAND. It is substantially the same thing.

Mr. FORDNEY. Oh, I differ from the gentleman. Mr. Brown had nothing to do with preparing this amendment.

Mr. HOWLAND. Why did not the gentleman put in the amendment "without notice?"

Mr. FORDNEY. Because I did not propose to let you dictate what should go into the amendment. Let me state another important matter in reference to this resolution. If this resolution becomes a law, it will put a cloud on the title of every acre of land that has ever been conveyed by this railroad company to anybody. Let me read you a clipping from a Detroit paper that I received a day or two ago, which shows just what will happen if this resolution becomes a law:

Railroad land grants being opened up for settlement. Railroad company being forced by the courts to convey valuable timber and farm lands to settlers at $2.50 per acre, worth from $3,000 to $5,000 per quarter section. Come at once. Do not send any money, but make personal application.

A MEMBER. Good!

Mr. FORDNEY. Yes; good for gentlemen who would not do justice between man and man. The gentleman from Washington says that he has not received any letters from anybody protesting against this resolution, but that he did get a letter protesting against this amendment. Now, gentlemen, this amendment was never made public until last night. Where in the devil did he get his letter from? [Laughter.] Here are letters and telegrams laid before the Committee on Public Lands, pages 74, 75, and 76, and there is a long line of telegrams, one from the chamber of commerce in Portland and some from boards of trade, all of which protest against the resolution. Now, let me say that this is the most peculiar predicament to put a committee in. Here is a bill reported on the 11th day of February, recommended by that committee to confirm the title to land of lumber concerns in the Territory of New Mexico purchased in direct violation of the law, well known to be so to the purchasers and to the Territory of New Mexico, and yet this committee recommends the confirmation of the title to the timber on those lands to all of these purchasers. This resolution proposes absolutely the reverse. Let me show you what a predicament you put yourselves in, in my estimation, and I can best illustrate it by giving you the story of the old quack root doctor.

He was called to see a boy who had chills and fever. He

scratched the bark off a root and put some in one glass of water and some in another, and said to the mother, "Give this in this glass for the chills and give this in the other glass for the fever." She said, "But, doctor, it is exactly the same in both glasses." He said, "Oh, not at all." "But," she says, "I saw you scrape the bark off the same root and put it in each glass." "Yes," says the doctor; "but you didn't see how I done it, my dear lady. This for the chills I scrape up on the root, and that makes it high-cockalorum. This for the fever I scrape down on the root, and that makes it low-cockahighrum." [Laughter.]

In this case the Committee on Public Lands makes their prescription high-cockalorum in both cases. You prescribe, my dear friends, meat for one and something else for the other. How do you come to your conclusion? How, in the name of all that is just, can you bring your consciences together to confirm the title to lands purchased by men who knew what they were purchasing was purchased in open violation of law and——

Mr. MONDELL. Will the gentleman yield?

Mr. FORDNEY. Oh, no. I know what the gentleman is going to say. He has time in his own right.

Mr. GOLDFOGLE. Will the gentleman yield for a question?

Mr. FORDNEY. I will yield, but I have very few minutes remaining.

Mr. GOLDFOGLE. The gentleman expressed the opinion that the Government had no case whatever, and now he says that he will vote against the resolution because he fears so many innocent people would be dragged into court.

Mr. FORDNEY. Yes.

Mr. GOLDFOGLE. And that was the only purpose of the gentleman in opposing the resolution?

Mr. FORDNEY. Oh, no; that is the principal purpose.

Mr. GOLDFOGLE. Would not one case tried in the court settle that whole thing?

Mr. FORDNEY. No; not at all, because here are 2,500 men who have purchased strictly in compliance with the law, and the balance have purchased in quantities in violation of the law. How are you going to put them on the same footing?

Mr. GOLDFOGLE. Would not the question of forfeiture be settled in a test case?

Mr. FORDNEY. If the Government is going to forfeit it all, that is my contention; but let me go on. In the Booth-Kelley Lumber Company case that company found it necessary to get funds to carry on its business and improve its property. It sold some of my constituents a large interest in its property. That company found it necessary, I say, to borrow money. They bonded their property and made the Detroit Trust Company, of Detroit, Mich., the trustee for $750,000 worth of those bonds. The trust company undoubtedly has passed them out into the hands of investors in that city and in that vicinity. Take away the title to those lands, and every dollar's worth of value of security back of those bonds is destroyed. The gentleman referred to widows and orphans. I say to you that there is a widow in my home town who lost her husband about a year ago, and two-thirds of all the property that she has in the world is involved in the title to those lands. You take away that from her and she has no recourse against the railroad company, because that company transferred by a special warranty or a bargain and sale deed, and it does not guarantee that title beyond the company's own acts.

I know of another widow who has $15,000 worth of this Booth-Kelley Lumber Company bonds. Take away the 67,000 acres of those lands held by that company and you have taken from under her bonds all security whatever except the moral obligation of the officers of that company. No legal obligation is placed upon any man connected with that concern for the payment of those bonds. On the other hand, here are a great many concerns that have purchased lands in large quantities from the railroad company and built sawmills, railroads, and built up farms. Are you going to destroy that title and take it away from them? Why do not you proceed as you ought to? Why do not you go into court and ask to bring into that court the guilty parties, not the purchasers but the railroad company, who sold those lands in violation of the law, and knew they were selling the lands when the individual knew nothing about it.

Mr. JENKINS. Will the gentleman yield for a question?

Mr. FORDNEY. Yes.

Mr. JENKINS. As far as this question of bona fide purchaser is concerned, I want to ask the gentleman if it is not a fact that it has come to his knowledge recently that the Government has bought over 25,000 acres of this land for a forest reserve and passed the title, and that was done by these very same gentlemen who are now insisting on this forfeiture.

Mr. FORDNEY. Yes; for the benefit of some gentlemen who may not have been on the floor when I referred to that part I will state that the Government took from the Booth-Kelley Lumber Company in one transaction, in one deed, 9,000 acres of land purchased by the Booth-Kelley Lumber Company from the railroad company, and passed upon that title and pronounced it absolutely correct.

Mr. JENKINS. And paid for it?

Mr. FORDNEY. Yes; and in exchange for the 9,000 acres gave to the Booth-Kelley Lumber Company lands elsewhere, or what we might call a scrip, or a right that could be transferred to an individual to select a like number of acres anywhere; and if the title to the 9,000 acres was good, why not, my friend, say that the title to the balance of it is good, because when the Booth-Kelley Lumber Company purchased from the railroad company, it purchased in quantities contrary to the terms of the act of April 10, 1869?

In all fairness I say to you, consider what is just as between man and man, and I ask nothing more.

Mr. MONDELL. Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, the gentleman from Michigan [Mr. FORDNEY] asked how it was that I was able to state that I had received dispatches and letters opposing this amendment, when his amendment was not made public until last evening. I will tell the gentleman with a great deal of pleasure. I received letters and dispatches and resolutions, saying that the gentleman from Michigan [Mr. FORDNEY] would offer an amendment intended to protect the railroads and the lumber interests from prosecution.

Mr. FORDNEY. That was wrong, was it not?

Mr. HUMPHREY of Washington. And the moment I read the amendment offered by the gentleman I recognized it from that description. [Applause.]

Mr. FORDNEY rose.

Mr. HUMPHREY of Washington. No; I will not yield, because I have only two minutes. I deny that any bona fide purchaser from the Pacific coast is insisting on this amendment. The tearful plea of the gentleman from Michigan has been wasted. If the bona fide purchaser is in fear of this resolution, why were not the Members from the Pacific coast told of that fact? Has any protest come to the gentleman from Oregon [Mr. HAWLEY], in whose district most of this land is situated, upon this proposition? None whatever.

It is not a remarkable fact that these innocent purchasers have to go so far from home to find some one to defend them. I will tell you who is opposing this resolution; those who are here urging this amendment. The report itself throws a flood of light upon that proposition. I will read two or three sentences from that report:

Commencing about the year——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. I yield the gentleman one minute more.

Mr. HUMPHREY of Washington. In that time I can not read what I desire, so I shall only read this much:

Commencing with about the year 1895, however, there was a sudden demand for these lands in large quantities by the wealthy timber men of the Middle States. In absolute disregard and disobedience of the terms imposed by Congress, the railroad company took advantage of its opportunity and commenced to dispose of the grants to these parties in large quantities, ranging from 10,000 to as high as 45,000 acres to a single purchaser and at rapidly increasing prices. During this period the railroad company sold approximately 363,000 acres of land to thirty-eight purchasers, an average of 10,000 acres to each of these purchasers.

These are the people who want us to declare their innocence in advance; these are the poor innocent purchasers who want us to throw some obstruction between them and the prosecution of the Government. These are the men that want this amendment. If you pass this resolution no innocent person will be injured, and I ask you to vote down the amendment so that no guilty person may escape. [Applause.]

Mr. MONDELL. I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker and gentlemen of the House, I just have a few minutes and in that period of time I want to say what the conclusions of the committee were. I will not have the time to do more, but I want that understood by this House. The grants under which the title of these lands were granted contained three express limitations. One was that they could not sell more than 160 acres to any one man; the second was that they could not sell the land for more than $2.50 an acre, and the third was that they could not sell except to actual bona fide settlers. Those three provisions were in the grants. The people who seek to modify this resolution by this amendment

are not people who own 160 acres of land and are not bona fide settlers—are not purchasers who even attempted to keep within the terms of the grant, but in open violation of it instead. One sale contains 90,000 acres; one contains 45,000 acres; another body of land embodies 360,000 acres, which was all sold in more than 2,000 acres in each tract. No attempt to comply with the law; no respecter of the grant. Now, I am not one who condemns these people because they have more than 160 acres of land. I am not one of those citizens that condemns them because they have capital and are extensively engaged in the lumber business; but I am one citizen who thinks that they should comply with the law, and when they deal in the face of the law they should be brought to time, and the resolution gives the Attorney-General authority to do it. [Applause.] This amendment that was offered by the gentleman from Michigan simply hamstrings the original resolution. I have nineteen members of the Committee on the Public Lands, who have been conducting hearings for two months, to back my proposition; I have the Attorney-General's office of the United States to corroborate my statement; I have the gentleman from Oregon, the gentleman from Washington, and, in fact, the whole Pacific delegation to vouch for the truth of my statement. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, I desire to say when this proposition first came up for consideration I received some telegrams from people in my State urging me to insist that some amendment should be inserted in the resolution protecting bona fide purchasers. That sounded very good to me, but when I began to look into the matter further the difficulties became greater, and I appeared before the Public Lands Committee and listened to the representative of the Attorney-General's office, and became satisfied from his statement before that committee that the insertion of any amendment of this character upon this resolution would very greatly injure the proceedings desired to be instituted by the Government of the United States, and it has seemed to me that the interest of the few in this case must be subservient to the interest of the people of the entire country. [Applause.]

There is no doubt but that many of these purchasers were acting in perfect good faith and supposed that they were acquiring a good title. Their interests should be protected, but we should not sacrifice the far greater interests of the public in order that these should be protected in their equitable rights. There can be no question anyhow but that they will be fully protected in their equitable rights by the courts and by Congress by such legislation as may be necessary in order to do full justice.

What is the situation? The people, through Congress, granted to these railroads a large tract of land upon the express condition that such lands should be sold only to actual settlers and in quantities not greater than 160 acres and at a price not exceeding $2.50 per acre. What was the purpose of these limitations? Settlement. The building up of the country by the establishment of homes. This was a most desirable purpose and one for which Congress could afford to grant these lands. Under this grant 2,800,000 acres have been actually patented to the company, which, at the price fixed in the act, would be equivalent to a grant of $7,000,000. Of this the company has actually sold about 800,000 acres, of which about 127,000 acres were sold in compliance with the law, and the remainder was sold in violation of the law, either in price or quantity. Nearly half of it has been sold to about thirty-eight purchasers, or, on an average, almost 10,000 acres to each purchaser.

Most of the patents have been issued and most of the lands have been sold since 1895. When times became good, the lust for gold brought an utter disregard for the law upon the part of the railroad company and by those who hoped to multiply their investments. The issuance of patents was hastened on the part of the company, and thousands of acres were purchased by those who saw a large return. It is said that these purchasers bought in good faith, believing that they were acquiring a good title and upon the best of legal advice. I do not know what the stipulations of the patents are, but if they refer to the acts under which they are issued, and they surely do, then the attorneys consulted certainly did not do their duty by their clients in not calling their attention to the terms of the statute, which are so plain that the laymen can easily understand.

The plain letter of the law has been grossly violated by the company, and it must have been done knowingly. The law has been violated by the purchasers, possibly unwittingly. They have not paid the price nor purchased the quantity required by law, nor are they actual settlers. If this were all, however, there would be no difficulty in dealing with the situation.

This company holds 2,000,000 acres undisposed of under this grant. It absolutely refuses to sell any part of it in any amount for any price to settlers or otherwise. Despite the plain terms of the law, it proposes to hold these lands in order to reap the values which the future development of the country shall bring about. After the hardy and industrious settlers have, through untiring effort, settled and cleared and cultivated the other lands of this great State and added millions to the values of these lands, then this company proposes to bring to its own coffers this great increase. This is the policy that has angered the people against many of these large corporations. This is the policy that will engulf the honest and fair-dealing corporation along with the lawbreaking and law-defying corporation. This is the policy that should meet with strongest condemnation on the part of this House.

This resolution proposes to assert the rights of the people in these lands and to enforce the terms of the grant under which the company holds these lands. This amendment proposes to protect certain bona fide purchasers. What would be its effect, if adopted? Would it do nothing more than this? If not, we could well afford to adopt it; but the law officer of the Government who has investigated this subject in all its phases told the committee that, in his judgment, if any amendment of this kind should be adopted, the rights of the Government would be greatly jeopardized and probably entirely lost and very likely the entire resolution nullified. This House can not afford to run this risk. We can not afford to take the chance. The interests of the few must give way to the far greater interests of the public. These few innocent purchasers must appreciate the justice of this position and approve such a course. Those who are innocent purchasers, those who have acted in entire good faith, can well trust to the equity of the courts and the justice of the Government to see that they are treated fairly, and will not complain that their claims are held in abeyance until the far greater interests of the public are protected.

If the title of these purchasers is good now, it will not be affected by these proceedings. If it is not good, then they are not entitled to confirmation by act of Congress, and that seems to be what they desire. If the grant to the company is forfeited, these purchasers will still have the right to present their equities for the consideration of the courts, and if legislation is necessary to do full justice, there is no doubt it will be enacted.

This amendment is unfair in its very terms. It proposes to except bona fide purchasers other than railroads. Why this exception? If there is a bona fide railroad purchaser, it is just as much entitled to protection as anyone else. This simply emphasizes the real purpose of this amendment and the lengths to which those interested will go in order to secure their own selfish ends.

Let us be fair, let us be just, and let us see to it that the interests of the whole people whom we are supposed to represent shall not be sacrificed by the adoption of an amendment which by its very terms would exclude certain bona fide purchasers.

Gentlemen, this House can not afford to vote down a proposition that tends to give to the officers of this Government the authority to enforce, uphold, and maintain the majesty of the law that we have passed. [Applause.]

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has three minutes remaining.

Mr. MONDELL. I yield one minute to the gentleman from Arizona [Mr. SMITH.]

Mr. SMITH of Arizona. My long service on the Public Lands Committee and the care and thought that I have given to this particular case I felt would justify me in saying something to the House about it. But by the limitation of time under the rule, you know that this is impossible. I am making no complaint of the chairman, because I know what demands are made on him for the small time allowed for consideration of this bill. But in that brief time I will declare that this resolution will hurt no honest man. [Applause.] Every innocent purchaser is protected, as shown, by every argument made here against this resolution. Why these "innocent purchasers" are so sorely alarmed by its provisions is for this House to decide. Do they doubt their own innocence? Every safeguard is thrown around the honest innocent purchaser of these lands. The adoption of the amendment proposed will destroy the purpose of the resolution. I agree heartily with every statement made by the gentlemen who have

just preceded me, and I indorse their conclusions. The railroad company, in the sale of these lands, has defied the very law under which they acquired them, and the rich lumber companies who bought from them will have some difficulty in showing bona fides in the transaction. If they can, well and good; if they can not, they ought to lose. [Applause.]

Mr. MONDELL. Mr. Speaker, in the two minutes of time remaining it will be impossible for me to sum up this case, but I want to say just a word in regard to it, and that is that the Public Lands Committee, which has had charge of this matter, has heard no complaint from any actual settler or small owner relative to this resolution; that it was claimed by one of the most able attorneys that appeared before the committee on behalf of the large purchasers from the railroad company that in the suits contemplated by this resolution in a court of equity all the rights and equities of his clients would be considered, and that, whatever else might be done, the court must, whatever its judgment might be with regard to the holding railroad company, save the rights and consider the equities of all bona fide and innocent purchasers.

We believe, Mr. Speaker, that this proposed amendment would absolutely nullify the proceeding under the resolutions, and we believe that no greater harm could come to the so-called "innocent purchasers" from the railroad company than to have this amendment adopted, for the result would quite likely be to leave their rights and their interests in jeopardy at the close of the proceedings had, as they are to-day. The innocent purchaser is protected in all his rights and property under this resolution. [Applause.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Michigan [Mr. FORDNEY].

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. FORDNEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 44, nays 228, answered "present" 11, not voting 104, as follows:

YEAS—44.

Andrus	Ellis, Mo.	Howell, Utah	Parker, S. Dak.
Barchfeld	Englebright	Hubbard, Iowa	Perkins
Bates	Fairchild	Huff	Pujo
Bede	Fordney	Jenkins	Rothermel
Birdsall	Fornes	Kahn	Smith, Iowa
Bradley	French	Keifer	Smith, Mich.
Dalzell	Gardner, Mich.	Kipp	Southwick
Darragh	Gardner, N. J.	Loud	Vreeland
Davidson	Goulden	McMorran	Wanger
Denby	Haugen	Moon, Pa.	Wheeler
Dwight	Hayes	Morse	Young

NAYS—228.

Acheson	Cooper, Pa.	Hamilton, Mich.	Madden
Adair	Cooper, Wis.	Hammond	Madison
Adamson	Cox, Ind.	Harding	Mann
Aiken	Craig	Haskins	Marshall
Alexander, Mo.	Cravens	Hawley	Maynard
Allen	Crawford	Hay	Mondell
Ames	Crumpacker	Heflin	Moon, Tenn.
Ansberry	Cushman	Helm	Moore, Tex.
Anthony	Davenport	Henry, Tex.	Mouser
Bannon	Davis, Minn.	Higgins	Murdock
Barclay	De Armond	Hill, Conn.	Murphy
Bartlett, Ga.	Denver	Hinshaw	Needham
Bartlett, Nev.	Dixon	Holliday	Nelson
Beale, Pa.	Douglas	Houston	Nicholls
Beall, Tex.	Draper	Howell, N. J.	Norris
Bell, Ga.	Driscoll	Howland	Nye
Bennet, N. Y.	Durey	Hubbard, W. Va.	O'Connell
Bonynge	Ellerbe	Hughes, N. J.	Olcott
Booher	Ellis, Oreg.	Hull, Tenn.	Overstreet
Bowers	Esch	Humphrey, Wash.	Padgett
Boyd	Favrot	Johnson, Ky.	Page
Brantley	Ferris	Johnson, S. C.	Parker, N. J.
Brodhead	Fitzgerald	Jones, Va.	Parsons
Brownlow	Floyd	Jones, Wash.	Patterson
Brundidge	Focht	Keliher	Pollard
Burgess	Foss	Kennedy, Iowa	Pray
Burleigh	Foster, Ill.	Kennedy, Ohio	Prince
Burleson	Foster, Ind.	Kitchin, Claude	Rainey
Burnett	Foster, Vt.	Knapp	Randell, Tex.
Burton, Del.	Foulkrod	Knopf	Rauch
Butler	Fuller	Knowland	Reeder
Byrd	Gaines, Tenn.	Küstermann	Reynolds
Calderhead	Garner	Lafean	Richardson
Caldwell	Garrett	Lamar, Mo.	Robinson
Campbell	Gilhams	Landis	Rodenberg
Candler	Gill	Lawrence	Russell, Mo.
Capron	Gillespie	Leake	Russell, Tex.
Carlin	Gillett	Lindbergh	Ryan
Carter	Glass	Lindsay	Sabath
Cary	Godwin	Littlefield	Saunders
Chapman	Goldfogle	Lloyd	Scott
Clark, Fla.	Graff	McCall	Shackleford
Clark, Mo.	Granger	McDermott	Sheppard
Clayton	Gregg	McGuire	Sherwood
Cockran	Griggs	McKinlay, Cal.	Sims
Cocks, N. Y.	Gronna	McKinley, Ill.	Slemp
Cole	Hackett	McLachlan, Cal.	Smith, Cal.
Conner	Hackney	McLain	Smith, Mo.
Cook, Colo.	Hale	McLaughlin, Mich.	Smith, Tex.
Cook, Pa.	Hamilton, Iowa	Macon	Sparkman
Sperry	Sulzer	Volstead	Weems
Spight	Taylor, Ohio	Waldo	Willett
Stafford	Thistlewood	Washburn	Williams
Stanley	Thomas, N. C.	Watkins	Wilson, Ill.
Steenerson	Tou Velle	Watson	Wilson, Pa.
Stephens, Tex.	Townsend	Webb	Wood
Sterling	Underwood	Weeks	Woodyard

ANSWERED "PRESENT"—11.

Cousins	Hamlin	Kimball	Sherman
Finley	Hardy	Loudenslager	Snapp
Gaines, W. Va.	Humphreys, Miss.	Roberts	

NOT VOTING—104.

Alexander, N. Y.	Fulton	Langley	Pearre
Ashbrook	Gardner, Mass.	Laning	Peters
Bartholdt	Goebel	Lassiter	Porter
Bennett, Ky.	Gordon	Law	Pou
Bingham	Graham	Lee	Powers
Boutell	Greene	Legare	Pratt
Broussard	Haggott	Lenahan	Ransdell, La.
Brumm	Hall	Lever	Reid
Burke	Hamill	Lewis	Rhinock
Burton, Ohio	Hardwick	Lilley	Riordan
Calder	Harrison	Livingston	Rucker
Caulfield	Henry, Conn.	Longworth	Sherley
Chaney	Hepburn	Lorimer	Slayden
Cooper, Tex.	Hill, Miss.	Lovering	Small
Coudrey	Hitchcock	Lowden	Stevens, Minn.
Currier	Hobson	McCreary	Sturgiss
Davey, La.	Howard	McGavin	Sulloway
Dawes	Hughes, W. Va.	McHenry	Talbott
Dawson	Hull, Iowa	McKinney	Tawney
Diekema	Jackson	McMillan	Taylor, Ala.
Dunwell	James, Addison D.	Malby	Thomas, Ohio
Edwards, Ga.	James, Ollie M.	Miller	Tirrell
Edwards, Ky.	Kinkaid	Moore, Pa.	Wallace
Fassett	Kitchin, Wm. W.	Mudd	Weisse
Flood	Lamar, Fla.	Olmsted	Wiley
Fowler	Lamb	Payne	Wolf

So the amendment was rejected.

The following additional pairs were announced:

Until further notice:

Mr. PAYNE with Mr. COOPER of Texas.

Mr. BOUTELL with Mr. FLOOD.

Mr. THOMAS of Ohio with Mr. ASHBROOK.

Mr. DAWSON with Mr. REID.

Mr. ALEXANDER of New York with Mr. SMALL.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. MCKINNEY with Mr. LEVER.

Mr. PEARRE with Mr. FULTON.

Mr. LOVERING with Mr. LAMB.

Mr. LONGWORTH with Mr. LENAHAN.

Mr. GOEBEL with Mr. GORDON.

Mr. ELLIS of Missouri with Mr. MCHENRY.

Mr. BURKE with Mr. HOWARD.

For the balance of the day:

Mr. BURTON of Ohio with Mr. SHERLEY.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore (Mr. GAINES of West Virginia). The question is on the passage of the Senate joint resolution.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, in order to save time, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 247, nays 8, answered "present" 12, not voting 120, as follows:

YEAS—247.

Acheson	Caldwell	Englebright	Haskins
Adair	Campbell	Esch	Haugen
Adamson	Candler	Favrot	Hawley
Aiken	Capron	Ferris	Hay
Alexander, Mo.	Carter	Fitzgerald	Hayes
Allen	Cary	Floyd	Heflin
Ames	Chapman	Focht	Helm
Ansberry	Clark, Fla.	Fornes	Henry, Tex.
Anthony	Clark, Mo.	Foss	Higgins
Bannon	Clayton,	Foster, Ill.	Hill, Conn.
Barchfeld	Cockran	Foster, Ind.	Hinshaw
Barclay	Cocks, N. Y.	Foster, Vt.	Hitchcock
Bartlett, Ga.	Cole	Foulkrod	Holliday
Bartlett, Nev.	Cook, Colo.	French	Houston
Bates	Cook, Pa.	Fuller	Howell, N. J.
Beale, Pa.	Cooper, Pa.	Gaines, Tenn.	Howell, Utah
Beall, Tex.	Cooper, Wis.	Gardner, Mich.	Howland
Bede	Cox, Ind.	Garner	Hubbard, Iowa
Bell, Ga.	Craig	Garrett	Hubbard, W. Va.
Bennet, N. Y.	Cravens	Gilhams	Huff
Birdsall	Crumpacker	Gill	Hughes, N. J.
Bonynge	Cushman	Gillespie	Hull, Tenn.
Booher	Dalzell	Glass	Humphrey, Wash.
Bowers	Davenport	Godwin	Humphreys, Miss.
Boyd	Davidson	Goldfogle	Johnson, Ky.
Brantley	Davis, Minn.	Graff	Johnson, S. C.
Brodhead	Dawson	Granger	Jones, Va.
Brundidge	De Armond	Gregg	Jones, Wash.
Burgess	Denver	Gronna	Kahn
Burleigh	Dixon	Hackett	Keliher
Burleson	Douglas	Hackney	Kennedy, Iowa
Burnett	Draper	Hale	Kennedy, Ohio
Burton, Del.	Durey	Hamilton, Iowa	Kinkaid
Butler	Ellerbe	Hamilton, Mich.	Kitchin, Claude
Byrd	Ellis, Mo.	Hammond	Knapp
Calderhead	Ellis, Oreg.	Harding	Knopf

Knowland	Moore, Tex.	Randell, Tex.	Stafford
Küstermann	Morse	Rauch	Stanley
Lafean	Mouser	Reeder	Steenerson
Lamar, Mo.	Murdock	Reynolds	Stephens, Tex.
Landis	Murphy	Richardson	Sterling
Lawrence	Needham	Robinson	Sulzer
Leake	Nelson	Rodenberg	Taylor, Ohio
Lindbergh	Nicholls	Rothermel	Thistlewood
Lindsay	Norris	Russell, Mo.	Thomas, N. C.
Lloyd	Nye	Russell, Tex.	Tou Velle
Longworth	O'Connell	Ryan	Townsend
Loudenslager	Olcott	Sabath	Underwood
McCall	Overstreet	Saunders	Volstead
McDermott	Padgett	Scott	Waldo
McKinlay, Cal.	Page	Shackleford	Wanger
McLachlan, Cal.	Parker, N. J.	Sheppard	Washburn
McLain	Parsons	Sherwood	Watkins
McLaughlin, Mich.	Patterson	Sims	Watson
Macon	Payne	Slemp	Webb
Madden	Pollard	Smith, Cal.	Weeks
Madison	Porter	Smith, Iowa	Willett
Mann	Pou	Smith, Mo.	Williams
Marshall	Pray	Smith, Tex.	Wilson, Pa.
Mondell	Prince	Sparkman	Woodyard
Moon, Pa.	Pujo	Sperry	Young
Moon, Tenn.	Rainey	Spight	

NAYS—8.

Denby	Fordney	Loud	Southwick
Fairchild	Keifer	Smith, Mich.	Wheeler

ANSWERED "PRESENT"—12.

Alexander, N. Y.	Goulden	Jenkins	Sherman
Gaines, W. Va.	Hamlin	Kimball	Slayden
Gardner, N. J.	Hardy	Sherley	Snapp

NOT VOTING—120.

Andrus	Edwards, Ky.	Lamar, Fla.	Olmsted
Ashbrook	Fassett	Lamb	Parker, S. Dak.
Bartholdt	Finley	Langley	Pearre
Bennett, Ky.	Flood	Laning	Perkins
Bingham	Fowler	Lassiter	Peters
Boutell	Fulton	Law	Powers
Bradley	Gardner, Mass.	Lee	Pratt
Broussard	Gillett	Legare	Ransdell, La.
Brownlow	Goebel	Lenahan	Reid
Brumm	Gordon	Lever	Rhinock
Burke	Graham	Lewis	Riordan
Burton, Ohio	Greene	Lilley	Roberts
Calder	Griggs	Littlefield	Rucker
Carlin	Haggott	Livingston	Small
Caulfield	Hall	Lorimer	Stevens, Minn.
Chaney	Hamill	Lovering	Sturgiss
Conner	Hardwick	Lowden	Sulloway
Cooper, Tex.	Harrison	McCreary	Talbott
Coudrey	Henry, Conn.	McGavin	Tawney
Cousins	Hepburn	McGuire	Taylor, Ala.
Crawford	Hill, Miss.	McHenry	Thomas, Ohio
Currier	Hobson	McKinley, Ill.	Tirrell
Darragh	Howard	McKinney	Vreeland
Davey, La.	Hughes, W. Va.	McMillan	Wallace
Dawes	Hull, Iowa	McMorran	Weems
Diekema	Jackson	Malby	Weisse
Driscoll	James, Addison D.	Maynard	Wiley
Dunwell	James, Ollie M.	Miller	Wilson, Ill.
Dwight	Kipp	Moore, Pa.	Wolf
Edwards, Ga.	Kitchin, Wm. W.	Mudd	Wood

So the resolution was passed.

The following additional pairs were announced:

Until further notice:

Mr. MCKINLEY of Illinois with Mr. MCHENRY.

Mr. LORIMER with Mr. LEWIS.

Mr. GILLETT with Mr. COOPER of Texas.

Mr. DWIGHT with Mr. OLLIE M. JAMES.

Mr. CONNER with Mr. REID.

Mr. BROWNLOW with Mr. CARLIN.

Mr. ANDRUS with Mr. MAYNARD.

Mr. JENKINS with Mr. KIPP.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

The result of the vote was then announced as above recorded.

RAILROAD TRACKS TO WASHINGTON NAVY-YARD.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 13844.

The SPEAKER pro tempore. The gentleman moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13844) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, District of Columbia.

Be it enacted, etc., That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and required to maintain its track conection with the United States navy-yard in the city of Washington, D. C., by means of a single track on K street and Canal street SE., either as at present located or as the same may hereafter be relocated, in whole or in part, with the approval of the Commissioners of the District of Columbia, and to continue the operation thereof for a period of two years from April 28, 1898, anything contained in any prior act or acts of Congress to the contrary notwithstanding.

Mr. SIMS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Tennessee demands a second. A second is considered as ordered under the rule.

Mr. SMITH of Michigan. I ask that the report on this bill be read.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. SMITH] has twenty minutes and the gentleman from Tennessee [Mr. SIMS] has twenty minutes. The report will be read in the time of the gentleman from Michigan.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 13844) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C., report the same back to the House with the recommendation that it do pass.

This bill proposes to extend the time for the removal of the railroad track leading into the United States navy-yard in the city of Washington for a period of two years from April 28, 1908. Under existing laws (acts of February 12, 1901, and February 28, 1903) the present track connections with the navy-yard must be removed by April 28, 1908. This removal was imposed upon the railroad company as a condition precedent to the payment by the Government of $1,500,000 to secure the removal of grade crossings and the completion of the new terminal station.

The railroad proceeded to remove the track within the time limit specified, but against the protest of the Navy Department, which would thus have been deprived of the means of securing fuel and materials to keep the navy-yard in operation. On behalf of the Department an injunction to prevent the removal of the tracks by the railroad company was obtained from the district court and is still pending.

Two measures to relieve the situation have been considered by the committee. The first, a Senate amendment (S. 3976) to H. R. 13844, which amendment provided for the construction along the north bank of the Anacostia River, between the bridge over the Anacostia River at Pennsylvania avenue and the navy-yard, of a new spur, in consideration of which the Senate bill proposed to pay the railroad company a bonus of $25,000. Since this proposed spur involved the shutting off of numerous streets leading to the river and affected riparian rights, raising also the serious problems of right of way and of Government ownership, the committee, in view of the necessities of the Navy Department and of the three or four thousand employees at the navy-yard, and because of the great delay in the settlement of pending questions and the construction of the proposed new spur, decided to recommend the extension of time for the removal of the present track into the navy-yard for the period of two years as contemplated by this bill. The removal of grade crossings was undoubtedly anticipated by the act of 1903, and such removal is still a desideratum, but as between this horn of the dilemma and the alternative of throwing the employees of the navy-yard out of work until a new spur can be constructed, it is believed to be for the best interests of all concerned that the present track should remain until there is assurance that the navy-yard will be protected against the failure to provide it with suitable trackage facilities.

This is a question which may well be relegated to the District Commissioners, the Navy Department, and the railroad officials concerned.

Mr. SMITH of Michigan. Mr. Speaker, I do not know that I can add anything to what is stated in the report. I shall be glad to answer any questions which anybody desires to ask. If there are none, I will yield to the gentleman from Tennessee [Mr. SIMS].

The SPEAKER pro tempore. Does the gentleman from Michigan reserve his time?

Mr. SMITH of Michigan. I reserve the balance of my time.

Mr. SIMS. Mr. Speaker, in order that this matter may be understood, the act authorizing the construction of a union station and eliminating grade crossings in Washington was passed several years ago and the time for removal of the tracks at grade has expired. I do not remember the exact date, but I think the time for the elimination of these grade crossings expired on February 28. In the meantime the Senate passed a bill providing that the tracks down K street to the navy-yard should remain for two years longer, and authorizing the Pennsylvania Railroad Company to build a siding from where the tracks now reach the Anacostia River down to and connecting with the navy-yard, the act providing that the United States should pay $25,000 of the expense incident to acquiring this right of way. I think the members of the District Committee, or a large number of them, went down and looked over the situation. If we had a map here I could explain it better, but many of you have been out there, and you know that there has been adopted a large scheme for the improvement of the Anacostia River, the deepening of the channel and the improving of the banks, that the channel has been improved up to the Anacostia Bridge, and is authorized to go on up the Anacostia River or the Eastern Branch of the Potomac much farther.

From where the Pennsylvania Railroad now crosses the Anacostia River down to the navy-yard is that part of the river front that would be occupied by the tracks of the Pennsylvania Railroad if the Senate bill should pass, and the railroad company would be paid $25,000 in addition to the right to use Water street. Some, and I believe all of us, thought it was not good legislation to permit this or any other railroad company to build its tracks down that water front, so as to be in the way of the further improvement, so the bill was laid upon the table. But one of the objects and purposes of the Union Station act, which provided for the elimination of grade crossings, to secure which a large appropriation to pay the expenses was made, was that these tracks should be removed and that grade

crossings should be eliminated. I introduced a bill which I will ask to have read as a part of my remarks.

Mr. UNDERWOOD. How much did we agree to pay to get rid of the grade crossings?

Mr. SIMS. Three million dollars in cash, as well as other things.

The Clerk read as follows:

Be it enacted, etc., That the Attorney-General of the United States be, and he is hereby, directed to institute in the supreme court of the District of Columbia a proceeding in the name of the United States to acquire a strip of land 33 feet in width for a railroad siding from the main line of the Philadelphia, Baltimore and Washington Railroad Company to the United States navy-yard, said strip of land to be located along the water front of the Anacostia River from some point, to be approved by the Commissioners of the District of Columbia, between the bridge over the Anacostia River at Pennsylvania avenue SE. and 1,000 feet westwardly therefrom, and to follow the bank of said river at such distance north of the north bulkhead line of the Anacostia River, approved June 7, 1904, as may be fixed by the Commissioners of the District of Columbia, within the limits of the aforesaid bulkhead line and a line 140 feet distant in a normal direction therefrom, as shown on plans on file in the office of the Commissioners of the District of Columbia.

SEC. 2. That said proceeding shall be in accordance with the provisions of sections 484 to 491, inclusive, of the Code of Law for the District of Columbia, except as said sections are modified by the provisions of this act; but in case of any question of title arising in said proceedings the money awarded by the jury as compensation for land taken shall be paid into the registry of the supreme court of the District of Columbia, to be there held until title to said money has been legally established.

SEC. 3. That the Secretary of the Navy be, and he is hereby, directed to construct on said strip of land a single-track siding to said navy-yard, by contract with the Philadelphia, Baltimore and Washington Railroad Company, or otherwise, in his discretion, at a cost not to exceed $90,000, said work to be begun within two months after title to said strip of land shall have been acquired and to be completed within fifteen months thereafter.

SEC. 4. That the expenditure of a sum sufficient to pay the expenses of such condemnation proceedings and the amounts awarded as damages for and in respect of the land taken for said siding is hereby authorized; and the expenditure of a further sum of not to exceed $90,000 for the construction of said siding and the services of such employees as the Secretary of the Navy shall consider necessary in connection with the construction of said siding is hereby authorized, to be paid from said sum of $90,000.

SEC. 5. That the location of said siding, the grade thereof, and the plans of construction shall be approved by the Commissioners of the District of Columbia, and the said Commissioners are also authorized and empowered to make, from time to time, all needful regulations for the movement of trains, cars, and locomotives over same.

SEC. 6. That the said Philadelphia, Baltimore and Washington Railroad Company is hereby authorized to maintain its present track connection with the United States navy-yard by means of a single track on K street and Canal street SE., either as at present located or as the same may hereafter be relocated, in whole or in part, with the approval of the Commissioners of the District of Columbia, for a period of two years from the date hereof; but at the expiration of said two years, or in the event that the siding authorized in section 3 of this act shall be constructed within said two years, at the expiration of sixty days from the completion of said siding said railroad company shall, at its own expense, remove said present track connection and restore the surface of the streets over which same is laid, to the approval of the said Commissioners.

SEC. 7. That all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

SEC. 8. That Congress reserves the right to alter, amend, or repeal this act.

Mr. SIMS. Mr. Speaker, if the tracks now there are removed, as required under the law, the navy-yard will be without any railroad facilities. In other words, material can not be shipped in and out by the railroad. Therefore this bill meets one of the necessities of the case; because if we do not continue the trackage as it is now, the Assistant Secretary of the Navy says, as has been stated by the gentleman from Michigan [Mr. SMITH], that work will be, in a measure, stopped at the navy-yard, and great numbers of persons will be thrown out of employment. Therefore both these bills meet that situation, but the bill now presented by the chairman [Mr. SMITH] only provides that the tracks shall remain for two years and does not provide for any construction in the meantime, so that at the end of the two years the navy-yard would find itself in the same condition that it is now. The bill which I introduced and had read is a proposition which I desire to offer as a substitute for the present bill, because it has in it the provisions of the bill under consideration and also authorizes the construction by the Secretary of the Navy of the necessary siding up to the railroad.

The SPEAKER pro tempore. Does the Chair understand the gentleman from Tennessee to say that he considers his motion pending as a substitute?

Mr. SIMS. I want to offer it as a substitute. I am explaining it to the committee with that in view. If the bill which I wish to offer as a substitute is passed instead of the pending bill, the tracks will remain as the pending bill provides, and before the two years have expired a siding will have been constructed by the Secretary of the Navy, either by contract or otherwise, as he may see proper, to be located as stated, subject to the approval of the Commissioners.

Now, to meet both difficulties, one is to keep the track where it is in order to meet the present demand of the navy-yard, and the other to provide construction of a track or siding that will not belong to a private corporation, will not get in the way of the permanent improvement of the Eastern Branch of the Potomac as contemplated, and will not injure or damage the riparian rights of others or get in the way of what may be needed in the way of harbor facilities.

Mr. OLCOTT. Will the gentleman yield?

Mr. SIMS. I will yield to the gentleman from New York.

Mr. OLCOTT. I would like to make a parliamentary inquiry. I would like to know, Mr. Speaker, whether the gentleman from Tennessee has offered this as a substitute.

The SPEAKER pro tempore [Mr. GAINES of West Virginia]. The gentleman has stated that he did not offer it, but proposed to offer it.

Mr. SIMS. I expect to offer it at the proper time.

Mr. DAWSON. Will the gentleman yield for a question?

Mr. SIMS. I will yield to the gentleman.

Mr. DAWSON. I could not hear the reading of the gentleman's proposed substitute. Will he be kind enough to tell the House whether his solution of the question brings the switch in from the east or from the northwest corner, as at present?

Mr. SIMS. From where the Pennsylvania Railroad crosses or intersects the river down to the navy-yard.

Mr. DAWSON. So it would enter the navy-yard on the east side?

Mr. SIMS. Yes; and to remove all existing grade crossings.

Mr. DAWSON. That would not obviate the expenditure of a large sum of money by the Navy Department to reorganize the interior of the yard by reason of the entry of the switch from the east side, whereas now it comes in from the northwest corner.

Mr. SIMS. I do not think that would make any material difference. We went through the navy-yard, and the commandant showed us where it could enter, and from the best we could see and understand it would not require a great deal of change in the existing tracks within the yard. It will eliminate and remove the tracks outside the yard, and which are required by law to be removed, and the removal of which has been prevented by an injunction suit now pending.

Mr. DAWSON. Will the gentleman yield for a further question?

Mr. SIMS. I will.

Mr. DAWSON. Would it not necessitate the expenditure of $40,000 for the construction of a bridge over the slip now at the navy-yard on the east side?

Mr. SIMS. The commandant did not think so; that is, did not mention it. I do not think so, but I would not put my judgment upon a question of that sort against experts.

Mr. DAWSON. It would be necessary to build a bridge over the slip or abandon the slip.

Mr. SIMS. If the Pennsylvania Railroad Company builds it, it will require just as much. But the point I am making is the siding ought to be owned by the Government, so as to prevent private monopoly securing right to prevent the improvement of the channel. The Baltimore and Ohio Railroad comes down on the opposite side of the river, and if the Government owns it it can authorize any other railroad to build to the navy-yard and give the benefit of competition between the different transportation companies, whereas if only one is authorized to build no other one can come in.

Mr. MANN. Will the gentleman yield for a question?

Mr. SIMS. I will yield to the gentleman from Illinois.

Mr. MANN. Does the gentleman expect to get unanimous consent to offer this substitute?

Mr. SIMS. I thought I could after explaining the matter and the fact that it would reach both purposes, continue the tracks to the navy-yard and yet provide for new construction within the two years, while the present bill only authorizes and provides for the continuance of the tracks.

Mr. MANN. The gentleman misunderstands the question. I do not propose to object, but I want to know whether I am listening to a live matter or not? Does the gentleman expect to get unanimous consent, which will be required for him to offer this as a substitute?

Mr. SIMS. I know it can not be offered as a substitute except by unanimous consent; but if consent is not given, the bill offered by the chairman ought to be voted down, because the grade crossings ought to be eliminated, and that can not be done without providing some other means of reaching the navy-yard, for it will practically cut them off from facilities by which they must receive their material.

Mr. MANN. The gentleman knows that I very often follow him, and if there be objection by anybody to this substitute—the gentleman perhaps knows whether there will be or not. Does the gentleman think that we ought to vote against this bill if the substitute is not accepted?

Mr. SIMS. I do.

Mr. MANN. If the bill be not passed, what is the effect on the facilities of getting in and out of the navy-yard?

Mr. SIMS. There will be none.

Mr. MANN. I would be myself willing to forever abolish the railroad rights there.

Mr. SIMS. The only trouble is that we ought to provide some means for reaching there that will permit the removal of the tracks as soon as the facilities for getting there are completed. That is the reason I am using the time. It is simply that the House may understand, together with the hope that there may be no objection to the substitute.

Mr. DAWSON. As I understand the gentleman's position, it is that if his proposed substitute is voted down, then this bill also should be voted down.

Mr. SIMS. No, no. If my substitute can not be offered as an amendment, then we should vote the present bill down, and let us report my substitute or some measure that provides for construction during the time that the tracks are authorized to remain.

Mr. DAWSON. But if the bill now before the House were voted down, would it not be physically impossible to secure legislation before the 28th day of this month, after which time connection with the navy-yard would be absolutely at an end.

Mr. SIMS. No; the gentleman does not understand the situation. The 28th of the month provided for in the act was the 28th of February, but the Government obtained an injunction and prevented removing the tracks, and that injunction still remains in force.

Mr. DAWSON. And if the gentleman will allow me, the injunction was based upon this fact, and the injunction can only hold for sixty days. The original act providing for the elimination of these grade crossings give the railroad companies sixty days after the 28th day of February, in which to do the physical work of removing the grade crossings, and the railroad company——

Mr. SIMS. Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. The gentleman has three minutes remaining.

Mr. SIMS. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, it is unfortunate that this bill was not reported by the Committee on Public Lands. If it had been, under the practice now prevailing in the House one amendment would have been in order. Then it would have been possible to vote upon the substitute suggested by the gentleman from Tennessee. This bill is designedly in the interest of railroad companies. They are required under the present law to remove their tracks before they can receive a $1,500,000 contribution toward the grade-crossing expense. This bill does not require them to remove their tracks. It compels them to continue their tracks, and there is no provision that they shall ever remove their tracks. It is designedly, I say, in favor of the railroad companies, although the pretense is that it is in the interests of men employed in the navy-yard.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FITZGERALD. No. I have only three minutes. It illustrates the hypocrisy under which this legislation is brought in and the infamous character of the rules under which we are now operating. It shows that this House as at present controlled is not attempting to legislate in the interests of all the people, but that the managers of the House are continually legislating or permitting legislation to be brought in here for the benefit of special interests, for the benefit of the railroads, for the benefit of the paper trust, for the benefit of every other trust, but not for the benefit of the people whom we on this side represent. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SIMS. Now, Mr. Speaker, I offer the bill I had read as a substitute for the pending bill.

The SPEAKER pro tempore. The gentleman from Michigan has the floor.

Mr. SIMS. I ask unanimous consent to offer it as a substitute.

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Tennessee for the purpose of asking unanimous consent?

Mr. SMITH of Michigan. Yes.

Mr. SIMS. Mr. Speaker, then I ask unanimous consent that the bill just read in my time be offered as a substitute for the bill now pending.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to offer as a substitute the bill which was read in his time. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he could guarantee that we could dispose of it without a roll call and wasting half an hour of valuable public time?

Mr. SIMS. As far as I am concerned, I have no objection to this bill being passed by unanimous consent.

The SPEAKER pro tempore. Is there objection?

Mr. CRUMPACKER. Mr. Speaker, it ought to have some provision in it for universal transfers. [Laughter.] I will not object.

The SPEAKER pro tempore. Does the gentleman from Indiana object?

Mr. CRUMPACKER. No; I said I did not object.

The SPEAKER pro tempore. Is there objection?

Mr. PAYNE. Mr. Speaker, I suggest to the gentleman that he offer it to be adopted as a substitute.

Mr. SIMS. That is what I mean.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. SMITH of Michigan. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Seventeen minutes.

The Chair understands that unanimous consent has been given to withdraw the original bill and substitute in its place the bill offered by the gentleman from Tennessee. Is that correct?

Mr. SIMS. And I ask for a vote on it.

The SPEAKER pro tempore. The Chair understands that that consent has been given. The gentleman from Michigan has seventeen minutes remaining.

Mr. SMITH of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Iowa——

Mr. SIMS. Mr. Speaker, I think I can guarantee there will be no roll call demanded, and I ask that a vote be taken on the substitute.

Mr. SMITH of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Speaker, the gentleman from New York seems to be under an entire misapprehension as to the purpose of Congress in this proposed legislation. The men most interested in the passage of this bill are the 4,000 workmen employed at the navy-yard. This legislation is wholly in the interest of the Washington Navy-Yard and the employees there, and anyone who thinks the contrary is entirely mistaken in the premises.

Mr. FITZGERALD. Will the gentleman yield?

Mr. DAWSON. Not just now.

Mr. FITZGERALD. Will the gentleman——

The SPEAKER pro tempore. Does the gentleman from Iowa yield?

Mr. DAWSON. Yes.

Mr. FITZGERALD. Is it not a fact that the original act provided that these tracks must be removed before the $1,500,000 is paid to the railroad?

Mr. DAWSON. I think so.

Mr. FITZGERALD. Is there anything in this bill that will require the tracks to be removed?

Mr. DAWSON. The original act provided for the removal of these tracks and the original act provided for the payment of this money.

Mr. FITZGERALD. Yes; and this bill compels the road to continue the tracks, and does not require that they shall be removed.

Mr. DAWSON. The original act, as I stated, provided for the elimination of grade crossings and provided for the payment of this money. It also fixed a time limit when the grade crossings should be removed. That limit was February 28, and immediately on the expiration of that time the railroad served notice on the Commissioners that they intended to remove those tracks, which constitute the only railroad connection with the navy-yard, and they undoubtedly would have removed them at that time had not an injunction been secured against them. That injunction, as I was endeavoring to explain to the gentleman from Tennessee, held for sixty days. It held for that period of time which the railroad companies were allowed in the original act to perform the physical work of removing the tracks. That sixty days will be up on the 28th of the present month, which is only a few days hence. If the 28th day of April rolls around without any action on the part of Congress, these tracks will be torn up, the railroad company will get the money which was provided by law three years ago, and the navy-yard will stand without railroad connection.

Mr. FITZGERALD. The fact is, the railroad company does not care whether the railroad tracks are removed or not so long as they get the money.

Mr. DAWSON. They get the money whether we provide for an extension or not, and if we do not provide the legislation here we will leave this great industrial plant without any railroad connection.

Mr. FITZGERALD. And they will be paid part of the expense of removing these grade crossings that will never be removed—just what the money is paid for.

Mr. SIMS. My substitute provides that the present tracks might remain just like the bill does.

Mr. DAWSON. But here is the point: There is a great necessity for immediate legislation by the Congress upon this subject. We must enact into law within the next five days some measure upon this subject, unless that great plant is to be deprived of railroad connections.

Mr. SIMS. It takes no longer time to pass a substitute than the bill.

Mr. DAWSON. Yes; this House could pass a substitute in the same time that it could pass the bill; but has the gentleman any assurance that such action will not simply block the situation in another body, this other body having already passed a bill which was sent to your committee and tabled? Have you any assurance that your bill, which is a substitute for the Senate bill, will not receive the same treatment at the other end of the Capitol?

Mr. SIMS. Has the gentleman any assurance that this bill, without amendment, would receive any different treatment?

Mr. DAWSON. This does not seek a permanent solution of the matter. It is an emergency measure. This proposes to continue the present facilities until your great committee and a similar committee of the Senate, in their wisdom, can work out——

The SPEAKER pro tempore. The time of the gentleman from Iowa [Mr. DAWSON] has expired.

Mr. SMITH of Michigan. Mr. Speaker, I yield three minutes more to the gentleman from Iowa.

Mr. DAWSON (continuing). Can work out a permanent solution of this question.

Mr. MANN. Will the gentleman yield for a question?

Mr. DAWSON. Yes, sir.

Mr. MANN. If the bill of the gentleman from Tennessee [Mr. SIMS] passes and the bill of the gentleman from Michigan [Mr. SMITH] fails to pass, what would be the status? Would the navy-yard be without a railroad track or not?

Mr. DAWSON. It will unless the bill of the gentleman from Tennessee passes the other body of Congress and is signed by the President within the next five days.

Mr. MANN. Suppose it does, can the railroad tracks be constructed in the next five days?

Mr. DAWSON. No, sir. But if his bill should fail to become a law in the next five days, up will come the track.

Mr. MANN. Does the gentleman's bill provide for the maintenance of the present track?

Mr. DAWSON. Yes; but it provides for the construction of a new track.

Mr. SIMS. To inform the gentleman, I will say that the bill that is now pending without amendment is the exact bill that was sent to the Senate, and they amended it, and provided that the railroad company should build the siding.

Mr. DAWSON. Yes; that may be true, but what I fear, Mr. Speaker, is this, that the bill of the gentleman from Tennessee [Mr. SIMS], while it does extend the present facilities the same as the bill of the gentleman from Michigan [Mr. SMITH], at the same time provides for the construction of a new switch, which enters the yard at another point, a switch which would require the expenditure within the navy-yard of many thousands of dollars——

Mr. SIMS. That is exactly the bill the Senate passed.

Mr. DAWSON (continuing). To reverse the switches and all that sort of thing. So the fear that is in my mind is, if we pass this complicated bill, this bill against which there is objection, that the five days will expire and that great industrial plant will be cut off from railroad connection.

Mr. SIMS. There is not the slightest danger of that five days interferring with that injunction.

Mr. MADDEN. Is there any more certainty that the bill presented by the gentleman from Michigan [Mr. SMITH] shall become a law than there is if the bill presented by the gentleman from Tennessee [Mr. SIMS] as a substitute shall become a law?

Mr. DAWSON. I think there is, because the bill of the gentleman from Michigan provides for bridging over a temporary and immediate emergency. The bill of the gentleman from Tennessee does that, but it does not stop there. It seeks a permanent solution of what is a somewhat complicated proposition.

Mr. MADDEN. The bills provide for the tracks that are there now to remain, do they not?

Mr. DAWSON. Yes, sir.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURLESON. Regular order!

Mr. SMITH of Michigan. Mr. Speaker, I yield four minutes to the gentleman from Wisconsin [Mr. MURPHY].

Mr. MURPHY. The bill of the gentleman from Michigan [Mr. SMITH] having gone out, we have nothing now before us but the substitute presented by the gentleman from Tennessee [Mr. SIMS]. As an explanation to the House I will say that this bill does provide for the extension of the time within which the tracks now leading to the navy-yard may be taken up. As stated by the gentleman from Iowa [Mr. DAWSON], it is correct that without some such provision the time within which those tracks would remain would expire on the 28th day of April. That time really expired nearly sixty days ago, or on the 28th day of February, and the Navy Department secured an injunction in the court restraining the taking up of that track for sixty days, because it is absolutely necessary for the business of the navy-yard that the track remain there until some other outlet is obtained. This bill does contain that provision. It also contains a provision for condemnation.

Mr. WILLIAMS. What bill are you speaking about now? The committee bill?

Mr. MURPHY. The Sims bill. The committee bill has been laid aside. There is no use to speak about that. The Sims bill provides for the condemnation of a strip of land from the tracks of the Pennsylvania Railroad Company, near the river east of the navy-yard, down to the navy-yard, and provides for the money for that purpose.

It provides, then, for the construction of the tracks on the piece of ground by the Government, and the contract is to be made for the work with the Pennsylvania Railroad Company, they doing the work. The other track is to remain for two years from this time.

Mr. DAWSON. Will the gentleman yield to a question?

Mr. MURPHY. Certainly.

Mr. DAWSON. Have you any idea how much this land would cost which it is proposed to condemn?

Mr. MURPHY. I have not. There is a provision here for $90,000. It will not cost that; a very large portion is already owned by the Government.

Mr. DAWSON. I will say for the information of the House that the matter was considered by the Naval Committee this year, and for the right of way over this square $300,000 was asked.

Mr. BUTLER. Does this include that ground for which the proposition was made for $300,000?

Mr. DAWSON. That is what this bill includes.

Mr. SIMS. Oh, no; $90,000 is the estimate made by the engineers.

Mr. MURPHY. I must decline further interruptions. I am trying to give you an explanation to show you what this bill contains. This matter was presented to us by the engineer department of the railroad company and the Engineer Commissioner, and $90,000, it is claimed, is all it will take, and the railroad companies were to receive for this purpose $25,000 in the Senate bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. I yield to the gentleman from New York.

Mr. OLCOTT. Mr. Speaker, about the first day of the next session of this Congress the chairman of the Committee on the District of Columbia and the chairman of the Committee on Naval Affairs will have introduced and asked for the passage of a bill repealing this very substitute, not only because this bill will not be adequate, but because it will cost a great deal more in money. The expenses consequent upon this proposed change in the navy-yard, according to the Assistant Secretary and the commandant of the yard, is going to be perfectly tremendous.

Mr. BURLESON. Why did you not object?

Mr. OLCOTT. I was perfectly willing to hear what the gentleman from Tennessee had to say, and, besides, I do not care to make personal objections. I shall vote for the substitute, of course, and the substitute will be passed now, because it is the only thing before us. We must, as the gentleman from Iowa has said, make some provision with reference to these tracks and provide that they shall remain where they are, or after the 28th of April the Washington Navy-Yard will not have railroad connection. I want to say to you that it will take a great deal more than $90,000 as the cost of the condemnation proceedings. It will be very much more like $250,000 or $300,000, and

then the changes in the switches and to the coaling docks will take possibly $100,000 more.

Mr. BUTLER. If the House passes the substitute offered by the gentleman from Tennessee, will the Government be required to purchase land which has been offered to the Navy Department, the cost of which is several hundred thousand dollars and the price of which has been several times raised?

Mr. OLCOTT. In the first place we can not spend more than $90,000. I have no idea that the Secretary of the Navy will expend that or take any steps immediately, so I do not think there is any danger.

Mr. BUTLER. The gentleman will remember that we have talked a good many times about this.

Mr. OLCOTT. I know that we have talked a good many times about this matter in the Naval Committee and the District Committee.

Mr. MURPHY. I will ask the gentleman if we do not pass this bill, will not these railroad tracks have to come up in three or four days?

Mr. OLCOTT. Of course, they will; and not only that, but the Pennsylvania Railroad people, whom the gentleman from New York [Mr. FITZGERALD] says we wish to benefit by this legislation, stand ready to put a gang of men on this work on the 28th of April and tear these tracks up. Of course I shall vote for the substitute, and I hope everybody else will, as that is now the bill before the House.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. FITZGERALD. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FITZGERALD. What are we voting on?

The SPEAKER pro tempore. On suspending the rules and passing the bill (H. R. 20120) which was by unanimous consent substituted for the bill originally embraced in the motion.

Mr. PAYNE. Pending that, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

The SPEAKER pro tempore. Pending the motion of the gentleman from New York the Chair will submit certain personal requests.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. PEARRE, for one week, on account of important business.

To Mr. PETERS indefinitely, on account of sickness.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. ALEXANDER of Missouri, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 17830, for increase of pension of Stephen Corwin, Sixtieth Congress, no adverse report having been made thereon.

By unanimous consent, on motion of Mr. COUDREY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of E. J. Glasgow (H. R. 13714), Sixtieth Congress, no adverse report having been made thereon.

RECESS.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. PAYNE], that the House take a recess until to-morrow morning at 11.30 o'clock.

The question being taken, the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 119, nays 86, answered "present" 9, not voting 173, as follows:

YEAS—119.

Adair	Cooper, Wis.	Goebel	Knopf
Alexander, N. Y.	Cox, Ind.	Gronna	Knowland
Allen	Crumpacker	Hale	Küstermann
Ames	Dalzell	Hamilton, Mich.	Lafean
Bannon	Davidson	Harding	Landis
Barchfeld	Dawson	Haskins	Lawrence
Barclay	Denby	Haugen	Longworth
Beale, Pa.	Draper	Hawley	Lovering
Bede	Dwight	Hayes	McLachlan, Cal.
Bonynge	Ellis, Oreg.	Higgins	Madden
Boyd	Englebright	Hill, Conn.	Madison
Brownlow	Esch	Hinshaw	Mann
Burleigh	Ferris	Holliday	Mondell
Burton, Del.	Focht	Howell, N. J.	Morse
Butler	Foss	Howell, Utah	Mouser
Calderhead	Foster, Ind.	Hubbard, W. Va.	Murdock
Campbell	Foulkrod	Huff	Needham
Capron	French	Jones, Wash.	Nelson
Chapman	Fuller	Kahn	Norris
Clark, Fla.	Gardner, Mich.	Keifer	Nye
Cole	Gardner, N. J.	Kennedy, Iowa	Olcott
Cook, Pa.	Gilhams	Kinkaid	Parker, N. J.
Cooper, Pa.	Gillett	Knapp	Payne
Perkins	Scott	Stafford	Washburn
Pollard	Slemp	Steenerson	Watson
Porter	Smith, Cal.	Sterling	Wheeler
Pray	Smith, Iowa	Taylor, Ohio	Wilson, Ill.
Reeder	Smith, Mich.	Thistlewood	Woodyard
Reynolds	Southwick	Vreeland	Young
Rodenberg	Sperry	Wanger	

NAYS—86.

Adamson	Foster, Ill.	Jones, Va.	Richardson
Aiken	Gaines, Tenn.	Kelliher	Robinson
Alexander, Mo.	Garner	Kitchin, Claude	Rothermel
Ansberry	Garrett	Lamar, Mo.	Russell, Mo.
Beall, Tex.	Gillespie	Lamb	Russell, Tex.
Bell, Ga.	Glass	Lee	Sabath
Booher	Godwin	Lewis	Sheppard
Bowers	Granger	Lloyd	Sherwood
Brundidge	Gregg	McDermott	Sims
Burgess	Griggs	Macon	Smith, Mo.
Burleson	Hackett	Maynard	Smith, Tex.
Byrd	Hackney	Moon, Tenn.	Spight
Candler	Hamilton, Iowa	Moore, Tex.	Stanley
Carter	Hay	Murphy	Stephens, Tex.
Cary	Helm	Nicholls	Thomas, N. C.
Clark, Mo.	Henry, Tex.	O'Connell	Tou Velle
Craig	Houston	Padgett	Watkins
Denver	Hughes, N. J.	Page	Webb
Dixon	Hull, Tenn.	Patterson	Williams
Ellerbe	Humphreys, Miss.	Rainey	Wilson, Pa.
Fitzgerald	Johnson, Ky.	Randell, Tex.	
Floyd	Johnson, S. C.	Reid	

ANSWERED "PRESENT"—9.

Ashbrook	De Armond	Gaines, W. Va.	McKinney
Clayton	Finley	Hamlin	Shackleford
Davis, Minn.			

NOT VOTING—173.

Acheson	Durey	Kennedy, Ohio	Peters
Andrus	Edwards, Ga.	Kimball	Pou
Anthony	Edwards, Ky.	Kipp	Powers
Bartholdt	Ellis, Mo.	Kitchin, Wm. W.	Pratt
Bartlett, Ga.	Fairchild	Lamar, Fla.	Prince
Bartlett, Nev.	Fassett	Langley	Pujo
Bates	Favrot	Laning	Ransdell, La.
Bennet, N. Y.	Flood	Lassiter	Rauch
Bennett, Ky.	Fordney	Law	Rhinock
Bingham	Fornes	Leake	Riordan
Birdsall	Foster, Vt.	Legare	Roberts
Boutell	Fowler	Lenahan	Rucker
Bradley	Fulton	Lever	Ryan
Brantley	Gardner, Mass.	Lilley	Saunders
Brodhead	Gill	Lindbergh	Sherley
Broussard	Goldfogle	Lindsay	Sherman
Brumm	Gordon	Littlefield	Slayden
Burke	Goulden	Livingston	Small
Burnett	Graff	Lorimer	Snapp
Burton, Ohio	Graham	Loud	Sparkman
Calder	Greene	Loudenslager	Stevens, Minn.
Caldwell	Haggott	Lowden	Sturgiss
Carlin	Hall	McCall	Sulloway
Caulfield	Hamill	McCreary	Sulzer
Chaney	Hammond	McGavin	Talbott
Cockran	Hardwick	McGuire	Tawney
Cocks, N. Y.	Hardy	McHenry	Taylor, Ala.
Conner	Harrison	McKinlay, Cal.	Thomas, Ohio
Cook, Colo.	Heflin	McKinley, Ill.	Tirrell
Cooper, Tex.	Henry, Conn.	McLain	Townsend
Coudrey	Hepburn	McLaughlin, Mich.	Underwood
Cousins	Hill, Miss.	McMillan	Volstead
Cravens	Hitchcock	McMorran	Waldo
Crawford	Hobson	Malby	Wallace
Currier	Howard	Marshall	Weeks
Cushman	Howland	Miller	Weems
Darragh	Hubbard, Iowa	Moon, Pa.	Weisse
Davenport	Hughes, W. Va.	Moore, Pa.	Wiley
Davey, La.	Hull, Iowa	Mudd	Willett
Dawes	Humphrey, Wash.	Olmsted	Wolf
Diekema	Jackson	Overstreet	Wood
Douglas	James, Addison D.	Parker, S. Dak.	
Driscoll	James, Ollie M.	Parsons	
Dunwell	Jenkins	Pearre	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BENNET of New York with Mr. FORNES.

Mr. BIRDSALL with Mr. BRANTLEY.

Mr. BUTLER with Mr. BARTLETT of Georgia.

For the balance of the day:

Mr. LAW with Mr. SULZER.

Mr. BATES with Mr. SMALL.

Mr. DAVIS of Minnesota with Mr. UNDERWOOD.

Mr. ANTHONY with Mr. CRAVENS.

Mr. JENKINS with Mr. CLAYTON.

Mr. DUNWELL with Mr. BURNETT.

On this vote:

Mr. COCKS of New York with Mr. BARTLETT of Nevada.

Mr. COOK of Colorado with Mr. BRODHEAD.

Mr. COUSINS with Mr. CALDWELL.

Mr. CUSHMAN with Mr. COCKRAN.

Mr. DARRAGH with Mr. CRAWFORD.

Mr. DAWES with Mr. DAVENPORT.

Mr. DOUGLAS with Mr. DE ARMOND.

Mr. DUREY with Mr. FAVROT.

Mr. FOSTER of Vermont with Mr. GILL.

Mr. HOWLAND with Mr. GOLDFOGLE.

Mr. HUBBARD of Iowa with Mr. HAMMOND.

Mr. HUMPHREY of Washington with Mr. HEFLIN.
Mr. LOUDENSLAGER with Mr. LEAKE.
Mr. MCLAUGHLIN of Michigan with Mr. LINDSAY.
Mr. MCMILLAN with Mr. MCLAIN.
Mr. MCMORRAN with Mr. PUJO.
Mr. SNAPP with Mr. RAUCH.
Mr. STEVENS of Minnesota with Mr. RYAN.
Mr. STURGISS with Mr. SAUNDERS.
Mr. TOWNSEND with Mr. SPARKMAN.
Mr. WALDO with Mr. WILLETT.

The result of the vote was then announced as above recorded.

Accordingly (at 5 o'clock and 11 minutes p. m.) the House was in recess until to-morrow at 11.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXVI, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for rent of building for the depot quartermaster's office (H. R. Doc. 877)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a letter from the Attorney-General, a list of judgments rendered by the Court of Claims in Indian depredation cases (H. R. Doc. 878)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for rent of temporary quarters and moving expenses for post-office at Asheville, N. C. (H. R. Doc. 879)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MOORE of Pennsylvania, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15448) to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, reported the same with amendments, accompanied by a report (No. 1502), which said bill and report were referred to the House Calendar.

Mr. NORRIS, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 20112) providing that all contributions hereafter made to political committees engaged in promoting the election of Representatives or Delegates to the Congress of the United States or of Presidential electors at any election at which such Representatives or Delegates shall be voted for shall be reported by such committees to the Clerk of the House of Representatives of the Congress of the United States, and for other purposes, reported the same with amendments, accompanied by a report (No. 1505), which said bill and report were referred to the House Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 21091) to authorize the Secretary of War to donate to John Buford Post, Grand Army of the Republic, No. 243, Department of Illinois, Rock Island, Ill., 50 obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, reported the same without amendment, accompanied by a report (No. 1506), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6648) for the relief of the heirs of Myra Clark Gaines, deceased, reported the same without amendment, accompanied by a report (No. 1501), which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5126) to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal, reported the same with amendments, accompanied by a report (No. 1503), which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4166) to relieve George W. Black and J. R. Wilson from a certain judgment in favor of the United States, and to relieve George W. Black, J. R. Wilson, and W. M. Newell of a certain judgment in favor of the United States, reported the same without amendment, accompanied by a report (No. 1504), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 5359) granting a pension to Eli W. Elzey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14143) granting an increase of pension to John Holzer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

This bill was omitted from the RECORD of April 22, 1908:

By Mr. SPARKMAN, from the Committee on Rivers and Harbors: A bill (H. R. 21173) to provide for continuation of investigations of the water resources of the United States—to the House Calendar.

By Mr. ROBINSON: A bill (H. R. 21174) for the protection of the banks of the Arkansas River at and near Douglas, Ark.—to the Committee on Rivers and Harbors.

By Mr. LAMAR of Missouri: A bill (H. R. 21175) providing for the erection of a public building at the city of Rolla, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 21176) to raise the wreck of the United States battle ship *Maine* in Habana Harbor and remove the bodies therein to Arlington Cemetery for interment—to the Committee on Naval Affairs.

By Mr. MANN: A bill (H. R. 21177) to establish a fish-cultural station at or near the city of Chicago, in the State of Illinois—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 21178) to establish a fish-cultural station at or near the city of Chicago, in the State of Illinois—to the Committee on the Merchant Marine and Fisheries.

By Mr. COUDREY: A bill (H. R. 21179) to create a Currency Commission—to the Committee on Banking and Currency.

By Mr. FOCHT: A bill (H. R. 21180) to regulate the granting of patents to citizens of any foreign country—to the Committee on Patents.

By Mr. HUGHES of New Jersey: Resolution (H. Res. 351) to pay a certain sum of money to persons employed in the House telegraph office—to the Committee on Accounts.

By Mr. SMITH of Michigan: Resolution (H. Res. 352) to increase the salary of W. C. Jones, tally clerk of the House—to the Committee on Accounts.

By Mr. GARDNER of New Jersey: Resolution (H. Res. 353) providing extra compensation for the printing and bill clerk of the House—to the Committee on Accounts.

By Mr. LINDBERGH: Resolution (H. Res. 354) providing extra compensation for the librarian and the assistant librarians of the House—to the Committee on Accounts.

By Mr. CARLIN: Resolution (H. Res. 355) requesting certain information from the Secretary of War—to the Committee on Military Affairs.

By Mr. ALLEN: Resolution (H. Res. 356) providing extra compensation to the eight assistants in the House document room—to the Committee on Accounts.

By Mr. COOK of Pennsylvania: Resolution (H. Res. 357) increasing the pay of Thomas M. Hyde, briefing clerk of the House of Representatives—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 21181) granting a pension to Cephas F. Mosher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21182) granting a pension to Alexander May—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 21183) granting an increase of pension to John J. Hitchcock—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 21184) granting an increase of pension to Andrew J. Duncan, alias Andrew J. Revels—to the Committee on Pensions.

By Mr. BURLEIGH: A bill (H. R. 21185) granting an increase of pension to Samuel F. Davey—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 21186) granting a pension to William B. Douglas—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21187) for the relief of the heirs of Rev. John Woolf, deceased—to the Committee on War Claims.

By Mr. COOK of Colorado: A bill (H. R. 21188) granting an increase of pension to George H. Stone—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H R. 21189) for the relief of Albert Freitag—to the Committee on Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 21190) authorizing the President of the United States to confer rank upon Maj. Joseph W. Wham, United States Army, retired—to the Committee on Military Affairs.

By Mr. FULTON: A bill (H. R. 21191) granting certain land to Caddo County, Okla.—to the Committee on Indian Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 21192) for the relief of Peter Holt—to the Committee on War Claims.

By Mr. GARNER: A bill (H. R. 21193) for the relief of Robert W. Prosser, of Val Verde County, Tex.—to the Committee on Indian Affairs.

By Mr. HOUSTON: A bill (H. R. 21194) granting a pension to Rufus W. Pearson—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 21195) granting an increase of pension to Mary H. Atkinson—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 21196) granting an increase of pension to Oliver A. White—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 21197) granting an increase of pension to Hugh McKinney—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 21198) granting an increase of pension to William James—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 21199) granting an increase of pension to Joseph Uhll—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21200) for the relief of Louis A. Yorke—to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 21201) granting an increase of pension to Ovid W. Barney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21202) granting an increase of pension to William A. Ferris—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 21203) to equalize the allotments of the citizens of the Creek Nation, Oklahoma—to the Committee on Indian Affairs.

By Mr. SIMS: A bill (H. R. 21204) for the relief of W. C. Sanders—to the Committee on War Claims.

Also, a bill (H. R. 21205) for the relief of B. F. Newman—to the Committee on War Claims.

Also, a bill (H. R. 21206) for the relief of the legal representatives of William Cox, deceased—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 21207) for the relief of the Presbyterian Church, in Washington, N. C.—to the Committee on War Claims.

Also, a bill (H. R. 21208) for the relief of the Methodist Episcopal Church South, in Washington, N. C.—to the Committee on War Claims.

By Mr. SOUTHWICK: A bill (H. R. 21209) providing for the retirement of James S. Reagles, contract surgeon, United States Army—to the Committee on Military Affairs.

By Mr. STAFFORD: A bill (H. R. 21210) authorizing the purchase of the stained-glass painting of George Washington and others, by Maria Herndl—to the Committee on the Library.

By Mr. SULZER: A bill (H. R. 21211) authorizing the Secretary of War to bestow a medal of honor upon Gen. Archie C. Fisk, United States volunteer—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the members of the Amalgamated Steel Metal Workers' International Alliance, of Belleville, Ill., praying for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, memorial of Holmes Brothers, of Aurora, and 434 other citizens of Illinois, including firms and individuals, protesting against the enactment of legislation for the establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Trades and Labor Council of Danville, Ill., protesting against the further extension of the right of naturalization and praying for the enactment of laws restricting the immigration of Asiatics—to the Committee on Immigration and Naturalization.

Also, memorial of the legislature of the State of Oklahoma, praying for legislation to permit the State to enter into negotiations with the Chickasaw and Choctaw nations and with the proper officers of the Government of the United States for the purchase of certain lands—to the Committee on Indian Affairs.

Also, memorial of the Cigar Makers' Union of Ottawa, Ill., praying for an amendment to the Sherman antitrust law, so that the provision shall not apply to combinations, organizations of labor, and persons engaged in agriculture—to the Committee on the Judiciary.

Also, memorials of the branches of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers of Berlin, N. H.; Milton, Vt.; Livermore Falls, Me.; Morrisonville, N. Y.; Madison, Me.; Franklin, N. H., and Lisbon Falls, Me., protesting against legislation for the removal of the duty on paper and pulp—to the Committee on Ways and Means.

Also, memorials of the United Mine Workers, St. Clair Lodge of Organized Laborers, and of the National Metal Workers' Union, all of Belleville, Ill., praying for legislation to modify the antitrust law, to regulate and limit the issuance of injunctions, for employers' liability, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, memorial of the officers of the First National Bank of San Diego, Cal., protesting against certain features of the so-called "Aldrich bill"—to the Committee on Banking and Currency.

By Mr. ACHESON: Petition of working people of New Castle, Pa., for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of Pittsburg, for legislation to conserve the natural resources of the United States—to the Committee on the Judiciary.

Also, petition of the Associated Press, against extortions of the paper trust—to the Committee on Ways and Means.

Also, petition of Frank Gilbert Paper Company, for repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Charleroi Council, No. 956, Knights of Columbus, for making the 12th of October a holiday—to the Committee on the Judiciary.

Also, petition of the working people of Newcastle, Pa., for amendment to Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. ADAIR: Petition of citizens of Muncie, Ind., for amendment to Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

Also, petition of American Newspaper Association, for immediate report to the House of the Stevens bill, relative to wood pulp—to the Committee on Ways and Means.

By Mr. ADAMSON: Petition of American Newspaper Publishers' Association, for an immediate report of the Stevens wood-pulp bill—to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of the Associated Press, for repeal of the duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Toledo Federation of Women's Clubs, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of the Associated Press, for repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. BARTLETT of Georgia: Petition of American Newspaper Association, for immediate repeal of duty on wood pulp and print paper and for relief against the extortion of the paper combine—to the Committee on Ways and Means.

By Mr. BARTLETT of Nevada: Petition of Reno Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. BELL of Georgia: Petition of American Newspaper Publishers' Association, for immediate report of the Stevens bill—to the Committee on Ways and Means.

By Mr. BRODHEAD: Petition of American Newspaper Publishers' Association, for reporting at once the Stevens bill, for repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of East Millinocket Lodge, Pulp, Sulphite, and Paper Mill Workers, against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Hon. F. C. Whitehouse, of Brunswick, Me., against the removal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. BURLESON: Petition of American Newspaper Association, for immediate enactment of the Stevens bill, for repeal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. CALDER: Petition of Brooklyn Institute of Arts and Sciences, for S. 6159, American Bison Society bill—to the Committee on Appropriations.

Also, petition of Wilmer Atkinson, against laws governing the post-office calculated to abridge the freedom of the press—to the Committee on the Post-Office and Post-Roads.

Also, petition of Second Battalion of Naval Militia of New York, for H. R. 7620—to the Committee on Naval Affairs.

Also, petition of Manufacturers' Association of New York, against the Hepburn amendment to the Sherman antitrust law (H. R. 19745)—to the Committee on the Judiciary.

Also, petition of the Associated Press, for relief from exactions of the paper makers—to the Committee on Ways and Means.

Also, petition of Pietro Stasio, for remedial legislation relative to the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of citizens of New York, for amendment to the Sherman antitrust law, for the Pearre bill limiting injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

Also, petition of United Brotherhood of Carpenters and Joiners, for removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. CAMPBELL: Paper to acompany bill for relief of Robert B. Rhodes—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of Board of Trade of Jacksonville, Fla., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. COOK of Pennsylvania: Petition of citizens of Philadelphia, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petition of Polish citizens of Pennsylvania, favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

By Mr. CURRIER: Petition of Wantastiquet Grange, of Hinsdale, N. H., for the creation of a national highways commission (H. R. 15837) and appropriation for Federal assistance in construction of public highways—to the Committee on Agriculture.

Also, petition of Appalachian Mountain Club, against legislation to destroy the beauty of Niagara—to the Committee on Rivers and Harbors.

By Mr. DAVENPORT: Petition of American Newspaper Publishers' Association for immediate report of the Stevens bill—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petitions of National Agricultural Press League and the Eastern Manual Training Association, indorsing the Davis bill for industrial and agricultural education (H. R. 534)—to the Committee on Agriculture.

By Mr. DIXON: Petition of American Newspaper Publishers' Association, for relief from extortions of paper combine—to the Committee on Ways and Means.

By Mr. ELLIS of Missouri: Petition of John T. Smith, of Kansas City, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill. and the eight-hour bill—to the Committee on the Judiciary.

By Mr. ELLIS of Oregon: Petition of A. A. Bonney and 20 others, of Tygh Valley, Oreg., for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of American Newspaper Publishers' Association, for repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. FLOOD: Petition of American Newspaper Publishers' Association, for an immediate report on the Stevens bill—to the Committee on Ways and Means.

By Mr. FORNES: Petition of 100 property owners on Westchester Creek, Bronx Borough, New York City, favoring H. R. 219, for Westchester Creek improvement—to the Committee on Rivers and Harbors.

Also, petition of Associated Press, for repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Manufacturers' Association of New York City, against H. R. 19745—to the Committee on the Judiciary.

Also, petition of American Bison Society, of New York City, for S. 6159—to the Committee on Indian Affairs.

Also, petition of National Child Labor Commission of New York City, favoring H. R. 4812—to the Committee on the District of Columbia.

Also, petition of Newspaper Publishers' Association, for immediate report of the Stevens bill to the House—to the Committee on Ways and Means.

By Mr. FOSTER of Illinois: Petition of Central Trades and Labor Assembly of Centralia, Ill., for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of the American Newspaper Publishers' Association, for immediate consideration of the Stevens wood-pulp bill—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Charles Miller, for amendment to Sherman antitrust law; the Pearre bill, regulating injunctions; employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petition of Richmond Council, No. 351, Knights of Columbus, of New Brighton, N. Y., for H. R. 7559, making Columbus Day, October 12, a national holiday—to the Committee on the Judiciary.

Also, petition of Manufacturers' Association of New York, protesting against H. R. 19745, Hepburn amendment, etc.—to the Committee on the Judiciary.

Also, petition of the Associated Press, for repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of American Newspaper Publishers' Association, against Cannon resolution (H. Res. 344), for investigation of price of wood pulp and white paper and urging passage of the Stevens bill—to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of Goldenrod Grange, Patrons of Husbandry, of Dowagiac, Mich., for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

By Mr. HAMMOND: Petition of American Newspaper Publishers' Association, for immediate report of the Stevens bill (I petition that the request in the within telegram be granted—W. S. HAMMOND)—to the Committee on Ways and Means.

By Mr. HAMLIN: Paper to accompany bill for relief of William H. Lyman—to the Committee on Invalid Pensions.

Also, papers to acompany bills for relief of Samuel Moser and O. A. Martin—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petitions of Central Labor Union of Bellows Falls, Vt., and citizens of Bellows Falls, Vt., for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

Also, petition of International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Bellows Falls, Vt., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. HEFLIN: Petition of American Newspaper Publishers' Association, for immediate report of the Stevens bill (In the name of the association asking this relief, I respectfully petition Congress to enact the Stevens bill—J. T. HEFLIN)—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of Salt Lake Lodge, No. 178, Brotherhood of Locomotive Firemen and Engineers, for H. R. 19795, for the safety of employees on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: Petition of American Newspaper Publishers' Association, for immediate report of the Stevens bill—to the Committee on Ways and Means.

By Mr. KELIHER: Petition of American Newspaper Publishers' Association, for immediate report of the Stevens bill to the House—to the Committee on Ways and Means.

By Mr. KIMBALL: Petition of American Newspaper Publishers' Association, for imediate report of the Stevens bill—to the Committee on Ways and Means.

By Mr. LAMB: Petition of American Newspaper Publishers' Association, for immediate consideration of the Stevens bill relative to wood pulp—to the Committee on Ways and Means.

By Mr. LANING: Petition of M. I. Zurich and others, of Norwalk, Ohio; W. F. Horlacker and other citizens of Norwalk, Ohio; and George B. Dorman, of Mansfield, Ohio, for H. R. 20584, amendment to Sherman antitrust law, Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of George Kiffe and 47 other residents of Knox County, Ohio; A. H. Peet and 33 others, of La Grange, and H. D. Fairchilds and 53 others, of Mount Vernon, against religious legislation for the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

Also, petition of M. D. Searles and 500 other citizens of Lorain County, Ohio, for the Littlefield bill and Dolliver-Hepburn bill—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of citizens of North Adams and Adams, Mass., for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill for relief of Allen Philpot—to the Committee on Pensions.

By Mr. LENAHAN: Petition of American Newspaper Publishers' Association, for removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Associated Press, for relief by legislation from the exactions of combinations of paper makers—to the Committee on Ways and Means.

Also, petition of National Child-Labor Commission, favoring S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Louis Drewes, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of American Newspaper Publishers' Association, for removal of duty on wood pulp and print paper—to the Committee on Ways and Means.

By Mr. LONGWORTH: Petition of working people of Cincinnati, for amendment to Sherman antitrust law, Wilson bill (H. R. 20584), the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MALBY: Petition of Waddington Grange, No. 980, of Waddington, N. Y., for a rural parcels post as per S. 5122—to the Committee on the Post-Office and Post-Roads.

Also, petition of Waddington Grange, No. 980, of Waddington, N. Y., favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

Also, petition of Valley Grange, No. 1050, of Ellenburg Depot, N. Y., for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. NICHOLLS: Petition of citizens of Carbondale, Pa., for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. NYE: Petition of Local Union No. 77, Cigar Makers' Union of America, of Minneapolis, for amendment of Sherman antitrust law—to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of the Associated Press, asking relief from exactions of the paper trust and repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of American Newspaper Publishers' Association, against subterfuge of Republican leaders of the House preventing relief from extortion of the paper trust—to the Committee on Ways and Means.

By Mr. PORTER: Petition of Polish citizens of Niagara Falls, favoring the Bates resolution of sympathy for the Poles in Prussia—to the Committee on Foreign Affairs.

Also, petition of the Corfu Grange, Corfu, N. Y., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. PRINCE: Petition of sundry citizens of Illinois, favoring passage of the Sims bill for prohibition in the District of Columbia (H. R. 40)—to the Committee on the District of Columbia.

By Mr. RANDELL of Texas: Petition of American Newspaper Publishers' Association, for relief from extortions of the paper combine and demanding immediate repeal of the tariff on wood pulp and print paper—to the Committee on Ways and Means.

By Mr. REID: Petition of American Newspaper Publishers' Association, for immediate report of the Stevens bill—to the Committee on Ways and Means.

By Mr. ROTHERMEL: Petition of American Newspaper Publishers' Association, for report of the Stevens bill to the House—to the Committee on Ways and Means.

By Mr. RYAN: Petition of American Newspaper Publishers' Association, for an immediate report of the Stevens bill—to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of American Paper and Pulp Association, condemnatory of the attack made on the paper industry—to the Committee on Ways and Means.

By Mr. SOUTHWICK: Paper to accompany bill for relief of James Reagles—to the Committee on Military Affairs.

Also, petition of citizens of Cohoes, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of W. K. Pines and many other citizens of Florida, favoring national prohibitory legislation—to the Committee on Alcoholic Liquor Traffic.

By Mr. SPERRY: Resolutions of citizens of New Haven, Meriden, and West Haven, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, resolutions of Elm City Lodge, No. 284, Brotherhood of Locomotive Firemen and Enginemen, favoring H. R. 19795, relating to equipment of locomotives—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Merchants' Association of New York, against that portion of the Crumpacker bill (H. R. 16954) that is against competitive examination for census employees—to the Committee on the Census.

Also, petition of the Clearing House Association of the banks of Philadelphia, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of National Child-Labor Commission, asking for enactment of child-labor law in the District of Columbia (S. 4812)—to the Committee on the District of Columbia.

Also, petition of Manufacturers' Association of New York, against the Hepburn bill, amending Sherman antitrust act (H. R. 19745)—to the Committee on Interstate and Foreign Commerce.

Also, petition of District Lodge No. 44, International Association of Machinists, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Benjamin M. Arch, favoring legislation on important economic and political questions—to the Committee on the Judiciary.

Also, petition of Maritime Association of the Port of New York, favoring the Bennet bill (H. R. 20012) in the interest of nautical schools—to the Committee on Naval Affairs.

Also, petition of James Junard, favoring enactment of a more stringent immigration law and against extension of the rights of naturalization—to the Committee on Immigration and Naturalization.

By Mr. WEBB: Petition of E. H. Baker, for removal of duty on wood pulp and print paper—to the Committee on Ways and Means.

By Mr. WILLETT: Petition of American Newspaper Publishers' Association, for immediate report to the House of the Stevens wood-pulp bill—to the Committee on Ways and Means.

By Mr. WILLIAMS: Petition of Newspaper Publishers' Association, for immediate report of the Stevens bill—to the Committee on Ways and Means.

SENATE.

FRIDAY, *April 24, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 48) instructing the Attorney-General to institute certain suits, etc.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 15852) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry citizens of North Vernon, Ind., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, and also to prohibit labor on buildings in the District of Columbia on the Sabbath day, which was referred to the Committee on the District of Columbia.

He also presented petitions of the American Newspaper Publishers' Association and of the Associated Press, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented memorials of Local Union No. 70, International Brotherhood of Stationary Firemen, of Livermore Falls; of Local Union No. 15, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Lisbon Falls, in the State of Maine; of Local Union No. 130, International Brotherhood of Stationary Firemen, of Watertown; of Local Union, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Watertown, and of Local Lodge No. 1, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Fort Edward, all in the State of New York, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. KEAN presented petitions of sundry citizens of Bridgeton, Medford, Trenton, New Brunswick, Williamstown, and Glassboro, all in the State of New Jersey, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented the petition of Rufus W. Smith, of Elmer, N. J., praying for the enactment of legislation providing for the construction of at least four new battle ships, which was ordered to lie on the table.

He also presented a memorial of the Presbytery of Newton, N. J., remonstrating against the repeal of the present anti-canteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of the Political Study Club, of Elizabeth, N. J., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented a petition of the Town Improvement Association of Summit, N. J., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was ordered to lie on the table.

Mr. PLATT presented petitions of sundry citizens of Cohoes, Corning, New York City, Olean, Oneonta, Oswego, Syracuse, and Utica, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of Local Union No. 250, Cigar Makers' International Union, of Belleville, Ill., and a petition of the Trades and Labor Assembly of Bloomington, Ill., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a memorial of the Lake Seamen's Union of North Tonawanda, N. Y., remonstrating against the enactment of legislation to amend section 4463 of the Revised Statutes relating to the complement of the crews of vessels, which was ordered to lie on the table.

He also presented a memorial of the Merchants' Association of New York City, N. Y., remonstrating against the passage of the so-called "Crumpacker bill" providing for the employment of additional clerks for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented a memorial of the Robert Emmet Association, of Cohoes, N. Y., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of the State of New York, remonstrating against the enactment of legislation to amend section 3 of an act entitled "An act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise," etc., which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation to increase the compensation of the district judges of the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 20, International Stereotypers and Electrotypers' Union, of Binghamton, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the New York State and Northern Pennsylvania Stove Manufacturers' Association, of Albany, N. Y., remonstrating against the enactment of legislation to regulate commerce among the several States and with foreign nations and to amend an act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of Cigar Makers' Local Union No. 77, of Minneapolis, Minn., praying for the enactment of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of the Granite Cutters' Association of Concord, N. H., and a petition of District Lodge, No. 42, International Association of Machinists, of Keene, N. H., praying for the enactment of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Central Federated Union of New York City, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at a Government navy-yard, which was ordered to lie on the table.

He also presented memorials of Local Union No. 30, of Berlin; of Local Union No. 24, of Concord, and of Local Union No. 9, of Franklin, of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, and of the New Hampshire Federation of Labor, of Concord, all in the State of New Hampshire, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. LODGE presented petitions of sundry citizens of Malden, Adams, Worcester, Milford, and Chicopee, all in the State of Massachusetts, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SCOTT presented petitions of sundry members of the Amalgamated Association of Iron, Steel, and Tin Workers and the Tin Plate Workers' International Protective Association of America, of Follansbee; of sundry citizens of Newell, Point Pleasant, and Charleston, and of the Ohio Valley Trades and Labor Assembly, of Wheeling, all in the State of West Virginia, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 562) accompanied by a bill (S. 6812) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, and so forth, which was read twice by its

title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 77. Johnson Gammel;
S. 528. William Weeden;
S. 532. George Breckenridge;
S. 585. Julia E. Willcox;
S. 696. Robert A. Kerr;
S. 897. William Donegan;
S. 974. James H. Street;
S. 986. Thomas L. Sims;
S. 1117. Stephen Prior;
S. 1156. Henry C. Jennings;
S. 1333. Henry Thompson;
S. 1345. Thomas Shults;
S. 1535. Samuel L. Higgins;
S. 1915. William Alexander;
S. 1943. Horace Seward;
S. 1944. Samuel H. Britts;
S. 2077. Jesse Chapman;
S. 2313. Charles W. Cary;
S. 2358. Angeline C. Powell;
S. 2593. Thomas L. Ward;
S. 2704. Rufus G. Tole;
S. 2715. Charles Coddington;
S. 2877. Michael C. Caddle;
S. 2930. Edwin Smith;
S. 3079. Henry Kemmer;
S. 3216. William A. Fiske;
S. 3361. James T. Johnson;
S. 3382. Eber B. Priest;
S. 3522. Henry J. Porter;
S. 3523. Joseph Woodland;
S. 3825. Harry R. Bentz;
S. 4342. Angie E. Kerr;
S. 4348. Edward Thompson;
S. 4381. William Shattuck;
S. 4405. Jacob H. Dewees;
S. 4484. William I. Dossett;
S. 4622. Sidney F. Sanborn;
S. 4743. Thomas A. Walters;
S. 4744. Alfred Johnson;
S. 4745. Elizabeth Grass;
S. 4746. Butler Oleson;
S. 4754. Caleb F. Bandle;
S. 4760. George Newland;
S. 4840. Alonzo Greenleaf;
S. 4925. Richard H. Shapland;
S. 5113. Amos P. Johnson;
S. 5137. Richard C. Vanderford;
S. 5234. John Milburn;
S. 5239. George Towers;
S. 5240. Charles E. Perry;
S. 5256. James T. Moore;
S. 5512. George Jacobs;
S. 5736. Elijah E. Smedley;
S. 5849. Jeremiah Regan;
S. 5886. Leonard Goss;
S. 5916. Ellen A. Smith;
S. 5970. James Karr;
S. 6019. Francis O'Leary;
S. 6137. William B. Jones;
S. 6143. Thomas Chase;
S. 6166. Peter Claude;
S. 6169. John Stuckey;
S. 6187. George W. Ellis;
S. 6209. Thomas Ashton;
S. 6213. Isaac Daniels;
S. 6218. George H. Scougale;
S. 6271. Mary Elizabeth McCann;
S. 6276. Cornelius Teal;
S. 6279. George H. McIntire;
S. 6296. Henry C. Doyle;
S. 6323. Ruhamah D. Sawyer;
S. 6329. George F. Pond;
S. 6330. Lindly Cox;
S. 6341. Charles H. Edwards;
S. 6361. Caleb H. Ellis;
S. 6416. James Whyte;
S. 6442. James L. Foss;
S. 6466. Sarah E. Dodd;
S. 6467. Edwin Smith;
S. 6468. Thomas N. Bray;
S. 6489. Evelina H. Sewall;
S. 6500. Peter Dwyer;
S. 6508. Eli H. Young;
S. 6522. Charles Crane;
S. 6532. Louisa January;
S. 6541. Alonzo B. Curtis;
S. 6545. Thomas Handly;
S. 6552. Margaret Thompson;
S. 6564. William A. Champlain;
S. 6567. Mary C. Hayes;
S. 6571. Cyrus Wellington;
S. 6575. Jennie Hammond;
S. 6582. George W. Bennum;
S. 6622. Emily D. Carnagua;
S. 6627. Thomas Hooper; and
S. 6765. Laura M. Granger.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 6543) to authorize the expenditure of the unexpended balance of the appropriation for subsistence and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June 30, 1907, reported it with an amendment and submitted a report (No. 563) thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom were referred the following bills, reported them, each with amendments, and submitted reports thereon:

A bill (S. 40) to correct the military record of Mirick R. Burgess (Report No. 564); and

A bill (S. 5883) to correct the military record of John A. Oates (Report No. 565).

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 4183) to establish a fish-cultural station on the Tucannon River, in the State of Washington, reported it with amendments and submitted a report (No. 566) thereon.

BILLS INTRODUCED.

Mr. KEAN introduced a bill (S. 6813) providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6814) granting a pension to Frank M. Swan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6815) for the relief of Hosmer, Crampton & Hammond, and others, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. DICK introduced the following bills, which were severally read twice by their titles and referred to the Committee on Naval Affairs:

A bill (S. 6816) amending section 1443 of the Revised Statutes of the United States, providing for the retirement of officers of the Navy; and

A bill (S. 6817) to reorganize and enlist the members of the United States Naval Academy Band.

Mr. TELLER introduced a bill (S. 6818) to permit George S. Todd, of Cortez, Colo., to enter, under the coal-land laws of the United States, certain lands in the Mesa Verde National Park, which was read twice by its title and referred to the Committee on Public Lands.

Mr. ANKENY introduced a bill (S. 6819) providing for the purchase of a site and the erection of a public building thereon at the city of Port Angeles, in the State of Washington, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. PAYNTER introduced a bill (S. 6820) granting an increase of pension to Julia Merrick Tisdale, which was read twice by its title and referred to the Committee on Pensions.

Mr. NEWLANDS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6821) for the relief of W. J. Goodwin; and

A bill (S. 6822) for the relief of the heirs of George S. Simon.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6823) granting an increase of pension to Margaret K. Hern;

A bill (S. 6824) granting an increase of pension to John Hancock; and

A bill (S. 6825) granting an increase of pension to Samuel H. Hurst.

BERING LAKE BRIDGE, ALASKA.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the bill (S. 6539) to authorize the Copper River and Northwestern Railway Company to construct a bridge across Bering Lake, in the district of Alaska.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. Has the bill just come in?

The VICE-PRESIDENT. It is upon the Calendar, having been reported from the Committee on Commerce.

Mr. CURTIS. It is a unanimous report from the Committee on Commerce.

Mr. TELLER. I wish to look at the bill, and I object to its consideration this morning.

The VICE-PRESIDENT. Objection is made, and the bill will retain its place on the Calendar.

Mr. TELLER subsequently said: The bill I objected to a few moments ago is not the bill I supposed it was, and so I withdraw my objection.

Mr. HALE rose.

Mr. CURTIS. I hope the Senator from Maine will yield and allow the bill to be passed. It has been read, and the objection is withdrawn.

Mr. HALE. Very well, if it does not give rise to any debate.

Mr. CURTIS. I will withdraw it if there is to be debate.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $10,000 for the preparation of the reports and material necessary to enable the Secretary of State to utilize and carry out the work partly performed by the Joint High Commission of 1898 for the settlement of questions relating to Canada, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate $3,000,000 for the purchase, condemnation, or otherwise of the whole of squares Nos. 226, 227, 228, 229, and 230 in the city of Washington, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $3,800 to grade and improve Otis place, from Tenth street to Holmead place, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to lie on the table and be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. PLATT submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

WATERWAY FROM BOSTON, MASS., TO WILMINGTON, N. C.

Mr. SIMMONS. I ask for the present consideration of the joint resolution (S. R. 75) authorizing and directing the Secretary of War to make a survey and examination for a continuous waterway from Boston, Mass., by various routes to Wilmington, N. C.

Mr. HALE. What is the regular order?

The VICE-PRESIDENT. The regular order is bills and joint resolutions. The Senator from North Carolina has asked unanimous consent for the consideration of a joint resolution on the Calendar.

Mr. KEAN. I understand that the joint resolution involves a large expenditure of money. I object to its consideration.

Mr. SIMMONS. If the Senator will permit me, it does not involve a large expenditure.

The VICE-PRESIDENT. Objection is made to the present consideration of the joint resolution.

Mr. KEAN. Let us have the regular order.

The VICE-PRESIDENT. The regular order is demanded. If there are no further bills and joint resolutions, concurrent or other resolutions are in order.

MESSENGER TO COMMITTEE ON EXPENDITURES IN DEPARTMENT OF STATE.

Mr. KEAN submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That from and after the 30th day of June, 1908, the position of messenger to the Committee on Organization, Conduct, and Expenditures of the Executive Departments, provided for by resolution of January 31, 1902, be, and the same is hereby, abolished, and in lieu thereof the Committee on Expenditures in the Department of State be, and it is hereby, authorized to employ a messenger at an annual salary of $1,440, to be paid from the contingent fund of the Senate until otherwise provided for by law.

PUBLIC BUILDING AT EVERETT, WASH.

Mr. ANKENY. I ask for the immediate consideration of the bill (S. 4242) providing for the erection of a public building at the city of Everett, in the State of Washington.

Mr. KEAN. Let us have the regular order.

The VICE-PRESIDENT. The regular order is demanded.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had, on April 23, 1908, approved and signed the following act:

S. 1424. An act to increase the efficiency of the Medical Department of the United States Army.

FOREST SERVICE EMPLOYEES.

Mr. HEYBURN. Mr. President, I call up Senate resolution No. 157. It has already been read. I presume there will be no opposition to it, inasmuch as it merely calls for information that it will be necessary for the Senate to have in its possession in considering the agricultural appropriation bill.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. HEYBURN on the 22d instant, as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to send to the Senate a statement containing the name and official designation of any officer or employee of the Forest Service who has attended any meeting or convention during the year 1907; whether such convention was official or unofficial; the place from which such employee started to attend such convention; the place of his employment, and the amount of expense incurred by reason of such attendance upon such meeting or convention which has been paid by the Government.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

LAND AT PEKING, CHINA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Secretary of State, submitting a draft of a bill providing for the transfer to the Bank of Indo-China of a certain lot of land located at Peking, China, and now the property of the United States, said transfer being in consideration of the transfer to the United States by the Bank of Indo-China of three lots of land located in the said city.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 24, 1908.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 603) granting an increase of pension to John A. M. La Pierre.

The message also announced that the House had passed a bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 20120. An act to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the naval appropriation bill be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

Mr. HALE. The Senator from Alabama [Mr. BANKHEAD] desires to submit some remarks to the Senate and has given notice to that effect. I yield for the present to him.

RURAL DELIVERY ROUTES.

Mr. BANKHEAD. Mr. President, I ask to have read the amendment which I offered to the post-office appropriation bill.

The VICE-PRESIDENT. Without objection, the Secretary will read the amendment submitted by the Senator from Alabama.

The Secretary read as follows:

Amendment intended to be proposed by Mr. BANKHEAD to the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, viz: At the end of line 14, page 27, insert the following:

"*Provided further*, That a sum not to exceed $500,000 of this appropriation may be expended by the Postmaster-General, in cooperation

with the Secretary of Agriculture, in improving the conditions of the roads over which rural delivery routes are, or may be, hereafter established, to be selected by them for the purpose of ascertaining the possible increase in the territory which could be served by one carrier, and the possible increase of the number of delivery days each year, the amount required for proper maintenance in excess of local expenditure for rural delivery routes, and the relative saving to the Government in the maintenance of rural delivery routes by reason of such improvements: *Provided further*, That the State or county, or counties, which may be selected for improvement of rural delivery routes therein under this provision shall furnish an equal amount of money for the improvement of the rural route so selected."

Mr. BANKHEAD. I ask the Secretary to read the resolution passed by the House of Representatives March 14, 1818, a copy of which I send to the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Resolved, That Congress has power under the Constitution to appropriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of waterways.
Passed by House of Representatives March 14, 1818.

Mr. BANKHEAD. Mr. President, the question that I am about to discuss is not a new one. The speedy delivery of the mails and the transportation and distribution of production has claimed the attention of our most enlightened and constructive statesmen since the organization of the Government. The transportation and distribution of products is of more importance than production itself. It is the surplus which we sell that makes us richer, adds to the bank accounts, and cancels the mortgage. What the producer consumes at home adds nothing to our wealth. It is that which he sells and transports to the market that makes him rich. If the cost of transportation to the producer is equal to the difference between the cost of production and the selling price there is no profit. Indeed, he is poorer, because his land is being exhausted, his team and his wagon wearing out, the deposits of his mine are being removed, his timber is being consumed, and his manufacturing plant is undergoing wear and tear, all without net results. In all classes of agriculture and in all lines of manufacturing and trade economy of transportation is an important item in the amount of profit. There are three methods for the transportation of commerce—the railroads, waterways, and the common highways or dirt roads. I need not discuss the first method. It has been the subject of extensive discussion, legislation and judicial construction, with which we are all familiar. Transportation by water has been liberally provided for by Congress. The dirt roads, over which 90 per cent of the internal commerce of the country must be moved first or last, have been sadly neglected.

The time has arrived when Congress must meet the great question of national road improvement fairly and squarely and give it that thoughtful and serious consideration which it deserves. The farmers are being aroused, and already the National Grange, with a membership of more than a million farmers, is calling upon us for action in this matter. Another great organization, the Farmers' Educational and Cooperative Union of America, is urging legislation in the same direction. Mr. President, the hordes of southern Europe and the menace of alien races may cast their sinister shadows over our great cities, but, sir, that great, silent, patient element of our population, the American farmer, is American through and through. The very citadel of American liberty and its most cherished traditions are guarded by the farmers, who are 91 per cent native born and constitute more than one-third of our population.

These men have contributed to the wealth of the United States to an extent which staggers the imagination. The corn crop of 1907 alone was worth $1,350,000,000; the hay crop was worth $660,000,000; the cotton crop was worth $675,000,000, and the wheat crop was worth over $500,000,000. Mr. President, it will be observed that either one of these great agricultural crops has produced more actual wealth in one year than the combined output of all the gold and silver mines in the world and $100,000,000 more. The grand total of all crops for 1907 was nearly seven and one-half billion dollars, and it is estimated that the farmers of this country have created during the last nine years $53,000,000,000 worth of wealth. The value of agricultural crops exported in 1906 was $969,457,306, or 56½ per cent of the total exports, and but for the export of agricultural products the balance of trade would have been against the United States by $523,127,533. When the machinations of Wall street, the dangerous practices of high finance, and the injustice of our tariff system bring upon us the woes of financial stringency, industrial depression, and hard times, we must realize that the tillers of the soil form the real basis of our wealth, and that to the creation of real wealth we should lend our aid.

But it is not only the rural population that demands aid from the Government in the upbuilding of our public roads. The numerous resolutions of the boards of trade, chambers of commerce, associations of manufacturers, and the open advocacy of many of our great railroad companies, indicate clearly that it only needs an organization of all these forces to bring about the united and effective efforts of city and country. Modern inventive genius is responsible for a new factor in the problem of transportation which must be reckoned with in legislating for public roads. The automobile industry has now reached to $110,000,000 per annum, and the makers and users of automobiles will soon find a plane upon which they can mutually press forward with the farmer in his efforts to obtain better roads. The time will come, during the lifetime of Senators who do me the honor to listen, when the traction engine and the automobile will be utilized on the improved dirt road in hauling to the market farm and forest products at a minimum cost, supplying the place of millions of horses and mules now employed in transportation.

Mr. President, it is sufficient to call attention to resolutions passed by the legislatures of Maine, Tennessee, Minnesota, Missouri, Nebraska, Alabama, New York, and other States, with reference to national aid, to show how widespread is the sentiment among our State legislatures upon this subject. When all these powers and factors unite their efforts there will be such an era of internal improvement, of home building, of home beautifying, of wealth creation, that the waste places will be filled, squalid huts will give place to beautiful homes, the desert will blossom as the rose, and all the shocks and crashes of frenzied finance will fall harmless from the bulwarks of our splendid prosperity.

The objection is made that such legislation would be unconstitutional. Fortunately, for our guidance, the question of national aid is not a new one. We have the precedent of national-aid legislation by Congress while the founders of our Government lived to know and approve of it. The first appropriation made was in 1806, when $30,000 was set aside for the purpose of commencing work on the famous old Cumberland road. These appropriations then continued, with but little interruption, until May 25, 1838, when the last appropriation of $150,000 was made, which made the total amount expended on road construction during this period about $7,000,000.

On March 14, 1818, the House of Representatives passed the following resolution:

Resolved, That Congress has power under the Constitution to appropriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of waterways.

Mr. President, what was the attitude of the leading statesmen in the early days of the Republic? Thomas Jefferson said, in a letter to Mr. Lieper, in 1808:

Give us peace till our revenues are liberated from debt, and then, if war be necessary, it can be carried on without a new tax or loan, and during peace we may checker our whole country with canals, roads, etc. This is the object to which all our endeavors should be directed.

James Madison, in a message to Congress, said:

I particularly invite the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements and by increasing the share of every part in the common stock of national prosperity.

Henry Clay advocated the building of national roads in a speech made in Congress in 1818, in which he said:

Of all the modes in which a Government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened $2, the producer of the article would receive that $2 more now than formerly.

Daniel Webster, speaking in the United States Senate in 1830, used the following language:

Under this view of things I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs, and I arrived at the conclusion that Government had power to accomplish sundry objects or aid in their accomplishment, which are now commonly spoken of as internal improvement.

While it is true that Presidents Madison, Jackson, and Monroe vetoed acts of Congress relating to public roads, it is beyond dispute that the veto of President Monroe was due to a provision giving to the General Government the right of eminent domain and of general superintendence, and this is practically true of the other veto messages. President Jackson held

that the right of appropriation was not limited by the specified powers of the Constitution. In his veto message he said:

I have not been able to consider these declarations in any other point of view than as a concession that the rights of the appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

On May 4, 1802, President Monroe, in a veto message to Congress, used the following language:

That in whatever sense the term established is applied to post-offices it must be applied in the same sense to post-roads.

John C. Calhoun was a staunch advocate of the doctrine of State rights, and believed in a strict construction of the Constitution, but he was equally as pronounced in his belief that the Federal Government should take a hand in building and improving our common highways, rivers, and canals. In 1817 he introduced a bill in Congress to provide a fund for the construction of roads and canals, and, in support of this bill, he spoke in part, as follows:

Let it not be said that internal improvements may be wholly left to the enterprise of the State and of individuals. I know that much may justly be expected to be done by them; but in a country so new and so extensive as ours, there is room enough for all the General and State Governments and individuals to exert their resources. Many of the improvements contemplated are on too great a scale for the resources of States or of individuals, and many of such a nature that the rival jealousy of the State, if left alone, might prevent. They require the resources and general superintendence of the Government to effect and complete them.

But there are higher and more powerful considerations why Congress should take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals it might indeed admit of some doubt whether they ought not to be left wholly to individual exertion, but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. Good roads and canals, judiciously laid out, are the proper remedy. Let us, then, bind the Republic together with a perfect system of roads and canals.

While Secretary of War in 1819 Mr. Calhoun made a report to the House of Representatives on roads and canals, in which he said:

No object of the kind is more important and there is none to which State or individual capacity is more inadequate. It must be perfected by the General Government or not perfected at all.

It is not necessary for the exercise of a power by the Federal Government that it should be expressly granted in the Federal Constitution, or that it should be "clearly and directly traceable to some one of the specified powers" granted. Any number of the powers granted, or all of them, may be combined and considered together, and any power necessary to carry out the general purposes of any, or all, of the power specified, will be considered granted by implication, and as an incidental means of executing the powers specifically granted. (Pennsylvania *v.* Wheeling Bridge Company, 18 Howard (U. S.), 421.)

The Constitution, article 1, section 8, clause 1, provides, in part, that—

The Congress shall have power to lay and collect taxes, duties, imports, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

An appropriation of money for the improvement of the public roads of the country would certainly be for the general welfare of the United States, and it would seem that the Congress is clothed with ample authority, under this clause of the Constitution, to appropriate money for that purpose.

In addition to this, Congress has a stronger and more specific warrant for making this appropriation, under the authority conferred by the Constitution "to establish post-offices and post-roads." Cooley, in his book on Constitutional Law, says:

Every road within a State, including railroads, canals, turnpikes, and navigable streams, existing or created within a State, becomes a post-road, whenever, by the action of the Post-Office Department, provision is made for the transportation of the mails upon or over it.

This provision of the Constitution is growing every year in practical importance and in its relation to the public roads, owing to the extension of the rural delivery service.

On August 1, 1882, President Arthur vetoed a bill making an appropriation for rivers and harbors; but the commercial interests of the country, through organizations of boards of trade, chambers of commerce, and other business associations, had brought such pressure to bear upon Congress that sentiment was developed in favor of reviving appropriations for rivers and harbors, and this bill was promptly passed over the President's veto.

From that time on Executive favor and all constitutional argument seem to have yielded in favor of appropriations for river and harbor improvements; but, by a sort of passive acquiescence, it seems to have gone against public roads and highways; and yet the arguments accompanying each of the veto messages, from President Monroe to President Arthur, admitted that the principle of appropriating money for roads and rivers and harbors was the same, and the same arguments were urged against each. If, then, appropriations for improving our rivers and harbors, involving the same principle as appropriations for improving our roads, is constitutional, why will not an appropriation for roads be constitutional? What valid constitutional objection is there to the one which does not lie against the other?

Post-roads and public highways are highways of commerce, as much so as are railroads or rivers and harbors. They are the small arteries of our commercial body, which extend out into the country and gather up and bring to the market, railroad station, and wharf the great volume of the raw products of the country, which are the real constituent elements of our commerce. They are equally indispensable to our commercial growth and welfare, and are equally deserving of the fostering care of our Government.

It is argued by many that the question of road improvement should be left entirely to the people of the States. It is argued that Federal aid savors too much of paternalism, and, therefore, the General Government should leave it alone; but this objection is irrational and without foundation. It is not proposed to appropriate money out of the National Treasury to aid the people in their private business. It proposes to appropriate public funds for a public purpose, which is not paternalism. Before any State can secure its share, or any portion of its share, of the money appropriated under the Federal aid proposition, it must first show an equivalent amount of self-help and invite the cooperation of the Government. This will be a direct stimulus to the States to put forth their very best efforts. Federal aid, therefore, instead of stifling and causing a relaxation of the efforts of the people of the States, places a premium upon their efforts.

If the Government should undertake to furnish us, without cost or individual effort, the necessaries of life, that would be paternalism. If we were asking the Federal Government to prescribe our daily bread, or to provide us raiment to clothe our bodies, that would be paternalism pure and simple. Such a function of the Government would be enervating; it would destroy individuality and repress all energy and ambition; but we ask no such fatherly care at the hands of our Government. We only ask that it contribute a portion of the cost of improving our public roads, and, in making this contribution, it will so far from committing an unwholesome act of generosity, open up new and improved channels to the marts of trade and commerce, stimulate industrial enterprise, inspire every citizen of the rural districts with a brighter hope and a higher ambition, and add a new tie to bind him with increased loyalty and patriotism to his country.

Congress has been exceedingly generous in its appropriations for Cuba, Porto Rico, and the Philippines. It has spent large sums in these island territories for internal improvements, and much of it has been expended on the construction and improvement of the public roads. These appropriations were made to an alien people who add but a meager contribution to our national revenues, have but little more than humanitarian claim upon our Government, and have shown no thrift, no spirit of progressiveness, and no industrial enterprise or aptitude.

These appropriations, it would seem, have found a sanction under our Constitution and general public policy. If so, then what valid objection can be interposed to appropriating money for a similar purpose to our own people? Our own people deserve the first consideration at our hands. They have demonstrated to the world their superior thrift, energy, industry, and enterprise. It is from them that we derive our national greatness and our national revenues, and they have a right to expect to be first considered and to receive even-handed justice from our Government of its benevolence and the distribution of its revenues.

Another reason for national aid is to be found in the fact that nearly all of the great appropriations made by Congress are for projects that do not benefit the rural districts. The shipping interests have had the rivers and harbors improved, to expedite their business; the cities have been supplied, at a cost of $300,000,000, with post-offices and custom-houses; the railroads have received large appropriations, and have made use of the credit of the Government; millions collected from the people have been loaned to the banks without interest, and iron masters have depended upon the Government to construct great locks and dams for facilitating the assembling of materials at cheap rates for making iron. The tariff laws have been shaped to benefit the manufacturers, but none of them are intended to benefit the great American farmer. Some of our ablest statesmen, and many of those most solicitous of the public welfare, often oppose measures which ultimately prove the greatest

boon to the people. On the other hand, it has frequently happened that Congress, in its zeal to extend the blessings of our Government to the greatest number, has given its sanction to projects which savor more or less of futile experimentation. Congress, however, and I might say wisely so, has been slow to stamp its approval upon such legislative projects, but after they have once been inaugurated, and have met with popular favor, and proved a benefit to the people, it has been equally slow to take any step which would cripple their action or retard their development.

Mr. President, let us now consider the rural free delivery system, which is so intimately connected with roads. What has been the history of this service? The friends of this measure were a long time gaining the ear of Congress, and the question was agitated many years before it received legislative approval. It was regarded by many as an impractical theory, an iridescent dream, so, to give it a trial, Congress, in 1897, appropriated the sum of $40,000, only $10,000 of which was used the first year. This appropriation met with such popular favor, and there was such a demend for rural delivery that it was not only renewed, but increased by 25 per cent in 1898. The appropriation of 1898 was increased by 200 per cent for 1899, and an equal rate of increase has continued for each of the eleven years the service has been in operation. During these eleven years they have increased in the aggregate from $40,000, in 1897, to $34,985,000, in 1907. It is stated in the last annual report of the Fourth Assistant Postmaster-General that on June 30, 1907, there were 37,728 rural delivery routes in operation, the average, or standard, route being 24 miles. The carriers on the 37,728 routes traveled daily over 901,068 miles of the roads of the country, which is nearly half of the total mileage of the public roads of the United States. Every road over which these mails go is a United States post-road, and, under the Constitution, Congress has authority, and in equity and justice should contribute to their improvement and maintenance. While the extension of this service has been marvelous, it has yet encountered no serious obstacle. It has been confined to communities blessed with good roads. Such communities, however, have been very largely supplied, and the future extension of the service must needs be mostly to communities not having good roads. The Fourth Assistant Postmaster-General, in his annual report for June 30, 1907, to which I have already referred, has this to say with reference to the bearing of good roads on rural delivery:

> The maintenance of good roads not only insures an early and more expeditious delivery to the patrons residing on that portion of the route last to be served, and from whom most complaints come, but lessens the liability of irregular or suspended service on any part thereof.

It was estimated that the carrier who travels a 24-mile route daily, over bad roads, could, with much more ease, travel from 10 to 15 miles additional over good roads. But suppose we take a more restricted estimate and say that the average carrier could travel 6 miles more if we had good roads. This would increase the average or standard route to 30 miles, and would eliminate every fifth carrier now employed, and would also abolish all the crossroads post-offices, both of which would be a direct saving to the Government. By increasing the average or standard route to 30 miles, and eliminating every fifth carrier, we would reduce the force of carriers by 7,516, which at their salary of $900 per year, would be a direct annual saving of $6,764,400, to say nothing of the abolition of the numerous star routes and local post-offices, thereby saving to the Government many more millions. It is necessary for the continued growth of this service that something be done toward improving our roads. We can not permit it to be checkmated in its growth. No service rendered by the Government is dearer to the hearts of the whole American people than the free-delivery mail service in our cities and in the rural districts. Our people want this service continued and extended. We want to see rural delivery reach its highest degree of efficiency, so as to add to the charms of our country life. We want it so improved and extended that it will reach out into the remotest corners of our country.

The Government sends its mails over 925,248 miles of dirt roads every day in the week. The rural-delivery service would extend over 2,000,000 miles if the roads were improved. As pointed out in the recent report of the Fourth Assistant Postmaster-General, its efficiency and perfection depends upon the system of roads over which the carrier is required to go. No class of men in the Government service performs more arduous duties and are more poorly paid. They are required to drive their team and wagon over miserably poor, muddy, and oftentimes almost impassable roads, through all kinds of inclement weather; they are required to furnish their own team and equipment and to make an average of 24 miles daily, for which they are paid only $900 a year. An investigation made by the Post-Office Department, about eighteen months ago, shows a moderate estimate of the original cost of horses and vehicles to be about $275, and that an average cost of maintaining an outfit was about $250, making the average annual cost of a carrier's outfit from $300 to $350. They carry with them a traveling fourth-class post-office, so to speak; they sell stamps, register letters and packages, receive money orders, and, in a measure, perform all the duties of a postmaster. I believe when we come to increase the salaries of Government employees, these should be among the first to receive our consideration. Why should they not be as well paid as the city carrier, who goes over paved streets, and is not required to supply any team or vehicle. I have introduced an amendment to the pending Post-Office bill, increasing their salary to $1,000 per year, with thirty days' leave of absence, which I think should pass.

Mr. President, the Government has been generous in its donations to railroads in and through many States. There have been patented to the railroads 44,464,719 acres of public lands. Grants to railroads of a much larger number of acres have been forfeited. The Government has in this way aided in the construction of 14,930 miles of railroads, and the bonds of railroads, amounting to $64,623,512, have been guaranteed, both principal and interest.

The Government has from time to time donated for wagon roads 2,014,084 acres of public lands; for canals, 4,500,724 acres, and for river improvement 1,980,593 acres; in all, 53,055,121 acres. The Government has, in cooperation with the States on the lower Mississippi River, appropriated $16,500,000 to aid in the construction of levees and to prevent overflows and the destruction of life and property. No well-informed person would say that the building of levees on the Mississippi River is to improve navigation.

I do not want any Senator to suppose for one moment that I do not heartily approve all these appropriations. They have my full sanction. I believe they were wise and prompted by the most enlightened and constructive statesmanship.

These benefits, to a degree, have been local in their application. What I am insisting upon is a continuation of this wise and beneficial legislation in such a way as to extend its benefits to all the people in every section of our country.

Mr. President, upon the rural population has fallen the entire cost and responsibility of constructing and maintaining our public roads. It is only to a limited extent, and locally, that there has been legislation which, at the present day, in any way shifts this burden, and it still rests upon the people of the rural districts. This is inequitable, undemocratic, and in direct violation of the express principles upon which we boast our Government was founded.

No country has good roads, except where the general government has shared in the cost and responsibility of creating and maintaining them. All the countries of Europe which have improved roads have a national system whereby the national government shares in the cost and assists in the supervision of building and maintaining them.

Our present system of road administration is largely modeled after that abandoned by other progressive nations more than a century ago. In England road administration began, like our present system, with the smallest unit of government, which originated by an act of Parliament in 1555 and provided for the election of a road surveyor for each parish and for the working of the roads by compulsory labor. The parish was found to be too small as an administrative unit. A history of highways, appearing in the Edinburgh Review, January–April, 1864, contains this statement:

> From the days of Elizabeth the inconveniences resulting from the maintenance of highways by single parishes have been constantly apparent, and accordingly successive governments, without distinction of politics, made the attempt to combine parishes into highway districts and to transfer the superintendence of their roads to boards employing the services of professional engineers.

The decided trend of road administration in England has continued away from localization. Subject to the formation of road districts, it was provided that one-half of the expense of maintaining the roads should be borne by the county, and finally, in 1882, Parliament provided that one-half of the expense of the county authorities should be refunded by a Parliamentary grant. This is also true in its essentials of the development of road administration in the other nations of Europe, but with us we have continued in vogue a system of penurious localization.

We can not escape responsibility for our miserable highways by contending that our Government is young and that we have not been a nation long enough to make the comparison with the nations of the Old World possible, because road building did not begin in France until the great Napoleon inaugurated the

system of national highways, which is to-day giving France the most superb roads in all the world. England struggled with roads almost impassable until the latter part of the eighteenth century, when the teaching of Macadam, Tresauguet, and Telford began to be effective, and we may say that the present road system of England is attributable to the direct aid granted by Parliament. The advocates of national aid can have no stronger testimony in support of this policy than the following statement made by Commercial Agent Loomis, of St. Etienne, in 1891:

> The roads of France are now practically all built, and they are substantial monuments to Napoleonic foresight and shrewdness. The work of the engineers in the department of public works in France to-day is not to build new roads, except in rare instances, but to keep those already constructed in a state of high efficiency. There have been no important new roads opened in France for a dozen years, and the country is so traversed with excellent roadways that no more lines of communication are likely to be exploited save in the case of military necessity. The wagon roads of France, always passable and reaching all centers of population, no matter how small, are the chief competitors of the railways, as means of communication by water are not numerous.
>
> The road system of France has been of far greater value to the country as a means of raising the value of lands and of putting the small peasant proprietors in easy communication with their markets than have the railways. It is the opinion of well-informed Frenchmen who have made a practical study of economic problems that the superb roads of France have been one of the most steady and potent contributions to the material development and marvelous financial elasticity of the country. The far-reaching and splendidly maintained road system has distinctly favored the success of the small landed proprietors, and in their prosperity and the ensuing distribution of wealth lies the key to the secret of the wonderful financial vitality and solid prosperity of the French nation.

Our national wealth for 1907 was placed at $116,000,000,000, while that of France was placed at $42,000,000,000; yet we have improved only 150,000 miles of our public roads, while France has improved 340,554 miles.

Is this condition of our public roads an enviable reputation for this great country? After laying claim to superiority over all other nations along almost all other lines of development should we be content to drop to the bottom of the list in road improvement? Can we, at the peril of our commercial interests, afford it? Can we, at the sacrifice of the general well-being and comfort of the great body of our rural population, tolerate it?

Some of the opponents of this proposition would lead us to believe that the macadamizing of all the 2,151,000 miles of roads in the United States would bankrupt the Government. It would be just as absurd to macadamize all the roads in the United States as it would be to build a railroad or dig a canal through every man's farm. It is well known among highway engineers that a horse can, for a short time, exert about four times his average tractive force without injury. By reason of this fact a team of horses can draw for two or three miles as much on a common earth road as they can draw all day on good macadam, gravel, or sand-clay roads.

It should be apparent to any rational being that this two million miles of public road would be classified according to the traffic and the requirements in each section of country, and only the main arteries of travel would require so expensive a form of construction as broken stone macadam. It would be entirely feasible and proper to improve many thousand miles with gravel, many more thousand miles by a mixture of sand and clay, and probably more than one-half of this great total would be adequate if maintained as first-class earth roads. So that it is absurd to figure on the cost of improving our public roads at $5,000 per mile for the entire mileage, or at $4,000, or even at $2,000.

The burden of inadequate transportation facilities falls not alone upon the farmer, but upon the consumer. If it costs 25 cents per ton per mile to haul the products of the farm to the railroad station, the consumer must pay this additional cost without increasing the farmer's profits one penny, and the farmer must pay an increased price for the finished product, which he obtains from the cities, because the same facts hold good, both going and coming. Some years ago corn was burned as fuel in the Mississippi Valley, because it would not bear the cost of transportation, since the margin was insufficient. The railroads lost the freight and the markets the product.

It may be argued that if the advantages to follow road improvement are so great, the States should take action and levy sufficient taxes to improve them. Some of our States have already passed road laws, providing for a road-tax levy on their taxable property. Such laws, however, are necessarily confined to the wealthier States, whose taxable property is suficient to raise the large sum from a small levy. All of our States are not able to levy such a tax. For instance, a tax of 1 mill, levied by the State of Pennsylvania, would raise more money than a tax of 100 mills levied by the State of Nevada. So it is not from a lack of interest in good roads, nor from a want of progressiveness, that all of our States have not passed highway laws, but it is because the taxable property of most States is so small that to raise a sufficient amount of money for practical results would require an exorbitant rate of taxation.

Furthermore, to undertake by State taxation to raise all the money necessary to build and improve our roads will continue the burden upon those upon whom it has so long rested. The State revenues are raised by direct taxation, and the levy is upon visible property. The farmer's property is all visible, and, therefore, never escapes taxation; while a large per cent of the property of the people of the cities is represented by stocks and bonds, is easily removable from place to place, or concealed, and is rarely ever subjected to taxation. The farmers have thus always been forced to bear a disproportionate share of the burden of taxation, which is an injustice which they should be relieved against.

Mr. President, of all the civilized countries on earth, this country has the poorest roads. In all else that is progressive it stands first. In material wealth, in varied resources, in the products of agriculture, in the making of iron and steel, in the number of miles of railroad, in the wealth and opulence of its cities, we stand first, and yet the farmers, who largely contribute to this wealth and greatness, have had less done for them than any other class of our people. Good roads are avenues of progress, the best proof of intelligence; they aid the social and religious advancement of the people; they increase the value of products; they save time, labor, and money; they are the initial sources of commerce, which swell in great streams and flow everywhere, distributing the products of our fields, forests, and factories. The highways are the common property of the country, their benefits are shared by all, and they are needed by all; they benefit all, and all should contribute to them. What fair-minded man will say that the people who live on the public roads should be required to build and keep them in repair for the use of the general public? They could not if they were willing. The burden is more than they could bear. No Government on earth has ever enjoyed good roads where compulsory labor is relied on to build and maintain them.

The effects of good roads reach everybody. Both city and country share in their benefits. In justice and equity, therefore, everybody should contribute to the cost of their construction and maintenance, but an equal distribution of this cost can not be secured under State laws and methods of taxation. Our national revenues are raised largely from duties, paid on consumption, and are thus more equally distributed among the people. Hence, an appropriation of money from the Federal Treasury to build and improve our roads would force every consumer to bear a proportion of the cost. It is not asked that the Government bear the whole cost, but only a part of it; and this is the only method whereby we may hope to secure a national system of improved roads, with an equitable distribution of their cost among those sharing in their benefits and blessings.

What are the savings to be effected by good roads? Investigations, conducted by the United States Office of Public Roads and by various State commissions have established that the average cost of hauling over wagon roads in this country is 25 cents per ton per mile and that the average haul is over 8 miles. The cost of hauling in Europe has, in many cases, been reduced to as low as 7 cents per ton per mile, and it has been established that good roads will reduce the cost to the farmers to as low as 10 cents per mile in this country. This means a reduction by half of the annual cost of transportation to the farmers. It is only necessary to consider the fact that the immense tonnage of farm products is hauled over the common roads to the railroad stations to realize what a tremendous saving is possible when we reduce the cost of transportation even 12½ cents per ton per mile. The importance of this saving is all the more evident when we compare the cost of hauling on wagon roads with the cost of rail and water transportation.

In 1906, the average freight rate by rail was a little over seven one-thousandths of a cent per ton per mile. For the same year, the mean ocean freight rate on wheat, corn, and rye from New York to Liverpool, a distance of 3,100 miles, was a little more than $1 per ton, or three ten-thousandths of a cent per ton per mile. Thus we see that railroad and water transportation rates have been continually reduced, until they have reached a marvelously low figure, while the cost of transportation over our common roads has remained practically unchanged for more than a generation, and will continue so until we can inaugurate some national system of improving our roads.

This duty devolves upon our National Government. It has abundant surplus in the Treasury to accomplish this purpose, and how better could this surplus be used? It has money, and can afford it; while the States and the people have not the money, and can not afford it. Why allow our national revenues

to lie idle in the banks, when they might be stimulating our internal improvement, and giving employment to thousands of the unemployed?

Mr. President, the amendment I have offered does not increase the amount of the appropriation made in the post-office bill. It merely proposes to divert from the sum appropriated for the rural delivery service the small amount of $500,000, to be used as provided in the amendment. I do not undertake to lay down any rule, or prescribe any of the details by which the money may be expended. It is proposed to leave that to the co-operation of the post-office and agricultural authorities. They were selected in order to have the benefit of the experiments that have been made by the good-roads division of the Agricultural Department, and the experience and knowledge of the rural-delivery division in the Post-Office Department. The methods and means of putting into operation the rural-delivery service was left to the Postmaster-General, and so were the means of putting into effect and operation the irrigation system left to the Interior Department.

This appropriation seeks to ascertain a practical demonstration of the effect of road improvement in the rural-delivery service in cooperation with the States and counties, and the benefits and advantages to the service by reason of the improvement. I do not believe any effort as to details in the execution of this plan could be prescribed by law.

A number of States, under their constitutions, are not permitted to make appropriations for road construction and maintenance. The State of Alabama is in this situation; but the last legislature, realizing the great importance of public roads, and the inadequacy of present methods to improve and maintain them, submitted an amendment to the constitution, authorizing appropriations for road construction, which will doubtless be adopted by the people at the polls in November. In that event, Alabama will at once be able to contribute its share, in cooperation with the National Government, along the lines of the amendment I have submitted to the pending post-office bill, in the improvement of the roads in every county in that State. The State of Kentucky will vote this year on a similar amendment to their constitution, and perhaps there are other States, where the constitution does not permit the use of public funds for internal improvement.

No government owes more to its people than does ours. No people in the world are more loyal, more patriotic, or more devoted to their government than our people. In time of war they have successfully defended it against every foe, and in time of peace their efforts at industrial advancement and intellectual attainment have reared a commercial empire which excels all competitors, and a civilization which is unsurpassed.

These virtues merit substantial recognition from the Government. Our people should receive governmental assistance in their struggles, as far as the legitimate functions of government will permit. No more urgent and acceptable aid can be extended than a liberal appropriation for improving our roads. This would prove a benefit to our cities and a blessing to our rural districts. Many modern improvements have contributed to the amelioration of the hardships of farm life, but much remains yet to be done. Good roads will add more than any other one thing. Give our farmers good roads, and with the telephone and rural delivery bringing him in easy contact with the outside world, and with his daily intercourse with nature, he will prove the most prosperous and contented and patriotic citizen on the American continent.

Mr. President, I am making a plea for the farmers, not because they are better than any other class of our people, but because they are as good. They do not ask for special favors, but demand a square deal and fair treatment.

The distinguished Senator from Maine [Mr. HALE], chairman of the Naval Committee and an active and influential member of the Appropriations Committee, declared a few days ago in this Chamber that 70 per cent of the appropriations made at this session of Congress were in preparation for war or reparation of past wars. A most startling statement when we consider that the United States is at peace with all the world and no strained relations exist between this and any nation on the globe.

I ask the Senate to pause long enough to consider the importance of agriculture and its wealth-producing power, and compare the appropriations made by this Congress, in aid of agriculture, with those made in preparation for, and reparation of, war. The appropriations for war amount to the round sum of $400,000,000, while for agriculture we grudgingly appropriate about $10,000,000. One is designed to kill and maim, make widows and orphans, and fill the land with sorrow and mourning; the other is to feed the hungry and clothe the naked, bring joy and happiness to our people, the building of peaceful homes, and the encouragement of patriotism and love of country.

The toiling millions engaged in agriculture last year produced more than $7,000,000,000 worth of products; they fed and clothed 90,000,000 people at home, and shipped abroad $1,000,000,000 worth of the products of their labor, or 56½ per cent of the total exports of the country. These farmers, for whose benefit and encouragement Congress will this year appropriate only $10,000,000, as against $400,000,000 for purposes I have just mentioned, are not receiving the consideration they deserve.

The internal commerce of the country last year was about $20,000,000,000, nearly all of which must first and last be hauled over the dirt roads at an average cost of 25 cents per ton per mile, or more than thirty times the cost of transportation by rail, the average rail haul being less than 7 mills per ton per mile.

In order to show the immense burden imposed by the dirt roads I have selected five of the leading staple farm products to prove my contention—wheat, corn, cotton, hay, and tobacco.

CORN CROP, 1905–6.

Total tonnage marketed	19,083,000
Average weight of load—pounds	2,696
Total number of loads hauled	14,156,528
Average length of haul—miles	7.4
Average cost of hauling per ton per mile—cents	.19
Total cost of marketing crop by wagon	$26,830,698
Average cost over hard roads per ton per mile—cents	.10
Saving due to hard roads	$12,709,278

The railroads charge for hauling 100 pounds of corn from St. Louis to New Orleans, a distance of 647 miles, 16 cents. To haul 100 pounds of corn over the Missouri dirt roads a distance of 8.8 miles costs the farmer 10 cents.

WHEAT CROP, 1905–6.

Total tonnage marketed	12,123,000
Average weight of load—pounds	3,323
Total number of loads hauled	7,296,418
Average length of haul—miles	9.4
Average cost of hauling per ton per mile—cents	.19
Total cost of marketing crop by wagon	$21,651,678
Average cost over hard roads per ton per mile—cents	.10
Saving due to hard roads	$10,256,058

The railroad charge for 100 pounds of wheat from Chicago to Buffalo, a distance of 525 miles, is 12 cents. To haul 100 pounds of wheat a distance of 5.7 miles over the dirt roads of Illinois costs the farmer 7 cents.

COTTON CROP, 1905–6.

Total tonnage marketed	2,530,000
Average weight of load—pounds	1,702
Total number of loads hauled	2,973,560
Average length of haul—miles	11.8
Average cost of hauling per ton per mile—cents	.27
Total cost of marketing crop by wagon	$8,062,173
Average cost over hard roads per ton per mile—cents	.10
Saving due to hard roads	$5,076,183

To send a bale of cotton by rail from Birmingham, Ala., to Norfolk, Va., a distance of 763 miles, costs $2.55. To haul a bale of cotton a distance of 11 miles, over the dirt roads of Mississippi, costs 95 cents. If the railroad haul cost as much per mile as the dirt road, the cost of sending a bale of cotton from Birmingham to Norfolk would amount to $88.32, or about twice its value at the average price. It costs 18 cents per hundred pounds to haul cotton seed a distance of 13 miles, on a dirt road in Alabama, or one-third of its market value.

The rail haul for tobacco from Durham, N. C., to Richmond, Va., a distance of 161 miles, is 25 cents per hundred pounds. It costs 20 cents to haul a hundred pounds of tobacco over the dirt roads of Virginia for a distance of 11½ miles.

The average farm price of hay, December 1, 1905, was $8.52, and the value of an average load in the United States at that time was $11.87. The cost of hauling the load to market was $2.33, or one-fifth of its value.

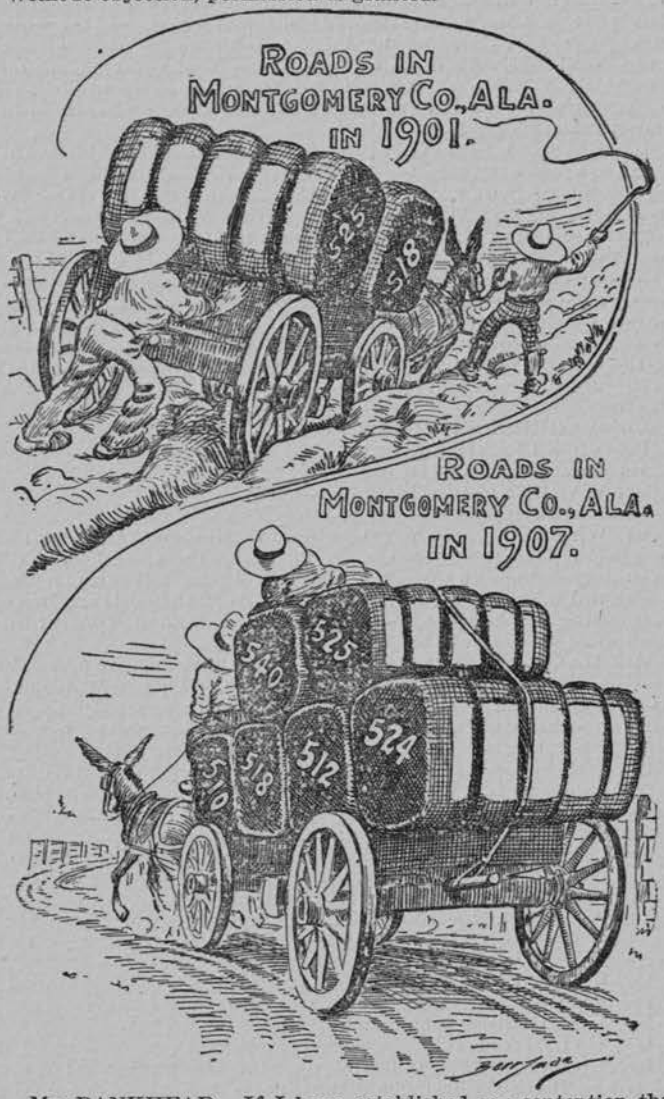
The gross earnings of the railroads in 1906 were $2,082,482,406 and the operating expenses were $1,532,163,153. The ratio of operating expenses to earnings was 62½ per cent. Against these earnings was charged for interest, rents, betterments, taxes, and miscellaneous items the sum of $590,386,554 and for dividends $229,406,598, leaving a surplus of $100,000,000. These large sums collected from the public were returned to the people for labor and material, and the money is now in the channels of trade and commerce. It is estimated that the annual cost of hauling over the dirt roads exceeds the total gross income of the railroads. What has become of this enormous sum? It has not gone for material or labor and has paid no dividends. It is merely a tax collected by the roads, none of which can ever be returned to those who paid it. It is a contribution to the miserable roads over which the commerce of the country is carried.

The cotton crop in Alabama last year was 1,200,000 bales, and the cost of delivering it to market was 95 cents per bale, or a total cost of $1,140,000. This was $540,000 more than the

cost would have been over hard roads. Bad roads in Alabama, therefore, wrung from the pockets of the farmers in that State in one year on one article alone $540,000, every cent of which was an absolute loss. It is worse than loss, for they paid it in time and wear and tear of their wagons and teams.

Mr. President, I ask permission of the Senate to insert in the RECORD an illustration, showing the benefit of good roads in Montgomery County, Ala.

The PRESIDING OFFICER (Mr. BACON in the chair). Without objection, permission is granted.



Mr. BANKHEAD. If I have established my contention that the Constitution does not prohibit, but expressly authorizes, Congress to appropriate money in aid of road construction; if I have shown that there is no invasion of the rights of the States, and that the scarecrow of paternalism does not anywhere show its face, the only questions remaining to be settled are: Is it good governmental policy? It is a good investment, and will it yield a return to the people sufficient to justify the outlay? Will it materially reduce the cost of transporting the vast internal commerce of the country? Will it increase the profit of the producer, and also benefit the consumer? If the expenditure will result in a saving directly to this large number of our citizens, and, indirectly, to all our people, and they are willing for the Government to make the expenditure, why not now begin this long delayed, but beneficial legislation?

It is not the rural population alone that would be benefited; if so, it would be in the interest of a class, and this I could not approve. Those in the city are equally interested, and will enjoy equal benefits and results. The merchant exchanges his goods and wares for farm products, either by barter and purchase or sale. If the farmer can deliver his products at a reduced cost to himself, his profits are larger, he is enabled to buy more goods, and carries home with him more of the luxuries and necessities of life, and adds to the happiness and contentment of the family.

Mr. President, the educational side of the question is sufficient to control my action, if no other interests were involved. A system of efficient public schools can never be maintained until the roads in the rural districts are improved, until the disgraceful cabin, now used as a schoolhouse, gives place to a more imposing structure, located in centers of population, over which waves the flag of our country, inspiring confidence and patriotism. A wide-awake, progressive school in every township, in a comfortable building, and provided with the necessary libraries, apparatus, and equipment, would do more than any other one thing to inspire confidence and respect in the hearts of our young American manhood and womanhood, and it then could be said of America, as was once said of Rome, "All roads lead to the schoolhouse." This Republic must depend for its future greatness upon an intelligent and home-loving people. The religious and social life of our people is largely influenced by the conditions where they reside.

Good roads are the most potential and successful immigrating agents in this country. The most desirable farmers and the best wives and helpmeets are the young men and the young women raised on the farms. Under existing conditions, they are continually drifting to the towns and cities. They are progressive and social in their nature, and will not remain on the farm unless they can have those benefits and pleasures that association and companionship afford. The loneliness of the country home, away from neighbors and friends, where the schools and the churches are poorly maintained, where the farmer and his wife and children are denied the advantages of educational and religious training, are the principal causes for the removal of large numbers of our people from the country to the towns and cities. The farmer is seeking better advantages for his family, and unless the country can be made to supply, in some measure, these benefits, there will continue to be a congestion of population in the cities.

We send a commission to Europe to investigate the question of immigration, and many States maintain immigration bureaus in order to secure desirable farm and industrial labor. The question is often asked by the intelligent and thrifty immigrant, Have you good roads? The most desirable immigrant comes from a country where he is accustomed to good roads, and if he is located where the roads are almost impassable for a great part of the year, he will remain no longer than to make and harvest the first crop.

One of the problems in connection with the transportation system of the country, and one which has in many ways been the subject of discussion, is the congestion of traffic and the inability of the railroads, during certain periods of the year, to move promptly the products of the farm, factory, and mine. Great inconvenience, and oftentimes enormous losses, are sustained both by the producer and the consumer because of the inability of the railroads to deliver freight to its destination at times when it was most needed and commands the best prices. The railroads have not been able to expand and enlarge their carrying facilities in proportion to the increase in production. At certain periods they do not have sufficient locomotives and cars to meet the demands of commerce, while at other periods thousands of cars and locomotives, representing an investment of millions of dollars, stand idle. During the harvest season, and before the rain, snow and freezes come which render the roads in many sections of the country impassable and useless; the farmer is compelled to rush his products to market, which results in an overflow, depreciates prices, and severely taxes the capacity of the railroads.

It has been urged as a probable means of relief the improvement of the waterways of the country, which would, in a large measure, assist the railroads in moving articles ready for transportation, in addition to many other benefits, but it would not avoid the congestion. It would only assist in relieving it. An improved road system, permeating the country districts, would remove the principal cause, would enable the farmer and small producer to place his products on the market at such times when the price is commensurate with their value, or when most convenient to him, and his time could not be better employed. The American farmer is more prosperous to-day than at any time in his history, and in a better position to dictate the price at which he will sell the products of his labor by withholding it from the markets. If the internal commerce of the country could be delivered to the railroad stations at any time during the year, and as the market required, the railroads could properly handle the entire freight of the country. If farm products must be delivered within a limited time, owing to the condition of the roads, the market is congested, the railroads are overtaxed, prices fall, the producer's profit is greatly reduced, and the consumer is greatly inconvenienced.

The result of road improvement, wherever tried, has been largely to increase the value of farm land, for the homeseeker

prefers to locate where improved roads provide their many advantages. Indeed, I have been assured that lands have even doubled and quadrupled in value along and adjacent to improved dirt roads.

We hear a great deal being said about the destruction of our timber supply. Mr. President, I do not hesitate to say that, in my opinion, there is sufficient timber, composed of small tracts, belonging to farmers and other landowners, in this country to-day, and which is now considered worthless, because of its distance from the railroad, that could be placed on the market were the roads sufficiently improved, that would supply the timber demand in the United States for seventy-five years, the value of which alone would improve the dirt roads of this country.

Mr. President, in closing, I wish to touch upon a question which I consider of vital importance. It is a question not so much of dollars and cents, not of constitutionality, but one which affects our morality, our character as individuals and as a nation, and the stability of our free institutions. Year after year the human tide flows from the country to the city, and the day may come when the words of the poet may apply to this Republic:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.

Do not let us have great mobs of the unemployed, combining the scum of Europe with the misled boys from our American farms, so long as there are millions of acres of land waiting to be tilled, and homes waiting to be built. Good roads will make farm life attractive; they will bring the isolated dweller closer to his neighbor, and I feel confident they will check the movement of our rural population to the great cities.

WATERWAY FROM BOSTON TO WILMINGTON, N. C.

Mr. KEAN. Mr. President, I objected this morning to the consideration of the joint resolution (S. R. 75) authorizing and directing the Secretary of War to make a survey and examination for a continuous waterway from Boston, Mass., by various routes to Wilmington, N. C. I withdraw my objection to it. The Senator from North Carolina is very anxious to have it passed. It will take but a moment. The joint resolution has been read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to cause a survey and examination to be made for a continuous waterway from Boston, Mass., through Cape Cod, thence by Long Island Sound and the approaches to New York City to Raritan Bay, thence across the State of New Jersey to the Delaware River, thence through the States of Delaware and Maryland to the Chesapeake Bay, thence through the State of Virginia, thence through the State of North Carolina to Wilmington, N. C.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. HALE. The naval appropriation bill is now before the Senate?

The VICE-PRESIDENT. It is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

Mr. HALE. Mr. President, I wish to say, before the amendment of the Senator from Washington [Mr. PILES] is taken up, that I have some figures which were prepared at the suggestion of the Senator from Mississippi [Mr. MONEY] that they should be compiled for the use of the Senate. I will now submit them, before the debate opens upon the battle ships. I intended to put them in last night, but the Senate was very weary and everybody wanted to adjourn. It is a complete list of all the battle ships and great cruisers of our Navy, including the two ships authorized in this bill.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Kentucky?

Mr. HALE. I hope the Senator will not interrupt me until I get through with this statement.

Mr. McCREARY. I desire to ask only one question.

Mr. HALE. Certainly. I yield for that purpose.

Mr. McCREARY. I desire to ask if the statement which the Senator proposes to present is fuller than the one that was presented and inserted in the CONGRESSIONAL RECORD in response to the suggestion of the Senator from Mississippi?

Mr. HALE. It is of the same kind, but as to these particular ships, it is a more particular statement. I shall ask that the list be incorporated in the RECORD. It shows a list of battle ships, thirty-one in all, and fifteen great cruisers, many of them as large as the battle ships, with their tonnage and their armament.

I call the attention especially of the Senator who has moved the amendment for the four battle ships to this statement. It shows a navy so large that you may divide it in two, and a larger navy will be left on the Pacific coast than the entire fleet that is now making its way up that coast, and another great fleet very considerably larger, with all of the smaller ships connected with it, more than thirty in all, making an immense home squadron, if I may use that phrase, as applied to the Atlantic fleet rather than the Pacific, although they are both actually home squadrons.

It will leave on the Atlantic coast as our fleet facing toward Europe a much larger fleet than that which is now in Pacific waters, and it will leave in Pacific waters for the protection of the Pacific coast, which I acknowledge we ought to protect, another fleet larger than the entire fleet that is now upon that coast.

I was very glad on getting the complete figures to be able to show, what I do not think is appreciated, the magnitude of the Navy as it is, including the ships that are now being built and those included in this bill. I do not think, perhaps, Senators or the country, or the Senators from the Pacific coast, who naturally desire protection and are entitled to it, have appreciated this fact.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. WARREN. Just for a question.

Mr. HALE. Certainly.

Mr. WARREN. I do not know that I understood the Senator very well. Did he say that we could have a fleet on the Pacific coast larger than the one that is now on the way around the world and is on the Pacific, and another in addition larger than that on the Pacific coast for the Atlantic coast, and still a third one left of the same size?

Mr. HALE. No; we would have the two great fleets, a fleet on the Pacific larger than the one that is going around the world, and a fleet left on the Atlantic, which, I suppose, will be perhaps always our largest fleet, as England's channel fleet is her largest, very considerably larger than that.

I call the attention of my friends from the Pacific coast to this consideration. We are not in the position that has been assumed by some advocates of this largest programme. We are not called upon to build another great fleet now in order to have protection either in the Pacific or on this side. I have had some experience and observation; I have reported all the naval bills for years; and yet I did not realize this most significant and to me convincing fact, and this answer to the repeated cry we have now to build up another entire fleet for protection at home.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Connecticut?

Mr. HALE. Certainly.

Mr. BRANDEGEE. In estimating the size of the Atlantic fleet does the Senator include the vessels known as monitors?

Mr. HALE. I have not paid any attention to them; they are among the additional ones; but we would have fifteen big battle ships on the Pacific, the same number that are now in the fleet; we would have sixteen big battle ships in the Atlantic; and we would have eight enormous cruisers as large as battle ships in the Pacific, and nine more on the Atlantic; and in addition to all that we would have all of the monitors, all of the protected cruisers, and all of the gunboats, aggregating a tonnage of over 200,000.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to his colleague?

Mr. HALE. I do; with pleasure.

Mr. FRYE. When the Senator speaks of these fleets, does he refer to the fleets after the vessels which have been already ordered are built, and after the two which are contained in this bill are constructed?

Mr. HALE. I do, of course, because whatever question may arise about how many we shall authorize now, we can not get them until after they are built, and we are in a condition about the new big ships, as the designs are already made, that we can go right to work upon them. Any calculation, of course, is based upon ships that we build in the future

In addition to this we can every year have a programme of two more of these immense battle ships, that cost about $11,000,000. That is a matter of administration, as it is everywhere. You may put both of them into the Pacific if needed, or one into the Pacific and one into our fleet here.

I have thought it proper and desirable to present these figures as showing this phase of the case, it being to me a perfect answer to the cry that we are left without protection and have at once to build up an enormous new Navy for our protection at home.

I do not think there is any squadron of any nation aside from her home squadron in her home ports that is as large as the squadron we will then have, or the fleet, whatever you may call it, in the Pacific. So the Senators from that region, who are naturally desirous of protecting their own coasts, need have no apprehension that if the programme sent to us from the House is carried out they will be left in the lurch.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. BACON. I do not wish to interrupt the Senator unless he has completed his statement.

Mr. HALE. I am practically through, and I can not go on any longer, anyway.

Mr. BACON. The Senator used the expression "the fleet that is going around the world." Has the Senator definite information of the fact that it is to go around the world?

Mr. HALE. I have on my desk, I think, here or possibly it may be at my house, a communication from the Navy Department—it discloses no secret—in which certain legislation is recommended as being suitable and essential to maintain our rank and dignity in the view that the fleet is to visit Asiatic ports, perhaps African ports, Mediterranean ports, and European ports. So I may say to the Senator, while I do not know it has been formally stated that the fleet is to circuit the globe, I have no doubt in my mind that that is a part of the plan.

I have not known from the beginning what the programme was, because I do not know that any member of the Naval Committee of either House was consulted upon it or any Senator or Member. I do not complain of it; but I can say that at present I have no authoritative information, and I have been in no consultation as to what shall be done with the fleet. But I have no doubt it is going around the world.

Mr. BACON. Does the Senator understand that to apply to the entire fleet now in the Pacific?

Mr. HALE. I have no doubt it comprehends most of the fleet.

Mr. BACON. What does the Senator understand is the object of this globe-circling cruise?

Mr. HALE. Now, Mr. President, if the Senator, apparently listening to me——

Mr. BACON. I always listen to the Senator.

Mr. HALE (continuing). Had heard what I said, it was that I had had no consultation and I had not been in anyway informed—I am very glad I was not—about what is the purpose of this cruise or where the fleet is going or why it is going. I know nothing whatever about it. I have only the information that all Senators have as they see in the newspapers what is going on.

Mr. BACON. With the permission of the Senator, I will ask him, then, another question. The Senator occupies a very responsible position in this body in its relations to the naval branch of the service, and I will say what I am sure will be recognized by every Senator, as well as by the country at large, that no Senator could perform those duties more efficiently and satisfactorily than he does. The Senator in that position must necessarily give careful thought to all matters of importance which relate to the naval service. I am not charged with that duty, and therefore I am not informed, and I look to the Senator for information.

I desire to know of the Senator, occupying that position and considering these matters as carefully as he doubtless does, whether, in his opinion, there is any proper authority for ordering, without the approval of Congress, the fleet around the world and away from the duties to which it is properly assigned.

Mr. HALE. The Senator knows the provisions of the Constitution. The President is the Commander in Chief of the Army and the Navy. Another clause, not always uppermost in all minds, as the Senator knows, states that Congress shall "provide and maintain a Navy," and another clause declares that Congress shall "make rules for the government and regulation of the land and naval forces."

I should not have seen, I think, all the advantages of the cruise that evidently dwelt in the mind of the Secretary and the President. But I have never taken the ground that sending the fleet around the world was an usurpation. As I said before, I can see some benefits from it in the way of the discipline of the fleet, and the demonstration of the seagoing capacities of the ships and of their being good and complete ships, and it will affect undoubtedly the knowledge and exercise of seamanship on the part of officers and men, and will accomplish some great good in that regard.

But the other questions that arise as to what it will bring about in the way of possible accident and calamity to the fleet, or possible complication with foreign powers, is a thing in the realm not of demonstration but of conjecture. Nobody can tell that. I think the fleet is going around the world, and I shall bid it Godspeed, hoping that we will get out of it without any complication. I will say here the great reason why I do not fear danger is that I do not think any power that is in the track or the observation of the circuit of the fleet under any circumstances will be found hostile to us or that there is the remotest probability or possibility of any war with any nation where the fleet is going. So I am able to possess my soul with some peace about the mission of the fleet and free my thought by day and my dreams by night of any aprehension in that regard. But it is based upon the fact that we are in no danger of war.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. Certainly.

Mr. TELLER. I wish to ask the Senator as to the expense. How is the expense borne? From what fund is it taken?

Mr. HALE. It is borne largely in deficiency bills, and there will be additional deficiency bills another year undoubtedly. In fact, I think we were called upon to pass a heavy deficiency bill covering the fleet and its visitation in the early part of the session. I was informed the other day by the head of a bureau in the Navy Department that before Congress adjourned he would come in and ask for additional deficiencies; that we had not given them enough. Next year when they come in we will appropriate for the final deficiency. There is no fund.

As Senators know, the fleet's dispatch, its starting, was not in any way left until Congress had assembled and the expression of Congress required as to appropriations for it. It had all been settled and the fleet was off and out of the way substantially, if not actually started, when Congress met, so that Congress had no opportunity to make a special appropriation until the deficiency bill came up, when we made a large appropriation.

Mr. TELLER. I should like to ask the Senator if he can make any estimate as to what the additional cost of this trip will be to the American people?

Mr. HALE. I can make no more estimate about it than I could make an estimate as to what shall be the course of the circuit of a bird in the sky. I do not know.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I yield.

Mr. BACON. Recurring to the reply of the Senator from Maine to my inquiry as to the authority for sending the fleet around the world, I will say that I had in view both the provisions of the Constitution which he has cited, one of which makes the President of the United States the Commander in Chief of the Navy, the other of which retains in Congress the authority for making rules for the government and regulation of the Navy. I simply desire to say, without consuming unnecessary time, as it is a matter which ought to have some expression from some one, that in my opinion any use of the Navy outside of that which pertains to its ordinary uses, those for which the Navy is designed and the use for which it is anticipated, should have the sanction of Congress before it is done.

So far as the sending of the fleet to the Pacific coast is concerned, I can understand how that may be within the legitimate sphere of the use of the Navy. I have no criticism to make upon that, although, of course, we are none of us informed as to all of the reasons which may have existed and some of which I have no doubt did exist and still exist which would justify the sending of the fleet to the Pacific coast. What I have to say has no relation to that whatever. But when it comes to sending the fleet around the world, that is another matter. Whenever an enterprise of that magnitude is undertaken, so absolutely foreign to the uses which are contemplated in the

construction of a navy and in the government and regulation of a navy, I say not simply the Executive, but the great law-making power of the Government ought to be that which should give its sanction and which should authorize it.

I understand the Senator to say that he is reconciled by the fact that he has no apprehension that the fleet is going to meet with any hostile demonstration upon its way; and of course we all of us are thoroughly confident of that. We have no apprehension of any war meeting them upon their course. But at the same time, while we have no apprehension of war, I think that so far as this globe-circling expedition is concerned, it removes the fleet farther away from the United States than anyone would have the authority to send it except the law-making power of the Government.

There are other reasons which could be mentioned. I will not take the time of the Senate, but I do say that there ought to be in some department of Congress an expression of the view that Congress does not lose control of the fleet by reason of the fact that the President of the United States is Commander in Chief of it. He is the Commander in Chief, and Congress could not deprive him of that position if it desired to do so; but the fact that he is Commander in Chief does not relieve Congress from the control of the operations of the fleet whenever a great and an unusual use is to be made of it. Whenever a use is to be made of it, in the language which was used on the floor two days ago, for any spectacular purpose, clear outside of the part of the world where the fleet properly belongs, then it should only be undertaken, in my opinion, when Congress has approved it.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Maryland?

Mr. RAYNER. I only desire to ask the Senator from Georgia a question, if the Senator from Maine will permit me.

Mr. HALE. Let me say, Mr. President, I rose entirely for the purpose of calling the attention of the Senate to the actual strength of our fleet—the capability of its subdivision—and I wanted to put in the statement before the Senator from Washington should go on with his remarks upon his amendment, in order that it might not be said that it was put in afterwards, but that he might see, and all the Senate might see, what navy we have and how, when subdivided, it protects his coast as well as my coast.

I, myself, do not want to debate it any more. I do not want to interfere with the debate on the battle ships, and I am in no condition physically, with trouble and menace in my throat, to continue longer on the floor. Still, I will listen to the Senator.

The VICE-PRESIDENT. The Senator from Maine yields to the Senator from Maryland.

Mr. RAYNER. I only desire to ask the Senator from Georgia a question. I have given some little consideration to the question involved here, legal and constitutional, and I should like to ask the question whether, in the absence of a law or a regulation by Congress, the President, as Commander in Chief, has unlimited power; in other words, whether it does not take a law or regulation of Congress to limit the powers of the President under the Constitution.

Mr. BACON. Undoubtedly; nobody would for a moment question that fact, and nobody will question the propriety of the President sending a vessel to any country in the world where he thought the interests of the Government, or the interests of any citizen, required the presence of a man-of-war. But that is a very different thing from the question as to the propriety of sending the fleet around the world for spectacular purposes. The question of the existence of authority to exercise a power is one thing, but the question of the proper and legitimate use of that authority is altogether another question.

Mr. RAYNER. I thought the Senator was discussing the legality of it.

Mr. BACON. Of course, nobody denies the fact that the President has, in the absence of any expression from Congress, the authority to do it. I am simply considering the question whether or not it is a proper use of that authority. In my judgment, it is not a proper use of the authority. If there was a suggestion of that kind in the Executive mind, it seems to me that Congress ought to have been appealed to for its approval before it was undertaken.

Mr. HALE. I ask pardon of the Senator from Washington, who I know desires to go on with his amendment, for having taken up so much time. It is not all to be laid at my door. I simply ask that the statement I have submitted be incorporated as a part of my remarks in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

UNITED STATES.

Battle ships (31) built, building, and in pending bill.

Completed in—	Name.	Displacement.	Main armament.	Speed.
		Tons.		*Knots.*
1895	Indiana*	10,288	Four 13-inch; eight 8-inch; four 6-inch.	15.55
1896	Massachusetts*	10,288		16.21
1896	Oregon*	10,288		16.79
1897	Iowa	11,346	Four 12-inch; eight 8-inch	17.9
1900	Kearsarge	11,520	Four 13-inch; four 8-inch	16.82
1900	Kentucky	11,520		16.9
1900	Alabama	11,552	Four 13-inch; fourteen 6-inch.	17.1
1901	Illinois	11,552		17.45
1901	Wisconsin	11,552		17.17
1902	Maine	12,500	Four 12-inch; sixteen 6-inch	18.18
1903	Missouri	12,500		18.15
1904	Ohio	12,500		17.82
1906	Rhode Island	14,948	Four 12-inch; eight 8-inch; twelve 6-inch.	19.1
1906	Virginia	14,948		19.1
1906	New Jersey	14,948		19.18
1906	Georgia	14,948		19.26
1907	Nebraska	14,948		19.6
1906	Connecticut	16,000	Four 12-inch; eight 8-inch; twelve 7-inch.	18.0
1906	Louisiana	16,000		18.82
1907	Minnesota	16,000		18.0
1907	Vermont	16,000		18.0
1907	Kansas	16,000		18.0
1908	Idaho	13,000	Four 12-inch; eight 8-inch; eight 7-inch.	17.0
1908	Mississippi	13,000		17.0
1908	New Hampshire	16,000	Four 12-inch; eight 8-inch; twelve 7-inch,	18.0
	BUILDING.			
	Michigan	16,000	Eight 12-inch	18.5
	South Carolina	16,000		18.5
	Delaware	20,000	Ten 12-inch	.....
	North Dakota	20,000		.....
	Two included in pending bill, 20,000 each.	40,000	Ten 12-inch each	.....
	Grand total, 31 battle ships.	446,146		

Armored cruisers (15).

1893	New York	8,150	Four 8-inch; ten 5-inch	21.0
1895	Brooklyn	9,215	Eight 8-inch; twelve 5-inch	21.91
1905	Pennsylvania	13,680	Four 8-inch; fourteen 6-inch.	22.44
1905	Maryland	13,680		22.41
1905	Colorado	13,680		22.24
1905	West Virginia	13,680		22.15
1907	California	13,680		22.0
1907	South Dakota	13,680		22.0
1906	Tennessee	14,500	Four 10-inch; sixteen 6-inch.	22.16
1906	Washington	14,500		22.27
	BUILDING.			
	North Carolina	14,500	Four 10-inch; sixteen 6-inch.	22.0
	Montana	14,500		22.0
	Grand total, 12 armored cruisers	157,445		
1905	Charleston[a]	9,700	Fourteen 6-inch	22.4
1906	Milwaukee[a]	9,700		22.22
1906	St. Louis[a]	9,700		22.13
	Grand total	186,545		

[a] Officially the three ships are protected cruisers. They are actually armored cruisers, and so treated by standard foreign publications. If included in above table, they would give: Grand total, fifteen armored cruisers; 186,545 tons.

* Marked obsolescent by foreign publications.

Mr. CULBERSON. Before the Senator from Maine yields the floor, reverting to the suggestion made by the Senator from Georgia to the Senator from Maryland, I read the provision of the Constitution to the effect that Congress is authorized "to make rules for the government and regulation of the land and naval forces."

The question I desire to put to the Senator from Maine is this: Under existing law and the rules and regulations for the government of the Navy, which Congress is authorized by this provision of the Constitution to make, is the President, in sending the fleet around the world, if he purposes doing so, acting within the limit of those regulations or is he exceeding them?

Mr. HALE. Mr. President, I have referred in my remarks to the provision of the Constitution, with which we are all familiar. I am inclined to believe, in the absence of any rules or regulations touching this question by Congress, under the provision just cited by the Senator from Texas, that the President would have the power and authority to order the fleet, but that should Congress at any time interfere and establish rules and regulations conflicting with it, the President must yield to Congress. But Congress, so far as I know, has made no rules or regulations touching this subject, so that whatever

may be my view about the expediency of the voyage of the fleet, I do not think there has been any case of Presidential usurpation.

Mr. BACON. If the Senator will pardon me, I should like to ask him this question: If, in the appropriation which was made for the present fiscal year, there was in contemplation any appropriation for the fleet being sent around the world?

Mr. HALE. Not the least, Mr. President. When the appropriations were made up last spring and when an opportunity was presented before the committee of bringing this question up and asking for appropriations——

Mr. BACON. None was asked for.

Mr. HALE. No committee was asked to give such an appropriation.

Mr. BACON. Now, I will ask the Senator one other question: After this voyage has been undertaken, and when it is known that there must be this increased expense, has there been any effort to get an appropriation from the committee, or has there been any estimate submitted?

Mr. HALE. In advance?

Mr. BACON. Yes, sir.

Mr. HALE. The only effort that has been made, which has been responded to by Congress, was the estimate for a deficiency.

Mr. BACON. Did the deficiency specify a contemplated trip around the world?

Mr. HALE. It was mainly for coal, which was for the fleet.

Mr. CLAY. It was for coal and repairs, was it not, I will ask the Senator from Maine?

Mr. HALE. I do not remember.

Mr. CLAY. My recollection is that the sum appropriated was about four and a half million dollars, and the Navy Department gave the Committee on Appropriations estimates of how much had been spent for that purpose. My recollection is that while a large part of it was spent for coal, some of it went for repairing the ships that were on the way to the Pacific coast.

Mr. HALE. If so, it was for small incidental repairs. The main thing was coal.

Mr. LODGE. Mr. President, the President of the United States, as Commander in Chief of the Army and Navy under the Constitution, has, of course, always in time of war and in time of peace directed the movements of the vessels and of fleets; that is, we have sent squadrons at all times to different parts of the world. We usually maintain squadrons in different parts of the world, and it is unquestionably within the power of the Commander in Chief to move one ship or to move a dozen, or to take any step which, as Commander in Chief, he may think is for the advantage of the service and is necessary to be performed by that service. I think there can be no question, as the Senator from Maine [Mr. HALE] has said, that there is no matter of usurpation here whatever. This instance has been more conspicuous simply because the fleet is larger. It was done with a specific purpose, which, as I explained the other day, seems to me is an extremely wise purpose.

I can not conceive any greater misfortune for the welfare of the Navy of the United States than to undertake to have committees of Congress pointing out what voyages the ships should take and where they should go. In the first place, Congress is not in session all the time, and if it were I can not conceive of a body more unfit for the exercise of executive functions than a great legislative body.

The Commander in Chief must be intrusted with the direction of the land and naval forces. Just as President McKinley in time of war massed the American fleet and proposed to send it and would have sent it to the coast of Spain, so this power has been exercised year in and year out by every President in time of peace. I do not care to again go over the question whether this voyage was a desirable one or not, but it seems to me that it has been of great advantage.

The idea that we can keep ships without wear and tear! Battle ships are made to be used; and if they are used, like all ships in the merchant marine, they are going to show the wear and tear and a certain amount of depreciation, and they will at times require repairs. We do not expect to build a great fleet of ships and keep them all the time tied up to the docks in New York or Boston or Norfolk. They would be perfectly worthless if they were not sent to sea, so that the crews may be exercised in the management of the ships. No better way for the development of the American fleet could have been devised than this great voyage which is being made.

Mr. HALE. Mr. President, the Senator from Washington [Mr. PILES] has substantially had the floor for more than an hour, and I hope he may now be allowed to proceed.

Mr. PILES. Mr. President, it is not my purpose to make any extended remarks in behalf of four battle ships. I think that a mere statement of the facts will show the wisdom of Congress providing at the present time for the construction at as early a date as practicable of four additional battle ships.

I have not been unmindful of the character and condition of our fleet as pointed out by the list which the Senator from Maine [Mr. HALE] has sent to the Secretary's desk and asked to have printed in the RECORD, nor the fact that eleven out of the thirty-one battle ships which are referred to in that list are of practically an obsolete type and of less than 13,000 tons displacement, and that about six of those ships need extensive repairs before they will be brought to the standard of ships of their class. This, I think, makes it apparent to all that the time is opportune to provide the people of this country a greater defense than they now possess.

Mr. President, the President of the United States, in the special message which he sent to Congress on the 14th instant, among other things said:

> As Chief Executive of the nation and as Commander in Chief of the Navy, there is imposed upon me the solemn responsibility of advising the Congress of the measures vitally necessary to secure the peace and welfare of the Republic in the event of international complications which are even remotely possible. Having in view this solemn responsibility I earnestly advise that the Congress now provide four battle ships of the most advanced type. I can not too emphatically say that this is a measure of peace and not of war. I can conceive of no circumstances under which this Republic would enter into an aggressive war; most certainly, under no circumstances would it enter into an aggressive war to extend its territory or in any other manner seek material aggrandizement. I advocate that the United States build a navy commensurate with its powers and its needs, because I feel that such a navy will be the surest guaranty and safeguard of peace.

In view of this urgent appeal to Congress, and in view of the further fact that I come from a section of the country which will be the storm center of the conflict, if we have war, I have felt it my duty to submit for the consideration of the Senate the pending amendment.

Mr. President, I know that the people of the Pacific coast are in favor of this present Congress providing for four additional battle ships. I know that those people, with the sturdy manhood with which they are imbued, with the wonderful progress which they have made, and with the great commerce which they have builded for this Republic upon the Pacific Ocean, are entitled to have a navy adequate for their peace and security.

I am satisfied, Mr. President, not only that the people of the Pacific coast favor this proposition, but that the people of this country, from whatever section they may hail, favor it, and as an evidence of popular opinion with respect to this question I send to the Secretary's desk an article appearing in the New York Telegram on the 23d instant, showing the attitude of the men who, to a very large extent, mold public opinion in this country—men who have their fingers upon the public pulse and who are thoroughly in touch with our national needs. I ask, Mr. President, that the article I have submitted be read for the information of the Senate.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[From New York Telegram, April 23, 1908.]

BIG-NAVY POLICY POPULAR.

Of the 162 editors and publishers who filled out the Evening Telegram battle-ship ballots, 126 were in favor of President Roosevelt's policy of building four battle ships at this time and believed that the nation should have a larger navy. These included Johnson and Bryan men, as well as those who had expressed themselves in favor of the nomination of either Roosevelt, Taft, Hughes, or the Republican dark horses.

Herman Ridder, editor of the New York Staats-Zeitung, and Edward L. Preetorius, editor of the Westliche Post, of St. Louis, Mo., generally regarded as the most representative German newspaper man of the West, both voted for the big-navy programme.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Indiana?

Mr. PILES. Certainly.

Mr. BEVERIDGE. I will ask the Senator from Washington if the editors there referred to were not the editors of newspapers in the Associated Press system of this country, comprising most, perhaps, of the large journals?

Mr. PILES. Those are the men, as I understand it, sir, that constitute the membership of the Associated Press throughout the country. Those men, Mr. President, come fresh from the people, and they voice their sentiments on this most important subject.

Comment has been made in the Senate from time to time with respect to the cruise of the battle ships to the Pacific coast. In my judgment, no wiser cruise could have been made or planned for the benefit of the American Navy than the one upon which our fleet is now engaged. In addition to the benefits that will

result to the Navy from such a cruise, the people of the Pacific coast who have not had the pleasure of visiting the Atlantic coast will now for the first time have an opportunity to view their country's fleet, toward which they have contributed according to their population and wealth as much as any other section of the nation. The advent of the fleet upon the Pacific coast will give the people there a realization of our actual naval strength, and those who officer and man the ships will come to an understanding of the importance of that section of the country and the inadequacy of the defenses provided for it.

I am not one of those, Mr. President, who have been fearful of war with Japan or any other country. We are a peace-loving, law-abiding people, without the desire to conquer any nation or to despoil it of its territory. We seek not to aggrandize ourselves by a resort to arms, but rather to add to the stability of our nation and to the happiness of our people by avoiding all unnecessary conflicts. Having achieved our liberty and our independence by a resort to arms, and having for a time divided our country and estranged our people in the most unhappy war that the world ever witnessed, we are content at last to rest in the security of our own homes and in the enjoyment of the fruits of our labors while those war who seek war. And while, Mr. President, we should avoid war in so far as may be consistent with our national honor, it is idle to say that we should not have a navy sufficient to secure our peace. No nation, however great or powerful it may be, can hope to maintain its peace with the world unless it is prepared to defend itself.

We have reached that period in our history when it is prudent, if not absolutely necessary, to have two fleets, one on the Atlantic coast and another on the Pacific coast, to insure our peace.

Our population and commerce have increased in an incredibly short time beyond all reasonable expectation. The increase of our population and the expansion of our commerce have made the Pacific coast an attractive field for the races of Asia. The migration of the Asiatics to our country has led to differences in the past of serious international consequence, and no one can say with any degree of certainty that similar differences will not occur in the future.

Japan, Mr. President, has made wonderful progress in the last twenty-five years; indeed, her progress is one of the marvels of the age. No one rejoices more sincerely in her remarkable advancement in civilization and in commerce and in all that goes to make her a great and powerful nation than the American people. But, rejoicing as we do in her onward and upward march, there is, unhappily, a question between us the settlement of which may some day sever the cord which binds us in international friendship. While I feel safe in saying that the people of the Pacific coast have no ill feeling against the Japanese as a people, there is a deep-seated conviction in the minds of our people, which time can not eradicate, that it is hurtful to our peace and happiness to permit Japanese laborers to invade the Pacific Coast States and displace our own working people. The Japanese laborer has been reared in a school of domestic economy totally different from that of the American laborer. This, Mr. President, I do not refer to as a reflection upon the laboring classes of the Japanese, but merely as illustrative of a condition which makes it impossible for the American laborer to compete with the Japanese laborer. And where competition is shown to be impossible, it goes without saying that the two classes can not dwell together in unity. Self-defense is innate in the American and in every other nationality.

When, therefore, the American sees the Japanese swarming his country, living on much less and working for much less than he can live on or work for, it is but natural that he should rebel and call upon his Government to take measures to exclude those from his country with whom he is unable to successfully compete in the struggle of life. If those against whom he complains are not to be excluded, or are not excluded as promptly as it is thought they should be, men sometimes resort to violence, which is always unfortunate and deplorable. There have been violent uprisings, not only in American territory, but in the British possessions bordering on the North Pacific Ocean. The statesmen of Japan, Mr. President, are, of course, fully conversant with the situation and would no doubt, if they could, prevent their laboring classes from going to either the American or British territory on the Pacific coast. But when it is understood that a Japanese laborer can ordinarily earn more on the Pacific coast in a day than he can earn in his own country in a week and a half, the difficulty of restraining him becomes painfully apparent.

There is every reason, Mr. President, why the American and Japanese nations should be fast friends. From the earliest time America has been the friend of Japan. They are the two dominant powers in the Pacific Ocean, each striving to build a great commerce which will be beneficial to both, and it would be most unfortunate if the conditions to which I have briefly adverted, or an attempt on the part of Japan to close the open door in China or Manchuria, should bring about a conflict between the two friendly powers.

While both nations, Mr. President, are desirous of peace, no one can say what may occur in the future to precipitate war between America and Japan or any other country.

The time has come, I say, in the history of our country when this Government, not for war, which it abhors and which all patriotic Americans abhor, but for the security of our peace, should make provision for two fleets, one for the Pacific coast and one for the Atlantic coast, and, if we had two such fleets in this country, we would wage war against no nation and no nation on earth would wage war against us. So, in advocating four battle ships, I stand for peace and not for war.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Maine?

Mr. PILES. Certainly; I yield to the Senator.

Mr. HALE. If the Senator does not desire to be interrupted, I will not interrupt him.

Mr. PILES. I am very glad to yield to the Senator from Maine.

Mr. HALE. The thought occurred to me when the Senator was picturing so well the danger of an outbreak which may occur at any time, if at all, how would it be possible for him to get into that fight either of these two additional ships that he wants now constructed?

Mr. PILES. Mr. President, I do not expect to get the additional ships into any fight. I expect this Government to take the precaution that an ordinarily prudent individual, threatened with a possible danger, would take for self-defense. That is all I ask, or have a right to expect.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. PILES. Certainly.

Mr. ALDRICH. Is there any peculiar virtue about four rather than any other number of battle ships? Would four affect the peace of the world more than five or six or a less number?

Mr. PILES. I am not arguing upon that theory, Mr. President. If I were, I should find myself arguing in a circle. The President of the United States has recommended to Congress four battle ships. I understand that the Department of the Navy and the Secretary of State concur in the President's views on this subject; and I take it that these gentlemen, who are informed, or should keep themselves informed, with respect to questions of this character, ought to know more about it than at least the majority of us who can not, in the nature of things, be so well advised in that regard as they.

Mr. HALE. Does not the Senator remember that the Secretary of State, to whom he has referred, has told us more than once that not only now there is no danger of complication or friction with Japan, but there has been no time when there has been any such condition?

Mr. PILES. I am very glad of that, Mr. President. As I said at the outset, I have no fear of war with Japan. I have no fear of this nation engaging in war with any of the great powers of the world. I am not standing here asking for four battle ships upon the theory that this country is going to engage in war; but I am advocating provision for four ships because it is necessary in the opinion of the Chief Executive of this country and those upon whom he relies for advice to plan now for four—not six nor two—battle ships.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. PILES. Certainly.

Mr. ALDRICH. The Senator is talking about the possibility of war. I see no reason why this question, if it should be discussed in the Senate at all, should not be discussed frankly and openly. There can be no power with which war can be had upon the Pacific Ocean, which the Senator from Washington said must be the storm center of war, except with Japan? Does the Senator expect that Great Britain will join with Japan in this anticipated war of his, and does he want the United States to build a navy that will cope successfully with Great Britain's navy?

Mr. PILES. Mr. President, the Senator from Rhode Island is mistaken when he says I spoke of my anticipated war. I have anticipated no war. I anticipate none.

Mr. ALDRICH. I understood the Senator from Washington to say in his opening statement that the Pacific Ocean would be the storm center of whatever conflict took place in the future.

Mr. PILES. I said, if I remember correctly, Mr. President, that the Pacific Ocean would be the storm center of war if we had a conflict with Japan. That was my statement, as I now recall it; and I am not afraid of war. I predict no war. I hope we will never have war. But, Mr. President, no man in this country foresaw the Spanish-American war. No man could have been brought to believe six months before we engaged in that conflict that we would ever have a war with Spain. No man foresaw the trouble which occurred between the Americans and the Japanese in San Francisco a little more than a year ago, which strained the relations between this country and Japan. No man foresaw the raid that was made upon the Japanese in the city of Vancouver, British Columbia; and no man can foresee or foretell what another raid may mean.

There are certain classes of people in this country who would like to get us into war. There are certain classes in the Japanese Empire who would like to see Japan wage war. But there is every reason why the international friendship existing between this country and Japan should continue to the end. America has been her friend. No country in the world rejoices more in the great commercial progress and strides in civilization which she has made. But, Mr. President, rejoicing in that progress and in that civilization, we can not help the condition that exists. We can not foretell when a raid may be made upon the Japanese in any section of the Pacific coast. We can not tell when Japan may be forced by her people to take offense at the treatment of her subjects at the hands of some irresponsible individual or individuals on the Pacific coast.

Mr. President, that is one of the conditions which this country should take into consideration in determining this question. It is not wise policy to wait until war is upon us, and to spend hundreds and hundreds of millions of dollars in defending ourselves against a foe.

Who can tell what will be the policy of Japan with respect to closing the open door in China and Manchuria? The greatest interest of the United States is to-day in the Pacific Ocean. Civilization demands that China be not disintegrated; that zones of trade or influence be not parceled out among the powers of the earth. These are problems with which we will sooner or later have to deal. One nation is going to dominate the Pacific, and if we do not some other nation will.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. PILES. Certainly.

Mr. SMITH of Michigan. The Senator from Washington has referred to the Spanish-American war and our unpreparedness, and I simply wish to remind him that the preparations we were obliged to make in the beginning of the Spanish-American war ran our expenditures up to about $130,000,000, nearly three times the expenditures of the two years before. I desire to view it fairly, but I can not see now where we invested that money; where our Navy has been permanently strengthened at all by reason of that sudden expenditure. It seems to me we ought to go along with a fixed and definite policy that will really strengthen our Navy, and not be called upon as an emergency arises to expend our money for useless implements of war, which we must abandon as soon as the war is over and which do not constitute a working part of our offensive and our defensive arms.

Mr. PILES. Mr. President, it has been said that if we provide for four battle ships we will offend other nations, and the world will say we are preparing for war while simulating peace. I see no force in this contention in view of what the maritime nations of the world are doing with respect to enlarging and improving their navies.

We started upon a new era of battle-ship building after the Spanish-American war, and why should the world find fault with our pursuing a well-defined and well-understood policy.

Again, if other nations are constructing a greater number and a larger and better class of battle ships than they heretofore thought necessary, why should we fail to keep pace with the other great powers so long as we act within the bounds of reason? Of what consequence are two or three or half a dozen old and obsolete battle ships as compared with one of the *Dreadnought* class?

Why should the world say we are preparing for war when we undertake to increase our Navy within reasonable limits or to construct the same class of battle ships that the great powers of the earth deem it advisable to construct for their peace? Why should my neighbor complain if I work upon the same precautionary lines for my peace and happiness that he works upon for his peace and happiness?

We take no offense because Japan is enlarging and improving her navy, and why should Japan take offense if we do what she is doing; what England, France, and Germany are doing?

Mr. President, it is said that it is the policy of Great Britain to maintain her navy equal to that of any two nations in the world. Does anyone take offense because of this policy or menace her by reason thereof? Does Great Britain encroach upon or seek war with any other power with that navy? No; she stands there in the sea with her people relying upon her great navy, not to wage war against the weak or the strong, but to preserve her peace. And, Mr. President, a navy sufficient for the preservation of our peace is all that I contend for.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. PILES. Certainly.

Mr. SMITH of Michigan. The Senator from Washington has referred to the naval strength of Great Britain to the effect that nobody has menaced or threatened Great Britain. I simply want to add this suggestion to that thought: No one has menaced Great Britain, and yet the strength of the British navy has attracted Japan, and Japan and Great Britain have entered into a treaty, both offensive and defensive, to insure the territorial integrity of their possessions in the Far East. So while the British navy has menaced no one, it has attracted that powerful country in the Pacific to its side, and to-day those two countries are in treaty of alliance for the maintenance of their prestige and the welfare of their possessions in the Far East.

Mr. PILES. The Senator from Michigan is correct, and it is not at all astonishing that Japan should have been attracted to Great Britain by her splendid navy, and that she should have sought a defensive and offensive alliance with that great Empire. But with the Navy we have to-day, with, as I have said, eleven out of the thirty-one battle ships of an obsolete type——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Maine?

Mr. PILES. Certainly.

Mr. HALE. Does not the Senator know that instead of the ships to which he refers being obsolete, the Navy Department tells us in its communication that they are among the best ships we have? We are appropriating this year for repairs upon these same ships ranging from five hundred to six hundred and seven hundred thousand, in order by those repairs that they may not be obsolete ships, but complete ships. There is not an obsolete ship of the battle-ship type in the American Navy to-day.

Mr. PILES. They are of an obsolete type, I understand. Take, for instance, the *Oregon*. The world never saw a greater fighting ship than the *Oregon* in her day. But what is her condition now? Would the Senator from Maine contend for a single moment that the *Oregon* could give battle to any power?

Mr. HALE. Indeed, sir, I do. The *Oregon*, the *Indiana*, and the *Massachusetts* are to-day good ships. They are good navigators. Their gunnery is equal to that of any ship. They will be repaired at a cost of hundreds of thousands of dollars, and, as Sir William White says, they go to make up some of the best ships and fully the equal of the same class of ships that were built when they were built.

Of course we improve, but it is a very great question whether the additional size is of any real benefit. Sir William White believes we reached the limit some time ago, and that the enormous vessels now built are not more efficient than the smaller ships. But every one of our battle ships, properly repaired, is to-day, or will be, ready to encounter not only a voyage around the globe, but if we have hostilities, battle upon the sea.

Mr. PILES. It may be that the repairs to the *Oregon* have been completed. If so, I was not aware of that fact.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Indiana?

Mr. PILES. I do.

Mr. BEVERIDGE. I did not intend to say anything about this particular phase until I should make my remarks to the Senate. The Senator from Washington is entirely right. I point out that the tonnage of the *Oregon* is 10,300, and if Sir William White thinks it is a question whether or not a 10,000 or a 13,000 ton ship is equal for offensive or defensive warfare, either, to a vessel of the type of the *Dreadnought*, why is it that his own government is now building scarcely anything but the heavy *Dreadnought* type and destroyers? I have no doubt he would be very glad to see us not increase our Navy, on the one hand, or to keep our ships at ten or thirteen thousand tons, on the other hand.

Mr. HALE. Sir William White and no other naval authority will perhaps contend that one ship like the *Oregon* or the *Massachusetts* or the *Indiana* is in all respects equal to the *Dreadnought*, but many naval authorities contend that the amount of money put into two *Dreadnoughts* would furnish three ships of 12,000 tons, and that they would be, as a collective force, better than two *Dreadnoughts*. But that is not a practical question, because we have settled that the ships which we are to build in the future are to be of the larger type. But I do not want it to go unquestioned that the other ships are obsolete.

Mr. BEVERIDGE. If the Senator from Washington will permit me——

Mr. PILES. I yield to the Senator from Indiana.

Mr. BEVERIDGE. As I say, I did not intend to take this up until I shall speak. But upon this point I should say to the Senator that he will also recognize the fact that other very eminent naval authorities, and perhaps the great weight of naval authority is that one vessel of the *Dreadnought* type in warfare would probably be equal to four of the *Oregon* type. Furthermore, the very statement of the Senator that we have now abandoned the former type and determined to build our battle ships from now on upon the *Dreadnought* type is an admission that the former type is not efficient for modern warfare, and what we now contend for is enough of the modern battle ships.

Mr. PILES. Mr. President, I believe in no navy for mere pomp or show. I believe in no great standing army. Happily for our country we need none, because we are unlike those European countries that are compelled, or feel compelled, to maintain equal or superior forces to defend themselves against the standing armies of contiguous or adjacent states.

But, with our immense coast line, unprotected to a very large extent, I believe in a navy sufficient to maintain our peace and to protect our people.

The President, impressed with the great responsibilities of his office and acting under the solemnity of his oath, would not have appealed to Congress in the impressive manner he has did he not feel that there is an imperative necessity for four battle ships. He is Commander in Chief of the Navy, and his recommendations on a question of such vital importance to us as a nation are entitled to weighty consideration. They should not be disregarded, except upon a clear showing that the President is absolutely wrong.

This is not a question of policy with respect to a subject of general legislation which may be modified or repealed at a subsequent session of Congress. It involves more than that. It involves the dignity of our nation and the peace, honor, and welfare of our people. For myself, not being able to foresee what the future may bring forth, I would rather be wrong in voting for four battle ships, if events should prove me wrong, than to take the present risk of being right in voting for two. If subsequent events should prove the correctness of the President's position and the incorrectness of the Senate's, if the amendment be defeated, it will then be too late to remedy the evil or repair the wrong. If I err, I prefer to err in providing too much rather than not enough for the common defense and the peace of all. If I should be wrong in voting for four battle ships, I may safely charge my mistake to an error of judgment; but, if wrong in voting against four battle ships, I could find no excuse, justification, or forgiveness.

Believing, as I do, profoundly in the peace of our country, believing that peace is for the best interests of all the world, I have felt it my duty to present this question to the Senate, and I feel it my duty to vote to sustain the President of the United States as Commander in Chief of the Navy in his appeal to Congress to give four battle ships instead of two as "a measure of peace and not of war." [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. The Chair admonishes the occupants of the galleries that under the rules of the Senate applause is not allowed.

Mr. PILES subsequently said: Since concluding my remarks I have received a letter, with accompanying resolutions. I ask that the letter be read and that the resolutions be printed at the end of my remarks.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Secretary read as follows:

THE NATIONAL BUSINESS LEAGUE OF AMERICA,
CHICAGO STOCK EXCHANGE BUILDING,
Chicago, U. S. A., April 23, 1908.

Hon. SAMUEL H. PILES,
Senate Chamber, Washington, D. C.

MY DEAR SIR: In re the battle-ship measure now before the Congress, I inclose copy of a resolution adopted by this league and indorsed by business interests all over the country five years ago. There has been no change in public opinion since, except a general conclusion that the demand for *increased naval equipment* is more *imperative than ever before*, and it is hoped that, with *either our Atlantic or Pacific coast line practically unprotected against foreign invasion*, our national legislators will not overeconomize at this critical junction.

Yours, very truly,

A. A. BURNHAM, *General Secretary.*

The resolutions referred to are as follows:

A GREATER NAVY.

Preamble and resolutions unanimously adopted by the standing committees of the National Business League.

Whereas the United States, with a coast line of nearly 6,000 miles, not including indentations of the land nor the boundaries of our island possessions, and with a foreign commerce which is exceeded by that of only one other nation, and, furthermore, is pledged to the maintenance of the Monroe doctrine, whereby the right to acquire territory upon the Western Hemisphere, either by purchase or conquest, is denied to any foreign power; and

Whereas the United States is in possession of a naval equipment which, in ships, officers, and men, is numerically inadequate as compared with the naval strength of several other countries and entirely insufficient for our protection in times of war, or for the enforcement of law and the preservation of order in our oversea territory; and

Whereas President Roosevelt in his second message to the Fifty-seventh Congress, after warm commendation of the efficiency of the naval force of the nation in proportion to its size, directs attention to its insufficiency and recommends its continual increase so as to keep pace with our commercial growth, as follows:

"There should be no halt in the work of building up the Navy, providing every year additional fighting craft. We are a very rich country, vast in extent of territory, and great in population; a country, moreover, which has an Army diminutive when compared with that of any other first-class power. We have deliberately made our own certain foreign policies which demand the possession of a first-class navy. The Isthmian Canal will greatly increase the efficiency of our Navy if the Navy is of sufficient size, but if we have an inadequate Navy, then the building of the canal would be merely giving a hostage to any power of superior strength. The Monroe doctrine should be treated as the cardinal feature of American foreign policy, but it would be worse than idle to assert it unless we intended to back it up, and it can be backed up only by a thoroughly good navy. A good navy is not a provocative of war. It is the surest guaranty of peace:" Therefore be it

Resolved, That the standing committees of the National Business League do hereby recommend that Congress make early provisions for the enlargement of the Navy of the United States until it shall become able to successfully cope with the naval equipment of other nations; also that all battle ships, cruisers, gunboats, torpedo boats, torpedo destroyers, and other weapons for naval purposes shall be, so far as possible, of domestic material and construction: And be it further

Resolved, That copies of this resolution be presented to all members of the Senate and House of Representatives at Washington, to commercial organizations throughout the country, and to the public press.

NATIONAL BUSINESS LEAGUE.
ERSKINE M. PHELPS,
President.
E. ALLEN FROST,
General Counsel.
ALEXANDER H. REVELL,
Chairman Executive Committee.
EUGENE J. BUFFINGTON,
Chairman Finance Committee.
LA VERNE W. NOYES,
Chairman Committee on Manufactures.
ELLIOTT DURAND,
Chairman Committee on Commerce.

Attest:
AUSTIN A. BURNHAM, *General Secretary.*

CHICAGO, ILL., U. S. A., *February 24, 1903.*

Mr. HALE. Let the pending amendment be reported.

The VICE-PRESIDENT. The Secretary will state the amendment at the request of the Senator from Maine.

The SECRETARY. On page 85, line 17, after the word "constructed," it is proposed to strike out "two" and insert "four," so that if amended it will read:

The President is hereby authorized to have constructed four first-class battle ships, to cost, exclusive of armor and armament, not exceeding $6,000,000 each.

Mr. McCREARY. Mr. President, I reside in a State which has no seacoast, but I take a deep interest in all legislation which concerns the interests of the whole country and which I think will be beneficial. I have always been in favor of a large Navy. In the Fiftieth Congress I supported and advocated the first appropriation that was ever made for the construction of a battle ship. Nearly twenty years have passed since that time, and I have watched with pride and pleasure our growing Navy. I have taken a deep interest in everything connected with our Navy. I have watched, too, Mr. President, the great battle-ship fleet which the President sent into the Pacific waters, and I indorse the action of the President in sending that fleet to the Pacific Ocean. I believe it has been of great benefit to the officers and men, and I believe also that it has been a benefit to our nation in showing to the world what a great Navy we have.

Mr. President, the leading nations of the world are increasing their respective navies. I desire to see this country, by proper legislation, gradually increase our Navy. The United States now ranks as the second naval power of the world, Great Britain being the first naval power. I have before me a statement which was presented by the chairman of the Committee on Naval Affairs a few days ago. It appears that Great Britain has fifty-six battle ships, thirty-eight armored cruisers,

while the United States has twenty-nine battle ships and twelve armored cruisers. Coming next to the United States is France with twenty-seven battle ships and twenty-three armored cruisers; Germany with twenty-eight battle ships and ten armored cruisers; Japan with thirteen battle ships and thirteen armored cruisers; Russia with nine battle ships and seven armored cruisers; Italy with thirteen battle ships and ten armored cruisers, and Austria with three battle ships and three armored cruisers.

I have referred to the comparative naval strength of the great powers of the world in order that I might show that while to-day we occupy the position of the second naval power, France has within two battle ships of as many as we have and Germany has within one, and unless we make a proper appropriation and provide for four battle ships, our country may drop down and no longer be the second naval power, but be in the third or fourth class. I desire to see the United States of America first in everything. I desire to see our progress, if possible, superior to that of any other country, and I am opposed to permitting the United States of America to retrograde in anything.

We can not expect at present, and it is not desired, that we have as many battle ships and armored cruisers as Great Britain, but when we remember that the population and wealth of the United States is nearly double the wealth and population of Germany and nearly double the wealth and population of France, we should be encouraged to increase our Navy and be convinced that the statesmen and lawmakers of those nations appreciate the necessity and benefit of a large navy.

I am in favor of the amendment offered by the Senator from Washington to provide in the naval bill now under consideration for four battle ships. If we provide for but two battle ships in this appropriation bill, we will be sure to provide for two more next year. The important question therefore is, Shall we provide now for four battle ships and have them all completed as soon as possible or only provide for two? If it was necessary we could raise 100,000 soldiers for the United States Army in a few weeks. We could raise 500,000 soldiers for the Army in the United States in a few months, but several years will be required to provide four battle ships. Therefore I repeat, if we are going to provide for two more battle ships next year in addition to two this year, it is best to adopt the pending amendment, which provides for four battle ships.

Mr. President, I am in favor of peace. Twenty years ago I advocated peace and arbitration at the other end of the Capitol. I had the honor to be the author of the bill to provide for an international American conference, commonly called the Pan-American Congress, in which seventeen nations were represented, and the two great questions provided for in that bill which became a law were arbitration for the settlement of international disputes and the encouragement of reciprocal commercial relations.

When I advocate a provision for four battle ships in this bill, it is not because I think war is imminent. I do not believe that war is imminent between this country and any other country. I am in favor of peace, and I believe that a great navy will help to maintain peace. I believe that a great navy will not invite war, as some have alleged, but I believe that it will promote peace. Although the outlook does not indicate war, we have to admit that war is possible. No cloud of war was in sight one month before the Spanish war began—unforeseen, thrilling, and remarkable events suddenly precipitated a war.

The Venezuelan incident which some years ago threatened to cause war came suddenly and unexpectedly, as did also the San Francisco incident. It is the part of wisdom to be ready.

The last war that the United States participated in was a naval war, and I believe the next war, if we have war soon or if we have war in the future, however remote it may be, will be a naval war.

Mr. President, we should have a Navy that is commensurate with our needs. The day may come when we will want a Navy in the Atlantic and a Navy in the Pacific. I do not think that time has yet arrived. I think if we provide for four more battle ships we will have as many as we need for the present. Two years from now we may need more, but we should provide for a Navy that is commensurate with the needs of our country. The world should know that we love peace and that we are also prepared for war, and then we will have peace with honor.

The President of the United States in his message to Congress earnestly recommended that Congress provide immediately for four additional battle ships. He is, under the Constitution, the Commander in Chief of the Army and Navy. He knows the diplomatic situation. He knows the demands which should be promptly met, and I believe he is prompted by patriotism and the highest and best motives and the Senate of the United States should comply with his recommendation.

The VICE-PRESIDENT. The question in on agreeing to the amendment proposed by the Senator from Washington [Mr. PILES].

Mr. BEVERIDGE. Mr. President, last night when the Senator from Washington [Mr. PILES], at a late hour, offered his amendment and made the reasonable request, so usual in this body at the end of a long and arduous day, that it might go over until this morning, the Senator from Maine [Mr. HALE], in courteously and politely acceding to that request, said that he would do so and should not himself consider it necessary to discuss this question, because, as he said—

> I shall see no reason for consuming the time of the Senate *upon a matter as to which I presume its mind is already made up.*

I quote his exact words as reported in the RECORD.

I know, Mr. President, that the Senator did not mean a certain interpretation which might be put on those remarks by persons unkinder than myself. It is inconceivable that in this body, which has come to be known as "the greatest deliberative body in the world," a question involving, in the opinion of its Chief Magistrate, the defense and honor of the nation, should be determined *without any deliberation at all.* It is inconceivable that the Senate of the United States in what the future may show to be one of its historical moments *has "made up its mind" before a fact has been adduced, before an argument has been presented, before one word of discussion has taken place.*

So I am very sure that the Senator from Maine did not mean that the Senate had "made up its mind" without consideration. Surely he did not mean that this "greatest deliberative body in the world" is a mere automaton whose votes are herded and cast as the strings are pulled. No, I am sure he meant merely that Senators have had sufficient time, and each of them for himself has read all the arguments upon either side, and from the abundance of their information have made up their minds in advance; and that so completely were they posted that no further discussion was necessary or desired. Of course that is what the Senator meant.

I think it would be fortunate, Mr. President——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Maine?

Mr. BEVERIDGE. Certainly.

Mr. HALE. So far from in any way by my action last night at the end of a very wearisome day undertaking to prevent any discussion, I consented at once——

Mr. BEVERIDGE. Certainly; I said so.

Mr. HALE (continuing). To the proposition of the Senator moving the amendment that it should go over. I knew what the Senator from Indiana intended, as he had a right to do, to debate the subject and to give us one of the great speeches of his life, as he always does, and I entered no demurrer to that, and no objection. I simply did venture to say that so far as I am concerned I did not expect to take any of the time of the Senate upon this amendment, for the reason that I did not think it needed it.

It is not a new subject, Mr. President, as the Senator knows. It has been uppermost and talked about in the newspapers, and discussed at length after a most animated contest in the other branch, where it was decided by an overwhelming vote. It must be assumed that unless Senators have either failed to read the accounts and the news and the debates, or are waiting to hear what the Senator from Indiana will say before they vote, it is not in any way contemptuous of the right of debate that I said what I did.

The Senator ought not in any way to give the impression that I was trying to cut off debate. I presume most of the debate will be upon the side the Senator espouses so ably, as he always does. But the Senator must not be concerned if Senators on this side do not feel that it is necessary to take up the time of the Senate in answering him. I do not know but that other Senators do propose to answer him. My mind is made up on the subject, and it was made up a long time ago. While I shall listen with pleasure to the Senator I do not think that even he can convert me. All I meant last night was to indicate that so far as I was concerned I did not care to take the time of the Senate.

Mr. BEVERIDGE. I am very much obliged to the Senator from Maine for illuminating my poor remarks with his all too lucid explanation. The Senator will bear me out, for he is listening to every word, that I especially acquitted the Senator from indicating that *"the Senate had made up its mind" before debate had taken place,* although that is the language which I read from the RECORD that the Senator used last night.

As to what the Senator says about the kind of speech that I am going to make, that compliment, of course, I appreciate. But it shows the same knowledge of the future that the Senator indicated last night when he said that without a word of

debate upon one of the gravest subjects that can come before us the "mind of the Senate was made up" in advance. Nor does the fact that the House has passed the measure in a certain form relieve us, as the Senator seems to indicate now, from our constitutional right and our constitutional duty to consider it separately. Is not that why the Senate of the United States was instituted, and has not the discharge of that function been one of its greatest virtues and one of its greatest glories?

I repeat that in stating that "the Senate had made up its mind" *without a word of discussion or a word of debate or a moment of deliberation* upon a question which every foreign cabinet in the world is now watching for our decision, I entirely acquit the Senator of the imputation which those remarks might bear in some less kindly quarters, that the Senate was not what the American people have been proud to call it, "the greatest deliberative body in the world," but, as I said a moment ago, an automaton whose votes might be gathered and cast not by their judgment or their study. I distinctly said that I had no doubt the Senator merely meant that every one of the Senators here had heretofore read the evidence in this case privately, had considered the arguments pro and con, and needed no further light or thought. And *each Senator knows in his own mind and heart whether that is just what he has done and whether or not the vote he casts is upon that kind of preparation.*

I am sure that that is what the Senator from Maine meant, and that therefore, perhaps, although we who are speaking for this great measure may be merely speaking against a Senate *already convinced in a silent and secret way*—of course by their study and by their books—yet we may be permitted to go on merely as a matter of justice to ourselves and our record before the nation and before history.

But, Mr. President, too much time is consumed upon that, and I wish to come directly to the question.

"THE TRUE GRANDEUR OF NATIONS."

One of the first great pieces of literature that attracted my attention as a youth was the historic oration of Charles Sumner on the True Grandeur of Nations. It is one of the six greatest utterances that ever fell from human lips. There he summed up in words whose brilliancy was almost inspired all the arguments for peace. That great address has affected the sentiment of the world against war more, perhaps, than any utterance that has ever fallen from the lips of man. To that doctrine, from that day to this, I have heartily subscribed. It entered profoundly into my soul, and from then till now has influenced my judgment and my life.

With the single exception of honor, peace is the most desired thing upon this globe, and the recommendation of the Commander in Chief of the Army and the Navy of the Republic upon which we are soon to vote expressly states that *it is in the interest not of war, but of the nation's peace.*

Mr. President, one argument strikes us with mountainous distinction at the beginning of this discussion. The other day the Senator from Maine said that "war is impossible." "Where," said he, "will those legions come from?" We have heard that sentiment echoed in conversation in this Chamber. Every Senator who has personally spoken to me as intending not to support the President's programme of peace with honor has given as his chief reason that war is out of the question—impossible.

I hope that is true, but Senators must follow the logic of their premises. If "war is impossible," then every dollar that we vote to build up a navy is so much money filched without reason from the pockets of the people.

If war is "impossible," *as I hope it is*, then whenever we appropriate a single dollar for a single ship we take it out of the pockets of an industrious people for no purpose. So, if that argument is true, it is not only an argument against four battle ships; it is an argument against two battle ships, or one battle ship, or a single vessel armed with guns or covered with steel.

If, on the other hand, war is *possible*, then our Navy must be kept upon the basis of that possible contingency. Will any man say to-day that he is willing to stake his reputation and judgment for the future upon the assumption that our Navy is now adequate to answer in *any* war that may arise? If not, he condemns his own vote.

So if I believed that "war is impossible" I would vote against any Navy appropriation whatever. But if war is possible, then we must follow our logic and vote for a Navy commensurate with that possibility becoming an actual fact. Can any man escape that logic?

Mr. President, it is easy in times of peace to sneer at the possibility of armed conflict; but war, as was pointed out by the learned Senator from Mississippi [Mr. MONEY], who never speaks in this body on any question without enlightening and informing his colleagues, wars have usually been sudden, just as personal conflicts between men. Those who foresee them and prophesy them are usually laughed to scorn by those who claim that peace can not possibly end. But examination shows that in our own brief history as a nation the wars that we have had have suddenly sprung up when men were proclaiming they could not occur; and our history is full of instances where the most unexpected occurrences brought us to the very verge of battle.

TROUBLE WITH ALGIERS.

Go back, Mr. President, to our trouble with Algiers. The Tripolitan power was ravaging the seas, and within a brief time that war sprang into flame. There was where the gallant Decatur made for his name immortal fame; and it was on that occasion that his utterance also became immortal—"Our country, may she ever be right; but right or wrong, our country!" Yet statesmen, as wise as the Senator from Maine, said that that conflict was "*impossible.*"

Then, again, there were the embargoes early in our history which furnished the occasion for one of the most historic decisions of our Federal courts and almost precipitated us into a serious conflict, and no man could have foreseen six months in advance that it was upon us.

The proposition I am now discussing is the point made out by the Senator from Mississippi [Mr. MONEY] the other day, that wars in this country and wars in history—as I shall show from the Senator's own statement in a moment—have been *unanticipated by many of our wisest men.*

I now come to an instance which is within the memory of every man here, however young. That was the famous Mafia incident in New Orleans. In that case, Mr. President, several Italian subjects were murdered by a mob in Louisiana. The Italian Government the very next day demanded that justice should be meted out to the murderers on the one hand and an indemnity and apology should be made upon the other hand. The Italian minister pointed out what was undeniably true, that an express treaty stipulation had been violated; the treaty stipulation being that Italian subjects in this country were guaranteed the same protection that American citizens were guaranteed in Italy. No statesman, nothing short of omniscience, could have foreseen *twenty-four hours before the event* the action of the New Orleans mob.

THE MAFIA INCIDENT.

A protest was immediately made. Mr. Blaine replied that an outrage had occurred within the jurisdiction of a State, and that it was beyond the power of the American Republic, with whom Italy had the treaty, to carry out the provisions of that treaty to bring the offenders to justice, and denied their right to indemnity. The diplomatic correspondence continued for some time. The upshot was that the Italian minister was withdrawn from Washington. I have here his notification of withdrawal. He sent a note to Mr. Blaine saying that, in view of the strained relations of the two countries, or words to that effect, he was directed by His Majesty to leave the American capital.

That is how near, Mr. President, we were on the verge of conflict *within twenty-four hours before which no human being could have foreseen its possibility.* Finally the dispute was settled by the American Republic agreeing to Italy's demand and paying the families of the murdered Italian subjects $25,000, or something like that, in indemnity.

MR. CLEVELAND AND VENEZUELA.

Then, the next incident, Mr. President, was the famous Venezuelan matter. I hold in my hand an account of that. I will venture to say that seven days before Mr. Cleveland sent in his historic message—the Senator from Colorado [Mr. TELLER] was here, and should know, as is true of the Senator from Maine [Mr. HALE], the Senator from Rhode Island [Mr. ALDRICH], and other veteran Senators—*no human being here or abroad could possibly have foreseen the message of President Cleveland.*

Everybody remembers—all of us can remember—the tremendous wave of excitement that swept over the entire nation. I have always thought it was nothing but the forbearance of Great Britain and her statesmen, who, upon second thought, modified Lord Salisbury's first fervent language of indignation, that saved us from conflict. I will take the time of the Senate to read a brief account of this, because the opposition to the President's course has chiefly been put upon the "impossibility" of conflict; and I am showing how we have been on the verge of it, when no man, a few hours before, could have known it. Speaking of Mr. Olney's coming into office:

The vigor shown by Mr. Olney when Attorney-General, in enforcing law and order during the Chicago strike, he now displayed in conducting foreign affairs. With a boldness going to the extreme limit of

diplomacy he insisted, on the ground of the Monroe doctrine and of our essential sovereignty upon this continent, that Great Britain should submit to arbitration a long-standing boundary dispute with Venezuela. This being refused, Mr. Cleveland on December 17, 1895, sent to Congress a startlingly bold message on the subject, which rent the air like a thunderbolt. A declaration of war could hardly have produced more commotion. After recommending the creation of a commission to determine and report upon the true division line between Venezuela and British Guiana he said: "When such report is made and accepted, it will, in my opinion, be the duty of the United States to resist, by every means in its power, as a willful aggression upon its rights and interests, the appropriation by Great Britain of any lands, or the exercise of governmental jurisdiction over any territory, which, after investigation, we have determined of right belonged to Venezuela."

In the whole history of this Republic there never has been used language by the Chief Executive which was so near in itself a declaration of war. Our present President has been accused of violent language in delicate situations. I have, for the purpose of looking that over, gone carefully over his public papers and public addresses, and I can find nothing but guarded language. Suppose he to-day were to issue a message like the "conservative" President Cleveland—a message in which I am inclined to think, as the American people did at that time, that President Cleveland was right—he would be denounced from one end of the country to the other as a man who was plunging his country into the throes of war; and so the message of President Cleveland almost did. I think it was only the forbearance and the long and farsighted policy upon the part of the British statesmen that averted it. Here is what follows:

The two branches of Congress vied with each other in rallying to the President's support. The Commission was provided for at once by an act unanimously passed in both Houses, neither pausing to refer it to a committee. Wall street, however, took the other side. It was estimated the American securities fell in value from $300,000,000 to $500,000,000 in consequence of the message.

Mr. President, the next trouble that all of us have immediate knowledge of is the San Francisco affair. I shall take no time to describe it. It has upon this floor been many times clearly and startlingly set forth. The treaty, as claimed by Japan, was violated; as claimed by us, it was not. If it had not been for the final forbearance of the people of San Francisco in executing what they thought their constitutional rights, if it had not been for the delicate address of the President of the United States in handling that great question, there would have been a casus belli; and everyone knows that, not only in this country, but in every capital of Europe, everybody was discussing the possibility of armed conflict.

Mr. President, it was pointed out the other day by the Senator from Mississippi [Mr. MONEY] that our dual form of government makes our foreign relations difficult. Not forever can we depend upon the idea that foreign nations are going to consider that their treaties are not violated when their subjects are killed within our borders merely because it happens within a State; and if they should take the opposite view, whether right or wrong, war would be upon us.

Let me give an illustration, which I think will clearly show this fact to anyone; and do not forget that what I am trying to show is that in the past, and therefore in the future, the causes of war, and the conflict itself, spring up like a sudden flame from a match dropped in a pine forest; and the wisest of men declare them "impossible" even when the guns are being prepared for action.

Suppose, Mr. President, that in the State of California, or the Senator's State of Washington, or in any Pacific coast State, the race conflict should produce the lynching of a Japanese subject, as so many colored men have been lynched both North and South—suppose such a thing should happen for any reason and it were seen that the murdered man was not to blame; does any person doubt that Japan would demand redress? Does not everybody know that we could not give redress under our former interpretation of our dual system of government? These are matters in which war's possibility slumbers and which Senators upon their conscience, considering the safety of the Republic, have no right to sneer at or laugh at, and can not deny.

A POSSIBILITY NOT TO BE DENIED.

Mr. President, if time permitted, I should go on for a considerable space examining the history of our country upon this question, showing that in every conflict we have had clear up to the outbreak of the hostilities, in this Chamber and in the other Chamber, able, learned, and patriotic men have always said in every single instance that *war was absolutely "impossible;"* and yet within a few days we would find ourselves engulfed in its red torrent.

Now, Mr. President, concerning that very subject, in the Revolution right down to its outbreak—I have the books downstairs and could read them, but you must take my statement—it was predicted by the most conservative men in the colonies that there would be no break with Great Britain. It happens to be a fact of history that that war was fought and our independence won by the commonest of the common people in this land, led by a man who did not belong to that class—George Washington. It happens to be a fact of history that the commercial class of New York at that time were absolutely against the colonists; that they did not furnish a regiment or a company, and that the Declaration of Independence was itself opposed because it would "hurt business." On every hand there were able, sincere men who said that the Revolution was an "impossibility," and that nobody wanted to sever from the mother country; and yet the Revolution came.

Then, again, the same thing was said in fervid speeches concerning the Mexican war; and yet the Mexican war came. Then in the civil war down to within six months of that conflict there were eminent men who declared it could not and must not come, and that all talk of it was what was called in Boston "rubadub agitation;" and yet the civil war came, came with all of its dreadful horrors, came with all of its glories for the soldiers who served on each side of that historic strife.

Mr. President, we do not need to go back to that to show that the prophets of peace, who always have been laughing down the "possibility of war," are not entirely accurate. I hold in my hand the CONGRESSIONAL RECORD, and I quote from the able speech made by the Senator from Maine [Mr. HALE] prior to the outbreak of the Spanish war, where he says:

There never was a war that had in it the elements of an honest and sincere struggle for liberty against oppression that did not arouse not only the sympathy, but the active aid of hundreds and thousands of gallant men, and this insurrection—

That is, the Cuban insurrection—

has excited none of that feeling in this country.

That is what the Senator from Maine [Mr. HALE] then said.

SPANISH WAR NOT FORESEEN.

The Senator at that time was very anxious that war should not come. I happened to be, in my humble way, as a private citizen, in exactly the same position. Those who were hounding President McKinley to put forward a war were, in my judgment as much as in the judgment of the Senator from Maine, very imprudent, to say the least; and yet this instance shows how the most careful men may be wrong about a historic incident, for *within two or three months from the time the Senator from Maine uttered that speech we were engaged in the Spanish conflict.*

Then I remember another thing. I went some years ago, in 1901, through Manchuria before it was opened to the world. I believe that I was the only person permitted to do so while it was still closed. An English officer was arrested near Mukden and sent out of the country. Mr. Wirt Gerrare, another Englishman, went through disguised. When I got through there and after a visit to Japan, I came to the conclusion that war between Russia and Japan was absolutely certain.

Upon returning to America I put my views and the reasons for them in writing in magazine articles. I remember of having talked to certain very eminent gentlemen in public life at that time, who were literally contemptuous of the possibility of that dreadful conflict that later came. I said at that time that it appeared to me, from an examination on the ground, that war must come in five years—*and war did come in exactly five years.* The Senator from Maine will remember that later on, about the time these papers were consolidated into the form of a book, I had a very long conference with him upon the question whether, after all, that great conflict was possible.

He showed me so convincingly that *it could not come;* that the financial situation in each country was such as to make it "*impossible;*" that the enlightened opinion of the world would prevent it, that I actually modified the chapter upon that subject, saying that it was a "probability" instead of a "certainty;" and yet in *three months* from the time of that long and, to me, most interesting and valuable conference, *war between Russia and Japan was filling all the East with its thunders and the rivers of Manchuria with blood.* So we see how mistaken the Senator then was as to the "impossibility of war."

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Maine?

Mr. BEVERIDGE. Certainly.

Mr. HALE. I do not remember the conference as distinctly as the Senator has stated it.

Mr. BEVERIDGE. It made an impression on me.

Mr. HALE. But I have no doubt the Senator is correct, and that I did not at that time suppose that a needless war would be precipitated between those two peoples. What I am now thinking of is not whether either the Senator or I guessed right about that war. We did not appreciate the nearness of the two

countries and the inevitable questions that had already arisen, and which would not down, nor did either he or I appreciate the aroused spirit of Japan, not intense for conquest then, but the proper national self-assertion and power to maintain it that had grown up in Japan. Neither the Senator nor I guessed right, because we did not appreciate the situation.

I wish now the Senator would tell the Senate whether he thinks there is the slightest similarity between the conditions then existing enveloping the action both of Russia and of Japan, near neighbors, contending about contiguous territory, with a hostility that had been developing for years, and when the Senator was as confident that there would be no war as he was that Russia would prevail if there were war——

Mr. BEVERIDGE. The Senator is wrong in both those statements. [Laughter.]

Mr. HALE. Then I take that back. I certainly got the impression that the Senator believed that Russia would prevail. I certainly believed so.

Mr. BEVERIDGE. On the contrary, I believe it is true that I was the only writer upon that subject, excepting only Colonel Gadski, of the German army, who said there was any possibility of Japan's winning the contest; and, furthermore—and it was referred to after the war had ended by an editorial in a prominent paper—I SAID IN MY BOOK *that Japan could in three weeks land an army corps in Korea* and establish and defend a line of transports. More than that; I said in my book that *Japan could occupy Korea and drive the Russians back in Manchuria* and that the Russians would have——

Mr. HALE. Well, I did not know——

Mr. BEVERIDGE. The other point about which the Senator is wrong is this: I did think, not only that war was not possible, as the Senator says, *but that* it was *absolutely certain.* Five years before it took place, in published magazine articles, I said that *within five years there would be war between Russia and Japan.* I modified that only three months before the war occurred because of the long conference which I had—and I always seek them—with the Senator from Maine, whose wisdom I then followed, and follow now wherever I can, if my reason permits me. [Laughter.]

Mr. HALE. I did not know that the Senator had taken this matter up and predicted it five years before. I did not know that he was such a long-range prophet. But the essential thing now is—and I should like the Senator to tell the Senate—whether he thinks there is any similarity between the conditions that enveloped both Russia and Japan, which resulted in war by Japan moving first, and the present conditions affecting the United States and Japan.

Mr. BEVERIDGE. The Senator first makes a statement and then asks a question. I will take them in their order. He says that we were both mistaken; that we had not rightfully appreciated the situation, although the searchlight of the world was directed upon that spot. That is precisely the point I am making. I am trying to show that the gravest wisdom, the most careful foresight, the most experienced statesmen—and it does me great pleasure to say the Senator from Maine is a high example of them—have often been mistaken in their forecasts of conflicts.

The Senator by his remarks now shows what I am trying to prove, that if the Senator was then mistaken he has only been one of the great company of statesmen which through all history have been similarly mistaken as to the possibility of war; and we can easily see why humane men with tender hearts, such as that of the Senator from Maine and all Senators here, shrink from the possibility of conflict. We wish it will not come, and therefore we think it will not come, and in the instance mentioned is a splendid illustration before us of how even the wisest and most careful men, such as the Senator from Maine, may be mistaken concerning the most dreadful events.

Now, as to the question the Senator asked me, if there is any similarity between our position with any power and that of Japan and Russia, Mr. President, the Senator will certainly agree, on second thought, that *that is a subject into which we can not here go.* He well knows that it is impossible for any Senator on this floor, even in executive session, to analyze the possibilities of conflict with a now friendly power, *specifically naming it.* When I read the debates in the House, admirable as I thought those debates were, it was a source to me of sincere regret that powers were mentioned *by name* and the certainty of conflict pointed out. I only wish it were possible, for purposes of discussing this solemn prayer to us made by the Commander in Chief of our Army and Navy under his constitutional duty to the Republic, to discuss certain questions. But we can not specifically do so. *We can do so in general only.*

Mr. HALE. Mr. President——

Mr. BEVERIDGE. Pardon me a moment. The limit of our debate is to point out in this public way the necessity for our preparedness and the extent to which other nations, now, and as we hope always to be, friendly, have themselves prepared. *What the Executive may have in his possession no man knows.* Doubtless he has his reasons. Since I have read that message I have gone over the other messages of President Roosevelt, and nowhere can I find the solemn words which he there uses, and that is the reason why I do not answer the second question of the Senator from Maine.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Maine?

Mr. BEVERIDGE. Certainly.

Mr. HALE. I agree entirely with the Senator that to discuss and point out these specific dangers, the imminence, the threat of war with any nation, under existing circumstances, is not a question we should go into here in open session, and ought not to often, except under the greatest stress and provocation, in executive session.

I should not have put the question to the Senator if he had not labored so continuously upon the danger of war, the possibility of war, the likelihood of war, as the strength of his case for the larger increase of the Navy.

Mr. BEVERIDGE. Will the Senator pardon me?

Mr. HALE. And the instance——

Mr. BEVERIDGE. I was willing for the Senator to interrupt me. May I not interrupt him?

Mr. HALE. Certainly.

Mr. BEVERIDGE. Is there any other legitimate excuse for our building a navy at all?

Mr. HALE. Oh, no; I do not agree with the Senator in that.

Mr. BEVERIDGE. I am asking the question.

Mr. HALE. I think there is a point we can reach, which we have reached, where we have a sufficient navy for defense; and we have no war. But that is not what is between the Senator and me now. The Senator persistently rested his case upon the danger of war, the likelihood of war, the instances whence sudden war was precipitated upon us, and while he did not in terms select the nation, the people, though he did by reference, he made this whole question revolve around the possibility or probability of a war as the reason why we should increase the naval establishment.

I am sorry he did, Mr. President. I think that in itself is an alarming thing. I do not think that condition—and I have no right to arraign the judgment of the Senator—and that danger should be too much pushed if there is any sensitiveness anywhere; and it was only because of that that I asked the other question, which the moment I asked it I saw I did not want the Senator to answer.

Mr. BEVERIDGE. The Senator, without any intention, evades the point I was making. The Senator, however, in doing so, again repeats the chief argument of those who are against granting the Commander in Chief's request by saying, a moment before he sat down, that we can not possibly have any war.

I started the debate by saying that if that is true, then every cent devoted to the Navy is filched from the pockets of the people. If it is not true, and war is a *possibility*, then the Navy must be upon the basis of that possibility becoming a fact. It was to show that it is unsafe for us as legislators to go upon the prophecy that "war is *impossible*," which the Senator has again made, that I have been citing all these instances, ending with the Senator himself showing that the greatest statesmen of our history have been mistaken about that fact. That, therefore, destroys the argument that Senators may have for voting against the President's request, because if the greatest statesmen in this country, including the Senator from Maine, have been emphatically mistaken upon that question, we must not trifle with the interests and the safety and the honor of this Republic by going upon any such assumption. That is the point I was making.

Now, then, in reference to the rights upon this floor, as to what I think we should do, I think we can examine the state of preparedness of other nations. I think we can use them as an example. But so far as I am concerned, *I do not think that in this open forum or even in executive session we ought to discuss the probability of conflict with any specific power.* I think if we could freely do so, there would not be very many votes against this proposition.

I concede that a number in the Senate of the older Senators, the veteran Senators, whose excellent examples I have before me, take the other view, that there can not *possibly* be any war; and yet there is an eminent weight of authority to the contrary. I have here what I am going to have read merely because it is from one of the most eminent public men in the United States. It was made in a public speech, and repeated in a public speech, and printed conspicuously in a Washington newspaper. I send to the desk and ask to have read the ex-

tracts marked "1" and "2" in their order from the speech of Mr. Justice Harlan of the Supreme Court of the United States.

The VICE-PRESIDENT. Without objection, the Secretary will read, as requested.

The Secretary read as follows:

Mr. Justice Harlan, addressing the delegates to the third annual banquet of the Navy League, held at the New Willard last night, looked into the future for a few years and saw there the threat of a "yellow peril," which shall involve this earth in the most frightful war in history. The rugged old justice, "a soldier of the civil war and not a Jingo," he said, drew a picture of what our Navy should be, and why it should be what he advocated.

There were other speakers at the banquet, which was preceded earlier in the day by receptions to the members of the Navy League by President Roosevelt and Admiral Dewey. Other speakers there were besides Mr. Justice Harlan, but they were speakers who took perhaps the same view as the great Kentuckian on the need of an increase in the Navy and who saw no such yellow-lined clouds in the Far East as he saw and spoke of to those present.

* * * * * * *

There is no such thing as friendship between nations as there is between men.

Do you think that England cares a cent or that Germany cares a cent about the increase of our Navy?

Their respect for us depends upon their belief that we can take care of ourselves. I want to see our Navy such that no nation on the earth could think for a moment of forcing a contest or entering into a contest with us.

I do not say that we will have war in the near future, but looking into that future it seems certain that there will be a conflict some day that will shake the earth. If it falls upon us, and I do not say that it will, I want to see our country in a position to meet it.

I want to see the country in such a position that no nation on earth can ever dare to go against it. I want to see $50,000,000 a year for ten years spent on our Navy. I said that one year ago at a banquet of this league, and I wish to say it again.

Mr. BEVERIDGE. Those are not the words of an excitable man. They are not the words of an alarmist. They are the words, most maturely considered—because the justice says he has repeated them twice—of one of the greatest justices that ever sat upon the bench of the Supreme Court.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. Certainly.

Mr. SMITH of Michigan. I should like to suggest to the Senator from Indiana that the conservative author of that article is no more conservative than was the distinguished Senator from Vermont, Mr. Proctor, whose utterances upon this floor just preceding the Spanish war, in my judgment, did more to bring on that war than anything that took place in the country that year. I remember very well his remarkable speech, without any attempt at oratory or embellishment, in which he related in this Chamber a tale which it was my pleasure to hear. I had heard the facts stated by him denied again and again by Senators here, and that simple, plain story of the actual condition which existed in Cuba really provoked our controversy. To the honor of his memory be it said that he spoke truthfully, fairly, and justly. Now, if the Senator will permit me for a moment further?

Mr. BEVERIDGE. Certainly.

Mr. SMITH of Michigan. I dissent wholly from the idea that war is at all imminent. I do not see a single war cloud——

Mr. BEVERIDGE. I do *not think so either.* My argument *has been upon the contrary.*

Mr. SMITH of Michigan. I do not see a single cloud in the world's horizon which menaces our peace or our good order. I could not justify my vote in favor of the amendment of the Senator from Washington upon any theory that we are near war or that it is at all remotely possible. But I will base my vote, if I shall vote for this amendment, upon the idea that the President of the United States, who has the direction of our diplomatic affairs in his hands, has asked that it be done; and it is just possible that the President may desire this done in order to aid in the accomplishment of some diplomatic advantage to our country with which we are not familiar and about which perhaps we have no right to inquire.

Mr. BEVERIDGE. I agree with all the Senator has said, and I am very much obliged for his most informing interruption. I shall not now quote any more eminent authorities, but I quote this one merely to show that all the opinions as to the possibility of war are not upon the side that it can not *possibly* occur. I am quoting Justice Harlan to show that one of the most eminent men in the nation thinks differently from the Senator from Maine; and where great, honorable, patriotic men differ, we have no right to trifle with possibilities. That is the point. And all of this was done because the argument has been made time and again that such a thing *is not possible.* I am showing to the contrary.

This thought occurs to me in that connection. Justice Harlan was a soldier, a great soldier, and I observe that the men who are most determinedly against war are the men who themselves have tasted its bitterness, and they are the men *who want to take measures to prevent it.* They know its horrors.

The justice whom I have quoted is a man of perhaps about the same experience in public affairs as the honorable and distinguished Senator from Maine, but he went through four years of desperate conflict. He knows what it means, and in reading literature upon this subject I have found that not only are those men who have been in the war the most fervid apostles of peace, but that knowing what war really is from personal experience they also know how to take a definite and concrete means to prevent it.

NAVY INSURES PEACE.

This is not a war measure. Senators, THIS IS A PEACE MEASURE. A big navy insures peace. That, Mr. President, is the consensus of practically every statesman in the world. Since the debates in the House I have been looking up as carefully as I could some of the statements of foreign statesmen as well as our own upon the subject. Every one of them wants peace and every one of them regards an adequate preparation for defense as the greatest guaranty of peace. A big navy would have saved us from war and humiliation in 1812. At that time the British inflicted upon us a humiliation that still burns in the blood of every American. They destroyed our cities; they came up the Potomac and captured and burned the Capitol of the Republic. They drove the Administration out. We would have had no war if we had had at that time a powerful navy.

I have had it stated to me by men whose judgment I am compelled to trust, not excitable men, men careful, studious, experienced, that had *we had three more first-class battle ships before the Spanish war, that whole controversy would have been settled as the Senator from Maine so wisely labored to have it settled, by the peaceful methods of diplomacy instead of by battle on land and on the high seas.* It was believed in every admiralty of Europe that the navies of Spain and the American Republic were nearly equally matched, and Spain was literally driven to a test of strength. Four more ships of the first class would have shown to the world that she was overmatched. She would have been excused in the opinion of nations in determining that conflict by means of diplomacy. But we did not have the four battle ships.

Mr. DIXON rose.

Mr. BEVERIDGE. Excuse me for a moment. There was at that time the same resistance to an increase in our Navy that there is now. We heard the cry of "economy." While those battle ships would have cost us a few millions, they would have saved hundreds of millions of dollars and thousands of lives. On which side lay the "economy" in that proposition?

Now I will hear the Senator from Montana.

Mr. DIXON. The Senator from Indiana has described how narrowly we averted war with England during the Venezuelan trouble.

Mr. BEVERIDGE. Yes.

Mr. DIXON. How many battle ships did we have at that time?

Mr. BEVERIDGE. During the Venezuelan affair?

Mr. DIXON. Yes. Did we have any?

Mr. BEVERIDGE. I do not know. At that time—it is to the eternal honor of the Democratic party—the Navy had just begun its modern building.

Mr. DIXON. How many war vessels did we really have?

Mr. BEVERIDGE. I do not know; and I repeat what I have twice said, that after President Cleveland's message, which historians call a practical declaration of war, conflict was averted only by the self-restraint, the settled policy, and the foresight of British statesmen, and not at all because of the fact that we were weak on the water. Lord Salisbury at first flung back our challenge in our teeth, but after they had considered what the future held forth, what they hoped to be the relation of that nation to our own, it was forbearance which prevented conflict and not our weakness.

Now, I want to call attention——

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. BEVERIDGE. I am perfectly willing to yield; I invite all interruptions; but merely to ask questions.

Mr. BACON resumed his seat.

Mr. BEVERIDGE. I do hope the Senator will present his question.

Mr. BACON. It is immaterial.

Mr. BEVERIDGE. Now, I will give another illustration. After Japan's war with China Japan exacted as her indemnity the cession of the Liaotung Peninsula. That is the peninsula

on which Port Arthur is located. It is perhaps the richest portion of Manchuria. After the cession had taken place, Japan was compelled in a subsequent treaty to recede the Liaotung Peninsula to China. It was the recession of that peninsula, the robbing of Japan of the fruits of her victory, that brought on the Russo-Japanese war.

Very well! *Had Japan at that time had the navy she now has*, she would never have been compelled to give up the Liaotung Peninsula and Port Arthur. She was forced to do it by a demonstration in her waters of the strength of the combined navies of Russia, Germany, and France.

The only reason she yielded on the one hand and the only reason the other nations made their demonstration to force her to yield on the other hand was her naval weakness at that time. Had Japan at that period had the navy she has to-day, the Liaotung Peninsula never would have been taken from her, a casus belli never would have existed between her and Russia thereafter, and the greatest conflict of modern times would have been averted by the ownership by Japan of six battle ships at the end of her war with China.

Does it impress Senators as to the importance of building battle ships, when we consider the treasure that Russia spent, the treasure that Japan spent, or the treasure lost that would have been saved as a matter of history by *six battle ships* at the time Japan was forced to give up the Liaotung Peninsula?

Again, after Japan had been forced to give up the Liaotung Peninsula, had Russia, before the outbreak of her war with Japan, *had a great first-class navy in Asiatic waters* there is no question in the mind of any student of eastern and oriental diplomacy that the difficulties between Russia and Japan would have been *settled by diplomacy* instead of upon the battlefield. These are illustrations vividly in the minds of all of us that a few battle ships on each side would have saved the conflict at last and the cause of it at first.

Mr. President, most wars of recent times have been settled by their navies; and what has been the cost of these wars? We talk about the great expense of four battle ships. Those four battle ships, as I have shown, before we had our war with Spain would have settled that conflict by diplomacy. We did not have them. We got into the conflict because of that.

What was the cost of that in money by the lowest estimate? More than one billion dollars, and those who take another view of it from what I do place the cost at more than $1,400,000,000.

Was that all? No; the life of every soldier who fell beneath the flag.

AN ECONOMY.

"Economy!" "A stitch in time saves nine." *Four battle ships, costing a few million dollars, would have saved us hundreds of millions of dollars and thousands of priceless lives* in *the Spanish conflict.*

I am amazed and astounded when Senators talk about "economy" in so grave a question as our national safety and our national honor. *It is "economy" to maintain peace. It is always extravagant to go to war.* We can maintain peace, as I have shown you from these historic examples in our own experience and under our very eyes, by an adequate preparation for war.

The expense of the Navy! Well, Mr. President, we are not the only good business nation in the world. The English are businesslike, perhaps the greatest commercial nation the world ever saw, and they have the greatest navy in the world. Those hard-headed, conservative business men and shopkeepers of Great Britain have as a matter of financial policy considered that to have a navy double the size of any other European country was for her the greatest "economy."

The English people are perhaps the best merchants the world ever saw, except only the ancient Phœnicians, in whose naval policy they concur. Has anybody ever supposed that they were building their navy for anything but reasons of "economy?" But they have considered the lessons of history, they have considered the lessons of our war with Spain, of Russia's war with Japan, and they have seen that the expenditure of a few million dollars on battle ships so as to make the navy so large that no nation could go to war with them was the best "economy" for their exchequer and the best prudence for the lives of their subjects.

Germany, Mr. President, is supposed to be a provident nation. Has anybody ever heard that the prudent, the saving, the cautious, and the commercial German people were not economical? And yet they are maintaining a great navy. Let no man suppose that it is the opinion of the German Emperor that does this.

Mr. PERKINS. Mr. President——

Mr. BEVERIDGE. In one moment I will yield. He could not lift his finger upon this great naval national programme if he was not backed up by the German people. Ever since he gave expression to that famous motto of statesmanship with which he started out, "Drang nach oston"—Push to the East—and that other great commercial maxim, "Germans, our future is on the ocean," the German people have been back of him, and have reenforced him in his naval policy; and the German people, economical, prudent, farseeing, businesslike and wasting never a cent, have, as a matter of economy, embarked upon a policy of the greatest possible navy they can have.

Now, I yield to the Senator from California.

Mr. PERKINS. I dislike exceedingly to interrupt the Senator from Indiana.

Mr. BEVERIDGE. That is all right.

Mr. PERKINS. I simply rose to ask a question for information. Great Britain has the largest navy in the world. We are second only to Great Britain. Within the past few years she has been through a great war. I want to ask the Senator from Indiana if her navy prevented her from having the Boer war.

Mr. BEVERIDGE. Without her navy she would have been totally helpless in the Boer war. It was her navy——

Mr. PERKINS. It did not prevent it.

Mr. BEVERIDGE. It did not prevent it, because it was exclusively a land war. It is getting late, or I would cite more examples. I say that but for her navy England would have been engaged not in innumerable, for I want to be moderate, but in numerous wars within the last fifty years. Whether the Senator thinks this or not, that seems to be the view of the British statesmen, backed up by the hard-headed, plodding, slow-thinking, sane, safe, and considerate commercial English people; and perhaps they know their business.

Now, I come to the French. Their providence in money matters is proverbial. Yet I shall show in a moment the number of battle ships that they have now laid down and that they have provided for. France, mark you, is a republic. Germany is a limited monarchy. We all know about England. Is it possible that these three most economical people in the world, in deciding on this great naval policy for themselves, have deliberately determined upon a policy of extravagance? No, Mr. President; they have determined upon a policy which will insure their people peace. That is the reason why they do it.

Mr. President, the frugality of Japan is known throughout the world. Every man who visits that wonderful Empire is consumed with admiration for the frugality as well as for the courtesy and the industry of that people. They are not spending an extra cent where they can help it. Their resources are not great; neither are Germany's resources great. Yet Japan, of necessity having to have an "economical" policy, is also building up a great navy.

Have Senators ever thought of the differences in the resources, for example, of Germany and the American Republic? They are not to be compared, they are only to be contrasted. Yet with comparatively meager resources she is building up one of the great navies of the world. I shall come in a moment to her naval programme.

Take, for example, the navy which Japan is building up. Japan with a niggardly soil upon her hillsides, Japan with not many resources, Japan with few mines, but Japan with a wonderful energy that is capturing the markets of the East—what is she building a navy for? To use it against anybody? To use it against China? No; for China has no navy. To use it against England? No; for England is her ally. To use it against France? No; for she makes loans in France. To use it against Russia? No; because Russia's navy is destroyed. To use it against Germany? No; because their interests do not conflict. Against whom, then? Against us? Certainly not. We are on friendly terms and I hope always shall be.

Mr. KEAN. We have Japanese loans also.

Mr. BEVERIDGE. Perhaps we have. I do not know how much loans we have; but, anyhow, it could not be against us, because we are friendly. We opened their ports to the world.

Now, then, for whom is this great navy being built by Japan? Why, it is too clear. It is not being built for anybody. They are just wasting the people's money on purpose. They are building a navy as a practice, an adventure. It is too plain that they can not use this navy against anybody. It is too plain that the statesmen of Japan are taxing their people until those people's backs are bending under the burden for no purpose on earth.

Mr. President, I want to call attention to what we have paid for our Navy compared with other powers. I have heard that we have made extravagant appropriations. I have the figures here. It is just as well to consider figures once in a while in their large meaning. I find that the estimated wealth

is, of the United Kingdom, $59,000,000,000; France, $48,000,000,000; Germany, $40,000,000,000; Italy, $15,000,000,000; Russia, $32,000,000,000, *and the United States $107,000,000,000.*

According to our comparative wealth which our unprotectedness lies open to attack, our expenditure for naval appropriations for 1904, the time these figures stand for, was a fraction under one-tenth of 1 per cent, while that of Great Britain was over 2 per cent, that of France was 1.3 per cent. Ours was infinitely less, not a little less, not twice as small, but *tremendously smaller than the appropriation of any other naval power in the world compared with our resources.*

Now, I want to call the attention of Senators to another fact. In the *last seven years* Great Britain has spent in her naval programme $1,200,000,000. The total appropriations for the United States Navy, beginning with 1883 (the practical beginning of the new navy), up to and including June 30, 1907, amount to $1,244,651,029.94, or the same amount practically that Great Britain has spent *in the last seven years alone.*

Great Britain has spent in *seven years* last past as much as we have spent in the last *twenty years*, from the time that William C. Whitney began the construction of our modern Navy. This covers a period of twenty-four years, and represents all appropriations of every kind for naval purposes, including the conduct of naval operations during the war with Spain.

Mr. LODGE. If the Senator will allow me, I am sure he does not mean to do an injustice——

Mr. BEVERIDGE. No; I do not.

Mr. LODGE. To the ex-Secretary of the Navy. The new Navy was begun by Secretary, afterwards Senator, Chandler. The first three ships were built under his administration, and he did what was even more important—he secured from Congress the percentage limitation on the repair of ships, which put the old ships out and enabled us to get new ones.

Mr. BEVERIDGE. I am very glad indeed for the Senator's correction. It has been stated so often, and it illustrates the point in this debate, that Mr. Whitney was the founder of the new Navy that I have taken it for granted, as I have seen so many things taken for granted here that are not investigated. [Laughter.]

Mr. HALE. When the Senator arrays the expenditures of Great Britain, and says that in the seven years they have spent as much as we have spent in twenty-odd years, he must remember that a very much greater part of England's expenditures is made upon the maintenance and running of her immense fleet already built, and extending back for years. But if the Senator will take the programme for the building of new ships for the last five, six, seven, or eight years, aside from the running expenses of the Department, he will find an entirely different condition. I have it here stated.

Mr. BEVERIDGE. I have it. It is 25 per cent of the total.

Mr. HALE. I am not talking about the total.

Mr. BEVERIDGE. I am talking about new construction.

Mr. HALE. In the last few years we are beating all the world except England, and I think we are almost or quite up to her on new construction.

Mr. BEVERIDGE. No, Mr. President; I have the figures here.

Mr. McCREARY. The Senator from Indiana was just referring to the commencement of the new Navy. There is no doubt but that the appropriation of money was made and the first battle ship was built while Mr. Whitney was Secretary of the Navy.

Mr. BEVERIDGE. Now, Mr. President, I will not dwell longer upon the financial side of this question. I have shown the tremendous *economy in actual cash*, in human life, and in the progress of civilization itself which a comparatively small expenditure would have made in the recent history of this country, of Russia, and of Japan.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Certainly.

Mr. GORE. I merely wish to inquire whether it is the practice in Japan to let contracts for battle ships exclusively to Japanese contractors, requiring them to be built exclusively in Japanese shipyards, or whether the Japanese Government lets contracts for battle ships to other bidders, without reference to the residence, citizenship, and nationality of bidders or the location of the shipyards?

Mr. BEVERIDGE. I will say to the Senator that I have a very distinct impression, an impression so distinct, I will say, I might call it a fact—but I am determined this afternoon to be careful about every statement I make—that Japan has every Japanese shipyard filled with new construction of battle ships, and that, in addition, she is building so rapidly that she has had one, and possibly two, constructed abroad. At all events, the building of the new navy of Japan is proceeding with great speed. That is as near as I can answer the Senator.

Mr. HALE. Mr. President——

Mr. BEVERIDGE. I will yield to the Senator.

Mr. HALE. The question raised by the Senator from Oklahoma is answered, I think, by the statement that the internal development of Japan has been such that within the last two or three years most of her building is in her own yards. Before that she went outside. I suppose what the Senator wanted to establish was the fact that Japan did not insist upon building everything at home with home material. That is undoubtedly true, but more so in the past than at present. However, the extent of the real programme of Japan is not so great as the Senator from Indiana believes. But that will be brought out later in the debate.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Certainly.

Mr. GORE. I desire to ask the Senator from Maine a question. Is it true that Russia has recently contracted with English shipyards for the construction of six large battle ships, exceeding, I believe, the capacity of the *Dreadnought?*

Mr. HALE. No; I do not think that is true. It has been rumored, but there is no proof that it is true. Russia has made contracts heretofore and is now making contracts outside of her own country and her own yards. In fact, our yards have furnished ships for Russia.

Mr. BEVERIDGE. Now, Mr. President, I come to the question of the comparative navies of the world as they are building to-day. It must be remembered that since the Russo-Japanese war the question of naval warfare has undergone a revolution, just as is always the case after a great war, and there is progress in naval construction. It is now considered by every naval authority in the world, I believe, without exception, that the approved type of a vessel both for offense and defense is the great battle ship of the *Dreadnought* type.

England has or is building of this type *eight* great battle ships unequaled in the world, the *Dreadnought*, the *Temeraire*, the *Bellerophon*, the *Superb*, the *St. Vincent*, the *Vanguard*, and the *Collingwood*, and has one more on this year's programme. She is also building what are called great armored cruisers, but those armored cruisers are equivalent to a battle ship. I have it upon the highest possible authority that within two weeks a great constructor of the British navy, who perhaps I ought not to name, has declared in private conversation that there is no substantial difference between the battle ships of the *Dreadnought* type and the armored cruisers of the eighteen and nineteen thousand ton type. It is a very easy device to which nations resort to call a new vessel not a battle ship, but a cruiser.

Of these cruisers she has now or building *five*, making substantially in all *thirteen of the most modern and powerful battle ships in the world.*

Of France there are *six* of the *Danton* class. That is, nearly 19,000 tons.

Mr. LODGE. Before the Senator leaves the English list——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. BEVERIDGE. Certainly.

Mr. LODGE. England has one of the large type of the *Dreadnought* afloat; she has three building, and three authorized, but not begun.

Mr. BEVERIDGE. And one more. That is what I said.

Mr. LODGE. I do not find the one more.

Mr. BEVERIDGE. I am very much obliged to the Senator for confirming my own information.

Mr. LODGE. She has only one afloat and three building; that is all.

Mr. BEVERIDGE. I said, and my words can be proven in the RECORD, that she has either building or afloat——

Mr. LODGE. Four.

Mr. BEVERIDGE. Building makes it more important than if they were already afloat, because they are on the stocks. She has all told, authorized, building, and afloat, eight.

Mr. LODGE. The eighth I do not find on this list.

Mr. BEVERIDGE. I have this authority directly from the Department itself.

Mr. LODGE. This is the official list that I hold in my hand, and I am looking for the eighth, but I do not find it.

Mr. BEVERIDGE. There is one more, and I shall tell the Senator how he will find it. It is on this year's programme. You will find it under that caption.

Mr. LODGE. It is not yet adopted.

Mr. BEVERIDGE. Yes.

Mr. LODGE. Parliament has not passed the naval estimates this year.

Mr. BEVERIDGE. But it will pass it. There is no question about that.

Mr. LODGE. I am not speaking about what it will do.

Mr. BEVERIDGE. The Senator from Maine gave a statement of the Navy a moment ago and included these two battle ships.

Mr. LODGE. They have not begun on them yet.

Mr. BEVERIDGE. But they have authorized three or four.

Mr. LODGE. Now, about the cruisers. I only find three large cruisers.

Mr. BEVERIDGE. There are three of the *Invincible* type and two of the *Lord Nelson* and *Agamemnon* type, which makes five.

Mr. LODGE. The *Lord Nelson* is a battle ship and not a cruiser, and is no bigger than our *Connecticut*. She is not of the class I am speaking of—armored cruisers. The *Shannon*, the *Minotaur*, and the *Defense* are 14,000-ton cruisers. The only three big cruisers are the *Indomitable*, the *Inflexible*, and the *Invincible*, and those are building.

Mr. BEVERIDGE. I think my information, which I am giving now—and the Senator is confirming it—is quite as accurate as that the Senator can have; and I find in this statement——

Mr. LODGE. I am not confirming it, I think.

Mr. BEVERIDGE. Then, overthrowing it—whatever the Senator is doing.

Mr. LODGE. I am only trying to get the facts.

Mr. BEVERIDGE. I do not know whether the Senator is insinuating that I am not giving the facts here or not.

Mr. LODGE. I am not insinuating anything, Mr. President. I am trying to get the facts as to the number of British ships.

Mr. BEVERIDGE. And I am trying to give them.

Mr. LODGE. And I have here before me the official statement, which shows one *Dreadnought*, three building of that class, and three which are authorized, and it shows three large armored cruisers building.

Mr. BEVERIDGE. Now, is the Senator through?

Mr. LODGE. Yes; I believe I am for the moment.

Mr. BEVERIDGE. We have heard the naval policy of these other powers minimized. The *Danton* class is 18,350 tons. They are practically *Dreadnoughts;* and there are "six more of 21,000 tons each," which are proposed for this year.

Mr. HALE. France has no such programme as that.

Mr. BEVERIDGE. The Senator from Maine says that France has not. I say upon the authority which I hold in my hand here, which I am sure is the most accurate that can be obtained by our Government, that France has this programme for this year.

Germany has *four* now building. The first, the *Nassau*, has been launched.

Three of programme 1908. *Money already voted,* and to be begun at once.

For several succeeding years, THREE ADDITIONAL BATTLE SHIPS PER YEAR HAVE BEEN AUTHORIZED.

In addition to these battle ships, armored cruisers to equal the English *Invincible* have been authorized at the rate of one per year, commencing 1906. THAT MAKES FOUR *of the greatest war ships on all the oceans to be builded* EACH YEAR.

In Japan the actual facts could not be found, but we all know that they have the "*Satsuma* (19,200 tons) launched, of the *Dreadnought* class; *Aki* (19,800 tons) launched; and two battle ships (about 20,000 tons) to be laid down this summer." The world knows that much; and the world also knows that Japan like other nations know very little of what she really is doing.

That is as far as we can get information concerning the construction programme of the navy of Japan.

That is what other powers are doing. Why, then, should Senators hesitate about these four battle ships?

Consider Brazil. Even Brazil is now building in England three battle ships of 19,200 tons each—three *Dreadnoughts*. That is Brazil, mind you.

Mr. HALE. How many has she got now?

Mr. BEVERIDGE. I do not know how many she has got now. Perhaps she is just building as we began to build our Navy some time ago. I shall come to our Navy in a moment.

When we find just what the naval programmes of other nations are, we find that this request of the President is modest compared with what they are actually doing.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Yes; I do.

Mr. ALDRICH. The Senator from Indiana has evidently given great attention to this subject, and I hope, before he concludes his remarks, he will give us the benefit of his advice and judgment about how large a Navy we ought to have.

Mr. BEVERIDGE. Yes; I will. I will, indeed. To begin with, I would say that the first thing is that, considering all that has been stated in figures and facts, we ought to begin it and, if necessary, end it by granting the prayer of the President of the United States, solemnly made to us at this juncture. If it eventuates next year that they are not needed, nothing is lost; we do not have to build any more. If it eventuates that they are needed, our failure to build them or start them will be an error which no sum of money can repair.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Yes; I do; certainly.

Mr. ALDRICH. I suppose the Senator's information which he has been giving the Senate the benefit of is the result of an original investigation on his part?

Mr. BEVERIDGE. It is.

Mr. ALDRICH. We are here having a responsibility for legislation which is equal, from my standpoint, to the Executive responsibility, and I hope the Senator will be willing to state what his own personal judgment is about what the size of the American Navy should be, and that he will not fall back upon any other man's judgment, however exalted that personage may be.

Mr. BEVERIDGE. I will give the Senator my independent judgment; and I am very much obliged to the Senator for his reference to the fact that this represents an original investigation hurriedly made by myself, which it does.

I can say that the limit at this particular juncture, as a matter of independent judgment, which I hesitate and am very loath to give, in view of the naval programmes of other nations, should be not less than four first-class battle ships, and, more preferably, five or six, for this year, at least. *Let every other power know, as they will know, that our resources are utilized and ready for conflict, and then, Senators, we shall have no conflict. I do not believe, myself, we shall, and I pray Heaven we shall not.*

It is just that feeling in my heart that makes me in favor of four battle ships at this juncture. The Senator from Rhode Island is no more careful of the people's money than I am, nor is the Senator from Maine. The Senator is no more economical than any other Senator here. He is equally patriotic with us. *It is a question of peace and a question of economy,* not only of hundreds of millions of dollars, but of thousands of lives, that impels me to be in favor of four battle ships. If I had been in public life and had the opportunity before the Spanish war, I would have been in favor of four battle ships.

Mr. ALDRICH. Will the Senator bear with me while I ask him another question?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. I have never been fortunate enough to have been connected in the Senate with any committees which have had to do with naval affairs, but I have taken great interest in discussions which have taken place in this Chamber from time to time, and I have noticed from year to year, sometimes from month to month, the standard of progress in naval construction and in naval vessels has been changed. I have been here long enough to have heard Senators and others discuss this question and decide that a certain type of vessel was the very best and highest type, was a perfected type, and yet it has been stated on this floor to-day by the Senator from Washington [Mr. PILES] that the American Navy is composed of obsolete ships.

Mr. PILES. Mr. President——

Mr. BEVERIDGE. I am coming to that myself.

Mr. ALDRICH. Now, does the Senator believe that we have at last arrived at perfection and that the type of ships which he is now advocating in an indefinite number will not be obsolete next year?

Mr. PILES rose.

Mr. BEVERIDGE. Let me answer that. First of all, we are not advocating an indefinite number. We are advocating a definite number for this time, namely, four. Second, we do not propose, at least so far as my mind is upon the subject—and I think it absurd—that there should be a fixed naval programme as to increase or decrease, any more than that a business man should have a fixed idea that he will do a hundred thousand dollars more business this year, and no more and no less. It is a question of wisdom created by conditions.

Third, the Senator asked me if I expect that we have now reached perfection in naval architecture. No. I say to the

Senator we have not, nor have we in anything else human. It would be one of the most melancholy incidents of my life if I ever came to the conclusion that we had reached perfection or that human beings ever could reach perfection. There are some who have reached the point where they believe that there can be no more progress in this world; but I am one who believes that there is unending progress. There is progress even in fashions. The Senator would not for a moment think of arraying himself in such clothes as Daniel Webster wore in this Chamber. He keeps up with the styles.

Certainly, there will be changes. It was no doubt thought in the time of the *Constitution* and the *Guerriere* that the *Constitution* was the most perfect type; but the times change; the world moves; humans advance; and we must keep pace with them. Would the Senator say on that point that our Army should to-day be armed with Springfield rifles just because we had them on hand, left over from a former period? Would the Senator say that a farmer ought to stick to the old-style heavy plow, or that he should still cling to the flail, instead of the thrashing machine? Does the Senator think we have reached perfection in agricultural implements and that invention should cease?

Does not the Senator think it is good business for a farmer to get the most up-to-date machines as they appear to till his ground and harvest his crops? Does not the Senator get the newest and latest typewriter that will most easily do his work? Why should we not, therefore, keep pace with naval advance throughout the world? We have the richest country in the world—many times richer in resources than the other powers—and does the Senator think it is economy, just because we have battle ships of a certain type, now out of date, oldtimers, and almost out of condition, and because they are called "battle ships" that we should cling to them? I answer the Senator "No." We have not reached perfection in naval architecture; neither have we reached perfection in anything human; and we never will. That is one of the wisest ordinances of the Creator, that we are to progress, travel, discover, and invent, and then enjoy the fruits of the genius of man.

Now, Mr. President, another consideration—and I want to get through as soon as I can. You will observe in history and from immediate, recent, and contemporaneous facts that *it is the nation with the small navy that is always in trouble.* Take Turkey. The papers were full the other day of the fact that Italy was sending its fleet to Turkey. We hear that every year. Always some power is descending upon Turkey. Now, I call the attention of the Senator from Maine to the fact that Turkey has absolutely no potential navy, but that she has a navy only on paper.

Mr. HALE. I was going to ask the Senator whether he thinks that it is a pertinent illustration on this question to cite Turkey, which has no navy, as being powerless and defenseless and open to the assaults of other nations, when our nation already has the second navy in the world?

Mr. BEVERIDGE. No; I will show the Senator in a moment that we have not the second navy in the world.

Mr. HALE. Does the Senator think that is a fair illustration under the circumstances?

Mr. BEVERIDGE. We will see. I am pointing that out, I will say to the Senator, to show that it is the undefended nations that get into trouble; that is, to *the degree that they are undefended they get into trouble.* For example, when Japan had her war with China she had a navy sufficient for that war, sufficient for China; but she did not have a navy sufficient for Russia, Germany, and France combined, and therefore she was robbed of the Liaotung Peninsula. If she had had six more battle ships, she would not have been robbed of it; and there would never have been a Russo-Japanese war. That is what I mean to show.

Take China. If China had had a navy commensurate to meet the navy of Japan, there would never have been any Chino-Japanese war. Every student of history knows that. Take the Central and South American States. They have been unmolested *precisely to the extent that they have been powerful.* Has any body troubled Chile? I have just cited the instance of Japan losing the Liaotung Peninsula.

Does the Senator, does any Senator—but I will withdraw the question before it is asked—want us to become another Spain? Why, Spain had on paper—and not only on paper, but in the opinion of every admiralty in Europe—a navy equal to our Navy at the beginning of the Spanish war, but as a matter of fact it was obsolete. It was not the "man behind the gun" that lost the battle of Santiago, so far as the Spaniards were concerned. They were brave men; they died at their posts, with few exceptions; but the ships could not move at their registered speed; they were deficient; they were defective; they were obsolete, and while they were all right on paper they were all wrong in battle; and Spain lost her possessions and received the greatest humiliation that ever fell to the proud people of the Cid. Does any Senator want us to go to war with a fleet of that kind?

The Senator from Maine asked the Senator from Washington a little bit ago about our own Navy. The Senator said that we had thirty-one battle ships. Now, Mr. President, that is true, *so far as the names on paper are concerned,* but of those battle ships *eleven,* in view of the developments of recent naval warfare, *are out of date.* They are of too low tonnage. Some of them have been in commission so long that they must soon go out of commission. Six of those eleven are in need of most extensive overhauling. Eleven of our battle ships in a modern war with any modern power would be useful chiefly for coast-defense purposes. Of the remainder of our battle ships, we have but two of the *Dreadnought* class, and they are building. That is all we have got, and if we authorize four more we will have only six of the *Dreadnought* class—*fewer than any first-class power in the world has, according to the programmes already completed and adopted.*

Mr. President, that is all I have to say about our Navy, but I want to call attention to this, because I do not want to leave anything out. I heard a point made on the floor in one of those private discussions that sometimes are so persuasive. It was asked why should we build any battle ships when we are now 1,200 officers short? Why, Mr. President, that we are 1,200 officers short is not the case. In the first place, that estimate includes the full manning of every ship of every kind we have, from the *Dakota* to a scow, in commission and out of commission. In the second place——

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. BEVERIDGE. I do, certainly.

Mr. PERKINS. I desire to call the Senator's attention to the testimony of the Secretary of the Navy before the House committee, in which he stated that we were eighteen hundred and forty-six officers short to-day to man the ships we have in service and those that are building.

Mr. BEVERIDGE. I knew the Senator was going to make that point, and that is the reason I made it myself. Mr. President, why does not the Senator go further and tell the Senate the Secretary's and the President's reason for that? I hold in my hand a message from the President of the United States sent to us two years ago, and I think he has repeated it once, begging us to pass a law concerning the personnel. There is an abundance of officers in the lower ranks for every ship we have got or contemplate, but Senators and Representatives have not been willing to pass a personnel law so that the midshipmen could take the rank of officers. Every battle ship, I believe, has on board from eighteen to twenty-two midshipmen. There are plenty of officers if you will only give them all rank.

Why Congress has not done that at the repeated demands of the Department and of the President I do not know. There are plenty of officers, but they are young officers. Why do not Senators and Representatives make way for them in active service? The President, in this impressive message which I hold in my hand, shows that by reason of this we show an apparent lack of officers, which really does not exist, because we have the men, but we have not got the rank; that is all.

But he also shows another startling fact. The captains in the navy of Great Britain are of an average age of 35 years; in the French navy, 47 years; in the German navy, 42 years; in the Japanese navy, 38 years, and in the United States Navy, 55 years; and the discrepancies in ages of admirals and commanders is even worse. That is the answer to the statement, which is another paper statement, true on paper but not true in fact, that we have not enough officers. We have enough officers, in fact, if you will give them the rank.

It is strange that America, the youngest nation in the world, should not have her Navy manned by men who are at least as young as those of other powers. *The average age of our captains is 55, while that of the English captains is 35.* The average age of seagoing flag officers is, in the navy of Great Britain, *45 years* and in ours *59 years.*

Remove the impediments, and the officers are there. Besides, if you authorize these battle ships, it would take three or four years to build them, and in that time the Naval Academy could graduate many more officers. They are already there and are open to the Navy, and if they are given rank they will add from 600 to 800 or 900 more first-class and well-educated officers.

Here is another consideration that I want to lay before the Senate. If this country were divided by the Mississippi River into two countries, each country would have a great navy.

Each would be rich enough and proud enough to maintain an independent navy as large as the one we now have. Does the fact that we are not a divided nation, but a united Republic, change the fact that we have two great sea lines of the world on two different coasts? Does any man question the fact that if the Mississippi River divided this country in two there would be a great navy on either coast? Is there any reason why there should not be an equally great navy on the same coasts because this country is one country? We have got to come to it.

A FLEET ON EITHER OCEAN.

As I said the other day, the people of the country are demanding that *we shall have an equally great navy on either coast*. I think the concensus of opinion of the people of America is that the fleet now on the Pacific ought never to leave those waters; and I do not believe the American people would ever permit it to be ordered away if we had facilities there for overhauling it, for cleaning it, and for putting it in repair. The exigencies and the conditions throughout the world, our two great coast lines—coast lines greater than those of any other three nations in the world put together—demand that we shall have as one Republic what we certainly would have if we were two republics—*a navy on either ocean.*

Now, Mr. President, I wish the attention of Senators to this. I do not know that it will be very influential with their minds, but with my mind it is. We are about to vote upon this naval programme asked for by the President. I ask each Senator when he casts his vote to think of this question: *How would foreign nations have you cast your vote to-night?* How would England or Germany or France or Japan have you cast your votes, if either one of them could dictate it? Does anybody believe that the chancellors of the world, who are looking on this vote which will occur in a few minutes, would not rejoice if the President's request is defeated?

I think, Mr. President, that in a grave and purely national question like this it is a matter of determining influence, at least to my mind, to vote as the consensus of the American people would have me vote and not as the consensus of foreign statesmen would have me vote.

Here is another question, a practical question, a serious question. Suppose it were possible that that should occur which all of us so fervently pray may not occur, but that which in the past has occurred, certainly and with the wisest men not being able to foresee it. Suppose war should eventuate between us and any country for any cause. What will those who vote against this solemn prayer of the Commander in Chief say to the American people for that vote for unpreparedness? So far as I am concerned, as one who does not want war but above all peace, I do not want that responsibility upon me. It is something that you may smile at to-night, but if that dread hour came, you could not smile in the face of indignation of the American people who would rightfully demand an accounting.

THE APPEAL OF PRESIDENT ROOSEVELT.

Mr. President and Senators, the Chief Executive of the nation, in his capacity as Commander in Chief of the Navy, says:

> There is imposed upon me the *solemn responsibility* of advising the Congress of the measures *vitally necessary* to *secure the peace* and welfare of the Republic in the event of international complications which are even remotely possible. Having in view this *solemn responsibility*, I *earnestly* advise that the Congress *now* provide four battle ships of the most advanced type.

Does any man in any country think that a President of the American people would utter those words lightly? Is any Senator, no matter how much we may get fixed to an idea, willing to say that the President does not know what he is about? I call the attention of Senators to the fact that our present President of the United States is, by the actual record of facts accomplished, the greatest peacemaker in the world. It was upon his brow that the laurels of the Nobel peace prize were laid. It was his arm that stretched out and stopped that awful conflict which set every river of Manchuria running red to the sea and convulsed the world with horror.

Theodore Roosevelt did that. He was the only man in all the world who had the initiative and daring and the confidence of mankind sufficient to do it. His whole record has been that of a man who prays for peace and who compels peace. Is it possible that such a man, a man of whom to-night, regardless of party, all Americans are proud, and who, as one of the first English periodicals the other day said, looms mountainously high as the first citizen of the world, is praying for this little increase to the Navy for light causes?

I call the attention of Senators to the fact that it was he who convened or set those forces in motion that convened The Hague Conference the time before last. It was he who more than anybody else except one ruler of a monarchy urged that the nations should proceed with disarmament. It was his fondest prayer, as the record of his life shows, that that would be accomplished.

At that time he proposed no increase in the Navy. But The Hague Conference met; twice it has met. Twice his best efforts for disarmament have proved fruitless. Other nations of the world go ahead in building up great navies. They have outclassed us completely in modern battle ships. We are not in the second class, in fact. We are not in second place in the *Dreadnought* class, which is the type of the modern battle ship. No, we are in a far lower position.

Now, when the President, who, as I have said, by the consensus of the world is the first peacemaker on this earth, has failed to get the nations to agree to disarm, and comes and asks for four battle ships to match the *six that France is building* and the *eight that England is building*, and the *four that Germany will build each year till 1917* (all this, too, IN ADDITION to the mighty and modern navies those powers already have) shall we haggle about the few million dollars that we must spend to build them, which may save, if the Spanish war is an example, hundreds of millions of dollars? Which is "economy?"

I want to say just one word of appeal to my friends upon the other side of the Chamber, and that is this: I think every man knows that this is not a partisan question. War is not a partisan question, once we face it or the danger of it or get into it. We can not "play politics" with a thing of this kind. It is a patriotic question, if it is any question at all. We are trifling with the people and worse than trifling with the people if we are merely doing this for vanity and the "playing of politics." I appeal to all Senators, quite as much to Senators on this side as to those on the other side, because there are many votes against this measure upon this side, let all considerations of partisanship go and regard this question as a question of preparation to preserve the peace. Let us rise to the height of patriotism.

Mr. President, I know the word has gone around to "stand by the committee." It is a cry which I respect. I usually do it myself. I think every Senator of experience here usually "stands by the committee." Usually it is a legitimate cry. But it is not a legitimate cry under these circumstances if you are doing anything more than trifling. If we are in favor of this programme and are in earnest, then it is not a consideration. I do not answer it by an appeal to stand by the President, but I do answer it by an appeal to stand by the country. I do answer it by an appeal to make sure of that peace which we all cherish equally.

LET US ACT SO THAT WAR WILL NEVER COME.

I call attention to the fact as to what navies have done in the past. I wish I had time to refer to it more extensively. But I call attention to the fact that almost from the beginning of history clear up until the present time it has been the navies which have defended liberty and advanced civilization. It was the navy of the Greeks at Salamis that drove back the Persian invaders. It was the navy of Octavius at Actium that overthrew the combination of Antony and Cleopatra. It was the Christian navy of Venice which at Lepanto drove back the Moslem hordes, saved Europe for Christianity, and changed the history of the world. It was the navy of England which at Trafalgar first halted the power of Napoleon and started his inevitable fall.

It has been our Navy that has won every one of our foreign wars. If there is no *possibility* of war—and I hope there is not—then every dollar that is spent for this purpose is a theft of the people's money. If there is any possibility of war, then our Navy ought to be upon a basis equal to it.

Mr. President, I have concluded. We ask these ships not for war, but for peace. With all my soul I pray God that war may never come; *but let us to-day act so that war never can come.* If it does come, we can not build ships when hostile guns are thundering. The conflict would be ended before a keel could be laid. We can not buy ships during the struggle; they are contraband and prohibited.

The Commander in Chief solemnly asks for these ships. The American people, as shown by the clippings which the Senator from Washington [Mr. PILES] has read, ask these ships.

Senators, they ask them of us in the name of peace, which these ships will guarantee and preserve.

They ask them in the name of the nation's interests, which the very existence of these ships will secure from molestation.

They ask it in the name of the nation's honor, which these ships will guard, uphold, and defend.

They ask it in the name of the women and children who will be made widows and orphans if war should ever come; and our votes to-night should be that such a war never may come.

This hour may come to be historic. Our gallant American Navy is itself on its knees before the American Congress begging for this reenforcement. Its Commander in Chief is praying for this reenforcement. The American people—Senators, do not doubt it—are demanding that we accede to their request. His-

tory sustains them all. The future warns us to take this measure of simple prudence. Let us do it, Senators. Let us do it, and build such a white squadron that it may always be painted in the white garniture of peace and never with the dull tints of war. Let us make our Navy so powerful that the flag above it will float over the most modern navy of the most modern of peoples—a people that will do no wrong or injustice to anyone and that will suffer wrong and injustice from no one.

Mr. HALE. Mr. President, it is so late that, while I hope the discussion is nearly at an end, it will be impossible to finish it to-night.

Mr. CULLOM rose.

Mr. HALE. The Senator from Missouri desires an executive session, and I suppose the Senator from Illinois rose to make such a motion.

Mr. CULLOM. Yes.

Mr. HALE. Very well.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 25, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1908.

UNITED STATES JUDGE.

Milton Dwight Purdy, of Minnesota, to be United States district judge for the district of Minnesota, vice William Lochren, resigned.

PROMOTIONS IN THE NAVY.

Capt. William S. Cowles to be a rear-admiral in the Navy from the 23d day of April, 1908, vice Rear-Admiral Samuel W. Very, retired.

Commander Alexander Sharp, an additional number in grade, to be a captain in the Navy from the 23d day of April, 1908, vice Commander York Noel, promoted.

Pay Inspector Charles S. Williams to be a pay director in the Navy from the 5th day of April, 1908, vice Pay Director Lawrence G. Boggs, retired.

PROMOTION IN THE ARMY.

Medical Department.

Capt. Thomas J. Kirkpatrick, assistant surgeon, to be surgeon with the rank of major from April 22, 1908, vice Ives, retired from active service.

POSTMASTERS.

INDIANA.

Robert F. Brammer to be postmaster at Albany, Delaware County, Ind., in place of Robert F. Brammer. Incumbent's commission expires April 27, 1908.

Robert H. Bryson to be postmaster at Indianapolis, Marion County, Ind., in place of Henry W. Bennett, resigned.

Hugh S. Espey to be postmaster at Rising Sun, Ohio County, Ind., in place of Hugh S. Espey. Incumbent's commission expired April 21, 1908.

LOUISIANA.

Mary G. Pearsall to be postmaster at Bogalusa, Washington Parish, La. Office became Presidential April 1, 1908.

Mildred P. T. Prescott to be postmaster at Lutcher, St. James Parish, La., in place of Mildred P. T. Prescott. Incumbent's commission expired March 1, 1908.

MINNESOTA.

Edward L. Bjorkquist to be postmaster at Moorhead, Clay County, Minn., in place of Edward L. Bjorkquist. Incumbent's commission expires April 27, 1908.

Lemuel S. Briggs to be postmaster at Princeton, Millelacs County, Minn., in place of William Cordiner. Incumbent's commission expired March 4, 1908.

NEW JERSEY.

Charles L. Flanigan to be postmaster at Riverton, Burlington County, N. J., in place of Ogden H. Mattis, removed.

NEW YORK.

Robert J. Buck to be postmaster at Watertown, Jefferson County, N. Y., in place of Robert J. Buck. Incumbent's commission expired April 19, 1908.

A. M. Lanpher to be postmaster at Lowville, Lewis County, N. Y., in place of Alfred G. Boshart. Incumbent's commission expired February 26, 1907.

NORTH DAKOTA.

George F. Abelein to be postmaster at Anamoose, McHenry County, N. Dak., in place of Albert Albrecht, resigned.

OREGON.

William H. Leitner to be postmaster at Huntington, Baker County, Oreg., in place of William H. Leitner. Incumbent's commission expires April 27, 1908.

PENNSYLVANIA.

Harry B. Clary to be postmaster at Grampian, Clearfield County, Pa., in place of Harry B. Clary. Incumbent's commission expired April 9, 1908.

William H. Flora to be postmaster at Wrightsville, York County, Pa., in place of William H. Flora. Incumbent's commission expires April 27, 1908.

TENNESSEE.

John P. Gibbs to be postmaster at Dresden, Weakley County, Tenn. Office became Presidential April 1, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 24, 1908.

COLLECTOR OF CUSTOMS.

Herbert Morissey, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts.

PROMOTIONS IN THE NAVY.

Lieut. Commander Robert B. Higgins to be a commander in the Navy from the 30th day of January, 1908, vice Commander Isaac S. K. Reeves, promoted.

Midshipman Robert W. Spofford to be an ensign in the Navy from the 13th day of February, 1908.

Boatswain George E. Plander, on the active list of the Navy, to be a chief boatswain, to rank with, but after, ensign, on the retired list of the Navy, from the 7th day of May, 1908, the date upon which he will be retired, in accordance with the provisions of an act of Congress approved June 29, 1906.

APPOINTMENTS IN THE NAVY.

Kent C. Melhorn and Lee W. McGuire, citizens of Ohio, to be assistant surgeons in the Navy from the 11th day of April, 1908, to fill vacancies existing in that grade on that date.

POSTMASTERS.

INDIANA.

Samuel P. Yenne to be postmaster at Shoals, Martin County, Ind.

KANSAS.

Charles Hodgson to be postmaster at Mulvane, Sumner County, Kans.

George W. Hook to be postmaster at Sabetha, Nemaha County, Kans.

M. M. Michael to be postmaster at Burrton, Harvey County, Kans.

MICHIGAN.

Charles H. Baird to be postmaster at Holly, Oakland County, Mich.

MONTANA.

Lottie M. Conyngham to be postmaster at Kendall, Fergus County, Mont.

NEBRASKA.

James H. Overman to be postmaster at Stella, Richardson County, Nebr.

William Royer to be postmaster at Seward, Seward County, Nebr.

NEW JERSEY.

Thomas J. Knight to be postmaster at Stanhope, Sussex County, N. J.

PENNSYLVANIA.

David Farrell to be postmaster at West Middlesex, Mercer County, Pa.

Caroline E. Hall to be postmaster at Swarthmore, Delaware County, Pa.

John Roland to be postmaster at New Holland, Lancaster County, Pa.

UTAH.

William Glasmann to be postmaster at Ogden, Weber County, Utah.

Stephen W. Ross to be postmaster at Lehi, Utah County, Utah.

WASHINGTON.

John O. Wilson to be postmaster at Cosmopolis, Chehalis County, Wash.

WISCONSIN.

Irving L. Bonniwell to be postmaster at Hartford, Washington County, Wis.

Warren I. Griffin to be postmaster at Viola, Richland County, Wis.

Charles Pfeifer to be postmaster at Plymouth, Sheboygan County, Wis.

George A. Robbins to be postmaster at Sheboygan Falls, Sheboygan County, Wis.

Eugene S. Turner to be postmaster at Port Washington, Ozaukee County, Wis.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 24, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

RAILROAD TRACKS TO WASHINGTON NAVY-YARD.

The SPEAKER. The pending question is on suspending the rules and passing the bill H. R. 20120, which was, by unanimous consent, substituted for the bill originally embraced in the motion of the gentleman from Michigan [Mr. SMITH].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. I demand the yeas and nays.

Mr. PAYNE. I make the point of no quorum.

The SPEAKER. Evidently no quorum is present. The doors will be closed. The Sergeant-at-Arms will notify absent Members. As many as favor the motion will, as their names are called, answer "aye," as many as are opposed will answer "no," and those present and not voting will answer "present." The Clerk will call the roll.

The question was taken, and there were—yeas 249, answered "present" 13, not voting 125, as follows:

YEAS—249.

Adair	Douglas	Jones, Va.	Porter
Adamson	Draper	Jones, Wash.	Pray
Aiken	Driscoll	Kahn	Rainey
Alexander, Mo.	Durey	Keifer	Randell, Tex.
Alexander, N. Y.	Dwight	Keliher	Rauch
Allen	Ellerbe	Kennedy, Iowa	Reeder
Ames	Ellis, Mo.	Kennedy, Ohio	Reynolds
Andrus	Ellis, Oreg.	Kinkaid	Rhinock
Ansberry	Englebright	Kipp	Richardson
Anthony	Esch	Kitchin, Claude	Robinson
Ashbrook	Fairchild	Knapp	Rothermel
Bannon	Favrot	Knopf	Russell, Mo.
Barclay	Ferris	Knowland	Russell, Tex.
Bartlett, Ga.	Fitzgerald	Küstermann	Ryan
Bartlett, Nev.	Floyd	Lamar, Mo.	Sabath
Bates	Foss	Lamb	Saunders
Beale, Pa.	Foster, Ill.	Laning	Scott
Beall, Tex.	Foster, Ind.	Law	Shackleford
Bede	Foster, Vt.	Lee	Sherwood
Bell, Ga.	Foulkrod	Lenahan	Sims
Birdsall	French	Lever	Slemp
Bonynge	Fuller	Lewis	Smith, Cal.
Booher	Fulton	Lindbergh	Smith, Iowa
Bowers	Gaines, Tenn.	Littlefield	Smith, Mich.
Boyd	Gardner, Mich.	Lloyd	Smith, Mo.
Brodhead	Gardner, N. J.	Longworth	Smith, Tex.
Brownlow	Garner	Loud	Snapp
Burgess	Garrett	Loudenslager	Southwick
Burleson	Gilhams	Lovering	Sparkman
Burton, Del.	Gillespie	McCall	Sperry
Butler	Gillett	McGavin	Spight
Byrd	Glass	McGuire	Stafford
Calder	Godwin	McHenry	Stanley
Calderhead	Goldfogle	McKinlay, Cal.	Stephens, Tex.
Candler	Gordon	McKinley, Ill.	Sterling
Capron	Granger	McKinney	Sulloway
Carter	Gregg	McLachlan, Cal.	Sulzer
Cary	Griggs	McLaughlin, Mich.	Talbott
Chapman	Gronna	McMillan	Taylor, Ala.
Clark, Mo.	Hackett	McMorran	Taylor, Ohio
Clayton	Hackney	Macon	Thistlewood
Cocks, N. Y.	Hale	Madden	Thomas, Ohio
Cole	Hamilton, Iowa	Madison	Tirrell
Cook, Colo.	Hamilton, Mich.	Mann	Tou Velle
Cook, Pa.	Haskins	Marshall	Townsend
Cooper, Tex.	Hawley	Maynard	Underwood
Cousins	Hay	Miller	Volstead
Cox, Ind.	Hayes	Mondell	Waldo
Craig	Heflin	Moon, Pa.	Wanger
Cravens	Helm	Moore, Tex.	Washburn
Crawford	Henry, Tex.	Morse	Webb
Crumpacker	Hinshaw	Mouser	Weeks
Dalzell	Hitchcock	Murdock	Wheeler
Darragh	Holliday	Murphy	Willett
Davenport	Houston	Needham	Williams
Davidson	Howland	Nelson	Wilson, Ill.
Davis, Minn.	Hubbard, W. Va.	Nicholls	Wilson, Pa.
Dawson	Hughes, N. J.	O'Connell	Wood
De Armond	Hull, Tenn.	Olcott	Woodyard
Denby	Humphrey, Wash.	Padgett	Young
Denver	Humphreys, Miss.	Page	
Diekema	James, Ollie M.	Parker, S. Dak.	
Dixon	Jenkins	Payne	

ANSWERED "PRESENT"—13.

Bennet, N. Y.	Hamlin	McDermott	Slayden
Gaines, W. Va.	Hardwick	Moon, Tenn.	
Goebel	Hardy	Roberts	
Goulden	Kimball	Sherman	

NOT VOTING—125.

Acheson	Edwards, Ky.	Hull, Iowa	Perkins
Barchfeld	Fassett	Jackson	Peters
Bartholdt	Finley	James, Addison D.	Pollard
Bennett, Ky.	Flood	Johnson, Ky.	Pou
Bingham	Focht	Johnson, S. C.	Powers
Boutell	Fordney	Kitchin, Wm. W.	Pratt
Bradley	Fornes	Lafean	Prince
Brantley	Fowler	Lamar, Fla.	Pujo
Broussard	Gardner, Mass.	Landis	Ransdell, La.
Brumm	Gill	Langley	Reid
Brundidge	Graff	Lassiter	Riordan
Burke	Graham	Lawrence	Rodenberg
Burleigh	Greene	Leake	Rucker
Burnett	Haggott	Legare	Sheppard
Burton, Ohio	Hall	Lilley	Sherley
Caldwell	Hamill	Lindsay	Small
Campbell	Hammond	Livingston	Steenerson
Carlin	Harding	Lorimer	Stevens, Minn.
Caulfield	Harrison	Lowden	Sturgiss
Chaney	Haugen	McCreary	Tawney
Clark, Fla.	Henry, Conn.	McLain	Thomas, N. C.
Cockran	Hepburn	Malby	Vreeland
Conner	Higgins	Moore, Pa.	Wallace
Cooper, Pa.	Hill, Conn.	Mudd	Watkins
Cooper, Wis.	Hill, Miss.	Norris	Watson
Coudrey	Hobson	Nye	Weems
Currier	Howard	Olmsted	Weisse
Cushman	Howell, N. J.	Overstreet	Wiley
Davey, La.	Howell, Utah	Parker, N. J.	Wolf
Dawes	Hubbard, Iowa	Parsons	
Dunwell	Huff	Patterson	
Edwards, Ga.	Hughes, W. Va.	Pearre	

So the motion to suspend the rules and pass the bill was agreed to.

The Clerk announced the following pairs:

For the day:

Mr. POWERS with Mr. PRATT.

Until April 28:

Mr. LOWDEN with Mr. HARRISON.

Mr. CAULFIELD with Mr. HARDY.

Until further notice:

Mr. GRAHAM with Mr. PETERS.

Mr. TAWNEY with Mr. WOLF.

Mr. STEVENS of Minnesota with Mr. WEISSE.

Mr. HENRY of Connecticut with Mr. LASSITER.

Mr. MCCREARY with Mr. HOWARD.

Mr. GREENE with Mr. LAMAR of Florida.

Mr. COUDREY with Mr. HOBSON.

Mr. BENNETT of Kentucky with Mr. EDWARDS of Georgia.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. MUDD with Mr. WALLACE.

Mr. MOORE of Pennsylvania with Mr. WILEY.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. LANGLEY with Mr. HAMLIN.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. BARTHOLDT with Mr. DAVEY of Louisiana.

Mr. CHANEY with Mr. HILL of Mississippi.

Mr. FASSETT with Mr. HARDWICK.

Mr. GAINES of West Virginia with Mr. RUCKER.

Mr. CALDER with Mr. HAMILL.

Mr. BENNET of New York with Mr. FORNES.

Mr. HUGHES of West Virginia with Mr. BRANTLEY.

Mr. BINGHAM with Mr. BRUNDIDGE.

Mr. BURKE with Mr. BURNETT.

Mr. BURLEIGH with Mr. CALDWELL.

Mr. BURTON of Ohio with Mr. CARLIN.

Mr. CAMPBELL with Mr. CLARK of Florida.

Mr. CONNER with Mr. COCKRAN.

Mr. COOPER of Pennsylvania with Mr. FLOOD.

Mr. CUSHMAN with Mr. GILL.

Mr. DUNWELL with Mr. WATKINS.

Mr. FOCHT with Mr. HAMMOND.

Mr. FORDNEY with Mr. JOHNSON of South Carolina.

Mr. HARDING with Mr. JOHNSON of Kentucky.

Mr. HAUGEN with Mr. LEAKE.

Mr. HOWELL of New Jersey with Mr. LEGARE.

Mr. LAFEAN with Mr. MCDERMOTT.

Mr. JACKSON with Mr. MOON of Tennessee.

Mr. LAWRENCE with Mr. MCLAIN.

Mr. PARSONS with Mr. POU.

Mr. OLMSTED with Mr. RANSDELL of Louisiana.

Mr. PEARRE with Mr. REID.

Mr. POLLARD with Mr. SHEPPARD.

Mr. RODENBERG with Mr. SMALL.

Mr. STURGISS with Mr. THOMAS of North Carolina.

Mr. MALBY with Mr. PATTERSON.

Mr. OVERSTREET with Mr. PUJO.
Mr. PRINCE with Mr. SHERLEY.
For the session:
Mr. BRADLEY with Mr. GOULDEN.
Mr. SHERMAN with Mr. RIORDAN.
Mr. CURRIER with Mr. FINLEY.
The result of the vote was announced as above recorded.

QUESTION OF PRIVILEGE.

Mr. BURLESON. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman rise?
Mr. BURLESON. For the purpose of presenting a privileged motion under the rules.
The SPEAKER. The Chair will try to recognize the gentleman a little later.
Mr. BURLESON. That is satisfactory, Mr. Speaker.

PRIVATE PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I call up the bill (H. R. 603) granting an increase of pension to John A. M. La Pierre, with various Senate amendments thereto, and move to suspend the rules and concur in the Senate amendments. If I may be permitted a moment, I will say that this bill contains various pension bills that have passed both Houses. Those bills passed this House as individual bills, and went to the Senate, and were by that body put into an omnibus bill and passed at the same rate as they passed the House.
The SPEAKER. The gentleman from New Hampshire moves to suspend the rules and concur in the following Senate amendments to the bill (H. R. 603) granting an increase of pension to John A. M. La Pierre. The Clerk will report the Senate amendments.
The Senate amendments were read.
During the reading,
Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that the further reading of this bill be dispensed with, the gentleman from New Hampshire having fully explained the object of the amendments.
Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. There was so much disorder in the House it was impossible to hear what the gentleman from Indiana said, and——
The SPEAKER. This is a House omnibus pension bill with Senate amendments, and the motion is to suspend the rules and agree to the Senate amendments.
Mr. WILLIAMS. Mr. Speaker, I do not know what the gentleman from Indiana did, but if he did not call for a second, I do so, in order that the chairman of the committee may explain the legislation.
Mr. CRUMPACKER. I understand, Mr. Speaker, that a number of single House bills were embodied in a Senate omnibus bill.
The SPEAKER. The Clerk is not reading anything but the Senate amendments, and it seems to the Chair that as the matter contained in the bill is matter that the House is to vote on, the better practice is to have it read.
Mr. WILLIAMS. Oh, undoubtedly.
The Clerk concluded the reading of the Senate amendments.
The SPEAKER. Is a second demanded?
Mr. WILLIAMS. Mr. Speaker, for the purpose of securing an explanation of the legislation from the gentleman from New Hampshire, the chairman of the committee and in charge of the bill, I demand a second.
The SPEAKER. Under the rules a second is ordered. The gentleman from New Hampshire is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.
Mr. SULLOWAY. What is desired by the gentleman from Mississippi?
Mr. BARTLETT of Georgia. An explanation of the amendments.
Mr. SULLOWAY. I stated it as well as I could that these bills were passed as individual bills by the House, some 400 of them, and they went to the Senate, and without any amendments passed the Senate, and without any amendments come back——
Mr. SULZER. Mr. Speaker, this is a very interesting conversation, but we can not hear it.
Mr. SULLOWAY. The gentleman should come to the front then. That is all there is in it.
Mr. WILLIAMS. I understand from the gentleman from New Hampshire, Mr. Speaker, that these are House bills without any real amendments upon the part of the Senate, which simply passed them in an omnibus shape. I called for a second with a view of having an explanation made to the House. I shall reserve the balance of my time unless the gentleman desires——
Mr. SULLOWAY. I call for a vote, Mr. Speaker.
The question was taken, and the Chair announced that the ayes seemed to have it.
Mr. WILLIAMS. This is upon the passage of the bill?
The SPEAKER. This is upon the passage of the bill.
Mr. WILLIAMS. Then I call for the yeas and nays.
The yeas and nays were ordered.
The question was taken and there were—yeas 236, nays 4, answered "present" 27, not voting 120, as follows:

YEAS—236.

Adair	Draper	Humphrey, Wash.	Padgett
Adamson	Driscoll	Humphreys, Miss.	Page
Aiken	Durey	Johnson, Ky.	Parker, S. Dak.
Alexander, Mo.	Dwight	Johnson, S. C.	Payne
Alexander, N. Y.	Ellerbe	Jones, Va.	Perkins
Allen	Ellis, Mo.	Jones, Wash.	Pollard
Andrus	Ellis, Oreg.	Kahn	Porter
Ansberry	Englebright	Keifer	Pratt
Anthony	Esch	Keliher	Pray
Bannon	Favrot	Kennedy, Iowa	Rainey
Bartholdt	Ferris	Kennedy, Ohio	Rauch
Bartlett, Ga.	Fitzgerald	Kinkaid	Reeder
Bates	Floyd	Kipp	Reynolds
Beale, Pa.	Fordney	Kitchin, Claude	Rhinock
Bede	Foss	Knapp	Richardson
Bell, Ga.	Foster, Ill.	Knopf	Robinson
Birdsall	Foster, Ind.	Knowland	Rodenberg
Bonynge	Foster, Vt.	Küstermann	Rothermel
Booher	Foulkrod	Lafean	Russell, Mo.
Boyd	French	Lamar, Mo.	Ryan
Brodhead	Fuller	Laning	Scott
Brownlow	Fulton	Lassiter	Shackleford
Burleigh	Gaines, Tenn.	Lawrence	Sherley
Burton, Del.	Gardner, Mich.	Lee	Sherwood
Butler	Gardner, N. J.	Lenahan	Sims
Calder	Gilhams	Lever	Smith, Iowa
Calderhead	Gillett	Lewis	Smith, Mo.
Caldwell	Godwin	Lloyd	Snapp
Campbell	Goebel	Longworth	Southwick
Capron	Goldfogle	Loud	Sperry
Carter	Gordon	Loudenslager	Stafford
Cary	Graff	Lovering	Stanley
Chapman	Granger	McDermott	Steenerson
Clark, Fla.	Gregg	McGavin	Sterling
Clark, Mo.	Griggs	McGuire	Sulloway
Cocks, N. Y.	Gronna	McHenry	Sulzer
Cole	Hackett	McKinley, Ill.	Talbott
Conner	Hackney	McKinney	Taylor, Ohio
Cook, Colo.	Hale	McLachlan, Cal.	Thistlewood
Cook, Pa.	Hamilton, Iowa	McMorran	Thomas, N. C.
Cooper, Tex.	Hamilton, Mich.	Macon	Thomas, Ohio
Cooper, Wis.	Hammond	Madden	Tirrell
Cousins	Harding	Madison	Tou Velle
Cox, Ind.	Haskins	Mann	Townsend
Cravens	Haugen	Miller	Underwood
Crawford	Hawley	Mondell	Volstead
Crumpacker	Hay	Moon, Tenn.	Vreeland
Cushman	Hayes	Moore, Tex.	Waldo
Dalzell	Helm	Morse	Wanger
Darragh	Hinshaw	Mouser	Washburn
Davenport	Hitchcock	Murdock	Watson
Davis, Minn.	Holliday	Murphy	Weeks
Dawson	Houston	Needham	Wheeler
De Armond	Howell, N. J.	Nelson	Williams
Denby	Howland	Nicholls	Wilson, Ill.
Denver	Hubbard, Iowa	Norris	Wilson, Pa.
Diekema	Hubbard, W. Va.	Nye	Wood
Dixon	Hughes, N. J.	O'Connell	Woodyard
Douglas	Hull, Tenn.	Olcott	Young

NAYS—4.

Beall, Tex.	Byrd	Russell, Tex.	Sheppard

ANSWERED "PRESENT"—27.

Bennet, N. Y.	Garner	Hardy	Roberts
Brantley	Garrett	Heflin	Sabath
Burgess	Gillespie	Henry, Tex.	Slemp
Candler	Glass	James, Ollie M.	Smith, Tex.
Fairchild	Goulden	Kimball	Spight
Finley	Hamlin	Lamb	Watkins
Gaines, W. Va.	Hardwick	McKinlay, Cal.	

NOT VOTING—120.

Acheson	Dunwell	Kitchin, Wm. W.	Pearre
Ames	Edwards, Ga.	Lamar, Fla.	Peters
Ashbrook	Edwards, Ky.	Landis	Pou
Barchfeld	Fassett	Langley	Powers
Barclay	Flood	Law	Prince
Bartlett, Nev.	Focht	Leake	Pujo
Bennett, Ky.	Fornes	Legare	Randell, Tex.
Bingham	Fowler	Lilley	Ransdell, La.
Boutell	Gardner, Mass.	Lindbergh	Reid
Bowers	Gill	Lindsay	Riordan
Bradley	Graham	Littlefield	Rucker
Broussard	Greene	Livingston	Saunders
Brumm	Haggott	Lorimer	Sherman
Brundidge	Hall	Lowden	Slayden
Burke	Hamill	McCall	Small
Burleson	Harrison	McCreary	Smith, Cal.
Burnett	Henry, Conn.	McLain	Smith, Mich.
Burton, Ohio	Hepburn	McLaughlin, Mich.	Sparkman
Carlin	Higgins	McMillan	Stephens, Tex.
Caulfield	Hill, Conn.	Malby	Stevens, Minn.
Chaney	Hill, Miss.	Marshall	Sturgiss
Clayton	Hobson	Maynard	Tawney
Cockran	Howard	Moon, Pa.	Taylor, Ala.
Cooper, Pa.	Howell, Utah	Moore, Pa.	Wallace
Coudrey	Huff	Mudd	Webb
Craig	Hughes, W. Va.	Olmsted	Weems
Currier	Hull, Iowa	Overstreet	Weisse
Davey, La.	Jackson	Parker, N. J.	Wiley
Davidson	James, Addison D.	Parsons	Willett
Dawes	Jenkins	Patterson	Wolf

So the rules were suspended, the Senate amendments were agreed to, and the bill as amended was passed.

The Clerk announced the following additional pairs:
Until further notice:
Mr. JACKSON with Mr. RANDELL of Texas.
Mr. SMITH of Michigan with Mr. TAYLOR of Alabama.
Mr. GARDNER of Massachusetts with Mr. WEBB.
Mr. LITTLEFIELD with Mr. WILLETT.
Mr. EDWARDS of Kentucky with Mr. BARTLETT of Nevada.
Mr. DAWES with Mr. BURLESON.
Mr. MOON of Pennsylvania with Mr. STEPHENS of Texas.
Mr. AMES with Mr. ASHBROOK.
Mr. BARCLAY with Mr. COCKRAN.
Mr. DAVIDSON with Mr. GARNER.
Mr. FOCHT with Mr. GILL.
Mr. HALL with Mr. GILLESPIE.
Mr. HIGGINS with Mr. GLASS.
Mr. HILL of Connecticut with Mr. HEFLIN.
Mr. HUFF with Mr. LAMB.
Mr. LAW with Mr. LINDSAY.
Mr. LINDBERGH with Mr. MAYNARD.
Mr. MCCALL with Mr. SAUNDERS.
Mr. MCLAUGHLIN of Michigan with Mr. SMITH of Texas.
Mr. MCMILLAN with Mr. SPARKMAN.
Mr. MARSHALL with Mr. SPIGHT.
Mr. LORIMER with Mr. DAVEY of Louisiana.
Mr. BARCHFIELD with Mr. CANDLER.
Mr. WEEMS with Mr. BURGESS.
Mr. LANDIS with Mr. HENRY of Texas.
Mr. TAWNEY with Mr. BOWERS.
Mr. MCKINLAY of California with Mr. GARRETT.
Mr. JENKINS with Mr. CLAYTON.
Mr. SLEMP with Mr. CRAIG.
The result of the vote was announced as above recorded.

SUSAN M. YEOMAN.

Mr. CALDERHEAD. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill H. R. 1589, granting an increase of pension to Susan M. Yeoman, with a Senate amendment, to concur in the amendment, and move as an amendment thereto the paragraphs in the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas [Mr. CALDERHEAD] moves to take from the Speaker's table the following bill and concur in the Senate amendment thereto, with an amendment.

The Clerk will report the Senate amendment in the bill upon the Speaker's table, and then the amendment by the gentleman from Kansas.

The Clerk read as follows:

Strike out all after the enacting clause, and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

"The name of Susan M. Yeoman, widow of Samuel N. Yeoman, late lieutenant-colonel Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of James Jeffers, late of Company C, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Henry McCall, late of Company K, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of James B. Smith, late of Company H, Sixty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Graham Maffett, late of Company H, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Francis H. Swift, late of Company I, Fortieth Regiment Massachusetts Volunteer Infantry, and unassigned, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Alexander Beckwith, late of Company C, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of John O. Evans, late of Company H, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Julius M. Dutton, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Kirk Brown, late of Company G, Ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of John H. Arnold, late of Company E, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

"The name of Thomas Carten, alias Carton, late of Company D, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

"The name of Edward Marden, late of Company E, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of George W. Norris, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

"The name of Langdon Sherriff, late of Company K, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of De Witt Nash, late of Company D, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Worthington Fringer, late of Company G, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $8 per month.

"The name of Oliver Jones, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of William Sheppard, late of Company K, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of William D. Williams, late of Company F, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of James B. Wilson, late of Company E, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Huldah L. Barber, widow of Gershom M. Barber, late captain Fifth Independent Company, Ohio Volunteer Sharpshooters, and lieutenant-colonel One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The name of George Jenkins, late of Company H, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of John Gibson, late of Company C, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Charles Titterington, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Robert H. Barton, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Emilie Borchert, widow of Henry Borchert, late of Company G, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Emilie C. I. Borchert, helpless and dependent child of the said Henry Borchert, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Emilie Borchert the name of said Emilie C. I. Borchert shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Emilie Borchert.

"The name of John O. Matthews, late second lieutenant Company M, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of David Miller, late of Company E, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Granville W. Smith, late of Company H, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any reduction or rebate on account of former alleged overpayments or erroneous payments of pension.

"The name of George A. Osborne, late of Company B, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Charles W. Heisler, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Henry H. Taylor, late of Company C, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Thomas G. Orr, late of Company C, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Joseph A. Turner, late first lieutenant and regimental quartermaster, Eighteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of George W. Stabler, late captain Company C, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

"The name of John W. Don, alias John Dunn, late of the U. S. S. Grampus, Peri, and Collier, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Edward P. Howe, late captain Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Richard H. Jones, late of Company H, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Thomas Sheppard, late of Company I, Thirty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Joseph Rickey, late of Company A, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Louis N. Brady, late of Company G, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The title was amended so as to read: "An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors."

The amendment submitted by the gentleman from Kansas [Mr. CALDERHEAD] is as follows:

The name of Matthew Breeden, late of Company I, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas G. Underdown, late mate, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Hart, late of Company I, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clarence Stage, late of Company B, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Appleton, late of Company I, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert F. Salisbury, alias James Young, late of Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaiah Jewell, late of Company B, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Reeder, late of Company K, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin Frost, late of Company F, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David B. Willard, late of Company B, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Abbott, late of Company A, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary P. Grindlay, widow of James G. Grindlay, late captain Company D, and lieutenant-colonel and colonel, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of James T. Westenbarger, late of Company I, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Holehouse, late of Company B, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jefferson S. Keeton, late of Company G, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lafayette Axtell, late of Company A, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William S. Henry, late of Company G, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac C. Wilson, late of Company M, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Babbott, late of Company D, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alonzo C. Horton, late of Company E, One hundred and thirty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin Dorward, late of Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Eckert, widow of John M. Eckert, late of Company B, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John Simms, late of Company E, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elbridge Signor, late of Company I, Seventy-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Houseman, late of Company F, Thirty-first Regiment Missouri Volunteer Infantry, and second lieutenant, Company A, Consolidated Battalion, Thirty-first and Thirty-second Regiments Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin L. Carrington, late of Company K, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emanuel Russell, late of Company E, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ferguson M. Carnahan, late of Company C, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Metzger, late of Company M, Eighth Regiment New York Volunteer Heavy Artillery, and first lieutenant Company G, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Ward, late of Company F, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver P. Gillson, late of Company L, Fifteenth Regiment New York Volunteer Cavalry, and Company L, Second Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Crews, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wilson D. Hankins, late of Company K, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William D. Engle, late of Company H, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Heman Preston, late second lieutenant Company H, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William D. W. Miller, late first lieutenant Company F, Sixty-sixth Regiment New York Volunteer Infantry, and captain and aid-de-camp, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gardner H. Deremer, late of Company H, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ormond N. Hopkins, late of Captain Millard's company, Sioux City, Iowa, Volunteer Cavalry, and Company L, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel M. Walker, late of Company A, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Avery T. Low, late first lieutenant and adjutant, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph S. Lee, late of Company C, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elijah E. Shipley, late of Company B, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Rea, late of Company H, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan M. Lowry, widow of Lewis Lowry, late captain Company K, First Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Benjamin I. Witcraft, late of Company I, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ephraim Hill, late of Company E, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Robinson, late of Company G, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eby Jones, late of Company B, Third Regiment, and Company I, First Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen B. Kirkpatrick, late of Company D, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alban E. Bentley, late of Company E, Eigthy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Edwin Hill, late of Company A, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dwight J. Sheldon, late of Company M, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eugene Clapper, late of Company D, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lindsey Wilkins, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen Lowe, late of Company I, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gabriel Bowman, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas Rice, late of Company E, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Reynolds, late of Company C, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William V. Dillman, late of Company E, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Forrester W. Dexter, late of Company G, Sixteenth Regiment New York Volunteer Light Artillery, and Company C, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Abbott, late of Company H, Sixth Regiment Provisional Enrolled Missouri Militia Infantry, and Company H, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas King, late of Companies F and E, Seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elbert B. Wilson, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob G. Voorhees, late of Company E, Third Regiment New Jersey Volunteer Infantry, and Company A, Third Regiment New Jersey Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel M. Henderson, late of Company K, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asher Dilts, late of Company B, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley Pontious, late of Company D, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abram Foster, late of Company A, Eighty-third Regiment, and Company K, Ninety-seventh Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie Alexander, widow of Irvin Alexander, late of Company D, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of

the death of Margaret S. Alexander, helpless and dependent daughter of said Irvin Alexander, this pension shall be reduced to $12 per month from and after the date of death of said Margaret S. Alexander: *And provided further*, That in the event of the death of Annie Alexander, the name of said Margaret S. Alexander shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Annie Alexander.

The name of Thomas Webster, late of Company A, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Robison, late of Company E, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alvah J. Tucker, late of Company H, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Kate M. Chapman, widow of Justin H. Chapman, late captain Company B, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Conrad Rupert, late of Company K, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma R. Van Wart, widow of Stephen L. Van Wart, late captain Company I, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of James W. Hathaway, late of Company E, First Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Scott, late of Company M, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Hannum, late of Company G, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Cooper, late of Company E, Twelfth Regiment New York State Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Godfrey, late of Company K, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gottlob Schaubel, late captain Company H, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nicholas Becker, late of Troop A, Second Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Martin, late of Company I, Fortieth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frazer A. Wasley, late of Company A, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah P. Davis, late of Company F, Engineer Regiment of the West, and Companies F and B, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel P. Marlette, late of Company A, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Farnham, late of United States Marine Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward Mackin, late of Company I, Twentieth Regiment New York State Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Claude, late of Company G, Twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $15 per month, the same to be paid him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Joseph Thompson, late of Company A, Twenty-fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel L. Barnes, late unassigned, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Williams, late of Company E, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Lewis, late of Company E, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Burch, late of Company A, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Butters, late of Company M, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James B. Geggie, late first lieutenant Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clark Walker, late of Company D, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas J. Pavy, late of Company D, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank H. Bristow, late major Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Pope, late of Company E, Eighty-fifth Regiment, Company E, One hundred and ninety-ninth Regiment, and Company E, One hundred and eighty-eighth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Azariah Dorton, late of Company D, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Miller, late of Company A, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. L. Pinto, late of Company H, Twenty-ninth Regiment, and Company E, One hundred and fourteenth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Slone Smith, late of Company A, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leroy Litchfield, late of Company H, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eliza Armstrong, dependent mother of George Armstrong, late of Company E, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas B. Evans, late of Company E, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Curtis G. Bagwell, late of Troop F, First Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Chatman, late of Company H, One hundred and thirty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William Geddes, late of Company D, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma C. Thienlin, widow of Francis F. C. Thienlin, known as Augustus Dumont, late of U. S. S. Princeton, Galena, and Vandalia, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Shadrach F. Brown, late of Company D, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $12 per month.

The name of Frederick Schwieder, late of Company I, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Byron, late of U. S. S. Gamage, Great Western, and Oneota, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin W. Patterson, late of Company F, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James P. Testerman, late of First Battery Kansas Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas B. Handy, late of Company H, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alpheus Wright, late of Company F, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben G. Wescott, late of Company G, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Bowe, late of Company F, Twenty-first Regiment and Company F, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George E. Lewis, late of Companies G and K, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert E. Bolt, late of Company H, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. Nellis, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Seymour, late of Company A, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Pew, late of Company H, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Potter, late of U. S. S. Cherokee, Pequot, and Vanderbilt, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Manchester, late of Company I, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of M. Lewis Blair, late captain Company E, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simeon Stuart, late of Company C, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert A. Dunlap, late of Company A, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John A. Soliday, late of Company M, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julius C. Chappell, late of Company G, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of James M. White, late of Company C, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alma P. Hilliard, widow of Henry S. Hilliard, late captain Company B, ——— Battalion, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Isaac Vannest, late of Company K, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Willet L. Ham, late of Company G, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. H. McDowell, late of Company B, Seventeenth Regiment Indiana Volunteer Infantry, and second lieutenant

Company E, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Smith, late of Company A, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ishmael Comstock, late of Company D, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Snyder, late of Company B, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Bratschi, late of Company D, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Fairbanks, late of Company I, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Holt, late of Company A, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Kilmer, late captain Company C, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arabella M. Probasco, former widow of John P. Slough, late brigadier-general, United States Volunteers, and widow of Wallace M. Probasco, late of Company D, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Levi Boysel, late of Company H, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jackson Ryan, late of Company H, Fifteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matilda L. Cavins, widow of Aden G. Cavins, late major and lieutenant-colonel, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Allen Watson, late of Company E, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah McIntosh, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elijah Hallett, late of Company G, Twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Dukitte, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allen McCall, late of Company K, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonathan W. Pontius, late of Company I, and second lieutenant Company C, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham M. McKinley, late of Company B, One hundred and forty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Boyle, late captain Company D, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus S. Smith, late hospital steward, One hundred and sixty-seventh Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Chase, late of Company B, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Smith, late of Company I, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Napoleon B. Kidwell, late of Company G, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. Brumblay, late captain Company K, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dewitt C. Brownson, late of Company M, First Regiment Iowa Volunteer Cavalry, and Company H, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Phillip Isaac Frank, late of Company B, First Regiment Mississippi Marine Brigade, and Company I, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Baker, late captain Company C, Sixteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson F. Overmyer, late of Company F, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel S. Hunter, late of Company K, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hugo Arndt, late of Company E, Fifty-fifth Regiment Illinois Volunteer Infantry, and One hundred and seventy-second Company Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Fox, late of Company K, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Nickel, late of Company B, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Fisher, late of Company H, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen Bashaw, late of Company I, Seventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Mahoney, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Hemphill, late of Company K, Eighty-fourth Regiment, and Company K, Fifty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert W. Ross, late of Company E, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Arthur J. Driver, late of Battery G, Second Regiment Illinois Volunteer Light Artillery, and Company A, Thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caroline Bauer, widow of John Bauer, late of Company E, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Emma E. Bauer, helpless and dependent daughter of said John Bauer, this pension shall be reduced to $12 per month from and after the date of death of said Emma E. Bauer: *And provided further*, That in the event of the death of Caroline Bauer, the name of said Emma E. Bauer shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Caroline Bauer.

The name of Mercy Harris, widow of Robert Harris, alias Robert Ferguson, late of Company G, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of William H. French, late of Company H, One hundred and forty-third Regiment New York Volunteer Infantry, and Company C, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Gibson, late of Company G, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Banford, late of Company L, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Eckle, late of Company I, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helen M. Silsby, widow of William H. Silsby, late lieutenant-colonel, Tenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Phillip Gilbert, late of Company B, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph W. Preston, late of Company A, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Earl W. Soper, late of Companies M and H, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Niles, late of U. S. S. Moose, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Duncanson, widow of Stephen Duncanson, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Henry Becker, late of Company F, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Freeman L. McKusick, late of Company B, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William P. Shelton, late of Company A, First Regiment Alabama Volunteer Vidette Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter J. Bowman, late first lieutenant Company E, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Mason, widow of John C. Mason, late of Company A, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Mary Ann Gettings, helpless and dependent child of Nelson Gettings, late of Company K, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Barton N. Daily, late of Company G, Eighty-eighth Regiment, and Company H, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Rowinsky, late of Company A, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Q. Mahan, late of Company G, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin T. Mills, late of Company E, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph C. Hibson, late of Company C, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The name of Charlotte Letts, widow of De Witt Clinton Letts, late of Company C, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Finn, late second lieutenant and first lieutenant Company C, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Samuel Bellesfield, late of Company E, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Akers, late of Company C, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Minnie Lee Ford, helpless and dependent child of Benjamin J. Ford, late of Company E, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William A. Eaton, late of Company E, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Carrie C. Nunn, widow of George W. Nunn, late of Company H, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Albert Donner, late of Company B, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enoch W. Sedgwick, late of Company A, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Allen, late of Company K, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Wilson, late of Company C, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Carlos C. Towner, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Baldwin, late of Company H, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew McInturff, late of Company C, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Archibald Bamber, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alba Bellows, late of Company G, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charlotte S. Tripp, widow of Handel J. Tripp, late of Company I, Third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel McCain, late of Company F, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Lingle, late chief engineer, U. S. S. Stevens, United States Revenue-Cutter Service, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert J. Goble, late of Company H, Eighth Regiment Pennsylvania Volunteer Reserve Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John D. Wells, late of Company G, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mervell J. Hibbard, late of Company K, Seventh Regiment Maine Volunteer Infantry, and Eighteenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Duncan, late of Company B, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. T. Decker, late of Company B, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William T. Johnson, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. Boren, late of Company E, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mahala J. Hulsizer, helpless and dependent child of William Hulsizer, late of Company K, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John M. Butcher, late of Company H, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pearson N. Clifford, late of Company I, Twenty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Enck, late of Company A, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Heckman, late of Company D, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Martin, late of Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $65 per month in lieu of that he is now receiving.

The name of Charles Deterly, late of Company G, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James E. Cole, late of Company I, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus E. Hayse, late of Company L, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thaddeus S. Simpson, late of Company F, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George E. Donham, late of Company G, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Warner, widow of George C. Warner, late of Company E, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Lizzie Yorker, widow of Paul Yorker, late of Company G, Tenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel S. King, late of Company C, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Hoag, late of Company C, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orlando H. Wright, late of Company B, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John N. Braun, late of Company B, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben B. Taylor, late captain Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Guttery, late of Company L, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lazarus H. Parris, late of Second Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Lucas, late of Company C, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hastings, late of Company K, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip L. Humphrey, late of Company I, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asaph Whiting, late of Company F, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Darius Sherman, late of Company E, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Powell, late of Company K, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Romanzo A. Nichols, late of Company H, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George S. Loomis, late of Company H, Seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David M. Niswander, late second lieutenant Company B, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Stockbridge, late of Company A, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Godsey, late of Company I, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo H. Chism, late second lieutenant Company A, Thirty-seventh Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cosma T. Colman, late of Company D, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Newton F. Jones, late of Company A, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin Northup, late of Companies H and D, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lawrence Griffin, late of Company D, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Tavenner, late of Company C, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Prindle, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza Clune, former widow of Christopher Murphy, late of Company D, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George Wait, late of Company F, Eighty-eighth Regiment, and Company E, Fifty-fifth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Mansfield, late of Company D, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick H. Smith, late of Company D, Thirtieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charlotte R. McAlpin, former widow of Myron M. Hall, late of Company G, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Walter A. Finney, late of Company C, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram Kelder, late of Company G, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Lloyd Curry, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Hood, late of Company B, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Reid, late of Company F, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Brown, late of Company C, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas C. Elliott, late of Company A, One hundred and forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Tyler, late of Company C, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nellie Van Camp Worden, widow of William H. Worden, late of Company B, Fourteenth Regiment, and Company G, One hundred and seventeenth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles W. Brigham, late of Seventh Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Shanbarker, late of Company H, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Bradshaw, late of Company K, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert S. Tweed, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Titus, jr., late of Company B, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick P. Toale, late of Company G, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred G. Sturgiss, late of Company K, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Shobe, late of Company B, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George B. Jones, late of Sixth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Brodt, late of Company A, Second Battalion, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wesley Amos, late of Fifth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Ross, late of Company B, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Dotzenrot, late unassigned, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Engel, late of Company A, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Stuchal, late of Company G, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Bostain, late of Company L, Ninety-ninth Regiment, and Company B, One hundred and ninety-ninth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Beckett, late first lieutenant Company D, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Auer, late second lieutenant Company I, Twelfth Regiment New York Volunteer Infantry, and major, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. H. Mallory, late of Company K, Eighth Regiment, and Company C, Fourth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Estes, late of Company D, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ovid B. Todd, late second lieutenant Companies K and B, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Cook, late of Company I, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard P. Taylor, late of Company E, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Graham, late of Company G, Eighty-third Regiment New York Volunteer Infantry, and Fourth Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Israel Miller, late of Company K, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Edgar M. Lull, late of Company H, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard H. Black, late of Company G, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Short, late of Company C, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Rude, late captain Company F, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles G. Goodell, late of Company C, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert King, late of Company K, Thirty-third Regiment, and Company B, Eleventh Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Reynolds, late of Company G, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Wilson, late first lieutenant Company E, Thirty-first Regiment Missouri Volunteer Infantry, and Company B, Consolidated Battalion, Thirty-first and Thirty-second Regiments Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Hilfert, late of Company D, Twenty-first Regiment Wisconsin Volunteer Infantry, and unassigned, Third Regiment Wisconsin Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Mullenhaur, late of Company C, First Battalion, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mordecai H. Dicks, late of Company F, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James J. Kirkland, late of Company E, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elijah Smallwood, late of Company G, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac McDowell, late of Company I, First Regiment New Jersey Volunteer Infantry, and Company B, First Battalion New Jersey Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Pryor L. Draper, late of Company I, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Connor, late of Company K, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Irvin J. Crane, late unassigned, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac N. Taylor, late hospital steward and assistant surgeon, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore R. Stearns, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram H. Fox, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Florence Annetta Cox, helpless and dependent child of John A. M. Cox, late first lieutenant Company C, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Martin H. Black, late of Company K, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Durack Rowen, late of Company K, Thirteenth Regiment New York Volunteer Cavalry, and Company K, Third Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Tibbons, late of Company I, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gottfried Rossberg, late of Company E, Seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mattie A. Birney, widow of William Birney, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month.

The name of Garret P. Atchison, late of Company K, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Lamb, late of Company D, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cephas Davis, helpless and dependent child of James Davis, late of Company B, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William Bull, late of Company K, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eva Whittlebery, helpless and dependent child of William R. Whittlebery, late of Company I, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Moritz Pinner, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edgar M. Phelps, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Susan D. Whitaker, widow of Joseph W. Whitaker, late lieutenant-colonel One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John Rinehart, late of Company F, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George I. Walters, late of Third Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Gardner, late of Company D, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Fisher, late of Company C, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses H. Pride, late of Company E, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel F. Rupert, late of Company M, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Melvin O. Guptil, late of Company D, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Norstrom, late of Company C, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Bellamy, late of Company B, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Richmond Axtell, late of Company H, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Little, late of Companies B and D, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Shaw, late first lieutenant Company B, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter Storm, late of Company K, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rose Barton, widow of Ara Barton, late captain Company D, Brackett's battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of James Stafford, late of Company D, Eighty-fourth Regiment New York National Guard Volunteer Infantry, and Company G, Tenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anthony C. Peltier, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James C. Megahan, late of Company F, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George J. Baltzell, late of Company C, Second Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Moody, late of Company A, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Olivia Odell, widow of William H. Odell, late of Company L, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Abraham Charles, late of Company C, One hundred and seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. Reeder, late of Company A, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret J. Nipper, helpless and dependent child of Pleasant G. Nipper, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Beck, alias George W. Davis, late of U. S. S. North Carolina, Minnesota, and Mackinaw, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catherine Casey, widow of Patrick Casey, alias Patrick Maloney, late of United States Marine Corps, and pay her a pension at the rate of $12 per month.

The name of George Hopper, late first lieutenant Company A, Twenty-first Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abner H. Shaffer, late assistant surgeon and surgeon, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse A. Lowe, late of Company M, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willis D. Reed, late of Company B, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Andrew J. White, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Cooprider, late of Company G, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Seaver, late of Company D, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joshua Shaffer, late of Companies C and A, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Cheney, late of Company G, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hewitt, late of Company D, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and Company B, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Edwards, late of Company L, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Bosley, late of Company D, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Prater, late of Company I, Forty-seventh Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Owen, late of Company L, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Noble, late of Company A, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter W. McIntyre, late of Company G, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martin Kohn, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alice Jewett, helpless and dependent child of Charles Jewett, late first lieutenant Company K, Fifty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary E. Salkeld, widow of Thomas L. Salkeld, late of Company H, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and Company C, Twenty-second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $8 per month.

The name of William Evans, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Reynolds, late of Company E, Tenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emma Otteni, widow of Rudolph Otteni, late of Company L, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $12 per month and $2 per month additional on account of a minor child of said soldier until such child shall arrive at the age of 16 years.

The name of Annie E. King, widow of Isaac A. King, late of Company D, First Regiment Delaware Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of James H. Sickles, late of Company E, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Magee, late of Company E, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Ogden, late of United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Wise, late of Company K, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Carpenter, late of Company B, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi S. Raff, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Grant, late of Company B, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Greenville Tackett, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of William H. Shriver, late of Company A, Third Regiment West Virginia Volunteer Infantry (Sixth Regiment West Virginia Volunteer Cavalry), and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. Millspaugh, late second lieutenant, Company C, Fifty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles B. Layton, late of Company K, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Tuggle, late of Company K, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wesley Hibbs, late of Company G, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. W. Page, late of Company F, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Britton, late of Company E, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Lupton, widow of Peter B. Lupton, late of Company I, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of George Lupton, helpless and dependent son of said Peter B. Lupton, this pension shall be reduced to $12 per month from and after the date of death of said George Lupton: *And provided further*, That in the event of the death of Jane Lupton, the name of said George Lupton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Jane Lupton.

The name of Jacob Clute, late of Company A, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis N. Thompson, late of Company K, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Hartman, late of Company F, One hundred and seventy-second Regiment, and Company A, Two hundred and eighth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Columbus C. Howell, late of Company A, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Love, late of Company E, Fourth Regiment West Virginia Volunteer Infantry, and Company B, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Paul Sullivan, alias Matthias G. Clark, late of Company A, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael M. Gilbreath, late captain Michael M. Gilbreath's independent company, Alabama Scouts and Guides, and pay him a pension at the rate of $12 per month.

The name of James B. Hart, late of Company E, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel A. Hurst, late of Company B, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William N. Baker, late of Company D, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Signal Corps, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary C. Foran, widow of James Foran, late of Company G, Eighth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elizabeth Foran, helpless and dependent daughter of said James Foran, this pension shall be reduced to $12 per month from and after the date of death of said Elizabeth Foran: *And provided further*, That in the event of the death of Mary C. Foran, the name of said Elizabeth Foran shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary C. Foran.

The name of Theron J. Hills, late of Company B, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David C. Demarest, late of Company C, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wellington P. Hause, late of Company H, One hundred and twenty-ninth Regiment, and Company K, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Nelson, late of Company M, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of De Witt C. Handy, late of Company B, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. North, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Lecky, late of Company B, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Gillooly, late of Company D, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of N. Frank Brown, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Rowe, late of Second Unattached Company, Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Van Buren Purington, late of U. S. S. North Carolina, National Guard, J. S. Chambers, and Princeton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam M. Caszatt, late of Company E, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Stoneking, late of Company G, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Aaron Phillips, late of Company C, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emerson L. Johonnett, late of Company E, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Myron H. Perrigo, late of Company B, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Jacobs, late of Company C, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Perry, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Weaver, late of Company F, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph A. Coombs, late of Company A, Second Battalion Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David W. Davies, late of Company D, Second Battalion, Fourteenth Regiment United States Infantry, and Company C, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David A. Moore, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George McIntire, late of Company C, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Huddleston, late of Company C, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Agee, late of Company H, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cornelia M. Botts, widow of Randolph Botts, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Dickerson, alias George W. Richhart, late of Company I, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Horton, late of Company K, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Buckminster, late of Company A, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Dwight L. Herrick, late of Company C, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David W. McClure, late of Company K, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $6 per month and such higher rate of pension to which he may hereafter show himself to be legally entitled, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Medcalf A. Bell, late of Company F, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson G. Smith, late of Company F, Ninety-ninth Regiment, and Company F, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Newton W. Vawter, late of Company D, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Duncan, late of Company I, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles D. Barnard, late of Fifth Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Silas R. Owen, late of Company F, First Regiment Nebraska Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh Davis, late of Company D, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Algernon S. Palmer, late of Company H, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William P. Booth, late of Company M, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Gifford, late of Company F, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Swem, late of Company D, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Roswell Harris, late of Company C, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willard B. Peakes, late of band, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Robinson, late of Company F, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse T. Doolittle, late of Company K, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph W. Lefever, helpless and dependent child of Isaac J. Lefever, late of Company H, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Mary A. Krismeyer, widow of Conrad Krismeyer, late of Company A, First Regiment New York Volunteer Engineers, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Julia Masterson, widow of James Masterson, late of Company B, Third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of William Woodhouse, late of Company K, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sarepta E. Welch, widow of Edward H. Welch, late of Company D, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ella M. Welch, helpless and dependent daughter of said Edward H. Welch, this pension shall be reduced to $12 per month from and after the date of death of said Ella M. Welch: *And provided further*, That in the event of the death of Sarepta E. Welch, the name of said Ella M. Welch shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarepta E. Welch.

The name of Charles Mehl, late quartermaster-sergeant Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Harvey, widow of Bernard Harvey, late of Company E, Sixty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John Martini, late of Company E, Fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Willis, late of Company D, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph H. Rolfe, late of Company E, First Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius S. Yetman, late of Company G, Seventh Regiment, and Company G, Eleventh Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Watson, late of Company G, Sixth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas S. James, late of Company B, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver Shepherd, late of Company H, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harvey Becker, late of Company I, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joachim Shulz, late of Company F, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abigail Pontin, widow of John E. Pontin, late of Company I, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Orin M. Smith, late of Company F, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is receiving.

The name of Benjamin W. Gaylord, late of Company G, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The name of Jefferson Milbourn, late of Twenty-sixth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriet Baker, widow of Isaac Baker, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John H. Schweder, late of Company B, Thirteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Wagner, late of Company K, Forty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joel Gowett, late of Company K, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Davis, late of Company D, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylas McFowler, late of Company K, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Willis Vidito, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving

The name of Raauf W. Traver, late of Company B, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Smith Dye, late of Company F, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Witer, late of Company F, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orrin B. Egbert, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Roth, late of Company H, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Burdick, late of Company B, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William E. Lowary, late of Company F, First Regiment, and Company F, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bronson C. Keeler, late of Company B, First Regiment Mississippi Marine Brigade Volunteer Infantry, and Company B, Marine Regiment United States Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bohleber, late of Company F, Thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Wulff, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert A. Johnson, late of Company C, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Will, late of Company G, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Fifield, late of Company M, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catherine McHale, widow of William McHale, alias McKfla, late of Company I, Eleventh Regiment, and Company C, Twelfth Regiment, Kentucky Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bridget McHale, helpless and dependent daughter of said William McHale, alias McKfla, this pension shall be reduced to $12 per month from and after the date of death of said Bridget McHale: *And provided further*, That in the event of the death of Catherine McHale, the name of said Bridget McHale shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catherine McHale.

The name of George W. Swinney, late of Company A, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper C. Roberts, late of Company E, Thirty-seventh Regiment, and Company E, Fifty-fifth Regiment, Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Aker, late of Company A, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Newberry, late of Company E, Twenty-ninth Regiment Missouri Volunteer Infantry, and Company C, Second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lafayette Copley, late of Company E, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James F. M. Lewis, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Lamay, late of Company B, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Imes, late of Company D, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julia A. Reed, widow of Henry M. Reed, late of Company C, Eleventh Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob Batrim, late of Company D, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Rice, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Warner, late of Company I, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Reese, late of Company I, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asa Y. Gibson, late of Company H, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James V. Whitney, late of Company G, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper R. Lybarger, late of Company A, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Buckner, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George J. Morgan, late of Company G, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah T. Hirst, widow of Joseph Hirst, late of Ninth Battery Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Robert Stewart, late of Company K, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Glenn, late of Company A, Third Regiment Ohio Volunteer Cavalry, and Company E, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Knuckles, late of Company I, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvanus Hersey, late of Company B, One hundred and fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Blagg, late of Company H, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph I. Seeders, helpless and dependent child of Jesse Seeders, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Sarah C. Smith, widow of Daniel Smith, late of Company D, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Cora P. Smith, helpless and dependent daughter of said Daniel Smith, this pension shall be reduced to $12 per month from and after the date of death of said Cora P. Smith: *And provided further*, That in the event of the death of Sarah C. Smith the name of said Cora P. Smith shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah C. Smith.

The name of Willie L. Steventon, widow of Albert N. Steventon, late of Battery B, New Jersey Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of William Johnson, late of Company K, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. McCartney, late of Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Woodall, late of Company B, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John P. Williams, late of Company G, Fifteenth Regiment, and Company G, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Greer, late of Company C, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Conley, late first lieutenant Company B, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George C. Miller, late of Company B, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius O'Leary, late of Company E, Eighty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Snively, late of Company B, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chauncey Godfrey, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of William R. Hendricks, late of Company D, One hundred and second Regiment Illinois Volunteer Infantry, and Company C, First Regiment Mississippi Marine Brigade, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cassius M. Barnes, late of Captain Howland's company, Michigan Mounted Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of E. George De Lap, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Devlin, late of Company F, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adoniram J. Bowen, late of Company K, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Delaney, late of Company B, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. Allen, late of Company B, Second Regiment West Virginia Volunteer Mounted Infantry, and Company B, Fifth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sanson W. Smalley, late of Company O, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank G. Sayre, late of Company K, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wiley Lype, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna Phipps, widow of John M. Phipps, late of Company D, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Michael Kavanaugh, late of U. S. S. North Carolina and Monticello, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. O'Hara, late of Company E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Beardsley, late of Company D, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Porter, late of Companies A and C, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Bedell, late first lieutenant Company K, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and first lieutenant and adjutant, Independent Battalion Pennsylvania Militia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Wardlow, late of Company B, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Jackson, late of Company B, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Ullrich, late of Company B, Second Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Williams, late of Company C, Thirty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy A. Dressor, widow of Joel Dressor, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph W. Sturgis, late second lieutenant Company G, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Bowen, late of Company F, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathaniel Seltzer, late of Company B, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert Case, late of Company E, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harris Hoover, late of Company G, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Barnes, late of Company E, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Hess, helpless and dependent child of Frederick D. Hess, late of Company A, Ninetieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of George A. Brown, late of Company A, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert C. W. Hughey, late of Company D, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Timothy Hayes, late of Company F, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan Collins, late of Company B, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emeline Harvell, widow of Charles S. Harvell, late of Seventh Independent Battery New York Volunteer Light Artillery, and second lieutenant Company D, First Regiment New York Volunteer Engineers, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of James R. Rather, late of Company A, Fifty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel S. Austin, late of Company D, and first lieutenant Company M, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amalie Schmitz, widow of Louis Schmitz, late of Company K, Twentieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Amalie Schmitz, helpless and dependent daughter of said Louis Schmitz, this pension shall be reduced to $12 per month from and after the date of death of said Amalie Schmitz: *And provided further*, That in the event of the death of Amalie Schmitz, widow of the soldier, the name of said daughter, Amalie Schmitz, shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Amalie Schmitz, widow.

The name of Rollin S. Burbank, late of Company A, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Hunter, late of Company I, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Burton, widow of Ivan Burton, late of Company A, Twelfth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Henry Walton, late of Third Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David McDuffee, late of Company G, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Lee, late of Company C, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Ward, late of Company E, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James B. Hurlbutt, late of Company A, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Gilkey, late of Company C, One hundred and sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Toombs, late of Company H, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver Wells, late of Company H, Third Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey Jewell, alias Harvey Cliver, late of Company I, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin V. B. Cale, late of Company A, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles T. Greer, late captain Company B, Fifth Regiment United States Colored Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha J. Banks, widow of Rivers Banks, late of Company C, North Cumberland Battalion, Kentucky State Troops, and pay her a pension at the rate of $12 per month.

The name of Owen Kealeher, late of Artillery Detachment at West Point (United States Military Academy), and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Reuben Van Tassel, late of Company H, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John C. Quinn, late of Company H, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Gere, late major and lieutenant-colonel, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Francis M. Hicks, late of Company D, One hundred and forty-second Regiment, and Company K, Fifteenth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin H. King, late of Fifth Independent Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Grubb, late of Company C, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry G. Chamberlain, late of Company L, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Adolph Stockli, late of Company H, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Van Antwerp, late of Company H, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Spaulding, late of Company D, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas B. Stalings, late of Company C, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Phineas M. Hoisington, late of Company B, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Case, late of Company H, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oregon Boughner, late of Company E, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Johnson, late of Company F, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Robinson, late of Company H, One hundred and twentieth Regiment New York Volunteer Infantry, and Company G, Seventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Steward Rexroat, late of Company I, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerome B. Leidy, jr., late of Company E, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles McDavitt, late of Company K, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The name of Jessey Cooper, widow of Albert Cooper, late of Company I, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and Company F, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of George P. Conyers, late of Company K, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew M. Donald, late of Company E, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seneca Daniels, late of Company D, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles O. Rankins, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin C. Copeland, late of Company D, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Charles H. Stackpole, late of Company K, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Smith, late of Company H, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward C. Reed, late of Company B, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Melville C. Sullivan, late of Company F, and quartermaster-sergeant, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mason D. Sampson, late second lieutenant Company E, Fortieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. McClenahan, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and One hundred and fifty-second Company, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Luther, late of Company E, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nancy L. Fay, widow of Henry C. Fay, late captain Company H, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John L. Doughty, late of Company G, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Archibald Gibson, late of Company K, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carter D. Herd, late of Company L, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan Holley, widow of Septor J. Holley, late of Company B, Fifty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Edwin L. Simpson, late of Company F, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George V. H. Weaver, late of Company F, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Simonds, late of Company K, Twelfth Regiment Massachusetts Volunteer Infantry, and Company D, Thirteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur Fairman, late of Company B, Twelfth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward T. Riley, late of Company B, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James I. Clark, late of Company A, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry J. Soward, late of Company C, First Regiment Indiana Veteran Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel D. Vorhis, late of Company D, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel B. Grover, late of Company F, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel D. Meek, late of Company F, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Kendall, late of Company I, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Charles E. Dunn, late of Companies I and M, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen L. Ethridge, late of Company E, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Delia R. Seely, widow of Franklin A. Seely, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Henry, late sergeant-major Fiftieth Regiment Illinois Volunteer Infantry and major One hundred and eleventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Hutchins, late of Company H, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry S. White, late chaplain Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathaniel Walker, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Ferguson, late of Company D, Twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Almond J. Whaley, late of Company H, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of J. Woodruff Lewis, late captain Company K, One hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Shumway, late of Company F, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary McCandless, widow of David McCandless, late of Company G, Ninth Regiment New Jersey Volunteer Infantry, and unassigned, Veteran Reserve Corps, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Daniel McDonald, late of Company K, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha Doty, widow of Theodore M. Doty, late of U. S. S. North Carolina and Santiago de Cuba, United States Navy, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John C. Collins, late of Company K, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry T. Ayers, late of Company K, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jennie E. Sawyer, widow of Frank C. Sawyer, late first-class fireman, U. S. S. Ohio, Fort Donelson, and Princeton, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Daniel R. Hanwell, late of Company K, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amanda A. Trueworthy, widow of Augustus J. Trueworthy, late of Company B, Sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Michael Brannan, late of Company D, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry J. F. Wert, late of Company B, First Regiment Mississippi Marine Brigade Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary P. Bradley, widow of Amos R. Bradley, late of Company D, Fifth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of George Harwood, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Redfield, late of Company G, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Boswell, late of Company F, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orville E. Campbell, late of Company G, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Mayhew, late of Company H, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha E. Doebler, widow of Thomas S. Doebler, late first lieutenant, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles M. R. Atwell, late of Company B, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Foster, late of Company F, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza W. Garwood, widow of William L. Garwood, late first lieutenant Company C, Ninety-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Jacob F. Greenman, late of Company F, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The names of Catherine Lyda and Samuel Lyda, helpless and dependent children of Michael Lyda, late of Company D, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay them each a pension at the rate of $12 per month.

The name of William T. Trott, late of Company H, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Hart, late of Company A, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Callender, late of Company I, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ignatz Gresser, late of Company D, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Pohl, late of Companies F and D, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David L. Beard, alias Lewis Beard, late of Company F, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Vest, late of Company B, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McDonnell, late of Company B, First Regiment Minnesota Volunteer Mounted Rangers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wellington W. Whitney, late of Company C, Maine Coast Guards Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Housley, late of Company M, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caleb Houdyshell, late of Company G, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Divelbiss, late of Company L, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Kort, late of Company A, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Elias, late of Company G, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Taylor, late of Company K, Thirty-first Regiment Illinois Volunteer Infantry, and Company C, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John D. Dillingham, late of Company C, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Dickerman, late of Company E, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The name of Eldred Huff, late captain Company A, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Taylor, late of Company F, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Hunter, late of Company F, Eleventh Regiment, and Company K, Eighth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Lankford, late of Company A, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie T. Penrose, widow of James W. Penrose, late captain Company F, Fifteenth Regiment New Jersey Volunteer Infantry, and major Second Battalion New Jersey Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lewis F. Sycks, late of Company I, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Handy S. Day, late of Company C, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Henry, helpless and dependent child of Samuel B. Henry, late of Company A, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Francis M. Frazier, late of Company H, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William N. Berry, late captain Company L, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen O. Bryant, late of Company C, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helen E. Fish, dependent and helpless child of Simeon G. Fish, late first lieutenant Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ira D. Marston, late of Company B, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James R. Potter, late of Company D, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Harris, late of Company F, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Kohr, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Thomas, late of Company I, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton S. Lytle, late of Company C, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Rugan, late of Company E, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel N. King, late captain Company M, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha E. Gabriel, widow of George F. Gabriel, late of Company C, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John L. Welch, late of Company E, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Belknap, late of Company F, Fifteenth Regiment, and Company H, Ninety-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Fowler, late first lieutenant Company A, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Gentry, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice J. Hackney, widow of James F. Hackney, late of Company D, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate $16 per month in lieu of that she is now receiving.

The name of Calvin T. Blessing, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philester S. Elliott, late of Company G, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Elliott, late of Company F, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John H. Steward, late of Company C, Twenty-fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph T. Hanna, late of Company G, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Celia A. Baldwin, widow of Aaron P. Baldwin, late captain Sixth Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rose Maxey, widow of John W. Maxey, late of Company A, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lewis E. Kauffer, late of Company E, Third Regiment Maine Volunteer Infantry, and Company F, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charlotte M. Peters, widow of William H. Peters, late of Company E, Fifty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of David K. Adkins, late of Company B, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Swisher, late of Company G, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathaniel T. Gourley, late of Company F, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia A. Derby, widow of William Derby, late of Company H, Sixteenth Regiment Connecticut Volunteer Infantry, and Company F, Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Lewis L. Bell, late of Company F, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of August Ihringer, late of Company K, Twenty-ninth Regiment New York Volunteer Infantry, and Company I, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Cheatham, late of Company B, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin B. Bartholomew, late of Company A, Tenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward D. Barker, late of Company F, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Newbry Briggs, late of Second Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Wallace, late of Company E, Twentieth Regiment New York State Militia (Eightieth New York Volunteer Infantry), and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caroline P. Hill, widow of Sylvester L. Hill, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lois Jane Hill, the helpless and dependent child of said Sylvester L. Hill, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Caroline P. Hill the name of the said Lois Jane Hill be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Caroline P. Hill.

The name of Elijah H. Bartlett, late veterinary surgeon, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Kane, late of U. S. S. Nereus, Cambridge, and St. Louis, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Wright, late hospital steward, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McCann, late of Company D, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The name of Emily C. Cummings, former widow of Benjamin G. Calef, late of Company H, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The name of James A. Miller, late of Company A, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Bagley, formerly John S. Brown, late of Company C, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Drake, late of Company F, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ann Eliza Hemenway, dependent mother of Haskell S. Hemenway, late of Company D, Tenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Rose Anna Griffiths, helpless and dependent daughter of William Griffiths, late of Company D, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel E. Bernard, late of Company A, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas H. Wilson, late of Company A, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Boso, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Ross, late of Company D, Second Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Cody, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Franklin, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan Coffee, widow of George Coffee, late of Company B, Second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The name of Martin Covert, late of Company F, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dora A. Skinner, widow of Samuel W. Skinner, late surgeon Fourth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Charles Rote, late of Company G, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Cunningham, late of Company C, Seventh Regiment Pennsylvania Volunteer Cavalry, and Company D, Seventeenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dallas Bumbaugh, late of Battery C, First Battalion (Knap's) Pennsylvania Militia Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert B. Smith, late acting master's mate, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. Dunham, jr., late second lieutenant Company K, and first lieutenant Company G, and lieutenant-colonel Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Patrick, late of Company D, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Austin S. Bump, late captain Company A, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Blanchard, late of Company F, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frederick Rice, late of Company A, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mollie Tarvin, widow of Alvin W. Tarvin, late first lieutenant and regimental quartermaster, Twenty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Franklin Teets, late captain Company E, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George P. Y. Tritipoe, late of Company F, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Woosley, late of Company G, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Hammons, late of Company B, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Fox, late of Company B, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Wilhelm, late of Company A, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Austin, late of Company G, First Regiment Kentucky Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David E. Hurlburt, late captain Company K, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Spencer Rice, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas G. Pratt, late of Company B, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Reed, late of Company G, Eighth Regiment, and Company M, Sixteenth Regiment, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank J. C. Tyler, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Archibald W. Collins, late of Company A, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lemon H. Wiley, late principal musician Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane Hunt, former widow of Chester P. Elliott, late of Company K, Sixteenth Regiment Iowa Infantry, and pay her a pension at the rate of $8 per month.

The name of Adaline J. Richardson, widow of James R. Richardson, late of Company C, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Stillman J. Perkins, late of Company A, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin A. Butterfield, late of Company I, Eighty-third Regiment Pennsylvania Volunteer Infantry, and Company H, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin V. Strine, late of Company C, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet S. Robins, widow of James P. Robins, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alexander C. Carman, late of Company A, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Constantine P. Perry, late of Company G, Fourteenth Regiment, and Company L, Eighth Regiment, Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Umstead, late of Company K, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas F. Callan, alias Thomas Cowan, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia C. Daniels, widow of Joseph D. Daniels, late lieutenant-commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Norman Lebo, late of Company F, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Dailey, late of Company G, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Higby, late of Company C, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac N. Stotts, late of Company I, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David L. Jones, late of Company B, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mathias Ault, late of Company B, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clara J. Swain, widow of Edgar D. Swain, late captain Company I, and lieutenant-colonel Forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John A. Houston, late of Company F, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephus Allen, late of Company C, Brackett's battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Medcalf, late of Company C, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Hadden, late of Company E, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Irvin, late of Company C, and first lieutenant Company G, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hannah E. Barber, widow of Henry H. Barber, late of Company A, Twenty-third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Margaret Clark, widow of John R. Clark, late of Company A, Twenty-second Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John Coats, late of Company D, Phelp's regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milford W. Oxley, late of U. S. S. Franklin, United States Navy, and pay him a pension at the rate of $12 per month.

The name of John M. Harris, late of Company C, and first lieutenant and adjutant First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Paddock, late of Company D, First Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Henry Palmer, late of Company C, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. Collett, widow of Eustace Collett, late of Company A, Purnell Legion, Maryland Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles F. Still, late of Company F, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Shedrach M. Cordon, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bradford H. Hall, late of Company I, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Pierson, late of Company A, Thirteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. D. Horton, late of Company D, First Regiment Rhode Island Volunteer Infantry, and Company I, Tenth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John G. Hibbs, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thurman H. Rodeheaver, late of Company H, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Ferguson, late of Company A, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Barr, late of Company D, Second Battalion, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna O. D. Mickley, widow of Joseph P. Mickley, late chief engineer, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Isadore L. W. Terry, widow of Adrian Terry, late lieutenant-colonel and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mory Mulliken, late of Company E, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month, the same to be paid him without deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of John Kugle, late of Battery B, Fifth Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Beal, late of Company G, Second Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilton C. Hall, late a captain's clerk U. S. S. Circassian, United States Navy, and pay him a pension at the rate of $12 per month.

The name of Imogen P. Stone, widow of Ebenezer W. Stone, late captain, Twenty-first Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Elizabeth M. Rutherford, widow of George Rutherford, late of Company F, Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Peter A. Frey, late of Company I, Thirty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaretha S. Schaffel, widow of Michael Schaffel, late first lieutenant Company G, Twenty-first Regiment New Jersey Volunteer Infantry, and Seventh Independent Company, Veteran Reserve Corps, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Amanda Ewing, widow of Isaac N. Ewing, late of Company C, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David Warner, late of Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Ward, late of Company H, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Minnie B. Jeffries, widow of Noah L. Jeffries, late captain and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Alonzo D. Holcomb, late of Company G, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Hazzard, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William McCaw, late of Company L, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lizzie Kapus, widow of William Kapus, late first lieutenant Company F, First Regiment Washington Territory Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Bridget Malloy, widow of James Malloy, late of Battery L, Fourth Regiment United States Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Abbie W. Fessenden, widow of Rebert Fessenden, late first lieutenant and adjutant Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Darius A. Sweet, late of Company E, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Griffin, late hospital steward, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George C. Simmons, late of Company K, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha M. Allen, former widow of Doc B. Sherman, late of Battery M, Fourth Regiment United States Artillery, and pay her a pension at the rate of $20 per month.

The name of Joseph R. Thomas, late of Company B, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma S. Schletzbaum, helpless and dependent daughter of Joseph Schletzbaum, late of Company B, Twelfth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Eli Conn, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Smith, late of Company G, Sixteenth Regiment United States Infantry, and Company B, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth R. Allen, widow of Corodon Allen, late surgeon Sixty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John D. Lankton, late of Company I, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert F. Appleby, late of Companies E and F, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah B. Norris, widow of Delu Norris, late of Company E, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James A. Irvin, late of Company H, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. McKay, late of Company C, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Laura H. Snider, widow of Joseph Snider, late colonel Seventh Regiment West Virginia Volunteer Infantry, and Fourth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Patrick P. Toale, late of Company G, Sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hartford M. Harding, late of Company D, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Watson, late of Companies K and A, Third Regiment West Virginia Volunteer Infantry (Sixth West Virginia Volunteer Cavalry), and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Moore, late of Company A, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harry C. Gallaher, late of Company B, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Redman, late of Company B, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ida R. Foss, widow of William A. Foss, late of Sixth Battery, First Battalion Maine Volunteer Light Artillery, and pay her a pension at the rate of $8 per month.

The name of Timothy J. Sheehan, late captain Company C, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nelson E. Nelson, late of Company A, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ira A. Taylor, late of Company H, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram Bickford, late of Company I, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The SPEAKER pro tempore (Mr. CAPRON in the chair). The question is upon the committee amendment to the Senate amendment.

Mr. WILLIAMS. Mr. Speaker, was there a motion to suspend the rules in this case?

The SPEAKER pro tempore. The question is on suspending the rules and agreeing to the Senate amendment with an amendment, which has been read.

Mr. WILLIAMS. I ask for a second, in order that the bill may be explained.

The SPEAKER pro tempore. Under the rules, the same is ordered. The question is on suspending the rules and passing the bill as read. Does the gentleman from Mississippi [Mr. WILLIAMS] desire to occupy a portion of the twenty minutes?

Mr. WILLIAMS. I asked for a second in order that the gentleman in charge of the bill might explain it to the House.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. CALDERHEAD] is entitled to twenty minutes.

Mr. CALDERHEAD. The suspension of the rules is for the purpose of passing the bill H. R. 1589, which was amended by the Senate and returned to us, and I moved to concur in that amendment with an amendment, and offered as an amendment the bills of the House which have just been read to the House. All of them have been considered regularly by the committee and reported regularly and are on the Private Calendar.

Mr. WILLIAMS. Are these Senate bills with House amendments?

Mr. CALDERHEAD. These are House bills which have just been read as an amendment.

Mr. WILLIAMS. With Senate amendment and House amendment to the Senate amendment?

Mr. CALDERHEAD. Yes, sir.

Mr. WILLIAMS. All of them are bills which previously have passed the two Houses, each one individually?

Mr. CALDERHEAD. No; this amendment which has just been read to the House consists of bills that have been reported by the Invalid Pension Committee to the House and are on the Private Calendar now.

Mr. WILLIAMS. I understand. Then this bill will have to go to the Senate?

Mr. CALDERHEAD. Yes, sir.

Mr. WILSON of Pennsylvania. I would like to ask the gentleman if these amendments include all the bills that have been reported by the committee up to date.

Mr. CALDERHEAD. Yes, sir; by the Committee on Invalid Pensions, not the bills from the Committee on Pensions.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill and agreeing to the Senate amendment with an amendment.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, as this is public legislation, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 207, nays 3, answered "present" 17, not voting 160, as follows:

YEAS—207.

Acheson	Diekema	Hubbard, W. Va.	Padgett
Adair	Dixon	Huff	Page
Adamson	Douglas	Hughes, N. J.	Parker, N. J.
Aiken	Draper	Hull, Tenn.	Parker, S. Dak.
Alexander, Mo.	Driscoll	Humphrey, Wash.	Payne
Alexander, N. Y.	Durey	Johnson, Ky.	Perkins
Allen	Dwight	Jones, Wash.	Porter
Ames	Ellerbe	Kahn	Pray
Andrus	Ellis, Oreg.	Keifer	Rainey
Ansberry	Englebright	Keliher	Rauch
Ashbrook	Esch	Kennedy, Iowa	Reeder
Bannon	Fairchild	Kennedy, Ohio	Reid
Bartholdt	Ferris	Kinkaid	Reynolds
Bartlett, Ga.	Fitzgerald	Kipp	Robinson
Bates	Floyd	Kitchin, Claude	Rodenberg
Bede	Foster, Ill.	Knapp	Russell, Mo.
Bell, Ga.	Foster, Vt.	Knopf	Ryan
Bennet, N. Y.	Foulkrod	Knowland	Scott
Birdsall	French	Küstermann	Sherley
Bonynge	Fuller	Lafean	Sherwood
Booher	Fulton	Laning	Sims
Boyd	Gaines, Tenn.	Lassiter	Smith, Cal.
Brantley	Gardner, N. J.	Lee	Smith, Iowa
Broussard	Gilhams	Lenahan	Smith, Mich.
Brownlow	Gill	Lever	Smith, Mo.
Burke	Glass	Lindbergh	Snapp
Burleigh	Godwin	Lloyd	Southwick
Burton, Del.	Goebel	Longworth	Sperry
Butler	Goldfogle	Loudenslager	Stafford
Calder	Gordon	Lovering	Stanley
Calderhead	Granger	McGavin	Stephens, Tex.
Capron	Gregg	McHenry	Sulloway
Cary	Hackett	McKinley, Ill.	Sulzer
Chapman	Hackney	McKinney	Talbott
Clark, Fla.	Hale	McMillan	Taylor, Ohio.
Clark, Mo.	Hamilton, Iowa	McMorran	Thistlewood
Cockran	Hamilton, Mich.	Macon	Thomas, Ohio
Cocks, N. Y.	Hammond	Madden	Tirrell
Cole	Harding	Madison	Tou Velle
Cook, Colo.	Haugen	Mann	Volstead
Cook, Pa.	Hawley	Miller	Vreeland
Cousins	Hay	Morse	Waldo
Cox, Ind.	Hayes	Mouser	Wanger
Cravens	Heflin	Murdock	Wheeler
Crumpacker	Helm	Murphy	Willett
Dalzell	Higgins	Needham	Williams
Darragh	Hinshaw	Nelson	Wilson, Ill.
Davenport	Holliday	Nicholls	Wilson, Pa.
Davis, Minn.	Houston	Norris	Wood
Dawson	Howell, N. J.	Nye	Woodyard
Denby	Howell, Utah.	O'Connell	Young
Denver	Hubbard, Iowa	Olcott	

NAYS—3.

Beall, Tex.	Byrd	Russell, Tex.

ANSWERED "PRESENT"—17.

Bowers	Goulden	Sabath	Smith, Tex.
Candler	Hardy	Sheppard	Watkins
Finley	Jones, Va.	Sherman	
Gaines, W. Va.	Lamb	Slayden	
Garner	Moore, Tex.	Slemp	

NOT VOTING—160.

Anthony	Fassett	James, Ollie M.	Patterson
Barchfeld	Favrot	Jenkins	Pearre
Barclay	Flood	Johnson, S. C.	Peters
Bartlett, Nev.	Focht	Kimball	Pollard
Beale, Pa.	Fordney	Kitchin, Wm. W.	Pou
Bennett, Ky.	Fornes	Lamar, Fla.	Powers
Bingham	Foss	Lamar, Mo.	Pratt
Boutell	Foster, Ind.	Landis	Prince
Bradley	Fowler	Langley	Pujo
Brodhead	Gardner, Mass.	Law	Randell, Tex.
Brumm	Gardner, Mich.	Lawrence	Ransdell, La.
Brundidge	Garrett	Leake	Rhinock
Burgess	Gillespie	Legare	Richardson
Burleson	Gillett	Lewis	Riordan
Burnett	Graff	Lilley	Roberts
Burton, Ohio	Graham	Lindsay	Rothermel
Caldwell	Greene	Littlefield	Rucker
Campbell	Griggs	Livingston	Saunders
Carlin	Gronna	Lorimer	Shackleford
Carter	Haggott	Loud	Small
Caulfield	Hall	Lowden	Sparkman
Chaney	Hamill	McCall	Spight
Clayton	Hamlin	McCreary	Steenerson
Conner	Hardwick	McDermott	Sterling
Cooper, Pa.	Harrison	McGuire	Stevens, Minn.
Cooper, Tex.	Haskins	McKinlay, Cal.	Sturgiss
Cooper, Wis.	Henry, Conn.	McLachlan, Cal.	Tawney
Coudrey	Henry, Tex.	McLain	Taylor, Ala.
Craig	Hepburn	McLaughlin, Mich.	Thomas, N. C.
Crawford	Hill, Conn.	Malby	Townsend
Currier	Hill, Miss.	Marshall	Underwood
Cushman	Hitchcock	Maynard	Wallace
Davey, La.	Hobson	Mondell	Washburn
Davidson	Howard	Moon, Pa.	Watson
Dawes	Howland	Moon, Tenn.	Webb
De Armond	Hughes, W. Va.	Moore, Pa.	Weeks
Dunwell	Hull, Iowa	Mudd	Weems
Edwards, Ga.	Humphreys, Miss.	Olmsted	Weisse
Edwards, Ky.	Jackson	Overstreet	Wiley
Ellis, Mo.	James, Addison D.	Parsons	Wolf

So the rules were suspended, the Senate amendment with the House amendment thereto was agreed to, and the bill as amended was passed.

The following additional pairs were announced:

For the balance of the day:

Mr. MCGUIRE with Mr. CARTER.

Until further notice:

Mr. MONDELL with Mr. WOLF.

Mr. WATSON with Mr. SHACKLEFORD.

Mr. TOWNSEND with Mr. UNDERWOOD.

Mr. STURGISS with Mr. ROTHERMEL.

Mr. STERLING with Mr. RHINOCK.

Mr. STEENERSON with Mr. MOON of Tennessee.

Mr. LOUD with Mr. LEWIS.

Mr. HOWLAND with Mr. JONES of Virginia.

Mr. HASKINS with Mr. OLLIE M. JAMES.

Mr. GRAFF with Mr. HITCHCOCK.

Mr. GILLETT with Mr. FAVROT.

Mr. FOSTER of Indiana with Mr. CRAWFORD.

Mr. COOPER of Wisconsin with Mr. CALDWELL.

Mr. BEALE of Pennsylvania with Mr. BURNETT.

Mr. Foss with Mr. THOMAS of North Carolina.

Mr. POWERS with Mr. PRATT.

Mr. ELLIS of Missouri with Mr. RICHARDSON.

Mr. CUSHMAN with Mr. LAMAR of Missouri.

Mr. HUMPHREY of Washington with Mr. COOPER of Texas.

Mr. GARDNER of Michigan with Mr. MOORE of Texas.

For this session:

Mr. BOUTELL with Mr. GRIGGS.

The result of the vote was then announced as above recorded.

GRANTING PENSIONS AND INCREASE OF PENSIONS.

Mr. LOUDENSLAGER. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war, and concur in the Senate amendment, with the following amendment:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Daniel H. Parrott, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James C. Fackenthall, late first lieutenant Company E, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Thompson, late of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Hardy, late of Company K, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Rupp, late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Cart, late of Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Woodward, late sergeant-major Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David N. Anderson, late of Company I, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Hall, late of Company A, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Miller, jr., late of Company G, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles T. Haines, late of Company G, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Turner, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip S. Smock, late of Company A, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Crowder, late of Company B, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Kephart, late of Company H, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George T. Batty, helpless and dependent child of Edward Batty, late of Company H, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Nelson Clark, late of Company D, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. H. Hurry, late second lieutenant Companies E and F, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Elder, late of Companies H and A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bazil Hall, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael McNally, late captain Company E, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The name of Thomas R. Luckhardt, late of Company E, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The name of Samuel Read, late of Company E, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension of $36 per month in lieu of that he is now receiving.

The name of Horatio Webster, late of Company E, First Regiment Michigan Volunteer Light Artillery, and pay him a pension of $46 per month in lieu of that he is now receiving.

The name of Mark Harrington, late of Company C, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bolles, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon C. Grim, late of Company D, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Butler Case, first lieutenant Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Theophilus Jones, late of Company F, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Walter H. Farwell, late of Company A, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Patton, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Bireley, late of Company D, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver T. Bundy, late assistant surgeon One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Studley, late of Company C, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane M. Ketcham, late nurse, Medical Department United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of Parker A. Emery, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, and One hundred and fourteenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward P. Rice, late of Companies F and K, Third Regiment United States Reserve Corps, Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Joseph Ott, late of Company K, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Adkins, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira Tupper, late of Company E, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alem Snyder, late of Companies E and C, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company C, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Hughes, late of Company E, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Hawley, late of Company E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Crofutt, late of Company H, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus T. Swain, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and One hundred and thirty-ninth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Sine, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram W. Labagh, late of Company K, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William P. Pease, late of Company B, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Slater, late of Company K, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Martin, late of Company D, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus Bunting, late of Company E, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. McKevitt, late of Company E, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan T. Moore, late of Company K, Twelfth Regiment Ohio Volunteer Infantry, and Company I, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Keefer, late of Company E, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. McNair, late first lieutenant Company B, Twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Firth, late of Company C, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry S. Rider, late of Company L, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company L, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion B. Patterson, widow of Robert F. Patterson, late lieutenant-colonel Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Thomas W. Ritchie, late of Company A, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Johns, late of Company C, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane E. Seaman, widow of Harmanus V. V. Seaman, late of Company A, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Francis A. Gere, late of Company A, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Smith, late of Company D, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Oliver M. Allen, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Haley, late captain Company M, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward E. Spencer, late of Company G, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred P. Slater, late of Company B, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Hawley, late of Company I, Fifteenth Regiment, and Company G, Twentieth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Brown, late of Company H, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bankson T. Morgan, late lieutenant-colonel Fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William I. Protzman, late of Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Crippen, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Stark, late of Company H, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Stogden, late of Company I, Eleventh Regiment, and Company I, One hundred and ninetieth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Gullett, late of Company I, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward A. Chapman, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theophilus McConnell, late of Company D, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Bowler, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Dallis Johnson, alias Dallas Johnson, late of Company G, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben J. Clarkson, late of Company F, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George C. Heberling, late of Company A, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Francis, late of Company H, Thirty-first Regiment Wisconsin Volunteer Infantry, and Company C, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Edwards, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asa B. Park, late of Company B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Hess, helpless and dependent son of Samuel Hess, late major and lieutenant-colonel Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank E. Wadhams, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Hines, late of Company G, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Watson, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rudolph B. Scott, alias Charles R. Scott, late of U. S. S. North Carolina, and Chicopee, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harmon M. Billings, late captain Company E, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Lemon, late of Company D, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. G. Green, late of Company D, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Joy, late of Company A, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Mastilla, late of Company E, Ninth Regiment United States Colored Volunteer Heavy Artillery, and Company K, Third Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph N. Dawson, late of Company E, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram F. Hollister, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Heman R. Lybolt, late of Company F, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elicum Ayres, late of Company K, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Moore, late of Company E, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Oswald Ihme, late of Company G, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matthew J. McRaith, late of Company G, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rudolph Frey, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Homan, late of Company C, Twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Albert E. Oviatt, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonson D. Grinnell, late of Company I, Ninetieth Regiment, and Company E Battalion, Ninetieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Gugumus, late of Company B, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert J. Meserve, late of Company A, Forty-second Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Gray, late of Battery F, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth McCarthy, widow of Cornelius McCarthy, late of Company D, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Selden S. Hall, late of Company F, One hundred and third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth S. Hess, widow of Jacob Hess, late of Company A, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cecilia W. Simon, widow of Alexander W. Simon, late sergeant-major, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Virgil D. Poe, late of Company F, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Graves, late of Company C, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adeline K. Hart, widow of Andrew Hart, late captain of Company K, First Regiment United States Reserve Corps, Missouri Home Guards, and pay her a pension at the rate of $12 per month.

The name of Isaac Holcomb, late of Company C, Third Regiment North Carolina Mounted Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Robert D. Robinson, late of Company D, Thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry L. Patterson, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adelaide E. Randolph, widow of Asa A. F. Randolph, late of Company K, Twelfth Regiment New Jersey Volunteer Infantry, and Seventeenth Company Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Anna J. Randolph, helpless and dependent child of said Asa A. F. Randolph, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of the said Adelaide E. Randolph the name of said Anna J. Randolph shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Adelaide E. Randolph.

The name of William McLain, late of Company M, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Charles, late of Company C, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred R. Bradeen, late of Company E, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Massie, late of Company L, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Carroll, late of Company D, Twenty-fifth Regiment, and Company K, One hundred and fiftieth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis Gault, late of Company A, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah B. Goehler, widow of Philip Goehler, late second lieutenant Company G, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and captain Company C, Third Battalion Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Rufus H. Washburn, late of Company A, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Gardner, late of Company F, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William V. Carr, late of Company A, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Nelson, late of Company E, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward McGinniss, late of Company B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Wilkin, widow of Jacob W. Wilkin, late captain Companies C and K, One hundred and thirtieth Regiment, and Company K, Seventy-seventh Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Caroline King, widow of Joseph King, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John A. King, helpless and dependent son of said Joseph King, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Caroline King the name of said John A. King shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Caroline King.

The name of Benjamin F. Harris, late of Company D, First Regiment Missouri Volunteer Infantry, and Company F, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Timothy C. Moore, late lieutenant-colonel Thirty-fourth Regiment New Jersey Volunteer Infantry, and captain Company K, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Michael Unbehaun, late of Company I, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah M. Sandford, late of Company F, Twenty-fourth Regiment New York Volunteer Cavalry, and Company F, First Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James D. Timoney, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Knudson, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna Fick, helpless and dependent daughter of Carl Fick, late of Companies F and C, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alwilda Blades, widow of John H. Blades, late of Company D, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment submitted by the gentleman from New Jersey [Mr. LOUDENSLAGER] is as follows:

The name of Julia F. Noyes, widow of George O. Noyes, late of Company C, First Regiment United States Infantry, and Company E, Twenty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of James W. Freeman, late of Ninth Company, United States Coast Artillery, and pay him a pension at the rate of $15 per month.

The name of John H. Pepper, late landsman, United States Navy, and pay him a pension at the rate of $8 per month.

The name of Phillip Margetts, late of Captain Burton's company B, Utah Mounted Volunteers, Utah Indian disturbances, and pay him a pension at the rate of $8 per month.

The name of Rachel Travis, widow of Peter O. Travis, late recruit Fifth Regiment Indiana Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of Luella S. Gallup, widow of Charles C. Gallup, late first lieutenant Company C, Fifth Regiment United States Artillery, and pay her a pension at the rate of $17 per month.

The name of Jesse G. Lott, late of Company I, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of $6 per month.

The name of Mary Lois Wriston, widow of John P. Wriston, late of Company A, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of James A. McDavid, late of Company F, First Regiment South Carolina Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Ulysses G. Powell, late of Company B, Third Regiment Nebraska Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Sarah R. Williams, widow of Ferdinand Williams, late first lieutenant, Engineer Corps, United States Army, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of the minor child of said Ferdinand Williams until she reaches the age of 16 years, such pension being in lieu of that granted by private act approved February 1, 1907.

The name of Seth S. Nye, late of Company K, First Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month.

The name of James Francis Flynn, late of U. S. S. New York, United States Navy, war with Spain, and pay him a pension at the rate of $50 per month.

The name of Mary Meeler, widow of John Meeler, late of Company L, Second Regiment Arkansas Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the said John Meeler, until they reach the age of 16 years.

The name of Harry C. Newton, late of Company F, Eighteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Loring R. Clayton, late of Company I, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Caroline M. Douglas, dependent mother of William H. Douglas, late of Company H, Eighth Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Nancy J. Stephens, dependent mother of Oliver P. Stephens, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Malinda Foust, widow of Philip E. Foust, late of Captain Allen's company, Tennessee Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of John Winter, late of Troop E, Second Regiment United States Dragoons, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Billings A. Clark, late of Captain Burch's Company B, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Eliza Norman, widow of Richard G. Norman, late of Captain Sweat's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Caroline Cowart, widow of Abel Cowart, late of Captain Stewart's and Robert's companies, Florida Volunteers, and Captain Jarnigan's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Albert Nelson, late gunner's mate, second class, U. S. S. Wheeling, United States Navy, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert White, late of Company F, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew E. Waterman, late of Company H, First Regiment South Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary A. Kinsey, widow of Stephen Kinsey, late captain, First Regiment Texas Cavalry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Victoria St. C. E. C. Mickelson, widow of Michael Mickelson, late of Capt. Thomas Smith's company, Ninth Regiment Oregon Mounted Militia, Oregon and Washington Territory Indian war, and pay her a pension at the rate of $12 per month.

The name of Manuel R. Sanchez, late of Capt. William Mosley's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George E. Ryno, late of Company F, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank Bremigam, late of Company H, Twentieth Regiment United States Infantry, and pay him a pension at the rate of $16 per month.

The name of Patrick Burton, late of Company H, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Lawrence Nichols, late of Company L, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of John D. McKinlay, late of Capt. James G. Dell's company, Florida Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Martha A. Gardner, widow of John H. Gardner, late of Capt. Aaron Jernigan's company, Florida Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Charles A. Young, late of Capt. Robert Mickler's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Mansfield Burris, late of Capt. William Fitzhugh's Company D, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Susan E. Hodges, widow of Marcus A. Hodges, late of Captain Henry's company, Second Regiment Tennessee Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of William H. Jones, late of Captains Hembree's and Swan's companies, Tennessee Volunteers, Cherokee Indian disturbance, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Annie A. Robbins, late nurse, Medical Department, United States Army, war with Spain, and pay her a pension at the rate of $12 per month.

The name of William Kelly, late of Company A, Fifth Regiment, and Company H, Seventeenth Regiment, United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth E. Wood, widow of Francis Wood, late pharmacist, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Renvey E. Dees, widow of Henry Dees, late of Captain Coffee's company, Florida Volunteers, war with Mexico, and pay her a pension at the rate of $8 per month.

The name of Margaret Aston, formerly Margaret Dunn, late nurse, Medical Department United States Army, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Harriette M. Maxwell, late nurse, Medical Department United States Army, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Agnes Boon Otis, widow of Elmer Otis, late lieutenant-colonel Seventh Regiment and colonel Eighth Regiment United States Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elenor Sanborn, widow of Nathaniel Sanborn, late of Captain Holt's company, Massachusetts Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Hutchinson Smith, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Josiah B. Law, late of Captain Stewart's mounted company, Special Battalion Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Edward C. McGeachy, late of Captain Kendrick's company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Charles M. Montgomery, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Stephen T. Hancock, late of Captains Mizell's and McClellan's companies, Florida Mounted Militia, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William Standley, late of Captain Steven's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George E. Mills, late of Captain Mills's company, Florida Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Esther H. Kautz, widow of Albert Kautz, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Ann Langford, widow of Nicholas Langford, late lieutenant of Captains Langford's and Bradley's companies, Florida Militia, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Satirhe Feagle, widow of Adam Feagle, late of Company L, Palmetto Regiment, South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Lucretia Grice, widow of Eldred S. Grice, late of Captain Jones's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Sarah D. Jones, widow of Dabney Jones, late of Captain Jones's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Carrie Trotter, widow of Jacob M. Trotter, late of Captain Denny's company, First Regiment South Carolina Militia, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Anna O. D. Mickley, widow of Joseph P. Mickley, late chief engineer, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucy W. Binford, widow of John G. Binford, late of Company I, First Regiment Virginia Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Thomas B. Brown, late of Company A, Thirty-third Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

The name of Catherine S. Miller, widow of Marcus P. Miller, late major, Fifth United States Artillery, United States Army, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Margaret E. McCoy, widow of Thomas F. McCoy, late first lieutenant Company D, Eleventh United States Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Oliver M. Reid, late of Company I, Twentieth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month.

The name of Martin Bolster, late of Company M, Ninth Regiment United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Elizabeth Nobles, widow of John B. Nobles, late of Captains Whitehead's and Hill's companies, Florida Mounted Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Richard R. Russell, late of Capt. William G. Moseley's company, Florida Mounted Volunteers, Florida Indian war, and pay him a pension at the rate $16 per month in lieu of that he is now receiving.

The name of Daniel G. W. Norman, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John F. Jones, late of Capt. Robert Bullock's independent company, Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Isham Walker, late of Captain Beady's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Henry Tyriver, late of Company B, Second Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of John Hatcher, late of Capt. Joseph J. Knight's company, Florida Militia, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Pearl Y. Newcomb, widow of Marcellus L. Newcomb, late of Troop D, First Regiment United States Volunteer Cavalry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Marcellus L. Newcomb until they reach the age of 16 years.

The name of Martha Shinn, widow of Jacob L. Shinn, late of Company A, Mounted Regiment Arkansas Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Annie E. Tisdell, widow of Moses H. Tisdell, late first lieutenant Company A, Second Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of $17 per month, and $2 per month additional on account of each of the minor children of the said Moses H. Tisdell until they reach the age of 16 years.

The name of Justin McCarthy, late of Second Artillery Corps, United States Army, war with Spain, and pay him a pension at the rate of $30 per month.

The name of William J. Meadows, late of Capt. William H. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Vianna R. Huston, widow of Robert B. Huston, late captain Company L, Forty-seventh Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William L. Deflaney, late of Captain Newell's company, Oregon Scouts, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Jobeny Mullinax, late of Captains Lyons's and Cessna's companies, Georgia Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William Leggett, late of First Lieut. R. B. Turner's detachment, Florida Foot Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William D. Gibson, late of Company M, Second Regiment Arkansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of David Raulerson, late of Capt. Giles W. Ellis's company, Florida Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Christopher Kneup, late of Company C, Third Regiment United States Cavalry, and pay him a pension at the rate of $16 per month.

The name of Clara D. Miller, widow of John Miller, late of Company M, First Regiment Virginia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of Martin J. Frey, late of Company H, Third Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Edward W. Hall, late of Company L, Fourth Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

The name of Arthur Onderdonk, late of Company B, Second Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Guy R. Martin, late of Company B, Fortieth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $55 per month.

The name of Bright Evans, late of Captain Cleveland's company, Georgia Volunteers, Cherokee Indian disturbances, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Jacob Siemp, late of Company D, Tenth Regiment United States Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Long, late of Company H, Sixteenth Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Paul K. Hubbs, jr., late of Captain Smalley's company G, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John Muir, late of Company D, Second Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of William H. Hall, late of Company E, First Regiment District of Columbia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Barzilla P. Greenwood, late of Captain Haley's Company C, Battalion Rangers Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Margaret Talbut, widow of William Talbut, late private, Ordnance Detachment, United States Army, and pay her a pension at the rate of $12 per month.

The name of Edward P. L. Jones, late of Company F, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month.

The name of Elijah H. McAlmond, late of Capt. I. N. Ebey's company, First Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Arthur F. Truitt, late of Company G, First Regiment Louisiana Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellis R. Brock, late of Company K, First Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph H. Glover, dependent son of John Glover, late of Company I, Sixteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $12 per month.

The name of Nora R. Willett, widow of Eugene Willett, late of Company A, Twentieth Regiment Kansas Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of the said Eugene Willett until she reaches the age of 16 years.

The name of William Q. Anderson, late of Battery D, Utah Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry P. Mann, late of Company L, Second Regiment Ohio Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Vance V. Pearsall, late of Troop B, Eleventh Regiment United States Cavalry, war with Spain.

The name of Harry Landau, late of Troop C, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $65 per month in lieu of that he is now receiving.

The name of Thomas Smith, late of Company L, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The name of William S. Sykes, late of Second Company, United States Coast Artillery, and pay him a pension at the rate of $40 per month.

The name of William McCrocklin, late of Company I, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Charles M. Stebbins, late of Company F, Second Regiment Alabama Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Margaret F. Bell, widow of Clarence W. Bell, late of Troop K, First Regiment Illinois Volunteer Cavalry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of the said Clarence W. Bell until she reaches the age of 16 years.

The name of James B. Waters, late of Company I, Eighth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse T. Reese, late of Company G, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Morgan J. Treadway, late captain of Company G, Fourth Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $8 per month.

The name of Alzina Wilcher, widow of Stephen Wilcher, late of Captain Winters's company, Illinois Volunteers, Black Hawk Indian war, and pay her a pension at the rate of $12 per month.

The SPEAKER pro tempore (Mr. CAPRON). The question is on suspending the rules, taking from the Speaker's table the bill H. R. 17874, and concurring in the Senate amendment, with the amendment just read.

Mr. WILLIAMS. Mr. Speaker, in order to expedite legislation, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 207, nays 1, answered "present" 16, not voting 163, as follows:

YEAS—207.

Adair	Draper	Hubbard, W. Va.	O'Connell
Adamson	Durey	Huff	Olcott
Aiken	Dwight	Hughes, N. J.	Padgett
Alexander, Mo.	Ellerbe	Hull, Tenn.	Page
Alexander, N. Y.	Ellis, Oreg.	Humphrey, Wash.	Parker, S. Dak.
Ames	Englebright	Humphreys, Miss.	Payne
Ansberry	Fairchild	Johnson, Ky.	Pollard
Ashbrook	Favrot	Jones, Va.	Porter
Bartholdt	Ferris	Jones, Wash.	Pray
Bartlett, Ga.	Floyd	Kahn	Rainey
Bates	Focht	Keifer	Randell, Tex.
Beale, Pa.	Fordney	Keliher	Rauch
Beall, Tex.	Foss	Kennedy, Iowa	Reeder
Bede	Foster, Ill.	Kennedy, Ohio	Reid
Bell, Ga.	Foster, Ind.	Kinkaid	Reynolds
Birdsall	Foster, Vt.	Kitchin, Claude	Robinson
Bonynge	Foulkrod	Knapp	Rothermel
Booher	French	Knopf	Russell, Mo.
Boyd	Fuller	Knowland	Russell, Tex.
Bradley	Fulton	Küstermann	Ryan
Brodhead	Gaines, Tenn.	Lafean	Scott
Brownlow	Gardner, Mich.	Laning	Shackleford
Butler	Gardner, N. J.	Lassiter	Sherley
Calder	Gilhams	Law	Sims
Calderhead	Godwin	Lawrence	Smith, Cal.
Campbell	Goldfogle	Lee	Smith, Iowa
Capron	Goulden	Lever	Smith, Mo.
Cary	Graff	Lindbergh	Sperry
Chapman	Granger	Lloyd	Spight
Clark, Fla.	Gregg	Longworth	Stafford
Clark, Mo.	Griggs	Loud	Stanley
Cockran	Gronna	Loudenslager	Steenerson
Cocks, N. Y.	Hackett	Lovering	Stephens, Tex.
Cole	Hackney	McKinley, Ill.	Sterling
Cook, Pa.	Hale	McKinney	Sulloway
Cousins	Hamilton, Iowa	McLachlan, Cal.	Sulzer
Cox, Ind.	Hamilton, Mich.	McLaughlin, Mich.	Talbott
Cravens	Hammond	McMillan	Thistlewood
Crawford	Haskins	Macon	Tou Velle
Crumpacker	Haugen	Madden	Townsend
Cushman	Hawley	Madison	Volstead
Dalzell	Hay	Mann	Waldo
Darragh	Hayes	Miller	Wanger
Davidson	Heflin	Moon, Tenn.	Washburn
Davis, Minn.	Helm	Morse	Wheeler
Dawson	Higgins	Mouser	Willett
De Armond	Hinshaw	Murdock	Williams
Denby	Holliday	Murphy	Wilson, Pa.
Denver	Houston	Needham	Wood
Diekema	Howell, Utah	Nelson	Woodyard
Dixon	Howland	Nicholls	Young
Douglas	Hubbard, Iowa	Nye	

NAYS—1.

Byrd

ANSWERED "PRESENT"—16.

Bennet, N. Y.	Finley	Henry, Tex.	Sabath
Candler	Garner	Jenkins	Saunders
Carlin	Hardwick	Moore, Tex.	Slemp
Clayton	Hardy	Roberts	Watkins

NOT VOTING—163.

Acheson	Burton, Del.	Ellis, Mo.	Hamlin
Allen	Burton, Ohio	Esch	Harding
Andrus	Caldwell	Fassett	Harrison
Anthony	Carter	Fitzgerald	Henry, Conn.
Bannon	Caulfield	Flood	Hepburn
Barchfeld	Chaney	Fornes	Hill, Conn.
Barclay	Conner	Fowler	Hill, Miss.
Bartlett, Nev.	Cook, Colo.	Gaines, W. Va.	Hitchcock
Bennett, Ky.	Cooper, Pa.	Gardner, Mass.	Hobson
Bingham	Cooper, Tex.	Garrett	Howard
Boutell	Cooper, Wis.	Gill	Howell, N. J.
Bowers	Coudrey	Gillespie	Hughes, W. Va.
Brantley	Craig	Gillett	Hull, Iowa
Broussard	Currier	Glass	Jackson
Brumm	Davenport	Goebel	James, Addison D.
Brundidge	Davey, La.	Gordon	James, Ollie M.
Burgess	Dawes	Graham	Johnson, S. C.
Burke	Driscoll	Greene	Kimball
Burleigh	Dunwell	Haggott	Kipp
Burleson	Edwards, Ga.	Hall	Kitchin, Wm. W.
Burnett	Edwards, Ky.	Hamill	Lamar, Fla.

Lamar, Mo.	McKinlay, Cal.	Powers	Stevens, Minn.
Lamb	McLain	Pratt	Sturgiss
Landis	McMorran	Prince	Tawney
Langley	Malby	Pujo	Taylor, Ala.
Leake	Marshall	Ransdell, La.	Taylor, Ohio
Legare	Maynard	Rhinock	Thomas, N. C.
Lenahan	Mondell	Richardson	Thomas, Ohio
Lewis	Moon, Pa.	Riordan	Tirrell
Lilley	Moore, Pa.	Rodenberg	Underwood
Lindsay	Mudd	Rucker	Vreeland
Littlefield	Norris	Sheppard	Wallace
Livingston	Olmsted	Sherman	Watson
Lorimer	Overstreet	Sherwood	Webb
Lowden	Parker, N. J.	Slayden	Weeks
McCall	Parsons	Small	Weems
McCreary	Patterson	Smith, Mich.	Weisse
McDermott	Pearre	Smith, Tex.	Wiley
McGavin	Perkins	Snapp	Wilson, Ill.
McGuire	Peters	Southwick	Wolf
McHenry	Pou	Sparkman	

So the rules were suspended, and the Senate amendment, with the House amendment thereto, was agreed to, and the bill as amended was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ALLEN with Mr. DAVENPORT.

Mr. ANDRUS with Mr. FITZGERALD.

Mr. ANTHONY with Mr. MOORE of Texas.

Mr. BROWNLOW with Mr. GLASS.

Mr. BURTON of Delaware with Mr. GORDON.

Mr. SMITH of Michigan with Mr. MCDERMOTT.

Mr. PRINCE with Mr. MCHENRY.

Mr. SNAPP with Mr. MAYNARD.

Mr. SOUTHWICK with Mr. RHINOCK.

Mr. STURGISS with Mr. SHEPPARD.

Mr. TAYLOR of Ohio with Mr. SHERWOOD.

Mr. WILSON of Illinois with Mr. UNDERWOOD.

Mr. FOSTER of Vermont with Mr. POU.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States, was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 19, 1908:

H. R. 15653. An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war.

On April 20, 1908:

H. R. 17305. An act to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia.

On April 22, 1908:

H. R. 20310. An act relating to the liability of common carriers by railroad to their employees in certain cases.

REGATTAS OR MARINE PARADES.

Mr. KNOWLAND. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6028) to provide for safety of life on navigable waters during regattas or marine parades.

The SPEAKER. The gentleman from California moves to suspend the rules and pass a bill, which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor is hereby authorized and empowered in his discretion to issue from time to time regulations, not contrary to law, to promote the safety of life on navigable waters during regattas or marine parades.

SEC. 2. That to enforce such regulations the Secretary of Commerce and Labor may detail any public vessel in the service of that Department and make use of any private vessel tendered gratuitously for the purpose, or upon the request of the Secretary of Commerce and Labor the head of any other Department may enforce the regulations issued under this act by means of any public vessel of such Department and of any private vessel tendered gratuitously for the purpose.

SEC. 3. That the authority and power bestowed upon the Secretary of Commerce and Labor by sections 1 and 2 may be transferred for any special occasion to the head of another Department by the President whenever in his judgment such transfer is desirable.

SEC. 4. That for any violation of regulations issued pursuant to this act the following penalties shall be incurred:

(a) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(b) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of $500.

(c) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of $500, unless the violation of regulations shall have occurred without his knowledge.

(d) Any other person shall be liable to a penalty of $250.

The Secretary of Commerce and Labor is hereby authorized and empowered to mitigate or remit any penalty herein provided for in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

SEC. 5. That the act approved May 19, 1896, entitled "An act to provide for the safety of passengers on excursion steamers," is hereby repealed.

SEC. 6. That this act shall take effect on April 10, 1908.

Mr. WILLIAMS and Mr. FITZGERALD demanded a second.

The SPEAKER. Under the rule, a second is ordered. The gentleman from California [Mr. KNOWLAND] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. KNOWLAND. Mr. Speaker, as the title of the bill recites, it provides for the safety of life on navigable waters during regattas or marine parades. The bill was reported from the Committee on Interstate and Foreign Commerce and has passed the Senate. It is designed to be broad enough in its scope to protect life during any important event bringing a great number of vessels together, crowded with passengers, when the ordinary navigation laws do not prove adequate. The bill is designed to meet such conditions as we will have in the city of San Francisco on the 6th of May next. At that time there will probably be in the vicinity of San Francisco over a million people, all anxious to get upon the water and witness the marine parade. The present law provides only for regattas, and you could hardly call a marine or naval parade such as we are going to have in the Bay of San Francisco a regatta.

I reserve the balance of my time.

Mr. FITZGERALD. What is the purpose of the provision that authorizes the President to confer upon the head of another Department, if he deems it desirable, the power that is conferred by this bill upon the Secretary of Commerce and Labor?

Mr. KNOWLAND. As I understand it, for instance, at San Francisco it is desirable to confer that power upon the Secretary of the Navy.

Mr. FITZGERALD. Why should the Secretary of the Navy have it, if it is not rather for the purpose of magnifying him and giving him some prestige under these circumstances?

Mr. KNOWLAND. Inasmuch as it is to be a naval parade, or whatever you choose to call it, and the Secretary of the Navy will be in charge, he should have this authority. I know of no other reason.

Mr. FITZGERALD. Suppose the President thought it would be a good thing to confer the power on the Attorney-General, does the gentleman think that we should enact a law that would permit the power granted by one official to be exercised by anybody the President sees fit to designate?

Mr. KNOWLAND. I scarcely think that case would apply.

Mr. FITZGERALD. Why not confer all the power on the President?

Mr. WILLIAMS. Mr. Speaker, it was almost impossible to catch the drift of this bill as it was read at the desk, so great was the disorder, and it was difficult to get a copy of the bill. In order to get acquainted with it, I am compelled to read it in my time. There is no other way for me or the House to get at a knowledge of it.

Section 1 reads:

That the Secretary of Commerce and Labor is hereby authorized and empowered in his discretion to issue from time to time regulations, not contrary to law, to promote the safety of life on navigable waters during regattas or marine parades.

Now, Mr. Speaker, this is one of the numerous bills that have been considered and some passed by the House, vesting legislative powers in an Executive Department, a thing that ought never to be done, or rather delegating legislative power to an Executive Department. These regulations will possess the force of law. It is worse than that. A law can be reviewed in any court, but these regulations can not. The decision of this Executive Department is final and conclusive. If it involves any man's liberty or his property in any way, it is still final and conclusive under the decision pronounced by the Supreme Court of the United States in the case of Jui Toy, a Chinaman.

The second clause is:

That to enforce such regulations the Secretary of Commerce and Labor may detail any public vessel in the service of that Department and make use of any private vessel tendered gratuitously for the purpose.

In other words, not only is the Secretary empowered to make regulations with the force of law unreviewable by the judiciary, but he is empowered to approve and make use of a private vessel for the purpose of enforcing the regulations, provided it is tendered to him gratuitously. In other words, he makes some arbitrary and irresponsibly owned vessel a marine private detective or a sea marine private policeman.

The clause continues:

Or, upon the request of the Secretary of Commerce and Labor, the head of any other Department may enforce the regulations.

A number of people get up a regatta race, and the Secretary delegates the police power on that occasion to a private vessel

that may belong to one of the owners of a vessel that takes part in the regatta or may have any other imaginable interest in the termination of the races.

The third clause reads:

Or, upon the request of the Secretary of Commerce and Labor, the head of any other Department may enforce the regulations issued under this act by means of any public vessel of such Department and of any private vessel tendered gratuitously for the purpose.

SEC. 3. That the authority and power bestowed upon the Secretary of Commerce and Labor by sections 1 and 2 may be transferred for any special occasion to the head of another Department by the President whenever, in his judgment, such transfer is desirable.

In the first place, the Secretary is himself to enforce it, and then, if he desires, he requests some one else to enforce it, and then the power conferred on the Secretary of Commerce and Labor by the act may be divested under the terms of the act and invested in somebody else whenever, in the President's judgment, the transfer of the power is desirable.

We have gone pretty far in the way of delegating legislative authority under the head of "regulations" to be made and enforced by an Executive Department. Now in this bill we propose to delegate to one Department and permit it to delegate to another; and after it is delegated, or before it is delegated, we delegate to the Chief Executive the power to undelegate it and redelegate it.

Section 4 reads:

That for any violation of regulations issued pursuant to this act the following penalties shall be incurred.

After the regulations are adopted by the Department, or the chief of the Department it may be, they possess the force of law, and then if these regulations are violated, no judicial review can be had, and these men are to be punished in the following way:

A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

Well, I see nothing in that. Of course if he is incompetent or guilty of misconduct, that will make him liable to suspension or revocation of license, and this would not seem to add to the manner of suspending or revoking, but only to change the causes for which his license can be suspended or revoked. I am glad to see that, because it will prevent—if the President should take over the entire power delegated to the Secretary of Commerce and Labor to himself—it will prevent him from suspending the license of an officer by telegram, as he undertook to do on the Mississippi River not so very long ago.

The next clause is:

Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of $500.

Now, $500 is not much money with rich people, but it is a good deal of money with some people. A man is to be liable to that penalty for violating a regulation. A regulation is in this unlike a law; it is not prescribed in the law books and everybody is not presumed to know what it is, and as a matter of fact everybody does not know what it is. It is right hard to find out what regulations are in some cases. Let us read for our own information further:

(c) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of $500, unless the violation of regulations shall have occurred without his knowledge.

(d) Any other person shall be liable to a penalty of $250.

The Secretary of Commerce and Labor is hereby authorized and empowered to mitigate or remit any penalty herein provided for in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

SEC. 5. That the act approved May 19, 1896, entitled "An act to provide for the safety of passengers on excursion steamers," is hereby repealed.

Mr. Speaker, there is no explanation before this House of what are the provisions of that law that is to be repealed, and although we are supposed to know what the law is and to have knowledge of existing law, as a matter of fact, the best lawyers in the House have not such knowledge, and there are probably not ten men in this House, who are not members of this particular committee, who know what the provisions of the act of May 19, 1896, entitled "An act to provide for the safety of passengers on excursion steamers" are. So that we have no idea of what we are repealing, and the gentleman from California [Mr. KNOWLAND], before he reserved his time, although undertaking to explain the bill, made no sort of an explanation of what the provisions of law are that we are repealing.

Mr. KNOWLAND. That is printed in the report, and if the gentleman will read the report he will find out.

Mr. WILLIAMS. Read the report! Why, this matter is brought up under suspension of the rules, with twenty minutes' time in which to state objections, if there are any objections, if you can do it. Now, we are told that there is a report somewhere, which, however, was not laid upon our desks when the matter was presented to us. I had to send out and get a bill. That took a long time, and I have had to go through the form of reading it to the House in order to know what is in it myself—much less taking the time to consider the report, which I did not have and have not even now. If somebody had not jumped up at once after the gentleman had stood upon his feet for only two or three minutes going through the form of explaining, nobody could have read either the bill or the report, for then, having reserved the balance of his time, the next thing in order would have been for the gentleman to call for a vote on the proposition, without any opportunity for the House to know anything at all about it. I will ask the gentleman in my time to tell me what the provisions of the act of May 19, 1896, entitled "An act to provide for the safety of passengers on excursion steamers" are. The gentleman from New Jersey [Mr. HUGHES] has meantime, however, brought me the report, which contains the act, and I will read it, so that the House may know what it is. In the absence of the safeguards of usual and orderly procedure, done away with by the special rule, I or somebody must do that. I do not know whether any of you know what is in this act that we are about to repeal or not. I know I do not. Let us therefore find out.

Mr. BARTLETT of Georgia. May I interrupt the gentleman a moment?

Mr. WILLIAMS. Yes.

Mr. BARTLETT of Georgia. I want to say to the gentleman that this bill came from the Interstate and Foreign Commerce Committee and that I voted against it and gave notice that I would resist it on the floor of the House. It has not been called up heretofore by unanimous consent, before that rule was dispensed with, because of my objection; and if the gentleman has not had his attention already called to it, a section of the bill permits not only the fixing of regulations that amount to crimes by the Secretary of the Navy, but permits that, by order of the President, to become a migratory power, and the President may transfer that power not only from himself, but from the Secretary of the Navy to some subordinate party.

Mr. WILLIAMS. I just mentioned that peculiarity of the bill a moment ago, and I am delighted to know that the gentleman from Georgia had reserved the right to oppose the legislation. I will read now to see what we are repealing, in order that the House may know something about it, and then I will yield to the gentleman from Georgia:

Be it enacted etc., That in order to provide for the safety of passengers on excursion steamers, yachts, oarsmen, and all craft, whether as observers or participants, taking part in regattas, amateur or professional, that may hereafter be held on navigable waters, the Secretary of the Treasury be, and he is hereby, authorized and empowered in his discretion to detail revenue cutters to enforce such rules and regulations as may be adopted to insure the safety of passengers on said excursion steamers, yachts, oarsmen, and all crafts, whether as observers or participants, taking part in such regattas.

Approved, May 19, 1896.

Now, I confess—and I will ask the gentleman from Georgia [Mr. BARTLETT] to enlighten me—I confess that I am somewhat at sea. This act of May 19, 1896, was also an act that had vested discretion in the Department to make regulations, was it not?

Mr. BARTLETT of Georgia. I think so.

Mr. WILLIAMS. What was the necessity, in this change, of leaving out excursion steamers, as seems to have been done?

Mr. BARTLETT of Georgia. I will say to the gentleman that there is a kind of prestige desired to be conferred upon the Secretary of the Navy, that he may have the power to make these regulations that are tantamount to criminal statutes.

Mr. MANN. Of course the gentleman means the Secretary of Commerce and Labor?

Mr. BARTLETT of Georgia. Oh, I understand that; but section 3 permits the President to transfer it to the Secretary of the Navy; and that was the statement that the Commissioner of Navigation made before our committee, and they were so surprised——

Mr. WILLIAMS. This power previously was vested in the Secretary of the Treasury, was it not?

Mr. BARTLETT of Georgia. Yes. He could detail revenue cutters.

Mr. WILLIAMS. Now, they are going to cut out the authority of the Secretary of the Treasury to detail revenue cutters and allow some private concerns of some sort to volunteer for this work——

Mr. BARTLETT of Georgia. And any Department official, whether the Secretary of the Navy or a clerk, can do it under this bill.

Mr. KAHN. Will the gentleman yield for a moment?

Mr. WILLIAMS. Certainly.

Mr. KAHN. I think the gentleman is in error in regard to the regatta matter. The regatta regulation gives the Secretary

of the Treasury power to regulate all crafts upon the waters during a regatta. The naval vessels going into the waters of different cities of the Pacific coast can not be called a regatta, and yet there will be thousands of crafts of all characters and description in these different waters where the naval vessels come.

Mr. WILLIAMS. Now, Mr. Speaker, the President of the United States is Commander in Chief of the Navy of the United States and the Secretary of the Navy is the executive officer under him to control and regulate the Navy of the United States. If pleasure occasions of any sort are to occur in which the naval vessels are to participate the Secretary of the Navy has already the right to order them to participate or not to participate, and if they do participate he has the right to state how they shall participate, because the Secretary of the Navy has absolute power, subject to the President's supreme authority as Commander in Chief of the Navy, to control the movements and operations of naval vessels.

Mr. WILSON of Pennsylvania. I did not catch the exact terms of the law that it is proposed to repeal, and I would like to ask the gentleman if that law does not provide——

Mr. KNOWLAND. If the gentleman——

Mr. WILLIAMS. Two gentlemen can not talk at once. I have yielded to the gentleman from Pennsylvania.

Mr. WILSON of Pennsylvania. Does that law provide for certain regulations in connection with excursion boats?

Mr. WILLIAMS. Yes.

Mr. WILSON of Pennsylvania. And this bill, without providing for such regulations, proposes to repeal them?

Mr. WILLIAMS. I think so, and upon that I will ask the gentleman in charge of the bill, Does not the present bill repeal so much of the act of May 19, 1896, as applies to excursion steamers and puts nothing in lieu thereof?

Mr. MANN. Of course it covers the whole question; I mean the present bill.

Mr. KNOWLAND. There is ample provision in this bill to cover the whole matter.

Mr. WILLIAMS. What does the gentleman say? I did not hear the gentleman, there is so much disorder.

Mr. KNOWLAND. There is ample provision in this bill to provide for all that.

Mr. WILLIAMS. Mr. Speaker, unless my memory fails me, and I have just read the bill, there is no reference in it to excursion steamers at all. If the gentleman can find any reference to them, I will stand corrected. Now, the law which is proposed to be repealed, the act of May 19, 1896, did refer to excursion steamers, and this law expressly says that that law is repealed. Now, I would like to know why excursion steamers were left out of the regulations.

Mr. MANN. I do not know how far the gentleman is really wanting information on the subject. He is usually wanting information. Under the title of "C" it says "the owner of a vessel," and the making of a regulation under this act covers all kinds of vessels—oh, well, the gentleman nods his head——

Mr. KNOWLAND. It says "during regattas or marine parades," and this covers all kinds of vessels during regattas and during parades.

Mr. TOWNSEND. In other words, it covers all the original bill covered and parades besides.

Mr. FITZGERALD. Will the gentleman from Mississippi yield for a question?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from New York?

Mr. WILLIAMS. In just one second.

Mr. Speaker, upon examination of the bill, although excursion steamers are not mentioned eo nomine, I am inclined to think that, taking the first section and Clause C of the fourth section together, if any excursion steamers were present and participating the new law would, under the general heading "Vessels participating," cover them.

Now, I yield five minutes, or such time as he may desire, to the gentleman from New York [Mr. FITZGERALD].

Mr. BURLESON. The gentleman from Georgia [Mr. BARTLETT] desires some time.

Mr. WILLIAMS. I beg the gentleman's pardon. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. One minute.

Mr. WILLIAMS. I yield it to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. In that one minute I will say that this bill was called up and passed hurriedly in our committee. I protested against it then, because of the fact that it puts the power in the hands of the Secretary of Commerce and Labor to make a crime and prescribe penalties, and permits the President to transfer that power from one head of a Department to another at his pleasure. The House when in consideration of a bill relative to enacting laws and fixing penalties to protect the game in Alaska, the very day that we were considering this bill, struck from that bill all provisions like these. Now, while we are all interested in having the naval parade of the ships of our fleet that have gone to the Pacific, in the harbor of San Francisco, as great and magnificent as may be, I am unwilling, even for so great and commendable a purpose, to do that which I think is in violation of the Constitution of my country and the rights of the citizens of the country and put the power in the hands of the head of a Department to make a crime and have that power become transferable and migratory at the will of the President. [Applause.]

Mr. KNOWLAND. How much time have I remaining?

The SPEAKER pro tempore. Seventeen minutes.

Mr. KNOWLAND. I yield five minutes to the gentleman from New York [Mr. RYAN].

Mr. CLARK of Missouri. Before the gentleman yields that I would like to ask him one question, and that is, What is this third section put in here for? What is the necessity of transferring this power from the Secretary of Commerce and Labor to somebody else?

Mr. KNOWLAND. Well, I explained that to the gentleman from New York when he asked me the identical question.

Mr. CLARK of Missouri. If you have already answered that, all right.

Mr. KNOWLAND. I will answer it again. I will state in this instance, in the case at San Francisco and the time the fleet arrives there, that possibly they may want to delegate that power to the Secretary of the Navy, who has charge of the festivities upon that occasion.

The SPEAKER pro tempore. The gentleman from New York [Mr. RYAN] is recognized for five minutes.

Mr. RYAN. I do not believe it will require five minutes to say what I have to say on this question. This bill is simply for the purpose of providing for the controlling of the navigable waters of the United States whenever a marine parade or a regatta is to be had. In my opinion, it is just as necessary to provide regulations for this purpose as it is to provide regulations for the patrolling and maintaining of order in the city of Washington when the inaugural procession is on, or in any other city in the country under similar conditions. The question has been raised here as to why the court will not determine the penalty. As I understand it, for all violations of the navigation laws a penalty is provided, and the same means of removing that penalty is provided for in this act, that is:

That the Secretary of Commerce and Labor is hereby authorized and empowered to mitigate or remit any penalty herein provided for in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. RYAN. Certainly.

Mr. HUGHES of New Jersey. I understand the gentleman is a member of the committee that reported the bill.

Mr. RYAN. Yes, sir.

Mr. HUGHES of New Jersey. How is that question provided for, and by whom? What machinery is provided for the determination of the question of fact?

Mr. RYAN. The officer of the Department who is assigned to that particular duty. For instance, in the violation of the navigation laws, if it is in the port of New York, the officer of the Government in charge of that port imposes the penalty provided by direction of his Department.

Mr. HUGHES of New Jersey. Well, he makes the regulations, and who is it that decides whether or not it has been violated?

Mr. RYAN. The regulations are provided by the Secretary of Commerce and Labor through a committee of chiefs of bureaus in his Department, among whom are the Commissioner of Navigation, Supervising Inspector of Vessels, and others. Penalties are provided in the regulations, and the Secretary of that Department determines on appeal whether or not that fine can be mitigated or remitted. I understand that is the procedure. I do not believe that this bill is improper, as has been suggested. I believe the bill ought to pass. I believe that the condition that will exist in San Francisco Bay when the fleet gets there makes it absolutely necessary that regulations of this character be provided. The conditions will be the same as during the big regattas that are held in New York. There is nothing in the law repealed that is not provided in this law. I do not believe in calling up bills in this manner, but I believe this to be a proper bill and that it ought to pass.

Mr. BENNET of New York. Will the gentleman allow me to ask him a question?

Mr. RYAN. Certainly.

Mr. BENNET of New York. Is not this simply an extension of the law that was found so useful in New York?

Mr. RYAN. Yes. It repeals the law of May, 1896, and reenacts this law, which is more comprehensive.

Mr. BARTLETT of Georgia. Will the gentleman permit me to ask him a question?

Mr. RYAN. Certainly.

Mr. BARTLETT of Georgia. Where does the gentleman from New York find in other statutes a provision giving the President the power to transfer the power bestowed upon the Secretary of Commerce and Labor to make regulations to one of the other branches, to some other official, except in this very remarkable bill?

Mr. RYAN. You must have that power somewhere. You must trust some one, and I am not afraid to trust the President of the United States in matters of this kind.

Mr. HUMPHREYS of Mississippi. What is the purpose of delegating the authority under section 3?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, much has been said about the act of May, 1896. The present bill, pending before the House, is simply an amplification of that act. It broadens its scope. The fleet which left Hampton Roads at the close of last year is now being received on the Pacific coast. It is expected in the harbor of San Francisco on May 6 next. There is no question but there will be thousands of craft in the bay, all anxious to get near the battle ships as they steam in through the Golden Gate. It will be a magnificent pageant, and in all likelihood 500,000 persons will be afloat on excursion steamers and pleasure craft to witness the splendid spectacle. It will be absolutely necessary to have some one in authority controlling these vessels crowded with sightseers in order that there be no accident to mar the pleasure of that occasion. I can remember when the transports returned from the Philippine Islands with our troops, carrying the flags that had been rent by shot and shell in battle in the Orient. Thousands of craft of every description were on the waters of the bay in order to give welcome to the returning heroes. On one occasion a young man named Snow, a bright, able newspaper man, was run down and drowned. He was a young man of exceptional ability. Now, if there had been a law of this kind in force at that time, so that some one in authority could have regulated the speed and the position of excursion vessels of every character and description, the life of that young man would undoubtedly have been spared. I think that this law will do a world of good if it will enable those in authority to see that those men who are reckless of human life are put into their proper places. Much has been said here about the regulation that this bill provides for.

Mr. DENBY. Will the gentleman allow me to ask him a question?

Mr. KAHN. Certainly.

Mr. DENBY. I would like to ask the gentleman what is the meaning of section 3, page 2, lines 21 and 22?

Mr. KAHN. Any other person than the owner or licensed officer?

Mr. DENBY. No; the paragraph before that covers the licensed officer. But this, in lines 21 and 22, "any other person shall be liable to a penalty of $250."

Mr. KAHN. That is, any other person who violates any regulation.

Mr. DENBY. He is fined $250.

Mr. KAHN. It is any regulation that may be in force covering emergencies of this kind.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. KAHN. Certainly.

Mr. FITZGERALD. What other person can violate a regulation?

Mr. KAHN. Well, a man who would probably be in charge of the vessel, and not an owner or licensed officer. Or he might simply have charge of an excursion party, the members of which had purchased tickets admitting them on board of that particular vessel.

Mr. FITZGERALD. But the master of the vessel is the man who has absolute authority and is responsible. Now, does the gentleman intend——

Mr. KAHN. There may be a vessel without a master. For instance, there are a great many small craft, such as yachts.

Mr. FITZGERALD. But this provides that there shall be a licensed officer in charge.

Mr. KAHN. Yes.

Mr. FITZGERALD. It provides a penalty for the violation by a person, any licensed officer in charge, provides a penalty for the owner if he be a corporate officer of a corporation. Now, what "other person" is intended to be covered by that clause?

Mr. KAHN. There may be a small yacht or even a rowboat which carries people and which is not in the possession of the owner or of a licensed officer.

Mr. FITZGERALD. This provides that the person in charge of that boat shall be punished.

Mr. MANN. A rowboat is not a vessel.

Mr. FITZGERALD. What other class is intended to be covered by this last provision?

Mr. KAHN. A rowboat.

Mr. MANN. A rowboat is not a vessel.

Mr. FITZGERALD. Somebody has to be in charge of a rowboat.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KNOWLAND. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has ten minutes remaining.

Mr. KNOWLAND. I yield to my colleague, the gentleman from California [Mr. HAYES], four minutes.

Mr. HAYES. Mr. Speaker, I want to remind the House that by the passage of this bill we are conferring no new powers upon the Secretary of Commerce and Labor. We are simply making an extension of the powers already granted, to cover a case which the law now in force does not cover. The law which it is sought to amend by this bill merely provides for regattas, occasions when pleasure craft assemble, and this is intended to cover cases where other craft, including vessels of war, may assemble.

Much has been said by the gentleman from Mississippi and other gentlemen about these regulations. The regulations proposed by this bill are not different in character from regulations that are made now by the various executive officers of the Government. Most of the regulations in regard to navigation are made in the same way.

Mr. KEIFER. I should like to ask the gentleman a question.

Mr. HAYES. Certainly.

Mr. KEIFER. How would you enforce a penalty against a person who was not a licensed officer? There is a provision here that he may be fined $250 or $500.

Mr. HAYES. That is a matter I have not investigated.

Mr. KEIFER. Where would you institute the proceedings?

Mr. HAYES. I should say in the admiralty courts.

Mr. KEIFER. You do not create any crime. You simply say he shall suffer a penalty.

Mr. HAYES. That makes a crime.

Mr. KEIFER. An admiralty court would have no jurisdiction.

Mr. HAYES. I think it would.

Mr. KEIFER. Surely not.

Mr. HAYES. I am not prepared to discuss that. I only want to say that these regulations are not different in character from the regulations that the navigation officers of the United States make and enforce; and so far as the penalty is concerned, without a penalty a regulation of this kind is a nullity and can not be enforced. It would amount to nothing. You must have a penalty.

Mr. KEIFER. They enforce these penalties on the officers by taking away their license, or otherwise, without going into an admiralty court.

Mr. HAYES. I can not answer the gentleman about that.

Mr. KEIFER. Surely they do.

Mr. HAYES. I know they provide penalties, and the penalties provided by this bill are not different in their character from the penalties provided in the general navigation laws and regulations.

Mr. KEIFER. I think you have no provision here for enforcing any penalty except as to licensed officers.

Mr. HAYES. It does not matter. If there is a penalty for an infraction, there will be some way found to enforce it under the general laws or regulations.

Mr. KEIFER. If you enact a criminal statute, that would go into the criminal courts; but this is not a criminal statute, and they could not go into the criminal courts with it at all.

Mr. HAYES. I repeat that these regulations are not different in character from the regulations that the officers of the navigation bureau make for the enforcement of regulations relating to navigation. There are penalties provided, and they have a

way of enforcing them, and the same machinery will answer for enforcing the penalties provided by this bill.

Mr. KEIFER. But this extends those penalties to unlicensed persons.

Mr. HAYES. My time is very limited, and I am sorry that I can not yield further.

The SPEAKER. The gentleman declines to yield further.

Mr. HAYES. Now, my colleague has referred to a matter that it seems to me is of very great importance. The danger is that on an occasion like that of the coming 6th of May at San Francisco there will be assembled together a great number of vessels of all kinds, and not only there, but when the fleet shall have returned to New York, there will be a similar assembling of vessels there in great numbers. There is to be a great celebration of the one hundredth anniversary of building the first Fulton steamboat on the Hudson River next September. This bill has in view all these things, and I should feel that this Congress was very derelict unless it provided some means of regulating all the kinds of craft that will assemble on these occasions, in order to prevent the great loss of life that is liable to occur unless some one has authority to make and enforce the necessary regulations.

Mr. JONES of Washington. Section 3 of the bill transfers the power to some department to make regulations. I would like to know how these regulations are to be brought home to the people.

Mr. HAYES. The gentleman must know that separate regulations will be necessarily made for each one of these marine assemblages, and they will be brought to the knowledge of the people by proclamation and public notice.

Mr. JONES of Washington. They are put into the hands of the Secretary of the Navy, and he issues them one day and they go into effect the next.

Mr. HAYES. No; the regulations will, of course, be made public in plenty of season, so that all interested may understand them.

Mr. KNOWLAND. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I do not know that I can explain further than has been explained the bill now pending. Under the act of 1896 the Secretary of the Treasury—which meant the Commissioner of Navigation and Revenue-Cutter Service—was given authority to police regattas, and that police work was carried on by the Revenue-Cutter Service. Since that time the Commissioner of Navigation has been transferred to the new Department of Commerce and Labor, and hence this bill in designating the Secretary to act designates the Secretary of Commerce and Labor in place of the Secretary of the Treasury, because the Commissioner of Navigation is the one who really arranges the details relating to navigation.

The existing law of 1896 authorizes the policing of regattas. That work is done, in the main, by the Revenue-Cutter Service, but it has been quite common where such regattas are held to obtain the assistance of private yachts, because the Revenue-Cutter Service could not supply boats enough. This bill repeals the act of 1896 and gives the Secretary of Commerce and Labor the power to police regattas and marine parades. It was believed by the Department that they had no authority under existing law to police the marine parade that is shortly to take place at San Francisco. The bill contains section 3, which authorizes the President to temporarily transfer the power from the Department of Commerce and Labor to the Department of the Navy for this reason. It was not thought desirable that the Department of Commerce and Labor should make the police regulations—and, mind you, that is all that is authorized in this case, just as they make police regulations for any great affair—it was not thought desirable for the Department of Commerce and Labor to make police regulations for the control of the naval ships, and hence it was thought desirable in special cases to allow the Navy Department to make these regulations.

The SPEAKER pro tempore (Mr. LAWRENCE). The time of the gentleman has expired. All time has expired, and the question is, Shall the rules be suspended and the bill be passed?

Mr. WILLIAMS. And on that, Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER pro tempore. It seems to the Chair that the point is well taken. The Doorkeeper will close the doors. The Sergeant-at-Arms will notify absent Members. All those in favor of the motion will, when their names are called, answer "aye" and those opposed "no," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 140, nays 79, answered "present" 15, not voting 153, as follows:

YEAS—140.

Adair	Driscoll	Hinshaw	Needham
Adamson	Durey	Holliday	Nelson
Aiken	Dwight	Howell, Utah	Olcott
Allen	Ellis, Oreg.	Howland	Overstreet
Ames	Englebright	Hubbard, W. Va.	Page
Bartlett, Nev.	Esch	Huff	Parker, N. J.
Bell, Ga.	Fairchild	Humphrey, Wash.	Parker, S. Dak.
Birdsall	Floyd	Humphreys, Miss.	Payne
Bradley	Fordney	Jackson	Porter
Brodhead	Foss	Jones, Wash.	Pray
Brownlow	Foster, Ind.	Kahn	Reeder
Burton, Del.	Foster, Vt.	Kelliher	Reynolds
Butler	Foulkrod	Kennedy, Iowa	Robinson
Calder	French	Kinkaid	Rothermel
Capron	Fuller	Knowland	Russell, Tex.
Cary	Gardner, Mich.	Küstermann	Ryan
Chapman	Gilhams	Landis	Sims
Cocks, N. Y.	Gill	Lawrence	Smith, Cal.
Cole	Godwin	Lenahan	Smith, Iowa
Cook, Pa.	Goldfogle	Lindbergh	Smith, Mo.
Cooper, Wis.	Goulden	Longworth	Snapp
Cox, Ind.	Graff	Loudenslager	Southwick
Cravens	Granger	McCall	Sperry
Crawford	Griggs	McGuire	Sulloway
Crumpacker	Gronna	McKinley, Ill.	Townsend
Cushman	Hackney	McKinney	Volstead
Dalzell	Hale	McLachlan, Cal.	Vreeland
Darragh	Hamilton, Iowa	McLaughlin, Mich.	Waldo
Davidson	Hamilton, Mich.	Macon	Wanger
Davis, Minn.	Haskins	Madden	Washburn
Dawson	Haugen	Mann	Watson
Denby	Hawley	Marshall	Weeks
Diekema	Hayes	Morse	Wheeler
Douglas	Higgins	Mouser	Wood
Draper	Hill, Conn.	Murdock	Woodyard

NAYS—79.

Alexander, Mo.	Denver	Houston	Rauch
Ansberry	Dixon	Hughes, N. J.	Russell, Mo.
Ashbrook	Ellerbe	Johnson, Ky.	Saunders
Bannon	Favrot	Jones, Va.	Scott
Bartlett, Ga.	Ferris	Keifer	Shackleford
Beall, Tex.	Fitzgerald	Kitchin, Claude	Sherwood
Bede	Foster, Ill.	Knopf	Smith, Tex.
Bonynge	Gaines, Tenn.	Lee	Spight
Burgess	Gardner, N. J.	Lever	Stafford
Burleson	Garner	McHenry	Stanley
Byrd	Gillespie	McMorran	Stephens, Tex.
Calderhead	Glass	Moon, Tenn.	Talbott
Campbell	Gordon	Moore, Tex.	Tou Velle
Candler	Gregg	Murphy	Underwood
Carlin	Hackett	Nicholls	Watkins
Clark, Mo.	Hay	O'Connell	Webb
Clayton	Heflin	Padgett	Williams
Cook, Colo.	Helm	Patterson	Wilson, Pa.
Davenport	Henry, Tex.	Rainey	Young
De Armond	Hitchcock	Randell, Tex.	

ANSWERED "PRESENT"—15.

Bowers	Gaines, W. Va.	Hardy	Sabath
Edwards, Ga.	Garrett	Jenkins	Slayden
Ellis, Mo.	Gillett	Kimball	Slemp
Finley	Goebel	Knapp	

NOT VOTING—153.

Acheson	Edwards, Ky.	Laning	Pratt
Alexander, N. Y.	Fassett	Lassiter	Prince
Andrus	Flood	Law	Pujo
Anthony	Focht	Leake	Ransdell, La.
Barchfeld	Fornes	Legare	Reid
Barclay	Fowler	Lewis	Rhinock
Bartholdt	Fulton	Lilley	Richardson
Bates	Gardner, Mass.	Lindsay	Riordan
Beale, Pa.	Graham	Littlefield	Roberts
Bennet, N. Y.	Greene	Livingston	Rodenberg
Bennett, Ky.	Haggott	Lloyd	Rucker
Bingham	Hall	Lorimer	Sheppard
Booher	Hamill	Loud	Sherley
Boutell	Hamlin	Lovering	Sherman
Boyd	Hammond	Lowden	Small
Brantley	Harding	McCreary	Smith, Mich.
Broussard	Hardwick	McDermott	Sparkman
Brumm	Harrison	McGavin	Steenerson
Brundidge	Henry, Conn.	McKinlay, Cal.	Sterling
Burke	Hepburn	McLain	Stevens, Minn.
Burleigh	Hill, Miss.	McMillan	Sturgiss
Burnett	Hobson	Madison	Sulzer
Burton, Ohio	Howard	Malby	Tawney
Caldwell	Howell, N. J.	Maynard	Taylor, Ala.
Carter	Hubbard, Iowa	Miller	Taylor, Ohio
Caulfield	Hughes, W. Va.	Mondell	Thistlewood
Chaney	Hull, Iowa	Moon, Pa.	Thomas, N. C.
Clark, Fla.	Hull, Tenn.	Moore, Pa.	Thomas, Ohio
Cockran	James, Addison D.	Mudd	Tirrell
Conner	James, Ollie M.	Norris	Wallace
Cooper, Pa.	Johnson, S. C.	Nye	Weems
Cooper, Tex.	Kennedy, Ohio	Olmsted	Weisse
Coudrey	Kipp	Parsons	Wiley
Cousins	Kitchin, Wm. W.	Pearre	Willett
Craig	Lafean	Perkins	Wilson, Ill.
Currier	Lamar, Fla.	Peters	Wolf
Davey, La.	Lamar, Mo.	Pollard	
Dawes	Lamb	Pou	
Dunwell	Langley	Powers	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. COUSINS with Mr. WILLETT.

Mr. WILSON of Illinois with Mr. SULZER.
Mr. THISTLEWOOD with Mr. RHINOCK.
Mr. STERLING with Mr. MAYNARD.
Mr. MCMILLAN with Mr. LLOYD.
Mr. MCGAVIN with Mr. LEWIS.
Mr. LOVERING with Mr. LASSITER.
Mr. LANING with Mr. LAMB.
Mr. LAFEAN with Mr. JOHNSON of South Carolina.
Mr. KENNEDY of Ohio with Mr. KIPP.
Mr. HARDING with Mr. HULL of Tennessee.
Mr. GILLETT with Mr. HAMMOND.
Mr. BOYD with Mr. COOPER of Texas.
Mr. BATES with Mr. COCKRAN.
Mr. BARTHOLDT with Mr. CLARK of Florida.
Mr. KNAPP with Mr. BOOHER.
Mr. ALEXANDER of New York with Mr. FULTON.
Mr. LITTLEFIELD with Mr. SHERLEY.

The result of the vote was announced as above recorded.

The doors were opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed the joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. R. 79. Joint resolution authorizing the widening of the channel of Michigan City Harbor.

COTTON FUTURES.

Mr. BURLESON. Mr. Speaker, under the rules the resolution which I now send to the Clerk's desk is privileged, but in order to expedite action I move to suspend the rules, discharge the Committee on Interstate and Foreign Commerce from further consideration of House resolution numbered 338, and pass the same.

The Clerk read as follows:

House resolution 338.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to immediately inform the House whether the investigation made by the Bureau of Corporations ordered by House resolution No. 795, Fifty-ninth Congress, second session, adopted by the House of Representatives on the 4th day of February, 1907, has been concluded, and if so whether the report on the result of said investigation has been prepared, and if said investigation has been concluded and the report based thereon has been prepared, said Secretary be, and he is hereby, requested to immediately transmit said report to the Congress for its consideration.

The SPEAKER pro tempore (Mr. LAWRENCE). Is a second demanded?

Mr. WILLIAMS. I demand a second.

Mr. MANN. Mr. Speaker, I demand a second on the resolution. The gentleman from Mississippi, I think, is not opposed to the resolution.

The SPEAKER pro tempore. Under the rule a second is ordered, and the gentleman from Texas [Mr. BURLESON] is entitled to twenty minutes, and the gentleman from Illinois [Mr. MANN] will be recognized for twenty minutes.

Mr. BURLESON. Mr. Speaker, the report referred to in this resolution has been prepared under the direction of the Bureau of Corporations based on an investigation made with a view of ascertaining whether the fluctuations in the price of cotton have resulted from the character of the contracts, and deliveries thereon, made on the cotton exchanges dealing in futures. The original resolution which was the basis of this investigation was written and introduced by me more than fourteen months ago. It was reported and adopted by the House on February 4, 1907. Those interested in the result of the investigation ordered by that resolution and the report to be made thereon had hoped that the investigation would be had, the report prepared, ready for submission before the beginning of the present Congress. In fact, assurances were given that when the Congress convened last December this report would be ready. The Congress convened, the report was not forthcoming. Upon inquiry at that time, those interested were promised that the report would surely be ready for submission after the holidays. After the holidays the report was not submitted.

Then a promise was given that the report would come by the 1st of February, but it did not come. Then we were led to believe that the report could be expected on the 1st of March, and again we were disappointed. Then it was said that the report would surely be made by the 1st of April, but it was not; and now, Mr. Speaker, information comes that, notwithstanding the investigation has been concluded and the report prepared, the same has in some way found its way into the possession of the Custodian of the Big Stick, where it has been held for a number of days. It is further understood that after the lapse of a stated period parts of this report will be furnished to the press, at the expiration of another period it is to be released for publication, and after that it will then probably be transmitted to us for consideration. Mr. Speaker, this investigation has not been brought about by Executive order, but the House ordered the investigation, and it was for our benefit this report has been prepared. I will not say, Mr. Speaker, that I believe this report will be blue penciled while it is being withheld from us, but I do say, and I say it without hesitation, that the withholding of this report from the House is, in my opinion, a piece of arbitrary meddlesomeness for which there is no warrant.

Mr. Speaker, I introduced the pending resolution eight days ago for the purpose of asking, not for the testimony taken during this investigation, which has been used for the basis of this report, but that the report itself, if ready, shall be transmitted to the House for its consideration.

Mr. KEIFER. I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. BURLESON. Yes; with great pleasure.

Mr. KEIFER. I would like to know whether the gentleman from Texas knows that the report has been prepared?

Mr. BURLESON. I have it upon authority that I do not question that its preparation was completed some time ago, and that it is ready for transmission to the House.

Mr. KEIFER. Then the two things asked in the resolution, as to whether the investigation has been ended, and all that, are already answered.

Mr. BURLESON. I will say to the gentleman that I thought it only proper to embody in this resolution the inquiry whether the investigation had been concluded and whether the report was prepared. If answer can be made that the investigation has not been concluded and the report has not been prepared, then, of course, that would settle it, and the report can not be transmitted to the House.

Mr. KEIFER. I was going to suggest that, inasmuch as there is twenty minutes debate on a side, in that time we might telephone up and find out whether the report has been prepared, if we do not absolutely know it now.

Mr. BURLESON. I will state to the gentleman that in my efforts to secure this report—I wanted it because of certain legislation I had proposed, and I desired the benefit of the facts to be ascertained by the investigation and the disclosures to be made in this report—I have repeatedly asked when it was to be ready for transmission to the House, and, as I have stated, it was first promised in December, and then in February, then in March, then again in April, and now I understand it is in the custody of the Executive, and I doubt whether we ever get it, unless we ask it under a resolution such as I now present.

Mr. KEIFER. If the gentleman changes his resolution——

Mr. BURLESON. I beg the gentleman's pardon. I can not now, under the rules, change the resolution. I think this resolution will get what I want and what this House ought to have.

Mr. GRONNA. Mr. Speaker, if I understood the gentleman correctly, I understood him to say that he formerly introduced a resolution calling upon the Secretary of Commerce and Labor to give such information as he asked for.

Mr. BURLESON. Yes; in the resolution adopted February 4, 1907.

Mr. GRONNA. Did not that resolution say that the report should be made to Congress?

Mr. BURLESON. It was for the benefit of the House, and the reason I offered the original resolution and had it passed was a desire on my part for an investigation of the methods and practices of cotton exchanges dealing in futures to be made by an unbiased, impartial tribunal, to determine whether their operations had any effect upon the market price of cotton—whether the violent fluctuations in the market price of cotton were occasioned by the exchange contracts and deliveries made thereon.

This investigation, I am reliably informed, made by direction of the original resolution, has been concluded, and a report based thereon has been prepared and has been ready for a number of days, yet it has not been transmitted to the House.

Mr. KEIFER. Have you been refused the report?

Mr. PAYNE. May I ask the gentleman a question?

Mr. BURLESON. Certainly. I yield with pleasure.

Mr. PAYNE. Does the gentleman think it necessary to censure the executive department in order to get this report?

Mr. BURLESON. There is not a word of censure in this resolution of any of the Executive Departments.

Mr. PAYNE. Not in the resolution, but in the gentleman's speech. I want to say to him that when I heard the resolution read I thought it was a resolution that might possibly be passed, but I do not know whether I will vote for it now or not in connection with the gentleman's speech, because the gentleman seems to think that the passage of this resolution is

a censure of the executive department. Of course if he wants this information I do not want to stand in his way, but there is another question I want to ask the gentleman——

Mr. BURLESON. Will the gentleman permit me to answer this one first?

Mr. PAYNE. I was making that by way of suggestion.

Mr. BURLESON. I think the resolution—if the gentleman will permit——

Mr. PAYNE. I would allow the gentleman to do anything in his own time.

Mr. BURLESON. I think the resolution should stand or fall upon its merits. I attempted to give the House candidly the reasons prompting me to introduce it. You may not agree with me. I do not ask every man to agree with the views I express, but when I came to make a statement to the House as to what prompted me to the introduction of this resolution I felt that in all candor I ought to make a full statement—to tell the whole truth about it. I ask no one to agree with me in these reasons, but to vote on the resolution upon its merits.

Mr. PAYNE. But the gentleman made these statements on his information without giving his information. I do not know how reliable the source of the gentleman's information may be, but I want to ask the gentleman another question. If I remember correctly, the reports of the cotton crop were reports of a short crop.

Mr. BURLESON. You mean for this year?

Mr. PAYNE. The last crop.

Mr. BURLESON. No; we had a normal crop this year; about 11,680,000 bales was the yield.

Mr. PAYNE. Is not that less than last year's crop?

Mr. BURLESON. It is only a normal crop. This investigation has no connection with the present crop.

Mr. PAYNE. I want to ask the gentleman whether that had anything to do with the holding up of the crop of the farmers of the South for a higher price, because cotton had gone down from 13 cents to about 9 cents——

Mr. BURLESON. Well, I do not think that the fact that we raised a million and a half bales less this year than last had anything to do with the farmers holding their cotton, but they withheld their cotton from market because they were not satisfied with the price being offered for it. They had a perfect right to hold for a better price, especially in view of the fact that everything they used in raising the crop had increased in value from 50 to 75 per cent.

Mr. PAYNE. Of course they have a right to hold it. I am not criticising that right; but I was fearful that perhaps what I have suggested in the past might be true—that these reports coming out to the farmers might make speculators of the farmers in addition to their raising a crop and result to their detriment occasionally, and it seems to me, knowing how the price of cotton had fallen off this year and that the farmers were holding back their crop, that perhaps, after all, the sending out by the Agricultural Department and getting these reports of the crops, under the various amendments the gentleman has offered in the House for the last five or six years, might not be a good thing for the cotton farmer.

Mr. BURLESON. Well, sir, I do not agree with the gentleman from New York [Mr. PAYNE] about the various laws I have fathered during the last few years. The producers of cotton, the farmers, and likewise the consumers, the manufacturers, have commended every law I have placed upon the statute books during the last eight years relating to cotton, and the only objection that has ever been made to these laws has come from those engaged in speculating in this great product upon these exchanges.

Mr. PAYNE. If the gentleman will except me.

Mr. BURLESON. Certainly; I of course except the gentleman. This resolution has nothing whatever to do with these laws and amendments I have had passed providing for more accurate condition reports and estimates made by the Department of Agriculture, and the ginners' reports, and reports of annual consumption of cotton made by the Census Bureau. It has nothing whatever to do with the size of the crop raised this year nor the market price being received for the crop at this time. The investigation was ordered with the view of ascertaining the cause of the violent fluctuations taking place in the price of cotton and whether the cotton exchanges have contributed thereto. That was the sole purpose of it. I wanted the information to be had as the result of this investigation to see what, in all fairness, we should do; whether we should legislate or attempt legislation upon the subject of cotton gambling. That was the purpose of it, and the sole purpose of it. Now, Mr. Speaker, I reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. LOVERING] for five minutes.

Mr. LOVERING. Mr. Speaker, I am in accord with the purpose of this resolution, perhaps not for the same reason, however, that the gentleman has who offered it, but I do want the report from the Bureau of Corporations that was requested by the resolution passed a year ago, a resolution which I had the honor to report to the House myself. I want the information that was called for by that resolution, and have wanted it all this session. The truth is, I suspect, that the report of that Bureau will disclose the fact that they have only investigated in one direction, whereas the resolution called for an investigation covering more than the cotton exchanges of New York and New Orleans. The resolution called for an investigation into the dealing in futures and to ascertain what effect it had upon the price of cotton, or as to the result of any combination or any conspiracy which interferes or hinders commerce among the several States or Territories, or with foreign countries. In drawing that resolution I had view to the fact that there were organizations in the South, as well as exchanges in the South and in the North, that had something to do with holding back the statistics regarding cotton, something to do with reducing the acreage of cotton, something to do with holding cotton back from the markets, and I thought it was no more than fair that we should have a report on both sides of this question. Why this has been kept back I do not know. I have been several times to the Bureau myself to ask for it, and without desiring to offer any criticism at all upon an Executive Department, I am inclined to think that Congress has a right to that report. The report was asked for by Congress, and I feel we are entitled to what the resolution calls for. I shall vote for it and hope it may be adopted. [Applause.]

Mr. MANN. Any time that the gentleman from Massachusetts has left I may want.

Mr. LOVERING. Mr. Speaker, I yield back the balance of my time.

Mr. MANN. Mr. Speaker, I did not know that such a resolution was pending in the House until to-day. The illness of the chairman of the Committee on Interstate and Foreign Commerce was probably the reason why nothing has been done by that committee in connection with the resolution. Ordinarily upon privileged resolutions like this the committee would obtain information. The gentleman from Texas [Mr. BURLESON] has never done the members of that committee the honor to call their attention to the resolution. He was not obliged to do so by the rules. He had a right to wait and let them slip by the opportunity to offer the resolution if he desired.

Mr. BURLESON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BURLESON. The reason I did not speak to any member of the committee was that I knew from the public press that the distinguished chairman of that committee was ill, and knowing also that after the lapse of seven days this resolution would be privileged I did not feel that it was incumbent upon me to run about seeking to call together a quorum of that committee.

Mr. MANN. The gentleman has stated what I stated before in reference to it. I was not stating it in criticism of the gentleman. The committee has had a session, I believe, every day this week. We would have inquired about it if the members of the committee had known about it. If the chairman had been there undoubtedly their attention would have been called to it. Now, what are the facts? The facts are that Congress created the Department of Commerce and Labor, including the Bureau of Corporations. It was in accordance with the provisions of that law that the gentleman offered a resolution that was passed by the House directing the Commissioner of Corporations to make a certain investigation. The provisions of that law are to the effect that the Commissioner of Corporations shall report such data to the President from time to time as he shall require, and the information so obtained, or so much thereof as the President may direct, shall be made public. Now, I do not undertake to say that the report ought not to be made public. I do not undertake to say that all of the information which may have been obtained ought not to be made public, but I do undertake to say that it is hardly fair to the Administration, while this report and this data is in the hands of the President for his determination, under the law, as to what he shall give out, for the gentleman to insist that the House shall call on the Department of Commerce and Labor itself for this report.

Mr. BARTLETT of Georgia. May I interrupt the gentleman for a moment?

Mr. MANN. Certainly.

Mr. BARTLETT of Georgia. Does the gentleman mean to put a resolution of inquiry by the House upon the same footing with an investigation made in pursuance of that statute? Has

not the House the right to inquire and to demand that an investigation made at its instance and direction shall be reported to it and not to the President?

Mr. MANN. Not at all. This investigation was made in pursuance of this law. This House can not by resolution, simple resolution, require any Department of the Government to expend money. The gentleman from Georgia knows that the House is not Congress; the House itself has no control over expenditures of money from the Public Treasury. All that the House can do, and did, was to invoke the law provided on the statute books under which the Department could make the investigation.

Mr. BARTLETT of Georgia. Oh, no. The gentleman will permit me to say that the House has the right, has the constitutional right, to demand information of the heads of the Executive Departments.

Mr. MANN. Ah, the House can ask a Department for information that it has in its hands; but the House, by a simple resolution, can not direct a Department to collect information. Now, we passed a resolution—a simple resolution of the House—directing this investigation to be made. How? Under the law which had been provided for that purpose; and that law provided what should be done with the results of that investigation. It provided that when the Commissioner of Corporations had made the investigation he should report the data in his hands to the President, and the President should determine what should be made public.

Gentlemen all know that in making these investigations it often becomes necessary to obtain confidential information. The Bureau of the Census constantly collects information on the special statement that the specific information will not be made public and shall be used only in the form of tabulation and in the form of results. I now yield to the gentleman from Texas.

Mr. BURLESON. I grant that what the gentleman says would be true if the investigation was ordered by the executive department, but this investigation was directed to be made by the House. And the Congress, as I understand it, could have directed the Secretary of Agriculture, or any other departmental or bureau officer, to make this investigation had it seen proper.

Mr. MANN. The gentleman is mistaken. This investigation is not made by order of Congress. This investigation was made under a simple resolution of the House of Representatives, not a joint resolution of both Houses. This body can not direct a Department of the Government to expend money; and the gentleman from the great Committee on Appropriations would be one of the first to say that the House of itself, as one branch of the legislative body, can not direct the expenditure of large sums of money for investigations or otherwise.

Mr. COOPER of Wisconsin. Will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. This resolution does not direct the Department to send the information. It requests it to do so. And I should say that that might put it in the discretion of the Department to send it or not. There is no attempt to make it mandatory.

Mr. MANN. In that respect, of course, the usage has been to request the President and direct a Department to reply to an inquiry. But both mean the same thing. I do not think there is any difference.

Mr. COOPER of Wisconsin. Will the gentleman permit this suggestion? I know I have seen cases in both Houses where they have asked the officers of the Department to do this or do that, but the ordinary form of the request is "if not incompatible with the public service."

Mr. MANN. That is the ordinary way of addressing the President, but when a Department is addressed the Department is directed. However, that is neither here nor there. Here is the situation: These gentlemen state that they have been endeavoring to obtain this information. No one knows why they have not received it. Is it to be presumed by this body, by this side of the House especially, that this report, which has been turned over by the Department of Commerce and Labor to the President for his approval and for his judgment, under the law, he is going improperly and unjustly to withhold the data in the case? I think it is safe to assume that the President, as soon as he has had an opportunity to examine this matter, will give to the Congress and to the public so much of the information as ought to be made public in conformity with the provisions under which it was obtained. I reserve the balance of my time.

Mr. BURLESON. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. BURLESON. I yield four minutes to the gentleman from Georgia.

Mr. BARTLETT of Georgia. Mr. Speaker, I can not accede to the proposition of my friend, the gentleman from Illinois [Mr. MANN], that the Department of Commerce and Labor, or any Department of this Government, which has, under direction of the House or either branch of Congress, made an investigation and has obtained the information which Congress deemed necessary and proper to have procured, can withhold it; and that neither House can secure it unless it suits the will or pleasure of the head of the Department who has secured such information. Nor can I consent that the President can withhold such information when either House of Congress shall demand or request it. Certainly not without giving some good reason for withholding it. This is important information which the cotton producers, and the cotton manufacturers as well, are entitled to have. Neither the President nor any head of a Department ought to be permitted to thwart the will of the House, which has ordered its procurement.

Now, it is true that in the establishment of the Bureau of Corporations it was provided that the President might determine what particular evidence should be made public; but even with that provision I apprehend that the President himself, when called on by Congress, or either branch of Congress, would not say that he declined to furnish to the House information that he had obtained under a law of Congress providing for the investigation.

Now, Mr. Speaker and gentlemen, we have made great strides, and many of them, in recent years toward the accomplishment and perpetuation of Executive power and Federalism; but it does seem to me that it ill becomes a Member of this House to assert that even the President of the United States, without reason, can refuse to give to the House information that it is entitled to have, secured upon an investigation authorized by it, and for which the necessary funds have been appropriated by Congress. When we shall have reached the conclusion that not only the President, but that also the Secretary of Commerce and Labor or any other public official, can pursue the course that is justified here by the gentleman from Illinois in doing, then we will have reached the goal of Federalism and our independence as Representatives will have passed away. For one, I can not consent to such a proposition.

Mr. BURLESON. I yield one minute to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, I presume that no harm can come from the passing of a resolution of this kind. As I understand it, the resolution calls for an examination to be made by the Bureau of Commerce and Labor, and I take it for granted that it is proper that this House should know something about what that report is. This report, as I understand it, affects the producing districts, whether cotton or grain or any other product of the soil. I can not concede that it is improper to ask that the report that has been made by the Department of Commerce and Labor be submitted to this House. I believe that this House is entitled to it, and I shall vote for the resolution.

Mr. BURLESON. I yield two minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, coming from a cotton-growing State, I most respectfully ask the House to adopt this resolution calling for this information, which I think will be of great benefit to the cotton growers of our country. Certainly this House ought to be willing to do anything within its power to benefit the cotton growers of the United States. Cotton is the great staple that furnishes us the balance of trade and brings us our gold supply. Not only that, but it is so important to the manufacturing interests of our country that many of the towns of New England would be without industrial employment for their population if it were not for the cotton spinning and weaving industry.

Of course, we all concede the importance of this resolution. What objection can there be to having it ascertained and reported to this House whether or not the fluctuations in the price of cotton have resulted in whole or in part from the character of contracts and deliveries thereon made on the cotton exchanges dealing in futures, or as the result of any combination or conspiracy which interferes with or hinders commerce amongst the several States or Territories or with foreign countries. That is substantially the language of the resolution.

The resolution calls for information which would enlighten us as to the question how far these cotton exchanges go toward affecting the price of this great staple. It would also give us information, if there be any, on that subject as to illegal combinations in restraint of trade which affect the price of cotton injuriously and cause violent fluctuations. Perhaps

this resolution may be the means of ascertaining why cotton, which was worth, in the interior, in the early part of the current cotton year 13½ cents, was worth, according to the New York Cotton Exchange quotations yesterday, about 8½ cents, while spots, according to the price quoted by the same exchange, were worth 9½ cents per pound.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has ten minutes.

Mr. MANN. I yield to the gentleman from New York [Mr. PAYNE] five minutes.

Mr. PAYNE. Mr. Speaker, it seems that about a year ago a resolution was passed by the House directing the Department under the law which created the Bureau of Commerce and Labor to make this investigation. Of course with that direction, the law having provided for it, the investigation was authorized and legalized. It would seem that the Department has been engaged in that investigation. From the nature and difficulties of the subject to be investigated, such an investigation of course, to be thorough, would require time. Whether the Department has taken more time than necessary I am not here to state, but it would seem to me that only a reasonable time has been taken to make this investigation.

The law also says that the result of that investigation shall be sent to the Executive, and it is for the Executive to say how much of the result of the investigation shall be given out, and this was a very proper provision of the law, because it facilitated the investigation of the subject by the Department of Labor. They could get more information from the people who had it if it was known that the information would be regarded as confidential in a certain way. Whatever may be the truth of the rumors that have come to the ears of the gentleman from Texas, it would seem that the Department and the Executive had followed the law and acted in a proper manner and paid proper heed to the resolution passed by the House of Representatives.

I was unwilling, however, to let this resolution go to a vote unless it could be thoroughly understood on the part of this side of the House that a vote for the resolution was not a vote indorsing the fiery speech of my gentle friend from Texas in behalf of the resolution, when he attacks both the Department and the Chief Executive for their action in this matter on the rumors or information which he had. I shall very cheerfully vote for this resolution because I think that it is the right of the House to ask the Department for the information. It is in the form of a request, being directed to the Department. We might direct the Department, but if for any reason the President thought it was not compatible with the interest of the public to give the information to Congress, he could properly direct the Secretary of Commerce and Labor to withhold it, and it would be a full reply to the resolution.

But the resolution is sent to the Secretary of Commerce and Labor without direction and only as a request. If we sent it to the President of the United States, then there would be coupled with the request, as is uniformly the practice, "if it is compatible with the public interest," or if he deems it so. But it is not necessary in this resolution. I think the resolution is a proper one and ought to pass, notwithstanding the speech made by the gentleman from Texas in its favor. [Laughter and applause.] Therefore I shall vote for the resolution.

Mr. MANN. Mr. Speaker, I believe I have five minutes remaining.

The SPEAKER pro tempore. The gentleman has six minutes.

Mr. MANN. Then, Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BURLESON] when he takes the floor, and five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I do not know whether this investigation has been completed. I have heard it whispered that that part of the investigation desired by the gentleman from Texas is practically complete. When the resolution calling for the investigation was passed by the House it was stated and understood that not only would the character of the contracts upon the various cotton exchanges be inquired into, but the action of the cotton growers' associations throughout the country, as well as the spinners' associations, would also be investigated.

I have in my possession a statement made by the commissioner of agriculture of the State of Texas within the past month or six weeks. It confirms the statement made by me when the original resolution was under discussion. I stated then that the cotton growers were engaged in what might just as well be termed "a conspiracy" as the actions of other persons dealing in cotton.

I stated that it was uniform in the South to have, if possible, harmonious action on the part of the cotton growers to prevent large acreage being planted with cotton. In the statement contained in the speech of the commissioner of agriculture of the State of Texas within the past six weeks it appears that there already are in sight 1,000,000 more bales of cotton than there would be any demand for within the coming year and that if the people of the State did not restrict the area to be planted, if they did not let the land lie fallow, then the price of cotton would be depressed. More than that, within the past two or three weeks Mr. Harvey Jordon, the president of some Southern cotton association, issued a very pathetic appeal to the cotton planters asking them not to increase the area to be planted. I have repeatedly stated, Mr. Speaker, that I am in favor of the "square deal." If the cotton exchanges are to be investigated because by reason of some of their actions they have been interfering with the price of cotton, why should not also the cotton planters' associations and the cotton spinners' associations, which are also endeavoring to interfere with the price of cotton?

I assume that the men who sell cotton desire to have the price as high as possible, while the men who buy cotton desire that the price shall be as low as possible. I represent the men who buy cotton, the men who contribute to the wealth and prosperity of the constituents of the gentleman from Texas [Mr. BURLESON] by sending their money to buy the product of his constituents. I am interested in having my people protected. He is interested in taking from them as much as possible—more, if possible, than they should pay for the products of his people. The gentleman from Texas, through his influence with this Administration, which I am compelled to admit has been much greater than has been assumed, has been able, I am informed, to have this investigation restricted to the good people who live in my district and the districts of my colleagues and to let go uninvestigated those men in his district who are attempting to force up the price of cotton and, necessarily, the price of cotton goods to the poor people of the North.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BURLESON. Mr. Speaker, the trouble with the gentleman from New York is that he is mistaken in his premise. He does not represent the people who buy cotton. The gentleman from Massachusetts [Mr. LOVERING] represents people who actually buy cotton. The gentleman from New York [Mr. FITZGERALD] represents people who manipulate the price of cotton, and the real truth is that when the producers have grown the cotton and put it upon the market these exchange people represented by the gentleman from Greater New York [Mr. FITZGERALD], manipulate prices, so as to depress the price of the farmers' cotton and, after wresting it from their control, then afterwards, when the spinners, who consume cotton, want it, by manipulation they inflate prices and extort from these spinners—the consumer—from $30 to $40 a bale more than was paid to the producer. [Applause.]

Mr. FITZGERALD. Mr. Speaker——

Mr. BURLESON. I can not yield. I regret that my time is so limited I can not yield. My friend from New York has referred to a statement recently made by the commissioner of agriculture of my State wherein he urged the planter to limit the acreage planted. He does not seem to understand that the suggestion made by the commissioner of agriculture was that the farmer, if possible, should protect himself against the unholy combinations that have been made in the city of New York by those who control and manage this exchange to depress the product of their labor. [Applause.] The same thing is true of wheat as well, as the gentleman from North Dakota [Mr. GRONNA] says.

Now, Mr. Speaker, a word with reference to the contention of my distinguished friend from Illinois [Mr. MANN]. I concede that if this investigation had been made by direction of Executive authority, he would be right in his conclusions, but the difficulty here is that this investigation was not directed by the executive department. If it had been, then I grant you the President might withhold the result of the investigation, or any part thereof, if he saw fit to do so. But this particular investigation was directed by the House. If the Department officials had seen fit, when the resolution was adopted and transmitted to them, to have then said "You can not compel us, under the law, to make this investigation," this possibly they could have done, but having concluded the investigation under this resolution directing them to make it, these officials can not now withhold this report, or any part of it, under this law that has been cited by the gentleman from Illinois.

Mr. DRISCOLL. To whom was the promise made to which the gentleman has referred?

Mr. BURLESON. It was made to me, for one. It was also made to a number of others, I will state to the gentleman; but I do not care to give the details of efforts which have been made to secure the report. I have felt that the House was entitled to know the reasons that prompted me to introduce this resolution, and that was the reason I made the statement that gave offense—well, not offense, but to which the gentleman from New York [Mr. PAYNE] took exception.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on suspending the rules and passing the resolution.

Mr. PAYNE. Mr. Speaker, pending that, I move that the House do take a recess until 11.30 o'clock to-morrow morning.

TRANSFER OF LAND AT PEKING, CHINA.

The SPEAKER pro tempore. Pending that, if there be no objection, the Chair lays before the House the following message from the President of the United States.

There was no objection.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Secretary of State, submitting a draft of a bill providing for the transfer to the Bank of Indo-China of a certain lot of land located at Peking, China, and now the property of the United States, said transfer being in consideration of the transfer to the United States by the Bank of Indo-China of three lots of land located in the said city.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 24, 1908.*

The SPEAKER pro tempore. The message will be referred under the rules to the Committee on Foreign Affairs and ordered to be printed.

RESIGNATION FROM COMMITTEE.

The SPEAKER pro tempore. The Chair also lays before the House the following.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 24, 1908.

Hon. JOS. G. CANNON,
Speaker House of Representatives, Washington, D. C.

SIR: I hereby tender my resignation as a member of the Committee on Immigration and Naturalization, to take effect forthwith.

JOHN H. ROTHERMEL,
Thirteenth District, Pennsylvania.

The SPEAKER pro tempore. If there be no objection, Mr. ROTHERMEL will be released from further service on the committee. [After a pause.] The Chair hears no objection. The question now is on the motion of the gentleman from New York to take a recess.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 129, nays 82, answered "present" 11, not voting 165, as follows:

YEAS—129.

Allen	Ellis, Oreg.	Hubbard, Iowa	Pollard
Ames	Englebright	Hubbard, W. Va.	Porter
Barchfeld	Esch	Huff	Pray
Bates	Fairchild	Humphrey, Wash.	Reeder
Beale, Pa.	Focht	Jackson	Reynolds
Bennet, N. Y.	Fordney	Jenkins	Rodenberg
Birdsall	Fornes	Jones, Wash.	Scott
Bonynge	Foss	Kahn	Smith, Cal.
Boyd	Foster, Ind.	Kennedy, Iowa	Smith, Iowa
Brownlow	Foster, Vt.	Kennedy, Ohio	Smith, Mich.
Burleigh	Foulkrod	Kinkaid	Snapp
Butler	French	Knowland	Southwick
Calder	Fuller	Küstermann	Sperry
Calderhead	Gaines, W. Va.	Lafean	Stafford
Campbell	Gardner, N. J.	Laning	Steenerson
Capron	Gilhams	Lawrence	Sterling
Cary	Gillett	Loud	Sulloway
Chapman	Goebel	Lovering	Thistlewood
Cocks, N. Y.	Goldfogle	McCall	Thomas, Ohio
Cole	Graff	McKinney	Tirrell
Cook, Pa.	Granger	McLachlan, Cal.	Volstead
Cooper, Wis.	Gronna	McLaughlin, Mich.	Vreeland
Crumpacker	Hale	McMorran	Wanger
Cushman	Hamilton, Iowa	Madden	Watson
Dalzell	Hamilton, Mich.	Madison	Weeks
Davidson	Haskins	Mann	Wheeler
Davis, Minn.	Haugen	Miller	Wilson, Ill.
Dawson	Hawley	Mouser	Wood
Diekema	Hayes	Murdock	Woodyard
Douglas	Higgins	Needham	Young
Draper	Hinshaw	Olcott	
Driscoll	Holliday	Parker, N. J.	
Dwight	Howland	Payne	

NAYS—82.

Adair	Dixon	Johnson, Ky.	Rothermel
Adamson	Ellerbe	Jones, Va.	Russell, Mo.
Aiken	Ferris	Keliher	Russell, Tex.
Ansberry	Fitzgerald	Kitchin, Claude	Ryan
Ashbrook	Floyd	Lee	Sabath
Bannon	Foster, Ill.	Lenahan	Saunders
Bartlett, Ga.	Gaines, Tenn.	Lever	Sheppard
Bartlett, Nev.	Garner	McHenry	Sherwood
Beall, Tex.	Gill	Macon	Sims
Bell, Ga.	Gillespie	Maynard	Smith, Mo.
Brundidge	Godwin	Moon, Tenn.	Smith, Tex.
Burleson	Gordon	Moore, Tex.	Spight
Byrd	Goulden	Murphy	Stanley
Candler	Griggs	Nicholls	Stephens, Tex.
Clark, Mo.	Hackett	O'Connell	Tou Velle
Clayton	Hackney	Padgett	Underwood
Cooper, Tex.	Hay	Page	Webb
Cox, Ind.	Helm	Rainey	Williams
Cravens	Henry, Tex.	Randell, Tex.	Wilson, Pa.
De Armond	Houston	Rauch	
Denver	Hughes, N. J.	Robinson	

ANSWERED "PRESENT"—11.

Bowers	Glass	Knapp	Shackleford
Bradley	Hardwick	Lamb	Watkins
Finley	Hardy	Richardson	

NOT VOTING—165.

Acheson	Durey	Kitchin, Wm. W.	Parsons
Alexander, Mo.	Edwards, Ga.	Knopf	Patterson
Alexander, N. Y.	Edwards, Ky.	Lamar, Fla.	Pearre
Andrus	Ellis, Mo.	Lamar, Mo.	Perkins
Anthony	Fassett	Landis	Peters
Barclay	Favrot	Langley	Pou
Bartholdt	Flood	Lassiter	Powers
Bede	Fowler	Law	Pratt
Bennett, Ky.	Fulton	Leake	Prince
Bingham	Gardner, Mass.	Legare	Pujo
Booher	Gardner, Mich.	Lewis	Ransdell, La.
Boutell	Garrett	Lilley	Reid
Brantley	Graham	Lindbergh	Rhinock
Brodhead	Greene	Lindsay	Riordan
Broussard	Gregg	Littlefield	Roberts
Brumm	Haggott	Livingston	Rucker
Burgess	Hall	Lloyd	Sherley
Burke	Hamill	Longworth	Sherman
Burnett	Hamlin	Lorimer	Slayden
Burton, Del.	Hammond	Loudenslager	Slemp
Burton, Ohio	Harding	Lowden	Small
Caldwell	Harrison	McCreary	Sparkman
Carlin	Heflin	McDermott	Stevens, Minn.
Carter	Henry, Conn.	McGavin	Sturgiss
Caulfield	Hepburn	McGuire	Sulzer
Chaney	Hill, Conn.	McKinlay, Cal.	Talbott
Clark, Fla.	Hill, Miss.	McKinley, Ill.	Tawney
Cockran	Hitchcock	McLain	Taylor, Ala.
Conner	Hobson	McMillan	Taylor, Ohio
Cook, Colo.	Howard	Malby	Thomas, N. C.
Cooper, Pa.	Howell, N. J.	Marshall	Townsend
Coudrey	Howell, Utah	Mondell	Waldo
Cousins	Hughes, W. Va.	Moon, Pa.	Wallace
Craig	Hull, Iowa	Moore, Pa.	Washburn
Crawford	Hull, Tenn.	Morse	Weems
Currier	Humphreys, Miss.	Mudd	Weisse
Darragh	James, Addison D.	Nelson	Wiley
Davenport	James, Ollie M.	Norris	Willett
Davey, La.	Johnson, S. C.	Nye	Wolf
Dawes	Keifer	Olmsted	
Denby	Kimball	Overstreet	
Dunwell	Kipp	Parker, S. Dak.	

So the motion to take a recess was agreed to.

The Clerk announced the following additional pairs:

For the balance of day:

Mr. LOUDENSLAGER with Mr. GLASS.

Mr. LILLEY with Mr. TALBOTT.

Until further notice:

Mr. DENBY with Mr. ALEXANDER of Missouri.

Mr. HILL of Connecticut with Mr. BRODHEAD.

Mr. KEIFER with Mr. BURGESS.

Mr. KNOPF with Mr. DAVENPORT.

Mr. LONGWORTH with Mr. CRAWFORD.

Mr. MCKINLEY of Illinois with Mr. HEFLIN.

Mr. NELSON with Mr. HUMPHREYS of Mississippi.

Mr. WALDO with Mr. LLOYD.

The result of the vote was announced as above recorded.

Accordingly (at 4 o'clock and 20 minutes p. m.), the House took a recess until to-morrow at 11.30 a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 208) for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and

the sale and disposal of all the surplus lands after allotment, reported the same with amendments, accompanied by a report (No. 1507), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17993) to amend section 86 of an act to provide a government for the Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1508), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 19163) to grant certain lands to the State of Oklahoma, reported the same without amendment, accompanied by a report (No. 1509), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 20656) appropriating $3,500 and providing for the laying of sidewalks and the placing of curb and gutters around certain portions of the national cemetery in the city of Fort Smith, Ark., reported the same without amendment, accompanied by a report (No. 1510), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the resolution of the House (H. C. Res. 10) directing the Secretary of War to cause to be made a survey and map of the lines of investment and defense around Petersburg, Va., reported the same with amendment, accompanied by a report (No. 1511), which said resolution and report were referred to the House Calendar.

Mr. CARY, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18345) to fix the price of gas in the District of Columbia, reported the same with amendments, accompanied by a report (No. 1512), which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6155) to provide for an enlarged homestead, reported the same with amendments, accompanied by a report (No. 1513), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the resolution of the House (H. Res. 365) relative to the constitutionality of H. R. 10456 and H. R. 10457, bills for the acquirement of national forests in the Southern Appalachian and White mountains, reported the same without amendment, accompanied by a report (No. 1514), which said resolution and report were referred to the House Calendar.

Mr. McMILLAN, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3405) to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, approved June 8, 1896, reported the same without amendment, accompanied by a report (No. 1518), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18751) authorizing a patent to be issued to Walter H. Quist for certain lands therein described, reported the same without amendment, accompanied by a report (No. 1515), which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 2911) for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland*, reported the same without amendment, accompanied by a report (No. 1516), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 13644) for the relief of the Bridgeport National Bank, Bridgeport, Ohio, reported the same without amendment, accompanied by a report (No. 1517), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18094) granting an increase of pension to Jeremiah Sullivan, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 21212) requiring street railway companies of the District of Columbia to equip their cars with air brakes—to the Committee on the District of Columbia.

By Mr. MARSHALL: A bill (H. R. 21213) to increase the compensation of rural letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMAR of Missouri: A bill (H. R. 21214) to establish a fish-cultural station in the Sixteenth Congressional District of Missouri—to the Committee on the Merchant Marine and Fisheries.

By Mr. CARTER: A bill (H. R. 21215) to provide for the payment of certain outstanding Chickasaw warrants—to the Committee on Indian Affairs.

By Mr. BYRD: A bill (H. R. 21216) to equalize taxation and to provide revenue for the Government—to the Committee on Ways and Means.

By Mr. CUSHMAN: A bill (H. R. 21217) confirming the title of the State of Washington and its grantees to certain lands—to the Committee on Indian Affairs.

By Mr. CALE: A bill (H. R. 21218) for the relief of the Alaska Terminal and Navigation Company—to the Committee on the Public Lands.

By Mr. MORSE: A bill (H. R. 21219) providing for the adjustment of the claims of the Wisconsin band of Pottawatomie Indians for annuities and other moneys under treaty stipulations, and for other purposes—to the Committee on Indian Affairs.

By Mr. POLLARD: A bill (H. R. 21220) to create forest reserves outside of existing national forests in order to conserve the waters of navigable streams, and for other purposes—to the Committee on Agriculture.

By Mr. WEEKS: A bill (H. R. 21221) for protecting navigable streams and promoting navigation—to the Committee on Agriculture.

By Mr. GAINES of Tennessee: A bill (H. R. 21222) fixing the rate of mileage and manner of payment for Senators, Representatives, and Delegates in Congress—to the Committee on Appropriations.

By Mr. SMITH of Michigan: Resolution (H. Res. 358) providing compensation to the messenger of the Committee on the District of Columbia—to the Committee on Accounts.

By Mr. MONDELL: Resolution (H. Res. 359) providing additional compensation for the clerk and assistant clerk to the Committee on the Public Lands—to the Committee on Accounts.

By Mr. BENNET of New York: Resolution (H. Res. 360) proposing an amendment to Rule X of the House—to the Committee on Rules.

By Mr. CUSHMAN: Resolution (H. Res. 361) providing extra compensation for the docket clerk of the House—to the Committee on Accounts.

By Mr. ALLEN: Resolution (H. Res. 362) for the payment of janitor in office of Official Reporters of debates—to the Committee on Accounts.

By Mr. COOK of Colorado: Resolution (H. Res. 363) requesting certain information from the Secretary of the Treasury—to the Committee on Ways and Means.

By Mr. McKINLEY of Illinois: Resolution (H. Res. 364) relating to certain janitors of committees—to the Committee on Accounts.

By Mr. JENKINS, from the Committee on the Judiciary: Resolution (H. Res. 365) concerning forest reserves—to the House Calendar.

By Mr. DAVIDSON: Resolution (H. Res. 366) to continue employment of janitor to the Committee on Railways and Canals and his additional assignment to stationery clerk's room—to the Committee on Accounts.

By Mr. LAMB: Resolution (H. Res. 367) for additional compensation to J. J. Sinnott—to the Committee on Accounts.

By Mr. BEALL of Texas: Resolution (H. Res. 368) to pay John T. Chancey, Robert E. Cowart, jr., and William A. Forbis certain sums of money—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT of Georgia: A bill (H. R. 21223) granting a pension to Sarah E. Evans—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 21224) granting a pension to Mary E. Fisk—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 21225) to remove the restrictions upon the alienation, sale, incumbrance, or taxation of certain lands of Henry Greenwood and Alonzo Tyson, Chickasaws by blood—to the Committee on Indian Affairs.

Also, a bill (H. R. 21226) granting an increase of pension to James Ousley—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 21227) granting an increase of pension to Bedford Randolph—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 21228) granting a pension to Susann D. Cross—to the Committee on Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 21229) for the relief of J. W. Meadows or his heirs—to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 21230) granting an increase of pension to Patrick S. Doig—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 21231) granting an increase of pension to James M. Gibson—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 21232) granting a pension to Sarah L. Jenness—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 21233) granting an increase of pension to James P. Henderson—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 21234) granting an increase of pension to James R. Richmond—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 21235) for the relief of Burrel C. Smith—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 21236) granting an increase of pension to Daniel R. Palmer—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 21237) granting an increase of pension to Hiero B. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21238) granting an increase of pension to Andrew J. Testerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21239) granting a pension to Rebecca J. Rains—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 21240) granting an increase of pension to James L. Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21241) granting an increase of pension to William Ashmead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21242) granting a pension to Hans W. Hansen—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 21243) granting an increase of pension to John Howard—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 21244) granting an increase of pension to William J. Henry—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 21245) granting a pension to Evan H. Pritchard—to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 21246) granting an increase of pension to Orrin D. Wickizer—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 21247) granting an increase of pension to George C. Foose—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 21248) granting an increase of pension to Peter Ackerman—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 21249) for the relief of the New Nonpareil Company, of Council Bluffs, Iowa—to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 21250) for the relief of James W. Walsh—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 21251) for the removal of the charge of desertion from the record of Drewry J. McCormick—to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 21252) granting a pension to August Pfefferle—to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 21253) granting an increase of pension to William Stephens—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 21254) granting a pension to Jane Conklin—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 21255) granting an increase of pension to Daniel Kimball—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 21256) granting an increase of pension to Henry K. Price—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 21257) granting an increase of pension to Oscar Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21258) granting a pension to Hans W. Hanson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of members of the Carpenters' Union of New Castle, Pa., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of city of Milwaukee, against the diversion of more water from Lake Michigan into the Chicago Drainage Canal—to the Committee on Rivers and Harbors.

Also, petition of Interdenominational Council of Women for Christian and Patriotic Service, for a polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of American Newspaper Publishers' Association, asking relief from exactions of the paper trust and repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. AIKEN: Petition of American Newspaper Publishers' Association, against subterfuge designed by CANNON, DALZELL, and PAYNE to prevent relief from exactions of the paper combine—to the Committee on Ways and Means.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Hiram C. Vinsant—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition for amendment to Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petitions of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Livermore Falls, and W. H. Raye, of Rumford Falls, against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. BURTON of Delaware: Petition of citizens of Wilmington, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. BUTLER: Petition of citizens of the Seventh Congressional District of Pennsylvania, for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. CARY: Petition of Trades League of Philadelphia, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. COOK of Pennsylvania: Petition of Victor S. Jordan and others, favoring remedial legislation excluding labor unions from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Philadelphia Board of Trade, relative to H. R. 19745 (amendment to the Sherman antitrust law)—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of W. S. Johnson and others, favoring concurrent resolution 28—to the Committee on Foreign Affairs.

Also, petitions of Thomas Kaziol, on behalf of several Polish associations of Omaha, and Poles of Pittsburg, favoring the Bates resolution—to the Committee on Foreign Affairs.

By Mr. DAVENPORT: Paper to accompany bill for relief of Bedford Randolph—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Albert Freitag—to the Committee on Claims.

By Mr. DRAPER: Petition of board of directors of Trades League, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DRISCOLL: Petition for H. R. 20584, amendment to Sherman antitrust law; for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of Brooklyn Institute of Arts and Sciences, favoring S. 6159, for preservation of the buffalo—to the Committee on Appropriations.

Also, petition of Second Battalion of Naval Militia of New York, for H. R. 7620—to the Committee on Naval Affairs.

Also, petition of Manufacturers' Association of New York, against H. R. 19745 (Hepburn amendment to the Sherman antitrust act)—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of Banner Grange, of Georgia, Vt., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Hod Carriers' Union of Rutland, Vt., for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584)—to the Committee on the Judiciary.

Also, petitions of Central Labor Union and Building Trades Council of Burlington, Vt., favoring H. R. 10556, for alleviating sufferings incident to accidents in coal mines (McHenry bill)—to the Committee on Mines and Mining.

Also, petitions of Central Labor Union and Building Trades Council of Burlington, Vt., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Grand Army Hall and Memorial Association, of Chicago, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Trades League of Philadelphia, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Forest City Creamery Company, of Rockford, Ill., for a uniform bill of lading (H. R. 14934)—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT: Petitions of Belchertown, Pomona, and Warren granges, all in the State of Massachusetts, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petition of Warren Grange, of Warren, Mass., for a parcels post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of Trades League of Philadelphia, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Newspaper Publishers' Association of New York City, for immediate report of the Stevens wood-pulp bill—to the Committee on Ways and Means.

Also, petition of John A. Beecher, for making the 12th of October a holiday—to the Committee on the Judiciary.

Also, petition of Norfolk Council, No. 367, Knights of Columbus, of Norfolk, Va., favoring H. R. 7559, for making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of Isaac Goldenberg and other citizens, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Woonsocket Central Labor Union, of Woonsocket, R. I., for H. R. 19745 (Hepburn amendment to the Sherman antitrust act)—to the Committee on the Judiciary.

By Mr. GRONNA: Petition of Enderlin (N. Dak.) Lodge, No. 657, Brotherhood of Locomotive Firemen and Enginemen, in favor of House bill 19795—to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Cando, Webster, Fairmount, Rolla, Minto, Jamestown, Northwood, and Leeds, all in the State of North Dakota, for a forest reserve in the southwestern part of North Dakota—to the Committee on Agriculture.

By Mr. HUBBARD of West Virginia: Petition of West Virginia State board of agriculture, for establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. HUFF: Petition of Trades League of Philadelphia, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Newspaper Publishers' Association, for immediate consideration of the Stevens bill relative to wood pulp—to the Committee on Ways and Means.

Also, petition of J. P. Owens, of Scottsdale, Pa., for making the 12th of October a holiday—to the Committee on the Judiciary.

By Mr. KAHN: Petition of Merchants' Exchange of San Francisco, Cal., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for appropriation for rivers and harbors—to the Committee on Rivers and Harbors.

Also, petition of Franklin Mutual Building and Loan Association, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

By Mr. KÜSTERMANN: Petition of residents of Appleton, Wis., for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of Central Labor Union of Adams, Mass., for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of the Typothetæ of the city of New York, against proposed amendments to the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of American Newspaper Publishers' Association, for repeal of the duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, Pa., for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. O'CONNELL: Petition of Trades League of Philadelphia, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories, for building a collier at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. OVERSTREET: Petitions of J. S. Lowell and Millie C. Shank, favoring the Crumpacker and postal-bank bills—to the Committee on the Judiciary.

Also, petition of O. C. Dunn & Co., of Franklin, Ind., favoring the McKinney bill (H. R. 15262)—to the Committee on Banking and Currency.

By Mr. RIORDAN: Petition of American Newspaper Publishers' Association, for report of the Stevens bill to the House—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. RYAN: Petition of the Trades League of Philadelphia, Pa., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. SABATH: Petition of American Newspaper Publishers' Association, favoring the immediate reporting of the Stevens wood-pulp bill—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of the Associated Press, for repeal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. SMITH of Iowa: Petition of citizens of Audubon, Iowa, against H. R. 4897, for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of Typothetæ of New York City, against the Hepburn bill, amending Sherman antitrust act (H. R. 19745)—to the Committee on Interstate and Foreign Commerce.

Also, petition of board of directors of the Trades League, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. TAYLOR of Ohio: Petition of E. P. Hewley and others, of Columbus, Ohio, for amendment to Sherman antitrust law, Wilson bill (H. R. 20584), the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of American newspaper publishers, against extortions of the paper combine and

methods being used in Congress against reporting at once the Stevens bill, for repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. WEEKS: Petition of citizens of Milford and North Attleboro, Mass., for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: Petitions of Local Union No. 287 of the International Brotherhood of Blacksmiths and Horseshoers and others, of Galeton, Pa., for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. WOOD: Petition of Excelsior Lodge, No. 11, Brotherhood of Locomotive Firemen and Engineers, of Phillipsburg, N. J., for pending bills having for their object the preservation of the lives of locomotive firemen—to the Committee on Interstate and Foreign Commerce.

Also, petition of James Horan, of Trenton, N. J., praying for legislation to modify the antitrust law, to regulate and limit the issuance of injunctions, for employers' liability, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, petitions of directors of the Trades League of Philadelphia and of the Union League Club, of Chicago, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

SENATE.

SATURDAY, *April 25, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting an estimate of appropriation for inclusion in the diplomatic and consular appropriation bill relative to the preparation of reports and materials necessary to enable the Secretary of State to utilize and carry out the work partly performed by the Joint High Commission in 1898 for the settlement of questions relating to Canada, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1589) granting an increase of pension to Susan M. Yeoman, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 6028) to provide for safety of life on navigable waters during regattas or marine parades.

VISITORS TO WEST POINT.

The VICE-PRESIDENT appointed Mr. BULKELEY and Mr. MCCREARY members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Military Academy at West Point, N. Y., in compliance with section 1327 of the Revised Statutes of the United States.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Third Division, Ancient Order of Hibernians, of Hartford, Conn., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented a petition of the Merchants' Association of the State of New York, praying for the appointment of a currency commission, which was referred to the Committee on Finance.

He also presented a petition of Phil Sheridan Post, No. 14, Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying that an appropriation be made for the erection of a suitable memorial at the National capital in recognition of the services of the enlisted men of the Army, Navy, and Marine Corps, which was referred to the Committee on the Library.

He also presented petitions of Local Union No. 2, United Hatters of North America, of Bethel, Conn.; of sundry union labor men of Charleston, W. Va., and of sundry citizens of Newark, N. J., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented memorials of Local Union No. 247, International Brotherhood of Stationary Firemen, of Lisbon Falls, Me.; of Local Lodge No. 23, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Berlin, N. H., and of Adirondack Local Lodge, No. 65, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Piercefield, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. FRYE presented a memorial of Local Union No. 15, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Lisbon Falls, Me., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 1063, of Bath, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Greene, Me., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of Local Union No. 182, International Molders' Union of Belleville, Ill., and a petition of sundry citizens of Johnson City, Ill., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation providing for the enlargement of the Navy of the United States, which was ordered to lie on the table.

Mr. PLATT presented petitions of the American Publishers' Association of New York City, N. Y., and of the Associated Press, of New York City, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Buffalo, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented a petition of the Merchants' Association of New York City, N. Y., praying for the enactment of legislation providing for the appointment of a commission to consider changes in the present currency system, which was ordered to lie on the table.

He also presented petitions of sundry labor organizations of Brooklyn, Cohoes, Ilion, Lockport, and Olean, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a memorial of Local Division No. 19, Ancient Order of Hibernians, of Providence, R. I., and a memorial of Local Division No. 10, Irish National Foresters, of Central Falls, R. I., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

He also presented petitions of sundry labor organizations of Woonsocket, R. I., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. STEWART presented a petition of Local Grange No. 23, Patrons of Husbandry, of Sheffield, Vt., praying for the passage of the so-called "rural parcels-post bill," and also for the passage of the so-called "Crumpacker bill" providing for the

employment of additional clerks for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of sundry citizens of Monson, Mass., and a petition of sundry citizens of Boston, Mass., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CURTIS presented a petition of the Zodiac Club, of Lawrence, Kans., praying for the enactment of legislation providing for competitive examinations for clerks employed in the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented petitions of sundry labor organizations of Fort Scott, Parsons, Pittsburg, and Kansas City, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of sundry citizens of Berlin, Vt., and a petition of sundry citizens of Hartland and Taftsville, Vt., praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. STEWART presented a petition of Local Union No. 28, Brotherhood of Painters, Decorators, and Paperhangers of America, of Rutland, Vt., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BULKELEY presented a petition of Tunxis Grange, No. 13, Patrons of Husbandry, of Bloomfield, Conn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Third Division, Ancient Order of Hibernians, of Hartford, Conn., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

Mr. BRANDEGEE presented a memorial of Third Division, Ancient Order of Hibernians, of Hartford, Conn., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented a petition of the City Club of Chicago, Ill., and a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass., reported it without amendment.

Mr. BURROWS, from the Committee on Finance, to whom was referred the bill (S. 130) to constitute Eastport, Idaho, in the customs collection district of Montana and Idaho, a subport of entry and delivery, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce, which was agreed to.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 6826) to correct the military record of Albert S. Austin, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. KNOX introduced a bill (S. 6827) granting an increase of pension to Christian Paul, which was read twice by its title and referred to the Committee on Pensions.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6828) granting an increase of pension to Charles A. Wyeth;

A bill (S. 6829) granting an increase of pension to Willard Morris (with accompanying papers); and

A bill (S. 6830) granting an increase of pension to Theodore D. Mather (with accompanying papers).

Mr. GORE introduced a bill (S. 6831) providing for the platting and selling of that part of the southwest quarter and the west half of the southeast quarter of section 14 in township 7 north, range 10 west of Indian meridian, lying south of the right of way of the Chicago, Rock Island and Pacific Railway Company, situated in the county of Caddo, Okla., for townsite purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6832) providing for the holding of the United States district courts at Hugo, Okla., which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6833) granting an honorable discharge of George Vandegriff, which was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to appropriate $2,446.34 to pay Howard B. Carpenter the balance due him for survey of boundary line between the States of Idaho and Montana, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment providing that the unexpended balance of appropriation in pursuance of treaty stipulations for subsistence and civilization of the Northern Cheyenne and Arapahoes for the year 1907 be appropriated and made available for the fiscal year ending June 30, 1908, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

AMENDMENT TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. BROWN submitted an amendment proposing that the limit of cost of the United States post-office and site at Kearney, Nebr., be increased from $85,000 to $110,000, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. WETMORE submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

WILLIAM BOLDENWECK.

Mr. CULLOM. I should like to call up the bill (S. 890) for the relief of William Boldenweck, assistant treasurer of the United States at Chicago.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. HALE. The naval appropriation bill has been continued so long that it is essential that it should be passed to-day. I must object after this to any time being taken for the consideration of bills.

Mr. CULLOM. I hope this bill will take but a few moments.

Mr. HALE. If it gives rise to any debate, of course I must object.

Mr. CULLOM. Very well.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the proper accounting officers of the Treasury, in settling the accounts of William Boldenweck, assistant treasurer of the United States at Chicago, to pass to the credit of said Boldenweck the sum of $173,000, being the sum which was stolen from the subtreasury at Chicago during the year 1907.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the naval appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. PILES]. The amendment will be stated.

The SECRETARY. On page 85, line 17, before the words "first-class battle ships," strike out "two" and insert "four."

The VICE-PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The noes seem to have it. The noes have it, and the amendment is disagreed to.

Mr. HALE. I would be very glad to have the bill disposed of in that way, but two or three Senators——

Mr. PILES. Mr. President——

Mr. HALE. If the Senator will wait a moment, if no Senator desires further to debate the bill, I am entirely willing and ready for a vote, and will call for the yeas and nays.

Mr. CULBERSON. Mr. President, my purpose in rising is to present an amendment if there is no amendment pending.

The VICE-PRESIDENT. The bill is in Committee of the Whole and open to amendment.

Mr. FRYE. There is one pending.

Mr. CULBERSON. I inquired if there was an amendment pending.

The VICE-PRESIDENT. There is no amendment pending.

Mr. HALE. I withdraw the call for the yeas and nays.

Mr. CULBERSON. I offer the following as an additional section.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Washington?

Mr. CULBERSON. Let the amendment proposed by me be read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Texas.

The SECRETARY. It is proposed to add at the end of the bill the following paragraph:

That none of the amounts herein appropriated for construction shall be expended where any laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work except upon permission granted by the Secretary of the Navy during time of war or a time where war is imminent, or where any great national emergency exists: *And provided further*, That the contractor contracting with the United States shall, in the event of the violation of said covenant as to hours of labor, forfeit to the United States the sum of $5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract.

Mr. PILES. Mr. President, I understand that the amendment I proposed to the pending bill was voted upon. I had gone out of the Chamber for a few moments to meet a gentleman from my State. My understanding was that several Senators desired to address the Senate and that the matter was to be further considered. I should like to have the amendment reconsidered and brought again before the Senate. If not, I reserve the right to renew my amendment in the Senate.

Mr. HALE. That right, undoubtedly, the Senator will have.

Mr. PILES. I do not think the amendment ought to be disposed of in the way it was. I do not think an amendment of this character and importance ought to be taken up and passed upon suddenly when the Senator who offered it had been called out of the Chamber. For that reason I hope the Senator from Maine will consent to a reconsideration of the question and let us have a vote upon it.

Mr. HALE. I did not push the vote. The Chair put the question to a vote, as was proper. The Senator from Rhode Island [Mr. ALDRICH] was to speak first to-day and was present, and he stated that in order to have a vote, he did not care to go on, and the Chair put the vote, as was natural. There has been no attempt on anybody's part to foreclose the amendment or debate upon it. All the rights that the Senator from Washington or any Senator has will be entirely preserved in the Senate. There will be no attempt in this case to prevent a square stand-up vote of the Senate finally on the proposition. The Senator will get all his rights. I did not push the matter.

Mr. PILES. I will ask the Senator if he does not think, then, that under all the circumstances the vote ought to be reconsidered and the amendment taken up in the usual way in Committee of the Whole?

Mr. HALE. If the Senator thinks that that is preferable, I will not object. Either way would take the same length of time.

Mr. BEVERIDGE. It can be offered in the Senate.

Mr. HALE. As the Senator from Indiana says, it can be offered in the Senate.

Mr. BEVERIDGE. I wish to understand the parliamentary condition as clearly as possible. I am not nearly so well versed in parliamentary procedure as the Senator from Maine, but I understand that when the bill goes out of Committee of the Whole and is in the Senate it is still open to amendment.

Mr. HALE. It is open to amendment.

Mr. ALDRICH. In every part.

Mr. BEVERIDGE. And the amendment of the Senator from Washington can be offered in the Senate as though it never had been offered before.

Mr. HALE. Undoubtedly.

Mr. BEVERIDGE. And then the bill with the amendment is still open to debate in the Senate as much as in Committee of the Whole.

Mr. HALE. As to that or any other amendment.

Mr. TELLER. Mr. President——

Mr. ALDRICH. The Senator from Indiana is clearly right in his statement.

Mr. BEVERIDGE. I merely want it so that we may understand it. I was not sure myself. Of course the Senator from Maine and the Senator from Rhode Island are masters of parliamentary procedure. So we do understand that when the bill comes out of Committee of the Whole into the Senate the rights of the Senator from Washington are not impaired, and he will then have the right to offer his amendment again in the Senate just as fully as in Committee of the Whole and to debate it to that extent.

Mr. HALE. Then, on the suggestion of the Senator from Indiana, I will ask that we shall go on with the bill.

Mr. PILES. I prefer that the amendment shall now be reconsidered and that we shall proceed with it in the manner in which we were proceeding upon it originally. The RECORD now shows that the amendment was defeated, and I think it would be better under all the circumstances to have the amendment proceed on the same line we were proceeding with it before the vote was taken upon the amendment.

The VICE-PRESIDENT. Does the Senator from Washington move a reconsideration of the vote by which the amendment was rejected?

Mr. HALE. Will the Senator allow me?

Mr. PILES. Certainly.

Mr. HALE. The Senator need not move to reconsider it. If the Senator is not content with the suggestion made by the Senator from Indiana, I am entirely willing that by unanimous consent the vote shall be regarded as reconsidered and the amendment be before the Senate.

The VICE-PRESIDENT. Is there objection to a reconsideration of the vote by which the amendment was rejected? The Chair hears none. The amendment is before the Senate, and the question is upon agreeing to the same.

Mr. TELLER. I rose to make that suggestion. That was the only purpose I had in rising, and it is now disposed of. I suppose the debate will go on as if the vote had not been taken.

Mr. HALE. Yes; and in the meantime the amendment offered by the Senator from Texas is pending.

The VICE-PRESIDENT. The pending amendment is the one offered by the Senator from Washington.

Mr. CULBERSON. I withdraw the amendment proposed by myself until the other is disposed of.

Mr. HALE. That is better.

The VICE-PRESIDENT. The pending amendment is the one offered by the Senator from Washington. The question is on agreeing to the amendment.

Mr. ALDRICH. Mr. President, the pending proposition is to authorize four ships of a certain type instead of two, as suggested by the Committee on Naval Affairs in a bill making appropriations for the extension and the support of the Navy for the coming fiscal year. The bill carries aggregate appropriations in excess of $123,000,000. The extraordinary contention of the Senator from Washington [Mr. PILES] and the Senator from Indiana [Mr. BEVERIDGE] that this amendment is one of great national and international importance, and that the governments and cabinets of the world are waiting breathlessly upon the decision of the Senate upon it, if it were not for certain serious aspects of the case, would be simply ludicrous.

If the Senator from Indiana had said to the Senate that the question whether the recommendations of the British Admiralty as to whether they should build one ship or three ships of the *Dreadnought* type was a question which involved the peace of the world, one which involved the honor and the supremacy of Great Britain, that statement would have been considered absurd. Is there anything about the condition of the United States that takes away the element of absurdity from the proposition made by the Senator from Indiana? I think not.

I have said that there were certain very serious aspects to this case. I regret exceedingly the tone of the remarks of the Senator from Washington and the Senator from Indiana upon the floor on yesterday. I suggest to Senators that a self-respecting nation, jealous of its rights and its powers and feeling its responsibilities as a member of the great family of nations, would look with more disfavor upon insinuations and innuendoes made upon the floor of the American Senate by persons claiming to have the authority of the President of the United States than they would upon open threats or open manifestations of hostility.

The suggestions that there are nations professing friendly relations with the United States that have designs not to be spoken of above a whisper that would be detrimental to the interests of the United States, should certainly not be stated

here unless known to be true. These insinuations should not in any event affect our vote on the pending amendment.

Does any Senator suppose that our friendly or unfriendly relations with other countries is to be determined by the fact that we have thirty-three battle ships instead of thirty-one? If there is any nation that has designs upon us, are they likely to yield their purposes if we have thirty-three battle ships instead of thirty-one? Does any Senator have any such idea?

Mr. President, in my opinion neither the Senator from Indiana nor the Senator from Washington had any authority to speak for the President of the United States in this regard, and when the Senator from Indiana said in his place in the Senate that if this amendment was to be considered in executive session it would receive the unanimous vote of the Senate——

Mr. BEVERIDGE. Mr. President——

Mr. ALDRICH (continuing). Plainly stating as plain as language could, that there are in existence facts known to him and perhaps known to others that would lead the Senate, if they were voting free and with a knowledge of the facts, to an opposite conclusion——

Mr. BEVERIDGE. The Senator, of course, does not want to misquote me nor any man, nor to do any man an injustice.

Mr. ALDRICH. No; certainly not.

Mr. BEVERIDGE. I have not my remarks here, and I have not had time to go over them. Otherwise they would have appeared in the RECORD. I have sent for them and will have them in a moment.

Mr. ALDRICH. Mr. President——

Mr. BEVERIDGE. The Senator will pardon me just a moment. Neither the Senator from Washington nor myself said to the Senate that we spoke on the authority of the President any more than any other Senator might. I made distinct reference only to his message, and I said—and I have my remarks downstairs and will get them—that what he might have in his mind no man knew.

As to the executive session, the Senator is again wrong. The Senator from Maine [Mr. HALE] put to me the question, naming a certain foreign friendly power, whether I thought there was any similarity in the situation between us and that specific power and the situation that existed between that power and another friendly power prior to a recent war. I responded—and the Senator from Maine [Mr. FRYE], sitting in his seat in front of me, said from his chair "that is right"—that it was not proper to discuss a possible conflict, in my judgment, upon the floor of the Senate in open, or even hardly in executive, session when naming particular powers. The Senator from Maine [Mr. HALE] instantly recognized that, and said he thought that it was true, and withdrew his question.

Mr. President, I merely make this interruption so that the Senator may not go on upon a misapprehension. I did very carefully and definitely state, and it will be found in my remarks, the exact limitations to which I thought we might go in debate upon that question.

While I am on my feet I will say that I had and I shall later on in the debate produce speeches by a very eminent Senator——

Mr. ALDRICH. That is hardly an answer.

Mr. BEVERIDGE. No; it is merely a correction; but if the Senator does not want me to make the statement I shall not make it.

Mr. ALDRICH. But I do not like to have you make too many speeches in my time.

Mr. BEVERIDGE. Of course I will not say more than I think the exigencies call for. I have and, if necessary, I shall produce speeches made heretofore by an eminent Senator, a veteran Senator, where the limitations of debate upon such a question as this that I yesterday marked out were not at all followed, but were exceeded, and where trouble between this and another friendly power was set forth in such vigorous terms that it got the attention of the entire country. I suppose the older Senators here will remember that debate. Also I shall produce the speeches of other very distinguished Senators of like character. By them I shall show that my remarks yesterday were moderate and mild compared with theirs on former occasions.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Maine?

Mr. ALDRICH. Certainly.

Mr. HALE. I only wish to have the Senator yield that I may contribute my clear recollection. The Senator from Indiana has not stated all that was said. When reference was made to the discussion in executive session, and when it was said that only there and in an extreme case should it be discussed, the Senator from Indiana did say that if this matter could be discussed in executive session there would be no vote against four ships.

Mr. BEVERIDGE. Will the Senator allow me?

Mr. HALE. My recollection is——

Mr. ALDRICH. That was my statement of what the Senator from Indiana said.

Mr. BEVERIDGE. Will the Senator from Rhode Island permit me?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield further to the Senator from Indiana?

Mr. ALDRICH. If the Senator desires to withdraw the statement or explain it, I am quite willing to yield.

Mr. BEVERIDGE. I have my speech, which when published will stand the test. The Senator from Maine must do me the justice to say——

Mr. ALDRICH. I am talking about the speech as made and not as it will appear in the RECORD.

Mr. HALE. Other Senators heard all this.

Mr. BEVERIDGE. Very well; all right. The speech will appear just as it was made. But I have no objection to anything I said if other Senators do. It was not said in executive session. My recollection of what I said in answer to the Senator from Maine is that I said nobody knew what information the Chief Executive, the Commander in Chief of the Navy, has.

Mr. ALDRICH. The statement was not in that connection.

Mr. BEVERIDGE. Yes, in that connection; and I said that doubtless if we could discuss this matter fully there would not be many votes against it. Executive session was not mentioned.

Mr. ALDRICH. My recollection is perfectly plain, and I am willing to leave it to the recollection of Senators who heard the Senator from Indiana. The impression made upon me, and I assume it is the impression made upon every Senator, was that there were facts in this case known to the Senator from Indiana that would have changed the result if they were known publicly.

Mr. BEVERIDGE. I dislike to interrupt the Senator, but what I did say was that no man knew what facts the President had.

Mr. ALDRICH. That is not what I am talking about. That is not the statement I am discussing. The impression made upon my mind, and, I think, the impression made generally, was that there were facts in existence in this case that, if they were known to the Senate generally, would change the result of this vote. I venture to deny for the President of the United States and for the Administration and for the members of the Committee on Foreign Relations, who, I hope, will be heard from in this connection, that there are any facts with reference to our relations with any friendly power that if they became known would affect the question now pending before the Senate.

It is undoubtedly true that the President of the United States is in favor of four battle ships; he has made his position known to the Senate and to Senators; but that he is in favor of this change for any such considerations as those urged by the Senator from Indiana on yesterday I deny. Now, if there are any such facts within the knowledge of the Senator from Indiana, he is bound to say so to the Senate and to the country. I think there are none.

Mr. President, the Senator from Indiana says that if we vote for four battle ships peace is secured, and that everything is to be harmonious and lovely in the future; but that if we vote for only two battle ships that there is great danger of war, and that every evil to which mankind is liable is certain to result if the Senate declines to follow his judgment and his opinion.

The Senator from Indiana says that we should not have had the Spanish war if we had had two more battle ships in 1898. Everyone who knows anything of the circumstances under which that war was brought about and the attitude which Spain was obliged to take by reason of conditions in her own country and not here, realizes that statement is very far from the facts. If we had had forty battle ships at that time Spain would have been obliged to go to war to preserve her Government at home, if for no other reason.

The Senator from Indiana said that Great Britain owes her exemption from war to her great navy, and that she could not have carried on the Boer war successfully—perhaps the Senator should like to interrupt me about that—unless she had a great navy. Is there anything in the facts to justify that statement? I think not. The Boer war did not grow out of the fact that Great Britain had a navy. It was carried on in spite of the fact that Great Britain had a navy. It was not put down by the use of the navy. The navy of Great Britain had no more to do with it than the Navy of the United States, either in its inception or in its conclusion.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. Certainly.

Mr. NELSON. I desire to call the Senator's attention to the fact that the American mules, which the British succeeded in getting in the Boer country, enabled them to succeed in that war.

Mr. ALDRICH. I think that that fact had more to do with it than the navy of Great Britain.

The Senator from Washington and the Senator from Indiana assume that there is something almost sacred about the amendment offered by the Senator from Washington for four ships. As I have said, why four ships and not five; why not six, or seven, or ten? If there is some great war cloud hanging over this country, if the Pacific Ocean is to be, as the Senator from Washington says, the storm center of a great conflict, why does the Senator from Washington show this modesty and forbearance with reference to the safety of his constituents?

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Washington?

Mr. ALDRICH. I do.

Mr. PILES. I wish to say to the Senator from Rhode Island that I did not speak with any authority of the President.

Mr. ALDRICH. I am glad to hear one disclaimer. We may have perhaps another disclaimer from the Senator from Indiana. I do not know whether he is going to make it later or not. I hope he is.

Mr. BEVERIDGE. I dislike to interrupt the Senator any more, but I wish to answer him.

Mr. PILES. I read the portion of the President's special message to Congress which I thought was necessary for me to present in the course of the remarks I made. I have had no communication with the President on this subject, direct or indirect. I got my communication from him through his message.

I beg the Senator's pardon, but I made no statement yesterday that the Pacific Ocean was to be the storm center of any war or that we were to have any war.

Mr. ALDRICH. Mr. President——

Mr. PILES. If the Senator will pardon me a moment——

Mr. ALDRICH. Certainly.

Mr. PILES. What I said was that if we had a war, the Pacific Ocean would be the storm center of that war. That was my statement.

Mr. ALDRICH. If we should get into war with Germany, I suppose the Pacific Ocean would not be the storm center.

Mr. PILES. I maintain, and I think it must be apparent to all men who have thought of the situation, that if we do have a war, the next war we will have will be on the Pacific Ocean. I apprehend no war, but I wish to state, as I said yesterday, that in my judgment if we do have a war the Pacific Ocean will be the storm center of that war.

Mr. ALDRICH. That is what I am finding fault with, or trying to find fault with, in my feeble way. The Senator made a statement that the Pacific Ocean would be the storm center. I suggested then that that was only another way of saying that there is a possibility of war with Japan. There is no other power with which we could engage in war in which the Pacific Ocean could be made the storm center.

What I am objecting to as strongly as I can is the insinuations made by both Senators that there is some mysterious, baneful influence or disaster hanging over the people of the United States that should force us to favor four battle ships, and I was discussing the sacredness of this number. I should like to have some Senator tell me why thirty-three battle ships instead of thirty-one can be relied upon to preserve the peace of the world. Does any Senator here think that Great Britain, for instance, if we should have differences with her, would yield her convictions as to what her honor or her interest required because the United States had thirty-three battle ships instead of thirty-one?

If there is any danger of a conflict between the United States and any power, does any Senator suppose that that power, whether Japan or Great Britain, or any other country on the face of the globe, would change their convictions of duty to themselves and to their people simply because the United States has two more battle ships? The contention, Senators, is absolutely absurd.

The Senator from Indiana also proposes to try Senators as to their loyalty to the Navy and its traditions and its prowess upon the question whether they are going to vote in this body for four battle ships or for two. I will say to him and to the Senator from Washington that there were patriotic Senators who devoted their time and their energies successfully to the upbuilding and the preservation of the American Navy before the advent of the Senator from Indiana or the Senator from Washington. I have misread the history of my country——

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Washington?

Mr. ALDRICH. Yes, sir.

Mr. PILES. I should like to ask the Senator from Rhode Island if he heard me make any statement in my remarks which challenged the patriotism of any Senator on this floor——

Mr. ALDRICH. No; perhaps not——

Mr. PILES. Or that, by the greatest stretch of imagination, could be assumed——

Mr. ALDRICH. Perhaps not their patriotism, but their judgment. When the Senator said that we have a fleet composed largely of ships of an obsolete type, I think that was an intimation that the men who are controlling these matters, both in the Department and in Congress, had not kept abreast with the times, at least in providing for the construction of a Navy.

Mr. PILES. Mr. President, if the Senator will pardon me a moment, the Senator is mistaken.

Mr. ALDRICH. Very well.

Mr. PILES. My statement was that there were eleven, as I understood, of the thirty-one battle ships that are of an obsolete type. I said nothing more and nothing less than that, and I meant not to impugn any Senator's motive or the motive of anyone else in not keeping our Navy up to the standard.

Mr. ALDRICH. I am not suggesting that the Senator from Washington or the Senator from Indiana impugned the motive of anybody. But if I heard the Senator from Indiana correctly or understood the force of his argument, it was that we had reached a crisis in national affairs, and that whether a Senator was loyal to the American Navy, whether he was loyal to the great principles of peace, whether he was loyal to a desire to promote the future welfare of his country was to depend upon whether he would vote for four battle ships. We were held up, as it were, and told that the President of the United States having asked for four battle ships, we could not refuse without ignoring the experience of the world, without turning our back upon the American Navy and putting the United States into a position where she would be defenseless in case of a war, which seemed to be impending somewhere in the universe.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. ALDRICH. Certainly.

Mr. BEVERIDGE. I do not intend to interrupt the Senator any more than is absolutely necessary for the correctness of this debate, preferring to reserve such things as I have to state until afterwards. Not only was there no imputation of any Senator's patriotism, but I particularly said—I remember the statement, which I have since read, in my remarks made directly to the Senator from Rhode Island—that the Senator from Rhode Island was as patriotic as any Senator in this Chamber, and that every Senator in this Chamber was as patriotic as every other Senator in this Chamber. Those were the exact words addressed particularly to the Senator from Rhode Island.

Next, with reference to this being a crisis, having referred to the large number of incidents where war had come unexpectedly, I said it might be possible, in view of the past, that this will be a critical vote. Now, those were the statements really made.

Mr. ALDRICH. I think I have not misrepresented the Senator. Certainly I have not done so intentionally.

Mr. BEVERIDGE. I know you have not, but I made that statement directly and emphatically and in plain words. So far from impugning anybody's patriotism, I stated positively that I asserted the equal patriotism of all, and especially that of the Senator from Rhode Island.

Mr. ALDRICH. It was possibly an impeachment of our intelligence, rather than our patriotism, that was intended to be conveyed.

Mr. BEVERIDGE. I did not say anything about that, of course. We have different views.

Mr. ALDRICH. I understand the Senator from Indiana stated—I do not want to misquote him, and I do not think I do—that if we were not to have a navy which was adequate for the purposes of peace, any money taken for the support of the Navy was, I think he used the word "filched," from the people of the United States. Now, let us examine that question.

Mr. BEVERIDGE. I want to say that I will not interrupt the Senator again, but I can not permit him now to go on making statements that he says I made, but which I did not make; and later I shall give precisely the statements that were made, as I have before me just exactly what I did say.

Mr. ALDRICH. I certainly heard the Senator make the statement on two different occasions, but I am entirely willing that the Senator shall modify it or explain it in any way he pleases——

Mr. BEVERIDGE. No; not at all. I stand on that particular statement precisely where I did stand, and I will repeat it when I come to reply to the Senator.

Mr. ALDRICH. It must be evident to the Senate that I am laboring under a great deal of difficulty in discussing this question with the Senator from Indiana in having to rely upon my recollection of what he said, though I think my recollection is perfectly clear.

But is it true that we must have a navy which is adequate or have no navy at all? Who is to decide the question of adequacy? We had in 1898 a new navy, a reconstructed navy. Now, does the Senator from Indiana mean to say that the Navy at that time was inadequate? Who is to determine the question as to the adequacy of the American Navy, except the representatives of the American people, taking into consideration all the circumstances and conditions which surround the country? Are we to have a navy as large as that of Great Britain? There is not a Senator who listens to me who does not know the conditions and circumstances under which the navy of Great Britain is maintained. Are we to go into competition with European nations, especially with Great Britain, as to the size of our Navy? Who is to determine this question? Is the Senator from Indiana to be the sole judge of the question of the adequacy of the Navy? I submit that it is the duty of the Congress of the United States to provide a navy which is adequate and efficient. I think they have done so. What addition shall be made in this bill to the naval programme is a question not of sentiment; it is a question not of peace; but it is a question of practical administration, taking into consideraton all the facts and circumstances that surround us.

The Senator from Indiana said yesterday that those of us who would not agree with him upon this proposition must disagree solely upon the ground that we did not think war was possible. Am I mistaken in that statement?

Mr. BEVERIDGE. I will say to the Senator that I have made up my mind not to interrupt the Senator.

Mr. ALDRICH. That is all right. I am glad to have the Senator interrupt me.

Mr. BEVERIDGE. But I have my remarks here, and I think I shall answer the Senator to his satisfaction. I hope so.

Mr. ALDRICH. I think the Senator from Indiana said on three or four occasions that we could not resist the amendment proposed by the Senator from Washington [Mr. PILES] except upon the theory that we thought war was impossible. Every man who listens to me knows that nothing is impossible in the scope of human existence. I say to the Senator from Indiana that in view of the circumstances and conditions in which the United States finds herself, when we consider that the finances of a country are the principal element to be considered, when we consider that there is not an European nation that could be advantaged by war with the United States or by permitting a war with the United States, I say—and I mean to give my words all the power which I can give them—that war between the United States and any other nation is improbable; and I believe there is no Senator present who does not in his heart of hearts agree with that statement.

Mr. BEVERIDGE. I said that same thing three times during my remarks.

Mr. ALDRICH. Well, if that is true, why are the Senators who do not agree with the Senator from Indiana as to the precise number of battle ships to be appropriated or provided for in this bill held up as the enemies of peace, simply because they do not agree with the Senator upon a practical proposition?

Now, is it true that anywhere at any time, the size of a nation's navy has had anything to do with the question of a declaration of war? Can any Senator remember a case in the history of the world where that has been the element which has been decisive in the question of peace or war? I shall be glad if any Senator can cite an instance.

Mr. BEVERIDGE. Will the Senator repeat that query?

Mr. ALDRICH. I think there never was a time in the history of the world when any war has been decided with reference to the relative size of the navies of the countries involved.

Mr. BEVERIDGE. I am glad to hear that statement repeated the second time. I did not catch it the first time, because I thought that I gave——

Mr. TELLER. Mr. President, we on this side of the Chamber can only hear one side of the controversy. The Senator from Indiana [Mr. BEVERIDGE] is not heard on this side of the Chamber.

Mr. BEVERIDGE. I thought I gave at least two recent, definite, admitted, historical examples; and when I come to say what I have to say——

Mr. ALDRICH. What were they?

Mr. BEVERIDGE. When I come to say what I have to say, I shall repeat them and illustrate them.

Mr. ALDRICH. Can the Senator from Indiana not state in two words what they were?

Mr. BEVERIDGE. Yes; perhaps not in two words, but in three or four words. I said that if Japan, at the close of the Chino-Japanese war, had had her present navy, she could not have been forced, and would not have been forced, to recede to China the Liaotung Peninsula. That is a fact admitted by all students and historians, and that recession was the sole cause of the war between Russia and Japan. Does the Senator from Rhode Island deny that?

Mr. ALDRICH. The Senator from Indiana assumes two or three different things of which I have no knowledge and as to which I assume he has no definite information.

Mr. BEVERIDGE. The Senator from Rhode Island assumes a good many things.

Mr. ALDRICH. I do not like to assent to a conclusion until I know something about the premises.

Mr. BEVERIDGE. I am stating this as a fact, and the Senator asked me for an illustration.

I say, second, that I believe it is the consensus of students—I say this after having given some little attention to it—that again before the Russo-Japanese war broke out, if Russia had had a great up-to-date effective navy there is little doubt but that that controversy would have been settled by diplomacy. If there has been a student or writer who disagrees as to those recent historic significant examples, I do not know who he is, and I would be glad for the Senator from Rhode Island to point him out. There are two examples. I shall give more when I come to reply.

Mr. ALDRICH. Mr. President, both of the cases cited are based upon pure speculation. I said, and I repeat it, that I believe there is not a single example in modern times or in ancient times where the question of the size of a navy was the sole controlling element in a decision for peace. The Russo-Japanese war began, not because Japan had a larger or a more effective navy than Russia had, but because of underlying causes with which the Senator from Indiana is as familiar as I am. If I am not mistaken in my recollection, the Senator from Indiana, in a book which he wrote upon the subject of "The Russian Advance," thought that the Russian navy at that time was fully equal, if not superior, to the Japanese navy, and that this superiority or inferiority could not have had the least effect on the result.

Mr. BEVERIDGE. There again: The Senator has not done me the honor of reading that chapter in that book in which, in my feeble way, I discussed that question. I can remember only now that I said that, from an uninstructed observer's point of view, the Russian ships looked to be in much better condition than people supposed they were. Yesterday the Senator from Maine [Mr. HALE] said that I had predicted a certain thing, which was the precise reverse of what I actually did say.

Mr. HALE. If the Senator from Rhode Island will permit me——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Maine?

Mr. ALDRICH. Certainly.

Mr. HALE. Since the Senator's ample denial that his book showed, from his view, the superiority of Russia over Japan and the power of that great Empire to sweep Japan from the face of the earth, I have given myself the pleasure of going over the pages of the Senator's book, The Russian Advance; and the whole book, Mr. President, is devoted to the proposition that no nation could stand in the East before Russia; that anywhere and everywhere she would dominate and prevail, and would drive every nation from the Pacific. [Laughter.]

Mr. ALDRICH. That is my recollection of the book. [Laughter.]

Mr. BEVERIDGE. Mr. President, the Senator from Rhode Island will permit me to say that, in view of the interpretation of my poor literary effort made by the Senator from Maine, at this "late and appreciative day," to use the language of the Senator from Iowa on another occasion, I think I shall have to make, before the debate is over, profert of exactly what I did say myself on this particular subject.

Mr. HALE. Or make another book. [Laughter.]

Mr. BEVERIDGE. I would almost be tempted to do that.

Mr. ALDRICH. Mr. President, I am only alluding to the statement of the Senator from Indiana in his book to refute the statement which he has made here as to what was the opinion at that time of the relative strength of these two navies, and

that the war was not undertaken on either side simply because one side or the other had, as it believed, a preponderance of naval power. I may use it perhaps for another purpose——

Mr. BEVERIDGE. Yes; I think I shall use it myself now——

Mr. ALDRICH (continuing). To say that possibly even the Senator from Indiana, whose scope of knowledge is certainly wide, once in a while may be mistaken when he undertakes to spread his powers of observations over the entire world. The power to do that is given to but few of us. The Senator from Indiana in this case, as perhaps in no other, was certainly mistaken.

Mr. BEVERIDGE. Mr. President, I assume that I certainly have the common human failings. Yet every prediction made in my book came true. All of us make more mistakes than otherwise, no doubt; that is merely human; but, as a matter of fact, the chief thing in this book, to which I want to call the attention of the Senator from Rhode Island and the Senator from Maine at this particular juncture, is to the other statement. I will repeat in exact words what I said myself, that the original articles—five years before that war—stated the elements of the situation and why war was inevitable; but so greatly did the Senator from Maine—whose judgment I then and now esteem—so weightily did he differ from me that his judgment caused me to modify that statement, the opinion being held also by the Senator from Rhode Island at that time that war was absolutely impossible for financial, as well as for other reasons; yet within three months from the time that was done war was raging. [Laughter.]

Mr. ALDRICH. Mr. President, the Senator from Indiana has convinced me that he has more capacity as a prophet than he has as a historian or a statistician. [Laughter.]

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Michigan?

Mr. ALDRICH. Certainly.

Mr. SMITH of Michigan. If the Senator from Rhode Island will permit me the observation, I should like to suggest that if some of the critics of the Senator from Indiana had reduced their own opinions to writing within the last few years they might find them quite as contradictory as the Senator from Rhode Island says that the Senator from Indiana has found his.

Mr. ALDRICH. Most of us are too prudent to do that. [Laughter.] But to get to the practical question which is before the Senate, because, if I am not mistaken, the Senate is not to determine this question upon pyrotechnics or upon the assumption that the President of the United States and the American Government are afraid to do what is right and just in their relations with the other nations of the world and that it is necessary for them to build four more battle ships to create a feeling of fear on the part of those countries, which in some way are contemplating hostile relations with us. Is there a Senator present who does not believe, if there is to be a war with anybody, that the entire resources of this country, vast and infinite as they are, will be immediately placed at the disposal of the Chief Executive as Commander in Chief of the Army and Navy of the United States?

Mr. BEVERIDGE. Will the Senator permit me to interrupt him—not for a question, but for a very brief interruption——

Mr. ALDRICH. Very well.

Mr. BEVERIDGE. It is this: Of course every man of every party and of every faith in time of hostilities would put not only the resources of the country but his life at the service of the nation and the flag.

Mr. ALDRICH. I intended to include that, of course, in my statement.

Mr. BEVERIDGE. The Senator would except that?

Mr. ALDRICH. No, I meant to include it. I consider the resources of the American nation are, first, in the manhood and character of its people.

Mr. BEVERIDGE. The point that I wish to make is that the resources of a people not utilized for the purpose of preventing war until war comes are infinitely less useful than when used in advance. For example, we can not, after hostilities break out, build a ship. The Senator will concede that. If we are unprepared——

Mr. ALDRICH. We might buy them if we could not build them, which I do not concede.

Mr. BEVERIDGE. You mean we could buy them during the war?

Mr. ALDRICH. We bought two in the Spanish-American war, and Great Britain bought a number during the Boer war.

Mr. BEVERIDGE. I will ask the Senator whether it is not true that in time of war fighting ships and all munitions of war are not contraband?

Mr. ALDRICH. Who is to determine that question? If we are in war, who pays attention to what is contraband?

Mr. BEVERIDGE. International law—that pays attention to what is contraband. International law! The Senator does not mean to say that he proposes not to prepare for war and then to escape the unpreparedness by violating international law?

Mr. ALDRICH. I will say that my understanding is we bought ships of exactly that kind during the Spanish-American war.

Mr. BEVERIDGE. I am glad that the Senator gave that illustration. We paid for those ships many times what they were worth and what they could have been obtained for before the war broke out. Does the Senator deny that? No! for the whole world knows it.

Mr. ALDRICH. That is a different question.

Mr. BEVERIDGE. Certainly, it is a different question. That is the point—it is a different question! Now, Mr. President——

Mr. ALDRICH. I think I will have to go on. I think I will have to ask the Senator not to interrupt me further.

Mr. BEVERIDGE. Very well; it was perfectly proper for me to interrupt, and I will be very glad to defer this; but at the time of our unpreparedness——

Mr. ALDRICH. There must be a limit upon interruption.

Mr. BEVERIDGE. At the time, I will say, both of the civil war and the Spanish war it cost us hundreds of millions of dollars in money and thousands of lives just because we were unprepared. It does not answer that statement to say the resources of this nation are open both as to its money and its manhood when war comes.

Mr. ALDRICH. The Senator is confirming exactly what I am trying to impress upon the Senate—confirming it in the strongest possible way—that is, whether we are in favor of having an adequate navy and of appropriating the resources of the United States to be properly used, and that is the question which the Senator from Indiana proposes to determine for us.

Mr. BEVERIDGE. I have a right, have I not, Mr. President, to give my views and arguments?

Mr. ALDRICH. I beg the Senator's pardon. The Senator said in effect to us yesterday, if you do not vote for four battle ships—as I say, going back to the sacredness of this number—then you are not in favor of peace; then you are not in favor of using the resources of the nation as the President thinks they ought to be used. I am here as a Senator representing a State, as the Senator from Indiana is, and I do not propose to delegate to either that Senator or to any other man the right to use my judgment as to how the resources of the United States shall be used, having in mind all the time my duty as a Senator of the United States and my duty as a patriotic citizen of the United States.

Mr. BEVERIDGE. Mr. President——

Mr. ALDRICH. And I do not propose to permit the Senator from Indiana or any other Senator to say to me, "If you do not vote for four battle ships instead of two you are false to the traditions of this country and to its highest interests." I say there is no such question involved here. It is a pure, practical question of administration under the conditions and circumstances which surround us. I do not criticise the President of the United States for believing in four battle ships. That is his right. It is his right and his duty, if he so believes, to send to this Congress messages to that effect. I do not object to his sending for Senators and trying to impress upon them that they ought to vote in accordance with his wishes and his opinions; I have no fault to find with that, but I do find fault with the Senator from Indiana, who undertakes, in a speech, to say to us, as I understand him, "The President of the United States says this, therefore you must do it, and if you do not do it you are neglecting your patriotic duty as a member of the Senate."

Mr. BEVERIDGE. Mr. President, the Senator must permit me——

Mr. ALDRICH. I may have been mistaken in my construction of the Senator's speech, but I do not think I was.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Indiana?

Mr. ALDRICH. Yes.

Mr. BEVERIDGE. The Senator says that he will not delegate his right to think and vote to anybody. Does the Senator expect, on the contrary, that other Senators, representing States and having the same patriotic devotion to their duty that I yesterday ascribed to the Senator from Rhode Island, should delegate their duties and their votes and their arguments to anybody else?

Mr. ALDRICH. Not in the slightest degree. I am not finding fault at all with the opinions or the judgment of the Senator from Indiana.

Mr. BEVERIDGE. Has not any Senator the right to present to the Senate his views as well as the Senator from Rhode Island?

Mr. ALDRICH. Undoubtedly.

Mr. BEVERIDGE. I call the attention of the Senator from Rhode Island to the fact that I began my few remarks yesterday with the statement that on the day before the Senator from Maine—and it will be found in the RECORD—had said that the *mind of the Senate was* ALREADY MADE UP, *without any discussion.*

Mr. ALDRICH. I do not find fault with the judgment of the Senator from Indiana at all. He has a perfect right to his own judgment and his own opinions, and I hope he controls his own vote.

Mr. BEVERIDGE. The Senator knows I do—nobody knows it better than he. And I hope that every Senator on this floor does. The only thing that has appeared in this debate that might create any impeachment of that was the statement—which I said I was satisfied the Senator from Maine did not mean in that sense—that *the mind of the Senate upon this critical question* WAS MADE UP BEFORE *any debate or discussion had occurred.*

Mr. ALDRICH. Mr. President, the Senator is entitled to his opinion, of course. The President of the United States is entitled to his opinion.

Mr. BEVERIDGE. That is right.

Mr. ALDRICH. What I have been trying to do—and I have failed in everything I have attempted, unless I have succeeded in doing it—was to convince the Senate that this was not a question affecting the peace and war of the people of the United States, or of any other country in the world; I objected to the Senator from Indiana putting it in that form, and I objected to the insinuation which permeated his speech and the speech of the Senator from Washington [Mr. PILES], though not to the same extent, that there was some grave, impending difficulty, and that if the President of the United States should tell other Senators what he had told them, there would be a different vote upon this proposition.

Mr. BEVERIDGE. Mr. President, that statement will not——

Mr. ALDRICH. I object to arguments and statements of this character. I say, so far as the Senator from Indiana ventured to express the opinions of the President or the Administration, that he did it without any authority whatever.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Indiana?

Mr. ALDRICH. Yes.

Mr. BEVERIDGE. It is very distasteful to me to be compelled constantly to call the attention of the Senator from Rhode Island to the fact that statements attributed to me were not made, and I resolved not to do it any more; but he will not find such a statement as he just now attributes to me in this RECORD. Furthermore, I have——

Mr. ALDRICH. I am not talking about the RECORD.

Mr. BEVERIDGE. Furthermore, I have been nine years in this Senate and I have never assumed to speak for anybody except myself, being responsible to nobody except the people who sent me here and to the American people, and no statement will be found in any speech of mine——

Mr. ALDRICH. Mr. President——

Mr. BEVERIDGE. I do not assume, and never have assumed, to be a spokesman of anybody but myself—and the same thing can not be said of other Senators.

Mr. ALDRICH. I hope the Senator from Indiana will observe the propriety of not making a speech in my time.

Mr. BEVERIDGE. The Senator must not make statements like that.

Mr. ALDRICH. I am only speaking in this connection of what my impressions were of the speech of the Senator from Indiana. I listened to it carefully from beginning to end, and the impression made upon my mind was that the Senator was speaking here ex cathedra. I venture there was not a Senator who listened who did not have the same impression when the Senator had completed his remarks. Now, I say, Senators, this is too serious and vital a matter for us to dispose of upon any such hypothesis as that.

I was saying, when the Senator last interrupted me, that this was simply a practical question of administration. I was saying that the President of the United States has a right to his opinion about it and the Senator from Indiana certainly has a right to his opinion; but let us look at the question itself, divested, if you please, of all this extraneous talk about war and peace, about loyalty and disloyalty, as to the friends of the Navy and the opponents of the Navy—let us divest it of all of that and look at it as a practical question. Every Senator who has any knowledge of this subject knows that the building of great navies has been a slow process of evolution. Ships that are valuable to-day may, ten years from now, be of absolutely no use. We have saved money and gained by the experience of other countries very largely by not building an immense number of ships. As I said on yesterday, I remember on this floor hearing a discussion after the opening of the great contest between Japan and Russia, in which it was stated that every naval authority took it for granted that we would have to build no more large ships, but that we would build instead more torpedo boats and torpedo-boat destroyers. The President of the United States, in the message which he sent here two or three years ago, recommended that we build one battle ship a year, recognizing the difficulties in the way of arriving at a type which would be valuable to us through all time. He has changed his mind, as he undoubtedly had a right to.

Now, let us look at this question a little further. Is there any reason at this time why we should provide for four battle ships? The legislative power of the Congress of the United States does not cease when the roll is called upon this amendment. If any clouds should darken the sky of our peaceful prosperity, if Congress were not in session, how long would it take the President of the United States to summon a special session of Congress to provide, not for two battle ships, but for as many as were necessary to meet the emergencies which might arise? It will take three years at least to build any of these ships. The cloud which the Senators see in the skies will disappear from even their vision long before any such contingency will arise. Does either of these Senators, who have suddenly become so learned in naval matters, believe that the type of these ships is to be the ultimate type which is to be adopted by the naval authorities and by the governments of the world?

I have not yet heard one single argument why two ships will not do as well as four. Now, there is another side to this question, and I propose to detain the Senate but a very short time in calling attention to that side, because while I believe that patriotism and love of country and devotion to national interests should first control the acts of an American Senator, still there is another side, which we are bound to take into consideration if we discharge our duty. Since the Spanish-American war we have had an era of extravagance in expenditures. There has been apparently little limit to appropriations and expenditures. With prosperity, a degree of prosperity that the world has never before known, our revenues mounted higher and higher every month, and we evidently, and perhaps naturally, thought there was no limit and should be no limit to our appropriations for the public service.

But a change has taken place. The revenues of the country are falling off. The deficiency in the month of April will be more than $11,000,000. The deficiency for the present fiscal year will be at least $60,000,000. What is the duty of Congress in this emergency? The appropriation bills now in this Chamber or in the other provide for an increase of appropriations over those made last year of a hundred and four million dollars; and the end is not yet. There is a public buildings bill, which will probably pass, which may add $20,000,000 to that, making an increase of appropriations in this fiscal year over the last of a hundred and twenty-four million dollars, and this with a deficiency in revenue this year of $60,000,000.

What do Senators propose to do about this? There is a suggestion made, which I imagine may eventuate in some results, that the committees of the two Houses shall in the near future, with a view of revising our revenue laws, consider the tariff and the revenues of the country. If such a committee is appointed, as things now stand and with the rapidity of increases in the expenditures, the principal duty of that committee will be to find new sources of revenue for the Government. New sources of taxation must be found, or the present revenue-producing taxes and custom duties must necessarily be increased.

I call the attention of the members of this body to that serious situation. If I thought that the peace of the United States or its honor or the welfare of the American Navy depended upon these additional battle ships, I would not hesitate to vote for two or twenty. But there is no such question here, gentlemen. No man will rise in this body and say, and there is no member of the executive branch of the Government who will say, we are to have any war within the next two or three years or at any other time in the near future. I do not say by that

that war is impossible. It is not necessary to say that. I say it is very improbable. We can not compete with Great Britain in a navy. There is no reason why we should. The efficiency of our Navy is of more consequence than its size. Every man who listens to me knows that. Four battle ships will add $8,000,000 per annum to the ordinary expenses of the Navy for their maintenance. Eight million dollars more per annum at least should be added for repairs and depreciation. This authorization means, then, $16,000,000 added every year to the amount raised by taxes to be paid by the people of the United States, for what purpose? To prepare for possible conflicts which, in my judgment, will never occur except in the fancy or imagination of the Senator from Indiana [Mr. BEVERIDGE].

Mr. LODGE. Mr. President, it is with great reluctance that I detain the Senate, because I know that Senators are anxious to vote upon this question, and I realize the patience with which the Senator in charge of the bill has conducted the debate and would not willingly abuse. But I feel that it is merely justice to myself that I should give my reasons for the vote which I am about to cast on this question.

I shall vote for the four ships, but I should be very sorry to have it supposed that my reasons for that vote were some of those which have been put forward in the debate here in order to induce votes in that direction. Therefore I have felt it necessary to explain briefly why I shall give my vote for four ships.

I do not think, Mr. President, that I need to protest my interest in the Navy of the United States. I may be permitted to say, however, that it did not begin with the introduction of this bill in the House of Representatives a month ago, nor with this debate. Before I ever came to Congress, owing to certain strong personal ties, I had a very deep interest in the Navy, and my convictions of public policy, uniting with my personal inclinations, have always led me to support the Navy in every direction in which it was possible for me to do so.

I was not in Congress when the new Navy began, for the new Navy was begun under the Administration of President Arthur, when on the recommendation of Secretary Chandler the 20 per cent limitation of repairs was put on, thus preventing the continued rebuilding of the old and worthless wooden ships. The 20 per cent limitation ended that. In the Administration of President Arthur we built the first three ships of the new Navy—the *Chicago*, the *Boston*, and the *Atlanta*. The *Boston* served with distinction in the battle of Manila, and all three ships are on the active list of the Navy to-day.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. LODGE. I do.

Mr. McCREARY. Is it not true that in the Fiftieth Congress the first appropriation was made for a battle ship in the United States?

Mr. LODGE. The first appropriation for a battle ship properly so called was made in 1890. I was on the committee which framed the appropriation. It was when Mr. Harrison was President and Mr. Tracy was Secretary of the Navy. I was on the committee which framed the appropriation for the first three seagoing coast-defense battle ships, heavily armored ships—the *Massachusetts*, the *Indiana*, and the famous *Oregon*.

Mr. McCREARY. I desire to say to the Senator from Massachusetts that I remember very well when Mr. Herbert was chairman of the Committee on Naval Affairs of the House, and during Cleveland's Administration an appropriation was made for the first battle ship that was authorized to be constructed. That was in the Fiftieth Congress.

Mr. LODGE. The Senator is entirely mistaken. Mr. Herbert was Secretary of the Navy under Mr. Cleveland's second Administration. The *Massachusetts* and the *Indiana*, all good for the line of battle to-day, were authorized in 1890. I myself helped to frame the bill.

Mr. McCREARY. I refer to the first Administration.

Mr. LODGE. In President Cleveland's first Administration Mr. Whitney was Secretary of the Navy. He was a strong and good friend of the Navy. No battle ship, properly so called, was built under that Administration; but the Navy was advanced and some large armored cruisers were built.

Mr. PERKINS. I am sure the Senator from Massachusetts wishes to have the record correct. He is not correct. In 1886 Congress authorized the building of the battle ship *Texas* and the battle ship *Maine*.

Mr. LODGE. I was going to say, when the Senator interrupted me, that under Mr. Whitney they built the *Texas*, which was classed erroneously as a battle ship, which was a failure and is to-day practically worthless. The *Maine* was another armored cruiser. They were armored cruisers. They were not true battle ships and their description as "second-class battle ships" is meaningless. The point is really of no consequence. I am not reflecting upon Mr. Whitney's administration of the Navy. He was a good Secretary and did everything he could to advance the interests of the Navy.

Mr. McCREARY. I agree with the Senator from California in his statement that the first appropriation was made in 1886, and Mr. Cleveland was President at that time. I do not like to be personal, but I happened to be in the chair, presiding in the House of Representatives, when the amendment to the naval appropriation bill was offered and I can not be mistaken about it. It was in 1886.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Certainly.

Mr. CULBERSON. I am not able to throw any particular light upon the exact time when the first battle ship was constructed, but I happen to have before me a statement of the expenditures of the Navy, which it occurs to me does throw some light upon when the new Navy began. It shows that in the Fiftieth Congress, in 1888, the naval expenditures were increased from $16,489,000 to $26,263,000 in round figures.

The Senator from Massachusetts, of course, as I assume, did not intend to cast any unnecessary reflection upon the battle ship *Texas*. If he did, I invite his attention to the unparalleled record of that ship in the battle of Santiago.

Mr. LODGE. The conduct of the *Texas* in the battle of Santiago had nothing to do with the value of the ship. American sailors would fight well on a raft.

Mr. MONEY. Mr. President——

Mr. LODGE. One moment. I should like to finish what I was saying. The *Texas* was built on English plans, which were bought by the Secretary of the Navy at that time. She never was a good ship. She did good service at Santiago unquestionably. She is completely obsolete now, and any inquiry of the Department will satisfy Senators that she never was a first-rate ship. I am not saying this to reflect upon anybody. I was here when Mr. Whitney was Secretary of the Navy. He was an excellent Secretary of the Navy. He promoted the Navy in every possible way. But the new Navy did not begin then. It began absolutely with the well-known limitation with respect to the old wooden ships, and the first three new modern ships were the *Chicago*, the *Boston*, and the *Atlanta*—all in the Navy to-day. The *Texas* and *Maine* were not battle ships under the proper definition of the term, but the *Maine* was a good ship according to the standard of that time.

Mr. MONEY. Will the Senator from Massachusetts now permit me?

Mr. LODGE. Certainly.

Mr. MONEY. Mr. President, I want to state that I do not think the Senator from Massachusetts [Mr. LODGE] intended to reflect on anyone, but I also think he is mistaken when he says the *Texas* and the *Maine* were not battle ships. They were built and classed as second-class battle ships, and they have been so rated ever since. If you will consult——

Mr. LODGE. I have here a list of the battle ships of the United States, and if the Senator will point out to me the *Texas* among them——

Mr. MONEY. It may have been dropped out as the Senator says, as a worthless ship, or it may not have been included in this rating. But I want to say that the *Texas* was built under peculiar circumstances. The fact is that the plans for the *Texas* were brought over here from England, after having been twice submitted to two foreign nations and rejected. The plans were fought over in the Bureau of Construction by the different engineers of the United States, and Mr. Bowles, a young engineer, who afterwards rose to great distinction, advocated the building of the *Texas* from those plans, and his view was contested by all the older officers. Secretary Whitney concluded to accept Bowles's judgment, and he accepted the plans, and paid for them. He said:

Since you have advocated this plan, I will make you responsible for it, and make you build the ship.

It has been told to me very frequently, and I believe it, although I do not know whether it is true or not, that when Bowles began to consider the question of flotation connected with the plans accepted he thought he had undertaken too much, and he caused the skimping, as they term it, of the timbers and scantling of the ship. When she went into Hampton Roads she struck an obstruction and her bottom "buckled up." She has been repaired two or three times since.

I want to call the attention of the Senator from Massachusetts, who is well informed generally, to the fact that Captain Glass, who commanded the *Texas* in 1898, said there was not a better fighting ship in our American Navy. Whether she has

been dropped from the rating of battle ships I do not know. But she was in the naval registry as a second-class battle ship.

I am obliged to the Senator from Massachusetts for yielding to me.

Mr. LODGE. Mr. President, I did not rise to discuss the history of the *Texas*, which is a very unimportant point. It is a ship universally known to be a failure. I meant simply to refer to the past as indicating my own interest in the Navy and as in part explaining why I shall vote in favor of the four-ships amendment.

I do not so vote because I apprehend war. I know of no menace or threat of war now impending over the United States. I am aware of no war cloud on the horizon. No one has informed me of any danger of war, either in my capacity as Senator or as a member of the Committee on Foreign Relations. I do not think there is any cause to apprehend war with any people or that we have any reason to expect that anyone will make war upon us.

I am quite aware, without laying any special claim to erudition, that wars often come unexpectedly. I am also aware that history shows that some wars have been expected and prepared for. It is no answer to the statement I am making, of my personal belief and judgment, that wars occur suddenly. Men can only judge from the conditions known to them. I do not know of any cause to apprehend war at this time, and I should be very sorry to have it supposed that I was voting for four battle ships, which it will take three years to build, because I expect war or think the country is menaced by war.

I am quite aware, as I have said, that wars arise unexpectedly, and also that wars are expected and prepared for. I know of the dangers which exist in this country from the outbreak of citizens in given localities and of the prevalence in certain quarters of what is to me the monstrous idea that one State can disregard treaty obligations and plunge forty-five other States into war and that the United States has nothing to say about it.

Mr. President, I realize the danger which arises from that mistaken state of feeling; but yet I do not believe that there is any present danger of war in that direction. But there is no question that the talk about war is liable to produce a situation from which war may come. If I thought war was near us, I should not for one moment think of predicting it or suggesting it on this floor. I should endeavor to the extent of my poor ability to get the Senate to make provision for a war which I believed imminent, and should say as little about it in public as possible. Incessant talk and hinting at indications of danger from one country or another country is the way very often that the unexpected war is stimulated and brought on. There is only one thing more ill advised and mischievous, and that is to sneer at other countries by name and explain that they would not dare to go to war with us or are too poor to do so.

I do not reflect on any country. I do not suggest that war is coming from this quarter or from that; nor do I belittle or sneer at any country by doing so. It is wise also to bear in mind what Hamlet said when he swore his friends to secrecy:

> You * * * never shall,
> With arms encumber'd thus, or this head-shake,
> Or by pronouncing of some doubtful phrase,
> As "Well, well, we know," or "We could, an' if we would,"
> Or "If we list to speak," or "There be, an' if they might,"
> Or such ambiguous giving out, to note
> That you know aught of me.

Mr. President, I think that sort of indication, or mysterious hinting at, that shaking the head and looking wise has very frequently just as much effect in giving the impression of the danger of war as the direct statement, and I feel strongly inclined at the moment to go on with Hamlet's speech and say as he says a moment later:

> Rest, rest, perturbed spirit!

Mr. President, wars are fostered and brought on by loose talk about the dangers of war, and as a member of the Foreign Relations Committee, who takes some pains to keep himself informed on such subjects, I want to disclaim any such idea in any vote that I give.

Also, Mr. President, I do not want it supposed that I vote as I do because I think our Navy weak or insufficient. I do not agree with the Senator from Washington [Mr. PILES] that we have eleven obsolete ships. We have some ships begun in 1890 that are not in speed and in improvements up to the standard of the ships built last year. There is no doubt about that. But those ships in 1890, I am told on the best naval authority, are perfectly able to take their place in the battle line to-day. When Senators make that statement about obsolete ships they seem to forget that the lists of ships of other countries represent ships built during a period of years just like our own, and when you are comparing navy with navy it does not do to start with the assumption that the enemy's fleet is made up entirely of ships built last year while some of ours date back to 1890.

Mr. PILES. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. Certainly.

Mr. PILES. I should like to ask the Senator from Massachusetts if in his judgment this Government would build any more ships of the type of the eleven to which I referred?

Mr. LODGE. I do not know what eleven the Senator referred to.

Mr. PILES. I had a list of them here yesterday.

Mr. LODGE. I will take the oldest ships——

Mr. PILES. Take the ships——

Mr. LODGE. The *Oregon*, the *Indiana*, and *Massachusetts*. Our Navy Department thinks those vessels are good enough to spend a half a million apiece on them in order to repair them.

Mr. PILES. I am not discussing that question.

Mr. LODGE. Very well. Then, they must be of some value. I am talking of the very oldest ships on the list. I say those three ships—and I say it on good naval authority—are fit to take their position in battle line to-day, and they carry very heavy guns.

Mr. PILES. That was not the question. I am asking whether the Government would build any more ships of that type. I do not mean to say that some of those ships are not in condition to take their place, for what they are worth, or would not be useful to a certain extent. But when I suggest that the ships are of an obsolete type I mean that the Government would not build any more ships of that type, in view of the character of ships that the other nations of the world are building.

Mr. LODGE. No one proposes to build ships of the *Oregon* or *Indiana* type. Those were the best types of that day. They are still useful, effective ships, fit for the battle line. We want now to have the corresponding type built that is the best possible type to-day. My point is that other navies extend over an equal period of years. Other navies are not made up of *Dreadnoughts* built last year. They range from ships of 1890 down to ships of last year.

Mr. BEVERIDGE. Will the Senator from Massachusetts permit me? I do not want to interrupt the Senator.

Mr. LODGE. I yield; certainly.

Mr. BEVERIDGE. With respect to the eleven ships referred to, I will ask the Senator if it is not true that they are chiefly useful now for coast defense purposes?

Mr. LODGE. I do not know what the eleven ships referred to are.

Mr. BEVERIDGE. The *Alabama*, *Illinois*, *Indiana*, *Kearsarge*, *Kentucky*, *Maine*, *Massachusetts*, *Oregon*, *Wisconsin*, and so forth.

Mr. LODGE. Some of those ships whose names the Senator has read are first-class battle ships, as good as any in the world.

Mr. BEVERIDGE. Will the Senator permit a further interrogatory?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. There is not a single one of those battle ships that is of 12,000 tons except the *Maine*, which is 12,500 tons. Some of them are as low as 10,300 tons.

Mr. LODGE. I am aware of that.

Mr. BEVERIDGE. The Senator, I hope, does not think, because my information from high naval authority is to the contrary, that they are equal to the best battle ships of the world?

Mr. LODGE. Well, Mr. President, I do not intend to compete in naval knowledge with the Senator from Indiana. I have studied it for a great many years, and I can only give my best judgment.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. LODGE. I shall go on when the Senator is through.

Mr. BEVERIDGE. I wish to ask a question, if the Senator does not object to being interrupted.

Mr. LODGE. No; the Senator can ask any question.

Mr. BEVERIDGE. With of course only the limited knowledge that I have on this subject, but which I acquired directly and quite recently from the highest naval authority in this country, I understand that all the ships I have named are of an out-of-date type, and further that of these the *Alabama*, *Indiana*, *Iowa*, *Maine*, *Massachusetts*, and *Oregon* are not with the fleet but are being overhauled.

Mr. LODGE. They are now being repaired.

Mr. BEVERIDGE. Is it not true that the *Massachusetts*, which the Senator from Maine said yesterday was with the fleet on its cruise, is now dismantled in the navy-yard?

Mr. LODGE. On the *Indiana* the repairs are nearly completed. I think the other two are under repair.

Mr. BEVERIDGE. I shall not interrupt the Senator further at this time. I have the information myself directly and immediately, which I shall present later.

Mr. LODGE. Mr. President, this argument proceeds as if the navies of the rest of the world had no ships of types that have been improved, as if they had nothing but ships built last year. Their fleets extend over a similar period.

Moreover, it is by no means a settled fact that the ship of great size is going to prove the best fighting ship. Admiral Capps and Admiral Converse, both men of great experience and knowledge—I think superior, probably, as experts to anyone here—said in the Senate committee hearings that they would as lief command the *South Carolina* and *Michigan* as a *Dreadnought*, and could make, in their judgment, as good a fight with them. It is by no means a proved case for the big ship, although I favor the *Dreadnoughts*.

The point I am making is that the idea that our Navy is an insufficient navy is a complete mistake. Take it and compare it ship by ship with the navies of the world to-day. Of course I bar England. England builds her navy on what is known as the "two-power standard." Her standard is that she shall more than equal the combined navies of any two powers in the world. We of course have never intended to rival the British standard. I believe, as a very conservative and sensible Senator said to me yesterday, who will probably vote differently from myself on this bill, that "we should not attempt to have a navy as big as England, but we should always have a navy a little better and more powerful than that of any other country." That, I believe, is the condition of the American Navy to-day.

When the President made his recommendation of one battle ship a year, about which so much has been said, he was making that recommendation under the conditions then existing, and is not in the least inconsistent in what he now recommends. That was before the introduction of the large ships familiarly known as the *Dreadnought* class. It is the introduction of the big ships which has changed the naval situation. It is not that the American Navy as a whole is not strong; is not, as foreign observers and native experts alike testify, one of the best in the world. It is because in that particular type of ship we are as yet not up to the other powers, and that is the ground on which I desire to put my vote.

We have two *Dreadnoughts* building. We authorize here two more. I should be glad to see that authorization raised to four for the purpose of making that branch of the Navy proportionately strong with the rest of the list. I want to keep the Navy just where it is, better and more powerful than that of any other power except England; and I do not want to do it, Mr. President, because I think there is war impending or that we have got to look for trouble in some distant ocean. I do it, as I have always supported all the ships for the Navy, because I think it is a great measure of peace.

The Senator from Indiana said yesterday that to appropriate all this money—I wrote the words down at the moment—would be to "filch it from the pockets of the people if there was no danger of war." Mr. President, if there was danger of war it would be simply folly to sit here debating about a naval programme which it will take three years to carry out. The business of the Senate and of the Congress of the United States under those conditions would be to give the Government twenty or thirty millions and let them go out into the world and buy any *Dreadnoughts* they could find in any yard. That would be a war measure.

The purpose of this programme, and the only reason that such a programme can have, is because some of us believe very strongly that the Navy is a guaranty of peace and that if it had not been for our building up a strong navy we might have been involved in war before.

I agree with the Senator from Rhode Island that the mere presence of a navy perhaps never prevented a specific war, but there is not any doubt in the world in my mind that the English fleet has meant peace for England—so much so that she has not had a serious war since the battle of Waterloo. If it had not been for her navy she would have been attacked again and again and her colonies would have been torn from her.

It is the same way, Mr. President, with our two great coasts. I believe that a navy second only to that of England is necessary for the preservation of the peace of the United States. I place my vote on no other ground. I deprecate any debate which reflects in the remotest way on friendly nations, which would intimate in any way that we are building ships in order to fight somebody in the future. Nothing could tend to bring on the very war that we do not want more than such challenges as that. There are abundant reasons and good reasons now, in my judgment, for making our Navy powerful, for increasing it particularly in this branch of the *Dreadnoughts*, without rising up here to flutter the wings of war in the faces of the other nations of the earth.

Mr. President, I wish to disclaim any knowledge which would lead me to vote war appropriations for the Navy. I have not sought to pry into the confidence of the Executive. I do not think that his special message was lightly sent. I believe it was sent with a grave sense of responsibility. I know no more about it than all the world or than those who heard it read, and I give it very great weight, indeed.

One hundred years ago, Mr. President, a distinguished predecessor of mine in this Chamber, who was subsequently President of the United States, when a Democratic President sent in a message recommending a warlike measure, broke from his own party and said, "The President recommends this on his high responsibility. I would not debate. I would not deliberate. I would act." The Democrats at that time received the adhesion of this eminent Federalist without any disturbance of feeling about Executive usurpation, and welcomed his support of Mr. Jefferson on that measure.

I think, Mr. President, that without exaggerating Executive power unduly, but recognizing merely that the Executive is necessarily charged with the conduct of our naval affairs and has a knowledge of our relations with foreign countries which in the nature of things can not be communicated to anyone probably but the Secretary of State, it may be properly said that the recommendation of the President should lead us all to give great weight to what he advises, as I most certainly do. His words have great influence upon my action.

But, Mr. President, I take what he says and what he recommends as he says it, and I do not take it through any interpreter. To that message I give great weight. To my own belief as to the necessity of enlarging this branch of the Navy I give even more weight. For these reasons I shall vote for four battle ships.

But I wish, Mr. President, once again and in reiteration to disclaim all sympathy with this talk of war impending here and there. I think it is mischievous internationally, and very dangerous. I dislike references to other friendly powers, whether in alarm or, what is even worse, in contempt. If we have to go into questions like that, this is not the arena for it. I do not believe, according to the best knowledge that I can get, that there is any ground for such dismal prophecies of war or for rumors of war. I prefer to place my vote on what seem to me grounds which are relative and reasonable at all seasons, which imply neither alarm nor contempt, which reflect on no one, and which are entirely valid and proper at this moment in a time of profound and, I believe, uninterrupted peace.

Mr. PERKINS. Mr. President, every patriotic American believes in a great, strong navy. He believes in having ships equal to those of any other nation, with guns and other equipment equal to those belonging to any other nation. Armed and with officers and men who are American citizens, that navy is invincible.

I believed, Mr. President, from my cursory examination of the legislation and my knowledge of the work of the Committee on Naval Affairs during many years past, that we had a pretty good navy until we heard the speech yesterday of my friend from Indiana [Mr. BEVERIDGE] and my friend from the State of Washington [Mr. PILES]. Their criticisms of the Committee on Naval Affairs struck me very forcibly. For thirty years the chairman of the Committee on Naval Affairs [Mr. HALE] has been a member of one branch or the other of Congress, and during those thirty years he has been a member of the Committee on Naval Affairs. Every bill proposing an appropriation for the building up of the Navy during that time has received his assent or has been presented to Congress by him. I am reminded of a passage I once read in the good Book of Books, which reads:

> Let not him that girdeth on his armor boast himself as he that putteth it off.

And so with my friends who have recently come into Congress. With more ability perhaps than the members of the Naval Committee, they have not given this subject-matter perhaps the same consideration that your Committee on Naval Affairs have given to it.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Washington?

Mr. PERKINS. With pleasure.

Mr. PILES. I should like to inquire of the Senator from California what criticism I made of the Committee on Naval Affairs?

Mr. PERKINS. By their inaction in not giving four battle ships instead of two.

Mr. PILES. I made no criticism of the Naval Committee.

Mr. PERKINS. By inference, certainly.

Mr. PILES. I have no objection to the Senator voting against four battle ships if he thinks they are unnecessary, but I do object to the Senator putting something in my mouth which I did not say or endeavoring to make it appear that I have criticised the Naval Committee of the Senate. I made no criticism of the Naval Committee. I stated the reasons why I concluded to vote for four battle ships, and if that is criticism of the Naval Committee I am unable to understand it.

Mr. PERKINS. I am very sorry I misunderstand the Senator. I am glad to know he approves of the action of the Committee on Naval Affairs and that by inference he will now vote with the committee.

Mr. PILES. I have not said that I approved of the conduct of the Committee on Naval Affairs in reporting four battle ships. I did not consider it was my place to criticise the Committee on Naval Affairs any more than I considered it the duty of the Senator from California to criticise Senators who have lately taken their seats in this body.

Mr. PERKINS. Certainly I am not criticising anyone adversely, but I want to commend the labor of the Committee on Naval Affairs in the Senate, of all excepting myself, for I have had the honor of being a member of that committee for fifteen years, and during that time there has been no minority report ever presented to Congress. They have taken up the question, giving it every consideration possible, and the result of their investigations and deliberations has been what they believed to be for the best interests of the Navy and the honor of our country.

The Senator from Washington certainly pictured the defenseless condition of the Pacific coast, and it is that, perhaps, which prompts me at this time to make a response to his criticism in that respect. Parenthetically, I want to say I received a letter this morning from a friend in Seattle stating that there were fifteen ships of war anchored in Puget Sound, near the home of my friend from Washington. There were fifteen ships of war there on last Saturday. Certainly, Mr. President, they are not in a very defenseless condition on Puget Sound.

When I became a member of the Committee on Naval Affairs there was not, Mr. President, a single battle ship in commission. As has been stated, the *Texas* had been authorized, the *Maine* had been authorized, and several others had been authorized to be built, but there was not a single one afloat, and none went into commission until the *Maine* went into commission. The *Maine* and *Texas* were commissioned in 1895, the cruiser *New York* in 1893, the *Oregon*, *Massachusetts*, and *Indiana* in 1896, and the *Iowa* and *Brooklyn* in 1897.

In 1893 the naval appropriations amounted to $23,611,000. We had outlined a programme that had been inaugurated by Secretary Chandler and was carried out by Secretary Whitney and by his successors in office. We believed that plan of developing our Navy would give us one second to none in the world. We believe we have accomplished that, Mr. President, and to-day this bill, instead of $23,611,000, as it did in 1893, carries $123,000,000, in round numbers, for the building up of the Navy. In 1893 we rated as the fifth naval power in the world. To-day we are the second naval power in the world, and with ships and armament equal to that of any in the world.

There is one phase of this question which has not been presented here, and that is the number of guns that the ships carry. A ship without guns is as useless as "a painted ship upon a painted ocean," so far as being for offensive or defensive purposes is concerned. The question of the guns has not been spoken of at all. It is the keystone of the efficiency, effectiveness, and power of our Navy.

I want to state the armament of 12 and 13 inch guns on our battle ships that we have and those of Great Britain, France, Germany, and Japan.

Great Britain has built of 12-inch guns 162, 32 13-inch guns, and is building 60 12-inch guns, making a total of 222 guns.

The United States has built 68 12-inch guns, 32 13-inch guns, and is now building 36 12-inch guns, making a total of 136 all told.

France has only 93 all told; Germany has 56 12 and 13 inch guns on her battle ships, building and all told. Japan has, all told, building and built, 68. The United States therefore has more than double the number guns that Japan has. I will place the statement in the RECORD for reference.

The statement referred to is as follows.

Twelve and thirteen inch guns on battle ships.

GREAT BRITAIN.	12-inch.	13-inch.
Built	162	32
Building	60	0
Total	222	32
Grand total, 254.		

UNITED STATES.	12-inch.	13-inch.
Built	68	32
Building	36	0
Total	104	32
Grand total, 136.		

FRANCE.	12-inch.	13-inch.
Built	46	15
Building	32	0
Total	78	15
Grand total, 93.		

GERMANY.	12-inch.	11-inch.
Built (no 12 or 13 inch)	0	56
Building	40	8
Total	40	64
Grand total, 104.		

JAPAN.	12-inch.	13-inch.
Built	40	0
Building	28	0
Total	68	0

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Utah?

Mr. PERKINS. With pleasure.

Mr. SMOOT. I understood the Senator from California to say that the United States is the second naval power in the world.

Mr. PERKINS. It is the second naval power in the world.

Mr. SMOOT. I should like to ask the Senator whether he thinks she should remain the second naval power in the world?

Mr. PERKINS. I do, Mr. President; and I think we should be proud of that position.

Mr. SMOOT. Then I would like to ask the Senator this question: Suppose Germany to-day has authorized or will authorize four battle ships each year until the year 1917 of the *Dreadnought* type. How does the Senator expect the United States to hold her position as the second naval power in the world if we do not build battle ships equal to the other nations that are now lower than we are in the scale?

Mr. PERKINS. The Senator from Indiana yesterday ventured into the domain of prophecy and it has not redounded, judging from the speech of my friend from Rhode Island, to his credit. My friend from Utah should profit by his example, perhaps, and not prophesy what Germany is going to do. As a matter of fact, she has not authorized those ships. It is a newspaper story and there is no authentic record that she has done so.

Mr. HALE. I will say to the Senator from Utah that we have to-day nothing authentic about the future programme of Germany. We do not yet know what that programme is.

Mr. SMOOT. The reason why I asked the question is because I have been informed, and from a source that I thought was absolutely reliable, that the order for those battle ships has been made, and that they will be built. I may be mistaken. I simply asked the question, basing the question upon the belief that those ships had been ordered and would be built.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Indiana?

Mr. PERKINS. With pleasure.

Mr. BEVERIDGE. I will state again that my statement yesterday, which I read from the paper I held in my hand, was furnished to me as an authentic statement from the highest possible authority on naval matters that we can get. I think that the opinion of the world is that that is true.

Now, one point more. The Senator from California says that we are the second naval power in the world.

Mr. PERKINS. I do.

Mr. BEVERIDGE. I ask the Senator if that is not arrived at by merely considering tonnage?

Mr. PERKINS. My authority is Lord Brassey's Annual, who is a recognized authority on naval affairs throughout the world. My second authority is that of the Navy Department of the United States Government.

Mr. BEVERIDGE. The statement that we are the second naval power in the world I have looked into a little bit in the last forty-eight hours, and the estimate is made merely by placing the respective tonnage of the various nations in amount, we appearing the second. If you remove what is termed by very competent men, who give their lives to the subject—of course, I know nothing about it, as compared with what the Senator from California does, personally—the ships that are now practically obsolete and to be used for coast defense purposes and the other tonnage that is useful for nothing, that place is of course wiped out.

If the third fact be considered—that is to say, if it is true, and it is the weight of all the naval authority I can get hold of (and I am merely stating their opinion), it is recognized all over the world that since the Russo-Japanese war the type of the fighting ship is the *Dreadnought*, or the eighteen and twenty thousand ton ship. Therefore, from that point of view, as a matter of fighting strength and not merely of paper tonnage, we are not the second power in the world, but more nearly the fifth.

On that particular statement I tried to get the opinion this morning, and succeeeded in doing so, of what the nation has a right to accept as the most competent naval opinion in the world.

Mr. PERKINS. Does the Senator challenge my statement of the number of guns carried in the battle ships?

Mr. BEVERIDGE. I do not challenge any statement the Senator makes. Any statement the Senator makes I will accept.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Utah?

Mr. PERKINS. Certainly; we want all the light we can get on this subject.

Mr. SMOOT. As far as I am personally concerned, I think a number of our ships are obsolete. I also think that the question of tonnage cuts very little figure in this discussion, for no doubt every other naval power in the world has obsolete ships as well as we.

But what I want to ask the Senator is, If it be true that Germany has ordered the four ships built each year until the year 1917 of the *Dreadnought* type, would the Senator, then, be in favor of the United States building four ships at this time or only two?

Mr. PERKINS. Mr. President, I am in favor of the naval programme laid down not only by this Administration, but by the three previous Administrations and carried out by the Committees on Naval Affairs in both the House of Representatives and in the Senate, and approved of generally by the Department; and I want to say that it is approved of by the President, notwithstanding the special message that came in the other day.

In passing I wish to say that I had a feeling at least kindred to resentment when the charge was made by my friend from Indiana yesterday that those who did not vote for four battle ships in accordance with the recommendation of the President and his special message were not loyal to our Government, and certainly did not show a proper respect for the President of the United States as Commander in Chief of the Navy. Mr. President, no one has greater admiration or respect for the President of the United States than I have. I honor him for his great ability. I honor him for his high character and for his integrity of purpose. Therefore, because we do not agree with him on a simple business proposition as to whether we shall build two or four ships, it is unfair in my friend from Indiana to say that we are not showing proper respect to the Commander in Chief of our Navy.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Indiana?

Mr. PERKINS. With pleasure.

Mr. BEVERIDGE. Of course the Senator will find that I said no such thing as that. I am not responsible for any——

Mr. PERKINS. The Senator did in his impassioned appeal yesterday. If he did not, then I can not understand the English language.

Mr. BEVERIDGE. Very well; then let the Senator take that as his impression. I will not go into that now, but later. I wish simply to call the attention of the Senator, if he will permit me, to another point.

Mr. PERKINS. Certainly.

Mr. BEVERIDGE. Is it so much a question whether we have obsolete ships, as other nations also have obsolete ships, as it is a question whether or not we have ships in proportionate number of the latest type at all comparable to other nations? The Navy, as I take it, in a common-sense view, is not to be reckoned by the number of ships or the tonnage, but by its effective fighting strength compared with that of other nations.

I have before me here, and I do not want to vex the Senator's patience, a list of the most modern battle ships of the other countries of the world and also our own, and according to that statement we are in an uncomfortably inferior position.

Mr. HALE. The Senator has got it all wrong.

Mr. BEVERIDGE. I have it merely from information that is the highest I can get.

Mr. HALE. So have I.

Mr. BEVERIDGE. If the Senator from Maine has higher information, of course I will not dispute it. I must take the best information I can get.

Mr. PERKINS. Mr. President, I was about to say that I think I am in full accord with the proposition as to these battle ships. In his message to the first session of the Fifty-ninth Congress the President stated as follows:

> We have most wisely continued for a number of years to build up our Navy, and it has now reached a fairly high standard of efficiency. This standard of efficiency must not only be maintained, but increased. It does not seem to me necessary, however, that the Navy should—at least in the immediate future—be increased beyond the present number of units. What is now clearly necessary is to substitute efficient for inefficient units as the latter become worn-out or as it becomes apparent that they are useless. Probably the result would be attained by adding a single battle ship to our Navy each year, the superseded or out-worn vessels being laid up or broken up as they are thus replaced.

That we have been doing. The President again stated in his message in the second session of the Fifty-ninth Congress, on December 3, 1906:

> I do not ask that we continue to increase our Navy. I ask merely that it be maintained at its present strength, and this can be done if we replace the obsolete and out-worn ships by new and good ones, the equal of any afloat in any navy.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Indiana?

Mr. PERKINS. In a moment.

Mr. President, we carried out the President's policy. In 1906 we built two ships, when the President said but one would be necessary, and in 1907 we authorized an appropriation for two ships, when the President said that only one would be necessary. This year we are appropriating for two battle ships in this bill as it comes from the Committee on Naval Affairs. That makes six ships, counting one ship for 1906, one for 1907, and the four he recommends now. Now I yield to the Senator from Indiana.

Mr. BEVERIDGE. The Senator from California has read from the President's messages of former times.

Mr. PERKINS. Only in the last Congress.

Mr. BEVERIDGE. The last Congress expired over a year ago. I call the Senator's attention to the fact, as he will see in a moment, that the President in his special message gives the reasons why he departs from that view.

Mr. PERKINS. But have we not already built six ships?

Mr. BEVERIDGE. The President thinks we should have four more, or, of course, he would not have sent his special message.

Concerning the other matter about which I am speaking, since the Senator made that point I have received a list of the effective fighting ships of the best type of this and other countries, and that list, which I shall probably refer to later, shows——

Mr. PERKINS. Will the Senator please give me their kinds, the number of guns they carry, and their caliber?

Mr. BEVERIDGE. It does not show the guns. It gives the names of the ships and their tonnage. They are along the line of the *Dreadnought* class.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Maine?

Mr. PERKINS. Certainly.

Mr. HALE. There is but one ship on the waters of the world of the *Dreadnought* type. That is the British *Dreadnought*. It takes years to construct such a ship. There are talks and rumors about programmes.

The Senator from Indiana cited France. France has adopted no such large programme as the Senator indicates, nor has Germany, and it will be years before any other great ships of

that kind will be put on the waters of the globe. We will get ours on as quickly as any other nation; and when it is assumed that we are behind in this type it is a mistake, for we are no more behind than is any other nation. We are keeping up our Navy, we have kept it up, and will keep it up without being dragooned into an extreme and expensive programme at a particular time.

Mr. BEVERIDGE. Mr. President, with the Senator's indulgence——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Indiana?

Mr. PERKINS. Certainly. If the committee are wrong on this proposition, we want to be set aright.

Mr. BEVERIDGE. I think the committee itself will admit that the statement of the Senator from Maine, that there is only one ship in the world of the *Dreadnought* type, is not accurate.

Mr. HALE. On water?

Mr. BEVERIDGE. Yes, sir; on water.

Mr. HALE. Where is she?

Mr. BEVERIDGE. In England. The *Temeraire* and the *Bellerophon* are both of heavier tonnage. The ones I named yesterday are building; they are on the stocks or are authorized. France has seven larger than the *Dreadnought*. On the programme for 1908 are six of 21,000 tons.

Mr. HALE. When the Senator talks about programmes he has not got the legally authorized construction. He has merely got the programme.

Mr. BEVERIDGE. Well, the first I mentioned was not merely the programme, but a thing actually in being. So far as the information is concerned, however, it is the same information and from the same source from which the committee itself had to get any information which it got.

But I do not want to take the Senator's time further. I merely wanted to call attention to the fact that the Senator was not quite accurate when he said that there was only one *Dreadnought* on the waters, because there are several now, according to this information. The paper I hold in my hand is a careful verification of the statements made from the information I gave yesterday; and, so far as information can be given to the Senate which will command its respect and credence, certainly, if this is not correct, then no correct information can be had. I shall refer to this later. I am very much obliged to the Senator from California for his patience.

Mr. PERKINS. Mr. President, from 1883 to 1892 we made appropriations which were expended in the construction of new vessels amounting to $49,258,000, as follows:

CONSTRUCTION AUTHORIZED.

1883	$2,440,000
1885	2,967,000
1886	6,834,000
1887	5,386,000
1888	9,191,000
1889	1,567,000
1890	12,187,000
1891	2,690,000
1892	5,996,000
Total	49,258,000

Since then we have appropriated $260,101,190, as follows:

Texas:	
Authorized	1886
Commissioned	1895
Maine:	
Authorized	1886
Commissioned	1895
New York (armored cruiser):	
Authorized	1888
Commissioned	1893
Oregon:	
Authorized	1890
Commissioned	1896
Massachusetts:	
Authorized	1890
Commissioned	1896
Indiana:	
Authorized	1890
Commissioned	1895
Iowa:	
Authorized	1892
Commissioned	1897
Brooklyn (armored cruiser):	
Authorized	1892
Commissioned	1897
Total cost of all vessels built or building	$309,359,190
Vessels authorized up to 1893	49,258,000
Voted on	260,101,190

The list of the vessels in Admiral Dewey's fleet in the battle of Manila Bay is as follows:

		Tonnage.
Olympia	protected cruiser	5,870
Baltimore	do	4,415
Raleigh	do	3,183
Boston	do	3,000
Concord	gunboat	1,710
Petrel	do	892

Mr. President, with that navy we won our great battle at Manila. We won our battles with Spain on that appropriation of $49,000,000 in the construction of new vessels, while since then, as I have said, we have appropriated $260,101,190. Dewey at Manila had not a single battle ship under his command, and had not, I think, a ship of 6,000 tons. He had the *Olympia*, the *Baltimore*, the *Raleigh*, the *Boston*, the *Concord*, and the *Petrel*, ranging from 5,870 tons down to 892 tons; and yet he won one of the most gallant naval victories in the history of this or any other country.

As to the comparison of the strength of our Navy with that of other nations, I will read from remarks I made in the Senate some few days since, containing statistics which were carefully compiled and which I know to be correct; or they were correct at the time the speech was made, and are so still, unless some other authority, which my friend from Indiana can produce, shall prove the contrary. My statement was:

THE UNITED STATES SECOND IN NAVAL STRENGTH.

It is the opinion of the writer of the above—

That was Lord Brassey—

and of many experienced naval men that the only true basis of comparison is total displacement modified by consideration of age. If this basis is adopted and comparison is made with the naval strength of the other principal nations of the world, the United States is found to be second only to Great Britain. The relative order of tonnage of effective fighting vessels stands as follows:

	Tonnage.
Great Britain	1,633,116
United States	611,616
France	609,079
Germany	529,032
Japan	374,701
Russia	232,943
Italy	207,632
Austria	113,235

According to the Bureau of Navigation, the tonnage of all naval vessels built or building November 1, 1907, shows France in the second place, with 836,112 tons, against 771,758 for the United States, and if we authorize two battle ships of the *Dreadnought* type the figures for the United States will be increased to about 812,000 tons, leaving France still second in tonnage on the sea. But these figures are, in a way, deceptive, for they include coast-defense vessels.

I call my friend's attention to that especially. They are "deceptive, for they include coast-defense vessels"—

which are not designed for cruising, and consequently should not figure in our computation of strength on the high seas. If we eliminate these we shall have 766,666 tons for the United States and 762,812 for France, leaving us still second by a small margin. But if we compute the strength of line-of-battle ships—the true fighting strength of the Navy—including battle ships and armored cruisers, we shall find a still greater margin in our favor.

I challenge my friend to contradict or disprove that statement. It was made up and carefully compiled in the Navy Department, and I believe it to be correct.

Mr. President, we all have but one object in view, that which is for the best interests of the country; and I believe the policy that has been inaugurated in the programme I have outlined is a wise one. The only difference to-day on this whole question is simply as to which is the best business policy.

I will ask the Senator from Indiana a question. I should like to have him remain to answer it now. He brushed aside my inquiry yesterday in regard to the lack of officers. When I said the Secretary of the Navy had testified before the committee of the House of Representatives that we were 1,846 officers short even to officer our present ships, he replied to me that, if we would only promote those we have in the service, it would provide an abundance. I find that we have at the Naval Academy 852 midshipmen, and there are 312 midshipmen at sea, making 1,164 midshipmen all told; and some of them had only been in the Academy a year or less. Even if we should promote every one of them, no one for a moment would contend that they are capable of taking the positions of officers on shipboard, any more than a nurse or an interne in a hospital is capable of taking the place of the chief surgeon or physician of the hospital. No one would for a moment think them capable of it. I want to know how and by what mathematics the Senator can solve this problem and provide sufficient officers for these ships? It is a physical impossibility, even without making allowance for death, resignation, or other cause of depletion.

Mr. BEVERIDGE. I will answer that only by the information furnished by the Department itself—as I have said time and again I have no personal knowledge on the subject—which is, that if the personnel legislation, which has been urged upon Congress for now, I believe, four or five years and has been the subject of at least two messages from the President—if I am wrong the Senator will correct me—had been passed we should have an abundance of officers. I took occasion yesterday to read somewhat from that message of the President and to cite the crying necessity for additional legislation. I quoted from his message respecting the ages of captains in our Navy and in other navies of the world. I am informed—and, as I say, I can only take that information—that the Department itself thinks that we have an abundance of officers if Congress will only enact the personnel legislation which the Department asks and the President urges, and, further, that by the time these four ships, if we should determine to build them, would be completed we should have plenty of officers graduated from the Naval Academy to command them.

Mr. PERKINS. We only graduate from about 175 to 200 annually from the Academy. It would take nine years even to fill up the present deficiency.

Mr. BEVERIDGE. The estimate of the Department, as given me yesterday, was that we would have substantially 800 new graduates that could be made into officers by the time the ships could possibly be completed. That is all I know.

Mr. PERKINS. There is no question, Mr. President, but that there is not an ensign in the Navy who would not like to be promoted to a lieutenant; no lieutenant who would not like to be promoted to a commander; no commander who would not like to be promoted to a captain, and no captain who would not like to be promoted to the grade of admiral; but the question is, Are they qualified to discharge those high and important duties?

Mr. FORAKER. Mr. President, before the Senator leaves that, for it is a very interesting point, I should like to know, assuming that all that might be done, where would we get the subordinate officers, except only from the midshipmen, who would then be qualified to hold any kind of commission? As I understood the statement the Senator from California made a few moments ago, it was to the effect that there are, all told, only about 1,100 midshipmen.

Mr. PERKINS. One thousand one hundred and sixty-four.

Mr. FORAKER. Some of those have been in the Academy less than a year, and certainly they would not be qualified for the command of a ship.

Mr. BEVERIDGE. Oh, no.

Mr. FORAKER. And I do not see how by this personnel bill we are to work such effective results as an increase of nearly 2,000 in the number of officers necessary to give each ship now in commission a proper complement of officers. It will be remembered that in 1899 we passed a naval personnel bill. It was framed, if I mistake not, in accordance with suggestions from the President. Certainly, as I understood at the time, and have understood ever since, it had his entire approbation; but we have all learned, very much to our regret, that that bill, which it was thought would accomplish this purpose so effectually, has failed to accomplish this purpose, and we are still in the very unsatisfactory situation of having more ships to-day than we have officers to command them, the deficiency being almost 2,000.

Mr. BEVERIDGE. The Senator from Ohio asked me a question. Of course, my only answer to that would be, first, that it is not proposed by any human being that I know of to promote midshipmen to captaincies or even to commanderships or anything of that kind——

Mr. FORAKER. I suppose to lieutenants or ensigns.

Mr. BEVERIDGE. But to promote them to be officers and then let them go up in the various grades according to experience and seniority and all that sort of thing. I am informed also by the Department that each ship——

Mr. FORAKER. But the point was, if the Senator will allow me to interrupt him, and the Senator from California does not complain, that if we were to promote every midshipman in the Academy, those who have been there less than a year, as well as those who are soon to be graduated from there, we should still be short practically a thousand officers. Where would the necessary number come from? No personnel bill has provided that we shall make commissioned officers in the Navy from civil life.

Mr. BEVERIDGE. Mr. President, the answer to that is the same, of course, that I have made to the Senator from California, that the Department believes that if the naval personnel bill were enacted, there would be an abundance of officers. I understand that on each one of the ships now on the cruise there are twenty or more midshipmen, and every one of them has completed the course at the Academy.

Mr. PERKINS. Mr. President, I am an enthusiast on the increase of the Navy, and my vote and my influence, if I have any, have been toward the building up of the Navy. I claim that we are working on the proper lines in building up a great Navy. From being the fifth in rank when I had the honor of first becoming a member of the Committee on Naval Affairs, we have to-day reached the position of the second naval power in the world.

I differ from some of my colleagues as to the advisability of the mission of the fleet to the Pacific coast. I think it was a wise departure from the routine that has heretofore prevailed to send them around to the Pacific coast. It gives an opportunity of maneuvering the ships at sea, of disciplining, and training the officers and men; and the expense is not so much more than it would be if the ships were cruising up and down the Atlantic coast. The only actual extra expense there can be is the cost of transporting coal in colliers to supply the ships on the voyage around to the Pacific coast.

My views on the increase of the Navy have been shared by the members of that committee; and, Mr. President, I want to repeat what I said before, that there has never been a minority report during the eleven years I have been a member of that committee. It has been wholly nonpartisan. Our Democratic friends have vied with the Republicans in voting for measures that would build up our Navy, and to-day the result of our efforts in that line, I think, is apparent on looking at the register of the vessels which we have to-day in the service.

The voyage of the battle ships to the Pacific coast is a wonderful event in the history of our Navy, and I think it has had a good moral influence. Where they stopped at ports in South America there has been evidence of good fellowship and comity between the nations of South America and the United States. I think the cruise of the fleet to the Pacific coast has reflected great credit on the Navy. Their target practice in Magdalena Bay has been of great value. They have demonstrated very high efficiency as marksmen. Their marksmanship has been equaled by that of no navy in the world; indeed it exceeds that of all other navies of which I have any knowledge. I think, when they make the cruise up that coast from San Diego to Puget Sound, that it will be productive of great benefit to the men and officers on those ships; and wherever they may go from there the voyage will be of great benefit, and they will profit by their experience.

The proposition as to whether we shall build two battle ships or four battle ships, Mr. President, as I said before, is simply a question of business policy. I believe it the part of wisdom for us to profit by the mistakes of other countries and benefit by our own experience. The ships that we built twenty years ago have all been stricken off of the list. We have to-day 100 fighting ships of over a thousand tons and none of them over 20 years old. Of course everyone who is conversant with maritime affairs realizes there must be expense each year in keeping them up, but there is no more on ships in active service, with their engines working, their boilers being fired, if they are properly cared for, their electrical appliances and other apparatus being used and kept in order, than there is if they were tied up at navy-yards. With our 38,000 blue jackets and 8,000 marines, 46,000 men in all in the Navy, and our 3,000 officers, it seems to me that they ought to be kept going somewhere on just such a voyage as the fleet is now making.

My friend from the Puget Sound country [Mr. PILES] is fearful that we are in a defenseless condition. I want to say that the Secretary of the Navy informed me that, prior to the arrival of the Atlantic fleet, which consists of 16 battle ships, we had on the Pacific coast 2 battle ships, 8 armored cruisers, 1 harbor-defense vessel, 9 protected cruisers, 3 torpedo-boat destroyers, 5 torpedo boats, and 2 submarines.

Mr. PILES. Let me ask the Senator what battle ships they were?

Mr. PERKINS. The battle ships on the Pacific coast were the *Nebraska* and the *Wisconsin*.

Mr. PILES. The *Wisconsin*, as I understand, was in dry dock for repairs, and the *Nebraska* was just fitting out.

Mr. PERKINS. The *Nebraska* had been built at Puget Sound.

Mr. PILES. It was just completed, and all her crew was not aboard the vessel.

Mr. PERKINS. I want to say, Mr. President, that the Naval Committees in Congress through their recommendations have not neglected the Pacific coast. We have had built on the

Pacific coast the *Nebraska*, the *Ohio*, the *Oregon*, the *Wisconsin*, all first-class battle ships. Of armored cruisers, there were built on the Pacific coast the *California* and the *South Dakota;* and two better ships than the *California* and the *South Dakota* can not be found in the world in the armored-cruiser class. Of the protected cruisers, the *Milwaukee*, the *Olympia*, the *San Francisco*, and the *Tacoma* were built on the Pacific coast; and, in addition to that, we have had submarine vessels, torpedo-boat destroyers, and torpedo boats. The Pacific coast is well protected. If we had 100 more vessels, I do not see how it would avail us if the Commander in Chief should order them to other parts of the world—to Asiatic waters, for instance.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. PERKINS. Certainly.

Mr. SMOOT. I should like to ask the Senator if he thinks that our Navy is large enough properly to defend the Atlantic coast and also the Pacific coast?

Mr. PERKINS. Mr. President, we do not use battle ships to defend our coasts. We use them as vessels of offense and defense—offense principally. We have fortified our ports on the Atlantic and we are doing so on the Pacific coast. This year we have appropriated only $8,000,000 for fortifications and ordnance, while the Department recommended $38,000,000. I think it is better to put the money into forts and fortifications and submarine torpedoes than it is to put it into battle ships for the defense of ports.

Mr. SMOOT. I simply asked the question for information, and I always get it from the Senator, because I know he has had a great deal of experience along this line.

Mr. PERKINS. Mr. President, with torpedo-boat destroyers, submarine mines, and torpedoes as an auxiliary to our forts, there can be no better defense. San Francisco is one of the best fortified ports in the United States, second only to New York; and we hope to have Puget Sound, where my friend from Washington [Mr. PILES] lives, amply protected. We have provided nearly two and a half million dollars or three million dollars for the fortifications on Puget Sound.

Mr. PILES. The Senator would not say that it is sufficiently fortified at the present time, would he?

Mr. PERKINS. I think it is not, and therefore I cheerfully gave my vote to provide for the proposed fortifications.

Mr. OVERMAN. Mr. President, I desire to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from North Carolina?

Mr. PERKINS. Certainly.

Mr. OVERMAN. I do not think I exactly understood the Senator in another part of his speech, and I wish to ask him how many battle ships are there now under construction?

Mr. PERKINS. How many have we all told?

Mr. OVERMAN. How many in process of construction at the present time?

Mr. PERKINS. We have and have under contract twenty-nine battle ships. There are four of those now under construction, which are not completed, or at least not placed in commission. With the completion of the two ships provided for in this naval appropriation bill, we shall have thirty-one battle ships.

Mr. OVERMAN. There are four under construction. Does that include armored cruisers?

Mr. PERKINS. Four battle ships have not yet been commissioned, but are under construction.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Delaware?

Mr. PERKINS. Certainly.

Mr. du PONT. I will ask the Senator if he does not think the Pacific coast would be better defended by proper fortifications at Pearl Harbor in the Hawaiian Islands? That would make an admirable naval base.

Mr. PERKINS. I think they would be a valuable auxiliary to the defense of the Pacific coast, Mr. President, and this naval appropriation bill has in it an appropriation of $1,000,000 to provide a coaling station at Pearl Harbor, in the Island of Oahu, near Honolulu, and we provided in the fortifications bill a liberal appropriation to fortify that island. It is a base of naval supplies, as the Senator from Delaware so pertinently says. It is a base which is of more value to us on the Pacific coast, perhaps, than any other point that I can think of at this time; certainly equal to anything in the Aleutian Islands, because no nation at war with us could attack the Pacific coast without having some base of supplies and a rendezvous there. That was one of the principal reasons why I voted for liberal appropriations for fortifying the island and for a naval station there. That was one of the reasons why I cast my vote for the annexation of the Hawaiian Islands to the United States. They have been a source of revenue to us and not a disappointment or a care or an anxiety as the Philippine Islands have been. The Philippine Islands, of course, came to us as the result of a great war. We were very magnanimous in that war. After our Navy had wiped out the Spanish fleet, we sent home to Spain, in our own transports, all of her prisoners, and we paid $20,000,000 as a peace offering for the Philippines. This great American people has always been magnanimous to a fallen foe.

As has been stated so well by the Senator from Massachusetts [Mr. LODGE], there is no more danger of war with any foreign country than there is of our having any other great catastrophe of which there is no warning given to us. I believe, Mr. President, that this naval appropriation bill is a liberal one and meets the approval of the people generally. I believe that the construction of two battle ships will carry out the programme we have heretofore planned and will be productive of the very best results.

I want to say, in regard to the cruise of our ships to foreign countries, that I look upon the voyage of this great naval fleet not only as promoting good fellowship and comity between the nations, but as promoting respect for the American flag. When as a sailor boy I reached a foreign port and saw, as I did see, the Stars and Stripes waving over the office of the American consul, I felt almost as Moses did when he drew near the burning bush, that I had gazed upon holy ground. By the narrow policy our Government has pursued toward our merchant ships we have virtually wiped them off the sea, and to-day it is well for us and well for the honor of our country that we should send our naval ships into foreign ports, so that other nations may see, honor, and respect our flag.

This bill also has been liberal to the officers of the Navy and the men. It has increased the pay of the officers of the Navy one-fifth—20 per cent—more than we have been paying them. It increases the pay of the men of the Navy 10 per cent. It offers prizes, and in that respect we have followed England. England appropriated £5,000 or more last year for prizes for marksmanship. I believe that instead of increasing the appropriation so as to provide for four battle ships we should put the money into new guns and the improvement of our navy-yards, as we have already done in respect to the appropriation for the Bremerton navy-yard. I believe in building up every navy-yard in the country and in improving our coaling stations. We have provided in this bill for building one of the battle ships in a navy-yard and one of the colliers in a navy-yard, to be built of American material by American mechanics, built under the Stars and Stripes, vessels which shall carry the colors of our country to foreign countries, where people must respect it if they know the great power that is back of it.

In this discussion our friends, including the Senator from Indiana, have not made one reference to the great Hague Conference. We twice there tried to do away with war. We believe in arbitration. The President has sent to us from time to time arbitration treaties. At the Hague Conference twenty-eight nations signed conventions to commit differences of certain classes to arbitration rather than to appeal to arms. Only a few years ago a treaty submitted to arbitration a question of the greatest and most vital importance to this nation, especially to us of the great Northwest, and that was with respect to the boundary line between Alaska and Canada. It was a question which greatly agitated the minds of our people. If it had not been for the wise counsel of that Commission, of which the distinguished Senator from Massachusetts was a member, which went to London and arrived at a decision satisfactory to both parties, dire results might have eventuated. It was reason, it was deliberation, it was patriotism, it was love of our country and our institutions and humanity that caused us to submit the question to arbitration. It resulted in benefit to us all.

So I believe, instead of increasing our Navy more than we have under this programme, we should carry out that which has been recommended by your committee, after weeks of consideration. It has been charged by one of those who oppose our programme that we have not deliberated over it, that we had the bill before us only a few days. As a matter of fact, it was under consideration for weeks and weeks. The Book of Estimates has been before us; the communications from the Navy Department have been submitted to us; and, after considering

every recommendation made by the President and the Secretary of the Navy and by the different bureaus of the Navy Department, we have formulated this bill and presented it to you for your consideration. I submit the question to the Senate. I know the Senate believes that the Committee on Naval Affairs, if it has erred, has committed an error of judgment only, and that it has so framed the bill that, in its opinion, the best results will be attained by carrying out its recommendations and, so believing, will sustain the action of your committee.

I will not weary the Senate by recurring to the matter in detail, but with the permission of the Senate will place in the RECORD the list of ships on the Pacific coast.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Battle ships, armored cruisers, protected cruisers, torpedo vessels, and coast-defense vessels of the United States Navy on the Pacific coast January 20, 1908.

Vessel.	Normal displacement.	Speed on trial.	Probable date could be made ready for active service.
Battle ships:	*Tons.*	*Knots.*	
Nebraska	14,948	19.06	Now in commission.
Wisconsin	11,552	17.17	April 15, 1908.
Armored cruisers:			
California	13,680	22.20	Now in commission.
Colorado	13,680	22.24	Do.
Maryland	13,680	22.41	Do.
Pennsylvania	13,680	22.44	Do.
South Dakota	13,680	22.24	January 27, 1908.
Tennessee	14,500	22.16	Now in commission.
Washington	14,500	22.27	Do.
West Virginia	13,680	22.15	Do.
Harbor-defense monitors:			
Wyoming	3,225	11.80	May 1, 1908.
Protected cruisers:			
Albany	3,430	20.50	Now in commission.
Boston [a]	3,000	15.60	July 1, 1908.
Charleston	9,700	22.04	Now in commission.
Chicago	4,500	18.00	Do.
Cincinnati [a]	3,183	19.00	July 1, 1908.
Milwaukee	9,700	22.22	Now in commission.
New Orleans	3,430	20.00	March 1, 1908.
Raleigh [a]	3,183	19.00	July 1, 1908.
St. Louis	9,700	22.13	Now in commission.
Torpedo-boat destroyers:			
Paul Jones	420	28.91	July 1, 1908.
Perry	420	28.32	Now in commission.
Preble	420	28.03	Do.
Torpedo boats:			
Davis	154	23.41	February 1, 1908.
Farragut	279	30.13	Do.
Fox	154	23.13	Do.
Goldsborough	255	27.40	April 1, 1908.
Rowan	210	27.07	Do.
Submarines:			
Grampus	107	8.00	May 1, 1908.
Pike	107	8.00	Do.

[a] Condition of vessel such as to restrict her movements and affect her speed.

The armament of these vessels is contained on pages 138, 146, 150, 156, 158, 184, 190, and 192 of the Annual Report of the Chief of the Bureau of Construction and Repair, 1907, transmitted herewith.

Protected cruisers, torpedo vessels, and coast-defense vessels of the United States Navy in Asiatic waters January 20, 1908.

Vessel.	Normal displacement.	Speed on trial.	Probable date could be made ready for active service.
Coast-defense vessels:	*Tons.*	*Knots.*	
Monadnock	3,990	12.00	In reserve at Olongapo.
Monterey	4,084	13.60	Can be made ready for service at short notice.
Denver	3,200	16.65	Now in commission.
Protected cruisers:			
Chattanooga	3,200	16.45	Do.
Cleveland	3,200	16.75	Do.
Galveston	3,200	16.41	Do.
Torpedo-boat destroyers:			
Bainbridge	420	28.45	February 1, 1908.
Barry	420	28.13	Now in commission.
Chauncey	420	28.64	Do.
Dale	420	28.09	Do.
Decatur	420	28.10	Do.

The armament of these vessels is contained on pages 152, 158, and 184 of the Annual Report of the Chief of the Bureau of Construction and Repair, 1907, transmitted herewith.

Mr. BURROWS obtained the floor.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. BURROWS. Does the Senator from Oklahoma desire to take the floor?

Mr. OWEN. No, sir; except for a moment.

Mr. BURROWS. I yield.

Mr. OWEN. I wish to say that in view of the number of speeches that are yet to be on the bill this afternoon, desiring to be heard with regard to the matter before it is disposed of, I should like to have the opportunity on Monday of being heard on this measure, if it meets the approval of the Senate.

Mr. ALDRICH. The chairman of the committee who has the bill in charge is not present, and I suggest to the Senator from Oklahoma that he make his request later on, in the presence of the chairman of the committee.

Mr. BURROWS. Mr. President, were it not for the fact that I am conscious of a difference of opinion among the people of my own State and in the country generally in relation to the question as to the number of new battle ships to be authorized, I should not care to be heard for a moment. But in view of this division in my State and in the country, I desire to set forth briefly the reasons which will control me in voting against the amendment of the Senator from Washington [Mr. PILES] to increase the number of battle ships to be constructed from two to four. As a member of the Committee on Naval Affairs, I joined in the report, which, so far as I know, was unanimous in favor of the authorization of but two battle ships at this time.

Before any Senator can determine this question with any degree of satisfaction to himself it will be necessary to call to mind what the strength of our Navy is to-day and then consider the sufficiency of the reasons assigned for this proposed increase. As to the present strength of the Navy, I present the official statement of the Secretary of the Navy, taken from his last annual report and summarized in a table which I will ask to have inserted in my remarks without reading. The heading to this table is as follows:

Cost of all vessels of the new Navy.

STATEMENT SHOWING COST OF EACH COMPLETED BATTLE SHIP, ARMORED CRUISER, PROTECTED CRUISER, AND UNPROTECTED CRUISER BUILT UNDER APPROPRIATIONS FOR INCREASE OF THE NAVY TO JUNE 30, 1907.

	Hull and machinery, including armor.	Equipage, including armament.	Total.
BATTLE SHIPS (23).			
Texas	$3,638,284.99	$563,836.50	$4,202,121.49
Indiana	5,333,708.05	649,663.93	5,983,371.98
Massachusetts	5,401,844.97	645,272.98	6,047,117.95
Oregon	5,914,021.90	661,010.86	6,575,032.76
Iowa	5,162,587.12	708,619.20	5,871,206.32
Kearsarge	4,429,890.69	613,700.99	5,043,591.68
Kentucky	4,418,094.99	580,924.44	4,998,119.43
Alabama	4,077,010.09	588,810.13	4,665,820.22
Wisconsin	4,162,617.53	561,276.75	4,723,894.28
Illinois	4,073,429.26	547,979.56	4,621,408.82
Maine	4,566,642.69	814,439.09	5,381,081.78
Missouri	4,438,925.08	819,335.47	5,258,260.55
Ohio	4,475,180.32	790,129.39	5,265,309.71
Connecticut	6,343,731.81	1,323,875.12	7,667,606.93
Kansas	6,018,320.94	1,052,822.54	7,071,143.48
Louisiana	5,906,787.76	1,003,321.50	6,910,109.26
Minnesota	5,886,708.61	1,046,559.96	6,933,268.57
Vermont	6,027,361.76	896,168.34	6,923,530.10
Georgia	5,525,093.50	923,583.14	6,448,676.64
Nebraska	5,373,456.82	817,115.91	6,190,572.73
New Jersey	5,364,678.09	1,072,922.98	6,437,601.07
Rhode Island	5,343,450.55	1,092,023.88	6,435,474.43
Virginia	5,483,089.56	1,051,993.05	6,535,082.61
Total	117,364,917.08	18,824,485.71	136,189,402.79
ARMORED CRUISERS (8).			
Brooklyn	3,944,820.73	478,969.36	4,423,790.09
New York	3,897,840.32	448,802.07	4,346,642.39
Colorado	4,831,408.00	860,201.59	5,691,609.59
Pennsylvania	4,855,881.02	850,493.65	5,706,374.67
Maryland	4,874,500.11	808,019.89	5,682,520.00
West Virginia	4,855,072.48	843,840.85	5,728,913.33
Tennessee	5,193,678.07	950,755.36	6,144,433.43
Washington	5,063,106.54	955,519.36	6,018,625.90
Total	37,546,307.27	6,196,602.13	43,742,909.40
PROTECTED CRUISERS (18).			
Newark	1,439,382.20	390,735.00	1,830,117.20
Baltimore	1,554,483.94	422,245.41	1,976,729.35
Philadelphia	1,561,392.47	397,267.91	1,958,660.38
San Francisco	1,738,257.82	397,045.49	2,135,303.31
Olympia	2,484,027.54	495,255.84	2,979,283.38
Cincinnati	2,023,326.91	348,577.61	2,371,904.52
Raleigh	1,867,934.32	331,795.48	2,199,729.80
Columbia	3,461,960.26	447,051.00	3,909,011.26
Minneapolis	3,403,707.07	446,289.37	3,849,996.44
Tacoma	1,113,395.45	285,386.30	1,398,781.75

Cost of all vessels of the new Navy—Continued.

STATEMENT SHOWING COST OF EACH COMPLETED BATTLE SHIP, ETC., TO JUNE 30, 1907—continued.

	Hull and machinery, including armor.	Equipage, including armament.	Total.
PROTECTED CRUISERS—continued.			
Cleveland	$1,098,320.33	$276,488.77	$1,374,809.10
Denver	1,135,853.66	278,914.08	1,414,767.74
Des Moines	1,156,256.68	269,884.74	1,426,101.42
Chattanooga	1,378,445.75	308,148.45	1,686,594.20
Charleston	3,117,234.16	664,176.84	3,781,411.00
Galveston	1,426,850.73	309,923.50	1,736,774.23
Milwaukee	3,171,668.53	660,834.33	3,832,502.86
St. Louis	3,173,324.35	644,408.09	3,817,732.44
Total	36,305,822.17	7,374,388.21	43,680,210.38
UNPROTECTED CRUISERS (3).			
Marblehead	1,061,426.30	229,736.63	1,291,162.93
Montgomery	1,050,933.54	216,176.17	1,267,109.71
Detroit	1,004,711.65	228,328.25	1,233,039.90
Total (52)	3,117,071.49	674,241.05	3,791,312.54

From this official statement I find that we have classed under the head of the "new Navy" twenty-three battle ships, costing $136,189,402.79; eight armored cruisers, costing $43,742,909.40; eighteen protected cruisers, upon which we have expended in first cost $43,680,210.38; three unprotected cruisers, costing $3,791,312.54, making an aggregate of fifty-two ships, upon which we have expended $227,403,835.11.

It further appears from the report of the Secretary of the Navy that the tonnage of our Navy has more than doubled during the last year, and for the first time in the history of the Navy we have been able to mobilize sixteen battle ships.

But this is not all. I hold in my hand an official table giving a list of vessels in course of construction on November 1, 1907.

From this it appears that we have now under construction, in addition to the ships I have named, seven battle ships, two armored cruisers, three scout cruisers, five torpedo-boat destroyers, two submarines, two colliers, and two other minor craft, making a total of twenty-three in addition to those already completed, and upon which we have already expended $36,454,000.

The table referred to is as follows:

List of vessels in course of construction on November 1, 1907.

Name.	Ship as designed, fully equipped ready for sea, normal stores, ammunition, and coal.								Speed on trial.
	Length between perpendiculars.		Breadth on load water line.		Mean draft.		Displacement (normal).		
BATTLE SHIPS (7).	Ft.	in.	Ft.	in.	Ft.	in.	Tons.		Knots.
Mississippi	375	0	77	0	24	8	13,000		[a]17.00
Idaho	375	0	77	0	24	8	13,000		[a]17.00
New Hampshire	450	0	76	10	24	6	16,000		[a]18.00
South Carolina	450	0	80	2½	24	6	16,000		[a]18.50
Michigan	450	0	80	2½	24	6	16,000		[a]18.50
Delaware	510	0	85	2½	26	11	20,000		[a]21.00
North Dakota	510	0	85	2½	26	11	20,000		[a]21.00
ARMORED CRUISERS (2).									
North Carolina	502	0	72	10½	25	0	14,500		[a]22.00
Montana	502	0	72	10½	25	0	14,500		[a]22.00
SCOUT CRUISERS (3).									
Chester	420	0	47	1	16	9	3,750		[a]24.00
Birmingham	420	0	47	1	16	9	3,750		[a]24.00
Salem	420	0	47	1	16	9	3,750		[a]24.00
TORPEDO-BOAT DESTROYERS (5)									
No. 17	289	0	26	0	8	0	700		[a]28.00
No. 18	289	0	26	0	8	0	700		[a]28.00
No. 19	289	0	26	0	8	0	700		[a]28.00
No. 20	289	0	26	0	8	0	700		[a]28.00
No. 21	289	0	26	0	8	0	700		[a]28.00
SUBMARINES (2).									
Octopus									
Tarantula									
COLLIERS (2).									
Vestal	450	0	60	1	26	0	12,585		[a]16.00
Prometheus	450	0	60	1	26	0	12,585		[a]16.00
TUGS (2).									
Patapsco	148	0	29	0½	12	3	755		[a]13.00
Patuxent	148	0	29	0½	12	3	755		[a]13.00

[a] Estimated.

Mr. OVERMAN. May I ask the Senator from Michigan a question? I ask merely for information. Do I understand that twenty-three vessels are now under construction?

Mr. BURROWS. Yes; twenty-three crafts are now under construction, seven of which are battle ships.

Mr. OVERMAN. Battle ships?

Mr. BURROWS. Yes; and two armored cruisers. I beg to submit here an official table showing the vessels now under construction, their names, and the amount expended thereon to June 30, 1907, which, it will be observed, is $36,454,634.01.

Expenditures on vessels under construction to June 30, 1907.

Michigan	$843,213.45	Torpedo-boat destroyer No. 18	$3,160.24
South Carolina	1,228,606.70	Torpedo-boat destroyer No. 19	3,160.23
New Hampshire	4,374,092.23	Vestal	371,789.66
Idaho	3,896,752.88	Prometheus	25,136.96
Mississippi	4,108,971.07	Patapsco	42,446.17
Delaware	17,443.99	Patuxent	27,381.63
North Dakota	12,002.63	Octopus	204,924.16
California	4,491,789.80	Viper	162,938.17
North Carolina	3,905,743.99	Cuttle Fish	150,908.18
Montana	3,622,860.32	Tarantula	149,283.28
South Dakota	4,396,695.31	Cumberland	425,981.18
Chester	1,266,110.62	Intrepid	399,793.74
Birmingham	1,160,365.27		
Salem	1,159,922.50		
Torpedo-boat destroyer No. 17	3,160.25	Total	36,454,634.61

Amount expended under increase of the Navy appropriations on all vessels other than those above named (including $2,500,000, approximate cost of equipage of monitors and torpedo boats), $45,500,721.20.

In this connection it is interesting to note that the Secretary of the Navy in his last annual report states the total cost of "all vessels of the new Navy, built and building," to this time is $309,359,190.92.

I also ask to have inserted in my remarks, without reading, a table taken from the report of the Secretary of the Navy, giving a summary of all the vessels in the United States Navy June 30, 1907, from which it appears that there are "fit for service, including those under repair, 285; under construction, 20; authorized, 8; unfit for sea service, 12;" making a total of 325 crafts of all classes, constituting the present strength of our Navy.

The table referred to is as follows:

Summary of vessels in the United States Navy June 30, 1907.

Type.	Fit for service, including those under repair.	Under construction.	Authorized.	Unfit for sea service.	Total.
First-class battle ships	22	5	2		29
Second-class battle ship	1				1
Armored cruisers	8	4			12
Armored ram	1				1
Single-turret harbor-defense monitors	4				4
Double-turret monitors	6				6
Protected cruisers	22				22
Unprotected cruisers	3				3
Scout cruisers		3			3
Gunboats	9				9
Gunboat for Great Lakes (not begun)			1		1
Light-draft gunboats	3				3
Composite gunboats	8				8
Training ship (Naval Academy), sheathed	1				1
Training ships	2				2
Training brigantine	1				1
Special class (Dolphin, Vesuvius)	2				2
Gunboats under 500 tons	13				13
Torpedo-boat destroyers	16		5		21
Steel torpedo boats	35				35
Wooden torpedo boats	1				1
Submarine torpedo boats	8	4			12
Iron cruising vessels, steam	4				4
Wooden cruising vessels, steam	5			4	9
Wooden sailing vessels	8			2	10
Tugs	41	2			43
Auxiliary cruisers	5				5
Converted yachts	23				23
Colliers	15	2			17
Transports and supply ships	10				10
Hospital ship	1				1
Receiving ships	5			5	10
Prison ships	2			1	3
Total	285	20	8	12	325

Mr. BURROWS. I will also submit an official table showing the war-ship tonnage of the eight leading naval powers of the world, viz, Great Britain, France, United States, Germany, Japan, Russia, Italy, and Austria, from which it can be seen at a glance the naval strength of each nation, the number and character of ships completed and under construction, and the relative order of war-ships tonnage among these naval powers at present and when existing constructions are completed.

War-ship tonnage of the principal naval powers, number and displacement of war ships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons—November 1, 1907.

Type of vessel.	Great Britain.				France.			
	Built.		Building.		Built.		Building.	
	Number.	Tons.	Number.	Tons.	Number.	Tons.	Number.	Tons.
Battle ships, first class[a]	52	749,090	4	72,300	[b]19	228,641	8	139,820
Coast-defense vessels[c]					12	73,300		
Armored cruisers	32	372,800	6	95,550	19	166,580	4	54,394
Cruisers above 6,000 tons[d]	19	183,950			3	24,409		
Cruisers 6,000 to 3,000 tons[d]	45	200,280	1	3,300	13	52,549		
Cruisers 3,000 to 1,000 tons[d]	26	56,305			12	23,152		
Torpedo-boat destroyers	142	53,235	8	7,556	35	10,594	25	9,001
Torpedo boats	47	7,490	24	6,436	257	24,322	14	1,358
Submarines	39	9,965	9	3,352	41	5,532	58	22,460
Total tons built and total tons building		1,633,116		188,494		609,079		227,033
Total tons built and building		1,821,610				836,112		

Type of vessel.	United States.				Germany.			
	Built.		Building.		Built.		Building.	
	Number.	Tons.	Number.	Tons.	Number.	Tons.	Number.	Tons.
Battle ships, first class[a]	22	292,146	7	114,000	22	260,250	6	98,400
Coast-defense vessels[c]	11	45,334			8	33,200		
Armored cruisers	10	128,445	2	29,000	8	79,600	2	34,200
Cruisers above 6,000 tons[d]	5	43,800			1	6,300		
Cruisers 6,000 to 3,000 tons[d]	17	61,370	3	11,250	18	74,160	3	11,050
Cruisers 3,000 to 1,000 tons[d]	19	26,317			19	40,685		
Torpedo-boat destroyers	16	6,957	5	3,750	60	26,298	12	7,560
Torpedo boats	32	5,615			48	8,539		
Submarines	12	1,632	7	2,142	1	180	2	360
Total tons built and total tons building		611,616		160,142		529,032		151,570
Total tons built and building		771,758				680,602		

Type of vessel.	Japan.				Russia.			
	Built.		Building.		Built.		Building.	
	Number.	Tons.	Number.	Tons.	Number.	Tons.	Number.	Tons.
Battle ships, first class[a]	11	152,548	2	38,950	5	62,600	4	58,600
Coast-defense vessels[c]	3	18,786			4	21,380		
Armored cruisers	11	108,900	2	29,200	4	46,200	3	24,000
Cruisers above 6,000 tons[d]	2	13,130			7	46,460		
Cruisers 6,000 to 3,000 tons[d]	10	38,994	1	4,100	1	3,100		
Cruisers 3,000 to 1,000 tons[d]	7	15,288	2	2,600	7	8,800		
Torpedo-boat destroyers	54	19,413	3	1,143	93	33,834	4	2,420
Torpedo boats	77	6,842			57	6,834		
Submarines	7	800	2	626	25	3,735	6	2,077
Total tons built and total tons building		374,701		76,619		232,943		87,097
Total tons built and building		451,320				320,040		

Type of vessel.	Italy.				Austria.			
	Built.		Building.		Built.		Building.	
	Number.	Tons.	Number.	Tons.	Number.	Tons.	Number.	Tons.
Battle ships, first class[a]	10	130,629	3	37,275	3	31,800		
Coast-defense vessels[c]					6	41,700		
Armored cruisers	6	39,200	4	39,320	3	18,800		
Cruisers above 6,000 tons[d]								
Cruisers 6,000 to 3,000 tons[d]	1	3,530			2	8,000		
Cruisers 3,000 to 1,000 tons[d]	10	21,920			3	7,050		
Torpedo-boat destroyers	13	4,133	4	1,460	4	1,600	2	800
Torpedo boats	66	7,804	11	2,305	36	4,285	3	600
Submarines	3	407	3	450			6	1,600
Total tons built and total tons building		207,623		80,810		113,235		3,000
Total tons built and building		288,433				116,235		

[a] Battle ships, first class, are those of (about) 10,000 or more tons displacement.
[b] Omitting the Iéna.
[c] Includes smaller battle ships and monitors.
[d] All unarmored war ships of more than 1,000 tons are in this table classed according to displacement as cruisers. Scouts are considered as cruisers in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted because all cruisers except the smallest and oldest now have protective decks.

N. B.—The following vessels are not included in the tables:
Those over 20 years old, unless they have been reconstructed and rearmed since 1900.
Those not actually begun, although authorized.
Transports, colliers, repair ships, torpedo depot ships, converted merchant vessels, or yachts.
Vessels of less than 1,000 tons, except torpedo craft.
Torpedo craft of less than 50 tons.

Relative order of war-ship tonnage.

At present.		As would be the case were vessels building now completed.	
Nation.	Tonnage.	Nation.	Tonnage.
Great Britain	1,638,116	Great Britain	1,821,610
United States	611,616	France	836,112
France	609,079	United States	771,758
Germany	529,032	Germany	680,602
Japan	374,701	Japan	451,320
Russia	232,943	Russia	320,040
Italy	207,623	Italy	288,433
Austria	113,235	Austria	116,235

Mr. BURROWS. From this statement it appears that the United States to-day ranks second among the naval powers of the world.

Mr. President, with such a Navy completed and in course of construction as we possess to-day and at peace with the world, the question arises, What pressing necessity can there be for increasing the limit as fixed in the bill, as it came to the Senate, from two to four battle ships? One of the reasons urged—and I may say the chief one—is the apprehension expressed by certain Senators that we are to have in the immediate future serious trouble with some foreign nation. The Senator from Washington [Mr. PILES] and other Senators—the Senator from Indiana [Mr. BEVERIDGE]—are apprehensive that we are to have difficulty with some nation somewhere; and the Senator from Washington especially, while disclaiming a belief that there is any immediate danger of trouble with Japan, yet nevertheless says there is a possibility of difficulty with that Empire in the near future, and therefore we ought to be prepared to meet such emergency should it arise.

I do not question the sincerity of the Senator's apprehension, but I will be permitted, and pardoned, I am sure, if I place more reliance upon what the Secretary of State says touching this matter, who, by virtue of his position, has superior opportunity to judge of the attitude and temper of foreign nations toward us. Secretary Root, whose diplomatic skill and genius adorn the great office of Secretary of State, speaking of this apprehension of difficulty with Japan, says:

> There was one great and serious question—

referring to the recent difficulty in California over the school question——

Mr. FORAKER. From what is the Senator reading?

Mr. BURROWS. From the American Journal of International Law, and from a speech of Secretary Root delivered before the Society of International Law, of which he is president.

> There was one great and serious question underlying the whole subject which made all questions of construction and of scope and effect of the treaty itself—all questions as to whether the claims of Japan were well founded or not; all questions as to whether the resolutions of the school board was valid or not—seem temporary and comparatively unimportant. It was not a question of war with Japan. All the foolish talk about war was purely sensational and imaginative. There was never even friction between the two Governments. The question was, What state of feeling would be created between the great body of the people of the United States and the great body of the people of Japan as a result of the treatment given to the Japanese in this country?
>
> What was to be the effect upon that proud, sensitive, highly civilized people across the Pacific, of the discourtesy, insult, imputations of inferiority and abuse aimed at them in the columns of American newspapers, and from the platforms of American public meetings? What would be the effect upon our own people of the responses that natural resentment for such treatment would elicit from the Japanese?
>
> The first article of the first treaty Japan ever made with a western power provided:
>
> "There shall be a perfect, permanent, and universal peace and a sincere and cordial amity between the United States of America on the one part and the Empire of Japan on the other part, and between their people respectively, without exception of persons or places."

Continuing, the Secretary says:

> Under that treaty, which bore the signature of Matthew Calbraith Perry, we introduced Japan to the world of western civilization. We had always been proud of her wonderful development—proud of the genius of the race that in a single generation adapted an ancient feudal system of the Far East to the most advanced standards of modern Europe and America. The friendship between the two nations had been peculiar and close. Was the declaration of that treaty to be set aside? At Kurihama, in Japan, stands a monument to Commodore Perry, raised by the Japanese in grateful appreciation, upon the site where he landed and opened negotiations for the treaty. Was that monument henceforth to represent dislike and resentment? Were the two peoples to face each other across the Pacific in future years with angry and resentful feelings?
>
> The great question which overshadowed all discussion of the treaty of 1894 was the question: *Are the people of the United States about to break friendship with the people of Japan? That question, I believe, has been happily answered in the negative.*

How idle is this talk of war with Japan in the light of these declarations of Secretary Root!

Mr. President, we would do well, too, to remember in the midst of this cry of war that this is an era of peace; an era of international parliaments seeking to devise means to settle international differences through the peaceful instrumentality of arbitration.

Let me quote the words of another great Secretary of State, Richard Olney, deploring the spirit of the times—the spirit of militarism which seems to have taken possession of some people—and invoking the higher and more humane spirit of arbitration, more in harmony with the spirit of advancing civilization of the age.

Speaking of the potency of this influence, ex-Secretary of State Olney says:

> In favor of all wise and just rules of international conduct formulated by conferences at The Hague or by other like conferences, the public opinion of the civilized world may be relied upon to furnish a force ever growing more and more potent, until such rules receive complete international recognition and acceptance. When, in 1823, Webster would have had this country express sympathy with the revolt of the Greeks against Turkey, and it was objected that the thing was useless, because we did not propose to fight for Greece or to endanger our own peace in any way, he made an answer which is among the most impressive of his public utterances:
>
> Sir, this reasoning mistakes the age. The time has been indeed when fleets and armies and subsidies were the principal reliances, even in the best cause. But, happily for mankind, a great change has taken place in this respect. Moral causes come into consideration in proportion as the progress of knowledge is advanced, and the public opinion of the civilized world is rapidly gaining an ascendency over mere brutal force. It is already able to oppose the most formidable obstruction to the progress of injustice and oppression, and as it grows more intelligent and more intense it will be more and more formidable. It may be silenced by military power, but it can not be conquered. It is elastic, irrepressible, and invulnerable to the weapons of ordinary warfare. It is that impassible, inextinguishable enemy of mere violence and arbitrary rule which, like Milton's angels,
>
> Vital in every part,
> Can not but by annihilating die.

This exalted sentiment, expressed by Mr. Webster more than three-quarters of a century ago, is peculiarly applicable to the times in which we live. "Though dead, he yet speaketh."

Secretary Olney further said:

> The Hague conference of 1899 did much in that direction by facilitating international arbitration and making mediation between angry states rather a friendly courtesy than a piece of officious impertinence. Other like conferences may be expected to make substantial progress in the same direction, and the advent of the time when "Nation shall not lift up sword against nation, neither shall they learn war any more," is by no means to be put down as among the dreams of poets or the visions of seers. The interdependent relations of states, constantly increasing in number and closeness and strength, are constantly making war increasingly difficult, impracticable, and repulsive. They are steadily bringing nearer and making more imperative agreements between the civilized states of the world, by which war, already branded as the worst possible violation of the dictates of common sense and sound morals, shall also be a crime in the sight of international law, and as such be both preventable and punishable by all the forces which organized civilization may be able to command.

I ask permission of the Senate to insert in my remarks, without reading, some excerpts from an article appearing in the last issue of a magazine called "The Navy," justifying the course of the committee in reporting the authorization of but two battle ships instead of four. The reasons are so cogent as to command attention.

The article is entitled "The battle-ship programme," from which I quote:

> It seems not wholly unfortunate that the House Naval Committee has reported a bill providing for only two battle ships instead of the four asked for by the Department. Undoubtedly the naval requirements of this country demand the very early addition of four battle ships of the *Dreadnought* type; but it is probable that the *best interests of our fleet* will be served by authorizing *only two this year.*
>
> Several considerations have to be borne in mind in regard to this matter. In the first place, four ships authorized now would in all probability be mere repetitions of the *Delaware* and *North Dakota.* The designs of these two ships, especially in regard to turret arrangements—which materially affect the interior structure of the ship—were not *finally settled* until well into last November. And there appears no reason to believe that the Board of Construction has devised or contemplates any improvement on these ships.
>
> One of these ships, moreover, is herself an *experiment.* The *North Dakota,* fitted with Curtis turbine engines, is an entirely new venture for our Navy; and there is no means of knowing until after she is

afloat and has had her trials, what modifications in her design may be necessary. Like the English *Dreadnought*, she is in a sense our big experimental ship; and until we know what she will do, and whether her designs need changing in order to make her efficient, it is certainly prudent not to duplicate her. It is at least possible that she may not behave well in squadron with ships of the same size driven by reciprocating engines. On the other hand, if the *North Dakota* proves to have the superiorities over ships with reciprocating engines that are to be hoped for, our future big ships should be turbine driven.

Some lessons may have to be learned also from foreign ships. The newly launched German *Nassau*, in particular, is one whose design our constructors need to pay attention. The number of guns she will carry and their arrangement appear to be so far a complete secret, outside the German officials. Our Berlin correspondent, whom we have reason to trust, says she will carry sixteen 11-inch guns, in an arrangement which he has roughly described. But it is apparent, from the tone of British service journals, that the armament of the new ship is not known in England. This ignorance of the details of the *Nassau* may, in fact, account, more than considerations of economy, for the decision of the British Admiralty to lay down no more than one *Dreadnought* this year. It will be seen, therefore, that neither as to our own *Dreadnoughts*, nor the newest ships of that type abroad, have we such knowedge as is *desirable before entering upon a construction of a group of four new ships*. Two more *Delawares* would give us a squadron of four ships of the same size; and, in the present uncertainties regarding this type, that is perhaps *as far as it is prudent to go now*.

The delay that would be occasioned by waiting for the trials of the *North Dakota* and *Delaware* could be compensated for in two ways. The contractors could undoubtedly be helped to finish them in considerably less than the contract period; and as to future big ships, a proper management of preparation should enable us to complete them in two years, instead of in the four or five now required. Measures could be so taken that the delay of any additional big ship for two years would leave us just as well off four years from now as there is any likelihood of our being if four ships are authorized this year and built under the prevailing system; with the added advantage that we should have "improved" *Dreadnoughts*—a thing not apparently probable now.

More than this, there is urgent need, before entering upon extensive construction, of adopting a definite naval programme extending over a series of years and planned with reference to the programme of other nations. We should decide upon a certain size of fleet, made up of certain kinds of ships, and work consistently and steadily toward getting it. So far we have "muddled along," doing too much one year and not enough the next, and doing it inconsistently, with such a result, for instance, as the launching this year of two battle ships, the *Idaho* and *Mississippi, that are woefully out of date*. It is to be hoped that the awakened interest in the Navy all over the country will support Congress and the Department in the adoption of a well-arranged and definite quantity of naval construction.

These reasons, I submit, are sufficiently cogent to command attention if they do not convince.

But it is contended that we must follow the lead of other nations; that England is building a great navy; Germany is increasing hers; and it is important that we should keep pace in our sea armanent with the naval powers of the world. I have in my hand a pamphlet which answers this contention so well that I venture to read an extract from an address delivered by Doctor Jefferson, an eminent divine of the city of New York. He says:

2. But if these four nations—

Speaking of England, Germany, France, and Japan—

have great navies, we must follow their example. We can not afford not to do what they do. So men say; but why not? We are not like them. Their situation is different from ours. They have enemies, hereditary enemies; we have not. Everybody says we have not. President Roosevelt says so. All our statesmen say so. All the statesmen of all the other countries say so. Moreover, these four nations are our special friends. We are coming closer all the while to England. Germany and America have never been such good friends as now. France and our Republic have always gone hand in hand. Nobody outside of a pack of mischief-makers has ever dreamed that Japan has any feeling toward us but one of good will. We never have been entangled by the international complications of the wild and rude centuries that are gone. Why should we follow the example of nations who became embroiled centuries ago? Why should we squander our money in adopting a fashion which is not needed here, and which is so ruinous that the wisest hearts and heads of the Old World have groaned under it with an agony that is unspeakable?

* * * * * * *

But it is said:

4. "We have colonial possessions and we must protect them. How can you protect them if you do not gather them under the steel wings of a fleet of battle ships?" So men ask. But this terror is born of a disordered mind. When men become infected with the poison of militarism they have many of the symptoms of a man in delirium tremens. The world becomes filled with snakes, day and night are crowded with horrors, the universe is a hateful, hostile, hissing thing, and every moment gives birth to a new peril.

But it has been said in course of this debate that we must build a larger navy in order to insure peace with the world; that the way to keep the peace is to impress the nations of the earth that we are mighty and invincible in war. The distinguished Secretary of State in his recent unostentatious visit to the South American countries did more on that one journey in the interest of peace than could have been accomplished by the marshaling of all the battle ships we could command.

Doctor Jefferson comments upon this folly as follows:

5. "To keep the peace we must prepare for war." Some one said that long ago, and men have repeated it as though it were a word from the mouth of God. Its hollowness is evident to anyone who will look into it. The fact is that to keep the peace we must prepare for peace. If you want war, then prepare for war, multiply your guns, burnish them and make them shine, practice with them, keep the air filled with the reverberations of the roar of cannon. Swing your fleet from one ocean to another just when hearts are most irritated. Fill your newspapers with accounts of what your ships are doing, crowd your magazines with pictures of torpedo boats and destroyers. Set all the young men of the country thinking and talking about war, and then some day war will come. It is inevitable. If a nation does not want to fight it must put up its sword. It is amazing that there is an intelligent man on the earth who can not see this.

But it is said we need a larger navy in order to defend the Monroe doctrine. May I ask to have read a communication from Hon. John W. Foster, that accomplished diplomat and Christian statesman, in reply to the statement that our Monroe doctrine is no stronger than our Navy.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

EDITOR POST: Secretary Taft is reported, in your issue of this morning, to have declared, in a public address at Louisville, that "the principle of the Monroe doctrine is just as strong as our Navy and Army, and no stronger."

A greater fallacy never was uttered by an intelligent statesman. Our history plainly proves the contrary. The two most important occasions when the principle, or doctrine, was asserted aggressively by our Government was by President Monroe, in 1823, and by President Cleveland, in 1895. The "Holy Alliance," against whose aggressions the doctrine was asserted by President Monroe, had navies and armies which, either separately or combined, very greatly exceeded those of the United States. And the same may be said respecting the relative navy and army of Great Britain and the United States when President Cleveland uttered his warning.

I thank God there is a greater power in the world to-day than navies and armies. It is the moral sentiment of mankind. If the Monroe doctrine was not founded on sound policy and justice, with all our great resources we could not build a navy or organize an army large enough to maintain it.

JOHN W. FOSTER.

WASHINGTON, *April 11*.

Mr. BEVERIDGE. Does the Senator object to an interruption?

Mr. BURROWS. I prefer to finish, as I understand the Senator is going to close the debate, and can then make reply.

Mr. BEVERIDGE. There was not any debate except one speech to-day. Of course it is necessary for me to say something in reply.

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. BEVERIDGE. I will not ask the Senator to yield, but I shall want to refer to the speech made by the Senator from Michigan.

Mr. BURROWS. Mr. President, it is said that this increase in our naval armament is demanded by the people. The last authoritative expression of opinion by the people upon this subject comes from the popular branch of Congress, which, elected by the people, speaks for the people; and that voice is against the building of four battle ships by a recorded vote of 199 to 83. That is the latest and most authoritative expression of the will of the people, and I have no hesitancy myself in following that expression of the public will and agreeing with the House of Representatives in the construction of only two battle ships.

The spirit of this age, Mr. President, the dominating thought of this country, is the spirit and thought of arbitration, of peace and not war; and that spirit permeating the Christian people of this country to-day as never before is only marred by the discordant notes of war heard in the halls of the American Congress.

Let us hope, Mr. President, that the time is near at hand, nay, already here, when the people of the United States and the civilized nations of the world "shall beat their swords into plowshares and their spears into pruning hooks; when nation shall not lift up sword against nation, neither shall they learn war any more."

Mr. McCUMBER. Mr. President, I can not help but feel that Congress itself has a duty to perform in the great subject that is before us to-day. I can not help also but feel that the framers of the Constitution, when they separated the great powers of this Government and set the line of demarcation between the exercise of those powers, intended that Congress should exercise its judgment, and that the vote of Congress should be the consensus of the opinion of all the members of both bodies.

I have not changed my conviction upon that proposition in all the argument that has been made before us upon this great, this most important question. Congress has its duties to perform. Congress receives all the information that it can from each of the great Executive Departments, digests that information, measures its ability to comply with the request of each of those Departments, and in the end it generally does what is right and just for the American people.

Under the system that is in vogue to-day each Department reports to the President the requirements of that Department

for the ensuing year. The President communicates that information to us in the messages which we receive at the beginning of every session. Then Congress takes account of the expenses and the income of the Government, and if it acts justly and in accordance with the will of the country, it makes every possible attempt to keep its expenses within its income, and so apportion the outlays for the demands of government as will meet the necessities of each Department as near as it is possible to do so. I am somewhat surprised that in all the argument for the additional enormous outlay for battle ships not one word has been said as to where we are to get the money to pay for them. Are we to borrow the money or come back here in a few months and vote a deficiency bill carrying some $80,000,000?

We know as a matter of fact, Mr. President, that if we followed absolutely the recommendation of each of the great Executive Departments of the Government for what the Department thought was proper to be appropriated for its purpose, we would bankrupt the Government in a single year. So we are compelled to prune down here and there until we have brought the expenses as near as possible to our idea of what the future will bring of money for our use. That is the business proposition that is presented to us to-day.

I know that there are many people of the press and I know that there are many other people in the United States who are actuated more or less by the love of power, which permeates every individual to a certain extent, who will always be in favor of building up the Army and of increasing the Navy to any extent, and no matter what the extent of any proposed addition it will always be popular with a large number of people.

But, Mr. President, those same people who are guided and controlled by their impulses in matters of this kind are always the very first ones to open their batteries of condemnation upon Congress if at the end of a fiscal year it is compelled to borrow money in "piping times of peace" to carry on the Government of the United States. So I insist that as a business proposition we should keep our expenses as near as possible within our income for the ensuing year.

Mr. President, I believe that there is not a single Senator in this body nor a single Member of Congress who is not in favor of maintaining a good, strong Navy, and of building it up as rapidly as the conditions of our income will warrant, taking into consideration the demands along every other line.

The Senator from West Virginia [Mr. SCOTT] but a few days ago made a most eloquent plea for a greater number of public buildings. The plea which he made to the Senate was one all must admit to be correct and proper. We were forced to the conclusion that we have not sufficient public buildings in the United States to properly conduct the business of the country. We were forced to the conclusion that we are paying three or four times the amount that we ought to pay for the rental of buildings in which to conduct our business. And yet we are compelled in order to keep within our income to forego the construction of these buildings that are so necessary.

Again, the whole West and Northwest, desiring to build up their country, are appealing to us to appropriate a greater sum of money for soil surveys. The people of that section wish to present their claims not only to the old countries, but to this country, by showing the soil in a particular locality and demonstrating that it is a place to come to to make American homes. The Senate Committee on Agriculture and Forestry was compelled to cut that appropriation down, because they say we have not sufficient income to meet that demand.

In considering the question of whether we should provide for two or three or four battle ships this year, I can not idly lay aside the conclusion, and, considering its importance, I must believe the careful conclusions of the Committee on Naval Affairs of this body. I know that every question pro and con has been carefully considered, and I can not but feel that if they believed that the immediate demand for four instead of two battle ships for this year was so imperative as to justify overdrawing our income some $20,000,000 for that item alone, it would have been so recommended. Nor can I lose sight of the fact that the other House of Congress, after having also carefully considered the matter, by a vote of nearly three to one, spoke its judgment in favor of two battle ships this year.

Mr. President, I listened with a great deal of interest to the illogical logic—what I consider very one-sided logic—about this necessity of preparing for war in order that we may keep the peace of the country. That proposition, old as it may be as a plea to the public to build up the armaments of each of the great military establishments of the world, in my opinion has no foundation on which it can possibly stand.

The rule is exactly the opposite of this. If it were possible that we could conceive of every nation being about as powerful as every other nation and supplant that with the conception that each one of these nations is desirous of despoiling the other, then the rule would be applicable; each would be compelled to arm itself equal to its watchful antagonist. But inasmuch as that condition can never be, the rule can seldom be applied to conditions as we find them.

Mr. President, let us look into this proposition for a moment. Let us take the countries of Europe and see whether the rule applies there. Germany has a vast standing army. She is always prepared for war upon the land. Has that vast standing army been to Europe an assurance of peace, or is it a condition that is always inclined to lead her into war?

Everyone who reads the press of the country and the press of the world knows that it takes the combined diplomacy of all Europe to prevent a conflict, ever imminent, because of her preparedness for war. Let us carry our minds back two or three years to the Moroccan occasion, to the dispute between Germany and France. Germany was ready, ready at a moment's notice, to strike at her old enemy. It was the influence of the world and the diplomacy of the world that maintained peace at that time; maintained it not because Germany was prepared, but despite that preparation.

So we can follow history from its beginning down to the present time, and I say that instead of the rule being that preparedness for war is a prevention of war we are forced to the opposite conclusion.

Mr. President, we of the Caucasian race have always the spirit of warfare and of aggression in our hearts. We never can eliminate it. It is absolutely true and undeniable that the great Caucasian race has fought more wars of aggression, and, we are compelled to admit, more wars of injustice, ten times over, than all the rest of the world.

But I want to show that the question whether preparedness for war is a guaranty for peace depends entirely upon conditions outside of this preparedness. Little Switzerland has been able to live independently for a great many years. Norway, in its merchant marine, being about the third or fourth country in the world to-day, has no great battle ships to repel a German attack, and yet her situation and the condition of her environments in Europe are such as to insure her independence as against an aggressive nation. If there is a universal rule that the peace of a nation is dependent upon its being able to match its army or navy with each other power, how is it that these little kingdoms of Europe still continue to live happily and peacefully, freed from the burdens of supporting vast armies and navies?

Italy can not to-day compete with Germany or any of the great powers in Europe with her navy, and yet she is absolutely protected against aggression from other countries. That is true, Mr. President, of all of the countries of Europe, but about four.

Now, let us glance for a moment to our own conditions and environments. The Senator from Indiana says we should approach this subject from a business standpoint—I want to comply with his suggestion. A competent general not only takes cognizance of the strength and weaknesses of his own army and how it is surrounded and protected, but he also looks at the condition of the enemy and determines therefrom whether he will be the one who shall make the attack or whether it will be the enemy that will be liable to make it. When we look at our condition and situation as regards the rest of the world, we are forced to the conclusion that we are so situated that we can determine the time when we shall have war with any other nation upon the face of the earth, unless we, through a sensational and lurid press, are inclined to flaunt our superiority of arms and power in the face of nations that must fight in order to sustain their own honor.

Mr. President, every argument that I have heard in favor of the building of four war ships is just as good an argument in favor of building ten war ships. Not one sentence which has been uttered here has given the foundation for the argument that we must have four war ships, which does not apply with equal force to the theory that we must have ten or more war ships.

I am not insensible to the argument, that if actual war should at any time be thrust upon us, we should regret that we had not these two extra battle ships. Yes, and we should also regret that we did not have ten more instead of two. No nation ever entered into a war that did not regret that it did not have greater strength and more war material. These two extra ships could not stave off war that is imminent, because they could not be completed within three or four years.

I should like to disillusion the mind of my friend from Washington [Mr. PILES] of the idea that the specter of war is hanging over the Pacific Ocean, and that it is liable to come down like a cyclone upon that section of the country at any time.

When two great nations determine that they must resort to the arbitrament of arms in order to settle a dispute, they will generally consider what that arbitrament of arms will mean to them. That final result of appeal to arms is just what every country in the world must and will take into consideration. There is no Senator here who will not agree with me that the nation that will be successful in war will not only be the nation that has got the men, but the nation that has got the money and resources back of it in order to conduct a war.

In the late war between Japan and Russia, the little Empire of Japan was compelled to borrow of every country in Europe, and in the United States, and to sell her bonds bearing 6 per cent interest for a little over 90 cents on the dollar at the time. That was when she was fighting for her very life, and fighting right at home, upon her own borders, and figliting a battle of defense against an enormous power, which meant either that she must be victorious or must forever sink to the level of a fifth or sixth class power. She was compelled, under those conditions, to draw upon every one of the banks of Europe. What would be the condition of that little nation across the ocean, with only about one-half the population of the United States, with only one five-hundredth of the territory of the United States, with less than one one-hundredth of the income of the United States—what would be her position in the financial world if she attempted to borrow money to conduct a war against this mighty nation? She could not get a dollar in all Europe; and not having a dollar at home to-day, being loaded with a debt that must hang heavily upon the shoulders of her people for many years, she would not venture into an aggressive war against such a powerful nation as this. That we might force her into it to maintain her own honor is barely possible, but very improbable.

Nor is that the only reason. I agreed with the Senator from Indiana when he wrote so optimistically of The Russian Advance, and I will agree with him that that mighty power has only been checked. I do not believe any nation in the world understands that any better than the little kingdom of the Mikado; and the moment that nation should engage in a bloody war with such a powerful opponent as this the Russian bear would again be upon its haunches, and with its iron claws would destroy the little empire and regain Manchuria before it could turn from one giant antagonist to the other. So I am not afraid of an aggressive warfare from that side of the ocean.

Let us see, then, where else war is to come from. The next and greatest naval power in the world is Great Britain. Will she ever attack the United States? Great Britain with her immense navy is the most peacefully inclined country in the world to-day. Why? Not because she has such power, but because she knows what war will mean to her. She knows that while the sun never sets upon the British Empire, the sun must also never set upon the war ships that must be kept where Britain's colony is located. So while a mighty country like this would not be vulnerable from any point, the great Empire of Great Britain is vulnerable at a thousand points at one time. Her situation, her environments, and her scattered colonies on which she is dependent for food for her millions renders a great navy indispensable to her safety. But not being situated as is Great Britain there is no reason on earth why we should take the British navy as a standard by which we should build up our own.

In addition to this, the hostage for peace between this country and Great Britain lies to the north of us. I speak of these things to show how impossible war is with this great country, whose immense shore lines are on two oceans, with our power and our ability to raise an army for defense and to maintain an army of any necessary size and to continue building battle ships all of the time to answer the demands of a gradual and proper growth.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Always.

Mr. BEVERIDGE. The Senator from North Dakota has just said in his closing utterance that war was impossible; which I hope is right. If war, then, is impossible——

Mr. McCUMBER. I will not say "impossible." I will modify it, if I used the word "impossible," and say "almost impossible—improbable."

Mr. BEVERIDGE. Well, that of course is different. "Almost improbable" is different from "utterly impossible." The only question, then, that I was going to ask—but I will not ask it now—if the Senator thinks it is absolutely impossible, or, as he stated, "utterly impossible," does he not think it is a wrong policy for us to pursue to build any navy at all?

Mr. McCUMBER. Oh, no; Mr. President, not by any means. War is always possible; but if we are to build a navy upon the possibilities and not upon the probabilities of war, then our Navy should be as great as all of the navies of the world combined. No nation on earth will or could pursue that policy.

Mr. BEVERIDGE. Mr. President——

Mr. McCUMBER. Just a moment. Great Britain is compelled to maintain a navy double that of any other country in the world, because she is subject to attack at more than double the number of places of any other nation in the world, and must necessarily distribute her forces. With a little island only about half as large as the State in which I live, in which she must care for more than 50,000,000 people, it is necessary for her to have egress and ingress to all the markets of the world, and it is necessary for her to have a navy that will keep them open for her. We have enough to live on for a hundred years at least in our own country without calling upon the outside world for one dollar's worth of material, and during all that time, safe in our mighty realm, we could be striking at any other nation in the world. That is why we have the guaranty of peace.

Mr. BEVERIDGE. I stated when I arose that I intended to ask the Senator a question, but I shall not now ask it. I will, however, ask a question in view of the Senator's last remark. I remember that no plea more eloquent and informing has been made in this Chamber or in public life for foreign trade than that of the Senator as to the absolute necessity of our having foreign trade, and although now the exigencies of debate make the Senator say that we could live for a hundred years absolutely disconnected from the outside world—of course we could, I think, for a thousand—but now the question I was going to ask is this: The Senator modified his statement of war being utterly impossible—with which I wish I could agree—to "almost improbable."

Mr. McCUMBER. I will put it "improbable," leaving out the word "almost."

Mr. BEVERIDGE. Well, "improbable." That is a very distinct limitation. Now, then, upon that no one contends that the Navy should be as large as all other navies of the world combined, because we could not possibly—that is an impossibility—get into war with all nations combined.

Mr. McCUMBER. Not impossible——

Mr. BEVERIDGE. Yes; with all nations combined.

Mr. McCUMBER. But very improbable.

Mr. BEVERIDGE. With all nations combined, impossible. Now, it being true that it is improbable—that is, it may be or it may not be—ought we not to have a navy adequate to immediately act in case the improbability became the fact?

Mr. McCUMBER. That is what we are doing, Mr. President. That is just exactly what we have done to-day. I am speaking of that improbability, and saying that we are prepared for the improbabilities, and for the great improbabilities. It has been admitted again and again, and I think that it is without any doubt, that we are the second great naval power in the world to-day, vessel for vessel and gun for gun. That is our present situation, and if I am to vote to increase the Navy beyond that necessity, I must see what the danger is that will necessitate a greater navy than that.

The only power in the world having a greater navy is Great Britain. That greater navy in all probability would not be used against this country, because the final result must necessarily be disastrous to a country that must depend wholly upon her international trade. She is subject to weaknesses to which we are not subject. So we will eliminate the British Empire from the field of war probability.

Then, I come next, after having eliminated Japan and Great Britain, to the probability of a war with Germany. The only thing that has ever been stated by our press—and I disagree with it on that—is that the great German Empire has had an eye upon South America, and would, therefore, wish to break in upon our Monroe doctrine.

Mr. BEVERIDGE. May I ask the Senator a question right there?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. I think perhaps the Senator's recollection will be much more vivid than my own. I do not see here the Senator to whom I am going to refer, but was not a speech made upon this floor by the senior Senator from Massachusetts [Mr. LODGE], whose learning all of us admit and admire, upon the acute probability of difficulty with Germany about South America some three or four years ago, during our mutual incumbency of seats in this body?

Mr. McCUMBER. I do not think any Senator has ever gone to the extent of presupposing that any acute question would arise upon a breach of the Monroe doctrine.

Mr. BEVERIDGE. I may be wrong about that, but I think not. The Senator may remember about it. I shall look it up almost immediately.

Mr. McCUMBER. A serious question, if I may call it serious, and yet one that could easily be diplomatically settled, was the question whether foreign powers should bring their war ships across the ocean to enforce private contracts in the South American Republics. That matter has been settled. It went to The Hague. Such questions will always go to some arbitrating of that character rather than to the arbitrament of war. But I want to call the Senator's attention to the fact that we have maintained the Monroe doctrine during all these years when we had practically no navy. If we have maintained it without any navy in all the past years, what reason have we to assume that now it must necessarily take a navy greater than that of any country except Great Britain in order to maintain that doctrine?

Mr. President, there have been in the past promises, almost, on the part of the Committee on Naval Affairs. After we had appropriated large sums for these great war ships we have been assured almost positively that the policy would be to build one war ship each year. We have done that and more than that. The President of the United States has concurred in the action of the two committées of Congress upon that subject. Suddenly it comes from somewhere—I assume first from the Navy Department and then through the President—that we ought to provide this year for four instead of one battle ship. In this bill the committee has gone half way and provided for two, and the only question that is before us to-day is whether we shall have two this year and two next year, or whether we shall have four this year and possibly none next year.

Mr. HALE. Or four more.

Mr. McCUMBER. Or posibly four more next year. If what has been stated by the Senator from Indiana, as I understood the purport of his address, and by the Senator from Washington has anything more than vivid imagination for its foundation, then this whole subject ought to have been considered in secret session and not publicly. The very fact that we have not seen fit to close these doors is evidence to my mind that no Senator has any grounds to urge upon this Senate why we are in such imminent danger from these great powers that it is necessary for us to go outside of what we had determined to do and to double the number of battle ships in this particular year.

But few of the people who are always clamoring for this immense show of power have ever fully realized what it costs the American people. The chairman of the Committee on Naval Affairs ever since I have been in the Senate has given us year after year a solemn warning of what we were coming to in this respect. He informed us, or some one did only a few days ago in debate, that we are to-day paying more than 70 per cent of all the income of the United States for matters pertaining to past wars and for preparing for future wars. If the policy of the War Department and the policy of the Navy Department should govern us in our deliberations, in less than ten years we will be paying out 90 per cent of all the income of the United States for war purposes alone.

Mr. President, I have before me a statement, which I cut from one of the great New York papers, entitled "What the biggest battle ship means in money," and I ask that the Secretary read it.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WHAT THE BIGGEST BATTLE SHIP MEANS IN MONEY.

The *North Dakota*, when completed and ready to go into commission, will represent an initial outlay of $10,000,000.

Nearly $1,000,000 of this will be spent for guns alone. There are ten 12-inch guns, at $65,000 each, and fourteen 5-inch rifles, at $10,000 each, in the main battery, besides twelve rapid-fire guns and minor pieces.

To fire one broadside from the main battery will cost $17,000, exclusive of cost of maintaining gunners. One shot from each 12-inch gun will cost $1,160, and from each 5-inch gun $430.

One broadside from the main battery means the firing of 10,000 pounds of steel shot. This is 3,000 more pounds of projectiles than Dewey's whole fleet could fire at the battle of Manila.

To fire one shot from each 12-inch gun will require 250 pounds of powder, at 80 cents a pound. Each projectile for the 12-inch guns weighs 850 pounds and costs $310, making a total cost of $510 for each shot. To this must be added an allowance of $650 for deterioration in the gun, as the 12-inch firing piece is practically unfit for further use after being fired 100 times.

The cost of keeping the *North Dakota* in commission and in first-class fighting trim will be $1,000,000 per annum. This includes the feeding and paying of her crew of 900 officers and men, ordinary repairs, machinery, and other ship supplies and coaling.

Mr. McCUMBER. These figures, Mr. President, are most astounding. Few of us are capable of comprehending what an immense fleet's daily or weekly gun practice means in money that is absolutely burned up. Every shot from a 12-inch gun means $1,160 blown out of existence. Every broadside from the *North Dakota* means $17,500 furnished by the taxpayers of the American nation. Take all of your vessels, with their constant practice, and then you will be able at least to comprehend in some slight degree the enormous expense of maintaining an efficient navy. This ought to cause us to halt for a moment to see what it means—the curtailing of appropriations for the thousands of things we ought to have for our internal needs. I, Mr. President, can understand why Great Britain, Germany, and even little Italy, should strain every nerve in order to keep up their vast armaments; but when I travel into one of those countries and see their mighty marine power on the one hand, with the gold braid and the gold rope, the pomp and the power, and all that it signifies to the world, and then look upon the pinched and starved faces of the millions upon millions who are being taxed to death for the very purpose of maintaining those mighty armaments, my whole heart and soul go out for peace. When I feel that this country, above all other countries in the world, is so situated that she can at all times use her mighty power and influence for peace, then I hate to see her, one of the great powers, go into competition with and compel all of the great powers of Europe to bring their citizens down to the verge of starvation in order to match the great American vessels. We should speak for peace, and, in my candid opinion, our voice should ever be for the purpose of disarmament rather than for the purpose of armament.

Mr. President, it has been stated by the Senator from Indiana that if at the time of our war with Spain either our country or Spain had had more war ships we might have had peace instead of a resort to arms. We determined when we wanted to go to war with Spain. We knew that we had the power to crush her at any moment's notice. We did not need but twenty-four hours' notice.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. McCUMBER. It is possible that if we had not been so well armed we would not have hurried quite so much. It is possible that if the great nations of Europe were not so well prepared for war they would use diplomacy for a longer time and that diplomacy in the end would win. So this theory that being prepared for war brings peace is certainly as broad as it is long, and, in my opinion, it is broader.

Mr. BEVERIDGE. If the Senator will permit me——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. The Senator says that we knew we could crush Spain. The trouble is, as I pointed out, that our preponderance was not such that Spain knew that same fact. Had our preponderance been that great, I think most of those who have studied the question agree that Spain and ourselves would have settled the difficulty by diplomatic processes.

Now, I wish to ask the Senator a question. He said that we knew that war with Spain was coming. How many persons knew that war with Spain was coming three months before it did occur? None of the veteran Senators here thought so.

Mr. McCUMBER. The Senator is mistaken. I do not say that this country knew that war was coming with Spain.

Mr. BEVERIDGE. I think the Senator will find it in the RECORD.

Mr. McCUMBER. I may find it in the RECORD in some one's else address, but certainly it is not in the RECORD in my address.

Mr. BEVERIDGE. I think it will be found in the Senator's remarks.

Mr. McCUMBER. No; Mr. President. The proposition I make is that with a weaker power we are always able to go to war at once if we are prepared, whereas if we are not so well prepared we often settle by diplomacy what would otherwise have to be settled by the sword. The Senator from Indiana knows as well as I know that the man who goes armed is always the man who does the shooting in self-defense; that the man who knows that he is ready for an encounter is always the man who finds some excuse to get into that encounter; and what is true of the individual is equally true of great nations. There is not a powerful nation in Europe to-day capable of taking territory from another power that, by reason of her vast preponderance of power, is not anxious and ever seeking a pretext to extend her domain.

So, Mr. President, I can hardly understand the necessity for this feverish activity to suddenly add four more battle ships to our Navy. We can not even wait to build colliers to supply them, but we are compelled to go into the open market for them. It would be considered the height of folly if we were to say that we should build ships and provide guns and yet have no ammunition with which to fire them.

But that is no more of a folly than the idea that we can go to war and can supply the men for these great ships until we have built up our merchant marine. We may take young men to-day and put them directly into the Navy, but whenever with that Navy we get into a war with any great power we will have to double the number of men immediately, and where are you going to get them? You can not get them, if they are to be any good, unless they are seamen. You can not have seamen unless you build up your merchant marine. And so side by side with the gradual development of our Navy should be the gradual development of our merchant marine, to furnish the men for the Navy. And yet we are doing nothing along that line.

Mr. President, the Senator from Indiana [Mr. BEVERIDGE], with a great deal of vehemence, almost tragically intimated that his vote upon this subject would be governed by what foreign countries did not want him to do; and in a sentence with a dash between each word as long as a crowbar he said: "How would any foreign country want you to vote on this question?" I can answer him, "How would the steel company have us vote on a question of ten ships?" I will not be governed by the foreign idea of what we ought to do, nor will I be governed by what the steel trust would like to have us do. But I shall be governed by what I feel we ought to do in the gradual and proper building up of a great navy.

Mr. President, we are second in naval power to-day. There is not any question in my mind that in a few years we will be first, and what have I to base that assumption upon? I tell you, Senators, that the ability of these foreign countries to maintain navies of the kind they are building now has about reached a limit. They all understand that they have not the resources to continue that development and growth indefinitely. We can go on year in and year out and put out two or three or a greater number of battle ships, if it is necessary, to add to our Navy.

There is not to-day any country in Europe whose budget does not show a greater expense every year and comparatively less income to meet that expense and whose national debt is not being increased every year in order to meet the great demands upon it. There will be a limit on the other side of the ocean, and long after they have reached their limit we will be developing and increasing our Navy to a higher and higher standard of power and effectiveness. So I believe, Mr. President, that the best policy is for us to keep on developing our Navy, not too hastily, and to keep somewhere within our income. If we were to construct four this year, they would probably each be of the *Dreadnought* class. Who can say that next year we might not change our plans about effectiveness and with the same money build two or three times the number of a smaller type?

I did not really relish what I think the Senator from Indiana [Mr. BEVERIDGE] did not purposely intend to convey and yet which was conveyed to me, that every man who could not agree with the Commander in Chief upon how many ships we should build in a year was necessarily hostile to him and his policies. I do not believe there is a Senator here who is more closely attached to those great policies of the President of the United States in reference to the economic conditions in this country and the opening up and keeping open of the field of opportunity to every man, woman, and child on the American continent than I am. But that does not mean that in order to agree with him upon these great policies I must surrender my individual judgment upon just what should be done in every particular case, as to whether we should build two battle ships this year and two next, or whether we should build four this year and none next, or just how we should apportion our income to meet the thousands of governmental necessities.

So I do not believe it is proper, at least from my standpoint, to assume that anyone speaking against the consumption of nearly all our resources for the purpose of building up the Navy is hostile to the Administration generally or hostile to the wishes of the Department. I say I do not believe the Senator from Indiana intended it in that way, and yet it was conveyed to many of us in that sense. I always have stood by and ardently supported all the President's great economic reforms, because I feel that they are fundamentally and eternally right.

Mr. BEVERIDGE. If the Senator from North Dakota will pardon me——

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. I have my remarks before me. I never made any such statement, and when the Senator comes to read my remarks, unchanged, he will find that the statement at the time it was made was absolutely free from any possible inference of that kind. I not only stated that any Senator who disagreed with the President upon the question of four battle ships was not hostile to his economic policies, but that he was not hostile to him even upon this policy. My reference, as the Senator will see when he comes to read it, was distinctly as to the weight which the Senate of the United States should give to what the President himself in his message called his solemn request of Congress to provide these ships.

Mr. McCUMBER. I am glad to have the Senator state what he has just stated. I think I attach as much importance to messages which come from the President of the United States as any other man in the Senate, but I can not but remember that only a very few months ago the President was in absolute accord with the committee of both Houses for one battle ship a year. We gave him the one; we gave him two; and if there was any reason given to the Senate why we should suddenly give four, I would support four, and if I was as fearful of war as some Senators who have expressed themselves upon this subject seem to be, I would vote for ten.

Mr. BEVERIDGE. Does not the Senator——

Mr. McCUMBER. I am through.

Mr. BEVERIDGE. I merely wish to ask the Senator a question before he takes his seat. The Senator says "if any reason was given." Does not the Senator think that some reason was given in the President's special message, which we all have before us and which has been made public not only to this body, but to the world?

Mr. McCUMBER. I have heard of none, unless it is based upon the idea that as the other countries of the world are more rapidly increasing their navies we should do likewise.

Mr. HALE obtained the floor.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Missouri?

Mr. HALE. I want to say a word about the order of business——

Mr. STONE. Proceed.

Mr. HALE (continuing). In which the Senator is as much interested as I am.

Mr. President, the Senate has spent substantially a solid week of long days upon this one appropriation bill. It is met with the fact that there still remain untouched the agricultural appropriation bill, the District of Columbia appropriation bill, the consular and diplomatic appropriation bill, the great sundry civil appropriation bill——

Mr. FRYE. The post-office appropriation bill.

Mr. HALE. The post-office appropriation bill, and the general deficiency appropriation bill.

Mr. WARREN. And the Military Academy bill.

Mr. HALE. And the Military Academy bill. The list is even larger and more formidable than I supposed.

Mr. WARREN. I may say that there are also conferences on nearly all of the other bills.

Mr. HALE. I was going to say that there are conferences on almost every one of the other bills which have been passed.

I think there is a general accord of sentiment that it is better, all things considered, that we have an early adjournment. I may be wrong about that, but I leave that suggestion to the minds and wishes of Senators. I think that is the feeling.

Now, we can not encompass an early adjournment unless we bring these appropriation bills speedily before the Senate and consider them and pass them and send them with the amendments to the other House and get them into conference and wind up that part of the business of the session.

That does not exclude the consideration of other appropriation bills, important bills, beside the regular appropriation bills—the omnibus claims bill, the public buildings appropriation bill and other important legislation affecting the business of the country that will come in at times when the appropriation bills do not preoccupy the floor.

I thought this was a fitting time—it is a sort of an old story—to bring this to the minds of Senators. I think it is fitting that we should over Sunday consider these things and see what we are going to do in the way of the business of the Senate.

As I have said, this bill, very important, but only one of the important bills, has occupied substantially a week. It is now half past 4 o'clock, the end of a laborious, wearisome week. I have a list, which has been given to the Presiding Officer, of those who desire to be heard on this bill. While for my

own convenience, and I presume in accord with the wishes of a very large majority of the Senate, I should like to end this bill to-night, as I hoped to do last night and the night before, I see that that is practically impossible. I am not doing this in any way to exclude proper debate; we have had it for a week, and Senators have spoken and spoken well, intelligently, and they have stuck to the subject, with no wandering, but I am constrained to do now, what is always done when we meet a condition of this kind, see if we can not agree that this bill shall be disposed of. I do not suggest holding the Senate here until 6 or 7 o'clock and then perhaps finding that we can not pass it, which would be adding a needless burden and make it tiresome, but I ask unanimous consent that the bill and all amendments shall be voted on finally previous to the adjournment on Monday.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the pending bill and all amendments——

Mr. HALE. All pending amendments.

The VICE-PRESIDENT. And to be offered——

Mr. HALE. To be offered; that is well understood.

The VICE-PRESIDENT. Be voted upon before the Senate adjourns on Monday next.

Mr. STONE. Certainly, Mr. President, I have not any objection to that arrangement. I am as anxious as the Senator from Maine can be, although he is in charge of this measure, to bring it to a speedy conclusion, very largely for the reasons he has stated.

The debate so far, however, has been almost wholly upon the other side of the Chamber. Only one Senator upon this side, the Senator from Kentucky [Mr. McCREARY], has spoken, and he briefly. I do not know how many Senators desire to speak on this bill. I should like on Monday morning to occupy a short while. I do not wish to prolong what I shall say to the discomfort of the Senate. I wish to discuss some phases of this measure, and particularly a collateral question that has been projected into it in the course of the debate. I do not wish to proceed to-night, at this late hour. I have not any doubt that by 5 or 6 o'clock Monday we will be able to conclude the debate. We certainly ought to be and get a vote upon the amendments and upon the bill and bring it to a conclusion.

Mr. HALE. For three days, each morning, Senators have said to me, "We shall settle this matter before night." The day has gone; the time has been consumed. Can we not agree now that a day shall be fixed when we will take a vote? I want every Senator who desires to discuss it. I agree I will not interfere. I will not be in the way, although I have charge of the bill. I desire, and I presume I should have the opportunity before a vote is taken, to close the debate upon the amendment, but I do not even expect to ask that privilege. I should feel safer if we could agree that a final vote shall be taken before adjournment on Monday. I do not want to limit it to 5 o'clock. We may stay here one day until 6 or 7.

Mr. STONE. I have not any objection to that suggestion. I wish simply to say, and the Senator from Maine and others will bear me out in saying, that I have not very often protracted the final disposition of measures before the Senate by useless discussion. I do not believe that any Senator who has indicated, so far as I know, a wish to be heard has any purpose of that kind in view. I am inclined to think that the suggestion of the Senator from Maine is well made, that we conclude this bill before adjournment on Monday.

Mr. HALE. Yes. I ask unanimous consent——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Ohio?

Mr. HALE. Certainly.

Mr. FORAKER. I wish to make one suggestion in connection with the proposed consent agreement, which is that after 3 o'clock or 4 o'clock on Monday we be limited to ten-minute speeches. There are a good many Senators here who would like, in a few words, to express why they intend to vote as they will vote, who will not have any chance unless there is some limitation of that kind. That will give everybody an opportunity to say something.

Mr. HALE. I did not think of that.

Mr. FORAKER. It is reasonable to make that request.

Mr. HALE. I have no idea that any Senator will object to it.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Utah?

Mr. HALE. Certainly.

Mr. SUTHERLAND. I desire to call the attention of the Senator from Maine to the fact, which has been overlooked, that the Senator from Missouri [Mr. WARNER] has given notice that he will continue his remarks on the Brownsville affair on Monday.

Mr. ALDRICH. That can go over.

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Missouri?

Mr. HALE. Certainly.

Mr. WARNER. I have given notice that I intended to proceed with my remarks on Monday, at the conclusion of the routine morning business, but I certainly would not insist upon proceeding at that time if an arrangement can be made to dispose of this important measure, assuming that I will be given the same privilege on Tuesday. I recognize the importance of this matter and adapt myself to conditions.

Mr. HALE. I think the Senate will be very much obliged to the Senator for his unselfishness in the matter.

Now, I think we can readily agree that we shall take a vote previous to adjournment on Monday, and that after 3 o'clock speeches shall be under the ten-minute rule.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Indiana?

Mr. HALE. Certainly.

Mr. BEVERIDGE. I am in heartiest accord with the desire of the Senator from Maine for an early vote upon this bill. I expected it would be taken last night, and not only for my own personal comfort, but for the desires of other Senators I should be only too glad to come to a vote, so far as I am concerned, at any moment.

The Senator from Maine has been very courteous and very kind, as he always is, with this bill; but I wish to point out one fact: This amendment, which after all is the important amendment, as some Senators think, on this bill—more important than all the other amendments—has not taken up very much time. Only one day and part of another day have been taken up. While I was out of the Chamber I understand the Senator from Oklahoma [Mr. OWEN] gave notice of his desire to speak on Monday. I understand from the Senator from Delaware that he desires to speak on Monday. I have understood that the Senator from Idaho desires to speak on Monday—how long, I do not know. The Senator from Missouri [Mr. STONE] has just indicated his desire to speak on Monday, and both Senators from Utah, I think, and several other Senators, I understand, wish to speak. I regret to say—and I regret it as much as the Senator from Maine—that it will be necessary for me, I think, to consume a little time myself in some further remarks, called forth by the debate to-day.

I think all of us concede that we can get to a vote on Monday, and I suggest that the usual courtesy be extended. None of the Senators want to prolong this matter a moment. Everybody wishes that it was out of the way. I suggest that we go along and try to get to a vote on Monday. I have no doubt in the world we will reach a vote before adjournment, but let us not make an agreement which would cut any Senator off from expressing his opinions upon this very important subject, which, in view of its importance, has not taken very long.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Utah?

Mr. HALE. Certainly.

Mr. SMOOT. I am deeply interested in this subject, and I did intend to speak on the amendment, but I hope the Senator from Indiana will not insist on letting this matter go on. I want to vote on it Monday.

Mr. BEVERIDGE. So do I.

Mr. SMOOT. And so far as I am personally concerned, rather than not have an agreement at this time that we shall vote upon it on Monday, I would waive my right to speak at all.

Mr. HALE. Other Senators have said the same thing.

Mr. BEVERIDGE. I shall be very glad to make such an agreement. I will say to the Senator from Maine, with this modification, that we meet at 12 o'clock——

Mr. HALE. Eleven o'clock.

Mr. ALDRICH. Eleven o'clock.

Mr. BEVERIDGE. Whatever the hour may be. I see on the Senator's list seven or eight speakers. We know that those speeches can not be made before 3 o'clock. I think the original suggestion of the Senator from Maine would be the wiser one.

Mr. ALDRICH. Why not make it 4 o'clock instead of 3 o'clock.

Mr. BEVERIDGE. Let us leave it to the good sense and the mutual consideration of Senators, and agree to what the Sena-

tor from Maine originally requested, that we dispose of the bill and all amendments before adjournment on Monday.

Mr. HALE. That is all right.

Mr. BEVERIDGE. Very well. I hope the Senator will make that request.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. HALE. Certainly.

Mr. McCUMBER. I wish merely to make a suggestion.

Mr. HALE. I have had so much experience with these things that I think we will get an agreement by gentle, easy processes.

Mr. McCUMBER. I was going to suggest—and I think it would come better from me than from some one who has not spoken on this subject, for they might feel some delicacy on the point—that those of us who have spoken on this question shall be limited to ten minutes in any address upon Monday. That will give better opportunity to those who have not spoken to be heard.

Mr. HALE. The Senator is a good Senator and a great humorist. I have another suggestion to make, which will help out—that the Senate meet at 11 o'clock on Monday.

Mr. KEAN. Take a recess?

Mr. HALE. We can fix that.

Mr. BEVERIDGE. That is immaterial.

Mr. HALE. I can move that when the Senate adjourns to-day it be to meet at 11 o'clock on Monday next.

Mr. KEAN. Let us take a recess.

Mr. HALE. Or take a recess, which is better still, and that after 4 o'clock speeches be limited to ten minutes. I do not want to curtail Senators who may want to make longer speeches on this matter, but that will give five hours. We can do all the voting in an hour or an hour and a half, and can get away and get to our homes seasonably. I shall feel like a new man when I get this off my mind. Therefore I make that request, and I will follow it by asking unanimous consent that, as a part of the proposition, the Senate take a recess until 11 o'clock Monday.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Ohio?

Mr. HALE. Certainly.

Mr. FORAKER. Let me make a suggestion to the Senator. Instead of taking a recess until 11 o'clock Monday I suggest that the Senator move that when the Senate adjourns to-day it be to meet at 11 o'clock Monday. I do not like the suggestion of projecting Saturday's session into Monday by a recess, which shall likewise include Sunday.

Mr. BEVERIDGE. The question of a recess or an adjournment is not very material.

Mr. HALE. I do not think it is very material. I now move——

Mr. McCUMBER. Will the Senator from Maine withhold his motion until certain bills may be laid before the Senate?

Mr. HALE. Other business can be transacted after the agreement is made.

Mr. McCUMBER. I understood that the Senator was about to move a recess.

Mr. HALE. No; I am not. I move that when the Senate adjourns to-day it be to meet at 11 o'clock on Monday.

The motion was agreed to.

Mr. HALE. Now, I ask unanimous consent—meeting at 11, would not 3 o'clock give ample time?

Mr. BEVERIDGE. Four.

Mr. HALE. Well, 4 o'clock. I ask that after 4 o'clock speeches shall be under the ten-minute rule——

Mr. BEVERIDGE. I think that is entirely fair.

Mr. HALE (continuing). And that the final vote shall be taken on all amendments and the bill before adjournment.

Mr. BEVERIDGE. I think that is entirely fair.

Mr. HALE. Yes; that is satisfactory to everybody.

Mr. CULBERSON. Of course it is understood that the time between 11 o'clock and 4 will be somewhat equitably divided between those who want to discuss favorably the amendment and those who are opposed to it. With that understanding I have no objection to the agreement.

Mr. HALE. We have never made any definite agreement, but have left all that to the Chair. I have no doubt that that will be properly cared for.

The VICE-PRESIDENT. The Senator from Maine asks as a part of the agreement that the bill be taken up immediately upon convening on Monday?

Mr. HALE. Yes.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the consideration of the pending bill be resumed at 11 o'clock Monday next, that the debate proceed until 4 o'clock, and that, beginning with 4 o'clock, speeches be limited to ten minutes each, and that the Senate vote on the pending amendment and amendments to be offered and the bill itself before adjournment. Is there objection?

Mr. BACON. I wish to inquire if the form in which the Chair submitted it would not cut off morning business?

The VICE-PRESIDENT. It would. That is in the agreement proposed.

Mr. HALE. I want to cut off morning business.

Mr. BACON. Very well, if that is the intention.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war.

Mr. McCUMBER. I move that the bill, with the amendment of the House to the amendment of the Senate, be referred to the Committee on Pensions.

The motion was agreed to.

SUSAN M. YEOMAN AND OTHERS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 1589) granting an increase of pension to Susan M. Yeoman.

Mr. McCUMBER. I move that the bill, with the amendment of the House to the amendment of the Senate, be referred to the Committee on Pensions.

The motion was agreed to.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4806) to amend the military record of Aaron Cornish, reported it with an amendment and submitted a report (No. 568) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 6242) for the establishment of a probation and parole system for the District of Columbia, reported it with an amendment and submitted a report (No. 569) thereon.

He also, from the same committee, to whom was referred the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, reported it with amendments, and submitted a report (No. 570) thereon.

JOSEPH S. OAKLEY.

Mr. FORAKER. I report back favorably without amendment from the Committee on Military Affairs the bill (S. 4451) to amend record and grant honorable discharge to Joseph S. Oakley, and I submit a report (No. 567) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to so amend the records of the War Department as to set aside the finding of the court-martial in the case of Joseph S. Oakley, late lieutenant, Company D, One hundred and twentieth New York Volunteer Infantry, and grant him an honorable discharge; but no bounty, pay, or other allowance shall become due by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN MINNESOTA.

Mr. CLAPP. I report back from the Committee on Indian Affairs, with amendments, the bill (H. R. 19541) to authorize the drainage of certain lands in the State of Minnesota, and I submit a report (No. 571) thereon. It is a local bill, it relates only to the State of Minnesota; and I ask unanimous consent for its present consideration. I will be glad to explain it if anyone desires an explanation.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, in section 5, page 2, line 25, after the word "time," to insert the words "within three months," so as to read:

That at any time within three months after any sale of unentered lands has been made in the manner and for the purposes mentioned in this act patent shall issue to the purchaser thereof upon payment to the receiver of the minimum price of $1.25 per acre, or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws.

The amendment was agreed to.

The next amendment was, in section 5, on page 3, line 7, after the word "laws," to insert:

If such payment is not made to the receiver within three months from the date of such sale all right to purchase or enter said land on the part of the person purchasing at the sale provided in section 3 of this act, shall cease and determine and said land shall, without further action or proceeding, be subject to entry under the homestead laws, subject first to the payment to the receiver of the minimum price of $1.25 per acre, or such price as may have been fixed by law for such land, together with the usual fees and commissions charged in entry; second, to the payment to the receiver by the purchaser at such sale of the amount appearing to have been paid therefor under the provisions of section 4 of this act.

The amendment was agreed to.

The next amendment was, in section 6, page 3, line 21, after the word "time," to insert "within ninety days," so as to make the section read:

SEC. 6. That any unpatented lands sold in the manner and for the purposes mentioned in this act may be patented to the purchaser thereof at any time within ninety days after the expiration of the period of redemption provided for in the drainage laws under which it may be sold (there having been no redemption) upon the payment to the receiver of the fees and commissions and the price mentioned in the preceding section, or so much thereof as has not already been paid by the entryman; and if the sum received at any such sale shall be in excess of the payments herein required and of the drainage assessments and cost of the sale, such excess shall be paid to the proper county officer for the benefit of and payment to the entryman.

The amendment was agreed to.

Mr. BURKETT. I understood that the bill was being read for the information of the Senate and that it was not up for consideration.

Mr. CLAPP. Oh, no; I asked unanimous consent for its present consideration, and it was taken up.

Mr. BURKETT. No one could tell whether he had any objection to it until he knew something about the provisions of the bill.

Mr. CLAPP. I hope no objection will be made. It is absolutely local and pertains simply to the State of Minnesota.

The VICE-PRESIDENT. The next amendment of the committee will be stated.

The next amendment was, on page 4, line 5, at the end of section 6, after the word "entryman," to insert the following proviso:

Provided, That unless the payment of $1.25 per acre, or such other price as may have been fixed by law for such land, together with the usual fees and commissions charged in entries, be paid to the receiver within said ninety days all rights of the entryman and all rights of the purchaser at the sale provided for in section 3 of this act shall cease and determine, and said lands shall, without further action or proceedings, be subject to homestead entry under the provisions of the homestead laws, subject to paying to the receiver, first, the minimum price of $1.25 per acre, or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws, and, second, upon payment to the receiver for the benefit of the purchaser at the sale provided for in section 3 of this act the amount which may appear due from the statement of such sale provided for in section 4 of this act.

The amendment was agreed to.

The next amendment was to add, at the end of the bill, a new section, as follows:

SEC. 8. That hereafter homestead entries and final proofs may be made upon all ceded Chippewa Indian lands in Minnesota embraced in the withdrawal under the act of June 21, 1906, entitled "An act making appropriations for the current and contingent expenses of the Indian Department" (34 Stat. L., p. 325), and patents may issue thereon, as in other homestead cases, upon the payment by the entryman of the price prescribed by law for such lands, and on entries on the ceded Red Lake Reservation in addition thereto the sum of 3 cents per acre to repay the cost of the drainage survey thereof, which addition shall be disposed of the same as the other proceds of said land.

The amendment was agreed to.

Mr. BURKETT. I have been told privately, but I should like to ask the Senator if there is any general drainage legislation contained in the bill?

Mr. CLAPP. I stated, and I supposed the Senator heard the statement, that it is purely a local bill and applies only to lands in northern Minnesota. I can make a further explanation of the bill if any Senator cares for it.

Mr. BURKETT. I understood the Senator to make that statement privately, but I did not hear him say so in the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADDITIONAL BILLS INTRODUCED.

Mr. STEPHENSON (for Mr. LA FOLLETTE) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6834) granting an increase of pension to Harrison J. Case;

A bill (S. 6835) granting a pension to Della S. Bond;

A bill (S. 6836) granting an increase of pension to James F. Spencer;

A bill (S. 6837) granting an increase of pension to Oscar C. Stevens;

A bill (S. 6838) granting an increase of pension to Mortica S. Smith; and

A bill (S. 6839) granting an increase of pension to George W. Van Tassel.

Mr. PILES introduced a bill (S. 6840) to amend the laws concerning transportation between ports of the Territory of Hawaii and other ports of the United States, which was read twice by its title and, with the accompanying paper, referred to the Committee on Commerce.

WIRELESS TELEGRAPH CONVENTION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate:

I transmit herewith for the consideration of the Senate a copy of the action of the War Department, the Navy Department, and the Department of Commerce and Labor on the subject of the confirmation of the wireless telegraph convention signed at Berlin on November 3, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 25, 1908.*

TESTS OF FUEL AND STRUCTURAL MATERIALS.

Mr. HEMENWAY. I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The resolution was read as follows:

Resolved, That the Secretary of the Interior be requested to transmit to the Senate a statement of the purposes and results of the investigations and tests of the fuels and structural materials of the United States, showing the bearing of these investigations on the conservation of the mineral resources of the country.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. TELLER. It has been the custom in the Senate for thirty-odd years, to my certain knowledge, to direct and not to request an officer, except the President. I move to amend the resolution so as to direct the Secretary of the Interior.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Strike out the word "requested" and insert the word "directed."

Mr. HEMENWAY. I accept the amendment.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

REPORT ON PETROLEUM INDUSTRY.

Mr. STEPHENSON. On behalf of my colleague [Mr. LA FOLLETTE] I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of Commerce and Labor be, and he hereby is, authorized and directed to transmit to the Senate the report of the Commissioner of Corporations relating to the petroleum industry.

Mr. CARTER. I can not understand the necessity for authorizing the Secretary. I think the word "authorized" should be stricken from the resolution.

Mr. KEAN. I think I shall have to object to the consideration of the resolution to-day.

The VICE-PRESIDENT. Objection is made, and the resolution will lie over.

TREATMENT OF NAVAJO INDIANS.

Mr. TELLER submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish for the information of the Senate copies of all correspondence and other papers on file in his Department or in the

office of the Commissioner of Indian Affairs relating to employment of United States soldiers during the year 1907 within or in the vicinity of the Navajo Indian Reservation, Arizona, in arresting By-alil-le and other Navajo Indians, which resulted in the killing by the soldiers or others of two Indians and the wounding of at least one other Indian, and such correspondence and other data, if any, as will furnish the names and the number of Navajo and other Indians who were imprisoned at any time within the three years last past, together with the names of those now imprisoned, in the Territories of New Mexico and Arizona, the charges against each of said Indians, by whom made, by what legally constituted court or other proceeding they were adjudged guilty of the charges against them, as a result of which the said Indians were imprisoned, the terms of their sentences, and whether at hard labor or otherwise.

RIGHTS OF THE STATES.

Mr. TELLER. I send to the desk a resolution which I ask to have read and then lie on the table.

The resolution was read as follows:

Resolved, That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution are essential to the preservation of our republican institutions, and that the Federal Constitution, the rights of the States, and the Union of the States must be preserved.

That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. BULKELEY. Mr. President, I desire to give notice that on Thursday next I will ask the Senate to listen to some remarks on Senate bill 5729, in regard to the Brownsville affray, on the supposition that the Senator from Missouri [Mr. WARNER] will then have completed his remarks. I learn from him that owing to his condition of health he will require at least the morning hours of Tuesday and Wednesday under the present arrangement.

Mr. WARREN. I wish to ask my colleague on the committee a question. I assume that his notice to speak is not intended to interfere with appropriation bills?

Mr. BULKELEY. No, sir; not in any way.

RESURVEY OF TOWNSHIPS IN COLORADO.

Mr. GUGGENHEIM. I ask for the present consideration of the bill (S. 6033) to provide for the resurvey of certain townships in Colorado.

Mr. KEAN. The bill has already been read, I understand. I objected to it when it was up before.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, on page 1, beginning with line 5, to strike out all down to and including the word "meridian," on line 9, page 3, and to insert:

Township 9 north, of ranges 86, 87, 88, and 89; township 8 north, of ranges 86, 87, 88, and 89; township 7 north, of ranges 86, 87, 88, 89, 90, and 91; township 6 north, of ranges 85, 86, 87, 88, 89, 90, and 91; township 5 north, of ranges 85, 86, 87, 88, 89, 90, and 91; township 4 north, of ranges 85, 86, 87, 88, 89, and 91; township 3 north, of ranges 85 and 86; township 1 south, of ranges 101 and 102; township 2 south, of ranges 101 and 102; township 3 south, of ranges 100, 101, 102, and 103; township 4 south, of ranges 100, 101, and 102; township 7 south, of range 102; township 8 south, of ranges 102 and 103; township 10 south, of range 97; township 11 south, of ranges 97 and 98; township 12 south, of ranges 93, 94, 95, 96, 97, and 98; township 13 south, of ranges 89, 90, 91, 92, 93, 94, 95, 96, and 98; township 14 south, of ranges 89 and 96; township 12 north, of ranges 87, 88, 89, 90, and 91; township 11 north, of ranges 87, 88, 89, and 90; township 10 north, of ranges 86, 87, 88, and 89; township 4 north, of range 90; township 3 north, of ranges 88, 89, 90, and 91; township 15 south, of rane 89, all west of the sixth principal meridian.

The amendment was agreed to.

The next amendment was to add, at the end of the bill, the following additional proviso:

And provided further, That the resurvey herein provided for be restricted to townships in which more than half of the area at the time of entering upon the work of resurvey is public land.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUXILIARY NAVY.

Mr. NEWLANDS. I offer the following substitute for the amendment proposed by the Senator from Washington [Mr. PILES] to the naval appropriation bill now pending. I will read it, as it is somewhat indistinct:

Substitute by Mr. NEWLANDS for the amendment offered by the Senator from Washington [Mr. PILES] to the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

The following to be added after line 5, page 87:

"For an auxiliary navy, consisting of transports, colliers, scouts, dispatch boats, and other vessels necessary in aid of the fighting ships in case of war, $20,000,000, and the Secretary of the Navy, the Secretary of Commerce and Labor, and the Postmaster-General are hereby constituted a commission to recommend to Congress a plan for utilizing such ships in times of peace as training ships for a naval reserve and at the same time utilizing them under lease to private shipping companies or otherwise in projecting new routes of mail and commerce to foreign ports.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

PUBLIC BUILDING AT EVERETT, WASH.

Mr. ANKENY. I wish to call up the bill (S. 4242) providing for the erection of a public building at the city of Everett, in the State of Washington.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 2, line 1, before the word "hundred," to strike out "four" and insert "two," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or acquire by condemnation proceedings, a site and cause to be erected thereon, at the city of Everett, in the State of Washington, a suitable building for the use and accommodation of the United States courts, the post-office, and other Government offices in said city, with fireproof vaults extending to each story, the site and building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $200,000.

The amendment was agreed to.

The next amendment was, on page 2, line 1, after the word "dollars," to strike out the following words:

And the sum of $400,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purchase of said site and the completion of said building.

The amendment was agreed to.

The next amendment was, on page 2, line 19, to strike out the following:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed site and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken or submitted to them in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Washington shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building at the city of Everett, in the State of Washington."

MONUMENT TO GEN. PATRICK EDWARD CONNOR.

Mr. SUTHERLAND. I ask for the present consideration of the bill (S. 643) for the erection of a monument to the memory of Gen. Patrick Edward Connor.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $20,000 for the purpose of procuring and erecting in Salt Lake City, Utah, a suitable monument to the memory of Gen. Patrick Edward Connor, the same to be expended and the site therefor selected under the direction of a commission composed of the Secretary of War and the governor of Utah.

Mr. KEAN. In order that my memory may be refreshed as to the valuable services of this gentleman, I should like to have the report published with the bill.

Mr. SUTHERLAND. I ask that the report may be printed without being read.

There being no objection, the report, submitted by Mr. WETMORE on the 17th instant, was ordered to be printed in the RECORD, as follows:

REPORT.

[To accompany S. 643.]

The Committee on the Library, to whom was referred the bill (S. 643) for the erection of a monument to the memory of Gen. Patrick Edward Connor, have had the same under consideration and report it back without amendment.

Gen. Patrick Edward Connor came to America from Ireland at a very early age. He enlisted in the Regular Army and served on the southwestern frontier for five years. During the Mexican war he raised a company of volunteers in Texas and led them as their captain at the battle of Buena Vista, where he was wounded and received honorable mention for gallantry in the official dispatches. At the close of the Mexican war he settled in California. When the civil war broke out he was offered the colonelcy of the Third California Volunteers. His command consisted of the Third California Volunteer Infantry and a part of the Second California Cavalry, afterwards joined by a few companies from Nevada, and numbering all told 700 men. These troops had volunteered in the expectation of being ordered to the seat of war, but the long march overland was considered too irksome, and Colonel Connor was ordered to remain in Utah. About this time Connor was made brigadier-general.

General Connor's greatest service while stationed in Utah, outside of the firm stand he took in behalf of law and order, was his masterly campaign against the Shoshones and Bannocks, which ended in what is known as the battle of Bear River. For fifteen years these Northern tribes had infested the overland mail route, slaughtering and plundering emigrants, massacring settlers and burning their homes. General Connor determined to put a stop to these savageries and marched against the Indians in January, 1863. The main battle was fought on the 29th and the power of the Indians was broken. This victory opened up the fertile lands of Idaho and the North to settlement. This Indian war and the magnificent results which followed General Connor's victory have not received adequate recognition in the pages of history for the reason that our country was at the time engaged in the all-absorbing strife of the civil war, and the exploits of such soldiers as General Connor did not receive the attention, nor the commanders the credit, which would have resulted in times of peace. The grave of General Connor occupies a plot of ground in the military cemetery at Fort Douglas. It is proposed to erect a monument in his honor at some spot in Salt Lake City best suited to the purpose.

Mr. TELLER. Mr. President, I want to say just a word or two. I knew Pat Connor, and I knew him very well. I knew him in the early days when he was out in the West, and I want to vote for his monument. I am very glad to do it.

Mr. KEAN. I have had no idea of voting against the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS SMITH.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 4134) to correct the military record of Thomas Smith.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to grant to Thomas Smith, a corporal of Company I, Eighty-seventh New York Infantry Volunteers, an honorable discharge as of date of June 30, 1862; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MIRRICK R. BURGESS.

Mr. BULKELEY. I now ask unanimous consent for the present consideration of the bill (S. 40) to correct the military record of Mirick R. Burgess.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 4, after the words "record of," to strike out "Mirick" and insert "Mirrick," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Mirrick R. Burgess, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and Company H, Twelfth Regiment United States Infantry, and grant him an honorable discharge as of date March 28, 1863: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to correct the military record of Mirrick R. Burgess."

PUBLIC PARK IN WOODWARD, OKLA.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, block 48, for park and other public purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the city of Woodward, Okla., lot No. 2, in block No. 48, in that city, for the use and benefit of the inhabitants of that city, for park and other public purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN OATES.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 5883) to correct the military record of John A. Oates.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 5, after the name "John," to strike out the initial "A," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to review the military record and revoke the order of dismissal by general courts-martial of John Oates, late a private in Company D, Fourteenth United States Infantry, and issue to him an honorable discharge as of September 21, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to correct the military record of John Oates."

PUBLIC BUILDING AT MILLEDGEVILLE, GA.

Mr. CLAY. I ask unanimous consent for the immediate consideration of the bill (S. 2734) to provide for the erection of a public building in the city of Milledgeville, Ga.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, at the top of page 2, to insert "The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, elevators, and heating and ventilating apparatus, for the use and accommodation of the United States post-office, in the city of Milledgeville, Ga., the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $50,000.

The building to be erected shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon in the city of Milledgeville, Ga."

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. WARNER. I do not know whether it is in the RECORD, but I should like to have it appear that the time for me to continue my address on the Brownsville affair has been changed from Monday, April 27, to Tuesday, April 28.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 27, 1908, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 25, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

COTTON FUTURES.

The SPEAKER. The House will be in order. The question is on suspending the rules and passing the House resolution No. 338, offered by the gentleman from Texas [Mr. BURLESON] and debated yesterday.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] demands the yeas and nays.

Mr. PAYNE. I understand that the gentleman from Mississippi asks for the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. PAYNE. Then, Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The point is well taken. The Doorkeeper will close the doors. The Sergeant-at-Arms will notify absent Members. Those favoring the motion will answer "yea," those opposed will answer "nay," those present and not voting will answer "present." The Clerk will call the roll.

The question was taken, and there were—yeas 218, nays 19, answered "present" 15, not voting 135, as follows:

YEAS—218.

Adair	Draper	Humphrey, Wash.	Payne
Adamson	Driscoll	Humphreys, Miss.	Perkins
Aiken	Durey	James, Ollie M.	Pollard
Alexander, Mo.	Dwight	Jenkins	Porter
Alexander, N. Y.	Ellerbe	Johnson, Ky.	Pray
Allen	Englebright	Johnson, S. C.	Pujo
Ames	Esch	Jones, Va.	Rainey
Andrus	Fairchild	Jones, Wash.	Randell, Tex.
Ansberry	Favrot	Kahn	Rauch
Ashbrook	Ferris	Keifer	Reeder
Bartholdt	Finley	Kelliher	Reid
Bartlett, Ga.	Flood	Kennedy, Iowa	Reynolds
Bartlett, Nev.	Floyd	Kennedy, Ohio	Rhinock
Bates	Fornes	Kipp	Richardson
Beale, Pa.	Foss	Kitchin, Claude	Robinson
Beall, Tex.	Foster, Ill.	Knapp	Rodenberg
Bede	Foster, Ind.	Knowland	Rothermel
Bell, Ga.	Foster, Vt.	Küstermann	Russell, Mo.
Birdsall	French	Lafean	Russell, Tex.
Bonynge	Fuller	Lamar, Mo.	Ryan
Booher	Fulton	Lamb	Sabath
Bowers	Gardner, Mich.	Landis	Saunders
Brownlow	Gardner, N. J.	Lassiter	Scott
Brundidge	Garner	Lawrence	Sheppard
Burgess	Gilhams	Lenahan	Sherley
Burleigh	Gillespie	Lewis	Sherwood
Burleson	Gillett	Lindbergh	Sims
Burnett	Glass	Lloyd	Slemp
Butler	Godwin	Lovering	Smith, Iowa
Byrd	Graff	McCall	Smith, Mo.
Calderhead	Granger	McDermott	Smith, Tex.
Caldwell	Gregg	McGavin	Southwick
Campbell	Griggs	McGuire	Sperry
Candler	Gronna	McKinley, Ill.	Spight
Capron	Hackett	McLachlan, Cal.	Stanley
Cary	Hackney	McMorran	Stephens, Tex.
Chapman	Hale	Macon	Sterling
Clark, Mo.	Hamilton, Iowa	Madden	Sulloway
Clayton	Harding	Madison	Taylor, Ala.
Cole	Haskins	Malby	Taylor, Ohio
Cook, Colo.	Hawley	Maynard	Thistlewood
Cooper, Tex.	Hay	Mondell	Thomas, N. C.
Cooper, Wis.	Hayes	Moore, Tex.	Tou Velle
Cox, Ind.	Heflin	Morse	Underwood
Craig	Helm	Murdock	Vreeland
Cravens	Henry, Tex.	Murphy	Waldo
Currier	Higgins	Norris	Washburn
Cushman	Hill, Conn.	Nye	Watson
Dalzell	Hinshaw	O'Connell	Webb
Davidson	Houston	Olcott	Weeks
Davis, Minn.	Howell, N. J.	Padgett	Williams
De Armond	Howland	Page	Wood
Denby	Hubbard, W. Va.	Parker, N. J.	Woodyard
Denver	Hughes, N. J.	Parker, S. Dak.	
Dixon	Hull, Tenn.	Parsons	

NAYS—19.

Bennet, N. Y.	Ellis, Mo.	Loudenslager	Townsend
Crumpacker	Fitzgerald	Mann	Volstead
Darragh	Hamilton, Mich.	Needham	Wanger
Diekema	Howell, Utah	Stafford	Young
Douglas	Hubbard, Iowa	Tawney	

ANSWERED "PRESENT"—15.

Conner	Hardwick	Kimball	Sherman
Cousins	Hardy	Moon, Tenn.	Slayden
Gaines, W. Va.	Harrison	Roberts	Sparkman
Hamlin	Holliday	Shackleford	

NOT VOTING—135.

Acheson	Boutell	Burke	Chaney
Anthony	Boyd	Burton, Del.	Clark, Fla.
Bannon	Bradley	Burton, Ohio	Cockran
Barchfeld	Brantley	Calder	Cocks, N. Y.
Barclay	Brodhead	Carlin	Cook, Pa.
Bennett, Ky.	Broussard	Carter	Cooper, Pa.
Bingham	Brumm	Caulfield	Coudrey
Crawford	Hammond	Livingston	Pratt
Davenport	Haugen	Longworth	Prince
Davey, La.	Henry, Conn.	Lorimer	Ransdell, La.
Dawes	Hepburn	Loud	Riordan
Dawson	Hill, Miss.	Lowden	Rucker
Dunwell	Hitchcock	McCreary	Small
Edwards, Ga.	Hobson	McHenry	Smith, Cal.
Edwards, Ky.	Howard	McKinlay, Cal.	Smith, Mich.
Ellis, Oreg.	Huff	McKinney	Snapp
Fassett	Hughes, W. Va.	McLain	Steenerson
Focht	Hull, Iowa	McLaughlin, Mich.	Stevens, Minn.
Fordney	Jackson	McMillan	Sturgiss
Foulkrod	James, Addison D.	Marshall	Sulzer
Fowler	Kinkaid	Miller	Talbott
Gaines, Tenn.	Kitchin, Wm. W.	Moon, Pa.	Thomas, Ohio
Gardner, Mass.	Knopf	Moore, Pa.	Tirrell
Garrett	Lamar, Fla.	Mouser	Wallace
Gill	Langley	Mudd	Watkins
Goebel	Laning	Nelson	Weems
Goldfogle	Law	Nicholls	Weisse
Gordon	Leake	Olmsted	Wheeler
Goulden	Lee	Overstreet	Wiley
Graham	Legare	Patterson	Willett
Greene	Lever	Pearre	Wilson, Ill.
Haggott	Lilley	Peters	Wilson, Pa.
Hall	Lindsay	Pou	Wolf
Hamill	Littlefield	Powers	

The Clerk announced the following additional pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. MCKINLAY of California with Mr. GARRETT.

Mr. GRAHAM with Mr. PETERS.

Mr. STEVENS of Minnesota with Mr. WEISSE.

Mr. HENRY of Connecticut with Mr. LASSITER.

Mr. MCCREARY with Mr. HOWARD.

Mr. GREENE with Mr. LAMAR of Florida.

Mr. COUDREY with Mr. HOBSON.

Mr. BENNETT of Kentucky with Mr. EDWARDS of Georgia.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. MUDD with Mr. WALLACE.

Mr. MOORE of Pennsylvania with Mr. WILEY.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. LANGLEY with Mr. HAMLIN.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. BARTHOLDT with Mr. DAVEY of Louisiana.

Mr. CHANEY with Mr. HILL of Mississippi.

Mr. FASSETT with Mr. HARDWICK.

Mr. GAINES of West Virginia with Mr. RUCKER.

Mr. ACHESON with Mr. BRANTLEY.

Mr. OVERSTREET with Mr. PATTERSON.

Mr. OLMSTED with Mr. RANSDELL of Louisiana.

Mr. THOMAS of Ohio with Mr. LEVER.

Mr. SMITH of Michigan with Mr. WOLF.

Mr. MOON of Pennsylvania with Mr. WILSON of Pennsylvania.

Mr. MILLER with Mr. WILLETT.

Mr. MCMILLAN with Mr. SULZER.

Mr. MCLAUGHLIN of Michigan with Mr. SPARKMAN.

Mr. MCKINNEY with Mr. SMALL.

Mr. LOUD with Mr. SHACKLEFORD.

Mr. LORIMER with Mr. POU.

Mr. LONGWORTH with Mr. NICHOLLS.

Mr. LAW with Mr. MCLAIN.

Mr. LANING with Mr. LINDSAY.

Mr. HUFF with Mr. LEE.

Mr. HUGHES of West Virginia with Mr. LEGARE.

Mr. HAUGEN with Mr. HITCHCOCK.

Mr. FOULKROD with Mr. HAMMOND.

Mr. FOCHT with Mr. HAMILL.

Mr. DAWSON with Mr. GOLDFOGLE.

Mr. COOK of Pennsylvania with Mr. GILL.

Mr. COCKS of New York with Mr. GAINES of Tennessee.

Mr. CALDER with Mr. FITZGERALD.

Mr. BURTON of Ohio with Mr. DAVENPORT.

Mr. BURTON of Delaware with Mr. CRAWFORD.

Mr. BURKE with Mr. COCKRAN.

Mr. BARCLAY with Mr. CLARK of Florida.

Mr. BARCHFELD with Mr. CARTER.

Mr. WILSON of Illinois with Mr. LEAKE.

Mr. BANNON with Mr. CARLIN.

Mr. ANTHONY with Mr. BRODHEAD.

Mr. PEARRE with Mr. TALBOTT.

Mr. PRINCE with Mr. GORDON.

Mr. BINGHAM with Mr. MOON of Tennessee.

Mr. DUNWELL with Mr. WATKINS.

Mr. COOPER of Pennsylvania with Mr. MCHENRY.

Until April 28:

Mr. CAULFIELD with Mr. HARDY.

Mr. LOWDEN with Mr. HARRISON.

For the day:
Mr. POWERS with Mr. PRATT.
The SPEAKER. On this vote the ayes are 218, noes 18, answering "present" 15, and the motion prevails. The Doorkeeper will open the doors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6539. An act to authorize the Copper River and Northwestern Railway Company to construct a bridge across Bering Lake, in the district of Alaska; and

S. R. 75. Joint resolution authorizing and directing the Secretary of War to make a survey and examination for a continuous waterway from Boston, Mass., by various routes to Wilmington, N. C.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to the appropriate committee, as indicated below:

S. R. 75. Joint resolution authorizing and directing the Secretary of War to make a survey and examination for a continuous waterway from Boston, Mass., by various routes to Wilmington, N. C.—to the Committee on Rivers and Harbors.

COMPENSATION IN CUSTOMS SERVICE.

Mr. DALZELL. Mr. Speaker, I move to suspend the rules and pass the following bill, with two amendments.

The SPEAKER. The Clerk will report the bill as amended.

The Clerk read as follows:

A bill (H. R. 21003) fixing the compensation of certain officials in the customs service, and for other purposes.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of laborers in the customs service, as he may think advisable, to a rate not exceeding $840 per annum.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of inspectors of customs, as he may think advisable, not to exceed in any case the rate of $5 per diem, and in all cases where the maximum compensation is paid no allowance shall be made for meals or other expenses incurred by inspectors when required to work at unusual hours.

SEC. 3. That hereafter deputy collectors, assistant appraisers and examiners of merchandise, examiners of tea, and examiners and special examiners of drugs, in the customs service, shall be appointed by the Secretary of the Treasury on the nomination of the collector or appraiser, respectively, in their respective districts; and the Secretary of the Treasury is hereby authorized and directed to fix the compensation of each in such an amount as he shall deem proper, not exceeding $3,500 per annum.

SEC. 4. That hereafter deputy naval officers and deputy surveyors of customs shall be appointed by the Secretary of the Treasury on the nomination of the naval officer or surveyor, respectively, in their respective districts; and the Secretary of the Treasury is hereby authorized and directed to fix the compensation of each in such an amount as he shall deem proper, not exceeding $3,000 per annum.

SEC. 5. That section 2746 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, to wit:

"SEC. 2746. An additional compensation of 25 per cent shall be continued to the appraisers, deputy collectors, deputy surveyors, deputy naval officers, and weighers at the port of San Francisco."

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of assistant weighers in the customs service as he may think advisable, not to exceed in any case the rate of $4 per diem.

SEC. 7. That all laws and parts of laws inconsistent with this act are hereby repealed.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

The SPEAKER. A second is ordered under the rules.

Mr. DALZELL. This bill, Mr. Speaker, comes from the Committee on Ways and Means. It proposes an increase in the salaries of a number of customs officials. There were twenty-nine bills before the Committee on Ways and Means relating to this subject. Some of them related only to the salaries of customs officers in the city of New York; some of them related to salaries of customs officers in various other ports—Philadelphia, Boston, and San Francisco. The committee had a number of hearings, and heard, among other parties, the Assistant Secretary of the Treasury, who has in charge the administration of the customs law, and also the collector of the port of New York, and concluded, after hearing all of these parties, that there was a substantial demand, in justice, for an increase in the salaries of those various officials.

Section 1 authorizes an increase in the pay of laborers to a maximum of $840 per annum. I ought to say that in all cases the law merely fixes a maximum, and leaves to the discretion of the Secretary of the Treasury the fixing of the real salary in each case. Laborers are now paid—the highest of them—$770 per annum, and this authorizes an increase to the maximum of $840 per annum, within the discretion of the Secretary of the Treasury. There is no law now fixing the pay of laborers.

Mr. MANN. Will the gentleman yield?

Mr. DALZELL. Certainly.

Mr. MANN. The Treasury Department takes care of the Government buildings. They have laborers employed for this purpose?

Mr. DALZELL. Yes.

Mr. MANN. I think the highest pay these laborers now receive in New York and Chicago is $50, and elsewhere not to exceed $45 a month. Would this in any way authorize an increase of their pay?

Mr. DALZELL. The law as it exists now does not fix the pay of laborers. The Secretary of the Treasury fixes the pay and pays them out of a lump appropriation. They now get, the highest of them, $770 a year, and this bill proposes to authorize an increase of the pay to $840 a year. This refers to laborers in the customs service. This $770 per annum is the figure that was given us by the Assistant Secretary of the Treasury, and related to laborers in the customs service, and this bill, if passed, will authorize an allowance to laborers in the customs service up to the maximum of $840 per annum, in the discretion of the Secretary of the Treasury.

Mr. MANN. All these are paid out of the permanent appropriations?

Mr. DALZELL. Yes.

Mr. MANN. So that the Secretary of the Treasury will have the money with which to make this increase, if he chooses?

Mr. DALZELL. He has not had it heretofore.

Mr. CRUMPACKER. Does the bill under consideration include any laborers outside of the customs service?

Mr. DALZELL. Not at all.

Mr. CRUMPACKER. It is confined to the customs service?

Mr. McCALL. The whole bill relates to the customs service?

Mr. DALZELL. The whole bill relates to the customs service.

Mr. STAFFORD. It does not relate to other laborers in charge of buildings?

Mr. DALZELL. It relates simply to the customs service. The Committee on Ways and Means would not have had jurisdiction of any other subject.

The next section authorizes an increase in the pay of inspectors to the maximum of $5 a day. The pay of inspectors was fixed a great many years ago at $3 a day. More than forty years ago it was increased to $4 a day, and two years ago or four years ago, I do not now recall exactly, the pay of inspectors at the port of New York was increased to $5 a day. That left a discrimination, of course, between the inspectors of the port of New York and the inspectors of the various other ports of the country, Boston, Philadelphia, San Francisco, and so forth. Now, in the judgment of the committee, in view of changed conditions, the increase in the cost of living, and so on, it was deemed only fair that the pay should be increased to the maximum of $5 a day and that no discrimination should be made between the inspectors of the various ports. So, instead of making one allowance for New York and another for other ports, the bill fixes the maximum of $5 a day for inspectors at all ports of the United States.

Mr. DRISCOLL. Will the gentleman yield?

Mr. DALZELL. I will yield to the gentleman from New York.

Mr. DRISCOLL. Take, for instance, my city of Syracuse. The custom-house is in the same building with the post-office and the collector of customs is the custodian of the building. He has charge of all the laborers, hires them all, and has control of them. Now, these laborers not only take care of the rooms used for the custom-house, but they take care of all the buildings, the court rooms, and the post-office. Has he a right to raise the wages of all these men—consider them all employees of the customs service?

Mr. DALZELL. If they are in the custom service, he will have, under this bill, the discretion to raise their compensation to the maximum of $840 a year.

Mr. DRISCOLL. There are three laborers besides the head man. They are getting $45 a month. Some of that labor is taking care of the rooms used for the custom-house, and those men would be in the custom service. My question is, Could all the men be raised as in the customs service?

Mr. DALZELL. I do not think parties who take charge of rooms in a building and do the sweeping and things of that sort are laborers in the customs service. They have nothing to do with the administration of the customs law. They are not like laborers employed on the dock and under the collector.

Mr. DRISCOLL. I did not suppose laborers had much to do with the administration of the customs service, anyway. They do what they are told.

Mr. DALZELL. When they do that, they do well.

Mr. DRISCOLL. How much is the aggregate additional expense if the Secretary of the Treasury exercises his discretion and increases the wages all along the line to the maximum allowed in this bill?

Mr. DALZELL. That I can not tell. We have no sufficient data to answer that question.

Mr. HINSHAW. Will the gentleman yield?

Mr. DALZELL. Certainly.

Mr. HINSHAW. How many laborers are there whose pay is increased?

Mr. DALZELL. I have just said to the gentleman from New York that we have no data that would enable us to answer that question.

Mr. MORSE. I would like to ask the gentleman a question?

Mr. DALZELL. I will yield to the gentleman.

Mr. MORSE. Are these men under the civil service; are they required to take a civil-service examination?

Mr. DALZELL. No; they are not in the classified service.

Mr. MORSE. Is the Government having any trouble in securing inspectors at the price now paid?

Mr. DALZELL. The inspectors are in the classified service. The collector at the port of New York says that he has great trouble in keeping good men, because they can get a larger salary outside than is paid in the customs service.

Mr. MORSE. Is it not a fact that men are seeking appointment, and willing to take the place at the price now paid?

Mr. DALZELL. I can not answer that. We took the judgment of the Secretary of the Treasury and the customs officers as to the fairness of this measure.

Mr. PORTER. Do I understand the gentleman from Pennsylvania that the salaries of the inspectors at all custom-houses are increased?

Mr. DALZELL. Yes; not to exceed $5 a day.

Mr. BARTHOLDT. I would like to ask the gentleman just one question.

Mr. DALZELL. Now, Mr. Speaker, I can not stop to answer more questions; I shall not get through this bill to-day.

Mr. BARTHOLDT. Has the committee considered the increase of salary of the appraisers?

Mr. DALZELL. We have, and I will come to that. These inspectors are on duty from sunrise to sunset and sometimes during the night. Where they are employed during the night in caring for freight and inspecting freight, they are paid by the steamship companies. Where they are employed in the inspection of baggage, they get no extra pay.

The next, section 3, increases the pay of deputy collectors, assistant appraisers, examiners of merchandise, examiners of teas, and special examiners of drugs to a maximum of $3,500 per annum. They now receive $3,000, except two at New York, who get $3,500 under a law passed at the last Congress.

Mr. BARTHOLDT. Right there, Mr. Speaker, I would like to ask the gentleman a question. According to that the salary of assistant appraisers in this case has been fixed at $3,500. The appraiser at St. Louis, Mo., whose business has increased during the last ten years about 300 per cent, is receiving only $3,000. I introduced a bill in regard to that making the salary $4,000, and I would like to inquire whether cases of that kind have been taken into consideration?

Mr. DALZELL. All the bills were taken into consideration, and the committee decided that $3,500 was a fair amount of salary. Of course these officers are skilled specially. The collector of customs complains that where he has a thoroughly educated officer who becomes skilled in the duties of his office, he loses him because it becomes important to the importer that he should have the services of such an officer, and he is willing to pay him a larger salary than the Government is paying.

Mr. RYAN. Does this resolution provide for an increase in the pay of inspectors from $4 to $5 a day throughout the country?

Mr. DALZELL. Yes. Section 4 authorizes an increase of pay for deputy naval officers and deputy surveyors to a maximum of $3,000. They have been receiving a salary of $2,500, so that the increase is $500.

Section 5 amends section 2746 of the Revised Statutes by adding the weigher to the list of officials at San Francisco, to whom an additional compensation of 25 per cent may be paid. In the adoption of this section of the Revised Statutes, for some reason or other this weigher was dropped out, left unprovided for, and the object of this section is to restore him to the former place.

Section 6 authorizes an increase of pay of assistant weighers to $4. They are now paid $3 all over the country, and this authorizes an increase to $4.

Mr. MANN. Will the gentleman say what may be the total cost of the bill?

Mr. DALZELL. We have not any accurate figures as to that, but in the neighborhood, probably, of $300,000.

Mr. JONES of Washington. Mr. Speaker, I have not read the bill—I have not had an opportunity—but I desire to ask the gentleman from Pennsylvania a question. It does not give anywhere in it any authority to the Secretary of the Treasury to change headquarters of the customs districts?

Mr. DALZELL. No; it relates only to pay—compensation. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes remaining.

Mr. DALZELL. Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, as the gentleman from Pennsylvania [Mr. DALZELL] has stated, this is a bill to increase the salaries of various officials in the customs service, and also to limit the amount of compensation which can be paid annually to the laborers in that service. That is the effect of the bill. The gentleman from Pennsylvania has already stated in the main the increase of salaries given to these various customs officials. The bill purports to give an increase to the laborers employed in the customs service. As a matter of fact, there is no limitation at present on the amount of the wages that can be paid in the customs service. It has been customary heretofore to pay the laborer an amount equal to about $770 a year. The bill provides that not more than $840 a year, or a compensation monthly equal to that, can be paid to any laborer in the customs service.

Mr. STAFFORD. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. STAFFORD. Can the gentleman specify the character of work performed by these laborers?

Mr. UNDERWOOD. I can not fully, but my understanding is that they are largely the men who will be handling the goods and doing the work around the ships and at the customs office.

Mr. STAFFORD. The purpose of my inquiry is to reconcile, if possible, the inequality of the salaries paid to laborers in the care of public buildings where they receive a maximum of $45 per month in cities, except Chicago and New York, with this provision, where the laborers are to receive $840 a year.

Mr. UNDERWOOD. Yes, there is a great deal of difference, but the proposition to which I wish to refer in this bill is this: I am not in favor of the general increase of these salaries, but I do not see the necessity of putting a limitation on the amount that can be paid to labor, and for this reason: They may receive a sufficient compensation, or they may not, but where a man is employed at a fixed salary as an officer of the Government, an inspector or a weigher, he is in a yearly employment—he is in a fixed position. You can fix his salary, fix his compensation, but when you are dealing with labor you can not handle the situation in that way. To-day there may be an immense demand for labor, and to-morrow there may be no demand for labor. The result is that if a number of ships come into a port it is necessary to unload them, and it is necessary to have the labor there, and there ought to be a latitude—a wide latitude—for the customs officials to exercise their judgment in employing that labor, because they have to pay what labor is worth at the time. Therefore I do not see any necessity in this bill in putting a limitation which the bill carries on the price that shall be paid for labor at these ports.

Mr. KELIHER. Do I understand the gentleman to object to the maximum fixed?

Mr. UNDERWOOD. Yes; I do not see any necessity for putting the maximum in there. We have run along for many years without any maximum, leaving it discretionary in the customs officials.

Mr. KELIHER. The gentleman must know that it is a fact that the reason why this increase has not been made in the past is due to the failure of the Committee on Appropriations to appropriate a sufficient amount of money for the Secretary of the Treasury to make the increases that the good of the service demanded.

Mr. UNDERWOOD. That is a question for the Appropriations Committee, and not the law. It is in the power of the Committee on Appropriations, in their judgment, to allow what they think is proper for the employment of labor in these matters, and I judge that the Committee on Appropriations exercises its judgment as it thinks proper and right.

Mr. KELIHER. Would the gentleman go further and mandatorily fix a minimum salary to be paid the laborers?

Mr. UNDERWOOD. This bill does not do it.

Mr. KELIHER. Would the gentleman do it?

Mr. UNDERWOOD. There is no necessity for it. Nothing is accomplished by this, except it may embarrass the customs officers in the administration of the law.

Mr. KELIHER. Yes; but this legislation, if passed, may be used as a lever upon the Appropriations Committee to get an appropriation which will allow the officials to pay the laborers the salary they should have.

Mr. UNDERWOOD. It merely says they shall not go above a certain figure; it does not say they shall all come to a certain figure. It is a limitation, not a lever. It does not offer anything that may in the future embarrass the administration of any customs office of a port. On the other hand, though, as to the salaries paid to the inspectors, the deputy collectors, appraisers, and the deputy naval officers, they have been receiving a fair compensation in the past. Now, it is contended before the committee that the compensation is not sufficient to get good officers; that by reason of the increased cost of living that these men should receive additional compensation. Now, all I have to say along that line is this: That here for the last ten years the price of living has been rising year after year and year after year, and bills of this kind have been pending in the committee for the last ten years advocating an increase of these salaries to these officers because the cost of living was increasing, but here to-day we come to a proposition where the cost of living is falling. In all the time that the cost of living in the United States was increasing there was no effort made by the committee to bring out one of these bills and to pass a bill of this kind; but when we reach a panic and a panicky condition, when the cost of living is falling in every respect, when the price of foodstuff has come down and the price of clothing has come down and the price of rental has come down, the committee comes before the House with a proposition to pass a bill to increase salaries because the cost of living is increasing, when, as a matter of fact, the cost of living is falling to-day, and will continue to fall until this panic is over.

Mr. GOLDFOGLE. Will the gentleman pardon an interruption for a moment? The cost of living has not decreased in New York City, nor in the other large cities of the country, and from personal experience I want to say to the distintinguished gentleman from Alabama that I know the men in the customs service in New York, the laborers and the inspectors, are not getting sufficient money to enable them to meet the cost of living in that large city.

Mr. ADAIR. None have resigned.

Mr. UNDERWOOD. My friend on my right suggests none of them have resigned on that account. I have only a few minutes and I can not yield further——

Mr. GOLDFOGLE. The difficulty is to get other employment perhaps; but notwithstanding the fact remains that they do not get adequate salaries for their faithful and efficient work, and that the cost of living has not decreased, as the gentleman from Alabama suggests.

Mr. UNDERWOOD. Now, I beg the gentleman's pardon. The cost of living in New York City I can not speak of; but this bill is not a bill for New York City——

Mr. GOLDFOGLE. But other cities are in the same category.

Mr. UNDERWOOD. This bill is a bill for the customs service of the United States from Maine to California, and there is not any question about the proposition that the cost of living in the United States is falling all along the line; foodstuffs are going down.

Mr. KELIHER. Will the gentleman yield for a moment? Does the gentleman disapprove of that feature of this bill which equalizes the salary of inspectors and other officers?

Mr. UNDERWOOD. Yes; I do agree with the gentleman, and I am coming to that——

Mr. GOLDFOGLE. It confers discretionary power on the Secretary of the Treasury.

Mr. UNDERWOOD. If the gentleman will allow me to have the floor I will be obliged, for I can not speak with so many gentlemen interrupting me. I do agree that these salaries ought to be equalized, that they ought to be readjusted, and that there is need for legislation; but I do contend that this bill ought to be defeated, and why? Because for years we have gone along increasing the salaries, increasing compensation in the customs service, until we have increased the cost of collecting customs revenues way beyond the cost of collecting the internal revenue. It is costing this country a great deal more to collect the customs revenues than it does the countries of Europe, where they have a border line not fenced in by water and by oceans, but fenced in by bayonets to protect them against smuggling, and yet our cost of collecting customs has increased above theirs. Now, I wish to call attention to the difference in the cost of collection between the internal revenue and the customs collections.

We would naturally presume that it would cost a great deal more money to collect the internal revenue of this country than it would the customs revenue. Why? Because you have got to have a man at every distillery. You have got to have agents all over the country. You have got to watch the sale of tobacco. You have got to go out in the country and see that there is no violation of the internal-revenue laws, and you have got to have a great many more men. On the other hand, in the customs service the smuggling is protected by the Revenue-Cutter Service, and that is not included in this cost. On the other hand, Mr. Speaker, the customs service is brought to particular ports. It is brought where the officers of the Government can be concentrated.

Mr. KAHN. Will the gentleman yield right in that connection?

Mr. UNDERWOOD. I will, for a question.

Mr. KAHN. Certainly. Is it not a fact that by the reason of the customs being collected principally in the large cities of the country that the salaries should be raised because the cost of living in those large cities has gone up so greatly in recent years?

Mr. UNDERWOOD. I will answer that by saying to the gentleman from California that the fact is that the salaries now of the customs officers are very much greater than the salaries of similar officers for the collection of internal revenue, and most of those officers live in the large cities. But what I say is, that there is such a difference in the cost of collecting this revenue. Now, I will call the attention of the House to this fact, that in 1900 the collections of internal revenue amounted to $295,000,000, that the expense of collecting the same was $4,446,000 or 1½ per cent. The amount of customs revenue collected in that time was $233,000,000. The cost of collecting the same was $7,467,000, or 3.21 per cent. I have the figures here for the other years, but I will come down to 1905 to show that it is not improving at all. In 1905 the internal revenue collected amounted to $234,000,000, collected at a cost of $4,338,000, or a cost of collection of 1.85 per cent, whereas the customs revenue collected was $261,000,000, collected at an expense of $9,115,000, or a percentage of 3.48 per cent, it costing more than twice as much to-day to collect the customs revenue in this country than it does the internal revenue of this country.

Now, I say that there is no necessity for that. If this system of collections was properly investigated by the committee and properly considered, we could reduce the cost of collecting the customs revenue down to the neighborhood of the cost of collecting the internal revenue. But, following the position that our Republican friends have always maintained when there is anything in reference to tariff customs collection or customs revenue, of "standing pat" and never revising anything, this cost of collecting the revenue is going on up, steadily increasing, steadily accumulating, and I say it is the duty of this House to vote down this bill. I agree with the gentleman from Massachusetts [Mr. KELIHER] that there ought to be some adjustment of this matter. I am in favor of an adjustment of it, but I am not in favor of picking out a few favorite places and increasing the salaries and never adjust by cutting down the cost of this service where it ought to be cut down.

Mr. GOLDFOGLE. Does the gentleman believe that $840 per annum to a laborer, who works pretty hard, I assure the gentleman, is too much?

Mr. UNDERWOOD. The gentleman is taking up my time without listening to what I have said. This bill does not propose to increase the salary of the laborers, and if you vote for the bill with the idea that you are increasing any laborer's salary, you will be making a mistake. This bill puts a limitation on the cost of labor that is not in the law to-day. It holds down the salary of the laborer.

Mr. DIXON. Is there any complaint that it is impossible to secure competent men at these prices?

Mr. UNDERWOOD. Not at all.

Mr. KELIHER. Will the gentleman point out the way it will hinder the customs if we pass this bill?

Mr. UNDERWOOD. It will hinder it in this way: If we go on increasing the salaries when anybody asks for an increase in salary, and never investigate the matter at all of reducing the cost where it ought to be reduced, we will never get a bill through this House for a reduction.

Why, I say to the gentleman that in some parts of this country where there is $5 of revenue collected it costs $1,600 to-day to collect that $5 of revenue. Now, does the gentleman say that we ought to continue to give it, and make a service in this country authorizing a system where it is to cost us $1,600 to collect $5, instead of revising these laws?

Mr. KELIHER. I say to the gentleman that that wrong in the administration should not be visited on the men who are

manifestly entitled to more pay, and which the pending measure provides.

Mr. UNDERWOOD. Certainly not.

Mr. KELIHER. As an evidence of the inequality of salaries paid, take the case of inspectors. Twenty years ago in Boston we had eighty-five of them, receiving $4 per day; now we have only seventy-seven, and their compensation is the same. Yet in that time the business of our port has increased amazingly. Our imports have increased 100 per cent in twenty years, and our exports, too, have grown tremendously. Is it not unfair that those inspectors should not be put upon a par with those of New York?

Mr. UNDERWOOD. I say it is the duty of this House and it is the duty of the country to demand that the Ways and Means Committee shall go into this question and revise the entire collection of the customs revenue before we put any more burdens on the country by way of raising the cost of collection. If you do not reduce some day, you will go on until it will cost us twice as much—not only twice as much more to collect the customs duties than the internal revenue, as it occurs to-day, but it will cost twice as much to collect the customs revenue as it costs in any country in Europe.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield five minutes to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, this bill has the advantage of designating, in section 1, a more suitable salary for laborers than has heretofore been designated. I wish to say to the House that recently some scientific investigations have been made in New York in regard to the cost of living of laborers in that city. Some were made by the committee on standards of living appointed by the New York State conference of charities and correction. I will read two conclusions of that committee. The first is:

> It requires no citation of elaborate statistics to bring convincing proof that from six to seven hundred dollars is wholly inadequate to maintain a proper standard of living, and no self-respecting family should be asked or expected to live on such an income.

In New York at the present time some of the laborers not covered by this bill receive only $600 a year.

I hope that section 1 of this bill will be a precedent for Congress to see that the pay of these other laborers is also increased.

The second conclusion of this committee relates to those who receive from $700 to $800 a year, and the committee said:

> A family can barely support itself on that amount, provided that it is subject to no extraordinary expenditures by reason of sickness, death, or other untoward circumstances, and such a family can live without charitable assistance through exceptional management and the absence of emergencies.

Mr. ADAIR. Does this bill provide for an increase of the salaries of the class that you have referred to?

Mr. PARSONS. Well, it provides for an increase in the pay of laborers who now receive $720 or $770 a year; but this clause does not cover all the laborers in the Treasury Department, and I hope it will be a precedent for these others.

Mr. COOPER of Wisconsin. Will the gentleman inform us from what he was reading?

Mr. PARSONS. I have read from the report of the special committee of the eighth New York State conference of charities and correction; and later in the session, when I have more time, I hope, for the information of the House, to furnish the figures giving the average income of these various classes of laborers' families investigated and the different items of expense.

Mr. GOLDFOGLE. Will my colleague yield to me for a moment?

Mr. PARSONS. Certainly.

Mr. GOLDFOGLE. The gentleman from Alabama [Mr. UNDERWOOD], in discussing this question this morning, asserted that the cost of living had gone down. I desire to ask my colleague from New York whether it is not a fact that the cost of living is just as great to-day as it was a year or two ago—that the rents are the same, if not greater, and that the cost of living has gradually become higher in the large cities of this country, and that these men are in fact greatly underpaid?

Mr. PARSONS. The second largest item in New York has always been——

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. The gentleman from Alabama does not attack the increase of the salaries affected by this bill on the merits, but because he says the cost of the customs service is too great.

Why these faithful officers in the customs service should be punished because Congress refuses to consolidate ports is beyond my ken. The gentleman from Alabama [Mr. UNDERWOOD] knows, and all the Members of this House know, that the chairman of the Committee on Ways and Means in the last Congress tried time and again to wipe out these ports that ought not to exist where it costs more to collect the revenue than the revenue itself amounts to, and the Congress refused to do it. Now, if Congress refuses to do what it ought to do in that direction, that furnishes no reason why Congress should not be just to faithful officers in the customs service.

Now, one word more. The gentleman from Alabama complains of the cost of the collection of the customs; but I want to call attention to the unfairness of the method by which he arrives at his conclusion. He takes the revenues of a certain year, the total cost of collection, and arrives at a percentage; but by doing that he includes all of these ports at which the cost of collection is in excess of the revenue itself. The cost of collecting the revenue at the port of New York, where seven-tenths of all our revenue is collected, is 1.8 cents on the dollar. The gentleman says it costs more for us to collect the revenue than it costs to collect the revenue in England, a little island without any contiguous territory, where the revenue is collected on a few things only—spirits, tobacco, and tea. And yet, notwithstanding the gentleman's complaint, the revenue is collected at the port of New York for a cent less on the dollar than it is in England.

Mr. UNDERWOOD. This bill does not simply provide for the port of New York. It provides for the country.

Mr. DALZELL. Certainly; but I am showing the unfairness of the gentleman's claim that the cost of collecting our revenue is in excess of what it ought to be. The cost of collecting the revenue at New York is 1.8 cents on the dollar. The cost of collecting the revenue in Great Britain is 2.7 cents on the dollar.

The SPEAKER. The time of the gentleman has expired. All time has expired. As many as favor the motion will say "aye;" those opposed, "no."

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 152, nays 85, answered "present" 9, not voting 141, as follows:

YEAS—152.

Acheson	Ellis, Oreg.	Kennedy, Iowa	Parker, S. Dak.
Alexander, Mo.	Englebright	Kennedy, Ohio	Parsons
Alexander, N. Y.	Esch	Kipp	Payne
Allen	Favrot	Knapp	Perkins
Ames	Fitzgerald	Knopf	Pollard
Andrus	Fordney	Knowland	Porter
Ansberry	Foster, Ind.	Küstermann	Pray
Bannon	Foster, Vt.	Lafean	Prince
Bates	French	Landis	Reeder
Beale, Pa.	Fuller	Laning	Reynolds
Bennet, N. Y.	Gaines, W. Va.	Lawrence	Rodenberg
Birdsall	Gilhams	Lenahan	Rothermel
Bonynge	Goebel	Lindbergh	Ryan
Boutell	Goldfogle	Londenslager	Scott
Bradley	Graff	McCall	Sherman
Burke	Gronna	McDermott	Smith, Cal.
Burleigh	Hale	McGavin	Smith, Mich.
Butler	Hamilton, Mich.	McGuire	Snapp
Calderhead	Harding	McKinley, Ill.	Southwick
Campbell	Haskins	McKinney	Sperry
Capron	Hawley	McLachlan, Cal.	Stafford
Cary	Hayes	McMorran	Steenerson
Chapman	Higgins	Madden	Sulloway
Cocks, N. Y.	Hill, Conn.	Madison	Taylor, Ohio
Cole	Hinshaw	Malby	Thistlewood
Cooper, Wis.	Howell, N. J.	Mann	Thomas, Ohio
Crumpacker	Howell, Utah	Maynard	Tirrell
Currier	Howland	Morse	Townsend
Cushman	Hubbard, Iowa	Mouser	Volstead
Dalzell	Hubbard, W. Va.	Murdock	Waldo
Darragh	Huff	Murphy	Wanger
Davidson	Hughes, N. J.	Needham	Washburn
Dawson	Humphrey, Wash.	Nelson	Weeks
Denby	Johnson, Ky.	Nye	Wheeler
Diekema	Jones, Wash.	O'Connell	Wilson, Ill.
Draper	Kahn	Olcott	Wood
Driscoll	Keifer	Overstreet	Woodyard
Durey	Keliher	Parker, N. J.	Young

NAYS—85.

Adair	De Armond	Hitchcock	Richardson
Adamson	Denver	Houston	Russell, Mo.
Aiken	Dixon	Hull, Tenn.	Russell, Tex.
Bartlett, Ga.	Ellerbe	Humphreys, Miss.	Saunders
Beall, Tex.	Ferris	James, Ollie M.	Shackleford
Bell, Ga.	Finley	Johnson, S. C.	Sheppard
Booher	Flood	Jones, Va.	Sherley
Bowers	Floyd	Kitchin, Claude	Sherwood
Brantley	Foster, Ill.	Lamar, Mo.	Sims
Brundidge	Fulton	Lassiter	Smith, Mo.
Burgess	Gardner, Mich.	Lever	Spight
Burnett	Garner	Lewis	Stephens, Tex.
Byrd	Glass	Lloyd	Taylor, Ala.
Candler	Godwin	Macon	Thomas, N. C.
Carter	Gordon	Moon, Tenn.	Tou Velle
Clark, Mo.	Griggs	Moore, Tex.	Underwood
Clayton	Hackett	Padgett	Watkins
Cooper, Tex.	Hackney	Page	Webb
Cox, Ind.	Hamilton, Iowa	Rainey	Williams
Craig	Hay	Randell, Tex.	
Cravens	Heflin	Rauch	
Davenport	Helm	Rhinock	

ANSWERED "PRESENT"—9.

Brodhead	Hardy	Marshall	Sabath
Gill	Harrison	Robinson	Smith, Tex.
Hamlin			

NOT VOTING—141.

Anthony	Edwards, Ga.	Jackson	Patterson
Ashbrook	Edwards, Ky.	James, Addison D.	Pearre
Barchfeld	Ellis, Mo.	Jenkins	Peters
Barclay	Fairchild	Kimball	Pou
Bartholdt	Fassett	Kinkaid	Powers
Bartlett, Nev.	Focht	Kitchin, Wm. W.	Pratt
Bede	Fornes	Lamar, Fla.	Pujo
Bennett, Ky.	Foss	Lamb	Ransdell, La.
Bingham	Foulkrod	Langley	Reid
Boyd	Fowler	Law	Riordan
Broussard	Gaines, Tenn.	Leake	Roberts
Brownlow	Gardner, Mass.	Lee	Rucker
Brumm	Gardner, N. J.	Legare	Slayden
Burleson	Garrett	Lilley	Slemp
Burton, Del.	Gillespie	Lindsay	Small
Burton, Ohio	Gillett	Littlefield	Smith, Iowa
Calder	Goulden	Livingston	Sparkman
Caldwell	Graham	Longworth	Stanley
Carlin	Granger	Lorimer	Sterling
Caulfield	Greene	Loud	Stevens, Minn.
Chaney	Gregg	Lovering	Sturgiss
Clark, Fla.	Haggott	Lowden	Sulzer
Cockran	Hall	McCreary	Talbott
Conner	Hamill	McHenry	Tawney
Cook, Colo.	Hammond	McKinlay, Cal.	Vreeland
Cook, Pa.	Hardwick	McLain	Wallace
Cooper, Pa.	Haugen	McLaughlin, Mich.	Watson
Coudrey	Henry, Conn.	McMillan	Weems
Cousins	Henry, Tex.	Miller	Weisse
Crawford	Hepburn	Mondell	Wiley
Davey, La.	Hill, Miss.	Moon, Pa.	Willett
Davis, Minn.	Hobson	Moore, Pa.	Wilson, Pa.
Dawes	Holliday	Mudd	Wolf
Douglas	Howard	Nicholls	
Dunwell	Hughes, W. Va.	Norris	
Dwight	Hull, Iowa	Olmsted	

So the motion to suspend the rules and pass the bill was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DOUGLAS with Mr. CARLIN.

Mr. DWIGHT with Mr. COCKRAN.

Mr. ELLIS of Missouri with Mr. FORNES.

Mr. FAIRCHILD with Mr. GILLESPIE.

Mr. GILLETT with Mr. GREGG.

Mr. HOLLIDAY with Mr. HENRY of Texas.

Mr. JENKINS with Mr. LAMB.

Mr. SMITH of Iowa with Mr. PATTERSON.

Mr. LOVERING with Mr. PUJO.

Mr. TAWNEY with Mr. REID.

Mr. VREELAND with Mr. SABATH.

Mr. WATSON with Mr. STANLEY.

Mr. MARSHALL with Mr. GRANGER.

Mr. LAFEAN with Mr. SMITH of Texas.

Mr. DAWES with Mr. RIORDAN.

Mr. SLEMP with Mr. SPARKMAN.

Mr. PETERS (in favor of) with Mr. ROBINSON (against).

Mr. BINGHAM with Mr. BURLESON.

Mr. BROWNLOW with Mr. GAINES of Tennessee.

Mr. CONNER with Mr. ASHBROOK.

Mr. COUSINS with Mr. BARTLETT of Nevada.

Mr. DAVIS of Minnesota with Mr. CALDWELL.

Mr. DOUGLAS. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall and listening when his name should have been called?

Mr. DOUGLAS. I was called to the telephone and missed the calling of my name.

The SPEAKER. The gentleman does not bring himself within the rules.

Mr. FORNES. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall of the House and listening at the time when his name should have been called?

Mr. FORNES. I was not. I came in after my name was called.

The SPEAKER. Under the gentleman's statement he is not entitled to vote.

Mr. COOPER of Pennsylvania. Mr. Speaker, I desire to vote. I was in my committee room and started for the Hall of the House as soon as the first call bell sounded. The bell was very slow in sounding, evidently, because when I reached the Hall of the House my name had been called.

The SPEAKER. Under the rule the gentleman is not entitled to vote.

The result of the vote was announced as above recorded.

FORT LAWTON MILITARY RESERVATION, WASH.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5126) to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military Reservation at Fort Lawton, Wash., and through the reservations for the Lake Washington Canal, as amended by the House committee.

The SPEAKER. The gentleman from Washington moves to suspend the rules and pass the following Senate bill, with amendments, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the city of Seattle, a municipal corporation of the State of Washington, is hereby granted the right to construct and maintain a tunnel for sewer and drainage purposes under and across the military reservation of Fort Lawton, Wash., from a point on the east boundary of said reservation so selected that the central line of said tunnel shall bear north 82° west, approximately, to the intersection of L street and Delaware avenue (formerly McGraw street) of the Seattle tide lands; thence northwesterly into Puget Sound: *Provided*, That all work on the reservation shall be subject to the approval of the Secretary of War and to such regulations as he may prescribe in the interest of good order and to prevent any unnecessary injury to the reservation or to public property thereon: *Provided further*, That if, at any time, the discharge of said sewer shall become injurious to the sanitary conditions of Fort Lawton, the city of Seattle, upon notification by the Secretary of War, shall take prompt measures to abate the objectionable features: *And provided further*, That if the construction of the Lake Washington Canal shall have been decided upon before the completion of said sewer, the city of Seattle, with the supervision and approval of the Secretary of War, may so modify the location of the outfall and the route across the reservation as best to meet the new conditions created by the canal.

SEC. 2. That the city of Seattle is also granted a right of way 150 feet wide, for street and tunnel purposes, across the reservations for the old and new locations of the Lake Washington Canal—the central line of said right of way bearing approximately north from a point on the south line of the old location reserve, situated about 639 feet westerly from the southerly monument in Twenty-fourth avenue north (formerly East street); together with the use for similar purposes of land included by the south boundary of the old location reserve, the east boundary of said right of way, a line bearing approximately north from said southerly monument, about 70 feet, to the northerly monument in Twenty-fourth street, a line bearing westerly from said northerly monument, parallel to and 70 feet distant from the southerly line of the old location reserve, about 460 feet in length, and a line from the westerly end of the last-mentioned line, bearing north about 44 degrees and 14 minutes west, about 150 feet, to the east boundary of said right of way: *Provided*, That any structures placed by said city in said right of way shall be subject to the supervision of the Secretary of War and to such changes as he may from time to time prescribe in order that the use of said rights of way shall not obstruct any improvements which the United States may make on said reservations.

SEC. 3. That the city of Seattle is also granted the right to construct and maintain a tunnel to carry water, sewer, gas, and other pipes, and electric wires, under and across the Lake Washington Canal Reservation near Third avenue, west, in the city of Seattle, subject to such conditions as to location and plans of the tunnel and to such changes in respect thereto as the Secretary of War may from time to time prescribe in order that the tunnel shall not obstruct any improvement which the United States may make on said reservation.

SEC. 4. That the city of Seattle is further granted the right to open and perpetually maintain a public street in and along the southern, eastern, and northern boundaries of the military reservation of Fort Lawton, Wash., using for that purpose a strip of land 30 feet wide within the reservation and along said boundaries, beginning at the meander corner between sections 15 and 16, township 25 north, range 3 east, Willamette meridian; thence along the reservation boundary northerly, easterly, northerly, westerly, northerly, westerly, northerly, westerly, and northerly to the meander line on the north side of section 10 of said township and range: *Provided*, That all expense of opening, constructing, and maintaining said street shall be borne by said city and that the work of moving the Government fences to the location made necessary by this grant shall be done by said city without expense to the United States and to the satisfaction of the military authorities.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Washington is entitled to twenty minutes and the gentleman from Mississippi is entitled to twenty minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, the purpose of this bill is, first, to permit the city of Seattle to construct a sewer across Fort Lawton, as is shown here on the map. The next section is to permit the city of Seattle to run its streets under the Lake Washington Canal right of way, which is represented on the map by this red line. The third purpose is to permit the city of Seattle to construct a roadway around the edge of Fort Lawton, as is shown here on the map.

Mr. HUMPHREYS of Mississippi. By whom is the Lake Washington Canal owned? Is it private or public?

Mr. HUMPHREY of Washington. It is owned by the Government. The purpose of running a sewer across through Fort Lawton, coming out at this point where I indicate on the map, is because of the fact that at this particular point the tide sets out at all times during the twenty-four hours. If it is not run out there, then the city will have to run it out at this point, where the tide washes up on the shore, and it would then not only endanger the health of the city of Seattle, but it would lead to the abandonment of the fort. We want to cross under the Lake Washington Canal right of way. We want to construct a tunnel for street purposes and for sewer purposes, to run our sewers and gas pipes and electric wires.

Mr. HUMPHREYS of Mississippi. At what depth under the canal is it proposed to have the street?

Mr. HUMPHREY of Washington. That is to be regulated by agreement with the War Department. It is under their supervision and direction. I will say that the War Department has consented to this bill. In fact, all the authorities of the Government think it ought to be passed. There is a light-house at a point which I now indicate on the map, and the Light-House Board all say the bill ought to be passed. It has passed the Senate unanimously and passed the House committee unanimously.

Mr. SHERWOOD. It is a unanimous report.

Mr. HUMPHREY of Washington. The necessity for the immediate passage of the bill is that the progress of this great sewer, which represents over $4,000,000, is now being obstructed, and can not proceed until this bill is passed. There is very great urgency to protect, not only the fort itself, but to protect the health of the entire city of Seattle.

This line, representing the Lake Washington Canal, runs almost through the center of the city, and there are 100,000 people on this, the north side, and perhaps 150,000 people on this, the south side.

Mr. HUMPHREYS of Mississippi. What is the depth of the canal?

Mr. HUMPHREY of Washington. It is not completed; it is a right of way.

Mr. CRUMPACKER. What safeguards have you in the bill as to the time the work will occupy, the refilling of excavations, and the restoring of the former conditions?

Mr. HUMPHREY of Washington. Nothing except that it is under the control of the Secretary of War and the fact that it has been agreed upon by all the authorities of Seattle and the Secretary of War that the bill should take this form. The tunnel is to be left open for street and other purposes.

Mr. ROBINSON. Is there any safeguard as to the damages that may accrue to the canal?

Mr. HUMPHREY of Washington. That is left largely with the Secretary of War, but there is a provision that if they want to proceed with the canal before the sewer is completed, then the Secretary of War may change the location at any time.

Mr. KAHN. If the canal was built it would be built under the direction of the Secretary of War?

Mr. HUMPHREY of Washington. Yes; this bill went through the hands of Mr. STEVENS of Minnesota, of the Committee on Military Affairs, and when I say that Members will understand that all the rights of the Government have been preserved.

Mr. PARKER of New Jersey. If the gentleman will allow me, I want to say that we referred this matter to Mr. STEVENS, of the Committee on Military Affairs, to Mr. YOUNG, and to a third Member, a Democrat; they went over it very thoroughly, so as to understand the matter and see exactly what it was and get the details from the Secretary of War, and they were advised that the bill in its present shape was all right.

Mr. LOUDENSLAGER. Will the gentleman from New Jersey yield for a question?

Mr. PARKER of New Jersey. Certainly.

Mr. LOUDENSLAGER. Did they think it proper that this land should be given by the Government without any compensation whatever—a street 150 feet in width?

Mr. PARKER of New Jersey. A street 150 feet wide does not cross the Government reservation; it crosses the old Washington Canal location.

Mr. HUMPHREY of Washington. Let me explain the matter to the gentleman from New Jersey. That 150 feet width is for a tunnel 150 feet wide under the canal, to be used as a street.

Mr. PARKER of New Jersey. It is not over the Government reservation——

Mr. LOUDENSLAGER. It is under the Government reservation.

Mr. PARKER of New Jersey. It is not under the Government reservation; it crosses the location of the Washington Canal.

Mr. WILLIAMS. If the Government does not own the property, why is the bill necessary?

Mr. PARKER of New Jersey. The Government has a right in it as a public highway or canal.

Mr. HUMPHREY of Washington. Mr. Speaker, I reserve the remainder of my time.

Mr. KAHN. Before the gentleman reserves the balance of his time, will he yield to me for one question? Is it not a fact that the entire military reservation was given by the city of Seattle to the Government without any cost?

Mr. HUMPHREY of Washington. Yes; we bought it and paid for it, and gave it to the Government, and we did the fort also.

Mr. PARKER of New Jersey. Will the gentleman from Mississippi yield me a moment's time?

Mr. WILLIAMS. I will yield five minutes to the gentleman from New Jersey.

Mr. PARKER of New Jersey. Mr. Speaker, let me simply state that in this act there are four sections. They confused me at first, and that is why we sent the bill to a subcommittee. The report by Mr. STEVENS makes it plain. Sections 1 and 4 are all that have anything to do with the military reservation. Section 1 grants the right to put a sewer right of way across the reservation, subject to the approval of the Secretary of War in all respects. The reason for the legislation is that the sewer will go into the bay at the end of the point on the reservation, and will do much less harm to the reservation than if it goes into the bay anywhere else where the sewage would more likely be cast upon the reservation.

Section 4 is a provision that a street may be run along the boundary or the reservation. It is 60 feet wide, I believe.

A MEMBER. Thirty feet wide.

Mr. PARKER of New Jersey. Thirty feet wide, 15 feet coming off the reservation and 15 feet off of outside property. The city pays the expense of putting up the street and moving the Government fence, and the Government prefers to have the street outside.

Mr. WILLIAMS. I think the gentleman from New Jersey is mistaken; I think 30 feet comes off the reservation and 30 feet off some other property.

Mr. PARKER of New Jersey. That is the way I had it at first; that was my recollection, but somebody interfered with my statement. Now, that is all that has to do with the fort. It seems that near the fort is a canal, as to which I am not altogether informed, but it is intended to be built, or is building, for navigation purposes, and the city of Seattle also wants to put streets under the canal, so as not to interfere with navigation.

The Government desires to encourage streets and communication by streets just as much as communication by canal, and therefore it agrees by sections 2 and 3 that these streets shall be run under the canal. If I am wrong in any of these statements, the gentleman from Washington [Mr. HUMPHREY] will correct me. That is the way I understand it.

Mr. HUMPHREY of Washington. That is correct.

Mr. WILLIAMS. Mr. Speaker, I frankly know very little about this matter, and have called for a second chiefly to get it explained. I remember a day when I could have subscribed perfectly to the statement of the gentleman from Washington [Mr. HUMPHREY] that the gentleman from Minnesota [Mr. STEVENS], having carefully considered the bill, that was a very great reason to vote for it. My confidence in that gentleman's judgment upon all subjects is very exceedingly great, but his judgment has been discredited by the Republican majority and by the Speaker here lately very much, and that leads me to believe that it is a patriotic duty to my country to investigate even matters that he has passed upon. The fact that the gentleman from Minnesota is one of the enthusiastic men who have introduced a bill, and wants it passed, for free wood pulp and print paper, and that he has been discredited by not having thus far been recognized to bring that bill up under suspension of the rules, leads me to think that I perhaps ought to investigate even the legislation that he proposes to the House. I therefore, being properly warned that his name is at the head of the report and that there may be something unpatriotic or even treasonable in connection with any bill offered by any advocate of free pulp and free paper, demanded a second in order that the gentleman from Washington might explain the bill. I was a little bit afraid that perhaps it had some connection with free wood pulp and print paper, because of the identity of the name at the head of the report with that introducing the bill to put them on the free list, to which I have referred, and was a little bit afraid that we were transgressing by its consideration some of the special rules lately promulgated by the Committee on Rules to stop Democratic agitation for remedial legislation. It seems to me, however, from consideration of the bill and the report that I may justly restore the gentleman from Minnesota [Mr. STEVENS] to my ancient and wonted confidence. It does not seem that it ought to be broken by the contents of this bill. This bill seems to be right, from all I can learn of it, and I shall be so glad to reassert my confidence in the judgment of the gentleman from Minnesota [Mr. STEVENS], who has reported it, in order that I may thereby recommend his judgment upon other subjects-matter, including free paper and pulp, that I shall later on call for the yeas and nays in order to go on record in behalf of the pending legislation. [Applause and laughter.]

There seems to be four different propositions contained in the bill, and as far as I can see there is no objection to the people

of Seattle going under a canal if they want to, and having 30 feet of a military reservation added to 30 feet of their own to make a 60-foot boulevard, although they do seem to be getting it without paying anything for it. However, the gentleman from California [Mr. KAHN], my genial friend, who is always in favor of remedial legislation, except when the veto is put upon him by those higher in party authority, and in whom I have the utmost confidence, tells me that the reason of that is because the city of Seattle originally gave the property to the Federal Government without any compensation. This recommends the measure to me, too, Mr. Speaker. It is so seldom that from the Republican side of the Chamber there comes any justification at all for conferring special privileges upon corporations without any compensation, that when I find there is an explanation and justification consisting in the fact that the beneficiary formerly did confer upon the Federal Government some privilege without compensation, the cockles of my heart warm up to the proposed legislation, suggesting to my mind the probability of Republican conversion to some of the sound underlying principles of governmental science. [Laughter]. I am, in fact, and have been for a long time, Mr. Speaker, of the opinion that whenever the gentleman from California [Mr. KAHN] is let alone and left "in maiden meditation, fancy-free," to pursue the paths of legislative dalliance according to his own ideas, he is a right able legislator. But whenever he is held down under the cup of oppression, whether by the Speaker or the Committee on Rules, I find him like most men upon that side, without initiative of any description. In fact, I did think the gentleman from California would this morning have the courage to send a written petition to the Speaker of the House to recognize somebody to move to suspend the rules and discharge the Committee on Ways and Means from further consideration of a free print paper and wood pulp bill, and put it upon its passage [laughter]—not only because he is in favor of the legislation—for I understand from his general character for fairness, of course he is, as about eighty of you over there are—but because——

Mr. KAHN. Oh, the gentleman's understanding is wrong, as usual.

Mr. WILLIAMS. Well, in this particular case I understand my understanding is wrong. The gentleman is more subjugated than I thought. He seems to have had his opinion subjugated as well as his action. There are many over there who are in favor of it, however, and I understand that amongst them all it would be exceedingly difficult to find one who would even sign a petition—exercise the constitutional right of petition—to the Speaker to be recognized to suspend the rules and pass such a bill.

Having made these remarks in advocacy of the passage of the bill, Mr. Speaker, I shall reserve the balance of my time. [Applause.]

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY, from the Committee on Appropriations, reported the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER pro tempore. The gentleman from New York reserves all points of order.

FORT LAWTON MILITARY RESERVATION, WASHINGTON.

Mr. DRISCOLL. Mr. Speaker, I would like to ask the gentleman from Washington why the city bought this property and gave it to the Government? Was there any ulterior motive?

Mr. HUMPHREY of Washington. Just out of public-spiritedness; that is all. The Government needed a fort, so the city of Seattle bought one and gave it to the country.

Mr. BARTLETT of Georgia. Go out and see the place and the people. I have been there.

Mr. HUMPHREY of Washington. I thank the gentleman from Georgia. It is the same way about the right of way for the Lake Washington Canal. We gave that to the Government also.

Mr. UNDERWOOD. Mr. Speaker, has debate been concluded on this resolution?

The SPEAKER pro tempore. Is there any further demand for time? The question is——

EULOGIES ON SENATORS MORGAN AND PETTUS.

Mr. UNDERWOOD. Mr. Speaker, before the vote is taken, I have a request to make. The eulogies on Senators MORGAN and PETTUS take place this afternoon, and I have a resolution in my hand which I intend to offer, and ask unanimous consent for its present consideration, but before doing that I desire to ask unanimous consent that gentlemen who may not be present to-day may insert or extend their remarks in reference to the eulogies.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that Members may extend their remarks on the subject of the eulogies on Hon. JOHN T. MORGAN and Hon. EDMUND W. PETTUS, which are to be considered this day. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, Mr. Speaker, I ask unanimous consent for the present consideration of the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent for the present consideration of the following resolutions, which the Clerk will report.

There was no objection.

The Clerk read as follows:

Resolved, That the House now proceed to pay tribute to the memory of Hon. JOHN T. MORGAN and Hon. EDMUND W. PETTUS, late Senators from the State of Alabama.

Resolved, That as a special mark of respect to the memory of the deceased Senators and in recognition of their distinguished public services, the House at the conclusion of the exercises to-day shall stand in recess until 11 o'clock and 30 minutes a. m., on Monday next.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the families of the deceased Senators.

Mr. WILLIAMS. Mr. Speaker, one word. I wish to say that owing to the peculiar situation in which we find ourselves, the occasion with which we are very soon to be confronted, that I shall not call for the yeas and nays upon this motion.

Mr. MANN. This is not a time for any partisanship, as everybody admits.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

Mr. UNDERWOOD. Mr. Speaker, I ask that the Clerk read the special order for to-day.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That the House of Representatives shall, at 2 o'clock on Saturday, April 25, 1908, consider resolutions upon the life, character, and public services of the Hon. JOHN T. MORGAN and the Hon. EDMUND W. PETTUS, late Senators from the State of Alabama. (Resolution adopted in the House March 31, 1908.)

The SPEAKER pro tempore. Will the gentleman from Alabama [Mr. TAYLOR] take the chair?

Mr. TAYLOR of Alabama took the chair.

Mr. UNDERWOOD. Mr. Speaker, Alabama mourns to-day two great men, JOHN TYLER MORGAN and EDMUND WINSTON PETTUS. Like two giant oaks in the forest of statesmen, the lives of these two men have run contemporaneous with the history of Alabama. Both were born within half a decade of their State's natal day. They grew to manhood amidst the trials, hardships, and adventures of frontier life, when a great portion of Alabama was still a wilderness and before the Indian tribes were moved from the State.

Their early manhood was spent in the prosperous days of an antebellum civilization, when cotton was king and the land was new, when a man's honor was valued more than his gold, when work, honesty, and courage could obtain every opportunity in life.

From these golden days of peace and plenty, almost within the space of a flash of lightning, their lives were encompassed by the turmoils, dangers, and strifes of the civil war. Then each drew his sword in defense of the State, and for gallantry on the field of battle each returned home, when peace came again, wearing the single star, the insignia of a brigadier-general of the Confederate army.

Then came into their lives the dark, gloomy days of reconstruction, of poverty, of racial strife, of destroyed homes, of dishonored courts—the days when lawlessness reigned supreme and protection to life and property was unrecked of under the misused law of the land. It was through these terrible times that these two men stood together as pillars of strength to their neighbors in their sufferings and distress, and as pillars of light to lead their State from the sloughs of dishonor and corruption back to the high ground of honor, peace, and protection.

They lived to see their State, in their declining years, through their guidance, restored to Caucasian rule and prosperity and happiness return to the farms and cities. The development of the great mineral resources of north Alabama advanced their

State to the first rank of the manufacturing, as well as the agricultural States of the Union. They lived together for eighty-odd years. They fought together on battlefields of war and strife; on fields of law and rhetoric; in times of hardship and danger; in times of peace and plenty.

They died together, honored and loved by all their fellow-countrymen, each bearing the high commission of a United States Senator as the badge of honor conferred by a grateful people on its two most worthy citizens.

What an era to live through! What times they were to make character! How many opportunities were there for the great to rise and the weak to fall in those eighty years! Will any man ever live through such changing times again? Will Alabama again produce two such worthy sons?

Senator MORGAN was born in Athens, Tenn., on the 20th day of June, 1824. He came to Alabama to live when he was 9 years old, and received most of his education in the State of his adoption. He was admitted to the bar to practice law when he was 21 years old, and continued in the practice for thirty-two years, until he was elected to the Senate of the United States. He was a Presidential elector in 1860 and voted for Breckinridge and Lane. He was a member of the State convention that proposed the ordinance of secession. He joined the Confederate army in May, 1861, and rose from a private soldier successively through the grades of major, lieutenant-colonel, and colonel to the rank of brigadier-general. As a Presidential elector from Alabama he voted for Tilden and Hendricks in 1876. He was elected to the United States Senate in 1877, and continued to represent his State in that Chamber of the Congress until his death.

Senator PETTUS died in harness at the age of 86 years, the senior Senator in age in the Senate, and one of the most interesting figures that has ever appeared in public life. He was born in Limestone County, Ala.; was educated in the common schools of the State and at Clinton College in Tennessee. He studied law; was admitted to the bar to practice when 21 years of age; was elected solicitor of the seventh judicial circuit of Alabama within two years after he came to the bar; went with a party of neighbors to California in 1849 on horseback; served as a lieutenant in the Mexican war, and was judge of the seventh Alabama circuit from 1855 to 1858. He entered the Confederate army as major of the Twentieth Alabama Infantry in 1861, and was soon after promoted to be lieutenant-colonel, and in 1863 was made a brigadier-general for leading the troops of a Texas battalion to retake a salient of the works in which the Union forces had found a formidable lodgment. Senator PETTUS was without military training, but he was the highest type of military soldier, always ready and courageous, fearless of danger, and able to rise above adversity.

For three decades after the civil war he refused to hold office, and he was 75 years old when the Alabama legislature first elected him to the Senate. He was twice thereafter elected without opposition, and died with eight years yet to serve.

Senator PETTUS was a man of strong convictions, the growth of years of experience; he was both wise and courageous as a public servant. From the first he took a prominent position in the Senate, and possessed the confidence and respect of his colleagues at all times.

The passing away of these two great men marks the close of an era; they came down to us from times that have gone—from a civilization that has passed away. They stood like great trees on a mountain peak that have breasted the storms of centuries, and stand as grim, old sentinels of an age that has passed.

They have gone from us; new officers command the ship of state, and new soldiers are here to answer duty's call; but the names of MORGAN and PETTUS will go resounding down the path of time, marking the road to patriotism, courage, honor, and statesmanship for generations of Alabamians yet to come.

Mr. CRAIG. Mr. Speaker, having had the honor of living since my birth in the same town with both General MORGAN and General PETTUS and having always thought of them together, I trust the House will grant me the high privilege of saying something about both of them.

On one of the stone pillars supporting the gate leading into the cemetery in which both of these illustrious men sleep is a tablet upon which is this inscription:

They are not dead who live in the hearts of those they loved.

How fitting an inscription and how applicable to our two late Senators. Well might it be said of them they are not dead, but live in the hearts of a grateful people, who loved them and delight to honor their memory.

The lives of Senator MORGAN and Senator PETTUS were so closely interwoven that they came to be thought of together as almost the last representatives of the old style of statesmen. The people whom they represented never in any way showed or had any preference for one over the other, but loved and honored both alike. When but young men they practiced law in the same little town of Cahaba, now itself only a memory, and in later life they both moved to Selma, in the same county, where they lived for forty years or more. When the day came for every true patriot to take up arms in defense of Alabama and the South we find them among the first to enlist. Alike they started at the bottom of the ranks, and, alike, they were promoted time after time for bravery and efficiency until each was a brigadier-general. When the war was ended they both, like Cincinnatus of old, laid down the sword and returned to their peaceful avocations to do each his part in rebuilding the apparently prostrate South. Together they labored in that cause and together helped to lead their people through the dark days of reconstruction. So nobly did they serve their State as private citizens that first General MORGAN and then General PETTUS was sent to represent their Commonwealth in the highest branch of the National Legislature. So, together again, they labored, always untiringly, always with the highest degree of efficiency, always well, always honorably for the State and the nation which had claimed for their own the major part of the lives of both these magnificent American citizens. Yes, together they had served, in one way or another, for more than the ordinary lifetime, and almost together they died, and lie to-day in the same cemetery in the beautiful city of Selma not more than a hundred yards apart. How fitting and appropriate it is, then, Mr. Speaker, that they should be considered here together to-day. To pay a tribute to one of them is but to eulogize the other, for in all that goes to make men great, in capacity, in devotion to duty, and integrity, they were alike; and yet so different in so many respects.

General PETTUS towered above his colleague in physical stature; he was of massive build and rugged countenance, and deliberate in all that he did and said. Though profoundly learned, he was a man of few words. He was possessed of a remarkable sense of humor and a sparkling wit, though always of serious mien. A most delightful companion, though seemingly austere; blunt of speech, but filling his remarks with wisdom and force. In argument or debate, deliberate in everything, but putting so much force in few words that every blow was the blow of a sledge hammer, and every remark, though not eloquent, was delivered in such forceful manner and backed by such wisdom that conviction was invariably carried to the hearts of his hearers. His early life of campaign and adventure made of him more a strong man of action than anything else.

General MORGAN was of slighter build and shorter stature than General PETTUS; he was quick and versatile, a conversationalist of powers to charm his hearers, even upon the most ordinary subjects; a speaker of eloquence and forcefulness unsurpassed. A student from his childhood, his four years in the civil war, filled with hardships and adventure though they were, failed to leave him more a soldier than a scholar, and he continued to his death preeminently happy when exploring the realms of knowledge, or enlightening an audience with his rich flow of eloquence upon important topics, of which he was always a complete master.

SENATOR JOHN T. MORGAN.

Senator MORGAN was born in Athens, Tenn., on June 20, 1824, but removed to Alabama when he was but 9 years of age. In those days an education of much scope was a thing beyond even the brightest hope of any of the youth of that far Southern State, except where the parents were in affluent circumstances; and his parents being of moderate means, the education obtained by MORGAN was from the ordinary schools of the day and at his mother's knee. But by natural inclination he was studious, and full of the desire to acquire knowledge and excel his fellows by the possession of information and the art of knowing how to use his store of knowledge to the best advantage. Never did he swerve from his course of acquiring knowledge and more knowledge and yet more knowledge, until his mind became a veritable encycolpedia upon not only the important questions confronting the nation and its statesmen, but upon every imaginable subject. To the youth of our land who must make their own way in the world and gain for themselves the education that a lack of means denies them, no greater inspiration can come than the magnificent struggle and achievements of this sparingly schooled but nevertheless most highly educated scholar and statesman. When but a youth he studied law in the office of William P. Chilton, of Talladega, and when scarce 21 was admitted to the bar. His progress in the profession was rapid, and ten years after his admission to the bar he removed to Dallas County and continued his practice at Cahaba, then the county seat. Here

he remained until the breaking out of hostilities between the North and South. During all the stirring times preceding the war he took an active part in the politics of his State, and in 1860 was elected an elector on the Breckinridge and Lane ticket. In his canvass of the State on that ticket he first came into State prominence as an orator, and from that time was destined to hold a place as one of the ablest leaders the people of Alabama have ever known. To such an extent had that canvass and his untiring efforts for States rights placed him in the forefront of the battle in which the State then found herself that his presence as a member of the convention, commonly known as the "secession convention," was imperative, and accordingly he was sent by Dallas County as her representative in that body. His wonderful eloquence and his strength as a debater won for him in that convention still greater renown among the people, who, later, were to call him from private life and make him their representative in the highest deliberative body in the world.

In 1861 he enlisted as a private in the Cahaba Rifles, a company of the Fifth Alabama Regiment, and his services as a soldier of the Confederacy ended only with the Confederacy itself. As he had led in the pursuits of peace, so was he to lead his countrymen in war, and in a brief space of time he had risen from the ranks to a colonelcy, and thence to the rank of brigadier-general. When first appointed a brigadier-general he resigned the commission, because he thought his regiment needed him and he could do more good there, and not until his place in his regiment was filled to his satisfaction would he consent to accept the higher commission, which he held to the close of the war, thus demonstrating that in the truly great solicitude for the welfare of the country's cause is greater far than ambition for glory and command. Oh, what a lesson such patriotism would be to the hustling, shouldering self-seekers of to-day, if they would only stop in their mad race for plaudits and place and look upon the life of this truly great man, so strikingly outlined in this one unselfish, patriotic act!

Great though his achievements as a soldier were, the greatest achievements of General MORGAN were in times of peace, when he lent his matchless mind and energies to working out the great problems that confronted him as a statesman. Rising high above the plane of the politician and measuring every inch a statesman of the purest type, it was but natural that as soon as the reconstruction period in the South was past and the yoke of the Federal soldier and the carpetbagger had been thrown off, making it possible for a true representative of the people to be elected, he should have been chosen to represent Alabama in the United States Senate. His first term in the Senate began in March, 1877, and without interruption he served until his death, on the night of June 11, 1907, four months after he had commenced the service of his sixth term, the result of a unanimous election at the hands of the people of his State.

His services in the Senate were a constant source of pride to his constituents, and the impress which he has left upon American legislation is lasting in character and marked by the profound wisdom and farsightedness of the man. His great ability as a lawyer stood him in good stead in the Senate, and his merciless cross-examination of certain railroad magnates during the investigation of the refunding grabs of the Pacific railroads, soon after his advent into the Senate, placed him among the best lawyers in that body. An incident is told in connection with that investigation which indicates most strongly his high character. Not long after the investigation had closed, the particular railroad magnate who had received the most thorough drubbing at the hands of Senator MORGAN called at the Senator's house. He was most cordially received, as were all visitors to that most hospitable home. During his call the railroad man referred to the impression that had been made upon him of the great legal abilities of the Senator, and told him that he had called to engage his services as counsel for his road, saying that they wanted him, and that he might himself fix his salary, no matter if it went as high as $50,000 a year. The reply of Senator MORGAN was, that so long as he served his country in the Senate he would serve no corporations; that he had severed his connections with the railroads for which he was counsel at the time of his election, and that he would consider it a favor if the railroad magnate would leave his house. He often said that that offer was the greatest insult ever offered to him during his whole service in the Senate.

Though an intense party man, he always considered his duty to his country paramount to his party allegiance, and whenever his judgment led him contrary to the measures of his party leaders, he did not hesitate to act upon his judgment. Such was the case in the annexation of Hawaii. On that question he stood steadfastly against the policy of President Cleveland, and it is due more to his farsightedness and determined stand than to anything else that the revolutionists in Hawaii were not turned over to a cruel monarchy to be mercilessly butchered, while America stood aloof, little dreaming of the need she was soon to have for those islands as a halfway station in the Pacific during the Spanish war. His work in shaping the course of the United States in this instance and in promulgating a system of laws for the Hawaiian Islands goes far toward proving him one of the greatest statesmen of his time. His services in the Bering Sea arbitration and his numberless other achievements are still bright in the memory of the generation and will take their rightful places in history. More than any other man may he be called the "father of the Isthmian Canal," for, while the route that he favored was not ultimately adopted, it is due more to his ceaseless labor in educating Congress and the people upon the necessity for an interoceanic canal than to any other agency that the project of connecting the two oceans was finally undertaken by this country. How much, Mr. Speaker, might be said of the great work of this wonderful man! But I will mention but one more of his services to his State, and that is his part in defeating the infamous "force bill." His speech upon that subject is one of the most remarkable efforts of his splendid career, and I say, and believe that I speak for every white man in Alabama and the South, that had he never accomplished anything in all his career save the defeat of that bill, he had by that deserved and gained the everlasting love and gratitude of a people who felt that the very life of their institutions was dependant upon his success in that fight.

SENATOR EDMUND W. PETTUS.

Senator PETTUS was of the kind of American fashioned in the school of adventure and trained and developed by the life of a soldier and pioneer. Born in 1821, he grew up with the country, and himself helped to make its history. Like his colleague, he was trained to be a lawyer, and in very young manhood was elected solicitor of the seventh judicial circuit of Alabama. Soon after he entered upon the duties of that office our nation became entangled in disputes with Mexico, and war was declared. True to every patriotic impulse, this sterling young lawyer at once volunteered his services to his country, and went to Mexico as a lieutenant in the United States Army, serving gallantly and efficiently until the end of the war.

In 1849 his adventurous spirit led him to the gold fields of California, but the thirst for wealth and gold, for gold itself, having no place in his nature, he returned to his native State, where, in 1855, he was elected judge of the seventh judicial district. In 1858 he resigned the judgeship and moved to Dallas County, where he entered upon the practice of the law and where he lived for the remainder of his life. Settling in the town of Cahaba, then the flourishing county seat of the rich county of Dallas, he built up a lucrative practice, but when the rupture between the North and the South could no longer be averted and hostilities were about to commence, he again left the peaceful pursuit of his practice and took up the sword to do his duty as he saw it. Starting at the rank of major, in two years he had risen to the command of a brigade, which he led during the remaining days of the war. In the discharge of this, as in the discharge of every other duty imposed upon him, he was conscientious, untiring, and brave, and was always looked to in times of great stress to lead his followers to victory. The military records of the Confederate government tell in no uncertain terms of his bravery and devotion to duty, and to such men as he and his illustrious colleague the people of the South owe their victories in that bloodiest of wars.

The war being over, General PETTUS returned to Dallas County, and this time located at Selma, to which place the county seat had been moved. Invaluable though his military services had been, no one can say that any less valuable were his services to his people during the days that followed the closing of the war; days that tried the soul of every true Southern man, for the great problem of dealing with a race of slaves, made citizens overnight, and drunk with their supposed power and the vain hopes placed in their hearts by unprincipled adventurers, had to be dealt with with a firm purpose and by men equipped with courage and capacity for the fight. And so, again, did he endear himself to his people. I say his people, for he was always one of them, never placing himself above them or seeking his own ends, but always by them placed in the lead where danger threatened or great problems were to be solved. Is it strange, Mr. Speaker, that we should love such a man as that? Is it strange that when he would, in later years, return to Selma after an arduous session of the Senate,

his friends, young and old, would gather around him and bid him warm welcome back to his home and Godspeed in his good work?

After the war, though always at his State's command and always in her councils, never did he accept a public office until, when he was 76 years old, he was sent to represent Alabama in the United States Senate. He was sent by a loving people who longed to honor him. How well do I remember the day when the news reached Selma that the legislature at Montgomery had elected him to the Senate. The news flashed like wildfire over the town. The people were so happy that one would have thought that every man in the town had been elected instead of only one. General PETTUS was in Montgomery, but would be home that morning, and the people began to make ready to receive him. All business was suspended and a general holiday declared. As his train drew into the city every steam whistle was turned loose, the cannon boomed, and the people cheered until it was like bedlam. The General, not expecting such an outburst, did not know what to make of it, and his friends who were on the train with him say that he refused to believe that it was all done because of his election. When he descended from the train and took a carriage to drive to his home the din and noise of the happy throng was deafening; and then, spontaneously and on the spur of the moment, the young men, as if all inspired by one thought, unhitched the horses from his carriage and themselves pulled him through the streets of Selma to his beautiful old-fashioned Southern home. He sat like one benumbed, scarce believing that all this enthusiasm and love was for him; and when, at his home, he tried to thank his fellow-citizens, his tender heart gave way and the tears of gratitude and joy streamed down his rugged face.

Of his services in the Senate none know better than the Members of this House, save his colleagues in the Senate. Always honorable, always just, always looking for the right and following it regardless of consequences, there has never been a man in that body who had in a greater degree the respect and confidence of his colleagues and the country at large.

Mr. Speaker, Alabama is proud of these two sons, both of whom spent their lives in the service of the State, preferring the reward that comes with duty well performed to the riches that either might have gained in private life. Alabama loved and trusted them with never a shadow of a doubt. She weeps for them because she has lost them; but with a loving heart she realizes that the rest into which they have entered is well deserved and sweet, and that their loved ones on the other shore had waited long for their coming.

"Peace to their ashes!" And may the blessings of a kind and loving Providence be showered upon them through all eternity.

[Mr. BURTON of Ohio addressed the House. See Appendix.]

Mr. CLARK of Missouri. Mr. Speaker, Alabama came into the Union in 1819. From the day of her admission she has generally been represented ably, sometimes grandly, in the two Houses of Congress.

From the beginning Alabama believed, as does Missouri, that it is sheer folly to change her Senators and Representatives frequently. Consequently both these States retain their Senators and Representatives for long periods, thereby giving them an influence in legislation larger than their mere numbers would warrant; for let it never be forgotten that a man must learn to be a Representative or Senator just as he must learn to be a preacher, physician, lawyer, mechanic, merchant, or farmer. The more brains, learning, and industry he has and the better his habits, the sooner he becomes proficient in the difficult art of legislating for the people and of a mighty Republic. I feel free to speak on this subject because Missouri believes in length of service of worthy men, and so do I. More than any other portion of the Republic New England and Pennsylvania seem to understand the value of long service here. Five Philadelphians—Kelley, O'Neill, Randall, Harmer, and Bingham—have served a total of one hundred and forty-nine years. General Harmer was father of the House. General Bingham succeeded to the title, and long may he retain it; but it may surprise you to learn that should he quit the House, still another Pennsylvanian, Hon. JOHN DALZELL, would become the father of the House.

Missouri was the first State to give a Senator thirty consecutive years of service. She conferred that great honor upon one of the greatest of all American Senators and statesmen, Col. Thomas Hart Benton. He served "six full Roman lustrums," as he said in his pompous way. To this day she is the only State that ever gave thirty years of consecutive Senatorial service to two different men, the other being Gen. Francis Marion Cockrell. Benton's record was never equaled till March 4, 1897, when Hon. Justin Smith Morrill, of Vermont, began his thirty-first year of continuous Senatorial service. To this hour it has never been equaled except by Morrill, of Vermont, JOHN TYLER MORGAN, of Alabama, and WILLIAM BOYD ALLISON, of Iowa. John Sherman, of Ohio, served thirty-two years in the Senate in two sections of sixteen years each, being Secretary of the Treasury for four years between his two Senatorial services. William M. Stewart, of Nevada, had thirty years of Senatorial service in one section of twelve years and another of eighteen.

Of the earlier Senators, William Rufus King, of Alabama, one of her two first Senators, came nearest Benton's record, serving in the Senate twenty-nine years five months and seven days. If to that be added his forty-four days as Vice-President, in which high position he died, his total service in the Senate was twenty-nine years six months and nineteen days. His Senatorial service, however, was broken into two parts by service as minister to France. He was one of the very few men in our history to serve in Congress from two States. Besides his long service in the Senate from Alabama, he represented a North Carolina district for three terms in the House. He is also one of the very few men who resigned from the Senate twice. It may be remarked in passing that the resignation habit is not growing among Senators or among Representatives.

As Alabama began, so she continues. In our entire history only four men have been elected to the Senate for six full terms, Morrill, Sherman, ALLISON, and MORGAN.

General MORGAN died in the fourth month of his thirty-first year of Senatorial service and of his sixth full term. He was a remarkable man. It is not too much to say that he knew more than any other public man of his day. Knowing that all his manhood's days except his four years in the army and except his three decades in the Senate had been spent as a busy lawyer, I always wondered how he found time to acquire such an amazing store of information, for "amazing" is the one word which, to my mind, most fittingly describes his acquirements in that regard. Lord Bacon, in a famous letter to his jealous uncle, Lord Burleigh, said: "I have taken all knowledge to be my province," which seems to have been the case with General MORGAN. Sidney Smith, of witty and, therefore, of blessed memory, declared that omniscience was a foible of his friend Jeffreys, and I do confess that sometimes it appeared to me that Sidney's mot was more applicable to MORGAN than to the editor of the Edinburgh Review. In the scope and thoroughness of his information General MORGAN classed with Thomas Jefferson, John Quincy Adams, Thomas Hart Benton, and James A. Garfield. Considered solely from the standpoint of quantity and variety of information, these men may be fairly termed the "big five" of our politics. Of the five MORGAN was the best speaker.

There is a song to the effect that "Old Virginia never tires." Neither did MORGAN in speech making. He realized his prolixity himself and joked about it. Some one asked him how long he could speak on a given subject, and he replied, jocosely, "If I had studied the subject thoroughly and had my authorities arranged, I could speak three days, but without preparation I could speak indefinitely." Edmund Burke was dubbed "the dinner bell" because, so soon as he began, a great many, unfortunately for their own good, hurried out to dine and left him to harangue empty benches; but his speeches have become the text-books of eloquence. So it will be with General MORGAN. His speeches will be indispensable in any study of the times in which he lived and of the questions with which he wrestled.

Justly he must be considered the father of the Isthmian Canal, though I have no sort of doubt, judging the future by the past, that the New England scribes will filch from him that glory and confer it upon somebody from the northeast corner of the Republic.

So far as I know Senator MORGAN is the only man living or dead that ever resigned a brigadier's commission to accept that of a colonel. Usually soldiers are as jealous of each other about rank as a lot of opera singers or the members of the diplomatic corps, and MORGAN'S act must be forever rated as one of unparalleled generosity and self-abnegation, growing out of his absorbing love for the men of his old regiment.

Gen. EDMUND WINSTON PETTUS was the worthy Senatorial yoke-fellow with Gen. JOHN TYLER MORGAN. They constituted a great team. From the very beginning of Caucasian domination on this continent the names Winston and Pettus have figured conspicuously and always honorably in our affairs in both peace and war. Towns and counties have been called for them, constituting their perpetual monuments. General PETTUS was a superb representative of both these historic families.

By reason of proximity of residences here when he first came

to the Senate, I was better acquainted with General PETTUS than with General MORGAN. Another thing which brought us more in contact is the fact that our wives, both being Presbyterians, attended Doctor Pitzer's church, the only Democratic Presbyterian Church in Washington. The General and I may be not improperly denominated as sons-in-law to that church. We attended with our wives, he habitually, I occasionally. He and his good wife always took a front seat and it was a beautiful sight to see that venerable couple in the house of God. If I had time, I would be delighted to make a speech about Doctor Pitzer and his church, their struggles and their triumphs, their small and difficult beginnings, and their present high standing and commanding position. Doctor Pitzer came to rank as a sort of bishop. To illustrate the esteem in which he was held, once a little girl who was a member of his church was asked what St. Paul said on a certain subject. She replied: "I don't know what St. Paul said; what I want to know is what does Doctor Pitzer say."

General PETTUS was one of the most lovable men I ever knew. He was the soul of courtesy, not of the bogus sort which consists in bowing and scraping and genuflections, but in that genuine courtesy which means kindness of heart. He was a princely man, of princely stature and of princely manners, plain, unostentatious, gracious, and courtly. He was 75 years old when first elected to the Senate—a most unusual thing. He brought to Washington the reputation of being a great lawyer, and he maintained that reputation to the end. While he held a high place among the Conscript Fathers, he was too old to form the Senatorial habit; for there is a Senatorial habit and a House habit, the two being quite distinct. That is the reason why it occasionally happens to the general surprise that some man who is a great figure in the House fails to sustain his reputation in the Senate. While General PETTUS made a fine reputation in the Senate, it would naturally and inevitably been greater had he entered younger and served longer.

In the days of the gold fever General PETTUS rode horseback across the plains to California in search of the golden fleece. He took in his saddlebags the Bible and Shakespeare and upon them formed his style of strong, terse, luminous speech. No man of his day spoke purer English than General PETTUS.

He came of fighting stock on both sides of the house and was a soldier in two wars—the Mexican and civil. In the former he was a lieutenant; in the latter, major, colonel, and brigadier. The annals of the great war give no instance of fiercer fighting than he did at Vicksburg. If he had performed that feat under Napoleon, he would have been made a marshal of France. The heroic Texans whom he led that day elected him an honorary Texan, a high honor which he greatly prized to his dying day.

Happily, he was endowed with rare powers of sarcasm and a saving sense of humor. When he made his celebrated speech in reply to Senator BEVERIDGE, an exceptionally exquisite piece of sarcasm, wit, and humor, it happened that I was lecturing at Michigan University. His speech was headlined and greatly exploited in the newspapers. It set the country in a roar from sea to sea. The first time I was in the Senate Chamber after returning to Washington I congratulated the General on the fame he had achieved. Solemn as a graven image, he replied: "My speech on that occasion was one of the indiscretions of youth."

What happened to Generals MORGAN and PETTUS in 1906 will, in all human probability, never be duplicated in this world. General MORGAN, then past 82, was, in a primary election, unanimously nominated for a Senatorial term ending when he would be 89 years of age, and General PETTUS, at 86, was unanimously nominated for a term which would end when he would be 95. The intention of Alabama was to keep these two illustrious men in the Senate so long as they lived, which she did. Taking into consideration, however, the fact that both were well past the Psalmist's extreme limit of forescore years, and the further fact that the Alabama legislature is elected for four years, the people did the unheard-of thing of nominating alternate Senators, who now occupy the seats of MORGAN and PETTUS.

Without exaggeration or bad taste, it may be confidently declared that MORGAN and PETTUS were ideal American citizens and ideal American statesmen; pure, brave, capable, patriotic.

Both were lawyers, both volunteer soldiers, both Senators of the United States, faithful to every duty and in every relation of life. In their careers they illustrated American virtues, adorned American history, and vindicated American institutions.

At last each could have declared truthfully and triumphantly with St. Paul:

I have fought a good fight; I have finished my course; I have kept the faith.

[Mr. BOUTELL addressed the House. See Appendix.]

[Mr. MOON of Tennessee addressed the House. See Appendix.]

[Mr. CLAYTON addressed the House. See Appendix.]

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CLAYTON] will please take the chair.

Mr. CLAYTON took the chair.

Mr. TAYLOR of Alabama. Mr. Speaker, already in the other House Senators from the North and East and from the great Middle West and the Pacific coast and from the South have spoken most fittingly and elaborately of the two Alabama immortals who died in harness in that body. Yet it is none the less becoming in us of the House to add affectionate testimony to our own estimation of the distinguished dead.

Born in Alabama in the second year of her statehood, EDMUND WINSTON PETTUS grew up with his State and lived his whole life of more than eighty-six years a beloved son and honored citizen. At different periods of his life he lived in six different counties. The last half century and more of his splendid manhood was passed in Dallas County, middle Alabama, the heart of the Black Belt, among a people noted for intelligence, patriotism, and hospitality, where he knew everybody and everybody knew and loved him. For this and other reasons he may well be called the typical Alabamian, of whom the State was proud all of her days and all of his long life. He was familiar with every year of her history, and contributed substantially to make that history. The part he played was not only important, but always prominent; yet the prominence was never of his own seeking. He did not push himself, nor claim leadership, nor was he ever forward. His modesty was great and sincere. When occasion for public service arose he was always present, but did not volunteer to lead. He waited till his people called, and responded always promptly. He never had to wait long, for his people were quick to call on him to take his proper place. His unwavering confidence in the judgment of his people made him accept whatever position they saw fit to assign. His worth was so well recognized and his wisdom so universally acknowledged that at no time in the years of his manhood, when present and a public question was to be considered or acted upon, did his people in any part of his State fail to select him for a leading part. His efficiency was not impaired by lack of self-appreciation; he was too brave and manly for that. Besides, he believed implicitly in the judgment of his people, and when they said "Lead," he obeyed, because it was their judgment that he was the proper man to lead. He loved to perform public duties, for he regarded the duties of citizenship as the highest duties of man, and he performed them well, because he loved to serve and obey his people.

Senator PETTUS was descended from many generations of splendid ancestors, paternal and maternal—Virginians and soldiers of the Revolution. He was of kin to the Winstons, Taylors, Strothers, Gaines, and many others of the early families of the Old Dominion. And while he was himself a born democrat, at heart and in truth, and looked down upon no worthy man, he was proud of this fact, and did not hesitate to announce his opinion on it, as will appear from his remarks on Senator HOAR, quoted on last Saturday by Senator GALLINGER.

He married a Miss Chapman, also of high lineage, his equal in every respect, and a lady who lived a lovely and a useful life, and almost as long as her devoted husband. She died in 1906, scarcely more than a year ahead of him.

He lost his father in very early life, and was reared by a splendid mother. Notwithstanding, he had some advantages of education, and besides the old-field school, spent a term or more at Clinton College, Tennessee.

He read law, as was the custom in those days, in the office of a lawyer in north Alabama.

It will not surprise anyone who knew the man to hear that he was a soldier in the Mexican war and held the rank of lieutenant. He did not reach high rank immediately in his profession, though he held the office of State solicitor twice, and was again a judge on the circuit court bench, where it is said he presided with dignity and ability.

In 1849, after the war with Mexico, affected by the gold fever, he rode on horseback to California. He was very proud of being a "Forty-niner," and loved to talk about it. He attributed much of his success in after life and at the bar to the study, on his long ride through the Great American Desert and during his search for gold on the Pacific slope, of the two greatest books, in his opinion, ever printed—the Bible and Shakespeare.

His life in California brought him no money, but truly a deep and wide experience, which broadened and strengthened his

mind and nature, and tinctured noticeably his whole career. He returned to his home by way of the Isthmus of Panama, and crossed on foot, with his saddlebags on his shoulders, by the trail of the old Spanish freebooters and along the banks of the Chagres River. He caught the dreaded fever of that region—feared as much as the plague—and came home with it. But his splendid constitution and will vanquished the disease.

It was most interesting to listen to the old soldier tell of his home-coming, toilsome and dangerous and rough, and compare it with the present rapid, easy transit of the Panama Railroad.

Senator PETTUS was loyally, distinctly, and profoundly Southern in all of his political views, though broad and patriotic and thoroughly American in feeling. Descended from generations of Presbyterians, he was as intensely Calvanistic as Cromwell, though he never attached himself to the church. He was a man of deep convictions, with a keen sense of honor, and of profound and abiding opinions, and absolutely fearless in the expression of them. He believed in heredity, and he loved and revered his ancestors and the ancestors of his people and the Constitution which they made, together with the landmarks placed by the early judges along the line of its interpretation. He also believed in democracy and the old-fashioned Democratic party without shadow of turning. Time and again I have heard him say in public speech: "I inherited my democracy and believe in the doctrines of the fathers."

So, when the time came for war in 1861, this first-born Alabamian volunteered among the first. He volunteered as a private, but was soon selected and elected as major of his regiment.

As a man and lawyer, as a citizen, and as prosecuting attorney and judge, he was noted for integrity of character and truth. As a soldier, he was noted from the first battle, as a soldier should be, for courage. Step by step, by courage unflinching, cool, and untinged with rashness, he won his way to brigadier-general. In this rank his splendid coolness and remarkable care for his men in battle made him always a leader in the van of an advancing army and the rear guard on the retreat. As a soldier he combined happily the qualities of Murat and of Ney, but was most of all like Ney, reliable, stable, unflinching, a rock of Gibraltar against attack. It was his nature to be first in a charge and last in retreat.

His modesty followed the soldier as well as the citizen. During the siege of Vicksburg he was selected to organize and lead a desperate and almost a forlorn hope, the retaking of a most important redoubt.

I asked the old general—for so I loved to call him—one day when we were strolling near the Capitol, to tell me about the time when he volunteered to lead the charge through the crater at Vicksburg. He replied with some warmth:

I never volunteered. I was ordered. If you ever hear it said I volunteered I want you to deny it.

He then gave me a most graphic description of one of the most thrilling adventures I ever listened to. I begged him then and afterwards to repeat it to a stenographer and let me have it in his own words for publication. He declined then and afterwards with his usual firmness and courtesy.

He told me in the course of his remarks that he did not volunteer for this dangerous enterprise, but undertook it in the line of duty and obeyed orders. But said he, with much emphasis:

There were some brave men there who did volunteer, a whole battalion of them—Waul's Texas Battalion. They volunteered to a man. I had never met them before, nor they me. I took forty of them with me, and no man, before nor since, ever had such a command of brave men, one and all.

The way to the redoubt was through a narrow passageway and the guns of the enemy could rake it fore and aft. By some kind Providence he and his Texans passed through without a scratch, and in a hand-to-hand fight with hand grenades and bombshells, with fuses trimmed to a quarter of a second and thrown by hand over the walls in the midst of the enemy, they won the redoubt without the loss of a man. The old general added, with tears of fond recollection in his eyes:

When we all got back and I turned my forty men over to their comrades, they then and there unanimously elected me a Texan, and I was prouder of that compliment than of any honor I received during the war.

When the war was over General PETTUS returned to his profession and immediately became a leader at the bar, noted as a profound thinker and a great lawyer. Soon the reconstruction period came on and then it was that PETTUS showed energies and abilities and courage in peace no less pronounced than those he had shown in war. He believed absolutely in the inherent superiority of the white race. He looked upon the reconstruction acts as unconstitutional, indefensible, and void. He regarded the position of the South as purely and essentially one of self-preservation, and justified any and all her acts on the plea of imperious and impending necessity, not only to the South but to the race—the question to him was more than sectional, it was racial. In the defense of his race, especially the women of his race, his life and the lives of all were a willing sacrifice. He regarded the supremacy of his people as the life of his people. So it was that he volunteered to defend and did defend in all the courts in all parts of the State any and all persons who were persecuted by political prosecutions in the attempt to reconstruct the South to the degradation of her people.

Under his stern leadership and the unflinching and unwavering attitude of his people, the policy of reconstruction failed. And owing to the character he and his kind made before the nation in that desperate struggle, and the splendid patriotism which yearly developed throughout the South, the spirit which animated that harsh and cruel legislation has died out completely throughout the nation. The reign of the carpetbagger is at an end, and the stranger no longer sits in the judgment seat. The fate of the South is no longer in issue. It is as safe as the East or the North, or the West. Her people are in charge of her government, of her civilization, and of her development. In the past ten years the record of the South shows in contrast with the days of reconstruction "a peace which passeth all understanding," and a prosperity and material development which challenges the world. The old general lived to see his hopes realized and his course vindicated and it filled his big heart with pride and happiness.

Senator PETTUS never held but one political office, his seat in the United States Senate. No man who ever accepted a seat in that great body honored the position more highly than did Senator PETTUS. He had a lofty and ideal notion of the dignity which belonged to this great office. His reverence for the Senate was universally recognized by his brother Senators, especially when, on rare occasions, the Senators were out of order and the presiding officer would call Mr. PETTUS to the chair. At once a dignified and respectful order would take place and continue as long as Mr. PETTUS presided. He did not violate the decorum of the Senate himself nor would he approve or tolerate it in others.

When Senator PETTUS entered the Senate there arose a sincere and vigorous admiration and liking between him and Senator Hoar, of Massachusetts. Both Puritans, both men of high ideals and inflexible will and independent thought, both as different in opinion as has been almost always the East from the South, both honest, and both eminently patriotic, they first wondered at each other, then admired, then grew toward each other, attracted by mutual respect for manliness and love of truth and integrity, observed and frankly recognized as common.

It was to me something wonderful and most gratifying. It showed how easily all true Americans can come together.

These two men, one from the East and one from the South, had lived and worked apart for more than half a century on opposite sides of the greatest, gravest, profoundest questions that ever occupied the attention of mankind. In the last years of their lives they were thrown together in the Senate of the United States. Without apology for the past and with no perceptible change in the views of either on great national questions, it was but a short time when all the world could see that Senator PETTUS trusted Senator Hoar and that Senator Hoar trusted him, and the trust was implicit.

When Senator Hoar died Senator PETTUS, among other touching things, said:

The great Senator from Massachusetts to whose memory we have met to pay tribute, was better known to those who have spoken than to myself. They knew him longer, and they knew him and associated with him and learned to honor him as a scholar and as a lawyer. I have only known him here in the Senate as an earnest, eminent statesman; and have learned, in some degree, to appreciate his devotion to the great work he was selected to perform.

There spoke the natural Presbyterian, giving "tribute to whom tribute, and honor to whom honor is due."

Senator PETTUS was a man of few words, but he spoke strongly and clearly, so that none could misunderstand. He had a vein of humor that was remarkable, inimitable, and at times, irresistible. He indulged it once in the Senate and put that venerable body into a very uproar of mirth in a few terse and exceedingly characteristic sentences on the subject of oratory and orators.

It was a speech well worthy the occasion and the audience. It is a gem, and of its kind most rare. It should be preserved in literature and in the history of Alabama in Congress, and of the Senate.

Senator PETTUS's love for the Constitution and reverence for the fathers, inherited as he always declared with his blood, was rarely shown in a few pithy sentences when the question of amending the Constitution, so as to elect Senators by direct vote of the people was under discussion. He said:

The amendment of the Constitution of the United States to some Senators seems to be of little more consequence than the amendment of a law by which a bridge was built over some creek in the United

States. * * * Mr. President, we seem to have lost all respect for the works of our fathers. We seem to have lost all respect for the Constitution of the United States. It is nothing more than a trifling law, as one Senator said, which has served its purpose. Now, I tell Senators I am opposed to all of your amendments of every sort and I intend to cling to the fragments as long as one is left. Do as you please for yourselves.

In true sublimity and simplicity of expression nothing equals these sentences except those splendid words of Joshua:

As for me and my house, we will serve the Lord.

In one of his exalted sentences the great interpreter of human nature has said:

The evil that men do lives after them.

If this be true, and I fear it is, the bones of this great Alabamian may repose in quiet and his great spirit may rest in peace; for in all his long life he did no evil to man or woman, and much good. He lived a generous life. He was as noble as "any lord of Douglas, highland or lowland, far or near," and as brave and as true and as loyal. In battle his heart was the heart of oak and his hand the hand of steel; at home his heart was as kind as a woman's and his hand as gentle. He loved his country wholly, and he served his people wisely and well. Only dear memories remain of his splendid manhood, great in integrity and in loyalty, lofty in patriotism, and peerless in courage. And as he lived so did he die, welded in the hearts of his family, his friends, and his people, never to be forgotten in time or in eternity. He loved his people with his whole heart; and his people loved him the best of all.

Mr. Speaker, Senator MORGAN was a man of infinite natural resources and ability. He possessed in a marked degree capacity for study and investigation, combined with a perfect memory. He loved details and delighted in individual research and original thought. He relied upon himself and looked to his own powers, and from the meshes of his own brain came his best thought and speech. In the elucidation of subtle questions of law or science he asked no aid outside of his own mind. He thought for himself. All he desired were facts, and all the facts of which the subject was capable. So thoroughly self-reliant was he that he was wont to say he wished all the Supreme Court reports could be destroyed. He was a great lawyer and a finished speaker. His command of language, his purity and neatness of expression, free always from taint of pedantry, made for him a style grand, winning, full of sympathy, and most persuasive.

His power of analysis and of statement was superb, not exceeded by that of Judah P. Benjamin, the most noted man at the bar of the South in its palmiest days, for clean English and clear-cut logical statement of a case.

It was said of Senator MORGAN at the bar before he entered the Senate, by one of the ablest and most distinguished of his competitors, that he was a man with the "most privileged tongue" in the world. His English was so pure, so full, so classical, many wondered and asked what college was sponsor for such mastery of a language. Yet he had no college life, not even a high school acquaintance, and was to all intents and purposes and in its highest sense a self-made man.

A mutual friend and a fond admirer of the Senator writes me: "I once asked him if there was any truth in the report that President Porter, of Yale, after hearing him in the Senate, sought an introduction in order to learn in what college he had acquired his marvelous English. He said no such incident had ever occurred, but that Lord Hannen, with whom he was associated on the Bering Sea tribunal and with whom he became quite intimate, was astounded to learn he had no 'university.'"

Before entering the Senate he had a large and lucrative practice in his profession; had spent four years in military service in the war between the States, where he was twice made general, having once resigned; had been elector for President and Vice-President in 1860, and was a member of the secession convention, where he made much reputation as a speaker.

From 1865 to 1876 Senator MORGAN diligently practiced his profession and stood easily among the great lawyers of the South. In the campaign of 1876 he made a tour of his State, and the reputation he then made landed him almost without competition in the United States Senate. He stepped from private life into that great body and remained there, practically without a contest, till he died in June, 1907.

He and his great colleague, Senator PETTUS, both from the city of Selma, in middle Alabama, were elected by their party and their people to the Senate for life in the last election held for that office before they died. It was a splendid tribute to these splendid men, one which has no counterpart in American history.

On entering the Senate JOHN T. MORGAN at once took first rank. Indefatigable, patient, studious, courageous, combative, and able, he never undertook to address the Senate without careful study and patient deliberation.

It is true he could speak impromptu most fluently, and he did so frequently, for he read much and was full of varied information.

The first real test of his abilities was in the matter of Indian affairs. For preparation he went in person to the Territories and made his own investigations, which were afterwards embodied in a report covering 600 pages. The Dawes Commission and the change in the treatment of the Five Civilized Tribes followed this report and were doubtless influenced by it. Indeed, the Senator became known at once as the friend of the red man and of the people of the Territories, and it is not too much to say that the statehood so bitterly fought and won for Oklahoma and Indian Territory were hastened by, if they did not result from, the early work and speeches of Senator MORGAN.

JOHN T. MORGAN was a man of national views. He looked ahead like a statesman, and read industriously and exhaustively till he mastered our foreign relations. His great learning and ability on international history and law persuaded President Harrison to select him, though a Democrat, as a member of the Bering Sea Arbitration Commission. His great worth in the settlement of this grave question is readily and universally recognized.

Despite the fact that Senator MORGAN'S ruling thought was of the South, for the South, and for the white race in the South, he took wide and broad views of our national development and international obligations and relations. He was an earnest advocate, and an able one, of Hawaiian annexation. He predicted expansion and suggested it before the McKinley Administration adopted it as a policy. He had opinions of his own, and he cared not a rap who approved or disapproved, and he fought for his views, not always successfully, but always wisely, ably, and well. He approved the retention of the Philippines, and he coveted Cuba and Porto Rico always, and bent all the energies of his immortal spirit toward the cutting of an isthmian canal—all great national issues, and all in the line of expansion, and all, in his judgment, working ultimately to the glory of the South and the rehabilitation of the white people of that section as factors in American civilization.

While he spent much time over the Nicaraguan route and bitterly opposed all other routes, the real historian of the future will be compelled to give to him the credit of an isthmian canal within the first years of the twentieth century. He it was who more than twenty years ago commenced a series of speeches for a canal, and his attack on the Clayton-Bulwer treaty and on the scandals connected with canal work at Panama really educated the United States up to the greatest enterprise ever undertaken by any people.

His central thought was an American canal, and that thought is what finally won the victory. The mere place where cut is an incident; a canal across the Isthmus is what constitutes the enterprise.

It is unusual to find in the same man wealth of words, even a superabundance, and at the same time clearness, logic, and, above all, bulldog tenacity. It is this bulldog tenacity which accounts for MORGAN'S great influence in shaping the destiny of this great nation. Though his suggestions were made as a Democrat and he was not acknowledged as a factor, they have been and are being worked out by an adverse political party and an adverse Administration, with whom he was never on terms of amity, far less of cooperation.

In the struggles of Cuba and in our contest with Spain how the great Alabamian worked, in season and out, for the striking off of Spanish influence in America. He was laughed at, but not ridiculed; for ridicule fell as harmless on this peerless man as would a paper bullet on the side of a modern battle ship. He was hated, perhaps, and abused, but he pursued the even tenor of his way, and lived to see his views of Cuba and Hawaii adopted and carried out by a Republican President and Administration against the earnest, active, and bitter opposition of the great Senator from Massachusetts and that other different, but equally remarkable man, the Senator from Maine, who labored ably and devotedly all their lives in the front rank of their party in all of its battles since the great civil war.

No man in the world ever exerted such commanding weight in shaping the policy of his country with so little of personal influence in the national councils, and who was all the time a member of a different political party from that which was in power. It is a glorious position which history will render to this truly great statesman, due to his wonderful fund of information and indefatigable industry and study of all the details and factors which were weaving and interwoven for centuries in the march of the world's progress to a wider and a broader civilization.

It is a mistake sometimes made in estimating this great man to call him a dreamer and a visionary. I shall take time to cite a single instance which ought to convince the most skep-

tical how untenable the charge is. He made up his mind to investigate and master the intricate complications of the transcontinental railroad transactions, especially those of the Central and Union Pacific companies. In this great battle of brains he had to cross swords with the Colossus of railroads, Mr. Collis P. Huntington, a man of towering intellect and tremendous influence and power. It was a battle of giants. When these two men met each other each knew it was a fight to the death. The object in hand was to settle the debt which these railroad corporations owed to the United States. Those were other days than ours, days when the railroad magnate was a king, with all the power and influence of a king. A proposition had been made, and was almost accepted, on the basis of $13,000,000. Senator MORGAN declared this was not fair to the Government, and was so insistent in his demand for an investigation by the Senate that such an investigation was held. The final outcome was a payment by the railroads of $65,000,000, a net gain to the Government of $52,000,000 in one great settlement—a fairly good, round, and substantial sum to be credited to a dreamer and a visionary. He was thirty years in the United States Senate. In that time, by this one transaction, there was saved to the Government the splendid sum of $1,700,000 and over for every year of his long service.

It is known that Mr. Huntington offered this stainless man a salary of $50,000 a year as attorney for his railroads, and he refused it. His friends, his people, and his State are proud of the fact.

MORGAN and PETTUS and men of their kind and mold in every State of the South are the men who resisted and finally broke down and destroyed the reconstruction policy which followed the civil war.

JOHN T. MORGAN is easily the most brilliant public man, the greatest statesman, the most finished orator, the most profound constitutional lawyer, the most perfect English speaker who has appeared upon the stage of life in Alabama since 1865.

No argument is needed to establish MORGAN'S position in the firmament of fame. No eulogy of tongue or pen, however splendid, can add one cubit to his stature. His record as statesman, lawyer, orator, and citizen was made by himself and his immortal works. He made it well and thoroughly, till he stands in bold relief in the history of Alabama as a part of the State itself. His position is as fixed and immovable as the north star. He stands in a class by himself, matchless, peerless, and alone.

Mr. BURNETT. Mr. Speaker, so far as I have been able to find, no such occasion as this has ever occurred before in the history of the American Congress. Never before have eulogies on two Senators from the same State been pronounced at the same time.

When God called Alabama's venerable Senators to their last reward the State and the nation lost two of their ablest statesmen and grandest men.

Connected with the lives and in the death of these men there were some peculiar facts. They had for many years been eminent lawyers, living in the same town; both became brigadier-generals in the Confederate army; both were United States Senators from the same State; were only about three years apart in age; both had lived practically all their lives in Alabama, and died within less than three months of each other.

It is seldom, if ever, that any State within so brief a time has been called to mourn two such distinguished sons.

Senator PETTUS was born in Alabama when the State was but two years old, and to his dying day his life was unselfishly and loyally devoted to her interests and her welfare.

Senator MORGAN came with his family from Tennessee to Alabama when but a small boy, and for seventy-five years he lived as an honor to the State and a benediction to her people.

Senator PETTUS was the sturdy old Andrew Jackson type of man. He was a good big boy when Jackson died, and I have heard him speak of seeing the hero of New Orleans at one time when a body of East Tennesseans offered him some indignity, and with truly Jacksonian emphasis the old warrior hurled it back at them.

Alabama has much of history to be proud of, and nearly all of that history was made under the eyes of these two patriotic sons, who were last year called to their fathers.

They were both there when the war cry of the red man still reverberated through her primeval forests. They were there when the Creeks and the Cherokees were torn from her borders and the echo of their war cry died away with their retreating footsteps.

They were young men helping to make her history when Alabama, with her sisters, first began to hear the ominous sounds that portended the terrific conflict that later swept like a besom over the bosom of our Southland.

They were strong, brave men when the war cloud grew black about her in the troublous days of '60; and they were with her when "the storm-cradled nation" was born.

Before that Senator PETTUS had heard the cry of gold in California, and like many a young Southerner, had gone in quest of adventure and of the yellow metal in that far-off State. On his return to Alabama he was chosen to the bench of our State, and I have often heard the old lawyers who practiced before him say that no fairer or more just judge ever graced the ermine than he.

When the call to battle was sounded both of these splendid lawyers closed their offices and buckled on their swords, and in war, as in peace, they added luster to the name and fame of Alabama. They believed their cause was just, and in its defense they were willing to offer up their lives. With the starving Confederates at Vicksburg, General PETTUS, then a lieutenant-colonel, lead a charge which merited and gained for him the special approval of a major-general of the Confederacy, and at Lookout Mountain the charge of the PETTUS brigade was one of the brilliant events of the war.

Mr. Speaker, those were days that tried men's souls. I was but a boy, but I remember them well. I remember when the first drum beat called to arms. I remember when the first company of Confederate soldiers left the county in which I lived. I remember how, with light step and buoyant heart, the soldier boy imprinted the farewell kiss on a mother's lips, and, dressed in the gray jeans suit woven by that mother's hand, he proudly took his place beneath the stars and bars. Mr. Speaker, the noble Alabamians whose death we now mourn were in the front ranks of those who then obeyed their country's call. I remember when, as the days went and came, the news of death and disease was borne to the ears of Southern mothers and wives, and on many a field of carnage the crimson lifeblood of brave Alabamians bedewed the sod. Senators MORGAN and PETTUS were no laggards then, but in the vanguard their unsheathed swords gleamed and glittered beneath the Southern cross, and their voices were heard above the din of battle, encouraging their brave comrades to do or die.

Mr. Speaker, it was decreed that the stars and bars should go down to rise no more, and when they were furled forever at Appomattox, these two gallant sons of Alabama returned to their homes to again take up the thread of civil life. Did they sull or sulk in these crucial days? No; but as they had been true to Alabama in the dark days of war, they urged obedience to so-called "law" in times of peace. Many an old Confederate soldier returned on wounded limbs to find his fields laid waste, his property destroyed, and his wan and haggard wife and hungry children destitute of bread.

These days of so-called "peace" called more loudly for "Men, tall, sun-crowned men," than had the days of awful war.

With their people again stood these trusted leaders of Alabama's sons.

All around was gloom and sorrow. How different the homecoming in the spring of '65 from the days when they went out in the spring of '61.

Happy and joyous in '61, sad and sorrowful in '65; "Rachel weeping for her children, and would not be comforted, because they are not."

> But the Healer was there, and His arms were around,
> And He led them with tenderest care;
> And He showed them a star in the bright upper world,
> 'Twas their star shining brilliantly there!

Mr. Speaker, the struggle following the declaration of peace, though of a different character, demanded just such leaders as had inspired confidence in Southern hearts on a hundred Southern battlefields.

Again, in the front of the column stood these two great men. Men who but a few months before had urged on the charge with sword in hand, now with the Constitution lifted high above their heads, commanded "Peace, be still."

None but those who passed through it knew what the South suffered then. Chaos reigned and the minions of the law were themselves outlaws of the fiercest sort. MORGAN and PETTUS advised patient forbearance, and but for them, and Clayton, and Oates, and Forney, and Wheeler, and leaders of their kind, red-handed anarchy would have spread torch and sword, and the manslayer would have held high carnival amid the ruins of a desolated land.

But "there were giants in those days," and almost with the hand of inspiration they pointed our helpless people the way to peace and prosperity.

As we emerged from these conditions Senator MORGAN heeded the people's call to be their leader in the halls of the United States Senate. How well he filled that exalted position is shown by the fact that six times they renewed the call. How high he stood in the eyes of the Senate and of the American people is

shown by the fact that on two important commissions he was named as one of the representatives of the American Government.

How near he stood to the hearts of his colleagues in the Senate is shown by the splendid tribute paid his memory by many of them on last Saturday. From the eulogy of Senator LODGE, of Massachusetts, with whom Senator MORGAN was long associated both in the Senate and on the Committee on Foreign Relations, I want to make one brief quotation. He says:

One might easily differ with Senator MORGAN as to the ideals which he followed as the years of his long life succeeded one another in their ceaseless march, but one could never fail to respect their possessor or to admire the indifference which he showed to money in an age of extreme money worship, and the ardor with which he pursued objects which had no personal value to him, but which, in his belief, would benefit his country and mankind.

But Senator MORGAN's great name was not bounded by even the nation's lines. In Europe and in Asia his fame had spread. I was in Rome when his death occurred. The very next morning I saw a splendid picture of him in the Paris daily papers, and they contained a long complimentary notice of his prominent position and of his death.

Many years of his Senatorial life were devoted to the advocacy of an Isthmian Canal. For years he battled for the Nicaraguan route, and posterity may yet vindicate the wisdom of his judgment. I once heard Mr. HEPBURN, of Iowa, state on the floor of this House that if an Isthmian Canal was ever completed, the credit for that consummation would be due more to Senator MORGAN, of Alabama, than to any other man. Since the work actually began, I have often heard his people express the wish, and have often expressed it myself, that he might live to see the first ship pass through that important gateway and realize the consummation of his long life's dream.

Senator PETTUS never sought office, and not until the call of his people almost rose to a demand would he consent to emerge from the more pleasant walks of private life. The first office held by him after the civil war was that of United States Senator. When he did put on the toga, none wore it more honorably than he. The Senate was not slow to detect the splendid legal ability and rugged honesty of our grand old hero of two wars.

He was soon assigned to the Committee on the Judiciary, a committee composed of many of the most profound lawyers in that, the greatest parliamentary body in the world. I have often heard it said that when Senator Hoar, who was for a long time chairman of the committee, wanted any deep investigation of some hard constitutional question made, he would always assign it to Senator PETTUS.

Among his colleagues he was honored and respected by all. No man ever questioned his integrity, and if any man doubted his ability he had only to come in contact with his great mind. I will make a brief quotation from the eulogy of Senator GALLINGER last Saturday while the Senate was doing honor to our departed Senators. He said:

If Senator PETTUS had an enemy it certainly was not in Washington. Here he was respected by all and greatly loved by his associates. Learned in the law, skillful in debate, full of humor, and always solicitous for the welfare of others, he gained a place in the confidence and affection of his associates that was sublime. Senators on both sides of the Chamber vied with each other to do him honor, and his death came to us in the nature of a personal bereavement.

Though rugged in appearance, he had as noble a heart as ever throbbed in mortal breast. My family and I lived at the same place that he and his wife did during the first winter of our stay in Washington, and I saw much of the devotion that existed between these two grand old people. For more than sixty years they had trodden life's pathway side by side, and the tender affection which existed between them was beautiful indeed. As life's shadows lengthened and as they neared its sunset together, that affection seemed to grow sweeter and gentler, and after the death of his wife, who preceded him for more than a year, my grand old friend seemed ever to be looking into the great beyond for the loved one gone before. The tie that seemed to bind Senators MORGAN and PETTUS was as strong and as sweet and as gentle as that between David and Jonathan. In life they were fast friends, and God did not long leave the one to mourn for the other.

For them as good and great men their people mourn, and it will be long before grand old Alabama shall see their like again.

As our Southern springtime year by year sends forth the sweet aroma of her flowers the young men of their little Alabama city might well drop a flower on their graves and say: Here lie the ashes of two men whose lives all Alabama boys should emulate and whose memories all Alabamians should ever keep sacred. They are gone, but their deeds do follow them.

Mr. RICHARDSON. Mr. Speaker, since the close of the Fifty-ninth Congress the hand of death has fallen on the venerable and noted Senators from Alabama, JOHN TYLER MORGAN and EDMUND WINSTON PETTUS, each illustrating in his character and life the highest type of American citizenship. Alabama mourns to-day over the fresh-made graves of these grand old men as a mother who refuses to be comforted, and as she never mourned before. Generous, kind, and sincere expressions of respect and sympathy have been tendered through the press and otherwise from all her sister States of the Union. There is an affecting pathos in the unison of the lives of these two great American citizens. For quite sixty years they lived as neighbors and warm personal friends, following the same profession in a beautiful Southern town in the southern portion of Alabama. The messenger of death called them from life within a few days of each other. They sleep their last sleep near each other in the beautiful cemetery in the city of Selma, Ala.

I recall, Mr. Speaker, that the political history of Alabama reveals the fact that for many years sections and localities of the State demanded and received recognition in the election of our United States Senators. This rule was not applied to Senators MORGAN and PETTUS. Such was the love, admiration, and confidence of the people of Alabama in these two men that their residence in the same town was not an objection to either one of them as Senators for the whole State. No words of mine can adequately portray the incidents of life, the traits of character and public service, that secured such a tribute as that. Neither of them ever planned or schemed to secure public honors for himself or to detract from others. Sincerity, honesty, and independence in thought and act were their reliance. Both of them gave their hearts to the South when war came. Each one, by precept and example, gave his splendid talents to heal the wounds that war had left and to restore unity and friendship between the North and the South.

I shall speak to-day mostly about Senator MORGAN. I can not present him and his life justly and truly as did Senator PETTUS in remarks made by him near the close of the Fifty-ninth Congress on the floor of the Senate while his colleague, Senator MORGAN, was not in his seat. It is to-day the voice from the grave—the voice of a man who was a lifelong friend and who knew Senator MORGAN better than any living person. In speaking of Senator MORGAN he said:

He began his education at the old field school. He has always been a student from boyhood. I knew him when he first became a lawyer, and I have known him ever since. I have lived in the same village with him for about sixty years.

* * * * * * *

Mr. President, the senior Senator from Alabama came here in moderate circumstances, and he is in very moderate circumstances to-day. His estate is worth only about as much to-day as it was when he came here, and to tell the truth, Mr. President, our people are proud that he is worth no more. It may be a singular sort of thing, but they are proud of him because he has not become rich.

"It may be a singular sort of thing," said Senator PETTUS, "but they are proud of him because he has not become rich."

Those who knew Senator PETTUS know that he had no prejudice against the honest accumulation of wealth. He did not mean that. More than thirty years in the Senate of the United States, in the presence of the glittering blandishments of wealth, brilliant, proud, and able—a cultivated Southern gentleman, depending on his salary for support—equal in ability to the greatest statesman of the highest legislative body of one of the world's greatest nations, faithful in the discharge of every public duty, devoted to his State and his country, yet the people of Alabama "were proud that Senator MORGAN was not rich"—that wealth had not come to him by reason of his official life. The tribute of Senator PETTUS to his great colleague is more precious to-day to his family, his friends, yea, to all the people of the South, than all the combined wealth of the proud and haughty millionaires of the world. This, sir, is his good name, his spotless reputation. Senator MORGAN entered the Senate a poor man, and died a poor man, but far richer than a man of mere wealth.

Midst the creeping poisonous rumors that, in the recent years of demoralization, have cast their shades and shadows of suspicion on the lives of many public men, as to the use of official position for personal gain, Senator MORGAN moved and lived, unscathed, untouched, far above the flying shafts of suspicion. His life as he went in and out before the people of this great country for more than thirty years will take high rank in the history of the Republic with that class of public men who served their country with high and unselfish purposes and true devotion. To serve the public through public office was to him the noblest of man's mission. It is quite impossible, on an occasion like this, to do justice to the life work of such a man, whose activities span the history-making period of our country from 1860 to 1907. Few men remain who have had such an

experience. When the end came with him, there was but one Member of the Senate who had served longer than he had.

Senator MORGAN was instinctively a modest man and never sought or desired to be a leader of men, as leadership in political matters is commonly understood; yet, in the true sense, he was an undisputed leader in his own State, for the people of Alabama followed him with a faith and confidence that knew no hesitancy or doubt, a compliment rarely bestowed on any public man.

The distinguished and patriotic editor of the Louisville Courier-Journal, Mr. Watterson, has so graphically and truly written of Senator MORGAN, that I repeat here what he said of him:

The Grand Old Man of the Senate—Alabama's glorious JOHN TYLER MORGAN—is gone at last. We could not have him with us always. He was a type of what we imagine the Roman Senator to have been in the palmy days of the Tiberian republic; a perfect type of the best that was in the Old South. A logician, like Calhoun, and as chaste in his life, he possessed much of the genius of Webster, without any of Webster's gigantic faults; the rather a learned and modest Benton, untiring, indefatigable, practical, and enlightened. He possessed neither the spirit of vanity to dwarf his perspectives, nor of bullying to mar his methods. The chronological circumstances of this man's life may be told in a few sentences; his deeds could not be recorded by many volumes. Old as he was, he will be missed from the public service. His place in the Senate can not be filled. Kentucky mourns with her Southern sister, but every good man in the United States, whatever his political belonging, should lift his hat and bow his head when he learns that MORGAN—MORGAN of Alabama—is dead.

JOHN TYLER MORGAN was born June 20, 1824, at Athens, in the State of Tennessee, and died at his residence in the city of Washington on the 11th day of June, 1907. He came to Alabama before he was 9 years of age and continuously resided in our State to the date of his death. He was honored by the people of Alabama with six consecutive elections to the United States Senate, an honor never before accorded to any other citizen of our State. In 1860 he was an elector for the State at large on the Breckinridge and Lane ticket. He was a delegate to the State convention of Alabama that passed the ordinance of secession from the Union. He joined the Confederate army and rapidly rose to the rank of brigadier-general.

Having served continuously in the Senate for thirty years, it was natural to presume, by reason of his frequent reelections, he would acquire a knowledge and familiarity with political finesse and manipulations. All such practices were unknown to him. After his election in 1876 practically he never had any opposition. I doubt whether his campaign expenses in any election exceeded the fee he was required to pay the secretary of state for certifying his election to the Senate of the United States. I feel, Mr. Speaker, that I do not indulge in an extravagant expression when I say that during the generation that Senator MORGAN occupied his seat in the Senate of the United States there was no man in that august body more worthy or better equipped to reflect honor and dignity on the high title of Senator of the United States than he was.

He stood for the best traditions, highest ideals, and the recognized courtesies, proprieties, and dignity of the Senate. Its courtesies appealed naturally to his refined, affable, and cultivated nature, and he illustrated in his daily walk and his intercourse with his colleagues that splendid manhood, broad statesmanship, dignified gentlemanly deportment, devotion to duty and country, that should adorn such an exalted position as a seat in the Senate. The Senate to him was the bulwark of the sovereignty, and the Union of equal States, and he was easily one of the most powerful exponents of his political faith, to the defense of which he brought the rarest powers of eloquence and the profoundest learning. He was stalwart in his fidelity to the simple and plain teachings of the Democracy of the fathers, and such was his great knowledge and appreciation of the true spirit of our democratic form of government that it was a matter of both principle and pride with him to designate himself a "public servant." Senator MORGAN was, in the broadest sense, a statesman and an American. No narrow view of partisanship could swerve him in his duty to his whole country. To his country and his country's glory and honor he gave, without reserve, the wealth of his matchless abilities.

For the more than thirty years that Senator MORGAN stood in the gaze of the critical public, always among the foremost in the discussion of great national questions, he never touched them except as a statesman. None ever doubted what his position was on any national issue. It is in such a life as his that our free American institutions emphasize their greatest beneficence and virtue. He was always an ardent student, an indefatigable worker. He carefully studied all public questions. His power of analysis, his irresistible logic, with fluency, rhetoric, and grace of oratory, easily made him a peer of the most famous debaters of the Senate. He practically was never idle. At his seat in the Senate or in his private office at home he was always at work. He did not thus labor for mere selfish gain or personal exploitation, but he worked that he might "serve his State and his country better." He conscientiously believed that his time and his talents belonged to the "State," even to the extent, as I personally know, that he has refused to take compensation for the preparation of magazine articles on public questions. It may be that in this he was too scrupulous and sensitive, but the fact is, Mr. Speaker, that the country admires him none the less because he took that view, for it was consistent with his long, honorable, and unselfish career of devotion to the public good. There was nothing ever done by him simply to attract attention.

No man from the South labored more efficiently in and out of season to point out to the world the industrial possibilities of Alabama and the South. He lived long enough to see the commercial future of the South safely established. It was but a few months since that under a resolution of the Senate he prepared and made a report to the Senate which outlined in a masterly manner the vast industrial possibilities of the watershed of the Mississippi River. He said:

The most valuable area within the limits of the United States is the catch-basin, or watershed, of the Mississippi River.

He dwelt on the national importance of the deep channel from the Great Lakes to the Gulf. This exhaustive report is accepted by many of the ablest engineers of the country as the foundation for the solution of the great engineering problems for the development of the vast industrial resources of the watershed of the Mississippi River and its tributaries. It may be that in fifty years from now, when the population of the Mississippi Valley has increased from 30,000,000 to 100,000,000 of people and its commerce will be greater than any other area of the world, then due credit and renown will be given Senator MORGAN for this wonderful work. Nothing better illustrates than this report the great variety of his vast intellectual powers.

Mr. Speaker, the South points with pride to the names of many great men who occupied seats in the Senate of the United States before the great civil war between the States of the Union. Their names are linked with imperishable honors, and they gave by their statesmanship and patriotism luster to the Republic. They flourished chiefly in the more than sixty years that the Democratic party under Southern influence and guidance dominated the national policies of our Government. Senator MORGAN's entrance into national public life was under the shadows and prejudices of the dark days of reconstruction, when the Democratic party was without influence or power. He entered at a time when the South was impoverished, bleeding, and prostrate, midst the wild orgies and the exultant shouts of our former slaves and their unworthy allies. To the great work of restoring the South and the Union he devoted his splendid talents. Day by day he broadened and strengthened in his noble work. No man north or south of Mason and Dixon's line contributed more to restore national friendly relations between the sections than did Senator MORGAN. In all his public utterances there breathes a purity and intensity of love for the South—the people whose traditions and history, whose life and whose ideals, social and political, were hallowed to his heart and memory; yet it can not be denied that through these very utterances he always manifested his love for the whole country.

I feel that I can with propriety, Mr. Speaker, refer to an incident that occurred with Senator MORGAN in the summer of 1906. The town of Hartsell, in Morgan County, Ala., advertised for a home-coming and an old-fashioned barbecue. Senator MORGAN was the only speaker for the occasion. I attended the meeting with him. Fully 6,000 prosperous, contented, and happy people had assembled, each eager to greet the old man that Alabama had so generously honored. When he arose to speak, everyone in that vast audience paid him the beautiful and touching tribute to rise to their feet. In a tremulous voice, clear and distinct, he opened his remarks by referring to a political meeting that he had last attended and addressed at that place more than thirty years ago, when the desolation of reconstruction hung over the South like a pall. Curses, persecutions, degradation, and humiliation, he said, were poured out then over our desolated homes and section. A few citizens and Confederate veterans gathered in front of the ashes of a destroyed home to hear him speak. The meeting was opened with prayer by a good minister whose heart was burdened by the sufferings of his people, and with a prophetic and sublime vision of Christian faith, fervently, on bended knees, implored Almighty God to spare his people "from the wrath of man." In low and thrilling accents, with an inspiration that came from the depths of his loving heart, Senator MORGAN told that great audience—pressing forward, eager to catch every word—about this scene, and how often during that thirty years, in his seat in the Senate and in the privacy of his own home, he had repeated and recalled the prayer of that devoted minister.

Strange as it was, the minister that uttered that prayer, with the burden of more than fourscore years and ten resting on him, whose life had been given to the service of God, was on that platform, who rose and said:

Senator, I am the preacher who uttered that prayer.

With hands uplifted to heaven, and with streaming eyes, Senator MORGAN said:

God in his mercy has answered the prayer of his faithful servant for his suffering people. This great audience in its joyous greetings, clothed in prosperity and the enjoyment of religious, social, and political freedom, speaks God's praises and your deliverance.

The effect of this scene on that Southern audience could not be faithfully portrayed by words, nor could it be placed on canvas by the greatest genius of art.

I will not attempt to point out the distinguished part he bore in most of the great national questions during his long service in the Senate. It is undoubtedly true that to Senator MORGAN, more than to anyone else, is due the credit of having joined the two oceans by the Isthmian waterway. This credit can not be taken from him. The world knows the work he did and the effect of the same. It was Senator MORGAN who, for quite a quarter of a century, stood courageously on the floor of the Senate and thwarted the schemes of the transcontinental railroads to defeat the Isthmian Canal. He it was who taught the country the commercial value of the great project.

I am told that his famous speech, delivered in the executive session of the Senate, against the adoption of the Panama route is classed to-day with the great traditions of oratory and information of the Senate. After years of laborious research he was convinced that the Nicaragua route was the best. He gave his reasons for his faith, and he struggled without cessation for his convictions, until the decision was made against him. Senator MORGAN was a confiding, credulous man, and he confidently believed to the last that the Nicaragua route would be selected. Who is it, with the lights before the country that we have, is fully prepared to say that he was not right in the advocacy of the Nicaragua route? Yet under all the trying circumstances that gathered around him no man has ever been able to point out one act or utterance of his that remotely imputed that he was not a sincere friend of the construction of the Isthmian Canal. I was a member of the Interstate Commerce Committee of the House when the Nicaragua bill was unanimously reported to the House, and but few votes were cast in the House against the bill. In the Senate the bill was amended by substituting Panama for Nicaragua. It was then that Senator MORGAN demonstrated his unselfish patriotism and his exalted statesmanship. He was fully advised as to the temper of the House, demonstrated by the overwhelming vote in favor of Nicaragua. Yet I know personally he urged the earnest friends of the Nicaragua route to concur in the Senate amendment and accept the Panama route and avoid a conference between the Senate and the House, which he declared would be fatal to an isthmian canal—the end so much desired by the transcontinental railroads.

On the admission to the Union of the new States from Minnesota to the Pacific, he demonstrated his national Democratic creed and his patriotism. His Democratic colleagues generally opposed this national policy. His position and his influence in opposition to the policy of his party on the question of Hawaii constitutes one of the noted historical eras of our Republic. He was opposed to tearing down the work that had been done at Honolulu and restoring the overthrown monarchy with its cruel oppressions. The great service that he rendered the country in that important matter was not fully recognized until the strategic value of the islands in our Spanish-American war was realized and accepted so fully by the country to-day. In this, as in all other great national matters, Senator MORGAN was guided and influenced by the broadest and most unselfish love for Democratic principles. It is admitted that he was one of our best-informed public men on the foreign relations of the United States, and followed the wise and patriotic precept, "peace, commerce, and honest friendship with the nations, entangling alliances with none;" the support of the State governments in all their rights, as the most competent administration for our domestic concerns and a sure guaranty against anti-Republican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad. He believed that the Western Hemisphere was the best theater for the growth and strength of our Republic. Commercial expansion without colonial acquisition met his cordial support. As chairman of the Committee on Foreign Relations, when his party was in power, a leading minority member for years thereafter, he rendered his country doubtless the most valuable service of his public life by defeating treaties that would certainly have involved us in European troubles.

Senator MORGAN was an uncompromising Democrat, and stood for the principles of his political organization. His fidelity to Democratic principles was a national asset, and the pride of his party. He stood for what is called now "old-fashioned Democracy," and for the highest and best type of Southern sentiment. He was not an advocate of "modern progressive Democracy." He measured up a full representative of that grand class of Democrats who see strength, grandeur, and glory in the preservation of the autonomy and the rights of the States, and nothing but hopeless despotism and endless oppression in the destruction of the States. He looked with much alarm upon the consolidating tendencies and the socialistic disintegrating methods of those advocates who believe that power ought to be concentrated at Washington, or who believe in unrestricted liberty—the creed of the communist of the present day. I have often heard him say that he indorsed what the great Senator from the empire State of Georgia, Ben Hill, had said:

That the Government under which we live has no model. It is partly national and partly Federal, an idea which to the Greeks was a stumbling block, to the Romans foolishness, to the Republican party an unsurmountable paradox, but to the patriots of this country it is the power of liberty unto the salvation of the people.

However great the loss would have been to the country at any time that Senator MORGAN might have died during his long career, I fear that death came to him at such a time when his great ability, his exalted patriotism, and his love for the Constitution were never more needed. He enjoyed the esteem, respect, and affection of his colleagues. Deserved recognition of his abilities and high character was accorded him by President Harrison and President McKinley, the one making him one of the arbitrators of the Bering Sea fisheries and the other naming him one of the commissioners to organize a government in Hawaii. His name is reverently and gratefully enshrined in the hearts of the people of the South forever for his matchless struggle against the destructive provisions of the force bill.

My personal relations were of that character of intimacy that I feel that I am at liberty to speak of Senator MORGAN as he lived in the sacred precincts of his home. He was often a most welcome guest in my own home. His private life, his life in the home circle, is as well known and established with personal friends who enjoyed his confidence and love as is his fame of statesmanship throughout the country.

I venture to say, on a subject as sacred as his life at home, that he was in the fullest sense the embodiment of gentleness and affection. Pageantry had no attractions for him, either in public or private. Simplicity in all things was his desire. In acts, thoughts, and words, purity and cleanliness stood out prominently as the luminous lights of his character. I have never heard a ribald jest, an unchaste expression, or the use of God's name in vain fall from his lips. He reverenced the truth and had confidence in his fellow-man. He loved God, and was a disciple of the doctrines of Jesus.

Mr. Speaker, Alabama holds up the mirror of her past of more than eighty years to her sister States, and points to the names of many of her distinguished sons, who by their ability, statesmanship, and devotion to State and country has given her rank with her foremost sister States of the Union. The lives of such men as William R. King, Benjamin Fitzpatrick, Clement C. Clay, senior and junior, William L. Yancy, John Anthony Winston, Jeremiah Clemmens, George S. Houston, Thomas H. Watts, James L. Pugh, Henry W. Hilliard, Le Roy Pope Walker, and others, that contribute so much to the proud history of our State are dear to every Alabamian. With this brilliant and honored galaxy of great men, Alabama tenderly and lovingly places the names of her great, able, and honored sons, JOHN TYLER MORGAN and EDMUND WINSTON PETTUS, and assigns to them the choicest niche in her temple of fame.

[Mr. WILEY addressed the House. See Appendix.]

[Mr. HEFLIN addressed the House. See Appendix.]

[Mr. HOBSON addressed the House. See Appendix.]

[Mr. HEPBURN addressed the House. See Appendix.]

Mr. HARDY. Mr. Speaker, I feel almost like a stranger in the sacred chamber of the dead, but I shall disclose the reason why I also feel that I have some right or some cause to feel adopted into the family of those who weep or mourn to-day. Sitting here and listening to these reverent and loving tributes, I was reminded of the lines of the great poet, who said:

Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time.

And I wondered if it were so. I scarcely think it is; but we may emulate the virtues of great men, and if, when life's fitful dream is over, the flowers of love are laid upon our resting place, as they are to-day brought to this chamber, by those who have known us, our lives will not have been lived in vain. I did not have the pleasure of ever meeting with Senator MORGAN, but Texas is full of his fame. Texas is full of Alabamans, and they love the old home State, and over the prairies and valleys of Texas JOHN T. MORGAN was known for his broad, deep statesmanship, and loved for his high, pure character. I did have the pleasure of meeting Senator PETTUS, and I shall never cease to remember with pleasure the slight acquaintance and brief conversation I had with him. I came here in the beginning of last year as a stranger, and went, as most visitors do, over into the Senate Chamber, as well as this. In the Senate I was struck by the vision I saw. Observing those most noted, as they were pointed out, I saw always at his post the Senator from Alabama, Mr. PETTUS. Loaded down with years, his slightly bended form was always in his place. I said to myself, with that vision in view, he is "the noblest Roman of them all." That was the impression Senator PETTUS made on me, and looking on him I thought of what was said of the Roman senate once, when every man, to the visitor, seemed a king, and I thought how the petty princes of the earth would shrivel in the presence of such magnificent manhood as seemed to me to stand before me.

I sought an introduction and obtained it, and the impression was deepened from the conversation I had, when the old man talked with the simplicity of a child and the kindliness of a father. He said to me: "Do you know one Captain Bradley in Texas?" I replied, "Senator, Captain Bradley, afterwards Judge Bradley, was the man who was on the district bench as district judge when I was district attorney. He was a Chesterfield in knightly bearing and a man whom above all others I revered and loved." Then he told me of the incident which has been referred to by more than one of the speakers on this occasion, of the charge at Vicksburg upon the redoubt that had been captured by the Federals and was sought to be recaptured by the Confederates. In simple language he told me that one Alabama company had not been decimated, but had been destroyed, every man to the last, if I remember aright, when he was called upon to find volunteers to take that redoubt. Said he, "I turned to Captain Bradley (asking him his name), of Waul's Texas brigade, and asked if he could get me thirty men to volunteer to take that fort." He told me the circumstances, how Captain Bradley and his first lieutenant, Lieutenant Hogue, each called for fifteen men, and not fifteen men but the entire command had volunteered. He told me how they were counted off with the statement from Captain Bradley that he wanted no married men to take part. I may have some of Senator PETTUS's conversation confused with some of the statements of some of the soldiers who participated, and with whom I afterwards talked. But as I have learned it, one of the officers, young High, said to Bradley, "Captain, you are a married man; let me lead the troops." Bradley had said in reply, "No; where my troops go, I lead them." And so the fifteen men were counted off by the lieutenant and the captain, and as Senator PETTUS told me, he, PETTUS, then said: "Boys, I will lead you." But it was objected that Bradley's men must be led by him, and then Senator PETTUS, waiving his superior rank, said, "We will go together," and together they did go.

The manner and the method of it I will not undertake to describe; but taking a circuitous route, while the fire of our forces was being concentrated upon that fort, before the enemy knew it they had landed in their rear, had spiked their guns, and were upon them and captured them without the loss of a man, though not without a scratch. Senator PETTUS said to me that after the conflict was over and the capture made, and they had marched back with a greater force of the enemy captured than the number of their own command, and with the captured flag, some Texas soldier, who did not know his rank, asked who was that tall Alabaman that was with them, and then his identity was disclosed; and then the Texans said they did not care who he was, but they moved "he be elected a Texan." Senator PETTUS said to me, with a slight tremble in his voice but the light of a glorious memory in his eyes, "that of all the honors that had ever been showered upon him that his adoption as a Texan by that election was as dear to him, if not dearer, than any other."

I told him then that Judge or Captain Bradley had already passed over the river and had found his reward, but in my home town was one of his daughters and in a neighboring town was another, and a son, and that they would be glad to have the story of that incident. When I went home I wrote Senator PETTUS and asked him to please give it to me in writing, and that is why I have what you, Mr. Speaker [Mr. TAYLOR of Alabama in the chair], never succeeded in eliciting from the Senator. I do not know how it is, but sometimes men's hearts, under the fierce heat of the fire of struggle and danger, in a moment's time are welded together more closely than they can be by a long life of cold social relations, and I take it that for the sake of the daughter of his old comrade in that fierce strife he wrote an account of that incident, which I have, and which it is my purpose to place in the RECORD, and I ask that my remarks be extended by including this story of the charge at Vicksburg, as told in the letter of Senator PETTUS.

Mr. Speaker, we all have our impressions when we meet a great man of the earth, and sometimes there is such a similarity in certain elements of that impression with other impressions of similar men that they but illustrate our ideas of character. It has been said that Senator PETTUS was a modest man. In that I concur, for in the record of the report it appears that when the flag was captured and a controversy arose between him and Captain Bradley as to who should retain it, Senator PETTUS said, "It belongs to the Texans," and so it was held. In his conversation he made another remark. He said to me that "The bravest man I ever saw was L. D. Bradley under all circumstances," and the old soldiers to whom I repeated the remark when I met them said that no less a brave man was EDMUND W. PETTUS, of Alabama.

It made me think of the story that is told of Lee and Jackson. When Jackson was stricken down in the hour of battle, Lee made the remark that it would have been better for the country if it had been he, and when this was reported to Jackson, lying on his deathbed, he would not have it so, but declared that Lee was the one man and the only man he ever knew whom he would willingly follow blindfolded.

These two men, with honest praise and high estimate of each other, have expressed their noble character, and in the South to-day our enthusiastic sons are still debating which was the greater in arms—Lee or Jackson. They do not debate who was the greater man, because in all that makes great and noble manhood neither ever had a superior.

I cherished, and still cherish, the letter of Senator PETTUS. At a reunion of the old Confederates in Captain Bradley's home county in Texas last year I read it. Some half a dozen of the men referred to in the letter live around my home now—there is Mr. Burleson, Mr. High, Mr. Patterson, and I forget the names of the others. These old men gather at the camp now as they meet in reunion, and they live over and talk over the capture of that redoubt with General PETTUS, of Alabama. They love to talk of the incidents where they confronted death together.

Senator PETTUS told me this story with the utmost unconsciousness as if there was nothing remarkable in it. I heard another story of like unconscious heroism at my table once two years ago when we had a reunion of old soldiers in my town, and one of my guests was a little fellow scarcely 5 feet and 4 inches tall. He told me he had volunteered in that great struggle when he was a little over 14, and he said with childlike simplicity, "I was smaller then than I am now." He said on the long marches, as the army went through the country, frequently his feet grew weary and sore, and that he had to sit down by the roadside and cry, and many a time some big and stronger companion had eased him of a part of his burden; but he said, "I always caught up at night and was with the camp by the time the tent was struck and was ready for battle when the battle opened."

The little fellow told me with verbose words how the struggle went on from day to day and week to week, and never in it dreamed that he was himself a hero of the same brand of him that wears the stripes and epaulets—perhaps the hero of a little different brand because he knew no beating drum or flying banner would greet him when he returned home, but he knew he was performing what he felt was right. It was with the same unconscious display, or the want of consciousness of heroism in it, that General PETTUS related the incident of the Vicksburg redoubt.

Mr. Speaker, as I say, I was not thinking of making any talk, but the fact that this incident had been referred to and the fact that I have in my possession the authentic statement of Senator PETTUS himself, and the fact that we as Texans and as sons of old Confederates, thirty of whom he, with an old companion of mine, led to that glorious attack, made it impossible for me to fail to say these few words upon this occasion.

UNITED STATES SENATE,
Washington, D. C., March 11, 1907.

Hon. RUFUS HARDY, *Corsicana, Tex.*

DEAR SIR: Your letter came this evening. Capt. L. D. Bradley, of General Waul's legion, was born and commenced the practice of law in Dallas County, Ala. He was, in his early days, a partner of Col. N. H. R. Dawson, who was afterwards and for twenty-six years my

partner. But I moved to Dallas County after Captain Bradley had moved West, and I met him first at the siege of Vicksburg. A redoubt on the hill just south of the railroad to Jackson was on the line held there by Col. Charles M. Shelley, of the Thirtieth Alabama Regiment. I was then in command of a fragment of the Forty-sixth Alabama Regiment, which had lost all of its field officers at Bakers Creek, and would not volunteer. So, when I received an order to retake that fort I went to Waul's legion, near and also in reserve, and met with Colonel Waul, and told him what I wanted. He said: "I will not order, but if any of my companies will volunteer, I will consent." So I went on and first met Captain Bradley and told him what I wanted. He questioned me. He said: "Did you see that Alabama company killed, trying to take it?" I answered, "Yes; I saw it, but the captain and all his men were killed before they got to the back door of the redoubt; I expect to kill them before they know I am coming." Captain Bradley then turned to a lieutenant commanding a company next to his, and asked: "Shall I take the whole job, or will you go halves?" The lieutenant answered: "I will go if you go." Then Captain Bradley asked, "How many men do you want?" I told him "about thirty is as many as can be used in so small a place."

"Count off fifteen from the right!" And the lieutenant gave the same order to his company.

So, in a moment I had a company of thirty Texans, and three men of Colonel Shelley's Thirtieth Alabama joined us almost as soon as I gave the first order; which was, "March to the right." So we moved away from the redoubt until out of sight of the enemy; then changed direction and went into the Confederate ditches, in which we marched rapidly, heads down and out of sight, until we reached the redoubt captured by the Federals. Then we halted, Captain Bradley and I in front, and waited until the men closed up. We were still where we could not be seen by the Federals. So soon as we got in this position, I waved and threw down my red bandanna handkerchief as a signal to the Confederates, who were firing in the back door of this redoubt, to stop firing. Instantly their firing ceased, and my little party, Captain Bradley and I in front, dashed into the redoubt and in a few seconds' time those in the redoubt and at the back door were disposed of. They had their heads down to avoid the firing from the outside. In that charge not one of the assaulting party was scratched, but two of the Texans rushed to the rear and fired over the broken walls at the Federals on the outside, and in doing so were shot in the face, but not seriously hurt.

The floor of that redoubt was more than covered by dead soldiers—Confederates and Federals.

Instantly I ordered the men to get to cover, which was done, and all of the Federal guns—a large number—opened fire on the redoubt. There were then still a considerable number of Federals in the ditch in front of the redoubt. They were ordered to surrender, and attempted to do so by coming through the portholes, which had been widened by the fire of the Federal guns, and several of them were shot by the Federals on the outside. Then they were ordered to come around the redoubt in the ditch to the rear, and in that way three officers and thirty-three men were taken prisoners and sent to the rear. The two men shot in the face, as above stated, were all of the casualties suffered by the attacking party. The Federal fire from the outside batteries continued until dark, but I required every man to keep to cover.

So soon as anything could be heard one of Captain Bradley's men, with buckskin breeches, demanded of his captain to know "What fellow was that that brought us into this hell's hole?" and the captain replied, "I don't know." And the soldier replied, with perfect freedom, "That's a hell of a story, captain. Don't know his name or his rank?" The captain said "no," he did not. Thereupon the soldier replied, "I move we elect him a Texan, name or no name, rank or no rank." And the captain put the motion to a vote, as though he was presiding at a town meeting, and I was unanimously elected "a Texan"—the greatest honor I ever received, though I have had many beyond my deservings.

General Pemberton and his chief engineer officer visited this redoubt soon after dark and gave orders for its repair that night. And General Waul, with members of his staff, also visited it, and the attacking party was relieved and returned to their commands.

Captain Bradley was the coolest man I ever saw under fire. I talked with him several times during the siege and in that way learned who he was and where he was raised, etc., but I have never seen him since the surrender of Vicksburg, though I met with his father, who revisited his old home near Selma, where I live. Please present my kindest regards to his daughters.

Most respectfully, E. W. PETTUS.

P. S.: You can find the outlines of this transaction in the reports of Gen. Stephen D. Lee and Gen. C. L. Stephenson, in volume 24, part 2, of the War of the Rebellion. And also in President Davis's Rise and Fall of the Confederacy, page 415.

I regret that I can not give you the name of the lieutenant mentioned. I think I have it at home, in Alabama.

E. W. P.

The SPEAKER pro tempore (Mr. TAYLOR of Alabama). In compliance with the resolution already adopted, and as a further mark of respect to the late Senator MORGAN and Senator PETTUS, this House will take a recess until 11.30 o'clock a. m. on Monday next.

Accordingly (at 5 o'clock and 14 minutes p. m.) the House was in recess until 11.30 a. m. on Monday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for expenses of a delegate to the convention of the International Association for the Protection of Industrial Property (H. R. Doc. 885)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for payment of a judgment in favor of Roderick G. Ross (H. R. Doc. 884)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for protecting the proving ground at Sandy Hook, New Jersey (H. R. Doc. 883)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for pay of the Military Academy (H. R. Doc. 886)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pass Manchac, between Lakes Maurepas and Pontchartrain, Louisiana (H. R. Doc. 882)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Lake Pontchartrain, Louisiana (H. R. Doc. 881)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting supplemental estimates needed to complete the service of the fiscal year ending June 30, 1908, and for prior years (H. R. Doc. 880)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CONNER, from the Committee on the Library, to which was referred the bill of the House (H. R. 21137) for the erection of a memorial structure at Fort Recovery, Ohio, reported the same with amendments, accompanied by a report (No. 1520), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16063) to regulate the employment of child labor in the District of Columbia, reported the same with amendments, accompanied by a report (No. 1524), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4749) for the relief of Dewitt Eastman, reported the same without amendment, accompanied by a report (No. 1521), which said bill and report were referred to the Private Calendar.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 20171) to correct the military record of George H. Tracy, reported the same with amendment, accompanied by a report (No. 1522), which said bill and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 12707) for the relief of Julius A. Kaiser, reported the same with amendment, accompanied by a report (No. 1523) which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 10687) granting an increase of pension to Tony Verrosso—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21182) granting a pension to Alexander May—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21250) for the relief of James W. Walsh—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 19818) granting a pension to P. J. Giles—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CRUMPACKER: A bill (H. R. 21259) to improve the efficiency of the Navy, and for other purposes—to the Committee on Naval Affairs.

By Mr. TAWNEY, from the Committee on Appropriations: A bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes—to the Union Calendar.

By Mr. GILLETT: A bill (H. R. 21261) for the retirement of employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. HAYES: A bill (H. R. 21262) for preventing the manufacture, sale, or transportation of adulterated or misbranded fungicides, Paris greens, lead arsenates, and other insecticides, and for regulating traffic therein, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Delaware: A bill (H. R. 21263) to establish postal savings bank depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: A bill (H. R. 21264) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes—to the Committee on Indian Affairs.

By Mr. LEE: Resolution (H. Res. 369) referring to the Court of Claims the claims of W. J. Goodwin et al.—to the Committee on War Claims.

By Mr. FOSTER of Vermont: Resolution (H. Res. 370) continuing services of janitor to Committees on Expenditures in the Department of Commerce and Labor and Expenditures in the Department of State—to the Committee on Accounts.

Also, resolution (H. Res. 371) providing additional compensation to certain elevator conductors of the House, and so forth—to the Committee on Accounts.

By Mr. HAMILTON of Michigan: Resolution (H. Res. 373) providing additional compensation to certain employees of the House—to the Committee on Accounts.

By Mr. LAMB: Resolution (H. Res. 374) for the payment of extra money to Joel Grayson—to the Committee on Accounts.

By Mr. HEPBURN: Resolution (H. Res. 375) to pay to T. O. Bell a certain sum of money—to the Committee on Accounts.

By Mr. RODENBERG: Resolution (H. Res. 376) providing extra compensation for the assistant superintendent of the House document room—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21265) granting a pension to William C. Brown—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 21266) granting an increase of pension to Mary Quillen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21267) granting an increase of pension to Charles G. Lane—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 21268) granting an increase of pension to John H. Gross—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 21269) for the relief of E. Offner—to the Committee on Claims.

Also, a bill (H. R. 21270) for the relief of Mrs. Joseph Kittredge—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 21271) granting an increase of pension to George F. Amos—to the Committee on Pensions.

Also, a bill (H. R. 21272) for the relief of heirs of John Seymour, deceased—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 21273) granting an increase of pension to Christian Bergmann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21274) granting an increase of pension to Samuel Arnold—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 21275) granting a pension to Granger F. Anson—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 21276) granting an increase of pension to John S. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21277) granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21278) granting an increase of pension to John Schiermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21279) granting an increase of pension to Thomas T. Spence—to the Committee on Invalid Pensions.

By Mr. LENAHAN: A bill (H. R. 21280) granting an increase of pension to Peter Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21281) granting an increase of pension to Sidney S. Jay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21282) granting an increase of pension to John Edinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21283) granting an increase of pension to William H. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21284) granting an increase of pension to Charles D. Kunkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21285) granting a pension to Robert Comer—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 21286) granting a pension to Laura A. Bennett—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 21287) granting a pension to Roscoe L. Gilbert—to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 21288) granting an increase of pension to Orrin D. Wickizer—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 21289) granting a pension to Charles B. Stockton—to the Committee on Pensions.

By Mr. REYNOLDS: A bill (H. R. 21290) granting an increase of pension to Dennis Murphy—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 21291) for the relief of A. C. McNeill—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 21292) for the relief of James W. Walsh—to the Committee on Claims.

By Mr. WATKINS: A bill (H. R. 21293) for the relief of the estate of John Colton—to the Committee on War Claims.

By Mr. WEEKS: A bill (H. R. 21294) for the relief of A. T. Brewer—to the Committee on Claims.

Also, a bill (H. R. 21295) granting an increase of pension to Friend Z. Leonard—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 21296) granting an increase of pension to John H. Salisbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21297) granting an increase of pension to George W. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21298) granting a pension to S. G. McLaughlin—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 21299) granting an increase of pension to Wesley P. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21300) granting an increase of pension to James W. Van Deman—to the Committee on Invalid Pensions.

By Mr. GRONNA: A bill (H. R. 21301) granting an increase of pension to Alfred G. Kinslow—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of many citizens of New Castle, Me., for amendment to Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. ASHBROOK: Paper to accompany bill for relief of Thompson E. Osborn—to the Comittee on Invalid Pensions.

Also, paper to accompany bill for relief of James H. McMillen—to the Committee on Pensions.

By Mr. BARTLETT of Georgia: Petition of Union No. 144, Brotherhood of Carpenters and Joiners, of Macon, Ga., for amendment to the Sherman antitrust law, for the Pearre bill limiting injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of First Baptist Church of China, Me., for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers of West Enfield, Me., against repeal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. BURNETT: Paper to accompany bill for relief of estate of John Seymour—to the Committee on War Claims.

By Mr. CALDER: Petition of Zodiac Club, of Lawrence, Kans., for amendment to H. R. 7597 (Crumpacker census bill)—to the Committee on the Census.

Also, petition of Board of Trade of Niagara Falls, against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Gulf Refining Company, favoring an embargo on Venezuelan asphalt—to the Committee on Ways and Means.

Also, petition of American Newspaper Association, for immediate consideration of the Stevens wood-pulp bill—to the Committee on Ways and Means.

Also, petition of American Newspaper Publishers' Association, for repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Thomas Malone, for amendment to Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

Also, petition of Patriotic J. O'Conner, for remedial legislation relative to the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Typothetæ of New York City, against Hepburn amendment to the Sherman antitrust law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Victor Elting, of City Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. CALDERHEAD: Petition of Union League Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, papers to accompany H. R. 4020, for relief of Kansas State Militia of 1864—to the Committee on Military Affairs.

Also, petition of Negro Republican League of the State of Kansas, for legislation securing a "square deal" for the negro population—to the Committee on the Judiciary.

Also, petition of citizens of Cortland and Gypsum, Kans., for S. 5122 (establishment of a rural parcels post)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Trades League of Philadelphia, for H. R. 10456, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of American Newspaper Publishers' Association, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Kansas Branch, National Home for Disabled Volunteer Soldiers, for reestablishment of the canteen in National Soldiers' Homes—to the Committee on Military Affairs.

By Mr. CARY: Petition of Chamber of Commerce of city of Milwaukee, Wis., for a deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

Also, petition of American Newspaper Publishers' Association, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

By Mr. COOK of Pennsylvania: Petition of Amalgamated Association of Electric Street Railway Employees of America, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. CRUMPACKER: Petition of Hill Top Club, of Lafayette, Ind., for the enactment of H. R. 17295, to aid the Lincoln Farm Association, of New York, to build and endow a national memorial to Abraham Lincoln on the site of the Lincoln birthplace farm in Kentucky—to the Committee on Appropriations.

By Mr. FLOYD: Paper to accompany bill for relief of James Perrin, jr.—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Merchants' Association of New York City, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of City Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Board of Trade of Niagara Falls, N. Y., asking for repeal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of Typothetæ of New York City, relative to H. R. 19745 (Hepburn amendment to the Sherman antitrust act)—to the Committee on the Judiciary.

Also, petition of Trades League of Philadelphia, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GOEBEL: Petition of certain citizens of Cincinnati, Ohio, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of Gulf Refining Company, of Pittsburg, Pa., favoring an embargo on Venezuelan asphalt—to the Committee on Ways and Means.

Also, petition of Merchants' Association, for a currency commission—to the Committee on Banking and Currency.

By Mr. HAMILL: Petition of Brotherhood of Locomotive Engineers and Firemen of Phillipsburg, N. J., opposing the Hepburn amendment to the Sherman antitrust law (H. R. 19745)—to the Committee on the Judiciary.

By Mr. HASKINS: Petitions of Mirror Lake Grange, of Berlin, Vt., and S. M. Whitney and others, of Taftsville, Vt., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of James B. Morris Post, No. 46, Grand Army of the Republic, of Long Branch, N. J., protesting against the placing of a statue of the late Gen. R. E. Lee in the Capitol—to the Committee on the Library.

Also, petition of John H. Dialogue, for the bill to carry Panama Canal supplies in American vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUFF: Papers to accompany bills for relief of John Schiermann; Thomas T. Spence, of Petrolia, Pa.; and John S. Jones, and John Smith—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: Petition against H. R. 4897 and 4929, to protect the first day of the week as a day of rest in the District of Columbia and prohibition of labor, etc., on said day—to the Committee on the District of Columbia.

Also, petition of Merchant's Association of New York, favoring the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of B. Leroy Smith, against H. R. 19745 (Hepburn amendment to proposed Sherman antitrust law)—to the Committee on the Judiciary.

Also, petition of Glass Bottle Blowers' Association, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of American Newspaper Publishers' Association, for relief from extortions of the paper combine and demanding immediate repeal of the tariff on wood pulp and print paper—to the Committee on Ways and Means.

Also, petition of Templin Company, of Calla, Ohio, against H. R. 13835 (Mann bill), to regulate sale and distribution of seeds—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Youngstown Chamber of Commerce, for a suitable housing in Washington of the International Congress on Tuberculosis to be held in Washington—to the Committee on Public Buildings and Grounds.

Also, petition of many citizens of Ohio, favoring prohibitory legislation and the Littlefield original-package bill—to the Committee on the Judiciary.

By Mr. LAW: Petition of New York Board of Trade and Transportation, against H. R. 19745, Hepburn amendment, etc.—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of Polish Weavers' Union of Adams, Mass., for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LENAHAN: Papers to accompany bills for relief of Charles D. Kunklis, William H. Jackson, Peter Banks, and John Edinger—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Chicago City Club, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Merchants' Association of New York, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Board of Trade of Niagara Falls, against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Gulf Refining Company, against favoring an embargo on Venezuelan asphalt—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of D. H. Martin and many other citizens of New Jersey, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of Allouez Council, No. 658, Knights of Columbus, of Rock Island, Ill., for making October 12 a holiday—to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of Merchants' Association of New York, favoring the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. OVERSTREET: Petition of S. M. Wilson, favoring the Crumpacker bill—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Chicago City Club, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of merchants of the city of New York, favoring a currency commission—to the Committee on Banking and Currency.

Also, petition of Molders' Union No. 84, of Buffalo, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petition of agent of Indian Rights Association, against legislation authorizing the issuance of fee-simple patents for Indian allotments—to the Committee on Indian Affairs.

Also, petition of Amarillo Assembly of the American Federation of Labor, against extension of naturalization rights, and against Asiatic immigration—to the Committee on Immigration and Naturalization.

By Mr. STERLING: Petition of citizens of Bloomington, Ill., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Trades League of Philadelphia, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. WATKINS: Paper to accompany bill for relief of heirs of Jacob Israel—to the Committee on War Claims.

SENATE.

MONDAY, *April 27, 1908.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of the proceedings of Saturday last was read and approved.

NAVAL APPROPRIATION BILL.

Mr. HALE. The order of the Senate providing for the consideration of the naval appropriation bill for the entire day to the exclusion of all other business, I ask that the regular order be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20471), making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Washington [Mr. PILES], which will be stated.

The SECRETARY. On page 85, line 17, before the words "first-class battle ships," strike out "two" and insert "four."

Mr. STONE. Mr. President, the restoration of our maritime power is of supreme importance. No greater question could engage the attention of Congress than one designed to accomplish that end. For many years, both in and out of Congress, I have been an ardent advocate of an increased navy and of policies looking to the rehabilitation of our merchant marine. The two things are so related that I can not think of the one without thinking of the other. The decadence of our maritime prestige and power constitutes one of the most discreditable and humiliating facts in our history. This is not the occasion to discuss the causes that have led to this misfortune or the fatuous policies which, if blindly persisted in, will make the continuance of that misfortune inevitable. No man is more solicitous than I to see our merchant ships swarming over the world, and I doubt if any is more keenly alive to the wisdom and necessity of constructing a war navy adequate to subserve the needs of our country.

Both of these things are important, but to my thinking it is really more important that we should become a commercial maritime power than a mere fighting maritime power. We need merchant ships more than we need war ships. Indeed the war ship in an important sense is but the complement of the merchant ship. Of course if we had not a single merchantman afloat we would still need a navy for purposes of defense and for the protection of our people and their interests abroad. Nevertheless, the need of a navy is greatly augmented and the uses to which it can be put are greatly multiplied as the merchant marine of a nation grows and the commerce and carrying trade of a nation expands. To-day we are practically without a merchant marine, although some feeble effort to revive that great interest is now being made—an effort, however, which I believe is destined to fail because directed upon mistaken lines. To-day we have but a few merchant ships on the ocean outside the coastwise trade, and 90 per cent of our foreign tonnage is carried in foreign bottoms. England, Germany, and other commercial countries have their merchant ships scattered all over the world, and the vast interests these commercial vessels represent magnifies the necessity of a larger naval force for their protection than would otherwise be required.

In this respect the situation of the United States is not analogous to that of the other leading naval powers. I hope the day is not distant when this disparity which stands as a monument to a policy at once sinister, sordid, and short sighted will disappear. But the condition now is as I gave it. Nevertheless, I am heartily in favor of going ahead with the work of building an adequate navy.

I favor an adequate navy, not necessarily a powerful navy. What we want now to do is to supply a navy sufficient for our probable present needs, and then we should go on from year to year with the work of adding to it so that its growth will keep pace with the public requirements. Under present conditions I do not quite fancy the word "powerful" as applied to the Navy. It would be an odd spectacle to see the ocean highways and sheltering places crowded with war ships without ever seeing or rarely seeing a merchant ship floating our flag. We should not aspire to become the bully of the sea. Our aim should be higher than that. Let us get rid of this profitless and arrogant notion of a powerful fleet, for which manifestly there is no present need unless it be to make the world afraid. Let us get rid of that and get down to the sane business of building a navy adequate for our purposes by adding to it from time to time as occasion demands.

Mr. President, what do we want a fleet for? Not, I hope, that we may go dancing around the world with defiance flung from the flag pole, or merely to make a gaudy and pretentious exhibition of our strength; but we want a navy to aid in the protection of our seacoast from assault and for the purpose of protecting such interests as we have abroad. How large a navy do we need for that? Already in naval armament and destructive force we rank second among the nations of the world. Our important seaports are strongly fortified, and these fortifications are being extended and new works constructed from year to year. With such a navy and with such coast defenses are we in danger of assault?

It is inconceivable that any sane man can believe it to be within the range of human possibility that any nation on earth could make a successful attack on this country. And it is almost as absurd to say that a hostile fleet would attempt to cross the Atlantic or the Pacific to assault us, for at the best the only thing they could hope to do would be to batter down an occasional defenseless coast town or village. They could not land troops or hope to capture important ports, nor levy tribute or secure booty sufficient to pay the fuel cost of their battle ships. To my thinking it is ludicrous to speak seriously of a hostile fleet crossing thousands of miles of ocean, bringing supplies, and establishing a base on American shores.

Our strength as a nation, both in men and in resources, and the spirit and courage of the American people, more than a navy are the things that give us immunity from outside aggression, and are the things also that make most for the world's tranquillity. And certainly, Mr. President, as long as we maintain our position as the second naval power of the world, or even maintain a position equal to any other power except Great Britain, it is worse than folly to anticipate that any nation would attempt to wage an offensive war against us. I am not in the least moved by suggestions of that character. We should have an adequate fleet, undoubtedly, and we will have it and maintain it because as a great nation with a great mission we ought to have it, but there is no need of frightening ourselves with bugaboos. Of course the contingency of war is always possible, and we ought to be always reasonably prepared for it if it comes. The aggregate of our naval strength should enable us to maintain an adequate defensive fleet in both the Atlantic and the Pacific oceans, and the two combined should be strong enough, ordinarily at least, to constitute an offensive fleet in the improbable event of needing it for that purpose.

I want the Navy increased; I want to see it strong, but we can not build in a day. There are other needs more emergent for money. We need buildings for the transaction of public business; our rivers and harbors must be improved; great in-

terior works of inestimable value must be developed—there are innumerable needs which, in the aggregate, will require very large expenditures. There is no pressing need for striding with great leaps and bounds in these warlike preparations; there is no need of rushing on at a furious pace and with headlong extravagance. We can wisely afford to make haste more slowly and deliberately. No one is menacing us with war. I know of but one acute international imbroglio confronting us now, and I do not know that that is acute. I read almost daily press accounts of a controversy between this Government and that of Venezuela, but, however that controversy may eventuate, no one imagines that it can ever necessitate the employment of a large naval force. With the balance of the world, so far as I am advised, we are at peace. This little speck on our southern horizon, hanging there like the soiled hand of a spoilt child, and about as dangerous, is the only sign of a storm. Senators have filled this Chamber with ominous warnings and lugubrious intimations, but they do not enlighten us as to the facts, if any facts there be, upon which they predicate their frightful prophecies.

They say the President urges the construction of four ships instead of two, and then they take us far enough into their confidence to tell us that we do not know what the President or the Secretary of State may know. We are solemnly advised that these high officials may be possessed of information which they have not vouchsafed to us. That may be, and they may have had also some special revelation about the day of judgment that we know not of. But, Mr. President, all this is to me like the fabric of a dream—baseless, intangible, fanciful, impossible. I can not be driven by such sensational "tommyrot." Something was said, too much, indeed, about the possibility of war with Japan.

Mr. President, these were unwise utterances on the floor of the American Senate. They were made, I am sure, without proper deliberation. They were ill-considered, untimely observations, thoughtlessly made in the haste and ardor of debate and made no doubt with the hope that the bare suggestion that such a tragedy was possibly impending would promote the cause the Senators were advocating. These utterances were all the more unfortunate because so much has been said in sensational journals and magazines, both here and in Europe, about the possibility of a serious breach between the United States and Japan. Within the last twelve months the world has been flooded with this lurid literature. Mr. President, talk of this kind, iterated and reiterated as it has been, is most unfortunate. More than that, it is wanton and wicked.

Of course we can have war with Japan if we want it and seek it. But you know, Mr. President, and every sane man in America knows, that we do not want a war with Japan, and I know that Japan does not want a war with us. During the spring and summer of last year it was my privilege to spend some months in Japan. While there I met and mingled with all classes of her people. I conversed with many of the highest officials of the Empire—ministers, judges, and legislators. I met leading members of the bar, doctors of medicine, doctors of law, educators, bankers, merchants, and manufacturers—men representing the various industrial activities of the nation—met them singly and in company; and I met hundreds of the middle classes and the common people and talked with them, usually through an interpreter, although many spoke English fairly well. In other words, I went all over Japan and talked with people everywhere and of every class, from the most powerful public officials down to the jinrikisha man, that human horse whose unmatched endurance is one of the marvels of the Orient.

I was in Yokohama when the first news came of the San Francisco riot and was in Japan during the earlier and more acute stages of the school controversy at San Francisco. The news of these incidents came by way of Europe, and you may be sure that they were duly exaggerated, red as blood, and streaked with yellow. The comments of the local press for the most part were dignified and temperate. There were occasional outbursts of resentment and defiance, but these were exceptional. I was unable to observe any widespread excitement among the people. There was little effort made to arouse a spirit of aggressive hostility. The general expression of the press and of the people was one of surprise and regret. They did not believe that the people of the United States or that the Government of the United States was unfriendly to them, and I pledge you, Mr. President, I did not hear at any time a single expression from any Japanese, whether of high or low degree, that did not indicate the highest regard and friendship for our Government and our people. It might be that less credulous men than I would have regarded such assurances with suspicion. It may be that the entire people of Japan play a game of duplicity and deception, but I did not think so then, nor do I think so now. I was impressed, as was ex-Senator Towne, with whom I traveled, with the sincerity of Japanese friendship for America. What cause have we for war with Japan or Japan with us? Already the delicate questions growing out of Japanese immigration to these States has been substantially adjusted by diplomacy. I can not conceive it to be within the range of human probability that these two great countries will ever have occasion to enter upon a disastrous war about a matter of that kind. The possibility is too remote to challenge our serious attention.

Then, are we going to war about Manchuria and the open door? In answer to that question I desire to read an article I recently clipped from one of the leading papers of Washington. I regret not having made a note of it, and hence I am not now able to state whether the article was from the Post or the Herald, but I have seen the publication, at least in substance, in several other of the important journals of the country. The article is as follows:

> The "open-door policy" as to China, it is explained, is simply a policy, an attitude of mind. It is not guaranteed by a treaty, and no scheme for enforcing it has ever been formulated and adopted among the nations.
>
> In fact, the State Department authorities are of the opinion that Japan's aggressions in Manchuria do not violate in any way the letter of the open-door understanding. Rather, Japan is doing the very things that the open-door idea makes possible for any enterprising nation to do that cares to take advantage of the opportunity, and is skillful enough to get the concessions.
>
> If American or English or German interests wanted to go into Manchuria and compete with Japan, they would be at liberty to do so. The difficulty is that Japan has been so prompt and determined in grasping the opportunity that she has grasped all there is of it. Even if the United States were disposed to insist on a better chance for Americans in Manchuria, there would be no benefits, because there is no American trade there, nobody seems to care to develop any, and there are no American ships on the Pacific to carry such commerce.
>
> Japan is forcing competition out of Manchuria, and more and more absorbing the trade of the rest of China, simply because she has pushed the opportunity and strengthened her position. But to root her out now, it is said, must be a commercial rather than a diplomatic affair.

Mr. President, that article so well expresses the thought I have that I do not care to elaborate it. Is Japan doing anything in China that any other nation is not at liberty to do? Embracing and utilizing her opportunities, she is rapidly extending her commerce not only in Manchuria but throughout China. Has not Japan a right to compete, as much right as we have to compete, for the business of China or of any other country? What ground of complaint have we on that account?

But I am told that Japan has designs on China, not only on Korea or Manchuria, but on China proper; that her policy is grasping and sinister, and that she looks not only to commercial extension but to some character of suzerainty over the Empire, and to the domination of its political as well as its commercial policies. I do not know about that. I would not be surprised if there was some foundation for that apprehension.

But, Mr. President, are not other nations doing substantially the same thing? Are not several of the great powers of Europe moving along the same lines, establishing spheres of influence covering large areas with enormous populations and involving commercial interests with vast possibilities? Are they not seeking to do substantially what we are told Japan seeks to do? Why do we object to the one more than to the other? Why do we fear the one more than the other?

I favor the open-door policy, and I am opposed to the disintegration or the partition of the Chinese Empire. Circumstances may arise some time when it will be necessary for this nation to take an advanced and maybe an extreme position upon this question. The protection of our rights may some time make that necessary. But that lies off in the future; it is not a question for to-day, and it does not involve us alone. It is a possibility too remote to make it the basis of immediate and immense war preparations.

If for any cause we contemplate a war with Japan or with England or with Germany or with any other power, and if it is our purpose to prepare for it now, then we ought to build not four but forty battle ships.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. Certainly.

Mr. NEWLANDS. I should like to call the attention of the Senator from Missouri to the fact that any apprehension regarding Japan closing the door of Manchuria or Korea to this country or to the rest of the world comes with an ill grace from this country, which has been seeking by an organized effort, represented by a measure that passed the House during the last session, to give this country preferred rights of trade in the Philippine Islands, and which has put upon the statute book a law intended to drive Japan entirely out of the carrying

trade of the Philippines and to give a monopoly of the trade to the American people.

It seems to me that if there are any signs of aggression in the Orient, the signs are manifested by the United States much more than they are by Japan and that we have taken a more advanced step toward entering that territory and endeavoring to close out the legitimate trade of other nations than Japan ever has taken.

Mr. STONE. Mr. President, the Senator may be right. I will let his statement stand. But I wish to say that the Japanese are a wonderful people. Their rise is the marvel of a century. They are a highly civilized, intelligent, progressive, and aggressive people. There is much in their history, particularly during the last half century, that challenges the admiration of mankind. But they do not command my unstinted admiration. My friend from Nevada speaks of Korea and of the Philippines. It so happened that during my journey in the East I arrived at Seoul, the capital of Korea, on the evening following the battle which occurred in the streets of that city as the result of a remarkable and historical order issued, I have no doubt under compulsion, by the imbecile Emperor of Korea disbanding his army. I will not speak now of the tragic and exasperating scenes incident to that struggle, a part of which I witnessed and a part of which was related to me by eyewitnesses. For manifest reasons I think it best not to discuss that subject at this time on the floor of the Senate.

But this I will venture to say: That the Japanese in Korea are as arbitrary, domineering, despotic, tyrannical, and cruel as any conquering nation has ever been in modern times, if not in the whole history of the civilized world. It was pathetic to see the people of Korea in their quaint garb moving with fear about the streets, afraid to gather in groups, speaking in whispers, the very picture of a people subjugated and overwhelmed with despair. It was a pathetic scene—a tragic situation. But, Mr. President, when I looked at it I did not feel authorized as an American, remembering the Philippines only a few hundred miles to the south and a part of that same great Orient, to level any rasping criticism against the Japanese for what they were doing in Korea.

But I go back to the point where I was when interrupted, and ask, waiving everything else, Can we hope successfully to compete with Japan for the trade of China? Of course we ought to extend our trade in China, as everywhere, but under existing conditions I doubt whether it is possible for us to compete, with great hope of success, with Japan for the trade of the Orient.

Let us see about that. In the first place, Japan has already a merchant marine superior to ours, and is adding to it rapidly from year to year. The policy of free ships is the policy of Japan. The Japanese can buy his ship anywhere in the world, give it Japanese registry, and fly over it the Japanese flag. More than that, the policy of subsidizing, with a view to encouraging and aiding in the construction of merchant ships at home, prevails in Japan. Free ships and subsidies by the Government is their policy, and there is in consequence a rapid augmentation in the number of Japanese merchant vessels. Why, Mr. President, I saw it reported a few days since that a contract has been practically completed for the establishing of a new Japanese line between Tacoma and our Northwestern ports and Yokohama. When that is done, if it shall be, it will make, as I understand it, the fifth line of Japanese ships plying regularly between Japan and America. We have but two, I think it is, and one of these, at least—the Harriman line, so-called—is compelled to fly foreign flags over a part of their ships, and they are forbidden to take on and carry passengers or freight between Hawaii and our mainland, because they were built abroad. This disparity puts us at a great disadvantage.

Then, Mr. President, consider the proximity of Japan to China as compared with us. Japan can reach out her hand and put her fingers upon the shores of China, while we have 8,000 miles of ocean rolling between the two countries.

Then, again, Mr. President, the question of labor, standing alone, is an almost insuperable bar against our people maintaining a successful commercial competition with Japan in China. Their manufacturing industries are growing apace with a rapidity that excites wonder and challenges admiration.

I visited numerous establishments in many cities of Japan, great manufacturing industries of divers and sundry kinds. I will speak only of Osaka, for Osaka is the leading manufacturing center of Japan, as it is of the entire Orient. Osaka is a town of about 1,200,000 population. While there we visited numerous establishments. There are over 600 establishments in Osaka, each employing more than 50 people, and altogether these 600 establishments employ 96,000 men and women. We visited the Royal brush factory at that place. This establishment employs 600 people, 80 per cent women and girls. The wages paid by them range from $17 to $20 per month for men, from 11 to 12 cents per day for women, and from 7 to 8 cents per day for girls. We also visited one of the Osaka woolen mills and one of the cotton mills. The former employs 400 people, 90 per cent women, and the cotton mill employs 2,000, about 90 per cent women.

The product of these mills is of excellent grade and quality, up to the standard of production in this country or in Europe. The hours of labor are eleven; the wages running from $17 to $20 per month for men, 11 to 12 cents per day for women, and from 7 to 8 cents for girls. We also visited the Osaka iron works and shipyard. This establishment employs 4,000 men, every one a Japanese. It is a mammoth concern, engaged in manufacturing steel and iron products and in shipbuilding. At the time we were there they had ten merchant vessels of different dimensions in the docks and in course of construction. There are other similar large establishments in the Empire. As I understand it, Japan builds her war vessels in her own shipyards. But there are several large shipbuilding establishments owned by individuals or corporations, and I was told that all were constantly employed to the utmost of their capacity.

Here is a country that has free ships. They can come here or go to Europe or anywhere, buy their ships, and fly their flag over them, and yet they have thousands and thousands of men daily employed in the construction and repair of ships of all kinds at home and are filling the seas with their own manufacture.

Mr. President, the overcrowded condition of the population in Japan makes it absolutely necessary to her existence that she should develop her industries and give employment to her people, and that makes it necessary for her to struggle to command the trade of the Orient. It is a matter of life with her.

Mr. President, there is a kind of commercial interdependence between Japan and China. Iron, wool, cotton, brush bristles, and other raw materials are imported in great quantities from China. It is from China she gets the bulk of her raw material—all she can get—and naturally to China she will sell the bulk of her manufactured products. Perhaps our best chance in the Orient is to sell raw cotton to Japan. About 80 per cent of the cotton now absorbed in the mills of Japan is from America.

Still Japan will buy all she can from China, because it is closer, because it is cheaper, and because it is to her interest to do so.

Mr. President, the Government of Japan is aiding in the development of Japanese manufactures. The consul-general at Yokohama, a very intelligent and capable man, showed me—and I have no doubt that he has sent it to the State Department—a report upon that subject. Japan aids in the development of manufactures first by lending money at low rates of interest to manufacturers, not directly out of the imperial treasury, but indirectly through the imperial banks, the stock of which is largely owned by members of the imperial household. They go abroad and borrow money at the lowest possible rates of interest and lend it to the manufacturers whenever the enterprise is such as to command the confidence of the Government. Then the taxing power is also used in the way of tariffs and subsidies to aid in manufactures. Subsidies are employed directly in Japan to upbuild manufacturing industries. The Government is behind them. The people individually are for the most part poor, but Japan is a great beehive of industry. The governmental and social organization is such that the power of the whole people and the wealth of the nation can be employed to promote the national welfare. Altogether they constitute a stupendous and powerful unit. Every effort is being made and every energy spent by Japan to develop and increase her industrial activities, and especially her manufacturing interests.

More than that, special rates of transportation are given to the manufacturers over the railroads, all of which are owned by the Government, not only in Japan, but also in Korea and Manchuria, and the subsidized merchant vessels give special rates when required to the transportation of goods designed for foreign trade.

Mr. President, under such circumstances, considering the proximity of Japan to China, considering the capacity of the Japanese to create the things that the Chinese need, and her absorption of Chinese raw material, considering the interdependence in a commercial way of the two countries, considering the aid the Government gives to the upbuilding of the national industries, considering the vastly greater cost to us of production and transportation, and considering the overwhelming necessity of Japan reaching out and controlling as far as possible the commerce of that part of the world, is it not clear

that when we undertake to wrest the trade of China from Japan we will undertake an extremely difficult task?

Mr. President, I think we would do better if we would turn our attention more to the south, to the growing countries of Central and South America. Our position with reference to them, so far as proximity, civilization, and all that is concerned, is not much different from that which obtains between Japan and China. The commercial policy of our people should be, so it seems to me, to reach out to the south and strive to control that commerce—already vast, and which during the next century is destined to increase with great rapidity.

Mr. President, Japan has as much right to fight for the commerce of China as we have, as England has, as France has, as Germany has; and so long as the door is open, so long as we can go in and compete without unfair interference, we have no just reason to complain. Our people are doing but little to acquire commercial supremacy in the Orient. Our trade there is comparatively small and we are doing nothing, or but little, to enlarge it. Japan is devoting all the mighty energies of her great people to that one thing above all others; and if she excels us, if we fall behind, what else could we expect?

At all events, this commercial rivalry and competition furnishes no occasion for war. It is not even a provocation to war when considered from the standpoint of a Christian civilization.

No, Mr. President, there is no more cause for war with Japan nor danger of it than of war with any European power. Therefore, I see no need whatever, nothing present, nothing apparent, nothing within the range of the probable, for undue haste in this work of navy building. Let us go on with the work, but let us proceed along sane and conservative lines in the due course of practical administration. On this side, at least, let us avoid hysteria, spasm, and jingoism, go slow, and wait. It was a Democratic Administration that revived the policy and gave new impetus to the work of rebuilding the American Navy and making of it a strong and effective arm of the public service. A few months hence we have excellent reason for believing that this great work will be again committed to the same hands. If that good fortune comes to the country, we will go on building ships, building them fast enough and building them without waste or extravagance. The extravagance of our expenditures has become so appalling that even such Senators as the Senator from Rhode Island [Mr. ALDRICH] and others like him rise here to protest. Let me read a brief extract from the speech made on Saturday last by the Senator from Rhode Island:

> Since the Spanish-American war we have had an era of extravagance in expenditures. There has been apparently little limit to appropriations and expenditures. With prosperity, a degree of prosperity that the world has never before known, our revenues mounted higher and higher every month, and we evidently, and perhaps naturally, thought there was no limit and should be no limit to our appropriations for the public service.
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> But a change has taken place. The revenues of the country are falling off. The deficiency in the month of April will be more than $11,000,000. The deficiency for the present fiscal year will be at least $60,000,000. What is the duty of Congress in this emergency? The appropriation bills now in this Chamber or in the other provide for an increase of appropriations over those made last year of a hundred and four million dollars; and the end is not yet. There is a public-buildings bill, which will probably pass, which may add $20,000,000 to that, making an increase of appropriations in this fiscal year over the last of a hundred and twenty-four million dollars, and this with a deficiency in revenue this year of $60,000,000.
>
> What do Senators propose to do about this?

The Senator from Maine [Mr. HALE], the Senator from North Dakota [Mr. MCCUMBER], and others expressed themselves to the same effect. The Senator from Rhode Island asks—

> What do Senators propose to do about this?

I go beyond the Senate and ask, "What does the American electorate, the great body of the American people and taxpayers, propose to do about it?" Every dollar going into the Treasury to meet the expenses of the Government is a dollar wrung in some form from the people. Every dollar of that kind represents an exaction levied on the industrial activities of the country. I do not care whether it is done directly or indirectly, whether in one way or another, it is a tax, and taxes are paid by the people. There is nobody else to pay them. Our friends on the other side confessedly have been going on piling up millions upon millions in the Treasury, useless millions. Inevitably and with the certainty of fate the influx of these vast revenues would lead, as the Senator from Rhode Island admits they have led, to wild, reckless, and wasteful extravagance in expenditures. We have schemes upon schemes—everybody has a scheme—to get money out of the Treasury under the guise or pretense of some public good. Fast as the revenues have grown, they have not kept pace with the growth in expenditures. This year we are promised a deficiency of $60,000,000 or more, and the end is not yet. Here we have a number of eminent Republican Senators clamoring for additional appropriations, among others this great and comparatively useless appropriation for two additional battle ships, and none can tell to what point this enormous deficiency will be advanced. Mr. President, I am waiting for the day when the expenditures of the Government may be reduced and the burdens of the people reduced. I am waiting the day when the tax burden will be levied to raise only enough to meet the needs of the Government, honestly, efficiently, and economically administered. Put an end to this era of tax extortion and wild extravagance—put an end to that, and we will end it when the opportunity comes, and then be sure we will go on developing and improving our country, building its Navy, expanding its commerce, and administering all its stupendous affairs without bankrupting the Treasury or oppressing the people.

I shall vote for two ships and no more. I shall do that because it is enough and all we ought to attempt.

Mr. SUTHERLAND. Mr. President, I desire to say a word or two, and a word or two only, with reference to the pending question. I intend to vote for the amendment offered by the Senator from Washington [Mr. PILES], proposing to increase the number of battle ships to be constructed under the terms of this bill from two to four, and I have no apology to make here or elsewhere for that vote. I intend to vote for the amendment, not because I *believe* war to be either certain or probable, because I do not so believe; but because I *know* war is always possible. I shall vote for it upon the same theory that I would take out a policy of insurance upon my home—not because I believed that it was either certain or probable that it would be destroyed by fire, but because I knew that such a calamity was always possible, and that it was the part of prudence for me to indemnify myself against that contingency.

The President of the United States has been credited with having given utterance to a somewhat famous aphorism—"speak softly and carry a big stick. You will go far." The President does not advise us to carry a stick in the spirit of the bully who goes up and down the land seeking heads to crack for the mere satisfaction of cracking them, but he in effect advises us to carry the big stick for defensive and not for offensive purposes at all. Applied to the affairs of Government, in my judgment, no wiser or better thing has even been said. Thus applied the police force of a city becomes the big stick of the municipality. Every well-governed city maintains a police force big enough adequately to meet and cope with exceptional emergencies. It is very rare indeed that the entire reserve force is called into aggressive action, but the enemies of organized society understand that it is there ready at a moment's notice to preserve the peace and prevent disorder. A hundred men, Mr. President, may be employed month after month peacefully, and during all that time perhaps not ten may be called into active service, but no wise man ever insists for that reason that the force is unnecessarily large, because he realizes that after all the principal purpose of the organization is to stand as a grim and silent shield between him and the lawless elements of society.

In the same way the Navy is the big stick of the nation. We build our Navy big and strong, not for purposes of aggression, but for purposes of defense. We maintain it at a high standard of efficiency, not to make war, but to conserve the peace. The people of this great Republic being a peace-loving people, ought to be given the ability to be a peace-compelling people as well. No navy, however big, can ever be used for any purpose of which the American people do not approve. For anyone to contend that the building of a great and powerful navy will make our people more aggressive or render war any more likely is to assert an idle and foolish thing. It might as well be asserted that because a man has big muscles and high courage he is therefore necessarily more quarrelsome.

In the one case as in the other, the very possession of this strength prevents trouble, because it constitutes an admonition to those who may be seeking strife to go elsewhere in search of it. In the last analysis it is neither the Army nor the Navy which makes war. It is the American people, and their poise of character, their sense of justice, their intelligence are all such that they will never consent to the making of any war that is not both just and necessary. If we shall build a great and powerful navy, it will deter others from seeking war against us, and between the two things—namely, our own desire for peace and the wholesome respect which our obvious strength will inspire in others—an unjust or unnecessary war will become almost impossible.

Upon the other hand, Mr. President, we are told that a foreign war is an impossibilty and therefore a greater navy is unnecessary. No man has any authority for making that assertion. He would be justified in saying the chances of war are remote, but they are not impossible. War is always possible

just as fire and pestilence are always possible. We have not yet reached the millenium. There have been wars from the beginning, and there will be wars to the end until that day shall come, when, to paraphrase the language of Tennyson—

> The war drum throbs no longer and the battle flags are furled
> In the parliament of man, the federation of the world.

It is no doubt a melancholy fact, but it is a fact nevertheless, that the nations of this world, when their interests are involved, respect power a good deal more than they respect sentiment. It is quite true that in the past our diplomacy has been sufficient in the vast majority of instances to settle our diplomatic disputes, and it will be sufficient for that purpose in the future. But in the future as in the past there will come that occasional, exceptional day of great stress when our battle ships and our great guns will do more to preserve the credit and the honor of this nation than all the diplomacy which can be practiced between now and the day of judgment. It is that exceptional one day—and not the three hundred and sixty-four days—which I have in mind in casting my vote in favor of this amendment. The historic gentleman from Texas expressed my thought precisely when he said:

> You do not often need a gun in Texas, but when you do you need it mighty sudden.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SUTHERLAND. I do.

Mr. CLAPP. Will the Senator from Utah pardon an interruption at this point?

Mr. SUTHERLAND. Certainly.

Mr. CLAPP. I will remind him that in the border land, especially between Texas and Mexico, when they have a dance, and when it is understood that it will be a peaceful dance, they always deposit their guns and check them, knowing by experience that the absence of guns insures a peaceful entertainment, while the presence of guns may entail the reverse.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SUTHERLAND. In just a moment I will.

Mr. CARTER. I should be glad to have the Senator's comments upon both observations at once. The same rule relative to the checking of guns preliminary to a dance in Texas applies to a cake walk in North Carolina, when gentlemen are requested to check their razors upon entering.

Mr. SUTHERLAND. This discussion on the habits in Texas in reference to dances and of the people of other localities in reference to cake walks, with which the two Senators seem to be so familiar, is very interesting. But I suggest that while there may be peaceful dances and peaceful cake walks, there are not any peaceful wars. When we get into war we do not want to have our guns checked. We want to have them on hand.

Mr. OWEN. I wish to make an inquiry of the Senator, and that is, whether he can suggest any nation which in the eventuality of disturbance will check its navy?

Mr. CLAPP. I suggest that one can not answer the inquiry at this time without infringing too much upon the time of the Senator from Utah.

Mr. SUTHERLAND. I think the Senator might say at once whether he thinks any foreign nation would be willing to check its navy.

Mr. CLAPP. I am perfectly willing to say now, in my humble judgment, that the nations of the world will not check the development of their navies in the presence of a sudden and unexplained development to a fourfold ratio of our own Navy.

Mr. SUTHERLAND. I do not think these nations will check their naval development, whatever we do.

Mr. President, the argument for economy which has been made here does not appeal to me with any great force. The Senators who exhibit so much alarm for the safety of the Treasury because of this proposition to appropriate an additional $22,000,000 for the national defense will have laid before them in a few days a bill appropriating twenty or thirty million dollars to build some additional post-offices in the United States. I am inclined to think they will vote for the bill with the utmost tranquillity. I do not complain of this. It is right. I am in favor of that bill, and I shall vote for it as I vote for this proposition, because I think it is a wise and proper expenditure of the public money and because I think this nation is rich enough to afford it. But as between the two measures, this proposition, in my judgment, is vastly more important in the proportion that the national defense is more important than the national comfort.

To build battle ships costs money, it is true, but war costs more. War not only costs money, but costs human lives and human heartache and human suffering, none of which can be measured in terms of dollars and cents.

Mr. President, if I had my way the great fleet which now lies in the Pacific waters would remain there permanently, and we would build upon this side another fleet big enough and powerful enough and efficient enough to protect this rich and populous coast against even the most unexpected contingency. If we shall do that and in the course of fifty years prevent a single war, we shall have justified every dollar of expenditure which may be made in that time. If we shall do that and war shall not come, so much the better. If we shall do that and war shall come, so much the better also, because we will then be prepared to meet the emergency with honor and with success.

Mr. CARTER. Mr. President, this debate seems already quite too protracted. I should not venture to consume the time of the Senate at all were it not for some things said and other things to be inferred from what has been said in the course of the discussion on this question. No Senator is required to explain why he votes a certain way, but it is sometimes better, not necessarily to attempt to convince others, but candidly to state the impelling motive for action on an important question.

The present situation is very simple in one aspect and very serious in another. To the end that we may draw something of a clear view from what has been said and done, I will briefly recapitulate what has gone before this discussion.

In 1905 the President of the United States in a well-considered message complimented the Congress and the country upon the steady, conservative growth of our Navy. He wisely suggested that it would be well to counteract deterioration and to steadily add something to existing strength by constructing one battle ship each year.

In 1906 substantially the same recommendation was made, but the President suggested in December of last year that four battle ships be provided for at this time instead of one. The Congress authorized the construction of two battle ships, following the message of 1905, and it provided for two battle ships following the message of 1906.

There was a variance only in number, the President recommending one and the Congress, having in mind a continuance of its steady, conservative policy, free from any manifestation of fright, authorizing the construction of two battle ships each year.

When the President in December last suggested the propriety of constructing four battle ships, the Senate, without regard to party lines, in conformity with the habit which has grown up, naturally felt inclined to accept the views of the President. But a committee of the other body, consisting of nineteen members, thoroughly skilled and experienced in the consideration of naval legislation, concluded, with only two dissenting voices, that two battle ships, to be authorized this year as last, would respond to the needs of the country and comport with the best judgment of the committee. The House of Representatives, by substantially two-thirds majority, sustained that view.

Thus the measure came for consideration to this body and was duly referred to the Committee on Naval Affairs. That committee, consisting of Members under whose care the new American Navy has been built up, concluded unanimously that the construction of two battle ships was wise, and that the construction of additional battle ships was unnecessary and inexpedient. So the committee unanimously reported to the Senate the bill of the House without amendment as regards the number of battle ships to be authorized.

At this point the Senator from Washington [Mr. PILES] presented an amendment proposing to strike out the word "two" and insert the word "four," so that the bill will read "four battle ships" instead of two, if the amendment is adopted. The Senator from Maine [Mr. HALE], the chairman of the committee, suggested that the Senate's mind was made up, and a vote might be taken. The Senate had been considering this subject.

It had been a matter of discussion in the public press of the country. It had been considered in committees of both Houses. Extensive debates in the other branch appeared in extenso in the CONGRESSIONAL RECORD from day to day, in which debates Members had cited every fact and circumstance that has been recited or referred to in the course of this protracted discussion in the Senate. So I think the Senator from Maine was clearly within the proprieties in saying that in his judgment the mind of the Senate was made up and it would be well to take a vote. The Senator from Indiana [Mr. BEVERIDGE] at this point——

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. Most assuredly.

Mr. FLINT. Does the Senator from Montana insist as a general proposition that every measure which has been considered in the House of Representatives and has been debated there should, without one word of debate in this body, be considered as having a majority in favor of it?

Mr. CARTER. That is not the statement made. The Senator from Maine said that the Senate had considered this subject fully, and, he thought, was ready to vote. I think the Senate is ready to vote now. I am not giving undue prominence to any of the many avenues of information upon which the Senate has deliberated or through which it has acquired knowledge on the subject.

Mr. CLAPP. Including the Senator's own effort.

Mr. CARTER. I hope that will count for something. The Senator from Indiana [Mr. BEVERIDGE] thereupon proceeded to catechise and lecture the Senator from Maine [Mr. HALE] for presuming to suggest that this honorable body would proceed to a vote without deliberation, and thereby destroy the ancient and honorable reputation of the Senate as a deliberative body. I was led to believe that the thanks of the membership might be due to the distinguished Senator from Indiana for flying to the relief of the Senate's imperiled reputation in that direction.

He would be so entitled to our eternal thanks were it not for the definition of the word "deliberate." I find in the dictionary, and will have inserted in my remarks the definitions of the word "deliberate." "Deliberate" means to think over, to weigh, to balance, to consider. Now, Senators are very much like folks. Some folks speak without deliberating, and other folks deliberate without speaking, and still others deliberate and speak. I am not classifying in this behalf, but merely attempting to define mental methods.

But the Senator, not content with this assault upon the Senator from Maine, proceeded to marshal a line of alleged historical facts. I was led, when the Senator from Indiana was catechising the Senator from Maine, to the thought that if we should resolve the Senate into a school for the study of naval construction, history, and power, the chairman of the committee, the Senator from Maine, would be entitled to a professorship, teaching a postgraduate course, while most of the balance of us would be in knee breeches and shirt waists in the kindergarten class of that school.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. Certainly.

Mr. FLINT. I was about to suggest, if the Senator from Montana was going to make comments upon the Senator from Indiana, that it would be well to have the latter Senator present.

Mr. CARTER. I observe he is here. The Senator from Maine, by thirty-eight years of superb and spotless service in the halls of Congress, has become entitled to a place in the front rank of the high class of American statesmen. I am free to say, as to the American Navy, or the new Navy, more properly speaking, not one dollar has ever been appropriated in any bill for its creation or maintenance except in a bill reported by the Senator from Maine, the chairman of the Committee on Naval Affairs. When he says, with the support of his entire committee, that this conservative measure is the wise and prudent limit of present development in our naval construction, I believe he is speaking with sufficient justification.

But, aside from the criticism upon the Senator from Maine and the defense of this as a deliberative body, the Senator from Indiana shook my faith in both his capacity as a prophet and his keenness of penetration in all matters relating to correct historical deduction. He cited us cases wherein we had been suddenly plunged into war, and said all wars come suddenly, unexpectedly. He cited the war, the so-called "war," with Tripoli, made renowned by the exploits of Commodore Decatur.

Mr. President, that is not important here, but it is important to determine somewhat of the kind of facts with which Senators deal on those commonplace matters with which we are all familiar. In 1795 we began paying tribute to the Barbary pirates. There was, except when we purchased peace, a state of war thenceforward until Commodore Decatur went to Tripoli in 1804. The flagstaff of the American consulate at Tripoli was cut down in 1801, and that act was a declaration of war. It was three years thereafter before we took notice of that war. It had been brewing for almost a generation. It did not come upon the country suddenly at all.

The war of 1812, the Senator says, burst from the clouds, as it were. Mr. President, that war was germinated in the days of George Washington.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. CARTER. Certainly.

Mr. BEVERIDGE. The Senator misquotes me. All wars had been germinating for a long time, but when they come they come suddenly, in spite of prophecies that they will not take place.

Mr. CARTER. The two wars referred to did not come suddenly, and they did not come unexpectedly. They did not come as quick as the American people thought they ought to come.

Mr. BEVERIDGE. Does the Senator deny that right down almost to the outbreak of hostilities between this country and Spain there were statements by very eminent and very conservative men that there would not be and could not be a war? I have the authorities here. Does he deny that?

Mr. CARTER. I suppose some Senators did not think there was a demand for it——

Mr. BEVERIDGE. The point was with reference to the Senator from Maine [Mr. HALE], that he had said that war was "absolutely impossible." I cited instances to show that prophecies had been made as to wars being utterly "impossible" to come, and yet, in spite of such prophecies, within a very short time they were upon us. That is the statement I made.

Mr. CARTER. The Senator referred to the *Trent* affair, and stated that the *Trent* affair had almost precipitated war unexpectedly. The truth is that Mason and Slidell were captured on the *Trent*, and Secretary Seward and Mr. Lincoln completely backed down and disavowed the act of the commander of the vessel and left nothing to fight about.

Then the little riot down in New Orleans was cited as a case that ought to be considered in connection with this bill. Twenty-five thousand dollars settled the difficulty in New Orleans. Would this country or any country go to war over that kind of a proposition?

Take our Spanish-American war, which the Senator suggests burst suddenly and unexpectedly upon the country. We practically ordered the Spanish minister out of this city, and I suppose if we had had two more battle ships we would have ducked him in the Potomac River. We ordered the minister out of the Capital and began shooting at the Spaniards. Yet we were surprised by the war.

Mr. BEVERIDGE. I will ask the Senator to keep down to the facts. I want to ask the Senator whether he thinks the demand for the war was supported by the American people.

Mr. CARTER. Whether the war was supported by the American people?

Mr. BEVERIDGE. Was the demand for it supported by the American people?

Mr. CARTER. I think if the American people had considered more thoroughly, had taken more time, had been less inflamed by loose talk of war——

Mr. ALDRICH. And in the Senate.

Mr. CARTER. And largely in this body——

Mr. BEVERIDGE. I shall put on record here to-day or to-morrow the language of certain Senators that I think myself was loose.

Mr. CARTER. Undoubtedly the American people supported the war. The Congress declared war and the American people supported it.

Mr. BEVERIDGE. But before it was declared was that the sentiment throughout the country?

Mr. CARTER. I doubt that very much.

Mr. BEVERIDGE. I wish to call the Senator's attention to what was said here with reference to that war. I quoted the remarks of the Senator from Maine from the RECORD three months before the war broke out, stating that the cause of the insurrectionists in Cuba had no support whatever in this country. I had his remarks as found in the RECORD, and I quoted them, although the Senator from Ohio [Mr. FORAKER] differed distinctly from him at that time.

Now, that is what I called attention to, and, since the Senator is defending the Senator from Maine and attacking me, he may as well have the benefit of it.

Mr. ALDRICH. I was a member of this body during that period, and I will say that notwithstanding the utterances that were made in this Chamber for or against the war, there never was a moment from the explosion in the harbor of Habana by which the battle ship *Maine* was blown up to the time of the war when there was any doubt in my mind that the American people were for war.

Mr. BEVERIDGE. Now, if the Senator from Montana will permit me, the Senator from Maine on the contrary, and it is in the RECORD, and I quoted it last Friday, said three months before the war that it was not supported by the country at all.

I want to say another thing in that connection. I happened to be, in an humble way and out of public life, one of the men who was distinctly against having that war come on before we

were prepared, and I thought it very unwise on the part of eminent and most excellent men who were urging it before we were ready. Now, the Senator is discussing one question and using language about another. He was not mistaken in saying that the war had been brewing for a long time. The point I was making, and it is in the RECORD, is that when we were almost on the verge of war it was the opinion of very able men in this country that it would not come and could not come. And the Senator from Maine actually used the expression that it was not supported throughout the country. Therefore, if he were wrong in that matter, he might be wrong here.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. In a moment.

Mr. President, I do not propose at this time to enter into a discussion of the causes or the results of the Spanish-American war. I do say, however, that the Congress having declared war and the Congress having largely worked itself up to the war spirit, the American people did as they will always do, fly to the rescue of the flag and defend the honor of the country, and inquire into the causes leading to the struggle a little later on if necessary. It brings up merely the old suggestion of Decatur, "Our country; right or wrong, our country."

Now, I yield to the Senator from Ohio.

Mr. FORAKER. I perhaps should not interrupt the Senator at all, but I was in this body when we discussed the Spanish-American war and the causes leading to it, and I think at that time I was in pretty close touch with the people of the country, whatever may have happened since. My recollection is that the people of this country supported what was done in that respect. I remember the pressure was so strong that we should take some positive action that at the Republican national convention which met at St. Louis in 1896 we found it necessary, as we thought, to adopt a plank that really looked in that direction and which the Senator from Massachusetts [Mr. LODGE] reminds me that he helped to draft. Neither one of us is warlike, both of us are peaceful, and we were willing to fight for peace if necessary, but that was the situation for more than a year prior to the breaking out of the Spanish-American war. After I came into this body we were discussing it constantly during the year 1897 and down until the *Maine* was sunk in the harbor of Habana, in February, 1898, and then followed war. It was impossible to resist the demand for it after that occurrence.

Mr. CARTER. Mr. President, the sinking of the *Maine* was the fulminating cap. If that event had not occurred, the serene and patient efforts and the skilled diplomacy of William McKinley and his Secretary of State would have brought about satisfactory results without the shedding of blood.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. CARTER. Certainly.

Mr. SMITH of Michigan. As long as the Senate is considering the historic situation just preceding the Spanish war, I wish to say that prior to the *Maine* disaster and during the Administration of Mr. Cleveland there was war in Cuba, which everybody recognized. Over 250,000 soldiers had been sent over to put it down. Both Houses of Congress took cognizance of the serious condition of Cuban affairs.

I fully believe that our war with Spain would not have taken place at all if Congress and the President had been in accord in giving belligerent rights to Cuba. If a state of war had been recognized, as it could have been under the recognized rules of international law, she would have fought her own fight with Spain, and America perhaps might have avoided the responsibility afterwards assumed by us.

Mr. President, it is not too much to say that the House of Representatives passed the resolution and I think the Senate passed it. But the President treated it as a nullity, because it was a concurrent resolution and merely an expression of legislative opinion having no binding effect upon him as a matter of law.

I happen to be cognizant of some of the things that took place prior to that war. I was a member of the Foreign Affairs Committee of the House at that time, during which this matter came up, and I feel very sure, and I have no hesitation in putting it upon record, that the war with Spain upon the part of the United States would have been avoided if Congress and the Executive had been in accord in conferring belligerent rights upon the insurgent de facto government.

Mr. CARTER. Mr. President, I think it will be readily inferred from all that has been said that the Spanish war did not come upon us suddenly.

Now, the next question interjected is——

Mr. BEVERIDGE. As the Senator has referred several times to the fact that the Spanish war came on a sudden, if he is referring to me, of course I used absolutely no such language nor any statement from which it could be inferred. What I said had reference to this, that the Senator from Maine predicted three months before the war broke out (and I will say that I have his remarks right here) that the insurgents had no sympathy whatever among the American people.

Mr. BACON. I am sure the Senator from Indiana does not know how much his remarks are appreciated in this debate or he would speak louder.

Mr. BEVERIDGE. That is the only point I will say to the Senator. The Senator, of course, will not intentionally put words in my mouth that I did not use. Here is what the Senator from Maine said——

Mr. CARTER. As to the contention between the Senator from Maine and the Senator from Indiana, I beg leave to ask that it be interjected somewhere else.

Mr. BEVERIDGE. The Senator was interjecting it. He was talking about it.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Certainly.

Mr. HALE. I think it is very apparent by the respectful silence that I have observed that at present, at least, there is no controversy between the Senator from Indiana and myself.

Mr. BEVERIDGE. Not in the least. The Senator does not deny what he said.

Mr. HALE. This matter is going on very much to my satisfaction.

Mr. BEVERIDGE. The Senator does not deny what he said.

Mr. HALE. I do not in any way interfere with it. I have some things to say, but while things are going on this way I am content.

Mr. BEVERIDGE. The Senator will recognize the right we all accord to each other in contributing to some particular point, but I merely pointed that out to show that the ablest and wisest of men right on the verge of a conflict often think that it is impossible and not supported by the country, and they are sometimes wrong; that that is a natural proposition.

Mr. HALE. Of course, the deduction from that is that as to this whole matter, if I was wrong then, I am wrong now.

Mr. BEVERIDGE. No; not at all. I stated distinctly the reverse.

Mr. HALE. Did not the Senator mean by referring to the fact that I was wrong about the war with Spain and did not believe that it would come, to draw a moral that I am wrong now—that there was danger then of war and now there is danger of war? I disagree utterly and totally with the Senator upon that point.

Mr. BEVERIDGE. I repeated it because the Senator from Montana was bringing up the point which he thought I made at that time, but which, as a matter of fact, I did not make. I referred to it, I will say, only to show that the Senator was one of a large number of the ablest statesmen we have had all through our history who were mistaken about these things, and I pointed that out merely to show that the statement that war is an impossibility is not new.

I shall not interrupt the Senator again.

Mr. CARTER. Mr. President, I was not trying to place any words in the Senator's mouth, for two reasons. First, it is not necessary; and second, I am not qualified for that task. I do not wish to be understood as misrepresenting the Senator. I did not pretend to quote verbatim, but I do pretend to speak from the general impression created by what he said as well as specific words used by him from time to time.

The Boer war was cited as another instance why we should vote for four battle ships instead of two, and that was suggested as one of the wars put down by naval power. The Senator from Minnesota [Mr. NELSON] well answered that by saying that the Boer war was largely suppressed by the American mule. He ought to have said the Missouri mule.

Mr. SMITH of Michigan. And not very much to our credit.

Mr. CARTER. It was not much to our credit. The Montana cayuse contributed his portion to that great struggle. There was not a shot fired by a man-of-war in connection with that struggle, as far as I have ever heard. Certainly the poor Boers did not fire any shot from a vessel, because they did not have any. The naval power had nothing to do with the Boer war.

Then the Russian-Japanese war is brought forward and the Chinese-Japanese war, and the glorious days of the early months of 1898 are brought back vividly into this Chamber.

I remember, sir, the yellow telegrams in 1898 coming in from

that enterprising paper, the New York Journal, and other great journals of civilization like it, urging Senators upon this floor to expedite the issue of war. I noticed the other day the same yellow missives coming through the Chamber from enterprising sources endeavoring thus to produce the thrilling effect necessary to work men up to the pitch of battle.

Mr. President, it was amazing to me that any Senator or number of Senators should expect a single supporting vote in this Chamber in favor of four battle ships, or any battle ships, in the presence of the hue and cry of impending war, or what is the just equivalent of it—the eloquent plea of the Senator from Indiana for peace in the presence of grim-visaged war his own imagination had conjured up out of the absence of two more battle ships. The peace of the world hung trembling in the balance, with only a few pounds of steel and a few guns between us and a world-wide conflagration.

Mr. President, the Chief Magistrate refrained from giving any specific reason for the four battle ships. It was not necessary that he should give any reason. We might have assented to the four battle ships in the midst of that silence preceding the vote, which the Senator from Maine suggested was due deliberation. But after this florid, lurid, warlike appeal for the preservation of the imperiled world's peace by preparing now for the dire issue of war, I for one say that I look upon the mission of this great Republic as a mission of peace, and I will not willingly consent to have it assume an hysterical or frightened attitude in the midst of the nations of the earth in order that we may either repel a fancied approach of war or demonstrate our own rugged courage and bravery.

The American nation now has substantially 100,000,000 people. In 1930, on the same rate of increase as occurred between 1890 and 1900, we will have 150,000,000 people. By 1940 we will have substantially 200,000,000 people. We have to-day the largest number of Christian people ever loyally devoted to any flag in any age. Our mission has always been one of peace. The God of the universe apparently intended that we should execute a mission of peace, because he has cushioned our coasts with two mighty oceans, constituting a line of defense without any menacing power either to the north or south upon the mainland.

In the old days of the sailing vessel we had something to fear from foreign fleets coming up against our coasts, but in these days of steam power the capacity of coal bunkers will always measure the range of naval activity.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. Certainly.

Mr. FLINT. I should like to ask the Senator from Montana what would be his idea about peace with the outlying possessions in the Atlantic and in the Pacific?

Mr. CARTER. I think it was Abraham Lincoln who said—and the figure carries with it in an overwhelming way a mighty truth—that all the combined armies of the world can not take a drink of water out of the Ohio River unless we want to let them. The nations of Europe are not as happily situated as we are.

I remember during a short visit across the water some years ago—a very brief one, indeed—I inquired of the man who was presiding as clerk or proprietor at the hotel as to where the limit of their system of stamp assessments stopped. He said, "We have stamps on everything. We are taxed on our income, we are compelled to procure stamps to put on every bill and every check and every receipt, and everything that passes as business." I asked, "Why all these taxes?" The reply was, "The great army, the immense army to maintain." I said, "Why do you not disband the army?" He said, "These outside states would crush us like an eggshell if we did. We have got to keep the army in order to protect our property, our identity, and our honor."

A nation situated in that condition is not in a position to lead in the column of peace. It is in constant danger of invasion or destruction. Disarmament of a European state can not be expected as a means of reaching universal peace. I think it has been given to this country, made up of contributions from the loins of the best of all Europe, molded into a mighty nation, not Celtic, not Anglo-Saxon, but now and forever to be an American nation and an American people, self-reliant, just, and capable of commanding peace at home and giving a worthy example in favor of its preservation abroad.

Mr. President, if we could step aside and see for a moment with any clearness of vision our relation to the world, we would hesitate before throwing the gage of battle into the face of the Orient.

Our good people are the natural progeny of the people who were driven from the Caspian and the Bosphorus and the shores of the Mediterranean across Europe, pursued by the Asiatics, occasionally conquered at points and places, but still tenaciously adhering to the doctrine underlying the Christian religion, to wit, that man has an individual responsibility, and that as an individual responsible man he can not belong to any other man. That theory left this world, as far as our people controlled it, without a master and without a slave.

War was the song our ancestors sung in dealing with the oriental character, and with what success, I pray? The cleavage between our civilization and oriental civilization on the line of Turkey is as clear as the cleavage of that desk is. Northern Africa is to-day as it was twenty centuries ago. The guns are resounding in northern Africa now, a continuation of an old conflict of two thousand years' standing. We are the vanguard of the Aryan race, and we are approaching from the East the same problems our ancestors approached from the West and failed to solve. They elected to engage in protracted war. That war has been without any distinct results in advancing Western civilization. Some fifty-odd years ago an American fleet dropped anchor in one of the harbors of the Nippon Empire. We were given the privilege of introducing to the family of nations the country of which we are all proud—Japan.

And let me, Senators, call your attention to this one significant historical fact, that Christian or Western civilization has made more progress in Japan in five decades than the warring factions of Europe made in the Orient in twenty centuries.

These apt people possess fine brain power, indomitable energy, and unquestioned courage. They first observed the value of the material products of our civilization, they adopted our ways, and to-day they have constitutional government, and Christian missionaries are welcomed everywhere in the island of Japan. Treaty rights are fairly respected, international obligations are assumed and discharged, and this is the nation, it is suggested, we should marshal up battle ships in order to control. It is not our policy to control Japan or its destinies, except through the beneficent influence of our institutions, which we hope may finally reach around this globe to the starting point in the ancient valley of the Euphrates.

Why, Mr. President, whenever a vote is to be taken in the Senate which shall indicate to the Japanese people, or to anyone in the Orient or elsewhere, that, in the absence of impending danger, in the absence of any present difficulty, we are proceeding to arm ourselves for aggressive warfare, my vote shall be cast against that measure, regardless of who recommends it.

I think we owe a duty to civilization, and the highest duty in that behalf is to occupy the position of the world's peacemaker. I am with the President's message of 1905. We want a navy for defense, not for aggression. We want to have an army, not of subjugation or invasion, but an army skeletonized and ready for emergency when it arises; but we do not want to maintain armies proportionately as are maintained in the little states of Europe, each constantly imperiling the other's existence.

If we vote for four battle ships after this discussion, if we vote for four battle ships after this long and needless talk about war, we will thereby send a message across the ocean—a message subscribed to by the Senate of the United States as a part of the treaty-making power of the Government, the only part of the legislative machinery coming in contact with foreign relations—that we deliberately believe that such an emergency has arisen as to cause us now to depart from our well-established, conservative, and progressive system of naval construction and to prepare at once for the eventualties of aggressive war.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. Certainly.

Mr. FLINT. I will ask the Senator from Montana what would be his construction of the message of the President of the United States recommending that we should do this very thing?

Mr. CARTER. Mr. President, I am happy to announce from the text that the President does not pretend to advance any urgent reason for wanting four battle ships instead of two. He stated in 1905 that, in his belief, one battle ship every year would stay deterioration and make a little progress. He has changed his view about it, and it appears that Congress had changed, too, prior to the President's change, by providing for two instead of one. But Congress has not been advised by the President of any impending emergency. For aught we know,

from any source—and I think our information is reliable—there is no danger of war at present or in the immediate future, and there is no reason for a departure from our well-considered and conservative method of naval construction.

But there are weighty reasons furnished by this debate for avoiding what will appear to be a response to this war-like declamation, this grave apprehension of a disturbance of the peace which we think exists only in imagination here, but which, if given credence by our votes, would fly away as a fixed conviction of the American people that they were about to be cast into war.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Rhode Island?

Mr. CARTER. Certainly.

Mr. ALDRICH. I suppose the Senator from Montana will agree with me that the trouble about this matter is not the President's message, but it is the unauthorized interpretation of that message which has been placed upon it here in this Chamber?

Mr. CARTER. Mr. President, I have endeavored to say that I agree with the Senator in his trite and apt suggestion of the fact.

Mr. BEVERIDGE. Not "trite;" surely not "trite." The Senator said "trite." He did not mean "trite," of course.

Mr. CARTER. Well, "apt." I always yield to the Senator on words. [Laughter.]

Mr. President, I have labored to little purpose if I have not made it apparent that it is my solemn and deliberate judgment that whatsoever may have been the disposition of Senators when this debate started, the course of the debate, the reasons assigned in support of the amendment, the needless flashing in the air of the lightnings of war, make it the duty of every Senator to vote down any amendment that can, in any colorable sense, give the approval of the Senate to the course of this debate and the reasons assigned in favor of the amendment. We have all heard of the court reaching a correct conclusion, but assigning wrong reasons for it. This may be one of the cases. This may be a good amendment, but it is supported by such infirm and recklessly exploited reasons that we have to vote down the amendment in order to discountenance the reasons given for its adoption.

I shall cast my vote against it, believing that duty requires me so to do. At the same time, I believe I can truthfully say that this is the first vote I have ever cast against the construction of an American vessel of war. I have in and out of season, in the other House and in this, supported, without variation or sign of change, the naval programme recommended by the committees of the respective Houses. I shall continue to do so, Mr. President. I have no idea whatever that two battle ships this year will preclude two battle ships next year, if it shall appear proper to the committee to continue the construction on that conservative basis. It may be that you will think four battle ships will be necessary next year. If so, we will vote them. It will not be long until we shall have the opportunity, but at this time I feel constrained by the sense of duty I owe to the country, menaced by a cloud of war through loose and inconsiderate declamation, to vote against this amendment, and I shall so vote with much pleasure.

Mr. BACON. Before the Senator takes his seat——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. Certainly.

Mr. BACON. I should like, with his permission, in order that the RECORD may be complete upon the subject as to whether or not the Spanish war was a sudden war, to read a resolution which was reported from the Committee on Foreign Relations of the Senate two years before the war. [Laughter.] It was reported on the 5th of February, 1896, more than two years before the war. It is as follows:

February 5, 1896.—Mr. Morgan, from the Committee on Foreign Relations, reported the following concurrent resolution as a substitute for concurrent resolution No. 19, reported January 29, 1896:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

The minority of the committee, through Mr. Cameron, reported what I shall now read in place of the one which I have just read:

Resolved, That the President is hereby requested to interpose his friendly offices with the Spanish Government for the recognition of the independence of Cuba.

Of course, it was a well-recognized fact that the adoption of either resolution meant war.

Mr. FLINT obtained the floor.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Washington?

Mr. FLINT. I do.

Mr. PILES. Mr. President, in view of the remark of the Senator from Montana [Mr. CARTER] that the adoption of the amendment which I had the honor to propose would be in effect a message of war, I desire to insert in the RECORD, at the conclusion of his remarks, a statement from the President's message. The Senator from Montana says that the President of the United States did not give any reasons for urging upon Congress the necessity of providing for four battle ships instead of two. If the adoption of my amedment would be a message of war, then, Mr. President, I submit that message of war has already gone forth in the message which the President of the United States submitted to this Congress on the 14th instant. In that message the President said:

To the Senate and House of Representatives:

Let me again urge upon the Congress the need of providing for four battle ships of the best and most advanced type at this session. Prior to the recent Hague conference it had been my hope that an agreement could be reached between the different nations to limit the increase of naval armaments, and especially to limit the size of warships. Under these circumstances I felt that the construction of one battle ship a year would keep our Navy up to its then positive and relative strength. But actual experience showed not merely that it was impossible to obtain such an agreement for the limitation of armaments among the various leading powers, but that there was no likelihood whatever of obtaining it in the future within any reasonable time. Coincidentally with this discovery occurred a radical change in the building of battle ships among the great military nations—a change in accordance with which the most modern battle ships have been or are being constructed, of a size and armament which doubles, or more probably trebles, their effectiveness. Every other great naval nation has or is building a number of ships of this kind; we have provided for but two, and therefore the balance of power is now inclining against us. Under these conditions, to provide for but one or two battle ships a year is to provide that this nation, instead of advancing, shall go backward in naval rank and relative power among the great nations. Such a course would be unwise for us if we fronted merely on one ocean, and it is doubly unwise when we front on two oceans. As Chief Executive of the nation, and as Commander in Chief of the Navy, there is imposed upon me the solemn responsibility of advising the Congress of the measures vitally necessary to secure the peace and welfare of the Republic in the event of international complications which are even remotely possible. Having in view this solemn responsibility, I earnestly advise that the Congress now provide four battle ships of the most advanced type. I can not too emphatically say that this is a measure of peace and not of war.

And yet the Senator from Montana says that the President of the United States gave no reasons why he urged upon this Congress the construction of four battle ships in place of two. Therefore, Mr. President, I felt that it would probably be beneficial to the country to read, in connection with the speech of the Senator from Montana, what the President did say on that subject, so that they may know that he did express his reasons to Congress why four additional battle ships should be provided.

Mr. FLINT. Mr. President——

Mr. FORAKER. Before the Senator from California proceeds——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Ohio?

Mr. FLINT. I do.

Mr. FORAKER. And before the Senator from Washington resumes his seat I want to ask him a question simply to get information. I am not familiar with the message of the President of 1905, in which he recommended only one battle ship, and I want to ask the Senator, for he is doubtless familiar with it on that point, whether the President put that recommendation in his message upon the ground that The Hague Tribunal or a peace conference was about to reconvene and that it was anticipated there would be an agreement for the limitation of naval power?

Mr. PILES. No; I do not know whether that was the reason or not.

Mr. FORAKER. I asked the Senator simply for information.

Mr. FLINT. Mr. President, I am very glad that the Senator from Washington [Mr. PILES] placed in the RECORD the message of the President of the United States to the Congress recommending the building of four battle ships instead of two. It is proper that this message should go in at this time. I had hoped that this discussion would go beyond the mere criticising of a Senator for words he may have used in this debate. We are here discussing a great question presented to this Congress in a special message from the President of the United States. To my mind, there is no necessity for discussing war in connection with the recommendation of our President; but it seems to me that the remarks of the Senator from Indiana [Mr. BEVERIDGE] and of the Senator from Washington [Mr. PILES] have been played on so that those who are opposed to four battle ships have been able to make that the

issue, so as to deter Senators from voting as the President has recommended. It seems to me that the talk of war comes from those who want but two battle ships and not four. It seems to me, as outlined by the President in his message, there are good and sufficient reasons why we should have four battle ships, and that, too, eliminating any question as to war.

The pending bill came to the Senate from the House of Representatives on the 17th day of April, and on the 20th day of April it was reported from the committee and presented to the Senate. As reported to the Senate, it provides for two battle ships. The committee in the House also reported a provision for two battle ships, although there was a minority report in favor of four. Four battle ships have been recommended by the General Board of the Navy, by the Secretary of the Navy, and by the President of the United States.

It seems to me that there should not be the feeling that has been displayed here because of the fact that some of us are desirous of following the recommendations of the President, Secretary of the Navy, of the Naval Board, rather than the Naval Committee. No one has a higher opinion of the chairman of the Naval Committee than I have. I realize that he has had great experience, that he is master of this subject. I also realize the fact that my colleague [Mr. PERKINS], from my own State, has been a member of that committee for many years, and that he has been familiar with seafaring matters all his life. He has studied this subject, and he is also an authority on questions relating to the Navy of the United States. Those Senators, together with the other Senators on the committee, make a unanimous report to the Senate recommending the construction of but two battle ships, and it is with some reluctance that I find myself disagreeing with the chairman and other members of the Naval Committee and in favor of four battle ships.

I find, upon examining this question, that even the chairman of the Naval Committee finds that there have been at least some errors in the programme outlined for our Navy, and that is the lack of colliers, and this has been demonstrated by the cruise of the fleet to the Pacific.

Mr. President, I call the attention of the Senate to the remarks of the Senator from Maine, made some time ago, in discussing the question of the fleet going to the Pacific. His statement is so strong that I prefer to quote it. He said:

Mr. HALE. I do not want to interfere with the line of the Senator's argument, but I am very largely in sympathy with him, for he has struck what is the weak point in our entire naval establishment, so far as ships are concerned. We are deplorably lacking in the essentials that make a great fleet not only formidable, but seaworthy.

The Senator said the other day, and the metaphor was not too strong, that without certain auxiliary ships the great battle ships of the United States fleet upon any waters outside of our own waters, in case of any emergency, with war threatened, would be derelicts, and it is too true.

* * * * * * *

Mr. HALE. The auxiliary force, Mr. President, that was improvised—I use that word, because it was not much more permanent than an improvised force—consisted, with but few exceptions, of transitory ships, yachts, small cruisers that were to be used for the emergency along the coasts and in the Caribbean Sea; but when the war ended they were found to be of little use. They made up an aggregate, and I have looked over the list time and again. Most of them were of no account and have gone out of use and are good for nothing to-day and would be good for nothing in any case of emergency.

Mr. President, it is a melancholy spectacle that this great fleet of ours in this regard presents to-day. It is the greatest fleet of great and formidable ships that the whole world has ever seen. It is completely manned. It is in every respect except one the most magnificent and formidable fleet of ships that any nation has ever put upon the waters of the globe.

Admiral Converse, who knows it root and branch, has so told us, and he is right. But this great fleet, which has been sent upon its voyage around the globe, is to-day absolutely dependent upon its motion, upon its existence as a moving fleet, on the indulgence of foreign powers.

I have here, Mr. President, a list of the colliers, without which a ship and a fleet can do nothing, that are to-day in attendance upon this fleet. There are only nine of our own. There are chartered from foreign owners attending this fleet of ours, enabling it to move, making it a movable fleet, twenty-eight foreign colliers. I have a list of them here—I will put it in the RECORD—ranging from 4,000 to 6,000 and odd tons each.

The list referred to is as follows:

Coal for the fleet going to the Pacific.

	Tons.
Government-owned colliers:	
Ajax to Rio with	4,800
Brutus to Rio with	3,800
Nero to Rio with	3,500
Abarenda to Rio with	3,500
Hannibal to Trinidad with	2,000
Leonidas to Trinidad with	2,000
Marcellus to Trinidad with	2,000
Sterling to Para with	2,000
Cæsar to Rio with	2,800
Chartered foreign colliers:	
Fortuna to Trinidad	4,224
Athalic to Trinidad	2,787
Kassala to Rio	5,150
Elialine to Punta Arenas	5,449
Janana to Punta Arenas	5,627
Ripley to Punta Arenas	5,073
Towergate to Punta Arenas	5,166
Hector to Callao	5,600
Hermiston to Callao	5,392
Earl of Douglas to Callao	5,361
St. Andrews to Callao	4,351
Falls of Orchy to Callao	5,714
Allenton to Magdalena Bay	6,321
Otterburn to Magdalena Bay	6,000
Strathtay to Magdalena Bay	5,308
Needles to Magdalena Bay	6,001
Baron Androssen to Magdalena Bay	6,002
Strathgyle to Magdalena Bay	5,367
Agapanthus to Magdalena Bay	4,832
Cape Finistere to San Francisco or Mare Island	6,510
Livingstonian to San Francisco or Mare Island	5,404
Guernsey to San Francisco or Mare Island	6,156
Earl of Carrick to San Francisco or Mare Island	4,940
Carlton to San Francisco or Mare Island	6,530
Inverkip to San Francisco or Mare Island	5,955
Braemont to San Francisco or Mare Island	4,808
Amherton to San Francisco or Mare Island	5,373
Madura to San Francisco or Mare Island	5,500

Mr. HALE. Mr. President, if when that fleet was ordered on this tour about the globe there had been the least menace of war from any power, no government owning one of these foreign colliers would have allowed a single ship to be employed by us, and our fleet, magnificent as it is, with any menace of war upon the sky, without these foreign colliers would be as useless and—

As idle as a painted ship
Upon a painted ocean.

We do not realize this, Mr. President. I go further. If any complication should arise in the voyage of the ships, any danger, any menace of war in a foreign power, I do not know but that every foreign power represented in the ships which we have hired would feel compelled to withdraw them from the association of the fleet, and we would be hung up.

It is not, Mr. President, an agreeable thing to contemplate. We go on year after year building up and accumulating these immense ships at an enormous expenditure, and find ourselves, as we would in any emergency for which the ships are built, without a thing being done that makes the ships formidable as a fleet at sea. The Senator is right in his theories. There ought not to be another ship added to the American Navy until we add something that every other power has done to make the ships formidable in case of an emergency.

My colleague is right; the Senator from New Hampshire is right; we can not do it here. I do not think the Senator from Nevada wants to embarrass this bill; but when we come to the consideration of the naval appropriation bill I hope the Senator from Nevada and the Senator from New Hampshire and the Senator from Maine, my colleague, and every thoughtful, patriotic Senator will join with me to try and see that something is done in this entirely neglected field that we have rashly and in the most foolhardy way neglected and abandoned in the past. Otherwise, Mr. President, if there is any call for the big ships, and they are to protect us in case of possible war, they are absolutely worthless unless we have something with which to build up an auxiliary fleet and to supply the ships that will enable them to move in the waters of the globe. Without these foreign ships, these colliers, Mr. President, we not only could not have gotten around Cape Horn, but we could not have gotten beyond the Caribbean Sea. Nobody has seemed to realize that. But when we come to the naval appropriation bill this matter will be laid before the Senate, and we will be made to consider what are the actual needs of the American Navy.

I call attention, Mr. President, to the remarks of the Senator from Maine for the reason that he realized that, at least in this respect, our fleet is in a very unsatisfactory condition.

Mr. President, there is another amendment that has been offered to this bill by the Senator from Nevada [Mr. NEWLANDS]. It provides for the appropriation of $20,000,000 for colliers and for an auxiliary fleet. I will support an amendment such as the Senator from Nevada has offered, for it is apparent from the statement—which I have read and will include in my remarks—furnished by the Senator from Maine that the auxiliary fleet that is accompanying our battle ships to the Pacific Ocean as colliers are not American vessels and that there is great necessity for addition to our Navy of this kind.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Nevada?

Mr. FLINT. I do.

Mr. NEWLANDS. I should like to call the attention of the Senator from California to the fact that my amendment is not limited simply to the construction of colliers. It provides for an auxiliary navy, consisting of transports, colliers, scouts, dispatch boats, and other vessels necessary in aid of the fighting ships in case of war.

Mr. FLINT. Mr. President, I think the amount fixed by the Senator from Nevada is perhaps more than is necessary at this time to provide simply for colliers, but it is necessary that we should provide colliers to accompany our fleet. On the Pacific we have a seaboard as long as that on the Atlantic, but we have from one end of that country to the other but four places that are fortified. We have, as a matter of fact, Mr. President, only one fortified place to amount to anything on the entire Pacific slope, and that is the city of San Francisco. That harbor is fortified. There are slight fortifications at San Diego, some on the Columbia River, and some on Puget Sound; and at this session we have provided appropriations for fortifying Puget Sound, San Francisco, San Pedro, and San Diego. I ask to in-

clude in my remarks a list of the places on the Atlantic coast that are fortified and also the places on the Gulf States that are fortified.

The VICE-PRESIDENT. In the absence of objection permission is granted.

The matter referred to is as follows:

The following localities in the United States are fortified:

Atlantic coast.

Portland, Me.; Portsmouth, N. H.; Boston, Mass.; New Bedford, Mass.; Narragansett Bay, Rhode Island; eastern entrance, Long Island; eastern entrance, New York; southern entrance, New York; Delaware River; Baltimore, Md.; Hampton Roads, Virginia; Potomac River; Cape Fear River; Charleston Harbor, South Carolina; Savannah River.

Gulf coast.

Key West, Fla.; Tampa, Fla.; Pensacola, Fla.; Mobile, Ala.; mouth of Mississippi River; Galveston, Tex.

Pacific coast.

San Diego, Cal.; San Francisco, Cal.; Columbia River, and Puget Sound.

Mr. FLINT. Mr. President, from this statement it will be seen that on the Pacific coast we have but four ports that are fortified, and only one of these where the fortifications are adequate, although we have over 3,000 miles of coast line.

At the time the fleet started for the Pacific there was not a battle ship upon the Pacific coast, and during the last two years there has been a general demand along the entire Pacific coast that war vessels should be sent there, not because of any fear of war, but as a matter of right, for the people of the coast thought that a part of the Navy should be located on the Pacific coast permanently.

When the fleet reached the Pacific coast another condition developed, a condition that was given as a reason why the fleet should not remain but should leave the Pacific and return to the Atlantic, namely, that we have not facilities for properly taking care of and repairing these great war vessels, for the reason that we have not sufficient naval stations on the Pacific coast.

I find that along the Atlantic coast there are nine naval stations as follows: Portsmouth, N. H.; Boston, Mass.; New York, N. Y.; League Island, Pa.; Norfolk, Va.; Port Royal, S. C.; Charleston, S. C.; Key West, Fla.; Pensacola, Fla. In addition, there are two other smaller naval stations, making eleven stations along the Atlantic coast. On the Pacific side we have but two places—Mare Island, which is fully equipped, and Bremerton, which is now being equipped. I think it can be demonstrated to any thinking man that if we are to be protected on the Pacific coast at least a part of the Navy should remain on the Pacific coast, and that proper facilities should be made for repairing and reconstructing these vessels.

I am in favor of four battle ships of the *Dreadnought* class, for the reason that it is necessary to construct four vessels of this type to keep our Navy at its relative position with other nations, and for the further reason that in my opinion it is necessary to keep one fleet in the Atlantic and one in the Pacific, to accomplish which we will have to build additional ships of this class.

We should have an even navy, and the discussion of naval affairs in the last year or two has demonstrated the fact, among naval men at least, that what is to be the vessel for the future is the great *Dreadnought* type of vessel, and I am simply contending and asking for four battle ships, so that our vessels of the *Dreadnought* class will be brought up to the standard of the rest of the Navy and equal to the navies of the world.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Montana?

Mr. FLINT. I do.

Mr. CARTER. Is not the vessel of the *Dreadnought* type experimental?

Mr. FLINT. I think not. I do not understand from anything I have read that it is. The report of the Secretary of the Navy would certainly demonstrate that it is not an experiment.

Mr. CARTER. I observe that the morning papers chronicle a sad event, which is instructive in this, that an ordinary merchant passenger boat sunk one of the great war vessels of England by running into its side, pulled off from the conflict, and went back to port.

Mr. FLINT. It was a second-class vessel, and I am not willing to depend upon newspaper articles to determine whether ships of the Navy are of the proper construction or not. As a matter of fact I think it is not disputed that vessels of the *Dreadnought* type are now being built by all the great nations of the world, and all that I desire in supporting this amendment is to bring the United States, so far as vessels of this class are concerned, to the same standard that is maintained with respect to the rest of the Navy.

Mr. President, a great many people seemed to think that when this great fleet reached the Pacific coast it was away from home, as has been said a number of times in this debate. It is now in a home port, a part of this great country, and we on the Pacific coast are just as much entitled as is the Atlantic coast to have a great navy, and not only have a great navy, but have an equipment there sufficient to repair and take care of the fleet, keeping it there all the time. We should have sufficient navy-yards along the Pacific coast so that a fleet such as the Senator from Maine outlined in his remarks it is possible for us to have could be repaired on the Pacific coast.

Mr. President, the only difference between those who favor two and those of us who favor four battle ships is the fact that those favoring two think that our Navy now is sufficient without these additional battle ships. We who favor four battle ships believe our Navy, to be kept to its present standard, must have two more of these great new fighting machines.

I make the same plea for colliers sufficient to carry coal for the Navy that I do for these great fighting machines.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Montana?

Mr. FLINT. I do.

Mr. CARTER. I am in hearty accord with the Senator's demand for the proper development of our naval equipment on the western coast, and being thus in accord with him I desire to inquire in what respect this bill fails to respond to the just demands of the west coast for the proper development of navy-yards on that coast—whether the matter has been neglected. If so, I will favor any amendment necessary properly to continue the development of the naval equipment of the west coast.

Mr. FLINT. In reply to the Senator from Montana I will say that the best evidence that the Pacific coast is not properly equipped is the fact that the Senator from Maine himself says that it is necessary to bring the fleet back to repair it properly.

But with nine navy-yards on the Atlantic coast within the same distance, it does seem radically wrong, with the same size of fleet on the Pacific coast, we should have only two navy-yards, and only one of those navy-yards equipped to-day so that it can build a ship. There is something radically wrong with a system that requires the fleet to leave the Pacific coast to go to the Atlantic coast to make these necessary repairs. We should have appropriations from time to time, in order that on the Pacific coast there will be navy-yards and docks fully equipped, so that fleets as large as the one now on the coast can be properly taken care of.

We have but one coaling station on the Pacific coast, unless you would designate what coal was stored at Bremerton a coaling station. At the last session I did secure, and the chairman of the Committee on Naval Affairs gladly aided me in obtaining, appropriations for a coaling station in the harbor of San Diego. We should have more coaling stations and more navy-yards on the Pacific coast. I am not criticising the Committee on Naval Affairs, but am pointing out the needs of the Pacific coast.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Montana?

Mr. FLINT. Certainly.

Mr. CARTER. I understand the Senator's observations to lead to the conclusion that it is not an extra number of battle ships that we need, but an extra amount of accommodations for the battle ships we have, in so far as the west coast is concerned.

Mr. FLINT. Both.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Indiana?

Mr. FLINT. Certainly.

Mr. BEVERIDGE. Before the Senator takes his seat I should like to say that I think we all recognize that heretofore it has been almost accepted, as suggested the other day by certain Senators, that the true home and abiding place of our fleet is the Atlantic coast. It is a false idea. Both coasts need a navy; one coast should not appropriate all the Navy to itself, as the Atlantic coast heretofore has done. It should have a navy, but so should the Pacific coast.

Mr. CLAPP. Mr. President, it is not my purpose to make upon this occasion a set speech, but to analyze in my feeble way some of the arguments which have been presented in favor of this sudden proposed change from a policy which has been pursued in the past with satisfaction to all. If the Senator from California [Mr. FLINT] had made his speech at the open-

ing of this debate and the Senate had stood to the issue as he framed it, we would have completed this debate in a very short time. If there had been presented to the Senate the issue as he framed it, and which is the real issue, whether with a due recognition of the patriotism of this body, in view of a desire for a navy commensurate with the honor of this country, the safety of our people, and the progress of peace, the ordering of two battle ships or four battle ships were necessary, we might have concluded it long ago. For the real question is, having due regard for the conditions I have enumerated, Should we now provide for the construction of two or four additional battle ships?

But this debate has taken a peculiar turn. I shall not attempt to analyze the words that appear this morning in the cold record of this debate, but to analyze the spirit of the debate as it bears upon these questions. We were referred first to the *Trent* affair. Either that affair had some bearing upon the question whether we should authorize four battle ships or two or it had no bearing at all. Unfortunately for the Senator who made the suggestion, the *Trent* affair, as it has already appeared, occurred before we had the Navy—which grew out of the great civil war—and that illustration necessarily was eliminated from this discussion.

When the Senator made reference to the *Trent* affair, it seemed to me that if he wanted an illustration where a foreign power finally arbitrated with us with the shadow of a great navy in the background, he might have taken the *Alabama* case. We had then successfully emerged from a great struggle. We had then, comparatively speaking, a great navy and a million men who had learned the art of war in the only school in which men can learn that art—that is, in the activities of war itself.

If England, in the *Alabama* affair, was actuated, as I believe she was not, by a thought of brute force on our side, it was not the Navy which we then had, but it was a condition which existed then, that exists to-day, and will exist as long as England's greatest colonial possession is separated by only an imaginary line from a people who number eighty or ninety millions. But I prefer to believe, sir, that England, even in that affair, was actuated by a nobler principle and acted upon a broader basis than the mere fear of brute force. That illustration, then, was unfortunate.

We are then cited to the case of the New Orleans incident, and when the Senator made that citation and closed the illustration by pointing to the fact that we paid $25,000 to the representatives of the Italians who were slain in New Orleans, I felt like asking him whether this great nation had paid that in cowardly fear of Italy, as she was in those years an infant to what she is to-day, and whether he thought if we had not paid it, Italy would have crossed the Atlantic and sponged us off the world's map. The Senator was unfortunate in his illustration, and this misfortune of his was inevitable because, sir, when you once start with error, error will defeat error, and it was error to inject into this discussion the issue which has been injected into it.

If we shall some day rise to that high ideal which is to-day a dream of some of the most thoughtful of our people, when we become the guiding star which leads to a sisterhood of nations founded upon the broad basis of universal peace, it will be a glorious career, and yet one of the brightest and proudest chapters which this Republic will then have placed upon history's page will be that relating to the Italian incident, when this great nation made reparation to a feeble nation that was absolutely powerless to secure it by the arbitrament of arms. It will ever stand to the credit and glory of this nation that we made that settlement with Italy under those circumstances, and that illustration must fade from this debate as having no bearing upon the question whether to-day we should order the construction of four battle ships, to be completed three years from now, or order the construction of two battle ships further than to show that a nation may be great in her generous impulses.

We were next referred to the Spanish war and told in mysterious tones that it had been stated upon eminent authority—and it is always so given here in debate that back in the background somewhere lies eminent authority—that if we had had three ships more we would not have had war with Spain. Mr. President, I can imagine that the American Republic might have had a navy so absolutely overpowering in comparison to Spain's, even when we declared war ourselves, that Spain would have submitted to humiliation rather than to resist; but for any man to say that the precise number of three more ships in our Navy would have averted war is either moonshine or the effects of moonshine. While we can not say how many more ships would have averted war, I propose to stand upon this floor and say that if we had had one ship less—and that one ship the *Maine*—we would not have had war with Spain in the manner in which war did come.

I am not going to be misunderstood upon this question, Mr. President. Along the pathway of human history the tide of human sacrifice has ever risen higher and higher, and it reached a lofty climax when in 1861 the people of the Northland, without the fear of invasion, without the fear of coercion, and with no thought of conquest or plunder, enveloped themselves in an immortal historic achievement. But I believe, sir, it went one step further when the best young blood of America went forth, without even a thought of our own institutions, to battle and die that a foreign race might be free. As we stand on yonder portico and gaze across the majestic river we can look to the spot where 1,100 of America's best and bravest young men sleep the eternal sleep, their sacrifice a benediction to an alien race. It stands without a parallel in all the glorious chapters of sacrifice in the cause of human liberty.

But that is one thing, and the conduct of this great nation with Spain at that crisis was another thing. That I might speak with authority beyond my own memory I asked a moment ago the remembrance of the junior Senator from Maine, and upon that authority I say now that until the *Maine* was blown up and until this Congress declared war there had not been one hostile act on the part of Spain, save so far as we may impute to Spanish perfidy the blowing up of the *Maine*. Had we acknowledged Cuba's belligerent rights, as we should have done, and later her independence, it might have resulted in war, but we did not pursue that course. If you want to trace the concrete cause, if you want to have the exploded match and the tinder box, of which the Senator spoke as the cause of war, it is found not in the absence of three great ships added to our Navy, but in the unfortunate fact that we sent one ship there upon that mission at a most inopportune time. That illustration was a most unfortunate illustration for the Senator's argument.

We are next presented with the suggestion that the man who would count dollars and cents in the balance with the nation's honor and the security of the people and the cause of peace is not worthy of recognition at the hands of manhood; and I agree with the Senator upon that proposition. But why was this question injected into this debate? Did the Senator believe there is a Senator on this floor who for one moment would count the cost if the nation's honor was in the balance, if the safety of the people was in the balance, if the cause of universal peace was in the balance? Ah, when it comes to the record we will be told that he stood here and distinctly disclaimed that intention; that he reiterated time and time again that there was no man in this Chamber who would count the cost in such a crisis. And so he did. Then, sir, why the suggestion?

The Senator from Missouri [Mr. STONE] answered it this morning in an analysis which should be read from the Atlantic to the Pacific. It could only be for one of two purposes—either to build up a man of straw that he might pound it down or that there might be conveyed to the public mind of this country the impression that notwithstanding his declaration that there was no want of patriotism in the Senate, nevertheless it was wanting, and the people thus be brought to the point of passion and prejudice by the injection into the debate of an issue which had no place in it.

We were told, Mr. President, that it is the man who has bared his breast to the battle's storm who is in favor of peace. Would the Senator be understood as implying that there is a man in this Chamber, whether he has seen war or not, who is not in favor of peace? Then why that suggestion? There can be but one answer—the answer I have already made.

We have been criticised here this morning for talking about war; that we have injected war into this debate. It began with talk of war, and it has been talk of war from start to finish. There have been false issues presented which have no place in the Senate. The time has come when some man ought to rise upon this floor and enter a protest against the custom that too long has prevailed here of recognizing that every man in this body is in favor of the best and the truest interests of this country, and then instead of presenting the details of measures designed to ultimately reach the desired end convey to the country the idea that the real issue here is one of patriotism and regard for the welfare of the people of this country and not of the question of how to reach the desired result.

I do not know, sir, nor can I help what may be the result of my remarks at the hands of the man who later will follow. He is my junior in years, but my senior in service in this body, and before I entered this body I was one of the thousands who looked to him with love and admiration.

But, sir, it was a surprise—nay, a disappointment—to hear him last Friday; for it is unfortunately my nature that when I like a man, I do like him. I looked forward to the time, sir, when, perhaps, if the people of my State were satisfied that I should remain in this Chamber, by my acquiescence I could help elevate him to what I regard as the highest position in this great Republic, namely, the acknowledged leader of the American Senate. His brilliant intellect, his generous impulse, and what I felt was an instinctive sense of fairness impelled me to admiration, even almost transcending the limits of admiration. But for years I have sat in this Chamber and seen false issues raised that the public might be prejudiced, that the public might be led from the real issue, when we were considering measures for one common purpose, differing possibly in the means to be employed, but all seeking one end; and yet the issue conveyed to the public that we were not differing upon the question of how to reach that end, but that we did differ as to the end and the time has come when there should be a protest.

We were then told that it would be mercenary to count dollars in connection with this great question of a nation's honor, its safety, and the progress of universal peace. The impossibility of reconciling error with right, and the argument proceeding upon an issue that did not exist in the Senate, it could inevitably only bristle with mistakes and unfortunate comparisons.

In the very next breath we are told that as a business proposition a great navy was an example of shining success. We were pointed to the record of England as proof of that proposition. Mr. President, it is not my purpose this morning to institute comparisons. When England started her colonial policy it was the policy of the nations to take and hold colonies by force, and England had to prepare for that condition. England had to maintain a great navy, and has been unable to free herself from the force of that tradition. Let us see what the result has been. It has been just as it has been in the case of every empire in the world's history that pursued that course. First, it drained the home country of its best material.

Witness the fact that in her colonial possessions throughout the world she has made most marvelous progress, marvelous because between an aristocracy at one end and a poverty-crushed mass at the other, she has drawn from the great middle class from her own home her best and strongest blood, draining her own land of this force which has so splendidly developed her great colonies. But, sir, that is not all.

The Senator from North Dakota [Mr. MCCUMBER] last Saturday told us of the distress and ruin in Italy, and he might have drawn a picture not quite so dark, but of the same character, as the result of England's boasted commercial policy. It is true a few people of that nation have amassed great wealth. It is true that for some years by wise fiscal policy she was enabled to loan credit in the development of this, our own land.

But those who go to England to-day—it has never been my fortune to visit that country—tell me of the distress and the poverty and the decay that crop out on every hand. And statistics—I do not believe much in statistics, for while it is said that figures never lie, they are the ready weapon of the prevaricator, and so I do not attach much importance to statistics—statistics prove the same thing. But there is other proof, and we do not have to take the say so of a tourist who tours through England, whether on the one hand he hobnobs with the aristocracy or on the other hand studies the mass at the foundation of her social and economic fabric. We have before us the fact that the boasted policy of England, the attempt to get trade at the mouth of the shotted gun, has brought England's once proud credit to the point where her securities are below par, depreciating year by year, enjoying a slight acceleration at the present, because of the depressed condition in our own markets, which permit of investment elsewhere.

There is the verdict of history upon the policy of forcing trade at the mouth of the gun or in the presence of hostile fleets. The Senator from North Dakota was criticized because he recently declared that we ought to secure a world-wide trade and now opposes what he thinks an unnecessary and unreasonably great navy. There is but one way to take the markets of the world, and that is first to produce what other nations want and then sell those productions at a price which induces the people to purchase them. That is the only true policy of extending trade. It is the only policy that will survive the disastrous effort of every empire that ever tried to put wealth into her coffers through the aid of armies and navies.

Now, Mr. President, a few words more and I am done. We have heard a great deal here to-day about peace. We have been told, not in exact terms, but by subtle suggestion, that there are impending some mysterious conditions that make it important that we shall have four battle ships, not added to-day to our Navy, for it will be three long years before, in the ordinary course of events, they would be added to our Navy, but their construction authorized now.

I say it is absolutely absurd to suggest that any unknown condition prevails in our relations to the world that requires not four battle ships to-day, for that might be, but which requires exactly four battle ships three years from now. The man does not live who can cast a horoscope and tell us how many ships to a certainty we will need three years from now. Why is it the magic number is four? If a man wants two ships, then he is subject to the criticism that was made here by pointing out the duty of Congress in regard to the nation's honor, the safety of a people, and the cause of peace. If he wants three ships, he is still recreant to that great trust. If he wants five ships, he is still recreant to the trust. But, forsooth, it must be four ships, no more and no less. That is the test of our loyalty to the best interests and the highest standard of legislative patriotism.

Mr. President, it has been said that there is no danger of war. Then why this talk about war? If there is no danger of war, then we are asked, Why build any ships? You might as well reply that if there is danger of war, why limit them to the paltry number of four? If I believed there was that danger of war which those who favor four battle ships profess to believe there is not, then I would not talk about the addition of four ships, but would insist upon many more. The fact is, the argument falls of its own force, the one proposition confronting the other, like the argument that was made last Friday, that we as Senators, upon our oaths as Senators, owe a duty to the country regardless of what the House says upon this subject, and then in the same breath we were told that that duty which rests upon each one of us individually is to be abdicated because, forsooth, some Senator puts a construction of his own which has no basis upon a suggestion of some one individual.

It is one error combating and destroying the other. There is no logic in an argument of that kind. We have a right to consider what the House has done. We have a right to consider what the people think. We have a right to consider what the Executive thinks. Then, after all, it is our individual right, as it is our individual duty, to act, not in the light of what one branch of the Government or another may think, but what it seems to us upon our oaths as Senators best to be done.

It is said that a great navy will conduce to peace. Mr. President, you may go to-day into a western section where naturally the first people who enter that section go armed. In a few years the arms disappear. They disappear in obedience to the most powerful law known to civilized man, and that is the law of public opinion. But somewhere in the interval between the time when all men carry arms and the time when the community condemns a man who carries arms some one has had the nerve, the physical courage, and the moral courage to stand out first and discard his arms.

Now, I am not going to be misunderstood. We can not disband our Navy; no one for a moment thinks of that. We owe it to this country to maintain a certain standard of navy, a navy that, according to each man's conscience and judgment—and to no other conscience or judgment on this earth—brings the Navy to the standard of one commensurate with the honor of his country, the safety of the people, and the cause of universal peace.

We indulge in a peace conference. We stand here day after day talking peace and saying to the world we want universal peace, and then we say to the world, "We will give you peace; we will proceed to arm that we may enforce peace."

It must, sir, provoke a smile from the people of other nations. Here we are without any new conditions. Nothing can call for or justify the proposed change. We are prating of peace, and then for no cause that we can assign we are immediately doubling our preparations for war.

The Senator from Massachusetts said in his speech that it was the talk of war that made war. There is something that talks louder than the human voice, and that is the constant preparation for war, not along the lines that we have pursued when the conditions did not vary from the condition of to-day, but to-day without any cause on earth assigned we are asked suddenly to double our preparations.

Mr. President, that is not the way to promote a spirit of peace. I say we can not disband our Navy, but we can show the nations of the earth that we, this great power, with our vast resources, our splendid historical traditions which are inspiration to great and grand achievements, can be the first nation, not to disband our Navy, but to put a stop to the useless building of navies beyond reason.

Ah, but it will be said that while the nation by law or the people by sentiment may put a stop to carrying weapons we can not put a stop on our part to the building of the navies of other nations. That, in a measure, sir, is true. No mandate

of ours will do it, but a mandate of ours will cause them to build more navies. Does any man suppose for one moment that if we build four more battle ships, with nothing in the world assigned as the cause for the sudden augmentation of our Navy, other nations will not go on increasing their navies? To the extent, then, of showing the world that we do not propose to do that, and to the extent of not forcing them to do it, we may in truth and in fact be the apostle and the vanguard of peace.

Mr. OWEN. Mr. President, certainly there is no new member of this body who feels a greater respect and reverence for the older statesmen of this body than I do. I hold them in the greatest honor. I have great regard for their experience in the management of the affairs of the Government. In regard to the pending bill, I wish to call the attention of the Senate to the fact that this body is following the Committee on Naval Affairs without a single exception save this one item.

Of all the items reported on the naval appropriation bill it is suggested that the battle-ship item alone should be changed, and even in this case it seems to me that to ask the building of four ships rather than two is but accentuating the report of the committee and emphasizing and enlarging what they have recommended. The only argument against four ships that has appealed to my judgment is the argument of cost.

I rather take it, both in this Chamber and in the other branch of the National Legislature, that the question of economy is really the true reason for insisting on two battle ships instead of four battle ships.

I do not think that those who represent the several States of the Union and who have not had the honor to have been long members of his body should be thought by the older members either presuming or offensive or looked upon with disfavor when they venture to express their sincere opinions about our national naval policy.

I have listened with great interest to this debate, and with the indulgence of the Senate I would like within the very few minutes I shall speak to explain the reasons which have led me to favor the present authorization of four ships of the *Dreadnought* class.

The arguments which have been leveled against authorizing the present building of four ships I have listened to with interest and carefully considered.

The first great argument is that if we have four ships instead of two ships it will be construed as a threat of proposed war with some of the friendly powers, or *at least will carry a suspicion of an aggressive purpose on our part.*

Mr. President, I call the attention of the Senate to the great moderation of the United States as compared to the other great powers of the world in this particular. At present Great Britain has seventy-eight battle ships and armored cruisers in the Atlantic, with ten on the keel, two laying, and three others of the *Dreadnought* class available to purchase (Brazil ships), making fifteen more ships as a total of the *Dreadnought* class which will be available for Great Britain within a short time.

Shall we take offense against Great Britain because of this mighty armament, because of this great power on the sea? No, Mr. President, we have no reason for offense nor for suspicion. Great Britain has a magnificent and tremendous commerce, a vast merchant marine, and her diplomacy covers the world. She has a right to prepare herself against any eventuality whatever.

Germany, in like manner, has twenty-seven of these great ships available on the Atlantic, five on the keel and eight projected, making thirteen of these giant war ships which Germany is proposing to build in the immediate future. When the United States, with a more tremendous commerce, proposes four war ships, shall Germany take offense, with twice and more than twice as many projected? And in speaking of the German programme I call attention only to that of the immediate future and not up to the year 1917, up to which we have just reason to believe the programme of four battle ships annually has been determined, or forty new battle ships.

I call attention to France, which has thirty-one of these vast war ships available for the Atlantic coast, with six additional ships of this class with keels laid, and six more projected, making twelve. Why shall France regard with disfavor the building of four ships by the United States?

In like manner Japan has two leviathans with keels laid and seven more proposed, making nine ships of this gigantic class, and Japan furnishes us an example of what they believe to be wise and judicious. Are we unfriendly or the just object of suspicion if we authorize half that number? This argument against four battle ships is obviously unsound and shows the poverty of argument against this enlargement of the Navy.

I call attention to the Navy Year Book, compiled by Pitman Pulsifer, 1907, and the report of the various great nations as to the number and displacement of war ships built and building of 1,000 or more tons and of torpedo craft of more than 50 tons.

The table referred to is as follows:

Number and displacement of war ships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons.

[Vessels over 20 years old not included unless reconstructed since 1900.]

	Number.	Tons.
GREAT BRITAIN.		
Battle ships (10,000 tons and over)	56	821,390
Coast-defense vessels		
Armored cruisers	38	468,350
Cruisers above 6,000 tons	19	183,950
Cruisers 6,000 to 3,000 tons	46	203,580
Cruisers 3,000 to 1,000 tons	26	56,305
Torpedo-boat destroyers	150	60,791
Torpedo boats	71	13,926
Submarines	48	13,318
Total	454	1,821,610
UNITED STATES.		
Battle ships (10,000 tons and over)	29	406,146
Coast-defense vessels	11	45,334
Armored cruisers	12	157,445
Cruisers above 6,000 tons	5	43,800
Cruisers 6,000 to 3,000 tons	20	72,620
Cruisers 3,000 to 1,000 tons	19	26,317
Torpedo-boat destroyers	21	10,707
Torpedo boats	32	5,615
Submarines	19	3,774
Total	168	771,758
FRANCE.		
Battle ships (10,000 tons and over)	27	368,461
Coast-defense vessels	12	73,304
Armored cruisers	23	220,974
Cruisers above 6,000 tons	3	24,409
Cruisers 6,000 to 3,000 tons	13	52,542
Cruisers 3,000 to 1,000 tons	12	23,152
Torpedo-boat destroyers	60	19,595
Torpedo boats	271	25,680
Submarines	99	27,992
Total	520	836,112
GERMANY.		
Battle ships (10,000 tons and over)	28	358,650
Coast-defense vessels	8	33,200
Armored cruisers	10	113,808
Cruisers above 6,000 tons	1	6,300
Cruisers 6,000 to 3,000 tons	21	85,210
Cruisers 3,000 to 1,000 tons	19	40,685
Torpedo-boat destroyers	72	33,858
Torpedo boats	48	8,539
Submarines	3	540
Total	210	680,782
JAPAN.		
Battle ships (10,000 tons and over)	13	191,498
Coast-defense vessels	3	18,786
Armored cruisers	13	138,100
Cruisers above 6,000 tons	2	13,130
Cruisers 6,000 to 3,000 tons	11	43,094
Cruisers 3,000 to 1,000 tons	9	17,888
Torpedo-boat destroyers	57	20,556
Torpedo boats	77	6,842
Submarines	9	1,426
Total	194	451,320
RUSSIA.		
Battle ships (10,000 tons and over)	9	121,200
Coast-defense vessels	4	21,380
Armored cruisers	7	70,200
Cruisers above 6,000 tons	7	46,460
Cruisers 6,000 to 3,000 tons	1	3,100
Cruisers 3,000 to 1,000 tons	7	8,800
Torpedo-boat destroyers	97	36,254
Torpedo boats	57	6,834
Submarines	31	5,812
Total	220	320,040
ITALY.		
Battle ships (10,000 tons and over)	13	167,904
Coast-defense vessels		
Armored cruisers	10	78,520
Cruisers above 6,000 tons	1	3,530
Cruisers 6,000 to 3,000 tons	10	21,920
Cruisers 3,000 to 1,000 tons	13	5,598
Torpedo-boat destroyers	77	10,109
Torpedo boats	6	857
Submarines	120	288,433
Total		

Number and displacement of war ships, etc.—Continued.

	Number.	Tons.
AUSTRIA.		
Battle ships (10,000 tons and over)	3	31,800
Coast-defense vessels	6	41,700
Armored cruisers	3	18,800
Cruisers above 6,000 tons		
Cruisers 6,000 to 3,000 tons	2	8,000
Cruisers 3,000 to 1,000 tons	3	7,050
Torpedo-boat destroyers	6	2,400
Torpedo boats	39	4,885
Submarines	6	1,600
Total	68	116,235

Age of United States battle ships from first commission.

Name.	Date of first commission.	Age by years.
FIRST-CLASS BATTLE SHIPS.		
Alabama	Oct. 16,1900	7
Connecticut	Sept.29,1906	1
Delaware		
Georgia	Sept.24,1906	1
Idaho		
Illinois	Sept.16,1901	6
Indiana	Nov. 20,1895	12

Age of United States battle ships from first commission—Continued.

Name.	Date of first commission.	Age by years.
FIRST-CLASS BATTLE SHIPS—continued.		
Iowa	June 16,1897	10
Kansas	Apr. 18,1907	
Kearsarge	Feb. 20,1900	7
Kentucky	May 15,1900	7
Louisiana	June 2,1903	1
Maine	Dec. 29,1902	5
Massachusetts	June 10,1896	11
Michigan		
Minnesota	Mar. 9,1907	
Mississippi		
Missouri	Dec. 1,1903	4
Nebraska	July 1,1907	
New Hampshire		
New Jersey	May 12,1906	1
North Dakota		
Ohio	Oct. 4,1904	3
Oregon	July 15,1896	11
Rhode Island	Feb. 12,1906	1
South Carolina		
Vermont	Mar. 4,1907	
Virginia	May 7,1906	1
Wisconsin	Feb. 4,1901	6
SECOND-CLASS BATTLE SHIP.		
Texas	{Aug. 15,1895 {Nov. 3,1902	12

Time in building battle ships, United States Navy.

Name.	Keel laid.	Launched.	Contract date of completion.	Date of first and latest commission.	Time. Ys.	M.	D.
Alabama	Dec. 1,1896	May 18,1898	Sept. 24,1899	Oct. 16,1900	3	10	15
Connecticut	Mar. 10,1903	Sept. 29,1904	Mar. 15,1906	Sept. 29,1906	3	6	19
Delaware							
Georgia	Aug. 31,1901	Oct. 11,1904	Feb. 18,1904	Sept. 24,1906	5	0	24
Idaho	May 12,1904		May 25,1907				
Illinois	Feb. 10,1897	Oct. 4,1898	Sept. 26,1899	Sept. 16,1901	4	7	6
Indiana	May 7,1891	Feb. 28,1893	Nov. 19,1893	Nov. 20,1895	4	6	13
Iowa	Aug. 5,1893	Mar. 28,1896	Feb. 11,1896	{June 16,1897 {Dec. 23,1903			
Kansas	Feb. 10,1904	Aug. 12,1905	Dec. 16,1906	Apr. 18,1907	3	2	8
Kearsarge	June 30,1896	Mar. 24,1898	Jan. 2,1899	Feb. 20,1900	3	7	20
Kentucky	do	do	do	May 15,1900	3	10	15
Louisiana	Feb. 7,1903	Aug. 27,1904	Mar. 15,1906	June 2,1906	3	3	25
Maine	Feb. 15,1899	July 27,1901	June 1,1901	Dec. 29,1902	3	10	14
Massachusetts	June 25,1891	June 10,1893	Nov. 18,1893	June 10,1896	4	11	15
Michigan							
Minnesota	Oct. 27,1903	Apr. 8,1905	Dec. 20,1906	Mar. 9,1907	3	4	12
Mississippi	May 12,1904	Sept. 30,1905	Mar. 25,1907				
Missouri	Feb. 7,1900	Dec. 28,1901	Aug. 30,1901	Dec. 1,1903	3	9	24
Nebraska	July 4,1902	Oct. 7,1904	Mar. 7,1904	July 1,1907	4	11	27
New Hampshire	May 1,1905		Feb. 27,1908				
New Jersey	Apr. 2,1902	Nov. 10,1904	Feb. 15,1904	May 12,1906	4	1	10
North Dakota							
Ohio	Apr. 22,1899	May 18,1901	June 5,1901	Oct. 4,1904	5	5	12
Oregon	Nov. 19,1891	Oct. 26,1893	Nov. 19,1893	July 15,1896	4	7	26
Rhode Island	May 1,1902	May 17,1904	Feb. 15,1904	Feb. 19,1906	3	9	18
South Carolina							
Vermont	May 21,1904	Aug. 31,1905	Dec. 20,1906	Mar. 4,1907	2	9	13
Virginia	May 21,1902	Apr. 5,1904	Feb. 15,1904	May 7,1906	3	11	16
Wisconsin	Feb. 9,1897	Nov. 26,1898	Sept. 19,1899	Feb. 4,1901	3	11	25

I call the attention of the Senate to the fact that the tonnage of Great Britain is 1,821,610 and of the United States 771,758.

The tonnage of France is 836,112; of Germany, 680,782; Japan, 451,320; Russia, 320,040. With the new type of great ships building, which I have pointed out, the United States will take the third or fourth place unless it shall also follow in the plan laid out by other nations.

I can not think this is wise or businesslike or economical in the highest and best sense.

The argument has been made that a big navy invites competition in warlike preparations, and this argument is true. Except for the fact that the other great nations have been preparing these great armaments there would be no occasion for the United States to make like preparation. The dignity of this nation and the power of this nation and the relative rank of this nation compel the United States to parallel in some degree the enlargement of the naval power of other nations upon the sea.

The argument has been advanced that we can not get the men to man these ships, and yet it will take years to prepare the ships, and with all the thousands of seamen which are already upon our ships we are told that it is impossible to obtain the men. I insist that there should be no serious difficulty whatever in preparing the men by the time these ships shall have been built, and that plans should be made, if the ships are to be constructed, for the preparation of men who shall be competent to take charge of them.

Strong stress has been laid upon the views of the President—1905, that he argued for only one ship a year; of 1906, that he argued for only one ship while Congress provided two, twice as many as he asked for. I respond to that argument by asking, why is it that Congress provided twice as many ships if Congress did not think the argument was sound to so enlarge the Navy? It shows that the President has been more conservative than Congress in the past and that his present careful argument for four should be listened to as the voice of a proven conservative.

You are committed upon your own argument. You have yourself said that there was needed twice as many as the President said in 1905 and in 1906; and now, when he recommends four, it is alleged upon the floor that he gives no reason whatever. I have analyzed that message, and he gives many good and sufficient reasons. I think it would be well to read the President's message before denouncing it and alleging its lack of information and its want of sound reason. I call your attention to the reasons given by the President:

First. The failure of an agreement between the "different nations to limit the increase of naval armaments."

Second. The failure to secure an agreement "especially to limit the size of war ships."

Third. The improbability of obtaining such agreements in future within a reasonable time.

Fourth. A radical change in size of the new battle ships of other nations, making them twice or three times as effective.

Fifth. Every other great naval nation has or is building a number of such huge ships.

Sixth. If we build but two per annum, we "shall go backward in naval rank and relative power among the great nations."

Seventh. As Chief Executive and Commander in Chief, the President, on his solemn responsibility, earnestly advises four battle ships of the most advanced type.

Eighth. He emphatically declares it a measure of peace—not of war.
Ninth. He said we need a navy commensurate with our powers and needs.
Tenth. It "will be the surest guaranty and safeguard of peace."
Eleventh. "Undefended wealth invites aggression."
Twelfth. "Our liberty of speech and action" may develop sudden trouble with foreign powers.
Thirteenth. A proud nation jealous of its honor can not be content to rely for peace upon the forbearance of other powers.
Fourteenth. The power of self-defense is essential to the protection of our interests.
Fifteenth. Quotes George Washington's opinion in support of the principles involved.

And yet the opponents of the President deny that he gives any reason for the request, and appear to show the most transparent satisfaction in denouncing the argument for four ships, as if there were some peculiar pleasure in making light of and holding up to contempt the President's wishes and views.

The argument that authorizing four ships would be offensive to friendly nations seems to me to be peculiarly unsound. Why should Great Britain be offended, when she is herself proposing twelve of these great ships? Why should Germany be offended, when she is herself proposing thirteen of these great ships, and why should France be offended, when she proposes for herself twelve of these great ships, or Japan, which proposes nine? There is obviously no sound reason in such logic.

Mr. President, the argument in favor of four ships depends first of all upon our national policy. Since 1883 we have built up a modern navy, but really our Navy has been built up substantially since the Spanish war. At the time of the Spanish war the total expenditure for our Navy was only about $49,000,000, and now the able Senator from California [Mr. PERKINS] points out to us what is true, that we have expended over $300,000,000 for building this modern Navy. I ask you why have you built this great Navy if there is no cause and no sound reason for it? And why shall we hesitate so seriously about putting ourselves upon an equality with the nations of Europe and of the Orient in the matter of these new ships, which are estimated to be two or three times more powerful than previous first-class battle ships.

A great navy is obviously of supreme importance to the United States in order to maintain its relative dignity, its relative rank of naval power with the other great nations of the world. It is a question of relative strength, and the history of the world records that no nation is respected in the same degree when it has not the power to enforce at the cannon's mouth, if necessary, its just and righteous demands.

China with her 400,000,000 of population and with her policy of peace, peace at any price, has become the prey of the commercial nations of the world, and only their jealousy to-day prevents its dismemberment.

A navy is of extreme importance to our national honor and our national commerce. This country can not be safe from insult or from wrong if this country is powerless to reprove it by force, if necessary. That was the policy laid down by our fathers. It was the policy laid down by George Washington in the early days of this Republic; and the very words of President Washington are appealed to by President Roosevelt to persuade the Senate of the importance of preserving for the United States its relative rank and power with the other great nations of the world.

I wish to call the attention of the Senate to a very important matter—one which appeals to me, at least, with great force, and which I believe has not yet been suggested in this debate. I call the attention of the Senate to the growth of our imports and our exports since the Spanish war. Table 228 of the Statistical Record of the Progress of the United States exhibits the following: That our total imported merchandise in 1898 was $616,049,654. After a hundred years we had only reached $616,049,654 of imports, and yet in eight years—since that Spanish war and since we have put our flag upon the ocean—it has increased to $1,226,562,446. In a hundred years we had not increased our imports before our modern navy as in eight years after we placed it on exhibition.

The following table shows in detail our increase in imports during those years:

Year.	Per cent of total.	Total value.
1898	0.70	$616,049,654
1899	.68	697,148,489
1900	.64	849,941,184
1901	.74	823,172,165
1902	.62	903,320,948
1903	.58	1,025,719,237
1904	.68	991,087,371
1905	.60	1,117,513,971
1906	.74	1,226,562,446

But I call your attention to a like growth also of our exports, as shown in Table No. 228. In 1896 the exports of this country were $863,200,487. We had lived one hundred years of national life; we had reached up to that time only this volume of exports, and yet after our Navy had made us known to the other peoples of the world our exports doubled, until in ten short years they amounted in 1906 to $1,717,953,382.

The following is a table of our exports of domestic merchandise during this period:

1896	$863,200,487
1897	1,032,007,693
1898	1,210,291,913
1899	1,203,031,222
1900	1,370,763,571
1901	1,460,462,806
1902	1,355,481,861
1903	1,392,231,302
1904	1,435,179,017
1905	1,491,744,641
1906	1,717,953,382

Is our Navy of no value to our people in obtaining foreign markets?

Our immigration from 1898 to 1906 was as follows:

1898	229,299
1899	311,715
1900	448,572
1901	487,918
1902	648,743
1903	857,046
1904	812,870
1905	1,026,499
1906	1,100,735

Did our Navy in the Spanish war advertise and make attractive our great Republic, or not?

I think, as a matter of advertisment, we are justified in giving the United States a navy which shall occupy at least a second place in the rank of the world's powers.

We have heard much said about war, about the probability of war. I take it, Mr. President, that there is not a Senator on this floor who really believes that we are in any danger of war from any nation on the earth, and, least of all perhaps, in danger from Japan. For my single self, speaking of that great nation of the Orient, I can hardly find words to express my admiration for their wonderful development. I not only feel the greatest admiration for them, but I feel the warmest friendship and fraternal kindness, and so I believe do all who are within these walls. We have no hostility against any nation on the earth; on the contrary, it is the policy of the people of the United States and of their representatives here to promote in every way possible a spirit of benevolence, a spirit of kindness, and a spirit of fraternity with all the nations of the earth.

Our nation has been conspicuous in endeavoring to bring about arbitration treaties, yielding our own differences to arbitration in an international court. We have led in that, and I will say here and now that, not only am I willing to build up the American Navy so as to give it its relative place of respectability and power, but I am willing to vote for $40,000,000 more as a fund for conducting a deliberate propaganda for the permanent establishment of peace and good will among the nations of all the earth. I think that the Senate ought to find means by which such a propaganda should become one of its noble accomplishments, so that this Senate shall become the voice, the active agency, of the American people in promoting an actual abiding, guaranteed peace throughout the nations of the world. There is not a nation on the American continent which would not gladly follow the United States with locked arms in that effort. It can be accomplished; and I believe in the providence of God that it will be accomplished before many years shall have passed.

But in the meantime, Mr. President, I do think that the United States would be derelict if it permitted itself to lag behind the line of progress in the matter of armament and make of itself a third-rate or fourth-rate or fifth-rate naval power. When we come to consider that aspect, there is hardly any of those who advocate only two battle ships at this time who would be willing to openly say or to think to themselves that it would be wise for the United States to take the third or the fourth or the fifth rank in naval power on the sea.

Mr. President, with me it comes down to the question of relative authority.

The weight of authority is in favor of our maintaining our place as the second naval power on the sea. Our English-speaking brethren are a long way ahead of us in power on the ocean, and we can not and need not have any desire to rival them, because we have a multitude of ties of blood, of common language, of common religion and common commerce, and of ideals and thoughts and opinions which are common bonds between us. We furnish them their food and materials for their factories.

We are bound together in such a way that a breach between the English-speaking peoples of the world is inconceivable and impossible.

With regard to the question of authority, whether it is a good thing to have a strong navy, I call your attention to the fact that we have the authority of all the nations of the world. What about Great Britain, with 1,800,000,000 tons? What about Germany, struggling with all her might to take a stronger place upon the sea? What about France's great efforts along the same line? Are their opinions of no value? We have the authority of these great nations, whose acts demonstrate that they believe that it is necessary for them to protect their commerce, their honor, their integrity, and their dominions.

Our own expenditures of over $300,000,000 in the last twenty-five years show the steadfast opinions of changing Congresses favoring a vigorous expansion of our Navy.

It was boldly stated that the Naval Committee of the House favored four battle ships, but only desisted on the ground of economy, urged by the financial leaders. We have every reason—the maintenance of our dignity, honor, commerce, and diplomacy—and as a business investment besides.

But we have, in addition to that, Mr. President, the substantial reasons given and the weight of the authority of our Commander in Chief, the President of the United States. His reasons have not been answered. Their existence has merely been denied. It has merely been said that he gave no reasons. He gave an abundance of reasons, and his first reason was that, while he had made the most resolute effort to establish the principle of limiting the naval armaments among the nations of the world at The Hague, he had failed, and was not within measurable distance of obtaining success.

More than that, he called attention to the extreme power of the *Dreadnought* class of battle ships—equal to two or three of the old first-class battle ships. He called attention to the fact that if this Congress does not provide four of these ships at this session, this nation will go back from the second place to the third place, and the statistics which I have inserted in my remarks, and to which I have called attention, demonstrate the correctness of the President's position.

He points out another reason, namely, that we have two great coasts to protect, making it doubly necessary for us to have a sufficient armament on the sea, and he declares that it is—

> Vitally necessary to secure the peace and welfare of the Republic in the event of international complications which are even remotely possible.

I deprecate as much as any Senator any suggestion that would wound the feelings of any of the great nations of the world, with all of whom we are on the most friendly terms; and, certainly, I do not believe that it has been any just ground of offense to any of the great nations of the world that this debate should have proceeded along the lines that it has. There has been no one on this floor who has declared that comparatively modest addition to our Navy was proposed either for offense or for defense against a proposed or fancied aggression of any of the great powers. On the contrary, everyone has declared our friendship for all nations and has made that declaration truly, because America is absolutely known to be at profound peace with all the nations of the world and has no purpose of aggression of any kind or character.

The purpose of the United States, as shown by its policy, is to submit its own grievances—if any arise—to arbitration of an impartial international tribunal; and when we take that advanced step there can be no just ground of offense on the part of any other nation on the earth or any suspicion of our purpose against it.

There was never a more economical time to do this work than now. Hundreds of thousands of men are out of employment. This expenditure will give employment that will stimulate our people's industries and help revive the depression due to the recent artificial panic.

Mr. President, I regard this expenditure as a wise national economy, which will abundantly justify itself. We can easily afford it, and will never feel it.

Mr. President, one suggestion, and I shall conclude. I want to say that when I consider the weight of the authority of the gentlemen of the Naval Committee, with the unsatisfying reasons they suggest, or the weight of authority on the other side, the President and the reasons he gives; when I come to consider this question of relative authority—and I am compelled to decide it one way or the other way—I propose to decide it on the safe side of enlarging our Navy.

I prefer to make an error, if I do err, on the safe side, on the side of giving our Navy a greater relative strength, rather than to give our Navy a weaker position; I shall prefer to vote to give our Navy the second rank among the navies of the world, rather than adopt a policy leading our Navy to the third or fourth rank in dignity and power, and I believe my beloved State of Oklahoma and the people of the United States will approve the vote.

Mr. NEWLANDS. Mr. President, when the Senator from New Hampshire [Mr. GALLINGER] in 1905 was pressing with great vigor the ship-subsidy bill, which had been reported by the Committee on Commerce and which had been approved by the Merchant Marine Commission that had been in session for some time, my attention was for the first time called to the fact that our Navy was a disproportioned navy; that whilst it had a great force of fighting ships which could maintain themselves successfully as fighting ships, they lacked the supporting ships so necessary in case of war—the colliers, the scouts, the transports, the dispatch boats, the tugs, and other vessels constituting an auxiliary navy and just as essential to the success of a fighting force as the fighting ships themselves.

That view was set forth in a report prepared by the General Board of War of the Navy, over which Admiral Dewey presided, a report which was prepared for the Merchant Marine Commission at the suggestion of its chairman and presented by him with a view to supporting a ship-subsidy bill then before the Senate. The question was asked the War Board as to what vessels would be necessary as an auxiliary navy in case of war, and their reply is contained in a document, which I shall ask to have printed in the RECORD—that about 200 ships, costing on the average, I believe, about $1,000,000 each, would be necessary in order to support the fighting ships of the Navy in case of war, particularly if that war were such a war as endangered the retention of our insular possessions.

I then sought to have an amendment in the nature of a substitute acted upon by the Senate providing for the immediate construction of about thirty-two ships, costing a million dollars each, which I claimed could serve a double purpose. On the one hand, in case of war they could act as transports, colliers, or scouts in the Navy, and in times of peace they could be used as training ships for our naval reserve, and also in opening up new routes of mail and commerce to South American, Australian, and oriental ports. The Senator from New Hampshire at that time was contending that thirty-two vessels were necessary for that service, and he sought to secure them by a subsidy, which it was estimated would in a period of ten years aggregate an expenditure upon the part of the National Government of about $32,000,000.

I insisted upon it that if that expenditure was necessary in the interest of commerce, if it was necessary in order to promote commerce with those ports, the United States Government should subsidize American ships for ten years to the extent of $32,000,000, it would be a wiser policy for the Government itself to construct the thirty-two ships as a part of the auxiliary navy, holding them for use as training ships for our Naval Reserve, manning them in large degree with our Naval Reserve, and turning them over in times of peace under lease to shipping companies, who could themselves open up these new routes of commerce and of mail. I contended that at the end of ten years, if we pursued the system of subsidy, the Government would own nothing; but if we pursued the system of ownership, the Government would at the end of ten years have the thirty-two ships into which its $32,000,000 had gone. I insisted upon it that we could accomplish a double purpose—promote commerce with other nations, open up new commercial regions with which it is our desire to connect ourselves, and establish training ships for the sailors whom it is our desire to train for our Navy, and have at the same time these ships in reserve in case of war for use as an auxiliary navy such as I have described.

I presented the same view later on in the dying hours of the ship-subsidy bill, and recently, in a few remarks on the 20th of March, when the Senator from New Hampshire was presenting another subsidy measure involving simply a mail subvention, I presented an amendment, not in the hope of securing its passage, but with a view of bringing to the attention of the Senate the importance of this question, the importance of establishing a well-proportioned navy, not a lopsided navy, composed only of fighting ships, but a navy including also not only other ships absolutely essential to support and maintain the fighting ships in case of war. My voice was raised here, without an echoing note anywhere, until finally the Senator from Maine [Mr. HALE] raised his voice, and I propose to quote his words briefly. Whilst I was on the floor the Senator from Maine interrupted me and said:

> Mr. HALE. I do not want to interfere with the line of the Senator's argument, but I am very largely in sympathy with him, for he has struck what is the weak point in our entire naval establishment, so far as ships are concerned. We are deplorably lacking in the essentials that make a great fleet not only formidable, but seaworthy.

The Senator said the other day, and the metaphor was not too strong, that without certain auxiliary ships the great battle ships of the United States fleet upon any waters outside of our own waters, in case of any emergency, with war threatened, would be derelicts, and it is too true.

In another place the Senator from Maine said:

Mr. President, it is a melancholy spectacle that this great fleet of ours in this regard presents to-day. It is the greatest fleet of great and formidable ships that the whole world has ever seen. It is completely manned. It is in every respect except one the most magnificent and formidable fleet of ships that any nation has ever put upon the waters of the globe.

The Senator from Maine then went on to show the number of colliers that it was necessary to employ in the present cruise of our great fleet—not American colliers, but colliers of foreign registry—and the Senator from Maine went on to show that in case of war the obligations of neutrality would prevent any one of these foreign countries permitting its ships of foreign registry from coming to our rescue. The Senator added:

Mr. HALE. Mr. President, if when that fleet was ordered on this tour about the globe there had been the least menace of war from any power, no government owning one of these foreign colliers would have allowed a single ship to be employed by us, and our fleet, magnificent as it is, with any menace of war upon the sky, without these foreign colliers would be as useless and—

As idle as a painted ship
Upon a painted ocean.

The Senator from Maine further said:

It is not, Mr. President, an agreeable thing to contemplate. We go on year after year building up and accumulating these immense ships at an enormous expenditure, and find ourselves, as we would in any emergency for which the ships are built, without a thing being done that makes the ships formidable as a fleet at sea. The Senator is right in his theories. There ought not to be another ship added to the American Navy until we add something that every other power has done to make the ships formidable in case of an emergency.

And then the Senator from Maine issued me an invitation, in response to which I will at the proper time offer an amendment to this bill. If I may have the attention of the Senator from Maine a moment, I wish to read his invitation. The Senator from Maine said:

I do not think the Senator from Nevada wants to embarrass this bill; but when we come to the consideration of the naval appropriation bill I hope the Senator from Nevada and the Senator from New Hampshire and the Senator from Maine, my colleague, and every thoughtful, patriotic Senator will join with me to try and see that something is done in this entirely neglected field that we have rashly and in the most foolhardy way neglected and abandoned in the past.

Now, Mr. President, in view of the emphatic utterance of the Senator from Maine, I must say that this bill is a most "lame and impotent conclusion." It is true that this bill does provide for a few colliers. It provided as it came from the House for two fleet colliers, each costing $1,800,000, or a total of $3,600,000. To that provision the Senate committee has added another provision for the purchase of three new steam colliers—I presume of slower speed—costing each not exceeding $600,000. So that we have a total of five ships added to our auxiliary navy at a total cost of about $5,000,000; and yet the Senator from Maine showed in his remarks upon a previous occasion that the colliers of foreign registry then employed by our fleet in Pacific waters were some twenty-eight in number, probably costing from $25,000,000 to $30,000,000. And yet in case of war we would need not only colliers but scouts, transports, dispatch boats, and other vessels, which would be as unattainable from the American register as the colliers would be.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Maine?

Mr. NEWLANDS. I do.

Mr. HALE. I do not wish to interfere with the Senator. In the long time that this bill has taken of the consideration of the Senate, in the absence of the Senator, the same questions which he now raises have come up, and I have stated what the committee felt itself justified in doing. So far as concerns the equipment of our fleet with colliers, the most important subject, the bill as reported by the committee will not satisfy the Senator. It is not a large programme, but it is something in the right direction. The bill provides five good serviceable colliers at a very considerable expense, and I should hope that it would be a permanant feature of naval bills for the future, and that in considering the continued appropriations for the Navy—and I expect so long as I am a member of this body to see appropriations for maintaining a strong, serviceable Navy—we should go on each year and make as a part of that programme provision for colliers that may accompany the fleet in any emergency and which will always be a desirable and necessary part of the establishment.

Of course the Senator knows, while it has been said to be rather an ignoble consideration, that we have to attend somewhat to the conditions of the revenue, the great expenditures, and the approaching alarming deficit. We can not consider the Navy nor the Army, nor any part of the Government, without taking that into account, and, all things considered, the committee believed that this provision for five efficient, valuable, serviceable colliers is all that we can do this year. If we had a surfeit of money and did not know what to do with it, we might go more largely, which I should be very glad to do at as early a day as possible, into the other questions of the auxiliary navy, the building up of ships in the merchant marine, as England does and other great powers, that shall be built in cooperation with the Navy Department and that can be used in an emergency as valuable accessories to the Navy. Other powers have a large list, not on paper, but existing of the auxiliary navy. I wish we had more. I wish the condition of our finances and our revenue justified us entering that field.

The Senator is right in his general view of what we ought to do. But we have gone on devoting ourselves mainly, as the Senator and all Senators know, to the increase of the Navy proper, the ships of the Navy, and have not given great attention to these other very essential accessories to that part of the establishment. I do not believe that this year we are justified in doing more than what the bill provides in that respect.

So I would be glad if I could join with the Senator, and I am indebted to him for the early and valuable suggestions that he made, which certainly attracted my attention and, which have led, I think, and the Senator is entitled to credit for that, to some development in this direction.

Mr. NEWLANDS. Mr. President, I am very glad to learn that this is but the commencement of a continuous policy. The Senator from Maine will not think me too critical in saying that the action of the committee was hardly a realization of the hope which he indulged in his former speech in the Senate, for at that time his utterance was emphatic that there should not be another ship in the Navy built until this needed want was filled. I agree with the Senator from Maine that there should be a limit to naval expenditures. I would gladly see all military expenditures reduced. I would not willingly favor any large increase in the present measure of expenditures. What I hoped for was that the committee would refuse to report in favor of more fighting ships until the auxiliary navy was brought up to a certain standard.

Such a policy would not mean larger annual expenditures on the part of the Government, but it would mean a usable navy, a proportioned navy—a navy in which each part was adjusted in operation to every other part—not a great machine of war, with essential parts absolutely lacking to such a degree that the machine would break down in case of war. I have likened our Navy of splendid fighting ships to a vigorous man, with strong lungs, strong heart, firm muscles, but lacking in an arm or a leg. And that is what our Navy is to-day. It is a navy without arms. It is a navy without legs. It is a navy without the ability to support itself in case of war, without a merchant marine upon which it can call for these auxiliary ships.

We not only are without transports and colliers and dispatch boats, but we have not them within our reach, so far as our domestic resources are concerned and so far as the world itself is concerned and our ability to call upon other nations in case of war for these auxiliary ships and to purchase them—ships now under foreign registry. The Senator from Maine has well said that to permit such action upon their part would be a violation of the laws of neutrality.

Mr. President, therefore I am as opposed as the Senator is to any increase in the total of our naval expenditures. But I suggest that if we are to expend $100,000,000, of that sum $20,000,000 might now be well spent in making this a proportioned navy, in securing the parts now lacking to its efficient and successful operation, and that this work of increasing our auxiliary navy ought not only to be commenced now, but it ought to progress vigorously, at the expense, if necessary, of the immediate construction of fighting ships, of which we to-day have a surplusage as compared with these useful ships so necessary in case of war.

Judged by present conditions we have a surplusage of one kind of ships and we are lacking in other essential ships, and the businesslike thing is, while limiting the total expenditure, to divide that expenditure, so as to provide the needed parts of this Navy and not to increase those parts of which we have at present a surplusage.

Mr. President, while discussing this point I wish to say that I do not believe we should enter upon the policy of creating an auxiliary navy unless we pursue it in a businesslike way. I know it is not regarded as essential to apply business considerations to governmental work. Whenever an attempt is made to do it the cry is raised that the Government should not go into business, and the terrors of governmental ownership are held before us. I do not wish to see the Government go into busi-

ness. I do not want to see Government ownership of any business. But it does seem to me that when the Government enters upon a great work, it should enter upon it in a businesslike way.

This auxiliary navy is needed for the emergency of war. What are we to do with it during the period of peace? Can not we settle that in a businesslike way? One complaint is made that it is difficult to get the men to man the ships in case of war; that we have not a merchant marine which is training men for this service; and the necessity of a great naval reserve has been pointed out. It has been insisted that we should have a reserve of at least 10,000 trained men to meet the emergency of war. England has 30,000 such men. It seems to me the suggestion is a wise one, and the question is, How shall we train that naval reserve—on land or at sea? Certainly these ships can be used as training ships, officered by surplus officers of the Navy, who will be needed in case of war. A training school on a ship will cost less than a training school on land. We have a training school at Goat Island, in California, and possibly we have others. These ships can be used in that way.

But it occurs to me that the expenditure for moving these ships from port to port in the training of the naval reserve should be made in a businesslike way, and if any part of it can be saved it should be. What trade is the Government of the United States endeavoring to reach out for? The promotion of commerce with South America, with Australia, and with the Orient. Complaint is made every day that our merchant marine has declined. Complaint is made every day that the merchant marine of the United States can not compete with the marine of any other country upon waters not monopolized by the United States. We all know that the cost of American ships is at least one-fourth more than that of ships of foreign register. We all know that in building American ships the American shipbuilder has to pay the steel trust of America $8 a ton more for its steel than does the foreign shipbuilder building for a foreign country and buying the steel from the same trust. We all know, also, that as a result of the high protective system which we have established in this country everything in this country, as compared with other countries, is upon stilts, everything adjusted to the monopoly of production in the great industrial establishments secured by the maintenance of this high tariff wall.

The result is that the cost of administration of the American ship, manned by American sailors, is from 30 to 40 and 50 per cent higher than that on foreign ships. How, then, can we expect to open up these lines of commerce and of mail to South America, Australia, and the Orient when our merchant marine labors under these obvious disadvantages in competition with other countries?

I ask, then, why these ships, this auxiliary navy, which we are creating, should not be used in a businesslike way, not in traversing routes now established, but in opening up new routes; not under the direction of the Government itself, but intrusted by lease under favorable conditions to private shipping companies, the Government retaining its control over the reserves on the ships, maintaining its officers on the ships, and thus aiding to that degree in the economical administration of the ships, so far as the carrier company is concerned, and thus these ships can be used for the purpose of auxiliary ships in case of war, for training schools for our reserves, and the temporary purpose of aiding our mercantile interests in establishing new routes of mail and commerce to South America and the Orient. By doing that we can largely diminish the cost of the operation of these ships, diminish the cost of the training school itself, diminish the cost of the operation of the auxiliary navy, and at the same time promote the commerce and business of the country.

Why should not the United States Government when it is doing or proposes to do a paternal thing—for ship subsidy is paternalism—do it in a businesslike way? If it is to pay out money to aid in building ships for our merchant marine let it own the ships. If it is to aid in the administration of such ships let it share in the benefits of the administration, in the development and the training of the Naval Reserves, capable of responding efficiently to the call of the country in case of war.

Mr. President, in that way we may possibly open up new lines, and when business is established private shipping companies will take the place of these auxiliary ships, which are simply the advance agents of commerce, and we may then have real ships upon the ocean. At present one of the chief arguments for the creation of a great navy is protection of the merchant marine. That is the plea made by every country. That is the reason why England has a great navy; that is the reason why Germany has a great navy; that is the reason why France has a great navy. We have built our Navy in advance of our merchant marine. We have built our Navy to protect phantom ships. I would have these ships real ships. First, auxiliary ships of the Navy as advance agents of commerce, and then, as the result of established business and commerce, American lines bearing the American flag which the American Navy will protect throughout the world.

Mr. President, at the suggestion of the Senator from California, I have modified the amendment which I have proposed as a substitute for the amendment proposed by the Senator from Washington, by striking out the last few lines, after the word "peace," in line 7, and I will ask the Secretary to read the amendment as modified.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The SECRETARY. After line 5, on page 87, it is proposed to insert:

For an auxiliary navy consisting of transports, colliers, scouts, dispatch boats, and other vessels necessary in aid of the fighting ships in case of war, $20,000,000, and the Secretary of the Navy, the Secretary of Commerce and Labor, and the Postmaster-General are hereby constituted a commission to recommend to Congress a plan for utilizing such ships in times of peace.

Mr. NEWLANDS. Mr. President, I wish to say a few words regarding the appointment of this commission. It is true that this is a naval bill, and it is true that these are naval expenditures, and they are to be made under the direction and control of the Navy Department, but it seems to me obvious that inasmuch as it is desirable that this auxiliary navy should be built and conducted in a businesslike way, with a view to as small an expenditure as possible in the future in the way of operating expenses, we should at all events study a plan under which it can be made useful, self-compensatory, or partly compensatory. Now, what Departments of the Government are interested in these questions? Obviously the Navy Department, because of its control of the Navy; obviously the Department of Commerce and Labor, which has a mixed jurisdiction over the entire subject of commerce, and obviously the Post-Office Department, which Department has control of the mails.

We are seeking now to promote an auxiliary navy. We are seeking to promote commerce with South America, Australia, and the Orient, and we are seeking to establish new lines of mails. Why, therefore, would it not be wise to put the three heads of those Departments into one commission with a view to a study of the subject, so that a ship can be constructed which will be useful for all the purposes to which I have referred—for the Navy, the commerce, and the mails—and a commission that can study a plan for economically working out the best interests of the Government in creating a proportioned Navy and in advancing commerce and new lines of mail.

No power is given to them except the power of recommendation, and I would ask the Senator from Maine whether he would have any objection to the appointment in this bill of such a commission.

Mr. HALE. Mr. President, I am not prepared to assent to that, because I do not think that it has had mature consideration enough to be embodied as a part of the appropriation bill. We are dealing with the money that we should expend. The question of a commission to take up great subjects I do not think has been presented sufficiently to justify putting on that matter at this stage, when the vote must be taken to-night by an agreement of the Senate.

I do not say that at the proper time I would not favor such a commission, although my experience is that government by commission is not very practical or effectual government. Commissions do not accomplish much unless you would give them absolute power, which we can not grant. An advisory commission never has effectuated much.

Without taking up more time, because I know the Senator desires to go on, I will say that I am not prepared to agree to that proposition upon this bill.

Mr. NEWLANDS. Mr. President, I regret that the Senator can not see his way clear to accept at all events this part of the amendment, for it always seems to me that when a question of this kind is up for discussion before the Senate that is the appropriate time for action. I am always opposed to the policy of drift, and that has been the policy of legislation ever since I have served in the House and in the Senate. I believe that now is the appropriate time for action upon this subject, and I regret, in view of the fact that the Senator himself has so emphasized the importance of action upon this subject he does not see his way clear to assent to the proposition now.

The Senator remarks that the work of commissions is not always satisfactory; that we can not give them full power, for that might mean, I presume, a delegation of legislative power, and that advisory commissions rarely accomplish much good. Yet the Senator will bear me out in the fact that we rarely

consider an important bill involving the work of any Department without submitting that bill to the head of the Department, with a view to securing the report of the Department, involving the view of the experienced men there regarding the work. I find that that has been done in the recent mail subvention bill prepared by the Senator from New Hampshire [Mr. GALLINGER].

If the Senator will refer to the report upon that bill, he will find that it was submitted to the Postmaster-General, the Secretary of Commerce and Labor, and the Secretary of the Navy for their opinion relating to it. It does seem to me if it is desirable to do that, it is desirable to get them together in consultation and have the aid of experienced men, with the aid of experts, so that we may have not simply the individual judgment of each, but combine the judgment of all after a careful study of the subject.

It is for that reason that I favor this method of proceeding, and not with a view, of course, of conferring upon the commission any of the powers belonging to Congress.

Mr. President, I should like to add to my remarks certain extracts from reports, which I will ask leave to print.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. ALLISON. Mr. President, at this stage of the debate it would not be expected that I should occupy very much time, nor would that be possible with the limitation upon me. At no time in the debate have I intended to occupy much time in the discussion of the special question now before the Senate, which has taken so many days.

I must say that for some reason, which I myself can not explain, I have never been able to allow myself to be agitated to the extent indicated by other Senators, who seem to think that very much of principle is involved in this discussion. I can not see why a Senator who favors in this bill two battle ships under the situation as it now exists is not in favor of an efficient and effective navy as well as a Senator who favors four battle ships.

I have thought, and I still think, that there is no present disturbance which ought to lead us to the belief that the present is specially and exclusively the time when we should increase the number of battle ships. In 1906 we appropriated for only one battle ship, and at two or three sessions of Congress we provided for one battle ship. At the last session, I believe, we provided for two, and I did not understand at that time that there would be any great distress if only two were provided for.

In the legislation prior to this time we have only authorized the construction of battle ships. We have never, as I remember, hastened or facilitated the construction of these ships, so when we provided for one or for two or for three, as we have at different times, we simply authorized the construction, and the appropriation for the construction of the ships naturally did not take place until a year or sometimes two years after the authorization.

I merely mention this to show that to my mind we have made a great advance over any action hitherto taken in legislation for the quick and active construction of battle ships. I believe it is understood that whether we authorize two or four ships it will require three or four years for their completion.

Therefore, Mr. President, I was favorably impressed with the action of the Committee on Naval Affairs of the Senate, if I gathered it aright, when they proposed to change somewhat the practice of the two Houses with respect to these ships. Under a message of the President which asked for four battle ships the House of Representatives authorized the construction of two battle ships, but I understand they made no provision by way of appropriation for the two ships. I believed then and I believe now that we ought under our present situation and the circumstances that surround us to make provision for two battle ships each year for at least some years to come.

When I found that the Committee on Naval Affairs had undertaken to facilitate the construction of the battle ships provided by the House by an appropriation of $7,000,000, I was content with that appropriation, as I am content now with it; and I would be willing, as I think most of the Senate would, and I think there would be no serious objection to it, to provide at the next session of Congress for two additional battle ships, and to do that year by year until our modern Navy is sufficient for the needs of our country and efficient in all its provisions.

So, Mr. President, if I am put to the test of voting for two or four ships at this time, with my understanding of the situation, I shall be compelled to vote, and I shall vote, against the amendment providing for four ships. I believe that if the provisions that are now before us are acceded to by the two Houses and receive the approval of the President under the plan of two battle ships per annum, as it appears, we will make rapid and regular progress in building up our Navy.

Mr. President, there may be exceptional reasons in the future, but I do not believe there will be, whereby we shall, under extraordinary exigencies, be compelled to provide ships in addition to the two. But that situation, to my mind, is not now before us. I think the situation is especially an agreeable one as respects the prospects for the future. Wherever I have been and have had an opportunity of reading and studying the condition of the world at this time I have been led to believe that there is no danger of war at present or in the near future, or even in the remote future. I have been led to believe that the educational forces of our country and of the world have been such in the last four or five years as that the nations of the world are establishing a higher standard of conduct in regard to international obligations than prevailed hitherto. The Hague conference and other international conferences indicate this trend.

I was struck especially with the suggestion made by Secretary Root only two days ago at an important international law conference, in which he stated that, happily for the world, gradually public opinion is forming against large armaments controlling civilization, and that rapid, or at least successful, progress is being made in this direction.

Therefore, it has seemed to me that if we adopt the orderly method of dealing with the pending naval appropriation bill, as we have dealt with all the naval appropriation bills that have preceded it, we will find that we have made ample provision for every exigency that is likely to apply to our Navy.

Believing this, and being placed in the alternative of voting for two or for four battle ships, I shall vote for two.

I should be glad if it could be generally understood in this Chamber and in the other House and in the country that we have entered now upon the construction of two battle ships per annum instead of one, because of the present situation; that that is to go on without alarming the other nations or our own people, and that we intend to be as a nation prepared for war, though surrounded as we are by all the conditions of peace.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maine?

Mr. ALLISON. I do.

Mr. HALE. Before the Senator takes his seat, I will state that it is to me a matter of great satisfaction to hear the veteran, experienced Senator from Iowa express so clearly his view in this matter. That is my view, and I am glad to agree with him. I have stated already in the course of the debate that the committee believes this a moderate programme, and without, of course, foreseeing what may be the conditions hereafter, we will expect to carry it out to this extent in the future, and that it will give us not a moderate navy, but a very great navy, and keep up in the second place in the world.

Mr. ALLISON. Mr. President, I am glad that the chairman of the Committee on Naval Affairs is in accord with my view on this question. I understood him to so express himself the other day. In my view this simply resolves itself into a question whether we are to authorize four battle ships at this time or two now and two more seven months from now. I do not regard that as a question of such enormous magnitude as to distress and disturb our relations as respects the Navy.

The VICE-PRESIDENT. The hour of 4 o'clock having arrived, the debate will proceed under the so-called "ten-minutes rule."

Mr. FORAKER. Mr. President, it will not be necessary for me to occupy all of the ten minutes allowed, for I only want in a very brief way to state the two or three reasons why I shall vote against the pending amendment increasing the number of battle ships from two to four.

We are all aware, as it has been repeated here time and again during this debate, that in his annual message to Congress in December, 1905, the President expressed the opinion that our Navy had reached such a size that by the addition of one battle ship each year we would be making a sufficient provision for the maintenance of our Navy, and that that would keep us at a proper standard.

We were told in a special message, sent to us a few days ago, that he entertained that opinion prior to the recent Hague conference, and he entertained it because he hoped that at that conference an agreement would be arrived at whereby there would be a limitation placed upon naval armament and that in that expectation he had been disappointed. That I understood him to give as the chief reason and argument why now, instead of adhering to the policy he recommended of increasing our Navy by only one ship each year, we shall start

upon a policy of increasing it for at least this year at the rate of four ships.

I took pains to look back to the message of 1905 to see exactly what it was the President had then said to us, for when I read the reason he now assigns I was somewhat surprised to find that he had been governed by such an expectation. I did not have any such expectation as that with respect to The Hague Conference. I do not think anybody had a right to expect that an agreement would be there arrived at for such a limitation. I was brought largely, as I can recall it, to that opinion by what the President himself said to us on that subject in his message of 1905, when he first made the recommendation that we should limit ourselves to one ship to be added each year. In that message he said:

> Our aim should be from time to time to take such steps as may be possible toward creating something like an organization of the civilized nations, because as the world becomes more highly organized the need for navies and armies will diminish. It is not possible to secure anything like an immediate disarmament, because it would first be necessary to settle what peoples are on the whole a menace to the rest of mankind, and to provide against the disarmament of the rest being turned into a movement which would really chiefly benefit these obnoxious peoples; but it may be possible to exercise some check upon the tendency to swell indefinitely the budgets for military expenditure.

And so on.

In other words, I understood the President at the time, and I think anyone without an explanation of that language would understand, now reading it, that the President really had no very earnest expectation that an agreement would be arrived at by The Hague Conference, in accordance with which naval armaments would be limited.

I am glad to be set right by the President as to his expectation, for I had a different opinion on that point; but aside from that, Mr. President, we come now, as we must always do with respect to a matter of this kind, to consider existing conditions. The question is, after having heard the recommendation of the President, and having heard from everybody else who has a right to speak to us on the subject, What is the situation by which we should be governed and what should be our judgment in view of that situation?

I have been here now in the Senate almost twelve years. The Navy is larger now than it has been at any time heretofore during all that period. It was thought to be adequate for aught that we could foresee twelve years, ten years, five years, two years ago; and, so far as I can discover, we have a right by the same token to consider it adequate now.

I happen to be a member of the Foreign Relations Committee. If there were any complications with any other international power, I would not speak of it in open Senate, but I know of no reason why I should not say here to the world that never in all these twelve years has the sky been so bright as it is at this very moment. Nowhere is there a spot of any kind on the horizon in the nature of a threat or a menace of war. On the contrary, we are in far better relations with the rest of the world and freer from all kinds of complications and all kinds of threat and menace than we were in 1905, when the President made the recommendation that we should limit ourselves to one battle ship a year. At that time we did have some diplomatic negotiations in progress, of which we did not know what might be the result, but as to which we had no serious concern, although it was possible for trouble to grow out of them. Those negotiations were adjusted, and all other diplomatic relations have been, peaceably, and to the satisfaction of all concerned, save and except only—speaking of this period alone—our relations with Spain.

Now, the Navy being greater to-day than it has been at any time heretofore during the period that I have had responsibility with respect to legislation on account of it, and the situation being freer, as it is this very minute, than it has been at any time heretofore during that period, I do not see why the addition of two battle ships should not be as much as we ought to be called upon to make.

But there is another reason, Mr. President, that we ought to take into consideration here—it has been referred to in this debate, and I need not speak upon it to elaborate it—and that is our financial situation. Every Senator knows that, as the Senator from Rhode Island [Mr. ALDRICH] told us last Saturday in this Chamber, our financial situation is not as satisfactory as it was one year ago, not as satisfactory as it has been at any time during the past ten years, not as satisfctory as we hope it may be next year. This year we are running behind, relatively speaking, and at a pretty serious rate. I can not quote the figures so accurately as the chairman of the Finance Committee, but I understood him to say, on Saturday last, that the deficit for this year already amounts to $60,000,000 and that it will be $100,000,000 before the end of the year. What, therefore, Mr. President, is the excuse, if we have no threat of war, for going into this unnecessary expenditure that we may have four battle ships instead of two?

I quite agree with other Senators that war comes generally unexpectedly; that it is never an impossibility; but if ever we were justified in saying that it is an extreme improbability, we are justified in saying that now. With every other Senator here, if there was any threat of danger, any prospect of war, any probability that we would be in a clash with any other power, I would vote willingly not only for four, but for forty, for a hundred, battle ships, if it might be necessary, and without regard to what our financial situation might be; for we all know that our resources are abundant and that we would subject them to the meeting of any such high and patriotic purpose as that; but without some real reason for it I see no necessity to go beyond what the committee has approved. I shall therefore vote with the committee.

I might speak of another reason, but it has been sufficiently dwelt upon, and that is, that we are short now, as I understood the statements made in this Chamber on Saturday last, almost 2,000 commissioned officers.

Mr. PERKINS. We are short 1,846 officers.

Mr. FORAKER. As the Senator from California informs me, we are short 1,846 officers.

The VICE-PRESIDENT. The time of the Senator from Ohio has expired.

Mr. du PONT. Mr. President, on the basis of some personal experience, I have a vivid conception of the horrors of war, which, in my judgment, is one of the greatest calamities that can befall any nation.

As an opponent, then, of war, I advocate an adequate military and naval establishment as the most efficient and the most certain method of insuring the countless blessings of peace, and I believe that the President's position in regard to a strong and a suitable navy has the general approval of the country, regardless of party. I shall not discuss this position, Mr. President, believing that it has been very adequately and very aptly referred to in the able speech of the Senator from Oklahoma [Mr. OWEN].

Mr. President, should this amendment prevail, in view of the large majority in the other Chamber in favor of the construction of only two battle ships, the utmost that could be expected, it seems to me, would be that a conference committee might agree to three battle ships, so that a vote in this Chamber for four battle ships practically means a vote for the possible construction of three battle ships at most.

Now, Mr. President, the principle of the gradual and progressive development of our Navy by the construction annually of a fixed number of battle ships—say, two, for example—is a principle which, I have no hesitation in saying, commends itself to me.

Under its application, we are able to take note and avail ourselves of the progress and of the experience of the navies of the whole world, and thus promote the progressive development of our own Navy on the best and most approved lines.

But, Mr. President, any principle which is so unbending and so undeviating as to take no note of special circumstances or of special conditions becomes a mental and an intellectual tyranny against which I find myself in revolt.

I fail to see, Mr. President, why the application of this principle would be seriously affected by the construction of, say, three battle ships this year and of only one next year, but I do see, and see most clearly, that there are special existing conditions which have a bearing on the question involved in this amendment. I refer, Mr. President, to the paralysis of our industrial conditions—to the thousands and tens of thousands of unemployed workmen throughout the country—to their distress and to the suffering which devolves upon their wives and their children.

Believing, Mr. President, that the construction of even three battle ships at this time would be of marked benefit to the industrial situation generally and would mitigate, to some extent at least, much real distress and suffering, I am unwilling by my voice or by my vote to leave anything undone which can bring about so great a benefit, and I shall, therefore, if for no other reason, support the amendment.

Mr. SMOOT. Mr. President, I have been deeply interested in the discussion of this question, for it is a question that I have thought considerably about in past years and one upon which I have had strong convictions. I have time and again said that, if I were going to be extravagant with the public money, I would be extravagant in building a strong navy. Our small Navy was forcibly brought to my attention during the recent Spanish-American war, and I shall never forget how I felt

when the Oregon was sailing from the Pacific to the Atlantic Ocean, unaccompanied by any other battle ship. No doubt we all prayed that she might make that voyage successfully and that no accident happen or the foe meet and destroy her. She made that wonderful voyage alone, we having no battle ship to accompany her. I made up my mind at that time that if I ever had an opportunity to vote or in any other way lend my aid in the building of a strong navy for this country I would do so.

Mr. President, I do not support the amendment for four battle ships on the ground that war is going to happen in the near future. I do not believe that war is imminent. I do not see a solitary incident in our relations with foreign powers to justify me in even thinking that there is going to be war, but I do feel that it is the duty of the lawmakers of the American people to provide battle ships sufficient to be prepared for war—not for aggressive war, but to be prepared to defend the lives of the people and the interests of this country in case of war.

While listening this afternoon to the remarks of the Senator from Iowa [Mr. ALLISON], I thought to myself, Why not strip this question of all innuendoes, of all insinuations, of all jingoism, and see just what the real differences are between the parties interested in four battle ships and those who are contending for only two? And in doing so I find the differences are small indeed, for it simply means the postponement of authorizing two battle ships for a short time, and this I gather from the statements made by the senior Senator from Iowa, and also by the Senator from Maine [Mr. HALE], who has this bill in charge. As I see it, it is only a difference between authorizing the construction of four battle ships at this time, based upon the recommendation of the President of the United States, or authorizing two battle ships now and in the small space of seven months to authorize the construction of two more. So far as I am concerned, I am ready to vote for the authorization of four battle ships now. It is better to have the battle ships than to want them, and if we have them we are not likely to need them. I do not believe that we will make a mistake in voting for the increase, and if it should prove to be a mistake how easy it would be at the next session of Congress to refuse to authorize the building of a single ship. In that case we would have our four battle ships we all agree should be built under way.

In my judgment there are reasons for this course. As I look over the list of battle ships of the type of the *Dreadnought* that have been authorized by foreign powers, in addition to those of England, twelve by France, eleven by Germany, and four by Japan—and it is intimated that five more will be built by that nation in the near future—it seems to me, if we intend that this country shall be the second great naval power of the world, we can do no less than authorize the building of four battle ships at this time, not as a notice to the world of war, but simply a notice to the world and a message to them that the American people are determined to build a navy large enough to defend their coasts, to defend their interests, and to defend their honor; and if any difficulties should arise between us and foreign powers they must respect our honorable and just demands, and that we will not take an insult from any nation on the face of the earth.

I believe, Mr. President, in arbitration, and I hope to live to see the day when that great principle will be accepted by the nations of this earth. But as I study mankind and see the selfishness of man and the selfishness of nations it seems to me that it is going to be some time before arbitration is an assured success. A mighty oak is not matured in a day, and this mighty principle of arbitration is not yet accepted by even the Christian nations of the world, so I say we are not safe in relying for protection on this principle, but, as I said, I hope to see the day when arbitration will be universal the world over.

The Senator from Michigan [Mr. BURROWS] the other day, in support of his position for two battle ships only, quoted the following words of Isaiah:

> And He shall judge among the nations, and shall rebuke many people; and they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more.

I believe, Mr. President, that the time will come as foretold by the prophet, but it was foretold that it would be in the last days, when Christ's kingdom should be established upon this earth, and that time has not yet arrived.

I am not one who thinks the time has arrived when the swords of the American soldiery should be beaten into plowshares or the spears of the American Army beaten into pruning hooks; for it seems to me that, so long as there is the feeling of distrust even among the Christian nations that there is today, it would be a false step to take.

In our late war one Christian nation was arrayed against another, one praying to the Almighty Father to give success to its arms, the other praying to that selfsame God for success to its; and I say to the American people that when the time comes spoken of by Isaiah there will be a different condition existing in the world than exists to-day.

The VICE-PRESIDENT. The time of the Senator from Utah has expired.

Mr. PERKINS. I believe, Mr. President, that every member of this Senate is in favor of a strong navy, made up of good ships, equal to those of any other nation. I believe that public sentiment is back of Senators on the question of making sufficient appropriations for the support and maintenance and increase of a good, strong navy. The only question in issue today is whether we shall have thirty-one battle ships or thirty-three battle ships, whether this bill shall provide for the building of four battle ships or two battle ships. It is simply a question of business policy, and it seems to your committee, after having thoroughly considered the question, that we should provide for but two at this time.

I want to say, in passing, that the committee were criticised today by a member of the Senate, who said that we have not given due consideration to this bill, it only having been in the committee for two days before it was reported to the Senate. I want to say to that Senator that your committee have had the provisions of this bill under consideration ever since the report of the Secretary of the Navy was submitted to Congress. They have had before them the Book of Estimates, giving the estimates made by the different bureaus in the Navy Department—the Bureau of Construction and Repair, the Bureau of Equipment, the Bureau of Ordnance, the Bureau of Navigation, and all the other bureaus. We have considered those estimates from day to day, week to week, and month to month, and the result of our efforts is this bill which we submit to you for your consideration and which you are to pass upon to-day.

I believe it the part of wisdom for us to profit by our own experience and by the mistakes of foreign countries, and therefore I believe we should provide for the building of but two ships of the *Dreadnought* type to-day. It is an experimental question. There is not a ship building in any yard, either a merchant ship or a naval ship, this year that is not improved upon next year, and the following year still further improvements are made. So we should not proceed too rapidly, but should profit by our experience, as we have in the past ten or fifteen years.

The cable brings us a dispatch across the ocean that there was a collision on Saturday last off the Isle of Wight, on the coast of England, between the American merchant vessel *St. Paul* and the British protected cruiser *Gladiator*, and in fifteen minutes from the time our merchant ship struck the English war vessel the latter sank.

It is a question whether the *Dreadnought* type of ship is to be the class of the future battle ship. As an evidence of that fact, Mr. President, the lord of the British Admiralty says in his report in regard to the new naval programme of Great Britain:

> This programme is exceedingly modest. It comprises the building of one battle ship of the improved *Dreadnought* class.

Only one battle ship of the improved *Dreadnought* class is provided for to-day by England's naval programme. So it seems to me, I repeat, the part of wisdom for us to profit by experience and by the mistakes made by England and other great countries.

We have a first-class Navy, and we are going to carry out the programme which has been inaugurated, and build ships from year to year as experience has demonstrated it is in the interest of the Navy and the public welfare for us to do.

The improvements alone in the turbine engine in the last two years have almost revolutionized the merchant service on the trans-Atlantic lines of steamers plying between New York and European ports. The return tubular boilers and the Scotch boilers are all experiments as yet. So, as a business proposition and from a patriotic standpoint, it is wise for us to go slowly if we want our ships equal to those of any other nation.

My friends have criticised me because I did not stand up for four battle ships in the interests of the Pacific States. I fail to see where their criticism can justly lie. Since I have had the honor of being a member of the Committee on Naval Affairs we have provided for building on the Pacific coast and the States bordering the ocean four battle ships and five armored and protected cruisers. Eleven vessels in all have been builded there. We have provided for our navy-yards and for building colliers and torpedo boats and submarine boats and other auxiliary craft for the Navy. We have 100 fighting ships of over a thousand tons each, exclusive of torpedo boats, submarine boats, and vessels of other types. We should profit by experience; and if we had a hundred, yes, two hundred ships on the Pacific coast, and the Commander in Chief saw proper to

detail them to Australia or China or Japan or some other country, I fail to see where this proposition would benefit us, as my colleague says it would.

There were 16 battle ships in the fleet that went around Cape Horn to San Francisco, and we have on the coast there now 10 battle ships and 16 armored cruisers, making 26 fighting vessels of over 5,000 tons each; and yet, if the Commander in Chief should order them around the world, we should be as defenseless and unprotected as if there were 250 vessels in the Navy. This bill already provides liberally for our navy-yards, for docks, for appliances. We have already equipped seventy-five vessels with wireless telegraphy. We are making more powerful our guns. The range of our guns has increased from 10 up to 75 per cent, and all through this bill there are appropriations which have not been criticised or referred to calculated to be valuable to our Navy and its building up. So I think the Senate, upon due reflection, will stand by the report of the committee, which has given this subject-matter every consideration and has presented the result of its labor.

Mr. HEYBURN. Mr. President, it had not been my intention to participate in the debate of this question, but I will take advantage of the ten minutes to give expression to the reasons that shall control me in casting my vote upon this measure.

I shall vote for the amendment for four battle ships. I believe with conditions such as exist in the industrial world to-day, the promise of the Government of the United States that it is going to expend twelve or twenty million dollars for labor and material will have a good effect and will be an element to encourage the people of this country that the Government at least is going to make available to the people some of the $198,000,000 that rests to-day in the banks of the United States, idle so far as the United States is concerned, drawing no interest, there only for the purpose of being loaned, not for the employment of labor or the purchase of material. I am perfectly willing to vote for any Government enterprise that will result in the distribution of part of the money the Government has on hand and idle.

Mr. President, I have been glancing through this bill and I find that out of the items, comprising more than $100,000,000, less than one-half of it goes into the channels of American labor or American material. The largest item is distributed under conditions where it is redistributed in various lands and not for home products or for the immediate prosperity of our own people in their homes.

So I am willing to vote for the amendment offered by the Senator from Washington that "two" be stricken out and the word "four" substituted, and taken in connection with the amendment adopted on the motion of the chairman of the committee, appropriating in all about $7,000,000 to commence this work, the legislation will then stand in this way. We will have authorized—mark you—we will have authorized the construction of these four battle ships. We will have appropriated the proportion that will represent to the limit the labor that can be performed and the materials that can be purchased during the next eighteen months.

The amount appropriated, the $7,000,000, will be sufficient to inaugurate this work and to keep it going on, and take that in connection with the assurance that the Government of the United States is going to put fifteen or eighteen million dollars more into this class of work, which represents, every dollar of it, American labor and American material, and it appeals to me. It appeals to me especially under existing conditions in the world of labor, as it affects the prosperity of our labor.

There is no question of war in it with me. I am not considering whether we are liable to have war or whether peace is assured. I care nothing for the poetic idea of turning swords into plowshares and spears into pruning hooks. This is a business proposition. It is a question of disposing of the money we have on hand. The Senator from Rhode Island [Mr. ALDRICH], who is chairman of the Committee on Finance and speaks by authority, says that the deficiency between the income and the outgo this year will amount to about $100,000,000.

Mr. ALDRICH. More than $60,000,000, I said.

Mr. HEYBURN. I understood the Senator to say it was about $60,000,000 now.

Mr. ALDRICH. No.

Mr. HEYBURN. And that it would amount to about a hundred million dollars.

Mr. ALDRICH. It is $46,000,000 now, and it will be more than $60,000,000 at the close of the year.

Mr. HEYBURN. I was somewhat astonished when I understood the Senator to say that it would be a hundred million dollars. Another Senator has quoted the Senator from Rhode Island as having said it would be a hundred million dollars. I am glad it will be only $60,000,000.

Mr. ALDRICH. My statement was this: That the present deficiency is $46,000,000, and that the deficiency at the close of the fiscal year will be more than $60,000,000. The Senator, I believe, made his mistake in this way. I said that the additional appropriations this year over last year were more than $100,000,000.

Mr. HEYBURN. We are bigger this year than last. We are doing more business this year than last.

Mr. FORAKER. I think perhaps the Senator from Idaho referred to me when he said another Senator had quoted the Senator from Rhode Island as saying it was a hundred million dollars.

Mr. HEYBURN. Yes.

Mr. FORAKER. I did. I was not speaking of this fiscal year, ending June 30, but of the calendar year; and for the calendar year it will be far in excess of a hundred million dollars.

Mr. HEYBURN. Whether it is fifty or sixty or a hundred million dollars, the principle is the same. We have more than twice that sum available at five minutes' notice to pay for material and to pay for labor. I am in favor at the earliest hour of making available this money which the Government owns and has on hand. That is the policy of government which actuates me in casting my vote for this enlarged enterprise for the benefit of the people.

The Army and the Navy are just as much a part of the Government as the courts or the legislature or the executive branch. They are a part of the executive branch that make efficient the laws we pass in this body and that are construed by the highest court in the land. The Army and Navy are the arms of the Government. They stand in the same position that the police do to the municipal government. They only extend our power. Since the conditions that were referred to by the Senator from Iowa [Mr. ALLISON] existed the coast line of this country has more than doubled. As I said, we are growing. We will continue to grow. I would have the Navy of the United States the largest navy in the world and not the second, and I would do it because we are the largest nation in the world, and we will continue forever to be, so long as we do not bow our heads to any second class among the nations of the earth.

Mr. President, those are the reasons that actuate me. There is no element of warfare. I belong to a society of peace, but I believe that peace is best and most surely maintained by being able, and having others know you are able, to maintain that peace.

Mr. HEMENWAY. Mr. President, it was not my intention to occupy the attention of the Senate, but I think it due myself to give the reasons why I shall vote for two battle ships. I have had the honor of serving in the Congress of the United States in one branch or the other for fourteen years. During the first term in which I served we appropriated $25,000,000 in round numbers for the Navy. It is now proposed by the bill reported by the committee to appropriate $112,000,000.

Mr. ALDRICH. This bill as it now stands appropriates $123,000,000.

Mr. HEMENWAY. Then my reasons grow stronger all the time. One hundred and twenty-three million dollars is carried by this bill, or an increase in fourteen years of substantially $100,000,000 for the Navy alone. If the other expenditures of the Government had increased at that ratio, it would be absolutely impossible to raise the revenue with which to meet the expenditures.

I have listened carefully to this debate. I have heard no reason given why this unusual increase in the Navy should be made at this particular time. Upon the other hand, there is every reason why it should not be made. The President of the United States in 1905 recommended one battle ship per year. I see no change in conditions between now and then. There is no more reason why we should have more than one battle ship per year than there was in 1905, when that recommendation was made.

There are other matters that must be looked into. We have great internal improvements that are being pressed upon Congress. During the last summer the President honored the section of country from which I come by making a trip down the Mississippi River. As a result of that trip we are receiving petitions from our people asking for the improvement of the great internal waterways. We can not improve our waterways if we spend all the money on the Navy.

We now have the second navy in the world. The appropriation for two battle ships will maintain our relative position with the other countries of the world. Then, why should we take the money from the Treasury that we need for internal improvements and invest it in battle ships at this particular time?

The attention of the Senate has been called to the fact that

we will have a deficiency of $60,000,000 this year. My attention has just been called to the fact that the deficiency for April alone will be $11,000,000. We have appropriated up to date on the bills that have already passed one House or the other $104,000,000 more than we appropriated for the same purposes last year, as shown by the following statement:

Increase in round numbers of appropriations for 1909, compared with 1908.

Agriculture	$2,100,000
Army	16,300,000
Diplomatic and consular	450,000
Fortification	3,700,000
Indian	300,000
Legislative	400,000
Navy	26,000,000
Pensions	17,000,000
Post-Office	10,000,000
Sundry civil	1,500,000
Deficiencies	18,000,000
Miscellaneous	4,250,000
	100,000,000
Permanent annual appropriations	4,300,000
Estimated total increase	104,300,000

We have yet the great public buildings bill, which will add some twenty-odd million dollars to the appropriations; the sundry civil bill will be largely increased before it is enacted into law, and I predict now that before Congress adjourns we shall have increased the appropriations over last year by $150,000,000. What does that mean? Our revenues are decreasing, as shown by the Treasury statements. Our appropriations for this year will be increased $150,000,000 if we appropriate for two battle ships only. That means that next year every dollar of surplus that we have in the United States Treasury will be taken out, and we will be fortunate if we do not have to borrow money to pay running expenses. With that deficiency facing us, why shall we, with no apparent reason, appropriate for four battle ships in place of two?

I have just been looking over the list of the members of the Committee on Naval Affairs, both of the House and the Senate. The House and the Senate have built up committees to give these matters special consideration. I find that the House committee is made up of strong men from every section of the country, and their report comes in for two battle ships. I find at the head of the Senate committee the distinguished Senator from Maine [Mr. HALE]. Ranking next, the distinguished Senator from California [Mr. PERKINS]. We find Michigan represented. We find the Southern States represented, and we find the Central States represented, all by men who are known to transact the business of the Government carefully and properly, and they come here after giving careful consideration to this matter and say unanimously to the Senate, "Two battle ships are enough."

Then why this excitement? It is simply a question of business. It is simply a question whether we shall proceed more rapidly, or whether we shall proceed along lines recommended by the committee, having in view the money to pay our bills as they are incurred; and I want to call attention to those on this side of the Chamber that our party has not been a party of deficiencies. It has been a party that has so managed the Government that we have always had money to pay our bills when the bills came due. And are we now going to make appropriations that mean deficiencies, that mean direct taxation upon our people, that mean we must levy unusual taxes on the people as we have been compelled to do in times of war? That is what we are coming to.

I appeal to the Senate to use just good common business sense, as the committee did when they reported this bill to the Senate. Why should we get excited now, when there is absolutely no danger of war? Of course, as has been said many times, war comes unexpectedly, but we are assured by the Committee on Foreign Relations that the sky was never as clear as it is today. Then, why four battle ships, when in 1905 the President recommended but one? Why four in place of two, when the revenues are in the condition they are? Why take away from our internal improvements their fair share of appropriation?

The improvement of our internal waterways means cheap transportation and permanent benefit to all our people. Adding unnecessarily to the strength of the Navy means that these necessary improvements must be delayed.

Mr. President, I can not see my way clear to vote for four battle ships, and I shall vote for two.

Mr. DICK. Mr. President, we have had a week of unlimited debate—I was tempted to say of unbridled debate—and yet I feel that the rules of the Senate and its custom have been fully vindicated, since, by unlimited debate, we have driven the dogs of war back to their kennels, and have clothed the fleet of the United States in the garb of peace.

The best result of the week's discussion, so it seems to me, is that it brings the country to a full realization of the fact that nowhere on our horizon does there appear the slightest danger of war or conflict with our neighbors. But that is not all. The debate has demonstrated another fact, which perhaps was not entirely apparent to the country, namely, that the United States is the second naval power. One would have imagined at the beginning of the discussion that this was the initial move to create a fleet, and that four battle ships were an immediate necessity. But we find, at the end of the discussion, that we have now built and in process of construction twenty-nine battle ships, that the two provided for in this bill will increase it to thirty-one, and that in strength and power, ship for ship, we rank second among the nations.

Nor are these ships obsolete, as has been stated. In the message so frequently referred to sent to the Congress in December, 1906, the President recommended that we build one new battle ship each year to take the place of one which annually became obsolete, and not four which annually became obsolete.

Attention has been called to nine reasons which the President gives for the annual increase of four battle ships to the Navy. Only four were cited, and all four given existed when the original recommendation came to us for one new battle ship annually.

This bill carries an appropriation of $123,000,000 for the building and support of the Navy. With a single exception it is the largest naval appropriation bill ever passed by the American Congress, and that exception occurred in 1898, when as a part of the naval appropriation bill $50,000,000 was appropriated for the "national defense" in time of war.

I wish the Senator from California [Mr. PERKINS] had carried a little further his illustration with reference to the recommendation of the British Admiralty in the construction of a single battle ship of the *Dreadnought* type this year.

It has not yet been demonstrated that battle ships of the *Dreadnought* type are effective or efficient beyond improvement. That the great battle ship has come to stay there is no question, but who will say that in another decade battle ships of 30,000 tons displacement rather than battle ships of 20,000 tons displacement will not be the type preferred? Why go on building battle ships unnecessarily while this matter is still in an experimental stage, not only as to the size of the ships, but as to the thickness and strength and character of the armor, the size of the guns, the character of the shells, and the matter of high explosives? All these matters are still in the experimental stage, and unless there is great emergency demanding immediate action for an abnormal increase of the Navy, it seems to me the recommendation of the Committee on Naval Affairs, favoring the bill as it came from the House of Representatives carrying provision for two battle ships of this type, ought to prevail.

Another fact to be recognized, Mr. President, is this: Two added battle ships of the character which this bill carries gives us a squadron of four battle ships of the *Dreadnought* type. Who can gainsay that next year we may begin the creation of a new squadron of a new type, and since no emergency exists, no word of war, no danger to our peace, no menace to our commerce, no threatened attack upon our coast on either side—and if so, the chairman of the Committee on Naval Affairs has already stated we could divide the fleet and guard amply both coasts—why shall we burden the revenues of the nation beyond the reasonable, yea, the extravagant provision already recommended by the committee in this bill?

One point, Mr. President, has seemingly escaped the attention of Senators who have preceded me in this debate. We have talked about the character of our ships and their speed, and the character of our guns and their long range, and all features, but all will agree that in the last great naval contest, namely, that between Russia and Japan, the one thing which counted for more than battle ships or guns was the character and intelligence of the men who manned the ships and fired the guns, the spirit which animated them, the loyalty and devotion to their cause and to their country, and the matter of superior discipline and command; that in the one fleet there was mutiny and in the other there was such devotion to cause and patriotism to country that men were willing to die that the cause for which they fought might survive and succeed and their country be vindicated.

In this particular, namely, the personnel of our fleet, men and officers, I take it no one will challenge the statement that ours stands equal, if not superior, of any nation in the world. I admit, Mr. President, that it would be unfair to put such men in an unequal and unsafe position. But we are providing, and we have been providing, for the best ships and the speediest, with the largest and most effective guns, and in every way we

have been providing for the protection of the country and of the men who are counted upon to defend it.

The VICE-PRESIDENT. The time of the Senator from Ohio has expired.

Mr. FULTON. Mr. President, I do not expect to be able to add anything of value to this discussion. I do not profess a wide knowledge of the subject, and I have been absent during the progress of the discussion, hence I am not advised as to the course it has taken. Indeed, I should not undertake at this time and under the circumstances to say a single word were it not for the fact that I find myself not in accord with the committee which has had this matter under consideration and has reported it to the Senate. I am as a rule very much given to supporting the committee that has had a subject, particularly one of this kind, under consideration and has given it careful thought and investigation. That is particularly true with me when a matter comes from a committee so ably constituted as is this one, and presided over by so distinguished a legislator and statesman as we know and recognize the chairman of the Committee on Naval Affairs to be.

I have always stood for a powerful navy. I believe it a matter of great importance and concern to the people of this country that we should maintain such a navy. I would not largely increase our Army, although I would increase some branches of it—for instance, in the matter of the Coast Artillery and in the improvement and betterment of our coast defenses. For those purposes I would make larger appropriations. But I am particulary concerned in the matter of building up and strengthening our Navy. This is a great and growing country. Our wealth to-day is more than double that of any other nation on the earth. Our foreign commerce is growing as it never has in the past and as that of no other nation has at any time. We have become the owners of possessions in far-distant seas. Our insular possessions are of vast importance. I believe that one of the first duties of this country is to establish strong fortifications in the Hawaiian Islands. One of the first duties of Congress should be to direct its efforts to that end, and it will be nothing less than a national crime if we shall fail to take that matter up and carry it on speedily. But the Pacific Ocean, where we have no navy to-day, is going to be the scene of the greatest activity commercially of this nation in the near future. We have there the Hawaiian Islands and we have, away in the Orient, the Philippine Islands, and we have gone into those islands to stay. Some men argue that we are going to abandon the Philippine Islands. We can not do it. Men may talk, men may theorize, but the fact remains that we are in those islands to stay.

Mr. President, we may as well face the responsibilities that that fact entails and provide against it. That it means much of responsibility, that it means increased care, no one will deny. But it is our duty to rise to those responsibilities and meet them.

It is important and necessary that we shall have a strong navy in the Pacific, one equally as strong as that maintained in the Atlantic. We have as great a seaboard to provide for there. We have as important ports to protect there. We have as great interests, and our interests are growing and developing there as they are not on the Atlantic coast. I see no way by which we can provide for the necessities of the conditions prevailing there except by an increased navy. I do not mean that I know of any fact which indicates war or any conditions that mean a disturbance of the peaceful and happy relations that now obtain between this nation and all the nations of the earth. But, Mr. President, no man knows the hour when a condition will exist that will demand the employment of a powerful navy to protect the great interests of this nation on the Pacific.

If there is one fact more than another that was demonstrated by the naval battles of the Russian-Japanese war it is that the battle ship is the real defense upon which we must rely when the naval battle finally comes on. Unarmored cruisers, unprotected or partially protected ships serve their purpose, but when the real battle comes they must get beyond the range of the guns, and the battle ship is the one defense upon which we may rely. That was demonstrated by the Russian-Japanese naval battles.

Then, Mr. President, I do think that we would be derelict to our duty, taking into consideration the great interests that we have on the Pacific coast and the complicated situation which our interests there have brought about, if we should not adequately prepare for it.

Senators tell us that the revenues of the Government will not justify the expenditures that this amendment contemplates. In the first place, while we propose to provide for four battle ships instead of two, it is not required that there shall be an immediate expenditure. It may be that there will be a deficit of $60,000,000 during the present fiscal year. I assume that is correct, because the Senator who states it as a fact is well posted and knows what he is talking about. Be that as it may, I have no fears about the ability of this country, with its great moral powers, its splendid wealth and resources, being able to provide for whatever the necessities of the Government may prove to be.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. DANIEL. Mr. President, speaking is catching. I find that I have contracted myself a very mild form of this infection, from which I hope to recover in a few moments, which I shall occupy in stating my reasons for voting against four battle ships and for two.

In the first place, Mr. President, we are in no emergency. There is no crisis on hand which portends war with any nation. We are living in the "piping times of peace," and one must be like Job's war horse, and smell battle "afar off," to get any odor of gunpowder in the air, unless he were listening to one of the speeches which advocates a vastly greater navy under the idea that there is a "possibility" of war.

There will never be a day nor an hour when we ought not to order another battle ship if the possibility of war is a reason for doing it. Never will a time come, nor has there been a time in the past, when every nation was not under the possibility of war. There is no probability of war; there is no cloud of war, and every good citizen of this country has the right to rest under his own vine and fig tree, with none to make him afraid, and without having the specter of war flamed before his eyes to disturb his slumbers.

In the second place, Mr. President, and what is a substantial reason, as I conceive, for voting against four battle ships in a lump in this bill, is I think the fact adduced to us by experience and through the voice of science that we can build a better navy at the pace which we are building it than by trying to build it more rapidly. Fashions change. I read in an international law work this pregnant sentence:

> There is nothing unchangeable but change. Change is the shadow of time, and it moves, keeping step with every tick of the clock.

Men change, times change, gowns change, coats change, everything changes, and nothing is more sure to change than the best model of a battle ship. If we build a navy gradually and make each ship perfect as it can be made by the skill of man, according to the best model of this year, we will have done the very best that we can do, to arm this nation with ships that can hold their own in any line of naval battle.

If we build a cluster of ships the sooner will they go to a junk shop and the sooner will your Navy be dismantled.

The world is in a more inventive order of mind than it has ever been in the history of time. This nation is far ahead of any other nation of ancient or modern times in inventive genius. Smokeless powder has just been introduced. This is a novelty. Very many of us have never seen or experienced the discharge of smokeless powder, so little has it gone into the everyday walks of life. "Soundless" powder has just been announced as making its début upon the stage. The electrical gun, we are told, is soon to supersede the powder-filled gun, and it is said that one great English inventor has invented a gun that will kill almost everybody at once. So war will be made a very cheap business, a very wholesale business, and a very complete business when a few more inventions are established.

Mr. President, the pace that the Naval Committee has kept is a reasonable pace, a pace already accelerated by the cry that comes from here and there for a greater navy. I put myself abreast of the front rank of those people of this country who are ready to defend it at any sacrifice of life, of property, of wealth, or what not. We are going at a pace to prepare ourselves not for a war that is on hand, not for a war that we can discern as coming, but for that remote thing which is described by gentlemen on the other side as what troubles them, and that is the possibility of war. Of course war is possible. It always has been and always will be. I will go the four-battle-ship men one better and say it is certain; but, let me remind you, it is remotely certain in the dim and distant perspective.

I take consolation also to myself, Mr. President, of a self-evident fact which has been neglected in many of the discourses we have heard, and that is this. This is just the safest nation in the world. No nation ever did in all time occupy a position amongst the clustered nations of the earth that is as safe as that which America occupies. The oceans have made it so, and what the oceans lack in making it so its great people have completed. They were never more united than they are to-day. They were never strung to a higher or purer key of sincere patriotism than they are to-day. They would all be like the

minutemen of the Revolution and turn out quickly and give what they had to meet any foe that might cast his shadow in our direction.

Does it ever occur to those gentlemen to look a little at the history of this country and the observation of some of the anterior statesmen in contemplating this subject? Abraham Lincoln said, when this nation was not half as strong as it is today, that if all the world were to attack America there is not a man of them all that could ever take a drink out of the Ohio River.

Great Britain had a great navy when they fought us *more than* a hundred years ago. We had none. They did manage to get a little partisan corps on our eastern and almost undefended shores, except with a few militia and their guns, as far up as Westham, a little above Richmond. I think they enjoyed the pleasure of spending a night there, but they went back where they came from, with no lodgment. That history of a people who had no navy and very scattered and few soldiers does not arouse my alarm as to the Japanese, or Englishmen, or Frenchmen, or Russians, or anybody else getting very far into the interior of this American country.

Some of our friends who were in the Navy of the United States during the war and some of them who took a tramp up the peninsula of Virginia along in the sixties may perhaps recall that, with all the valor of this nation, with all the guns of this nation, and with all the ships, armies, and wealth of this nation, they did not get above tide water after a four years' effort until about April, 1865.

Should a foreign foe undertake the job of assailing America, I venture to overreach the statement of Abraham Lincoln as to the Ohio, and say that not a man of them would ever take a drink out of the James River, close as it is to the Capes. Guns would cover the approaches. Mountains of defense would be raised up in front of them, and the American people, united and whole-hearted, would cover the earth with their myriads of martial men.

At peace with every nation of the earth, cultivating with everybody the arts of peace, intending neither to hurt or to wrong anybody, and provoking none to hurt or to wrong us, we stand serene, possessing our souls in peace.

Mr. BACON. Mr. President, as we are to vote not simply on the question of two battle ships, but upon the entire naval bill this afternoon, I desire to say just a word upon a matter that was under discussion the other day with reference to naval armor.

The Senator from Maine [Mr. HALE] made this statement as to the cost of naval armor in this country and in other countries:

> I have, Mr. President, a table of the prices per ton for furnishing armor in the European countries. In Austria it is $449; in Italy, $521; in Germany, $450; in France, $500; in England, $625; and in the United States it is $416.67.

That, Mr. President, is a most remarkable and startling piece of information. I have been informed that it comes from the Navy Department, and therefore I do not question its correctness. But one or two conclusions must necessarily be drawn from those figures. Either the armor plate manufactured in the United States is inferior to that manufactured in England or the cost of manufacturing armor plate in England is greater than the cost of manufacturing it in the United States. If the quality is the same in each country, we have the remarkable fact that in free-trade England it costs 50 per cent more to manufacture armor plate than it costs in protected America. We have the remarkable fact that in free-trade England it costs 33 per cent more in round numbers to manufacture armor plate than it does in protected Germany.

Mr. President, I think it important to call the attention of the country to this fact, and it is a fact which we must very carefully consider next year when we come to undertake the promised revision of the tariff, when the steel trust comes here and asks for protective duties on its steel products.

Mr. President, that is all I rose to say, but being on my feet I will add a word or two on the general subject as to the number of ships. When the debate began a few days ago, both from the message of the President and from the speeches of the Senators who argued in favor of four ships we gathered the conclusion, from the vague and uncertain outgivings, that the real reason at the bottom why four ships were demanded or desired was that there was an emergency, a danger ahead of us, which would make it unsafe for us to do less than authorize the construction of these four *Dreadnought* ships.

As the debate progressed, Mr. President, this has been practically abandoned and disclaimed by all. So that we are here considering the question whether or not, in a condition of profound peace, with nothing threatening to break into that peace, we shall depart from a policy which for ten years past has been recognized as the correct policy in the construction each year of one or two battle ships.

I am glad of the opportunity to add my testimony, as a member of the Foreign Relations Committee, to that which has been given by the Senator from Ohio [Mr. FORAKER] and other Senators who are members of that committee, to the fact that there is literally nothing now to threaten the peace of the country, so far as the foreign relations of this country are concerned.

Mr. President, I wish to add one word to that which has been so well said, not only by the Senator from Virginia [Mr. DANIEL], but by other Senators, as to the character of this country, which makes the possibility of war remote. I think it is more than remote. In more than a hundred years we have never had a war but of our own making, and, in my judgment, in the next hundred years we shall never have a war except of our making. I can conceive of no question in the near future which is apt to make us seek to wage an aggressive war.

Aside from the other reasons, Mr. President, which have been mentioned, there are two considerations which render it altogether improbable that an aggressive war will ever be waged against us.

The resources of this country make it an absolute certainty that any nation that goes to war with us would in the long run have to pay the penalty for doing so. Our resources are such that in the long run we could prevail against any nation which sought war with us. Nations will count the ultimate cost before starting a war against the United States. Temporary advantage will go for nothing.

But there is another reason, which is more controlling with men than the anticipation of ultimate loss, and that is, that the business of the world will not permit a war with the United States. The business of a large part of the world would be brought almost to a standstill in any war which would paralyze or stop the industries of the United States. The exports and the imports of the United States make a commerce of $3,000,000,000 a year—over $1,700,000,000 of exports and over $1,200,000,000 of imports. Commerce is largely exchange, and when you arrest the commerce of this country you arrest not only the industries of this country, but you arrest the industries of other countries which make up their part of that commerce. Why, Mr. President, even in the civil war the simple blockade which stopped the export of the single article of cotton from the Southern States almost produced a revolution in Great Britain. The cotton manufacturing industries of England were paralyzed, and her people cried for bread. That was a small figure compared with that which now represents the great commerce of this country.

Mr. President, in the absence of anything which calls for any such provision on our part, what is there to demand that there shall be four more battle ships? It seems to me that there is nothing to demand it except the desire to make a grand-stand play. There is no desire except—I possibly ought not to say what I was going to say, but I will say it occurs to me that there is no more reason for it than for the sending of this great fleet around the world—something simply to make a boastful display of our power and make a spectacular performance for the people of the United States. I can see no good result from it. My observation, Mr. President, has been that the man who buckles a pistol around his waist and swaggers down the street is the first man who gets into trouble and is not always the man who comes out of it best.

I was a little disappointed, Mr. President, when the Senator from Maine [Mr. HALE] stated that he could see some good which might come from this spectacular parade, this globe-circling cruise of the fleet. I have tried in vain to suggest to my mind any substantial good which can come to us from it; nor can I see any interest of the country which will be subserved in the ordering of four battle ships at this time.

Mr. BEVERIDGE. Mr. President, since my remarks last Friday a great deal of attention has been paid to what I then said; but that speech is not the issue. In the references to it upon Saturday, as the RECORD itself will show, not one quotation was correctly made. A violent attack was made in order, of course, as everyone understands, to make that utterance the issue, and thus to draw attention away from the real issue which we have to determine to-day. This statement and that statement was made; and when I called the attention of the Senator from Rhode Island [Mr. ALDRICH] to their incorrectness, he replied vaguely that it was his "impression." This morning the same thing——

Mr. ALDRICH. Mr. President——

Mr. BEVERIDGE. No; I can not yield.

This morning the same thing occurred——

Mr. ALDRICH. Does the Senator decline to yield?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. I can not yield—I have no time.

The VICE-PRESIDENT. The Senator from Indiana declines to yield.

Mr. ALDRICH. Then I hope the Senator will not make the kind of statement in which he is now indulging.

Mr. BEVERIDGE. This morning when the Senator from Montana [Mr. CARTER] was doing the same thing, I called his attention to it; and he echoed the word of the Senator from Rhode Island, that it was his "impression." The attack was made wholly on "impressions," and when these inaccuracies were pointed out on the spot and at the moment when they were made we were answered, "Well, that was my 'impression.'" Still they are continued, and when confronted with the facts we hear again the answer, "impression."

Well, Mr. President, we understand why that was done. I would not say it if the RECORD itself did not show it; but it was to divert the attention of the Senate and the country from the real issue.

Mr. President, as I said, there is no use trying, by attacking any person's utterances incorrectly, to attempt to divert the attention of the Senate and of the country from the real issue. The real issue is the request of the Commander in Chief of the Navy for four battle ships.

In his special message, in which he uses the word "solemn," he gives the reasons—the failure of his efforts at The Hague. the change in the style of battle ships, and the appalling fact that we are now actually falling behind the other naval powers of the world in our actual fighting strength.

Mr. President, another mountainous consideration presents itself, and that is that it has been brought to the attention of this nation that we have two great coasts instead of one, and that hereafter we must build up two fleets, one for each of those coasts. Why is not the Pacific entitled to a fleet as well as the Atlantic? Why are their resources and their cities and their people not entitled to the same protection as the resources, the cities, and the people of the Atlantic coast? Both should be equally guarded; both equally are American.

NO SHIP PROVIDED FOR.

Another thing; the Senator from California [Mr. PERKINS] from the Naval Committee, came in after hearing what other Senators had stated as to their great anxiety to build up a great navy. We heard the same from another Senator, the Senator from Indiana [Mr. HEMENWAY], who stated that this bill was reported by the two wisest committees of Congress; that behind it was all of their wisdom, and all that sort of thing. And yet, Mr. President, with all their "anxiety to increase our Navy," with all their "wisdom," what kind of a bill did they really bring in? Why, a bill was brought in really for no ship at all. It was brought in authorizing two ships, but making not one dollar of appropriation for either, and that appropriation had to be put in upon the floor of the Senate. The country was given to understand before that was done that we were going to build two great battle ships at once. That is what the country was given to understand, and that is what the Senate understood; and yet, according to the bill as it was brought in, not one nail could have been driven and not one bit of material could have been used nor even bought—nothing could have been done—for at least a year, and not even then unless we then should have made the appropriation which was left out of this bill when it passed the House and when, afterwards, it was reported to the Senate. That was the "anxiety" displayed for our Navy and that was the "wisdom" we hear so much about.

That does not look to me, Mr. President, like very ardently supporting the programme of a great navy, which Senators now protest they mean to do.

We have heard a great deal about appropriations. Certain Senators appear to be alarmed about making a little appropriation for the nation's defense. But nobody has stated yet that we have now in the Treasury a cash balance of $252,000,000; whereas other nations, with statesmen as wise and people as frugal as ours, are actually borrowing money with which to build a great navy. We have unused in our Treasury at this present moment $252,000,000 of cash, yet Senators are alarmed if we propose to use less than 3 per cent of it for peace.

We are told that our revenues are decreasing. What is the reason for the decrease of revenue? Why, Mr. President, the falling off of the revenues from the tariff is because the merchants have not paid their duties, but they have the goods in bond. The Senator from Rhode Island says there will be a deficit. He did not count that. The Senator knows there will be $20,000,000 in just as soon as those duties are paid for the goods now in bond. Why did he not mention it?

What would the authorization of these two additional battle ships call for? Seven million more dollars. Why, we are told that we are going to bankrupt the country with this $7,000,000; but yet we do not hesitate to vote scores of millions of dollars for the improvement of streams, which a few years ago the Senator from Montana [Mr. CARTER] showed were absurd, and in many instances even worse than absurd—far worse. Yet we vote such questionable appropriations without winking an eye; but when we propose to give a little money to the Navy, we are in terror of the revenue. That is strange economy.

We must take care of these streams that are not navigable and can never be made so, even if it costs the people tens of millions of dollars; but we can not give $7,000,000 to build up a navy, which the President of the United States says he demands upon his solemn responsibility for the safety of the nation and the peace of the people. Four such battle ships would have prevented the Spanish war and saved us a billion dollars. Yet Senators whose stock in trade is a spurious economy will not take the same precaution now.

It is said that we are keeping pace with the other navies of the world. As a matter of fact, as a matter of a fighting force, with the new, great *Dreadnought* battle ship as the type of battle unit, we are rapidly falling behind. Instead of being the second nation in the world in our naval strength, we are as a fighting force actually the fourth and more nearly the fifth, and my authority for that is a high official in the Navy Department itself.

Well, Mr. President, when we are thus falling behind, when the Commander in Chief of the Army and Navy asks this at our hands "solemnly"—that is the word he uses—when the committee itself brought in a bill which did not even provide for a single ship for a year, does it not occur to Senators that with over $250,000,000 in cash in our hands we ought not to hesitate to hand over $7,000,000 for these two extra battle ships?

I will not stop to quote what the other powers are doing. England with eight *Dreadnoughts* built, building, and authorized; France with twelve *Dreadnoughts* building and authorized; Germany with four *Dreadnoughts* building and authorized and four more every year until 1917, and ourselves with only two, and neither one completed. Senators may talk as much as they please about the impossibility of war. I call attention to the fact that every utterance of my speech was an answer to the declaration, not that we are in danger, but to the declaration of Senators that war is absolutely impossible. They have retreated from that. They now admit that war is possible. Very well. Then, if war is possible, the Navy must be on the basis of that possibility becoming a fact, which I hope never will occur. On your own statements, it is too serious a matter to haggle over.

Talk about appropriations and "this country going bankrupt." Mr. President, our enormous wealth exceeds that of any country in the world. We have $107,000,000,000 of wealth; we have absolutely inestimable resources. We are richer than England and Germany combined. Had we not better use some of that wealth to insure the remainder?

If we build four ships, and it appears that we do not need them so rapidly, we need not build any next year, and no harm will be done; but if it should occur that we do need them, then no mistake has been made and a great disaster may be saved; in other words, there is no danger whatever from building the four ships, but there might be possible danger if we do not, and Senators admit that.

Now, Mr. President, with reference to the educational forces mentioned by the Senator from Iowa [Mr. ALLISON]. Of course that has never yet stopped a conflict. It did not between Germany and France, it did not between Russia and Japan, and it never has done so in any war. I call the attention of the Senator to the fact that, ourselves alone excepted, the greatest educational people in this world—England, Germany, France, and even Japan, which is the most modern of all nations and making the greatest advances in her educational and moral progress—are the very ones that are building the greatest navies.

I shall not detain the Senate much longer. This request for four battle ships is made, and made in unusual form. It is made by the President of the United States, and made by him as Commander in Chief of the Navy—he says so himself. Is that request entitled to any respect? I will read, Senators, just what he said. It is serious language. The Senator from Rhode Island [Mr. ALDRICH] charged me with speaking for the President. I at once replied, as the RECORD shows I said in my original remarks, that I spoke for no one but myself; but here is what the President said, and any Senator can have the same information:

> Under these conditions, to provide for but one or two battle ships a year is to provide that this nation, instead of advancing, shall go backward in naval rank and relative power among the great nations.

Such a course would be unwise for us if we fronted merely on one ocean, and it is doubly unwise when we front on two oceans. As Chief Executive of the nation, and as Commander in Chief of the Navy, there is imposed upon me the solemn responsibility of advising the Congress of the measures vitally necessary to secure the peace and welfare of the Republic in the event of international complications which are even remotely possible. Having in view this solemn responsibility, I earnestly advise that the Congress now provide four battle ships of the most advanced type.

And, Senators, if the President of this country were a Democrat instead of a Republican, and made that appeal, I would gladly yield my judgment as a patriot. [Applause in the galleries.]

Mr. ALDRICH. Mr. President, I should not have taken any of the time of the Senate if it had not been for the statement made by the Senator from Indiana [Mr. BEVERIDGE] that in the remarks I had made on Saturday I had misquoted his statements made on the day before. I repeat deliberately that I did not make a statement or a suggestion or draw an inference from any remarks the Senator made on Friday which was not only justified by what he said, but justified by what appears in the RECORD.

First, I stated that the Senator from Indiana said in terms that if this question were to be discussed in executive session there would be few votes against the proposition for four battle ships, the necessary inference being that that Senator had information upon this subject which other members of the Senate did not possess, but which, if known, would lead them to vote contrary to what their present judgment would be upon the question.

Mr. BEVERIDGE. That is the Senator's version.

Mr. ALDRICH. Now, let us see what the Senator's version is and what he did say, because the RECORD as made up by the Senator is much worse than the statement as I understood it at the time it was made. Let us see what the RECORD shows. The Senator from Indiana said, according to the RECORD—I do not know what the italics mean exactly, as I never happened to see them in a Senator's speech before, so I will not undertake to give any special force to them.

Mr. BEVERIDGE. If the Senator reads that, he ought to read further.

Mr. ALDRICH. The Senator said:

But so far as I am concerned, *I do not think that in this open forum or even in executive session we ought to discuss the probability of conflict with any specific power.* I think if we could freely do so there would not be very many votes against this proposition.

Now, what does that mean? The statement is more dangerous and mischievous in its present form than it was as I understood it to have been made originally.

Mr. BEVERIDGE. Mr. President——

Mr. ALDRICH. I can not yield.

Mr. BEVERIDGE. The Senator ought to read other things that I said.

Mr. ALDRICH. Mr. President, the Senator says here that we should not mention any specific power. He did not say that, as I understood him, in his original proposition.

Mr. BEVERIDGE. Not a word was changed.

Mr. ALDRICH. If there was not a word changed, then I did not understand its full scope and meaning. The statement, I repeat, is much more mischievous than I had supposed.

He says we should not talk about the probability of war with any specific power. He then says if we could freely discuss that precise question there would not be very many votes against the proposition for four battle ships. What is the significance of that statement? If it has any significance at all, it means that there was some specific power the Senator has in his mind, whose attitude was such as to threaten our peaceful relations, and that if this was known by other Senators the vote would be different upon this proposition. If that was not an insinuation or an inference that there was some specific power that was menacing the United States at this time, within the Senator's knowledge, then I do not know the force of the English language.

There is another statement the Senator made as to which he thinks I misquoted him, and that was that Congress had been in the past filching from the American people the sums which have been appropriated for the American Navy. That statement has not been changed in the RECORD.

Mr. BEVERIDGE. Not one statement has been changed.

Mr. ALDRICH. The Senator says "not one statement has been changed." Then I say that I am completely justified in all the statements I made and all the inferences I have drawn. I would say to the Senate that these declarations were not only made by the Senator from Indiana on his responsibility as a Senator, but inferentially as the representative of the Administration. It is true he did not appear here in armor and with the mace of authority in his hands as a militant representative of the President, but he came as an apostolic delegate [laughter] clothed in the flowing robes of peace, and demanding that we should vote for the proposition for four battle ships.

If in the face of the Senator's declaration we should now vote for four battle ships, it would be a confession to all the nations of the world that we did have some sinister purpose in making this appropriation having reference to some specific nation.

One other word, Mr. President. The distinguished Senator from Iowa [Mr. ALLISON] has said that he was in favor of sustaining the American Navy. So am I. I think the character and efficiency of our Navy should always be fully maintained, and I shall vote for this bill with the full knowledge that it will accomplish this purpose. I shall next year vote for two battle ships, or more than two, if they are necessary to maintain the efficiency of the American Navy. I may then vote for a different type from that being authorized to-day. As I said on Friday, this matter of building navies is a matter of evolution. There may not be a Senator here who next year will be in favor of voting for any battle ship of the *Dreadnought* type.

But whatever may be the requirements for the Navy, either for its maintenance or for its necessary extension, I shall be found among the first to vote for whatever is required to secure for the Navy the highest state of efficiency.

Mr. SMITH of Michigan. Mr. President, I do not think the Senator from Rhode Island [Mr. ALDRICH] has done the Senator from Indiana [Mr. BEVERIDGE] justice in his quotations. It was upon my interruption on Saturday, after I had stated my dissent entirely from the view that war was imminent or even remotely possible, that the Senator from Indiana [Mr. BEVERIDGE] replied, "I do not think so either. My argument has been upon the contrary."

Mr. ALDRICH. The quotation which I read is entirely disconnected from any statement or remark of the Senator from Michigan. It had no connection with it. It is entirely in a different part of the Senator's speech.

Mr. SMITH of Michigan. I have read the speech of the Senator from Indiana, and I listened to it with pleasure and with satisfaction.

Mr. ALDRICH. Does the Senator think that I did not read the words the Senator from Indiana used?

Mr. SMITH of Michigan. I think you have unfairly criticised the Senator from Indiana for his utterances.

Mr. ALDRICH. Does the Senator think that the language which I used is not contained in the Senator's speech?

Mr. SMITH of Michigan. I do not dispute the Senator's quotation, but I say he put a wrong interpretation upon the language of the Senator from Indiana.

The American people are accustomed to listen to the Senator from Indiana, and recognize his brilliant attainments. There is not a Senator upon this side of the Chamber who does not recognize his ability when help is needed in elections and campaigns. He is able to state his views then to your satisfaction, and sometimes to your advantage. It is his ability and his character and courage that have again and again come to the rescue of Senators in doubtful States when their elections were pending. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair will admonish the occupants of the galleries that applause is not permitted under the rules of the Senate, and if it is repeated the Chair will entertain a motion to clear the galleries.

Mr. SMITH of Michigan. We have heard a great deal of talk about war in the last few days, but, so far as my ears have been my guide, there has been more talk about war by those ultra-conservative Senators opposed to this amendment than from those who favor it.

Is the President of the United States in favor of war? Everyone here knows he is not. Senators have risen here and quoted again and again, with approval, from his wise advice of two years ago. If he was wise then, may he not be wise now? He still is President of our country and fills that exalted station with a wonderful personality, and is entitled to respect, especially when he is specifically charged under the Constitution with the control and direction of the Navy.

Mr. President, I will not permit any Senator to array me against the President or against the Naval Committee. I have great respect for both. Both perform their proper functions under the Constitution. No one usually follows more willingly than I the wise counsel of the distinguished Senator from Maine [Mr. HALE].

The State from which I come rejoices in his legislative achievements as much as his own. His poise, his conservatism, his great ability, and his faithfulness to duty are the common heritage of the American people; but because he finds himself in difference with the President of the United States, there is no special reason why we may not likewise differ with the

distinguished Senator, without disrespect or ill will, I have never hesitated to controvert the President's views upon questions of principle with which we were not in accord, but this is purely a question of policy and his judgment may be best.

I said last Saturday, and I repeat, that I would not vote for a single additional ship of war upon the theory that war is imminent. I do not believe it to be even remotely possible. But I am going to vote for this amendment because the President of the United States, who is deemed wise enough at least to hold his great office and fortunate enough to enjoy the respect and confidence of the American people, urges this amendment upon us. He may have some information of his own, which he has not seen fit to communicate to us, affecting the diplomatic relations of our country with the world, which he thinks this proposition may facilitate.

I will vote for it for another reason. I believe this to be the most opportune time that has existed for years to order ships of war. I believe that a better and more advantageous arrangement can be made to-day than could have been made at any previous time in a decade. Our experience with reference to public building material and work upon the Panama Canal has taught us this. Is it not the province of the Government to take advantage of the situation? Other countries are doing it. Germany's new finance minister faces a deficit as large as our own at this moment, and yet her naval programme goes on unchecked. She has just selected with great care an experienced financier to take charge of her financial affairs on the theory that he can work the country out of a large and growing deficit, but the Germans are taking no backward step.

Mr. President, as a Republican, believing in the principles of my party and with faith in my country, and without the slightest disposition to apologize for what we have done or to take a single backward step in our economic policy, I refuse to subscribe to the idea that the American people have entered upon a period of decay and that we must forsake the plans which seem to be wise and proper in the estimation of our Chief Executive. No, Mr. President; I will vote for four battle ships, because I have confidence in his judgment and believe in his wisdom and patriotism. I will vote for four ships because I believe this to be an opportune time to make the arrangement.

The Senator from Rhode Island knows that these ships are not to be paid for out of this year's revenue or next year's revenue or the year following. This is a mere authorization, vesting in the Secretary of the Navy large discretionary power as to when he will order the ships and the plans of construction, and I see no grim foreboding of disaster to my country if I vote in favor of the amendment.

Mr. HALE. Mr. President, the Senate, I can plainly see, desires a vote on this matter, and I shall not keep it long.

I am a little impatient at the assumption that in this matter the public sentiment, the people, the interests of the Republic demand four ships. That need not be purely a matter of conjecture. The same impassioned appeal that has been made by the Senator from Indiana [Mr. BEVERIDGE] for four battle ships was made by his—I will not say counterpart, but in the same way before that great tribunal which considers and acts at the other end of the Capitol. The appeal was the same; the citations were the same; the figures were the same, and that great legislative tribunal, fresh from the people, immediately to go again to the people, sounded its note of decision in no doubtful voice. I am impatient, in view of that, of the assumption that we or any of us who are opposed to four ships, are voting against the people and the interests of the people.

Mr. President, I do not need to spend any time upon the war scare that has been invoked here and has absolutely vanished and faded away in the discussion. I do not put my belief that there is no danger of conflict or friction with Japan either upon the condition of her finances or her necessities. I put it higher than that. There has been no note of expression from that great people, either by her ambassador here or by any communication with our State Department, that has not been opposed to all this. I found my belief that there is no danger of conflict with Japan upon the self-restraint and the high character and spirit of the diplomacy that Japan has shown ever since it began to be mooted that there might be danger with her, and because of this most conservative and satisfactory and peaceful attitude of Japan I do not distrust her and see no occasion to distrust her.

There is another reason why all this which has been and was at first in this debate urged has left no impression on my mind, and that is the direction of our side of the negotiations and dealings that have taken place with the Empire of Japan under that great and conservative and safe administrator, the Secretary of State. I trust him. I believe in his conservatism. I believe that in this he meets Japan half way. He has told us, Mr. President, that not only now, but that heretofore, there has never been friction, and his last utterance is to the effect that he apprehends no danger.

Mr. President, in that great atmosphere of established peace and established peaceful relations which has been fixed by the Japanese Empire and the Secretary of State no rude voice from this Chamber can interfere that will be mischievous. It will die out because of this discussion. It has disappeared. The Senators who invoked the specter of war have disappeared from the stage. The specter of war itself has disappeared, and there is no discordant note left before the Senate.

I am glad, Mr. President, of this discussion. I think it may be a demonstration that the high-water mark of what may be called the war element, the jingo element, has been reached, and that calmness will prevail and has prevailed. I am willing, with this confidence that animates me, without taking more time of the Senate, as 6 o'clock has been reached, that the Senate shall vote upon this proposition.

The VICE-PRESIDENT. The Chair calls the attention of the Senate to an amendment proposed by the Senator from Nevada [Mr. NEWLANDS] in the nature of a substitute for the amendment proposed by the Senator from Washington [Mr. PILES]. But it is addressed to a different part of the bill than the point to which the pending amendment is directed.

Mr. HALE. I hope we may have a direct vote.

Mr. NEWLANDS. I will offer the amendment at the appropriate place.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. PILES], which will be stated.

The SECRETARY. On page 85, line 17, before the words "first-class battle ships," it is proposed to strike out "two" and insert "four," so that if amended it will read:

The President is hereby authorized to have constructed four first-class battle ships to cost, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated.

Mr. BEVERIDGE and Mr. PILES called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this vote, and I think on one other, I am paired with the senior Senator from Arkansas [Mr. CLARKE]. If he were present, I should vote "nay."

Mr. CLAY. I have been requested to state, by the Senator from Arkansas [Mr. CLARKE], that if he were present on this amendment he would vote "yea."

Mr. BURROWS (when his name was called). The Senator from Illinois [Mr. HOPKINS] was called from the Senate last Saturday, and I agreed to pair with him. I should like to inquire if a pair has been arranged for him?

Mr. ALDRICH. One has been.

Mr. BURROWS. A pair has been arranged. I want to state for the Senator that if he were present he would vote "yea" on this proposition. I vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer the pair to the Senator from North Dakota [Mr. HANSBROUGH], and will vote. I vote "nay."

Mr. BEVERIDGE. The Senator from North Dakota is present.

Mr. GAMBLE. The senior Senator from North Dakota is present and expects to vote.

Mr. BEVERIDGE. He expects to vote.

Mr. CULLOM. I did not know that. I withdraw my vote and will stand paired with the Senator from Virginia.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY.]

Mr. BEVERIDGE. I am in possession of a telegram sent by the Senator from Louisiana [Mr. MCENERY] to the Senator from Kentucky [Mr. MCCREARY] saying "I favor four battle ships." By agreement with the Senator from Minnesota [Mr. CLAPP] the pair of the Senator from New York is transferred to him. The Senator from Minnesota and I have agreed to that, and the Senator therefore is released, and the Senator from Minnesota, who has voted, has agreed——

Mr. ALDRICH. I would suggest that the Senator from Virginina [Mr. MARTIN] is absent without a pair, and he can be paired with the Senator.

Mr. BEVERIDGE. No; the Senator from Virginia [Mr. MARTIN] is paired with the Senator from Illinois [Mr. CULLOM].

Mr. ALDRICH. But they would vote the same way on this proposition.

Mr. GALLINGER. Discussion is out of order, Mr. President.

Mr. KEAN. Regular order.

The VICE-PRESIDENT. Discussion is out of order.

Mr. CULLOM. I have a general pair with the Senator from Virginia [Mr. MARTIN], and supposing the Senator from North Dakota [Mr. HANSBROUGH] was not here I proposed to transfer my pair to him. But he being present, I have withdrawn my vote and stand paired with the junior Senator from Virginia [Mr. MARTIN], unless it is perfectly certain that he would vote the same way that I would.

The VICE-PRESIDENT. The Secretary will proceed with the calling of the roll.

Mr. BEVERIDGE. The Senator from New York [Mr. DEPEW] stands regularly paired with the Senator from Louisiana [Mr. MCENERY]. By the transfer of the pair with the Senator from Louisiana to the Senator from Minnesota the Senator from New York is released from his pair and can vote. The Senator from Minnesota will withdraw his vote.

Mr. DEPEW. The Senator from Minnesota has voted.

Mr. BEVERIDGE. Yes; but he is willing to withdraw his vote because of the arrangement——

Mr. CLAPP. The Senator from Indiana is entirely mistaken. My pair is with the Senator from North Carolina [Mr. SIMMONS], and I have voted "nay." Now, in order to facilitate the preparation of the record, and that all present may vote, I have no objection to any arrangement that may be made.

The VICE-PRESIDENT. The Chair will state that this discussion is out of order.

Mr. ALDRICH. Regular order.

Mr. BEVERIDGE. This is a matter of personal privilege, then. I ask the Senator if I can not make this arrangement——

Mr. TELLER. I call for the regular order.

The VICE-PRESIDENT. The Secretary will proceed with the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. DEPEW (when his name was called). I am paired, unless relieved from that pair, under a general pair covering the whole session, with the Senator from Louisiana [Mr. MCENERY].

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained from the Senate by illness, as we all know. But an arrangement has been made upon this vote by which my pair is transferred to the junior Senator from Florida [Mr. MILTON]. I am therefore at liberty to vote. I vote "nay."

Mr. DANIEL (when Mr. DOLLIVER's name was called). The Senator from Maryland [Mr. RAYNER] authorizes me to state that he is paired with the Senator from Iowa [Mr. DOLLIVER]. If the Senator from Maryland were here and not paired, he would vote "nay."

Mr. KEAN (when Mr. ELKINS's name was called). The Senator from West Virginia [Mr. ELKINS] asked me to state his pair with the Senator from Texas [Mr. BAILEY].

Mr. FRAZIER (when his name was called). I have a standing pair with the Senator from South Dakota [Mr. KITTREDGE]. I am advised that if he were present he would vote as I shall vote. I will therefore vote. I vote "nay."

Mr. NELSON (when Mr. KITTREDGE's name was called). If the Senator from South Dakota [Mr. KITTREDGE] were present, he would vote "nay."

Mr. MILTON (when his name was called). I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present I should vote "yea."

Mr. CULBERSON (when Mr. RAYNER's name was called). The Senator from Maryland [Mr. RAYNER] is paired with the Senator from Iowa [Mr. DOLLIVER]. If the Senator from Maryland were here he would vote "nay."

Mr. KEAN (when Mr. SCOTT's name was called). I desire to state that the Senator from West Virginia [Mr. SCOTT] is paired with the Senator from Mississippi [Mr. MCLAURIN].

Mr. TALIAFERRO (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. SCOTT]. That pair has been transferred to the Senator from Mississippi [Mr. MCLAURIN] and I will vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. I am informed that I can transfer my pair with the Senator from Virginia [Mr. MARTIN] to the Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

The result was announced—yeas 23, nays 50, as follows:

YEAS—23.

Ankeny	Burkett	Heyburn	Smith, Mich.
Beveridge	du Pont	Lodge	Smoot
Borah	Flint	McCreary	Sutherland
Bourne	Fulton	Owen	Taylor
Briggs	Gamble	Paynter	Warner
Brown	Hansbrough	Piles	

NAYS—50.

Aldrich	Cullom	Gore	Perkins
Bacon	Curtis	Guggenheim	Platt
Bankhead	Daniel	Hale	Richardson
Brandegee	Davis	Hemenway	Simmons
Bulkeley	Dick	Johnston	Stephenson
Burnham	Dillingham	Kean	Stewart
Burrows	Dixon	Long	Stone
Carter	Foraker	McCumber	Taliaferro
Clapp	Foster	Money	Teller
Clark, Wyo.	Frazier	Nelson	Warren
Clay	Frye	Newlands	Wetmore
Crane	Gallinger	Nixon	
Culberson	Gary	Overman	

NOT VOTING—19.

Allison	Elkins	McEnery	Rayner
Bailey	Hopkins	McLaurin	Scott
Clark, Ark.	Kittredge	Martin	Smith, Md.
Depew	Knox	Milton	Tillman
Dolliver	La Follette	Penrose	

So Mr. PILES's amendment was rejected.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 87, after line 5, insert:

For an auxiliary navy consisting of transports, colliers, scouts, dispatch boats, and other vessels necessary in aid of the fighting ships in case of war, $20,000,000, and the Secretary of the Navy, the Secretary of Commerce and Labor, and the Postmaster-General are hereby constituted a commission to recommend to Congress a plan for utilizing such ships in times of peace.

Mr. HALE. I am constrained to make the point of order against the amendment. It is a scheme of general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken and therefore sustains the point of order.

Mr. MONEY. I desire to offer an amendment to be put in the bill at the proper place. I send it to the desk and ask to have it read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 88, line 3, after the word "delivery," insert:

That all material used in the construction of the vessels authorized or provided by this act, whether in Government navy-yards or by contract, may be purchased abroad and admitted free of all duty, and shall be of American product and manufacture.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. MONEY. Mr. President, I do not want to detain the Senate at this late hour——

Mr. HALE. Let me say to the Senator——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. MONEY. Certainly.

Mr. HALE. I will not move to lay the amendment on the table, but I will ask the Senator to bear in mind that the order of the Senate provided that we should finish the bill to-day.

Mr. MONEY. I understand that, and I should like to have the amendment considered. Nevertheless, the day is not expired yet, and we can have a little more patience.

I wish to say, Mr. President, that I offered this amendment as in Committee of the Whole, and I was assured by the Senator from Maine that it was substantially the law as it has been for some time.

He was sustained in that statement by the Senator from Nebraska [Mr. BURKETT]. I was not willing to set up my memory in opposition to the statement of two gentlemen of such distinguished character and familiar with the bill, as I was not. But, still thinking that I was right about it, I had the books consulted, and I find there is not any such law on the books, and never has been. We are acting under the act of August 3, 1886, and that positively prohibits the purchase of any material manufactured abroad. Not only that, but the act of the next year, making an appropriation for the Navy, repeated the law with some emphasis.

As the whole of the debate has turned upon the expenses of this appropriation, and you can say that the fight between four battle ships and two battle ships turned almost exclusively at its conclusion upon the point of expense, here is an opportunity for the Senate to have the battle ships built at very much less cost than if we proceed under the law as it now stands. It seems to me that every man who has made an argument in favor of economy and has cited the declining revenues of the country and also the deficit, which now amounts to $47,000,000, and by the end of the fiscal year will amount to about sixty-eight or sixty-nine million dollars, can well consider this proposition that will relieve the bill of a great deal of expense. Therefore, I ask that the amendment be adopted by the Senate.

Mr. HALE. The Senator's proposition was voted down in Committee of the Whole, I understand, and the bill has not yet

reached the Senate. I suppose the Senator can offer it in the Senate.

Mr. MONEY. This proposition was not voted upon. The proposition was withdrawn, and it was not voted on at all. It was withdrawn by me in deference to the statement made by the Senator from Maine and the Senator from Nebraska.

I find that both those gentlemen were entirely mistaken. The law is exactly contrary to what they said. I will add further that, not content with that, I communicated by telephone with the Bureau of Construction, and they state that under the present law and under this bill they could not buy a pound of material abroad, even of American manufacture.

Mr. HALE. The amendment is clearly subject to a point of order.

Mr. MONEY. In what respect? It reduces expenditures, and it is germane to the bill.

Mr. HALE. But it changes the law. The Senator himself has made the point that the law forbids it now.

Mr. MONEY. I do not understand that the rule prohibits an amendment which reduces expenses.

Mr. HALE. Yes; if it changes the law, it does. I did not make the point of order because it was my impression that there is no existing law on the subject, and I still think so; but if the Senator is right and there is a law that it can not be done, then the amendment is clearly subject to the point of order.

Mr. MONEY. The law says that all the material purchased for the construction of the Navy must be of American manufacture, and stops at that. This is a provision permitting the products of American manufacture to be bought in any part of the world, and to be admitted free of duty, but they must be of American manufacture.

Mr. HALE. Then, Mr. President, on that statement it is a question for the Senate to decide. The Senator bears out my position the other day. There is no law on the subject, and therefore it is not subject to the point of order, but it is a matter for the Senate in its wisdom to determine. Unless the Senator desires to debate it further, I will move to lay the amendment on the table, or we can take a vote direct on his proposition.

Mr. MONEY. I have no desire to continue the debate at this late hour. The Senate understands what all this means. I ask the Senator to permit me to have a yea-and-nay vote on the proposition, and there will then be no necessity for a vote to lay it on the table.

Mr. HALE. If the Senator makes that request, it is very late, and I will agree to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. MONEY. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I have transferred that pair to the Senator from Pennsylvania [Mr. PENROSE], and I will vote. I vote "nay."

Mr. DANIEL (when his name was called). The Senator from North Dakota [Mr. HANSBROUGH] seems to be absent. I decline to vote, having a general pair with him. Otherwise I would vote "yea."

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY], and therefore I withhold my vote.

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN], as before announced, I am compelled to withhold my vote.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I should vote "yea" if he were present.

Mr. TALIAFERRO (when his name was called). I again announce my pair with the Senator from West Virginia [Mr. SCOTT], and the transfer of my pair to the Senator from Mississippi [Mr. MCLAURIN]. Therefore I will vote. I vote "yea."

The roll call was concluded.

Mr. LONG. On this vote, as on the previous vote, the Senator from Iowa [Mr. ALLISON] is paired with the senior Senator from Arkansas [Mr. CLARKE]. If he were present he would vote "nay."

The result was announced—yeas 18, nays 41, as follows:

YEAS—18.

Bacon	Foster	McCreary	Paynter
Bankhead	Frazier	Milton	Simmons
Clay	Gary	Money	Taliaferro
Culberson	Gore	Newlands	
Davis	Johnston	Overman	

NAYS—41.

Aldrich	Crane	Hemenway	Smoot
Ankeny	Cullom	Heyburn	Stephenson
Bourne	Curtis	Kean	Stewart
Brandegee	Dick	Lodge	Sutherland
Briggs	du Pont	Long	Teller
Brown	Flint	McCumber	Warner
Bulkeley	Foraker	Nelson	Warren
Burnham	Gallinger	Perkins	Wetmore
Burrows	Gamble	Piles	
Carter	Guggenheim	Richardson	
Clapp	Hale	Smith, Mich.	

NOT VOTING—33.

Allison	Dillingham	Knox	Rayner
Bailey	Dixon	La Follette	Scott
Beveridge	Dolliver	McEnery	Smith, Md.
Borah	Elkins	McLaurin	Stone,
Burkett	Frye	Martin	Taylor
Clark, Wyo.	Fulton	Nixon	Tillman
Clarke, Ark.	Hansbrough	Owen	
Daniel	Hopkins	Penrose	
Depew	Kittredge	Platt	

So Mr. MONEY's amendment was rejected.

Mr. CULBERSON. Mr. President, I offer an amendment to the bill. It was read on Saturday last.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section at the end of the bill the following:

SEC. —. That none of the amounts herein appropriated for construction shall be expended where any laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work except upon permission granted by the Secretary of the Navy during time of war or a time where war is imminent, or where any great national emergency exists: *Provided*, That the contractor contracting with the United States shall, in the event of the violation of said covenant as to hours of labor, forfeit to the United States the sum of $5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract.

Mr. HALE. I make the point of order that the amendment proposes a general scheme of legislation.

Mr. CULBERSON. I recognize, of course, that the point of order, if insisted upon, is well taken, but I hope the Senator from Maine will give us an opportunity to pass upon this question.

The VICE-PRESIDENT. Does the Senator from Maine insist upon his point or order?

Mr. HALE. Yes, Mr. President.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and, therefore, sustains the point of order.

Mr. DICK. Mr. President——

Mr. HALE. I understand the Senator from Ohio wishes to correct an amendment that was adopted some days ago.

Mr. DICK. I do. On Thursday the Senate adopted an amendment which I sent to the desk, providing for the payment of six months' pay to the widows of enlisted men and officers of the Navy. In the amendment which I sent to the desk the enlisted men and officers of the Marine Corps were included, but upon the misapprehension that they had been provided for in a like amendment adopted on the Army appropriation bill, we struck out the Marine Corps. Upon examination we find that the Marine Corps was not provided for in the Army appropriation bill; and in order that the correction may be made, I move to reconsider the vote by which the committee amendment on page 3 was agreed to as amended.

Mr. HALE. Mr. President, there is no objection to that.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio to reconsider the vote by which the amendment of the committee on page 3 as amended was agreed to.

The motion was agreed to.

Mr. DICK. I now offer the amendment which I send to the desk as an amendment to the committee amendment as amended.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "Navy," at the end of the committee amendment on page 3, line 24, it is proposed to insert the words "and Marine Corps," and after the word "Navy," where it occurs at the end of the amendment as amended, it is proposed to insert the words "and Marine Corps."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. Now, Mr. President, there is only one more formal amendment, and I offer it now.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 86, at the end of line 5, it is pro-

posed to strike out the period, insert a comma and the words "to be built by contract, not more than two by any one contractor."

The amendment was agreed to.

Mr. GORE. Mr. President, in order to protect our merchant marine, I move to amend the amendment of the committee on page 87, line 7, by striking out the words "of American registry."

The VICE-PRESIDENT. The amendment is not in order at the present time. The amendment will be in order when the bill reaches the Senate. It would be necessary to reconsider the vote by which the amendment of the committee was agreed to in order to consider the Senator's amendment at this time.

Mr. HALE. The Senator can offer the amendment when the bill shall have been reported to the Senate.

Mr. GORE. Then I withdraw the amendment for the present.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. GORE. I now offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 87 in the committee amendment, line 7, after the words "steam colliers," it is proposed to strike out the words "of American registry."

Mr. HALE. Mr. President, that is the present law. I make the point of order against the amendment.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken and therefore sustains the point of order.

Mr. TALIAFERRO. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 33, line 12, after the word "dollars," it is proposed to insert the following paragraph:

Navy-yard in Key West, Fla.: For foundry, $60,000.

Mr. HALE. There is no objection to that.

The amendment was agreed to.

Mr. GORE. I move to strike out the words "at least one of said vessels shall be built in the navy-yard" and substitute the words "both be built."

The VICE-PRESIDENT. Will the Senator from Oklahoma please state where the proposed amendment should come in?

Mr. GORE. I move to strike out the words requiring that at least one of said vessels—I do not remember just the language now—shall be constructed in navy-yards and substitute the words "both of said vessels." I understand the bill provides that one of the vessels can be let under contract, the other to be constructed in a navy-yard of the United States.

Mr. HALE. Does the Senator refer to colliers or battle ships?

Mr. GORE. To battle ships.

Mr. HALE. I move to lay the amendment on the table.

The motion was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 21003) fixing the compensation of certain officials in the customs service, and for other purposes, in which it requested the concurrence of the Senate.

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. JOHN T. MORGAN and Hon EDMUND W. PETTUS, late Senators from the State of Alabama.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of the State of Ohio, which was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the RECORD, as follows:

Joint resolution (S. R. 57) asking Congress to provide for a national bureau of health.

Whereas the health of the nation is of paramount importance, and "our national health is physically our greatest national asset" (President Roosevelt); and

Whereas in the growth of nations it inevitably happens that the people are massed in large centers, thereby, if uncontrolled, creating insanitary conditions destructive of life and health; and

Whereas such conditions can be removed and prevented only by the intelligent care and oversight of public-health officials endowed with broad powers and necessary means for action; and

Whereas in the prevention of disease by the enforcement of health measures by local officials in both urban and rural districts adequate results can be obtained only when such measures are soundly based upon well-substantiated facts and observation in relation to sanitation and hygiene; and

Whereas the United States Government, in ways impossible for the State and municipality, may gather information and conduct research work to determine the causes of disease and the best measures for their prevention, and by cooperation with State and local authorities may promote the health of all the people; and

Whereas the President, in his Provincetown speech, expressed the hope "that there will be legislation increasing the power of the National Government to deal with certain matters concerning the health of our people everywhere:" Therefore be it

Resolved by the general assembly of the State of Ohio, That the Congress of the United States be, and it is hereby, memorialized and urged to create and establish a national bureau of health, and endow it with power and funds commensurate with the highly important duties with which it will necessarily be intrusted; and be it further

Resolved, That the Senators and Members of the House of Representatives from Ohio in Congress of the United States be, and they are hereby, requested to urge the establishment of said proposed bureau of health.

Resolved, That the secretary of state of Ohio transmit immediately upon the passage of this resolution a copy thereof to the Senate and House of Representatives of the United States and to each of the Representatives of Ohio therein.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President of the Senate.

Adopted March 5, 1908.

The VICE-PRESIDENT presented a petition of sundry citizens of Princeton, Ind., and a petition of sundry citizens of Akron, Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Georgia Federation of Women's Clubs, of Athens, Ga., praying for the enactment of legislation providing for the prevention of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Doctor Douglas Hyde Branch Sinn Fein, of Lynn, Mass., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented a memorial of Kennebec Local Union, No. 73, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Madison, Me., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the Academy of National Sciences of Philadelphia, Pa., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. BURKETT presented a petition of the Woman's Club of Omaha, Nebr., praying for the enactment of legislation providing for an investigation of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Retail Grocers' Association of the District of Columbia, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. STEWART presented a petition of sundry citizens of Lyndonville, Vt., and an petition of sundry citizens of Barre, Vt., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented petitions of sundry citizens of Cumberland and Baltimore, and of sundry trade and labor organizations of Cumberland, all in the State of Maryland, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of the Associated Press, of New York City, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the Emmet Club, of Tarrytown, N. Y., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented a petition of the Flushing Association, of Flushing, N. Y., praying for the enactment of legislation providing for the preservation of the natural resources of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Lancaster, Depew, New York City, Poughkeepsie, Corning, Tarrytown, and

Cohoes; of the United Brotherhood of Carpenters and Joiners of Ilion; of the Bricklayers and Masons' International Union, of Elmira; of the Journeymen Tailors' Union, of Elmira; of the Blacksmiths' Union, of Elmira; of the Amalgamated Sheet Metal Workers' International Alliance, of Elmira; of the International Union of Journeymen Horseshoers, of Elmira; of the Iron Molders' Union of Elmira; of the Brotherhood of Locomotive Firemen and Enginemen, of Elmira, and of the Central Trade and Labor Council, of Olean, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which which were referred to the Committee on the Judiciary.

Mr. HEMENWAY presented petitions of the Central Trades Council of Marion, of sundry citizens of Muncie, and of the Trades Assembly of Logansport, all in the State of Indiana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Mr. LONG introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6841) granting an increase of pension to Joseph W. B. McClintock;

A bill (S. 6842) granting an increase of pension to John W. Knapp;

A bill (S. 6843) granting an increase of pension to Andrew C. McMaken.

Mr. DANIEL introduced a bill (S. 6844) to amend section 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, which was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. DANIEL submitted an amendment proposing to appropriate $10,000 for rent of temporary quarters for post-office purposes at Richmond, Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to amend the act of June 22, 1874, by inserting "and the collector of customs for the district of Georgetown, in the District of Columbia," intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS PUBLIC-BUILDINGS BILL.

Mr. HEMENWAY submitted an amendment proposing to appropriate $20,000 to purchase a site for the erection of a post-office building at Frankfort, Ind., intended to be proposed by him to the omnibus public-buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

HOUSE BILL REFERRED.

H. R. 21003. An act fixing the compensation of certain officials in the customs service, and for other purposes, was read twice by its title and referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 5126) to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 5262. An act to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes;

S. 6028. An act to provide for safety of life on navigable waters during regattas or marine parades;

H. R. 603. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 15219. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909; and

S. R. 48. Joint resolution instructing the Attorney-General to institute certain suits, and so forth.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. Mr. President, I move that the Senate proceed to consideration of the bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes.

The motion was agreed to.

Mr. GALLINGER. The bill can be laid aside temporarily. I will call it up in the morning.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the bill be laid aside temporarily. In the absence of objection, it is so ordered. The Chair lays before the Senate a message from the President of the United States.

Mr. ALDRICH. I would suggest that the reading of the message go over until to-morrow morning, as the hour is late and there are but few Senators now present.

Mr. LODGE. It has been given to the press.

Mr. TELLER. That will not make any difference.

Mr. FORAKER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 28, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 27, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

FORT LAWTON MILITARY RESERVATION, WASH.

The SPEAKER. The question is on agreeing to the motion to suspend the rules and pass the bill (S. 5126), to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation at Fort Lawton, Wash., and through the reservations for the Lake Washington Canal.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum. The point is sustained. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, and the question will be taken on the motion to suspend the rules and pass the bill. The Clerk will call the roll.

The question was taken, and there were—yeas 250, nays 2, answered "present" 17, not voting 118, as follows:

YEAS—250.

Adair	Cook, Colo.	Foulkrod	Howell, N. J.
Adamson	Cooper, Pa.	Fowler	Howland
Aiken	Cooper, Wis.	French	Hubbard, W. Va.
Alexander, Mo.	Cousins	Fuller	Hughes, N. J.
Allen	Cox, Ind.	Fulton	Hull, Tenn.
Ames	Cravens	Gaines, Tenn.	Humphrey, Wash.
Andrus	Crawford	Gardner, Mich.	James, Ollie M.
Ansberry	Crumpacker	Garner	Jenkins
Anthony	Currier	Gilhams	Johnson, Ky.
Bartholdt	Cushman	Gill	Johnson, S. C.
Bates	Dalzell	Gillespie	Jones, Wash.
Beale, Pa.	Darragh	Godwin	Kahn
Beall, Tex.	Davenport	Gordon	Keliher
Bell, Ga.	Davidson	Graff	Kennedy, Iowa
Birdsall	Davis, Minn.	Granger	Kennedy, Ohio
Bonynge	Dawson	Gregg	Kinkaid
Booher	De Armond	Griggs	Knapp
Bowers	Denver	Gronna	Knopf
Boyd	Diekema	Hackett	Knowland
Brantley	Dixon	Hackney	Küstermann
Brownlow	Douglas	Hale	Lamar, Mo.
Brundidge	Draper	Hall	Lamb
Burgess	Driscoll	Hamill	Laning
Burleigh	Durey	Hamilton, Iowa	Lawrence
Burleson	Dwight	Hamilton, Mich.	Lee
Burnett	Ellerbe	Hammond	Lenahan
Burton, Del.	Ellis, Mo.	Harding	Lever
Byrd	Englebright	Haskins	Lewis
Calder	Esch	Haugen	Lindbergh
Calderhead	Fairchild	Hawley	Lloyd
Campbell	Favrot	Hay	Loudenslager
Candler	Ferris	Hayes	Lovering
Capron	Finley	Heflin	McGavin
Carter	Fitzgerald	Helm	McKinney
Chaney	Flood	Henry, Conn.	McLachlan, Cal.
Chapman	Floyd	Henry, Tex.	McMillan
Clark, Fla.	Fordney	Higgins	McMorran
Clark, Mo.	Fornes	Hinshaw	Macon
Clayton	Foss	Hitchcock	Madden
Cole	Foster, Ill.	Holliday	Madison
Conner	Foster, Ind.	Houston	Malby

Mann	Payne	Saunders	Sulzer
Marshall	Perkins	Scott	Tawney
Miller	Pollard	Sheppard	Taylor, Ala.
Moon, Pa.	Porter	Sherley	Taylor, Ohio
Moon, Tenn.	Pray	Sherwood	Thistlewood
Moore, Pa.	Prince	Sims	Thomas, N. C.
Moore, Tex.	Pujo	Slemp	Tou Velle
Morse	Rainey	Small	Townsend
Mouser	Randell, Tex.	Smith, Cal.	Underwood
Murdock	Ransdell, La.	Smith, Iowa	Volstead
Needham	Rauch	Smith, Mo.	Wanger
Nelson	Reeder	Smith, Tex.	Watson
Norris	Reid	Southwick	Webb
Nye	Reynolds	Sparkman	Weeks
O'Connell	Richardson	Sperry	Wheeler
Olcott	Robinson	Spight	Williams
Overstreet	Rodenberg	Stafford	Wilson, Ill.
Page	Rothermel	Steenerson	Wilson, Pa.
Parker, N. J.	Russell, Mo.	Stephens, Tex.	Wood
Parker, S. Dak.	Russell, Tex.	Sterling	Young
Parsons	Ryan	Sturgiss	
Patterson	Sabath	Sulloway	

NAYS—2.

Ashbrook	Cooper, Tex.

ANSWERED "PRESENT"—17.

Bartlett, Ga.	Hamlin	Kimball	Slayden
Bennet, N. Y.	Hardwick	McDermott	Talbott
Gaines, W. Va.	Hardy	McGuire	
Garrett	Harrison	Shackleford	
Goebel	Humphreys, Miss.	Sherman	

NOT VOTING—118.

Acheson	Edwards, Ga.	Kitchin, Claude	Olmsted
Alexander, N. Y.	Edwards, Ky.	Kitchin, Wm. W.	Padgett
Bannon	Ellis, Oreg.	Lafean	Pearre
Barchfeld	Fassett	Lamar, Fla.	Peters
Barclay	Focht	Landis	Pou
Bartlett, Nev.	Foster, Vt.	Langley	Powers
Bede	Gardner, Mass.	Lassiter	Pratt
Bennett, Ky.	Gardner, N. J.	Law	Rhinock
Bingham	Gillett	Leake	Riordan
Boutell	Glass	Legare	Roberts
Bradley	Goldfogle	Lilley	Rucker
Brodhead	Goulden	Lindsay	Smith, Mich.
Broussard	Graham	Littlefield	Snapp
Brumm	Greene	Livingston	Stanley
Burke	Haggott	Longworth	Stevens, Minn.
Burton, Ohio	Hepburn	Lorimer	Thomas, Ohio
Butler	Hill, Conn.	Loud	Tirrell
Caldwell	Hill, Miss.	Lowden	Vreeland
Carlin	Hobson	McCall	Waldo
Cary	Howard	McCreary	Wallace
Caulfield	Howell, Utah	McHenry	Washburn
Cockran	Hubbard, Iowa	McKinlay, Cal.	Watkins
Cocks, N. Y.	Huff	McKinley, Ill.	Weems
Cook, Pa.	Hughes, W. Va.	McLain	Weisse
Coudrey	Hull, Iowa	McLaughlin, Mich.	Wiley
Craig	Jackson	Maynard	Willett
Davey, La.	James, Addison D.	Mondell	Wolf
Dawes	Jones, Va.	Mudd	Woodyard
Denby	Keifer	Murphy	
Dunwell	Kipp	Nicholls	

So the motion was agreed to.

The Clerk announced the following pairs:

For the day:

Mr. POWERS with Mr. PRATT.

Mr. MCGUIRE with Mr. STANLEY.

Until April 28:

Mr. LOWDEN with Mr. HARRISON.

Mr. CAULFIELD with Mr. HARDY.

Until Wednesday:

Mr. VREELAND with Mr. PADGETT.

Mr. HILL of Connecticut with Mr. GLASS.

Until further notice:

Mr. BARCHFELD with Mr. CARLIN.

Mr. BARCLAY with Mr. COCKRAN.

Mr. BURKE with Mr. CRAIG.

Mr. CARY with Mr. GOLDFOGLE.

Mr. COOK of Pennsylvania with Mr. JONES of Virginia.

Mr. DENBY with Mr. KIPP.

Mr. GILLETT with Mr. CLAUDE KITCHIN.

Mr. GRAHAM with Mr. LEAKE.

Mr. DAWES with Mr. LINDSAY.

Mr. HOWELL of Utah with Mr. MCDERMOTT.

Mr. HUFF with Mr. MCLAIN.

Mr. OLMSTED with Mr. MURPHY.

Mr. LAFEAN with Mr. MAYNARD.

Mr. LONGWORTH with Mr. NICHOLLS.

Mr. MCKINLEY of Illinois with Mr. RHINOCK.

Mr. MCLAUGHLIN of Michigan with Mr. SHACKLEFORD.

Mr. SMITH of Michigan with Mr. CALDWELL.

Mr. WALDO with Mr. WOLF.

Mr. ALEXANDER of New York with Mr. BRODHEAD.

Mr. DENBY with Mr. WILLETT.

Mr. BEDE with Mr. HILL of Mississippi.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. FASSETT with Mr. HARDWICK.

Mr. GAINES of West Virginia with Mr. RUCKER.

Mr. MUDD with Mr. WALLACE.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. BENNETT of Kentucky with Mr. EDWARDS of Georgia.

Mr. BINGHAM with Mr. MCHENRY.

Mr. FOSTER of Vermont with Mr. POU.

Mr. COUDREY with Mr. HOBSON.

Mr. GREENE with Mr. LAMAR of Florida.

Mr. MCCREARY with Mr. HOWARD.

Mr. STEVENS of Minnesota with Mr. WEISSE.

Mr. GRAHAM with Mr. PETERS.

Mr. MCKINLAY of California with Mr. GARRETT.

Mr. DUNWELL with Mr. WATKINS.

Mr. FOCHT with Mr. BARTLETT of Nevada.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. PEARRE with Mr. TALBOTT.

Mr. HUGHES of West Virginia with Mr. LEGARE.

Mr. COCKS with Mr. LASSITER.

Mr. BANNON with Mr. DAVEY of Louisiana.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. LANGLEY with Mr. HAMLIN.

Mr. BOUTELL with Mr. WILEY.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RIORDAN.

The result of the vote was announced as above recorded.

The doors were opened.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 603. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

H. R. 12773. An act granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes.

The SPEAKER announced his signature to the enrolled bills and joint resolution of the following titles:

S. 5262. An act to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes.

S. 6028. An act to provide for safety of life on navigable waters during regattas or marine parades.

S. R. 48. Joint resolution instructing the Attorney-General to institute certain suits, and so forth.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. A. P. GARDNER of Massachusetts for the remainder of the session on account of ill health.

INVESTIGATION OF WOOD PULP AND PRINT PAPER.

Mr. CURRIER. Mr. Speaker, I move to suspend the rules and pass the following resolution with a committee amendment.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 350.

Resolved, That the select committee to investigate as to wood pulp and print paper, and for other purposes, shall have authority to have such printing and binding done as it may consider necessary in the conduct of its business; to employ a clerk, messenger, and stenographers, and to incur such other expenses as may be deemed necessary by said committee, and all the expenses of said committee shall be paid out of the contingent fund of the House on the usual vouchers, approved as now provided by law.

The SPEAKER. Is a second demanded?

Mr. BARTLETT of Georgia. Mr. Speaker, I demand a second.

The SPEAKER. Under the rules a second is ordered.

The gentleman from New Hampshire [Mr. CURRIER] is entitled to twenty minutes, and the gentleman from Georgia [Mr. BARTLETT] is entitled to twenty minutes.

Mr. CURRIER. Mr. Speaker, the resolution explains itself. On April 21 the House adopted a resolution providing for the appointment of a special committee to investigate the wood-pulp and print-paper matter, and this resolution simply provides the money absolutely essential to carry on that investigation. I reserve the balance of my time.

Mr. BARTLETT of Georgia. Mr. Speaker, I yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, from this side of the Chamber I think we agree that this committee has been created for the purpose of delay—for dilatory, filibustering purposes, in

order to prevent quick legislative action in producing relief in connection with the wood-pulp and print-paper situation. That quick legislative remedy could be obtained if the Speaker would recognize anybody upon the floor, upon either side, to move to suspend the rules and discharge the Committee on Ways and Means from the further consideration of either of the several bills having free pulp and paper in view, and putting it under suspension of the rules upon its passage through the House. There is not a Member of the House on either side of the Chamber who is not aware of that fact. I think we Democrats agree with the substance of the resolution passed at the annual meeting of the Associated Press held at the Waldorf-Astoria Hotel, New York City, on Tuesday April 21. That resolution read as follows:

Representatives of 774 daily newspapers gathered at the annual meeting of the Associated Press, respectfully ask the President and Congress to grant immediate relief from the exactions of combinations of paper makers. In September, 1907, and again in November, 1907, the attention of the authorities was directed to the excessive prices then demanded by the paper combinations. Immediately upon the assembling of Congress, twenty or more bills aiming to correct these conditions and to put paper and pulp on the free list were introduced and referred to the Ways and Means Committee. Persistent efforts to obtain a hearing have been refused. Dilatory tactics have been employed to prolong present conditions and to carry over to another session of Congress every proposition designed for relief. All newspapers here represented protest against delay.

Attention is also directed to the false reports of news-print paper prices which were recently furnished to Congress by the Director of the Census Bureau. The newspapers here represented use approximately 80 per cent of the news-print paper consumed in the United States. We denounce the quotations as submitted to Congress as misleading and unworthy of credence. The reiteration of the accuracy of these figures of the Director after the error had been called to public attention tends to shake public confidence and respect for statistics thus compiled.

Notwithstanding that fact, however, Mr. Speaker, the committee has been organized. There is at least an allegation to the country that this committee is going to examine into this wood-pulp question with the sincere desire to arrive at the truth. It would ill become us, therefore, to refuse to the committee the instrumentalities for taking down and publishing the testimony of men who are ready to show that this tariff upon wood pulp and print paper has had very much to do with the rise in the price of paper and that behind that tariff as a shelter a combination has become possible and that both the combination and the tariff as cause of monopolistic exploitation exist. If you could get any other result from it or if the committee can, they will have to indulge in a degree of intellectual gymnastics that will astonish the country. Now, Mr. Speaker, how much time have I left?

The SPEAKER. Five minutes.

Mr. WILLIAMS. I ask the Clerk to read this during that time. It is a continuation of a paper part of which was read the other day and the reading of which was stopped by the expiration of my time.

The Clerk read as follows:

At whose expense? Solely at the expense of the most unprotected among all manufacturing industries in the United States—the printing and publishing industry, more especially the newspapers. The latter insist that the paper manufacturers, in view of the protection granted them against competition from abroad, are at least under so much obligation as to provide for the demands of consumers in this country. Have they lived up to the fulfillment of this just expectation?

When the paper manufacturers got together for the purpose of bettering their conditions, they accomplished the first step through the Dingley tariff, which put a minimum duty of $6 per ton on news-print paper valued at not above 2 cents per pound, and $8 per ton on paper valued above 2 cents per pound, and raised the duty on wood pulp from $1.20 to $1.67 per ton. The next step, although encountering many delays, was finally consummated by creating a combination to exhaust the surplus stock of paper, to cause a paper famine, and to raise prices. From $35 per ton, in 1906, the price has been raised to $40 in 1907, and to $50 in the present year, being an increase of 25 to 40 per cent, respectively. The pretext put forward by the manufacturers for their advance in prices is the increased cost of wood and labor. Now, let us look into that a little closer. Government records show that paper mills in the United States and Canada are making paper at a cost of less than $28 per ton at the mill, and that American mills can and do make paper more cheaply than Canadian mills by reason of a better supply of skilled labor, cheaper coal, and an adequate home market for their product; also lower ocean rates and lower marine insurance on their exports. Furthermore, it is a fact that Canadian paper manufacturers, after paying the duty, have profitably undersold American manufacturers in the American market, and that American paper makers have with profit disposed of their product abroad in competition with Canada, Great Britain, Norway, and Germany at prices considerably below those maintained in the American market.

As to the increased cost of labor, figures printed in the Paper Mill Directory for 1907 show an increase of only 1 per cent in labor cost of a news-print paper mill, modern machinery and other improvements having offset the increased pay of the paper-mill employee. The labor employed in news-print paper mills is not the beneficiary of the oppressive advances that have been made in paper prices. Not one-twentieth of the advance in paper prices goes to labor.

At the beginning of the year 1907 there was a stock of 60,000 tons of news-print paper on hand. Owing to increased activity at the mills and decreased consumption on the part of the newspapers during the summer months, there should have been an accumulation of stock at the beginning of the fall season, but at that time the announcement came from the paper makers that a paper famine was imminent and that prices must be raised. It was difficult to reconcile this statement with the increased shipments of paper to Mexico, Cuba, Chile, Argentina, and Japan and an export of 60,000 tons of news-print paper during the year ending June 30, 1907, in disregard of the depleted condition of the domestic market.

In May, 1906, the United States Government dissolved the General Paper Company as an unlawful combination and warned its subsidiary corporations to avoid certain forms of combination. These prohibitions have been disobeyed in such a flagrant manner as to enable the American Newspaper Publishers' Association to lay before the Attorney-General of the United States incontrovertible proof of the efforts made by the seven groups of the American Paper and Pulp Association—under which guise the paper trust is operating—to stifle competition, to increase prices, and to put an additional burden amounting yearly to many millions upon the printing and publishing interests of the country. One of these groups centers about the International Paper Company, which operates in the Eastern market. It was organized nearly ten years ago by a consolidation of thirty mills, most of them in bad condition, with antiquated machinery, half of which was no better than junk. During the ten years since that consolidation was made the old machinery has not improved with age. The company's capacity to make paper is less to-day than it was rated at the time of the consolidation. Not one new machine has been added to the equipment until within a recent period, while one or more of the original plants have been dismantled and abandoned. The International Paper Company has not grown with the demands of business. It has remained stationary. It has squeezed out of the paper consumers all it could without developing manufacture, meanwhile pouring millions of dollars into speculative investments in Canadian forests, although the company previously held woodland that would produce forever a supply of spruce pulp wood sufficient to make twice the quantity of pulp it now uses.

Contrast the paper manufacture with the printing and publishing industry. The newspapers and periodicals had in 1905 a reported capital invested of $239,000,000. They paid salaries and wages amounting to $106,000,000 per annum to 160,000 workers. They paid $58,000,000 per annum for their principal article of use, white paper. The printing and publishing business as a whole turns over its capital in about ten months; large department stores that advertise energetically will turn over their stock about seven times a year, but the largest paper manufacturer in the world, the International Paper Company, with a capital exceeding $60,000,000, does a gross annual business of only $21,000,000, thus requiring three years to turn over its capital. To maintain that concern and its allied combinations with their oppressive weight of overcapitalization and to provide a pretext for protecting the labor of 15,000 paper-mill employees receiving less than $9,000,000 per annum, the publishing business has been subjected to a series of deliberately planned schemes of extortion.

The printing business stands for the intellectual growth of the country, and it is helpful to good government in that it promotes intelligence and raises the standard of citizenship. If the combination of paper makers can succeed in its course it will cripple the publishing business, it will tax intelligence, because the newspapers and the periodicals are the people's school and library. Under any government such a tax would be oppressive and proscriptive. In a government, based as ours is, upon the intelligence and resultant virtues of the people, it is anomalous and monstrous. In recognition of this fact President Roosevelt in his recent special message to Congress has recommended the immediate repeal of the duty on wood pulp, with a corresponding reduction of the duty upon paper made from wood pulp.

The Reform Club will undoubtedly lend its weighty and influential aid to the President so that at least this one revision of the tariff may be accomplished—before the Presidential election.

Mr. BARTLETT of Georgia. Does the gentleman from New Hampshire [Mr. CURRIER] desire to use any of his time now?

Mr. CURRIER. I will yield five minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I send to the Clerk's desk and ask to have read in my time an editorial from the New York Herald of April 22. I hope we may have order.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

ONE-CENT NEWSPAPERS AND THE "PAPER TRUST."

[New York Herald, April 22, 1908.]

"Be sure you are right—and then go ahead."

The famous motto of David Crockett has not been much in favor during the present Administration, which has too often acted as if its device were, "Go ahead—and then find out whether we are right."

There has been great complaint about an advance during recent years in the price of the sort of paper on which newspapers are printed. All other grades of paper, in common with all commodities and the wages of all grades of labor, also advanced during the period of expansion, and prosperity had also risen.

Manufacturers generally adopted the businesslike plan of raising the price of their finished products to meet this increased cost of raw material. A great many publishers of 1-cent morning newspapers in various parts of the country, finding that the raw paper in their sheets cost more than they were sold for at wholesale rates to newsdealers, adopted the same simple plan and raised the price of their papers.

A considerable number of publishers, however, fearing that higher prices would result in decreased circulation, have continued to sell their wares at less than cost, and clamorously insist that the community in general and the paper makers in particular must be compelled to bear the expense of enabling them to persist in their unbusinesslike course. With all their facilities for giving publicity to their views, they have raised such a loud and protracted wail that the community, which has heard little or nothing about advances in other commodities, has its ears deafened with complaints about the high price of news print paper and clamorous demands that Congress compel the paper makers to sell cheaper under penalty of having the tariff removed from this kind of paper and the wood pulp of which it is made.

The plea of the paper makers that the cost of their wood and chemicals and labor—all the elements of manufacture—had advanced was ignored and the Attorney-General was asked to investigate the largest manufacturers. He recently decided that there was not sufficient evidence upon which to base an investigation, whereupon extraordinary pressure was brought to bear upon the President and upon Congress to remove the tariff from pulp and paper. In his message of March

25 Mr. Roosevelt yielded so far as to express the opinion that "one change in the tariff could with advantage be made forthwith," namely, to make wood pulp free, "with a corresponding reduction upon papers made from wood pulp when they come from any country that does not put an export duty upon them." The suggestion that this great American industry be arbitrarily singled out for such savage attack has not been followed by the Committee of Ways and Means, which has in its hands more than a score of bills aimed against the paper makers.

Common justice requires that no such invidious action be taken without investigation to ascertain the facts. The House has wisely rejected the President's suggestion to "go ahead and then find out whether he was right," and it yesterday adopted Speaker Cannon's resolution authorizing the appointment of a commission to inquire into the reasons for the existing price of white paper. The facts, when elicited, may convince the complaining publishers that their energies would be more profitably employed in revising their own business methods than in dragooning the paper makers.

Mr. DALZELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. A minute and a half.

Mr. CURRIER. I will yield three minutes more to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I will send to the Clerk's desk and ask to be read in my time an editorial from the New York American of April 25.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

LET THE PUBLISHERS BE CONSISTENT.

It seems to the American that the publishers of this country are placing themselves in a peculiarly narrow position and in a peculiarly selfish light before the community when they urge Congress to adopt a free-trade policy in regard to certain products which affect only the publishers themselves.

The conception of their duty that newspaper publishers ought to have is that they are attorneys for the people, and represent the readers of their publications and employ the power of their publications in the interest of those readers and of the whole community. If the publishers maintain that standard of professional ethics, they would conclude either that protection was a beneficial policy and that they were willing to pay their tax along with the rest of the people to maintain that policy, or else that a reduction of the tariff was desirable and that it was their duty to secure the benefits of such a reduction for all the people and not merely for themselves.

The present attitude of the publishers appears to be that they are ready to use the power of their papers to secure every benefit for themselves without regard for the interests of the rest of the community. There seems to be no consideration of how protection or how tariff revision may affect the working people or how it may affect the consumers generally, but merely of how the particular matter of wood pulp may effect the publishers. This is an attitude which lays the publishers open to rather more than a suspicion of sordid self-interest.

The American recommends to the publishers of this country the tariff-reform plank of the Independent party platform: "No protection for oppressive trusts." Not merely no protection for the one oppressive trust that has its grip upon the publishers' personal pocketbook, but no protection for any of the oppressive trusts that rob the people, the clients whom the publishers are presumed to protect.

Mr. CURRIER. Mr. Speaker, I now yield two minutes to the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Speaker, a few days ago the distinguished gentleman from Mississippi [Mr. WILLIAMS], the good shepherd of my friends, the Democrats, whose flock follows him blindly, looked straight into my face—something that is to be wondered at when you consider what he has been doing here for the past few weeks—and said that "that gentleman would be the right one to force this pulp and paper business onto the floor of the House."

Now, while it is true that I thought it would be well to correct the mistake made as to petroleum, an error made by both Democrats and Republicans, and to take the little joker out of the Dingley tariff, I am far from saying that the tariff on pulp and paper should be removed without a thorough investigation.

I am representing a district whose leading industry is the manufacture of paper and pulp, and I believe to-day that our paper and pulp manufacturers would have done better if they had invested in other industries. They have not made any great fortunes. I had the misfortune of investing $4,000 in a pulp factory six years ago, and I can assure you, gentlemen, that with the best of management and the best of machinery I have not realized more than 1½ per cent a year on my investment. So I say it is no more than fair and just that we should have an investigation of this and not act in this matter blindly. [Applause on the Republican side.] I am very glad the commission was appointed. [Applause on the Republican side.]

Mr. CURRIER. Mr. Speaker, does the gentleman from Georgia [Mr. BARTLETT] desire to use the balance of his time?

Mr. BARTLETT of Georgia. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, the Republicans say that the "friends of protection" must, and will, make the next tariff to suit themselves. Why do you not do it now, gentlemen? Why defer? You have the House, you have the Senate, and you have the President—a Republican Administration out and out. You know that the next House may not be controlled by the Republicans, the chances, to say the least, are favorable to the Democrats, the enemies of protection. If you are sincere protectionists and feel that protectionists only should remodel the tariff, why do you not proceed at once to do so? The power is within your grasp, and you know it.

If you are sincere in your statement that protectionists only must refix the tariff, why, I submit, in all seriousness, do you not proceed to do so while the Democrats are in the minority? The Democrats may have the next House and the White House, and you know it. You know, gentlemen, that there is more than "probable cause to believe" a monopoly is controlling the wood pulp industry, and the President thinks so, and you know that. You know the Department of Justice thinks so and filed a bill against the paper trust, against which trust the people are protesting, and you know the Federal judge trying that case rendered a decree entering an injunction against that trust.

When Mr. Blaine was Speaker of the House a resolution was passed by the House directing the Ways and Means Committee "at its earliest practical moment to report a bill to this House abolishing the tariff on coal, so as to secure that important article of fuel to the people free from taxation." Note the language, "at its earliest practical moment." That resolution was passed by the House, Mr. Speaker, and a little later a similar resolution as to salt was passed, in these words:

That the Committee on Ways and Means are hereby instructed to report to this House forthwith a bill reducing the present duties on all classes of salt 50 per cent.

Why do you not "forthwith" act in this matter of wood pulp, at least? [Applause on the Democratic side.] Why does not the Speaker of this House follow the illustrious example of Speaker Blaine, the "Plumed Knight," and permit some one to call up a wood pulp resolution or a bill—to free list wood pulp? Why can not the Republican Congress of 1908 follow the shining example set by the great Congress of 1870? Why do not you Republicans follow the prescription which Senator John Sherman said was his cure for the "monopolized articles." He said that the moment such a fact was called to his attention, that is that a tariff duty protected a monopoly, he would "without a moment's hesitation" put that monopolized article on the free list.

Mr. Speaker, I say to you and your great party that here are precedents, wise and sane, but which this Republican House refuses to follow, although the people are clamoring for relief. [Applause on the Democratic side.]

Mr. BARTLETT of Georgia. Mr. Speaker, I agree that this resolution should be adopted, because it provides means and facilities to enable the committee of the House created for the purpose of inquiring into the extortions charged against the "wood pulp and paper trust;" that is, that this trust has, by reason of the protective tariff, been enabled to extort from those who use print paper the additional sum of nearly $65,000,000 in a very short period. I want to remove this tariff duty. I am ready to vote for it now, to-day, but if I can not be permitted to do that, then I want this committee to have all the means necessary to find the facts.

It is true that the Department of Justice has been investigating this matter after a fashion, but the Department of Justice has not yet arrived at any conclusion; and, so far as we are informed, found nothing; and I thought that this House ought to act without taking intermediate steps, like the appointment of this committee, that seems to block the removal of this unjust and unnecessary tariff on wood pulp and print paper. Such a tariff is a tax on intelligence; we ought to repeal it now. In my opinion, if this House had an opportunity to vote here and now on the matter, it would repeal this tariff on wood pulp and print paper by an overwhelming majority. This opportunity is denied and, because this is the only means left to us under the direction of the majority, therefore I am willing, cheerfully, to grant to that committee who are investigating the question the power, the money, and the means to investigate and find out all the facts so that we may as soon as possible force the majority to act.

THE BARTLETT AMENDMENT.

Mr. Speaker, on the 17th of December, 1902, the first action was taken to provide a specific sum to prosecute the trusts, although in 1901 and in 1902 the President had sent messages to this House asking for specific appropriations to prosecute the trusts; yet these had lain here before the House for nearly a year. These two messages from the President, requesting Congress, then largely Republican as now, for a special fund to be appropriated for the purpose of prosecuting violators of the antitrust law, were unheeded; Congress refused to do anything about it.

On the 17th of December, 1902, I had the honor to offer an amendment to the legislative, executive, and judicial appropriation bill, then being considered, an amendment which will appear on page 411 of the RECORD of December 17, proposing to appropriate $250,000 for the purpose of making these prosecutions and directing the Attorney-General to proceed to prosecute all violators of the antitrust laws; and since that day all these prosecutions against the beef trust, the Standard Oil, and all other trusts have been carried on under that appropriation, offered by myself, supported by Democratc colleagues, and forced in the bill over the protests of a very reluctant Republican majority. And while this fund has been added to, it may be truly stated that the Democratic minority forced this amendment on this bill when I offered that amendment, which I will read:

For the purpose of enforcing the antitrust laws of the United States, and to enable the Attorney-General of the United States to prosecute suits and legal proceedings against persons or corporations who shall violate the antitrust laws of the United States now in force, or that may hereafter be enacted, the sum of $250,000, or so much thereof as may, in the judgment of the Attorney-General be necessary, to be expended under the direction of the Attorney-General; and he is hereby directed to proceed against any and all persons or corporations who may have violated or may violate any of the provisions of the antitrust laws of the United States.

There was a point of order made by the gentleman from Pennsylvania [Mr. BINGHAM], then in charge of the bill, but at the suggestion of the present Speaker of the House, then Chairman of the Committee on Appropriations, the point of order was not insisted upon. It is true, in order to get some credit of carrying out the suggestion of the President, and that all the credit might not go to a Democrat, the gentleman from Iowa [Mr. HEPBURN] offered an amendment increasing the amount to $500,000, which I promptly accepted, and in that shape it was passed and became the law. The amendment was put upon that bill on the 17th day of December, 1902, and the money that was furnished to the Department of Justice for all these prosecutions, $500,000, was first inaugurated, first proposed, and first placed upon that bill in this House by myself, supported by the Democrats, as will appear by reference to the CONGRESSIONAL RECORD of that day.

In fact, for several years the Department of Justice had more money than was needed, and my first amendment of $250,000 was ample for all the needs of the prosecutions at that time.

Now, Mr. Speaker, I do not know what will be the result of this investigation. The New York Sun says:

The House leaders are inclined to blame the Administration for the position of the party in the lower branch of Congress. The House Republicans are facing angry publishers in nearly every district in the United States. They want the duty on wood pulp and print paper removed, and if it is not removed they threaten reprisals at the coming elections. The House would, therefore, like to go before the country as a more effective trust buster than the Department of Justice, just to get even with the Administration.

I do not know whether that is true or not. It is true, however, that the Department of Justice, even with all this money at its disposal, has not done anything to reveal and disclose or prosecute effectively this trust, which, it is charged, have in the past year increased the price of print paper nearly $50,000,000 to the consumer.

Now, Mr. Speaker, I have nothing further to say on this, except it is a resolution in the usual form, providing means to carry on this investigation, and we have been compelled to adopt this plan, because of the refusal of the majority to do anything else. This is the only relief we could afford the people from the oppressions of this trust. The members of that committee to which this resolution was referred, and the members of the minority on this side, as we were when we appropriated the $500,000 in 1902 on the amendment I suggested at that time, are willing to-day to give all the money and all the means that are necessary in order to find out the truth and to prosecute, if necessary, and destroy, if possible, this iniquitous trust known as the paper trust, and all such trusts and combinations.

Mr. Speaker, so far as I am concerned, I know no difference between a good trust and a bad trust. "Monopolies are odious" to the English-speaking people, as was stated by Lord Coke in his decision in the Card monopoly case in 6 Coke Reports. The feeling has come down to us from our English ancestors; every man who draws inspiration from the battles of our English-speaking ancestors for the rights of the people, and from the decisions of those great judges of the courts of England, feels "that monopolies, private monopolies, are odious" to the American people. A private monopoly is indefensible, and whether it be of "wood pulp or print paper" or of any other commodity, should be destroyed. Certainly it should not be protected by the tariff.

For one, I repeat I think that all trusts, whether the gigantic ones like the steel trust, the Standard Oil, the beef trust, all monopolies which oppresses the people, or whether they be what the President and some of his followers have chosen to call a "good trust," or "innocent trusts," are bad trusts in my opinion. They differ only in the degree of harm they may do. None are good; they are all bad, and I would destroy them all; right now I would endeavor to destroy the paper trust by making wood pulp and print paper free of tariff duty. [Applause on the Democratic side.]

Mr. CURRIER. I yield to the gentleman from Illinois [Mr. MANN] such time as he may desire.

Mr. MANN. Mr. Speaker, the pending resolution is one to authorize the select committee appointed under the recent resolution of the House to carry on its necessary work. Ordinarily such a resolution would pass in the House without debate and without a roll call; but I suppose it is the intention of my distinguished friend from Mississippi [Mr. WILLIAMS], after causing the exhaustion of practically forty minutes of time in debate, to exhaust or waste thirty minutes more time in a roll call on this resolution. Our committee was in session this morning, engaged in hearing a very distinguished representative of the American Publishers' Association, but was compelled to adjourn because of the obstructive tactics of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. FITZGERALD. Did the gentleman from Mississippi make the point of no quorum?

Mr. MANN. Mr. Speaker, I have never had occasion——

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MANN. I have never had occasion to seek work from the Speaker of the House or from the House itself. It has fallen to my lot to be appointed chairman of this special committee, and I think I can say, without unjust reflection, or any reflection upon the other Members of the House, that the other members of that committee are known to be as industrious and as fair-minded as any gentlemen who have ever sat upon the floor of this House. [Applause.] That committee, Mr. Speaker, was not appointed, as I understand it, for the purpose of prejudging the case. It was not appointed for the purpose of bringing in a report fixed in advance. It was appointed by this House under the resolution for the purpose of honestly and fairly ascertaining the facts, so far as they could be ascertained, and of making a fair and honest report to this House as speedily as can be done. It is the desire of the committee, if the gentleman from Mississippi [Mr. WILLIAMS] will not insist that the members of the committee shall be constantly on the floor of this House, that the committee shall keep in session from now until it shall finish its labors. It is the hope of the committee and my own expectation that the committee will be able to make a report to this House before the final adjournment of this session of Congress. I do not know how much of our time may be uselessly wasted through the obstructive efforts of the gentleman from Mississippi.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MANN. But I dare say that if we are not obstructed by the efforts of the gentleman from Mississippi we will be able to bring in a report, and I hope and believe that in spite of his efforts we will be able to bring in a report. Now I yield to my friend from New York.

Mr. FITZGERALD. The gentleman says his work was interrupted by the obstructive tactics of the gentleman from Mississippi to-day. How?

Mr. MANN. Oh, I do not propose to bandy words with my friend from New York, who is one of the keenest-minded men in this House and who is about the last man in the House I would endeavor to instruct upon that point, because he knows as well as I know that the present condition in the House is owing to the obstructive, the deliberately obstructive, tactics of the gentleman from Mississippi [Mr. WILLIAMS]. [Applause on the Republican side.]

Mr. FITZGERALD. But the gentleman from Illinois knows that the committee has no right to sit during the sessions of the House, and when the gentleman from New York [Mr. PAYNE] made the point of no quorum and there was a call of the House the gentleman was compelled to come here to help make a quorum.

Mr. PAYNE. Will the gentleman allow me half a minute?

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] knows, in the first place, so far as that is concerned, that this committee is authorized to sit during the sessions of the House. That nails the first proposition of the gentleman from New York. The resolution provides for that. Secondly, anybody in the House knows, and I think nearly everybody in the country who pays any attention to the matter—unless it be my friend from New York—knows that the point of no quorum was made because of the obstructive tactics of the gentleman from Mississippi. That is exactly what I am complaining about.

Everybody in this House knows that ordinarily business in this House is carried on, and has to be carried on, without the presence of a quorum; but because the demand for a call of the roll by the gentleman from Mississippi [Mr. WILLIAMS] precipitated a case where it would either take probably two hours' time, or under the point of no quorum half an hour's time, that point was made by the gentleman from New York [Mr. PAYNE]. That demand was made for the purpose of shortening the delay caused by the gentleman from Mississippi. Nobody knows that better than my friend from New York. Now, that is neither here nor there. What I want to say to the House is that notwithstanding the tactics of the gentleman from Mississippi [Mr. WILLIAMS] it is the intention of the special committee to give just as full and fair hearings to everybody as can be given. We shall do our duty as well as we know how, regardless of the attitude of the newspapers on the one side or the paper manufacturers on the other side. [Applause on the Republican side.] Feeling that the House has placed upon us a trust and that we must be bound to deal fairly and honestly with the House, the committee will endeavor to do that.

All of the reflections which the gentleman from Mississippi makes, purely partisan, purely prejudged, without regard to his knowledge of the facts, I leave to himself. If he has any information the committee will be glad to have him lay it before it. If the gentleman from Tennessee has any facts in his possession, if he knows anything except mere talk, the committee will be glad to hear from him. [Applause.]

Mr. GAINES of Tennessee. I will tell the gentleman where he can find some information, and that is in the Federal court of Minnesota.

Mr. MANN. We will have the gentleman from Tennessee come before the committee and testify under oath where it can be found.

Mr. GAINES of Tennessee. I can tell the gentleman that there is proof there and that an injunction was had upon it.

Mr. MANN. Oh, the gentleman from Tennessee can tell more things without being placed under oath than any man I know of.

Mr. GAINES of Tennessee. I will swear that your Attorney-General said that he filed the evidence there and got the injunction. [Applause on the Democratic side.] I am ready to do it now.

Mr. MANN. The gentleman from Tennessee is always the same yesterday, to-day, and to-morrow; he never varies, and so I can not help yielding to him.

Mr. GAINES of Tennessee. Well, the gentleman from Illinois called my name; he attacked me first. [Laughter.]

Mr. MANN. I always notice, Mr. Speaker, that wherever a matter of partisanship comes up in the House and an assault is made, you can get plenty of applause on that side of the House. All that is needed on that side of the House to obtain applause is for somebody to attack some gentleman upon this side and apply to him an opprobrious epithet; but so far as that is concerned, it has no effect upon me.

Mr. GAINES of Tennessee. Will the gentleman yield? The gentleman certainly does not mean to say that I have applied any opprobrious epithet to him?

Mr. MANN. Oh, no; I did not say that.

Mr. GAINES of Tennessee. Because I am wholly incapable of doing such a thing.

Mr. MANN. I admit everything the gentleman from Tennessee says for the sake of argument so that he will leave me alone. [Laughter.] The gentleman from Tennessee and I can never have any personal difficulty because we have such a high personal regard for each other.

Now, Mr. Speaker, I do not wish to argue any further in this matter. It is for the House to determine. Gentlemen on the other side of the aisle have said that the committee was not appointed in good faith. Some newspapers have said that the committee was not appointed in good faith, but they are now before us in good faith, and we are endeavoring to deal in good faith with the House and with the country. [Applause.]

The SPEAKER pro tempore (Mr. GAINES of West Virginia). Debate is exhausted, and the question is on suspending the rules and agreeing to the resolution with the committee amendment.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 263, nays 1, answered "present" 10, not voting 113, as follows:

YEAS—263.

Adair	Ames	Beale, Pa.	Boyd
Adamson	Andrus	Beall, Tex.	Brantley
Aiken	Ansberry	Bell, Ga.	Brodhead
Alexander, Mo.	Ashbrook	Bennet, N. Y.	Brownlow
Alexander, N. Y.	Bartholdt	Bonynge	Burgess
Allen	Bartlett, Ga.	Bowers	Burleigh
Burnett	Foster, Ind.	Kennedy, Ohio	Pujo
Burton, Del.	Foulkrod	Kinkaid	Rainey
Burton, Ohio	Fowler	Kipp	Randell, Tex.
Butler	French	Knapp	Ransdell, La.
Byrd	Fuller	Knopf	Rauch
Calder	Fulton	Knowland	Reeder
Calderhead	Gaines, Tenn.	Küstermann	Reid
Campbell	Gardner, Mich.	Lamar, Mo.	Reynolds
Candler	Gardner, N. J.	Laning	Richardson
Capron	Garner	Lassiter	Robinson
Carlin	Gilhams	Leake	Rodenberg
Carter	Gill	Lee	Rothermel
Caulfield	Gillett	Lenahan	Russell, Mo.
Chaney	Godwin	Lever	Russell, Tex.
Chapman	Goebel	Lewis	Ryan
Clark, Fla.	Gordon	Lindbergh	Sabath
Clark, Mo.	Graff	Littlefield	Scott
Clayton	Granger	Lloyd	Shackleford
Cole	Gregg	Loud	Sheppard
Conner	Griggs	Loudenslager	Sherley
Cook, Colo.	Gronna	Lovering	Sherwood
Cooper, Pa.	Hackett	McKinney	Sims
Cooper, Tex.	Hackney	McLachlan, Cal.	Slemp
Cooper, Wis.	Hale	McLain	Small
Cousins	Hall	McLaughlin, Mich.	Smith, Cal.
Cox, Ind.	Hamill	McMillan	Smith, Iowa
Cravens	Hamilton, Iowa	Macon	Smith, Mo.
Crawford	Hamilton, Mich.	Madden	Smith, Tex.
Crumpacker	Harding	Madison	Southwick
Currier	Hardy	Malby	Sparkman
Cushman	Haskins	Mann	Sperry
Dalzell	Haugen	Marshall	Spight
Davenport	Hawley	Maynard	Stafford
Davidson	Hayes	Miller	Steenerson
Davis, Minn.	Heflin	Mondell	Sterling
Dawson	Helm	Moon, Pa.	Sulloway
De Armond	Henry, Conn.	Moon, Tenn.	Sulzer
Denby	Henry, Tex.	Moore, Tex.	Tawney
Denver	Higgins	Morse	Taylor, Ala.
Diekema	Hinshaw	Mouser	Taylor, Ohio
Dixon	Hitchcock	Murdock	Thistlewood
Douglas	Holliday	Murphy	Thomas, N. C.
Draper	Houston	Needham	Tou Velle
Driscoll	Howell, N. J.	Nelson	Townsend
Durey	Howell, Utah	Nicholls	Volstead
Dwight	Howland	Norris	Waldo
Ellerbe	Hubbard, Iowa	Nye	Wanger
Ellis, Mo.	Hubbard, W. Va.	O'Connell	Washburn
Englebright	Huff	Olcott	Watkins
Esch	Hughes, N. J.	Overstreet	Watson
Fairchild	Hull, Tenn.	Page	Webb
Favrot	Humphrey, Wash.	Parker, N. J.	Weeks
Ferris	Johnson, Ky.	Parker, S. Dak.	Wheeler
Finley	Johnson, S. C.	Parsons	Williams
Fitzgerald	Jones, Va.	Patterson	Wilson, Ill.
Flood	Jones, Wash.	Payne	Wilson, Pa.
Floyd	Kahn	Pollard	Wolf
Fordney	Keifer	Porter	Wood
Fornes	Kellher	Pray	Young
Foster, Ill.	Kennedy, Iowa	Prince	

NAYS—1.

Hammond

ANSWERED "PRESENT" 10.

Bradley	Hardwick	Humphreys, Miss.	Slayden
Gaines, W. Va.	Harrison	Kimball	
Garrett	Hay	Pou	

NOT VOTING—113.

Acheson	Edwards, Ga.	Lafean	Peters
Anthony	Edwards, Ky.	Lamar, Fla.	Powers
Bannon	Ellis, Oreg.	Lamb	Pratt
Barchfeld	Fassett	Landis	Rhinock
Barclay	Focht	Langley	Riordan
Bartlett, Nev.	Foss	Law	Roberts
Bates	Foster, Vt.	Lawrence	Rucker
Bede	Gardner, Mass.	Legare	Saunders
Bennett, Ky.	Gillespie	Lilley	Sherman
Bingham	Glass	Lindsay	Smith, Mich.
Birdsall	Goldfogle	Livingston	Snapp
Booher	Goulden	Longworth	Stanley
Boutell	Graham	Lorimer	Stephens, Tex.
Broussard	Greene	Lowden	Stevens, Minn.
Brumm	Haggott	McCall	Sturgiss
Brundidge	Hamlin	McCreary	Talbott
Burke	Hepburn	McDermott	Thomas, Ohio
Burleson	Hill, Conn.	McGavin	Tirrell
Caldwell	Hill, Miss.	McGuire	Underwood
Cary	Hobson	McHenry	Vreeland
Cockran	Howard	McKinlay, Cal.	Wallace
Cocks, N. Y.	Hughes, W. Va.	McKinley, Ill.	Weems
Cook, Pa.	Hull, Iowa	McMorran	Weisse
Coudrey	Jackson	Moore, Pa.	Wiley
Craig	James, Addison D.	Mudd	Willett
Darragh	James, Ollie M.	Olmsted	Woodyard
Davey, La.	Jenkins	Padgett	
Dawes	Kitchin, Claude	Pearre	
Dunwell	Kitchin, Wm. W.	Perkins	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the day:

Mr. JENKINS with Mr. BOOHER.

Until further notice:

Mr. WOODYARD with Mr. UNDERWOOD.

Mr. MOORE of Pennsylvania with Mr. SAUNDERS.

Mr. MCGAVIN with Mr. LAMB.

Mr. MCCALL with Mr. OLLIE M. JAMES.

Mr. LONGWORTH with Mr. HAY.

Mr. LAWRENCE with Mr. GILLESPIE.

Mr. LANDIS with Mr. BURLESON.

Mr. ANTHONY with Mr. STEPHENS of Texas.
For the session:
Mr. BRADLEY with Mr. GOULDEN.
The result of the vote was announced as above recorded.

TORNADO IN GEORGIA, ALABAMA, MISSISSIPPI, AND LOUISIANA.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask unanimous consent that the following joint resolution be read and agreed to.

The SPEAKER pro tempore (Mr. GAINES of West Virginia). The gentleman from Georgia asks unanimous consent that the following resolution be read and agreed to. The Clerk will read.

The Clerk read as follows:

Whereas on the 25th day of April, 1908, there occurred in the States of Georgia, Alabama, Mississippi, and Louisiana a disastrous cyclone or tornado, causing the loss of hundreds of lives and the destruction of much property and rendering many persons homeless and temporarily without means of support: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to use such means as he has at hand, or that may be furnished to him, in the way of tents, provisions, and supplies to relieve the distress occasioned by such storm or cyclone, and that he take such steps as he may deem proper for the relief of such distress and need among the people who have suffered from the results of said storm or cyclone.

Resolved, That the Congress has heard with much regret and profound sorrow of the terrible loss of life and destruction of property attendant upon the disastrous storm or cyclone which visited the States of Georgia, Alabama, Mississippi, and Louisiana on the 25th day of April, 1908, and hereby extends its sympathy to the sufferers.

The SPEAKER pro tempore. Is there objection?

Mr. PAYNE. What is the request?

The SPEAKER pro tempore. The request is that the resolution just read be agreed to by unanimous consent.

Mr. PAYNE. Oh, I have no objection to that; but I wanted to see what it was, so that there would not be any roll call on it.

Mr. BARTLETT of Georgia. There will not be any roll call on this.

The SPEAKER pro tempore. The Chair hears no objection, and the resolution is agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and pass the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

That immediately on the adoption of this order the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 21260, the sundry civil appropriation bill, that general debate thereon be closed in eight hours, and that the first reading of the bill in Committee of the Whole House on the state of the Union be dispensed with.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Minnesota is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. TAWNEY. Mr. Speaker, in order to facilitate the adoption of the rule and that we may proceed to the consideration of the sundry civil appropriation bill, I shall not occupy any of my time now. I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I had hoped that in the gentleman's time he would give some explanation of the bill. The bill is a long one, stretching over very many items, and I think it is due to the House that such new legislation as the bill may carry should at least be stated and explained to the House. I shall yield to the gentleman from New York, Mr. FITZGERALD, a member of the committee, five minutes, reserving the balance of my time.

Mr. FITZGERALD. Mr. Speaker, I regret that this resolution was not referred to the Committee on Rules. If it had been, it would have been perfected so that the usual course adopted in the consideration of appropriation bills would have been followed. The universal practice has been to divide the time equally between the two sides of the House and to have it controlled by members of the committee. In the consideration of this bill it so happens that under the usual practice of the House the request would have been made that I should have control of the time on behalf of the minority. I regret that the chairman of the committee did not, in preparing the resolution, arrange to protect his rights and my rights under the usual practice of the House. I know that if the gentleman from Pennsylvania [Mr. DALZELL] had reported this resolution from the Committee on Rules, he would not have overlooked either the gentleman from Minnesota or myself. The adoption of this rule will be most embarrassing to me. Assuming that the usual practice would be followed, a number of gentlemen upon this side of the House have requested me to obtain time for them under general debate. In my innocence, assuming that the House would proceed in the orderly manner under its rules to consider this great bill, I foolishly agreed to allot to several gentlemen the time requested by them. I find now that the chairman of the committee proposes the adoption of a rule which strips both from myself and himself the ordinary privilege accorded to Members who have charge of appropriation bills. For that reason those gentlemen upon this side whom I have assured would have time will have to understand that if I am unable to carry out the assurance given them it is not through any fault of mine, but because of the tyrannical manner in which the House is now being handled by the majority.

Mr. TAWNEY. Will the gentleman from New York permit an interruption?

Mr. FITZGERALD. Certainly.

Mr. TAWNEY. I will say to the gentleman from New York that it is not the purpose of the chairman of the committee in charge of the bill to deny to the minority the right to control one-half of the time, and I intend to follow the adoption of the rule with a request that the usual division between the minority and the majority be allowed; and if the gentleman will consent, that division will be made; on the contrary, if the gentleman or any Member on his side objects to it, then the division of time will be with the Chair, as it has always been.

Mr. FITZGERALD. Of course, Mr. Speaker, there is no doubt I shall assent to the request, but I can not make any promises for my colleague from New York [Mr. PAYNE] when unanimous consent is asked; and I doubt very seriously whether, in view of the statements that he has made during the past few weeks, he will consent that, by unanimous consent, any Member on this side of the House shall obtain privileges under the peculiar rules under which we are now operating. So I have again to express my regrets that the chairman of the Committee on Appropriations after preparing this rule did not ask that it be sent in the usual way to the Committee on Rules, to be perfected in the ingenious rule hopper there, so our rights would be protected without having to depend upon the generosity of my colleague, the leader of the majority.

Mr. PAYNE. I want to remind my colleague also of the fact that if this bill had been taken up under the ordinary rules of the House, a request would have been made for a division of time, and the gentleman would have the same opportunity to make the request and submit himself to the mercy of his colleague from New York upon that question that he has now under this order of the House, so that he loses nothing because of this proposition of the chairman of the Committee on Appropriations. I only want to console him before he yields——

Mr. FITZGERALD. Accepting the statement of my colleague in the spirit in which it is offered, it is nevertheless true that the gentleman from Minnesota evidently did not have the same confidence in the gentleman from New York that I have, because if he had, he would have asked, under the rules, that this bill be taken up in the ordinary way.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. WILLIAMS. I yield three or five minutes more, as the gentleman may desire.

Mr. FITZGERALD. I wish to call attention to the fact, Mr. Speaker, that this is the second time the Committee on Rules has been set aside within a week. I expect the next time that is done to see the gentleman from Pennsylvania [Mr. DALZELL] sorrowfully and dejectedly march down the aisle, walk up the steps, address the Speaker, remove from his lapel the carnation which he wears with so much grace, and lay it there as they were accustomed to lay the heads of victims before the imperial Cæsars in the past. [Applause on the Democratic side.] Of what use is it to occupy the distinguished position of senior member of the majority upon the Committee on Rules if he is to be passed over and all of these intruders, these outsiders, are given the little glory of moving to suspend the rules and adopt a special rule? Mr. Speaker, it should be called to the attention of the House that a number of these special rules have been adopted here without justification. A rule was adopted providing for the passage of appropriation bills under a suspension of the rules, not because of anything that had happened, but because of a nightmare with which some men of this House are afflicted. I happened to go to a playhouse the other night, and there a scene was enacted that depicted accurately the condition in which the Speaker finds himself. A gentleman having been caught in a very unpleasant situation pretends that he is asleep, and picking up a lighted candle he goes about reciting praises of his devoted wife. The Speaker here a short time ago imagined that he had been caught asleep. The minority did not demand separate votes upon amendments of the Senate to the deficiency bill, but the Speaker with his candle imagined that would

happen to some other bill, and ever since then he has been going around with a lighted candle in a dream; and unless the gentleman from Pennsylvania blows that candle out and wakes the Speaker up, this House is not able to tell what outrages will be perpetrated by the sleeping Speaker in his dreams. I hope, Mr. Speaker, that some time the candle will come sufficiently near me, and if it does I hope to be able to accumulate sufficient wind to blow it out, let the Speaker wake, and let the House do business in an orderly and proper manner. [Applause on the Democratic side.]

Mr. MANN. The gentleman can not accumulate wind.

Mr. WILLIAMS. Mr. Speaker, my friend from New York [Mr. FITZGERALD] has made the situation perfectly clear. The whole country understands it. The country understands the difference between "filibustering," which means taking up time to *prevent* legislation by a majority, and calling the roll for the purpose of focusing public attention upon *legislation* in order that a majority of the House may have an opportunity to consider legislation that it may wish to be enacted.

One of the gentlemen this morning for a while talked about being compelled to be here for fear there might be no quorum instead of sitting as member of a committee to "investigate" the paper trust. I have not made the point of no quorum. On the contrary, the Democratic side of this Chamber has furnished you with a quorum to do business, and it is likely to continue to furnish you with a quorum to do business. If this special committee desires to sit during the recess of the House and really to work, it will find plenty of time; and if the point of no quorum is made at all, it will probably be made by the gentleman from New York [Mr. PAYNE], the leader of the majority. There have been several times when you had no quorum, and this side did not raise the point, because it wanted to emphasize the difference between obstruction and focusing public attention upon desired legislation.

Now, Mr. Speaker, I understand that the gentleman from Minnesota [Mr. TAWNEY], instead of putting in his special order the programme that the time should be equally divided between the two sides, has chosen rather to put everything else in his order and to leave himself to ask unanimous consent that the time may be divided between the two sides. He has thought by that, doubtless, to "deposit me in a cavity," or to put me in a hole. The gentleman has not watched very clearly what has been going on on the floor of the House. I have thus far not objected to any request for debate. That is one of the arrows held in the quiver in reserve, that may or may not be used hereafter. I have not objected to any Member's desire to extend his time to speak upon the floor. I have objected to inserting things in the RECORD and to extending or printing in the RECORD what has not been said on the floor.

Mr. TAWNEY. I will say, if the gentleman will permit me, it was because I knew of that fact that I knew the gentleman would not object to an equal division of the time between the two sides of the House.

Mr. WILLIAMS. Yes. Now, if it were an ingenious scheme to have the appearance of putting this side in a light of seeming inconsistency because I would not object, the gentleman's scheme has failed, because I should be inconsistent if I did object. I am perfectly willing to have all the light that debate from that side of the House can shed upon any matter. In fact, I have been so anxious to have debate that I have invariably demanded a second upon every motion to suspend the rules in order that that side might furnish light, if it had any light to furnish. Sometimes I have found they had no light to furnish. This morning, for example, the gentleman from Minnesota [Mr. TAWNEY] reserves his time and does not enlighten the House even as to so much of this bill as is a change of existing law. That much, at least, is due to the House before we go to a consideration of the bill. Especially is it due in a case like this where the first reading of the bill is dispensed with, so that Members can not learn what is in the bill by hearing and must send out and get the bill and learn its contents by reading it before it comes up—a rather difficult operation with gentlemen upon the floor who are constantly interrupted in every imaginable way.

Mr. Speaker, the great supply bills of the country have not been interferred with, will not be interferred with, and all attempts to lead the country to suppose that there has been or will be any effort of that sort is a part of a programme of idle pretense. The supply bills are further ahead right now than they ever have been in my recollection at this time of the year at the long session of Congress. And there will be a continuation of the policy of focusing public attention by demanding a roll call on every affirmative proposition and refusing unanimous consent, except in certain delicate matters, death, suffering, and public calamity, and so forth; and every time that roll is called it will be understood—no fear of it—that it merely means that the minority upon the floor calls once more attention to the fact that that part of the President's message demanding remedial legislation, in so far as it is good, in the minority's opinion, and in the interest of the public, in their opinion, has not yet been permitted to be considered by the House. [Applause on Democratic side.] That is what it means, and there is no danger of its being misunderstood. It was misunderstood in the "way-back corners" just a little bit at the beginning. It is not being misunderstood now. And if any of you have any doubt about that read your morning's papers, Republican as well as Democratic. Read the Record-Herald, of Chicago. Read nearly every paper in New York, except the Tribune, and, of course, nobody expects much from the Tribune in the way of nonpartisan or impartial and just consideration of any question. The whole country understands the situation, and you of the Republican side are not going to be wise enough, you are not going to be subtle enough, you are not going to be acute enough, you are not going to be intelligent enough, to deceive the country one moment about the actual situation.

The country knows that this movement upon this side will stop the very minute the House is permitted to consider, not to enact (we do not care whether you pass a law or not, so far as our programme goes, though as good citizens we want the legislation), but the country knows that the minute you permit the majority of this House to express its opinion upon the passage of a campaign publicity bill, upon the passage of a bill to put wood pulp and print paper upon the free list, upon the passage of a bill to modify the use of injunctions so that they can not be used on an ex parte hearing before one judge and without notice to invalidate a solemn State law; upon the passage of a bill to conserve the rights of labor in connection with the injunction laws as now administered, affording some protection, giving at least notice to the defendant in the case; that the moment that you give the House the right to consider a bill denying to a judge of a Federal court the right upon the equity side of the court to send a man to jail, to deprive him of his liberty or to fine him or to deprive him of his property without recourse to a jury without notice and on ex parte hearing, in cases of mere constructive contempt, not direct contempt—the moment this House gets permission even to consider these propositions, that minute this movement will stop [applause on the Democratic side], and until that moment this movement will not stop. [Loud applause on the Democratic side].

Mr. DALZELL. Go right ahead; we are getting on with business.

Mr. WILLIAMS. Oh, you need not believe that you are deceiving the country about what you are doing. It is not my movement, though inaugurated on my initiating; it is a movement made at the request of almost the unanimous voice on this side of the House. It is a Democratic movement; it is a minority attempt to exhaust what little power it has—which is not much, merely the power to rivet attention, merely the power to focus public attention and to arouse public opinion, with the view of securing consideration of each of these measures. Are they treasonable, are they wrong, are they anarchistic? Why, your own President has recommended every one of them. I know some things that are better to be done than any he has recommended. I know of some things that I would rather see passed; but I did not want to put you in the attitude or ourselves in the attitude of going outside of the things recommended by the head of your own party. Otherwise you might plausibly charge that we were trying to "run the House." [Applause on the Democratic side.]

We follow him when he is right. We do not follow him when he is wrong. This side of the House belongs to nobody. We belong neither to the Speaker nor to the Committee on Rules on the one side nor the Committee on Ways and Means on the other, and we do not belong to the White House either. Whenever the White House is wrong, as we thought the White House was when it wanted to begin a great era of militarism with the time-worn fallacy of "national prestige," when it in that spirit wanted four battle ships, we cooperated with those who are conservative on your side, and nearly all on this side voted in the negative, not as a party, because the party whip was not drawn nor the party lash inflicted upon anybody. A majority of us, each voting upon his individual conscience and conviction, voted for a conservative naval increase.

Now, then, what sort of an attitude do you stand in? You tell the country that I am responsible, that the minority is responsible, for your not getting unanimous consent for legislation and having to have roll calls for legislation. The truth is that everybody knows—the President knows, the newspapers know, and you know—that all we on this side want is a chance

for the House to consider these measures. [Applause on the Democratic side.] All we want is an opportunity for a majority of this House—constituted by those on that side and those on this side—to express its opinion upon these several questions by a vote. That is all. Take the responsibility for defeating them if you will or if you dare, but at least step up to the line like men and vote and let us vote. [Loud applause on the Democratic side.]

Mr. TAWNEY. Mr. Speaker, I ask for a vote on the adoption of the order.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, in order to show my desire to expedite public business, I desire the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 136, nays 97, answered "present" 12, not voting 142, as follows:

YEAS—136.

Acheson	Durey	Huff	Nye
Adair	Dwight	Humphrey, Wash.	Olcott
Allen	Ellerbe	Jones, Wash.	Overstreet
Ames	Ellis, Mo.	Kahn	Parker, S. Dak.
Andrus	Ellis, Oreg.	Keifer	Parsons
Beale, Pa.	Englebright	Kennedy, Iowa	Payne
Bennet, N. Y.	Esch	Kennedy, Ohio	Perkins
Birdsall	Fairchild	Kinkaid	Pollard
Bonynge	Fitzgerald	Knapp	Porter
Boyd	Foster, Ind.	Knopf	Pray
Brownlow	Foulkrod	Knowland	Reynolds
Burleigh	Fowler	Küstermann	Rodenberg
Burton, Del.	French	Laning	Slemp
Butler	Fuller	Lee	Smith, Cal.
Calder	Gardner, N. J.	Lindbergh	Smith, Iowa
Calderhead	Gilhams	Littlefield	Snapp
Campbell	Goebel	Loud	Southwick
Capron	Graff	Loudenslager	Sperry
Caulfield	Greene	Lovering	Stafford
Chaney	Gronna	McGavin	Sterling
Chapman	Hale	McKinney	Sulloway
Cole	Hamilton, Mich.	McLachlan, Cal.	Tawney
Conner	Harding	Madden	Thistlewood
Cooper, Pa.	Haskins	Malby	Tirrell
Cooper, Wis.	Hawley	Mann	Townsend
Cousins	Hayes	Marshall	Volstead
Crumpacker	Higgins	Miller	Waldo
Currier	Hinshaw	Mondell	Wanger
Cushman	Holliday	Moore, Pa.	Watson
Dalzell	Howell, N. J.	Morse	Weeks
Darragh	Howell, Utah	Mouser	Wheeler
Dawson	Howland	Needham	Wilson, Ill.
Douglas	Hubbard, Iowa	Nelson	Wood
Draper	Hubbard, W. Va.	Norris	Young

NAYS—97.

Adamson	Ferris	Johnson, S. C.	Russell, Mo.
Aiken	Finley	Jones, Va.	Russell, Tex.
Alexander, Mo.	Floyd	Kelliher	Ryan
Ansberry	Fornes	Kipp	Saunders
Ashbrook	Foster, Ill.	Lamar, Mo.	Shackleford
Bartlett, Ga.	Garner	Lamb	Sherley
Beall, Tex.	Gill	Lassiter	Sherwood
Bell, Ga.	Gillespie	Lenahan	Sims
Bowers	Godwin	Lever	Small
Brodhead	Granger	Lloyd	Smith, Mo.
Burgess	Gregg	Macon	Smith, Tex.
Burleson	Griggs	Maynard	Sparkman
Burnett	Hackney	Moon, Tenn.	Stephens, Tex.
Candler	Hamill	Moore, Tex.	Sulzer
Clark, Mo.	Hamilton, Iowa	Murphy	Taylor, Ala.
Clayton	Hammond	Nicholls	Thomas, N. C.
Cooper, Tex.	Hardy	O'Connell	Tou Velle
Cox, Ind.	Hay	Page	Watkins
Cravens	Heflin	Rainey	Webb
Crawford	Helm	Randell, Tex.	Williams
Davenport	Henry, Tex.	Ransdell, La.	Wilson, Pa.
De Armond	Hitchcock	Rauch	Wolf
Denver	Houston	Richardson	
Dixon	Hughes, N. J.	Robinson	
Favrot	Johnson, Ky.	Rothermel	

ANSWERED "PRESENT"—12.

Bradley	Hamlin	Humphreys, Miss.	Pou
Gaines, W. Va.	Hardwick	Jenkins	Slayden
Garrett	Harrison	Kimball	Talbott

NOT VOTING—142.

Alexander, N. Y.	Clark, Fla.	Gaines, Tenn.	James, Ollie M.
Anthony	Cockran	Gardner, Mass.	Kitchin, Claude
Bannon	Cocks, N. Y.	Gardner, Mich.	Kitchin, Wm. W.
Barchfeld	Cook, Colo.	Gillett	Lafean
Barclay	Cook, Pa.	Glass	Lamar, Fla.
Bartholdt	Coudrey	Goldfogle	Landis
Bartlett, Nev.	Craig	Gordon	Langley
Bates	Davey, La.	Goulden	Law
Bede	Davidson	Graham	Lawrence
Bennett, Ky.	Davis, Minn.	Hackett	Leake
Bingham	Dawes	Haggott	Legare
Booher	Denby	Hall	Lewis
Boutell	Diekema	Haugen	Lilley
Brantley	Driscoll	Henry, Conn.	Lindsay
Broussard	Dunwell	Hepburn	Livingston
Brumm	Edwards, Ga.	Hill, Conn.	Longworth
Brundidge	Edwards, Ky.	Hill, Miss.	Lorimer
Burke	Fassett	Hobson	Lowden
Burton, Ohio	Flood	Howard	McCall
Byrd	Focht	Hughes, W. Va.	McCreary
Caldwell	Fordney	Hull, Iowa	McDermott
Carlin	Foss	Hull, Tenn.	McGuire
Carter	Foster, Vt.	Jackson	McHenry
Cary	Fulton	James, Addison D.	McKinlay, Cal.
McKinley, Ill.	Patterson	Rucker	Thomas, Ohio
McLain	Pearre	Sabath	Underwood
McLaughlin, Mich.	Peters	Scott	Vreeland
McMillan	Powers	Sheppard	Wallace
McMorran	Pratt	Sherman	Washburn
Madison	Prince	Smith, Mich.	Weems
Moon, Pa.	Pujo	Spight	Weisse
Mudd	Reeder	Stanley	Wiley
Murdock	Reid	Steenerson	Willett
Olmsted	Rhinock	Stevens, Minn.	Woodyard
Padgett	Riordan	Sturgiss	
Parker, N. J.	Roberts	Taylor, Ohio	

So the rules were suspended and the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ALEXANDER of New York with Mr. BRANTLEY.

Mr. BARTHOLDT with Mr. BRUNDIDGE.

Mr. PRAY with Mr. BYRD.

Mr. BURTON of Ohio with Mr. CARTER.

Mr. GARDNER of Michigan with Mr. GAINES of Tennessee.

Mr. HENRY of Connecticut with Mr. MCLAIN.

Mr. HAUGEN with Mr. HACKETT.

Mr. LANDIS with Mr. HULL of Tennessee.

Mr. LAWRENCE with Mr. LEWIS.

Mr. LILLEY with Mr. MCDERMOTT.

Mr. MCMILLAN with Mr. PATTERSON.

Mr. MCMORRAN with Mr. PUJO.

Mr. STEENERSON with Mr. REID.

Mr. TAYLOR of Ohio with Mr. RHINOCK.

Mr. THOMAS of Ohio with Mr. SHEPPARD.

Mr. WASHBURN with Mr. SABATH.

Mr. DRISCOLL with Mr. SPIGHT.

Mr. LAW with Mr. ELLERBE.

For the remainder of this day:

Mr. OLMSTED with Mr. FULTON.

The result of the vote was announced as above recorded.

Mr. TAWNEY. Mr. Speaker, pending the announcement, I ask that the time for general debate be equally divided between the two sides of the House, and that the gentleman from New York, my colleague on the committee [Mr. FITZGERALD], may control one half of the time and that I myself may control the other half.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the time for general debate be equally divided between the two sides, one half to be controlled by himself and the other half to be controlled by the gentleman from New York [Mr. FITZGERALD]. Is there objection?

There was no objection.

The SPEAKER pro tempore. In accordance with the order just adopted the House will resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of the bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, and the gentleman from Indiana [Mr. WATSON] will please take the chair.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERMAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 12773. An act granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 40. An act to correct the military record of Mirrick R. Burgess;

S. 643. An act for the erection of a monument to the memory of Gen. Patrick Edward Connor;

S. 890. An act for the relief of William Boldenweck, assistant treasurer of the United States at Chicago;

S. 2734. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Milledgeville, Ga.;

S. 4134. An act to correct the military record of Thomas Smith;

S. 4242. An act to provide for the purchase of a site and the erection of a public building at the city of Everett, in the State of Washington;

S. 4451. An act to amend record and grant honorable discharge to Joseph S. Oakley;

S. 5883. An act to correct the military record of John Oates; and

S. 6033. An act to provide for the resurvey of certain townships in Colorado.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19541. An act to authorize the drainage of certain lands in the State of Minnesota.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 40. An act to correct the military record of Mirrick R. Burgess—to the Committee on Military Affairs.

S. 6033. An act to provide for the resurvey of certain townships in Colorado—to the Committee on the Public Lands.

S. 5883. An act to correct the military record of John Oates—to the Committee on Military Affairs.

S. 4451. An act to amend record and grant honorable discharge to Joseph S. Oakley—to the Committee on Military Affairs.

S. 4242. An act to provide for the purchase of a site and the erection of a public building at the city of Everett, in the State of Washington—to the Committee on Public Buildings and Grounds.

S. 4134. An act to correct the military record of Thomas Smith—to the Committee on Military Affairs.

S. 2734. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Milledgeville, Ga.—to the Committee on Public Buildings and Grounds.

S. 643. An act for the erection of a monument to the memory of Gen. Patrick Edward Connor—to the Committee on the Library.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 15219. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909; and

H. R. 15852. An act to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. TAWNEY. Mr. Chairman, in presenting to the House the sundry civil appropriation bill, the last bill the Committee on Appropriations is charged with the duty of preparing and reporting which carries appropriations for expenditures during the fiscal year 1909, I desire to refer briefly to what I said early in this session regarding the necessity of the committees of the House having appropriating jurisdiction revising the estimates sent to Congress at the beginning of this session. At that time I called attention to the aggregate estimated expenditures for the next fiscal year and the estimated revenues. A comparison of these estimates showed that the expenditures estimated for exceeded the estimated revenues by $118,000,000, and that the estimated revenues exceeded the revenues of the last fiscal year in the neighborhood of $32,000,000.

While addressing the House upon this subject at that time the gentleman from New York [Mr. COCKRAN] asked whether I thought these estimated expenditures could be materially reduced without injury to the public service. In reply I stated that, in my judgment, they could be reduced at least to the extent of $100,000,000 without retarding the progress of any public work heretofore authorized and without detriment to the public service. Now, that all the bills carrying appropriations for expenditures during the next fiscal year have been reported to the House, except the Military Academy appropriation bill, which will carry less than $1,000,000, and all of them have passed the House with the exception of the sundry civil bill, now under consideration, I am able to show to the House and to the country the exact amount by which the estimated expenditures for the next fiscal year have been reduced as a result of the practical revision of the estimates which was recommended at the beginning of this session.

The Committee on Appropriations had submitted to it estimates for appropriations amounting to $379,609,504.64. This includes the regular annual estimates and the supplemental estimates submitted during the session. The five regular annual appropriation bills reported to the House from the Committee on Appropriations carry appropriation aggregating $306,693,002.83, being a net reduction in the estimates as submitted by the Departments under the District of Columbia, fortifications, legislative, executive, and judicial, the pension, and the sundry civil appropriation bills of $72,916,501.81, and I will submit and print in the RECORD the detailed statement of the estimates and reductions in each of the foregoing bills.

Upon comparing all the estimates with the amounts carried in all the appropriation bills reported from the several committees having appropriating jurisdiction we find that there has been a total reduction by the House of the regular estimates, not including the supplemental, of $99,948,098.37. Sixty-six million two hundred and eighty-five thousand three hundred and sixty-eight dollars and eighty-one cents of this reduction was made by the Committee on Appropriations, and $33,662,729.56 of this total reduction of practically $100,000,000 was made by the other committees of the House having jurisdiction of appropriations. This, as I have said before, does not include the supplemental estimates. Including these, the aggregate reductions in all the estimates equals in round numbers more than $110,000,000.

The following is the statement of the estimates for expenditures under the five regular annual appropriation bills of which the Committee on Appropriations has jurisdiction, the amounts reported to the House in each bill, and the amount of reduction of the estimates:

	Estimates.	Reported.	Reduction.
District of Columbia	$13,798,126.35	$9,561,449.35	$4,236,677.00
Fortification	38,443,945.36	8,210,611.00	30,233,334.36
Legislative	35,040,066.13	32,336,573.00	2,703,493.13
Pension	151,043,000.00	150,869,000.00	174,000.00
Sundry civil:			
Regular estimates $134,618,623.80			
Supplemental estimates 6,665,743.00			
	141,284,366.80	105,715,369.48	35,568,997.32
Total	379,609,504.64	306,693,002.83	72,916,501.81

For the information of the House I desire also to insert in the RECORD here a statement of the appropriation bills as passed by the House compared with the regular estimates as submitted to Congress:

Appropriation bills as passed by the House compared with regular estimates as submitted to Congress.

[From Committee on Appropriations.]

	Estimates.	As passed by the House.
District of Columbia	$13,798,126.35	$9,560,499.35
Fortification	38,443,945.36	8,210,611.00
Legislative	35,040,066.13	32,302,913.00
Pension	151,043,000.00	150,869,000.00
Sundry civil	134,618,623.80	105,715,369.48
	372,943,761.64	306,658,392.83
Reduction of regular estimates under control of Committee on Appropriations		66,285,368.81
Agriculture	10,666,351.00	11,508,806.00
Army	89,755,833.75	84,207,566.56
Diplomatic and consular	3,960,320.91	3,513,483.91
Indian	8,219,272.87	8,179,097.87
Military Academy	977,087.87	977,087.87
Navy	125,791,349.80	105,405,768.43
Post-Office	230,441,016.00	222,356,692.00
Total	469,811,232.20	436,148,502.64
Reduction of regular estimates under control of other committees		33,662,729.56

Total reduction in regular estimates in bills controlled by the Committee on Appropriations	$66,285,368.81
Total reduction in regular estimates in bills controlled by other committees	33,662,729.56
Grand total	99,948,098.37

In the foregoing statement the figures of the sundry civil bill are those of the report to the House, and the sums for the Military Academy bill are those as submitted in the estimates, the bill not yet being reported.

In respect to the amount carried in the sundry civil appropriation bill I desire to say that the regular estimates for the sundry civil expenditures were $134,618,623.80. These were increased by supplemental estimates aggregating $6,665,743, making the total estimates $141,284,366.80. The amount carried in this bill as recommended to the House by the committee is $105,715,369.48, being a reduction of $35,568,997.32.

The title of all the appropriation bills, except the one now under consideration, conveys a very accurate idea of the scope

of the public service provided for by the appropriations carried in each bill. But the title to the sundry civil appropriation bill does not give any adequate idea of the scope of its provisions or the importance of the various public works and branches of the public service included under its title.

It carries the appropriations for all of our insular possessions, including Samoa, the Philippine Islands, Hawaii, Alaska, and Porto Rico. It would be impossible for any man to give an adequate explanation of the provisions of the bill in the time that is usually occupied in presenting other appropriation bills, and for personal and other obvious reasons I shall not attempt to do so at this time. I will say, as I said a year ago in presenting this bill to the House, that in view of the diversity of objects for which appropriations are recommended, and in view of the fact that it is a bill in which almost every Member of the House has some direct interest, there will be no disposition on my part to restrict debate under the five-minute rule when provisions of that character are reached in the reading of the bill.

The general provisions of the bill may be divided into two parts, namely, appropriations for public works, and second, for administrative purposes. The principal items under the head of public works are appropriations for the continuation of work on public buildings and rivers and harbors. Your Committee on Appropriations has allowed all the recommendations submitted by the Supervising Architect of the Treasury and by the engineers of the War Department as to the amount needed and which can be expended on public buildings and river and harbor improvements heretofore authorized. We have accepted their estimates without change, and the bill provides for all the money that, in the judgment of these two Departments, can be expended until the next appropriation bill becomes available for these purposes.

Appropriations for public works made under previous authorization and limit of cost become available when made. With the unexpended balances that will remain July 1 next and the amounts recommended in this bill there will be ample funds for all public work heretofore authorized until the next appropriations become available, which will be not later than the 4th of March next.

Now, Mr. Chairman, there are a number of provisions recommended in this bill which are legislative provisions and are therefore obnoxious to the rules of the House. But I want to call the attention of the committee to the fact—and I trust that the members of the committee will carefully examine these various provisions—that all these provisions are necessary limitations upon the administration and expenditure of appropriations made for the public service. They are not only deemed necessary but under the circumstances the necessity for their enactment would not come to the attention of any other committee. All of them originate with the committee and not with the Departments. If agreed to by the House they will safeguard public expenditures and prevent abuses in public administration.

Mr. SHERLEY. Mr. Chairman, before the gentleman takes his seat, can he tell the committee how much the reduction has been due to the elimination of that part of the estimates which contemplates expenditures between the 4th of March and the 1st of July next?

Mr. TAWNEY. I can not. There are only two items, however, that come under that head. One is in respect to the public buildings, which I think is about $2,000,000, if I am not mistaken, and the other is the river and harbor appropriation, and the amount carried in this bill for river and harbor appropriation is $11,000,000, as I recall it, in excess of the current river and harbor appropriations or the appropriation for the continuation of river and harbor work. Those are the only two items that I recall that come under the head referred to by the gentleman from Kentucky.

Now, Mr. Chairman, unless some Member desires an explanation of some particular provision of the bill, I will defer all further explanation until the various items are read under the five-minute rule.

Mr. FITZGERALD. Mr. Chairman, I yield twenty minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Chairman, not having had the opportunity at any other time, I avail myself of the courtesy just now extended to me to make some remarks on a subject that I believe to be of interest to the membership of this House and to the thoughtful people of the country. Inasmuch as this is a Presidential year, as it is usually termed, inquiries as to the qualifications of Presidential electors have been made of some of the Members here, and editorials voicing the desire for information on the same subject have appeared from time to time in some of the leading papers of the country. These inquiries and editorials have been directed to obtaining an answer to the proposition of what qualifies a man for and what disqualifies a man from being a Presidential elector.

There has never been very much said or written on this subject, and that is true because, naturally, the rivalry and jealousy existing between the great political parties has forced the leaders of the respective sides to insist in any case of doubt of the qualification of a proposed candidate for elector that he stand aside and let some one else be voted for about whose eligibility there could be no dispute.

I received recently from one of the leading citizens of Alabama, prominent at the bar and in the politics of that Commonwealth, Hon. H. S. D. Mallory, this inquiry:

Ascertain accurately and inform me of the qualifications of Presidential electors and what disqualifies.

I have, Mr. Chairman, made careful examination, and I beg leave to submit the result of that examination to the membership of this House, to the lawyers here, and I know from personal conversation with more than a few of them that they have had the same question propounded to them by some of their constituents.

MODE OF SELECTION.

The selection, qualifications, and duties of Presidential electors are regulated in part by Federal and in part by State constitutions and laws.

THE PROVISIONS OF THE FEDERAL CONSTITUTION

And statutes bearing thereon are as follows:

2. Each State shall appoint in such manner as the legislature thereof may direct a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The Congress may determine the time of choosing the electors and the day in which they shall give their votes, which shall be the same throughout the United States. (U. S. Constitution, Art. II, sec. 1.)

THE FEDERAL LAWS

Bearing upon the matter of electors are to be found in sections 131 to 151, inclusive, of the United States Revised Statutes, of which it is necessary to cite only:

SEC. 131, Revised Statutes. Except * * * the electors of President and Vice-President shall be appointed, in each State, on the Tuesday next after the first Monday in November in every fourth year succeeding every election of a President and Vice-President. (Act March 1, 1792, c. 8, sec. 1, Stat., 293; act January 23, 1845, c. 1, 5 Stat., 721.)

SEC. 132, R. S. The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice-President are to be chosen come into office, except that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors the number of electors shall be according to the then existing apportionment of Senators and Representatives. (Act Mar. 1, 1792, ch. 8, sec. 1, 1 Stat., 239.)

SEC. 133, R. S. Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. (Act Jan. 23, 1845, ch. 1, 5 Stat., 721.)

SEC. 134, R. S. Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such manner as the legislature of such State may direct. (Act. Jan. 23, 1845, ch. 1, 5 Stat., 721.)

Section 135, Revised Statutes, superseded by—

Be it enacted, etc., That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the legislature of such State shall direct. (Act Feb. 3, 1887, ch. 90, sec. 1, 24 Stat., 373.)

SEC. 2. That if any State shall have provided by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy of contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned. (Act. Feb. 3, 1887, ch. 90, sec. 2, 24 Stat., 373.)

Now, I turn from the Federal provisions on this subject to the State provisions, for, as I said in the beginning, this matter is controlled in part by the Federal Constitution and laws, and in part, in every case, by the State constitution and statutes of the particular State where the elector is chosen. What I shall say generally of the laws of Alabama, both organic and statutory, are but illustrative of what could be said in a given case of the qualifications and disqualifications of an elector that might arise in the case of an elector chosen or appointed by any other State.

The Alabama State provisions are as follows:

ARTICLE XVII. Constitution of Alabama, 1901:

"SEC. 280. No person holding an office of profit under the United States, except postmasters whose annual salary does not exceed $200, shall, during his continuance in such office, hold any office of profit under this State; nor unless otherwise provided in this constitution, shall any person hold two offices of profit at one and the same time under this State, except justices of the peace, constables, notaries public, and commissioners of deeds."

"SEC. 282. It is made the duty of the general assembly to enact all laws necessary to give effect to the provisions of this constitution."

ARTICLE VIII. Constitution of Alabama, 1901:
"SEC. 183. No person shall be qualified to vote or participate in any primary election, [a] party convention, mass meeting, or other method of party action of any political party or faction who shall not possess the qualifications prescribed in this article for an elector or who shall be disqualified from voting under the provisions of this article."
ARTICLE V. Constitution of Alabama, 1901:
"SEC. 132. No person shall be eligible to the office of attorney-general, State auditor, secretary of state, State treasurer, superintendent of education, or commissioner of agriculture and industries unless he shall have been a citizen of the United States at least seven years and shall have resided in this State at least five years preceding his election and shall be at least 25 years old when elected."
ARTICLE VI. Constitution of Alabama, 1901:
"SEC. 154. Chancellors and judges of all courts of record shall have been citizens of the United States and of this State five years next preceding their election or appointment and shall be not less than 25 years of age and, except judges of probate courts, shall be learned in the law."
ARTICLE IV. Constitution of Alabama, 1901:
"SEC. 47. [State] Senators shall be at least 25 years of age and representatives 21 years of age at the time of their election. They shall have been citizens and residents of this State for three years and residents of their respective counties or districts for one year next before their election if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken, and they shall reside in their respective counties or districts during their term of office."

THE STATE LAW.

Chapter 33, Art. II, Code of Alabama, 1907:
"SEC. 1467. (3056), (241), (149), (144), (105)." Persons ineligible to office.
The persons who are ineligible to and disqualified for holding office under the authority of this State are:
"1. Those who are not qualified electors, except as otherwise expressly provided.
"2. Those who have not been inhabitants of the State, etc., the period required by the constitution and laws of the State.
"3. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, larceny, bribery, or any other crime punishable by imprisonment in the penitentiary and those who are idiots or insane.
"4. Those who have given, accepted, or knowingly carried a challenge.
"5. Those against whom there is a judgment unpaid for any money received by them in any official capacity, due to the United States, the State of Alabama, or any county or municipality thereof.
"6. Soldiers, seamen, or mariners in the Regular Army or Navy of the United States.
"7. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this State; nor shall any person hold two offices of profit at one and the same time under this State, except notaries public."

It will be noted that under the constitution justices of the peace, constables, and commissioners of deeds also are excepted, but by the above paragraph of section 1467 they are made ineligible to hold any other office.

SEC. 1468. (3057), (244), (152), (147), (108). Code of Alabama, 1907:
"All officers must reside in this State."
ART. IV, SEC. 331. (1573), (338), (243). Code of Alabama, 1907:
"The following officers in the State shall be elected by the qualified electors thereof * * * electors for President and Vice-President of the United States. (Mar. 6, 1876, p. 103.)"
SEC. 332. (1574), (339), (244). Code of Alabama, 1907:
"General Election.—General elections throughout this State shall be held for * * * electors for President and Vice-President of the United States. (Mar. 6, 1876, p. 103.)"
SEC. 338. (1579), (343), (248). Code of Alabama, 1907:
"Electors for President and Vice-President of the United States shall be elected on the first Tuesday after the first Monday in November, 1902, and every fourth year thereafter. (Mar. 6, 1876, p. 103.)"
ART. XX, SEC. 446. (1653), (435), (342), (388), (339). Code of Alabama, 1907:
"On the day prescribed by this Code there are to be elected, by a general ticket, a number of electors for President and Vice-President of the United States equal to the number of Senators and Representatives in Congress to which the State is entitled at the time of such election. (Mar. 3, 1875, p. 76.)"
SEC. 450. (1657), (439), (346), (394), (345). Code of Alabama, 1907:
"The electors of President and Vice-President are to assemble at the office of the secretary of state at the seat of government at 12 o'clock noon on the second Monday in January next after their election, or on that hour on such other day as may be fixed by Congress, to elect such President and Vice-President; and those of them present at that hour must at once proceed by ballot and plurality of votes to supply the places of those who fail to attend on that day and hour. (March 3, 1875, p. 76.)"
SEC. 451. (1658), (440), (347). Code of Alabama, 1907:
"Each elector for President and Vice-President shall receive $8 for each day he necessarily attends at the seat of government, and 20 cents for every mile traveled to and from the same, to be estimated in the same manner as is provided by law in relation to members of the general assembly from his county, to be paid on oath of each elector, by warrant on the State treasurer. (March 6, 1876, p. 103.)"

ELECTOR IS STATE OFFICER.

It is clear, therefore, from the foregoing, that the Presidential elector is an officer of the State, holding an office of profit, and that the determination of the State, in the manner provided by law (act of Congress, February 3, 1887, 24 Stat., 373), of any controversy or contest concerning the appointment of any or all of the electors of such State is conclusive.

This view is confirmed by the decisions of Federal and State courts in which the question has arisen.

The office of Presidential elector is a State and not a Federal office. (In re Green, 134 U. S., 377, 379; McPherson *v.* Blacker, 146 U. S., 1, 35.)

With the exceptions of the provisions as to the number of electors and the ineligibility of certain persons, which provisions are so framed that Congressional and Federal influence might be excluded, the appointment of electors belongs exclusively to the States, under the Constitution of the United States. (McPherson *v.* Blacker, 146 U. S., 1, and bottom of page 35.)

Mr. HARDWICK. Before the gentleman leaves that point, will it disturb the gentleman if I ask him a question?

Mr. CLAYTON. Not at all.

Mr. HARDWICK. In the decision to which the gentleman has just referred——

Mr. CLAYTON. I have it here on my desk——

Mr. HARDWICK. Is not it true that Congress would have no power whatever to direct the manner in which Presidential electors should be selected in the several States except as to the time of choosing them and that the time of choosing them should be uniform?

Mr. CLAYTON. Yes; I think the gentleman is entirely correct, but no person declared ineligible by the provisions of Federal law that I have just referred to can be a Presidential elector.

PERSONS DISQUALIFIED.

The Federal exceptions are Senator or Representative, or person holding an office of trust or profit under the United States, Article II, Constitution of the United States.

The State laws exclude every person holding an office of profit under the United States, except postmasters receiving less than $200 per annum compensation, who are ineligible under the Federal Constitution, and every person holding any other office of profit at the same time under the State, except notaries public.

ART. XVII. Constitution of Alabama, 1901.
SEC. 1467. Page 7, Code of Alabama, 1907.

In addition to the above all the persons disqualified by section 1467, Code of Alabama, 1907 (1–6), are made ineligible to any office.

And the following under Article IV, constitution of Alabama, 1901:

SEC. 60. No person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the legislature or capable of holding any office of trust or profit in this State.

WHO ARE OFFICERS.

The only question open for discussion is what is an office and who are officers in the meaning of the Federal and State constitutions and laws governing such election.

A United States Senator or Representative in Congress is not an officer of the United States, therefore is provided for *eo nomine* in the Federal constitutional and statutory exclusions.

Federal officers are appointed by the President, by and with the advice and consent of the Senate, by the courts of law and the heads of Departments where Congress has, by law, vested the appointment of such inferior officers.

Article II. Section 2 (2) U. S. Constitution.

As examples, it has been held that an officer of a national bank is not an officer of the United States. He is elected by his fellow-stockholders, and his duties are not public. He is not a part of the Government, albeit executing certain functions under his authority. (Branch *v.* United States, 12 C. Cls., 286, affirmed in 100 U. S., 673.)

On the other hand, the receiver of a national bank has been held to be such officer, because appointed by the Treasury Department. (In re Chetwood, 165 U. S., 443.)

A member of a board of examining surgeons appointed by the Commissioner of Pensions (not the Department) is not an officer. (United States *v.* Van Leuven, 62 Fed. Rep., 62.)

Curiously enough, it may be remarked that a sailmaker at a navy-yard, appointed by a warrant under the hand of the Secretary of the Navy and seal of the Department, is an officer of the United States. (Sanford *v.* Boyd, 2 Cranch, C. C., 671.)

A United States commissioner is an officer duly appointed by the United States circuit court, under authority of the Constitution, therefore undoubtedly disqualified, although it has been held that a State justice of the peace, while authorized to arrest and commit persons violating the Federal laws, does not thereby become an officer of the United States (Ex parte Gist, 26 Ala., 156), and such justice of the peace is especially excepted by the State constitution, but disqualified by the code of 1907.

A notary public is not such officer and therefore not disqualified under the State constitution. (Kirksey *v.* Bates, 7 Porter, 529; Governor *v.* Gordon, 15 Ala., 72.)

The enrolling clerk of the legislature is only an employee, and not an officer; neither is an attorney.

A special deputy employed and authorized by the sheriff to execute a particular process is an officer of the State within the generic meaning of the term and of the statute against resisting

an officer in the discharge of his duty. (Andrews *v.* State, 78 Ala., 483; Pentecost *v.* State, 107 Ala., 91.)

Mayors of cities and incorporated towns have ex officio powers of justice of the peace, and usually hold the police courts; therefore doubtless ineligible on account thereof.

It has been held that the following are officers within the meaning of the Constitution and laws:

A police judge, in Montgomery *v.* State (107 Ala., 372).

A State printer, in Ex parte Screws (49 Ala., 64).

County solicitor, in Diggs *v.* State (49 Ala., 326).

It has been held that administrators, general or special, are not such officers, in Michell *v.* Nelson (49 Ala., 90).

These exceptions are so plain and explicit as to need no elaboration.

The definition of office and officer are many in number, but uniform in character. They will be found collected at pages 4920–4923, Volume VI, Words and Phrases Judicially Defined, and their general tenor is as follows:

(1) A right to exercise a public function or employment and to take the fee belonging to it. Olmstead *v.* City of New York (42 N. Y., Sup. Ct. (10 Jones & S.), 481, 487).

Quoting 7 Bac. Abr. (Ed. 1879), p. 279. (Office.)

(2) An office consists in a right, and correspondent duty, to exercise a public trust, and to take the emolument belonging to it. (Kent citing Blair *v.* Marye, 80 Va., 485, and numerous cases.)

(3) It is a right to exercise a public or private employment and to take the fees and emoluments in which one has a property and to which there are annexed duties, and oaths to support the constitutions of the State and United States. Worthy *v.* Barrett (63 N. C., 199).

ALL STATE AND FEDERAL OFFICEHOLDERS INELIGIBLE.

Every person holding any office of trust or profit under the United States, or of profit under the State, except notaries public, is specifically excluded from serving as Presidential elector. Under the general provision that inhibits any person from holding two offices of profit at one and the same time in Alabama, every other officeholder is made ineligible for elector.

A notary public who is at the same time an ex officio justice of the peace probably would be held to be disqualified also.

In addition to officeholders of every description under the State and the United States, all the persons mentioned in section 60 of the constitution of 1901 and section 1467 of the code of 1907 are disqualified. These embrace all persons not entitled to vote, who have been convicted of crimes involving moral turpitude, who have been concerned in challenges to fight, and against whom is an unpaid judgment for public moneys.

ELECTOR'S QUALIFICATIONS.

For all executive, legislative, and judicial officers in Alabama, the constitution or code seems to require certain age, residence, etc., qualifications, but for the office of Presidential elector I find no regulation other than that the elector shall be duly qualified to vote at general elections in the State, shall not be within any of the inhibited classes under either Federal or State constitution or laws herein-above mentioned, and shall not have been convicted of certain classes of crimes named, owe unpaid public moneys reduced to judgment, nor been concerned in a challenge.

SUMMARY OF QUALIFICATIONS AND DISQUALIFICATIONS.

Without further amplification, the conclusion is that only a person duly qualified to vote in a general election of the State is eligible to be a Presidential elector, or to be voted for as such, in the State of Alabama; that United States Senators and Representatives in Congress and every person holding any office of profit or trust under the United States or any office of profit under the State, which includes every person required to take and subscribe to an oath to support the constitution of the State or the United States, is disqualified by law from holding or being voted for for elector for President and Vice-President as well as all the other persons disqualified from holding office generally.

ADVICE.

As even one vote may be important, the least risk should not be taken, but only private citizens, unquestionably disconnected from public office or employment, fully qualified to vote and hold office at the election, should be voted for as elector for President and Vice-President.

I thank the House for its considerate attention. [Applause.]

Mr. RODENBERG. Mr. Chairman, I am now serving my fourth term as a Member of the House of Representatives, and unless all signs fail or the people of my district make a most serious mistake I fully expect to continue my services in this body for many years to come. [Applause.] When I first became a Member of the House I possessed all the credulity that attaches to the innocence and inexperience of youth.

So guileless and gullible was I that I actually believed everything that was said on this floor. Even a Democratic speech, intended strictly for home consumption, was received by me at par, without discount or allowance for campaign shrinkage. My preconceived faith in the absolute truth and reliability of all Congressional humanity would not permit me to accept any part of any statement made by any Member on any subject cum grano salis.

Well do I recall how I trembled with fear as some Democratic Member, in deep sepulchral tones that smacked of the gloomy depths of the cheerless tomb, arose in his seat and, assuming the attitude of Ajax defying the lightning, hurled anathemas upon anathemas at our devoted heads and predicted the overthrow, swift, sure, and immediate, of the Republican majority in this House. A speech of that kind always struck terror to my youthful soul. It "froze the blood in my young veins" and made my hair stand on end like "quills upon the fretful porcupine." Like Eugene Aram—

> All night I lay in agony,
> In anguish dark and deep;
> My fevered eyes I dared not close,
> But stared aghast at sleep.

In the still small hours of the slumberless night my tortured soul cried out aloud, again and again, with the penitent sinner of old, "O, Lord, what must I do to be saved?"

Perhaps my genial and tender-hearted friend from Missouri, CHAMP CLARK, was not aware of it, but he certainly caused me no end of tribulation and vexation of spirit in the early days of my service here. But it is quite different now. Democracy's dismal and doleful note of warning, which from time immemorial has been sounded in this Chamber at regular intervals of two years, no longer terrifies—it simply amuses. What was once high tragedy is now comic opera. I have long since learned that giving gratuitous advice to the Republican party is an inalienable Democratic right, and prophesying Republican defeat an irrepressible Democratic habit. [Applause on the Republican side.]

I, for one, refuse to accept the advice, and the biennial prophecy now has no other effect on my mental composure and political equanimity than to produce a sort of tired feeling, which is wholly ephemeral. In the light of my own experience I would bid my Republican colleagues who are serving their first terms here to be of good cheer. You are in no danger. Be steadfast, keep the faith, hew to the line, and you will continue to assist in making the laws of the land while our friends on the other side of the aisle will continue their ancient and harmless pastime of beating tom-toms, demanding senseless roll calls, and dancing the political hoochie-koochie. [Applause.]

Why, Mr. Chairman, we had a special election for Congress in Illinois since the distinguished gentleman from Missouri [Mr. CLARK] delivered his great speech, in which his enraptured soul beheld a vision of the Democratic party clothed with the emblem of official authority and political power; and, notwithstanding the fact that the Democrats were united on one candidate, and an independent Republican candidate polled 4,000 votes, the regular Republican nominee, Colonel THISTLEWOOD, increased the plurality given his popular Republican predecessor in the regular election two years ago over 25 per cent. [Applause on the Republican side.] The result of the recent election in the Twenty-fifth district of Illinois—the only one that has been held this year—is a complete and effective answer to the gentleman's predictions, and it indicates in language so plain that he who runs may read that when the roll of the Sixty-first Congress is made up the Republican party will be found doing business at the old stand with the same old-time majority. [Applause on the Republican side.]

Mr. Chairman, the average Democratic statesman has always been a disciple of the doctrine of despair. His is the philosophy of pessimism. To him the Lamentations of Jeremiah are an inspiration, an exhilaration. His face is ever turned toward the setting and not the rising sun. He is never so much at peace with himself as when he is quarreling with some one else. Instinctively, he prefers a funeral dirge to a wedding march, and believes that the song of the dying swan would make a most glorious national anthem. [Applause on the Republican side]. When camping out, purely as a matter of choice, he always pitches his tent amid the somber surroundings of a cemetery, in the cheerless shade of a weeping willow. [Laughter.] He is happy only when his fellow-man is sad. Night after night he sends up a fervent petition to the Great White Throne, asking the good Lord above to visit his children with some great disaster, such as fire or fever, flood or famine, drought or death, earthquake shock or ocean storm, for in a visitation of that kind his morbid and melancholy mind thinks it sees some promising political possibilities. [Applause on the Republican side.]

It does not take much to encourage him, however. When he picks up his morning paper and reads of a defaulting bank cashier, he at once grows hopeful; when he scans the market reports and finds that the price of wheat has dropped 1 cent, he actually becomes cheerful; and when he learns that cholera, or some other contagion, has broken out in one of our insular possessions, he simply grows delirious with joy, and forthwith proceeds to gather together all manner of indorsements for a political job under a Democratic administration. [Great applause on the Republican side.]

Our Democratic friends are even now trying to extract some comfort out of the fact that the Republicans are not an absolute unit as to who should lead us to victory in November next. Get all of the comfort and satisfaction out of that situation that you possibly can, gentlemen, but I want to say to you that I am proud of the fact that the Republican party is not the personal asset of any individual. [Applause.] No man holds a mortgage on its principles, its policies, or its purposes. It has never issued a commission in perpetuity to anyone to write its platforms and to do all its thinking. [Applause.] Thank God, it has never been afflicted with a political Old Man of the Sea, who has secured a strangle-hold on its windpipe and choked it into abject submission to his every whim and caprice. [Renewed applause.] In all its history, the Republican party has never developed, and I hope it never will develop, a perennial "disappearless leader," who arrogates to himself the sole power of political excommunication. [Laughter and applause.] I say it more in sorrow than in anger, but it is true, nevertheless, that you on that side have long since lost your courage, your independence, your political manhood. You have been compelled, nolens volens, to submit to the inevitable and to accept Bryan with all his idiosyncracies or suffer the consequences of his mighty wrath.

There is not a Rienzi among you. There is not one among you, unless perchance it be the eloquent young gentleman from New Jersey [Mr. LEAKE], and it is doubtful if even he would have the temerity to do so now after sitting for four months at the feet of the minority leader, in close proximity to the "heir apparent," CHAMP CLARK, and the "heir presumptive," OLLIE JAMES [laughter]—there is not one among you who would have the courage to-day to even protest against the story of your thralldom.

But try as you may to create the impression that you are sincerely united on the candidacy of your self-appointed and self-annointed leader, whose knowledge of political generalship seems to embrace only an elaborate and comprehensive plan of retreat [applause], yet the fact remains, and is known of all men, that the great majority of you have simply taken counsel of your fears and that your simulated enthusiasm is in reality the hysteria of a crushed and conquered hostage. No real change has come over the spirit of your opposition to Bryan and Bryanism. You have not been converted; you are still the same old Saul of Tarsus. But your feigned loyalty will not last. You can not keep up the delusion. The history of the Democratic party teaches us that the glory of to-day is the pathos of to-morrow. Only a few short years ago you had another idol to whom you swore undying fealty and devotion. Grover Cleveland was once your uncrowned hero, your man of destiny. Around his massive brow you twined the wreath of immortality, and in his mighty presence you "crooked the pregnant hinges of the knee that thrift might follow fawning." Where, oh where is that idol now? Ask of the populistic winds that blow from the sand dunes of the River Platte, and that have grown in volume and velocity since 1896, until to-day they have reached the menacing proportions of a cyclone of socialism! In the language of Mark Antony:

> But yesterday he might have stood against the world.
> Now lies he there with none so poor to do him reverence!

During the four terms of my service in this body I have yet to hear for the first time a single word of praise or commendation from the lips of any Democrat in behalf of the only Democrat who has occupied the Presidency since 1860, and to whom you once ascribed powers supernatural and wisdom infinite. Mr. Chairman, when I contemplate the fate of Grover Cleveland, when I recall the once high estate of that discarded and forgotten idol of democracy, then, indeed, do I feel sorry for one William Jennings Bryan. The day will come, and it is not far distant, when he, too, will be made to walk the gang plank of Democratic execration and go to his political grave "unhonored, unwept, and unsung."

I repeat, gentlemen, and I take pride in the statement, that the Republican party has always been opposed on principle to the incorporation of a Presidential nominating trust, in which one man enjoys a monopoly of all the stock, both common and preferred. [Laughter on the Republican side.] I glory in the fact that there is a division of sentiment among Republicans as to the personality of our candidate for the Presidency, but, whoever he may be, whether that splendid rugged type of old-fashioned American manhood, that man whose every heart-beat has been in sympathy with the best aspirations of the common people, and who gained his education in the great school of human experience, the school that has given to the world's heritage of true nobility its best and brightest men, that man who presides over the deliberations of this House with firmness and fairness, and who lives in the hearts of his fellow-members, JOSEPH G. CANNON [great applause on Republican side]; whether it be that brave and manly man of magnificent judicial poise, who in the far-off Philippines has reared a monument to his own greatness of intellect and genius of organization that will endure until time shall be no more; whether it be the distinguished son of Indiana who is to-day Vice-President of the United States, and who has brought to the discharge of his every duty the highest ideals of intelligent and patriotic citizenship; whether it be the governor of the Empire State of the Union, who drove the money changers from the temple and is to-day cleaning out the Augean stables of questionable finance—whoever it may be, the man who receives the Republican nomination at Chicago in June will receive the united support of the Republicans of the nation in November [applause on the Republican side], and will succeed Theodore Roosevelt in the White House on March 4, 1909. [Great applause on the Republican side.]

The Republican party deserves success and will succeed because it has been right on all of the great questions that have confronted the American people since the foundation of the Republic. It was right when, as the old Federal party, in the days of Alexander Hamilton, it advocated the formation of a Government big enough and strong enough and grand enough to protect the humblest citizen of the land. It was right when, as the old Whig party, in the days of Daniel Webster and Henry Clay, it made the protection of American industries the cornerstone of American greatness. It was right when, in the days of Abraham Lincoln, it said that this Republic could not endure half slave, half free. It was right when, in the days of Ulysses S. Grant, it dealt a death blow to the Democratic doctrine of repudiation and said that every bond of this Government should be held as sacred as a soldier's grave. It was right when, in the days of William McKinley, it said that the laborer was worthy of his hire, and that the man who performed honest work was entitled to honest money for that work. [Applause on the Republican side.] It is right to-day when it says with Theodore Roosevelt that no man or combination of men is greater than the law of the land, and that he that transgresses, be he rich or poor, shall be made to pay the penalty of his transgressions. [Applause on the Republican side.]

The history of the Democratic party, on the other hand, is an unbroken record of incoherent inconsistencies. The Democratic party has demonstrated a capacity only for mischief and mistake. It has been so persistently and insistently wrong on all of the great social and economic questions of modern times that every thinking citizen instinctively looks upon its promises and professions with doubt and misgiving.

In 1892 we were told by the Democratic party that the one great, overwhelming, paramount issue before the American people was the question of the tariff. Protection was denounced as robbery of the many for the benefit of the few. War, fierce and unrelenting, was declared on the protected industries of the country, and it was to be a war to the death. Import duties were to be abolished, custom-houses were to be scattered to the four winds of the heavens, our home market was to be opened to all the world, and every citizen, without regard to creed, color, or previous condition of servitude, was to be accorded the proud and priceless privilege of buying where he could buy the cheapest and selling where he could sell the dearest. The golden era was to be ushered in. Our cup of national happiness was to be filled to overflowing with the untold blessings that were sure to gush forth in never-ending abundance from a tariff for revenue only. Aye, we were told that the protective system of the Republican party was a delusion and a snare, a miserable mockery, a travesty on truth, and God alone knows what not. They told us that we were taxed from the cradle to the grave and that even death brought no surcease from sorrow, for the wicked Republican party had placed a tariff on tombstones. I almost shudder, even at this late day, as I recall the harrowing and grewsome picture that was painted by the Democratic spellbinder of 1892.

Well, the American people, like Ulysses of old, finally succumbed to the song of the siren. Grover Cleveland was elected President and with him came into power a Congress Democratic in both branches. And then came the deluge. The Wil-

son bill, that bright and shining example of Democratic constructive statesmanship, was enacted into law—and you know the rest. It is not necessary for me to-day to lift the veil that hangs over that darkest period of our national industrial life. The farmers, the merchants, and the mechanics of this generation have not forgotten, and they never will forget, their one sad experience with a tariff for revenue only. Nor will they forget that William Jennings Bryan, as a Member of Congress, was one of the most eloquent champions of that measure. It was then that the farmer's wheat brought 40 cents a bushel, his corn 10 cents, his oats nothing, and his potatoes considerably less than nothing. It was then that the merchant turned prematurely gray and the deep furrows of care and trouble appeared on his brow. It was then, too, that labor walked the streets night and day searching in vain for work. The mills and factories throughout the length and breadth of the land closed their doors, and across their silent and smokeless chimneys was written the epitaph:

Died of an overdose of Democracy.

[Laughter and applause.]

For four long and weary years, years that were lean and barren, years of sorrow and of suffering, of poverty and of pain, we struggled on and on under this weight of woe, hoping against hope, but relief came only when the Republican party was restored to power and the Dingley Republican protective tariff bill was enacted into law, for when that great constructive statesman of the Fifty-fifth Congress touched the buried industries of the nation with the magic wand of protection, Phœnix like, they sprang forth from their ashes, their Democratic tombs.

In the wealth of the products of field and factory, of mill and mine, and in the magnificent growth of our export trade, far exceeding that of any other nation on earth and reaching every part of the civilized world, we behold an enduring monument to that great cardinal principle of the Republican creed—protection to the products of American genius, American brain, and American industry. [Applause.]

Our Democratic friends say that they intend to make the tariff an issue in this campaign. I suppose this is their intention, for the Peerless One has spoken, and "I am Sir Oracle; when I ope' my lips let no dog bark." I hope it is true and that they will make it the paramount issue. I for one shall welcome an opportunity to contrast the barrenness of yesterday with the bounty of to-day. I shall be glad to match Democratic fancy with Republican fact, Democratic promise with Republican performance, Democratic expectation with Republican realization. [Applause.]

Ah, my countrymen, the protective policy of the Republican party needs no defense. It has stood the test of time and experience. Its manifold benefits are altogether too apparent to admit of the possibility of successful attack. It constitutes the proudest boast of our civilization and finds its glorious justification to-day in the strength and power and prestige of the nation and in the prosperity and happiness of all the people. [Applause.] It is possible that new conditions have made necessary some changes in our present tariff law, as no law devised by mortal man ever possessed the element of perfection, but the time will never come when the great body of the American people, remembering the disastrous experience of twelve years ago, will ever be willing to surrender any part of their loyalty to the great principle of protection. Whenever a revision of existing tariff schedules shall become necessary that work must and will be done by the friends of the protective system, and not by its enemies. The wage-earners of America prefer the practical patriotism and the good common sense of Republicans like JOSEPH G. CANNON and JOHN DALZELL to the violent vaporings and visionary vagaries of any Democrat in the United States. [Great applause.]

Mr. Chairman, in 1892, as I have just stated, tariff for revenue only was Democracy's battle cry, but four years later they tried their very best to have the people forget all about the tariff. In 1896 the Democrats discovered their second paramount issue. In that year, when every one of them had taken to the woods to escape the righteous wrath of an indignant and impoverished people, a new Moses appeared upon the political horizon who thought that he held a commission from on high to lead the forlorn and scattered children of Democracy out of the wilderness and back into the promised land of official plenty. It was then that you on the other side of the House made the discovery that the one panacea for all the ills that the body politic was heir to, the one sure, never-failing remedy for every real and imaginary political disease, was the free and unlimited coinage of silver at the heaven-born ratio of 16 to 1, without waiting for the aid or consent of any other nation on earth. It was then that you spread the doctrine of discontent, the pessimistic propaganda of Populism. Class was arrayed against class, and inflammatory appeal was made to passion and to prejudice. You denounced those of us who believed in preserving the financial integrity of the nation as enemies of the plain people, tools of Wall street, goldbugs, oppressors of the poor. You completely exhausted the vocabulary of vituperative abuse in your characterization of the friends of honest money as the unscrupulous hirelings of plutocracy. Why, a young Democratic friend of mine actually became so wrought up in that campaign that he had the gold fillings removed from his teeth as a practical evidence of his uncompromising hostility to the gold standard. [Laughter and applause.]

And then there was the awful, awful "crime of '73." You remember that phrase, don't you? You remember how our Democratic friends used to roll it under their tongues like a sweet morsel, and how throughout that frenzied campaign they clung to it closer than to a brother. They told us in lurid and bloodcurdling language how, one dark and stormy night, while the owls were hooting and the spooks and hobgoblins were abroad in the land, old John Sherman, than whom a better patriot never lived, arose from his slumbers at midnight and "with Tarquin's ravishing strides toward his design moved like a ghost," and how, before he returned to his plutocratic bed, murder, "murder most foul" had been committed. The dollar of our daddies had been slain, and Democracy shrieked out aloud against the "deep damnation of his taking off." [Laughter.] Oh, you remember that, don't you? You also remember Coin's Financial School. By the way, what has become of that famous publication, which in 1896 supplanted the family Bible in every well-regulated Democratic household? [Renewed laughter and applause.] You recall the ingenuity of the author's argument, that the price of wheat and silver rose and fell together, and how he succeeded in proving, to his own satisfaction at least, that the American farmer would never again receive more than 50 cents for a bushel of wheat until the old ratio of 16 to 1 were reestablished. In that campaign Mr. Bryan told the American people that if McKinley were successful, and the gold standard were continued as the monetary standard of this country, the farmers and the wage-earners of the nation would be unable to educate their children, because they would not have sufficient means with which to purchase schoolbooks and clothing for them.

From the Atlantic to the Pacific, from the Great Lakes to the Gulf, in every city, in every village, in every hamlet, his matchless voice sounded the note of loud alarm, calling upon bewildered Democrats and bewhiskered Populists to storm the citadel of our financial honor and to overthrow the nation's credit. But the Republican party met the attack boldly and fearlessly. We pointed out the dangers of an inflated and debased currency and proved by the experience of mankind that free silver and fiat money meant national dishonor and national disaster. To the eternal credit of the American people be it said that they awoke to a full realization of the impending danger and buried this Democratic financial fallacy so deep that it will never hear the blast of Gabriel's trumpet on the morning of the resurrection. [Great applause on the Republican side.]

I would like to know why it is that the mere mention of free coinage of silver at the ratio of 16 to 1 or at any other old ratio to-day throws the Democratic party into convulsions. I would like to know what has become of the "crown of thorns" and the "cross of gold." The peerless leader said in 1896 that no question is ever settled until it is settled right. If he still believes that he was right in 1896, and in his recent speech at Freeport, Ill., he maintains that he was, why is it that the Democratic party seems so anxious to abandon the silver question without waiting for its settlement in accordance with the declaration contained in the Democratic platform of that year? I leave this for them to ponder over.

Now, Mr Chairman, in the campaign of 1900, our Democratic friends maintained a discreet and dignified silence on the question of free trade and free silver. In that year they discovered another paramount issue. The thought has occurred to me that perhaps after all the Democratic party was created for a good purpose. It seems to be their special mission on earth to make original discoveries, and if, perchance, they should ever start out in search of the North Pole, that elusive and much-sought-for place might just as well make up its mind to allow itself to be discovered. In 1900 the Democratic party found the issue of imperialism. In that year they made the startling discovery that the foundations of the Republic were slipping away. They said that William McKinley—the gentle, loving, gracious McKinley, who, in the dark days that tried men's souls, gave practical proof of his patriotic love of country, and whose every heartbeat was in sympathy with the oppressed of all mankind—they said that he was a tyrant, a despoiler of human liberty, an oppressor of his fellow-man.

They accused him of trying to establish a monarchy on the ruins of our once glorious Republic. They talked about the "man on horseback," the modern Napoleon, about dynasties, and kingdoms, and empires. They said that the American flag in the Philippines was an emblem of tyranny and oppression. In the frenzy of their hypocritical fears they heard the death knell of human liberty and beheld the downfall of the Republic. They even surrounded the retreating brow of Aguinaldo with a halo of imperishable glory and, but for the vigilance of the gentleman from Tennessee, Mr. JOHN WESLEY GAINES, the holy trinity of Democracy would certainly have been recast and remodeled; brave old Andrew Jackson would have been compelled to surrender his time-honored place between Thomas Jefferson and William Jennings Bryan to make way for the little Filipino.

But the Republican party, true to its magnificent record of courageous performance of every public duty, was not dismayed. With full confidence in the righteousness of our cause, we appealed again to the conscience of the nation, and we did not appeal in vain. We showed that the Philippines had come into our possession as the result of a war that was sanctioned by every American citizen, a war that was waged for humanity and Christianity, and that, having supplanted the sovereignty of Spain in the islands, it was a duty we owed to civilization itself to establish a government there that was fully capable of enforcing the fundamental guaranties of every civilized government—the protection of life, liberty, and property. This, we proceeded to do, and thank God, this we have done. When the impartial historian of the future shall record the achievements of the Republican party, among the brightest and most inspiring pages of that history will be the record of our great and benevolent work in the Philippines. The bolo has been beaten into a plowshare, the blockhouse and the fort have been supplanted by the schoolhouse and the church; anarchy has made way for law and order, and the American flag, whose stars and stripes have been baptized in the best blood of American patriotism, is still the emblem of liberty and equality wherever it floats, whether from the Dome of the nation's Capitol or over the humblest hut in far-off Luzon. [Loud applause.] Ah, my Democratic brethren, you can not stop the wheels of progress. You might just as well attempt to stem the resistless tide of the mighty Mississippi at high flood as the river rolls on majestically to the sea as to try to interfere with the manifest destiny of the American Republic in the great work of the world's civilization.

You may carp and you may criticise, you may fret and you may fume, you may prate in ponderous platitudes about invasion and usurpation, but the fact confronts you nevertheless that our occupation of the Philippines is in full accord with that splendid spirit of progress that has characterized the history of the Anglo-Saxon race the world over, and before whose victorious advance the idols of paganism fall and lie shattered in the dust. Ignorance must give way to intelligence, superstition to enlightenment, lawlessness to ordered liberty. [Applause.]

And now, Mr. Chairman, we come to the never-to-be-forgotten campaign of 1904. In the beginning of this campaign it looked very much as though our Democratic friends had at last run short of paramount issues. Experience had taught them that it was the part of political wisdom carefully to eschew all reference to the tariff, finance, and imperialism, and whatever other mistakes the Democratic party has made in the past, no one can ever truthfully accuse its leaders of failing to show at all times a quick appreciation of the exigencies of party expediency. A new paramount issue had to be discovered at any cost, and so, after calling into conference those four great champions of the rights of the plain people, those brave and valiant knights who had always eagerly welcomed every opportunity to engage the octopus in mortal combat—those four pure and undefiled patriots, Thomas Ryan, August Belmont, Augustus Van Wyck, and "Blue-Eyed Billy" Sheehan [Laughter]—it was unanimously decided that the question of the trusts and their regulation should be the paramount issue. Every Democrat at once became infused with the zeal and enthusiasm that inspired the brave young knights of Scotland, who followed the Black Douglas as he carried the casket containing the heart of Bruce to the sacred sepulcher of the Savior. He buckled on his shield, drew his sword, and swore by all the patron saints of Democracy never to sheath his trusty blade until he had lopped off at least a dozen of the tentacles of the octopus. Oh, it was to be a battle royal! The country was to be freed for all time to come from the cold and cruel grasp of monopoly and predatory wealth. The American people were to be redeemed, rejuvenated, and sent on their way rejoicing.

But just as enthusiasm was running highest somebody made a discovery that sent the cold shivers down the back of every Democratic knight who had enlisted in the holy war and caused this latest crusade to end much the same way as Don Quixote's famous and heroic attack on the windmill. Some one pointed out that the Republican party had years before provided the people with an adequate remedy against corporate oppression in the shape of the Sherman antitrust law, a law that was framed by a Republican Senator, passed by a Republican Congress, and signed by a Republican President. It was also pointed out that during the Democratic Administration of Grover Cleveland this wise and salutary law, which was designed to curb the power of corporate greed and to protect the consumer against the extortions of monopoly, lay dormant upon our statute books because Richard Olney, a Democratic Attorney-General, by a peculiar process of reasoning which was satisfactory to himself and to the Administration of which he was a part, concluded that the law was unconstitutional and positively declined to bring any prosecutions under it. It remained for that matchless champion of the rights of the people, that great exponent of the enforcement of both the letter and the spirit of the law, Theodore Roosevelt, to carry to a successful conclusion the first prosecutions under that law, prosecutions that were begun under the Administration of his Republican predecessor. To-day the great combinations of capital realize as they never realized before that their power is not as great as the power of the Government, that their rights are not superior to the rights of the public, and that they will not be permitted to show less regard for the majesty of the law than the humblest citizen of the land.

If Theodore Roosevelt had accomplished nothing more than the awakening of the public conscience to a realization of the dangers of corporate encroachment, if he had done nothing more than to enforce without fear or favor the provisions of the Sherman antitrust law, he would still lead all of the men of his day and generation in the great work of practical and permanent reform. [Applause on the Republican side.] And that work so vigorously prosecuted under his Administration will be continued in 1909 under the Administration of his Republican successor. [Applause.] The Republican party was conceived in a spirit of justice and dedicated to the proposition of equality, and a party so conceived and so dedicated, and imbued as it has always been with the true spirit of progress and reform will never turn a deaf ear to the demands of the people.

And now, Mr. Chairman, we are about to enter upon another Presidential campaign. I do not know just what the paramount issue will be this year, as I am not in the confidence of the Democratic party. But I am prepared for almost any old thing. I would not be surprised to find in the Democratic platform this year a declaration to the effect that the only clean, legitimate, untainted money in the United States is that which is derived from the lecture platform and from the publication of the Commoner, a newspaper which, with a becoming sense of modesty, seldom mentions the name of its editor oftener than one hundred times in any one issue. [Laughter on the Republican side.] I happen, however, to have here a copy of the issue of the Commoner of February 28 and March 6, 1908, in the first of which Mr. Bryan's name appears by actual count exactly 135 times [laughter], and in the latter 108 times, and it isn't a very large paper at that—only sixteen pages, with one name ever present. [Renewed laughter.] But so intent is the editor on keeping that name before the public that even the advertising column does not escape, as is evidenced by the following notice:

FOR SALE.—An excellent registered shorthorn bull, 1 year old. In fine condition; color, red. W. J. Bryan, Lincoln, Nebr.

[Loud laughter on the Republican side.]

The pedigree of this "excellent registered Shorthorn bull" is not given, but in all probability he is a lineal descendant of the fifteen-hundred-dollar blooded heifer which we are told Mr. Bryan purchased shortly after he was overtaken by the prosperity that followed the election of his Republican opponent in 1896. [Great applause on the Republican side.]

Then, of course, we can expect in this year's platform the usual stereotyped declaration in favor of adhering rigidly to the Constitution as interpreted by the fathers and that, too, in face of the admitted fact that the only States in this Union in which, according to Democratic authority, the gentleman from New York [Mr. COCKRAN], the Constitution has been lynched, and where the fourteenth and fifteenth amendments to that great "sheet anchor of our liberties" are violated with absolute impunity are the States that habitually give their electoral votes to the Democratic candidate for the Presidency.

Mr. Chairman, much stress will no doubt be laid on Democracy's pretended friendship for labor. Crocodile tears will be shed in great abundance by the Democratic spellbinder of 1908 as he tells of the heroic efforts of the minority in this House to

enact legislation in behalf of the horny-handed sons of toil, and yet an examination of the record will disclose the fact that the only place in this country where labor is underpaid, where the efforts of workingmen to organize themselves into unions meet with determined opposition, and where few laws favorable to the cause of toil have been incorporated into the statutes, are the States that have never given an electoral vote to the Republican party. [Applause on the Republican side.] Organized labor to-day has a membership of approximately three million and, while I have no statistics at hand, I undertake to say that less than 5 per cent of this great army of workers is to be found in the Democratic States of the South. [Applause.]

Mr. Chairman, we will be told in this campaign that the Republican party has appropriated Democracy's ideas and that Theodore Roosevelt is masquerading in the garments of William Jennings Bryan. The claim will be put forth that Roosevelt stands for the same principles of government that Bryan stands for; but when this claim is made we will ask for a bill of particulars. For instance, we will ask them to show when and where Theodore Roosevelt ever advocated the destruction of the protective policy of the Republican party; we will ask them to show when and where he ever favored the heresy of free and unlimited coinage of silver; we will ask them to show when and where he ever expressed contempt for the Supreme Court of the United States; we will ask them to show when and where he so far forgot his Americanism as to question the integrity of the flag of his country; we will ask them to show when and where he became inoculated with the populistic virus of initiative and referendum; we will ask them to show when and where he ever advocated a Government guaranty of bank deposits; we will ask them to show when and where he became a convert to the damnable and socialistic doctrine of Government ownership of railroads. No, no, my friends, Theodore Roosevelt and William Jennings Bryan are not one and identical. They have nothing whatever in common. One is the direct antithesis of the other. One is a practical statesman, the other an impractical dreamer; one is patriotic, the other is platitudinous; one is constructive, the other destructive; one believes in intelligent action, the other in unintelligible agitation. [Applause.]

Mr. Chairman, the Republican party has now been in continuous control of the destinies of this nation for eleven years. This is not a long period of time in the life of a nation. It is not a long period of time in the life of a political party that has the courage of initiative and the genius of constructive statesmanship. It has been long enough, however, for the Republican party to present to the people a record of achievement unparalleled in all the annals of political history. In that time we have settled forever the question of our monetary standard and have strengthened and securely fortified the national credit. We have raised the standard of freedom and independence in the little island of Cuba and have banished forever from the Western Continent the last vestige of monarchial misrule and oppression. We have carried the blessings of American civilization, with its Christianizing, harmonizing, and elevating influence to the people of the Philippines and have pointed out to the Filipinos the path that leads to constitutional self-government. We have repealed the Democratic Wilson tariff law, that debt-producing measure of odious memory, and have dispelled the clouds of doubt and disaster that for four long years obscured our industrial horizon. We have strengthened the hands and enlarged the powers of the Interstate Commerce Commission by enacting a railroad-rate bill, which does away forever with unjust and unfair discriminations in the matter of freight rates. We have given life and force and effect to the Sherman antitrust law and made it a power for good in the land. We have passed a national pure-food law to protect the lives and the health of our citizens. We have established the most cordial relations with the Republics of South America and have placed our trade with them on a firm and lasting foundation. Under the masterful genius of the Republican party the dream of a century will soon be an actual living reality.

The work of constructing the Panama Canal is being pushed forward with vigor and enthusiasm, and when this, the greatest of all modern undertakings, shall have been completed, there will follow as its natural and logical sequence the deepening of our waterways from the Great Lakes to the Gulf, and the multiplied products of the valleys of the Ohio and the Mississippi will soon be transported by water to the teeming millions of the Orient. Before this Congress shall have concluded its labors other great measures of progress and reform will be placed upon the statute books by the Republican party. An employers' liability law which will bear the test of constitutionality, and which effectually destroys the barbarous doctrine of "fellow-servant," has already been enacted; the other demands of labor will be given full and fair recognition, and a system of finance will be inaugurated that will make impossible all future speculative panics.

This is our record.

It is a record of patriotic achievement and true Americanism.

On this record we stand and ask a continuation of Republican control. We do not go into this campaign with an apology on our lips. Unlike our opponents, we have nothing to apologize for, nothing to explain, nothing to take back. The Republican party to-day stands, as it has always stood, for home and fireside, for law and order, for the dignity of labor, for the elevation of citizenship, for the extension of commerce, for the development and protection of industry, for America against all the world. [Loud and long-continued applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, I yield fifteen minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, $61,500 is a large sum. That amount was stolen from the United States subtreasury at St. Louis. Nobody had any opportunity to take it but the United States officers in charge. This money had been wrung from the people by the inexorable processes of taxation. It was the people's money. Mr. Chairman, who got it?

That subtreasury was under the control of Hon. Thomas J. Akins, Assistant United States Treasurer. The money was in the immediate hands of two tellers, D. P. Dyer and M. B. Ferguson.

Mr. Akins and both of these tellers were under bond. Under the law it is the duty of the Secretary of the Treasury to proceed against these officers on their bonds to recover the loss which the Government has sustained by their criminality or carelessness as the case may be. Instead of commencing action as the law provides, the Secretary of the Treasury has been waiting nearly two years for Congress, on insufficient data, to relieve Mr. Akins from his legal liability.

Mr. BURLESON. Does this man Akins hold any position in the Republican party organization?

Mr. SHACKLEFORD. Yes; that will appear later. A bill for the purpose of relieving him of his legal responsibility was introduced in the last Congress, but failed to pass. It has been reintroduced in this Congress and is now pending in the Committee on Claims.

I introduced a resolution calling on the Secretary of the Treasury to furnish to Congress all the facts in the case that the bill might be considered on its merits. I called my resolution up a few days ago, when the gentleman from New York [Mr. PAYNE] moved to lay it on the table, which was done by a vote of 126 to 123. I was astonished that the gentleman from New York was willing to smother the facts, even though Mr. Akins is of his party and a member of the national committee. But, Mr. Chairman, I shall not be put down so easily. I shall at the proper time move to take my resolution from the table and put it upon its passage.

In pressing this resolution I am not assuming to be more watchful than other members of the committee. This loss occurred in Missouri, and as I am the only Missourian on the committee it seemed to me to be my peculiar duty to call for the facts surrounding the unfortunate and discreditable affair.

I am personally acquainted with Mr. Akins. I esteem him highly. He has always enjoyed an enviable reputation for integrity. I should be greatly surprised if an investigation should show that he got any of the loot. But did he carefully look after his charge? He says he did. The circumstances indicate that he did not. Let us have the facts.

I believe Mr. Akins would not, and certainly he should not, object to the most searching investigation. He has in the past been an ardent advocate of investigations. Only a few years ago, as the manager of a Missouri campaign, his battle cry was "Let us see the books!" He and his coadjutors insisted that the Democrats had looted the school funds of many thousands of dollars, and from every hilltop they shouted "Let us see the books!" By a strange turn of fortune they were permitted to see the books, but they found them correct.

Now, by the same token, I demand, "Let us see the books." If they show Mr. Akins blameless we will all rejoice with him, but, Mr. Chairman, "let us see the books."

In a letter to the Secretary of the Treasury, Mr. Akins says:

As to the charges against Teller Dyer, I have to say that the examination of the office disclosed a shortage in his accounts of $61,500, and Mr. Dyer has admitted to me personally the existence of the shortage. He also admitted that he knew of the existence of the shortage on September 27, and therefore the entries in his books from that date until October 5, showing that his accounts were correct and that no shortage existed were false entries. He also admitted to me that on October 5 he got $61,500 from Teller Ferguson to make his accounts balance when

Cashier Johnson was about to check them up. The evidence gathered by the Secret Service shows clearly that for the last three years Mr. Dyer has been given to frequent and excessive indulgence in intoxicating liquors and has been a frequent visitor to houses of ill repute.

As to the charges against Teller Ferguson, I am advised that the evidence conclusively shows that he was an intimate acquaintance and constant companion of Mr. Dyer and thoroughly familiar with his personal habits, and, like Mr. Dyer, he has for the last three years been given to frequent and excessive indulgence in intoxicating liquors and has been a frequent visitor to houses of ill repute, and that he usually accompanied Mr. Dyer in his dissipations.

Then, according to Mr. Akins's own admissions, these two tellers had for three years been leading lives of drunken debauchery. We should have the facts, that it may appear whether Mr. Akins has any excuse for not knowing the habits of these young men and having them discharged before such a large sum had been lost.

Mr. Akins says in the letter from which I have just read that Mr. Dyer admitted that he knew of the shortage in his accounts for nearly two weeks and that he altered his books to conceal it. Is there no penalty for a public officer altering his books to force a balance? If there is, why has it not been enforced against this recreant teller?

It appears from Mr. Akins's letter from which I have just read that Mr. Dyer admitted that when he found his cash was to be counted and his accounts checked up he got $61,500 from Teller Ferguson to conceal his shortage. What was this but a conspiracy between these two tellers to defraud the Government? Let the Secretary of the Treasury tell us why they have not been prosecuted for their crime.

These tellers were under bond, making them liable for this shortage. Why has not the Secretary of the Treasury proceeded against them to collect it? Let him tell us why.

The letter of Mr. Akins, from which I have just read, discloses that Mr. Dyer admitted that he knew of his shortage for nearly two weeks before his accounts were checked up. Why was it not discovered sooner? Where was Mr. Akins during these two weeks? I have heard that he was out in the State making political speeches and directing a political campaign. Let us have the facts, so that we may know whether this is true. One put in charge of the funds of the Government amounting to many millions of dollars ought not to leave those vast sums of public treasure in the hands of minor employees while he goes on extended tours of campaign speaking and political intrigue. Did Mr. Akins do this?

It may be argued that Mr. Akins was a member of the Republican national committee, and that when he was appointed United States Treasurer it was intended that he should continue active political work. Sir, there are some questions which every man should settle for himself. He ought to have frankly told the President that he could not properly fill the office of subtreasurer and at the same time conduct an active political campaign. He either should have given up the one position or not have accepted the other. Indeed, the President ought not to have saddled both places upon him.

Mr. Chairman, what a melancholy chapter in the history of our State is the account of the participation of Mr. Akins and other Federal officeholders in the politics of Missouri. This loss of public money happened in the midst of a strenuous political campaign of which Mr. Akins was manager. Mr. Bloebaum, postmaster at St. Charles, for months at a time left his office in the hands of minor employees while he went to St. Louis to assist Mr. Akins in the campaign. Hon. A. F. Shriner, from the office of the surveyor of customs, devoted much time to the same purpose. Other Federal officers were equally busy. With what result? A shortage in the St. Charles post-office—a shortage in the office of the surveyor of customs, and a $61,500 shortage in Mr. Akins's office. At the time these Federal officers were neglecting their offices to carry on political work the present Secretary of the Treasury, Mr. Cortelyou, was chairman of the Republican national committee and in supreme command of the campaign in every State in the Union. Now he comes and recommends that his faithful lieutenant, Mr. Akins, be relieved from his legal liability for the money which has been lost. Why does not he furnish us with the facts upon which he bases his remarkable recommendation?

Under the peculiar circumstances surrounding this case, to relieve this man without an investigation would be to establish a very dangerous precedent. A United States treasurer has access to the money under his control. He may put his hands on it when nobody sees. If he happens to be at once both United States Treasurer and head boss of a political machine what temptation and what facility for securing campaign funds is presented. Men have been known to take money from the coffers of insurance companies to be used to control the ballot box. Mr. Cortelyou ought to know that whoever would take the money of widows and orphans to carry elections would not hesitate to take it from the Government for a similar purpose, if only we establish a precedent that Congress will relieve them from liability because nobody saw them take it.

It is rumored that Mr. Akins and both of these tellers were in the habit of running "snakes" in the cash. That when one of them wanted money he wrote his name and the amount on a slip of paper, put it in, and took the cash out. Such a practice is not only a clear violation of law, but it tempts employees to take out beyond their ability to replace. I hope an investigation will show that Mr. Akins neither did this himself, nor permitted any employee to do it. But, sir, let us know whether he did or not. Let the Secretary of the Treasury furnish us the facts.

Mr. Cortelyou has recommended that Mr. Akins's bill do pass, but he does not explain to us upon what he bases his recommendation. I know there are those who believe that Congress ought to legislate upon the mere recommendation of the President, or the head of one of the Executive Departments. I do not concur in that view. Congress is one of the coordinate branches of the Government, and should not be driven or dictated to by the President or his Secretaries. Congress should legislate upon its own judgment. We come direct from the people to represent them. It is our duty to obey their will—not that of the executive department. If we surrender our power we betray the people whose representatives we are.

Mr. Chairman, aside from the Speaker's unwarranted repression of the will of the people as it is sought to be expressed by their representatives upon this floor, nothing so threatens our system of representative government as Executive encroachment. As an illustration, let us contemplate what has occurred here within the past few days. The President has caused to be prepared a bill, introduced by the gentleman from Iowa [Mr. HEPBURN], the effect of which is to make trusts and monopolies lawful and to authorize the big corporations to enter into and carry out contracts in restraint of trade. Under such a law every State would have taken away from it all power to prevent trusts and monopolies from oppressing and outraging the people.

Not even Congress would have any control over the subject. All of the vast interests of the people would be committed absolutely to one man—the Commissioner of Corporations. If, as in Mr. Akins's case, this Commissioner of Corporations should also be a member of the national committee what marvelous opportunities would he have for collecting campaign funds. The people do not favor such a law. A majority of the Members of this House are opposed to it. But, sir, it has been prepared and introduced at the direction of the President. He is furiously brandishing his club and demanding its passage. You Republicans have the majority and can pass the measure if you so determine. You do not want to do it. You know very well you ought not to do it. But there is the "big stick." If you fail to pass the bill, you may be banished from the "Federal pie counter," and what Republican could live without "pie?" If you do not pass the bill, an army of Federal officeholders may get busy and nominate in your places men who will be more placable. I know your situation is a hard one. Nevertheless, I would encourage you to stand up with us for the doctrines of representative government as they were delivered to us by the fathers of our glorious Constitution. Let us zealously defend the powers of Congress, for they are the powers of the people. [Applause on the Democratic side.]

Mr. SMITH of Iowa. I now yield twenty minutes to the gentleman from North Dakota [Mr. MARSHALL].

Mr. FITZGERALD. Mr. Chairman, did the gentleman from Missouri use all his time?

The CHAIRMAN. The Chair is informed that the gentleman used practically all of his fifteen minutes.

Mr. MARSHALL. Mr. Chairman, the most striking feature of our history is that in this Republic "the man of the hour" has always been forthcoming, and our most reliant hope for the future lies in the perfect faith that "the man of the hour" will always be forthcoming.

The fact that for many years these men have come up from the ranks of the Republican party is neither incidental nor accidental, but a logical outcome, a plain proof that the principles of the Republican party are in tune with and keep abreast of the best thought of the times and that the best citizenship of the country falls into the ranks of the Republican party.

Theodore Roosevelt is the best illustration of "the man of the hour" this country has ever produced. He came into command when, out of the development of our great resources, a prosperity had come which aroused and challenged the wonder of the world.

Great factors in this development were the corporations and the combinations of corporations, representing vast aggregations

of wealth which became arrogant and drunk with power, controlling with iron hand our transportation facilities and industries, annihilating competition, overriding laws, and undertaking, through this tremendous power, the domination of our politics, State and national, until the issue became, Shall the people or the interests rule?

Such, in a word, were the conditions when that "man of the hour," Theodore Roosevelt, came into power, with his slogan, "A square deal for all."

And running through all the years of President Roosevelt's Administration his mighty influence in this battle has been with the people, and the most flagrant of the offenders have been brought to a partial realization that they are the creatures and not the masters of the Government. But let no man make the mistake of counting the battle won; it is only begun, and to halt now means defeat for years to come. Somewhat disabled, but nothing daunted, the ranks of the predatory interests are closed up, and they stand ready at every opportunity to regain any lost ground by taking advantage of every condition.

Growing out of the panic, for which they were the most directly responsible, their latest move is to come to Congress for relief, through currency legislation, because they have been brought face to face with a period of liquidation.

Let me ask, What relief did the farmers of the West get from Congress, when, after a period of inflation of land values, they were compelled to face liquidation and see their homes sold under the hammer for a mere song? They coaxed relief from the soil by tireless energy and patient toil rebuilding their fortunes by the slow process of self-denial and rigid economy.

It is of currency legislation that I want in part to speak.

The currency question used to be looked upon as purely technical and was discussed largely by experts along theoretical lines, more or less in the air, over the heads of the people. Growing out of the recent stringency, the question seems to have been brought down to earth. It has come home to every man and become a practical question, and is being thought out and discussed by practical men along practical lines. This is encouraging, for when the combined—perhaps I might be permitted to say, composite—common sense of the people contribute from day to day their full share to the general welfare and it is brought to bear on a matter like this, it is in a fair way to be settled, and settled right.

Our currency and banking system was doubtless admirable in its time, but that is faulty now and has outlived the conditions for which it was devised most men will concede. It saddles an enormous unnecessary tax on the people for interest on the bonds that should and would have been paid long ago but for the necessity of these bonds as security for national-bank currency.

Our currency and banking system, when coupled with the pernicious system of stock gambling on Wall street, tends to put the agricultural interests and industrial business of the country under the domination of a few. I do not mean to imply that the laws were intended to bring about such results, but rather to emphasize the fact that out of our wonderful progress have come such entirely new conditions that our systems are a misfit.

Currency laws which fail to properly—I might say automatically—distribute our money over the country according to its needs, coupled with banking laws and regulations which permit vast sums of the people's savings, accumulated through legitimate business methods, to be used for the illegitimate business of stock gambling are wrong and a serious menace to the prosperity of our country.

It was no surprise that out of the panic came a cry from all over the land for a change in the currency and banking systems that would prevent a repetition of the disaster. Neither need there be surprise that there were those who stood ready to take advantage of the conditions—to capitalize the needs of the people, so to speak—believing that the masses, in their desire for a change, would accept anything rather than nothing. Out of these propitious conditions came the now well-known Aldrich bill, devised to still further centralize the money and wealth of the country in New York by adding and giving greater scope to an already bad system.

Years ago it might have been fairly safe to calculate that when public clamor ran high you could hand the people a gold brick, but not so to-day. Thanks to our printing presses, our rural free-delivery facilities, our telegraph and telephones, our intellectual growth has kept pace with our grand industrial and physical progress, and the men on our farms and in villages not only know full well what they want, but they want what they want when they want it.

The big banks were the first to get frightened when the stringency came; and they, in turn, frightened the smaller ones, but the masses of the people were cool; they kept their heads, and if they had not, three-fourths of the banks in the country would have closed their doors. This splendid demonstration of the superior intelligence and confidence of the people showed a remarkable knowledge of conditions and marked a new era in our progress. Such superior citizenship has earned the right to the best and safest currency and banking systems and the wisest protection that the law can give them. In the face of this, it is worse than a mistake to undertake to force on them such a proposition as the Aldrich bill. The people have condemned it; the composite common sense of the people turns against it. Its sponsors claim for it that it is only a makeshift. Its passage will result in no better legislation for years to come.

I have no intention in the brief time I have to discuss in detail the faults of this measure or the good features of any other; but let me say, its main feature is that it creates a new kind of bond-secured currency which will necessarily add a speculative value to the bonds affected and opens a new fertile field of exploitation to the bond-dealing and stock-gambling banks and their allied trust companies; and, while it adds to the currency with one hand, it reduces the reserves and depletes the loanable funds of the banks with the other.

The other features still further contract the loanable funds of the banks—all this at a time of stringency. When it is considered that our recent panic was, in fact, a credit panic, rather than a currency panic, the full force and weight of these objections can be realized.

It is well calculated to sound an alarm when a panic is approaching, and its practical workings would do more harm than good to the country, as a whole. A full and free discussion has failed to disclose a single valuable feature; it is truly astonishing that such an indefensible measure should have commanded so much serious attention and consideration at the hands of Congress and the country.

I make no pretense of undertaking to discuss the technicalities of the money question, but to my mind it is plain that the fewer kinds of money we have, the better; it is equally clear that a currency secured on bonds, and especially which are subject to violent fluctuations in the market, is a mistake. Under present conditions the Government is obliged to keep out hundreds of millions of dollars of its bonds to make it possible for the banks to procure them, thus entailing expense for interest running into millions.

The centralization of our money and credits is clearly wrong, and that the money and credits of the people should be spread out over the whole country according to its needs to facilitate the exchange and transportation of our commodities is plain to all. This calls for a currency that will ebb and flow and stay where it is needed, and come home and go out of use when it is not needed.

SECURITY FOR BANK DEPOSITS.

Our people should be encouraged to save, and their savings sacredly safeguarded by every means in our power.

Ten years ago in the senate of the State of North Dakota I introduced a bill to provide for the security of deposits in banks and ever since have advocated that system. To me the evils of a system where the savings of the people are not properly safeguarded are inexcusable, and are something appalling and the system is far behind our progress in other lines. The evils to the depositors attending such a system, to say nothing of the bankers, are so great that they fully justify a change, even at some considerable risk. The question of security for bank deposits resolves itself on final analysis to this: That the banks, through systems of rigid inspection and supervision, are better able to protect against each other than the people are to protect themselves against the banks, and most certainly the banks are better able to stand the losses.

It is said that the man who deposits money in a bank does so voluntarily. True. He is therefore all the more a public benefactor, because every dollar of his money deposited creates a reserve for $4 or $5 put into the working channels of trade. Tell me, then, why should he not be protected?

The Government and the States—in my State the counties, townships, and school districts—demand security for the deposit of public moneys; then why should not the individual be secured?

The Government owes this protection to the people. The masses of the people, in their splendid confidence and courage, saved the country from a financial crash, while the banks of New York held up the money of the people, and that of the Government as well, and the rich men were locking up immense sums of money in safety-deposit boxes.

It is due to the people that Congress legislate to protect their savings, and they demand it. It is not, however, my purpose, in the time allowed me, to undertake an argument for, but

rather to put myself on record as favoring a fund to guarantee bank deposits, preferably created and maintained by the banks, under rigid supervision of the Government.

POSTAL SAVINGS BANKS.

One way of perfecting security of small deposits would be by the creation of a postal savings bank. With this system properly established confidence would be restored and the country at large greatly benefited, as all the money would be at work all the time and we would hear nothing more of a demand for more currency. I think an ideal plan would be a system of postal savings banks, where the savings of the people would be gathered in by the Government and returned to the public use by the Government depositing the postal savings funds in the banks in the community where they accumulate. The banks in turn might be authorized to loan these moneys on real estate under stringent regulations, and in this way the small savings would be made to do a large service in the development of the country, and great sums sent away for interest could be kept at home, and much would be done to prevent the centralization of money and credits which we have under present conditions.

By all means let us provide a safe place for the people's savings—the fruits of the toil, economy, and energy of those who make this country what it is.

The business man's savings go, generally, to increase his business, and he is apt to be a borrower as well as a depositor. I am speaking more particularly for the laborer, the farmer, the mechanic, and the professional man—the thousands who do not employ their savings in active business, but deposit them in banks, providing the sinews of war for the business world.

By encouraging and protecting them you will protect all, for their savings are the corner stone for the foundation of our business prosperity.

STOCK GAMBLING IN WALL STREET.

The right kind of currency and banking laws and systems will do much for the business prosperity of the country and toward the prevention of panics, but with this the work will be only half done. The legitimate business of the country must be separated from the illegitimate; the commercial business as distinct from the stock gambling as from horse racing and card games.

The business of the country can not prosper part dishonest and part honest. Our currency and banking systems can not perform their full and rightful functions serving at the same time both stock gambling and legitimate commerce, nor can wealth be equitably disturbed when the business of the country giving value received, based on actual values of commodities, is brought into competition with gambling business, which creates nothing, gives nothing, and takes everything. It is evident that under such a condition the wealth of the many will pour into the coffers of the few.

The time has come when the business of stock gambling and the legitimate business of the country must be divorced and the banks confined to their legitimate functions.

Let me quote from an editorial in the New York World:

This system drains the reserve money of the United States to Wall street. A commercial bank charging merchants and manufacturers 6 per cent interest can not afford to pay interest on deposits in competition with the Wall street banks, which can frequently get 20 to 50 per cent on the stock exchange for the use of their deposits. Thus these reserve moneys gravitate to the banks which can afford to pay high interest on them.

Wall street thus became a great funnel into which the savings of the people, instead of being available to the local manufacturer or the local storekeeper, were driven by higher rates of interest to the stock exchange.

Again the editorial says:

DEPOSITS AND LOANS.

When the recent panic became acute in November the clearing-house banks reported deposits of over $1,000,000,000. Of these deposits, one-half were due to other banks. Of the loans, which slightly exceeded the deposits, over half were on stock exchange collateral. That is, the money collected from millions of depositors throughout the country by their local banks was used as the basis of Wall street credit, and was the real money in the stock exchange game.

BANKS AS GAMBLING TOOLS.

In no other country than the United States are incorporated banks part of the machinery of stock gambling. *In no other country are the methods of stock gamblers such as to require the constant use for that sole purpose of hundreds of millions of dollars of other people's money. In no other country is the National Treasury called upon to turn over the public revenues for the use of members of a stock exchange.* In London, Paris, Berlin, Frankfort, and Amsterdam gamblers in stock must use their own money and their own credit as if they were playing at Monte Carlo instead of on a stock exchange.

This difference in stock gambling accounts for the great fluctuations in the rates of interest in New York as compared with the stability of European financial centers. In New York call money may be 3 per cent one day and 50 per cent the next day, something unknown in Europe.

The banking laws and the banking system of the United States concentrate the fluid capital of the country in Wall street. By bidding up the rate of interest higher than legitimate business can pay, stock gamblers are able to draw from productive industry its means for supplying pay rolls, for carrying on manufacturing, for distributing goods, and for moving the crops.

* * * * * * *

In Great Britain an increase of 1 per cent in the discount rate of the Bank of England is regarded as a serious fluctuation. For the Bank of France to alter its rate one-half of 1 per cent is a matter of international finance. For the Bank of Germany to charge a third of last week's highest rate in Wall street is done only after serious consultation with the Government, with great capitalists, and with business interests.

And the Herald says further:

These gambling transactions amount to over $30,000,000,000—four times the value of the products of all the farms of the United States, half the value of all the land and buildings, one-third the census valuation of all the wealth of every kind in the country.

Let me say that in stock speculating the buyer puts up only a small margin and the broker furnishes the balance by borrowing from the bank and paying interest on the whole amount, involving the use of vast sums of money. Of all the stock deals on Wall street more than 99 per cent are nothing but bets that the price will go up or down. They are as much gambling as betting on a horse race or a card game. Emphatically, our national banks should not be allowed to loan the money of our people to these gamblers. Many New York banks not only loan money on these stocks and bonds, but often buy them outright, and when a stringency comes they are obliged to hold up the stock gamblers by sustaining the price of stocks or they will endanger the banks, and the commercial customer is thus made to suffer.

CORPORATIONS AND POLITICS.

Through the machinery of stock speculations and by the use of the accumulated millions of the country's savings a few men are enabled to control public service and industrial corporations of the country, more or less, in defiance of the laws, and with this tremendous power undertake to dictate our politics.

The work of bringing the corporations doing an interstate business under Government control and supervision must go steadily on until all are brought onto the same common plane of honesty with other business enterprises, until every dollar of capitalization stands for a dollar of actual value, and the people are no longer compelled to pay tribute in the way of interest and dividends on watered and inflated stocks and bonds. When this is accomplished it will assure stocks a stable value from day to day and year to year; thus they will become current and command the confidence of the people.

This must be done more and more. The influence of the corporations must be eliminated from politics. They will take their hands off our politics no more graciously than they loosen their iron grip on our industries and commerce. The taint of corporate influence is a disgrace to American politics and must be wiped out.

In my own State there is a bold attempt by the agents of these corporations to thwart the will of the people by the use of all the methods known to experienced politicians, and so much are the people aroused that the issue is no longer one of candidates, but whether the people or the corporations shall rule. Instead of permitting the voters to go to the primaries and register their wills, these men who make politics a business, and live and grow wealthy by the favors of corporations, are engaged in a determined effort to fool and, if possible, stampede the people, in order to perpetuate their hold on the politics of the State.

So let no man make the mistake of counting the battle won. To stop now is to lose all the ground gained.

The founders of the Government made it purely representative in form; it rests with the people to make it representative in fact, by freeing themselves from domination of any kind. This Government is in its infancy. To survive we must progress. What was radical ten years ago is conservative and imperatively necessary to-day. A conservatism which blocks progress is radical in its effects. Inaction means dry rot. New conditions demand new measures and new methods. Old methods of warfare are obsolete and inefficient to win battles now, but not more so than old laws and old methods to cope with new conditions. Growth and advancement must be coupled with progress in legislation in order that the people may be benefited in full measure.

The people demand legislation along progressive lines. I for one am committed to progressive policies, and firmly believe that progress along political lines is the first and most imperative essential to progressive legislation. [Applause on the Republican side.]

Mr. FITZGERALD. I yield forty minutes to the gentleman from Mississippi [Mr. SPIGHT].

Mr. SPIGHT. Mr. Chairman, I send to the Clerk's desk and ask to have read in my time a letter from the secretary of the senate of the Mississippi legislature, transmitting a memorial addressed to the Congress of the United States. I ask also that the memorial be read:

MISSISSIPPI LEGISLATURE,
SENATE CHAMBER,
Jackson, Miss., February 27, 1908.

Hon. THOMAS SPIGHT,
Washington, D. C.

MY DEAR SIR: I have the honor to inclose herewith a copy of the resolution adopted by the senate and house of representatives of the State of Mississippi, which is self-explanatory.

Yours, very truly,
FRANK ROBERSON,
Secretary of the Senate.

A joint resolution memorializing Members of Congress to pass a law appropriating cotton-tax fund now in the United States Treasury to pension ex-Confederate soldiers and their widows and orphans.

Whereas there has remained in the United States Treasury for a number of years a sum approximating $60,000,000 illegally collected as a tax on cotton produced and marketed in Southern States during the years 1865, 1866, 1867, and 1868; and

Whereas after the passage of so many years it becomes impossible to secure the return of this tax in an equalized manner to the greater number of those who paid this illegal tax; and

Whereas recognizing it is the wish and desire of the people of the southern cotton-growing States who paid this tax and their descendants that this fund now held by the United States Treasury be paid out for the pensioning of old ex-Confederate soldiers, their widows and orphans, and understanding that by this method it would, in a practicable way, reach the class of people who bore this injustice: Therefore, be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States is hereby respectfully memorialized and urged to pass a law authorizing and instructing the Treasurer of the United States to pay over this cotton-tax fund to the treasurers of the different southern cotton-growing States in the proportion as each State contributed and paid this tax that constitutes this fund, for the purpose of distributing the same as pensions to the old Confederate soldiers as the legislatures of the different States may deem proper. Be it further

Resolved, That the Members of Congress from Mississippi are earnestly requested to take such steps as will aid in accomplishing this end.

Mr. Chairman, a similar communication was sent to every Member of Congress from Mississippi. Immediately after its reception the Representatives in this House from that State had a meeting and unanimously conferred upon me the honor of presenting this memorial to the House. This action was taken, first, because I am the only ex-Confederate soldier in the delegation, and secondly, because I am the only man from any State who has ever introduced a bill in either House of Congress for the specific purpose mentioned in this memorial.

In explanation of the delay in presenting it, I may properly say that as soon as I was notified of the action of my colleagues I sought recognition from the Speaker for that purpose. He very courteously agreed to recognize me, but at the same time informed me that the Republican floor leader, the gentleman from New York [Mr. PAYNE], had been objecting to everything of the kind and that I would better see him. I did this, with the result that I was told by the gentleman from New York that if I offered it he would object, as he had been doing in all other cases. I will do him the justice to say that I did not understand that he took this course out of any spirit of hostility to the purpose of the memorial, but in order to be consistent with himself. I can not yet understand, however, why a respectful memorial of the legislature of a sovereign State of the Union should be denied recognition on the objection of a single Member. But inasmuch as, under the rules, this one objection would prevail, I had no alternative but to accomplish the purpose in this indirect manner.

In connection with the presentation of this memorial of the Mississippi legislature, it may not be improper for me to state that the disposition of this cotton tax in the manner indicated in this memorial has been indorsed by the Mississippi Division of United Confederate Veterans, commanded by Gen. Robert Lowry, an ex-governor and one of the noblest and purest men in the State, and by other Confederate organizations all over the country. It is based upon no partisan or sectional feeling, or any plea for charitable consideration, but alone upon the incontrovertible proposition that the Government of the United States has, for more than forty years, enjoyed the use and benefits of this money unjustly, illegally, and unconstitutionally collected, almost entirely, from the Confederate soldiers and their families, and that the living few of those grand old men and the widows of those who are dead, should, in their last days, have the help which this pittance of their own money would bring them. These gallant old men, who are so few in number and who are so rapidly approaching the sunset of life, do not ask for themselves and the incomparable women who have shared with them the hardships of so many years, any pensions from the Federal Government. They recognize that they are not entitled to that consideration, and, poor as they are, they are too proud to ask for it. Without a murmur they have contributed their share of the billions of dollars which have been given to Union soldiers by way of pensions.

In asking Congress to refund this money to the cotton States with authority to use it for Confederate pensions, they do not feel that they are putting themselves in the attitude of suppliants, but are only demanding of the Government a restoration of that which of right belongs to them. At the time of the collection of this tax the South was utterly impoverished as the result of four years of devastating war. After the surrender of her armies, her surviving soldiers returned to their once prosperous homes to find them desolate. The accumulations of generations of industry were gone. They accepted the situation with the manhood and courage which has ever characterized them and went to work to rebuild their lost fortunes. In their poverty-stricken condition the Government of the United States, whose power they had resisted for four years, met them upon the very threshold of their new life with this tax upon their only money-producing crop and subjected them to burdens imposed upon no other section of the country. In the years 1866, 1867, and 1868, when nearly all of this tax was collected, the war had ended and peace prevailed in every part of our domain. Of the total of a little more than $68,000,000 in the six years from 1863 to 1868, each inclusive, nearly $65,000,000 were collected in the three years, 1866, 1867, and 1868. Portions of Kentucky, Louisiana, Tennessee, and Virginia being within the Federal lines, there was collected from these States during the years 1863, 1864, and 1865 nearly $3,000,000, but not a dollar was collected except in 1866, 1867, and 1868 from the States of Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Texas. There is no disguising the fact that this tax was a punitive one and levied and collected from the principal agricultural product of the South as a punishment of our people for having engaged in open, honorable warfare against the United States.

I have never been ashamed of the part our people played in that momentous struggle, nor do I ever expect to be in the frame of mind to apologize for it. We believed we were right. We submitted the questions at issue to the arbitrament of arms and lost. We accepted the result in good faith, and to-day Mississippi is as loyal to the Union as Massachusetts. But no matter whether in the estimation of the Federal authorities we were right or wrong, it was distinctly declared by the Federal Government that the Southern States were never out of the Union. The acts of their conventions in adopting ordinances of secession and the organization of the separate government of the Confederate States of America were all held to be null and void. The fearful and humiliating period of reconstruction through which we passed was not excused upon the ground that our Southern States were conquered provinces, but because it was claimed to be necessary to reestablish the Federal authority and "guarantee to the States lately in rebellion a republican form of government." If this was true, then we were entitled to the protection of every provision of the Constitution of the United States. In section 8, Article I, of the Constitution, it is declared that—

All duties, imposts, and excises shall be uniform throughout the United States.

Can it be said that a tax is "uniform throughout the United States" which is levied upon an agricultural product which was confined to eleven States of the Union?

Another clause of the Federal Constitution declares that—

Direct taxes shall be apportioned among the several States which may be included in this Union according to their respective numbers.

The Supreme Court has said:

Taxes on real estate being indisputably direct taxes, taxes on the lands or incomes of real estate are clearly direct taxes. * * * Taxes on personal property are likewise direct taxes.

This cotton tax was a tax "upon the income of real estate." The merest tyro knows that cotton is "personal property." Then, according to the Supreme Court, in either case it was a direct tax.

The Supreme Court says further:

The tax, so far as it applies to the income of real estate and personal property, being a direct tax within the meaning of the Constitution, and therefore unconstitutional and void, because not apportioned according to representation * * * is necessarily invalid.

There are other equally cogent arguments against the constitutionality of this tax, and while the Supreme Court of the United States has never directly decided the question, it is generally conceded that the levying and collection of this tax was without constitutional authority. The immediate question was never before the Supreme Court but once. This was on appeal from a judgment of the circuit court of the United States for

the western district of Tennessee. Unfortunately, this judgment was rendered in 1868, before the passions incident to the war had cooled. The circuit court held the law under which the tax was collected to be constitutional. The Supreme Court, on appeal, divided equally—four in favor and four against its constitutionality, one judge being absent. This operated as an affirmance of the judgment of the lower court.

In the recent decisions of what are known as the "income-tax cases," from which above quotations are made, the Supreme Court has settled the very principles involved in this case, and it is no longer an open question. I do not believe that any court, State or Federal, would now hold that the cotton tax was constitutionally collected. If not, then simple honesty would require that this money should be refunded. It is not a question of law, but of good morals. The only remaining thing to be determined is, How shall it be done? Beyond doubt the proper thing to do, if it were practicable, would be to refund it to those who paid it or to their legal representatives. In the very nature of the case, after the lapse of more than forty years, this would be almost impossible in most cases. The difficulty in making the proof would be well-nigh insurmountable. Receipts are lost or destroyed, witnesses cognizant of the facts dead or inaccessible, and in nearly every case the only evidence would be the meager and unsatisfactory records in the Treasury Department. As a matter of interest to those now living who paid this tax, and to the representatives of those who are dead, I submit the following letter from the Secretary of the Treasury:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 12, 1908.

Hon. THOMAS SPIGHT, M. C.,
House of Representatives, Washington, D. C.

SIR: Replying to your letter of the 5th instant, asking whether or not there is any record from which can be ascertained the names of persons who paid cotton tax under civil war tax acts, I have the honor to advise you that the assessment lists in the Office of the Commissioner of Internal Revenue contain the names of persons, firms, or corporations who paid the tax aforesaid, with the amount paid by each.

This Department will take pleasure in supplying you with any information that you desire that is contained in these records, so far as it is possible to do so.

The statement containing the amount of cotton tax collected, inclosed by you, is herewith returned.

Respectfully, GEO. B. CORTELYOU,
Secretary.

While this of itself would fall far short of what would be required to enable the Treasury Department to refund to those who paid, it could, by appropriate legislation, be made very helpful to claimants in identification of the persons, firms, and corporations from whom the tax was collected and the amount paid by each. If it should ever be determined to repay this money there ought to be an act of Congress making these records competent evidence of what they contain, and prescribing the method of obtaining the same. In view of the information contained in these records, which I did not have when I introduced former bills on this subject in the Fifty-ninth Congress and in this, I shall, at an early day, prepare and present to Congress another bill providing that the amounts, shown by the records to have been collected from each State, be turned into the treasuries of such States, to be paid to such claimants as present their demands within a prescribed period of time and upon certain defined rules of evidence, giving to the records in the office of the internal-revenue collector full faith and credit as to what they contain, and after the expiration of that time, whatever balance remains, to be used for Confederate pensions, or in such other manner as may be directed by the legislatures of the respective States. I am sure the rights of parties interested can be far more readily and cheaply ascertained by the States than by the officials of the United States Treasury.

It may be interesting to call attention to the fact that in August, 1861, after armed hostilities had actually begun and some bloody battles had been fought, Congress enacted a law levying an annual tax of $20,000,000 to be collected from the States. This was a war measure and the tax was apportioned among the States according to population as required by the Constitution. In October, 1862, the law was so amended as to make this tax a charge upon the land in the "insurrectionary States" to be defined by the proclamation of the President. This was a direct tax and the law imposing it was within the purview of the Constitution.

Of course this tax was not collected from the States composing the Confederate government, for obvious reasons, but it was collected from those denominated "loyal States." Later this tax was remitted to the States that had not paid it and refunded to those which did pay it. Now, then, if it was right to refund this tax constitutionally levied and collected, why, in all reason and fairness, is it not right to refund this tax collected from certain other States which was collected without constitutional authority? No other answer can be given to this question than that every principle of right, fair dealing, and governmental honesty requires that it should be done. The question is, Will Congress do it?

I give here the respective amounts collected from the nine principal cotton-growing States. None of the other collections run as high as $1,000,000 from any State.

Statement of amount of internal-revenue tax on raw cotton collected in each State during the fiscal years 1863 to 1868, inclusive.

	1863.	1864.	1865.	1866.
Alabama				$3,733,620.25
Arkansas				203,073.84
Georgia				3,554,544.38
Louisiana	$19,920.93	$436,044.52	$593,108.02	4,390,150.17
Mississippi				756,629.27
North Carolina				211,658.57
South Carolina				731,939.67
Tennessee		488,325.80	877,901.09	2,148,437.98
Texas				1,395,524.17

	1867.	1868.	Total.
Alabama	$3,049,868.01	$3,604,583.84	$10,388,072.10
Arkansas	1,641,342.22	711,222.37	2,555,638.43
Georgia	3,283,276.36	5,059,274.24	11,897,094.98
Louisiana	2,971,708.19	1,777,569.17	10,098,501.00
Mississippi	4,464,664.40	3,521,702.26	8,742,995.93
North Carolina	860,704.55	887,341.75	1,959,704.87
South Carolina	1,429,281.10	2,011,199.39	4,172,420.16
Tennessee	1,929,301.72	2,429,494.12	7,873,460.71
Texas	2,780,307.31	1,326,569.76	5,502,401.24

NOTE.—The tax on raw cotton was levied by act of July 1, 1862 (12 Stat., 465), and repealed by act of February 3, 1868 (15 Stat., 34).

I confess that I am not so much concerned about how this money, when refunded, shall be employed as I am about its actual repayment. Various propositions have been presented to Congress as to how this money ought to be apportioned. Most of them have asked that it be applied to the common-school fund. After the most earnest consideration of this question in all its bearings, I have been unable to bring myself to the conclusion that this would be the most equitable disposition of this money. I yield to no man in my desire to have the benefits of a common-school education extended to the children of the whole country, but there are limitations beyond which I can not go without violence to honest convictions. The conditions existing in Southern States are peculiar and not well understood in some other sections of the country. With a white native population there is no material blessing comparable to that of the education in substantial matters of the rising generation. We want them fitted not only for enlightened citizenship, but also for the intelligent direction of public affairs, municipal, State, and national. While this is true, it must be admitted that distinctions should be made along racial lines based upon peculiar characteristics.

I assume that no true American citizen will insist that Asiatic peoples and other foreign elements, whether of one color or another, from which anarchists are recruited, constitute the sources from which we may expect to evolve the truest citizenship of the nation. From England, from Scotland, from Ireland, from Germany, from Norway and Sweden, and from other European countries, we have inherited some of our richest and noblest blood, but we never got any of it from Africa. Having been born and raised on a Southern plantation, surrounded by a multitude of little negroes who were my earliest playmates, I have nothing but the kindest feeling for them. But while this is true, I know, from a long and intimate association with them, that the negro, neither of the pure or mixed blood, can ever become a safe and trusted American citizen in the broadest sense. This feeling must be shared by every unbiased man who has had the opportunity of forming an impartial opinion. I am far from wishing to deny the negro any and every possible growth and development mentally and morally which he is capable of using advantageously to himself and the community in which he may live; but when we undertake, by law, to make him the equal of the white man, we essay the impossible. I have always been willing to give him such rudimentary education and manual training as will fit him for his station in life, and to this end our Southern States have voted liberal appropriations of money raised by taxation from the white people. Beyond this I am not willing to go. There is nothing truer than—

A little learning is a dangerous thing;
Drink deep, or taste not the Pierian spring.

The negro as a race, with rare exceptions, is not capable of this "deep drinking," and the effort only serves to make him a more "undesirable citizen." I want to help him to be useful in

his sphere, and there his greatest happiness lies. It is worse than idle to talk about making him equal to the white man.

This is not a digression from my subject, but leads up to the fundamental objection to the use of this cotton-tax money, if it should ever be refunded to the States, for school purposes. We are taxing ourselves in an increasing ratio for educational objects, and we are willing to bear it under directions prescribed by our State legislatures. This we have done and are now doing cheerfully, and are giving the negro children a full benefit. We will continue to do this from a humanitarian and Christian standpoint, and because it is to the interest of all alike that the negro, whose home must always be in our midst, shall be prepared for the greatest degree of happiness and usefulness of which he is capable. That he ought not to be encouraged to figure as a prominent factor in the domain of politics his best friends must admit. Eliminated from the political equation, as he is now in the South, every man familiar with the situation knows that he is happier, better contented, and more prosperous than ever before since his emancipation. There are two controlling reasons, therefore, why I believe that so much of this money as can not be refunded direct to parties entitled to it should not be used as a common-school fund. One of these I have just given. The other is that, next to the people who actually paid it, the Confederate soldiers and their widows have the strongest equitable claim.

They represented the wealth-producing power of their section, and this tax was so much subtracted from the product of their toil. They and their families owned the land upon which the cotton was grown. They are all old, and very many of them are feeble and poor. Our State governments are doing what they can to relieve their necessities and smooth the short pathway that lies between them and the grave. We do not intend that any of them shall ever die in the poorhouse. We are giving them all the pension we are able to provide, but in most cases the annual allowance does not amount to more than the monthly pensions to Federal soldiers. We do not ask that they be placed on the pension rolls of the Government, already so heavily burdened, but I thought it might appeal with special force to the gallant old men in Congress who "wore the blue" in the bloody days from 1861 to 1865, when the equally gallant "wearers of the gray" appeal to them to be allowed to use their *own money* to help the needy of their comrades. Under the act of Congress of February, 1907, every Federal soldier who served ninety days, without regard to physical or financial ability is allowed a pension of from $12 to $20 per month, according to age. No such rule will ever prevail in the case of the Confederate soldier. We can provide only for those who need the help.

The time is rapidly approaching when pensions will no longer be needed for either Federal or Confederate soldiers of the civil war. It will be but a few years until the last one shall have crossed the unseen boundary line which separates time from eternity. I trust that there are few animosities now. On that other shore there will be none. We can well afford to be generous to each other here, and remember that, with the lights before us, we all did what we thought was right. Whatever may be the judgment of future generations as to the rightfulness or wrongfulness of our great conflict, based upon the researches of impartial historians, all will know that the armies of the North and of the South, in four years of fearful conflict, wrote the brightest pages in the martial annals of the world. We fought, some under the Southern Cross, some under the Stars and Stripes, but we were all American soldiers and all contributed to the glory of American arms. Now comes the remnant of the armies of the South and asks, as a matter of simple justice, that the soldiers of the North and their descendants who are in Congress meet us upon the broad plane of comradeship and fair dealing and give us back our own. I believe you will do it; and may the spirit of our heroic dead and of Him who came to bring "peace on earth, good will to men" guide us in our determination. [Applause.]

I yield back the balance of my time to the gentleman from New York.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21260, the sundry civil appropriation bill, and had come to no resolution thereon.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union, for the further consideration of the sundry civil appropriation bill.

Mr. PAYNE. Mr. Speaker, pending that I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

Mr. WILLIAMS. Mr. Speaker, in order to save time I call for the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present, and evidently there is not. The Doorkeeper will close the doors, and the Sergeant-at-Arms will notify Members.

Mr. WILLIAMS. Mr. Speaker, I respectfully raise the point of order that the gentleman's suggestion at this time is dilatory.

Mr. PAYNE. On that point of order I want to say this, to explain it to the gentleman from Mississippi (the rest of the House understands), that the point is not dilatory, but facilitates business, because it enables the Sergeant-at-Arms to bring in the Members of the House on this roll call, and we probably will get a quorum. Otherwise——

Mr. SHACKLEFORD. Regular order!

Mr. PAYNE. I am addressing myself to the point of order. Otherwise we might have a roll call, and at the end of it find we were two or three short of a quorum, and then we would have to call the roll again. I hope I have made it so clear that even the gentleman from Mississippi may have a glimmering idea of it.

Mr. WILLIAMS. Mr. Speaker, on the point of order I desire to be heard. I make the point of order that the gentleman is dilatory, because he has no reason to know, nor has he any reason even to expect, that the point of no quorum would be raised by anybody except himself. The House can recess without a quorum, provided the point of order that a quorum is not present is not made.

Mr. PAYNE. Do I understand the gentleman to say that the House could take a recess without a quorum?

Mr. WILLIAMS. Provided the point of order is not made.

Mr. PAYNE. Provided the point of order is not made. Mr. Speaker, I hope that a copy of the rules will be furnished the gentleman from Mississippi and that he will devote some time to a careful and prayerful study of them.

Mr. WILLIAMS. I do not yield to the gentleman from New York. I am discussing the point of order.

Now, Mr. Speaker, of course we can not look to the minority all the time to furnish a quorum for the House. We furnish our share of it and a little bit more, as the RECORD will show.

Mr. PAYNE. The gentleman is not speaking to the point of order.

Mr. WILLIAMS. In my service in the House, many and many a time a thing has been passed without a quorum when the point of no quorum was not made. I respectfully submit without further argument of the question as to whether or not the suggestion of the gentleman from New York is not fully as dilatory as the suggestion of mine the other day that there was no quorum, after the Members had passed through the tellers and disclosed the fact that there was no quorum.

Mr. PAYNE. I would test the gentleman's good faith if it could be done, but, as the Speaker knows and as every other gentleman except the gentleman from Mississippi knows, if the roll call discloses the fact that no quorum is present, that of itself stops the proceedings of the House.

Mr. WILLIAMS. If the Chair announces the fact.

The SPEAKER pro tempore (Mr. DALZELL). The Chair was endeavoring to get the attention of the gentleman from Mississippi to state to him that having demanded the yeas and nays, if it should turn out after the roll call that no quorum was present, the Speaker must officially take notice of it, and a point of order is not necessary to be made. The Chair thinks the point of order is not well taken.

Mr. WILLIAMS. I understand the Chair can interpose and take notice of it, and I express my gratification that there is a justification of the gentleman from New York.

The SPEAKER pro tempore. The Chair not only can take notice of it, but he must take notice of it. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and as many as are in favor of the motion of the gentleman from New York will, when their names are called, answer "aye," as many as are opposed will answer "no," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 113, nays 75, answered "present" 14, not voting 185, as follows:

YEAS—113.

Allen	Dwight	Huff	Parsons
Ames	Ellis, Oreg.	Humphrey, Wash.	Payne
Andrus	Englebright	Jenkins	Pollard
Barchfeld	Esch	Jones, Wash.	Porter
Bennet, N. Y.	Fordney	Kahn	Pray
Birdsall	Foss	Keifer	Rainey
Bonynge	Foulkrod	Kennedy, Iowa	Rauch
Boyd	French	Kennedy, Ohio	Reynolds
Burleigh	Fuller	Kinkaid	Rodenberg
Burton, Del.	Gardner, Mich.	Knapp	Scott
Calder	Gardner, N. J.	Knopf	Smith, Cal.
Calderhead	Gilhams	Küstermann	Smith, Iowa
Campbell	Goebel	Lawrence	Snapp
Capron	Graff	Lindbergh	Southwick
Caulfield	Greene	Loudenslager	Stafford
Chaney	Gronna	McGavin	Steenerson
Chapman	Hale	McKinney	Sterling
Cole	Hamilton, Mich.	McMorran	Sulloway
Cook, Colo.	Haskins	Madden	Taylor, Ohio
Cooper, Pa.	Haugen	Madison	Thistlewood
Cooper, Wis.	Hawley	Mann	Townsend
Crumpacker	Hayes	Marshall	Volstead
Currier	Henry, Conn.	Miller	Waldo
Dalzell	Higgins	Moore, Pa.	Washburn
Dawson	Hinshaw	Morse	Wheeler
Diekema	Howell, N. J.	Mouser	Young
Douglas	Howell, Utah	Needham	
Draper	Hubbard, Iowa	Nye	
Durey	Hubbard, W. Va.	Olcott	

NAYS—75.

Adair	Dixon	Henry, Tex.	Robinson
Aiken	Ellerbe	Hughes, N. J.	Russell, Mo.
Alexander, Mo.	Ferris	Hull, Tenn.	Russell, Tex.
Ansberry	Fitzgerald	Johnson, Ky.	Sabath
Ashbrook	Floyd	Johnson, S. C.	Sheppard
Beall, Tex.	Fornes	Kellher	Sherwood
Bell, Ga.	Foster, Ill.	Lamar, Mo.	Sims
Booher	Garner	Lamb	Slayden
Burgess	Godwin	Lloyd	Smith, Mo.
Burleson	Goulden	McDermott	Sparkman
Burnett	Griggs	Macon	Spight
Candler	Hackett	Maynard	Sulzer
Carter	Hackney	Moon, Tenn.	Thomas, N. C.
Clark, Fla.	Hamill	Murphy	Tou Velle
Clark, Mo.	Hamilton, Iowa	O'Connell	Watkins
Clayton	Hardy	Patterson	Webb
Cox, Ind.	Hay	Randell, Tex.	Williams
Davenport	Hedlin	Reid	Wilson, Pa.
Denver	Helm	Richardson	

ANSWERED "PRESENT"—14.

Bartlett, Ga.	De Armond	Humphreys, Miss.	Vreeland
Bradley	Garrett	Lowden	Wanger
Brownlow	Hamlin	Shackleford	
Caldwell	Harrison	Taylor, Ala.	

NOT VOTING—185.

Acheson	Ellis, Mo.	Knowland	Pearre
Adamson	Fairchild	Lafean	Perkins
Alexander, N. Y.	Fassett	Lamar, Fla.	Peters
Anthony	Favrot	Landis	Pou
Bannon	Finley	Langley	Powers
Barclay	Flood	Laning	Pratt
Bartholdt	Focht	Lassiter	Prince
Bartlett, Nev.	Foster, Ind.	Law	Pujo
Bates	Foster, Vt.	Leake	Ransdell, La.
Beale, Pa.	Fowler	Lee	Reeder
Bede	Fulton	Legare	Rhinock
Bennett, Ky.	Gaines, Tenn.	Lenahan	Riordan
Bingham	Gaines, W. Va.	Lever	Roberts
Boutell	Gardner, Mass.	Lewis	Rothermel
Bowers	Gill	Lilley	Rucker
Brantley	Gillespie	Lindsay	Ryan
Brodhead	Gillett	Littlefield	Saunders
Broussard	Glass	Livingston	Sherley
Brumm	Goldfogle	Longworth	Sherman
Brundidge	Gordon	Lorimer	Slemp
Burke	Graham	Loud	Small
Burton, Ohio	Granger	Lovering	Smith, Mich.
Butler	Gregg	McCall	Smith, Tex.
Byrd	Haggott	McCreary	Sperry
Carlin	Hall	McGuire	Stanley
Cary	Hammond	McHenry	Stephens, Tex.
Cockran	Harding	McKinlay, Cal.	Stevens, Minn.
Cocks, N. Y.	Hardwick	McKinley, Ill.	Sturgiss
Conner	Hepburn	McLachlan, Cal.	Talbott
Cook, Pa.	Hill, Conn.	McLain	Tawney
Cooper, Tex.	Hill, Miss.	McLaughlin, Mich.	Thomas, Ohio
Coudrey	Hitchcock	McMillan	Tirrell
Cousins	Hobson	Malby	Underwood
Craig	Holliday	Mondell	Wallace
Cravens	Houston	Moon, Pa.	Watson
Crawford	Howard	Moore, Tex.	Weeks
Cushman	Howland	Mudd	Weems
Darragh	Hughes, W. Va.	Murdock	Weisse
Davey, La.	Hull, Iowa	Nelson	Wiley
Davidson	Jackson	Nicholls	Willett
Davis, Minn.	James, Addison D.	Norris	Wilson, Ill.
Dawes	James, Ollie M.	Olmsted	Wolf
Denby	Jones, Va.	Overstreet	Wood
Driscoll	Kimball	Padgett	Woodyard
Dunwell	Kipp	Page	
Edwards, Ga.	Kitchin, Claude	Parker, N. J.	
Edwards, Ky.	Kitchin, Wm. W.	Parker, S. Dak.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the vote:

Mr. WOOD with Mr. WOLF.
Mr. WILSON of Illinois with Mr. WILLETT.
Mr. WEEKS with Mr. TAYLOR of Alabama.
Mr. WATSON with Mr. SMITH of Texas.
Mr. TIRRELL with Mr. SMALL.
Mr. STURGISS with Mr. SHERLEY.
Mr. SPERRY with Mr. RYAN.
Mr. PERKINS with Mr. ROTHERMEL.
Mr. NORRIS with Mr. RANSDELL of Louisiana.
Mr. MONDELL with Mr. PAGE.
Mr. MALBY with Mr. MOORE of Texas.
Mr. MCLAUGHLIN of Michigan with Mr. LEVER.
Mr. LOVERING with Mr. LENAHAN.
Mr. LOUD with Mr. LEE.
Mr. LITTLEFIELD with Mr. HITCHCOCK.
Mr. LANING with Mr. HAMMOND.
Mr. HOWLAND with Mr. GREGG.
Mr. HARDING with Mr. GORDON.
Mr. FOSTER of Indiana with Mr. GILLESPIE.
Mr. FAIRCHILD with Mr. GILL.
Mr. MURDOCK with Mr. FINLEY.
Mr. DAVIDSON with Mr. FAVROT.
Mr. CUSHMAN with Mr. DE ARMOND.
Mr. COUSINS with Mr. CRAWFORD.
Mr. CONNER with Mr. CRAVENS.
Mr. BUTLER with Mr. BARTLETT of Georgia.
Mr. BROWNLOW with Mr. GAINES of Tennessee.
Mr. BEALE of Pennsylvania with Mr. CARLIN.
Mr. BATES with Mr. BRODHEAD.
Mr. ACHESON with Mr. BOWERS.

Until further notice:

Mr. SLEMP with Mr. BYRD.

For the session:

Mr. WANGER with Mr. ADAMSON.

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House took a recess until 11.30 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for payment of certain awards of the Commission (H. R. Doc. 889)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims (H. R. Doc. 888)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a schedule of claims allowed by the several accounting officers of the Treasury under appropriations, the balances of which have been exhausted or carried to the surplus fund (H. R. Doc. 887)—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of A. S. McDaniel, administrator of estate of J. V. McDaniel, against The United States (H. R. Doc. 892)—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Augustus B. Miller against The United States (H. R. Doc. 891)—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. W. Wise, administrator of estate of David N. Wise, against The United States (H. R. Doc. 893)—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Daniel M. Dempsey, administrator of estate of Berryman S. Dempsey, against The United States (H. R. Doc. 894)—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of War, transmitting, with a

letter from the Chief of Engineers, report of reexamination of Cape Fear River (H. R. Doc. 890)—to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 20247) to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906, reported the same with amendment, accompanied by a report (No. 1526), which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 394) setting aside a portion of the proceeds of the sales of public lands in the Philippine Islands for school purposes, reported the same without amendment, accompanied by a report (No. 1527), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOYD, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 15442) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898, reported the same with amendment, accompanied by a report (No. 1528), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 213) for the relief of S. R. Green, reported the same without amendment, accompanied by a report (No. 1529), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 879) for the relief of John S. Higgins, paymaster, United States Navy, reported the same without amendment, accompanied by a report (No. 1530), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13816) granting an increase of pension to Patrick Handran, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LINDBERGH: A bill (H. R. 21302) to aid in the conservation of the headwaters of the Mississippi River and certain forests in northern Minnesota for said purpose, all to improve the navigation of said river—to the Committee on Indian Affairs.

By Mr. COUDREY: A bill (H. R. 21303) providing for the appointment of an Inland Waterways Commission and for the improvement and development of the inland waterways of the country—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: A bill (H. R. 21304) to extend the pension laws of the United States to the soldiers engaged in the Utah expedition of 1857 and 1858, and to the widows and children of such soldiers—to the Committee on Pensions.

By Mr. GARNER: A bill (H. R. 21305) to authorize the St. Louis, Brownsville and Mexico Railway Company, of Texas, to construct a bridge across the Rio Grande, connecting the city of Brownsville, Tex., with the city of Matamoros, Mexico—to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: A bill (H. R. 21306) to amend section 23 of the act approved June 22, 1874, entitled "An act to amend customs-revenue laws and to repeal moieties"—to the Committee on Ways and Means.

By Mr. HAWLEY: A bill (H. R. 21307) to amend an act approved August 15, 1894, an agreement with the Alsea and other Indians on the Siletz Indian Reservation, in Oregon—to the Committee on Indian Affairs.

By Mr. GILLETT: A bill (H. R. 21308) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment—to the Committee on the Judiciary.

By Mr. DAVENPORT: A bill (H. R. 21309) for the support of school of mines and mining at Miami, Okla.—to the Committee on Indian Affairs.

By Mr. O'CONNELL: A bill (H. R. 21310) to promote the safety of passengers and employees of railroads by compelling railroads and railways engaged in interstate commerce to equip their passenger cars with electricity for heating and lighting purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. KALANIANAOLE: A bill (H. R. 21311) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, on the island of Maui, Territory of Hawaii—to the Committee on the Territories.

Also, a bill (H. R. 21312) to ratify an act of the legislature of the Territory of Hawaii, authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii—to the Committee on the Territories.

By Mr. LOUDENSLAGER: A bill (H. R. 21313) to establish a naval station at Pearl Harbor, Hawaii—to the Committee on Naval Affairs.

By Mr. PARSONS: A bill (H. R. 21314) granting condemned ordnance to the St. Bartholomew's Battalion, of the city of New York—to the Committee on Military Affairs.

By Mr. ELLIS of Oregon (by request): A bill (H. R. 21315) to relieve the Copper River Railway Company of Alaska from taxation—to the Committee on the Territories.

Also (by request), a bill (H. R. 21316) to relieve the Copper River and Northwestern Railway Company in Alaska from taxation—to the Committee on the Territories.

By Mr. DAVENPORT: A bill (H. R. 21317) authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes—to the Committee on Indian Affairs.

By Mr. LOWDEN: A bill (H. R. 21318) for preventing the manufacture, sale, or transportation of adulterated or misbranded fungicides, paris greens, lead arsenates, and other insecticides, and for regulating traffic therein, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. McKINLEY of Illinois: Resolution (H. Res. 377) increasing compensation of C. O. Houk—to the Committee on Accounts.

By Mr. LOUDENSLAGER: Resolution (H. Res. 378) increasing compensation of messenger to Committee on Pensions—to the Committee on Accounts.

By Mr. STEVENS of Minnesota: Resolution (H. Res. 379) providing for compensation of a messenger to the Clerk of the House in lieu of a janitor now provided for—to the Committee on Accounts.

By Mr. CRUMPACKER: Resolution (H. Res. 380) providing additional compensation to the clerk of Committee on the Census—to the Committee on Accounts.

By Mr. SHERMAN: Resolution (H. Res. 381) for an additional clerk to the Committee on Interstate and Foreign Commerce—to the Committee on Accounts.

By Mr. HASKINS: Resolution (H. Res. 382) for extra compensation to the members of the United States Capitol police force—to the Committee on Accounts.

By Mr. KEIFER: Memorial of the legislature of Ohio asking Congress to provide for a national bureau of health—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21319) granting an increase of pension to John H. Stephens—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 21320) granting an increase of pension to Carey W. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21321) granting an increase of pension to John Stafford—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 21322) granting an increase of pension to John Mahuken Hall—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21323) for the relief of Mrs. Ella V. Gordon, of Culpeper County, Va.—to the Committee on War Claims.

By Mr. COUDREY: A bill (H. R. 21324) granting a pension to Patrick Burke—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 21325) granting an increase of pension to Henry Loucks—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 21326) granting a pension to C. C. Dearing—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 21327) for the relief of Philip Berger—to the Committee on Naval Affairs.

By Mr. HAMLIN: A bill (H. R. 21328) granting an increase of pension to Michael Coplinger—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 21329) granting a pension to J. P. Bloodworth—to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 21330) granting an increase of pension to Racine D. Kellogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21331) granting an increase of pension to J. F. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21332) granting an increase of pension to William Bagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21333) granting an increase of pension to Thomas J. Lewis—to the Committee on Invalid Pensions.

By Mr. LASSITER: A bill (H. R. 21334) for the relief of the infant heirs of William Francis Gill, deceased, of Chesterfield County, Va.—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 21335) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot numbered 116, square numbered 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia.

By Mr. RANSDELL of Louisiana: A bill (H. R. 21336) granting an increase of pension to Samuel H. Whatley—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 21337) for the relief of the heirs of John H. Austin, deceased—to the Committee on War Claims.

By Mr. ROTHERMEL: A bill (H. R. 21338) granting an increase of pension to Elias Gerberich—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 21339) granting an increase of pension to Frank Brounlow—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 21340) granting an increase of pension to Francis M. Townsend—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 21341) for the relief of John I. Conroy and others—to the Committee on Claims.

By Mr. THISTLEWOOD: A bill (H. R. 21342) granting an increase of pension to Thomas M. Cavitt—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 21343) granting an increase of pension to John Hughes—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 21344) granting an increase of pension to John S. Worrell—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 21345) granting an increase of pension to Henry Bradfield—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 21346) granting an increase of pension to Franklin King—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 21347) granting an increase of pension to Harry L. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21348) granting an increase of pension to Elizabeth Haley—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Knights of Columbus of Tonawanda, N. Y., for H. R. 18517, for making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of citizens of Lancaster and Depew, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of banking committee of the Buffalo Chamber of Commerce, against S. 3025—to the Committee on Banking and Currency.

By Mr. ANDRUS: Petition of citizens of Tarrytown and New Rochelle, N. Y., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of Chicago City Club, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ASHBROOK: Paper to accompany bill for relief of Harry Remer (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Hiram J. Vance—to the Committee on Invalid Pensions.

Also, petition of Ohio general assembly, for a national bureau of health—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Coshocton, N. Y., for H. R. 20584, amendment to Sherman antitrust law, and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BENNET of New York: Paper to accompany bill for relief of John Mahken Hall—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers of Millinocket, Me., against removal of tariff on paper and pulp—to the Committee on the Judiciary.

Also, petition of citizens of Maine, for a national highways commission—to the Committee on Agriculture.

By Mr. BURNETT: Petition of Iron Molders' Union of Gadsden, Ala., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, papers to accompany H. R. 21271, for the relief of George F. Amos—to the Committee on Pensions.

By Mr. CALDER: Petition favoring remedial legislation excluding labor unions from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Davis Thomas, of Brooklyn, N. Y., for amendment to Sherman antitrust law, Wilson bill (H. R. 20584), the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of citizens of Illinois, for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Paper to accompany H. R. 4020, for relief of the Kansas State Militia of 1864—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of D. Firth and other citizens of the State of Florida, for H. R. 20584, H. R. 94, and other legislation in the interest of labor—to the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of City Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of the Academy of Natural Sciences of Philadelphia, Pa., favoring plans of President Roosevelt for conserving forestry, agricultural, mineral, and other natural resources of the United States—to the Committee on Agriculture.

By Mr. COUSINS: Petition of citizens of the United States, for concurrent resolution 28, against the atrocities practiced by the Russian Government—to the Committee on Foreign Relations.

By Mr. DAVENPORT: Resolution of the legislature of the State of Oklahoma, to accompany a bill for the appropriation of money to improve the Arkansas River in the State of Oklahoma—to the Committee on Rivers and Harbors.

By Mr. DRAPER: Petition of citizens of Troy, N. Y., for amendment to Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of Typothetæ of New York, against application to labor unions of the provisions of amendments to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of American Newspaper Publishers' Association, for immediate consideration of the Stevens bill relative to wood pulp—to the Committee on Ways and Means.

Also, petition of Board of Trade of Niagara Falls, N. Y., against removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Trades League of Philadelphia, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York Board of Trade and Transportation, against the Hepburn amendment to the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of International Congress of Tuberculosis, of Philadelphia, for a building in Washington for the Tuberculosis Congress to be held in September—to the Committee on Disposition of Rooms.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of G. R. Baker (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. ESCH: Petition of O. F. Bird and others, against the further diversion of waters of Lake Michigan—to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of Dr. J. F. Stokes, of Rockford, Ill., for H. R. 4432 (reorganization of Dental Corps in the Army)—to the Committee on Military Affairs.

Also, petition of Baltimore Clearing House against the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. GILL: Petition of trades labor organizations of Cumberland, Md., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petitions of Plumbers' Union and Cotton Weavers' Association, of Woonsocket, R. I., and Musicians' Protective Union, of Providence, R. I., for amendment to Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. GRONNA: Petition of Grand Forks (N. Dak.) Council, No. 1260, Knights of Columbus, for the Goulden bill, making October 12 a national holiday—to the Committee on the Judiciary.

By Mr. HAMLIN: Petition of citizens of Sedalia, Mo., for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of Warren Grange, of Warren, Vt., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Barre and Lindonville, Vt., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HAMILTON of Iowa: Papers to accompany H. R. 20859, for the relief of John J. Chance—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petition of Cigar Makers' Union No. 457, of St. Joseph and Benton Harbor, Mich., for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HOWLAND: Petitions of William Mitchell and other citizens, of Cleveland, Ohio, and Frank Sweet and 4 other citizens of Painesville, Ohio, for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against religious legislation for the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

Also, petition of citizens of Washington, for H. R. 40, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Washington, favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. KELIHER: Petitions of Northeast Water Works Association and board of directors of the Trades League of Philadelphia, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petitions of Boston Clearing House Association and Worcester Clearing House, against the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. KENNEDY of Iowa: Petition of labor organizations of Keokuk, Iowa, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petitions of citizens of Adams, Mass., and Carpenters' Union of Pittsfield, Mass., for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill for relief of Burrell C. Smith—to the Committee on War Claims.

By Mr. LINDSAY: Petition of American Paper and Pulp Association, against the repeal of the duty on wood pulp—to the Committee on Ways and Means.

Also, petition of William S. Aldrich, of Potsdam, N. Y., for H. R. 9230, for engineering experiment station; H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains, and other measures—to the Committee on Agriculture.

Also, petition of citizens of Kings County, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of citizens of Rock Island, Ill., for making October 12 a holiday—to the Committee on the Judiciary.

Also, petitions of citizens and Carpenters' Union of Moline, Ill., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. MAYNARD: Petition of citizens of Portsmouth, Va., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Association of Retail Druggists, relative to H. R. 14639 and S. 4700, to classify certain grades in numbered post-office stations—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Paper to accompany bill for relief of Elizabeth S. Gannon—to the Committee on Claims.

By Mr. PETERS: Petition of Local Union No. 209, Hod Carriers and Building Laborers of Boston, Mass., for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. PORTER: Petitions of citizens of Batavia, North Tonawanda, and Lockport, N. Y., for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Knights of Columbus of North Tonawanda, N. Y., for making October 12 Columbus holiday—to the Committee on the Judiciary.

By Mr. PRINCE: Petitions of organized labor in Canton, Quincy, Kewanee, and Galesburg, Ill., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of Board of Trade of Niagara Falls, against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of citizens of New Brighton, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York City, against the Vreeland currency bill—to the Committee on Banking and Currency.

Also, petition of City Club of Chicago, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ROBINSON: Paper to accompany bill for relief of heirs of John H. Austin—to the Committee on War Claims.

Also, paper to accompany bill for relief of Angus Gillis (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, paper to accompany bill for relief of John J. Cooper—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Buffalo Lumber Exchange, approving resolutions of Chamber of Commerce of Pittsburg, Pa., for conference called by the President for conserving natural resources of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of banking committee of Chamber of Commerce of Buffalo, N. Y., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. SHERWOOD: Petition of Polish Alliance of Toledo, Ohio, expressing sympathy for the Poles in Prussia—to the Committee on Foreign Affairs.

By Mr. SOUTHWICK: Petition of citizens of Cohoes, N. Y., for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Crown West Lodge, No. 135, I. O. B. A., of St. Paul, Minn., against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bill—to the Committee on Immigration and Naturalization.

Also, papers to accompany bill for relief of John J. Conroy and others—to the Committee on Public Buildings and Grounds.

By Mr. SULZER: Petition of City Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of many citizens of New York City, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citizens of New York City, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. TOU VELLE: Joint resolution by the Ohio general assembly, for establishment of a national bureau of health—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: Petition of citizens of Massachusetts, for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. WEISSE: Petition of national banks of Chicago, Ill., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

SENATE.

TUESDAY, *April 28, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FOREST SERVICE EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, stating, by the direction of the President and in response to a resolution of the 22d instant, that a statement showing in full the attendance of members of the Forest Service at meetings in conventions during the year 1907, with full details as called for by the resolution, is being prepared as rapidly as possible, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to joint resolution of the Senate approved March 7, 1906, a report relative to the investigation made by the Commission into the subject of railroad discriminations and monopolies in coal and oil, which was referred to the Committee on Interstate Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 171) providing for assistance to the people of the storm-swept States of Georgia, Alabama, Mississippi, and Louisiana, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Central Trades and Labor Assembly of Corinth, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. FRYE presented a petition of sundry citizens of Bath, Me., and a petition of sundry citizens of Hall Quarry, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Lewiston, Me., praying for the passage of the so-called "Burnham rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Kennebec Local Union, No. 73, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Madison, Me., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. PLATT presented petitions of sundry citizens and local labor organizations of Batavia, Buffalo, Brooklyn, Elmira, Cohoes, Ithaca, Lancaster, Corning, Depew, New Brighton, Newburgh, Olean, Oneonta, Poughkeepsie, Troy, Utica, and Schenectady, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of Twin City Council, No. 413, Knights of Columbus, of Tonawanda, N. Y., praying for the enactment of legislation making October 12 a national holiday, to be known as "Discovery Day," which was referred to the Committee on the Judiciary.

He also presented a petition of the Flushing Association, of Flushing, N. Y., and a petition of the Buffalo Lumber Exchange, of Buffalo, N. Y., praying for the enactment of legislation to conserve the natural resources of the United States, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Royal Brewing Company, of Kansas City, Mo., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. DICK presented a petition of Franklin Lodge, No. 9, Brotherhood of Locomotive Firemen and Enginemen, of Columbus, Ohio, praying for the enactment of legislation to promote the safety of employees upon railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National American Woman Suffrage Association, of Warren, Ohio, praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Ladies' Aid Society of Mechanicsburg, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Ravenna, Ohio, praying for the passage of the so-called "rural parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Cleveland Paper Manufacturing Company, of Cleveland, Ohio, and a memorial of the American Paper and Pulp Association, of New York City, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of Central Labor Union of Toledo, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the National Brotherhood of Operative Potters, American Federation of Labor, of East Liverpool, Ohio, praying for the passage of the so-called "anti-injunction," "employers' liability," and "eight-hour" bills, which was referred to the Committee on the Judiciary.

He also presented a petition of Reinhold Richter Camp, No. 2, United Spanish War Veterans, of San Francisco, Cal., praying for the enactment of legislation to authorize the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans, which was referred to the Committee on Military Affairs.

He also presented a petition of the Central Federated Union of New York City, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at a Government navy-yard, which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Joplin, Mo., praying for the enactment of legislation to establish a National Bureau of Mines, which was referred to the Committee on Mines and Mining.

He also presented a memorial of the Mutual Benefit Club of Merrill, Oreg., remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Tri-State Live Stock Dealers' Association, of Allen, Mich., praying for the enactment of legislation to require railroad companies engaged in interstate commerce to promptly furnish cars and other transportation facilities and to require the Interstate Commerce Commission to make rules and regulations with respect thereto, which was referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented a petition of the Business Men's Association of Hartford, Conn., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. WARNER presented the petition of Elizabeth J. Moss, of Kansas City, Mo., praying that she be granted an increase of pension, which was referred to the Committee on Pensions.

He also presented the petition of Isabella Chiles, of Kansas City, Mo., praying that she be granted an increase of pension, which was referred to the Committee on Pensions.

He also presented the petition of Lesette Vogler, of Sedalia, Mo., praying that she be granted a pension, which was referred to the Committee on Pensions.

He also presented the petition of Amanda Huntsman, of Liberty, Mo., praying that she be reimbursed for property taken from her by United States troops during the late civil war, which was referred to the Committee on Claims.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Centerville, R. I., and a petition of the congregation of the Methodist Episcopal Church of Centerville, R. I., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. TALIAFERRO presented petitions of sundry citizens of St. Augustine, Jacksonville, Key West, Sanford, and Tampa, all in the State of Florida, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Florida, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Meredith, N. H., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Pennsylvania, Colorado, Oregon, Iowa, Washington, and Maine, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of Shamrock Club, of Washington, D. C., praying that an appropriation be made for the erection of a statue in Washington, D. C., to the memory of Gen. John I. Sullivan, which was referred to the Committee on the Library.

He also presented a memorial of Central Labor Union, of Berlin, N. H., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

He also presented memorials of Local Union No. 9, of Franklin; of Local Union No. 23, of Berlin; of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers; of the Monadnock Paper Mills, of Bennington, and of the New Hampshire Federation of Labor, all in the State of New Hampshire; of the American Paper and Pulp Association, of New York City, and of the Frank Gilbert Paper Company, of Waterford, in the State of New York, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. BEVERIDGE presented petitions of the Glass Bottle Blowers' Association of Muncie; of Cigarmakers' Union, No. 382, of Rushville; of the United Hatters' Local Union, No. 3, of Wabash; of the Glass Bottle Blowers' Association of Indianapolis; of the American Federation of Labor of Logansport; of the United Mine Workers of America of Sophia; of the Brotherhood of Blacksmiths of Princeton; of the Central Trades Council of Marion; of the United Brotherhood of Carpenters and Joiners of Bedford; of Cigarmakers' Union, No. 62, of Richmond, and of Cigarmakers' Union, No. 308, of Muncie, all in the State of Indiana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of Local Union No. 226, International Brotherhood of Steam Boiler Makers of America, of Salisbury, N. C., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented petitions of sundry labor organizations in the State of Nebraska, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BULKELEY presented a petition of Farmill Grange, No. 130, Patrons of Husbandry, of Shelton, Conn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of Marine Engineers' Beneficial Association No. 38, of Seattle, Wash., praying that an appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

Mr. LODGE presented petitions of sundry citizens of Gloucester, Somerville, Lynn, Adams, Pittsfield, Milford, and Salem, all in the State of Massachusetts, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. FORAKER presented petitions of sundry trades councils of East Liverpool, Mansfield, Norwalk, Akron, Cincinnati, Steubenville, Piqua, Sebring, East Palestine, Salem, Springfield, Canton, Wellsville, Alliance, Columbus, Cleveland, Bucyrus, Clyde, Bridgeport, Sandusky, Painesville, Massillon, and Coshocton, all in the State of Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Delaware, Springfield, Milo, New Carlisle, Selma, Lynchburg, Gray, Columbus, Yellow Springs, Tremont City, Tontogany, Wheelersburg, Reynoldsburg, Tiffin, Decatur, Frankfort, Athens, Payne, Raccoon Island, Eaton, Lancaster, Hillsboro, Wooster, Reading, Lucas, Westboro, Jewett, Carroll, Troy, Georgetown, Marlboro, Circleville, Blanchester, Western Star, Leipsic, Millersburg, Urbana, Milford, Amelia, Cleveland, Limaville, Lexington, Bellefontaine, Creston, Granville, Lorain, Lilly Chapel, Montgomery, Pleasant Grove, Madisonville, Lisbon, Wayne, Scioto, Wauseon, Waverly, New Vienna, Clifton, McArthur, Shelby, Villa, Defiance, Nellie, Clarksville, Omar, Piqua, Mansfield, South Charleston, Cedarville, Wilmington, Manchester, Xenia, Akron, Osborne, Forgy, Enon, Alliance, South Webster, McLuney, Lima, Good Hope, Summerside, Nelsonville, Dayton, Etna, Clarington, Buena Vista, Ripley, Ohio City, Belleville, Donnelsville, Sabina, Berlin Center, Hartville, Norwood, Perryton, Harrison, Catawba, Jerome, Lewisburg, Crooksville, Gloucester, Utica, Sparta, Pleasant Ridge, Wellington, Rocky River, Zanesville, Cincinnati, Hartwell, Van Wert, Camba, Steubenville, Berea, West Lafayette, Black Run, Nora, Cresswell, Washington Court House, Danville, East Monroe, Sebring, Beloit, Oberlin, Beverly, Plain City, Flushing, Harrod, Newton Falls, Mount Sterling, Wakeman, Winterset, North Baltimore, Elmwood Place, Toledo, Proctorville, Greentown, Strongsville, Middleport, Adelphi, Youngstown, Worthington, Rushtown, Richwood, Nevada, Rockford, Marion, Gibsonburg, Bethany, Williamsport, Lockington, Cambridge, Shadyside, Portland, Tippecanoe City, Haydenville, Hoytville, Edon, Shepard, Frazeysburg, Caldwell, Waterloo, Morristown, Bellaire, Orrville, West Cairo, East Liberty, New Philadelphia, Toronto, Nashville, Lakeside, Wellsville, Bidwell, Bourneville, Monroeville, Bremen, Commercial Point, Belpre, Doylestown, Barnesville, East Liverpool, Ashley, Bloomdale, Empire, Cleves, Bettsville, Mendon, McConnelsville, Newark, Blue Rock, Adamsville, Madison, Fayetteville, Ironton, Lithopolis, Hocking, Logan, Alliance, South Solon, Rempel, Bannock, Amherst, Washington, Canal Winchester, Rogers, Canton, Stryker, Canfield, Findlay, West Farmington, Marietta, Jackson, and London; also, citizens of the counties of Clark, Hancock, Greene, Highland, Brown,

Miami, Darke, and Stark; also, citizens of the Twelfth Congressional District, all in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were ordered to lie on the table.

PROTECTION OF SCHOOL BUILDINGS.

Mr. BURKETT. Mr. President, I wish to submit a report (No. 574) from the Committee on the District of Columbia.

Sometime ago the Senate passed a resolution directing the Committee on the District of Columbia to inquire into the condition of the public and private schools in reference to protection against fire, with direction to report by bill or otherwise what action should be taken for the protection of the children of the District in school buildings.

The committee has given the matter consideration and directed inquiries to the president of the Board of Commissioners of the District, the chief of the fire department, and the superintendent of schools, and received replies from them. The committee finds that the chief of the fire department, under the direction of the District authorities, is now making very complete and detailed investigations of every school building in the District. He has investigated so far about half of the buildings and has made reports on them. In accordance with that report, the District Commissioners and the school board made certain recommendations to the Committee on Appropriations during its consideration of the District of Columbia appropriation bill.

The Committee on the District of Columbia finds that the Committee on Appropriations has considered their recommendations favorably and has reported an item of $261,000 for the specific purpose, as the proposed amendment states, of improving exits, replacing wooden stairways, fireproofing stairways, walls, and floors, replacing old fire ladders with improved fire escapes. Therefore the Committee on the District of Columbia reports this resolution back, together with some letters and documents that have been received from the District authorities, and asks that the committee be discharged from the further consideration of the resolution.

Mr. CULBERSON. I suggest to the Senator from Nebraska that this report might be printed as a Senate document. This is a matter of great importance, and I think it ought to be printed so that we may know what the Committee on the District of Columbia has seen fit to do with reference to this important inquiry. I make that suggestion to the Senator from Nebraska.

Mr. BURKETT. In accordance with the suggestion of the Senator from Texas, who introduced the resolution originally, I will ask that the report of the Committee on the District of Columbia be printed as a document and that it be referred to the Committee on Appropriations.

The VICE-PRESIDENT. Without objection, it is so ordered.

RELIEF OF STORM SUFFERERS.

Mr. BACON. There is a joint resolution which has come over from the House, and possibly the Senate might be willing to take it up at this time. It will take but a moment. It is an emergency matter in reference to some relief to the people who have been rendered homeless by the recent cyclone in the South.

Mr. ALDRICH. I have some morning business that I should like to transact.

The VICE-PRESIDENT. The reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 572) accompanied by a bill (S. 6845) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain helpless and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 580. Marvin Boget.
S. 941. Rollin A. Pratt.
S. 1215. Charles Moyer.
S. 1253. Fannie J. Sargent.
S. 1413. Kate Spencer.
S. 1632. Edward Seeland.
S. 2438. Hugh T. Crockett.
S. 2879. John P. Buckley, alias Newton J. Pilcher.
S. 3257. Issacher R. Waggener.
S. 3458. Robert W. Malcolm.
S. 4537. Jason P. Carey.
S. 5612. Constantin G. W. Bischoff.
S. 6061. John W. Cullimore.
S. 6064. Jefferson H. Montgomery.
S. 6230. Thomas Townsend.
S. 6433. Charles Rice.
S. 6451. William Relph.
S. 6516. Daniel Caswell.
S. 6621. Emma A. Henry.
S. 6704. John Worrel.
S. 6743. Philip D. Gibson.
S. 6744. Thomas W. Manchester.
S. 6823. Margaret K. Hern.
S. 6824. John Hancock.
S. 6825. Samuel H. Hurst.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 573) accompanied by a bill (S. 6846) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 1925. John McGuire.
S. 4025. George W. Walter.
S. 4852. Elizabeth Smith Tennent.
S. 4901. Jason A. Pelton.
S. 5059. Augusta Burchard.
S. 5108. Emil Kuhblank.
S. 5229. Ellen Bernard Lee.
S. 5387. Laura M. Schofield.
S. 5717. Augusta L. B. Curry.
S. 5740. Charles H. Roth.
S. 5785. Willis J. Freeman.
S. 6639. Bartolo Canova.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce, which was agreed to.

Mr. BORAH, from the Committee on Claims, to whom was referred the bill (S. 5997) for the relief of Paul Butler, reported it without amendment.

Mr. TELLER, from the Committee on Finance, to whom was referred the bill (S. 3808) to refund certain excess duties paid upon importations of absinthe and kirschwasser from Switzerland between June 1, 1898, and December 5, 1898, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4263) to amend an act entitled "An act to amend an act amending the act entitled 'An act to authorize the receipt of United States gold coin in exchange for gold bars,'" reported it with an amendment.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 5905) for the relief of the executors of the estate of Harold Brown, deceased, reported it without amendment.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, reported it with amendments and submitted a report (No. 575) thereon.

ASSISTANT TREASURER AT SEATTLE, WASH.

Mr. ALDRICH. From the Committee on Finance I report back favorably, with amendments, the bill (S. 2932) providing for the appointment of an assistant treasurer of the United States at the city of Seattle, in the State of Washington.

Mr. PILES. I ask for the immediate consideration of the bill just reported by the Senator from Rhode Island.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 11, after the word "services," to strike out the following words: "And a sufficient amount to pay said salary until the —— day of ——, 19—, is hereby appropriated;" in section 2, page 2, line 16, to strike out the following words: "And a sum sufficient to pay said salaries until the —— day of ——, 19—, is hereby appropriated;" in section 3, line 25, before the words "dollars," to insert "ten thousand," and, in the same line, after the word "annum," to strike out the following words: "And a sufficient sum to pay the rental therefor until the —— day of ——, 19—, is hereby appropriated."

So as to make the bill read:

Be it enacted, etc., That there shall be appointed an assistant treasurer of the United States to be located at the city of Seattle, in the State of Washington, who shall be appointed in like manner, for like time, and be subject to all the provisions of law to which other as-

sistant treasurers of the United States are subject. Said assistant treasurer shall receive a salary of $4,500 per annum, to be paid quarterly at the Treasury of the United States, which salary shall be in full for all his services.

SEC. 2. That said assistant treasurer, with the approval of the Secretary of the Treasury, may appoint, in accordance with existing law, one cashier, who shall also act as vault clerk, at a salary of $2,500 per annum; one paying clerk, at a salary of $2,000 per annum; one receiving teller, at a salary of $1,800 per annum; one clerk, at a salary of $1,600 per annum; one clerk, at a salary of $1,400 per annum; two clerks, at a salary of $1,200 each per annum; one clerk, at a salary of $1,000 per annum; one clerk and stenographer, at a salary of $1,000 per annum; three watchmen, at a salary of $840 each per annum; and one janitor, at a salary of $720 per annum.

SEC. 3. That the Secretary of the Treasury shall procure at said city of Seattle suitable and convenient rooms, furniture, and fixtures for the use of the assistant treasurer herein authorized, and sufficient and secure fireproof vaults and safes for the keeping of the public moneys collected and deposited with him, at a rental not exceeding $10,000 per annum. The said assistant treasurer shall have the custody and care of said rooms, vaults, and safes, respectively, and all of the public moneys deposited therein, and shall perform all the duties required to be performed by United States assistant treasurers in reference to the receipt, safe-keeping, transfer, and disbursements of such moneys.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATES OF REESE B. BRABSON AND WILLIAM CRUTCHFIELD.

Mr. FRAZIER, from the Committee on Claims reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 5658) for the relief of the heirs or the legal representatives of the estate of Reese B. Brabson, deceased, and the bill (S. 5659) for the relief of the estate of William Crutchfield, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

EXTENSION OF STREET RAILWAY TRACKS TO UNION STATION.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 902) "An act authorizing certain extensions to be made in the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes," having met, after full and free conference have been unable to agree.

J. H. GALLINGER,
CHESTER I. LONG,
THOMAS S. MARTIN,
Managers on the part of the Senate.
S. W. SMITH,
P. P. CAMPBELL,
T. W. SIMS.
Managers on the part of the House.

The report was agreed to.

Mr. GALLINGER. I move that the Senate further insist upon its disagreement to the amendments of the House of Representatives and agree to the further conference asked, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. GALLINGER, Mr. LONG, and Mr. MARTIN as the conferees on the part of the Senate.

BILLS INTRODUCED.

Mr. DEPEW introduced a bill (S. 6847) for the relief of Marshall N. De Long, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 6848) to remove discriminations against American sailing vessels in the coasting trade, which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 6849) to remove the charge of desertion from the record of Alvah B. Doble, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALLISON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6850) granting an increase of pension to Junius A. Parmalee; and

A bill (S. 6851) granting a pension to William J. Young.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; and

A bill (S. 6853) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes," approved February 25, 1897.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6854) granting an increase of pension to William E. Dow;

A bill (S. 6855) granting a pension to Willie C. Wilmot; and

A bill (S. 6856) granting an increase of pension to George E. Garland.

He also (by request), introduced a bill (S. 6857) to provide for the retirement of certain letter carriers, and regulating the pay of the same, which was read twice by its title and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. NIXON introduced a bill (S. 6858) granting a pension to Goodwin Y. AtLee, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6859) to amend an act approved June 30, 1906, entitled "An act creating a United States court for China, and prescribing the jurisdiction thereof, which was read twice by its title and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 6860) granting an increase of pension to Arthur R. Curtis, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 6861) granting an increase of pension to Thomas H. B. Vandegrift, which was read twice by its title and referred to the Committee on Pensions.

Mr. SMITH of Maryland introduced a bill (S. 6862) for the relief of the estate of Peter Barentine, which was read twice by its title and referred to the Committee on Claims.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6863) granting a pension to Emma Condon;

A bill (S. 6864) granting an increase of pension to William W. Blandin;

A bill (S. 6865) granting an increase of pension to John Cotner;

A bill (S. 6866) granting an increase of pension to George Claxton; and

A bill (S. 6867) granting a pension to Lawrence L. Barrick.

Mr. PAYNTER introduced a bill (S. 6868) for the construction of an addition to the United States post-office, public building, and court room in the city of Frankfort, State of Kentucky, and for repairs and alterations to the present building, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6869) granting an increase of pension to Francis E. Wheeler;

A bill (S. 6870) granting a pension to Cynthia A. Simons; and

A bill (S. 6871) granting an increase of pension to George H. Stone.

Mr. WARNER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6872) granting an increase of pension to James C. Settle;

A bill (S. 6873) granting an increase of pension to Darwin W. Perkins;

A bill (S. 6874) granting a pension to John J. Shanks;

A bill (S. 6875) granting a pension to Edward T. Sutton;

A bill (S. 6876) granting an increase of pension to James E. Twitchell; and

A bill (S. 6877) granting an increase of pension to Abram M. Casteel.

He also introduced a bill (S. 6878) granting a pension to John A. Pollard, which was read twice by its title and referred to the Committee on Pensions.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6879) for the relief of the Methodist Episcopal Church South, in Washington, N. C.;

A bill (S. 6880) for the relief of the Presbyterian Church, in Washington, N. C.; and

A bill (S. 6881) for the relief of the estate of Hardy H. Waters, deceased.

Mr. BACON introduced a bill (S. 6882) for the relief of Otto Seiler, administrator of the estate of Carl Weiland, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. FLINT introduced a bill (S. 6883) for the relief of A. G. Strain, which was read twice by its title and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 6884) granting an increase of pension to Joseph Cook, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment proposing to appropriate $200,000 for constructing, equipping, and outfitting, complete for service, a new steam tender for use of the inspector of the First Light-House District, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station at some suitable point in the State of Rhode Island, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

He also submitted an amendment proposing to appropriate $225,000 for the construction and equipping of a steam revenue cutter for service in Narragansett Bay and adjacent waters, with headquarters in Newport, R. I., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $80,000 for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $10,000 for a light and fog-signal station on the outer end of the breakwater, entrance to the outer harbor, San Pedro, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Commitee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $215,000 for a steam tender for use of the light-house inspector of the twelfth district, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $60,000 for establishing a light and fog-signal station at or near Four-Mile Creek, seacoast of California, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $250,000 for the construction of one steam revenue cutter of the first class for service in the waters of Key West, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FULTON submitted an amendment proposing to appropriate $250,000 for the construction of one steam revenue cutter of the first class for duty on the coast of Oregon, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $30,000 for a light-house and fog-signal station on Eliza Island, Bellingham Bay, Wash., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the number of clerks at $1,400 in the revenue and inspection branch, water department, District of Columbia, from one to two, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was ordered to lie on the table.

Mr. ANKENY submitted an amendment proposing to appropriate $5,000 for the erection of a monument to mark the battlefield of Steptoe Butte, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $75,000 for the transportation of silver dollars by registered mail or otherwise, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLINT submitted an amendment authorizing the Secretary of the Interior, upon the request of the Secretary of Agriculture, for the purpose of consolidating the national forests, to accept private lands in national forests in exchange for stumpage from the national forests of substantially equal value, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 for the construction of a launch for the use of the customs service at Los Angeles, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $60,000 for fitting up and adapting the upper hall and adjacent stairway in the Smithsonian building for the exhibition of the collections of the National Gallery of Art, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the purchase and delivery of materials, supplies, and equipment in the construction of the Isthmian Canal, etc., from $11,250,000 to $12,850,000, so as to include the purchase of two steamships of American registry for the use of the Isthmian Canal Commission, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

Mr. FRAZIER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

AMENDMENT TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. BEVERIDGE submitted an amendment proposing to appropriate $80,000 for the erection of a post-office building at Peru, Ind., etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

SUSAN M. YEOMAN AND OTHERS.

Mr. McCUMBER. I ask that the bill (H. R. 1589) granting an increase of pension to Susan M. Yeoman, which was received from the House of Representatives a few days ago and referred to the Committee on Pensions with amendments, be printed, showing the amendments of the House to the amendment of the Senate.

The VICE-PRESIDENT. Without objection, it is so ordered.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask that the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent children of soldiers and sailors of said war, which was received from the House of Representatives a few days ago and referred to the Committee on Pensions with amendments, be printed, showing the amendments of the House to the amendment of the Senate.

The VICE-PRESIDENT. Without objection, it is so ordered.

LANDS IN WASHINGTON.

Mr. ANKENY. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior is hereby requested to inform the Senate at the earliest date practicable what steps he has taken, or proposes to take, to settle the adverse claims of the State

of Washington and the Puyallup tribe of Indians to certain tide lands situated below the meander line established by the public-land surveys along the shores of Commencement Bay, in the State of Washington; and further the nature of a certain contract between the trustees of the Puyallup Indians and Charles Bedford, of Tacoma, Wash., for conducting litigation in behalf of the Puyallup Indians to recover certain lands disposed of by the State of Washington as tide lands, but alleged to belong to said Indians.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. KEAN. I move to strike out "requested" and insert "directed."

The amendment was agreed to.

The resolution as amended was agreed to.

SUPPRESSION OF TRUSTS, ETC.

Mr. DAVIS submitted the following resolution, which was read:

Resolved, That the Committee on the Judiciary be, and the same is hereby, discharged from the further consideration of the bill (S. 100) to suppress pools, trusts, and combinations in trade and to provide penalties for violations of its provisions, and for other purposes.

Mr. DAVIS. I desire that the resolution may lie on the table, and I give notice that on Friday, after the morning business, I shall address the Senate on the subject embraced in the resolution.

The VICE-PRESIDENT. The resolution will lie on the table.

LANDS OF THE CHOCTAWS AND CHICKASAWS.

Mr. DAVIS. I submit a resolution and ask that it be read and lie on the table subject to call.

The resolution was read, as follows:

Whereas several thousand persons of Choctaw or Chickasaw Indian blood and descent have been unlawfully denied allotments of land out of the common lands of the Choctaws and Chickasaws, situated in the State of Oklahoma, by the Secretary of the Interior and other administrative officers; and

Whereas many of said persons so unlawfully denied their property rights are women and children who have been rendered homeless and destitute thereby; and

Whereas there are now remaining and unallotted approximately 2,982,000 acres of the common lands of said Choctaws and Chickasaws; and

Whereas the Secretary of the Interior has without authority of law arbitrarily withdrawn from allotment approximately 1,373,000 acres of said unallotted land, and has arbitrarily and in violation of law refused to permit any Choctaw or Chickasaw by blood to select any of said land as his or her allotment; and

Whereas said land was arbitrarily withdrawn from allotment for the purpose of including it in a forest reserve or game preserve, as shown by Senate Report No. 5013, Fifty-ninth Congress, second session; and

Whereas said land belongs exclusively to said Choctaws and Chickasaws, and neither the Secretary of the Interior nor the Government of the United States owns or claims to own said land; and

Whereas the Secretary of the Interior has requested the Congress of the United States to include in a bill now pending in the Senate a provision authorizing him or other persons to enter into negotiations with representatives of the State of Oklahoma looking to the sale of said 1,373,000 acres of said Choctaw and Chickasaw lands to the State of Oklahoma for inclusion in a State forest reserve or game preserve; and

Whereas should said scheme be consummated it would result in the denial of thousands of persons of Choctaw or Chickasaw Indian blood of allotments of land and thereby render them homeless and destitute; and

Whereas the Secretary of the Interior is charged by law with the duty of guarding and protecting the rights of said Choctaws and Chickasaws and has no lawful authority to refuse them allotments of land out of any of the unalloted common lands of said Indians and has no lawful authority to take their lands and include them in forest reserves or game preserves, and thereby render said Indians homeless and destitute: Therefore be it

Resolved, That the Secretary of the Interior be, and is hereby, directed to inform the Senate without delay:

1. By what authority or pretended authority of law said lands were withdrawn from allotment?

2. Whether said lands have been included in a forest reserve or game preserve; and, if so, by what authority or pretended authority of law?

3. Whether said Secretary or any of his officers, agents, or representatives are endeavoring to sell and dispose of said lands in order that the Indians may be prevented from securing said lands as homes?

4. Whether said lands are owned by said Indians exclusively, or whether the Government of the United States has or claims to have any interest therein?

5. Whether said Secretary intends to continue to prevent said Indians from selecting said lands as their allotments and homes?

6. Whether under existing law said Secretary has authority to sell and dispose of all unallotted common lands of the Choctaws and Chickasaws as soon as allotments have been made to all persons entitled to allotment?

7. Whether said Secretary proposes or intends to sell and dispose of all unallotted lands of said Choctaws and Chickasaws as soon as allotments have been made to all persons whose names appear on the rolls of citizens and freedmen of said nations, as approved by him, and to distribute the proceeds derived therefrom among said persons so enrolled to the exclusion of the blood citizens who have been unlawfully denied enrollment?

8. Whether the act approved June 28, 1898, under which said rolls were made, directed said Secretary to enroll as Indians, or citizens of the Choctaw or Chickasaw nations, or tribes, all persons of Choctaw or Chickasaw Indian blood who were bona fide citizens of said nations on the day said act was approved, regardless of any assertion of right to such enrollment by said persons?

9. Whether the names of all persons of Choctaw or Chickasaw Indian blood appear on the rolls of said Indians as approved by him, and whether said rolls so approved are being used as a basis for the distribution of all the common property of said Choctaws and Chickasaws?

10. Whether said Secretary proposes or intends to deprive all persons of their distributive share of said common property who are of Choctaw or Chickasaw Indian blood, and who have been unlawfully denied enrollment as citizens or Indians of said tribe, and thereby denied allotments of land as such through the negligence, mistake, or fraud committed by administrative officers charged by law with the duty of making said rolls?

11. Why said Secretary has not reported the true facts to Congress with reference to the rights of those persons who have been unlawfully denied enrollment as blood citizens of said tribes, in order that Congress might provide for the correct enrollment of said blood citizens?

12. Whether persons who are practically full-blood Indians or who are possessed of Indian blood and as much entitled under the law to allotments of 320 acres of the average allottable lands have been enrolled as freedmen or negroes, and as such are entitled to only 40 acres of the average allottable lands of said tribes; and, whether said Secretary has transmitted to Congress proposed bills and recommended the enactment of same into law, which declare the enrollment records showing the enrollment of said Indians as freedmen or negroes final and conclusive as to their blood, and has thereby attempted to induce Congress to enact legislation designated for the purpose of legalizing said unlawful enrollments, and why he did not inform Congress of the real object sought to be accomplished by said proposed bill.

Mr. DAVIS. I ask that the Secretary read the printed document that is also filed with the resolution as a part of it.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read the accompanying statement, being the concluding paragraphs of the report submitted by Mr. CLARK of Wyoming, January 16, 1907, from the Select Committee to Investigate Matters Connected with Affairs in the Indian Territory, as follows:

WITHDRAWAL OF LANDS FROM ALLOTMENT.

Many earnest and insistent protests have been received against the withdrawal from allotment by the Secretary of the Interior of a large body of land in the Choctaw, Chickasaw, and Cherokee nations. The original withdrawal was of about 4,000,000 acres and also suspended further action as to perfecting complete individual title to all allotments already made within the area withdrawn. This was subsequently modified by rescinding the order as to allotments already made and by cutting down the area about one-half.

The committee has carefully considered this matter and is of the opinion that the order of withdrawal was without authority of law. The agreement with the tribes and the act of Congress approved July 1, 1902, authorized and directed the allotments to be made as soon as practicable, and that law, the committee believes, can not be set aside, impeded, or modified except by act of Congress repealing or changing the original statute.

The Secretary of the Interior advised your committee that he had made this order of withdrawal upon the request of the Secretary of Agriculture, who contemplated establishing a forest reservation therein if Congress should authorize the purchase by the Government of the land from the Indians for that purpose; but the committee is of opinion that, whatever may have been the purpose or object of the Secretary of the Interior, he had no authority under the law to make the order of withdrawal.

The investigation made by the committee has satisfied it that the general situation in the Indian Territory, so far as concerns the relationship between the Government of the United States and the several Indian tribes and the individual members thereof is such as to demand as speedy action by Congress as may be consistent with the magnitude and multitude of the interests involved.

In view of this fact the committee submits this partial report, and at an early day, if permitted by the Senate, will submit to the Senate its conclusions upon other matters herein referred to, which have been subjects of its inquiries.

Respectfully submitted.

C. D. CLARK.
CHESTER I. LONG.
FRANK B. BRANDEGEE.
H. M. TELLER.
W. A. CLARK.

The VICE-PRESIDENT. The Senator from Arkansas asks that the resolution may lie on the table subject to his call. Is there objection to the request? The Chair hears none, and it is so ordered.

BUILDINGS AND STRUCTURAL MATERIAL AT SAN FRANCISCO.

Mr. PERKINS. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, etc., That if not inconsistent with the good of the public service, the Secretary of the Interior be requested to transmit to the Senate for its information a statement of the results of the Department's investigations into the effects of earthquake and fire at San Francisco upon buildings and structural materials.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BACON. I have no objection to its consideration, but I wish to call the attention of the Senator from California to the fact that the phraseology of the resolution is not in accord with that which is usually adopted in seeking information from the Departments. The Departments are simply by the Senate directed to furnish such information as the Senate desires.

Mr. PERKINS. I am willing to change the phraseology from the word "requested" to the word "directed."

Mr. BACON. It is not simply the word "requested," but the Senator now predicates the direction upon the contingency that it is not incompatible with the public interest, which is not usual except when a request is addressed to the President.

In the case of the President it is always a request and always predicated upon the contingency that it is not inconsistent with the good of the public service.

Mr. PERKINS. I will accept the suggestion of my friend from Georgia, and strike out the words "not inconsistent with the good of the public service;" also striking out the word "requested" and inserting the word "directed."

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

SPECIAL MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The VICE-PRESIDENT. The special message from the President of the United States, which the Chair laid before the Senate yesterday evening just prior to the adjournment and which, owing to the lateness of the hour, was not read, will now be read by the Secretary.

The Secretary read the special message, as follows:

To the Senate and House of Representatives:

In my message to the Congress of March 25, 1908, I outlined certain measures which I believe the majority of our countrymen desire to have enacted into law at this time. These measures do not represent by any means all that I would like to see done if I thought it possible, but they do represent what I believe can now be done if an earnest effort toward this end is made.

Since I wrote this message an employers' liability law has been enacted which, it is true, comes short of what ought to have been done, but which does represent a real advance. Apparently there is good ground to hope that there will be further legislation providing for recompensing all employees who suffer injury while engaged in the public service; that there will be a child-labor law enacted for the District of Columbia; that the Waterways Commission will be continued with sufficient financial support to increase the effectiveness of its preparatory work; that steps will be taken to provide for such investigation into tariff conditions, by the appropriate committee of the House of Representatives and by Government experts in the Executive service, as will secure the full information necessary for immediate action in revising the tariff at the hands of the Congress elected next fall; and finally, that financial legislation will be enacted providing for temporary measures for meeting any trouble that may arise in the next year or two, and for a commission of experts who shall thoroughly investigate the whole matter, both here and in the great commercial countries abroad, so as to be able to recommend legislation which will put our financial system on an efficient and permanent basis. It is much to be wished that one feature of the financial legislation of this session should be the establishment of postal savings banks. Ample appropriation should be made to enable the Interstate Commerce Commission to carry out the very important feature of the Hepburn law which gives to the Commission supervision and control over the accounting systems of the railways. Failure to provide means which will enable the Commission to examine the books of the railways would amount to an attack on the law at its most vital point, and would benefit, as nothing else could benefit, those railways which are corruptly or incompetently managed. Forest reserves should be established throughout the Appalachian Mountain region wherever it can be shown that they will have a direct and real connection with the conservation and improvement of navigable rivers.

There seems, however, much doubt about two of the measures I have recommended; the measure to do away with abuse of the power of injunction and the measure or group of measures to strengthen and render both more efficient and more wise the control by the National Government over the great corporations doing an interstate business.

First, as to the power of injunction and of punishment for contempt. In contempt cases, save where immediate action is imperative, the trial should be before another judge. As regards injunctions, some such legislation as that I have previously recommended should be enacted. They are blind who fail to realize the extreme bitterness caused among large bodies of worthy citizens by the use that has been repeatedly made of the power of injunction in labor disputes. Those in whose judgment we have most right to trust are of the opinion that while much of the complaint against the use of the injunction is unwarranted, yet that it is unquestionably true that in a number of cases this power has been used to the grave injury of the rights of laboring men. I ask that it be limited in some such way as that I have already pointed out in my previous messages, for the very reason that I do not wish to see an embittered effort made to destroy it. It is unwise stubbornly to refuse to provide against a repetition of the abuses which have caused the present unrest. In a democracy like ours it is idle to expect permanently to thwart the determination of the great body of our citizens. It may be and often is the highest duty of a court, a legislature, or an executive, to resist and defy a gust of popular passion; and most certainly no public servant, whatever may be the consequences to himself, should yield to what he thinks wrong. But in a question which is emphatically one of public policy, the policy which the public demands is sure in the end to be adopted; and a persistent refusal to grant to a large portion of our people what is right is only too apt in the end to result in causing such irritation that when the right is obtained it is obtained in the course of a movement so ill considered and violent as to be accompanied by much that is wrong. The process of injunction in labor disputes, as well as where State laws are involved, should be used sparingly, and only when there is the clearest necessity for it; but it is one so necessary to the efficient performance of duty by the court on behalf of the nation that it is in the highest degree to be regretted that it should be liable to reckless use; for this reckless use tends to make honest men desire so to hamper its execution as to destroy its usefulness.

Every farsighted patriot should protest first of all against the growth in this country of that evil thing which is called "class consciousness." The demagogue, the sinister or foolish socialist visionary who strives to arouse this feeling of class consciousness in our working people, does a foul and evil thing; for he is no true American, he is no self-respecting citizen of this Republic, he forfeits his right to stand with manly self-reliance on a footing of entire equality with all other citizens, who bows to envy and greed, who erects the doctrine of class hatred into a shibboleth, who substitutes loyalty to men of a particular status, whether rich or poor, for loyalty to those eternal and immutable principles of righteousness which bid us treat each man on his worth as a man without regard to his wealth or his poverty. But evil though the influence of these demagogues and visionaries is, it is no worse in its consequences than the influence exercised by the man of great wealth or the man of power and position in the industrial world, who by his lack of sympathy with, and lack of understanding of, still more by any exhibition of uncompromising hostility to, the millions of our working people, tends to unite them against their fellow-Americans who are better off in this world's goods. It is a bad thing to teach our working people that men of means, that men who have the largest proportion of the substantial comforts of life, are necessarily greedy, grasping, and cold-hearted, and that they unjustly demand and appropriate more than their share of the substance of the many. Stern condemnation should be visited upon demagogue and visionary who teach this untruth, and even sterner upon those capitalists who are in truth grasping and greedy and brutally disregardful of the rights of others, and who by their actions teach the dreadful lesson far more effectively than any mere preacher of unrest. A "class grievance" left too long without remedy breeds "class consciousness" and therefore class resentment.

The strengthening of the antitrust law is demanded upon both moral and economic grounds. Our purpose in strengthening it is to secure more effective control by the National Government over the business use of the vast masses of individual, and especially of corporate, wealth, which at the present time monopolize most of the interstate business of the country; and we believe the control can best be exercised by preventing the growth of abuses, rather than merely by trying to destroy them when they have already grown. In the highest sense of the word this movement for thorough control of the business use of this great wealth is conservative. We are trying to steer a safe middle course, which alone can save us from a plutocratic class government on the one hand, or a socialistic class government on the other, either of which would be fraught with disaster to our free institutions, State and National. We are trying to avoid alike the evils which would flow from Government ownership of the public utilities by which interstate commerce is chiefly carried on, and the evils which flow from the riot and chaos of unrestricted individualism. There is grave danger to our free institutions in the corrupting influence exercised by great wealth suddenly concentrated in the hands of the few. We should in sane manner try to remedy this danger, in spite of the sullen opposition of these few very powerful men, and with the full purpose to protect them in all their rights at the very time that we require them to deal rightfully with others.

When with steam and electricity modern business conditions went through the astounding revolution which in this country began over half a century ago, there was at first much hesitation as to what particular governmental agency should be used to grapple with the new conditions. At almost the same time, about twenty years since, the effort was

made to control combinations by regulating them through the Interstate Commerce Commission and to abolish them by means of the antitrust act, the two remedies therefore being in part mutually incompatible. The interstate-commerce law has produced admirable results, especially since it was strengthened by the Hepburn law two years ago. The antitrust law, though it worked some good, because anything is better than anarchy and complete absence of regulation, nevertheless has proved in many respects not merely inadequate but mischievous. Twenty years ago the misuse of corporate power had produced almost every conceivable form of abuse and had worked the gravest injury to business morality and the public conscience. For a long time Federal regulation of interstate commerce had been purely negative, the National judiciary merely acting in isolated cases to restrain the State from exercising a power which it was clearly unconstitutional as well as unwise for them to exercise, but which nevertheless the National Government itself failed to exercise. Thus the corporations monopolizing commerce made the law for themselves, State power and common law being inadequate to accomplish any effective regulation, and the national power not yet having been put forth. The result was mischievous in the extreme, and only shortsighted and utter failure to appreciate the grossness of the evils to which the lack of regulation gave rise, can excuse the well-meaning persons who now desire to abolish the antitrust law outright or to amend it by simply condemning "unreasonable" combinations.

Power should unquestionably be lodged somewhere in the Executive branch of the Government to permit combinations which will further the public interest; but it must always be remembered that, as regards the great and wealthy combinations through which most of the interstate business of to-day is done, the burden of proof should be on them to show that they have a right to exist. No judicial tribunal has the knowledge or the experience to determine in the first place whether a given combination is advisable or necessary in the interest of the public. Some body, whether a commission, or a bureau under the Department of Commerce and Labor, should be given this power. My personal belief is that ultimately we shall have to adopt a National incorporation law, though I am well aware that this may be impossible at present. Over the actions of the Executive body in which the power is placed the courts should possess merely a power of review analogous to that obtaining in connection with the work of the Interstate Commerce Commission at present. To confer this power would not be a leap in the dark; it would merely be to carry still further the theory of effective Governmental control of corporations which was responsible for the creation of the Interstate Commerce Commission and for the enlargement of its powers, and for the creation of the Bureau of Corporations. The interstate commerce legislation has worked admirably. It has benefited the public; it has benefited honestly managed and wisely conducted railroads; and in spite of the fact that the business of the country has enormously increased, the value of this Federal legislation has been shown by the way in which it has enabled the Federal Government to correct the most pronounced of the great and varied abuses which existed in the business world twenty years ago—while the many abuses that still remain emphasize the need of further and more thoroughgoing legislation. Similarly, the Bureau of Corporations has amply justified its creation. In other words, it is clear that the principles employed to remedy the great evils in the business world have worked well, and they can now be employed to correct the evils that further commercial growth has brought more prominently to the surface. The powers and scope of the Interstate Commerce Commission, and of any similar body, such as the Bureau of Corporations, which has to deal with the matter in hand, should be greatly enlarged so as to meet the requirements of the present day.

The decisions of the Supreme Court in the Minnesota and North Carolina cases illustrate how impossible is a dual control of National commerce. The States can not control it. All they can do is to control intrastate commerce, and this now forms but a small fraction of the commerce carried by the railroads through each State. Actual experience has shown that the effort at State control is sure to be nullified in one way or another sooner or later. The Nation alone can act with effectiveness and wisdom; it should have the control both of the business and of the agent by which the business is done, for any attempt to separate this control must result in grotesque absurdity. This means that we must rely upon National legislation to prevent the commercial abuses that now exist and the others that are sure to arise unless some efficient Governmental body has adequate power of control over them. At present the failure of the Congress to utilize and exercise the great powers conferred upon it as regards interstate commerce leaves this commerce to be regulated, not by the State nor yet by the Congress, but by the occasional and necessarily inadequate and one-sided action of the Federal judiciary. However upright and able a court is, it can not act constructively; it can only act negatively or destructively, as an agency of government; and this means that the courts are and must always be unable to deal effectively with a problem like the present, which requires constructive action. A court can decide what is faulty, but it has no power to make better what it thus finds to be faulty. There should be an efficient Executive body created with power enough to correct abuses and scope enough to work out the complex problems that this great country has developed. It is not sufficient objection to say that such a body may be guilty of unwisdom or of abuses. Any Governmental body, whether a court or a commission, whether executive, legislative or judicial, if given power enough to enable it to do effective work for good, must also inevitably receive enough power to make it possibly effective for evil.

Therefore, it is clear that (unless a National incorporation law can be forthwith enacted) some body or bodies in the Executive service should be given power to pass upon any combination or agreement in relation to interstate commerce, and every such combination or agreement not thus approved should be treated as in violation of law and prosecuted accordingly. The issuance of the securities of any combination doing interstate business should be under the supervision of the National Government.

A strong effort has been made to have labor organizations completely exempted from any of the operations of this law, whether or not their acts are in restraint of trade. Such exception would in all probability make the bill unconstitutional, and the Legislature has no more right to pass a bill without regard to whether it is constitutional than the courts have lightly to declare unconstitutional a law which the Legislature has solemnly enacted. The responsibility is as great on the one side as on the other, and an abuse of power by the Legislature in one direction is equally to be condemned with an abuse of power by the courts in the other direction. It is not possible wholly to except labor organizations from the workings of this law, and they who insist upon totally excepting them are merely providing that their status shall be kept wholly unchanged, and that they shall continue to be exposed to the action which they now dread. Obviously, an organization not formed for profit should not be required to furnish statistics in any way as complete as those furnished by organizations for profit. Moreover, so far as labor is engaged in production only, its claims to be exempted from the antitrust law are sound. This would substantially cover the right of laborers to combine, to strike peaceably, and to enter into trade agreements with the employers. But when labor undertakes in a wrongful manner to prevent the distribution and sale of the products of labor, as by certain forms of the boycott, it has left the field of production, and its action may plainly be in restraint of interstate trade, and must necessarily be subject to inquiry, exactly as in the case of any other combination for the same purpose, so as to determine whether such action is contrary to sound public policy. The heartiest encouragement should be given to the wageworkers to form labor unions and to enter into agreements with their employers; and their right to strike, so long as they act peaceably, must be preserved. But we should sanction neither a boycott nor a blacklist which would be illegal at common law.

The measures I advocate are in the interest both of decent corporations and of law-abiding labor unions. They are, moreover, preeminently in the interest of the public, for in my judgment the American people have definitely made up their minds that the days of the reign of the great law-defying and law-evading corporations are over, and that from this time on the mighty organizations of capital necessary for the transaction of business under modern conditions, while encouraged so long as they act honestly and in the interest of the general public, are to be subjected to careful supervision and regulation of a kind so effective as to insure their acting in the interest of the people as a whole.

Allegations are often made to the effect that there is no real need for these laws looking to the more effective control of the great corporations, upon the ground that they will do their work well without such control. I call your attention to the accompanying copy of a report just submitted by Mr. Nathan Matthews, chairman of the finance commission, to the mayor and city council of Boston, relating to certain evil practices of various corporations which have been bidders for furnishing to the city iron and steel. This report shows that there have been extensive combinations formed among the various corporations which have business with the city of Boston, including,

for instance, a carefully planned combination embracing practically all the firms and corporations engaged in structural steel work in New England. This combination included substantially all the local concerns, and many of the largest corporations in the United States, engaged in manufacturing or furnishing structural steel for use in any part of New England; it affected the States, the cities and towns, the railroads and street railways, and generally all persons having occasion to use iron or steel for any purpose in that section of the country. As regards the city of Boston, the combination resulted in parceling out the work by collusive bids, plainly dishonest, and supported by false affirmations. In its conclusion, the commission recommends as follows:

Comment on the moral meaning of these methods and transactions would seem superfluous, but as they were defended at the public hearings of the Commission and asserted to be common and entirely proper incidents of business life, and as these practices have been freely resorted to by some of the largest industrial corporations that the world has ever known, the Commission deems it proper to record its own opinion.

The Commission dislikes to believe that these practices are, as alleged, established by the general custom of the business community; and this defense itself, if unchallenged, amounts to a grave accusation against the honesty of present business methods.

To answer an invitation for public or private work by sending in what purports to be genuine bids, but what in reality are collusive figures purposely made higher than the bid which is known will be submitted by one of the supposed competitors, is an act of plain dishonesty.

To support these misrepresentations by false affirmations in writing that the bids are submitted in good faith and without fraud, collusion, or connection with any other bidder is a positive and deliberate fraud; the successful bidder in the competition is guilty of obtaining money by false pretenses, and the others have made themselves parties to a conspiracy clearly unlawful at the common law.

Where, as in the case of the "Boston Agreement," a number of the most important manufacturers and dealers in structural steel in this country, including the American Bridge Company, one of the constituent members of the United States Steel Corporation, have combined together for the purpose of raising prices by means of collusive bids and false representations, their conduct is not only repugnant to common honesty, but is plainly obnoxious to the Federal statute known as the Sherman or antitrust law.

The Commission believes that an example should be made of these men, and that the members of the "Boston Agreement," or at least all those who in October and November, 1905, entered in the fraudulent competitions for the Cove street draw span and the Brookline street bridge should be brought before a Federal grand jury for violation of the act of Congress of July 2, 1890. The three years' limitation for participation in these transactions has not yet elapsed, and the evidence obtained by the Commission is so complete that there should be no difficulty in the Government's securing a conviction in this case.

I have submitted this report to the Department of Justice for thorough investigation and for action if action shall prove practicable.

Surely such a state of affairs as that above set forth emphasizes the need of further Federal legislation, not merely because of the material benefits such legislation will secure, but above all because this Federal action should be part, and a large part, of the campaign to waken our people as a whole to a lively and effective condemnation of the low standard of morality implied in such conduct on the part of great business concerns. The first duty of every man is to provide a livelihood for himself and for those dependent upon him; it is from every standpoint desirable that each of our citizens should endeavor by hard work and honorable methods to secure for him and his such a competence as will carry with it the opportunity to enjoy in reasonable fashion the comforts and refinements of life; and, furthermore, the man of great business ability who obtains a fortune in upright fashion inevitably in so doing confers a benefit upon the community as a whole and is entitled to reward, to respect, and to admiration. But among the many kinds of evil, social, industrial, and political, which it is our duty as a nation sternly to combat, there is none at the same time more base and more dangerous than the greed which treats the plain and simple rules of honesty with cynical contempt if they interfere with making a profit; and as a nation we can not be held guiltless if we condone such action. The man who preaches hatred of wealth honestly acquired, who inculcates envy and jealousy and slanderous ill will toward those of his fellows who by thrift, energy, and industry have become men of means, is a menace to the community. But his counterpart in evil is to be found in that particular kind of multimillionaire who is almost the least enviable, and is certainly one of the least admirable, of all our citizens; a man of whom it has been well said that his face has grown hard and cruel while his body has grown soft; whose son is a fool and his daughter a foreign princess; whose nominal pleasures are at best those of a tasteless and extravagant luxury, and whose real delight, whose real life work, is the accumulation and use of power in its most sordid and least elevating form. In the chaos of an absolutely unrestricted commercial individualism under modern conditions, this is a type that becomes prominent as inevitably as the marauder baron became prominent in the physical chaos of the dark ages. We are striving for legislation to minimize the abuses which give this type its flourishing prominence, partly for the sake of what can be accomplished by the legislation itself, and partly because the legislation marks our participation in a great and stern moral movement to bring our ideals and our conduct into measurable accord.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 27, 1908.*

APPENDIX.

Communication to the mayor and city council relating to the practice of certain bidders for furnishing structural iron and steel and for iron and steel work upon boilers, bridges, and buildings.

BOSTON, *April 17, 1908.*

To the Honorable the Mayor and City Council.

GENTLEMEN: The finance commission has already called attention to certain administrative practices under which, by connivance between favored contractors and the city authorities, the advantages of competition were lost, contracts were given out by political favor instead of to the lowest bidder, and the city sustained serious financial loss.

Contracts of this sort, relating to coal, clay goods, and various forms of concrete construction, were referred to in the report of November 21, 1907; for North River flagging in the report of December 6, 1907; for sewer construction in the report of January 23, 1908; for crushing stone in the report of March 2, 1908; for cement in the report of March 4, 1908; for oil, drainpipe, and paving blocks in the report of March 9, 1908, and for the cleaning of catch-basins in the report of March 28, 1908. Similar practices in the purchase of coal were disclosed at the public hearings held by the Commission in September and October, 1907.

In its report of January 28, 1908, the Commission noted the apparent existence of a combination between the manufacturers of the rubber tires used by the Fire Department.

The Commission now desires to direct attention to instances of collusion between ostensible competitors for iron and steel work, by means of which, and by false representations, the city has been induced to award contracts at excessive prices.

The methods discussed in this report will be considered under three heads, namely, combinations among boiler makers, combinations among contractors for fireproofing, and combinations between corporations and firms engaged in the manufacture or supply of structural steel.

(1) COMBINATIONS IN BOILER REPAIR WORK.

The boilers in the various city schools are examined yearly by an inspection and insurance company to ascertain their condition, and upon reports of this company arrangements are made for the renewal or repair of the boilers as required.

For some years it has been the practice of the Schoolhouse Commission to invite bids from selected firms and corporations for this class of work. The department has been in the habit of confining the selection of contractors to those doing business in this city, and the concerns receiving such invitations during the past few years have been the Atlantic Works, the James Russell Boiler Works Company, the Cunningham Iron Company, and the Hodge Boiler Works.

The subsequent proceedings were generally as follows:

Some one familiar with the operations of the Schoolhouse Department would furnish each person invited to bid the names of the other persons to whom invitations had been extended. The concerns selected would then arrange between themselves as to who should do the work, as to the price to be fixed, and as to the division of the profits. Bids, ostensibly independent and competitive, were then submitted; and the department, being misled by this appearance of genuine competition, awarded the contract to the concern which the bidders had agreed should get the work. Upon completion of the work the excessive profit rendered possible by this collusive competition would be divided among the parties to the fraud.

In the summer of 1904 contracts were made with the James Russell Boiler Works Company for the repair of boilers in the Albert Palmer, Roxbury High, Winchell, Mary Hemmenway, and Aberdeen schools. Besides this concern, the Hodge Company, the Cunningham Company and the Atlantic Works had been invited to submit bids. The aggregate amount paid by the city on these contracts was about $2,600, and of this the treasurer of the company stated that about $1,400 was profit. Out of this sum the company paid $300 to the Hodge Boiler Works, $200 to the Cunningham Iron Company, and $300 to the Atlantic Works for having submitted to the city prearranged bids higher than those submitted by the James Russell Boiler Works Company.

The $800 appears on the books of the James Russell Boiler Works Company, and is offset by a false entry of "merchandise" to balance the account. The $300 paid the Atlantic Works was not entered upon the company's commercial books. The $300 paid the Hodge Boiler Works was entered on its books, according to the treasurer's statement, as "cash received," but the Commission could not find the entry. The $200 paid the Cunningham Iron Company was entered "account schoolhouses."

In August, 1906, a contract was awarded to the James Russell Boiler Works Company for repairing boilers in the Agassiz, Harry Vane, Blackinton, Hyde, Lawrence, Myles Standish, Norcross, Roger Clap, Robert G. Shaw, West Roxbury High, and Wyman schools. The price was $1,904. The other concerns who had been invited to bid by the Schoolhouse Commission were the Cunningham Company and the Hodge Company. The gross profits on this job were about $740, and the James Russell Boiler Works Company paid the Hodge Company and the Cunningham Company $150 apiece for having submitted higher bids, according to agreement.

The treasurer of the Atlantic Works testified before the Commission that he bid on the 1904 jobs for the purpose "of helping out our competitors by bidding above them," and that the bids were talked over beforehand and the amounts of the same arranged between the bidders. He justified this and similar transactions as a part of the company's regular business methods, and said that in his opinion it was "an entirely proper transaction." The superintendent of the Atlantic Works testified that his company often put in bids not intended to secure the work.

The treasurer of the James Russell Boiler Works Company testified that his concern had done much business with the city, that on several occasions he had paid money to competitors for putting in apparently genuine bids which, by preconcerted agreement, were higher than his, and that his company had paid out a part of its profits for this accommodation. He admitted, also, that he had destroyed the books of the company which would disclose these transactions.

The treasurer of the Hodge Boiler Works testified that he knew who the other bidders were to be, having probably found out from some one in the schoolhouse department.

The manager of the Cunningham Iron Company admitted that the $200 received in 1904 was for "bidding up" on the work at the request of the James Russell Boiler Works Company.

(2) COMBINATIONS OF FIRE PROOFING CONCERNS.

The two concerns whose transactions with the city have been investigated are the Eastern Expanded Metal Company and the Roebling Construction Company, corporations doing an extensive business in this city.

These companies combined for the purpose of parceling out the work. Contract for contract was generally conceded, although in some cases money was paid as the price of abstaining from competition. This resulted in high prices to the customer, and exactions were thus obtained from all sorts and conditions of men and corporations. Even charities secured no exemption, and the prices obtained from a hospital, a home for crippled children, and the city of Boston were united in one check, which represented the price of collusion on these jobs. The two companies arranged to parcel out the work on many schoolhouses, the Roebling Company taking some, while the Eastern Expanded Metal Company secured the rest. Both concerns, however, by keeping up the appearance of an active and real competition with the attendant circumstances of figuring and bidding, gave the city officials to understand that there was no collusion.

The methods adopted are illustrated by the case of the Emerson School in East Boston, for the erection of which bids were invited in January, 1903. The fire-proofing was figured by the Eastern Expanded Metal Company at $5,375. To this sum $500 was added for the Roebling Company, and a bid submitted to the city of $5,875. The Roebling Company agreed to bid $5,986, and did so. The work was then awarded by the general contractor to the concern which was apparently the lowest bidder, the Eastern Expanded Metal Company, for $5,875; this sum was paid by the city to the general contractor and by him to the Eastern Expanded Metal Company, and at the conclusion of the work this company paid the Roebling Construction Company the $500 agreed on.

(3) COMBINATIONS IN THE STRUCTURAL STEEL TRADE.

About the year 1900 a carefully planned combination was created embracing practically all the firms and corporations engaged in structural steel work in New England. These concerns had previously been linked together in an association called the "New England Iron League," ostensibly maintained for the purpose of mutual protection against labor troubles, hostile legislation, and "unscrupulous contractors." Members of the league who entered into the combination in regard to contracts and bids, hereinafter referred to, called it the "Boston Agreement," or the "Reporting Agreement;" but the testimony of certain persons and certain letters indicates that the "League" and the "Agreement" were interchangeable designations.

The purposes and methods of this combination were as follows:

A central office was established and placed in charge of an officer called the commissioner, to whom the members of the combination reported as to work which they intended to figure on or desired to secure. The commissioner kept a record of these reports and notified each concern so reporting what other members of the agreement were figuring on the job. Meetings of the members interested in this particular work were then arranged, at which it would be determined whether an arrangement for collusive bidding should be entered into. If this was decided on, an agreement was made as to who should get the job, as to the price at which it should be taken, and as to the consideration which was to be received by the others.

In order to preserve the appearance of competition and to insure the success of the scheme, the parties to the agreement would arrange the bids to be submitted in a progressive scale above the prearranged bid of the concern to which the work had been allotted. The consideration to be paid by the selected bidder to the other parties to the combination was sometimes a cash payment, but more frequently an understanding that the service rendered by these "complimentary" bids should be returned when other work was to be figured.

In further maintenance of the appearance of competition, and that no suspicion of collusion should arise in the mind of the party asking for bids, the members of the agreement did not hesitate to fortify their bids by false statements in writing that they were made in good faith, without fraud, collusion, or connection with any other bidder.

The machinery of the Boston agreement was carried out in considerable detail. Cards were printed on which the members reported to the commissioner, and the commissioner then recorded on them the persons figuring each piece of work. Stamps were used to mark as "Important" those matters in which any member was particularly interested. A code was established to conceal the identity of the members of the combination, who were designated at one time by the names of various countries and at other times by numbers. The scheme was complete in every particular except that of perpetuating evidence of the meetings at which particular combinations respecting individual work were entered into.

Beyond establishing the existence and general purposes of this combination, the inquiry of the Commission was limited to the particular transactions directly or indirectly affecting the pecuniary interest of the city of Boston. It was shown, however, that the combination was of the most widespread character, that it included substantially all the local concerns and many of the largest corporations in the United States engaged in manufacturing or furnishing structural steel for use in any part of New England, and that it affected the Commonwealth, the cities and towns, the railroads and street railways, the owners of first-class buildings, and generally all persons having occasion to use iron or steel for any purpose in this section of the country.

The ostensible purpose of the Boston Agreement, as stated by the secretary of the New England Structural Company and the president of the Boston Bridge Works, two of its members, was to collect and distribute mutual information respecting the work the members were bidding on; but, as admitted by the witnesses, its real and ultimate objects were to regulate competition and to raise prices. Most of the members of the agreement were engaged in interstate commerce, and many of the particular combinations effected were clearly within the narrowest definition of commerce between the States as that phrase is used in the Act of Congress of July 2, 1890.

The meetings of the prospective bidders brought about through the machinery of the Boston Agreement were not always successful. As explained by the president of the Boston Bridge Works, the effort to get together and to secure for one of the members a "concession" of the work in question sometimes failed; but "in many cases" an agreement was reached whereby work was "conceded" to one of them, the others agreeing to bid over him. He added that such an agreement was "always made if possible."

It would be impossible to estimate the cost to the city and other users of structural steel through the operations of the Boston Agreement, because the consideration generally paid for an award of a contract by the bidders to one of their number was the return of the same favor on other occasions. No passage of money was necessary, as the complimentary bidders were in due course to have their turn for doing work on their own terms. Some indication, however, of the loss to the consumer may be deduced from some of the transactions with the city of Boston noted below.

So far as the city is concerned, it apeared that the operations of the Boston Agreement included the tidewater and railroad bridges built by the city itself, the bridges built by the various railroads in this city for the abolition of grade crossings, the work of the Transit Commission, the work of the Charles River Basin Commission, and the structures of the Boston Elevated Railway Company, in the cost of which the city has, under Statute 1897, chapter 500, section 10, a pecuniary interest.

The following instances, showing the detail methods of the combination known as the Boston Agreement, are confined to work done directly for the city of Boston.

The Bennington Street Bridge.—In the case of this bridge, advertised in November, 1901, the Boston Bridge Works paid various sums aggregating $900 to five possible competitors in return for an agreement on their part either to submit higher bids or to abstain from bidding.

The Broadway Bridge.—In September, 1902, bids were invited for the construction of this bridge. The two leading competitors were the Boston Bridge Works and the New England Structural Company. The contract was awarded to the former as the lowest bidder, for $112,874. An arrangement, however, had been made between these two bidders for putting in a bid on behalf of the New England Structural Company at the higher figure of $116,450, in return for which this company was to receive $5,000. This arrangement was carried out, and in due course $5,000 was remitted by the Boston Bridge Works to the New England Structural Company as the price of this concession.

The Cove Street or Atlantic Avenue Bridge.—Bids for the superstructure of this bridge were advertised for by the city in June, 1903. For various reasons it was at this time very difficult to estimate on this work, and the bids were all rejected. In October, 1904, the work was again advertised, and awarded to the Pennsylvania Steel Company, the lowest bidder. This was apparently a case of straight competition. In October, 1905, the city engineer advertised the draw span of this bridge, and the Pennsylvania Steel Company, representing to its competitors that it had lost money on its contract for the superstructure, persuaded the members of the combination to let it have this contract to enable it to recoup the loss sustained under the other contract. Concerted bids, so arranged as to make the $56,600 bid by the Pennsylvania Steel Company the lowest bid, and all containing the false statement that there was no fraud, collusion, or connection with any other person bidding for the work, were submitted to the city. According to the testimony of one of the bidders, the corporations making these collusive bids and false representations were the Boston Bridge Works, the King Bridge Company, the New Jersey Bridge Company, the Eastern Bridge and Structural Company, the Canton Bridge Company, the American Bridge Company, the Groton Bridge Company, and the Pennsylvania Steel Company. Those bids were all rejected as excessive, and the draw span was again advertised in January, 1906. Discouraged by the former failure, everyone seems to have bid this time in real competition, the lowest bid being that of the New Jersey Bridge Company, which was awarded the contract for $37,788. The president of the Boston Bridge Works, one of the bidders, admitted that there was no change in the steel market between October, 1905, and January, 1906.

In this instance, therefore, the result of the combination was to raise the bid for the contract by $18,812, or about 50 per cent of the final contract price.

The Brookline Street Bridge.—Bids were invited for the construction of this bridge in November, 1905. The members of the combination believed that they had perfected an arrangement by which the work should go to the New England Structural Company, but through some oversight or misunderstanding the firm of H. P. Converse & Co. made a lower bid. As a result this concern was the lowest bidder and obtained the contract for $15,400, about 5 per cent less than the bid of the New England Structural Company.

There was evidence from two members of the combination that all the bids except that of H. P. Converse were prearranged and collusive. Yet these eleven other bidders, namely, the New England Structural Company, the Pennsylvania Steel Company, the Boston Bridge Works, Frederick W. Sage, for the Belmont Iron Works, the Eastern Bridge and Structural Company, the Berlin Construction Company, the American Bridge Company, the Canton Bridge Company, the New Jersey Bridge Company, the Groton Bridge Company, and the Owego Bridge Company, not only submitted bids as if they were independent and competing bidders, but signed statements that their bids were made in good faith, without fraud, collusion, or competition with any other persons bidding for the same work.

In this instance the failure of the combination to arrange matters with all the bidders saved the city about 5 per cent of what would otherwise have been the cost of the work.

The membership of the Boston Agreement included the following firms and corporations:

American Bridge Company.
The Phœnix Bridge Company.
Brown-Ketcham Iron Works.
Berlin Construction Company.
The Boston Bridge Works (Incorporated).
Chelmsford Foundry Company.
The Canton Bridge Company.
G. W. & F. Smith Iron Company.
New England Structural Company.
Boston Steel and Iron Company.
Eastern Bridge and Structural Company.
Maguier & Jones Company.
United Construction Company.
Springfield Construction Company.
New England Bolt and Nut Company.
J. T. Croft & Co.
Smith & Lovett Company.
L. M. Ham & Co.
Fletcher & Crowell Company.
H. P. Converse & Co.
Milliken Brothers.
Levering & Garrigues Company.
James H. Tower.

CONCLUSIONS AND RECOMMENDATIONS.

Comment on the moral meaning of these methods and transactions would seem superfluous; but as they were defended at the public hearings of the Commission and asserted to be common and entirely proper incidents of business life, and as these practices have been freely resorted to by some of the largest industrial corporations that the world has ever known, the Commission deems it proper to record its own opinion.

The Commission dislikes to believe that these practices are as alleged, established by the general custom of the business community; and this defense itself, if unchallenged, amounts to a grave accusation against the honesty of present business methods.

To answer an invitation for public or private work by sending in what purports to be genuine bids, but what in reality are collusive figures purposes made higher than the bid which it is known will be submitted by one of the supposed competitors is an act of plain dishonesty.

To support these misrepresentations by false affirmations in writing that the bids are submitted in good faith, and without fraud, collusion, or connection with any other bidder, is a positive and deliberate fraud; the successful bidder in the competition is guilty of obtaining money by false pretenses; and the others have made themselves parties to a conspiracy clearly unlawful at the common law.

Where, as in the case of the "Boston Agreement," a number of the most important manufacturers and dealers in structural steel in this country, including the American Bridge Company, one of the constituent members of the United States Steel Corporation, have combined together for the purpose of raising prices by means of collusive bids and false representations, their conduct is not only repugnant to common honesty, but is plainly obnoxious to the Federal statute known as the Sherman or antitrust law.

The commission believes that an example should be made of these men, and that the members of the "Boston Agreement," or at least all those who in October and November, 1905, entered in the fraudulent competitions for the Cove-street draw span and the Brookline street bridge, should be brought before a Federal grand jury for violation of the Act of Congress of July 2, 1890. The three years' limitation for participation in these transactions has not yet elapsed, and the evidence obtained by the Commission is so complete that there should be no difficulty in the Government's securing a conviction in this case.

This recommendation applies to the officers and directors of the following corporations, as well as to the corporations themselves, viz:

American Bridge Company of New York.
The Pennsylvania Steel Company.
New Jersey Bridge Company.
New England Structural Company.
The Boston Bridge Works (Incorporated).
Eastern Bridge and Structural Company.
Berlin Construction Company.
The Canton Bridge Company.
The Groton Bridge Company.
Owego Bridge Company.
The King Bridge Company.
Frederick W. Sage, for Belmont Iron Works.

So far as the pecuniary interests of the city of Boston are concerned, the Commission recommends that an action be brought in the State courts to recover the money out of which the city was defrauded in the boiler repair contracts of 1904 and 1906, in the fireproofing contracts, and in the Broadway Bridge transaction of 1902; and that suits be brought in the United States Circuit Court for the District of Massachusetts against all the members of the "Boston Agreement" who competed for city work, to recover the triple damages allowed in such cases by the provisions of the Sherman Act.

For the future, the Commission recommends that before any contract is let, whether by public advertisement or by private invitation, for work exceeding $1,000 in amount, the contractor be required to furnish a statement under oath that his bid was made in good faith, without fraud, collusion, or connection of any kind with any other bidder for the same work, or with any city official, that the bidder is competing in his own interest and in his own behalf without connection or obligation to any undisclosed person, and that no other person has any interest in the profits of the contract; and that a similar affidavit be required from all persons submitting to any department figures for subcontracts where the work is let to a general contractor.

Also that the Legislature be requested to pass an act making it a misdemeanor punishable by fine or imprisonment, or both, to submit such an affidavit which contains a false statement; making it a misdemeanor punishable by fine or imprisonment, or both, for two or more persons invited publicly or privately to compete for public work to enter into any combination affecting the bid of either; making any contract entered into by the city with a person or corporation who has been a party to such a combination void, at the option of the city, as to the part uncompleted at the date when the fraud is discovered; and giving the city the right to recover any money previously paid in excess of the reasonable value of the completed part.

The Commission also recommends that the practice of city departments to restrict their invitations to local concerns be discontinued. The city is entitled in its contract work to the largest field of competition.

Respectfully submitted.

THE FINANCE COMMISSION,
By NATHAN MATTHEWS, *Chairman*.

The VICE-PRESIDENT. The message will lie on the table and be printed.

SUSPENSION OF COMMODITY CLAUSE, INTERSTATE COMMERCE LAW.

Mr. ELKINS. Mr. President, I ask unanimous consent for the present consideration of the joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law. It will take but a few moments.

The VICE-PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the failure of any railroad company, prior to May 1, 1910, to comply with that provision of section 1 of the act approved June 29, 1906, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," which reads as follows: "From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier," shall not be held or deemed to subject the railroad company so violating said provision prior to January 1, 1910, to the penalties, fines, or forfeitures now provided by law for violations of said act to regulate commerce, or any act amendatory thereof or supplementary thereto: *Provided*, That nothing in this resolution shall be construed to prevent the bringing of any civil suit or proceeding for the enforcement of said provision or the prevention of violations thereof.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. FORAKER. Mr. President, I do not want to consent to that until the Senator from Missouri [Mr. WARNER] has been heard from. The Senator from Missouri gave notice that he wanted to speak on the Brownsville matter yesterday. He then was asked to give way, and he did give way very graciously. He has been sitting here all morning, and the morning business has continued far beyond what it usually does. This is a matter that can not be disposed of in a moment. I think the Senator from West Virginia has an amendment he wants to offer, which has not yet been offered, and I have an amendment which I want to offer after he has perfected his resolution. I suggest, therefore, that the Senator offer the amendment he proposes to offer, as I understand him, to perfect the joint resolution; then I will offer mine; then let both be printed, and let us take them up to-morrow.

Mr. ELKINS. I will suggest to the Senator from Ohio that I spoke to the Senator from Missouri and asked if I could bring this matter up, and I had his consent to do so.

Mr. FORAKER. The Senator from Missouri tells me he consented upon the theory that the joint resolution would take only a few moments, but we can not discuss a matter of this kind in a few moments. It is a matter of the gravest importance, and some of us have views as to what ought to be done different from those entertained by the Senator from West Virginia.

Mr. ELKINS. I will ask the Senator——

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. ELKINS. Yes, sir.

Mr. WARNER. I gladly yielded to the Senator from West Virginia, thinking, of course, the joint resolution would not take any great time. I do not wish to stand in the way of any legislation that is desired, but I am anxious to get through with the remarks I wish to submit as early as possible.

Mr. FORAKER. I should be glad to have the Senator from Missouri proceed with his remarks. I am anxious about that, but I recognize the importance of this resolution, and I recognize that it must be acted upon within a few days, because it is the purpose of this resolution, as I understand, to modify the commodity clause of the Hepburn rate law, which goes into effect on the 1st day of May; and, if it is to be modified before the 1st day of May, we must act soon. But I do not like the resolution that the Senator has offered, for reasons that I can not give expression to in a moment or in a few moments. I desire no great length of time—perhaps not more than thirty minutes—to discuss this matter, but we all know, when a man has in mind to make a speech of thirty minutes, he is liable to interruptions and on other accounts to make it an hour, or maybe even longer.

Mr. ELKINS. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. FORAKER. Yes.

Mr. ELKINS. The Senator suggests he wishes to have his substitute printed.

Mr. FORAKER. My substitute has been printed, and is on the desk before me, but what I wanted was that the Senator's amendment, which has not been printed——

Mr. ELKINS. The Senator means the amendment suggested by the Attorney-General?

Mr. FORAKER. By the Attorney-General. That might be offered now and be printed. We could have it before us to-morrow, and I could have a copy of it and look at it as well as the Senator from West Virginia.

Mr. ELKINS. Mr. President, I would state, for the information of the Senator from Ohio and for the Senate, that this joint resolution has the approval of the Interstate Commerce Commission, to whom it was referred for report. The Attorney-General also states in a letter that his attention had been drawn to the resolution, and he suggests an amendment, to which the

Senator from Ohio has referred, and which I will read, so that it may go into the RECORD and be printed, as suggested by the Senator from Ohio.

Mr. FORAKER. The Senator can offer it and have it printed without stopping to read it.

Mr. ELKINS. Yes. I will offer the amendment to strike out the proviso on page 2, lines 17, 18, 19, and 20, and insert in lieu thereof the proviso suggested by the Attorney-General in his letter of April 8, 1908, which I will read, so that it will go into the RECORD. The Attorney-General says:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., April 8, 1908.

HON. STEPHEN B. ELKINS, *United States Senate.*

MY DEAR SENATOR: My attention has been called to S. R. 74, introduced by you on the 31st ultimo. In view of the fact that some difference of opinion seems to exist as to whether any appropriate civil remedy exists to enforce the provisions of the "commodities clause" of the Hepburn Act, as the law now stands, I venture to suggest that the above-mentioned resolution be amended by adding to it the words following:

This is the proviso that, as I have stated, I will move to substitute for the proviso on page 2, lines 17, 18, 19, and 20:

"*Provided*, That nothing in this resolution shall be construed to prevent the bringing of any civil suit or proceeding for the enforcement of said provision or the prevention of violations thereof; and the Attorney-General is hereby authorized to institute, or cause to be instituted, in the name of the United States and against any persons or corporations failing to comply with said provision such civil suit, whether by application for mandamus, bill in equity for injunction, or other effective remedy in the premises, in any circuit court of the United States having jurisdiction in the premises, to secure the enforcement and observance of said provision; and the respective parties to any such suit herein authorized to be commenced shall enjoy the right of appeal, as in suits of like character when instituted by the request of the Interstate Commerce Commission to compel the observance of the interstate-commerce law."

Yours, very truly, CHARLES J. BONAPARTE,
Attorney-General.

That is the amendment I offer. I would ask, in this connection, that the substitute of the Senator from Ohio be read and put in the RECORD, so that Senators will have both the amendment and substitute of the Senator before them, if the Senator will have it read, or allow me to read it, or read it himself.

Mr. FORAKER. I understand the Senator has offered that amendment.

Mr. ELKINS. Yes; I have offered this amendment to strike out and insert. Now, I want your substitute——

Mr. FORAKER. When that amendment is disposed of, I shall offer mine—that is to say, if the Senator from West Virginia has perfected his joint resolution, I will then offer this as a substitute.

Mr. ELKINS. I ask that my amendment be adopted, then, as offered now.

Mr. KEAN. I should like——

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? That is the question.

Mr. CULBERSON. I rise to inquire what is the proposition before the Senate?

The VICE-PRESIDENT. The question is whether there is objection to the present consideration of the joint resolution just reported?

Mr. CULBERSON. I object to its present consideration.

Mr. ELKINS. The amendment——

Mr. CULBERSON. I object to its present consideration.

Mr. ELKINS. If that be the case, I ask that the substitute of the Senator be read. I want to read it for the information of the Senate.

Mr. FORAKER. I want to offer it as soon as it is in order to do so. I desire to offer my amendment as a substitute for the joint resolution of the Senator from West Virginia when he has it perfected. I see no objection, if the Senator from Texas will allow me to make that suggestion, to allowing the Senator from West Virginia to perfect his joint resolution.

Mr. CULBERSON. I do not object to that.

Mr. FORAKER. No. Then I should think, without objection, that amendment might be considered as adopted, but open to amendment.

Mr. ELKINS. I hope the Senator from Texas——

Mr. CULBERSON. My understanding when I came into the Chamber was that the joint resolution would not at this time be offered for consideration by the Senate.

Mr. ELKINS. Let me state to the Senator the situation. I have only moved to strike out the provision in the original joint resolution and to substitute instead one that the Attorney-General has recommended, which I was willing to have adopted and taken as a part of the joint resolution. That is all.

Mr. CULBERSON. I think the Senator from West Virginia can do that without a motion. He can perfect his own joint resolution without the action of the Senate.

Mr. ELKINS. I ask that that be done.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. The Chair is of the opinion that if the joint resolution was a personal resolution offered by the Senator from West Virginia he could modify it at his option; but if it is a committee measure, a joint resolution reported by the committee——

Mr. CULBERSON. I think the Chair is right in this respect. If the proposition is for the Senate to consider the joint resolution now, I object.

Mr. ELKINS. If the Senator will allow me, I should like to perfect the joint resolution as suggested.

The VICE-PRESIDENT. The joint resolution can not be perfected by amendment unless it is before the Senate for consideration.

Mr. CULBERSON. If I can, I consent to its consideration to that extent.

Mr. ELKINS. That is all I desire.

Mr. CULBERSON. I have no objection to that.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment——

Mr. CLAY. I suggest to the Senator from West Virginia that if we take up the joint resolution now and adopt this amendment Senators would not know what the amendment contains. I suggest to him to have the resolution and the amendment printed, printing the amendment in italics, and then when the joint resolution comes up to-morrow we can consider the amendment. In all probability Senators may not desire to vote for this amendment. If this amendment is adopted to-day we are bound by it, and before it is considered, at least, it ought to be printed. It is the usual course. Amendments are offered to a measure of this kind, and both the measure and the amendments are printed. If the Senator can have the joint resolution and the amendment he offers and the substitute offered by the Senator from Ohio all printed, the amendment and substitute in italics, the whole matter can be considered together to-morrow. Simply to take up the joint resolution and adopt one amendment——

Mr. ELKINS. It is to modify the joint resolution as offered.

Mr. CLAY. Has the joint resolution been considered by the Committee on Interstate Commerce?

Mr. ELKINS. Yes; and reported favorably.

Mr. CLAY. Unanimously reported?

Mr. ELKINS. Unanimously reported.

Mr. FORAKER. I was absent when the joint resolution was considered in committee or I should have offered the amendment there that I propose to offer now. I see no objection to the Senator from West Virginia being allowed to perfect the joint resolution. Then I can offer the substitute.

Mr. CLAY. I should like to ask the Senator a question. The joint resolution is one which has been introduced in the Senate and referred to the Committee on Interstate Commerce, and acted upon by the committee, and is now in the Senate?

Mr. ELKINS. And reported favorably.

Mr. CLAY. The joint resolution can not be amended or changed except by the vote of the Senate. If it was a simple resolution introduced by the Senator from West Virginia, he surely could perfect it, but it will take a vote of the Senate to change the joint resolution and adopt a proviso or amendment.

Mr. FORAKER. Undoubtedly; and that is what the Senator from West Virginia asks—that he may be allowed, by unanimous consent, to perfect the joint resolution.

Mr. ELKINS. Then it will be before the Senate.

Mr. FORAKER. I care nothing about it, except I wish to offer my substitute.

Mr. CLAY. It strikes me the best way is to have the joint resolution and the amendments printed, and that all be passed upon at the same time. I hope the Senator will consent to that. I do not want to object to the Senator perfecting the joint resolution.

Mr. CULBERSON. I should like to ask the Senator from West Virginia if the amendment now proposed by him is recommended by the committee and whether it is intended in that way by the committee to perfect its own joint resolution, or is it an individual proposition of the Senator?

Mr. ELKINS. I will state for the information of the Senator—he was not present—that I read the amendment suggested by the Attorney-General of the United States in a letter to me, which I was willing to accept instead of the provisions of the committee. It enlarges the proviso inserted by the committee when it reported the joint resolution. That is all the amendment does. It enlarges it; it does not change the sense of the joint resolution, but makes it more definite.

Mr. CULBERSON. It is not an amendment proposed by the committee?

Mr. ELKINS. No. It is suggested——

Mr. KEAN. Has it ever been considered by the committee?

Mr. CULBERSON. Therefore it will be necessary for the Senate itself to act before it can be perfected to that extent.

Mr. President, while I have the floor I wish to call the public attention of the Senator from West Virginia, who is chairman of the Committee on Interstate Commerce—and he is not unadvised about my position personally on the matter—to the fact that the joint resolution is intended for the relief of the railroads, and it has been promptly reported from the committee, whereas there are several bills pending before the Committee on Interstate Commerce, and have been for three or four months, asking some relief as against the railroads for the people and the shippers of the country, and we can not get a report upon either one of those bills from the Committee on Interstate Commerce.

So far as I am concerned, I am not disposed to give unanimous consent for the consideration of bills for the relief of the railroads when the committee does not bring in bills for the relief of the shippers of the country, which have been pending there for four or five months. Let us have a report either one way or the other, either adversely or favorably, and not drag it out, and not have millions of dollars lost to the shippers of the country because the railroads refuse to give them adequate relief.

Mr. ELKINS. To what bill does the Senator refer?

Mr. CULBERSON. I refer specially to the bill introduced by me the last session and reintroduced at the beginning of this session, requiring the railroads to furnish cars to shippers when they are demanded and when the commerce is there ready to be delivered to the carrier. The Senator is advised of the bill, I think.

Mr. ELKINS. Has the Senator concluded?

Mr. CULBERSON. Yes; for the present.

Mr. ELKINS. I do not see why this joint resolution should have provoked this complaint from the Senator from Texas. The bill he introduced has had more consideration than any other bill before the Interstate Commerce Committee.

Mr. CULBERSON. That is the trouble about it. It has had nothing but consideration. That is what we object to.

Mr. ELKINS. It is the best we can do. Why do you not vote to discharge the committee from the further consideration of the bill, if you do not like the way the committee is proceeding?

Mr. CULBERSON. There is time enough.

Mr. ELKINS. Let me explain. If the Senator will allow me——

Mr. CULBERSON. If the Senator wants an emphatic statement about it, he can be assured that a motion of that kind will be made if the committee delays very much longer.

Mr. ELKINS. All right. I will be ready to answer that or the committee will, when the motion is made.

I want to answer the Senator from Texas. The bill he introduced has been considered more, and more hearings have been had on it, than any other bill before that committee. No longer ago than two weeks, I think on Good Friday, Judge Cowan, of Texas, the special advocate of the bill, appeared before the committee and had a hearing, and every time the friends of the bill have asked for a hearing they have had it. The bill is in the hands of a subcommittee, as I understand. Those opposed to the bill have had no opportunity to be heard. I do not know whether the Senator wants the committee discharged from the further consideration of the bill or to force a report when only one side has been heard and the other has not.

I do not see that that has anything to do with this joint resolution. If the Senator wants to object to the consideration of the pending joint resolution, let him do so openly and not drag in something about the failure of the committee to report another bill which he introduced.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. ELKINS. Certainly.

Mr. CULBERSON. The Senator from West Virginia, I take it, does not desire to create a misapprehension upon the part of the Senate in the statement which he has made that the opposition to the bill I introduced has not been heard. The fact is, as I understand it, that both sides have been heard with reference to this measure.

So far as concerns the last statement of the Senator from West Virginia, he will bear witness that I have already openly objected to the consideration of the joint resolution, and I intend to continue to object to its consideration unless some relief for the shippers is granted either by an adverse report or by an affirmative report in reference to the same, so that the Senate can consider the measure.

Mr. LODGE. Mr. President, let us have the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. ELKINS. I can not control the action of the Senator from Texas. Whatever he wants to do is for him to judge. I should like to get the proviso suggested by the Attorney-General printed, as suggested by the Senator from Georgia, if I may, if the Senator from Texas will allow that much to be done. I find I was mistaken in saying the opposition to the bill had not been heard. It appears that two attorneys opposed to the bill appeared and were heard. I was not present.

Mr. CULBERSON. I have not objected to that.

The VICE-PRESIDENT. The Senator from Massachusetts has demanded the regular order.

Mr. CULBERSON. I have no objection to the printing. I simply object to the present consideration of the joint resolution with a view to its passage.

Mr. ELKINS. I accepted that fact long ago, and now only desire the suggestion of the Senator from Georgia carried out.

The VICE-PRESIDENT. The Chair will state that all this debate is out of order, the Senator from Massachusetts having demanded the regular order.

Mr. LODGE. It is obvious that this measure will involve a great deal of debate. The Senator from Missouri [Mr. WARNER] has been waiting for some time to go on with his speech. I thought it was only fair to him, as this seemed to give rise to great debate, that we should have the regular order.

Mr. FRYE. I appeal to the courtesy of the Senator from Missouri [Mr. WARNER] to call up a very important bill, which will not lead to any discussion, and I should like to do it now. It ought to pass the Senate, so as to reach the House in season.

Mr. LODGE. I make no request for the regular order as against the Senator from Maine.

Mr. ELKINS. I should like to have the suggestion of the Senator from Georgia carried out, and then I shall have no objection to the request. I have nothing to say against the request of the Senator from Maine.

The VICE-PRESIDENT. The regular order is demanded and the Chair has recognized the Senator from Maine.

REGULATION OF SEAGOING BARGES.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (S. 6487) to govern seagoing barges. There are 400 seagoing barges, and they are the most dangerous of sea craft. Within two years 60 have gone to the bottom, and 25 per cent of the sailors have gone with them, the largest percentage of loss ever had on the ocean. They are absolutely without regulation. They are usually from 20 to 30 years of age. Many of them are old ships and barks which have been cut down after they were practically unserviceable, thus weakening their structural strength, and every once in a while one goes down in the ocean and takes with it its crew.

Then, again, it is easier for tugs to tow these barges with very long hawsers, making a range of barges three or four or five thousand feet long, swayed hither and thither by the wind and tide and current, and they constitute a worse danger to sailing ships and steamships than do derelicts. This bill simply provides that they shall be regulated, inspected, and controlled as other seagoing vessels are. I should like to have the bill read, and then I ask unanimous consent for its present consideration.

Mr. KEAN. May I ask the Senator from Maine a question?

Mr. FRYE. Certainly.

Mr. KEAN. Does this regulate the length of the tows?

Mr. FRYE. It does not. It simply allows the Secretary of Commerce and Labor to make rules and regulations in relation to it.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the local inspectors of steamboats shall at least once in every year inspect the hull and equipment of every seagoing barge of 100 gross tons or over, and shall satisfy themselves that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life. It further provides for a certificate of inspection such as is prescribed in sections 4421 and 4423 of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF STORM SUFFERERS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 171) providing for assistance to the people of the storm-swept States of Georgia, Alabama, Mississippi,

and Louisiana, which was read the first time by its title and the second time at length, as follows:

Whereas on the 25th day of April, 1908, there occurred in the States of Georgia, Alabama, Mississippi, and Louisiana a disastrous cyclone or tornado, causing the loss of hundreds of lives and the destruction of much property and rendering many persons homeless and temporarily without means of support: Therefore, be it

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to use such means as he has at hand, or that may be furnished to him, in the way of tents, provisions, and supplies, to relieve the distress occasioned by such storm or cyclone, and that he take such steps as he may deem proper for the relief of such distress and need among the people who have suffered from the results of said storm or cyclone.

Resolved, That the Congress has heard with much regret and profound sorrow of the terrible loss of life and destruction of property attendant upon the disastrous storm or cyclone which visited the States of Georgia, Alabama, Mississippi, and Louisiana on the 25th day of April, 1908, and hereby extends its sympathy to the sufferers.

Mr. BACON. I ask unanimous consent for the present consideration of the joint resolution, with the indulgence of the Senator from Missouri.

Mr. WARNER. Certainly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. The Chair lays before the Senate Senate bill 6206, which will be stated by title.

The SECRETARY. A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of the United States Infantry.

Mr. WARNER. Mr. President, when last discussing this question I was taking up for consideration the witnesses who claimed that they saw the raiders and recognized them as colored soldiers. The witnesses of whom I have spoken were Mr. and Mrs. Rendall, Mr. Sanborn, and Jose Martinez, Mrs. Rendall failing to recognize the men as soldiers, but seeing the forms of the men moving around in the direction in which her husband had located them.

This brings us to the testimony of Mrs. Leahy, who was one, as I said in my former remarks, of the very few at Brownsville who displayed courage and self-possession while the raiders were "shooting up" the town. She, at the risk of her life, crossed the street to take to her home the terrified Cowen family, and, what is most strange, protected two of the valiant policemen of Brownsville by shutting them up in a bathroom of her hotel until the danger had passed. Mrs. Leahy testified, and I think those who saw her will believe her statement, that she does not know what fear is. It is also clear from the evidence that she had no prejudice against the coming of the negro troops, nor did she have any sympathy with those who threatened to get rid of them.

On being asked:

You never had any trouble with the colored troops?

she replied:

No, sir; none whatever.

Q. Did you have any objection to the colored troops coming there?—A. None whatever, sir.

Q. Nor any prejudice or objection against a soldier, whether white or black?—A. None whatever, sir. (P. 2894.)

* * * * * * *

Mrs. Leahy testified positively to seeing the flash of shots from the gallery (porch) of B Company barracks; this she saw when at the window in the vacant room on the second floor of her hotel. What she saw of the raiders is best told in her own words:

Q. Now, did you see the parties near your place when they came down there near your house?—A. Yes, sir; after that—some time after that.

Q. Well, what did you see there?—A. I heard them still shooting up the alley. They stopped at the mudhole, turned around, and shot into the Cowen house. They walked around the mudhole, and then shot into the Cowen house.

Q. The Cowen house is just across Fourteenth street from your house?—A. Yes, sir. They stopped in the middle of the street. When they stopped in the middle of the street one man touched the other on the shoulder and looked up at the window where I was and said something that I could not understand. The other man looked up and said: "No; keep straight ahead and shoot to the front," and a volley was shot down the alley toward the Miller Hotel.

Q. You heard those voices. Did you see the faces of the party?—A. Distinctly—of those two men only.

Q. Of those two men. What were they—colored men or white men?—A. They were negroes. One was a black man, the other was a yellow-faced negro, with spots on his face and distinctly negro features.

Q. How were they dressed—in citizens' clothes or soldiers' uniforms?—A. No, sir; they had soldier clothes on—khaki suits on—and one had a blue shirt.

Q. They were in plain view of you at that point?—A. Clearly; yes, sir.

Q. Where were they when you saw them?—A. Right in the middle of the street, sir.

By Senator LODGE:

Q. In the middle of Fourteenth street?—A. Yes, sir.

By Senator WARNER:

Q. Well, then, which way did the shooting continue?—A. Up the alley, sir; up towards the Miller Hotel.

Q. Up towards the Miller Hotel?—A. Yes, sir.

Q. The Miller Hotel was on Thirteenth street?—A. Thirteenth street.

Q. Did you see any more of the parties there?—A. Yes, sir; there was 14 other men with them.

Q. How did you know there were 14?—A. I counted them, and I am sure there were 14 others; I may have made a mistake in the counting, but I doubt it.

Q. Did you notice how those others were dressed?—A. They were in khaki uniform.

Q. Were they colored soldiers?—A. I think so. I did not see them clearly or distinctly.

Q. You did not see their faces?—A. No, sir; I did not.

Q. But they were dressed in the soldiers' uniforms?—A. Yes, sir.

Q. You are quite clear about that, Mrs. Leahy?—A. Yes, sir.

Q. Why was it that you saw those two, you say, so distinctly?—A. Because they were looking up at the window when the men shot around them. They were looking straight at me, and I saw them.

By Senator SCOTT:

Q. Which way were those men facing?—A. Looking straight at me, and I was looking at them, as they said, "Keep straight ahead and shoot to the front." I could not help but see them. (Pp. 2896 and 2897.)

Mr. Herbert Elkins, who occupied a room on the second floor of the Leahy Hotel, testified that he was awakened from sleep by the shooting; that in looking out of the window in his room he saw men in khaki uniforms which he recognized as the uniform worn by soldiers. The shooting he heard sounded to him as though it were down in the Cowen alley in the direction of the post—as he locates it—about the post wall. He was then asked:

Q. Just proceed in your own way and tell what you saw and heard from that point.—A. As soon as I heard those shots I raised up and sat in the window. I thought it meant that there was a fire. Then I heard more shots down there, and then I saw two men—after a little I saw two men—running up toward the corner of the alley, toward Fourteenth street.

Q. Proceed.—A. I saw two men running up towards Fourteenth street, and when they got to about 6, 8, or 10 feet from the mouth of the alley, the one in the lead ran into a soft, muddy place and he got out on the sidewalk—there was no sidewalk there, but a hard place, gravel—and he called to the other to not run ahead, or he would get in the mudhole. They stepped out there and fired about two or three shots each into the Cowen house. Then they reloaded and fired, emptied their guns, I suppose. Anyway, they fired about five times apiece—four or five times apiece—and then they reloaded again, and as they were reloading one man had trouble with his gun, and he stepped over towards the other one and both of them together fixed it. They did not fire any more, but ran on up the alley across Fourteenth street, back of the hotel.

Q. Could you see those men from where you were in your window so as to recognize how they were dressed?—A. Yes, sir.

Q. How were they dressed?—A. Well, they had on the khaki leggings and pants, and one of them had on a blue shirt and a belt. Whether he had on a cap I do not know; I do not remember. Then the other man was dressed the same way, except he might have had on a coat. I do not remember.

Q. After these men had fired into the Cowen house, state whether any others came up, and then proceed from there.—A. After these men had passed across Fourteenth street into the alley back of the hotel I saw a bunch of soldiers—negro soldiers—come running up the alley. They turned around the corner, and directly in front of the Cowen house—— (P. 2313.)

* * * * * * *

Q. When the bunch of men came into Fourteenth street in front of Mrs. Cowen's house were they or not nearly in front of your window?—A. They were. Yes, sir; right directly between my window and the Cowen gate; about the middle of the street.

Q. About how far were they from your window at that time, could you tell?—A. They were about the middle of the street, and I do not know for sure, but I think the street is about 50 or 40 feet wide.

Q. What street was that, please?—A. That is Fourteenth street.

Q. Now, when the call that you heard back of the hotel was made, did the men who were in front of your window on Fourteenth street turn their faces toward you or toward the corner of the alley and Fourteenth street?—A. Toward the alley, which was mighty near toward me, too.

Q. Could you at that distance and at that time see the faces of any of the men so as to know whether they were white or black men?—A. I could see that part of them were black negroes, and that part of them were lighter colored.

Q. Could you recognize that they were negroes?—A. Yes, sir.

Q. You could tell that?—A. Yes, sir. (Pp. 2314 and 2315.)

* * * * * * *

Judge Parks, an ex-district judge, who, as I have stated, occupied the adjoining room to Mr. Elkins, on the day after the shooting (August 15, 1906), being in Brownsville attending legal business, his home being at San Antonio, Tex. On the 15th day of August, 1906, the day following the shooting, Judge Parks (who has since died) wrote to his wife the account of the shooting as he saw and heard it. That letter is as follows:

BROWNSVILLE, TEX., *August 15, 1906.*

DEAR MAMA: I did not write you yesterday, because there was no time to do so. The entire city was up in arms. I suppose you have seen in the papers what the negro soldiers did. Night before last between 11 p. m. and 12 the negroes came out of the garrison in great force and began a bombardment of the town. It was a terrible affair. They fired several hundred shots along the streets near the garrison line, into the houses and everywhere else, utterly regardless of the families in the houses; then they came on up the alley between Mrs. Louis Cowen's house and the Yturria place where we lived; between

these two houses they halted and shot about a dozen or more shots through Louis Cowen's house, shattering the large mirror in her wardrobe, and also shot a chiffonier all to pieces in another room, and still in another room shot another wardrobe or piece of furniture to pieces, and even shot the lamp chimney off the lamp and put the lamp out; and many other shots were fired through the house. It was a miracle that the children and Mrs. Cowen were not killed; but while they were shooting near the garrison and coming up the alley, Mrs. Cowen hid the children under the beds, having them lay flat down, and she also crouched flat down on the floor; this is all that saved them.

I was in my room at the Leahy Hotel—the first room on the left as you go up the stairway—and from the window saw the whole thing, but could not tell they were shooting in the house, and I had no arms whatever to do anything with, and if I had done anything they would have stormed the hotel and killed everyone in it. They then marched on up the alley, shooting at everything in sight, until they got to the Miller Hotel, which they proceeded to bombard in great shape, shooting at every window where a light was visible. But I forgot to say that before they left the corner of Mrs. Cowen's place, they fired a couple of shots into the Leahy Hotel, but they did not go through the brick walls. At the bombardment of the Miller Hotel, the police attempted to attack them, but the brave and valiant (?) Brownsville police were put to flight in a very few seconds, and the lieutenant of police, Joseph Dominguez, the same man who was shot by Baker, the soldier I defended and cleared a couple of years ago, had his horse killed under him and his right hand shot all to pieces, and which necessitated amputation of the hand and part of the arm; then they went on up the alley, and in the old Jagou place, where a saloon is kept, they fired in from the alley and killed the barkeeper, a very good young man named Frank Natus; they proceeded around on Elizabeth street, and shot up all the houses; in another part of the town, around near old lady Sauder's store, in one of her neat cottages, where Fred. Starck lived, they fired eight shots through the bedrooms, but Mrs. Starck had had all of the children to lie down on the floor, and were thus saved. Many other residences were shot into, among them old man Rendall's, one shot passing just over him as he laid in bed. It was a fearful night, no one expecting such a thing, and no one being prepared to meet the occasion. When they got tired, they returned to the garrison. Yesterday we had a mass meeting of the people and some steps were taken to investigate the matter and arrange some sort of defense, but practically nothing was done.

I am of opinion that there is great danger of another and far worse outbreak. The negroes were mad because they were not allowed to drink at saloons beside the white people, several of them had been knocked over the head with pistols by some of the valiant (?) people for very trivial cause.

If another outbreak is made the results will be very serious indeed. Well, dear, there is nothing to write. So with much love and kisses for you and the children, I am,

Lovingly, PAPA.

Mr. BACON. Mr. President, I think the present condition of the Chamber justifies me in suggesting that a quorum is not present.

The VICE-PRESIDENT. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Carter	Frye	Perkins
Ankeny	Clay	Fulton	Piles
Bacon	Cullom	Gallinger	Richardson
Bankhead	Dick	Gamble	Smith, Mich.
Borah	Dillingham	Gary	Smoot
Brandegee	Dixon	Kean	Stephenson
Briggs	du Pont	Long	Stewart
Brown	Elkins	McCreary	Taliaferro
Bulkeley	Flint	Milton	Teller
Burkett	Foraker	Nelson	Warner
Burnham	Foster	Nixon	Warren
Burrows	Frazier	Overman	Wetmore

The VICE-PRESIDENT. Forty-eight Senators have answered to their names. A quorum is present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes.

Mr. GALLINGER. Understanding that the Senator from Missouri desires to address the Senate, he having given notice to that effect, I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. ALDRICH. I should like to have some understanding, if we may, as to when this bill will be taken up to-day. Some of us may want to discuss some of its provisions.

Mr. GALLINGER. The Senator from Rhode Island, I am sure, need not have any assurance on my part. I will urge the consideration of the bill as speedily as possible. I want to get it off my hands more than the Senator from Rhode Island wants to have it disposed of. I think there will be no difficulty, after the Senator from Missouri has spoken an hour or so, in proceeding with the consideration of the appropriation bill.

The VICE-PRESIDENT. The Senator from Missouri will proceed.

Mr. WARNER. Mr. President, while it can not be said from the evidence that the police of Brownsville exhibited any excess of courage during the time the raiders were shooting up the town, yet the old veteran, Lieutenant of Police M. Ygnacio Dominguez, exhibited a high order of courage. He was the hero of the night. When attracted by the firing at or near the fort while in the police headquarters, he immediately mounted his horse, riding down Washington street to the corner of Washington and Fourteenth, where he met policeman Padron; from Fourteenth street he returned to Thirteenth, going on Thirteenth street toward Elizabeth street. As he crossed Cowen alley in front of the Miller Hotel he saw two squads of soldiers. He testified:

Q. And what was their location; right at the mouth of the alley?—A. No, sir; they were coming by the gate, just about 25 feet away, you know. From the gate to the corner of Thirteenth street is about 25 feet.

Q. Where were you then?—A. I was crossing the alley when I heard the words "Give them hell" and at the same time I saw one file on the Miller Hotel side and one on the Bolack side.

Q. And how far would they be from you, then, when you heard them say "Give them hell?"—A. How far would they be from me when I heard them say, "Give them hell?"

Q. Yes.—A. They were about 25 feet, more or less, from the gate to the corner of Thirteenth street, from the gate, and crossing the alley.

Q. Could you see distinctly that they were soldiers?—A. Yes, sir; they were soldiers; I could see them.

Q. They were colored soldiers?—A. Yes, sir; they had uniforms. I saw plainly that they were soldiers. It was a clear, light night—starlight.

Q. After the words there that you heard, "Give him hell," or "Give them hell," whatever it was that was said, was there a volley then fired, or shooting?—A. After the words were said, you know, they fired a volley.

Q. Now, go on and state just where you went then.—A. I crossed and went on on Thirteenth street toward Elizabeth street, hollering to the people at the Miller Hotel to escape themselves, and to put out their lights, because the colored soldiers were shooting the people.

Q. You went down the street giving that alarm?—A. That alarm, yes, sir; because I thought that was the best judgment I could use, because I could not stand against fifteen or twenty men.

Q. To alarm them?—A. To alarm the hotel, because that was a large hotel, and there were people coming from all over the United States stopping there with their families, and there were women and children, and I thought that was the best judgment I could use, not to stop and try to arrest them, but to go on and make an alarm, so that they could escape themselves.

Q. Well, go on.—A. I proceeded on Thirteenth street, and immediately after that they came out, and one fired at the Miller Hotel on Thirteenth street.

Q. Pardon me a moment. Where did you go then, when you left up there at Thirteenth street and the alley, at the corner of the Miller House? You went down toward Elizabeth street, you say?—A. I went on Thirteenth street toward Elizabeth street; yes, sir. (P. 2113.)

* * * * * * *

Q. Those men who came out of the alley you say were colored soldiers? How many were there that came out?—A. There were about fifteen or twenty, I believe; more or less.

Q. Could you see whether or not they were armed—carrying guns? They had guns, had they?—A. Yes, sir; they had guns. I could see their guns.

Q. And you saw their uniforms and knew they were soldiers?—A. Yes, sir; I saw their uniforms and knew they were soldiers.

Q. And you say they shot you?—A. They shot me and shot the horse. That was on the corner of Elizabeth street and Thirteenth street.

Q. Did the horse fall there?—A. He stumbled. After they shot me and shot the horse he stumbled, and at the corner I turned my back and I got hold with this hand of the reins and shot him across the street, and he fell right across over there [indicating]. (P. 2115.)

* * * * * * *

Mr. Hale Odin, his wife, and five children, the oldest being but eleven, occupied, on the night of the shooting, a large corner room on the second floor of the Miller Hotel. Mr. Odin's home was in San Antonio, he being a native of Michigan and a graduate of the university of that State. This I do not regard as important, as a mar's truthfulness does not depend on the place of his birth or the section of the Republic in which he lives.

Mr. Odin was a land and immigrant agent, having occupied that position for over thirty-one years. His business called him to various parts of the United States. When the shooting commenced he was sitting at the window opening on the alley, there being in the room two other windows opening on Thirteenth street.

Mr. Odin in his sworn statement before Messrs. Purdy and Blocksom gave a clear statement of what he saw and heard on that night, and his statement bears on its face the evidence of its truthfulness.

Of it I give the following questions and answers:

Q. Now, Mr. Odin, will you proceed to state, in your own words, just what you know about the shooting which occurred on that night in the city of Brownsville?—A. At 11.55 p. m. on the night of the 13th of August, 1906, I was sitting in the alley window of our room in the Miller Hotel, on the second floor, when I heard shots in the direction of the alley toward the fort. I noted the time; it was 5 minutes of 12, and I counted about 60 shots before they arrived at our windows. During this time I called my wife, and immediately after she and my little boy came to the window we heard persons upon the run coming toward us in the alley from the direction of Fort Brown, and when they passed our windows I counted 6 negro soldiers, 3 abreast in two columns, with one soldier running alongside, who stopped, crossed the alley opposite our windows, and one large negro soldier gave the order "Halt!" and said, "There he goes; shoot!" and they fired a volley. Immediately one other negro soldier joined them from the same direction from which the other 7 had come. Then there were 4 more negro soldiers followed and joined the other 8, these 4 coming also from the direction of Fort Brown through the alley. Before the first soldiers arrived I noticed a large

black dog running through the alley ahead of the soldiers, and supposed that it was a mad dog that they were chasing and shooting at. Then a second order was given to fire and they fired again to the left or toward the river. Then one large negro soldier stepped back to the center of the alley, slightly in the rear of the other 11, and raised his gun, and at this time another volley was fired. Immediately following this report the large negro with freckled face fired point-blank at us—Mrs. Odin and my son Lee and myself in the window. The ball from his rifle passed through the lower window sash and up into the ceiling in our room and the jacket of the bullet fell back on the floor. I picked it up the next morning and later forwarded it to the Secretary of War. We had a lamp in the room burning but turned partly down. From the flashes of their guns we could see the soldiers distinctly and I discerned their uniforms and dress and the color of their faces and could hear the voices as the command to fire and other remarks were made. Seven of these soldiers had on their usual dark brown uniforms; four were without jackets and one without a hat—was bareheaded. They all carried rifles and one carried a revolver—possibly two. The one that gave the order carried a revolver. When the two volleys were fired the large negro soldier, who gave the order said, "We got that white —— of a ——," and immediately after the shot that was fired into our window the other negro, who fired the shot at us, said, "We got another white bastard." This was immediately following this shot directed at us when our little son fell back upon the floor as if shot, and we picked him up.

Q. What did you do then, Mr. Odin?—A. We heard a heavy fall, as of a horse or some animal, and a groan, which sounded like the groan of a dying horse. Then we heard a scream from a man and immediately following this we heard somebody running northward up the street that faces the Miller Hotel, which is Elizabeth street. Then an order was given to "shoot this way," and a volley was fired to the right on Thirteenth street. Then they crossed Thirteenth street, nearly to the opposite side, and fired a volley into the Miller Hotel from Thirteenth street.

Q. Where were you and your wife standing at that time?—A. I was standing at the window looking out on Thirteenth street.

Q. You had left the window facing on the alley?—A. Yes, sir; had just stepped across the room.

Q. Who, if anyone, was with you at the window?—A. Mrs. Odin.

Q. And where did you see these men at that time—where were they standing?—A. They were nearly to the alley on Thirteenth street—on the north side of Thirteenth street.

Q. About how many men did you see there?—A. Twelve men.

Q. Did you at that time stop to count them or was your estimation just made from the general appearance?—A. I saw them all pass over and I counted them and said to my wife, "There are just twelve of them."

Q. Now, you may go on and state what happened then.—A. After firing at the Miller Hotel they passed northward up the alley—a part of them at least.

Q. Did you see any go east on Thirteenth street?—A. No, sir; but of course some may have gone east on Thirteenth street without my having seen them.

Q. Where did you hear firing then?—A. In about two minutes after they passed northward up the alley I counted five more shots, and in about two minutes thereafter 12 negroes—negro soldiers—appeared again going toward Fort Brown, and crossed Thirteenth street and entered the alley at the rear of the Miller Hotel.

Q. Going in what direction?—A. Going toward Fort Brown on double-quick and passed out of sight.

Q. Did you hear any more shooting after that?—A. I did not.

Q. So the last shooting you heard was up the alley, on the north side of Thirteenth street?—A. Yes, sir.

Q. Now, when these soldiers were in Thirteenth street at the mouth of the alley, at the time they were doing the shooting into the Miller Hotel, could you see how they were dressed?—A. Yes, sir; they were dressed in brown uniforms and a broad-brimmed soft hat, such as the soldiers wear.

Q. Now, Mr. Odin, at the time they were in Thirteenth street there, could you distinguish the kind of dress that they had on at any time other than when they were firing?—A. I could when they were in Thirteenth street, but I could not when they got into the alley.

Q. Then when they were in the alley, either to the north or to the south of Thirteenth street, you could not distinguish the way in which they were dressed, except by the flashes of their guns?—A. We could tell them when they were at the rear of the Miller Hotel when they were not firing.

Q. But when they were across the street, to the north of Thirteenth street, you could not tell them except for the flashes of their guns, or how they were dressed?—A. No, sir.

Q. Will you describe as nearly as you can the light, if any, that seemed to be upon these men during the firing that night in Thirteenth street, out of the alley?—A. The lights from the street lamps from Elizabeth and Washington streets gave us plenty of light to distinguish them plainly, and their dress, and to tell distinctly that they were negroes.

Q. Did you have any difficulty at the time, Mr. Odin, in seeing the faces of these men?—A. No, sir; for they were at times looking up directly toward the window.

Q. And you state positively that they were negroes?—A. Yes, sir.

Q. And dressed in the uniform of United States soldiers such as were stationed at Fort Brown at that time?—A. Yes, sir.

Q. Now, Mr. Odin, will you state as to the character of the voices of these men who spoke during the shooting?—A. They spoke in the manner and vernacular of the negroes. If I had not seen them by the flashes from their guns I would have known by their voices that they were negroes by the manner of their speech and accent.

Q. Now, you state that you were sitting in one of the windows facing on the alley in the rear of the Miller Hotel, on the second floor, when you first heard shots that night.—A. Yes, sir.

Q. In what direction were those first shots that you heard?—A. Down the alley, toward Fort Brown.

Q. And from the time you heard those first shots until the time you heard the last shots to the north of Thirteenth street, in the alley, about how many minutes elapsed?—A. About twelve minutes.

Q. Did you, Mr. Odin, see the lieutenant of police, Dominguez, on that night?—A. No, sir.

Q. Did you hear a horse going by on Thirteenth street in the direction of Elizabeth street?—A. Yes, sir.

Q. How long was that before you heard firing or saw them firing in the alley at the rear of the Miller Hotel?—A. About a half minute.

Q. Did you see any person on Thirteenth street during the time of this firing other than these colored soldiers?—A. No, sir.

Q. Mr. Tillman has stated that he passed along Thirteenth street, going toward Washington street from Elizabeth, a short time before the firing occurred in the vicinity of the Miller Hotel. Did you see or hear him?—A. I heard some one person pass up Thirteenth street.

Q. But you did not see him?—A. No, sir.

Q. That was before the firing had approached the alley toward the Miller Hotel?—A. Yes, sir.

Q. I will ask you, Mr. Odin, whether you know where Mr. Starck's house is located that was fired into that night?—A. No, sir.

Q. I will show you this plat (Exhibit A) and point out to you the location of Mr. Starck's house (which is No. 6 on this plat) on Washington street between Twelfth and Thirteenth streets, and ask you whether you heard any firing in that direction on that night?—A. I did not.

Q. After these men passed across Thirteenth street, going north in the alley, you heard some firing in the direction in which they had gone, did you not?—A. Yes, sir.

Q. About how many shots?—A. Five.

Q. Where were you at that time?—A. I was standing at my window facing on Thirteenth street.

Q. Did you remain at your windows during all this time or did you at times go back into the room with your wife and children and then return to the window again?—A. I only left the window once during the time the shooting was going on, and that was during the time they were shooting north of us up the alley and while the soldiers were out of my sight.

Q. When your little boy fell back into the room, what did you do then?—A. My wife said, "They have shot Lee," and I said, "I reckon not; see if there is any blood on him;" and he said, "Mamma, I am not shot, but they came pretty near me." I was standing at the north window at the time.

Q. Where were your other children during this time, Mr. Odin?—A. They were in bed, except our little girl, who was standing by our side.

Q. Was she with you while the firing was going on in the alley at the rear of the hotel?—A. Yes; standing behind us.

Q. How old is she?—A. Three years old.

Q. Your other children were in bed, were they?—A. Yes, sir.

Q. Do you know whether they were asleep or not?—A. They were all awake, except the older one.

Q. How old is he?—A. Eleven years.

Q. He did not awaken during all the firing?—A. No, sir.

Q. Mr. Odin, as you sat at the window on the night of the 13th of August about 12 o'clock and heard the shooting down in the vicinity of Fort Brown and further down the alley in the direction of the fort, did you anticipate at that time that there was any trouble or that the soldiers were shooting into the houses in the city of Brownsville?—A. No, sir.

Q. After the soldiers reached the rear of the Miller Hotel, did you anticipate that there was any trouble of any kind?—A. No, sir; not until they shot at the policeman.

Q. And then, for the first time, you appreciated the fact that there was serious trouble?—A. Yes, sir.

Q. How long after that was it that the shot was fired into your room facing on the alley?—A. Immediately after that.

Q. From the time when you heard the first shots until you heard the last ones that night, was there anyone in your room other than the members of your family?—A. Yes, Mr. Davis, the hotel clerk.

Q. About what time did he come into your room during that shooting?—A. He came into our room during the time that the soldiers were up the alley at the rear of Tillman's saloon.

Q. Was he the only one in your room during the shooting?—A. Yes, sir.

Q. So during the time that the soldiers disappeared up the alley going north nobody had been in your room except the members of your family?—A. No, sir.

Q. And during that whole shooting did you or Mrs. Odin or any of your children leave your room?—A. No, sir.

Q. What light was there in your room that night when the shooting commenced?—A. A small oil lamp, turned partly down.

Q. Was the light turned down before any shooting commenced at all?—A. Yes, sir.

Q. During the progress of the shooting was the light interfered with in any way by either you or your wife?—A. No, sir.

Q. It was left in the same condition as when the shooting began?—A. When they left the alley going north my wife blew out the light.

Q. Mr. Odin, from the time that the men appeared there at the rear of the alley until they disappeared in the alley across the street, and during the whole of that shooting, both into your room and at the officer going down the street, and the different volleys that you have spoken about, about how long a period of time elapsed, in your judgment?—A. About one and one-half minutes, more or less, I should judge.

Q. I will ask you, from the direction of that shot which entered your room, where it must have been fired from?—A. From about the center of the alley at the rear of the Miller Hotel.

Q. Did you go into the room on the third floor immediately over your room that next morning?—A. No, sir.

Q. You don't know then what became of that shot that went into the ceiling of your room?—A. No, sir.

Q. How long after this occurred, on the night of the 13th of August, was it before you and your wife and family left Brownsville?—A. We left on the following morning, the 14th of August.

Q. Where did you go from there?—A. To Corpus Christi and San Antonio.

Q. Have you been back to Brownsville since that time?—A. No, sir.

Q. Will you describe more particularly the condition of the window sash, the window out of which you were looking at the time the shot was fired on that night apparently at you and your wife?—A. The lower sash of the window was raised to the height of our heads, and we were looking out with the top of our heads underneath the sash, and there was a wire screen in the lower half of the window. I was at the left side of the window, Mrs. Odin next to me on the right with her head close to mine, and our little boy at her side, with his face against the window screen. The ball entered the screen, then went through the sash, passed through it diagonally, and then went into the ceiling at about 4 feet from the rear of the room. Just before this shot was fired, the little boy raised up and said, "Mamma, what is going on?" I said, "They are shooting the mad dog," and then the shot was fired into our window.

Q. At the time this was fired into your window, will you state more particularly what you saw and heard in the alley?—A. Immediately before this shot was fired in our window, the other soldiers fired a volley apparently down Thirteenth street to the left, and almost instantly the man who fired at us raised his gun and shot into our window and the flash from the other soldiers' guns revealed his face plainly, looking up and shooting at us, and he exclaimed, "We got another white bastard."

Q. Now, Mr. Odin, I will ask you about the distance from your window to the man who fired the shot at you?—A. I should say from the end of his gun to our faces it was about 12 feet.

Q. Do you recall anything else that happened there that night, concerning which I have not interrogated you, and about which you care to make a further statement?—A. No, sir.

Q. Were you before the grand jury or the citizens' committee that investigated this affair?—A. No, sir.

Q. Have you made any written or sworn statement to anyone other than the statement you make here to-day?—A. No, sir; I have not.

Q. Now, Mr. Odin, you have testified as to what you saw and heard there that night; I will ask you whether there has ever been any doubt in your mind as to whether those men were negro soldiers?—A. Not the least.

Q. You stated in the former part of your testimony that there were 12 negro soldiers in the rear of the Miller Hotel, and that you saw them and counted them. Will you explain how you happened to count them there that night?—A. Because the first six came up three abreast in two columns, with another negro at their side, making seven. They stopped at the mouth of the alley and then one by himself followed behind on the run as the other ones ahead, and directly four more came up two abreast on double quick or on the run; that made twelve.

Q. So, Mr. Odin, from the arrangement in which these men came up the alley you were at once enabled to make a calculation as to how many men there were there?—A. Yes, sir.

Q. They were not all huddled together in a bunch or crowd?—A. No, sir.

Q. Now you have stated that when the men came back after the firing had ceased up in the rear of Tillman's saloon that there were 12 of them, and that you saw them out of your window which opens out onto Thirteenth street. I will ask you how you made that estimate as to the number?—A. Because they came three abreast in three columns and two abreast following behind, and one nearly at the front at the side. The three in front stopped about 10 or 12 feet from the mouth of the alley or in the street, by an order to halt. The next three were close behind them, also the next three, and also the remaining two, and the single one was nearly at the front of the first row of three. Then the second row filed up in line with the first, and the remaining six separated about 10 feet from them to the west, and they stopped in the same order, and they came down the alley. Then some order was given (I could not hear that distinctly), and they formed a line of six about 10 feet apart, and remained about six or eight seconds, apparently looking up and down Thirteenth street. Then they formed in columns of three again, and an order of march was given, and they passed toward the fort, across the street and down the alley on the opposite side from our window, and disappeared.

Q. How were they marching—running or walking?—A. They were on the double-quick; they started on the double-quick. But about the time they entered the alley they were running very fast.

Q. Could you tell whether or not at that time they broke their formation?—A. Yes; I could see them as they passed along; they were in file as they passed out of sight.

Q. But at that time you state that they were running?—A. Yes, sir; and I heard them running after that.

Q. Did you see them enter the alley at the rear of the Miller Hotel?—A. Yes, sir. I went over from the Thirteenth-street window to the rear-alley window and saw them as they passed out of sight.

Q. And how far down the alley were they, about, when you lost sight of them?—A. About 15 or 20 feet down the alley from my window, I should judge.

Q. And that is the last you saw of them?—A. Yes, sir.

Q. Mr. Odin, I will ask you whether you saw any empty shells in the streets of the city of Brownsville the next morning?—A. Yes, sir.

Q. State under what circumstances.—A. I went into the alley about 5 o'clock the next morning and picked up a handful of empty shells. I found these shells all the way from the middle of Thirteenth street and in the mouth of the alley and down the alley at the rear of the hotel and some of them near the mouth of the alley north of the hotel, and soon after this I met a policeman who had several shells in his hands and I gave him part of those I had, and presently (I don't know how long) the mayor and several other citizens assembled, who also picked up a number of shells in the vicinity of the hotel.

Q. What did you do with the shells that you picked up?—A. I gave them to the policeman and to the mayor. I brought 5 home with me and I gave them to different people. I don't remember to whom I gave them. I gave them all away.

Q. I will show you these empty shells and ball cartridges which were given into my possession by the mayor and sheriff of Cameron County, and ask you whether the ones which you picked up on the morning of the 14th of August in the streets of Brownsville in the vicinity of the Miller Hotel were similar to those?—A. Yes, sir; they appear to me to be the same.

Q. Were you at home at the time that your wife made this statement to Mr. Stevens and the clerk here at San Antonio a few weeks ago?—A. No, sir; I was in Nevada, Mo.

Q. Do you think of anything else with reference to which you care to make a statement?—A. I would like to explain that the reason I was so certain about the shooting and the identity of the persons who did it, and about the number of shots fired, is because I have all my life been in a country where there has been a great many town "shootups" (that is what they call them), and been accustomed to hearing shooting in the frontier towns, and on several occasions I have been in towns where there was a good deal of shooting done, that it became almost a habit that I kept pretty correct account of what happened. I was not alarmed or scared. In fact, I did not believe that there was anything serious happening until we heard the policeman's horse fall and immediately saw the negro raise his gun to shoot into our window. Then for the first time I realized it was a town "shootup." (P. 2929.)

Mrs. Odin fully corroborates the statements of her husband. I here quote from her affidavit given before Messrs. Purdy and Blocksom:

Q. Now, Mrs. Odin, I will ask you to go on and state, in your own words, just what you saw and heard there on that night.—A. About 12 o'clock that night, the 13th of August, I was lying in bed, with our little baby just a year old, and he was sick. I was giving him some medicine at the time, when Mr. Odin was standing in the window facing the alley. The shooting commenced down toward the fort, and Mr. Odin called to me to come to the window, and when I went I heard the negroes coming up the alley in our direction. So we stood and looked out and watched them come up, and they commenced firing, and one negro said, "There he goes." First, though, they said, "Halt," then, "There he goes, shoot," and they commenced shooting, and they shot several shots, and directly I heard a horse go down the street toward the river and heard the horse fall, and the man cry out. I could not understand what he said, but directly heard him running up the street, the street in front of the Miller Hotel. They were firing all this time, and one of them exclaimed, "We've got that —— of a ——." Just then our little boy, sleeping in a bed right by the window, raised up and said, "Mamma, what's going on?" I told him to keep still, and just then one of the soldiers looked up and blazed away at me. Our little boy dropped, as though he was shot, down onto the floor. My little boy was standing on the foot of the bed, which made him almost as high as I was. I was standing at the foot on the floor. I picked him up and laid him back in another bed; went and turned the light down, which was partly down; in fact, I guess I blew it out; yes, I blew it out; then went back to the other window facing on the alley. By the flash of their guns I could see all their faces plain, and the color of their clothes, which were soldiers' uniforms. Some of them did not have on their coats. There were four of them that did not have on their coats—just in their shirts, and I think there were two that had revolvers. I know there was one, and when he shot at me he said, "We have another white bastard." Then they started out into the middle of the street, and I walked across to the window on Thirteenth street and stood just far enough back where I could see out of window, and they turned around and shot up in the direction of the hotel. I do not know whether they shot at the hotel or not, but they shot in the direction of it. Then they started up the alley toward Tillman's saloon, and I watched them until they got out of sight. All this time I could see that they were negro soldiers, and were in the uniform of the soldiers; and directly I heard five shots in the direction of the saloon. Then they came running back toward the fort.

Q. Mrs. Odin, I will ask you whether you saw them when they came back toward the fort?—A. Yes, sir.

Q. You may go on and describe just how you happened to see them and about how many there were and what they were doing, and where you saw them.—A. When they were on Thirteenth street, the side of the hotel, they were standing still there when they were shooting, and I counted twelve of them, Mr. Odin and myself, and when they came back in the direction of the barracks they were almost on a run. Of course, I did not count them then, but we could see all the time. There was a dim light shining from both lamps at each corner there, so we could see the color of them and their dress. I just saw them when they passed back by there, and that was the last of them; they were not shooting then.

Q. The last shooting that you heard on that night was up in the vicinity of Tillman's saloon, by the alley?—A. Yes, sir; the five shots that were fired last, when the Mexican boy was killed.

Q. Now, will you describe the size of the room which you and your husband occupied that night, and the location of the windows?—A. It was a large room, almost square. It had four beds in it, and four windows, two facing the alley, and two on Thirteenth street. The door to the room was open, with just a screen closed at the time of the shooting, and there was a dim light shining from the hall as well as from our room, and I suppose they could see that light, and they could see figures through the window.

Q. Will you describe more particularly the window in which you and your little boy were standing at the time the man fired at you?—A. The sill was about 3 feet above the floor, and my little boy was standing to the right of the window on the foot of his bed, and the end of the bed stood just about a foot along the side under the window, and I stood to the right of Mr. Odin, and Mr. Odin stood at the left of me on the floor, and I had my head leaning against the sash. The window was up and there was a screen in the window when this negro looked up and shot. He was a speckled-face negro.

Q. How could you tell that this negro that fired at you was a speckled-face negro, as you describe him?—A. Because he held his gun right up this way [pointing], and the flash of his gun was like a fire. You could see the spots on his face. I had never seen him before or since.

Q. About how far were you away from him at the time he fired at you?—A. About 12 feet from the muzzle of the gun he was pointing at me, I should judge, and he shot right through the screen and through the window sash and through the shade and curtain—a dark-green curtain—and the bullet just passed through my hair, and my face smarted a little bit. I did not light any lamp that night, but looked at myself in the glass the next morning, and my face was powder burned and I used vaseline on it for about a week afterwards. I stood just in the middle of the window and it passed right through the edge of my hair.

Q. Did you see that night or the next morning any marks of that bullet which you said went through your hair?—A. About daylight I got up and went to the window and looked out and saw the hole in the window, through the screen and shade, and looked up at the ceiling and saw a piece of plastering was torn off, just directly over the dresser. The jacket fell back into the room, and I picked up the jacket and gave it to my husband, and I understand he sent it to the Secretary of War.

Q. Did you hear any of these men talking in the alley at the time they were doing this shooting?—A. Yes, sir; they kept saying "There he goes, shoot," and we supposed at the time he was shooting at a dog.

Q. That was about the first conversation you heard?—A. Yes, sir.

Q. After that, what other conversation did you hear?—A. Nothing, except when they spoke about—when they said "We've got that —— of a ——," and immediately after that, "We've got another white bastard."

Q. Could you tell from that talk whether they were colored people or white people who did the shooting in the alley?—A. Yes, sir; they had the accent of the negro.

Q. At what place were these men standing when you had the best view of them?—A. Right at the mouth of the alley.

Q. On which side of Thirteenth street?—A. The side toward the Miller Hotel.

Q. Was there anybody in your room other than the members of your family on that night?—A. No, sir; there was no one in the room, except after it was all over Mr. Davis, the night clerk, came up and asked us if they had shot into our room, and he was the only one that was in our room during that night.

Q. Did you or your husband, or any member of your family, leave your room that night?—A. No, sir; except once when I stepped out into the court and went to Mrs. Moore's room and knocked on the door and asked how Mrs. Moore was. Mr. Moore said she was very sick in bed from the shock, and I returned to my room.

Q. I presume that you were awake the greater part of the night?—A. We never closed our eyes again until morning. We were afraid they would come back. Our little girl could not sleep for two weeks afterwards. It made her nearly have nervous prostration, and we left the next morning on the first train.

Q. Have you ever been back to Brownsville since that time?—A. No, sir.

Q. Will you state how these men were dressed and the color of their clothing?—A. They were dressed in the uniform that the soldiers wear—brown, and soft brown hats, and looked just as they always did when marching up the street, except four of them, who were in their shirts. The shirts that these men had on seemed to be a little lighter than their uniform.

Q. Where was your husband standing in the room, as nearly as you can remember, during the time this shooting was going on?—A. First he was standing in the alley window furthest away from Thirteenth street, and he remained there until they had gone out on Thirteenth street and until that window was shot into, and then he stepped to the other window facing on the alley nearest Thirteenth street, and remained there until they went by the alley. Then after they came back he stepped to the window facing the alley and stood there and saw them go back in the direction of the fort.

A Mr. Preciado, the editor of a Spanish paper published in Brownsville, and a Mexican by birth, testified that he was in the Tillman saloon when Frank Natus, who was killed, started for the back door to close it, and that before he reached the door, four or five men crowded in through the gate into the yard of the saloon, which was brilliantly lighted, and that he recognized the intruders as colored soldiers. This yard, in the rear of the saloon, was used rather as a summer garden and the door into it was from the alley. This witness testified that the shooting proceeded up into the town from the Fort. Mr. Preciado described the Tillman saloon and the courtyard as follows:

A. The saloon is divided into two rooms, which open into Elizabeth street. One was a fruit store, the other was the saloon. This room had a division in the center. On the right, next to the street, white people were served, and there was a sign pointing in the other direction, this sign consisting of a hand and had a sign below it saying "Negroes." In the rear there was a square courtyard used as a summer garden, in which there were three or four lighted lamps.

He further testified that during the early part of the shooting he and the party with him went onto the pavement or sidewalk, where they heard many shots, and that while standing there Joseph Crixell, the owner of the saloon across the street from the Tillman saloon, cried out: "Close up, for here comes the negroes." That at that time Frank Natus closed the front door, at the same time remarking—

The door of the alley is open; I am going to close it.

What took place at that time is described as follows by the witness:

He (Natus) took a pistol from below the bar, or counter, and went in the direction of the door of the alley. I followed after him six or eight paces behind. He was approaching the cistern when Nicolas Sanchez Alanis was in the back part. He had gone to the toilet and he shouted to Frank Natus, "Don't go out; a noise is heard in the alley." Then Frank Natus turned as if to go in the direction of the saloon. At this moment a group of five or six armed men appeared and fired. One of the shots entered Frank Natus here [indicating].

Q. That is, in the side?—A. Yes, sir; as he turned to go in the direction of the saloon.

Q. As he turned to go in the direction of the saloon?—A. Frank Natus, in view of the voice that he had heard, Nicholas Sanchez Alanis telling him to return because there was a noise in the alley. At the moment he wished to return appeared a group of men at the door, and they began to fire.

Q. Was that the door or gate of this courtyard?—A. The gate or door of the court which opens upon the alley. Frank Natus received a shot and fell upon his back, saying, "Oh, God." (P. 2301.)

This witness further testified that one of the shots pierced his vest and also that he received a slight flesh wound on the hand. He further testified:

Q. The next day did you notice, or have you since, where the bullets struck there anywhere at the Tillman saloon?—A. Yes, sir.

Q. How many marks of bullets have you seen there?—A. Four.

Q. Did you see by the light that was there in the courtyard whether or not it was soldiers who did the shooting?—A. Yes, sir.

Q. How do you know they were soldiers?—A. Because by day the soldiers could be seen dressed in their habitual clothing. Their color and clothing was well known there, because very different from that of others.

Q. Was the uniform that these men were wearing the soldiers' uniform?—A. Of the soldiers; yes, sir.

Q. Also, could you, by the light in the courtyard, tell that they were colored men—negroes?—A. It was possible to distinguish.

Q. Did you distinguish?—A. Yes, sir.

Q. How many were there who came to the gate, or just inside the gate, whatever it was?—A. There were five or six, but I did not have an opportunity to count. They were moving.

By Senator OVERMAN:

Q. Were they black men or white men? You said you could distinguish?—A. Colored men.

By Senator FRAZIER:

Q. Did they come inside the gate?—A. Within the gate, three or four paces. (P. 2303.)

The evidence of this witness is shaken by the fact that he signed an affidavit before the grand jury in which he said: "I could not see anybody in the alley, as it was dark out there and I was in the light." Yet, as this witness testified, his examination before the grand jury was by questions and answers and he does not understand English. His affidavit is written out in narrative form, not containing questions and answers, and that it was true that he could not see in the alley because it was dark, but that he never had testified that he could not see the parties who did the shooting, who were inside of the entrance from the alley to the court. And certain it is, if credence is to be given to the statement of this witness, he was in a position giving him full opportunity for observation, and he could necessarily distinguish citizens from soldiers and white men from colored men. It is also true that there is no evidence that, up to the time that Frank Natus was killed, there was no one upon the streets of Brownsville armed and firing upon the citizens save the raiding party that had started from Garrison road in the rear of B Company barracks, marching along Cowen alley and shooting into houses on their march of destruction.

Doctor Combe, the mayor of Brownsville, and a practicing physician for yearly twenty years, having seen five years' service in the Army and being chief surgeon prior to his muster out, testified that his military service was in Cuba and the Philippines, and that he was familiar with the character of wound made by a high-power gun, and that within a few minutes after the killing of Natus he learned of his death and went to the Tillman saloon and made an examination of the body, and he gave it as his opinion that it was a bullet from a high-power gun which killed Natus.

Of this expert testimony there is not a word in contradiction, and I am authorized in saying that Mayor Combe seemed to have been the one man in Brownsville who had the respect and confidence of both the soldiers and the citizens. All who testified of him as a man or officer spoke of him in the highest terms. His testimony as to Natus being killed by a bullet from a high power gun is strongly corroborative of the evidence of Preciado.

A Mr. Littlefield, a ranchman and former deputy sheriff of Cameron County, in which Brownsville is situated, testified that on the night of the affray he was in Brownsville, stopping at the Rio Grande Hotel, of which his father was the proprietor. This hotel is located on Jefferson street, between Eleventh and Twelfth streets. He testified that at the time of the shooting he was asleep, and that upon being awakened by the shots he got out of bed and went into the town, not having time to dress fully. He went down Eleventh street to the alley between Washington and Elizabeth streets—that is, the Cowen alley; at that point he turned down the alley toward the fort until he got to Thirteenth street. From there he went to Tate's house on Washington street.

As to what he saw and heard from that point he testified as follows:

Q. And Mr. Tate's house is next to the Starck house, is it not?—A. Yes, sir; Mr. Tate's house is about where that figure "6" is.

Q. And when you got up here to the corner of Thirteenth and Washington streets you turned to the left instead of the right?—A. Yes, sir.

Q. And went to Mr. Tate's house?—A. That is the direction I went; yes, sir.

Q. But what I want now is for you to go back and tell us what you saw that night, if anything, of the shooting, and the parties who did the shooting.—A. When I had got about middle way of Eleventh and Twelfth streets, in the alley, you understand, between Washington and Elizabeth streets, I seen a shot fired in front of me. That shot seemed to be about the middle of the block between Twelfth and Thirteenth streets. I seen this one shot, and I heard a number of others, probably four or five; I could not recognize just how many, and I stopped there and stood still for probably half a minute; I can not tell exactly the length of time I stood there. When that shot was fired I could see a bunch of people—a crowd of people—in the alley; that was in front of me.

Q. Up towards Thirteenth street?—A. Down towards Thirteenth street, about a block from me. I was in the middle of one block and they were in the center of another. As I told you, I stood there for a little while, and these people came up the alley towards me, probably 20 or 30 steps, until they got within about 20 feet of the mouth of the alley going into Twelfth street, and they turned back there and went towards Thirteenth street again. When I seen they were going that way I followed them on down, and I seen them as they went around the corner of the alley into Thirteenth street, and after they got out of my sight going around the corner from the alley into Thirteenth street I went on down. We were both running against the wall on the right-hand side.

Q. You mean by "running against the wall" that you were close to the wall?—A. Yes, sir; on this side of the alley [indicating], the right-hand side of the alley going towards Thirteenth street. When they got out into Thirteenth street they turned the corner, and they were out of my sight there, and I did not see them any more, and I had probably run 20 steps when I heard some firing on Washington street, over in the direction of Mr. Tate's house or of Mr. Starck's house, in that direction, and I stopped and stood still again for a while.

Q. You were then near the mouth of the alley at Thirteenth street?—A. Yes, sir; I had passed the Ruby Saloon. I was probably 20 feet past the door of the Ruby Saloon. I don't just remember. Then I stood there until the firing stopped, and then went on to the corner of the alley and Thirteenth street. I didn't run right out into the street. First, I put my head around the corner to see what was going on in the street, and I seen a bunch of people running diagonally across Washington and Thirteenth streets, in the direction of the corner of Lon Hill's office, diagonally across, you understand [indicating]. I believe that Mr. Porter lives over there.

Q. Well, go on.—A. Well, I seen those people running across there, and as they were passing they passed within about 20 feet, I suppose, of the street lamp, and I seen them. I recognized them.

Q. What did you recognize?—A. I recognized them as United States soldiers, or people in the United States uniforms.

Q. They were how far from the street lamp, then?—A. Probably, when I first seen them, they were 20 feet.

Q. And where were you at that time, Mr. Littlefield?—A. I was in the mouth of the alley, between Washington and Elizabeth streets, at the corner, you know, of Thirteenth, where the alley runs into Thirteenth street.

Q. You recognized them as United States soldiers, you say?—A. They had on United States uniforms; yes, sir.

Q. Could you at that time recognize as to whether they were dark colored men or not?—A. There was one of them that I distinctly recognized as being a colored soldier; yes, sir.

Q. What enabled you to distinctly recognize one of them as being a colored soldier?—A. Well, as I was standing there and looking at them, this one turned his head and looked back the way they had come, back toward me, and he was looking toward me, and when he looked back that turned his face directly toward me.

Q. So that the light——A. The light was shining directly in his face; yes, sir. He had then run past the light and the light was rather between him and me.

Q. And you there recognized him as a colored soldier?—A. A. Yes, sir,

Q. At that time?—A. Yes, sir.

Q. Just state again where you were standing when you recognized him as a colored soldier.—A. I was standing in the mouth of the alley between Washington and Elizabeth streets, where the alley runs into Thirteenth street.

By Senator OVERMAN:

Q. And this man was under the light at the corner of Washington and Thirteenth streets?—A. Yes, sir.

By Senator WARNER:

Q. About how many were there in this party in which you distinguished this man?—A. I could not tell you exactly; I never counted them; there were probably from five to seven; something like that.

Q. You waited there a time?—A. I can not tell you just exactly how long I stayed there; until they got out of sight. There are some trees over on Mr. Porter's corner, and they ran under those trees and got out of sight, and I stood where I was at until they got out of my sight. (P. 2454.)

* * * * * *

Q. You had no doubt in your mind about those being negro soldiers that you saw?—A. No, sir.

Q. In the uniforms?—A. No, sir.

Q. And this one man especially you recognized?—A. Yes, sir; one man I recognized distinctly as being a negro soldier.

Q. About how many shots, altogether, did you hear?—A. Altogether, during the night?

Q. Yes; approximately.—A. I should judge something over 100.

Q. And I think you have stated that those shots, you thought, were from high-power guns?—A. Yes, sir.

Q. Army guns?—A. Yes, sir.

Macedonia Ramirez, a policeman who had been on the force some three years, was on duty at the time of the shooting at the corner of the Alamo, and immediately started toward Washington street. In crossing Thirteenth street he met the lieutenant of police and a fellow-policeman, Genaro Padron, and upon asking of them what had happened received the reply that "the soldiers had left the barracks and were shooting up the city." About the time he met the lieutenant of police he heard a shot in the direction of the Miller Hotel. The lieutenant turned on Washington street, going in the direction of the hotel; that he followed on Thirteenth street, and that Padron, the other policeman, was separated from him by a short distance, and before reaching the Miller Hotel alley he heard a noise as of the loading and unloading of a gun. He stopped at this point. The following questions and answers give what, in part, he saw and heard from that point (p. 2226):

Q. One question there. You heard a noise as though they were loading a gun. Who do you mean was loading a gun?—A. I heard the noise that is produced by manipulating a gun.

Q. Where was this noise?—A. It was coming along the alley of the hotel.

Q. That is the alley between Elizabeth and Washington streets?—A. Yes, sir.

Q. Now, go on from where you said you went over to the Bolack store.—A. The lieutenant went on, crossing the alley. He crossed over the alley and I remained at a distance of some 30 feet from him; that is, 30 feet from the point where I was to the mouth of the alley. As he crossed the alley I heard a voice within the alley which said, as follows: "There goes one. Is he a soldier? If not, give him hell."

Q. That was in English? That was spoken in English, was it?—A. Yes, sir. The voices which I heard were in English.

Q. Could you understand what was said?—A. Yes, sir.

Q. It is a fact, is it not, that many of the Mexicans can understand English who do not speak it?—A. Yes; and I am one of those who speak it some and understand it some, but not sufficiently to sustain an interrogatory such as this.

By Senator OVERMAN:

Q. I will ask the interpreter to tell him to repeat in English what I now say: "There he goes. If he is not a soldier, give him hell."—A. (The witness speaking in English.) "There it goes. If it is not a soldier, give it hell."

By Senator WARNER:

Q. You were there at this point, about 30 feet from the mouth of the alley, and the lieutenant had passed by, and you heard this voice. What did you see and hear next?—A. I remained there. The lieutenant had passed the alley a short distance when a group of soldiers came out, with carbines, and fired at him.

Q. How do you know that they were soldiers?—A. The light which shows through the window of the closet of the hotel, together with the light on the corner of Washington street, gave sufficient light for me to recognize them as soldiers.

Q. And you were then about 30 feet from the mouth of the alley, up towards Washington street?—A. Yes, sir.

Q. State how those soldiers were dressed, if you know—that is, what uniform they had.—A. I can not define the color; it was yellow, the color which is used during the hot weather. We, vulgarly speaking, call it "burnt yellow."

Q. Did you recognize it as being in color the same as that of the uniforms of the soldiers stationed there?—A. Yes, sir. And I had not the least doubt that they were soldiers.

Q. State whether you saw the faces of any or all of those soldiers.—A. At this moment I saw them, but not very well; not as well as I did afterwards.

Q. Go on. After this shooting of the lieutenant, where did you go and what occurred then?—A. When they fired at the lieutenant I saw that his horse trembled, as it were [indicating], and the horse ran. After they shot they said, "Here are two more," and when they said "Here are two more," I immediately left the point where I was and retreated rapidly, at which time they fired at us.

Q. Which way did you go when you retreated rapidly?—A. Towards Washington street.

Q. Go on.—A. I do not know which direction Genaro Padron took, but I followed along Washington street as rapidly as possible. I crossed Washington street in order to reach the other alley, taking the direction towards Adams street.

Q. On Thirteenth street?—A. Yes, sir. A little after crossing Washington street I felt a blow on my hat, and my hat fell, and I kept on running. I reached the corner of the alley.

Q. What alley?—A. The alley which runs midway between Washington street and Adams street.

Q. All right, go ahead.—A. I promptly arrived at the corner of the stable of Luis Champion, which has a wall of brick. I stopped. I hid myself a moment, and stuck out my head, when I saw a group of soldiers arrive in front of the lamp of Bolack.

Q. Right there, just a moment. When you stopped and put out your head, where was it you stopped?—A. I hid myself in the alley just around the corner of this brick wall.

Q. That is, the alley between Washington and Adams streets?—A. Yes, sir.

Q. When you put your head out there and looked, just state to us what you saw.—A. I saw a group of ten or twelve soldiers, a little more or less, who came with their carbines in hand, in the attitude of being prepared to fire. They were not in a formed group, but separated somewhat from one another. They came, but not slowly; at a pace rather rapidly than slowly. They came to Washington street.

Q. From where?—A. They turned on Washington street in the direction of Twelfth street, and immediately I heard a discharge.

Q. About how many shots did you hear there?—A. I can not say with any degree of positiveness. There were a number; twelve, more or less. I did not count them. It was impossible to have the judgment to count them.

Q. Did you know that this group of men that you saw there at the corner of Thirteenth and Washington streets and on Thirteenth street, turned down Washington street, were soldiers?—A. Yes, sir.

Q. What light was there at the corner?—A. Where I saw them?

Q. Yes.—A. The light of Mr. Bolack, and in the very corner of the stable of Luis Champion is a window. This window has slatted shutters, and the man who takes charge there sleeps inside, and he had a lamp, and this lamp also gave light to the center of the street, and these two lamps gave me sufficient light to enable me to see.

Q. How far is the alley from Washington street?—A. I don't know the depth of the lots in Brownsville, whether they are 100 feet or 120 feet. I do not know positively, but it is just the distance of the length or depth of a lot.

Q. When you saw this group of soldiers at the corner of Thirteenth and Washington streets, just tell us what there was that enabled you to tell whether they were soldiers, and whether they were white soldiers or colored soldiers.—A. White soldiers it was impossible for them to be, because there were no white soldiers there.

Q. Did you recognize whether they were colored soldiers or not; and if so, how?—A. Yes, sir; colored soldiers.

Q. How did you recognize them as colored soldiers?—A. Because I saw them with my eyes.

Q. About how many were there there?—A. As I said before, there were ten or twelve, but I can not speak positively, because at that moment I was not counting them.

Q. Go on, now, and state what you saw after that, and heard, if anything.—A. When I left this alley and they turned on Washington street, taking the direction of Twelfth street, where I heard this discharge, then I took the direction of Adams street and went along Adams street in the direction of Twelfth street.

Q. That is, in going to Adams street, then, you went up Thirteenth street from the alley?—A. Yes, sir; along Thirteenth street; not along the center of the street, because there is a vacant lot there, and I, as we say, cut across the lot.

Q. Not along the center of the street, but across the lot to Adams street?—A. Yes, sir.

This witness also testified that a bullet went through the crown of his hat when he was retreating.

The other policeman, Genaro Padron, who had been a member of the police force for four or five years, when the shooting began was on duty on Elizabeth street, his beat extending from Garrison road to the corner of Thirteenth and Washington streets. When he was there the raiders were firing at the lieutenant; he discharged his pistol at them, and the raiders fired at him. He retreated some distance, and upon reaching the corner of Twelfth and Washington streets the raiders again fired repeatedly at him. He recognized the parties doing the shooting as being soldiers. He testified:

Q. When you speak of seeing soldiers, how do you know that they were soldiers?—A. Because they wore the uniform of soldiers—yellow.

Q. Were you near enough to tell whether they were white men or colored men?—A. I could not tell, in view of my surprise, as they were firing at me.

Q. Are you sure that they had the soldiers' uniform and were soldiers?—A. The uniform was the uniform of soldiers. More than that I can not say, whether they were soldiers or not.

Q. Were they armed with guns?—A. They were armed with guns. It was possible to see that.

Q. At what point was it that you say those soldiers come out?—A. They went out of the alley to the corner known as the hotel of Mrs. Leahy.

By Senator FRAZIER:

Q. Is that the corner of Fourteenth street?—A. Yes, sir.
Q. When these men appeared, coming out of the alley between Elizabeth street and Washington street at Fourteenth, did you then recognize them as being soldiers?—A. Yes, sir; because by the light which resulted from their firing I saw all of their uniforms.
Q. In what direction were they firing?—A. Who?
Q. The soldiers?—A. They were not shooting at me.
Q. In what direction, if you know, were they shooting or were they pointing their guns when they fired?—A. They were shooting, but I do not know in what direction they were shooting.
Q. I suppose you were considerably excited, were you?—A. I was astonished, in view of what had passed. (P. 2140.)

* * * * * * *

That is the substance of Policeman Padron's testimony as to the identity of the parties doing the shooting. Of this witness it can be said that he was not a fleet witness; on the contrary, he was careful and conservative in statement.

In addition to the evidence of these eyewitnesses, Doctor Thorn, a practicing dentist in Brownsville for some thirty years—his house and office combined fronting on Elizabeth street between Thirteenth and Fourteenth streets and extending back to Cowan alley—testified that on the night of the shooting he had retired, but had not gone to sleep; that he heard the firing in the direction of the alley, as he believes, at the end of the alley and Garrison road (that would be in rear of B Company barracks); that the shooting was from high-power guns, and when the raiders were in the alley, just outside his kitchen door, he heard the remarks: "There they go," or "There he goes;" he does not remember which, but it was one or the other of these expressions, and he heard the expression "Give 'em hell," another of the raiders adding, "God d—— him;" immediately there were a good many shots fired. In answer to the question—

Did you then, at that time, form an opinion in your own mind as to whether they were white men or colored men?

he replied:

Oh, I was satisfied, perfectly satisfied, that they were negroes from their voices,

and to the further question—

You entertained no doubt of that?

he said:

No doubt whatever.

This witness did not leave his house during the night, on account of his mother, who lived with him, and who, as might be expected, was much excited by the shooting.

Mr. Charles E. Hammond, a former citizen of Illinois, and engaged in land development in Texas—that is, in the buying of lands, putting in pumping plants and canals, developing them for actual settlers—testified that on the night of the shooting he was stopping at the Miller Hotel in Brownsville; but when the shooting commenced he was at the King Building, just across Thirteenth street from the hotel, and as the shooting came up the alley he went to the hotel. After testifying to first hearing the shooting in the direction of Cowen alley and Garrison road and coming on toward the Miller Hotel, on arriving at the Miller Hotel he went into the sample room and stood near a window opening out on Thirteenth street. At that time the shooting seemed to be all around the hotel; that while standing there he heard a horse go by and he heard a negro say:

There goes the —— of a ——; let him have it.

This witness testified positively that the voice he heard was the voice of a negro. He further testified that he had had considerable experience in the handling of firearms, using both black and white powder, and he was confident that the guns used the night of the shooting were what are called high-power guns—that is, such as the Krag or Springfield rifles. Mr. Hammond also testified that he had no prejudice whatever against the negroes, stating that he had a negro in his employ bossing fifty or sixty Mexicans. The horse that Mr. Hammond heard pass the Miller Hotel was evidently that ridden by the lieutenant of police, and it is beyond question that it was regarding the lieutenant that the remarks to which he testified were made.

Mr. Charles B. Chase, a native of Massachusetts, a locomotive engineer for nearly twenty-eight years, on the night of the shooting occupied a room on the third floor of the Miller Hotel. His run on the railroad brought him to Brownsville on Monday, Wednesday, and Friday of each week; and he went to bed on Monday night—the night of the affray—about 9.30 o'clock, and was awakened by volley firing from in the direction of the barracks; that he got out of bed, going to the window, when he saw the lieutenant of police on horseback turn from Washington street into Thirteenth street and that he watched the lieutenant until he had passed under his window; and that just after he (the lieutenant) passed he saw two men come out of the alley back of the Miller Hotel, and when they got on the opposite side of the street they stopped and fired several shots, and as the bullets came whizzing around his window he "ducked his head" to get out of the way; and in a few seconds after there was another volley of shooting on Thirteenth street under his window. After the shooting was over he looked out and saw the horse of the lieutenant lying in the street. On being asked regarding the two men that he saw come out of the alley at the time of the shooting, he testified as follows:

Q. How many of these men was it you saw?—A. I saw two men.
Q. Two men; and they came out of the alley?—A. (Continuing.) Who I took to be soldiers, as they had soldiers' dress on—clothes.
Q. What did you mean by having soldiers' clothes on?—A. Well, they were dressed like soldiers, the same uniforms, leggings, and both dressed alike; wide rim hats.
Q. Did you have any doubt at that time of their being soldiers?—A. Well, I didn't pay much attention to them, but just like I always did, when I met a man on the street, if he had soldiers' clothes on I passed him as a soldier, and if he was dressed as a civilian I knew that he was a citizen, if he had citizens' clothes on; just the same as when I meet anyone down the street, I tell the difference between a woman and the man by the dress.

This witness further testified that the shooting commenced at or near the barracks and continued up Cowen alley past the Miller Hotel; that after the shooting Mr. Hammond, the last witness to whom I have referred, came into his room, and in answer to the question, "Who was doing the shooting?" Mr. Hammond replied, "The negro soldiers."

Mrs. Moore, the wife of the proprietor of the Miller Hotel, testified that on the night of the shooting she occupied the room next to the alley, one window of which opened on the alley and another in the direction of the post. Mrs. Moore is accustomed to the handling of firearms, from accompanying her husband on hunting excursions. She was therefore, as she testified, familiar with the sound of sporting rifles, but that the report of the guns that she heard that night was different from any which she had ever heard. The first shooting Mrs. Moore heard was in the direction of the fort, and it came up Cowen alley past her hotel. As the raiding parties were under her window she heard some one say:

Shoot him, the —— of a ——; there he goes, get him.

This remark was made just as the raiders passed out of the alley and turned into Thirteenth street. At this point, she says, the squad doing the shooting divided into two bodies, a number going down Thirteenth street and a part of them went right straight down the alley. Mrs. Moore was asked:

Q. But did you hear the guns when they were shooting—as though they were loading and unloading the guns?—A. It seemed like they were pulling it back, like a pump gun.
Q. Like a pump gun?—A. Yes, sir; we can pull a pump gun back, and this was the same, only louder.
Q. Like this [working bolt of Springfield rifle]?—A. Yes, sir; that is it. That is the crack.
Q. That is, a noise like pulling the magazine?—A. Yes, sir; that is it exactly. I never saw an army gun and don't know anything about the workings of them at all, but that is the way it sounded.

These answers were given by the witness upon hearing the peculiar sound made, an experiment being given of ejecting the shell of a cartridge from a Springfield rifle, in the committee room.

Anyone familiar with high-power guns and the peculiar noise made in the ejecting of the shells will give especial weight to the testimony of Mrs. Moore.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. WARNER. Certainly.

Mr. McCREARY. The Senator from Missouri has been speaking now about an hour and a half. I notice that his voice is getting hoarse. I ask consent that he may cease now and continue after the routine business to-morrow morning.

The VICE-PRESIDENT. The Senator from Kentucky asks unanimous consent that the Senator from Missouri may be permitted to resume his remarks immediately after the close of the routine morning business to-morrow morning. Is there objection? The Chair hears none.

Mr. WARNER. I thank the Senate and the Senator from Kentucky. I may say it is something unusual for me to be afflicted with such a cold as I have at the present time. It is with the greatest difficulty that I can talk at all.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I ask the Chair to lay before the Senate the unfinished business.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Appropriations with amendments.

Mr. GALLINGER. I ask unanimous consent that the formal reading of the bill may be dispensed with, that it be read for amendments, and that the committee amendments be first con-

sidered, those in the bill and those which may be presented at the time of reading on behalf of the committee.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for the consideration of committee amendments, and that the committee amendments in the bill and those to be offered by the committee in the progress of the reading be first considered. Without objection, it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "General expenses," on page 2, line 5, after the word "dollars," to strike out "additional compensation for two assistants to the Engineer Commissioner, detailed from the Engineer Corps of the United States Army, under act of Congress approved June 11, 1878, two, at $500 each, and said assistants shall also act jointly as superintendent of the municipal building;" in line 11, after the word "secretary," to insert "who shall act as superintendent of the District building;" in line 13, before the word "dollars," to strike out "one hundred and sixty" and insert "five hundred;" and in line 14, after the word "each," to strike out "two clerks, at $1,500 each" and insert "clerk, $1,600; clerk, $1,500," so as to make the clause read:

For executive office: For two Commissioners, at $5,000 each; Engineer Commissioner, $780 (to make salary $5,000); secretary, who shall act as superintendent of the District building, $2,500; two assistant secretaries to Commissioners, at $1,200 each; clerk, $1,600; clerk, $1,500; three clerks, at $1,200 each; clerk, $720; clerk, $600; messenger, $600; two messengers, at $480 each; stenographer and typewriter, $720; two drivers, at $600 each.

The amendment was agreed to.

The next amendment was, on page 3, line 11, before the word "clerk," to insert "deputy property," so as to read:

Property division: Property clerk, $2,500; deputy property clerk, $1,600; deputy property clerk, $1,500.

The amendment was agreed to.

The next amendment was, in the item for property division, on page 4, line 1, after the word "dollars," to insert "each;" and in line 3, after the word "dollars," to strike out "laborer, $600," and insert "two laborers, at $600 each," so as to read:

Two messengers, at $600 each; driver, $480; inspector, $900; inspector, $780; two laborers, at $600 each.

The amendment was agreed to.

The next amendment was, on page 4, line 7, before the word "dollars," to strike out "two thousand seven hundred and fifty" and insert "three thousand;" in line 9, before the word "hundred," to strike out "six" and insert "eight;" and in line 18, before the word "dollars," to strike out "nine hundred" and insert "one thousand," so as to make the clause read:

Building inspection division: Inspector of buildings, $3,000; principal assistant inspector of buildings, $1,800; ten assistant inspectors of buildings, at $1,200 each; one fire-escape inspector, $1,400; temporary employment of additional assistant inspectors for such time as their services may be necessary, $2,400; two civil engineers or computers, at $1,500 each; draftsman, $1,400; clerk, $1,000; clerk, $900; clerk, who shall be a stenographer and typewriter, $1,000; messenger, $480; superintendent of construction, $1,500; assistant inspector, $1,500.

The amendment was agreed to.

The next amendment was, on page 4, line 23, after the word "dollars," to insert "principal inspector of plumbing, $1,400;" in line 24, before the word "assistant," to strike out "seven" and insert "six;" on page 5, line 1, before the word "at," to strike out "six" and insert "five;" in line 4, before the word "hundred," to strike out "two" and insert "eight;" and in line 5, before the word "dollars," to strike out "two hundred" and insert "three hundred and fifty," so as to make the clause read:

Plumbing inspection division: Inspector of plumbing, $2,000; principal inspector of plumbing, $1,400; six assistant inspectors of plumbing, one at $1,200 and five at $1,000 each; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, $1,800; draftsman, $1,350; sewer tapper, $1,000; three members of the plumbing board, at $300 each.

Mr. GALLINGER. Let that be modified by the insertion of the word "assistant" after the word "principal," in line 23, page 4; in line 24, page 4, by striking out "seven" and inserting "five;" on page 5, line 1, by substituting "four" for the word "five," and after the word "each," in that line, by inserting "clerk, $1,200."

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 5, line 8, to increase the total appropriation for general expenses of the Executive office, from $100,764 to $102,504.

Mr. GALLINGER. In line 9, page 5, before the word "hundred" I move to strike out "five" and insert "seven."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 5, line 12, before the word "dollars," to insert "five hundred;" in line 14, after the word "dollars," to insert "three dynamo tenders, at $875 each;" in line 17, before the word "hundred," to strike out "five" and insert "six;" in line 20, after the word "each" to insert "two lavatory attendants (male), at $660 each; two lavatory attendants (female), at $600 each;" in line 23, after the word "cleaners," to strike out "who shall also have charge of the lavatories;" in line 24, before the word "dollars," to strike out "five hundred" and insert "three hundred and fifty;" on page 6, line 3, before the word "watchmen," to strike out "five" and insert "six," and in line 5, before the word "dollars," to strike out "thirty-one thousand two hundred and forty" and insert "thirty-seven thousand four hundred and eighty-five," so as to make the clause read:

For care of District building: Assistant superintendent, who shall be a stenographer, $1,500; chief engineer, $1,400; three assistant engineers, at $1,000 each; electrician, $1,200; three dynamo tenders, at $875 each; three firemen, at $720 each; three coal passers, at $600 each; one electrician's helper, $840; eight elevator conductors, at $600 each; two laborers, at $660 each; two lavatory attendants (male), at $660 each; two lavatory attendants (female), at $600 each; two chief cleaners, at $350 each; thirty-six cleaners, at $240 each; chief watchman, $720; assistant chief watchman, $660; six watchmen, at $600 each; in all, $37,485.

Mr. GALLINGER. I submit the amendment I send to the desk.

The SECRETARY. On page 6, line 1, strike out the words "seven hundred and twenty" and insert in lieu thereof the words "one thousand."

The amendment to the amendment was agreed to.

Mr. GALLINGER. I offer the amendment I send to the desk.

The SECRETARY. On page 6, line 4, amend the total so as to read "$37,765."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 6, line 7, to increase the appropriation for fuel, lights, repairs, and miscellaneous items from $24,000 to $25,000.

The amendment was agreed to.

Mr. GALLINGER. In line 6, on that page after the word "lights," I move to insert "electricity, ice."

The amendment was agreed to.

The next amendment was, on page 7, line 8, to increase the appropriation for temporary clerk hire for preparing numerical book, etc., from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, on page 7, line 22, after the word "dollars," to strike out "assistant cashier, $1,400" and insert "two assistant cashiers, at $1,400 each;" and on page 8, line 6, before the word "hundred," to strike out "twenty-one thousand three" and insert "twenty-two thousand seven," so as to make the clause read:

For collector's office: For collector, $4,000; deputy collector, $1,800; cashier, $1,800; two assistant cashiers, at $1,400 each; bookkeeper, $1,600; two clerks, at $1,400 each; two clerks, at $1,200 each; three coupon clerks, at $900 each; clerk and bank messenger, $1,200; clerk, $1,000; messenger, $600; in all, $22,700.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word "dollars," to strike out "three thousand six hundred" and insert "four thousand;" in line 17, before the word "clerks," to strike out "two" and insert "three;" in line 24, before the word "and," to strike out "thirty-one thousand eight hundred" and insert "thirty-three thousand one hundred," so as to make the clause read:

For auditor's office: For auditor, $4,000; chief clerk, $2,250; bookkeeper, $1,800; two clerks, at $1,600 each; three clerks, at $1,400 each; three clerks, at $1,200 each; three clerks, at $1,000 each; three clerks, at $900 each; clerk, $720; messenger, $600; disbursing officer, $3,000; deputy disbursing officer, $1,500; one clerk, $1,200; one clerk, $900; messenger, $480; in all, $33,150.

The amendment was agreed to.

The next amendment was, on page 9, line 5, before the word "hundred," to strike out "six" and insert "eight;" in line 7, before the word "hundred," to strike out "two" and insert "five;" in line 8, after the word "dollars," to insert "law clerk, $1,200," and in line 11, before the word "and," to strike out "thirteen thousand three hundred" and insert "fifteen thousand," so as to make the clause read:

For office of corporation counsel: For corporation counsel, $4,500; first assistant corporation counsel, $2,500; second assistant corporation counsel, $1,800; third assistant corporation counsel, $1,600; fourth assistant corporation counsel, $1,500; stenographer, $1,200; law clerk, $1,200; clerk, $720; in all, $15,020.

The amendment was agreed to.

The next amendment was, on page 9, line 19, after the word "dollars," to insert "hostler and laborer, $365," and in line 21,

before the word "dollars," to insert "three hundred and sixty-five," so as to make the clause read:

For coroner's office: For coroner, $1,800; morgue master, $720; assistant morgue master and janitor, $480; hostler and laborer, $365; in all, $3,365.

The amendment was agreed to.

The next amendment was, on page 10, line 8, after the word "purposes," to insert "and the Wholesale Market Square," so as to make the clause read:

Wholesale Producers' Market: One market master, $900; one assistant market master, who shall also act as night watchman, $540; one watchman, $480; one laborer for sweeping B street sidewalk used for market purposes and the Wholesale Market Square, $360; sweeping B street used for market purposes, $480; hauling refuse (street sweepings), $600; in all, $3,360.

The amendment was agreed to.

The next amendment was, on page 10, after line 12, to strike out "For sodding and planting with trees the Wholesale Market Square between Tenth and Twelfth streets on B street NW. near Pennsylvania avenue, $500, or so much thereof as may be necessary."

The amendment was agreed to.

The next amendment was, in the provision for engineer's office, record division, on page 11, line 21, before the word "hundred," to strike out "five" and insert "eight;" in line 23, before the word "dollars," to insert "two hundred," and on page 12, line 2, after the word "dollars," to insert "each," so as to read:

Assistant inspector of asphalts and cements, $1,500; superintendent of repairs, $1,500; superintendent of trees and parkings, $1,800; assistant superintendent of trees and parkings, $1,200; assistant engineer, $2,200; assistant engineer, $2,100; four assistant engineers, at $1,800 each; one assistant engineer, $1,600; five assistant engineers, $1,500 each; one assistant engineer, $1,350.

The amendment was agreed to.

The next amendment was, on page 13, line 9, before the word "dollars," to strike out "nine hundred" and insert "one thousand," and in line 10, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred," so as to read:

Chief clerk, $1,900; clerk, $1,800; clerk, $1,600; two clerks, at $1,500 each; permit clerk, $1,500; assistant permit clerk, $1,000; index clerk and typewriter, $900; two clerks, at $1,400 each.

The amendment was agreed to.

The next amendment was, on page 14, line 9, before the word "dollars," to insert "two hundred;" in line 11, before the word "dollars," to strike out "eight hundred and forty" and insert "one thousand," and in line 14, before the word "dollars," to strike out "eighty-eight thousand eight hundred and eighty-two" and insert "ninety thousand and twenty-two," so as to read:

Inspector of gas and meters, $2,000; assistant inspector of gas and meters, $1,200; assistant inspector of gas and meters, $1,000; messenger, $540; in all, $190,022.

The amendment was agreed to.

The next amendment was, on page 14, line 16, before the word "dollars," to strike out "one thousand seven hundred" and insert "two thousand"; and in line 20, before the word "hundred," to strike out "six" and insert "nine," so as to make the clause read:

Special assessment office: For special assessment clerk, $2,000; seven clerks, at $1,200 each; two clerks, at $900 each; and one clerk, $750; in all, $12,950.

The amendment was agreed to.

The next amendment was, on page 14, line 22, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty"; on page 15, line 7, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred," and in line 13, before the word "dollars," to strike out "and twenty" and insert "four hundred and fifty," so as to make the clause read:

Street-sweeping office: For superintendent, $2,750; assistant superintendent and clerk, $1,600; clerk, $1,000; ten inspectors, at $1,200 each; ten inspectors, at $1,100 each; three assistant inspectors, at $900 each; foreman of public dumps, $900; messenger and driver, $600; stable foreman, $1,000; foreman of repairs, $1,000; two clerks, at $1,200 each; stenographer and clerk, $900; blacksmith, $900; mechanic, $780; mechanic's helper, $600; hostler, $550; two hostlers, at $480 each; seven dumpmen, at $480 each; one laborer, $450; in all, $45,450.

Mr. GALLINGER. I offer an amendment to the amendment.

The SECRETARY. On page 14, line 24, after the word "dollars," where it occurs the second time, insert "chief inspector, $1,400;" and on page 14, line 25, strike out the word "ten" and insert in lieu thereof the word "nine."

The amendment to the amendment was agreed to.

Mr. GALLINGER. In line 13, page 15, let the total be changed so as to read "$45,750."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 15, line 19, before the word "dollars," to insert "five hundred," so as to read:

Department of insurance: For superintendent of insurance, $3,500.

The amendment was agreed to.

The next amendment was, on page 15, line 20, after the word "dollars," to insert "auditor and license inspector, $1,200."

Mr. GALLINGER. Let the amendment be disagreed to.

The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

The next amendment was, on page 15, line 24, before the word "hundred," to strike out "one thousand two" and insert "six," so as to read:

Temporary clerk hire, $600.

Mr. GALLINGER. Let the amendment likewise be disagreed to.

The amendment was rejected.

The next amendment was, in line 25, before the word "hundred," to strike out "eight thousand eight" and insert "nine thousand nine," so as to make the clause read:

Department of insurance: * * * ; in all, $9,900.

Mr. GALLINGER. Let the total read "$9,300."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 16, line 22, before the word "dollars," to insert "five hundred," so as to made the clause read:

For services of temporary draftsmen, computers, laborers, and drivers when required, and for an additional field party when required, including the purchase of supplies and care or hire of teams, all expenditures under this sum to be made only on the written authority of the Commissioners of the District of Columbia, $5,500.

The amendment was agreed to.

The next amendment was, on page 16, line 23, to increase the total appropriation for the maintenance of the surveyor's office from $26,934 to $27,434.

The amendment was agreed to.

The next amendment was, on page 17, line 2, after the word "dollars," to insert "chief circulating department, $1,200," so as to read:

Free public library: For librarian, $3,250; assistant librarian, $1,500; chief circulating department, $1,200; children's librarian, $1,000.

The amendment was agreed to.

The next amendment was, in the item for the maintenance of the free public library, on page 17, line 14, to increase the appropriation for the salary of five attendants from $480 each to $540 each.

The amendment was agreed to.

The next amendment was, on page 17, line 16, to increase the appropriation for the salaries of five attendants from $360 each to $480 each.

The amendment was agreed to.

The next amendment was, on page 17, line 18, to increase the appropriation for the salaries of two messengers from $360 each to $480 each.

The amendment was agreed to.

The next amendment was, on page 18, line 2, to increase the total appropriation for the office of the librarian, free public library, from $36,090 to $38,430.

The amendment was agreed to.

The next amendment was, on page 18, line 11, to increase the appropriation for purchase of books for the free public library from $7,500 to $9,000.

The amendment was agreed to.

The next amendment was, on page 18, line 17, to increase the total appropriation for the maintenance of the free public library from $18,500 to $20,000.

The amendment was agreed to.

The next amendment was, on page 19, line 4, before the word "ice," to insert "electricity," so as to read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, etc., * * * horseshoeing, electricity, ice, repairs to pound, and vehicles.

The amendment was agreed to.

The next amendment was, on page 20, line 19, to increase the appropriation for postage for strictly official mail matter from $7,000 to $7,500.

The reading of the bill was continued to the end of line 21 on page 20.

Mr. GALLINGER. I submit the amendment I send to the desk.

The SECRETARY. On page 20, line 21, strike out the words "eight hundred and thirty-three dollars and fifty cents" and insert in lieu thereof "$750."

The amendment was agreed to.

The next amendment was, on page 21, line 13, to increase the appropriation for judicial expenses, including procurement of chains of title, the printing of briefs in the court of appeals of the District of Columbia, etc., from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 21, line 20, to increase the appropriation for livery of horse or horse hire for coroner's office, jurors' fees, witness fees, removal of deceased persons, making autopsies, etc., from $2,750 to $3,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 24, to insert:

For repair of buildings owned and used by the District of Columbia when injured by fire, $10,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to insert:

For fireproof steel file cases for the office of the register of wills of the District of Columbia, $1,500.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment I send to the desk.

The SECRETARY. On page 23, after line 5, it is proposed to insert:

For the office of the register of wills, for furnishing to the office of assessor copies of wills, petitions, and all necessary papers wherein title to real estate is involved, $900.

The amendment was agreed to.

The next amendment was, on page 23, line 9, before the word "wharf," to insert "and equipping," so as to make the clause read:

For constructing and equipping wharf on river front for storage of sand and gravel, $4,000.

The amendment was agreed to.

The reading was continued to the end of line 22 on page 24.

Mr. GALLINGER. On page 24 I move to insert the amendment I send to the desk.

The SECRETARY. On page 24, line 7, strike out the words "one hundred and," so as to read:

The foregoing appropriation shall be available to develop, as a property yard for the use of the District of Columbia, and for other municipal purposes, so much of reservation No. 17 lying south of the toe of slope of standard roadbed between the portal of the Virginia avenue tunnel and the east end of the south abutment of the New Jersey Avenue Bridge.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 25, line 18, before the word "dollars," to strike out "eighty-four thousand six hundred" and insert "ninety thousand," so as to make the clause read:

Work on streets and avenues: For work on streets and avenues named in Appendix Y, Book of Estimates, 1909, $90,000.

The amendment was agreed to.

The next amendment was, on page 25, line 23, to reduce the appropriation for the Georgetown schedule from $6,500 to $3,000.

The amendment was agreed to.

The next amendment was, on page 25, line 25, to reduce the appropriation for the northwest section schedule from $15,500 to $14,000.

The amendment was agreed to.

The next amendment was, on page 26, line 2, to reduce the appropriation for the southwest section schedule from $19,800 to $18,000.

The amendment was agreed to.

The next amendment was, on page 26, line 5, to increase the appropriation for the southeast section schedule from $16,500 to $27,500.

The amendment was agreed to.

The next amendment was, on page 26, line 7, to increase the appropriation for the northeast section schedule from $26,300 to $27,500.

The amendment was agreed to.

The next amendment was, on page 27, after line 17, to insert:

For additional amount for paving South Carolina avenue SE., from Thirteenth street to Fifteenth street, $9,000.

Mr. GALLINGER. Let the words "to be immediately available" be added to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, after line 5, to insert:

Northeast. Rhode Island avenue extended, grade and improve, provided the land necessary to open this avenue to its full width to the District line be first dedicated to the District of Columbia without cost, $10,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 9, to insert:

Northwest. Massachusetts avenue, grade and improve, $10,000; and the appropriation of $25,000 for the condemnation of land necessary for extending Massachusetts avenue from Wisconsin avenue to Nebraska avenue and toward grading and improving said part of Massachusetts avenue, contained in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, approved June 27, 1906, is hereby made available for grading and improving Massachusetts avenue between the limits named during the fiscal year ending June 30, 1909.

Mr. GALLINGER. Let the amendment be disagreed to.

The VICE-PRESIDENT. Without objection, it is disagreed to.

The next amendment was, on page 28, after line 22, to insert:

North. North Capitol street, T to V street, pave 50 feet wide, $9,600.
Northeast. Mills avenue, Franklin street to Rhode Island avenue, grade, $5,500.
Northeast. Seventh street, Girard street to Central avenue, grade and improve, $1,000.
Northwest. Albemarle street east of Connecticut avenue, grade and improve, $10,000.
Southeast. Pennsylvania avenue, grade and improve, $5,000.
Northwest. Upton street east of old Pierce Mill road, grade, $14,000.
Northeast. Franklin street, Twenty-second to Twenty-sixth street, grade and improve, $2,500.
Northeast. M street from Bladensburg road eastwardly to Twenty-eighth street NE., grade and improve, $9,000;
Southeast. Minnesota avenue, from Pennsylvania avenue northward as far as the land may have been dedicated therefor, widening and grading, $3,000;
Northwest. Massachusetts avenue, from S street to T street, for paving, $7,500;
Southeast. Barnaby road, from Livingston road to District line, graveling and drainage culverts, $900;
Northwest. Thirteenth street, Euclid to Harvard street, pave 40 feet wide, $11,700;
Northwest. Webster street, Fourteenth to Sixteenth street, grade and improve, $4,000;

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to insert:

Northwest. V street, from Fifteenth street to New Hampshire avenue, pave 32 feet wide, $2,500;

Mr. GALLINGER. Let the amendment be disagreed to, and in lieu thereof I submit the amendment to come in on page 27.

The amendment was rejected.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 27, after line 17, it is proposed to insert:

V street NW., from Fifteenth street to New Hampshire avenue, pave 32 feet wide, $2,500.

The amendment was agreed to.

Mr. GALLINGER. Recurring to page 30, I offer an amendment to follow line 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 30, line 2, after the amendment already agreed to, insert:

Northeast. Monroe street, Michigan avenue to Tenth street, grade and macadamize, $10,000.
Northwest. Reno road, grade and improve, $3,000.

The amendment was agreed to.

Mr. GALLINGER. On page 30, line 10, after the words "Massachusetts avenue," I move to insert:

Grade and improve, $10,000,

The amendment was agreed to.

The next amendment was, on page 31, line 10, after the word "dollars," to insert the following proviso:

Provided, That section 1 of the act of Congress approved January 9, 1907, entitled "An act authorizing the extension of Second street NW., from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street," be, and the same is hereby, amended by striking out the words "within thirty days after the passage of this act" where they occur in said section.

The amendment was agreed to.

The next amendment was, on page 32, line 19, to increase the total appropriation for construction of county roads and suburban streets from $83,900 to $190,100.

Mr. GALLINGER. I move to amend the amendment by making the total $200,600.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 32, line 25, before the word "thousand," to insert "and fifty;" and in the same line, after the word "dollars," to insert "to be immediately available," so as to read:

Repairs streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material, $350,000, to be immediately available; and this appropriation shall be available for repairing the pavements of the street railways when necessary.

The amendment was agreed to.

The next amendment was, on page 33, line 10, to increase the appropriation for replacing and repairing sidewalks and curbs around public reservations and municipal buildings from $6,000 to $7,500.

The amendment was agreed to.

The next amendment was, on page 33, line 14, before the word "thousand," to insert "and ten;" and in the same line, after the word "dollars," to insert "and $3,000 of this sum shall be immediately available," so as to make the clause read:

Repairs county roads: For current work of repairs of county roads and suburban streets, $110,000, and $3,000 of this sum shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 34, after line 6, to insert:

For employment of special counsel to investigate and determine the ownership of the land and riparian rights along the Anacostia River, with a view to the improvement of the Anacostia Flats, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Sewers," on page 34, line 12, to increase the appropriation for cleaning and repairing sewers and basins from $50,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 34, line 20, to increase the appropriation for suburban sewers, from $75,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 2, to insert:

The Commissioners of the District of Columbia are hereby authorized and directed to acquire, by purchase or condemnation, a right of way for a trunk sewer in the valley lying north of the proposed line of T street and south of the Naval Observatory grounds, from Wisconsin avenue to Rock Creek, the cost of said right of way and of the sewer to be laid therein to be charged to the appropriation for suburban sewers for the fiscal year 1908.

Mr. GALLINGER. Let that amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 35, after line 18, to insert:

For beginning work on dikes for sewage disposal project, estimated cost, $86,250, $40,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 21, to insert:

For constructing sewer along Rock Creek, between Piney Branch and Broad Branch, $75,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 24, to insert:

For Fourth street southeast, relief sewer from Pennsylvania avenue and Fourth street to Virginia avenue and Second street SE., $31,875.

The amendment was agreed to.

The next amendment was, under the head of "Streets," in the item for sprinkling, sweeping, and cleaning streets, on page 36, line 24, before the word "thousand" to strike out "forty" and insert "sixty-seven," so as to make the proviso read:

Provided, That whenever it shall appear to the Commissioners that said latter work can not be done under their immediate direction at 19 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 20 cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications, $267,000; and the Commissioners shall so apportion this appropriation as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, at the top of page 37, to insert:

For laying concrete floor in the stable occupied by the street-cleaning department and for other repairs which may be required by the regulations, $4,350.

The amendment was agreed to.

The next amendment was, on page 37, line 20, to increase the appropriation for the Parking Commission from $30,000 to $35,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

For general construction, grading, and concreting bottom of swimming pools, $10,000.

Mr. GALLINGER. I move to amend the amendment by adding, after "dollars," the words "to be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 38, line 7, after the word "playgrounds," to strike out "For completing equipment of outdoor playgrounds, $1,500," and insert "For maintenance, equipment, and supervision of outdoor municipal playgrounds, $10,000," so as to make the clause read:

Playgrounds: For maintenance, equipment, and supervision of outdoor municipal playgrounds, $10,000.

Mr. GALLINGER. I move to amend the amendment by inserting the words "to be immediately available" after the word "dollars," in line 10.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 38, after line 10, to insert:

For grading, planting of hedges, trees, and other improvements at Rosedale site, $5,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 12, to insert:

Deep wells: For drilling deep wells and maintenance of the same, $5,000.

The amendment was agreed to.

The next amendment was, on page 38, line 17, to increase the appropriation for maintenance of public-convenience stations from $6,200 to $6,500.

The amendment was agreed to.

The next amendment was, on page 39, line 14, before the word "hundred," to strike out "two" and insert "five," so as to make the clause read:

Condemnation of insanitary buildings: For all expenses necessary and incident to the enforcement of the provisions of an act entitled "An act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes," approved May 1, 1906, including personal services, when authorized by the Commissioners of the District of Columbia; not to exceed $1,500, $6,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 15, to insert:

Harbor and river front: For reconstructing wharf and sea wall adjacent to the morgue as a foundation to stable, $500.

The amendment was agreed to.

The next amendment was, under the head of "Electrical department," on page 40, line 5, after the word "each," to strike out "two electrical inspectors, at $1,800 each," and insert "electrical engineer, $2,000; electrical engineer, $1,800;" in line 11, before the word "dollars," to insert "two hundred;" and in line 23, before the word "hundred," to strike out "forty-two thousand nine" and insert "forty-three thousand three," so as to make the clause read:

ELECTRICAL DEPARTMENT.

For electrical engineer, $2,500; superintendent, $1,600; three electrical inspectors, at $1,200 each; inspector of lamps, $1,000; electrician, $1,200; draftsman, $1,000; three telegraph operators, at $1,000 each; three inspectors, at $900 each; expert repair man, $960; four repair men, at $900 each; three telephone operators, at $600 each; two laborers, at $400 each; electrical engineer, $2,000; electrical engineer, $1,800; electrical inspector, $1,350; cable splicer, $1,200; clerk, $1,200; two clerks, at $1,125 each; clerk, $1,050; clerk, $750; assistant cable splicer, $620; assistant repair man, $620; two assistant repair men, at $540 each; two laborers, at $540 each; laborer, $460; four telephone operators, at $540 each; telephone operator, $450; storekeeper, $875; and one laborer, $630; in all, $43,335.

Mr. GALLINGER. I send up the following amendments to that paragraph:

The SECRETARY. On page 40, line 6, before the word "electrical," insert the word "assistant;" on the same page, line 7, after the word "dollars," insert the word "assistant;" on the same page, in line 10, after the word "dollars," insert "clerk, $1,400;" and in lines 22 and 23 amend the total so as to read "$44,735."

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 42, line 3, before the word "dollars," to strike out "fifty-two thousand seven hundred and twelve" and insert "sixty-five thousand two hundred and twenty-five," so as to read:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, livery, and other necessary items, $265,225.

The amendment was agreed to.

The next amendment was, on page 43, line 19, before the word "dollars," to strike out "fifteen thousand" and insert "twenty-three thousand two hundred and fifty-five," so as to read:

For electric arc lighting and for extensions of such service, not exceeding $123,255.

The amendment was agreed to.

The next amendment was, under the head of "Rock Creek Park," on page 46, line 1, before the word "thousand," to strike out "fifteen" and insert "twenty," and in the same line, after the word "dollars," to insert "of which sum $2,000 shall be immediately available," so as to make the clause read:

For care and improvement of Rock Creek Park, exclusive of building for superintendent's residence, to be expended under the direction of the board of control of said park, $20,000, of which sum $2,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Public schools," on page 47, after line 11, to strike out "For teachers in class 6, 207 in all, at a minimum salary of $1,000 per annum each," and insert:

For heads of departments in high and manual training schools in Group B of class 6, twelve in all, at a minimum salary of $1,000 each.

For teachers of the normal, high, and manual training schools promoted for superior work, Group B of class 6, fourteen in all, at a minimum salary of $1,900 each.

For teachers in Group A of class 6, 181 in all, at a minimum salary of $1,000 each.

Mr. BURKETT. Before the amendment is agreed to, I wish to offer an amendment to perfect it.

The VICE-PRESIDENT. It is a committee amendment?

Mr. BURKETT. It amends the committee amendment.

The VICE-PRESIDENT. The Senator from Nebraska proposes an amendment to the amendment of the committee, which will be stated.

The SECRETARY. At the end of line 20, page 47, add the following proviso:

Provided, That hereafter teachers shall not be promoted from Group A to Group B of class 6 until the maximum in Class A shall have been reached by such teacher.

The VICE-PRESIDENT. The amendment to the amendment will be agreed to if there be no objection.

Mr. GALLINGER. Mr. President, it is not agreed to. I think it would be a very unfortunate amendment if agreed to. The Senator from Nebraska devoted a great deal of time to the preparation of a school law which is now on the statute books, and which is working very satisfactorily in the main. One of the schemes of that measure was to promote, for superior qualifications, teachers from one class to another, and, as I understand the matter, it has worked very satisfactorily. I have not the schedule of the school law before me. Perhaps the Senator has it. If so, I would thank him to furnish it to me.

Mr. BURKETT. I will send it to the Senator.

Mr. GALLINGER. In Group A the teachers enter at $1,000 and they are automatically promoted to $1,800. In Group B they commence at $1,900 and they are automatically promoted to $2,200.

The school authorities, acting under the provisions of this law, have encouraged teachers in Group A to qualify themselves for promotion into Group B, and the result has been that seven such teachers have been promoted during the last year. This bill makes provision for seven more teachers to be promoted for superior qualifications during the current year.

Mr. President, I understand that fault has been found with the promotion of one teacher from Group A to Group B, and very likely a mistake was made. The way this works is that a teacher receiving $1,500 may so qualify himself or herself by superior scholarship to be promoted into this class commencing at $1,900. I have in mind at the present time the fact that there are some teachers who have been giving their entire summer vacation during the past two years to attending college for the purpose of qualifying themselves for this promotion. Other cities are looking to Washington and taking our best teachers to places where they are given higher salaries and where this same system is operative.

Now, the Senator proposes that if a teacher receiving fifteen or sixteen or seventeen hundred dollars qualifies himself or herself, passing a very rigid examination, which Senators will find incorporated in the hearings before the Senate committee, that teacher, however well he or she may be qualified for promotion, shall not be promoted until the maximum of $1,800 is reached. I think that would work a great injustice to some of the best teachers we have in the city of Washington. Women who give up their vacations in summer time, who go to Harvard, who go to Columbia, as I have some in mind, and prepare themselves may be receiving but $1,600, but they come back and submit themselves to an examination, which is a very severe examination, and it is found that they possess every qualification for promotion into Group B. It will not work, it can not possibly work, very much harm, because in the bill as it is framed now only seven teachers can be promoted out of Group A into Group B during the next year.

I trust the Senator will not insist upon the amendment to the amendment. If there was danger, as was suggested in another place, that 200 teachers might be promoted in this way, there would be a valid reason for it, but as the bill is guarded, I feel sure that no possible harm can come to the schools if it is left as it is, and I conceive that harm would come to a few teachers of the very highest qualifications if the Senator's amendment should be adopted.

Mr. BURKETT. Mr. President, I dislike, of course, to disagree with the chairman of the Committee on the District of Columbia very much; yet as one who was chairman of the subcommittee that drafted the bill I am very anxious that the law shall operate just as it was written and as it was intended to operate. I ask the Senators present to consider just what this provision is, and then if they want the bill to operate as the Senator from New Hampshire has indicated, I am perfectly willing that it shall do so.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I meant—while I am on my feet—to suggest to the Senator that his amendment affects existing law and is clearly subject to a point of order; but I will reserve it, hoping that the Senator will withdraw his amendment.

Mr. BURKETT. I will say to the Senator that I think it does not change existing law. That is what I am combating for; that it just interprets the existing law as it is, and also, further, that it only makes provision as to salary and makes no change in the provision of law.

When we drew the school bill we made an automatic schedule of salaries. We provided six different classes. We put every grade of teacher in a certain class and made it automatic, so that each year he would go up according to the promotions in that class. We made two groups of class 6—Group A and Group B. Group A begins with a thousand dollars and runs to the maximum of $1,800, with a hundred dollars a year promotion. Group B begins with $1,900 and runs to $2,200, with a hundred dollars a year promotion.

The law provided that the high school teachers should be placed in Group A—that is, that the maximum salary should be a thousand dollars, increasing the next year to $1,100, and the next year to $1,200, and on up to $1,800.

The law provided that the heads of departments should be placed in Group B of that class, beginning with $1,900 and going to a maximum of $2,200.

Now, after that had gone so far this statement was made to the committee, that there were teachers who were exceptionally bright and who would come up to the maximum of $1,800 and could not be retained, and if we stopped with the maximum on specially good teachers we would lose those teachers. So the committee put in this provision: We provided that when teachers get to $1,800 they could be promoted over to Group B, and thus have a maximum of $2,200 instead of $1,800. We put in this provision after we had provided what the salaries should be:

Teachers shall be promoted for superior work from Group A to Group B of class 6 only after oral and written examinations by the board of examiners upon recommendation as follows.

I will say that in making up the bill the committee had in mind that teachers would not be promoted from Group A to Group B until after they had reached the maximum of $1,800 in Group A, and that then they would be permitted to jump into Group B, provided they were specially desirable teachers and could pass the examination.

To show that the committee was careful that they did not want any big jumps in salaries all the way along through the bill the committee put in a provision like this:

That teachers of the normal, high, and manual training schools now receiving less than $800, who have not taught five years or more in graded or high schools, shall receive an annual increase not to exceed $150 until the minimum salary of class 6 is reached.

Over in another place we provide that in no case should a teacher be promoted more than one grade at any time. We thought we had it absolutely provided that there would not be any abnormal increase of salaries by reason of the bill.

Now, this is what occurred the first year the bill went into operation. In construing it the board decided that a teacher in the high school who could pass an examination as prescribed could immediately pass from Group A to Group B. This was the result: One teacher who drew a salary of $1,100, I believe, passed that examination and was at once jumped to $1,900 a year. I think it was from $1,000 to $1,900, an increase of $900 the very first year. She was a good teacher, I will say, one of the very best teachers in the District of Columbia, but one who had been teaching for $1,000 and less theretofore was immediately increased to $1,900 a year.

That so outraged those in the House who had been looking after this legislation that when the bill came up in the House they put in this provision. They intended to cut off that entire provision of the law and prevent teachers from being promoted from Group A to Group B. They put in the following—

No part of any money appropriated by this act shall be paid to teachers in Group B, in class 6, who are not heads of departments in high and manual training schools.

Hereafter no promotions or transfers shall be made from Group A to Group B, in class 6, except the teachers to be the heads of departments in high and manual training schools.

Thus eliminating altogether the possibility of a high school teacher being promoted to Group B.

Now, the committee of the Senate have struck out that measure, and they have provided that teachers can be promoted, but not to exceed seven in number in one year. It seems to me that a better way would be, I will submit to the chairman of this committee, to put in this provision, which will keep the law, as I certainly thought and intended it should be when it was reported in here and passed, that Group B should be distinctly for directors and for such teachers of the high school as had reached the maximum under Class A and were qualified by an

examination. It leaves, in short, I will say to the chairman of the committee, the law exactly as the committee intended it in framing the bill.

Mr. GALLINGER. The trouble with the Senator's contention, as I see it, is that the teachers in Group B are automatically promoted. It is longevity. A teacher may have reached the $1,800 class through longevity, and yet be a very ordinary teacher. There may be a teacher in that same class at $1,600 who, instead of going to Europe or taking a vacation in the country during the summer months has gone to college and qualified himself or herself so that he or she is a much superior teacher than the teacher drawing $1,800. Now, that teacher submits himself to an examination which is very thorough indeed, passes that examination, and demonstrates that he has superior scholarship, and he gets a promotion over the head of a teacher who does not possess the qualifications that the teacher who had been drawing a somewhat smaller salary possesses.

I think it is a most excellent provision as it stands in the law. I know there are teachers drawing smaller salaries than some others who, because of the fact that they have given their summer vacation to study in the colleges of the country, ought to be drawing superior salaries themselves. The board of education will exercise great discretion in this matter. There may have been one teacher promoted under a mistake; I do not know how that is; but of the seven teachers promoted, certainly six of them have deserved the promotion they have received.

Mr. President, I hope the Senator will withdraw his amendment. If not, as it changes the existing law, I am constrained to make the point of order against it.

Mr. BURKETT. Mr. President, I wish to call the attention of the Senator to this, that in making this schedule $1,800 is an unusually high maximum. Most of these teachers were increased in salary by the minimum of $1,000, and we put a minimum of $1,000 and a maximum of $1,800. We put that so high that it only could be reached after they had stayed in school and taken their promotion for a number of years, so as to make it an automatic promotion of $100 a year, until they reached $1,800, expecting that to be a very high salary for those who had served the District at least eight years.

To construe the law as the board of education have construed it, they have taken a teacher who has just come into the system, and they can do so next year. I am not disparaging any of the seven teachers who passed. I know most of them personally; we had them before the committee, and they are certainly very bright and deserving teachers; but with all that they are such teachers as it was contemplated should go along until they had reached the maximum $1,800 and then should be promoted to $1,900.

The Senator will observe that in drafting this amendment I have not sought to set the teachers back who have had this examination and passed into Group B. They are worthy teachers. It was only a misinterpretation and a wrong construction of the law, in my judgment. They took the examination as the law was interpreted, and they are there, and I have not sought to put them back into Group A; but hereafter I think we ought to adhere to the correct interpretation of the law, so that teachers can not go into Group B, with a maximum of $2,200 and a minimum of $1,900, until after they have been in the system long enough to have been promoted up to the maximum of the grade where they have gone in. For example, a student may come here from Yale or any other college. He starts in the high school at $1,000, which is a high salary to start a teacher at in a high school. He passes that examination, and at once jumps the next year to $1,900. That was not the intention of the law.

It was the intention of the law that if that teacher stayed here during the eight years and was deserving and became entitled to some recognition, then by this examination he is required to pass he should pass to the next grade in the group of $2,200 maximum. I always certainly like to yield to the judgment of the chairman of the Committee on the District of Columbia, and I do not expect the Senator to yield his judgment to mine.

But I can not give up my opinion in this matter because I know for what purpose that clause was put in, and I know that the interpretation they have given it was one that the committee never had any idea would be given it at that time. I know nothing of any teachers who are now preparing to pass this examination. I am not combating any teachers who want to have this promotion; I do not know who they are and it would not make any difference if I did, because I am certain that it never was intended, and I do not think it is proper that we should permit the law to be so construed as to increase a teacher's salary in one year five or six or seven or nine hundred dollars, as it is possible to do under the construction it is proposed to give to this law. So I want to put this restriction on the construction of the law. I think it ought to be there.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment proposes general legislation and is obnoxious to the rule. The Chair therefore sustains the point of order.

Mr. BURKETT. Then the Chair has decided that my interpretation of what the law meant is not a correct interpretation, because, I will say to the Chair, that, if this is a correct interpretation of that law, the amendment would certainly be germane, for it would not change the law. I wrote the law, and I know what at that time I intended it should be.

Mr. GALLINGER. Mr. President, the amendment manifestly changes the law. Under existing law, these promotions can be made, and the Senator from Nebraska proposes to change the school law so that the promotions can not be made. I think there can be no question that the amendment proposes to change existing law. I will say to the Senator, as he took so much interest in the school law, that, if there are any imperfections in it, he ought to bring in an independent bill here to amend it, and not undertake to amend it on an appropriation bill.

Mr. BURKETT. I will say to the Senator that the law provides how promotions shall be made—a step at a time—and that teachers shall go up to $1,800 step by step. That is the law. It provides that they may step from Class A to Class B in a certain way. It has been interpreted in another way; and teachers are now jumping from the bottom of Class A into Class B, instead of stepping from the top of Class A into Class B.

Mr. GALLINGER. The Senator inserted in his bill—and I think he wisely did it—a provision that teachers shall be promoted for superiority direct from Group A to Group B, class 6, not after they have reached the maximum, but only after oral and written examinations by the board of examiners. Mr. President, that is exactly what is being done; and the Senator from Nebraska proposes to change the law in that particular.

Mr. BURKETT. Yes; but the Senator will notice that on page 3 of the school law it is provided:

> That teachers of the normal, high, and manual training schools now receiving less than $800, who have not taught five years or more in graded or high schools, shall receive an annual increase not to exceed $150 until the minimum salary of class 6 is reached, when they shall thereafter receive the increase provided in said class.

That is all they can get. They can not get any increase in that class of more than $150. We put in that provision in reference to promotions from Class A to Class B, and I insist that in ruling this matter out of order the Chair has ruled that my interpretation of the law is not correct.

Mr. GALLINGER. Mr. President, knowing how much interest the Senator from Nebraska has taken in the school law, I am willing to have his amendment submitted to the Senate.

The VICE-PRESIDENT. The Senator from New Hampshire withdraws his point of order. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. BURKETT] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question now is on agreeing to the amendment of the committee.

Mr. BURKETT. Now, Mr. President, on page 47, in the same amendment, I move to strike out the first three words in line 19, those words being "fourteen in all."

I want to say, Mr. President, in support of that amendment, that while I think the other construction is proper and while I think we ought to adhere to it, nevertheless, if we are going to permit them to take this examination and qualify, let us not limit the number to seven, as this bill does. Let us throw it open to them all now, and give them all an equal chance. Let any teacher who wishes to do so take this examination. If you limit it to seven out of 200 or 300 of these teachers, somebody is going to have to pick out the particular seven. I do not think that anybody, as I say, ought to be promoted from $1,000 to $1,900 in one year.

I had in mind a teacher who came here from Chicago to accept a salary of less than a thousand dollars a year. When we put this law into effect we paid her a thousand dollars the first year, and the next year she jumped to nineteen hundred dollars, because she could take the examination. She is one of the most desirable teachers in the District, I will say, but she ought not to have that much promotion. She came here to teach for $1,000 a year. I say, if we are going to give them that promotion when they take this examination, let us throw it open and give an equal chance to every teacher. This bill proposes to limit it to just seven, and somebody has got to select those seven. I submit that if we are going to do that,

if we are going to permit them to have these promotions, let us be fair to everybody and give them all an opportunity to take these examinations.

Mr. GALLINGER. If the Senator's amendment should be adopted, it would cut off the seven that have already been promoted for superior scholarship, as well as prevent any further promotions of that kind. I hope the amendment will not be agreed to.

Mr. BURKETT. I submit it would not do that.

Mr. GALLINGER. There is no question but that it will have that effect.

Mr. BURKETT. This is limited. There are seven, as the Senator says, who have passed and have already drawn their salaries. We provided for them last year. The fourteen are subject to that limitation, so that no more than seven are to take the examination. Now, if we cut out "fourteen" and take the limit off, anybody can get the $1,900 who passes the examination. I submit to the Senate that we ought not to say that there can not but seven of those 200 teachers take the examination. One or the other of these positions is wrong. We either ought to say that the first one of those positions is wrong, or we ought to say that anybody who can pass the examination should have this privilege.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 47, line 26, before the word "each," to strike out "per annum," so as to make the clause read:

For teachers in class 5, 143 in all, at a minimum salary of $950 each.

The amendment was agreed to.

The next amendment was, on page 48, line 2, before the word "each," to strike out "per annum," so as to make the clause read:

For teachers in class 4, 411 in all, at a minimum salary of $800 each.

The amendment was agreed to.

The next amendment was, on page 48, line 5, before the word "each," to strike out "per annum," so as to make the clause read:

For teachers in class 3, 463 in all, at a minimum salary of $650 each.

The amendment was agreed to.

The next amendment was, on page 48, line 7, before the word "each," to strike out "per annum," so as to make the clause read:

For teachers in class 2, 336 in all, at a minimum salary of $600 each.

The amendment was agreed to.

The next amendment was, on page 48, line 9, before the word "each," to strike out "per annum," so as to make the clause read:

For teachers in class 1, 58 in all, at a minimum salary of $500 each.

The amendment was agreed to.

The next amendment was, on page 48, line 18, after the word "dollars," to strike out "per annum," so as to make the clause read:

One at a salary of $975.

The amendment was agreed to.

The next amendment was, on page 48, line 21, before the word "each," to strike out "per annum," so as to make the clause read:

Three at a salary of $950 each.

The amendment was agreed to.

The next amendment was, on page 48, line 22, after the word "dollars," to strike out "per annum," so as to make the clause read:

One at a salary of $900.

The amendment was agreed to.

The next amendment was, on page 48, line 23, to increase the total appropriation for the salaries of teachers of the public schools, from $1,245,925 to $1,269,325.

The amendment was agreed to.

The next amendment was, on page 49, line 4, after the word "dollars," to strike out "per annum," so as to make the clause read:

For librarian in class 4, one at a minimum salary of $800.

The amendment was agreed to.

The next amendment was, on page 49, line 7, before the word "each," to strike out "per annum," so as to make the clause read:

For librarians and clerks in class 3, eight in all, at a minimum salary of $650 each.

The amendment was agreed to.

The next amendment was, on page 49, line 9, before the word "each," to strike out "per annum," so as to make the clause read:

For clerks in class 2, four in all, at a minimum salary of $600 each.

The amendment was agreed to.

The next amendment was, on page 49, line 11, before the word "each," to strike out "per annum," so as to make the clause read:

For librarians and clerks in class 1, five in all, at a minimum salary of $500 each.

The amendment was agreed to.

The next amendment was, on page 49, line 17, after the word "schools," to insert "heads of departments;" and on page 50, line 2, before the word "thousand," to strike out "sixty-five" and insert "forty-two," so as to make the clause read:

For longevity pay: Longevity pay for director of intermediate instruction, supervising principals, supervisor of manual training, principals of the normal, high, and manual training schools, heads of departments, director and assistant director of primary instruction, directors and assistant directors of drawing, physical culture, music, domestic science, domestic art, and kindergarten teachers, clerks, librarians and clerks, and librarians to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, $142,000.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, in line 20, I move to amend by striking out the word "kindergarten" and inserting "kindergartens" with a comma after it. It is a very important amendment, although it may not appear so.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 49, line 20, before the word "teachers," it is proposed to strike out the word "kindergarten" and insert "kindergartens" and a comma.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, line 10, to increase the appropriation for allowance to principals of the public schools, from $31,680 to $32,680.

The amendment was agreed to.

The next amendment was, on page 51, after line 5, to strike out:

No part of any money appropriated by this act shall be paid to teachers in Group B of class 6 who are not heads of departments in high and manual training schools. Hereafter no promotions or transfers shall be made from Group A to Group B in class 6 except of teachers to be heads of departments in high and manual training schools.

The amendment was agreed to.

The next amendment was, on page 51, line 14, before the word "teachers," to insert "all;" and in line 22, before the word "teachers," to insert "all," so as to read:

Hereafter the following rules for division of time and computation of pay for services rendered are hereby established: Compensations of all teachers, and librarians and clerks in the high and manual training schools, shall be divided into ten equal installments, one of which shall be paid for each school month, and in making payments for a fractional part of a month one-thirtieth of one of such installments shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with the compensation of all teachers, and librarians and clerks in the high and manual training schools.

The amendment was agreed to.

The next amendment was, on page 52, line 14, after the word "schools," to strike out "For night schools for pupils (and teachers and janitors of night schools may also be teachers and janitors of day schools), $10,000; for industrial and commercial instruction in night schools, including salaries of teachers, janitors, and equipment, and other necessary expenses, $5,000; for contingent and other necessary expenses of night schools, $800" and insert "For salaries of teachers and janitors of night schools, including teachers of industrial, commercial, and trade instruction, and teachers and janitors of night schools may also be teachers and janitors of day schools, $18,000; for contingent and other necessary expenses of night schools, including equipment and the purchase of all necessary articles and supplies for classes in industrial, commercial, and trade instruction, $3,500."

The amendment was agreed to.

The next amendment was, on page 53, line 9, to increase the appropriation for kindergarten supplies from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, on page 53, line 26, before the word "hundred," to strike out "two" and insert "six," so as to make the clause read:

Of the McKinley Manual Training School, $1,600.

The amendment was agreed to.

The next amendment was, on page 54, line 3, to increase the appropriation for the salary of one engineer and instructor in steam engineering at the McKinley Manual Training School from $1,200 to $1,500.

The amendment was agreed to.

The next amendment was, on page 54, after line 13, to strike out "of the Wallach School, $1,000" and insert "Of the Wallach and Emery school buildings, one sixteen-room building to take the place of the Mott, and one sixteen-room building in the 'first division,' four in all, at $1,000 each."

The amendment was agreed to.

The next amendment was, on page 54, line 19, after the word "school," to insert "and annex," so as to make the clause read:

Of the Van Buren School and annex, $1,000.

The amendment was agreed to.

The next amendment was, on page 54, line 22, before the name "Force," to strike out "Emery;" and in line 24, before the word "in," to strike out "fifteen" and insert "fourteen," so as to make the clause read:

Of the Birney and annex, Brookland, Curtis, Dennison, Force, Gales, Garnet, Grant, Henry, Johnson and annex, Peabody, Seaton, Sumner, and Webster school buildings, fourteen in all, at $900 each.

The amendment was agreed to.

The next amendment was, at the top of page 55, to strike out:

Of the sixteen-room building to take the place of the Mott, and sixteen-room building in the "first division," two in all, at $900 each.

The amendment was agreed to.

The next amendment was, on page 55, line 4, after the name "Lincoln," to insert "Mott, Gage, New Langdon;" and in line 5, before the word "in," to strike out "two" and insert "five," so as to make the clause read:

Of the Lincoln, Mott, Gage, New Langdon, and Miner buildings, five in all, at $800 each.

The amendment was agreed to.

The next amendment was, on page 55, line 8, after the word "the," to strike out "Abbott, Berrett" and insert "Abbot, Berret,' so as to make the clause read:

Of the Abbot, Berret, Sayles J. Bowen, Brightwood, John F. Cook, Cranch, Randall, Syphax, and Tenley buildings, nine in all, at $700 each.

The amendment was agreed to.

The next amendment was, on page 55, line 13, before the word "Cardozo," to strike out "Carberry" and insert "Carbery;" in line 15, before the word "Garrison," to strike out "Gage;" in line 19, before the word "Phelps," to insert "Petworth;" in line 22, before the word "Wilson," to strike out "Wheatly" and insert "Wheatley;" and in the same line, before the word "buildings," to strike out "Wormly" and insert "Wormley," so as to make the clause read:

Of the Adams, Addison, Ambush, Amidon, Anthony, Bowen, Arthur, Banneker, Bell, Blair, Blake, Blow, Bradley, Brent, Briggs, Bruce, Buchanan, Carbery, Cardozo, Congress Heights, Corcoran, Dent, Douglass, Edmunds, Fillmore, Garrison, Giddings, Eckington, Greenleaf, Harrison, Hayes, Hilton, Hubbard, Hyde, Jackson, Jones, Ketcham, Langston, Lenox, Logan, Lovejoy, Ludlow, Madison, Magruder, Maury, Monroe, Montgomery, Morgan, Morse, Patterson, Payne, Petworth, Phelps, Phillips, Pierce, Polk, Ross, Abby S. Simmons, Slater, Smallwood, Takoma, Taylor, Toner, Towers, Twining, Tyler, Webb, Weightman, Wheatley, Wilson, and Wormley buildings, and one eight-room building in present eighth division, seventy-one in all, at $600 each.

The amendment was agreed to.

The next amendment was, on page 55, line 25, before the word "Garfield," to insert "B. B. French;" and on page 56, line 1, before the word "in," to strike out "three" and insert "four," so as to make the clause read:

Of the B. B. French, Garfield, Thomson, and Woodburn buildings, four in all, at $420 each;

The amendment was agreed to.

The next amendment was, on page 56, line 5, after the word "Langdon," to strike out "B. B. French;" in line 6, before the word "Potomac," to strike out "Petworth," and in line 7, before the word "in," to strike out "eighteen" and insert "sixteen," so as to make the clause read:

Of the Benning (white), Benning (colored), Brightwood Park, Chevy Chase, Deanwood, Hamilton, High Street, Kenilworth, Langdon, McCormick, Orr, Potomac, Reno, Reservoir, Stanton, and Threlkeld buildings, sixteen in all, at $300 each;

The amendment was agreed to.

Mr. GALLINGER. Mr. President, we have a very technical auditor, and he makes rulings sometimes in very inconsequential things that affect the school work. On page 56, line 13, after the word "schools," I move to strike out the comma. I do not see any sense in it myself, but it is insisted that it is important.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 56, line 14, before the word "dollars," to strike out "forty-eight" and insert "seventy-two," and in line 15, before the word "thousand," to strike out "six" and insert "eight," so as to make the clause read:

For care of smaller buildings and rented rooms, including cooking and manual training schools wherever located, at a rate not to exceed $72 per annum for the care of each schoolroom, $8,000;

The amendment was agreed to.

The next amendment was, on page 56, line 18, to increase the total appropriation for janitors and care of buildings and grounds from $100,600 to $105,820.

The amendment was agreed to.

The next amendment was, on page 57, line 6, to increase the appropriation for rent of school buildings, repair shop, storage and stock rooms, from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 57, line 18, to increase the appropriation for repairs and improvements to school buildings and grounds and for repairing and renewing heating and ventilating apparatus, from $70,000 to $90,000.

The amendment was agreed to.

The next amendment was, on page 57, line 20, to increase the appropriation for necessary repairs to and changes in plumbing in existing school buildings, from $50,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 58, line 4, to increase the appropriation for the purchase and repair of tools, machinery, material, and books and apparatus to be used in connection with instruction in manual training, etc., from $20,000 to $22,500.

The amendment was agreed to.

The next amendment was, on page 58, line 7, before the word "thousand," to strike out "eighty-five" and insert "one hundred;" and in the same line, after the word "dollars," to strike out:

Provided, That no part of this sum so appropriated shall be expended for gas at a greater price than 75 cents per 1,000 cubic feet.

So as to make the clause read:

For fuel, gas, and electric light and power, $100,000.

The amendment was agreed to.

The next amendment was, on page 59, line 11, to increase the appropriation for contingent expenses, including furniture and repairs of same, stationery, printing, ice, purchase and repair of equipments for high school cadets, etc., from $40,000 to $45,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 4, to insert:

For salaries of teachers and janitors, and for equipment and maintenance of school playgrounds, $3,000.

The amendment was agreed to.

The next amendment was, on page 60, line 8, before the word "material," to strike out "Utensils," and insert "For utensils," and in line 10, before the word "dollars," to insert "five hundred," so as to make the clause read:

For utensils, material, and labor, for establishment and maintenance of school gardens, $1,500.

The amendment was agreed to.

The next amendment was, on page 60, after line 16, to insert:

For purchase of apparatus for the physics department and the installation of electrical equipment in the physical laboratory in those high schools which do not possess the same, namely, the Central, Eastern, Western, and M street high schools, including conduits, switchboards with usual fittings, wires and wiring, terminal boxes, motor generators or dynamotors, transformers, resistance boxes, electrical measuring instruments, and other accessories and extra labor and other necessary items, $6,000.

For purchase of fixtures, apparatus, specimens, and materials for the laboratories of the department of biology and chemistry, and the installation of the same, including extra labor, $6,000.

Any unexpended balances in the "Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal years ending June 30, 1907 and 1908, and for other purposes, to rent, equip, and care for temporary rooms for classes above the second grade, now on half time, and to provide for the estimated increased enrollment that may be caused by the operation of the compulsory education law," is hereby reappropriated and made immediately available for the purchase, erection, and maintenance of portable schoolhouses for temporary use.

The amendment was agreed to.

The next amendment was, on page 61, line 18, to increase the appropriation for complete equipment of the extension of the McKinley Manual Training School, from $60,000 to $70,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 18, to insert:

For completion of McKinley Manual Training School building as originally planned, to be immediately available, $125,000.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendments which I send to the desk.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. On page 62, line 1, after the word "site," it is proposed to insert a comma.

The amendment was agreed to.

The Secretary stated the next amendment submitted by Mr. GALLINGER, which was, on page 62, line 14, after the word "ground," to insert a comma.

The amendment was agreed to.

The Secretary stated the next amendment submitted by Mr. GALLINGER, which was, on page 62, line 23, after the word "ground," to insert a comma.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 62, line 10, after the words "Johnson School," to insert "or in the immediate vicinity thereof;" in line 12, after the word "addition," to insert "or annex;" and in line 14, before the word "including," to insert "or annex," so as to make the clause read:

For the purchase of ground adjacent to the Johnson School, or in the immediate vicinity thereof, approximately 51,000 square feet, and toward the construction thereon of an eight-room addition, or annex, to said school, $50,000; and the total cost of said addition, or annex, including cost of additional ground under a contract which is hereby authorized therefor, shall not exceed $100,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 11, to insert:

For construction of a normal and model school building on lots 76 to 106 of Parker and Pulsifer subdivision of Columbia Heights, $300,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 15, to insert:

For alteration and repair of Central High School building and equipment, $60,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 17, to insert:

For one eight-room building and site in or near Cleveland Park, $75,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 19, to insert:

For twelve-room building on the site of the Garfield School, thirteenth division, $95,000.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk to come in on page 63, after line 21.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, after line 21, it is proposed to insert as a new paragraph the following:

For the purchase of lots adjacent to Phelps School, $12,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 63, after line 21, to insert:

For purchase of lots adjacent to Phillips School, 21,000 square feet, $16,500.

The amendment was agreed to.

The next amendment was, on page 63, after line 24, to insert:

For replacing wooden stairways with those of fireproof construction in the following buildings: Banneker, Logan, Ambush, Giddings, Phelps, Towers, Amidon, Jackson, Madison, Blair, Brightwood, Monroe, Takoma, Tenley, Blake, Carbery, Magruder, Phillips, Wormley, Van Buren, old part of Brookland, old part of Cranch, Potomac, Threlkeld, Hamilton, Woodburn, Benning, Langdon, Reservoir, Chevy Chase, Burrville, Birney Annex, and Reno schools, $150,000, or so much thereof as may be necessary.

For additional amount for "Repairs and improvements to school buildings and grounds," for the purpose of fireproofing basement ceilings wherever needed, changing doors, furnishing suitable air checks and bolts for same, providing additional exits, installing electrical fire-alarm systems with necessary gongs, purchasing fire extinguishers and chemicals for replenishing them, and making such other repairs and alterations as may be necessary to secure protection from fire, $100,000, or so much thereof as may be necessary, to be immediately available.

For fireproof construction in the following three buildings authorized in section 1 of the act of Congress approved June 27, 1906, providing for the expenses of the government of the District of Columbia for the fiscal year 1907, to wit, the sixteen-room building in the vicinity of the Mott School, the sixteen-room building in the first division, and the twelve-room building in the eighth division, $60,000, to be immediately available.

For the removal of old and unsuitable fire ladders and fire escapes and the erection of improved fire escapes in accordance with the recommendations of the chief engineer of the fire department on the following buildings: Thomson, Franklin, Gales, Polk, Henry, Peabody, Garnet, Towers, Central High, Wallach, and Eastern High schools, $11,000, or so much thereof as may be necessary.

Mr. GALLINGER. I ask that that amendment of the committee, beginning on page 63, line 25, and ending at line 10, on page 65, be disagreed to.

The amendment was rejected.

Mr. GALLINGER. In place of the amendment just rejected, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 63, after line 24, it is proposed to insert:

For additional amount for "Repairs and improvements to school buildings and grounds," for the purpose of fireproofing walls and floors around and over heating apparatus, fireproofing corridors, replacing wooden stairs with those of fireproof construction, removal of old and unsuitable fire escapes and the erection of improved fire escapes, and improvement of approaches thereto, improving exits, installing electrical fire-alarm systems with necessary gongs, providing fire extinguishers and chemicals for their use, and for such miscellaneous alteration and repair work as may be necessary to secure protection against fire in existing school buildings owned by the District of Columbia, $261,000, or so much thereof as may be necessary, and $100,000 of this appropriation shall be immediately available.

For fireproof construction in the following three buildings authorized in section 1 of the act of Congress approved March 2, 1907, providing for the expenses of the government of the District of Columbia for the fiscal year 1908, to wit, the sixteen-room building in the vicinity of the Mott School, the sixteen-room building in the first division, and the twelve-room building in the eighth division, $60,000, to be immediately available.

Mr. BURKETT. I should like to ask a question of the Senator in charge of the bill. I made a report on this matter, and it seems to me, as I heard the amendment read, that amount is different from that recommended in the report I made. What is the total amount that is provided for fireproofing?

Mr. GALLINGER. I will say to the Senator that the amount now in this bill is not changed by this amendment.

Mr. BURKETT. That is $261,000, and it seems to me the amendment provides for more than that. I reported on the matter this morning to the Committee on the District of Columbia, and I will say to the chairman——

Mr. GALLINGER. Two hundred and sixty-one thousand dollars is the amount.

Mr. BURKETT. That is what I reported.

Mr. GALLINGER. That is what the amendment embraces.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 66, line 17, after the word "one," it is proposed to strike out "and under a contract to be entered into with the said Institution by the Commissioners of the District of Columbia."

The amendment was agreed to.

Mr. GALLINGER. I also offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 66, line 25, after the word "five," it is proposed to strike out "and under a contract to be entered into by the Commissioners of the District of Columbia."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "For Metropolitan police" on page 67, line 18, before the word "dollars," to strike out "nine hundred" and insert "one thousand," so as to read:

For major and superintendent, $4,000; assistant superintendent, with rank of inspector, $2,500; three inspectors, at $1,800 each; ten captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; three clerks, at $1,000 each; four surgeons of the police and fire departments, at $600 each.

The amendment was agreed to.

The next amendment was, on page 68, line 5, to increase the number of privates of class 1, at $900 each, from 105 to 150.

The amendment was agreed to.

The next amendment was, on page 68, line 13, after the word "fourteen," to strike out "laborers" and insert "janitors," and in line 19, before the word "dollars," to strike out "two hundred and forty" and insert "three hundred," so as to read:

Janitor for police headquarters for July, 1908, $60; fourteen janitors, at $600 each; messenger, $700; messenger, $500; major and superintendent, mounted, $240; inspector, mounted, $240; fifty-five captains, lieutenants, sergeants, and privates, mounted, $300 dollars each; sixty-four lieutenants, sergeants, and privates, mounted, on bicycles, at $50 each.

The amendment was agreed to.

The next amendment was, on page 68, line 23, to increase the total appropriation for Metropolitan Police, from $915,293.35 to $959,393.35.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 68, line 25, after the word "cents," it is proposed to insert the following proviso:

Provided, That hereafter, in order that the full complement of the Metropolitan police force may at all times be maintained as authorized by law, the Commissioners of the District of Columbia are authorized, when vacancies occur in classes 2 and 3 of said Metropolitan

police force, which can not be filled by promotion, to appoint privates of class 1, equal in number to the positions vacated in said classes 2 and 3, and the respective salaries specifically provided for such vacant positions may be reduced to pay the salaries of the privates so appointed in class 1.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 69, line 5, to increase the appropriation for repairs to police stations, from $4,750 to $5,500.

The amendment was agreed to.

The next amendment was, on page 69, line 17, before the word "thousand," to strike out "thirty-three" and insert "thirty-seven," so as to read:

For miscellaneous and contingent expenses, including the purchase of new wagons, rewards for fugitives, modern revolvers, maintenance of card system, stationery, city directories, and periodicals, telegraphing, telephoning, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bed clothing, insignia of office, purchase and care of horses, horse and vehicle for superintendent, bicycles, police equipments and repairs to the same, harness, forage, repairs to vehicles, van, and patrol wagons, saddles, and expenses incurred in the prevention and detection of crime, repairs to rented buildings, and other necessary expenses, $37,000, of which amount a sum not exceeding $500 may be expended.

The amendment was agreed to.

The next amendment was, on page 70, after line 7, to insert:

For the reconstruction of cell corridors and the making, erecting, and placing therein in the first, fourth, and sixth police precinct station houses eight modern cells in each, $15,000.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 70, after line 11, it is proposed to insert the following:

For house furniture and equipment for same, stable and improvements to grounds for station house to be erected in Anacostia, $32,000.

The amendment was agreed to.

Mr. BURKETT. I should like to ask a question. I find a provision that is new at the bottom of page 69, as follows:

Provided, That the War Department may furnish the District Commissioners for the use of the police, upon requisition, such unserviceable mounted equipment as may be required.

That is a new provision in the bill, and I have a little curiosity to know what it means.

Mr. GALLINGER. I presume it is to save a little money to the District government. I imagine it is for the mounted policemen. The War Department may have some saddles and equipments of that kind that can be turned over. That is the way I understand it. It is a House provision, and I think that is what it means.

I offer an amendment to the amendment on page 70, line 12. It is to change the total.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 70, lines 12 and 13, it is proposed to amend the amendment of the committee by changing the total so as to make it read "$94,280."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 70, line 25, before the word "dollars," to strike out "five hundred and forty" and insert "six hundred;" and on page 71, line 3, before the word "dollars," to strike out "seven hundred and forty" and insert "nine hundred and eighty," so as to make the clause read:

House of detention: To enable the Commissioners of the District of Columbia to provide transportation, including the purchase and maintenance of necessary horses, wagons, and harness, and a suitable place for the reception, transportation, and detention of children under 17 years of age and, in the discretion of the Commissioners, of girls and women over 17 years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending final investigation or examination, or otherwise, including salaries of two clerks at $900 each; four drivers, at $600 each; one hostler, $540; six guards, at $600 each; and two matrons, at $600 each, $12,980, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 71, line 6, before the word "hundred," to strike out "eight," and insert "one thousand one," and in line 9, before the word "hundred" to strike out "two," and insert "five," so as to make the clause read:

For harbor patrol: For one engineer, $1,140; one fireman, $480; one watchman, $420; one deck hand, $480; in all, $2,520.

The amendment was agreed to.

The next amendment was, on page 71, line 13, to increase the total appropriation for the maintenance of the harbor patrol from $4,220 to $4,520.

The amendment was agreed to.

The next amendment was, under the head of "For the fire department," on page 71, line 25, before the word "hundred," to strike out "four" and insert "five;" on page 72, line 7, after the word "each," to insert "two marine firemen, at $720 each;" in line 13, after the word "each," to insert "messenger at department headquarters, $600; hostler, $540;" and in line 18, before the word "dollars," to strike out "ninety thousand eight hundred and thirty" and insert "ninety-three thousand five hundred and ten," so as to make the clause read:

For chief engineer, $3,500; deputy chief engineer, $2,500; three battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; two inspectors, at $1,080 each; clerk, $1,400; clerk, $1,200; thirty-four captains, at $1,400 each; thirty-five lieutenants, at $1,200 each; superintendent of machinery, $1,500; assistant superintendent of machinery, $1,200; twenty engineers, at $1,150 each; twenty assistant engineers, at $1,100 each; two pilots, at $1,150 each; two marine engineers, at $1,150 each; two assistant marine engineers, at $1,100 each; two marine firemen, at $720 each; thirty-five drivers, at $1,150 each; thirty-five assistant drivers, at $1,100 each; 198 privates of class 2, at $1,080 each; thirty-five privates at class 1, at $960 each; messenger at department headquarters, $600; hostler, $540; and one laborer, $480; in all, $493,510.

The amendment was agreed to.

The next amendment was, on page 72, line 20, to increase the appropriation for repairs and improvements to engine houses and grounds from $9,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 72, line 22, to increase the appropriation for repairs to apparatus and for new apparatus and new appliances from $11,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 72, line 25, to increase the appropriation for the purchase of horses from $14,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 73, line 1, to increase the appropriation for forage from $23,000 to $24,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 3, insert:

For repairs and improvements of the fire boat, $1,000.

The amendment was agreed to.

The next amendment was, on page 73, line 10, to increase the total appropriation for miscellaneous items for the fire department from $109,530 to $115,530.

The amendment was agreed to.

The next amendment was, on page 73, after line 17, to insert:

For house, site, and furniture for a truck company, to be located in the northeast secton of the city, in the vicinity of Twelfth and H streets NE., including cost of necessary instruments for receiving alarms and connecting said house with fire-alarm headquarters, $37,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 22, to insert:

For new house for No. 4 engine company, $25,000.

Mr. GALLINGER. I move to amend the amendment of the committee, on page 73, line 23, after the word "company," by inserting the words "including necessary furniture and equipment."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 73, line 23, in the amendment of the committee, after the word "company," it is proposed to insert "including necessary furniture and equipment."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the top of page 74, to insert:

For one fourth-size steam fire engine, $5,000.

The amendment was agreed to.

The next amendment was, on page 74, line 3, before the words "hook-and-ladder," to strike out "areal" and insert "aerial," so as to make the clause read:

For one 65-foot aerial hook-and-ladder truck, $4,500.

The amendment was agreed to.

The next amendment was, on page 74, line 22, to increase the total appropriation for increase of fire department from $54,750 to $121,750.

The amendment was agreed to.

The next amendment was, under the head of "Health Department," on page 75, line 20, after the word "dollars," to insert "assistant poundmaster, $900," and in line 24, before the word "hundred," to strike out "fifty-three thousand seven" and insert "fifty-four thousand six," so as to make the clause read:

For health officer, $3,500; chief clerk and deputy health officer, $2,200; clerk, $1,400; four clerks, two of whom may act as sanitary and food inspectors, at $1,200 each; two clerks, at $1,000 each; clerk, $600; chief inspector and deputy health officer, $1,800; fifteen sanitary and food inspectors, at $1,200 each; one inspector, $1,000; one inspector, $900; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, $1,200;

five sanitary and food inspectors, who shall be veterinary surgeons, at $1,000 each, and five sanitary and food inspectors, at $900 each, to assist in the enforcement of the milk and pure food laws and the regulations relating thereto; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $1,800; messenger and janitor, $600; driver, $540; poundmaster, $1,500; assistant poundmaster, $900; and for laborers, at not exceeding $40 per month, $2,400; in all, $54,640.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 78, line 6, after the word "maintenance," it is proposed to insert a comma and the words "including personal service."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 78, after line 7, to insert:

For the erection and equipment of a stable at the smallpox hospital, including the necessary grading and paving to be immediately available, $12,500.

Mr. GALLINGER. I also offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 78, line 22, after the word "thousand," it is proposed to insert the words "six hundred."

Mr. CLAY. How will the provision read, Mr. President, if the amendment be adopted?

The VICE-PRESIDENT. The Secretary will read the provision as it will be if amended.

The Secretary read as follows:

Juvenile court: For judge, $3,600.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Courts," on page 78, line 25, after the word "dollars," to insert "probation officer, $1,000;" and on page 79, line 2, before the word "thousand," to strike out "eight" and insert "nine," so as to make the clause read:

Juvenile court: For judge, $3,000; clerk, $2,000; chief probation officer, $1,500; probation officer, $1,200; probation officer, $1,000; janitor, $540; in all $9,240.

Mr. GALLINGER. I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 79, line 2, after the word "thousand," it is proposed to strike out "two" and insert "eight."

The amendment was agreed to.

Mr. GALLINGER. I offer the amendments which I send to the desk.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. On page 79, line 3, after the word "jurors," it is proposed to strike out "two thousand three" and insert in lieu thereof the words "one thousand seven."

The amendment was agreed to.

The Secretary stated the next amendment, submitted by Mr. GALLINGER, which was, on page 79, line 14, to strike out the word "eight" and insert "two."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 79, line 20, before the word "hundred," to strike out "five" and insert "six;" in line 22, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty;" and on page 80, line 4, before the word "dollars," to insert "five hundred and eighty," so as to make the clause read:

Police court: For two judges, at $3,600 each; clerk, $2,000; two deputy clerks, at $1,500 each; two deputy clerks, at $1,200 each; deputy clerk, to be known as financial clerk, $1,600; three bailiffs, at $900 each; four bailiffs, at $720 each; deputy marshal, $1,000; janitor, $540; engineer, $900; assistant engineer, $720; fireman, $360; two assistant janitors, at $300 each; matron, $600; three charmen, at $360 each; in all, $27,580.

The amendment was agreed to.

The next amendment was, on page 84, line 6, before the word "hundred," to strike out "six" and insert "eight;" in line 10, before the word "hundred," to strike out "four" and insert "six;" in line 12, before the word "dollars," to strike out "six hundred and sixty" and insert "seven hundred and twenty;" on page 85, line 7, before the word "dollars" to strike out "four hundred and twenty-five" and insert "four hundred and eighty;" in the same line, before the word "orderlies," to strike out "six" and insert "seven," and in line 21, before the word "dollars," to strike out "thirty-eight thousand and sixty-six" and insert "thirty-nine thousand seven hundred and seventy-six;" so as to make the clause read:

For Washington Asylum: For superintendent, $1,800; visiting physician, $1,080; resident physician, $480; clerk, $840; property clerk, $1,000; baker, $600; principal overseer, $1,600; fifteen overseers, at $720 each; * * * two nurses for annex wards, at $480 each; seven orderlies, at $300 each; pupil nurses, not less than twenty in number (nurses to be paid not to exceed $120 per annum during first year of service, and not to exceed $150 per annum during second year of service), $2,625; registered pharmacist, who shall act as hospital clerk, $720; gardener, $540; herdsman, $365; florist, $300; tailor $180; housekeeper, $300; laundryman, $600; temporary labor, not to exceed $2,400; in all, $39,776.

The amendment was agreed to.

The next amendment was, on page 86, after line 3, to insert:

For additional amount of the above-named purposes, $1,500.

The amendment was agreed to.

The next amendment was, on page 86, after line 15, to insert:

For erection of north wing for the workhouse for males, $110,000.

The amendment was agreed to.

The next amendment was, on page 86, line 24, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" on page 87, line 2, before the word "physician," to strike out "one fireman, $300," and insert "two firemen, at $300 each;" in line 3, after the word "dollars," to strike out "one nurse, $360," and insert "two nurses, at $360 each;" in line 11, after the word "dollars," to strike out "one servant, $144," and insert "two servants, at $144 each;" and in line 15, before the word "dollars," to strike out "eleven thousand four hundred and eighty-four" and insert "twelve thousand four hundred and sixty-eight," so as to make the clause read:

Home for the Aged and Infirm: Superintendent, $1,200; matron, $600; clerk, $900; baker, $420; two female attendants, at $300 each; chief cook, $600; two male attendants, at $360 each; chief engineer, $900; assistant engineer, $480; two firemen, at $300 each; physician and pharmacist, $480; two nurses, at $360 each; two assistant cooks, at $180 each; blacksmith and woodworker, $540; farmer, $540; two farm hands, at $360 each; tailor, $240; seamstress, $240; laundryman, $540; hostler and driver, $240; two servants, at $144 each; temporary labor, $600; in all, $12,468.

The amendment was agreed to.

The next amendment was, on page 87, line 19, to increase the appropriation for provisions, fuel, forage, harness, vehicles and repairs to same, etc., at the Home for the Aged and Infirm, from $20,000 to $23,000.

The amendment was agreed to.

The next amendment was, on page 87, line 22, to increase the appropriation for repairs and improvements to buildings and grounds, Home for the Aged and Infirm, from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 22, to insert:

For necessary fire protection, including erection of four fire escapes, water mains, plugs, and the necessary piping connections, and laying and installing the same, to be immediately available, $3,000.

The amendment was agreed to.

The next amendment was, on page 88, line 7, to increase the total appropriation for the maintenance of the Home for the Aged and Infirm from $38,984 to $46,968.

The amendment was agreed to.

The next amendment was, on page 88, line 14, to increase the appropriation for repair and maintenance of the Reform School from $20,000 to $22,000.

The amendment was agreed to.

The next amendment was, on page 88, line 23, before the word "dollars," to strike out "three hundred and sixty-five" and insert "four hundred and eighty;" and in line 25, before the word "dollars," to strike out "seven hundred and eighty-five" and to insert "nine hundred," so as to make the clause read:

Reform School for Girls: Superintendent, $1,200; treasurer, $600; matron, $600; three teachers, at $600 each; overseer, $720; six teachers of industries, at $480 each; engineer, $600; assistant engineer, $420; night watchman, $480; two laborers, at $300 each; in all, $9,900.

The amendment was agreed to.

The next amendment was, on page 89, after line 16, to insert:

For furnishing and erecting a hot-air furnace and necessary connections for heating the dormitory for male employees, $191.

The amendment was agreed to.

The next amendment was, on page 89, after line 19, to insert:

For erecting a portico, as contemplated by the original plans, on the dormitory for male employees, and for painting the woodwork of that building, $675.

The amendment was agreed to.

The next amendment was, on page 89, line 24, to increase the total appropriation for maintenance of the Reform School for Girls from $25,327 to $26,308.

The amendment was agreed to.

The next amendment was, on page 90, line 15, to increase the appropriation for repairs to Columbia Hospital from $2,000 to $4,500.

The amendment was agreed to.

The next amendment was, on page 90, after line 16, to insert:

For procuring suitable plans for a modern fireproof brick building, to be constructed on the grounds of the present hospital for the Columbia Hospital for Women and Lying-in Asylum, $5,000, or so much thereof as may be necessary, to be immediately available. The said plans shall be procured and approved by the board of directors of said hospital, and submitted to Congress at the beginning of the next session.

Mr. GALLINGER. I offer an amendment to the amendment.

The SECRETARY. On page 90, line 24, after the word "session," it is proposed to insert:

This appropriation to be expended by the disbursing officer of the District of Columbia on vouchers to be audited and approved by the auditor of said District in the manner now provided by law.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 91, after line 6, to insert:

For relief of the National Homeopathic Hospital Association, $25,000: *Provided*, That no part of the appropriation hereby made shall be paid to said National Homeopathic Hospital Association unless said association shall have collected, on or before the 30th day of June, 1909, in cash, through contributions, donations, or like sources, the sum of $15,000, and shall have furnished the Commissioners of the District of Columbia satisfactory evidence of the collection and possession of said sum: *Provided further*, That the said sum of $40,000 shall be applied to the liquidation of the debt of said National Homeopathic Hospital Association.

The amendment was agreed to.

The next amendment was, on page 91, after line 22, to insert:

For repairs and equipment, Central Dispensary and Emergency Hospital, $4,000.

The amendment was agreed to.

The next amendment was, on page 92, line 3, to increase the appropriation for emergency care and treatment of and free dispensary service to indigent patients under a contract or agreement to be made with the Eastern Dispensary by the Board of Charities, from $4,000 to $6,000.

The amendment was agreed to.

The next amendment was, on page 92, line 5, after the word "dollars," to insert "to be expended by and under the direction of the executive committee of said Home," so as to make the clause read:

For Washington Home for Incurables, maintenance, $4,000, to be expended by and under the direction of the executive committee of said Home.

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment I send to the desk.

The SECRETARY. On page 92, after line 6, it is proposed to insert:

For the women's clinic, maintenance, $750.

The amendment was agreed to.

The next amendment was, on page 92, line 19, before the word "dollars," to strike out "ninety-six" and insert "one hundred and twenty;" in line 20, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" in line 25, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" in the same line, after the word "dollars," to insert "farmer, $540;" on page 93, line 3, before the word "orderlies," to strike out "two" and insert "three;" and in line 5, before the word "dollars," to strike out "eleven thousand six hundred" and insert "twelve thousand nine hundred and twenty," so as to make the clause read:

Tuberculosis Hospital: For superintendent, $1,200; resident physician, $480; pharmacist and clerk, $720; superintendent of nurses, $600; matron, $600; four graduate nurses, at $365 each; ten pupil nurses, at $120 each; chief cook, $600; two assistant cooks, at $180 each; engineer, $720; assistant engineer, $600; two firemen, at $300 each; elevator conductor, $300; laundryman, $600; farmer, $540; laborer, $360; night watchman, $360; three orderlies, at $300 each; four servants, at $180 each; in all, $12,920, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 93, line 10, after the word "utensils," to insert "temporary services not to exceed $1,000," so as to make the clause read:

For provisions, fuel, forage, harness, and vehicles and repairs to same, gas, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, temporary services not to exceed $1,000, and other necessary items, $25,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 11, to insert:

For grading and making roads, not to exceed $5,000.

The amendment was agreed to.

The next amendment was, on page 93, line 14, to increase the total appropriation for the maintenance of the Tuberculosis Hospital from $36,600 to $42,920.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 94, line 2, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty;" in line 4, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" and in line 7, before the word "dollars," to strike out "three hundred and twenty" and insert "five hundred and sixty;" so as to make the clause read:

For agent, $1,800; executive clerk, $1,080; placing officer, $900; placing officer, $720; investigating clerk, $840; record clerk, $660; visiting inspector, $600; one clerk, $600; messenger, $360; in all, $7,560.

The amendment was agreed to.

The next amendment was, on page 94, line 19, to increase the total appropriation for maintenance of Board of Children's Guardians from $66,420 to $66,660.

The amendment was agreed to.

The next amendment was, on page 95, line 16, before the word "dollars," to strike out "four hundred and eighty" and insert "six hundred;" in line 17, before the word "dollars," to strike out "two hundred and forty" and insert "three hundred;" and in line 19, before the word "dollars," to strike out "twenty" and insert "eighty," so as to make the clause read:

Industrial Home School for Colored Children: For superintendent, $1,200; matron of school, $480; two caretakers, at $360 each; two assistant caretakers, at $300 each; two teachers, at $480 each; sewing teacher, $360; manual-training teacher, $480; farmer, $600; watchman, $300; cook, $240; laundress, $240; in all, $6,180.

The amendment was agreed to.

The next amendment was, on page 95, after line 19, to insert:

For temporary services, not to exceed $500.

The amendment was agreed to.

The next amendment was, on page 95, line 22, after the word "horses," to strike out "wagons" and insert "vehicles;" and in line 23, before the word "thousand," to strike out "five" and insert "six," so as to make the clause read:

For maintenance, including purchase and care of horses, and harness, $6,000.

The amendment was agreed to.

The next amendment was, on page 96, line 1, after the word "For," to strike out "necessary tiling and pipes, $250" and insert "grading, draining, and making roads, including tiling and pipes, $1,000," so as to make the clause read:

For grading, draining, and making roads, including tiling and pipes, $1,000.

The amendment was agreed to.

The next amendment was, on page 96, line 5, to increase the appropriation for repairs and improvements to buildings and grounds at the Industrial Home for Colored Children, from $250 to $500.

The amendment was agreed to.

The next amendment was, on page 96, line 8, before the word "dollars," to strike out "thirteen thousand six hundred and twenty" and insert "sixteen thousand one hundred and eighty;" and in the same line, after the word "dollars," to insert:

Provided, That all moneys received at said school as income from sale of products and from payment of board or instruction, or otherwise, shall be paid over to the Commssioners of the District of Columbia to be expended by them in the support of the school.

So as to make the clause read:

In all, for Industrial Home School for Colored Children, $16,180: *Provided*, That all moneys received at said school as income from sale of products and from payment of board or instruction, or otherwise, shall be paid over to the Commissioners of the District of Columbia to be expended by them in the support of the school.

The amendment was agreed to.

The next amendment was, on page 97, after line 19, to insert:

For renewing the heating apparatus and necessary alterations and repairs at the Washington Hospital for Foundlings, $4,250.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary Homes," on page 98, line 8, after the word "dollars," to insert "watchman for six months, $150;" and in line 11, before the

word "dollars," to strike out "seven hundred" and insert "eight hundred and fifty," so as to make the clause read:

For municipal lodging house and wood and stone yard, namely: For superintendent, $1,200; cook, $360; and laborer, $360; watchman for six months, $150; maintenance, including rent, $1,780; in all, $3,850.

The amendment was agreed to.

The next amendment was, on page 98, after line 11, to strike out:

For temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: For maintenance, including all necessary personal services, $2,500, to be expended under the direction of the Commissioners of the District of Columbia; and ex-soldiers and sailors of the Spanish war shall also be admitted to the Home.

The amendment was agreed to.

The next amendment was, on page 98, after line 18, to insert:

For temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, namely: For superintendent, $1,200; janitor, $360; and cook, $360; maintenance, $3,580; in all, $5,500, to be expended under the direction of the Commissioners of the District of Columbia, and ex-soldiers and sailors of the Spanish war shall also be admitted to the Home.

The amendment was agreed to.

The next amendment was, on page 99, line 10, to increase the appropriation for support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in the District, as provided by law, from $280,000 to $294,800.

The amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 100, line 15, after the word "camps," to insert "including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, and the accounting officers are directed to settle the accounts for camps, instruction, and practice marches for the fiscal year 1908 in accordance herewith," so as to make the clause read:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, and the accounting officers are directed to settle the accounts for camps, instruction, and practice marches for the fiscal year 1908 in accordance herewith, instruction, practice marches, and practice cruises.

And so forth.

The amendment was agreed to.

The reading of the bill was continued to the end of line 10 on page 101.

Mr. GALLINGER. I offer the amendment I send to the desk.

The SECRETARY. On page 101, line 9, strike out the words "seven hundred and twenty" and insert "one thousand," so as to read:

For clerk, office of the adjutant-general, $1,000.

The amendment was agreed to.

The next amendment was, on page 102, line 11, after the word "troops" to insert the following further proviso:

Provided further, That any of the moneys heretofore or hereafter appropriated for the District of Columbia Militia may be used to supplement specific appropriations or allotments which may be found insufficient for the purposes for which made, and authority is hereby given to supplement the regular ration by purchase of such aditional articles of subsistence as may be deemed necessary.

The amendment was agreed to.

The next amendment was, on page 102, after line 19, to insert:

Hereafter the purchase of supplies and the procurement of services for all branches of the District of Columbia Militia service may be made in open market, in the manner common among business men, when the aggregate of the amount required does not exceed $100.

The amendment was agreed to.

The next amendment was, under the head of "Water Department," on page 103, line 7, before the word "dollars" to strike out "one thousand eight hundred" and insert "two thousand one hundred;" and in line 9, after the word "each" to insert "meter computer, $1,000," so as to make the clause read:

For revenue and inspection branch: For water registrar, who shall also perform the duties of chief clerk, $2,100; clerk, $1,500; clerk, $1,400; four clerks, at $1,000 each; meter computer, $1,000; chief inspector, $1,000; nine inspectors, at $900 each; ten inspectors, at $800 each; assistant tapper, $825; messenger, $600.

The amendment was agreed to.

The next amendment was, on page 103, line 17, after the word "dollars," to strike out "two clerks, at $1,000 each" and insert "clerk, $1,200; clerk, $1,000," so as to read:

For distribution branch: For superintendent, $3,000; draftsman, $1,500; foreman, $1,500; clerk, $1,200; clerk, $1,000; timekeeper, $900.

The amendment was agreed to.

The next amendment was, on page 104, line 22, to increase the total appropriation for distribution branch, water department, from $79,660 to $81,160.

The amendment was agreed to.

The next amendment was, on page 105, line 10, before the word "horses," to insert "two motor trucks," so as to make the clause read:

For fuel, repairs to boilers, etc., and purchase and maintenance of two motor trucks, horses, wagons, carts, and harness necessary for the proper execution of this work, $42,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 18, on page 106.

Mr. GALLINGER. I offer the amendment I send to the desk.

The SECRETARY. On page 106, line 16, it is proposed to strike out "sixty" and insert "seventy," so as to read:

That the expenditures hereunder shall not exceed $70,000 during the fiscal year 1909.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 109, line 14, after the word "companies," to insert "market master, assistant market master, watchman, and one laborer for the wholesale producers' market," so as to read:

The Commissioners of the District of Columbia are authorized to employ * * * all necessary inspectors, overseers, foremen, sewer tappers, skilled laborers, mechanics, laborers, special policemen stationed at street-railway crossings, one inspector of gas fitting, two janitors for laboratories of the Washington and Georgetown Gas Light companies, market master, assistant market master, watchman, and one laborer for the wholesale producers' market, horses, carts.

And so forth.

The amendment was agreed to.

The next amendment was, on page 110, after line 9, to add as a new section the following:

SEC. 8. That until and including June 30, 1909, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided*, That all advances made under this act and under the acts of February 11, 1901, July 1, 1902, March 3, 1903, April 27, 1904, March 3, 1905, and June 27, 1906, and March 2, 1907, not reimbursed to the Treasury of the United States on or before June 30, 1909, shall be reimbursed to said Treasury out of the revenues of the District of Columbia from time to time, within five years, beginning July 1, 1909, together with interest thereon at the rate of 2 per cent per annum on annual balances until so reimbursed: *Provided further*, That the Auditor for the State and other Departments and the auditor of the District of Columbia shall each annually report the amount of such advances, stating the account for each fiscal year separately, and also the reimbursements made under this section, together with the balances remaining, if any, due to the United States: *And provided further*, That nothing contained herein shall be so construed as to require the United States to bear any part of the cost of acquisition of land for street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. On page 102, line 22, I move to amend the amendment by substituting the word "shall" for the word "may," so as to read "shall be made in open market."

The VICE-PRESIDENT. Without objection the amendment will be regarded as open to amendment. The question is on agreeing to the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. BURKETT. Mr. President, I desire to offer an amendment to be inserted on page 6, after line 5. I will say that if that is not the proper place, if the chairman of the committee will suggest a more appropriate point I will move to insert the amendment somewhere else.

The VICE-PRESIDENT. The Senator from Nebraska proposes an amendment, which will be stated.

The SECRETARY. On page 6, after line 5, it is proposed to insert:

That the Brightwood Railway Company shall, on and after the 1st day of November, 1908, run its cars, in connection with the Washington Railway and Electric Company, through Ninth street to Center Market, from Takoma Park at intervals of not less than six minutes, the charge for fare to be that common to the street railways of the District of Columbia, and the Commissioners of the District of Columbia are hereby authorized and directed to carry this provision into effect.

Mr. GALLINGER. That is manifestly general legislation and subject to a point of order.

The Senator from Nebraska has heretofore given notice of his intention to propose an amendment of this general character. The amendment was referred to the Committee on the District of Columbia, and by it submitted to the Commissioners for examination and report. I ask the Secretary to read the report of the Commissioners of the District of Columbia.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 28, 1908.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on the amendment intended to be proposed by Mr. BURKETT on the District appropriation bill for the fiscal year 1909, H. R. 20063, which you referred to them for report touching the merits of the bill and the propriety of its passage:

The amendment proposed to require the Brightwood Railway Company to run its cars through Ninth street to the Center Market, from a point on Brightwood avenue opposite the Walter Reed Army General Hospital, on a six-minute headway.

The Commissioners are not possessed with the necessary data to be able to state in the limited time at their disposal on this matter whether a six-minute headway for cars of the Brightwood Railway from this point on Brightwood avenue, which is about four miles from the city boundary, is a proper headway to give satisfactory service at the hours of greatest traffic. It would certainly be unreasonable to require these cars to run on this headway at all times, as is provided by the proposed amendment, which, it should be noted, makes no allowance whatever for any suspension during any of the night hours. The Commissioners believe that legislation such as this should not be attached to an appropriation act, nor should it ever be enacted without a careful investigation, the means for which are not at present at the disposal of the Commissioners, to determine the amount of traffic concerned and the hours of the day at which the headway should be lessened and at which an entirely satisfactory service could be given with longer intervals between successive cars, all of which could be accomplished by the passage of Senate bill 5430, providing for regulating public-service corporations, which was introduced at the request of the Commissioners, with recommendation for its enactment.

Attention is further invited to the fact that this proposed amendment contains no penalty clause, without which the Commissioners would be possessed of no more authority to secure its enforcement than they now have under their general authority contained in the charter of the road to regulate its schedule, which they have found themselves unable to enforce by reason of this same fact.

The Commissioners recommend unfavorable action upon the proposed amendment.

Very respectfully,

HENRY L. WEST,
Acting President Board of Commissioners, District of Columbia.

Mr. GALLINGER. Mr. President, I am constrained to make the point of order against the amendment.

Mr. BURKETT. I will ask the Senator to withhold the point for a moment.

Mr. GALLINGER. I will withhold it until the Senator from Nebraska can be heard.

Mr. BURKETT. Mr. President, I doubted whether the chairman of the committee would want to take the responsibility of this matter by raising the point of order. I rather thought he would prefer to let the Senate determine it.

The letter which has been read is characteristic of what the people of the District have been receiving in matters of this importance ever since I have been a Member of Congress. If there is any place in the District where people are being outraged, it is out here at Seventh street and Florida avenue, where these street car companies carry the people out and dump them out into the rain and mud and make them take another car to go out to the borders of the District. There are sixty-seven square miles in the District, and yet these street car companies are doing a thing which such companies are not permitted to do, I dare say, in any other town in the United States, within similar territory, and that is to compel the people to get out and transfer; in short, not running their cars through to the end of the line.

The District Commissioners come in with that letter and say they have not had time to consider it. I want to hurl it back at them that they have had opportunities by the score to consider that same thing in the last few years. There have been no less, by the record, than 500 people before the Commissioners, people who live out in that part of the District of Columbia, hammering at their door, trying to get recognition, that they might be heard and their rights given some attention. They have not only done that, but they have come with petitions and visits and personal interviews before the Committee on the District of Columbia and interviewed Senators individually for a year in an effort to compel the street car companies to run their cars out to the District line—and it is only four or five miles out to the District line—and yet all those people in Takoma Park and all up in that section of the country are compelled to change cars out here at Florida avenue.

The amendment may not be exactly in proper form. I will say, however, it was drawn by an attorney in the District who has a large practice and who, I think, stands very well at the bar. It may not be in proper form. However, in conference it can be adjusted. But this shows exactly what trouble the District has. You can not get any legislation through here that controls or touches anything with reference to the street car system that the managers of those companies do not O. K. We are in the ridiculous condition to-day of a town of 350,000 people walking a quarter of a mile to get to the depot because the general managers of the street car companies will not agree as to what particular kind of bill we shall pass.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BURKETT. Certainly.

Mr. GALLINGER. I would ask the Senator from Nebraska either at the present time or to-morrow, if it is convenient to him, to retract the statement he has just made about legislation relating to the street railways.

Mr. BURKETT. If the Senator will point out to me any legislation we have had which they have not consented to, I will retract it.

Mr. GALLINGER. I have no knowledge of their ever asking for any special legislation.

Mr. BURKETT. I have knowledge of the committee bringing a measure into the Senate, and the general managers interviewing Senators in the corridor one by one, and then the bill being withdrawn.

Mr. GALLINGER. I suppose the general managers had a right to be heard——

Mr. BURKETT. I do not doubt that.

Mr. GALLINGER. As much as individuals have a right to be heard.

Mr. BURKETT. They have a right to be heard in the committee room.

Mr. GALLINGER. The Senator has no right to make a statement which impeaches the Committee on the District of Columbia and impeaches Congress; and I think he will see the propriety of withdrawing his language now or at some future time.

Mr. BURKETT. If the Senator will point out any legislation which has passed here within the last ten years against the consent of the railway managers, I will retract that. I want to know some legislation which has been passed.

Mr. GALLINGER. How much legislation has been passed through here on this subject, I will ask the Senator, during the last five years?

Mr. BURKETT. There has been a great deal asked for.

Mr. GALLINGER. Very little.

Mr. BURKETT. I remember when we had a tax bill with respect to these companies, and it was reported from the committee, and it was withdrawn on the floor of the Senate.

Mr. GALLINGER. That is a very unfortunate illustration. If the Senator will make an examination of the case, he will find that the street railway companies of Washington are taxed quite as much as other utility corporations and more than such corporations are in other cities of the country.

Mr. BURKETT. That may be true.

Mr. GALLINGER. It is true.

Mr. BURKETT. But the Committee on the District of Columbia reported that bill out after a good deal of hearing and put it on the Calendar of the Senate. I will say that.

Mr. GALLINGER. It was recommitted to the committee by a very large majority vote of the Senate, and it was not approved of by the committee when the facts were known.

Mr. BURKETT. That does not disprove anything I have said.

Mr. GALLINGER. Oh, well.

Mr. BURKETT. It proves what I have said, that you can not get any legislation through here without the consent of those people. Without any consideration that bill was voted back into the committee, as the Senator himself says. Ever since I have been in Congress, and I suspect ever since the Senator has been in Congress, these people in the suburbs have been hammering for this service, complaining because they have to transfer at Florida avenue.

Mr. GALLINGER. If the Senator will permit me, I think if he will acquaint himself with the facts he will ascertain that there was a time, not far remote, when those cars were run through, and the citizens there protested against that system, and it was changed.

Mr. BURKETT. Yes; that was worse than this.

Mr. GALLINGER. Exactly.

Mr. BURKETT. That was worse than this.

Mr. GALLINGER. I have made the point of order, and when the Senator from Nebraska gets through I shall insist upon its being acted upon.

Mr. BURKETT. That is all right. I want to put the responsibility where it belongs. The Senator has not pointed out any legislation that we have been able to get here that touched one of these street railway companies. I undertake to say there are the poorest equipped street railway systems in the District

of Columbia of any town of its size in the United States. There is not a Senator who will make an investigation who will not bear out that statement.

Mr. CULBERSON. In view of the statement of the Senator from Nebraska and in the general interest, I will ask what is the status of the legislation with respect to the construction of car lines leading to the Union Station?

Mr. BURKETT. Ask the chairman of the committee. We know that for several weeks the bill has been in conference. This morning the Senate was asked to disagree still further and send it back to conference, after the committee of conference could not agree. That is as much as I know. I do not know that anybody else, outside of the conferees, knows anything more. But that is the condition we are in with reference to legislation.

The other day there was in the city a prominent street car man, a man who owns a large share of a street railway system in another city, a practical business man, a man who would not exaggerate this thing. He spent a couple of weeks here. Speaking of the beauties of the city and of its development, he complimented it highly, except the street car companies. Street car man as he was he said, "There is not another town in the country that would permit the miserable equipment you have here in the District of Columbia." That was from a street car man. He spoke further of the overcrowded condition of the cars, and the fact that the street car system was not what it ought to be.

Mr. GALLINGER. I will ask the Senator where that gentleman lives?

Mr. BURKETT. The Senator knows where he lives. I told him about it. I talked with him privately about this matter.

Mr. GALLINGER. I suppose they have the overhead trolley system where he lives——

Mr. BURKETT. Yes, sir; they do.

Mr. GALLINGER. Which costs less than one-third to construct as compared with our system.

Mr. BURKETT. The Senator takes the figures that the general manager quotes all the time to us.

Mr. GALLINGER. I beg the Senator's pardon. He has no right to make that statement.

Mr. BURKETT. That is the statement of the general manager.

Mr. GALLINGER. I make it on my own authority, and I have some knowledge with respect to it.

Mr. BURKETT. It does not make any difference about that. I have no hesitancy in saying that probably I would not have seen this gentleman if he had not come from the town in which I live. But I will say he is equally as good a man, I think, as any of the managers of the street railway companies here; perhaps no better and no worse.

But he is a man who knows the street-car business—not an underground system, to be sure, but a man who knows the street car, whether run by an underground trolley or an overhead trolley.

This is not a new thing, Mr. President. This has been before the committee, and we thrashed it over and received petitions for it. Every Senator here, perhaps, knows exactly where this difficulty is out here on Seventh street and U street. The Ninth-street cars take the people out there and dump them in the rain and mud, and where they have got to wait until the cars go to Takoma Park. It is intended to correct that, and that every six minutes the cars shall go out to Takoma Park without a change at U street. I think that is a fair and just proposition, and I think that anybody in these 67 square miles is entitled to a continuous car service to the District border. At most, it could not be over 5 or 6 miles from the heart of the District out to the District line. It is, perhaps, 4½ miles from Ninth street and the Avenue to the District line. It is a reasonable and fair proposition, and it ought to be done.

The Commissioners intimate that they have not had any consideration of it. They have been so hammered by these people out here that they should make some sort of a report and some kind of an investigation until they are getting heartily sick and tired of it. There are four different suburbs out there that have been holding public meetings and drafting resolutions and sending their representatives both here and to the Commissioners for the last three or four years, in order to get a special bill through, and they never have been able to get one through. I undertake to say that it can not be done any better than I propose to do it here as an amendment to the appropriation bill. I understand that it is new legislation subject to a point of order. If the Senator from New Hampshire wants to take that responsibility, well and good, but it seems to me he had better let it go before the Senate and let the Senate take the responsibility of standing between those people out there and the service they ought to have.

Mr. GALLINGER. Mr. President, I take the responsibility and ask the Chair to rule on the point of order.

The VICE-PRESIDENT. The amendment proposes general legislation and is therefore in contravention of the sixteenth rule. The Chair sustains the point of order.

Mr. BACON. Mr. President, I desire to offer an amendment to the bill. I do not know the point where it would more properly come in, but possibly after the eleventh line, on the thirty-third page. If there is any other point in the bill which the committee would prefer after hearing the amendment, of course I am ready to conform to their wish in that matter.

I will state that the amendment which I am about to send to the desk is a copy of a bill which passed the Senate in the Fifty-ninth Congress, with the approval of the District Committee, after having been before that committee, and also with the approval of the District Commissioners, after having been referred to them and having had their report thereon. It was also put upon the District of Columbia appropriation bill in the Fifty-ninth Congress and was defeated in conference. I will ask that the committee agree to its being inserted in this bill.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be read.

The SECRETARY. On page 33, after line 11, insert:

That the street in the District of Columbia now known and designated as "Brightwood avenue" shall hereafter be known and designated as "Georgia avenue," and the street now known and designated as "Georgia avenue" shall hereafter be known and designated as "Navy avenue."

The amendment was agreed to.

Mr. DILLINGHAM. On page 84 of the bill, line 9, I move to amend by inserting after the word "thousand" the words "two hundred."

Mr. GALLINGER. I think that is a very proper amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 84, line 9, where it reads "property clerk, one thousand dollars," insert after "one thousand" the words "two hundred."

The amendment was agreed to.

Mr. GALLINGER. That necessitates a change in the total on page 85 so as to read "$39,976" in lines 20 and 21.

The VICE-PRESIDENT. The total will be changed accordingly.

Mr. BURKETT. I desire to offer an amendment to come in on page 7, after line 8.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 7, after line 8, it is proposed to insert the following proviso:

Provided, That the board of assessors of the District of Columbia shall deduct from the assessments of taxes levied against such lots bordering on the District line in Takoma Park, from Chestnut street east on Eastern avenue, and on Cedar street near Eastern avenue, as are below the established sewer grade of that part of the District of Columbia, and which can not at present be provided with sewer facilities by the District of Columbia, an amount equal to the sewer tax actually paid by the owners of said lots to the town of Takoma Park, Md., for sewer service, not to exceed $10 for each house per annum. This deduction shall continue each year until such times as the District sewer shall become available. And the collector of the District of Columbia shall be authorized to collect said assessments less said deductions.

Mr. GALLINGER. I should like the Senator from Nebraska to make some explanation of the amendment. It is entirely new to the committee, certainly to the chairman.

Mr. BURKETT. I will say to the Senator that this was handed to me and I was spoken to about it by a committee of Takoma Park people. Out in the Park in the edge of the District the land goes down. The District has not sewers built into that particular part of Takoma Park. I think there are ten houses there that can not get sewer connections and they have to go across the line to Takoma Park, Md., and pay for sewer connections. The amendment provides that there shall be deducted from the taxes an amount not to exceed $10 for each house on what they actually pay for connection to Takoma Park, Md.

Mr. GALLINGER. Upon the statement it seems to me to be a very fair proposition. At any rate we will look into it in conference. I am quite willing that it shall go in the bill.

The amendment was agreed to.

Mr. CARTER. On page 30, line 8, I move to strike out "thirty" and insert "fifty," before the word "thousand," so that if amended it will read:

Northwest. Sixteenth street, grade and improve, $50,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

Mr. GALLINGER. I should like the Senator from Montana to give some reason for that amendment. This schedule was worked out very carefully by the Engineer Commissioner in trying to do justice to the various sections of the city.

Mr. CARTER. Mr. President, it will be recalled that some years ago—indeed, many years ago—certain property owners on Sixteenth street donated their property to the extent, I am informed, of $1,000,000 in value, with the understanding that Sixteenth street would be opened out to the District line. The Government accepted the donations and then proceeded with the slowest conceivable process of development. Up to this time the street improvement has not passed more than 200 to 300 feet beyond Mount Pleasant avenue. The development called for and understood at the time the donation of property was made, it seems to me, should be in good faith carried out, as far as the District is concerned. Twenty thousand dollars for the extension of this great avenue is equivalent to making no appropriation at all.

I call the attention of Senators to the condition of this great avenue, extending north from the White House. Anyone, I am sure, whose attention is directed to the street and who will take the pains to inspect the development there will perceive a systematic scheme carried out to repress development along the line the Government agreed to develop when it received the donation of the property.

This is the broadest avenue in the District. It is destined in time, whatever repressive forces may at present operate, to be the great avenue of this country. I am told that it is contemplated extending it to the battlefield of Gettysburg. It is 160 feet between the building lines of the street, and yet, sir, a bridge was established across Piney Branch, east of the park, congesting this great avenue down to 30 feet in width. At the same time a bridge was built across what is known as the "extension of Connecticut avenue," at a cost of something in the neighborhood of $1,000,000.

I do not wish to comment at any length upon the peculiar forces that have led to the strange discrimination in favor of real estate in the northwest part of the city of Washington. I fear it would be a line of comment unpleasant to hear as it would be ungracious to make.

I think the bridge across the Piney Branch on Sixteenth street should be the full width of the street instead of 30 feet—a constricted bridge across a very broad highway. I think the improvements on this street should be pressed forward with a degree of persistence, if you please, indicative of good faith at least on the part of the Government.

I wish to call the attention of the chairman of the committee to this state of facts: On Massachusetts avenue $25,000 is provided for improvements at a point beyond the limit of public ownership of the highway. Massachusetts avenue has not been developed; the right of way has not been procured by the Government for a portion of Massachusetts avenue beyond the Naval Observatory, and yet we go beyond this private holding of ground into the public commons, where there are no houses, no improvements, no need for street development, and appropriate the sum of $25,000 to continue the development of a street the right of way of which has not been procured from the center of the city to the point of development.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. CARTER. Certainly.

Mr. GALLINGER. The Senator probably is not aware of the fact that these appropriations for Massachusetts avenue have in view the opening of a highway to the great Methodist university that is being constructed, a highway that of necessity will have to be built in the near future.

Mr. CARTER. Most assuredly. That highway is now open, Mr. President. But I am addressing myself to a street owned by the Government, the right of way to which has been donated by the people with the understanding that a development would occur. This is the main highway to the great Rock Creek Park.

I do not propose to urge at this time the amendment here proposed by any extended comment upon the curious conditions that have led to this repression of the Sixteenth street development, which appear grotesque upon examination, and the extraordinary expenditures that have been made to the northwest.

I shall follow this amendment, if it is adopted, by another providing that the bridge on Piney Branch, which proposes to limit this 160-foot highway to 30 feet by a bridge, or a culvert rather, shall be extended to the full width of the street. I think that ought to be done.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Certainly.

Mr. GALLINGER. I am in full sympathy with the Senator so far as the bridge part is concerned. I think the bridge over Piney Branch is a grotesque structure. I suggest to the Senator that if he withdraws the amendment he has just offered and offers an amendment making a sufficient appropriation, whatever that may be, for widening that bridge, I shall not object to it. In fact I think it ought to go in the bill.

Mr. CARTER. Mr. President, perhaps, then, at the end of the line——

Mr. GALLINGER. You withdraw the amendment?

Mr. CARTER. I withdraw the amendment.

The VICE-PRESIDENT. The Senator from Montana withdraws his proposed amendment.

Mr. CARTER. And I propose to add an amendment at the end of line 9.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be stated.

The SECRETARY. On page 30, at the end of line 9, insert the following proviso:

Provided, That the bridge, or concrete culvert, across Piney Branch on said Sixteenth street shall be constructed the full width of the roadway and sidewalk of said street, and the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. CARTER. I think, instead of saying that, it would be well to make it provide for commencing the execution of such an extension. I do not know that that would be sufficient for the purposes of such extension.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. Yes.

Mr. CLAY. That bridge has been completed but a short while?

Mr. CARTER. The bridge is not completed.

Mr. CLAY. It is completed, I think. I think the Senator is incorrect. I passed over it last week.

Mr. CARTER. As the Senator will recall, the bridge is, strictly speaking, a concrete culvert over the stream.

Mr. CLAY. The bridge is not as wide as the street. Sixteenth street is a very wide street and the bridge probably is not half as wide as the street. The bridge, though, is almost out in the country, not in the city. It is in the city, too, but it is in the edge of the city, where there are few residences. The Senator will find woods that have never been cleared all around that bridge.

It strikes me that if the pending bill has been before the committee of the House and they carefully considered it, and this item was not inserted, and now it has been before the committee of the Senate and the Senator from New Hampshire, who is a very diligent Senator, was chairman of the subcommittee to consider this measure, if it is proposed to insert an item to rebuild the bridge or to make it wider at a cost of $50,000 at least, a matter of this kind ought to have been considered by some committee. It is a very serious matter to submit to an appropriation bill that comes from the House to a committee, when that committee have gone over every item. We add to the bill a little over $3,000,000, and I submit——

Mr. GALLINGER. A little less than $2,000,000 I will say to the Senator.

Mr. CLAY. I think I am incorrect in regard to the amount.

Mr. CARTER. If the Senator will permit me——

Mr. CLAY. Certainly.

Mr. CARTER. I desire to correct his view in reference to this matter not having been considered. The substance of this particular amendment was fully considered by the Committee on the District of Columbia in connection with the bill for the widening of Sixteenth street. It was regularly adopted by that committee and passed by the Senate, and a bill for the purpose is now pending in the other branch of Congress.

Mr. CLAY. A bill for the purpose of rebuilding this bridge?

Mr. CARTER. A bill providing for this widening purpose was passed by the Senate at the present session, after full consideration by the Committee on the District of Columbia.

Mr. CLAY. I regard Sixteenth street as one of the most important in the city, and as it grows doubtless the bridge will be widened, but now there are only a few residences near the bridge, and I understand there has been no estimate made by the District Commissioners in regard to this item. It does not involve very much, but certainly for us to take up a measure here now that has been refused by the Committee on Appropriations of the House and refused by the committee of the Senate and to adopt it without any estimate and without any investigation, it being out in the edge of the city, when there are pressing improvements in the city, in my opinion can not be justified.

Mr. CARTER. Mr. President, the Senator's statement will be corrected by him upon an investigation as to the facts. The subject has been considered by the Committee on the District of Columbia; it has been approved by the Senate, and it has

never been rejected by a committee of the House. So the Senator's observations in that particular are subject to some modification according to the record.

Mr. CLAY. Mr. President, when the Committee on Appropriations of the Senate—and I presume the same thing occurred in the House—considered this bill, a schedule fixed by the District Commissioners of the improvements desired on streets was furnished to that committee, and the District Commissioners, having charge of the streets, made no estimate in regard to the change of this bridge. To say the least of it, we have not usually gone beyond the recommendations of the District Commissioners. In fact, the bill carries less than the Commissioners estimated, but, if I remember correctly, no recommendations whatever were made by them in regard to this item.

Mr. CARTER. Mr. President, the Congress of the United States has something to say about the management of the affairs of the District of Columbia as well as the Army officer for the time being charged with making estimates and determining how this city shall be improved.

I say to the Senator from Georgia the construction of this trifling bridge in the midst of that magnificent highway is an indefensible line of action from any point of view. Any Senator or intelligent person who will take the pains to merely gaze upon this trifling structure in the midst of that great highway will at once concede that some one either made an egregious blunder or there was some sort of job involved in an attempt to prevent the development of the city along the line of this great highway to the northward.

The Senator suggests that it is out in the country. Mr. President, that is the thing of which I complain. One of the great thoroughfares of the city has been throttled in the very edge of the city by some scheme, or policy, I had better say, which ought never to have been tolerated anywhere.

Just to the east of Sixteenth street we find Fourteenth street developed out for miles, but there is no way whatever of getting out on Sixteenth street, because the highway has been blocked at this point; and this trifling culvert has been in course of construction for a long period of time. The estimates have called for the sum of ten or twenty thousand dollars at a time, and thus the process of construction has been protracted on a highway which leads to the great Rock Creek Park, which unquestionably would have been used for residential purposes in the normal development of the city if the highway had been permitted to be opened. But it has been kept closed; and I am complaining of that course of conduct on the part of somebody; I am not prepared to indicate the person.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield?

Mr. CARTER. I am through.

Mr. GALLINGER. I think the trouble has arisen from lapses on the part of the people who are more directly interested in Sixteenth street than some of the rest of us are. It is a great highway, and we ought to be liberal in the appropriations for it; but I remember very well when the appropriation was made for the Piney Branch Bridge. The bill was then in charge of the distinguished Senator from Iowa [Mr. ALLISON], and I feel sure that no person appeared at that time to argue that a larger appropriation should be made than was made at that time. I have looked at that bridge since it was constructed, and I have been persuaded that it is not a credit to the city. In contrast with the great bridge over Connecticut avenue—which is an ornament, and which, I think, ought to have been constructed just as it is—the bridge on Sixteenth street is an inconsequential structure, and beyond a question at some time it will be enlarged. If anything is to go into this bill on the subject, I will say to the Senator from Montana I doubt whether we ought to provide for widening the bridge to the extent of the street and sidewalk, as his amendment proposes. That, I think, would be much wider.

Mr. FRYE. The Connecticut Avenue Bridge does not do that.

Mr. GALLINGER. I think even the Connecticut Avenue Bridge does not do that.

Mr. CARTER. Mr. President, this is more akin to the bridge which crosses Rock Creek on Massachusetts avenue. It is nothing but a culvert; it is not a bridge in any strict sense of the word. It is to be covered over. It is a concrete arch thrown across Piney Branch, and the roadway is built up to the abutments on either side.

Mr. GALLINGER. I wish the Secretary would read the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated by the Secretary.

The SECRETARY. On page 30, line 9, after the word "dollars," it is proposed to insert:

Provided, That the bridge or concrete culvert across Piney Branch on said Sixteenth street shall be constructed the full width of the roadway and sidewalks of said street; and for this purpose the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CLAY. Mr. President, has the Senator from Montana any information or any estimates which have been made as to how much it would take to construct the culvert or bridge provided for in his amendment? Does the Senator think that $50,000 will complete this bridge and make it as wide as that street? The amendment provides that it shall be made as wide as the street. I will say to the Senator that, if we are going to improve this bridge or enlarge it, estimates ought to be made as to what shall be done and how much it will cost in order that Congress may act intelligently.

The Senator from Montana says that any Senator has the right to propose improvements in Washington. That is true; we all represent this District; but a Senator, in order to ask for improvements of this nature and character, ought to have the engineers under the Commissioners make estimates, which estimates ought to go to the Committee on the District of Columbia and be critically and carefully examined. We are here in the dark, making a guess as to how much it will cost to make these improvements, without a single plan ever having been drawn or without any estimates having been made by the District Commissioners. How can Senators stand upon this floor and know how much bridges will cost or how much it will cost to improve streets unless we have engineers to critically examine the streets and bridges and make reports to the Senate? Senators have not time to go and see bridges and examine them carefully and critically, and I doubt if any of us are as capacitated as are engineers to make estimates in order to act intelligently. Here we are asked to act in the dark and to appropriate this additional $50,000 without any estimate ever having been made by anybody.

Mr. CARTER. Mr. President, the Senator from Georgia, if advised, as are members of the Committee on the District of Columbia, would very materially modify his remarks. I do not wish to engage in any controversy with the Senator from Georgia concerning the deliberations of the Committee on the District of Columbia. I have stated to the Senator from Georgia that this matter was fully, freely, and fairly considered by the Committee on the District of Columbia, and was provided for in a bill reported from the committee and passed by this body.

Now, in order that the Senator's suggestion that we are moving in the dark with reference to the widening of the bridge may be met, I will change the form of this amendment by proposing that we insert, in lieu of "$20,000," in line 8, on page 30, the sum of "$40,000."

Mr. GALLINGER. The Senator from Montana withdraws his proposed amendment?

Mr. CARTER. I will only provide in the amendment for the widening of the street, without providing any appropriation in that particular at all. I do this to the end that the improvements, which are now in progress at that particular point, may henceforth be continued with a view to the widening of this bridge to the full limit of the street. I think this will prove economical; that it will be a guide to the engineers in charge of the construction at that point, and it will provide for an increase of $40,000 in the general expenditure instead of $20,000.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which will be stated.

The SECRETARY. On page 30, line 8, before the word "dollars," it is proposed to strike out "twenty" and insert "forty."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

Mr. CULBERSON. Mr. President, what became of the other amendment proposed by the Senator from Montana [Mr. CARTER]?

Mr. CARTER. Mr. President, if the Senator from Texas will permit me one moment, I propose an amendment at the end of line 9, leaving off reference to the appropriation.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 30, line 9, after the word "dollars," it is proposed to insert the following proviso:

Provided, That the bridge or concrete culvert across Piney Branch on said Sixteenth street shall be constructed the full width of the roadway and sidewalks of said street.

Mr. CULBERSON. That answers my inquiry, Mr. President.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. CLAY. Let the amendment be voted on by the Senate, Mr. President. I prefer to have a vote on the Senator's amendment, as I desire to vote against it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

Mr. CULBERSON. Before that vote is taken, I recall some moments ago that the Senator from Montana proposed to strike out "$20,000," in line 8, page 30, and insert "$50,000" instead. Has that question been determined?

Mr. CARTER. That amendment I withdrew and substituted a motion to insert "$40,000" instead of "$20,000."

The VICE-PRESIDENT. The question is on agreeing to the first amendment proposed by the Senator from Montana [Mr. CARTER], on page 30, line 8, to strike out "twenty" and to insert "forty."

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the second amendment offered by the Senator from Montana as a proviso on page 30, line 9.

The amendment was agreed to.

Mr. GALLINGER. I would suggest, Mr. President, that the Secretary will, I think, have to change the total in those paragraphs on page 32.

Mr. CARTER. By adding $20,000.

Mr. GALLINGER. The Secretary can do that at his convenience.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I move that the Senate proceed to the consideration of House bill 16268, being the pension appropriation bill. It will take only a few moments.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 2, to increase the appropriation for Army and Navy pensions from $150,000,000 to $162,000,000.

The amendment was agreed to.

The next amendment was, in the item for Army and Navy pensions, on page 2, line 7, after the word "separately," to insert the following further proviso:

And provided further, That from and after the passage of this act all pensioners who may be inmates of any Soldiers and Sailors' Home, or other institution maintained by any State for the benefit of dependent or other disabled volunteer soldiers, shall have their respective pensions paid to them directly instead of to the treasurer or other officer of the home or institution at which they may be respectively located.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to strike out "For salary of one agent for the payment of pensions, $4,000," and to insert "For the salaries of eighteen agents for the payment of pensions, at $4,000 each, $72,000."

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to strike out:

For clerk hire, and other services in the pension agencies, $335,000: *Provided*, That the amount of clerk hire, and other services, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

And to insert:

For clerk hire, and other services, in the pension agencies, $435,000: *Provided*, That the amount of clerk hire, and other services, for each agency, shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency and the salaries paid shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, at the top of page 5, to insert:

For rent, New York agency, $4,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes, $1,500.

The amendment was agreed to.

The next amendment was, on page 5, line 9, before the word "thousand," to strike out "thirty" and insert "forty;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Interior shall furnish free to all pensioners franked or penalty envelopes, properly addressed, to be used by said pensioners only for the return of their pension vouchers.

So as to make the clause read:

For stationery and other necessary expenses, $40,000: *Provided*, That the Secretary of the Interior shall furnish free to all pensioners franked or penalty envelopes, properly addressed, to be used by said pensioners only for the return of their pension vouchers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RIO GRANDE RIVER BRIDGE, BROWNSVILLE, TEX.

Mr. CULBERSON. As it is a matter of some urgency, I ask unanimous consent for the present consideration of the bill (S. 6600) authorizing the St. Louis, Brownsville and Mexico Railway Company to construct bridges across the Rio Grande at some point at or near the town of Brownsville, in Cameron County, Tex.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BAYOU D'ARBONNE BRIDGE, LOUISIANA.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. FRYE. I will say to the Senator that the House of Representatives is preparing an omnibus bridge bill, and there are four bridge bills on the Senate Calendar that ought to be sent over to the House to-day.

Mr. LODGE. Very well. I withdraw the motion.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill (S. 6572) to authorize the Ruston, Natchitoches and Northeastern Railroad Company to construct a bridge across Bayou D'Arbonne, in Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COPPER RIVER BRIDGE, ALASKA.

Mr. KEAN. At the request of the Senator from Colorado [Mr. GUGGENHEIM] I ask unanimous consent for the present consideration of the bill (S. 6540) to authorize the Copper River Railway Company to construct two bridges across the Copper River, in the district of Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, MONTANA.

Mr. FRYE. There is one other bridge bill on the Calendar, and I ask unanimous consent for its present consideration. It is the bill (S. 6458) to authorize the Yellowstone Valley Steel Bridge Company to construct a bridge across the Missouri River in Montana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. That completes the list.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was ageed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 29, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 28, 1908.

REAPPOINTMENTS IN THE ARMY.

Assistant surgeons-general to be colonels.

Joseph B. Girard, September 7, 1902.
William C. Gorgas, March 9, 1903.
Philip F. Harvey, August 6, 1903.
Charles B. Byrne, August 9, 1903.
Valery Havard, April 26, 1904.
John Van R. Hoff, January 19, 1905.
George W. Adair, April 6, 1905.
Louis M. Maus, May 10, 1907.
Blair D. Taylor, March 31, 1908.

Deputy surgeons-general to be lieutenant-colonels.

George H. Torney, August 6, 1903.
Louis W. Crampton, August 9, 1903.
Daniel M. Appel, August 3, 1904.
Harry O. Perley, August 14, 1904.
William B. Davis, January 19, 1905.
William W. Gray, April 6, 1905.
Louis Brechemin, July 1, 1905.
Louis A. La Garde, March 17, 1906.
John M. Banister, March 29, 1906.
Aaron H. Appel, May 10, 1907.
Junius L. Powell, March 31, 1908.
Charles Richard, April 10, 1908.

Surgeons to be majors.

W. Fitzhugh Carter, November 30, 1897.
Rudolph G. Ebert, April 17, 1898.
Robert J. Gibson, April 23, 1898.
William H. Arthur, August 23, 1898.
George E. Bushnell, December 10, 1898.
Henry P. Birmingham, December 15, 1898.
Edward Champe Carter, December 21, 1898.
Marlborough C. Wyeth, June 8, 1899.
Richard W. Johnson, November 6, 1899.
William Stephenson, April 28, 1900.
John L. Phillips, October 8, 1900.
William C. Borden, February 2, 1901.
Edgar A. Mearns, February 2, 1901.
Guy L. Edie, February 2, 1901.
William D. Crosby, February 2, 1901.
Charles M. Gandy, February 2, 1901.
Charles B. Ewing, February 2, 1901.
Walter D. McCaw, February 2, 1901.
Jefferson R. Kean, February 2, 1901.
Henry I. Raymond, February 2, 1901.
William P. Kendall, February 2, 1901.
Edward R. Morris, February 2, 1901.
Henry S. T. Harris, February 4, 1901.
William B. Banister, April 2, 1901.
Charles E. Woodruff, April 13, 1901.
Paul Shillock, June 7, 1901.
Ogden Rafferty, October 24, 1901.
Charles F. Mason, December, 9, 1901.
James D. Glennan, January 1, 1902.
Alfred E. Bradley, January 1, 1902.
Charles Willcox, April 7, 1902.
Euclid B. Frick, June 28, 1902.
Frank R. Keefer, June 30, 1902.
Thomas U. Raymond, August 12, 1902.
Henry D. Snyder, September 7, 1902.
Philip G. Wales, October 27, 1902.
Allen M. Smith, November 23, 1902.
Joseph T. Clarke, February 13, 1903.
Merritte W. Ireland, August 3, 1903.
Henry C. Fisher, August 9, 1903.
Henry A. Shaw, September 22, 1903.
Charles F. Kieffer, April 26, 1904.
Francis A. Winter, August 3, 1904.
William E. Purviance, August 14, 1904.
George D. Deshon, December 5, 1904.
Champe C. McCulloch, jr., January 19, 1905.
Frederick P. Reynolds, March 31, 1905.
Robert S. Woodson, April 6, 1905.
Harry M. Hallock, July 1, 1905.
Paul F. Straub, March 17, 1906.
Alexander N. Stark, March 29, 1906.
Charles Lynch, April 2, 1906.
John S. Kulp, May 26, 1906.
Edward L. Munson, July 11, 1906.
James M. Kennedy, March 20, 1907.
Deane C. Howard, April 24, 1907.
William H. Wilson, May 10, 1907.
William F. Lewis, April 10, 1908.
Thomas S. Bratton, April 15, 1908.
Thomas J. Kirkpatrick, April 22, 1908.

Assistant surgeons to be captains.

John H. Stone, November 6, 1900.
Irving W. Rand, November 6, 1900.
Powell C. Fauntleroy, November 15, 1900.
James S. Wilson, December 16, 1900.
Basil H. Dutcher, October 26, 1901.
Leigh A. Fuller, October 26, 1901.
George A. Skinner, October 26, 1901.
Carl R. Darnall, October 26, 1901.
Henry Page, November 6, 1902.
Bailey K. Ashford, November 6, 1902.
Henry A. Webber, November 6, 1902.
Jere B. Clayton, November 6, 1902.
Weston P. Chamberlain, July 23, 1903.
Edward R. Schreiner, July 23, 1903.
Ira A. Shimer, July 23, 1903.
Frederick M. Hartsock, July 23, 1903.
Douglas F. Duval, July 23, 1903.
Clarence J. Manly, July 23, 1903.
David Baker, July 23, 1903.
Albert E. Truby, July 23, 1903.
James R. Church, August 8, 1903.
Joseph H. Ford, December 12, 1903.
Percy M. Ashburn, December 12, 1903.
Elmer A. Dean, December 12, 1903.
Francis M. C. Usher, December 12, 1903.
Willard F. Truby, December 12, 1903.
Frederick F. Russell, December 12, 1903.
Edwin P. Wolfe, December 12, 1903.
Henry S. Greenleaf, January 7, 1904.
Louis T. Hess, January 30, 1904.
Christopher C. Collins, January 30, 1904.
Benjamin J. Edger, jr., June 14, 1904.
Samuel M. Waterhouse, July 23, 1904.
Eugene H. Hartnett, July 23, 1904.
Clyde S. Ford, June 16, 1904.
Charles E. Marrow, December 12, 1904.
Walter D. Webb, February 10, 1904.
M. A. W. Shockley, February 17, 1905.
Robert N. Winn, April 11, 1905.
Theodore C. Lyster, October 3, 1905.
Sanford H. Wadhams, October 3, 1905.
Chandler P. Robbins, October 3, 1905.
Thomas L. Rhoads, October 3, 1905.
Harry L. Gilchrist, October 3, 1905.
William J. L. Lyster, October 3, 1905.
Walter Cox, December 12, 1904.
Elbert E. Persons, October 3, 1905.
William N. Bispham, October 3, 1905.
Edward F. Geddings, October 9, 1905.
William W. Quinton, October 26, 1898.
Edward P. Rockhill, January 9, 1906.
Arthur W. Morse, February 4, 1906.
Frank C. Baker, February 4, 1906.
Henry S. Kiersted, February 4, 1906.
John D. Yost, July 2, 1905.
Charles R. Reynolds, February 11, 1906.
Paul C. Hutton, February 11, 1906.
Frederick A. Dale, February 11, 1906.
William M. Roberts, February 11, 1906.
Charles W. Farr, February 11, 1906.
Jay Ralph Shook, March 6, 1906.
William E. Vose, March 6, 1906.
Frank T. Woodbury, March 6, 1906.
Henry H. Rutherford, August 16, 1905.
Ernest L. Ruffner, December 15, 1905.
William H. Brooks, January 1, 1906.
Charles N. Barney, January 12, 1906.
Eugene R. Whitmore, June 29, 1906.
Patrick H. McAndrew, June 29, 1906.
Charles Y. Brownlee, June 29, 1906.
John A. Murtagh, June 29, 1906.
George M. Ekwurzel, June 29, 1906.
Gideon McD. Van Poole, June 29, 1906.
William W. Reno, June 29, 1906.
Carroll D. Buck, June 29, 1906.
George H. R. Gosman, June 29, 1906.
Conrad E. Koerper, June 29, 1906.
John H. Allen, June 29, 1906.
Robert U. Patterson, June 29, 1906.
Roderic P. O'Connor, June 29, 1906.

George P. Heard, June 29, 1906.
Robert E. Noble, June 29, 1906.
James W. Van Dusen, June 29, 1906.
Roger Brooke, jr., June 29, 1906.
Wallace De Witt, June 29, 1906.
Robert M. Thornburgh, June 29, 1906.
Robert B. Grubbs, June 29, 1906.
Edmund D. Shortlidge, June 29, 1906.
Verge E. Sweazey, June 29, 1906.
Matthew A. De Laney, June 29, 1906.
Horace D. Bloombergh, June 29, 1906.
Paul S. Halloran, June 29, 1906.
Kent Nelson, June 29, 1906.
Peter C. Field, June 29, 1906.
Herbert G. Shaw, June 29, 1906.
Louis Brechemin, jr., June 29, 1906.
Lloyd Le R. Krebs, June 29, 1906.
William P. Woodall, June 29, 1906.
Clement C. Whitcomb, June 29, 1906.
George H. Crabtree, September 5, 1906.
Wilson T. Davidson, November 26, 1905.
Herbert M. Smith, September 20, 1906.
Park Howell, March 3, 1906.
Cosam J. Bartlett, September 21, 1906.
Reuben B. Miller, October 30, 1906.
Charles A. Ragan, October 30, 1906.
William R. Eastman, October 30, 1906.
James F. Hall, October 30, 1906.
Raymond F. Metcalfe, October 30, 1906.
Edwin W. Rich, October 30, 1906.
Perry L. Boyer, October 30, 1906.
James M. Phalen, October 30, 1906.
James L. Bevans, June 16, 1906.
William L. Little, January 6, 1907.
Allie W. Williams, February 4, 1907.
John L. Shepard, February 21, 1907.
William L. Keller, June 2, 1907.
Charles C. Billingslea, June 2, 1907.
William H. Moncrief, November 30, 1906.
Nelson Gapen, June 24, 1907.
William T. Davis, June 24, 1907.
Charles F. Morse, June 24, 1907.
Haywood S. Hansell, June 24, 1907.
Junius C. Gregory, June 24, 1907.
Clarence H. Connor, June 24, 1907.
Jay W. Grissinger, June 24, 1907.
Will L. Pyles, June 24, 1907.
William M. Smart, June 24, 1907.
Harry S. Purnell, June 24, 1907.
Robert M. Blanchard, July 16, 1907.
James Bourke, September 9, 1907.
Samuel M. De Loffre, September 10, 1907.
Louis C. Duncan, May 10, 1907.
Edward M. Talbott, October 27, 1907.
John A. Clark, October 27, 1907.
Samuel J. Morris, October 27, 1907.
Jacob M. Coffin, October 27, 1907.
John W. Hanner, October 27, 1907.
Levy M. Hathaway, October 27, 1907.
Alexander Murray, October 27, 1907.
Philip W. Huntington, October 27, 1907.
James D. Fife, October 27, 1907.
William A. Powell, October 27, 1907.
Leon T. Le Wald, October 27, 1907.
Jesse R. Harris, October 27, 1907.
George H. Scott, October 27, 1907.
Edwin D. Kilbourne, October 27, 1907.
Robert L. Carswell, October 27, 1907.
Robert L. Richards, January 22, 1908.
Charles F. Craig, February 18, 1908.
William P. Banta, February 18, 1908.
Robert H. Pierson, April 23, 1908.
Cary A. Snoddy, April 23, 1908.
James I. Mabee, April 23, 1908.
George P. Peed, December 30, 1903.
Ralph S. Porter, April 12, 1904.
Henry D. Thomason, March 3, 1905.
Percy L. Jones, June 26, 1905.
Fred W. Palmer, November 14, 1906.
Edward B. Vedder, April 23, 1908.
Henry F. Pipes, April 23, 1908.
Charles L. Foster, April 23, 1908.
John R. Bosley, April 23, 1908.
Robert C. Loving, April 23, 1908.
Chester J. Stedman, April 23, 1908.
Orville G. Brown, April 23, 1908.
George F. Juenemann, April 23, 1908.
Joseph F. Siler, April 23, 1908.
Arthur M. Whaley, April 23, 1908.
Theodore Lamson, April 23, 1908.
Craig R. Snyder, April 23, 1908.
Ernest G. Bingham, April 23, 1908.
James D. Heysinger, April 23, 1908.
Lloyd L. Smith, April 23, 1908.
John B. Huggins, April 23, 1908.
Edgar W. Miller, April 23, 1908.
William H. Tefft, April 23, 1908.
William R. Davis, August 8, 1907.
Leartus J. Owen, April 23, 1908.
Stanley G. Zinke, April 23, 1908.
Robert M. Culler, April 23, 1908.
Frank W. Weed, April 23, 1908.
William A. Wickline, April 23, 1908.
Henry L. Brown, April 23, 1908.
Howard H. Baily, April 23, 1908.
Harry G. Humphreys, April 23, 1908.
Paul L. Freeman, April 23, 1908.

Assistant surgeons to be first lieutenants.

William A. Duncan, May 1, 1905.
Earl H. Bruns, May 1, 1905.
Herbert C. Gibner, May 1, 1905.
Clarence Le R. Cole, May 10, 1905.
Albert G. Love, June 20, 1906.
Harold W. Jones, June 20, 1906.
Omar W. Pinkston, June 20, 1906.
Mathew A. Reasoner, June 20, 1906.
Henry J. Nichols, June 20, 1906.
Louis H. Hanson, June 20, 1906.
Lucius L. Hopwood, June 20, 1906.
Charles E. Freeman, June 20, 1906.
Ferdinand Schmitter, June 20, 1906.
Howard A. Reed, June 20, 1906.
Henry B. McIntyre, June 20, 1906.
Frederick S. Macy, June 15, 1907.
Guy V. Rukke, June 15, 1907.
Henry C. Pillsbury, June 15, 1907.
Edgar King, June 15, 1907.
Arthur C. Christie, June 15, 1907.
Howard H. Johnson, June 15, 1907.
Ray W. Bryan, June 15, 1907.
Bernard S. Gostin, June 15, 1907.
William H. Richardson, June 15, 1907.
William K. Bartlett, June 15, 1907.

PROMOTION IN THE ARMY.

Infantry Arm.

Almon L. Parmerter, Twenty-first Infantry, to be major from April 24, 1908, vice Blauvelt, Sixteenth Infantry, detailed as paymaster.

PROMOTIONS IN REVENUE-CUTTER SERVICE.

Capt. William Hickson Cushing to be a senior captain in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

Capt. Oscar Charles Hamlet to be a senior captain in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

Capt. Frederic Montford Munger to be a senior captain in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

Capt. Frank Hamilton Newcomb to be a senior captain in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

Capt. Horatio Davis Smith to be a senior captain in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

Capt. Francis Grey Ford Wadsworth to be a senior captain in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

First Lieutenant of Engineers Charles Frederick Coffin to be a senior engineer in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

First Lieutenant of Engineers John Richard Dally to be a engineer in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

First Lieutenant of Engineers David McComas French to be a senior engineer in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

First Lieutenant of Engineers Charles Warren Munroe to be a senior engineer in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

First Lieutenant of Engineers Edward George Schwartz to be a senior engineer in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

First Lieutenant of Engineers Horace Capron Whitworth to be a senior engineer in the Revenue-Cutter Service of the United States. New office created by the act of Congress approved April 16, 1908.

Capt. Charles Frederick Shoemaker, retired, Revenue-Cutter Service, to be captain-commandant, retired, in the Revenue-Cutter Service of the United States, under the provisions of section 6 of the act of Congress approved April 16, 1908.

POSTMASTERS.

ALABAMA.

William Wagner to be postmaster at Atmore, Escambia County, Ala. Office became Presidential October 1, 1906.

ALASKA.

Lillie N. Gordon to be postmaster at Seward, Alaska. Office became Presidential October 1, 1906.

CALIFORNIA.

Franklin L. Glass to be postmaster at Martinez, Contra Costa County, Cal., in place of Franklin L. Glass. Incumbent's commission expired April 27, 1908.

GEORGIA.

Harry S. Edwards to be postmaster at Macon, Bibb County, Ga., in place of Harry S. Edwards. Incumbent's commission expired April 27, 1908.

John F. Jenkins to be postmaster at Ashburn, Turner County, Ga., in place of John F. Jenkins. Incumbent's commission expires April 28, 1908.

Levi L. Spence to be postmaster at Ball Ground, Cherokee County, Ga. Office became Presidential April 1, 1908.

Albert N. Tumlin to be postmaster at Cave Springs, Floyd County, Ga. Office became Presidential April 1, 1908.

KANSAS.

George W. Hill to be postmaster at Douglass, Butler County, Kans., in place of George W. Hill. Incumbent's commission expired November 17, 1907.

LOUISIANA.

Robert A. Giddens to be postmaster at Coushatta, Red River Parish, La. Office became Presidential January 1, 1908.

MICHIGAN.

Orlo S. Pattison to be postmaster at Caro, Tuscola County, Mich., in place of Fred Slocum. Incumbent's commission expired January 26, 1908.

NEW JERSEY.

Theodore S. Moore to be postmaster at Stockton, Hunterdon County, N. J. Office became Presidential April 1, 1908.

NEW YORK.

William B. Adams to be postmaster at Bedford Station, Westchester County, N. Y., in place of William B. Adams. Incumbent's commission expired January 18, 1908.

Frederic A. Purdy to be postmaster at Croton Falls, Westchester County, N. Y. Office became Presidential April 1, 1908.

Albert Weed to be postmaster at Ticonderoga, Essex County, N. Y., in place of Albert Weed. Incumbent's commission expired January 18, 1908.

NORTH CAROLINA.

Mattie S. Martin to be postmaster at Leaksville, Rockingham County, N. C. Office became Presidential April 1, 1908. (Postmaster deceased.)

OHIO.

John McGuff to be postmaster at Creston, Wayne County, Ohio, in place of John McGuff. Incumbent's commission expired April 19, 1908.

PENNSYLVANIA.

A. M. Ehart to be postmaster at Wayne, Delaware County, Pa., in place of George W. Brown. Incumbent's commission expired March 21, 1906.

William H. D. Godshall to be postmaster at Lansdale, Montgomery County, Pa., in place of Henry D. Ruth. Incumbent's commission expired April 27, 1908.

TENNESSEE.

William B. Pickering to be postmaster at Carthage, Smith County, Tenn. Office became Presidental April 1, 1908.

TEXAS.

Robert B. Rentfro to be postmaster at Brownsville, Cameron County, Tex., in place of Joel B. Sharpe. Incumbent's commission expired January 27, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 28, 1908.

PENSION AGENT.

Joab N. Patterson, of New Hampshire, to be pension agent at Concord, N. H.

MARSHALS.

Guy Murchie, of Massachusetts, to be United States marshal for the district of Massachusetts.

Aaron M. Storer, of Mississippi, to be United States marshal for the northern district of Mississippi.

APPOINTMENTS IN THE ARMY.

General officers.

Brig. Gen. Thomas H. Barry to be major-general from April 29, 1908.

Col. Charles Morris, Coast Artillery Corps, to be brigadier-general.

Col. Philip Reade, Twenty-third Infantry, to be brigadier-general.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Thomas S. Bratton, assistant surgeon, to be surgeon, with the rank of major, from April 15, 1908.

Cavalry Arm.

Lieut. Col. George A. Dodd, Fourth Cavalry, to be colonel from April 14, 1908.

Maj. John Pitcher, Second Cavalry, to be lieutenant-colonel from April 14, 1908.

Capt. Stephen L. H. Slocum, First Cavalry, to be major from April 14, 1908.

First Lieut. John W. Moore, Second Cavalry, to be captain from April 14, 1908.

First Lieut. Marion C. Raysor, Fifth Cavalry, to be captain from April 16, 1908.

To be placed on the retired list of the Army with the rank of brigadier-general from the dates on which they shall be retired from active service, respectively:

Col. Henry M. Adams, Corps of Engineers.

Col. Clinton B. Sears, Corps of Engineers.

Col. Richard L. Hoxie, Corps of Engineers.

PROMOTIONS IN THE NAVY.

Capt. William S. Cowles to be a rear-admiral in the Navy from the 23d day of April, 1908.

Commander Alexander Sharp, an additional number in grade, to be a captain in the Navy from the 23d day of April, 1908.

Pay Inspector Charles S. Williams to be a pay director in the Navy from the 5th day of April, 1908.

POSTMASTERS.

ALASKA.

John T. Spickett to be postmaster at Juneau, Alaska.

ARKANSAS.

F. G. Briggs to be postmaster at Judsonia, White County, Ark.

James U. Brown to be postmaster at Huttig, Union County, Ark.

Harry E. Courtney to be postmaster at Lake Village, in the county of Chicot and State of Arkansas.

C. A. Dawson to be postmaster at Marked Tree, in the county of Poinsett and State of Arkansas.

Arthur Deland to be postmaster at Black Rock, Lawrence County, Ark.

Mattie C. De Vaughan to be postmaster at Waldo, Columbia County, Ark.

John Edwards to be postmaster at Gurdon, Clark County, Ark.

Claude R. Ferguson to be postmaster at Huntington, in the county of Sebastian and State of Arkansas.

Robert L. Floyd to be postmaster at El Dorado, Union County, Ark.

Charles L. Jones to be postmaster at Junction City (late Junction), Union County, Ark.

R. M. Jordan to be postmaster at Fordyce, Dallas County, Ark.

M. B. Leming to be postmaster at Waldron, Scott County, Ark.
Joel M. McClintock to be postmaster at Devall Bluff, Prairie County, Ark.
James L. McKamey to be postmaster at Imboden, Lawrence County, Ark.
William T. Moore to be postmaster at Leslie, Searcy County, Ark.
Eva V. Moss to be postmaster at Earl, in the county of Crittenden and State of Arkansas.
T. B. Murphy to be postmaster at Alma, in the county of Crawford and State of Arkansas.
Nannie H. Savage to be postmaster at Monticello, Drew County, Ark.
Fidelles B. Schooley to be postmaster at England, Lonoke County, Ark.
William Sheridan to be postmaster at Beebe, White County, Ark.
J. A. Steele to be postmaster at Lewisville, Lafayette County, Ark.
John H. Thompson to be postmaster at Yellville, Marion County, Ark.
James H. Wright to be postmaster at Hartford, in the county of Sebastian and State of Arkansas.

INDIANA.

Robert H. Bryson to be postmaster at Indianapolis, Marion County, Ind.

MICHIGAN.

Orlo S. Pattison to be postmaster at Caro, Tuscola County, Mich.

MISSISSIPPI.

David F. Breckenridge to be postmaster at Como, Panola County, Miss.
William A. Carr to be postmaster at Coffeeville, Yalobusha County, Miss.
Alfred B. Clifton to be postmaster at Hernando, De Soto County, Miss.
John C. Clifton to be postmaster at Senatobia, Tate County, Miss.
Maze H. Daily to be postmaster at Coldwater, Tate County, Miss.
Andrew J. Darden to be postmaster at Centerville, Wilkinson County, Miss.
William G. Edwards to be postmaster at Enterprise, Clarke County, Miss.
Irene F. Elliott to be postmaster at Okolona, Chickasaw County, Miss.
Frank Fairly to be postmaster at Mount Olive, Covington County, Miss.
Thomas R. Gates to be postmaster at Shubuta, Clarke County, Miss.
Lou J. Hall to be postmaster at Brookville, Noxubee County, Miss.
Charles L. Hovis to be postmaster at Ripley, Tippah County, Miss.
Lewis M. Joyner to be postmaster at Agricultural College, Oktibbeha County, Miss.
Thomas F. Logan to be postmaster at Friar Point, Coahoma County, Miss.
John R. Matthews to be postmaster at Wesson, Copiah County, Miss.
John H. Nutt to be postmaster at Sumrall, Lamar County, Miss.
Wade H. Phyfer to be postmaster at New Albany, Union County, Miss.
Annie M. Summers to be postmaster at Charleston, Tallahatchie County, Miss.
Benjamin R. Trotter to be postmaster at Lucedale, Greene County, Miss.
Bennett A. Truly to be postmaster at Fayette, Jefferson County, Miss.
James M. Tyler to be postmaster at Bogue Chitto, Lincoln County, Miss.
John G. Webb to be postmaster at Pickens, Holmes County, Miss.
Benjamin A. Weems to be postmaster at Purvis, Lamar County, Miss.
Henrietta Welch to be postmaster at Carrollton, Carroll County, Miss.
Emma L. Whyte to be postmaster at Bond, Harrison County, Miss.
Mae Wright to be postmaster at Osyka, Pike County, Miss.

MISSOURI.

George W. Goins to be postmaster at Breckenridge, Caldwell County, Mo.
James Tait, sr., to be postmaster at Polo, Caldwell County, Mo.

NEW YORK.

John T. Dare to be postmaster at Patchogue, Suffolk County, N. Y.
John J. Hollis to be postmaster at Lacona, Oswego County, N. Y.
George S. Fordyce to be postmaster at Union Springs, Cayuga County, N. Y.

NORTH CAROLINA.

Thomas C. Smith to be postmaster at Rutherfordton, Rutherford County, N. C.

OKLAHOMA.

George C. Barber to be postmaster at Prague, in the county of Lincoln and State of Oklahoma.
David C. Blossom to be postmaster at Atoka, Atoka County, Okla.
Harry S. Bockes to be postmaster at Duncan, in the county of Stephens and State of Oklahoma.
Louis N. Bushorr to be postmaster a Pawnee, Pawnee County, Okla.
William R. Casteel to be postmaster at Mounds, Creek County, Okla.
Daniel G. Dodds to be postmaster at Beggs, in the county of Okmulgee and State of Oklahoma.
Addison F. Farr to be postmaster at Hooker, Beaver County, Okla.
Charles F. Hartronft to be postmaster at Foss, Washita County, Okla.
Cyrus Howenstine to be postmaster at Arapaho, in the county of Custer and State of Oklahoma.
John M. Lapham to be postmaster at Cement, Caddo County, Okla.
Arthur E. Leap to be postmaster at Collinsville, in the county of Rogers and State of Oklahoma.
O. F. Mason to be postmaster at Afton, in the county of Ottawa and State of Oklahoma.
Louis M. Merritt to be postmaster at Roff, Chickasaw County, Okla.
John L. Morgan to be postmaster at Waurika, in the county of Comanche and State of Oklahoma.
F. E. Nichols to be postmaster at Elk City (late Busch), in the county of Roger Mills and State of Oklahoma.
John B. Willeford to be postmaster at Olustee, Greer County, Okla.

PENNSYLVANIA.

Harvey E. Brinley to be postmaster at Birdsboro, Berks County, Pa.
John H. Brubaker to be postmaster at Elizabethtown, Lancaster County, Pa.
John W. Chamberlain to be postmaster at Wyalusing, Bradford County, Pa.
John C. Crissman to be postmaster at Arnold, Westmoreland County, Pa.
Joseph Davis to be postmaster at Taylor, Lackawanna County, Pa.
John F. Fenstermacher to be postmaster at Mount Joy, Lancaster County, Pa.
William H. Fulton to be postmaster at Stewartstown, York County, Pa.
James E. Hunter to be postmaster at Turtle Creek, Allegheny County, Pa.
Charles S. Madeira to be postmaster at Fleetwood, Berks County, Pa.
Anne D. Moore to be postmaster at Avondale, Chester County, Pa.
James E. Rupert to be postmaster at Conneautville, Crawford County, Pa.
Samuel B. Sickelsmith to be postmaster at New Haven, Fayette County, Pa.
Charles A. Suesserott to be postmaster at Chambersburg, Franklin County, Pa.
Joseph S. Taylor to be postmaster at Morrisville, Bucks County, Pa.
Bert L. Venen to be postmaster at Springboro, Crawford County, Pa.

TENNESSEE.

J. I. Harrison to be postmaster at Cleveland, Bradley County, Tenn.

Sallie J. Massey to be postmaster at Sevierville, Sevier County, Tenn.

W. H. Wilson to be postmaster at Martin, Weakley County, Tenn.

TEXAS.

Robert H. Armstrong to be postmaster at Kaufman, Kaufman County, Tex.

Joseph W. Barber to be postmaster at Ranger, Eastland County, Tex.

John J. Bartlett to be postmaster at Hughes Springs, Cass County, Tex.

William H. Bradley to be postmaster at Groveton, Trinity County, Tex.

Charles R. Bone to be postmaster at Beaumont, Jefferson County, Tex.

John H. Carson to be postmaster at Dayton, Liberty County, Tex.

John A. Couch, sr., to be postmaster at Munday, Knox County, Tex.

Louis W. Durrell to be postmaster at Alpine, Brewster County, Tex.

Carl E. Ericson to be postmaster at El Campo, Wharton County, Tex.

Clinton J. Farrell to be postmaster at Vernon, Wilbarger County, Tex.

Charles H. Farwell to be postmaster at Channing, Hartley County, Tex.

Marion S. French to be postmaster at Alvin, Brazoria County, Tex.

Henry C. Ford to be postmaster at Whitney, Hill County, Tex.

W. A. Gardner to be postmaster at Falfurrias, Starr County, Tex.

Robert B. Gordon to be postmaster at Strawn, Palo Pinto County, Tex.

Lucius C. Guin to be postmaster at Mount Calm, Hill County, Tex.

Andrew J. Harrison to be postmaster at Goldthwaite, Mills County, Tex.

John Harvey to be postmaster at Meridian, Bosque County, Tex.

Leland S. Howard to be postmaster at Roscoe, Nolan County, Tex.

Covey M. Hughs to be postmaster at Wharton, Wharton County, Tex.

Fred P. Ingerson to be postmaster at Barstow, Ward County, Tex.

James E. Lindsey to be postmaster at Rule, Haskell County, Tex.

William N. Merritt to be postmaster at Nocona, Montague County, Tex.

William B. Montgomery to be postmaster at Stanton, Martin County, Tex.

Charles B. Moore to be postmaster at Lovelady, Houston County, Tex.

Orion L. Niccolls to be postmaster at Marfa, Presidio County, Tex.

Jose V. Palacios to be postmaster at San Diego, Duval County, Tex.

Clarence V. Rattan to be postmaster at Cooper, Delta County, Tex.

Rudolph L. Reuser to be postmaster at Runge, Karnes County, Tex.

Michael A. Rickard to be postmaster at Mount Pleasant, Titus County, Tex.

John G. Ross to be postmaster at Garrison, Nacogdoches County, Tex.

Benjamin M. Sheldon to be postmaster at Rockport, Aransas County, Tex.

Harper Simpson to be postmaster at Edna, Jackson County, Tex.

L. A. Smith to be postmaster at De Kalb, Bowie County, Tex.

Charlie B. Starke to be postmaster at Holland, Bell County, Tex.

George F. Taylor to be postmaster at Royse City, Rockwall County, Tex.

Henry T. Vaughan to be postmaster at Mart, McLennan County, Tex.

Henry J. Veltman to be postmaster at Brackettville, Kinney County, Tex.

Denny E. Walshe to be postmaster at Grand Saline, Van Zandt County, Tex.

Jacob A. Wright to be postmaster at Crowell, Foard County, Tex.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 28, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21260, the sundry civil appropriation bill.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum. The Chair will count. [After counting.] Sixty-three Members are present; not a quorum. The point of order is sustained. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the question will be taken on the motion that the House resolve itself into the Committee of the Whole House for the further consideration of the sundry civil appropriation bill.

The question was taken, and there were—yeas 263, answered "present" 8, not voting 116, as follows:

YEAS—263.

Adair	Douglas	Humphrey, Wash.	Perkins
Adamson	Draper	Humphreys, Miss.	Pollard
Aiken	Driscoll	James, Ollie M.	Porter
Alexander, Mo.	Durey	Jenkins	Pray
Allen	Dwight	Johnson, Ky.	Prince
Andrus	Ellis, Mo.	Johnson, S. C.	Rainey
Ansberry	Ellis, Oreg.	Jones, Wash.	Randell, Tex.
Anthony	Englebright	Kahn	Rauch
Ashbrook	Esch	Keifer	Reeder
Bartholdt	Fairchild	Keliher	Reynolds
Bartlett, Ga.	Favrot	Kennedy, Iowa	Rhinock
Bartlett, Nev.	Ferris	Kinkaid	Richardson
Bates	Finley	Kipp	Robinson
Beale, Pa.	Fitzgerald	Knapp	Rodenberg
Beall, Tex.	Flood	Knopf	Rothermel
Bede	Floyd	Knowland	Rucker
Bell, Ga.	Fordney	Küstermann	Russell, Mo.
Bennet, N. Y.	Fornes	Lafean	Russell, Tex.
Birdsall	Foss	Lamar, Mo.	Sabath
Bonynge	Foster, Ill.	Lamb	Scott
Booher	Foster, Ind.	Lassiter	Sheppard
Bowers	Foulkrod	Lawrence	Sherley
Bradley	French	Lee	Sherwood
Brantley	Fuller	Lenahan	Sims
Brodhead	Fulton	Lewis	Slayden
Brownlow	Gaines, W. Va.	Lindbergh	Slemp
Brundidge	Gardner, Mich.	Lindsay	Smith, Cal.
Burgess	Gardner, N. J.	Littlefield	Smith, Iowa
Burleigh	Garner	Longworth	Smith, Mich.
Burleson	Gilhams	Loud	Smith, Mo.
Burnett	Gillespie	Loudenslager	Smith, Tex.
Burton, Del.	Godwin	Lowden	Snapp
Butler	Gordon	McDermott	Southwick
Byrd	Goulden	McHenry	Sparkman
Caldwell	Granger	McKinney	Sperry
Campbell	Greene	McLachlan, Cal.	Spight
Candler	Gregg	McLaughlin, Mich.	Stafford
Capron	Griggs	McMillan	Steenerson
Caulfield	Gronna	McMorran	Stephens, Tex.
Chaney	Hackett	Macon	Sterling
Chapman	Hackney	Madden	Sturgiss
Clark, Fla.	Hale	Madison	Sulloway
Clark, Mo.	Hall	Malby	Sulzer
Clayton	Hamilton, Iowa	Mann	Talbott
Cole	Hamilton, Mich.	Miller	Taylor, Ohio
Conner	Hammond	Mondell	Thistlewood
Cook, Colo.	Harding	Moon, Pa.	Thomas, N. C.
Cooper, Pa.	Hardy	Moon, Tenn.	Thomas, Ohio
Cooper, Tex.	Haskins	Moore, Pa.	Tirrell
Cooper, Wis.	Haugen	Moore, Tex.	Tou Velle
Cousins	Hawley	Mouser	Townsend
Cox, Ind.	Hay	Murdock	Underwood
Cravens	Hayes	Murphy	Vreeland
Crawford	Heflin	Needham	Wanger
Crumpacker	Helm	Nelson	Washburn
Currier	Henry, Tex.	Nicholls	Watkins
Dalzell	Higgins	Norris	Watson
Darragh	Hinshaw	Nye	Webb
Davenport	Holliday	O'Connell	Weeks
Davidson	Houston	Olcott	Wheeler
Davis, Minn.	Howell, N. J.	Padgett	Williams
Dawson	Howell, Utah	Page	Wilson, Ill.
De Armond	Howland	Parker, N. J.	Wilson, Pa.
Denver	Hughes, N. J.	Parker, S. Dak.	Wood
Diekema	Hull, Iowa	Parsons	Young
Dixon	Hull, Tenn.	Payne	

ANSWERED "PRESENT"—8.

Garrett	Hardwick	Lovering	Shackleford
Hamlin	Harrison	Morse	Sherman

NOT VOTING—116.

Acheson	Bennett, Ky.	Burke	Cary
Alexander, N. Y.	Bingham	Burton, Ohio	Cockran
Ames	Boutell	Calder	Cocks, N. Y.
Bannon	Boyd	Calderhead	Cook, Pa.
Barchfeld	Broussard	Carlin	Coudrey
Barclay	Brumm	Carter	Craig

Cushman	Henry, Conn.	Leake	Powers
Davey, La.	Hepburn	Legare	Pratt
Dawes	Hill, Conn.	Lever	Pujo
Denby	Hill, Miss.	Lilley	Ransdell, La.
Dunwell	Hitchcock	Livingston	Reid
Edwards, Ga.	Hobson	Lloyd	Riordan
Edwards, Ky.	Howard	Lorimer	Roberts
Ellerbe	Hubbard, Iowa	McCall	Ryan
Fassett	Hubbard, W. Va.	McCreary	Saunders
Focht	Huff	McGavin	Small
Foster, Vt.	Hughes, W. Va.	McGuire	Stanley
Fowler	Jackson	McKinlay, Cal.	Stevens, Minn.
Gaines, Tenn.	James, Addison D.	McKinley, Ill.	Tawney
Gardner, Mass.	Jones, Va.	McLain	Taylor, Ala.
Gill	Kennedy, Ohio	Marshall	Volstead
Gillett	Kimball	Maynard	Waldo
Glass	Kitchin, Claude	Mudd	Wallace
Goebel	Kitchin, Wm. W.	Olmsted	Weems
Goldfogle	Lamar, Fla.	Overstreet	Weisse
Graff	Landis	Patterson	Wiley
Graham	Langley	Pearre	Willett
Haggott	Laning	Peters	Wolf
Hamill	Law	Pou	Woodyard

So the motion was agreed to.

The Clerk announced the following pairs:

For the day:

Mr. MCGUIRE with Mr. STANLEY.

Mr. POWERS with Mr. PRATT.

Mr. CARY with Mr. WOLF.

Until Wednesday:

Mr. HILL of Connecticut with Mr. GLASS.

Until further notice:

Mr. BARCLAY with Mr. COCKRAN.

Mr. GRAHAM with Mr. LEAKE.

Mr. PEARRE with Mr. CRAIG.

Mr. BINGHAM with Mr. LAMAR of Florida.

Mr. LANGLEY with Mr. HAMLIN.

Mr. JACKSON with Mr. ELLERBE.

Mr. BOUTELL with Mr. WILEY.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. BANNON with Mr. DAVEY of Louisiana.

Mr. COCKS of New York with Mr. CARTER.

Mr. HUGHES of West Virginia with Mr. LEGARE.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. FASSETT with Mr. HARDWICK.

Mr. MUDD with Mr. WALLACE.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. BENNETT of Kentucky with Mr. Edwards of Georgia.

Mr. FOSTER of Vermont with Mr. POU.

Mr. COUDREY with Mr. HOBSON.

Mr. MCCREARY with Mr. HOWARD.

Mr. STEVENS of Minnesota with Mr. WEISSE.

Mr. GRAHAM with Mr. PETERS.

Mr. MCKINLAY of California with Mr. GARRETT.

Mr. WOODYARD with Mr. WILLETT.

Mr. TAWNEY with Mr. TAYLOR of Alabama.

Mr. OVERSTREET with Mr. SHACKLEFORD.

Mr. ALEXANDER of New York with Mr. CARLIN.

Mr. BARCHFELD with Mr. GAINES of Tennessee.

Mr. BURKE with Mr. GILL.

Mr. BURTON of Ohio with Mr. GOLDFOGLE.

Mr. CALDER with Mr. HAMILL.

Mr. COOK of Pennsylvania with Mr. HARRISON.

Mr. CUSHMAN with Mr. HITCHCOCK.

Mr. DENBY with Mr. HILL of Mississippi.

Mr. FOCHT with Mr. JONES of Virginia.

Mr. GILLETT with Mr. CLAUDE KITCHIN.

Mr. WEEMS with Mr. SMALL.

Mr. HENRY of Connecticut with Mr. LEVER.

Mr. HUBBARD of West Virginia with Mr. PATTERSON.

Mr. HUFF with Mr. LLOYD.

Mr. LANDIS with Mr. MCLAIN.

Mr. LANING with Mr. MAYNARD.

Mr. LILLEY with Mr. PUJO.

Mr. LORIMER with Mr. RANSDELL of Louisiana.

Mr. LOVERING with Mr. REID.

Mr. MCKINLEY of Illinois with Mr. RYAN.

Mr. OLMSTED with Mr. SAUNDERS.

For the session:

Mr. SHERMAN with Mr. RIORDAN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the doorkeeper will open the doors. Pending the announcement of the vote, without objection, the Chair lays before the House a report from the Committee on Enrolled Bills.

Mr. WILLIAMS. Mr. Speaker, whatever the regular order may be under the rules and the special rules, I call for it.

The SPEAKER. The gentleman from Mississippi demands the regular order.

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the message of the President of the United States to Congress be now read in the House.

Mr. FITZGERALD. It has not arrived yet, Mr. Speaker.

The SPEAKER. The message has not——

Mr. FITZGERALD. I ask the gentleman from Indiana to tell the message to the Speaker so we may have it laid before the House. He seems to go to the White House very frequently.

The SPEAKER. The ayes have it, and the motion prevails, and the gentleman from Indiana [Mr. WATSON] will take the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. SMITH of Iowa. Mr. Chairman, I yield twenty minutes to the gentleman from Massachusetts [Mr. LOVERING].

The CHAIRMAN. The gentleman from Massachusetts is recognized for twenty minutes.

Mr. LOVERING. Mr. Chairman, when we came to the Sixtieth Congress in December the one uppermost and burning question in all our minds was that of currency reform. Nothing would satisfy us but the immediate appointment of the Committee on Banking and Currency, with the idea that something should be done at once. The committee was appointed, and the only committee appointed before the holiday recess. We were told that some measure was to be pushed through and written on the statute books without delay.

We were just emerging from a panic, confidence had fled, and we were in the midst of a business depression, from which we have not, by any means, yet recovered. It was hoped that some measure would be promptly adopted to reestablish confidence, as would have been the case in any other civilized country in the world. As time went on, however, we fell back into our old-time ways of doing nothing. Members lapsed into a lethargy, with the idea that the immediate danger had passed and that they could safely wait for the premonitions of another crisis.

It is all very well for us to sit here and hang back with the idea that our troubles are over, that business has resumed its full activities, and that prosperity is again in full swing. I tell you, Mr. Chairman, that our troubles are not over, business has not resumed its full activities, and prosperity is still an ignis fatuus.

Financial legislation has always been a dry subject for the average legislator. He has been willing that some one should do his thinking for him, and because those members of the authorized and constituted committee have differed so widely in their views it has left him in a very unsettled frame of mind, and on this account Members of Congress have come to distrust themselves upon the subject of currency legislation.

True it was that some of us foresaw what was likely to happen, and began to prepare for the worst. If we could not reach an agreement upon some affirmative measure, why, then we should have a general commission appointed to take up the subject.

I, myself, introduced a bill "to create a currency commission." It was carefully drawn. It had the approval of the Secretary of the Treasury and many Members of the Senate and House. The committee gave me the honor of a hearing upon the bill, which resulted in laying my bill upon the table. I was told that the committee was competent to prepare a currency bill, and would report one to the House that would meet every emergency before the close of the session.

Mr. FOWLER. Will the gentleman allow me to ask him a question?

Mr. LOVERING. Certainly.

Mr. FOWLER. Did not the committee do that very thing and on the 29th day of February make a report to this House?

Mr. LOVERING. On what?

Mr. FOWLER. On a banking and currency bill.

Mr. LOVERING. I spoke of a commission.

Mr. FOWLER. No, no; you said that they thought they could prepare a bill.

Mr. LOVERING. If the gentleman will wait, he will see that I have referred to that point and that I recognize that fact.

As I said at the hearing, I hoped they would do this, and if they did present such a bill as was satisfactory, I would gladly support it. I did not complain that the bill for a commission was tabled, for I thought it no more than fair that the committee should have every opportunity to perfect their own bill.

And still the time went on and no agreement was reached, and now the chairman of the committee has come round to the idea of a commission, though to my mind too large and too unwieldy to be practicable. If it had been designed to make it abortive and futile, it could not have been better conceived.

Meantime the Senate passed and sent over to the House the Aldrich bill, as a purely emergency measure, recognizing the fact that if a radically new financial system was to be adopted it would take time, and that work should be committed to a commission. As the Aldrich bill finally passed the Senate it was obviously in such shape that it could not pass this House without material amendments. I could not vote for it as it was. I would have been glad to have seen it amended, and would have voted for it, but I understand that the Committee on Banking and Currency has tabled it without any attempt to alter or amend it.

And now comes the Vreeland bill, which retains the best features of the Aldrich bill and extends the basis for currency circulation to commercial credits, in the shape of commercial paper, and I stand ready to support it as an emergency measure, still holding to the necessity of passing a currency commission bill.

Now, Mr. Chairman, I think I look at this question from a practical business standpoint; at least, I am trying to. With me it is a live question and a serious matter which concerns my personal business interests. It is no academic question with me. What do I see? More than 20,000 workmen in the employ of concerns in the management of which I and my family are interested working short time and some at reduced wages. It is of vital importance to us all that we should resume work full time at the earliest moment. This can not be until trade improves. Half a business always means a loss to every industry doing a half business in the country. You can not make a profit in running any concern half time, I do not care what it is.

Trade will not revive until confidence is restored. Confidence will not be restored until we have the assurance that no such crisis and panic as we saw last fall shall recur, and we can have no such assurance until we have written on the statute book some such law as the Vreeland or Aldrich bill to stand as a barrier between us and a panic.

It is amusing to hear the charge made that a panic is either a Democratic or a Republican panic. Crises may be the result of party action, and they may not, but panics will come as long as bad men are treacherous, as long as good men are timid, and as long as fools are reckless. A panic is an unreasoning animal instinct. Self-preservation is the first law of nature in man or beast. What so surely can prevent or allay a panic among people escaping from a burning building as the knowledge that there are ample and varied exits for escape? What so surely can allay a currency panic as the knowledge that an adequate supply of currency can be had whenever and wherever needed?

The other escape from the building may never be used, the other supply of currency may never be tapped. What would you say if you were down in a mine and there was but one exit of escape. You yourself, everyone of us, would be subject to panic, but if we knew there were other outlets, although they might not have been in use for years, it would at once set us at rest, it would at once allay the panic.

One word on the size of the commission proposed. Is it reasonable to expect that so large a commission as forty-three, drawn from all over the United States, can be got together and held for five or six months to attend to its appointed duties? If twenty-one men outside of Congress can be found who are big enough and capable enough to serve on such a commission, they would be likely to have such important interests of their own as to make it impossible for them to attend. A report and bill from such a currency commission, to have any weight with Congress, should be a unanimous measure.

I can not help feeling that there is a great deal more apprehension in the public mind on the subject of financial legislation than there need be. I do not believe that there is one, and only one, practicable workable plan that is possible. Indeed, I believe there are many plans that would be successfully operative either one of which might answer equally well every public need.

On the other hand, I do not believe that any financial scheme could be adopted in which some one could not pick flaws, and perhaps, to their own satisfaction, demolish. It all depends upon whether it was for their interest to pervert the use of a system to unlawful purposes.

The world has moved on since the days of Hamilton, and it is doubtful whether if he were with us to-day he could devise a scheme of finance that would close every door to modern cupidity. Conditions with which we have to deal are totally different from those presented to him. Men were not then the lawbreakers that they are to-day. Whether it was that they were better than they are now, or whether it was that they had not learned how to strain and break the laws, as we do, it matters not. This we do know, that no sooner is a law made to-day than the best legal talent in the country is employed to find some way to evade it, or to find a way over, through, or under it. In fact, the best paid lawyers to-day are those who can do what the late Sydney Bartlett said his client wanted him to do. He said:

> You want me to show you how to do an illegal thing in a legal way.

No sooner is a currency bill brought out than every banker takes his pencil and figures out how much extra money his bank is going to make under it. Yes; and if he finds that he is going to make a small amount, and that some other banker in some other section of the country is going to make more than he can make, why, then, that is a sufficient reason why he should condemn it, forgetting that the public needs are to be met, forgetting that his bank will profit by the facilities the public will derive from the increased issue of circulation, even though it be taken out by some other bank.

We have listened to several Members of the House upon finance, but, with the exception of Mr. FOWLER and Mr. WILLIAMS, we have had no affirmative propositions for currency reform.

We have listened in rapt attention to the very able and instructive essay of the gentleman from Ohio [Mr. BURTON] on "Financial crises," but we listened in vain for any plan to guide us out of the wilderness of our perplexities.

We listened to two very able speeches of the gentleman from Connecticut [Mr. HILL], and while they were overflowing with prophecies of dire misfortune if we adopted any of the measures proposed, yet he failed to indicate by a single word what should be done. Not a single constructive proposition did he suggest or advocate. He was forceful in his condemnation of every proposition that had been submitted to this House, with the exception of a commission. I do not propose to criticise these gentleman beyond calling attention to the fact that from men so well informed as they are we had a right to expect some proposition of an affirmative and constructive character.

I do not propose to criticise them, because I myself am disposed to leave the permanent reorganization of our financial system to a commission; but I do feel that some effective emergency measure should be adopted at this session of Congress.

I did not vote for four battle ships, because I do not believe there is any danger of a war; but I do believe there may be a panic, and, at all events, I would have at least one good financial battle ship in the shape of an emergency measure such as is proposed in the Vreeland bill. I shall, therefore, vote for this bill, and earnestly hope it may be adopted by this House. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, did the gentleman from Massachusetts exhaust all of his twenty minutes?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Will the gentleman from New York exhaust a portion of his time?

Mr. FITZGERALD. Mr. Chairman, I yield thirty minutes to the gentleman from New Jersey [Mr. LEAKE].

Mr. LEAKE. Mr. Chairman, there is a great discontent abroad in the land. It is not alone the discontent of disappointed men who have failed in their ambitions, but the complaint of our people that success in America is based upon dishonesty, unfairness, and special favoritism.

Have the American ideals of liberty and equality been limited only to religion, education, and political rights? Will the ideals be applied to industrial conditions? These are the questions uppermost in the minds of the American people. At the end of a period of unparalleled wealth we are confronted with extraordinary revelations of dishonesty in corporate management of railroads, banks, and industrial institutions, and with the profligate use of this quickly acquired and ill-gotten gain. Organized favoritism has been manifested in our legislation. Tariffs for protection have become tariffs for speculation. The maintenance of these privileges by enormous contributions to political campaign funds have all added to the distrust and created a hostility to all wealth and all enterprise.

Men generally agree upon the evils, but differ greatly as to the remedies.

The political parties are hopelessly divided. In the Republican party there are those who wish to continue the conditions which they have produced—all except the panic. These reactionaries are the leaders of that party. The boss system of legislation in this House is the product of their minds. They have made it a farce to speak of this body as representative. Notwithstanding this body is filled with right-minded, liberty-loving, and honest men, it is not representative of the people,

but of the political party in control. That party to-day is an organized hypocrisy. Legislation is fixed up in the kitchen cabinet of the Committee on Rules. [Applause on the Democratic side.] Occasionally a pot of DALZELL'S soup is brought here with directions from his committee to "add twenty minutes of hot air and serve." [Applause on the Democratic side.] When the cook discovered that there were two independent boarders on the Republican side of the House who desired to join with the Democratic Members and taste some of the Grand Old Party concoctions before feeding them to their constituents, the Committee on Rules adopted the method of canning our legislation. Nothing is visible but the label. [Applause on the Democratic side.] If in a can of public buildings you have managed to grant away valuable property of the Government to a real estate speculator of Washington, it would not surprise me to awaken some morning and discover that in the lack of consideration, the absence of debate, the bringing up of bills without notice, we had disposed of the Washington Monument for macadamizing the streets to the Union Station. [Applause on the Democratic side.] No wonder the Members of the majority are objecting to roll call and being compelled to go upon record on legislation of which they know but little more than the title. The only safe rule for a Member of this House to follow is to vote against everything which has the approval of the Committee on Rules.

You have said several times that the Republican party will accept responsibility for legislation in this House. You know that you have never accepted responsibility. You refuse responsibility even for the present panic, notwithstanding you have been flaying this side of the House for the past fifteen years for similar conditions formerly existing. You know that you have always dodged responsibility and have never yet experienced the delight to the soul which comes from an honest confession. [Applause on the Democratic side.]

The other day you brought in a bill which disclosed one of the family skeletons of your party. For the first time during this session the gentleman from Pennsylvania lost his nerve. Confronted with this ghost of the past he evaded the responsibility and imposed upon the gentleman from Wyoming the duty of bringing in the rule in the Oregon and California Railroad bill. [Applause on the Democratic side.] The gentleman from Pennsylvania is too good a historian to have forgotten the guilty creature of his own State known as the "Credit Mobilier," the scandal of the Vice-President, the Speaker, the whole Republican party, during the term of General Grant, and the gift of millions of acres of the public lands with large subsidies to the Pacific railroads. Is it possible that you have forgotten the inglorious expulsion which your party received from an outraged people? Have you forgotten that the grant of 3,000,000 acres of land to Mr. Harriman's railroad, the Oregon and California, was made at this time of perfidy in the history of your party? You will recall that the land was given to the railroad upon a solemn trust that it should be sold to actual settlers only at $2.50 per acre in tracts of not more than 160 acres to any individual. Any competent employee of the Government charged with the responsibility for drawing the patent deeds would have inserted therein a recital of the restriction, so that all persons who purchased from the railroad company would have notice of the rights of the United States.

I do not believe you will even accept the responsibility for this unusual neglect of your Land Department and its failure to insert any reference to the restriction whatsoever in patents granted by the Government to the railroad company since 1896. It certainly paid the Harriman road to have its proprietor known as "my dear Harriman" in the councils of the Republican party. [Applause on the Democratic side.] He now has 2,000,000 acres of the public domain, worth about $16,000,000, and in all probability beyond the reach of the Government. If any chance existed for the Government to get back this public domain, your Speaker was prepared to have you authorize an amendment which would have extinguished altogether the rights of the Government. [Renewed applause on the Democratic side.] If you will accept the responsibility for legislation here, I would like to know on what theory only bad amendments may be introduced to pending bills. My people, too, would like to know why a Harriman amendment is given preference to one which their Representative may desire to offer in their interest.

What a political millennium you would enjoy if you could continue this combination of the policies of the reactionaries and the stand-patters and their useful campaign funds, with the popularity of Theodore Roosevelt. What a joy there is in the thought! It will perpetuate the Republican party in power forever. It will necessitate, however, a change in your emblem from an elephant to a dog—that kind of a dog which barks and wags its tail at the same time, so that no one is able to know which end to believe. [Applause and laughter on the Democratic side.]

There is a day of reckoning coming for all this deception. The people have long ago made it unpopular to be a reactionary, and they are beginning to undeceive themselves about the President. I was one of the first of his Democratic admirers. His motives are known to be good. There is a power about the man which no one can overlook. His ambition extends to the ends of the earth, and the end of his energy is nowhere in sight. People from all walks of life have turned to him with their grievances. Citizens who have been knocking in vain at the doors of Congress and State legislatures for remedial legislation have turned to him in despair. He occupies to-day a position more similar to that of a monarch than that of an executive. The people are his people, and he is responsible for their domestic and commercial happiness and well-being. He is so firmly convinced that he alone can deliver the suffering hosts that he proposes to perpetuate himself in office by proxy. He has more than enough ability, but he lacks what is most needed in this new land—dignity, poise, and a respect for the few traditions of our land. [Applause on the Democratic side.] The founders of the Government were mistaken in their theories, according to the Roosevelt policy. The Constitution is a broken-down hobbyhorse, and the Supreme Court decisions should be written on White House stationery.

All this distrust, unrest, and discontent become mighty weapons in the hands of the demagogue. The man who uses the dishonesty of individuals, the injustice of industrial conditions to work upon the prejudices of the people, and to array one class against another, whether in a patriotic desire to serve his countrymen or for the purpose of drawing to himself a large following of personal admirers is the most undesirable citizen in the community.

The man who, in a misdirected effort to punish an evildoer, visits the vengeance of the law upon the great mass of innocent victims is the foe of progress. The Roosevelt policies are based upon the inherent dishonesty of mankind. They are absolutely false, and they are applied in a most dangerous and unfortunate manner. They overlook the principal causes of our evils—administrative and legislative inefficiency; and they seek to divert a righteous condemnation of Republican administration by the American people. They are about as useful as the substitution of unbuckling the crupper for the unchecking of a thirsty horse. In the first place the people need a rest, and when they have recovered from this Republican panic they need more home rule and less Roosevelt domination. [Renewed applause on the Democratic side.] They need more of the Democratic principle of exact justice to all men and less Republican favoritism. They need the substitution of law for Roosevelt discretion. They need the emancipation of the House of Representatives. Drive the boss system from this House or you will have socialism. Give the people full representation in one branch of your Government or they will certainly lose respect for and they may overthrow all. [Loud applause on the Democratic side.]

I yield back the balance of my time to the gentleman from New York [Mr. FITZGERALD].

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose, and the Speaker having resumed the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. How much time has the gentleman consumed?

The CHAIRMAN. The gentleman has consumed fifteen minutes.

Mr. SMITH of Iowa. I wish the gentleman from New York [Mr. FITZGERALD] would consume fifteen minutes more.

Mr. FITZGERALD. Mr. Chairman, I yield ten minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, I have been a very earnest observer of the proceedings in this House for the last several weeks, and I have reached the conclusion that there is no mistake being made on this side of the Chamber in following the splendid lead of the gentleman from Mississippi [Mr. WILLIAMS]. [Applause on the Democratic side.] It is a fact that must be recognized by all of us that the time had been reached when a great many people failed to distinguish any difference between the Republican and the Democratic party. But these so-called "filibustering tactics" have served to emphasize the fact that there is an immense difference between the policies advocated by gentlemen upon that side of the Chamber and

those upon this side. It has been somewhat amusing to me to observe the attitude of gentlemen upon that side in answering the demands of the country, especially in the demand for the placing upon the free list of wood pulp and print paper. I presume that at least 90 per cent of gentlemen upon that side, if compelled to vote upon that proposition, will vote in the affirmative.

I see by the papers some statement to the effect that there is now almost ready to break out on that side a complete rebellion against the Speaker and the leaders on that side of the Chamber. It is my judgment that the only consistent men on the Republican side of this Congress upon that proposition are the Speaker, the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from New York [Mr. PAYNE]. They are standpatters, first, last, and all the time, and as the result of that fact they have the courage of their convictions, and they are determined not to permit this House to vote upon that proposition if it can be prevented. When the Speaker goes back to Vermilion County, Ill., and meets some old farmer after you have taken wood pulp and placed it upon the free list, the Speaker can say to him, "I was opposed to that proposition," when this same farmer will demand of him to know why the House took the tariff off of wood pulp and refused to take it off of agricultural implements.

But how about some of you gentlemen who would vote to take wood pulp and place it upon the free list, and yet do not demand that agricultural implements and other necessities of life be also placed on the free list? When you meet an old farmer and he says, "I see by your vote that you have voted to place wood pulp and print paper upon the free list, and yet I went down to town to-day and purchased a plow which cost me $20, and $4 of that $20 represents the tariff upon that plow. If it were not for this high protective tariff, I could have purchased the same plow for $16." How can you look that old farmer straight in the face and explain your position in taking wood pulp and placing it upon the free list, and yet doing nothing to relieve the burdens placed upon him?

On the other hand, we upon this side, speaking for myself especially, can consistently vote to place wood pulp upon the free list. Why? Because I do it from principle. I believe that all the things that enter into the necessities of life should be placed upon the free list, and the duties materially reduced upon many other things. To be perfectly frank and candid, however, I will say this, that if I could have my way about it, I would only make that law, when it is passed, applicable to Democratic papers and other papers which have consistently advocated tariff reductions all along the line. [Applause on the Democratic side.] I would be in favor of making it even higher upon the papers that have inconsistently, in season and out of season, told the American people that they are only made prosperous and happy by a high protective tariff which taxes everything on earth that they are compelled to use. But inasmuch as that can not be done, I would, of course, move to put wood pulp and print paper upon the free list and let all the papers in the country receive the benefit from it. But I do not know that the position occupied by gentlemen upon that side upon any of these propositions makes a great deal of difference. I think you realize that your lease of power in this nation is very nearly drawing to an end.

I believe that deep down in your hearts every one of you realizes that the next House will be Democratic, and that we will control legislation here. [Applause on the Democratic side.] I believe that many of you feel and realize that the next President of the United States will be a Democrat. Already I see advertised in the papers, some of them, through the current advertisements, where you are proposing now to dispose of the paraphernalia and other things that you have no use for when not in power, and you are preparing to vacate for the Democratic party. I want to read the notice which I received from a newspaper the other day. I do not know by whose authority it was inserted. It occurs under the usual heading:

PUBLIC SALE.

Great closing-out sale of the G. O. P.

Our lease with Uncle Sam having practically expired and having been notified to quit the business and retire to private life, we, the undersigned, will offer for public sale at our residence at the Capitol in Washington, D. C., commencing on November 4, 1908, the following described, property, to wit:

One elephant, branded on side G. O. P., about 45 years old.

One financial panic, old enough to be weaned. Sired by Wall street and damned by everybody.

[Laughter on the Democratic side.]

One Republican platform, as good as new, but never used.

[Laughter.]

One big stick, slightly impaired by overwork.

One Republican machine, the same being somewhat out of repair.

One financial system, well supplied with clearing-house certificates and no cash.

Five million Teddy bears.

Old empty dinner pails, and other articles too numerous to mention.

[Renewed laughter.]

Everybody, regardless of party affiliations or previous political servitude, is invited to attend this sale. It is expected that most of the articles herein mentioned will be bid in by the stand-patters, but every thing will be on the square and all articles will be sold. There will be no by-bidders. Possession of property will be given March 4, 1909. Roast crow will be served on the ground free by the Young Men's Republican Club. The sale will positively take place on the date mentioned, regardless of weather.

G. O. P. MANAGERS.
Colonel ROCKEFELLOW,
Colonel MORGAN,
Colonel HARRIMAN,
Auctioneers.

JOHN R. WALSH, *Clerk.*

[Laughter.]

P. S.—If either or all of the auctioneers and the clerk are at the time restrained of their liberty by the court, others equally as good will be supplied on the day of the sale. Parties unable to attend the sale can send bids to either of the auctioneers, in care of the managers. All such bids will be treated strictly in accordance with the conscientious regard the G. O. P. always had for the dear people.—Stolen.

[Laughter and applause.]

So I presume from that that you are making preparations to vacate, and we serve notice now that we are all packed and ready to move in, and that after the 4th day of March, 1909, the people of this country will not have to petition, will not have to appeal in vain for legislation which they demand. We will take charge of the House and the Presidency, and you will find that the Democratic party will move on, the country will prosper, and that the panic will be eventually wiped out under our management. [Applause on the Democratic side.]

I yield back the remainder of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLCOTT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20471. An act making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 902) authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company in the District of Columbia, and for other purposes, had further insisted upon its disagreement to the amendments, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. LONG, and Mr. MARTIN as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SMITH of Iowa. I yield forty minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, I will not violate the rule that is generally practiced by undertaking to speak upon the appropriation bill. Before going to the particular subject I am going to confine myself to I want to say to my friends on the other side that I have had a great deal of comfort for lo these many weeks over the boasting and happiness that they have been enjoying in respect to the coming election, with the idea they are to be brought into power. I only want to say now that when the next Congress meets I hope to be here to extend my sympathy to them. [Laughter and applause on the Republican side.]

Mr. Chairman, I will confine myself to the consideration of certain bills advertised as pension bills. My colleague [Mr. SHERWOOD] has chosen, under the pretense of advocating more liberal pension laws, to assail the Grand Army of the Republic, its commander in chief, Mr. Burton, and the National Tribune, a leading soldier paper published in Washington City and of wide circulation in this country. And he has also, in various ways, attacked the patriotism of this House and of individual Members thereof for not supporting his bills. And he has included in his attacks military Homes and their management. Neither the Grand Army of the Republic, nor its commander in chief, nor the Tribune or its editor, nor this House or its Members, nor these institutions need any defense at my hands against such attacks, but as certain bills, erroneously called "pension bills," are made the excuse for the unwarranted as-

saults, their true character should be stated. I shall speak plainly of them and of their deceptive and political character.

The attack on the Republican Members of the House for not supporting and passing his bills and the threatened consequences at the coming Presidential election for not doing so will be a sufficient excuse for my speaking of them without reserve and plainly of the methods adopted to secure their apparent approval from veteran soldiers of the civil war, not one of whom would approve either bill after knowing its true character. The procedure of my colleague in relation to his bills is, I believe, without precedent in Congressional history.

It is too late in the history of pension legislation to assail Congress or its Members or any party for lack of liberality in passing pension laws. My colleague's zeal in trying to aid the Democratic party on the verge of a Presidential campaign must have inspired him to introduce and exploit, through the press and by correspondence and by speeches here, to be sent out to the country, his bills as pension bills when they are not. They were evidently only introduced for political purposes and not for enactment into law.

They are without merit and will not have the approval of anybody who understands their real import and purpose. That there may be no mistake as to their character, I will refer to them somewhat in detail. They are not dissimilar. Neither is, nor purports by its title to be, a pension bill. Each undertakes only to create or enact a soldiers' roll. The first bill, H. R. 4038, introduced December 3, 1907, referred to the Committee on Military Affairs, is entitled:

A bill to authorize the creation of the volunteer service roll.

The other bill, H. R. 7625, introduced December 12, 1907, referred to the Committee on Invalid Pensions, is entitled:

A bill to authorize the enactment of a veteran volunteer roll.

Neither bill makes any provision for pensioning anybody. Both the bills, though separately, have been proclaimed and advertised by various ways and methods to the old soldiers as though bills to pension "all old veteran soldiers of the civil war at $1 per day." We shall soon see that if each bill as drawn was enacted into law it would not pension anybody at any amount; and that the "volunteer service roll" mentioned in the former, and the "veteran volunteer roll" mentioned in the latter bill would result in having two invidious and shamefully unjust rolls from which would be excluded the larger part of the disabled, most worthy, and longest-serving veterans of the civil war, many of whom were wounded in battle and served with credit much longer in the battle front than most of those who would be eligible to be entered on either roll. No veteran soldier of the Regular Army, nor of any other than the civil war, nor any sailor or marine of any war is to become eligible to either roll.

The author of the bills, in his recent speech here (February 26, 1908), described himself as a "plain, blunt old soldier" who appears "to speak a few words for 175,000 veterans of the civil war" in favor of his bills, "giving to every veteran who served eighteen months at the front $1 per day." What of the 633,339 disabled veterans of the civil war now drawing a pension for disability? We shall soon see how absolutely misleading this statement is. I quote further from his speech:

This movement is the most formidable movement among veterans since the close of the war. There never has been any movement like it. It is a spontaneous movement of the old soldiers without any organization whatever. This is the only measure that takes care of the veteran soldiers. All other bills that have been enacted by Congress were passed through committees appointed by the Grand Army of the Republic operating through committees of Congress. This bill is not a political pension bill. It is a bill that recognizes only service and merit.

He then follows with an attack upon the Grand Army of the Republic for having a salutary order that requires Grand Army of the Republic posts (not members) when acting as such to have—

Petitions, memorials, and resolutions by posts in regard to pension legislation forwarded to national headquarters through the department headquarters, and that posts be forbidden to make separate and independent application to Congress for legislation upon the subject of pensions.

This order is in pursuance of a resolution first adopted in 1884, and repeatedly since by the National Encampment of the Grand Army of the Republic, and published in the usual way in general orders of the commander in chief, as often before, without regard to my colleague's pretended pension bills, and without any knowledge of them or of their misleading character. The purpose of the attacks seems to be to try to demonstrate that the Grand Army of the Republic and its pension committees and friends have not the old veteran soldiers' interests at heart—that only my colleague champions their rights.

Then the National Tribune is assailed for recently printing this order, and the present commander in chief of the Grand Army of the Republic is viciously attacked because, as is assumed, he does not support the "dollar-a-day pension bill," and because (as the speech alleges) he "should have allowed the 'old boys of '61 to '65' the right of direct petition, at least." Neither he nor the order denies the "old boys" the right of direct petition. Then, in contradiction of his declaration, that the approval of one of his bills "is a spontaneous movement," and after declaring other things not justified by the facts, the speech continues:

I have labored side by side for the past six months with these old veterans * * * to create patriotic sentiment for this bill. And now, when it has already received favorable consideration by a majority vote of the Military Affairs Committee of the House of Representatives, to have this high official, who, above all others, should stand for justice and equity for these brave and constant soldiers, attempt to cripple our efforts for relief, has overwhelmed me with disappointment. And if this great measure of grateful succor to the comrades is killed in this Congress the old veterans will know where to fix a part, at least, of the responsibility.

The last clause of this quotation shows the real purpose for which the bills were introduced—that is, solely a political one.

The author of the bill in his speech further states "that this bill can be passed by this Congress without taking a single dollar of money out of the United States Treasury, simply by reducing the appropriations for the Army," and by mustering out the larger part thereof; that the bill "will only take about $17,500,000 the first year," and by "stopping the construction of two more of the useless battle ships that are to cost $20,000,000;" "by reducing the large appropriation for a standing army to maintain a government of force in the Philippine Islands;" "by reducing the enormous appropriations for continuing the work on the Panama Canal, a project (he says) now liable to prove the most expensive failure in all the centuries, * * * pronounced impracticable by the most capable engineers of England, France, Germany, and the United States." None of these statements are warranted by the facts.

He then refers to petitions and letters (quoting some of them) from veterans, and perhaps others, favoring the passage of the bills as though they were pension bills. The true character of neither bill is stated or explained in the speeches or in interviews or in the petition headings, or in any literature sent to the old soldiers, or to Grand Army of the Republic posts, or to the country; hence the numerous petitions, resolutions, and memorials so much boasted of here. Looking to letters and petitions my colleague presents here, we learn that the old veterans who signed them were led to believe that the bills propose "to give all the old veterans of the civil war $1 per day." The petitions presented by him generally show this. This mistaken notion is variously promulgated. I quote from his recent speech:

I have before me some of the petitions I have received from these old soldiers in favor of the bill that I had the honor to introduce, giving to every veteran who served eighteen months at the front $1 per day.

No such bill has been introduced by him.

There are other things of like tenor stated in this speech, which concludes with the now usual threat that the Democratic party will afflict the country by electing Bryan President of the United States this year. My colleague says this result is to follow because the Republican Members of this Congress will not pass his bills.

I may say in passing that Mr. Bryan's latest utterances (March 5, 1908) on pensions appears in the Nebraska Democratic platform, said to be written by him, which declares that his party favors pensioning "the surviving veterans and their dependents, because it relieves the country of the necessity of maintaining a large standing army." This is pure slander.

Mr. SHERWOOD. Will the gentleman submit to a question?

Mr. KEIFER. What is your question?

Mr. SHERWOOD. I would like you to point out in my speech on pensions where I referred to Bryan at all.

Mr. KEIFER. I will ask the gentleman to read his own speech in the RECORD, and I will furnish him with a copy.

Mr. SHERWOOD. Bryan's name is not mentioned in that speech.

Mr. KEIFER. I will give the gentleman a copy of his speech and I will ask him to read it.

Mr. SHERWOOD. The gentleman misrepresents me entirely; it is not the speech at all.

Mr. KEIFER. Now, the Chairman must protect me against the gentleman.

The CHAIRMAN (Mr. BUTLER). The gentleman will have to protect himself; the Chair can not make the other gentleman from Ohio hear.

Mr. SHERWOOD. I want you to tell the truth.

Mr. KEIFER. The gentleman had his day, and does not even know his own speech.

Mr. SHERWOOD. I challenge the gentleman to show a sentence in that speech in which I abused any gentleman of this House. It is not true.

Mr. KEIFER. The gentleman has had his day, and has misrepresented Members and his comrades.

Mr. SHERWOOD. I will take care of my comrades all right. [Applause on the Democratic side.] I challenge the gentleman to produce a single sentence in my speech in which I attack a single Member of this House. The gentleman can not do it, and I challenge the gentleman to do it. He can not do it, and I will furnish him with a copy of my speech.

The CHAIRMAN. The gentleman from Ohio is out of order.

Mr. KEIFER. The inference to be drawn from this reason for pensioning veterans is that they were, and our citizens are hereafter, to be moved to go to war by the promise, or the hope, of pensions, and that the patriotism of the American citizen-soldier depends on the amount of pension he is paid or promised, even though his country's call is to preserve the Union, to perpetuate liberty and to transmit it to posterity.

To show how shamefully petitioners have been imposed on as to the character of the bills, I quote some sample headings of petitions presented and referred by my colleague to committees of this House:

We, the undersigned Union soldiers, sailors, and marines of the war of 1861 to 1865, respectfully request you to use your influence and assist in the passage of the bill introduced by Hon. ISAAC R. SHERWOOD, providing for the payment of $1 per day to all soldiers, sailors, and marines.

It will be kept in mind that neither of his bills provides "for the payment of $1 per day to all soldiers," or any pension to any soldier; and sailors or marines are not mentioned.

Another heading:

We, the undersigned residents of Ohio, hereby petition your honorable body to pass the bill known as the "Isaac R. Sherwood bill," to give all veteran soldiers who served in the war a pension of $1 per day.

Neither bill pretends to put "all veteran soldiers who served in the war" even on a roll, nor to pension any of them if on the roll either bill would create.

I quote another heading of like misleading character:

We, the undersigned veteran soldiers, believing the pension bill known as the "Sherwood bill," giving to all veteran soldiers $1 per day, to be a just and meritorious bill, assure you that we would greatly appreciate it if you would use your best efforts for the passage of said bill.

So of another:

We, the surviving veterans of the war of 1861 to 1865, do humbly petition your honor to use your influence to secure the passage of the bill entitling the old soldiers of the war of 1861 to 1865 a pension of $1 per day. The bill is known as the "Sherwood pension bill."

Here is another heading:

We, the undersigned soldiers of the civil war, earnestly solicit your support in the passage of what is known as the "Sherwood bill," now before Congress, which provides for a pension of $1 per day for all soldiers who served eighteen months or over.

These headings say nothing about all veterans being excluded from the rolls who had not "served with credit" or "not less than eighteen months in the field with troops," or had been in the Regular Army, or commissioned officers. And they rarely disclose that all soldiers of the Mexican war, the Spanish war, the Philippine war, and of all Indian wars, and all sailors and marines of the civil war and of all other wars are excluded, nor do they advise the old soldiers, sailors, or marines who signed the petitions that in ascertaining the required eighteen months' service "in the field with troops" that time spent in instruction and reserve camps, in forts or other defenses, or on guard duty in the rear, in the Veteran Reserve Corps, in hospitals or elsewhere, and on furlough, and so forth, must be excluded in calculating the eighteen months' time limit, and it does not state that the soldier must serve this period "in the field with troops," and so forth.

I quote also the heading of a petition signed at the Minnesota State Soldiers' Home:

We, the undersigned veterans of the civil war and now inmates of the Minnesota State Soldiers' Home, humbly petition you as our Representative in Congress to support the bill introduced by General SHERWOOD authorizing the payment of $1 per day to all veterans who served in the Union Army and were honorably discharged therefrom.

This one shows the signers understood there was a bill to provide for "the payment of $1 a day to all veterans who served in the Union Army and were honorably discharged" without regard to time of service. It is needless to say that no such bill has been introduced here. Those who signed this petition were led to believe, as in other cases, that service of any kind and for any time, with an honorable discharge, was all that was required to get a dollar a day pension.

I quote still another petition heading:

We, the undersigned old soldiers of the civil war, hereby petition you most earnestly to pass the Sherwood bill, now before Congress, allowing all soldiers $1 per day during the term of service for the preservation of the Union.

This indicates that there is a Sherwood bill, not to pay an annual pension, but to pay "all old soldiers $1 per day during the term of service" in the Union Army. There is no such bill as this pending here.

Petitions with these and other misleading headings are presented here by my colleague as though they supported his bills. Singularly enough, the petitions do not refer to a "volunteer service roll" or a "veteran volunteer roll" as being included in the objects of the bills. There may be possible exceptions to this. But any kind of petition is good enough to forward the scheme. Nor is any reference made at all in my colleague's speeches to any sort of a roll. They create the erroneous impression that they were only bills to pension all veterans at $1 a day.

In his last speech he says all "Democratic Members are anxious" to vote for his bill. I do not believe they are anxious to promote his mock legislation—at least no Republican will. A number of papers denominated by him "petitions" were recently (April 2) filed and again (April 3) refiled here, as though different ones. They were first filed by the Clerk, as the RECORD shows, as "Petitions for enactment of H. R. 7625, a bill to authorize enactment of a veteran volunteer roll." Scarcely a petition refers to such a roll, or to any provision of either bill. On refiling the same papers my colleague entitled them—in his own words—as "Petitions in favor of H. R. 7625, known as the 'Sherwood bill,' to authorize the enactment of a veteran volunteer roll, at the rate of $1 per day."

Why this? What a curiosity! "A roll at the rate of $1 per day." Not one of the petitions are for any such nondescript roll, nor is the bill. This refiling is the first we hear of "a roll at the rate of $1 per day." He did not describe the petitions as favoring a pension bill, though substantially all of them are for a $1 a day pension.

A few sample headings of the petitions last filed must suffice for all:

DENVER, COLO., ETC.

To the honorable Members of the House and Senate.

GENTLEMEN: We, the undersigned citizens of Colorado, respectfully request the Members of the House and Senate to support the Sherwood pension bill, which proposes to pay the soldiers and sailors of the war of 1861 to 1865 the sum of $1 per day.

Respectfully submitted.

HENRY A. BUCHTEL, *Governor of Colorado.*
(And others.)

Another:

STOUTLAND, ME.

We, the undersigned soldiers, marines, and citizens, hereby petition your honorable body to pass the Sherwood bill, which allows each veteran $1 per day as a pension.

Still another:

AUSTIN, TEX.

To the honorable Speaker and Members of the House of Representatives, Washington, D. C.

GENTLEMEN: We, the undersigned ex-Federal soldiers, who are now citizens of Texas, very respectfully petition you to pass the Gen. I. R. Sherwood bill, giving all ex-Union veterans of the civil war $1 per day pension.

And another:

A PETITION OF SOLDIERS OF THE WAR OF THE REBELLION.

To the honorable Senators and House of Representatives in Congress assembled:

We, the undersigned citizens of Mississippi County, Mo., and soldiers in the United States Army in the war of the rebellion, do respectfully petition that you will enact into a law General SHERWOOD'S bill, pensioning the United States soldiers of the rebellion at $1 a day.

Somebody was highly successful in deceiving the governor of Colorado and others of his State, the civil-war veterans of Maine, Texas, and Missouri. So others of other parts. If the Sherwood bill should become a law how they would be disappointed to find nobody was pensioned. The marines of Maine who petitioned for the passage of the bill would cry aloud in their wrath.

My colleague says, as we have seen, there is a "spontaneous movement" in favor of his bills. Here is a sample of the spontaneity:

Hon. ISAAC R. SHERWOOD:

In accordance with your request to Thomas Grabey, Soldiers' Home, Michigan, we send you the following list of soldiers who have served over two years, to aid you in presenting your bill before Congress to allow them a pension of $1 per day.

HENRY P. ADAMS.

How Henry P. Adams became attacked with a "spontaneous movement" is thus made clear. Others were likewise similarly attacked. And lists thus obtained answer in many cases for petitions.

Anything goes for a Sherwood bill.

One paper, filed and refiled as a petition for the passage of his bill, consists of a letter to him, dated November 19, 1907 (before either bill was introduced), from the editor of the Union News, Barnesville, Ga. This letter is quite as relevant as

the other petitions. It favors "giving back to the South the $50,000,000 which is known as the 'cotton tax' collected from the Southern States." Among the papers so filed and refiled there are large quantities of such irrelevant matter.

Some of the most important petitions named in the RECORD as filed by him can not be found, notably those from Dayton, Ohio, and Leavenworth, Kans., purporting to be signed by veteran inmates of the National Home for Volunteer Disabled Soldiers and its Branches located at these places. Others from other Branches of this Home do not correspond with anything on file, namely: Marion, Ind.; Johnson City, Tenn.; Bath, Me., and so forth. How these veterans multiply on these mysterious petitions, or have the petitions been padded, if they exist at all?

The petition from the home at Dayton, with 4,178 veterans, purports by the RECORD to be signed by 6,000.

Mr. SHERWOOD. I never said anything of the kind.

Mr. KEIFER. You said it in the petitions yau filed.

Mr. SHERWOOD. I did not. That is a mistake. I never filed anything of the kind.

Mr. KEIFER. You filed it in your own words. See the RECORD of April 3.

The CHAIRMAN. The gentleman from Ohio declines to yield to his colleague.

Mr. KEIFER. Another from Leavenworth, where they have 2,385 veterans, he says in his filed petitions was signed by 10,000 of them; from Marion, Ind., with 1,625 veterans, by 5,000; from Johnson City, Tenn., with 1,359 veterans, by 5,000; from Hampton, Va., with 2,275 veterans, by 3,300, and the one in Maine, with 1,821 veterans, by 5,000. There are other such exaggerations and discrepancies—to say nothing worse—between what is shown in the RECORD and the pretended petitions filed here. If any of you doubt this, turn to the RECORD of April 3 and you will see it in his own language.

Mr. SHERWOOD. That is not my mistake; that is a mistake of the printer.

Mr. KEIFER. No, sir; not a mistake of the printer.

Mr. SHERWOOD. If you will turn to the corrected report you will see it.

The CHAIRMAN. The gentleman has declined to yield.

Mr. SHERWOOD. I hope the gentleman does not want to misrepresent me.

Mr. KEIFER. Oh, no. Many petitions filed and refiled here were evidently signed on representations of the author that he had amended his original bill so as to include and pension all "enlisted volunteers in 1861, 1862, 1863, and 1864 and were later transferred to the Regular Army" and "to include all soldiers who enlisted as privates and were afterwards promoted to officers."

This I quote from an interview sent out by my colleague, found at the head of one of the petitions he filed. But no such amendment was made, and neither of his bills contains a provision to pension such volunteers. Such petitions were filed and refiled by him in support of H. R. 7625 as late as April 2 and 3. And still others were then filed and refiled, praying for the passage of that bill, reciting that it would pension every soldier and sailor of the civil war, the Mexican war, and the war of 1812—there is no pensioned soldier of the war of 1812 now living. Here is a sample petition of this class from Bury Hill, Ohio:

We, the undersigned soldiers and sailors of the civil war, do hereby heartily indorse the pension bill known as the "Sherwood bill," which allows $365 per year to every honorably discharged soldier or sailor of the civil war, the Mexican war, and the war of 1812.

My colleague vigorously assailed in his January 29 speech the ninety and hundred day men and Congress for pensioning them for disabilities, and then refers most pathetically to the "Hovey Division"—"Morton Boys"—who joined Sherman's army "at the opening of the Atlanta campaign at the average age of about 19 years" * * * "who served until the close of the war," who are not pensionable under the McCumber age-pension act.

He pretends to have a bill for their relief and for other veterans of like age. If his statement is accurate, not one of them could even get on the soldiers' roll mentioned in his bills, to say nothing of being pensioned. They did not serve in the Army eighteen months. That campaign opened in May 1864, and the war closed about one year later, when they were, he says, mustered out. How these 1864 surviving veterans must have wept if they read the pathetic appeal in their behalf, and how they will exclaim when they find they are never even to enjoy the empty honor of being on a roll! A more stupendous imposition was never perpetrated on worthy men, but old soldiers are confiding.

Mr. SHERWOOD. Will the gentleman allow an interruption?

Mr. KEIFER. Well, if you can confine yourself to a single question.

Mr. SHERWOOD. I think I am capable of as much thinking as you are.

Mr. KEIFER. Very well; I will not yield, if the gentleman is going to undertake to dictate to me. He has no time now.

Mr. SHERWOOD. You hold me responsible for the petitions of soldiers.

Mr. KEIFER. Petitions that you file as your own, in support of your own bills.

Mr. SHERWOOD. Your arraignment now is against the soldiers.

Mr. KEIFER. No; you are attempting to mislead them, if you want to know it exactly.

Not a petition supports either bill or favors a mere soldier's roll. All that is provided for in each bill. Every petitioner seems to have become such under a mistake as to the purpose for which the bills were introduced. The petitions do not favor any bill and should not have been filed.

I repeat that, so far as I can discover, not one of the petitioners favors or is ever likely to favor either bill. And it seems certain that no petition or memorial filed by my colleague was ever intended to favor a bill merely to create a roll.

This summary of the bills, the speeches of their author, and of the petitions gotten up under the guise of their approval and presented here by him I have made, so there can be no room for any doubt as to the character or the purpose of the bills. They are before the House, and Members can read and judge them for themselves.

I now propose to review their fake character as pension bills.

NOT PENSION BILLS.

One of the bills provides for an invidious "volunteer service roll" and the other provides for a like "veteran volunteer roll," and neither bill if, enacted into law without amendment, would provide, as already stated, a pension for any member of either "roll," or for any veteran, or for anybody. If a "roll" should ever be made up according to the provisions of either bill is should be styled "a roll to dishonor the great majority of the wounded, disabled, and worthy veteran soldiers and sailors of the civil war." All of the letters and petitions, as already appears, were signed on the mistaken belief that there was at least one bill which would give all veterans of the civil war a pension of $1 a day during their natural lives. Nor would the proposed rolls include the one-fifth, as I will soon point out, of these veterans. The two bills were introduced in December last, nine days apart. The earlier one—H. R. 4038—was referred, as before stated, to the Committee on Military Affairs, and the later one—H. R. 7625—to the Committee on Invalid Pensions. The title of each indicates, as heretofore stated, its object, and while in the body of each bill (section 2) there is something about paying to "each of the class *hereinafter* described, when entered upon such 'roll,'" money out of the Treasury of the United States, there is no class of any kind *thereafter* described to be entered "on such roll," or to be pensioned.

Section 1 of each bill describes one class to be entered on a "roll," while section 2 of each bill refers to each of two or more classes *nowhere* described. The substitution of the word *heretofore* for the word *hereinafter* would not make sense or transform the bills into pension bills. They are alike in this respect, and both must have been designedly so drawn. It will hardly, at this late date, be claimed they were both so drawn by mistake. Their author must have deliberately drawn them (one he caused to be reprinted in the RECORD January 29) and he used language to accomplish the political end sought; and he is supposed to have known their purpose before eulogizing them as pension bills in speeches here and through letters, interviews, etc., to the country, and before he presented, with a great flourish, petitions here favoring their passage as pension bills. There are provisions in the latter not found in the former bill, but the two agree in omitting to provide any class of veterans who are to take anything by any provision. The long time that has elapsed since the bills were introduced has been ample to discover and correct mere accidental errors in the use of language, and the failure of my colleague to point out in his speeches any error leaves us to conclude the language used is satisfactory. There are many things to suggest that the bills each express all that was intended. They have, so far, answered the purpose of exploiting for political purposes the matter of pensions for "all old veteran soldiers," though neither is a pension bill. In addition to not mentioning any class to become pensioners the bills are each unjust and invidious to the veteran soldiers and sailors.

Neither bill makes any distinction between soldiers disabled or incapacitated from earning a living and who still endure

constant suffering incident to faithful service and those who were more fortunate, save to exclude in ascertaining the eighteen months' limit such of them as were off duty while in the service recovering from injuries or illness, unless they were discharged for such disability. There were on February 1, 1908, on our pension rolls on account of disability 633,338 veterans of the civil war. The author says his bills are to provide for only 175,000 veteran soldiers. All soldiers of the Regular Army, of the Mexican war, the Spanish war, the Philippine war, the Indian wars, and others are excluded, it must be remembered.

The earlier bill proposes to create a "volunteer service roll" composed of civil war veterans who served "with credit as an enlisted man not less than eighteen months in the field with troops" "between July 15, 1861, and July 15, 1865." This bill cuts out, in counting the eighteen months, the time (three months) volunteer Union soldiers served under Lincoln's first call for troops (April 15, 1861), most of whom reenlisted before July 15, 1861, and served with honorable records. What is the matter with these worthy first volunteers to respond to their country's call that they are to be excluded from the proposed "volunteer service roll?"

But the bill includes in counting time of service "in the field with troops" those who remained after all field service had ended and the war was over, up to July 15, 1865. The older veteran is not to have his earliest service counted, because he responded too quickly to the call to arms when his country was in imminent peril, and those retained on guard duty or in camps after the Confederate armies had surrendered or were disbanded are to be given credit for service "in the field with troops." And all enlisted men discharged for any disability, however slight, would be entered on the "volunteer service roll" as if they had served a full term of eighteen months, although they only enlisted, as many did, for three months or other short term of service, and although they did not serve ten days, were not permanently disabled, and were never in battle. A temporary illness and discharge without any actual service would, in many cases, suffice to get on this roll, while the veterans of many battles, many of whom are decorated with honorable scars received in bloody combat, would be excluded unless discharged for disability contracted in the service, and also those who, however long they may have served, belonged to the Regular Army during or since the war, or became commissioned officers.

In many cases a soldier in the civil war performed more efficient service, enduring more hardships, privations, and suffering in a short period of service than did others in four years or more of service. No account is taken in either bill of hardships, privations, and sufferings endured, or even of disabilities by wounds or disease incurred in the service unless the disability, great or slight, resulted in a discharge from the service. The wounded and sick soldiers who recovered and returned to duty are to be excluded unless they served "in the field with troops" for full eighteen months, their absence, wounded or sick, deducted. And, under the bill, if an old veteran served three years or more in the volunteer army in the civil war and it happened that he was by special detail on duty, however important or dangerous, or on guard duty in the rear in forts or defenses or in reserve camps or was engaged in guarding supplies, trains, and so forth, or a railway station, depot of supplies, a city, and so forth, enough time to reduce his service "in the field with troops" below eighteen months, he would be ineligible for the "volunteer service roll." If he were of that unfortunate class who were wounded or otherwise disabled and transferred to the "Veteran Reserve Corps" instead of being mustered out before he had served eighteen months "in the field with troops" then he, too, would be, under the bill, dishonored and held not worthy to be on either roll, however long or well he may have served.

There were many thousands in the Union Army who, like those of the Veteran Reserve Corps, were not mustered out on account of the wounds they received or the disabilities they contracted, but at the ends of their terms of enlistment, or at the end of the war. Many were thus mustered out who served more than eighteen months, if time spent in hospital or elsewhere suffering from disease, or in the rear in camps, forts, defenses, or guard duty, and so forth, was counted. All these are to be excluded.

Unless discharged for disability both bills require the time an old veteran spent in hospital or elsewhere recovering from disease to be deducted from his total service, and if eighteen months do not remain, he will be regarded unworthy to be on any "roll." And H. R. 4038 requires all the time an old civil war soldier was captive and in prison to be deducted from his entire service to find out whether he served "in the field with troops" eighteen months. Thus, time spent in captivity and prison pens must count to dishonor him. (The other bill is slightly different in this respect.) The roll would, if it reached 175,000, as my colleague states, be made up of many who, for want of opportunity or lateness of enlistment, were never in a campaign or a battle, and who did not meet the hardships and dangers of war. If an old soldier is alleged to have served without credit he would have to be acquitted of all infractions of duty or discipline before he could be placed on the roll, no matter how long or honorably he has served, and though honorably discharged.

This bill (H. R. 4038) is the one referred to the Committee on Military Affairs, and the one my colleague boasted in his speech here that it had "already received favorable consideration by a majority vote of" that committee. After this exultant boast I was inclined to think the members of that committee had not analyzed or intelligently understood the bill and had acted on the same, or similar, information that misled so many splendid and patriotic old veteran Union soldiers, but I was relieved of the necessity of taking this charitable view of the personnel of that great committee by the information that it never had favorably considered the bill at all, and that it was never likely to do so. My distinguished colleague was mistaken wholly in his statement. I presume he was misinformed or misunderstood the action of the committee.

Information comes that my colleague has represented his bill (H. R. 7625) stands "on a tie vote, 8 to 8" in the Invalid Pensions Committee. This, I am assured, is not the case.

Mr. SHERWOOD. I never made such a statement.

Mr. KEIFER. Will you allow me to read some of your letters?

Mr. SHERWOOD. Yes.

Mr. KEIFER. I will read them later, not in this speech. I have some of those letters. My colleague tells us "this bill is not a political pension bill." Granted—it is not a pension bill at all, nor is his other bill. It is a shallow sham, a mere pretense for one. I have yet to hear of any Member of this House who has read it, save, possibly, its author, who is willing to vote for it. I will not gain any honor by prophesying that he will disavow both bills and claim there ought to be another and different one. The bills, however, have served their original purpose; at least they have succeeded in misleading some of the worthy and honest old soldiers and sailors into the belief that an effort was being made to pension all of them at "a dollar a day" when no such thing was proposed.

My other colleague [Mr. ASHBROOK] seems also to have been shamefully and grossly deceived, as well as the old soldiers, as to the Sherwood bills. In a recent speech here (March 17) he inquires:

> But why did Congress * * * remain indifferent to such meritorious bills as the Sherwood dollar-a-day bill?

I do not charge that his speech was solely for buncombe or for political purposes alone. It may have only been recklessly made. He ought, however, to advise the readers of his speech of his entire misinformation as to the bills he referred to and advise them that they were only mock pension bills.

The later bill (H. R. 7625), referred to the Committee on Invalid Pensions, was not offered as a substitute for the one I have just discussed, and which was said, erroneously however, to have been favorably considered by the Military Affairs Committee. It was obviously introduced to catch other and additional "old soldier veterans." Its title shows its real object was "to authorize the enactment of a veteran volunteer roll" different from that proposed to be created by the other bill, denominated a "volunteer service roll." If the two bills would pass we would have two rolls for a few of the veterans, but the large majority of the real and meritorious old field veteran Union soldiers of the civil war and all soldiers of other wars would be ineligible to either. The later bill, it must be borne in mind, like the earlier one, provides no class of soldiers to whom "$1 a day" or any sum as pension is to be paid; and it differs from the earlier bill in only one or two particulars. It has about all the bad and objectionable features of the first one, and some more. It requires a veteran Union soldier, though honorably discharged, to have served "with credit" to be eligible at all to the "veteran volunteer roll."

And a volunteer Union soldier would be ineligible to either roll if he became a commissioned officer or "belongs or shall have belonged" at any time to the Regular Army, however valiant or long his service as an enlisted man has been, even though disabled while a private soldier in battle or by disease contracted in line of duty, and had served honorably "in the field with troops" more than eighteen months and had been discharged before enlisting in the Regular Army or before being commissioned.

What is the matter with the old veteran enlisted Regular soldiers, including the noncommissioned staff, who served "in the

field with troops" during the civil war, many of them over four years, and what of such soldiers who were in the volunteer service, many of them two, three, and four years "in the field with troops," who later enlisted in the Regular Army or received commissions, and who are not now in any army? There are thousands of each of these classes. Their honorable service, according to both bills, works their disgrace and disqualifies them from either roll, and from any pension should a pension ever be granted those on the rolls.

And the men who first enlisted late in and after 1863 under President Lincoln's calls (including substantially all colored veterans in the Union Army) could get on neither roll unless allowed to count time served after the war of the rebellion closed, when there was no more service "in the field with troops." November 1, 1863, to May 1, 1865, would be exactly eighteen months.

But under the last bill, H. R. 7625, "the surviving volunteer soldier * * * of the civil war," a candidate for the empty honor of being on a roll, is allowed to count in making up his eighteen months' time of service "in the field with troops" such time as he may have been in the Army after the war closed up to July 15, 1866, covering a period of more than fifteen months after Lee surrendered (April 9, 1865) at Appomattox, and almost that long after the war had ended. This extension of time of service "in the field with troops" was to throw a sop to a class of soldiers (not included in the first bill) who were, for some reason, retained in the service after the great body of the grand Union armies had been mustered out and the Confederate armies had surrendered or were disbanded and the war had ceased entirely.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I yield to the gentleman from Ohio ten minutes more.

Mr. SHERWOOD. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. SHERWOOD. Will the gentleman submit to a question?

Mr. KEIFER. Well, make it short.

Mr. SHERWOOD. You say that I have written a letter saying that——

Mr. KEIFER. I am not going into the letter question now, because that would lead to a scandal that I do not wish at all.

Mr. SHERWOOD. I want to say that I have written no such letter, and you can not produce it. I challenge the gentleman to do so.

Mr. KEIFER. I will show it to you as soon as I get through.

Mr. SHERWOOD. The gentleman can not do it. He is misstating my position. I have never written any such letter.

Mr. KEIFER. The gentleman can repeat his statement as often as he pleases, but he will find the substance of it in the papers he himself filed here, calling them petitions.

And all veteran sailors and marines, however long and gallant their service may have been, are wholly excluded from any roll or from any possible benefits. There were 21,944 civil war soldiers and marines pensioners on the rolls June 30, 1907, for disabilities, not one of whom would receive any benefits under the bill.

It is fair to conclude that not more than 100,000 of the 633,338 veteran soldiers of the civil war on our pension rolls February 1 last, drawing pensions on account of disabilities, would be eligible to either rolls, and the other 75,000 (if so many) my colleague states would get on the rolls would be made up of soldiers under no disability.

What a roll of honor we would have which excluded the long-time battlefield soldiers of the Regular service; all such soldiers who may have served in the Volunteer Army two, three, and four years before they enlisted in the Regular Army or became commissioned officers; all soldiers who, by reason of wounds received in battle or other disability contracted in the service, were transferred for duty to the Veteran Reserve Corps; all soldiers who had been on duty, however long, other than "in the field with troops;" all soldiers who had been in camps of instruction or in prison so long as to prevent them from serving "in the field with troops" the required eighteen months; all soldiers who were mustered out at the end of their terms of enlistment or at the end of the war and not on account of disability who, on account of wounds or disease, were off duty at home or in hospitals so long as to prevent their serving "in the field with troops" eighteen months; all soldiers who were in the Quartermaster, Commissary, Engineers', Ordnance, or Medical departments, or in the Signal Corps, so much of their term of service as to reduce their actual service "in the field with troops" below eighteen months; all soldiers who, having enlisted late in 1863, and were mustered out at the close of the war, before they had served "in the field with troops" eighteen months, though they campaigned and fought at Mine Run (November 27, 1863), the Wilderness, Spottsylvania (May, 1864), Cold Harbor and Gettysburg (June, 1864), at Opequon, Fishers Hill and Cedar Creek (September and October, 1864) under Sheridan and Wright; at Chickamauga (September, 1863), under Rosecrans and Thomas; at Missionary Ridge (November, 1863), under Grant and Thomas; in the Atlanta campaign and in the march to the sea, under Sherman, in the spring, summer, and autumn of 1864; at Bentonville (March, 1865), and under Thomas at Franklin and Nashville (1864), and under Grant, Meade, Sheridan, and others at Petersburg, Five Forks, Sailors Creek, in the final campaigns and battles in the spring of 1865, and so forth; and all soldiers, even though they served and fought in some or all of these and other campaigns and battles, though two, three, or four years in the service as enlisted men, had been in reserve camps, and so forth, of instruction and had not served "in the field with troops" full eighteen months; all Army and naval officers, volunteer or regular; and all Mexican war soldiers, however long they may have served, however severely they were wounded or disabled by disease contracted in the service; all sailors and marines of all wars; also all Spanish and Philippine war veterans, and all veterans of all Indian wars.

The purpose of each bill seems to be to disgrace all volunteer officers of the civil war, all officers and men of the Regular Army and of the Navy.

This is a summary of the widely proclaimed bills under which all veteran Union soldiers and sailors of the civil war have been led to believe they are to be pensioned at $1 per day.

The honorable discharge of a Union veteran soldier, sailor, or marine, regardless of his length of service, puts him on a true *roll of honor* not to be detracted from by buncombe legislation, certainly not to be detracted from at this late day. Such a *roll of honor* is hallowed with patriotism, and by duty well performed, too sacred to be tampered with for the purpose of making political capital, or for any other purpose. [Applause.]

But treating the bills as pension bills, though they are not, and supposing that under them civil war veterans to the number of 175,000 would be pensioned at $1 per day, it would require an aggregate per year of $63,875,000 to pay them, subject to reductions for pensions some of them now receive, instead of $17,500,000 the first year, as stated by my colleague. He is unfortunate in all his figures. It would require a little more than $17,500,000 to pension at $1 per day 48,000 veterans. If all the old veterans of the civil war, as pretended, should be pensioned at $1 per day, the total number would probably exceed 700,000, and the sum required annually to pay them would exceed $255,500,000. But if the civil war veterans so to be pensioned should only equal those now pensioned, the number would be, as last reported (February 1), about 633,338, and the aggregate annual payment would at first be about $231,186,620, subject to reductions by the amount of pensions the same old soldiers now receive. The reductions and additions would probably for a while equalize each other.

Only about 100,000 of the number now pensioned, as we have seen, would be pensioned if the bills were amended to pension those who would go on the rolls. The average annual value of a pension of a civil war veteran is about $175, which would make the total to be deducted on account of this 100,000 from the aggregate $17,500,000, leaving still, under such a law, an addition to be paid annually of $213,686,620, more than fifteen times the amount my colleague states would be necessary and above $63,000,000 more than we now pay to all our disabled Army and Navy pensioners, including veterans, widows, minors, and all other classes, leaving the sums now paid other and disabled pensioners not very largely reduced. And, as has also been shown, the rolls proposed to be created would have on them at least 75,000 soldiers not now pensionable because under no disability. If they, too, should be pensioned at $1 per day, it would require a further appropriation of $27,375,000, which would bring the total additions up to $241,061,620 and the aggregate to be paid annually to above $350,000,000.

Following the line of retrenchment my colleague suggests it would be necessary to inaugurate to enable the Government to pay the $17,500,000 he estimates, it would become necessary, in order for it to be able to pay the real increase (about $200,000,000) that would result, to wipe out or cripple still other departments or branches of our Government and to put an end to other of its great enterprises besides, as he suggests, the Army and the Navy, and besides withdrawing from the Philippines in dishonor and disgrace, and besides abandoning the construction of the Panama Canal, the greatest single world enterprise of the ages.

Still regarding, for the purposes of this discussion, the bills as pension bills, we find, following the analysis of the bills already made, and regarding the whole number of veteran civil war soldiers who could possibly be eligible to rolls proposed to be established at 175,000 (the author's estimate), and making no allowance for changes in the number of civil war pensioners since February 1, 1908, and assuming that the whole 175,000 claimed to be eligible to the rolls were now pensioners, there would still be 358,388 of the disabled pensioned civil war veterans not on either roll, and therefore not pensionable under the bills, but pensionable, as now, on an average at less than half the others' rate. And following the same analysis, 100,000 is a fair estimate of the now pensioned disabled war soldiers who could get on the rolls under the bills, and the remaining 75,000 would be made up of soldiers who have now no pensionable disability either on account of wounds, of disease, or of age. There would still be 533,338 of the most worthy soldiers of the civil war—above five-sixths of those now pensioned for disability—who would not receive pensions at $1 per day should the bills be amended into pension bills and become laws. And no Mexican or Spanish war veteran, nor veteran sailor, or marine of any war, nor any veteran of any Indian war or of the Philippine war, nor any regular soldier of any war, nor any volunteer veteran soldier of the civil war who at any time became a regular soldier or a commissioned officer, nor any officer, volunteer or regular, would receive such pension. And others would not, though disabled and their service was distinguished in many battles and in campaigns of years' duration.

Verily the bills are not designed to provide a pension of $1 per day for *all* old veterans of the Civil War as they have been led to believe, nor are they bills "giving to every veteran who served eighteen months at the front $1 per day" as their author stated in his February 26th speech.

I believe in real pension legislation; not pretenses of legislation for partisan purposes. The Republican party has a record for liberality in pensioning not only civil war veterans but the Mexican and Spanish war veterans and the disabled soldiers and sailors and marines of all other wars and their widows and orphans. Since the civil war ended (1865) there was disbursed before the end of the last fiscal year to such veterans and their dependents $3,501,570,279.46.

At almost every session Congress passes one or more general, and many special, acts enlarging the pension roll, and increasing its value. From the time I first entered Congress (the Forty-fifth) in 1877 I advocated liberal pensions to the Republic's defenders in all wars. On January 5, 1885, (Forty-eighth Congress) I moved to suspend the rules here and to pass a Mexican war pension bill granting a pension of $8 per month to the—

Surviving officers and enlisted men, including marines, militia and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847 and 1848 with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war, or were actually engaged in a battle in said war, and were honorably discharged, and to such officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars although their term of service may have been less than sixty days, and the surviving widows of such officers and enlisted men.

That bill then failed for want of a two-thirds vote, which stood 129 for to 85 against, in a Democratic House; and no Republican voted against the bill. Now, Speaker CANNON and other Republican Members besides myself, spoke and voted in support of my motion. Later a Mexican war pension bill was passed, principally through Republican votes.

Shortly after I reentered Congress (Fifty-ninth), I had to do with legislation doing away with the much-assailed "Order 78," relating to an age presumption of disability and making certain ages conclusive of disability, and later I favored and voted for the McCumber Act fixing the rate of pension of veterans 62 years of age, at $12; 70 years of age, at $15, and 75 years of age, at $20 per month, under which act about 250,000 veterans have now gone on the pension rolls either with an increase or as original pensioners.

We have passed a liberal widows' pension act admitting some widows not hitherto pensioned and increasing to $12 the monthly payment to widows.

I recently reported, and we passed, a $150,000,000 pension appropriation bill for the next fiscal year, and a deficiency of $15,000,000 is expected.

The attacks on Congress, or individual Members thereof, for a lack of liberality in granting pensions is a gross slander and without justification. When further general pension legislation is enacted it will be, as in the past, on just and liberal lines, recognizing all honorably discharged veteran soldiers, sailors, and marines, particularly the disabled of all our wars, and the widows and orphans of those who are deceased.

The true citizen soldier, sailor, or marine has not, in any of our wars, responded to his country's call to arms for pay, for bounty, or for the hope of pension, but to discharge his duty as a patriot who loves his flag and his country and to preserve and perpetuate the liberty and the blessings guaranteed by our Constitution and laws. [Applause.] He has gone forth to fight and die for his own sovereignty—that sovereignty which wears no crown save that of independence common to all citizens of our Republic. But, notwithstanding this, a deeply grateful country has cared for and will continue to care most liberally for all her war veterans and the dependents of those who have fallen in battle or have died of wounds or of disease. Let us not endanger the liberal discharge of this obligation by professions and pretenses or by proposing sham legislation, born of a political exigency, which can bear no fruit. The true friends of the now old, war-worn, battle-scarred, weary, and worthy veterans do not resort to such efforts. And these veterans will not regard with favor the mockery of a pretense of a tender of bread from a hand that holds only a stone. [Loud applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, I now yield thirty-five minutes to the gentleman from Mississippi [Mr. BYRD].

Mr. BYRD. Mr. Chairman, continuing along the line of my remarks a few days ago, I desire to say that we are upon the eve of a Presidential election, and of all the vital issues to be considered in this campaign the most important is whether we are to continue the doctrine of high protection or return to the policy of our fathers, who believed in taxation for revenue only and in equal opportunities to all men and all industries. It is to be hoped that our Republican friends are beginning to realize that their paramount policy, if it ever had a virtue, has now reached the limit of its usefulness, and that it is now destroying by overproduction the very industries it was intended to foster. It has been contended that the American markets should be monopolized by protection in order to guarantee our industrial development, but it is apparent that many of our tariff-protected industries have outgrown this monopolized market, and are struggling on the verge of bankruptcy for the want of a place to sell their surplus. This paramount policy of the Government for forty years has brought us face to face with an industrial crisis such as never before confronted any nation. In support of this statement let me say:

First, for quite half a century we have been separated from the consuming masses of the world by selfish laws, by an insurmountable tariff wall, our central idea of government being "American markets for American products." This unwise doctrine not only includes home markets, but extends to those of our insular possessions, and in another form it circumscribes our shipping industry. No foreign vessel is allowed to engage in our coastwise trade, nor is our flag permitted to float over any vessel not manufactured by domestic trusts; no material for the construction of the Panama Canal or other public work can be purchased without this wall of protection, and the limit is not yet reached, since there is now pending a joint resolution forbidding the transportation of supplies to Panama in foreign vessels.

Next, we are becoming flooded by overproduction. Having outgrown our home markets, we must look to other nations to consume our surplus products, which are yearly increasing by leaps and bounds. In 1896 they were $863,000,000 and $1,717,000,000 in 1906, an increase of nearly a billion dollars.

Next, this is indeed a day of world-wide commercial activity. European nations are vying each with the other in their efforts to monopolize foreign markets, having practically partitioned the continent of Africa, and by advantageous trade concessions have a monopoly of the trade of South America. Japan has complete control of Korea and has a jealous eye on all that part of China not dominated by England, while Russia, by taxation, is fast driving us from northern Asia. Should Europe and Japan, after having secured domination of the world's markets, do unto us as we are doing unto them by levying retaliatory tariff duties, what would become of our increasing surplus?

In view of these conditions—first, our increasing national selfishness; second, the marvelous increase of our products above home consumption; third, the world-wide activity of other nations in appropriating the world's best markets—how can our high protective policy appear otherwise than unjust, unwise, and indefensible?

In my judgment, the policy of protection never contributed to our national wealth. While upbuilding one section it destroyed another; in making Pittsburg it destroyed Charleston, Savannah, and other seaports; Pennsylvania may have developed under its hothouse influence, but it brought poverty to many

other States; it has given multiplied millions to a favored few in some sections, while to the masses in other parts only trust robbery and high taxation. England has had free trade only a few years longer than we have had high protection, yet we find her 43,000,000 people congested within an area scarcely larger than New England, possessing a per capita wealth of $1,475, while ours is only $1,393, notwithstanding our national resources are tenfold more per capita than hers. Let me read the following table showing the individual wealth of the four leading nations:

England	$1,475
United States	1,393
France	1,200
Germany	727

From this it appears that highly protected Germany has only about half the per capita wealth of free-trade England. Then away with the idea that protection enriches a nation. [Applause.]

NO POLICY THAT ROBS ONE MAN TO ENRICH ANOTHER CAN INCREASE A NATION'S WEALTH.

Mr. Chairman, many wrongs have been committed in the name of protection. It is the author of 90 per cent of the trusts, that not only like highwaymen rob the masses, but destroy the laborer by refusing him bread-earning work with one hand and raising the cost of living with the other. Yet all of this pales into insignificance when compared with the injury done by closing the markets of the world to our increasing surplus products. It is wrong, indeed, to commit robbery in any form, but it is the limit of cruel injustice to rob a man and then deny him an opportunity to replace his loss, yet this is just what protection is now, and has been doing for the farmer for the last forty years. It forces him to not only yield up his hard-earned dollars to swell the coffers of the rich, but forbids him the privilege of feeding and clothing millions who are suffering for his products in other quarters of the globe.

No one making more than he can consume will prosper unless he can induce some one else to purchase his surplus. If he makes more than is needed in his own town or country, then he must have access to other markets or suffer all the evils of industrial congestion. The want of adequate markets has been the fate of the Southern farmer for many years; his great staple could not be consumed at home, and it has been begging for purchasers abroad.

Mr. Chairman, the seller always prospers when he has competitive purchasers. When there is only one purchaser, the latter names the price and takes the goods; when but few, they agree on the price and take them; but when many, they compete for the purchase, and the highest bidder takes them. Hence a wayfaring man, though he be a fool, can see the fallacy of circumscribing the American producer to the purchasers of an overcrowded home market. For forty years England named the price of our Southern cotton and took it; now she, Germany, and a few other nations agree on the price and take it. As to how it will be sold in the future, we can only conjecture, but one thing is certain, we can not hope for higher prices unless we find new purchasers by expanding our markets in other nations. Nothing is so vitally important to the cotton growers of the South just at this time, when the dawn of prosperity is breaking upon that long depressed section, as the removal of every obstruction circumscribing our trade zone. Since American cotton first attained importance as a commercial commodity, its producers have been compelled to look beyond the sea for a market for two-thirds thereof. In 1850 we made about 2,400,000 bales. One-third went into home consumption, one-third was purchased by England, and the balance by other countries. The same per cent of consumption at home and abroad has remained practically unchanged, for in 1906 we produced about 13,500,000 bales, of which we consumed about one-third, England practically one-third, and the world at large the remainder. Hence the time has never been when the Southern farmer was not twice as much interested in markets abroad as in those at home. This being true, is it not apparent to anyone that any obstruction thrown between the cotton fields of the South and the markets of other countries must result in much injury to this great industry?

It is an inflexible law of political economy that industrial development, under the protected home-market idea, reaches its limit when the demands for local consumption are supplied. For this reason our sawmill, shoe, cotton, and many other manufacturers are now waning and struggling for financial existence, having oversupplied the market at home and having only a meager one abroad. Twenty years ago the ring of the hammer building cotton factories might have been heard in nearly every city of the South, and their stocks were selling at a premium in nearly every market. But how few have been built in the last five years, and how many have gone into bankruptcy within that time? I know of several on the verge of financial ruin in my section, and a reputable gentleman from the South on yesterday told me that he could now buy the stock of more than one cotton factory in his vicinity for less than half of its value ten years ago. What a different picture is presented by the present prosperity and activity of the cotton-mill industry of other countries, especially England, as shown by the following extract from a bulletin just issued by our Department of Commerce and Labor:

The recent erection of new cotton mills in Lancashire has been without parallel in industrial history. In order to emphasize the marvelous extension in the productive capacity of the Lancashire zone it may be pointed out that the number of spinning spindles added within the last three or four years in the district of which Manchester is the distributing center and Liverpool the cotton-buying headquarters exceeds 10,000,000, with approximately enough new looms to take the increased yarn output. This development is all the more astounding when it can be truthfully said that the English growth is greater than the total number of spindles operated in either Germany, India, Russia, France, or any other country in the world except the United States, and that the total spindleage of our Southern States does not reach the growth in Lancashire since 1900. And no end seems to be in sight, for new mills are projected almost every week. Some halt in the movement is evident, but that is only due to the fact that cotton machinery makers have their output sold so far ahead that it is impossible to obtain the deliveries for new mills for one year or more to come. Nor have other manufacturing countries been at a standstill. Continental Europe and Japan and India have been abnormally active in mill building.

Permit me to read further from the same bulletin:

It has been estimated that prior to the present unprecedented boom in the British cotton-mill building the normal increase in the world's consumption of cotton was approximately 400,000 bales annually. If we add to this only a part of the abnormally increased British and other requirements, we get at least 1,500,000 more bales needed each crop year than the spindles could previously consume.

Let me ask every Republican on this floor why this difference in the prosperity of England's free industry and our protected industry? Do you not know that it is because she has unlimited markets, while we have practically none? We have a congesting surplus of cotton goods; she has none. In 1906 she sold abroad $600,000,000 of her cotton goods, while we only sold $53,305,412, or less than one-eleventh of that amount. Her factories are running day and night, while ours are shutting down for the want of purchasers for their products. Ought not this showing to convince any person that the ultimate result of protection is the destruction of the very industries it pretends to protect?

Mr. Chairman, unless we abandon this policy of national exclusiveness, or otherwise find markets for our manufactured cotton goods, the South will be compelled to endure perpetually the loss of more than one-half the value of her greatest crop by having to continue to export it as raw material. It is an economic axiom that a country exporting largely her raw material never becomes rich. Only about 3 per cent of England's exports are in the raw state, while the German and French never permit a raw product to leave their shores if there is any possible method of increasing its value by shaping it into some useful product. The manufacturing and commercial nations have always dominated the wealth of the world, and all nations except the United States expand their commerce in the same ratio they increase their factories. We have developed the latter to the destruction of the former. We now export about 65 per cent of our cotton in the raw state, thereby losing to the nation multiplied millions of wealth. This wonderful crop, if utilized by this as it is by other countries, would not only prove to be our greatest source of national wealth, but would develop a great section and provide a support for an additional five or ten millions of people.

Why is this great wealth-giving product not manufactured at home and sent abroad in useful fabrics, or why do we give other nations the heart of the nut while we keep the rind? There must be some well-founded reason for this economic imbecility. We are rich—able to build all the cotton factories of Europe—possess in our mountain streams natural power sufficient to turn every spindle of the world, and have brains, mechanical ingenuity, and energy equal to any nation. Then why do our surplus millions seek doubtful investment in foreign countries rather than in cotton factories at home? There is, or can be, but one answer, and that is, we "hath not where" to sell the fabrics when made. Flooded at home by overproduction and outlawed by our selfishness abroad we are indeed in a helpless and hopeless condition. If we only had the English foreign markets in which she sold the 6,000,000,000 yards of cotton goods in 1906, but few bales of raw cotton would ever leave our southern shores. The whir of the spindle would be heard on every hand, and new cities would spring up like "isles from the sea" in the sunny South. [Applause.]

It will not suffice to say that England holds the prestige of the world in manufacturing cotton on account of her cheap labor, for many nations having much cheaper skilled factory labor are not known in the cotton manufacturing world, and, too, upon the examination of the facts we find that her factory labor is quite as well paid as ours. Besides, her factories, unlike ours, are hampered by all kinds of rigid labor laws. A government agent writing on this subject says:

Manufacturing operations in England are regulated by a multitude of statutory restrictions and regulations. The "factory and workshop act" is the name of the code for regulating the conditions of industrial employment. * * * Some of the things subject to governmental regulations are cleanliness, whitewashing of workrooms, amount of air space per worker, ventilation, temperature, and humidity, sanitary conveniences, and cloakrooms. Safety must be secured by fencing dangerous places in machine and power-transmission gearing. Restrictions must be observed as to cleaning when machinery is in motion, ample provision of fire escapes must be made, and doors must be locked and must open outward, except in the case of sliding doors. There are also restrictive provisions as to the employment of women, young persons, and children, the compulsory education of children, time allowed for meals, and holidays.

A short time ago I had the pleasure of meeting an Englishman returning to his home from an inspection of the cotton manufacturing industries in the South. He said that he came to this country hoping to find it to his advantage to enter into that business here, but, upon investigation, he had found that we were making more cotton goods than we could sell, and that to buy his cotton machinery here he would be forced to pay a 45 per cent tribute to the steel trust; that in England he could save this robbery, and, besides, to build his factory there would give him the world for a market. Hence he returned home discouraged and disappointed with the prospects of the American cotton manufacturing industry.

Mr. Chairman, I dare say that if the cotton belt had been north of the Ohio River instead of south of it; if the untold riches lurking in the possibilities of the cotton plant had been within reach of the grasping Yankee, this infamous market-destroying policy would not have been born, and in that event every pound of cotton leaving our shores would have dropped into our coffers 30 to 40 cents instead of 10. While the South was struggling with the problems of an unsuccessful war—poverty, carpetbaggery, and reconstruction—you were forging the chains of her industrial slavery. But just here let me diverge a moment and say that he is a fool who thinks the South is Democratic on account of the apprehension of negro domination. We fear him not. He is contented and happy, and you can not pass laws enough to disrupt him. Even this benighted son of Ham has learned of your methods of robbery, and you will never have decent Republicans enough in the South to "sing bass" in a backwoods revival until you have become more familiar with the old adage, "Do unto others as you would have them do unto you," and with that commandment which says, "Thou shalt not steal." [Applause.]

Mr. Chairman, there are twenty men beyond the sea to consume Southern cotton where there is one at home; and this being true, how can it be expected that any Member from that section, having the well-being of his people at heart, will stand for other than a fair and open-market policy? No Southern man except a political pelf hunter can afford to support any tariff policy except that predicated upon a strictly revenue basis. To act otherwise would be treachery to the blood and the land that produced him, and in this may be found the reason why the only white Republicans of that section are those now eating or scrambling for the pie dumped over the counter at the White House—pie-eating Republicans.

But, returning to my subject, foreign countries purchased two-thirds of our cotton crop of 1907, amounting to 8,708,469 bales, for which they paid us the sum of $481,277,797. They manufactured this raw product and sold it to the world for $1,400,000,000, making a net profit of $900,000,000. England alone paid us $212,605,609 for raw cotton, manufactured it and sold it to her subjects at home and to the world for not less than $600,000,000, making in wages and profits more than $400,000,000. In 1907, after having supplied the wants of her own population of 43,000,000, she sold abroad $600,000,000 worth of cotton fabrics, made almost exclusively of Southern cotton, or more than the gross output of all the American mills, while for the same year we sold abroad the small sum of $32,305,412. Upon these figures "hangs a tale" of idiotic statesmanship that will blur many pages of our history written within the past half century. In all these years while our favored policy was home markets by protection the keen-eyed Briton adhered steadfastly to the policy that practically gives him the world's riches. Not only is England becoming enormously rich by profits realized in manufacturing our raw cotton, but so are Germany, France, and other European countries who buy their chief supply of raw material from us, as will be shown from the statistics of 1907, as per the table I here insert, giving the amount of manufactured cotton goods sold abroad that year by the four leading nations after supplying their home demands:

From the United States	$53,305,412
From France	78,000,000
From Germany	118,000,000
From England	600,000,000

Is it not strange indeed, as shown from this table, that the United States, the home of the cotton plant, with all of her boasted wealth and intellectual arrogance, would cowardly surrender the millions of wealth involved in manufacturing and selling to the consuming world her own monopolized raw product? Why is this true? The answer is written in the damning schedules of the Dingley law.

In this connection let me quote from a recent boastful speech made by Mr. Lloyd George, then president of the British Board of Trade, member of Parliament, and who has just been raised to the English ministry, as follows:

Well, now, it is really very astonishing what Lancashire has done in cotton. Here you have got to carry your material thousands of miles across the ocean and you beat the world. There are two or three figures I should like to quote here because they are very remarkable. They are figures full of romance. It is a great story—a story of British grit, of British brains, of British courage, and it is something—after all we must not be too modest—to be proud of. Here we have the United States of America growing its own cotton and selling to the world last year $53,000,000 worth of fabrics. Here in Lancashire, which has to get its cotton from America, and, I am very glad to say, now getting its cotton from the British Empire in growing quantities and in improving qualities, has gone up to $500,000,000, and you are going to exceed that this year. In five years you put something like $135,000,000 into the cotton business of Great Britain. The United States of America has put in something like $20,000,000, and Germany has put in $30,000,000, and we expect three times as much as both of them put together. So, "let us eat, drink, and be merry." At any rate, if every county in Great Britain looks after its business as well as you are fighting your corner here in the great battle of British commerce, and fights for its own, there is nothing to fear and the only thing you can say is "what Lancashire is to-day let England be to-morrow," and all will be well.

Now, if my Republican friends have any degree of political honesty, they must keenly appreciate the humiliation thrust upon us by this truthful statement of the wily Englishman, and if they have statesmanship sufficient to look beyond the realms of selfish greed they must see that the English policy is right and ours is dangerously wrong. [Applause.]

Mr. Chairman, in further condemnation of Dingleyism, and in contrast with the proud boasts of this English statesman, I want to read from our trade reports for July, 1907, an extract from the views of Mr. Fee, our consul at Bombay, a daily observer of England's exploits in the foreign cotton-goods markets. He says:

Not more than 6 per cent of the American export of cotton is in a manufactured form, yet we grow three-fourths of the world's supply, and furnish our competitors with the raw material, thereby losing the profits of the capital and the employment of labor that would result from such a vast world's industry. There is something radically wrong with the condition of the cotton trade. Did we manufacture the bulk of the cotton we grow and export we would thereby control and supply the world's cotton market, giving profitable investment to millions of capital, employment to a vast army of labor, build a dozen Manchesters within our borders, and furnish the cargo to an American merchant marine. The fact is that we can now manufacture better cotton cloths, yard for yard and pound for pound; and with our vast facilities, home-grown cotton, our inventive genius, and superior machinery, we can do it at a less cost than can be done elsewhere, excepting where higher wages interfere. Personally the day would be welcomed when our competitors would find other sources from which they would obtain their raw cotton and would cease buying from America, thereby forcing us to manufacture our own crop and enter, as we have not yet done, in dead earnest into a competition for our proper share of the world's supply. It remains for us to say whether we shall spin and weave for the world's market nature's abundant gift to us, or shall continue to grow only and permit another to collect the profits of our toil.

But, Mr. Chairman, it may be contended by some that England's international trade zone is open to our trade, she being a fair-trade nation, but it should be remembered that Canada, and perhaps others of her colonies, have already been so outraged at our system as to levy a retaliatory tariff against many of our products. Only a short while ago I noticed that a member of the English Parliament had been elected from the city of London upon the Chamberlain idea of retaliation against our policy. Also, we find in this bulletin on England's cotton industry, by Mr. Whittam, special agent sent out by our Commerce and Labor Department, the following:

American export trade in cotton can only be developed in countries which have not erected a preferential tariff barrier against us, and so far we seem to have made no effort to enter the greatest of all neutral markets—British India. The country takes 40 per cent of England's enormous cotton-cloth exports, notwithstanding the fact that England operates 6,000,000 spindles of her own. England sends to India over 2,500,000,000 yards of cloth a year, as against less than 1,000,000,000 yards to all other countries combined. Many statesmen and leaders of public opinion and thought in England predict that sooner or later a commercial empire union will be established between the United Kingdom and her colonies and dependencies, and with it a tariff barrier against the United States and those of every foreign cot-

ton-manufacturing country. Therefore this is the time for United States manufacturers to establish a foreign market for their goods which will not be easily shaken from its foundation.

Now, if this prediction should prove true and England, in just retribution, should retaliate against our unreasonable trust policy and thereby shut us out of her rich markets, what would become of our future cotton-manufacturing industry? Would it not always languish as at present, and would it not entail perpetual poverty upon every cotton State? How are you going to answer this, my Republican friends?

Sir, it was my pleasure to attend the great International Cotton Convention held last fall in Atlanta, in which there were more than 100 foreigners, representing multiplied millions of wealth invested in foreign cotton factories. They were from England, Germany, France, and other countries negotiating with the great Southern cotton associations to facilitate a closer union between the "grower and the spinner," and for the purpose of eliminating the robbers standing between the cotton fields and the factories—the brokers and exchanges. This was all commendable, but the paramount thought that entered my mind was the fact that a great people and a great nation like this should be humiliated to the extent of calling on any foreigner to assist in taking care of any American industry. Why should they not also be eliminated? They stand between the cotton fields and millions of consumers, pocketing two dollars to our one. Do you suppose that England, Germany, or any other first-class nation would call upon American manufacturers to meet her subjects in deliberation touching the well-being of any of her great industries? The convention accomplished much good, and I refer to it only in order to impress upon this House and the country the necessity of changing our policy, manufacturing our great raw product at home, and send it directly to the consumer, thereby preventing these foreign leeches from growing rich on the fruits of our sweat and blood.

I was impressed with another fact by that convention, which is that our cotton farmers were annually suffering a loss of from twenty to fifty millions of dollars by having to send the product abroad to be manufactured. When a bale of Southern cotton reaches the factory at Manchester, England, it is rolled into a warehouse, stripped of its wrapping, denuded of all dirt and damaged cotton, and the price paid for the remainder, less the marine insurance and ocean freight, is what the farmer receives.

In an unfavorable season this loss to our farmers amounts to 15 or 20 per cent of the crop, all of which could be saved could the cotton be handled from the field to the factory and from the factory to the consumer. Besides, if only one-half the crop now exported could be handled from the field to the factory, the farmer's land would double in value; great cities would be built with a teeming population to consume his surplus food products, thereby enabling him to diversify his crops and always keep his production of cotton within the limits of the world's consumption.

Our only hope now is to disrobe ourselves of national selfishness and compete for the trade of the unappropriated countries. Protection has already cost us many of the richest cotton-goods markets of the world, and we might as well undertake to blot the stars from the firmament as to attempt to drive Europe from them by competition, force, or otherwise; nor will merchant marines or expanding navies reclaim them; nor will our great armada coquetting with the nations of South America and the Orient regain the pearls we have fed to the swine of protection.

Mr. Chairman, the world's population is estimated to be about 2,000,000,000 souls, and granting that the other civilized countries, if they had the opportunity, would consume only half as much cotton as we do per capita, which is about 12 pounds, then it would take an annual crop of 20,000,000 bales to supply the world, and when we consider the rapid strides of civilization and the many additional uses being discovered for cotton we are forced to conclude that in the near future to meet the demands of the world it will require 30,000,000 bales. Of this vast horde of people, every one now civilized and yet to be civilized will become a continuous consumer of this great product. Next to bread, it is the most indispensable necessity to human existence. It is required by the rich and can not be discarded by the poor—an indispensable commodity in every household, whether within the Arctic Circle or within the Tropics. The new-born babe is wrapped in its silken folds, and it furnishes a winding sheet to the centenarian in death. [Applause.]

At one time I thought perhaps the day might come when, under the supervision of European development, the cotton fields of Africa and other countries might supplant us in the production of raw cotton, but now I am convinced otherwise. The exploitations of England, Germany, and other European countries in foreign cotton fields, while they have made much progress, have utterly failed to produce or even to promise a production sufficient to supply their increasing factories.

Statistics compiled by the New York World show the production of raw cotton for the United States and other countries to be as follows:

Year.	Total.	United States.	East Indies.	All other countries.
	Bales.	*Bales.*	*Bales.*	*Bales.*
1903-4	12,636,000	10,275,000	1,300,000	1,063,000
1904-5	13,528,000	11,768,000	872,000	1,020,000
1905-6	14,072,000	11,967,000	1,288,000	1,274,000

This table is sufficiently correct to show that the United States now furnishes about 80 per cent of the world's commercial supply of cotton, notwithstanding millions of dollars have been expended by Europe in exploiting cotton culture in every quarter of the globe.

Mr. Chairman, it seems that we have a perpetual monopoly on this product, and the full measure of this inexhaustible source of wealth can only be appreciated by remembering that as long as civilization lives, as long as God's children live upon the earth, they must hide their nakedness, and those who live under the Stars and Stripes a thousand years hence, when our forests shall have been destroyed, and when our soil shall have yielded her last mineral to avarice, will behold the world still looking to the snow-white fields of the South for raiment. [Applause.]

If our cotton belt had belonged to any other civilized country, do you suppose it would have shared the same neglect and selfish indifference, if not oppression, from that government as it has from ours? If hers, England would go to the limit of her broad statesmanship in fostering the industry. It would not only be shielded from the thieving, protected trusts, but markets and factories would be provided for every fiber now produced or to be produced.

This great industry has been sacrificed to the upbuilding of other commercial enterprises. Protection has given it nothing but taxation, trust robbery, and destroyed markets, and if it has prospered in any degree it has been in spite of the infamous doctrine. Protection did not give us our fertile lands, navigable streams, sunshine, and showers; it did not provide the brains and energy of that noble, rustic citizenship who makes two bales of cotton now grow where one formerly grew.

Again, Mr. Chairman, if the great cotton industry of the South had even received a partial consideration at the hands of the Government, it long since would have enriched the nation. Several years ago agents were sent to Europe to teach the people how to utilize the corn of the Western farmer for food, but not until a few years ago did the Government ever spend a cent to open new markets for cotton and cotton products. But let me say that the cotton planters of the South feel deeply grateful for even the paltry sum expended in this regard. They have already realized good results from it, and I dare say that no public money was ever more profitably spent. The amount now appropriated for this purpose is by far too insignificant to get the best results, as will be attested by our Bureau of Commerce. In the early part of this session I introduced a bill to increase the appropriation to $500,000, and I think a more judicious expenditure could not have been made. Far better would it be to appropriate this amount to expand our commerce into countries where it has been heretofore unknown than to bury twenty times that amount in a battle ship to rust out in peace on the high seas, for if by so doing we could add a few cents a pound to our cotton crop, the South alone in a few years would be able to buy the whole English navy. It is my best judgment that the annual expenditure of that amount for this purpose would prove a permanent guaranty of a compensating price for this product, and therefore would enrich the country a hundredfold. I would rather be the author of even one additional cent a pound for our cotton than to reign as lord admiral of our Navy.

These special agents have been sent to South America, Europe, and Asia, and their reports are encyclopedias of information on the possibilities of American cotton goods and products in many foreign markets, if we only had the wisdom to reach them. Their work must be commended and must eventually result in great good to the country; but allow me here to venture one criticism of the reasons they assign for our inability to cope with other nations abroad. One says it is because we have no merchant marine; another because we have no international banking facilities; another because we have little knowledge of the kind of fabric used away from home, and another because our goods are not packed so as to be free from damage in shipping, all of which may be true, but they are as silent as the dead as

to the real cause of our trouble. Doubtless they received instructions before leaving Washington that under no circumstances must they report any obstruction caused by protection. Those instructions were doubtless given them under the penalty of losing their official heads, and since "the ox knoweth his owner, and the ass his master's crib," we ought to be generous enough to forgive them. But, Mr. Chairman, we have only to read between the lines of these reports to discern the real cause of our trade troubles beyond the sea. For instance, take the report of Mr. Whittam on English cotton industries, referred to before in this speech, and you will find this remarkable statement touching the sale of cotton goods to our adjoining nations:

Coming nearer home, and comparing the British sales to the republics to the south of us on this hemisphere and the islands of the West Indies with our shipments to those countries, it is found that 1906 witnessed a greater trade in cotton goods between those countries and Great Britain than the total American shipments to the entire world. The official records show the cotton cloth shipped by England to the countries south of the United States in 1906 amounted to 755,000,000 yards, while American shipments during this period to the same countries were 136,000,000 yards. The total United States exports of cotton goods in 1906 were 511,000,000 yards.

Looking farther, Mexico, connected with the States by excellent railroad and steamship facilities, took 25,500,000 yards from England during 1906 and only 2,500,000 yards from the United States. Cuba, which has given us a substantial tariff preference, bought from this country in 1906 only 16,000,000 yards, taking during the same period nearly 59,000,000 yards from Great Britain.

From this it appears that we have not only been practically driven from the lower South American republics, but are being outlawed by England in Cuba and Mexico, our door neighbors. It is strange indeed that England can buy her cotton in Galveston, take it 4,000 miles to England, make it into cloth, bring it back, and sell it to the Mexican cheaper than it can be made and sold to him from Texas, separated from that market only by the Rio Grande. There is some well-founded reason for this anomalous trade condition, and it is we have outlawed Mexico by our infamous Dingley law. In the same ratio that we have closed our doors to her she has hers to us. In order to grease the beef trust, the copper trust, the hide trust, and a few others, we have levied an embargo ranging from 15 to 50 per cent on her leading export articles, while England has opened her doors wide to them. Consequently a 10-year-old boy can see the cause of our trouble. In the same manner we are driven from the cotton-goods markets of Cuba, notwithstanding we have a 25 per cent reduction of our tariff in her favor on many of her products. By all the ties of patriotism this trade should come to the United States. Every breath of national life she breathes is under our flag, and I dare say her trade would be ours if we appreciated it better than we did the sugar and the tobacco trusts and admit her greatest commodities free of duty into this country.

More than this, Mr. Chairman, we find from figures furnished by the Department of Commerce and Labor that England sold to our first-door neighbor, Canada, in 1907, manufactured cotton goods to the amount of $8,801,727, while we only sold that year $3,312,000. There is nothing separating the bankrupted cotton factories of New England from this rich, expanding market except the impassable wall of Dingleyism. She boycotts us because we outlaw her.

Again, our military flag, at a cost of $700,000,000, waves over the Phillipines, but the English flag floats proudly over her commerce. In 1907 we sold to the islands cotton goods to the amount of $1,608,000, while England sold $2,865,527 worth. We send them bombs, she sends them raiment. We tax their few crude products out of this country, she takes them free into hers. Hence she gets their trade and we their curses.

And on and on we might go, showing in this manner we have alienated from us the richest fields of trade—have sacrificed everything to the end that a few shylocks at home might become millionaires.

Proceeding further, Mr. Chairman, I want to make another criticism on these reports of our foreign-trade agents. For a long time it was strange, indeed, to me why they did not report the very great damage being done the American farmer by taxing him trust prices at home for all his agricultural supplies in order that the trusts might furnish the same to his competitors abroad at a much less price, but this question was loudly answered by the vote on the amendment, proposed a few days ago, directing them to look into and report on this matter, when your party voted solidly against it. I would like to know how you can look the honest farmer of the West in the face and ask him for his vote, when you know your policy and your vote compels him to pay 20 per cent more for his reaper than the trust sells it to his competitor, growing wheat in competition with his wheat on the plains of Argentina; and how can you ever hope to win a vote among the decent farmers of the South when they know and the world knows that they are being taxed from 20 to 30 per cent more for their cultivators, cotton planters, and other cotton-growing machinery than the trusts are selling the same implements to the cotton growers of Africa and Russia, who are his direct competitors in all foreign markets?

For the twelve months ending December, 1907, we sold to Russia, at a price 20 per cent less than was paid by home consumers, agricultural implements to the amount of $4,352,523; to Canada, $2,515,489, and to Argentina, $3,588,759. All three of these nations are now putting forth superhuman efforts to drive the American wheat and cotton out of the world's markets, and it does seem that the farmers of this country would rise in rebellion against any party or policy producing this infamous condition.

The policy of maintaining the United States harvester trust by a high duty on all agricultural implements in order that it may charge the wheat growers of the West $20 more for a reaper and $5 more for a cultivator than it does the wheat growers of Canada and Argentina is so infamous as to deserve the execration of every farmer in the land. When we remember that our farmers are being taxed in order to foster an industry in a foreign country whose sole object is to drive us out of the food markets of the world, we must conclude that our people must be controlled by the grossest ignorance or they would rise in arms against such a usurpation of their rights.

In order to show how the wheat industry in Canada and Argentina is being developed by the purchase of our cheap agricultural machinery and other necessaries of farm life, I invite your attention to the following table, which shows that these countries are fast supplanting this in the exportation of grain:

Domestic exports of wheat and flour combined from the countries below named.

[Flour reduced to wheat at the rate of 4½ bushels of wheat to barrel of 196 pounds.]

	United States.[a]	Canada.[a]	Argentina.[a]
	Bushels.	*Bushels.*	*Bushels.*
1900	186,096,762	20,301,379	73,495,142
1901	215,990,073	14,773,908	36,858,239
1902	234,772,516	31,007,446	25,672,368
1903	202,905,598	38,780,692	65,421,537
1904	120,727,613	23,923,228	90,115,119
1905	44,112,910	20,646,925	112,718,476
1906	97,609,007	47,293,465	89,127,911
1907	146,700,425	30,394,681	104,954,070

[a] From official reports of the respective governments.

The remarkable increase in the exports of grain from these two competitive nations will be more fully appreciated when we remember that twenty years ago Canada exported less than one-tenth the amount she now does, while that of Argentina was so insignificant as not to be noticed in the statistics of the world's commerce. Now, how long will it be at this ratio of increase for these two nations to supplant our prestige so long enjoyed as the granary of the world? I may add, further, that what is here shown to be true about the increase of grain is likewise true about the meat and other food products of those nations.

The CHAIRMAN. The gentleman's time has expired.

Mr. BYRD. Will the gentleman from New York kindly yield me a few minutes more?

Mr. FITZGERALD. Yes; but I only have two minutes at my command.

Mr. BYRD. So much for the kindly affection our Republican friends have for their grain-growing friends of the West. Now, let me pass on and show what is being done to the cotton farmers of the South by this tariff-protected trust. Besides the amount of cotton-growing machinery chiefly shipped to Russia in order to develop her cotton-growing Asiatic possessions, we shipped cultivators, cotton planters, plows, and other agricultural implements ranging from $300,000 to quite a million dollars each in 1907, to England, Germany, and other European countries for the development of their cotton-producing colonies in Africa and elsewhere, all of which was sold to them at a cost of 20 per cent less than to the cotton growers of the South, and it will be remembered that American cotton has been taxed out of Russia by her high tariff duty, and yet, notwithstanding this embargo against our chief agricultural product, this Government is permitting the United States harvester trust to tax the Southern cotton grower to build up his commercial enemy in other far-away countries.

To develop their cotton and other industries other nations are lending all the government aid possible. The Russian tariff is practically a bounty to her cotton growers. Germany subsidizes her industry by large appropriations from the royal treasury, and England is now spending many additional mil-

lions of dollars in raising the great Assouan dam on the upper Nile in order that the vast cotton fields of Egypt may be irrigated. She is also building railroads into the heart of Nigera in order that her cotton-growing subjects may have transportation facilities. Hence we at once see the injustice visited upon the farmers of this country and the favoritism shown to those of other countries by our Government.

It appears that we sold more agricultural implements at a reduced price to Russia in 1907 than to any other country. It also appears that one Mr. Medell McCormick is our ambassador to Russia, and that the exportations of our trust-protected goods have been increasing ever since he began to fill that important position, and it is further apparent that he is one of the owners and controlling factors in the United States harvester trust. Now, I do not charge him with prostituting his high office into a trade agency to exploit his trust-made goods, but I do say that all of these coincident facts make it highly probable that he is not altogether forgetting his trust interests at home while wining and dining in the imperial court at St. Petersburg.

The country has gone wild over the idea of saving the printing industries $60,000,000 annually by repealing the tax on print paper and wood pulp, thereby destroying the paper trust, and I must say that I am heartily in favor of the proposed legislation, but how much better would it be for us to repeal the tax on agricultural implements, destroy that trust, and thereby save the farmers from twenty-five to fifty millions a year, as well as prevent their competitors in other countries from driving them out of the world's markets. Such legislation would fall like manna from heaven on every farmer in the Union. This reform must and will come; truth may be suppressed, but not destroyed. [Loud applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. BYRD. I am not through, but will have to close.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREENE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 171. Joint resolution providing for assistance to the people of the storm-swept States of Georgia, Alabama, Mississippi, and Louisiana.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the message of the President this day delivered to the House be now read.

The SPEAKER pro tempore [Mr. GREENE]. The gentleman from Iowa asks unanimous consent that the message of the President be now read.

Mr. CLARK of Missouri. I think we had better go on with the debate.

The SPEAKER pro tempore. Does the gentleman from Missouri object?

Mr. CLARK of Missouri. I believe I do; yes.

The SPEAKER pro tempore. The gentleman from Missouri objects.

Mr. CLARK of Missouri. I will withdraw the objection.

Mr. FITZGERALD. Mr. Speaker, we have all of us read the message.

The SPEAKER pro tempore. Does the gentleman from New York object?

Mr. FITZGERALD. I ask for the regular order. If it is the regular order to read the message, let us read it.

The SPEAKER pro tempore. The gentleman from New York objects, and the committee will resume its session.

The committee resumed its session.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Chairman, I yield thirty minutes to the gentleman from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. Chairman, the greatest practical question which confronts the people of the United States to-day is the large increase in the cost of living. This has now been going on for at least ten years steadily and rapidly, and it has reached a point so high that it has become a menace to the welfare of the great body of the American people, a menace which was serious enough last year and in the years preceding, but which has become increasingly so since the panic of last October, which threw out of employment probably more than a million wage-earners and salaried men.

The evidence of this increase in the cost of living, Mr. Chairman, may be had on every hand. It is known to every housewife, and to those in moderate circumstances with small incomes it is one of the daily and nightly family worries. We can examine it in a scientific manner, however, by looking at the works of economic writers or at the market reports of the necessaries of life, and perhaps the simplest and clearest way to get an idea of what it amounts to is to glance at the figures given in the Bradstreet review, published by Bradstreet's agency from time to time, purporting to give the index figures or average prices of the 107 leading commodities which people consume.

Ten years ago if we added up the total market prices of the leading 107 commodities, we found that they footed up $6.11; so we say that the index figure of prices for the year 1897 was $6.11. Footing up the total prices of those 107 commodities for the year 1907, just recently closed, we find that the index figures of the 107 commodities is $8.90. Thus we find in ten years an advance from $6.11 to $8.90, or nearly 50 per cent. Embraced in these 107 commodities are all the necessaries of life, all the articles which must be purchased and consumed by rich and poor alike. It would be difficult to say exactly in what proportion those necessaries of life are included in this total of 107 commodities, but they embrace a very large proportion of the number in one form or another.

Mr. Chairman, to the family in affluent circumstances it is a matter of little moment that the necessaries of life have greatly increased in cost. Such a family can look upon that marked increase with a good deal of indifference, but to those millions living on an income of, say, $800 for the whole family that increase means a very serious matter, and we see the effects produced by that increase in a number of ways.

We see a reduction in the annual savings of the American people. We see an increasing number of children driven into the mines and factories to help out the family income, until legislators are devising ways and means to check that tendency. We see women who formerly were confined to household lives and household duties driven into commercial life in an increasing degree in order to eke out the family income. We see the standard of living reduced and people obliged to do with less and less year by year. In short this tendency has enormously intensified the struggle for existence among the great mass of the American people. It is the more remarkable because America has raised more food than it can consume. It has produced untold wealth from its mines and has manufactured in its factories more than its people required. In the face of this enormous productiveness of the country, such as the world has never known, and the prodigious increase in national wealth, we find our people facing a struggle for existence, very much the same as the people in older countries have faced in times past because of the increased cost of living.

Mr. Chairman, what has caused this increase in the cost of living? There has been one great cause that is world-wide, natural, and not injurious. It is the increase in the production of gold and in the supply of money. Naturally as that increase of gold has come into the channels of commerce it has fallen in value, which means that commodities have risen slightly, but that cause is world-wide and not injurious. In other countries it has not been a serious matter, but in our Republic alone of all the nations that natural increase in the cost of living has been tremendously aggravated by the other increase in the cost of living, which is not natural and which is due to the devices of selfish man. If I were to designate it in a single word, I would say that the cause of that increased cost of living to the American people is the trusts.

Heretofore upon this floor I have at times declaimed against trusts which are promoted and sheltered by the tariff. I have shown that they have greatly raised the prices of their commodities to the American people, who enacted a law for their benefit. I have shown that they have been selling their products in foreign lands at lower prices than they sell them in the United States. I might go on now to show the baleful effects produced upon the American people by the tariff on lumber, which has permitted the lumber trust to increase in ten years the cost of lumber to the American people 70 per cent, a cost which we have felt in the increased cost of homes to the home builder and of rents to the rent payer. I might dwell upon the steel trust, which, protected behind a high tariff, has raised the cost of its products to the American people, so that it has increased the cost of every home that was built, has raised rents, added to the cost of raising crops on all western farms, increased the cost of all our American railroads, and thus affected freight and passenger rates.

But to-day, Mr. Chairman, I am to speak of a trust which is not the child of the tariff. I am to speak of the meat trust, and I am doing it now, Mr. Chairman, because I feel that I may be denied the opportunity to speak under the rules of this House when I call up for a vote the resolution which I introduced some weeks ago asking the Secretary of Commerce and Labor to lay before this House statistics showing the prices of meats and live stock in the great markets of the United

States during the last two years. I had hoped, Mr. Chairman, when I called up that resolution before the House, to be given an opportunity to say something on the subject, but I realize that under the rules of this House it is quite possible that I may be shut off from saying anything by a partisan motion to lay my resolution on the table. And so, Mr. Chairman, under the license of general debate I am to say something of the subject of meat prices and live stock prices in the United States to-day, and review briefly the history of the failure of this Administration to bring the people relief in that respect.

On page 184 of one of the bulletins issued by the Bureau of Labor in July, 1907, I find a computation of the changes in the prices of various necessaries of life during the last few years. The author of this official bulletin has reported the average price of various products over a period of ten years and then in the year 1906 indicated in what way these prices have changed. Taking the average prices that prevailed on certain packing-house products for the ten years ending with 1899 this Government official shows there has been an advance, as follows:

	Per cent.
Salt pork or bacon	50
Fresh pork	38
Chickens	29
Lard	28
Hams	27
Mutton	24
Veal	23
Beef	16
Eggs	34

Now, Mr. Chairman, those increases represent the price of those products as they stood in the year 1906 compared with the average of the ten years ending with 1899. They represent an enormous increase and they are a fair index of what has been wrought upon the American people by the great combination popularly known as the "beef trust."

This enormous increase we found existed in 1906. Since then in most cases further advances have been made, and to-day retail meat prices paid by the consumers of the United States stand at the very highest point. Last October a panic struck the country which was followed by depression, and there was a considerable slump in the prices of many commodities. Among other things there was a great temporary decline in the price of live stock. There was not, however, a corresponding decline in the price of the products of live stock which come from the packing houses of the United States. The packers actually profited by the situation.

Right at this point, Mr. Chairman, I desire to digress for the purpose of calling the attention of the House to the change which has come over the policy of this Administration toward the beef trust. Let me recite some recent history. Beginning even back of the year 1902 there were evidences of a gigantic combination among the great packers of the United States to raise the price of their products and depress the price of live stock which they bought. The complaint became so general and the outcry so loud that the Administration was forced to take notice, and in May, 1902, caused a petition for an injunction to be filed in Chicago to restrain the packing house companies of the United States from combining to restrain trade in violation of the Sherman law. That case went to trial, proof was introduced, and the result of it was that the presiding judge issued a permanent injunction restraining these six great packers from pursuing the policy which they had before pursued under which they bought live stock at their own conspiracy price in the great markets which they control and sold their products at a price secretly agreed upon. The case was brought to the Supreme Court of the United States, and in 1905 that tribunal sustained the decision of the lower court and a permanent injunction was granted. Simultaneously, however, with these judicial proceedings other proceedings had been going on. This House had voted what was called "the Martin resolution," instructing the Department of Commerce and Labor to investigate the packing-house interests and the beef combine.

Mr. Garfield, then the head of the Bureau of Corporations, went to Chicago to make this investigation, or at least to start it. He promptly fell into the trap set for him there. He walked into the lion's den, and fell into the hands of Mr. Dawes, who was the banker of the packers; Mr. McRoberts, one of their number, and Mr. Louis Krauthoff, one of the most astute, accomplished, and smooth special manipulators of the packers' combine. The history of the rise of this young man, Louis Krauthoff, reads almost like a romance. He began life, I believe, out in Kansas City as the son of a saloon keeper and his first duties on earth were to clean out the saloon in which his father did business. To-day he is reputed to be a millionaire, lives in New York in apartments for which he pays a rental of $60,000 a year, and his greatest achievement in life is having taken Mr. Garfield into camp and through him put the Government into the hands of the packing-house trust of the United States. [Applause on the Democratic side.] Mr. Garfield went to the great packing center of Chicago and, as I said, fell into the hands of Mr. Dawes, Mr. McRoberts, a packer, and Mr. Krauthoff. They dined him and wined him and they gave him the information which they wanted him to have and which he used in making up the ridiculous report which was published in 1905.

This Garfield report, published by him after he had made this so-called "investigation" and had taken the information that the packers chose to give, came before the country as a sort of apology for the existence of the combination. It declared that the profits packers made were reasonable; even went so far as to figure the profits of cattle killing at 99 cents for each steer that was killed and turned into packing-house products. This estimate was so preposterous and the report so apologetic that the country was amazed and disgusted at the outcome of this great investigation. Every man who ever had anything to do with the packing-house interests and every man who had opportunity to observe the great packing-house markets knew that the profits have been so enormous as to make these packers multimillionaires in the span of a short lifetime.

Modern packing is only about twenty-five years old, and yet to-day six of the great packing-house concerns in the United States have a capital of over $100,000,000, practically all made in a few years out of the business.

This great capital, however, hardly expresses the magnitude of the six great packing-house concerns that dominate the live-stock market and provision supply of the United States. Perhaps a better idea is gained by looking at the volume of their business. They take in each year almost as much money as the National Government collects in taxes. One of them alone does a business of over $200,000,000 a year. They not only have packing houses, ice houses, and hundreds of branch houses, but they have 40,000 refrigerator cars, several small railway systems, banks, trust companies, electric car lines, stock yards, and other enormous investments. They control the provision market and are rapidly getting control of the poultry, egg, butter, fruit, and vegetable supply. Their wealth and their profits are made by dictating not only the prices of what they sell, but of what they buy.

Now, let us see about Mr. Garfield's estimate of 99 cents profit on each head of cattle slaughtered.

I caused a friend of mine, well posted in such matters, to make for me a statement of what becomes of a thousand-pound steer at the South Omaha live-stock market. Such a thousand-pound steer at the present market price will be purchased by the packing house for about $64 to-day. Here is what such a steer will yield:

The steer will dress 58 per cent meat, 580 pounds, at 10 cents per pound	$58.00
Tallow, call fat, ruffle fat, and trimmings, 100 pounds, at 6 cents	6.00
Liver, 10 pounds, at 5 cents	.50
Heart, 3 pounds, at 3½ cents	.105
Tongue, 4 pounds, at 11 cents	.44
Hide, 70 pounds, at 8 cents	5.60
Feet	.15
Head	.10
Brains	.05
Bones	.10
Tripe, 5 pounds, at 7 cents	.35
Blood, fertilizer, 22 pounds, at 1½ cents	.264
Casings, bungs, middle, and rounds	.45
Total	$72.109

Cost of killing, dressing, and chilling one beef, 35 cents.

Thus, Mr. Chairman, we have there, made up by a practical man, the products of a steer converted into modern packing-house products; and the cost of killing, dressing, and chilling is only 35 cents. We have a $64 steer converted into $72.10 worth of products, and yet Mr. Garfield has come before the country with the claim that the profit is only 99 cents upon each steer.

Now, Mr. Chairman, I would be the last man to discredit the great packing-house industry of the United States. In my district at South Omaha there has been built up the third largest live-stock center of the world. Last year the packing houses of that city butchered practically 800,000 head of cattle, over 2,000,000 head of hogs, and 1,000,000 head of sheep. I believe it safe to say that 10,000 men, women, and children are employed there in that packing-house industry. I would like to see that industry prosper. But I do believe that the time has come when the people of the United States are entitled to protection. I do believe that the time has come when the Administration should renew the efforts which it abandoned absolutely two years ago. Why this silence and indifference that has followed after that furor of rage and indignation when the immunity bath was given? Why was it that the Administration of the

United States after bringing those men into court and forcing them to admit that it was in possession of evidence which might send them to the penitentiary, abandoned any further effort to protect the people from their exactions? Has it been because the price of live stock or products has changed? Why, no, Mr. Chairman; not changed for the better. In 1906, two years ago, when the Administration abandoned these attempts, beef was selling at wholesale at the packing houses at a cent a pound less than it is selling now. The cattle were practically the same price. And, Mr. Chairman, let us glance at the figures of the last year, to show the power of this combine.

On the 1st day of April, 1907, the Chicago price of cattle according to Bradstreet's was $6.60. On the 1st day of April this year the Chicago price of cattle is $7.45, an advance of 13 per cent. And I want to say that that advance is justified. There is a reason why cattle are selling at a higher price this year. It is because of the scarcity. When the panic struck this country, in October last year, it became impossible for cattle feeders to borrow the necessary money to feed their cattle. They became alarmed, and many did not buy to feed. The result is there is a smaller supply of cattle in the country ready to market this year, and the advance of 13 per cent is reasonable. What has happened to the price of provisions? What has happened to the product that is made from these cattle by these packing houses? Has that advanced 13 per cent? Yes, Mr. Chairman; according to the figures published by Bradstreet's this month, the price of beef at wholesale, the whole carcass, sold at once, has advanced 29 per cent, as against an advance in cattle of only 13 per cent. Thus, while all the business interests in the country are suffering, if not prostrate, this beef combine not only maintains but actually raises its price to the wholesalers, and that is why the retailers are compelled to largely advance their price to the householders of the land.

So I say, Mr. Chairman, there is no reason why this Administration should for two years have abandoned the American people to the grasp of the beef trust.

Mr. Chairman, I know it is not an easy matter to prove the existence of a trust; but even if we take Mr. Garfield's statement alone, we find that in fourteen of the leading markets of the United States these allied concerns pack and slaughter 90 per cent of the cattle that are brought to those stock yards. We find that one of those concerns, the National Packing Company, is owned by three others—Armour, Swift, and Morris. While it is claimed that there are six packing concerns that divide up the earth and control these products, there are actually only five. It is reported on what seems to be such persistent and reliable authority that it is hard to doubt it that once every week representatives of these packers get together—I think it is Thursday in most markets—and they fix the price that they will pay during each day of the following week for all the cattle, sheep, and hogs that come to market and the prices that they will charge for provisions to the wholesalers and retailers with whom they deal. This is done week after week; yet this Government does not make, seemingly, any effort to look into this matter, although prices rise, living expenses increase, and people complain.

I telephoned to the Bureau of Corporations the other day, asking whether there was any additional information received since the Garfield report was issued, and was told substantially there was very little. Yet the Bureau of Corporations, as Judge Humphreys said, was created for the purpose of giving information to Congress, and great appropriations are made by Congress every year for the purpose of maintaining that Bureau. We heard here a few days ago a rather heated controversy between the gentleman from New York [Mr. SULZER] and the gentleman from Illinois [Mr. MANN] as to who was entitled to credit for having originated the Bureau of Corporations. It has occurred to me since that time that if I were in danger of being held responsible for the creation of the Bureau of Corporations I should endeavor at once to disclaim responsibility, judging by results.

Mr. HARRISON. Will the gentleman not admit that the Bureau of Corporations may be very useful to the Administration around campaign time, when they want to shake the plum tree?

Mr. HITCHCOCK. Well, I will say to the gentleman that there is a growing suspicion that such is the case.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SMITH of Iowa. I yield twenty minutes to the gentleman from Ohio [Mr. GOEBEL].

Mr. GOEBEL. Mr. Chairman, when we come to the reading of the bill now under consideration under the five-minute rule we shall again encounter an amendment limiting or restricting the appropriations for the various Federal Homes for Soldiers, the object of which is to prevent the reestablishment of what is known as the "beer hall." There are also numerous bills pending in this House looking to prohibition or restricting the sale of intoxicating beverages and otherwise depriving the individual of the use and enjoyment of the same.

It is not my purpose at this time to discuss the amendments or the provisions of the various bills, nor point out the legal or constitutional provisions which they violate. In the brief space of time allotted to me I desire to make some observations, however, upon the underlying principle of government which is involved in this kind of legislation.

Any legislative act that undertakes to regulate our eating, drinking, or the expenditure of our private funds is sumptuary in its character and affect the personal liberty and rights of the individual. Mill says:

> That the sole end for which mankind are warranted individually or collectively in interfering with the liberty of action of any of their number is self-protection.

The only purpose for which power can be rightfully exercised over any member of a civilized community against his will is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He can not rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because in the opinion of others to do so would be wise or even right. These are good reasons for remonstrating with him or reasoning with him or persuading him or entreating him, but not for compelling him or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to some one else. The only part of the conduct of anyone for which he is amenable to society is that which concerns others. In the part which merely concerns himself his independence is of right absolute. Over himself, over his own body and mind, the individual is sovereign.

Every one—

Says Kant—

> may seek his own happiness in the way that seems good to himself provided that he infringe not such freedom of others to strive after a similar end as is consistent with the freedom of all according to a possible general law. If my action or my condition generally can coexist with the freedom of every other according to a universal law, anyone does me a wrong who hinders me in the performance of this action or in the maintenance of this condition.

Herbert Spencer writes:

> Every man is free to do that which he wills provided he infringes not the equal freedom of any other man. The liberty of each is limited only by the like liberties of all.

These rights are fundamental, and whenever a free government suspends them and thereby seeks to regulate the conduct of the individual it violates a fundamental principle upon which it is founded. An overindulgence of the particular act while in the exercise of this right is at most a "vice." Vices are simply errors which a man may make in his search after his own happiness. It may be an immoral or evil habit, practice, or conduct in which he indulges, resulting from an impure or degrading appetite or passion, but vice is not a crime. It becomes mala prohibita when by statute you make it so. Widely differing from other offenses that are crimes mala in se, vice is a chronic and habitual transgression of the moral law and is social in its origin, progress, and aggravation.

Every voluntary act of a man's life which affects him is either in accordance with, or in conflict with natural laws of matter and mind upon which his physical, mental, and emotional health and well-being depend. It either gives him happiness or unhappiness. No one else knows or feels or can know or feel as he knows and feels the desire and the necessity, the hope and the fear and impulse of his own nature or the pressure of his own circumstances. It must then be left for each person to settle that question for himself. I am a firm believer in individual freedom. There must be no restraint upon the individual until his act injures other persons. His rights must not be withheld because social good may in an uncertain contingency be harmed.

If prohibition ever becomes the common basis of social life, it must come through the agency of the individual. To my mind every legislative act enacted to forward it would not hasten, but rather retard it. What statutory law will curb the appetite of man? Appetite is of divine creation. Life is itself chained to it. The aim of man is to live. When you dam a stream, it is not stopped. The current ceases as you look upon it, but while the source remains the stream gathers new force and cuts new channels, made even more dangerous by the dam you have interposed.

As legislators let us get this principle fixed in our minds—that the individual is not accountable to society for his actions in so far as these concern the interests of no person but himself, but whenever his actions are prejudicial to the interests of others, the individual is accountable and may be subjected either to social or to legal punishments when one or other is requisite to the protection of society. Underlying this principle is liberty of action. The voluntary act or choice of an individual is evidence that what he so chooses is desirable or at least endurable to him, and his good is best provided for by allowing him to take his own means of pursuing it. On the other hand, society has its remedy. If the individual by his conduct displeases us, we can express our distaste and we may stand aloof from him, reflecting that he bears the whole penalty of his error. I admit that the mischief which a person does to himself may sometimes seriously affect those nearly connected with him, and in a minor degree society at large, so that when a man, through intemperance or extravagance, becomes unable to pay his debts, or having undertaken the moral responsibility of a family becomes, from the same cause, incapable of supporting or educating them, he ought to be punished, not for drunkenness or extravagance, but for the breach of duty to his family or creditors.

If the resources which ought to have been devoted to them had been diverted from them for the most prudent investment, the moral culpability would have been the same. Again, is there any reason why our existence shall be constructed on one or some small number of patterns? When a person who possesses a reasonable amount of common sense lays out his mode of existence, should society interfere? It may not be the best mode in itself, but it is his own mode. We are not all alike. Different persons require different conditions for their development. Things which are helpful to one person are hindrance to another. The fact that people have diversities of taste is reason enough for not attempting to shape them all after one model.

In the early history of the world it may have been necessary to prohibit one from possessing a house or furniture which was the work of more elaborate implements than the axe and saw, or against the expensiveness of female attire, or that no fowl should be served but a single hen and that not fattened, or to limit the cost of funerals. You will remember that the Oppian law, enacted before the birth of Christ, provided that no woman should possess more than half an ounce of gold or wear a dress of different colors or ride in a carriage in the city or within a mile of it except upon occasions of public religious ceremonies. This law also limited the sums to be spent on private entertainments. Tiberius caused a decree to be enacted by the Senate prohibiting the use of gold vases except in sacred rites, and also prohibiting the wearing of silk garments by men.

Coming to a later period, we find that Charles V of France forbade the use of long-pointed shoes, and then under later kings the use of gold and silver embroidery, silk stuffs, and fine linen was prohibited. Laws were enacted to restrain undue expenditures and to regulate the dress of the several classes of people. In the reign of Edward II a proclamation had been issued against the "outrageous and excessive multitude of meats which the great men of the kingdom had used and still use in their castles," as well as "persons of inferior rank imitating their example beyond what their stations required and their circumstances could afford." Two courses of flesh meat were allowed to be served upon their tables. Servants of gentlemen, merchants, and artificers were allowed only one meal of flesh or fish in the day, and that the other food should consist of milk, butter, and cheese. These sumptuary laws had evidently their origin in and were dictated by financial necessities.

Later on it may be said that sumptuary laws were founded upon moral considerations, but in the sixteenth century the legislature ceased to be guided by moral consideration and began to be influenced by religion, partaking of commercial and police character, and then the so-called "mercantile or protective system" came into vogue.

But at all times it was found that sumptuary laws could not be enforced and government soon ceased the fruitless efforts and permitted luxuries and taxed them. It is sometimes maintained that a heavy tax on liquors would prohibit their use. I doubt it. True, every increase of cost is a prohibition, but only to those whose means do not come up to the price, and to those who do it is a penalty laid on them for gratifying a particular taste. Now, I do not mean to say that liquors ought not to be taxed. I justify it upon the ground that of all commodities liquor can best be spared by the consumer, and hence the State and Federal Government is justified in imposing a tax to the point which will produce the largest amount of revenue without destroying the industry. [Applause.]

Recurring for a moment to sumptuary laws in the early history of the world, what people in this enlightened country would tolerate such laws at this day? Undesirable habits and wasteful expenditures should at all times be discouraged by every man, but action thereon belongs more properly to the spiritual than to the temporal power. At least it ought to find no lodgment in any legislative body.

If I were to transgress from things earthly to things spiritual I would say that our Saviour at the marriage feast at Cana made wine for the use of his guests. He visited the Pharisees and attended their feasts, where wine was lavishly used, and he used it at his own home and at the Passover. On an occasion, speaking to the multitude, he said unto them:

> Not that which goeth into the mouth defileth a man; but that which cometh out of the mouth, this defileth a man. (Matt. 15, v. 11.)

Now, I might go on and quote innumerable passages from the Bible to illustrate that prohibition of intoxicating liquors was not favored by our Saviour. I prefer to discuss earthly matters at this time.

In a free government sumptuary laws are in contravention of the rights and liberty of the individual. Whenever by force of law it is sought to rectify "vice," that government becomes the abettor of persecution, the friend of hypocrites, and the ally of tyranny. You must bear in mind that the laws of nature are supreme, and laws enacted by man in opposition thereto would be unnatural and untenable.

The issues involved form the substance of a great reform, and it is not difficult to appeal to a morbid sentimentalism and receive the applause of the multitude. I admire the courage and convictions of such men as Bishop Webb and Bishop Grafton and the distinguished Cardinal Gibbons, who, on January 8 last, in an interview, published in the Baltimore Sun, said:

> I have always been in favor of high license and have made utterances to that effect. In a community as large as Baltimore I do not consider absolute prohibition practical, for there are so many ways of getting around legislation. But the high liquor license I believe to be the proper solution of the problem.
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> To begin with, the revenue will be guaranteed by the increased price, despite the fact the number of saloons will be greatly decreased. The high license will do away with the small grog shops, that throw out many temptations for the poorer class of people, and with the number of saloons decreased, the police will be better able to enforce the laws. When the number of saloons is diminished the police will be better able to keep a much closer watch on all of them.
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> So, with the revenue assured and the advantage placed in the hands of the police, many dangers can be guarded against and many done away with.

But, Mr. Chairman, extremists will continue to agitate absolute prohibition, and they will not be contented until our statute books contain complete sumptuary laws and have taken away effectively every personal liberty of the individual, and then governments will absolutely control and regulate our eating, drinking, and the expenditure of our private funds. I would then suggest that Satan be bound and restrained from again seducing men to sin, and it occurs to me that at last millenarians will have triumphed. [Applause.]

Mr. FITZGERALD. I yield five minutes to the gentleman from Ohio.

Mr. ANSBERRY. Mr. Chairman, I regret very much the little incident that happened this afternoon between two of my colleagues, both brave soldiers in the civil war—General KEIFER and General SHERWOOD. I regret it for more than one reason; first and foremost, however, because I am in favor of the Sherwood bill, because I believe that the bill introduced by the gentleman from Ohio [Mr. SHERWOOD], whether you call it a "pension bill," or whatever you call it, which seeks to make up a roll of soldiers of the late war who served at least eighteen months, and gives them a dollar a day pension, is a meritorious measure, and, while not an ideal pension bill, is a step in the right direction. These two gentlemen, both of them now past 70 years of age, answered the first call of President Lincoln for troops within a day or two after the issue of that call.

Both entered the war, I believe, as privates; both rose to high rank; and I say, in fairness to their comrades, in justice to their comrades, that the voice and influence of both should be exercised in this Chamber, not in bickering and in quarreling, but in support of measures calculated to advance the failing fortunes of the men who served under them; in support of the men in the ranks who did not rise so high as they; in support of a measure giving to these men at least a portion of their due. [Applause.] Now, gentlemen, on one side I find one of my friends [General KEIFER] trying to convince us that the bill introduced by General SHERWOOD is not a pension bill.

Mr. KEIFER. Have you got a copy of it?

Mr. ANSBERRY. Yes; I have. I am a member of the Committee on Invalid Pensions. That bill has been considered by the Committee on Invalid Pensions, and I say that the bill makes provision for giving a pension of a dollar a day to every soldier who served one year and six months in the civil war, and if that does not make it a pension bill, I do not know what would.

Mr. KEIFER. Oh, no.

Mr. ANSBERRY. I can not yield to the gentleman. I will say further I am here trying to defend General SHERWOOD from the unwarranted and unfair assault made upon his integrity by my colleague from Ohio, General KEIFER, and, if necessary, I would rise in this House or anywhere else to defend General KEIFER or any other soldier from assault, no matter from how high a source it came. I say these two men should not be here, jealous of one another's influence in behalf of the old soldiers, their comrades in arms. I invite General KEIFER to cooperate with his colleague, General SHERWOOD, to further the interests of these soldiers of the civil war. It is a remarkable spectacle that here in this House, the Republicans being in the majority and daily boasting that they can pass or repress any legislation they choose, and it is a well-known fact that the old soldiers have for many years been that party's most valuable asset, yet the old soldiers of the civil war must look to this side of the Chamber for their champion; on the other side of the Chamber the other day, when the steel trust was attacked, a gentleman from Pennsylvania quickly rose in his place and defended that trust.

The trust that has a monopoly of the print paper and pulp wood was attacked, and a gentleman—in fact, numerous gentlemen—on the other side rose in their places and defended that trust. To-day an old soldier of the civil war, who went in in 1861 and who stayed in until the close of the war in 1865, who rose from the humble position of private to be a colonel and brevet brigadier-general, was attacked most viciously because of a measure he had introduced in behalf of the old soldiers of the country, a measure looking to a substantial increase in pensions of those soldiers; was ridiculed and laughed to scorn, his petitions flouted and misconstrued by one who should have been aiding rather than deterring such measures. Did any one on the other side rise up to defend either General SHERWOOD or his bill, or to suggest that while possibly there were mistakes in the phraseology or punctuation, still it was in the main correct in principle? And certainly that is all that General KEIFER can find fault with in this measure. That is his reason for insisting that it is not a pension bill; mistakes, if any, in form, not in substance.

Mr. KEIFER. Will you allow me to hand it to you, so that you may read it?

Mr. ANSBERRY. Not in my time. If that bill is incorrect in phraseology, take the time you have and correct it. Surely you are a friend of the old soldiers?

Mr. KEIFER. Certainly.

Mr. ANSBERRY. Surely you want to see these men who served a year and six months in behalf of the old flag getting a dollar-a-day pension. Yet, instead of joining hands with this other old general, you, General KEIFER, stand back and poke fun at his measure.

General KEIFER is a lawyer; General SHERWOOD is not a lawyer. He is engaged in other lines of business. Perhaps he can not draw a measure of this character under the strict technical rules that apply in this House. Perhaps he can not draw a bill as well as this lawyer soldier, but at any rate, if he can not, the gentleman on the other side [General KEIFER] should come to the rescue; and if not to the rescue of General SHERWOOD, then to the rescue of the old soldiers of the country, who have a right to expect this dollar a day because of services rendered in time of stress to the country, and he should not spend his time in carping criticism.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I yield two minutes more to the gentleman.

Mr. ANSBERRY. I say that the gentleman on the other side should not spend his time in carping criticism. If the measure is ineffectual because of defective phraseology, let him correct it. Let him come down to the Committee on Invalid Pensions. I assure the gentleman they will give him plenty of time to offer a substitute for this measure, looking to the end that General SHERWOOD has in view, on which he has spent not only the last six months, but the last seven or eight years of his life, looking not particularly after this special bill, but looking after the interests of the old soldier. I have personal knowledge of the fact that this measure was submitted to twelve different organizations of veterans of the civil war before it was introduced by General SHERWOOD, and met with their approval. True, these men may not have thought it was technically correct, but the gentleman from Ohio [Mr. KEIFER] spoke of the shadows, not the substance.

If he did not intend to do that, if he is a friend of the old soldier, why did he wait until the closing days of the session to point out an error in phraseology or punctuation? Why did he not rise in his seat long ago and offer a measure correcting the measure that General SHERWOOD introduced and for which he has waged such a hard fight? He says there is politics in this proposition. I take it if there is it is not on this side, but on the other. Not long ago, in answer to a question propounded by me in this House, the gentleman from Ohio, General KEIFER, rose on his feet here and said that he would follow the Republican party, no matter what platform it made, no matter whom it nominated. General SHERWOOD is an independent in every sense of the word. He has been elected to office by the Republicans; he has been honored by that party when a member of it. He has been honored by the Democratic party, and he was an honor to it. He has been honored by the Independent party. He holds a seat in this House as an Independent. He was elected from an Independent district, and if there is politics in this question I would rather follow the Independent than the man who in this House brazenly says he would follow the Republican party, no matter what its platform and no matter who its candidate. [Applause on the Democratic side.]

Mr. FITZGERALD. I yield five minutes to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN. Mr. Chairman, at the opening of the session I introduced a bill (H. R. 3983) proposing to limit the effect of interstate commerce as applied to the shipments of whisky from one State to another.

The text of the bill is as follows:

A bill (H. R. 3983) to limit the effect of the regulation of commerce between the several States and Territories, as to certain commodities.

Be it enacted, etc., That all intoxicating liquors, including ale, wine, and beer, shipped from one State or Territory into another State or Territory shall, immediately after crossing the boundary line of the State or Territory in which its destination is located, and before delivery to the consignee, become subject, in every respect, to the laws of such State or Territory which have been enacted therein in the exercise of police powers, just as though said liquors had been produced in said State or Territory; and the interstate-commerce character of such shipments of intoxicating liquors shall terminate immediately after such liquors have passed into said State or Territory of their destination and no exemption shall be made of original packages of intoxicating liquors shipped in any form or manner: *Provided*, That liquors shipped entirely across a State or Territory, that are not to be be delivered therein, shall not be subject to the provisions of this act, nor shall this act affect the right of common carriers to transport intoxicating liquors from points without a State or Territory to any point within that State or Territory.

SEC. 2. That any railroad company, express company, or other common carrier, or other person who shall, in connection with the transportation of spirituous, vinous, malt, and intoxicating liquors of all kinds from one State or Territory into another State or Territory, collect on, before, or after delivery, from the consignee or other person, the purchase price, or any part thereof of such liquors, or who shall in any manner act as the agent of the consignor or seller of such liquors for the purpose of selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be subject in so doing to all the police powers of the State or Territory into which such liquors are transported and delivered; and for this purpose in all cases of the sale of spirituous, vinous, malt, and intoxicating liquors of all kinds, in interstate commerce, where the same is sold "collect on delivery" the place of delivery shall be deemed and held the place of sale.

Neither the idea nor substance of this bill is new, but like the several others of its nature that have been introduced at previous sessions its purpose is to supplement and make effective the Wilson Act.

The great obstacle in the face of any bill affecting interstate commerce is its constitutionality. In that particular, in so far as this body is of itself capable of judging, there is no doubt as to my bill. Every point covered in it has been fully covered and favorably reported to the House by the Judiciary Committee in other bills, amendments, or suggestions that have previously been before that committee on this subject. So full and complete was the committee's report on Mr. LITTLEFIELD'S bill that it seems to be conclusive of the matter. The way being apparently clear for legislation on this subject, it is my purpose to try to bring to the attention of the House the necessity for that legislation.

The question of the method of controlling whisky has no place in this discussion, nor do I propose to question the right of the individual to use it, where he buys it legally and uses it in moderation. But I do say that when a majority of the good citizens of a State declare for prohibition, or for the dispensary, if you please, they have a right to control their policy, and not have it dictated by the nonresident liquor dealer of Baltimore, St. Louis, or Cincinnati. And I will go a step further. They ought to have the right to control their liquor policy without interference by the National Government.

It is the State that is responsible for the morals of its citizens. It is the State that must bear the odium of crime. It is the State that must be taxed for the suppression of crime. Then who will deny to the State the right to pluck up by the roots the plant whose branches are laden with the seeds of crime? To such an extent has interstate commerce been protected by interpretations of the Constitution that it has set at naught the laws of the States enacted in behalf of sobriety and good citizenship. How much longer will the Federal Government defeat the will of the States in their reasonable demand for protection against the liquor barons?

I yield to no man in the desire to promote trade between the States in commodities that add to the wealth and comfort of the people, but whisky is no such commodity. The Federal Government, by putting a tax of more than four times the cost of production on a gallon of whisky, has placed it under an unmistakable ban. It has by this act declared it to be a noxious substance, dangerous to its citizens, and to be dispensed only under its license. How inconsistent, then, to hamper with technical barriers the Commonwealth that would stay the use of whisky.

Clearly Congress recognizes the right of a State, in the exercise of its police powers, to prohibit the traffic in whisky between its own citizens. Why then does it stamp with its approval transactions between a citizen of a State and a nonresident that it recognizes as illegal between citizens of the same State? The right of a State to exercise police powers in matters affecting the welfare of its citizens is older than any constitutional right protecting interstate commerce. It was not surrendered by the States in their original compact, and its potency was reaffirmed in the tenth amendment to the Constitution.

I am willing to accord to every nonresident the right to free and untrammeled commerce in every article of traffic that is recognized as legitimate by my State, but I emphatically deny that he has rights superior to mine in my own State.

Under this quibble of protecting interstate commerce, this body and the courts—the former by silence, the latter by evasion—have become party to a crime against the weak and helpless of society. See you not the beseeching, careworn face of the impoverished widow? Hear you not the piteous cry of the orphan; yea, and even the despairing protest of the enfeebled drunkard himself? These should "plead with you like angels, trumpet tongued." And yet, Mr. Chairman, year by year bills have been presented here proposing to limit the effect of interstate commerce, bills that a majority of the members of the Judiciary Committee have declared to be constitutional—and they have invariably been put in cold storage.

Far out in the ocean, east of the West Indies, the warm, perfumed breezes of the Tropics meet the colder air of the north. Here is the home of the embryonic cyclone, which, growing with its progress, reaches the Gulf States and sweeps across the Atlantic States with such terrific effect.

Far out in the great sea of human hearts, beyond the ear of this august assembly, the appeal of the humble temperance advocate has been caught up by the masses. It has swept over State after State, making its way to this body, and it is here. It is the voice of the tempest that calls to you.

During the year 1906 there were consumed in the United States: Distilled spirits, 127,754,544 gallons; wines, 46,485,223 gallons, and malt, 1,699,985,642 gallons. Averaging the cost to the consumer of whisky at $3, wine at $2, and malt at 50 cents per gallon, the sum makes a total of $1,326,226,899.

Considering that the higher grades of whiskys and wines are retailed at excessive prices, and that much of the cheaper whisky is not dignified by the Government stamp, it is safe to say that a billion and a half dollars would not cover the annual consumption of whisky in the United States. This sum is equal to nearly twice the annual cost of running the Government, in its every department. The figures are staggering.

What are the returns from this stupendous waste of wealth? It is more effectually wasted than if consumed by fire. Hear them: Wasted and enfeebled manhood, crushed and bruised womanhood, degenerate and beggared childhood.

In its wake may be seen the eye of sorrow, the heart of woe, the life of desolation. It is the thief of the substance of the home, the seducer of the affections of the home, the murderer of the protector of the home. It is the worm at the root of the plant, sparing neither the tender shoot nor the fruiting stalk. "It biteth like a serpent and stingeth like an adder."

That these are no empty words, let us see what the records show. In 1,000 deaths during the year 1900 of persons between 30 and 34 years of age, 254 were from alcoholism—133 men and 121 women. Between the ages of 35 and 39 years there were 372 deaths from this cause—190 men and 182 women.

Pause for one moment and think just what this means. Out of 100 persons dying in the United States, at the age of 36 years, nearly 40 go unshriven to a drunkard's grave. Truly this is a text for the moralist, but its broadest and most practical application is in uncovering the path of right to this body. State after State has risen in its might to check this waste of wealth and more than waste of human life. It is "the voice of the people, it is the voice of God."

I said at the outset that I would not argue the constitutionality of this bill at length. I will only review briefly the progress that the interstate phase of the liquor question has made.

In Leisey *v.* Harden it was held that a man had a constitutional right to sell liquor in original unbroken packages, despite any State law to the contrary. The Wilson law, passed subsequent to this decision, which was declared to be constitutional, divested original packages of liquor of this interstate-commerce character upon arrival within a State. But a strained construction of the language of that law interpreted "arrival within a State" to mean "after delivery to the consignee," and this is the present law. So far as the right of the consignee to receive is concerned, it makes no difference, under the Wilson law, whether the goods are intended for personal use or for sale; they must be delivered. The proposed law does not interfere with the right of a citizen to make a bona fide order of whisky from another State for personal use. The effect of the law would be simply to permit the State to regulate, control, or prohibit the sale of whisky within its borders without the trammeling effect of Federal interference. Whether the policy of the State be high license, local option, dispensary, or prohibition, is a question that neither Congress nor the Federal courts need be concerned about.

The State has not parted with its police power, and the prohibition of the manufacture and sale of whisky being the legitimate exercise of that power, interstate commerce law should relinquish all protection to this commodity immediately after it crosses the border line of the State of its destination. It is little short of exasperating to the citizen of a prohibition State to have liquor sold indiscriminately within its borders from without the State. And yet this is just what the Wilson law permits. Liquors have been shipped by the consignor outside of a State to himself as consignee within that State. Again, it is a common practice to ship liquors to a fictitious person and instruct the railroad or express agent to sell them to any person who will pay the cost of the whisky and the charges of transportation. But the most common method of evading prohibition laws is through an agency. The nonresident dealer establishes agencies over the State. The agent solicits orders and, in many cases, actually delivers the goods in person. Of course the money is paid to the nonresident dealer, and so the State's laws are set at naught.

Now, Mr. Chairman, this Congress owes it to the law-abiding citizens of the various Commonwealths—it owes it to itself—not to be party to the shameless practices that are in vogue for the furtherance of immorality and degeneracy. Mere knowledge of crime before its perpetration is held in the criminal courts to incriminate the person who had the information and did not communicate it. What, then, must be said of him who would aid and abet the criminal? And yet this is just what we are doing. By our persistent refusal to brush away the technical barricades, under shelter of which the nonresident dealer can debauch the citizens of a prohibition State, we aid and abet him in his nefarious work.

Inaction can no longer be excused on the threadbare ground of unconstitutionality. Time and again the Judiciary Committee has brought this question squarely up to us with a favorable report. It is the custom of this body, as a rule, to accept the finding of the committee to which a bill is referred. In respect to our own committee, in justice to the sovereign right of a State to protect the interests and guard the morals of its citizens; in pity for the poor inebriate and those dependent upon him, is it not our duty to pass this or some kindred law? If right must be trampled underfoot for a constitutional quibble, let it be by the courts and not by Congress.

[Applause.]

Mr. FITZGERALD. Mr. Chairman, I now yield twenty minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I desire at this time to make some remarks on a subject not entirely germane to the bill, but one which I deem the most important that confronts the American people—that of foreign immigration. The vast horde of illiterates from Southern and Eastern Europe that has swarmed to our shores for the past few years presents an issue before which those of finance, tariff, railroad regulation, and trusts pale into insignificance. If mistakes are made in these questions to-day, the statesmen of to-morrow may to a great extent

correct them, but this motley mass of aliens threatens us with a condition that coming ages will perhaps grapple with in vain.

I am not a "Know Nothing," nor do I believe in the doctrine of "America for Americans alone." I have no racial prejudices except those which an almighty God has planted in the heart of every true Southerner who believes that in the keeping of the Caucasian race have been placed the principles of human liberty and the just rights of all the people. I am inspired by no narrow sectarianism which would keep out any man because he is Protestant, Catholic, or Jew. I have proven this by the disposition of some of the few official favors that have been at my disposal since I have been in Congress. I will cite one. Three years ago I had to appoint a cadet to the Naval School at Annapolis. I gave the appointment to a bright young son of German people at Cullman, after having first tendered it to a young Jew of my own town.

So, Mr. Chairman, you see that I am not influenced in my views of this question by any narrow prejudice on account of creed, or on account of foreign blood. But I do believe that it should be considered and solved, if possible, with an eye to the permanent welfare of our whole country, and not with a view of bridging over any temporary necessity or of meeting any short-lived contingency.

My position as to the best way of settling the question is embraced in the following section of a bill which was reported to the Fifty-ninth Congress by the Committee on Immigration, of which I was a member:

SEC. 38. That no alien over 16 years of age physically capable of reading shall be admitted to the United States until he has proved to the satisfaction of the proper inspection officers that he can read English or some other language or dialect, and the Secretary of Commerce and Labor is hereby authorized and directed to prescribe from time to time such methods and rules as he may think best for the purpose of testing the ability of such immigrants to read: *Provided*, That an admissible alien over 16 years of age, or a person now or hereafter in the United States of like age, may bring in or send for his wife, his mother, or his grandmother, his affianced wife, his father, who is over 55 years of age, or his grandfather, if they are otherwise admissible, whether they are able to read or not; and such persons shall be permitted to land: *Provided further*, That a daughter not exceeding 21 years of age, or a son not exceeding 18 years of age, otherwise admissible, if accompanying an admissible alien father or mother, shall be permitted to land whether said daughter or son is able to read or not.

Gentlemen, is that a radical proposition? The constitution of many of our States has an educational or property qualification for suffrage. Some have both. Then is it an unjust requirement to say to the foreigner over 16 years of age that before landing in this country he must at least come up to the standards set for our sons before they can become electors, even after they have been here twenty-one years.

I do not contend that every Italian or Russian or Syrian who is admitted becomes a voter, or even a naturalized citizen, but it should be the wish of all that no male person should come except those who desire and are qualified to become voters.

It is unfortunate for any country or section that it has large numbers of men who can not take part in the affairs of government, at least at the ballot box. We have had that unfortunate condition in the South, and we all regret that it exists, but events over which this generation had no control forced it upon us, and I am one of those who believe that we are trying to settle it in the best way. With this experience behind us, will it be wise to bring upon ourselves and our posterity another similar problem that may involve us or them in perhaps greater troubles than those with which we have had to grapple?

It is against those of a different race from ours that my principal objection is aimed. I do not contend that because a man is illiterate he is necessarily vicious; nor would I debar him merely by reason of the fact that he can not read if he is of the Caucasian race and otherwise a desirable person. I favor this restriction, because it appears to me to be the only practicable way in which many people of an undesirable race can be excluded. We could not without perhaps becoming involved in serious international complications, enact a law which would say that no Italian or Syrian, Russian or Greek shall be admitted. We have done this as to Chinese, but I doubt if European nations would stand for such legislation. Hence, if the end desired can be reached by the educational test, would it not be better to bring it about in that way?

It has only been within recent years that so many undesirables have been coming to our shores. More of them have been admitted within the last ten years than came throughout the entire previous history of our Government. Prior to 1890 almost all our immigration was the Teuton and the Celt. They were the sturdy pioneers who penetrated the forests of this country and won them over to civilization. They were the people who, chafing under religious or political oppression, sought these shores in order that they might erect the standard of liberty. Although the Spaniard and the Italian preceded them in discovery, they could not keep pace with them in occupancy and in development. If we had no other evidence of the superiority of the Caucasian than the permanency of his occupancy of this part of the New World, that itself ought to convince us that before the steady march of the white man no obstruction can impede and no opposition can prevail. Fortifying my position as to this racial superiority, I need but point you to the sad history of the governments in South America where the Iberic blood has predominated. True, Mexico has within recent years made rapid strides toward an eminent place in the galaxy of nations, but who will deny that she owes much, if not most, of her prosperity to her proximity to the United States and to the influx of blood, brains, and money from our country?

The only substantial argument presented by leaders in Congress who oppose the admission of New Mexico is that there are thousands of Mexicans in her borders, many of them unable to speak our language. This opposition is made in the face of the fact that settlers from the States largely preponderate both in wealth and in numbers. The strange inconsistency of these very leaders is that they pretend to see no danger from the unrestricted flow of this very same blood into the United States.

A brief comparison of the immigration in 1882, when the change began, with that in 1905 will be instructive to those who really seek the truth.

Prior to 1882 the principal sources of our recruits were the British Isles, Germany, Scandinavia, and the Netherlands.

About that time the change began, and there was a rapid shifting of the sources of immigration from western to eastern and southern Europe. In 1882 the total immigration from all Europe and Turkey in Asia was 647,000; in 1905 it was 1,024.000, and in 1906 about 1,200,000.

Of those admitted in 1882, there were 563,000 from the countries of western Europe. There were only 83,637 that year from southern and eastern Europe and Turkey in Asia—that is, of the total immigration, 87 per cent of it was from northwestern Europe. In 1905 there were only 216,000 from the countries of northwestern Europe and 809,000 from the countries of eastern and southern Europe—that is, of the total immigration, 21.7 per cent was from northwestern Europe and 78.9 per cent from eastern and southern Europe.

To emphasize the danger of this condition, I will contrast the immigration of a few of the countries during those two years. From Great Britain in 1882 there came 179,000; in 1905, when the total immigration had nearly doubled, it had fallen to 102,200. In 1882 it was nearly 28 per cent of the total immigration; in 1905, not quite 10 per cent. In 1882 Germany sent us 250,000; in 1905, 37,500. In 1882 it sent over 38 per cent of the entire immigration; in 1905, less than 4 per cent. In 1882 Sweden sent 64,600; in 1905, 23,300. In 1882 it sent 10 per cent, in 1905, a little over 2 per cent. In 1882 Italy sent 32,000; in 1905, 273,000. In 1882 it sent 5 per cent of the total; in 1905, nearly 27 per cent. In 1882 Austria-Hungary sent 29,150; in 1905, 265,000, and in 1906, 338,000. In 1882 it sent 4.5 per cent; in 1905, 26 per cent. In 1882 Russia sent 21,600; in 1905, 215,600. In 1882 it sent 3.3 per cent; in 1905, 21 per cent. This, gentlemen, gives us a comparison of the emigration from the three principal countries of northwestern Europe with the three principal countries of eastern and southern Europe.

In these statements I have generally used round numbers.

In 1882 eastern and southern Europe sent us 13 per cent of our entire immigration; in 1905 it sent us 79 per cent. While northwestern Europe has decreased nearly fourfold, eastern and southern Europe has increased more than tenfold.

Gentlemen, can we cut ourselves loose from the dollar mark and say that the comparison bodes good for our children and the children of our people? It is said by those who differ from me that we have reached the high-water mark and that it will soon begin to recede. This has been repeated time and time again for several years, and yet we see the high-water mark rising with each year that comes, and the deplorable phase of the matter is that as the increase of the undesirable grows greater the number of the desirable grows less.

Commissioner-General Sargent, in his last annual report, says that the average monthly arrivals of immigrants at Ellis Island alone during the last fiscal year was 93,654, equaling the total number arriving during some entire previous years.

Mr. Sargent further says in this report, page 4:

The immigration for the year 1907 (1,285,349) exceeded that for 1906 (1,100,735) by 184,614 and that for the year 1905 (1,026,499) by 258,850, or an increase over the year 1906 of more than 17 per cent and over the year 1905 of more than 25 per cent.

This does not include the thousands who steal in surreptitiously every year. On page 74 of this report Mr. Sargent

quotes from the report of a special inspector recently detailed to make investigations in Mexico as follows:

The sum and substance of my recent investigations in Mexico crystallizes itself into the conviction that, taking the most conservative view, fully 15,000 aliens from Europe and Asia enter the United States annually from Mexico.

The reason of the decrease of desirable immigration often given is that conditions are so much better in the countries in northwestern Europe than they formerly were that it has given a check to immigration from that part of the world. To some extent this is true, but as I traveled through Scotland and Ireland, as a member of the Immigration Commission, I found the poverty and oppression of the people pitiable to see. I asked two or three intelligent young Irishmen, who were coming to Queenstown to board the ship on which I sailed, why more of them did not come to America, and they replied that thousands more would come every year if they could only get the money to pay steamship fare. Can we conceive of much greater poverty than that of a people thousands of whom are prevented from coming to our country because they can not raise $30 or $40 to pay steerage passage on a steamship? Yet less than 4 per cent of the adult Scotch and Irish who come to America are unable to read and write and as a rule, they make first-class American citizens.

On account of this Republican panic the number of immigrants has recently fallen off, but just as soon as times begin to improve we will see that same swarm of birds of passage again flocking to our shores. Those who have returned to their native homes within the past few months have taken millions of dollars to further the hard conditions already existing here.

Mr. Chairman, is this great increase from the healthy and the intelligent? One extract from the annual report of the Commissioner-General of Immigration for 1906 will answer that. On page 7 of that report he says:

The constant increase of the number of aliens afflicted with contagious diseases, insanity, and idiocy is significant.

In my investigations in Europe I visited a number of emigrant boarding houses at one of the ports through which many of them pass. There were a large number of Syrians in these houses waiting to ship for America. They were about the dirtiest lot that I saw on my trip. I found a woman of moderate intelligence who had spent three or four years in America and spoke pretty fair English. She had evidently not been coached by the runners for the steamship companies, and talked freely. When we asked her where she was going she replied that she was going to Mexico and from there to the United States. She said that she was returning with several of her relatives, and on account of trachoma she was afraid they could not get in through our ports.

On page 75 Mr. Sargent quotes from the special inspector before referred to, as follows:

As far as other immigration is concerned—namely, of Syrians and Greeks—I have to report that it is on the increase. The steamers landing in Mexico bring more and more of that class of aliens, and I have seen in the office of the Mexican Central Railroad Company some correspondence with European steamship companies speaking about the increased traffic in emigrants who want to go to the southwestern parts of the United States from Mexico. From that correspondence it appeared to me that transportation companies in Europe are making an effort to get as many emigrant passages as possible for the United States via Mexico.

The immigrants who come that way are afflicted with trachoma and other diseases which debar them from entering through our ports; and the steamship companies are lending a willing hand to these violators of our law. Mr. Chairman, my observation of the steamship companies that bring immigrants to our shores convinces me that they are the most arrogant and lawless of any corporations or individuals who abuse the privileges given to them. Even now they are knocking at the doors of Congress to secure an amendment of a law which we passed at the last session giving more air space and better comforts to the poor immigrants whom they huddle together in the steerage of their ships like so many dumb, driven cattle.

Mr. JOHNSON of South Carolina. Are the steamships trying to get it amended before it goes into effect?

Mr. BURNETT. Yes, indeed. And, strange to say, our own Commissioner of Navigation seems to be lending his willing aid to this infamy. In regard to this air-space law Commissioner-General Sargent, on page 83 of his report, quotes from the report of Mr. Watchorn, Commissioner of Immigration for the port of New York, as follows:

It is a matter of regret that that part of the act of February 20, 1907, relating to improved conditions on passenger ships, was not made operative earlier than 1909. During the year just closed 1,506 children have been received at this station afflicted with measles, diphtheria, and scarlet fever, all of which diseases are due, more or less, to overcrowding and insanitary conditions. Of this number 205 died. * * * The cost of detention of relatives while waiting for the return from the hospital of persons afflicted with the diseases in question is fully $30,000 more, and has placed a strain upon the dormitories and detention rooms at Ellis Island second only to the stress that is placed upon the steerage itself.

The inspectors are pretty strict at most of our ports, but in spite of that fact thousands of diseased persons and criminals slip in every year.

The very manner of living of those coming from the undesirable countries breeds skin, eye, and head diseases that are highly contagious. In one village that we visited in Sicily I saw goats, chickens, and women and children all huddled together in one dirt-floor room, and the fleas working by the thousand.

In Naples the filth in the poorer quarters of the city was absolutely nauseating, and the public indecency of the people was shocking.

We crossed over the Russian border at one point contiguous to Germany, and the difference in the cleanliness, the intelligence, and the thriftiness of the two peoples, only separated by a narrow stream, would almost tax the credulity of anyone who had not seen it.

For one to realize and appreciate the difference between those of the Iberic and those of the Aryan stock, let him go just one day's travel from southern into northern Italy. I spent nearly a week in Sicily, circling the entire island, and stopping at several of the important cities.

More than 55 per cent of the immigrants from southern Italy, including Sicily, over 14 years of age, can not read even their own language. We saw a ship in which a large number of those south Italians were embarking for this country, and on one of the decks was a basket full of knives. On asking what it meant, we were told by one of the officers of the ship that they had to take the knives away from the emigrants for fear they would carve each other up on their voyage.

Gentlemen, do you believe that that kind of people will build up our country or advance its civilization?

In northern Italy we found intelligence, progress, and comparative prosperity. Italy has a compulsory system of education, but in the southern portion it is entirely ignored, while in the northern portion it is enforced, and as a result only about 10 per cent of the immigrants that come from that section of the Kingdom are illiterate.

It can not be said that oppressive laws make this difference, for here are people living under the same king, governed by the same laws, and enjoying the same civil and religious rights, and yet mark the difference. It can be explained on no other theory than that of racial difference. The ignorance, the vicious character, especially of the Sicilian, makes him an easy dupe when he reaches America for the Mafia and the Black Hand. In Sicily we visited the region once infested by the bandits, and on asking some of the natives about these outlaws, we were told that they were no longer troubled with them, as they had all gone to America.

We all remember when yellow fever was raging in New Orleans, the trouble that the physicians had with the ignorant and superstitious Italians. They would conceal the living victims of that dread disease from the doctors, and even hide them when they died.

Almost every day brings us news of some new outrage committed by Italian outlaws in Chicago, Pittsburg, New York City, or some other city or community. Even the priest at the communion is stricken down by their bloody hands. True, the leaders are generally shrewd scoundrels, often with some education, but do you believe that they could long ply their trade without the aid of ignorant dupes from their own land?

The following is an extract from an article in the New York Commercial in its criticism of my position on this question:

It is true that large numbers of immigrants from the continent of Europe easily become viciously disposed after getting here and develop rapidly into criminals. The cause is to be found chiefly in their ignorance, their lack of moral training, their failure to understand and appreciate—after long experience of restrictive, harassing, and oppressive laws and practices—the meaning of personal liberty, and their inability to resist the temptations of their newly found freedom and their unaccustomed environment. As it is often only "the opportunity that makes the thief"—not dishonest instincts or purposes—so it is opportunity that leads morally irresponsible immigrants into vicious ways and criminal paths.

The writer contends, as do many others, that the remedy for this is the segregation of these people and their settlement in the country. That would help matters some if it could be accomplished, but in my judgment we will never get many of the south Italians into the country. Those who are laborers and peasants at home usually live in towns and villages and walk to the farms in the country. Their gregarious habits soon cause them to go to the cities even if they at first settle in the country. Again, the Italian comes here solely because he expects to get better wages than he received at home, and just as soon as he

finds that the furnace, mine operator, or the contractor in the cities and manufacturing districts will pay him more than he can get from the planter he will at once pick up his little holdings and migrate to the city. This talk about getting him as a laborer on the farm is the merest moonshine. Besides, as I will show directly, the farmer in the South does not want him and does not need him.

He will continue to congregate in the cities, the prey of disease and often of dissipation. I was told by a high Italian official that thousands of the peasants who left Italy healthy, sober men, came back victims of tuberculosis and of strong drink. Disease, he said, was brought about by huddling together in unsanitary lodging houses and drunkenness by the poisons in American drinks.

Not only is disease and inebriety bred in these dens, but they become the hiding places and rendezvous of crime.

A short time ago the statement was made by the New York Evening Post that there are 132 Italian confidence men now serving time in Sing Sing.

A Member of Congress from Louisiana told me recently that in his State the Italians seldom go into the courts to settle their differences, but settle them with the knife and the dagger.

I have thus fully discussed the south Italian because I visited his country and studied him in his own home and because an especial effort is being made by many to encourage his emigration to America. Most of the south Italians and Sicilians that we are getting are the best of their kind that are found in those sections of Italy. They are generally of the peasant class from the smaller towns and villages. Naples, Palermo, Messina, and other large places have not yet fairly begun to dump their millions upon us. If the ignorant and vicious ones that we are now getting are the "pick of the flock," what will it be when the slums of those cities are turned loose upon us.

If there were no other objection to America's being made the dumping ground of the illiterates of Europe than the fact of their illiteracy, that itself ought to cause us to hesitate before we throw wide our gates for their admission. The old Confederate soldier came home forty-three years ago from that terrific struggle to find desolation and ruin, poverty and distress, on every hand. His property had been swept from him, and he had to start anew to recover his lost fortune and to try to educate his children. He also found that as one of the vicissitudes of war the children of his former slaves had to divide with his own the meager funds which he could pay to remove the dark cloud of illiteracy from our land.

Now, is it fair and just that while he and his children are trying to discharge their duty as patriots to the black as well as the white another race of illiterates should be precipitated on them to further divide the meager funds that they are having to pay for education?

Again, the very manner of living of many of these undesirables will bring them into such contact with the negro in the South that, in my opinion, it will cause us trouble. They know nothing of the superiority of the white man and will not consider the inferiority of the negro. The negro himself will regard them only as equals, or even as inferiors.

Every man reared in the South knows that the negro considers anyone his inferior who associates with him on terms of equality. Then where will he place the Syrian or the Greek or the "Dago," as he calls the Italian? Should these aliens come in great numbers to the South, I fear that trouble will spring up between the two races, and then more race questions will confront us.

The South has always been conservative. We have always believed that God made only the Caucasian to rule this country, and I, for one, look with apprehension upon any effort to introduce into her electorate, or into the seats of her rulers or lawmakers, those through whose veins flows the blood of any other than the Caucasian race.

We have for forty-three years had a race problem which the best intellect of the South has tried to solve, and which we believe, under the providence of God, we will yet settle right, if let alone. It was put upon us by the prejudices engendered by a terrible war. We feel that we have made progress already in its solution, and now, when we think hope points the way, shall we voluntarily assume another race problem that may give to our posterity more trouble than that which we have had to face?

Against the people from northwestern Europe I have not one word to say. The Scandinavian, the German, the French, the Swiss, the English, the Scotch, the Irish, the Bohemian, and, in fact, all the inhabitants of northwestern Europe, and most of those from northern Italy, are Caucasians. They are from the same great Aryan stock from which you and I sprang. The south Italian, the Greek, the Spaniard, and, in fact, most of the people of southern Europe and western Asia have intermingled their blood with that of the Arabian, the Saracen, and the people from other portions of Asia and northern Africa until they are not our kind of people. With them the Iberic blood predominates. With us the Teuton and the Celt prevails. If this proposition is conceded, it follows that if we admit them in great numbers, we will have a third alien race and blood to contend with and a third race problem to transmit to our posterity. If it is contended that these people are industrious and that their labor is needed, the same can be said of the Chinaman, the Jap, and the Hindoo, and yet will any man that loves his country say that the flood gates should be lifted and these people allowed, like the locusts of Egypt, to be turned loose on our Western shores?

Up to this time so few have come into the South that we have not felt great evil from their presence. But the cry is going up to turn the tide of these very ones whom I deem undesirable into the South. Do not let the cry of scarce labor blind us to the real danger that confronts us. Let not the Juggernaut of commercialism crush out the boasted civilization of our glorious country.

Were I to look at this question from the standpoint of cold, selfish commercialism, and as a temporary expedient to supply an acknowledged scarcity of labor, I would perhaps have to admit that the man who favors an unrestricted immigration has somewhat the better of the argument. But as one of the representatives of more than 80,000,000 of people, I feel that I should look beyond the exigencies of a temporary condition and do what I can to legislate not only for those of our day, but for the interest of our children.

At the present the demand for labor is not so great as some months ago, and it is in just such times as these that the American workingman suffers by the presence of the pauper labor that came in during our era of prosperity.

Is it not natural, then, that the American laborer whose family is suffering should resent being displaced by Italians who care nothing for American civilization or American liberty, and who, in case of America's peril, would never render aid. I desire to read an extract from a paper along this line:

SONS OF SUNNY ITALY RUN OUT.

BLOOMINGTON, ILL., *April 17.*

Thirty Italians who have been employed by the Illinois Central at Clinton were driven from the town last night by a mob, who intimidated them with a fusillade of shots from guns and revolvers.

There has been indignation against the Italians since Mayor Edmonson received a "Black-Hand" letter threatening his life. The Italians were charged with the authorship. The railroad has been employing the Italians to the alleged exclusion of several hundred American-born residents who were unemployed. The authorities have been unable to secure any clew to the arrest of the men composing the mob.

But even as laborers these people are not desirable. Last spring I heard the superintendent of one of the biggest cotton mills in Georgia say that he would not give one man or woman from the mountains of North Georgia or North Alabama, as a cotton-mill worker, for any half dozen foreigners that he ever saw. I was told a short time ago by the president of one of the largest iron-working plants in Alabama that he was going to have to get rid of the Italian help at his plant, even if he had to substitute it with negroes.

Every convention of the Southern Cotton Association and of the Farmers' Union urges the people to reduce the acreage of cotton. Then, even if it were true that the Italian would go to the farms and grow cotton, you would put him in direct competition with the Southern farmer, who has borne the heat and burden of the struggle. The last cotton crop brought us about $800,000,000 in spite of the fact that the negro is every day becoming more worthless and more unreliable. The white farmer has already to a great extent solved the question of the scarcity of labor. He is doing it with improved implements and intelligent and intensive farming, and does not want or need the Italian to help him. I have asserted this proposition all over my district and have never heard a single dissent from it. If he should go to the farms, where would the farmer put him? The southern Italian usually comes without his family, and should he go to the farms would almost invariably take his place as a day laborer. Most of our farmers are small landholders and have to bed and board the hired man. He eats at the table with their wives and daughters and sleeps in the bed with their sons. In the South they would not want to put him with the negro, and yet not one in a thousand would take him into his home on terms of equality with his wife and children. Then where would he go? Just where he goes now—into the dirty tenement houses of the cities.

The fact is, gentlemen, this talk of getting the south Italian on the farms is a subterfuge and beneath it is the masked hand of the manufacturer, who really wants to hold him as a menace over the American workingman. Is that fair and

just? Before every Federal election we hear from every stump the cry of what the Republican party has done for the American laborer, and are pointed with pride to the great prosperity of the country. What produced that prosperity? It was brought about by a partnership between labor and capital. All honest partnerships are based on the desire of both parties for a fair division of the profits. Then, is it right that without the consent of one of the members a third partner should be introduced to further divide the profits, that division to be taken from the portion of the objecting partner?

Let us deal fairly with this question. I rejoice in the prosperity of our country. I am from one of the cities where the cornucopia of our prosperity is running over, and I would not erect one single barrier to her legitimate progress. I delight in watching the lurid glare of her furnaces as it lightens the very heavens. I am glad to watch the dark pillows of smoke that hide the face of the sun, and I hope to see the light rise higher and the columns of smoke grow thicker and darker. But, gentlemen, I would rather see her fires banked and her smoke dissipated to the four winds than to see that prosperity erected upon the graves of our Caucasian civilization. This is no pessimistic vision and no vapid warning of a false Cassandra.

It is not from the homes of the rich that the cry will come, for they can protect their children from contact or association with the undesirable. But it will come from the weaker member of the partnership, asking us to protect his family against amalgamation and destruction, for amalgamation means destruction. Through his veins flows the same Caucasian blood that flows through yours. The blue eyes and fair skin of his children are just as beautiful to him as yours and mine are to us. While he does not, perhaps, expect for them that wealth or position that you and I hope for ours, he does desire that cleanliness and respectability and virtue and honor may be their heritage. I know that there are those who will say that these are the words of a place-hunter and a demagogue. But, gentlemen, are they not the words of soberness and of truth? One of the best rules of life is to put yourself in the other fellow's place. My friends, put yourself in the place of the white men in the little Mississippi village that rose in revolt some time ago against conditions there. Put your children on the seat beside the children of the dirty Italian in the Mississippi school, and tell me what you would have done. "Am I my brother's keeper" is a question even more pertinent to-day than it was when, in the early days of creation, it was answered by the wrath of an eternal God. As yet there is but an appeal, but should it go unheeded, the thunders of a demand and even of a threat will be heard. The conditions in the Mississippi town are but a hint at the Jim Crow car and the separate school. Let that hint go unnoticed, and let the columns of these undesirables, not alone from Italy, but from several other countries, continue to lengthen, and you men who favor their coming will have the gory locks of your own flesh and blood shaken at you as they exclaim in their wrath "You did it!"

I believe you who differ with me are just as patriotic as I am, but some have looked through the smoked glass of commercialism and have not given this question that fair consideration that I think its importance and its danger merits. I believe it is a more dangerous question in the South and in the West than in the North. The environments of our Northern brethren are such that race lines are not so closely drawn there as with us. They have never had the question in the acute form in which the people of the South and the people of the Pacific slope have had it. Had the few Jap school children in San Francisco who came so near involving us in trouble with Japan, lived in New York or Philadelphia, no protest whatever would have been heard. Yet an effort to force the negro into the schools in the South or the Japs into the schools in California will always be met with violent protest and resentment. It is because we have in the respective sections been up against the real thing and we know its dangers, and whenever anything presents itself that looks like an effort to force equality with an inferior race the sensitiveness of our Southern nature appears at once. It was but natural that Italian citizens should send in their protest against the effort in the Mississippi town to keep the children of their people out of the white schools. The Japs in San Francisco did the same, and the President was ready to back them up. The negroes have sent in their repeated protests to the Interstate Commerce Commission against Jim Crow cars. This will always be done by the offended party. No one expects him to admit his inferiority. The Italian consul appeals to Washington, and Washington will threaten to lay its heavy hand on the rights of the States to govern their own internal affairs, and thus we have no end of trouble. The North already has enough of these undesirables, and if they will endanger the South, Southern society, or Southern civilization, had we not better check them as far as possible while we can?

Mr. Chairman, I think this a subject for serious investigation by the thoughtful men of this great body of American Representatives. Take it with you, dissociate it from commercialism, analyze it in the alembic of truth, weigh it in the scales of justice and fair play; and when you have done so, I believe that we will have your sound approving judgment cooperating with and supporting us in our views. What is the remedy? If there be one, let us hasten to adopt it before the Black Hand spreads all over our country and we stand paralyzed and impotent to resist its deadly thrusts. The educational test, I believe, will more effectively solve it than any other method. In this connection, permit me to read from the opinion of our American consul at Messina, Sicily, who for fourteen years has passed his official life among these very people. He says:

> After nearly thirteen years' residence in Sicily, during which period I have tried to study the emigration question in all its phases, I have arrived at the conclusion that both Italy and America would benefit by its restriction; the fields of the former that now lie fallow, for lack of labor to cultivate them, would become productive, and the prisons and reformatories of the latter would not be overcrowded by a class of foreigners whose treacherous characteristics are such that a special arm of the detective service had to be created to keep them in check. It is said that the emigrant from upper Italy is sober, industrious, and makes a good citizen. I fear that the same can not be said of the one from Sicily or Calabria. The money he earns never sees the light of day after it finds its way to repose between the filthy linings of his leather wallet. His living expenses are about 40 cents a day, and the hogs in an American farmer's pen are more cleanly in their surroundings and habits than are he and his dozen associates who huddle together in one room and exist like animals, not human beings. When the wallet is well swollen he puts the contents in a registered letter and sends it to his relatives here, who change it into Italian currency and deposit it in the post-office bank. * * *
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> Sometimes instead of sending it he brings it himself. In that case he appears upon the scene with a flashy suit, a top hat, a filled chain, and a brass watch, and struts among his former associates—a second Gulliver, a giant among pigmies. In a few weeks he returns, having induced some of his friends to accompany him. Immigrants of other nationalities, even the Polish Jews, spend their money where they make it, but the Sicilian and the Calabrese never. The only persons to whom their advent is a benefit are those who employ them at a cheaper figure than they would have to pay for American labor.
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> To at least check the constant rush of those people to our shores I see but one remedy—the insertion of the illiteracy clause in the immigration law. This would oblige about 85 per cent of the class to devote their attention to the developing of the industries of their own country, which sadly need the aid that we are only too glad to dispense with.

Coming as it does from one who is so familiar with the people and the conditions in southern Italy, thoughtful men ought to give fair consideration to the views of this distinguished American consul.

The educational test will eliminate more than 300,000 Italians, Syrians, Russians, Greeks, and others from that section of Europe and Asia each year and will not touch 5 per cent of those from northwestern and northern Europe. Let us look at what the illiteracy test will do.

The Bohemians over 14 years of age who came last year were 11,015 in number. Of that number there were only 216 over 14 years of age that could not read. Those are all that would be cut out. Take the Finnish. While they are Russian citizens in a Russian country, they are contiguous to the Scandinavians, to Norway and Sweden, and are virtually of the same class of people. Although they are under the same laws with many of the illiterates of Russia, although they have the same Czar and the same legislative bodies, of the 13,893 who came only 351 were illiterates. Take the English, and of 43,144 who came there were only 536 illiterates. Of the French, of 8,390 who came there were only 170 illiterates. Of the Germans, of 78,091 who came there were only 5,310 illiterates. Of the Greeks, of 45,464 who came—I mean over 14 years of age in each of these statements—there were 13,883 that could not read a word, even of their own language. And here, in passing, let me remark, Mr. Chairman, that there were really more of each one of these nationalities that could not read than I have stated, because no test was applied to them. The question is asked by the immigration agents as to whether they can read or write or not. Then they answer without any test being applied, and no doubt many answer falsely as to this.

Of the Irish there were 36,463 that came who were over 14 years of age, and only 713 of them were unable to read. Of the north Italians—here I want to call your attention again to the difference between the north and the south Italians—of the north Italians there were 47,555 who came, and only 4,741 who were unable to read. Of the south Italians there were 214,000 who came, and 115,803 of them over 14 years of age were unable to read. Of the Russians there were 16,000, in round numbers, who came, and there were 6,998 who were unable to read. Of the Scandinavians there were 47,500 who came, and only 475 who were unable to read. Of the Scotch

there were 17,274 who came, and only 149 illiterates, while of the Syrians there were 5,216 who came, and of that number 2,780 were unable to read.

Of the South Italians more than 50 per cent would be cut out; of their North Italian brothers but 10 per cent would go. Of the Greeks about 40-odd per cent would be cut out; and yet of the Bohemians, farther north of them, less than 2 per cent would go. Of the Syrians, from 40 to 50 per cent would be cut out; of the Scandinavians only about 2 per cent would be excluded, and of the Irish about a like number.

Mr. Chairman, I can not better conclude these remarks than by quoting from one who has devoted much study to this important question. He says:

> During the past fiscal year, which ended June 30, 1,285,349 aliens entered the United States—an increase of 556 per cent over the number that came ten years ago. Such a number is more than double the population of any Southern city, and is greater than that of any one of twenty-three States and Territories. * * *

Of this multitude—and never has there been in all history a similar invasion of any country—eight-tenths came from southeastern Europe and western Asia, regions which until recently sent us no immigrants. Three-fourths were destined to settle in the large Northern cities and labor markets of six States. Half of the million and a quarter were practically penniless. Less than one-tenth settled west of the Mississippi and south of the Potomac rivers. According to their own statements 343,402 of the adults were unable to read and write a single word in any language or dialect.

Such is the general character of the new immigration as a result of the foreign steamship's pursuit of profit and the large employer's search for cheap labor. The need of further rigidly selected and restrictive measures is obvious. Our existing laws, with the exception of Chinese and Japanese exclusion, are merely feeble police regulations, only half enforced at that. They do not in any appreciable way affect the caliber, character, or capacity of immigrants for citizenship in our democracy, and are merely unsuccessful attempts to exclude obviously undesirable persons because of some unquestionable physical deficiency.

What is needed is the absolute exclusion of the ignorant, the unintelligent, the penniless, those of low vitality, weak mentality, and poor physique, those who are able to perform only the cheapest kind of labor, those who desire to locate exclusively in the cities, and all who are unfitted for good citizenship in our enlightened industrial, political, and social democracy.

I am a firm believer in the illiteracy test. No test for selecting immigrants has had more general support. It works admirably in British Columbia, South Africa, and Australia, and would exclude, with the exception of near relatives, merely adults unable to read a line in some language or dialect. The only criticism is that it would not keep out the educated criminal and the literate anarchist agitator. While such a measure would not exclude the educated rascal and irresponsible agitator, it would catch the very class—the ignorant and illiterate—who are such a fertile field for his nefarious practices. Study and investigation show that it is the ignorant and illiterate who come destitute of resources, either in money, ability, or the means of support, who have a very low standard of living and little ambition to seek a better, who crowd into the city slums, and who, as I said, are such a fertile field for the corrupt bosses and irresponsible agitators.

We spend millions upon our public school system, and practically require a rudimentary education of our own native children as a condition precedent to full citizenship. Why admit foreigners on more favorable terms? Is a knowledge of the three "Rs" a handicap in the struggle for existence and an undesirable qualification for participation in our industrial, political, and social affairs? Such a test would keep out very few really desirable assimilative aliens, for all progressive foreign countries now have school facilities, advantage of which practically all the desirable illiterate persons that come to us would have taken, if they were coming now.

The chances of the South getting desirable immigrants as a result of such legislation would be increased. The classes that would be excluded by such laws are the very ones that settle in the slums and sweat shops of the Northeast, and are averse to going to the smaller cities and rural districts. Their coming prevents the coming of the more desirable. If the steamships are not allowed to bring the undesirable, they will fill their steerage with the desirable classes that used to come in such large numbers. The undesirable labor is even worse than the Chinese cooly, and ought to be excluded, if we consider our future racial, political, and social welfare. It conceals far worse menaces than the importation of the negro, and will add to and complicate our present economic, political, social, and race problems. [Loud applause.]

Mr. SMITH of Iowa. Mr. Chairman, I now yield twenty-five minutes to the gentleman from Kansas [Mr. MADISON].

Mr. MADISON. Mr. Chairman, the Administration of Theodore Roosevelt is fast passing into history, and one of the greatest, if not the greatest, question in the minds of the American people at the present time is, Are the policies which have come to bear his name to be continued and perpetuated?

With the plain common people of the fields and workshops, who have always and do still regard the President as the champion of their rights and interests, there is the fear that they will not be. With many who have heretofore and many who continue to enjoy special privileges or freedom from restraint in the furtherance of their enterprises to enrich themselves at the expense of the people there is the fear that they may be.

A distinguished gentleman closed an eloquent speech on the floor of this House a short time ago with the statement that "Just what niche Theodore Roosevelt is to occupy in the temple of his country's history, God and the future alone can tell." The gentleman was correct, for the subject of his remarks is still a comparatively young man, whose career, in the natural order, lacks much of being closed, and the history of no man can be written until he is dead. But if to-day that career was to suddenly close, many of the gentlemen in Congress and out who have exhausted their vocabularies in depicting him as a usurper of power, a menace to the constitutional rights and liberties of his fellow-citizens, an insincere and dishonest Executive, would be saying of him that he enjoyed the confidence and affection of his countrymen as no man has since the days of Lincoln, and that he was entitled to and would live in history as a great tribune of the people. [Applause.]

In the history of America there are two great names that will always tower above the names of the other great men of this country as does a great mountain peak stand out in bold relief against the horizon above the surrounding mountains, dwarfing them, majestic though they may be in comparison with the surrounding foothills, by the grandeur of its magnificent proportions. They were men appointed by Providence to meet the two greatest occasions that ever occurred in our history—Washington and Lincoln.

Both performed their divinely appointed tasks in such manner that their names and memories belong, not alone to us, but to all the world. Each recognized the magnitude of the task that was set before him. When the day came for Abraham Lincoln to leave the little Illinois town where he had lived for years and whose people knew and loved him as no other people could; when the time of parting came and they crowded about him as he stood on the rear platform of his car in the rain that was falling from a murky sky of late winter, he said to them:

> I now go, not knowing when, if ever, I may return, with a task resting upon me greater than that which rested on Washington. Without the assistance of that divine Providence which ever attended him, I can not succeed; with it, I can not fail. Commending you to Him who can go with me and remain with you and be everywhere for good, as I trust you will in your prayers commend me, I bid you an affectionate farewell.

Yet, Mr. Chairman, when that task was heaviest; when the Treasury of the nation was depleted and its credit was almost gone and its bonds were being hawked about the markets of the world below par; when the great resources of the North seemed almost exhausted; when the homes of the country were being appealed to for more of their boys to carry on the war for the preservation of the Government of which Lincoln was the responsible head, a great political party met in convention and explicitly declared in its platform that that "Government had disregarded the Constitution in every part and had trodden down both public liberty and private rights and essentially impaired the prosperity of the country."

Its whole platform was, in fact, an indictment of Abraham Lincoln and his Administration as unjust, inhuman, and tyrannical. It was a supposed political exigency that called forth that denunciation.

No portion of our citizenship render greater praise to the personal character and public acts of Abraham Lincoln to-day than do the members of the same party that so fiercely condemned him in 1864.

It is just as inopportune and almost as criminal to condemn Theodore Roosevelt and to endeavor to destroy the faith and confidence the American people have in him and the work he is doing as it was to condemn Abraham Lincoln in 1864. [Applause.]

Each conceived in his youth the purpose of combating the evils of his day and time that existed in his country and from which its people were suffering, and each conscientiously applied himself to the task when the opportunity that goes with high place came to him.

President Roosevelt is engaged in the performance of that task, and the American people who believe in him, in his courage, his sincerity, and high purposes are demanding of us as their representatives, and as they have a right to demand, that we shall not condemn and embarrass him, but that we shall aid him in its performance.

The attempts that have been made by speeches in the Congress and elsewhere and by attacks through the press to discredit the President have met with no echoing response from the great middle class that composes the great mass of our people and whose sober judgment controls the selection of the nation's rulers and determines its destiny.

They know his history. They know the high ideals of his youth, of his consistent work then for reform and good government in municipal and State affairs, and no one can convince them at this late day that he ever forsook those ideals or abandoned that work. In his first message to Congress he wrote:

It should be as much the aim of those who seek for social betterment to rid the business world of crimes of cunning as to rid the entire body politic of crime of violence. Great corporations exist only because they are created and safeguarded by our institutions; it is, therefore, our right and our duty to see that they work in harmony with these institutions.

Artificial bodies depending upon statutory law for their existence or privileges should be subject to proper governmental supervision;

and they can not be convinced that the man who wrote these things, and who from that time to this, through more than six long years, filled with some of the greatest events in the world's history, has earnestly and by all the means within his power labored to maintain these principles and write them into the law of the land, is not consistent and sincere.

It is futile to attempt to make them believe that the Chief Magistrate—who has insisted, not alone by word, but by official acts, that the law should be enforced against the criminal of all classes; that the imposing of great burdens upon the many to enrich the few must stop; that the door of opportunity should not be shut in the face of any man; but that it is the highest duty of government to protect all men in the exercise of their natural and inalienable rights—is dangerous to the Republic.

When a person or party attempts to prove, for political or other selfish purpose, that any given individual in high place is a menace to the public welfare, they must choose some one who has less of the human qualities that draw men to him than has the President.

The American people admire the man who earnestly and aggressively does things, and they hate a "quitter." [Applause.]

They admire the man who stands up and fights for what he conceives to be right; who fights in the open and gives and receives blows; who takes the side of the weak against the strong, of the oppressed against the oppressor; who loves his fellowmen, and lives with and among them and not above them.

The human qualities of Theodore Roosevelt have appealed to them and all the ridicule and denunciation of political opponents, all the criticism of an unfriendly press, all the speeches of the advocates of those who see their special privileges being wrested from them will not avail to convince them that he is inimical to the welfare of the State.

And history will record that the great heart of the American was right in this instance, as it has always been when it has bestowed its affection upon a public servant, and in future days the men who denounced Roosevelt upon the floor of this House will join those who denounced Lincoln as a tyrant; Grant as a butcher; Garfield as a thief, and McKinley as a weak tool of combines and trusts, in thanking God that the American people in such matters are prone to forgetfulness and are at all times generous users of the mantle of charity.

The things that have been referred to here by those who seek to destroy the influence of the President are things that because of their insignificance, even if they contained an element of truth; even if they, in some measure, would bear out the inferences sought to be drawn from them, which they do not even by the most forced and strained construction, are the passing events of a day which the historian of the future will not even give a casual notice. But he will judge this Administration by those things which it has done or helped to do that have made their lasting impress upon this people as a nation and have contributed toward either the advancement or the check of the moral and material development of this mighty Republic. [Applause.]

In a multitude of communities of the great West, located in places that were once numbered among the waste places of the earth, where the sun beats down on boundless expanses of sand heaps dotted with an occasional cactus and barren plains covered with mesquite and sagebrush, men will in the future stand in the doors of comfortable houses and look out upon the productive fields and the homes of happy and prosperous American communities and give credit for the transformation to the reclamation policy of the Roosevelt Administration.

And the American business man of the future, with his cargoes of American goods made in American mills by American workmen, as he floats those cargoes on their way to the markets of the Orient through the great canal that is destined to forever unite the waters of the two greatest oceans on the globe, will not forget that it was the quick, decisive action of a man who did things that ended the procrastinating efforts of more than fifty years and brought about the speedy realization of the dream of centuries. [Applause.]

Those of our people who have removed from homes in the East or Middle West to the great treeless plains of the eastern slope of the Cordilleras, and who have settled upon a great, wide expanse of prairie, and whose eyes have hungered for the sight of a tree; those who have watched the growth of the cottonwood, the pioneer tree of the West, from cutting or seed and tenderly cared for it because of tree hunger, know the value of a tree as no other people can, and the inhabitants of those regions where the Government is now growing forests where they were never dreamed of will join, in the future, with the inhabitants of other sections where the hand of the ruthless destroyer was checked in the destruction of their natural forests in praising the policy of this Administration in the conservation of our forests.

In the great meetings of the representatives of the nations of the world to devise means and to form agreements to hasten the time when the disputes arising between nations shall be settled by appeals to judicial tribunals instead of the sword, and whenever and wherever men meet and plan for the establishment of universal peace, the part that was played by the President of the United States in bringing about peace between the two great nations who were engaged in the Orient in one of the most gigantic struggles of modern times will act as an inspiration and serve as an example that will redound to the incalculable benefit of humanity and the advancement of civilization.

But a few years ago the door of opportunity was closed to practically every man who would start a factory or establish a new business to produce or trade in the things consumed by the American people unless he was a man of large means, for his wealthy and old-established competitor, by means of the railroad rebate, could undersell him in every market he entered, and bankruptcy and ruin were inevitable.

The day of the railroad rebate is ended, and if this Administration had no other mark to its credit but that, for all the years of its existence, that one alone would entitle it to the esteem and gratitude of the American people.

The abolishing of railroad rebates, however, was but an incident in the great epoch-making policy of this Administration—the governmental regulation and control of the great corporations engaged in interstate commerce.

All men recognize the great change that has occurred in economic conditions in this country in the last thirty years. The age of combination has come in the industries. The competitive system may not be entirely a thing of the past in everything, but in some it seems almost ended. The day of the short-line railroad, even of the small system, is a thing of the past. A few men control the great transportation lines of the country. These railroads are the highways of the nation over which the products of the farm and shop must move to the markets and over which the people must pass in the transactions of the affairs of life. The human mind can not conceive of a greater power than that of the control of the principal highways of the greatest country on this earth.

The tendency to abuse unrestricted power is universal. It will not do to entrust a few men with unrestricted control over the transportation agencies of a nation or the manufacture or production of any of the necessities of life. The conditions extant here make governmental regulation and control of interstate corporations in some degree imperative, and that era in our national life has, in fact, been inaugurated during this Administration by its responsible head.

And, Mr. Chairman, it is no longer a question in America as to whether these creatures of the law are higher than the law. No longer will men exclaim that the great burning issue in America is whether the state is to control the corporations or the corporations control the state. That question is settled forever and settled—as all questions are ultimately settled under our system of government—in the interest of the people.

There will be other battles to fight for those who believe in governmental control and regulation of corporations, but the great decisive battle was fought and won in the Fifty-ninth Congress, and we have entered upon the new era from which we will never recede.

By the things I have mentioned and others of almost equal importance will the Administration of Theodore Roosevelt be judged in history. They indicate the statesmanship of the President and his advisers.

As one Representative, having in common with the other Members of the House the burden of responsibility cast on me, I feel that it is the duty of the Congress, as soon as may be, to enact into law many of the suggestions the President has submitted in his recent messages, and in the brief space of time remaining I want to refer briefly to some of them.

Too long have the people suffered from the evils of overcapitalization of carrying and industrial corporations. Every one of those corporations is organized for the purpose of trade with the public, and every dollar of watered stock issued is an unjust burden upon the public, which it has a right to protest against.

It is a familiar story how railroads have been built in this country with money secured from the investing public by the sale of the mortgage bonds of the company, and in addition there have been issued to the incorporators and promoters the stock of the company equal to or greater than the amount of the bonds for which the holders paid little, if anything, but their patrons have been called on, through unreasonable rates, to pay the interest on the bonds, provide a sinking fund for their payment, and pay dividends on the stock.

It is a familiar story how both the carrying and industrial combinations are formed and the property of the former firms and corporations exchanged for vast sums in excess of their actual value, measured in the stock of the new concern, and the people, who must eat and must be clothed and housed, are, in fact, taxed upon the necessities of life to fill the gap between the actual and fictitious values of the property and make the stock dividend paying and worth a hundred cents on the dollar. Why should Congress hesitate to enact legislation to prevent such practice in the future by all corporations engaged or to engage in interstate commerce?

With some of the greatest lawyers in the country among its membership, it can, if it will, devise and pass effective legislation along these lines within a reasonable time, and it can not escape responsibility if it does not.

The Government having of necessity under existing conditions entered upon the task of regulation and control of common carriers engaged in interstate commerce can not now stop in the middle of the stream. It must go on wherever there is actual need for further extension of regulation within the constitutional power of Congress to provide it; not in a spirit of destructiveness and not by hasty or ill-considered action, but certainly and surely, sanely and conservatively, in the interest of the people who look to the Government for the exercise of its proper powers for their protection.

As the railroads are highways of the nation, every person is entitled to use them upon equal terms with every other person and also upon reasonable terms, and the latter can not be secured in fact until the Interstate Commerce Commission has the power to initiate proceedings for the reduction of rates.

The benefits of the present law can not be obtained without great expense. Shippers and communities are to-day suffering from the imposition of unreasonable and discriminatory rates because of the expense and hardship of commencing and prosecuting a proceeding before the Commission. The State of Kansas, realizing the need of assisting its local communities to obtain just rates, has appropriated money from its treasury to assist its people in maintaining proceedings of that character before the Interstate Commerce Commission.

There should be an attorney for the Interstate Commerce Commission, with a competent corps of assistants, whose duty it should be to examine into all the complaints of unreasonable rates for interstate shipments made informally by shippers and communities, and in cases where the rates appear unreasonable he should initiate proceedings for their reduction before the Commission and maintain them at the expense of the public.

The State of Kansas has adopted this plan as to its local commission with marked success and without great expense to the State. The matter should not be and can not be fairly thrown upon the shoulders of individual persons, communities, or States. It is essentially a matter of public duty to secure for all the public at all points just and reasonable interstate rates. It will not do to give the people the shadow while withholding from them the substance. It is folly to enter upon rate making unless the power to secure evidence, and the best evidence obtainable, is made possible. Making the physical valuation of all the railroads of the country at one time, and stopping there, would be of but little evidentiary value, for the value of to-day of any given road may be wide of its value a year from now. But we should not hesitate to give the Commission power to make a physical valuation of a road whenever, in its judgment, it is deemed necessary in the exercise of its rate-making function.

The President has recommended the passage of an act requiring notice to be given before the issuance of injunction orders by the Federal courts, and to thus change the rule of practice that it is within the discretion of the court or judge whether or not notice will be given. I yield to no man in respect and admiration for the courts of this land. Every student of the law and of public affairs knows that in the chambers of the great judges, away from the turmoil and strife of both business and political warfare, the great principles of American jurisprudence have been formulated. And I assert, without fear of successful contradiction, that the courts have been the most watchful of the rights and liberties of the people and that they have been their most effective guardians. [Applause.] They have guarded them both against the assaults of the demagogue and the seeker after special privileges. Time and again they have stood between the people and the results of their own inflamed and misguided passions, and the most dangerous and despicable demagogue is the man who would seek to destroy the confidence of the public in them.

But, Mr. Chairman, there is no man so great, nor so good, learned, and wise, who can adjust the differences that arise between men upon the written affidavits of only one side to the controversy. As every lawyer is well aware, there are three kinds of injunction orders—restraining orders, temporary injunctions, and permanent injunctions. The first is issued only for the time being and to preserve the status quo until a hearing can be had to determine whether a temporary injunction should be granted. The second is issued for the purpose of restraining the commission of the act threatened to be committed during the pendency of the litigation in the court, and continues during the entire litigation unless dissolved. The third is the final judgment of the court forever prohibiting the threatened action.

It is a well-settled principle of equity that no temporary injunction will be granted if the effect of granting it is to determine the ultimate rights of the parties. But this principle often fails in practical operation if but one side is heard on the application for the temporary order, for the applicant is always convinced that he is right and will generally be able, in affidavits drawn by skillful attorneys, to make a strong showing that he is, although he may not be in fact. If the other party has no opportunity to meet the allegations of the applicant, no opportunity to cross-examine the witnesses against him, it is apparent that, no matter how just and upright the judge may be, no matter how desirous he is of doing right, the opposite party will, in many instances, be wrong.

The evil of granting injunctions without hearings is not confined to labor disputes.

There have been instances of injustice being done by both Federal and State judges by the issuance of ex parte writs in every class of cases under the jurisdiction of courts of equity. Once a temporary injunction is granted to continue during the litigation, it is often a long and expensive process to secure its dissolution, and in many instances great hardships and loss have been imposed upon the party enjoined before its dissolution is obtained.

There are instances in which restraining orders must be granted without notice, otherwise a threatened injury could be and often would be effected pending the hearing for the temporary injunction. While in a few instances the granting of a restraining order for a few days without notice would work a hardship on the party enjoined, yet the instances are very few. I can recall none, and I am certain it is the experience of every lawyer in this House that there are many occasions where the prompt action of a court of equity, by the issuance of a restraining order without notice and hearing, is absolutely indispensable to protect the rights of litigants from irreparable injury. But there have been abuses in the issuance of restraining orders in the length of time which they have been allowed to be effective.

In these days of quick transportation and ready means of communication there is absolutely no need for the life of a restraining order to be extended over one week and the Congress ought, in the case of Federal courts, restrict the effectiveness to that or some other short period and provide also that it should not issue except upon giving bond to secure the party enjoined against loss.

Mr. Chairman, not long after the establishment of this Government the leaders of political thought and action in this country divided into two distinct schools upon the question of levying a tax upon imports. One advocated the theory of levying a tax upon imports sufficient to pay the expenses of the Government and for revenue only, it being the idea of its members that the people of this country should buy their goods of every kind needed by them where they could buy cheapest, no matter where that might be. They utterly disregarded and held in contempt any attempt upon the part of the Govern-

ment, through a tax on imports, to foster and build up manufacturing industries on our own soil. With the cheap labor of Europe already in possession to a large degree of the American markets that theory meant, if carried into practice, that this country would have always remained a purely agricultural country, with no great cities and no great manufacturing industries.

The other school believed in the principle of building manufacturing industries on American soil for the benefit of American business men, American laborers, and incidentally of American agriculturists, by providing for them a stable and handy market for the products of their farms, plantations, and ranches. The object sought by the latter school was to build up American industries to the point where they could compete with the industries of every country in the world. It was never intended by any of the fathers of this school that the duty levied should be other than in truth and fact protective. They did not believe that it should be prohibitive, or even so high as to enable the American manufacturer to make more than a reasonable profit.

The Republican party, at its organization, espoused the principle of protection as one of its cardinal principles, and it adhered to the ideas of the founders of the school that protection and protection alone was the purpose of the protective tariff and that it should never be used as a means for extortion or the conferring of special privileges or unfair advantage. There has grown up among the people of this country a feeling that is so general that it can not be long disregarded by Congress, if it would do so, that the rates of the Dingley law are at this time so high in many particulars that they give to some industries the opportunity of extorting unreasonable prices for their products from the public. There is a demand that the tariff be revised, and it is universally conceded that a revision is to be made, so that the question has changed from, "Will there be a revision?" to "What kind of a revision will there be?"

Mr. Chairman, I have the honor to represent a people who will demand that it be a revision that actually revises. A mere juggling with words that works no change of the law in fact where rates are excessive will not suffice. In such cases they will ask that there be actual reduction or removal of duty entirely, according to whether the industry is in actual need of protection. The great majority of the people of the West, in common with a great majority of the people of the entire country, believe just as strongly to-day as they ever did in the past in the principle of protection, although strongly protesting against its use to enable the extortion of unreasonable profits. The greatest calamity that could occur to the country, in comparison with which all previous financial disasters would sink into insignificance, would follow the repeal of all protective duties. The person is not yet born who will see the adoption of free trade or tariff for revenue only as the settled policy of this Government.

The Democratic party, if given absolute power, would not commit that crime against the interests of every business man, workingman, and farmer in this country. It would doubtless threaten to do so, and, after the business of the country was prostrated by the unsettlement of conditions, would do as it did the last time it had unrestricted control, wind up with the passage of an act recognizing the principle of protection. We can not make it too strongly understood that if the Republican party revises the tariff it will retain the protective principle. [Applause on the Republican side.] That no industry that needs protection need fear for one moment, and that only those who, behind a tariff wall that shuts out foreign competition have been able to extort unreasonable prices need prepare for a change.

James A. Garfield, on the floor of this House, said of the Congress that in 1870 was engaged in a revision of the tariff:

> The great want of industry is a stable policy, and it is a significant comment on the character of our legislation that Congress has become a terror to the business men of the country.

And, Mr. Chairman, this Congress and all succeeding ones should emphasize the fact that the settled policy of this Government toward American industries is protection without graft or unfair advantage.

When we come to the enactment of new tariff laws, it is to be hoped that provision will be made to extend the foreign markets for the products of the farms and ranches of the country. The American beef steer is to-day excluded from every European market except the United Kingdom and Belgium. There is no question but what he makes the finest meat of any animal of his kind, and that millions of the hungry of Europe who are dining upon the flesh of ancient goats and broken-down horses are anxious for the opportunity to feed upon the juicy steaks and delicious roasts that his carcass produces.

The American cattle raiser, when he takes his cattle to market, finds there just two customers, the beef trust and the exporter. The old days when competitive buyers crowded around him in the stock yards are past. If, after he sells his cattle to one whom he supposes to be a single purchaser, he drops around to the packing houses, he sees part of them in the pens of Armour & Co., a part in those of Swift & Co., and so on.

He has learned that the only competitor of the beef trust is the export buyer, and he is looking to the American Congress to provide the means to compel the removal of the barriers that keep his cattle from German, French, and other European markets.

When this Government enacted the Dingley law it placed its rates into effect at once as to every country, but provided for the negotiation of reciprocal commercial agreements whereby certain concessions might be made to nations with which an agreement could be effected.

The expected has happened. Every industry receiving the benefits of the Dingley tariff and threatened with a reduction of rate by a reciprocity treaty has been able to defeat the ratication of the treaty.

Germany enacted a new tariff law in 1902, but did not put it into effect, and, with a view of negotiating reciprocal agreements with other nations, provided that discretion should be granted the executive as to when it should be enforced. The commercial treaty existing until recently between this country and Germany was denounced by her in 1905, and notice was given that the high rates of the 1902 law would be enforced against this country on March 1, 1906. This has been avoided, however, by a temporary arrangement that was succeeded by another which will doubtless continue until after the revision of our tariff.

As is well known, Germany not alone prohibits the shipment of live cattle from this country, but also by unfair sanitary restrictions and customs regulations keeps out of her market a great many of our other meat products, and practically all the countries of Europe in some manner effect the same result.

The Western live-stock producer cries out against these things, and he will ask of the next Congress, when it comes to the revision of the tariff, that if it enacts a maximum and minimum tariff it give to the Executive the power to use the maximum rate to compel justice to him in the markets of the world, and the farmer will join him in the demand that no matter what the form of the tariff act it be of such a kind and character as can be employed to extend the markets for the grain, live stock, and other products of American farms.

Mr. Chairman, greater economic changes have occurred in this country in the last thirty years than have occurred since English civilization was planted on this continent. These changes have brought great problems for solution. They can not all be worked out in a day or a month. They are so vast, so complicated, and so vitally affect the material and political welfare of the nation that haste must be made slowly, and they call not alone for the most exalted wisdom, but they also demand the exercise of the highest statesmanship and loftiest patriotism.

The great burden of responsibility for the conduct of the affairs of this nation has rested upon the Republican party practically all the time for half a century, and that half century of American history is the grandest page in the history of any nation in the world.

Each changing condition has been met by that party under the leadership of Abraham Lincoln, Charles Sumner, Edwin M. Stanton, Ulysses S. Grant, James G. Blaine, James A. Garfield, John Sherman, and William McKinley, and other great leaders, and they have been met squarely and settled in the ways conducive to the best interests of the American people.

The old party has not lost either its patriotism or its statesmanship. It is still the one single, active, vital, moving force in American politics that has coherence sufficient among its members to enable it to carry out its pledges to the people when the responsibility of government rests upon it. It will in its next national convention mark out its programme for the ensuing four years. Its platform will be one upon which every patriotic American who loves his country and would advance its interests can stand. It will pledge justice to capital and labor, and it will do it without demagoguery and without attempt to set one class against another. It will promise a revision of the tariff along protective lines, but a revision that will mean a thorough examination into every rate and schedule. It will indorse the Administration of Theodore Roosevelt and pledge itself to maintain and continue its policies, and, as in the past, it will keep faith with the American people. [Applause.]

Mr. SMITH of Iowa. Mr. Speaker, I move that the committee do now rise.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—yeas 90, noes 41.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21260, the sundry civil appropriation bill, and had come to no resolution thereon.

SPECIAL MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House a message from the President of the United States, which, with accompanying papers, was referred to the Committee on the Judiciary and ordered printed:

[For message of the President see Senate proceedings of to-day.]

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 171. Joint resolution providing for assistance to the people of the storm-swept States of Georgia, Alabama, Mississippi, and Louisiana.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5126. An act to grant the city of Seattle, in the State of Washington, certain right of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal.

LEAVE OF ABSENCE.

Mr. ALLEN, by unanimous consent, was given leave of absence for four days on account of important business.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. If I caught the utterance of the Chair a moment ago, the President's message was referred to the Committee on the Judiciary, all of it. The parliamentary inquiry is whether the President's message ought not to go to the Committee of the Whole House on the state of the Union——

The SPEAKER. The Chair examined the message quite fully.

Mr. WILLIAMS. So that the Committee of the Whole House might determine where it should go.

The SPEAKER. We get messages from the President about many matters almost daily in the ordinary transaction of business, and under the practice of the House they are referred by the Speaker to the appropriate committee. The Chair has carefully examined the message and is satisfied that there is but one matter in it that does not belong to the Committee on the Judiciary, and that is a matter touching postal savings banks, and already by many bills and messages that committee has jurisdiction of that subject.

Mr. FITZGERALD. A parliamentary inquiry.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the gentleman from New York rises to a question of order.

Mr. FITZGERALD. I make the point of order that that part of the President's message referring to financial legislation and to revision of the tariff can not, under the rules of the House, be referred to the Committee on the Judiciary.

Mr. WILLIAMS. And also the part referring to the postal savings bank.

Mr. PAYNE. That point comes rather late. Since the order was made the Committee on Enrolled Bills has made a report and the gentleman from Iowa has made his motion.

Mr. WILLIAMS. Well, Mr. Speaker——

The SPEAKER. That is correct. The point of order, even if it were well taken, comes too late.

Mr. WILLIAMS. Mr. Speaker, one word, if the Chair pleases, before the Chair pronounces upon that—one word. The assertion is now made that the point has come too late. I leave it to the Chair if we were not trying to the very best of our ability to obtain the attention of the Chair, appealing to the Chair for its attention, before the motion was made and pending its making. Therefore, if it be too late, it has been made too late by the action of the Speaker, and not by the action of the Members of the House, who had a right to appeal to the Speaker.

The SPEAKER. This is the situation——

Mr. WILLIAMS. Now, Mr. Speaker, I make this point of order, if I may be permitted——

The SPEAKER. But there is nothing pending about which to make a point of order.

Mr. WILLIAMS. It would be pending but for the fact that the Speaker has refused to recognize in order that it might be pending.

The SPEAKER. Let us not muddy the water by statements that gentlemen are mistaken about. The message was read, and the Chair, following the usual practice, referred——

Mr. WILLIAMS. But that is the point of order.

The SPEAKER. One moment. The Chair, following the usual practice, referred the message to the Judiciary Committee, and then the Chair laid before the House the report from the Committee on Enrolled Bills, and the report was made; and then for the first time, after other business had intervened, not on a point of order, but under the guise of a parliamentary inquiry, the gentleman rose, and we have the situation about something which is not pending. The question is on the motion of the gentleman from Iowa.

The question was taken.

Mr. PAYNE. Mr. Speaker, I desire to make a motion.

Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. I rise for the purpose of making a motion, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, I make the point of order that the gentleman is too late under the ruling of the Chair just made.

Mr. PAYNE. But I desire to make a privileged motion.

The SPEAKER. One moment. The Chair, having in mind the gentleman from Mississippi, said as many as were in favor would say "aye," as many as were opposed would say "no," but the result of the vote was not announced, and the Chair will recognize the gentleman from New York. For what purpose does the gentleman rise?

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until to-morrow morning at 11.30 o'clock.

The SPEAKER. The gentleman from New York moves that the House do take a recess until to-morrow morning at 11.30 o'clock.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the House was dividing, and that motion is not in order.

Mr. DALZELL. But, Mr. Speaker, the House was not dividing.

The SPEAKER. The gentleman from New York makes a highly privileged motion, that the House do take a recess. The motion is highly privileged and the Chair overrules the point of order.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry——

Mr. PAYNE. Mr. Speaker, I think that is dilatory, and I do not think the House ought to be kept waiting at this hour in order to educate the gentleman from Mississippi.

The SPEAKER. The point of order is well taken.

Mr. WILLIAMS. But there is nothing more important than my education, Mr. Speaker.

The question was taken.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from New York that the House take a recess until to-morrow morning at 11.30 o'clock. The Clerk will call the roll.

The question was taken, and there were—yeas 137, nays 96, answered "present" 6, not voting 148, as follows:

YEAS—137.

Acheson	Chapman	Dwight	Hamilton, Mich.
Ames	Cole	Ellis, Mo.	Harding
Andrus	Cook, Colo.	Ellis, Oreg.	Haskins
Anthony	Cook, Pa.	Englebright	Haugen
Barchfeld	Cooper, Pa.	Esch	Hawley
Bennet, N. Y.	Cooper, Wis.	Fordney	Hayes
Birdsall	Cousins	Foss	Henry, Conn.
Bonynge	Crumpacker	Foster, Ind.	Higgins
Brownlow	Currier	Foulkrod	Hinshaw
Burleigh	Cushman	French	Holliday
Burton, Del.	Dalzell	Gaines, W. Va.	Howell, N. J.
Butler	Davidson	Gardner, Mich.	Howell, Utah
Calder	Davis, Minn.	Gilhams	Howland
Campbell	Dawson	Goebel	Hubbard, Iowa
Capron	Diekema	Graff	Huff
Caulfield	Draper	Greene	Hull, Iowa
Chaney	Driscoll	Gronna	Humphrey, Wash.

Jenkins	Lowden	Nye	Southwick
Jones, Wash.	McCall	Olcott	Stafford
Kahn	McGavin	Overstreet	Steenerson
Keifer	McKinney	Parker, N. J.	Sterling
Kennedy, Iowa	McLachlan, Cal.	Parker, S. Dak.	Sturgiss
Kennedy, Ohio	McLaughlin, Mich.	Parsons	Sulloway
Kinkaid	McMillan	Payne	Taylor, Ohio
Knapp	McMorran	Perkins	Thistlewood
Küstermann	Madden	Pollard	Townsend
Lafean	Mann	Porter	Vreeland
Landis	Miller	Pray	Wanger
Langley	Mondell	Reynolds	Washburn
Laning	Moon, Pa.	Rodenberg	Watson
Lawrence	Moore, Pa.	Scott	Weeks
Lindbergh	Mouser	Smith, Cal.	Wheeler
Loud	Murdock	Smith, Iowa	
Loudenslager	Needham	Smith, Mich.	
Lovering	Norris	Snapp	

NAYS—96.

Adair	De Armond	Hill, Miss.	Rainey
Adamson	Denver	Houston	Rauch
Aiken	Dixon	Hughes, N. J.	Reid
Alexander, Mo.	Favrot	Hull, Tenn.	Richardson
Ansberry	Ferris	Johnson, Ky.	Robinson
Ashbrook	Finley	Johnson, S. C.	Rothermel
Bartlett, Ga.	Fitzgerald	Jones, Va.	Rucker
Bartlett, Nev.	Flood	Kelliher	Russell, Mo.
Beall, Tex.	Floyd	Kipp	Russell, Tex.
Bell, Ga.	Fornes	Kitchin, Wm. W.	Sabath
Booher	Foster, Ill.	Lamar, Mo.	Shackleford
Bowers	Fulton	Lassiter	Sheppard
Brantley	Gaines, Tenn.	Lever	Sherwood
Brumm	Garner	Lindsay	Sims
Burgess	Gill	Lloyd	Slayden
Burleson	Hackett	McDermott	Small
Burnett	Hackney	Macon	Smith, Mo.
Byrd	Hamilton, Iowa	Maynard	Smith, Tex.
Candler	Hamlin	Moon, Tenn.	Thomas, N. C.
Carlin	Hardy	Murphy	Tou Velle
Carter	Hay	Nicholls	Underwood
Clark, Mo.	Heflin	O'Connell	Watkins
Clayton	Helm	Padgett	Williams
Cox, Ind.	Henry, Tex.	Patterson	Wilson, Pa.

ANSWERED "PRESENT"—6.

Garrett	Humphreys, Miss.	Lamb	McGuire
Goulden	Kimball		

NOT VOTING—148.

Alexander, N. Y.	Durey	James, Addison D.	Pujo
Allen	Edwards, Ga.	James, Ollie M.	Randell, Tex.
Bannon	Edwards, Ky.	Kitchin, Claude	Ransdell, La.
Barclay	Ellerbe	Knopf	Reeder
Bartholdt	Fairchild	Knowland	Rhinock
Bates	Fassett	Lamar, Fla.	Riordan
Beale, Pa.	Focht	Law	Roberts
Bede	Foster, Vt.	Leake	Ryan
Bennett, Ky.	Fowler	Lee	Saunders
Bingham	Fuller	Legare	Sherley
Boutell	Gardner, Mass.	Lenahan	Sherman
Boyd	Gardner, N. J.	Lewis	Slemp
Bradley	Gillespie	Lilley	Sparkman
Brodhead	Gillett	Littlefield	Sperry
Broussard	Glass	Livingston	Spight
Brundidge	Godwin	Longworth	Stanley
Burke	Goldfogle	Lorimer	Stephens, Tex.
Burton, Ohio	Gordon	McCreary	Stevens, Minn.
Calderhead	Graham	McHenry	Sulzer
Caldwell	Granger	McKinlay, Cal.	Talbott
Cary	Gregg	McKinley, Ill.	Tawney
Clark, Fla.	Griggs	McLain	Taylor, Ala.
Cockran	Haggott	Madison	Thomas, Ohio
Cocks, N. Y.	Hale	Malby	Tirrell
Conner	Hall	Marshall	Volstead
Cooper, Tex.	Hamill	Moore, Tex.	Waldo
Coudrey	Hammond	Morse	Wallace
Craig	Hardwick	Mudd	Webb
Cravens	Harrison	Nelson	Weems
Crawford	Hepburn	Olmsted	Weisse
Darragh	Hill, Conn.	Page	Wiley
Davenport	Hitchcock	Pearre	Willett
Davey, La.	Hobson	Peters	Wilson, Ill.
Dawes	Howard	Pou	Wolf
Denby	Hubbard, W. Va.	Powers	Wood
Douglas	Hughes, W. Va.	Pratt	Woodyard
Dunwell	Jackson	Prince	Young

So the motion to take a recess was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. SLEMP with Mr. DAVENPORT.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. ALEXANDER of New York with Mr. BRODHEAD.

Mr. ALLEN with Mr. SPIGHT.

Mr. BEALE of Pennsylvania with Mr. TALBOTT.

Mr. DARRAGH with Mr. BRUNDIDGE.

Mr. GILLETT with Mr. GREGG.

Mr. FULLER with Mr. GRANGER.

Mr. FAIRCHILD with Mr. GILLESPIE.

Mr. DUREY with Mr. CRAWFORD.

Mr. DOUGLAS with Mr. CRAVENS.

Mr. DENBY with Mr. COOPER of Texas.

Mr. HALL with Mr. GRIGGS.

Mr. KNOPF with Mr. HAMMOND.

Mr. KNOWLAND with Mr. OLLIE M. JAMES.

Mr. LITTLEFIELD with Mr. LAMB.

Mr. MALBY with Mr. LEE.

Mr. MADISON with Mr. LENAHAN.

Mr. NELSON with Mr. LEWIS.

Mr. SPERRY with Mr. MOORE of Texas.

Mr. THOMAS of Ohio with Mr. RANDELL of Texas.

Mr. TIRRELL with Mr. RANSDELL of Louisiana.

Mr. VOLSTEAD with Mr. MCHENRY.

Mr. WEEMS with Mr. SHERLEY.

Mr. WALDO with Mr. SPARKMAN.

Mr. WILSON of Illinois with Mr. STEPHENS of Texas.

Mr. WOOD with Mr. SULZER.

Mr. BEDE with Mr. WEBB.

Mr. CALDERHEAD with Mr. CALDWELL.

Mr. FULLER with Mr. PAGE.

For this day:

Mr. BARTHOLDT with Mr. GORDON.

Until further notice:

Mr. BATES with Mr. GODWIN.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House took a recess until 11.30 a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of certain channels in the harbor of Portland, Me. (H. Doc. 896)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Chairman of the Interstate Commerce Commission, transmitting additional reports in response to the joint resolution of March 7, 1906, directing an investigation of railroad discriminations and monopolies in coal and iron (S. Doc. 450)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9111) to permit the State of North Dakota to sell a portion of certain lands heretofore granted to it as a memorial park on the White Stone Hills battlefield, for the purpose of raising funds for improving and beautifying such park, reported the same with amendment, accompanied by a report (No. 1533), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution of the Senate (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal, reported the same with amendment, accompanied by a report (No. 1534), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the bill of the Senate (S. 4712) to provide for the care of persons adjudged insane in the district of Alaska, reported the same without amendment, accompanied by a report (No. 1535), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 60) for the relief of the Chicago, Peoria and St. Louis Railway Company of Illinois, reported the same without amendment, accompanied by a report (No. 1531), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8734) for the relief of Niels P. Larsen,

reported the same without amendment, accompanied by a report (No. 1532), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3388) to correct the military record of William A. Hinsch, reported the same without amendment, accompanied by a report (No. 1536), which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6136) authorizing the Secretary of War to issue patent to certain lands in Boise, Idaho, reported the same with amendments, accompanied by a report (No. 1537), which said bill and report were referred to the Private Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8545) for the relief of Jackson Pryor, reported the same with amendment, accompanied by a report (No. 1538), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 21252) granting a pension to August Pfefferle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21347) granting an increase of pension to Harry L. Howe—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8389) granting an increase of pension to Henry A. Billow—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PORTER: A bill (H. R. 21349) to provide for the erection of a monument to the memory of the officers and soldiers of the American Army who lost their lives during the siege of Fort Erie in 1814—to the Committee on the Library.

By Mr. JONES of Washington: A bill (H. R. 21350) to appropriate the sum of $5,000 as a part contribution toward the erection of a monument on Steptoe Battlefield, Whitman County, Wash.—to the Committee on the Library.

By Mr. DOUGLAS: A bill (H. R. 21351) for the purchase of a site and the erection thereon of a public building at Nelsonville, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. BURTON of Delaware: A bill (H. R. 21352) to provide for the erection of a monument to mark the location of the De Vries Dutch settlement near Lewes, Del.—to the Committee on the Library.

By Mr. LAMAR of Missouri: A bill (H. R. 21353) providing for the erection of a public building at the city of Salem, in the State of Missouri—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21354) providing for the erection of a public building at the city of Marshfield, in the State of Missouri—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21355) providing for the erection of a public building at the city of Mountain Grove, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY: A bill (H. R. 21356) to authorize the Secretary of War to donate to the Henry Gowdy Relief Guard, of Walden, N. Y., 150 obsolete Springfield rifles with bayonets, bayonet scabbards, and ammunition belts for same—to the Committee on Military Affairs.

By Mr. LEVER and Mr. CURRIER: A bill (H. R. 21357) to acquire national forest reservations in the Southern Appalachian Mountains and the White Mountains for the conservation and improvement of the navigability of navigable streams—to the Committee on Agriculture.

By Mr. STERLING: A bill (H. R. 21358) to regulate the granting of restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. PAYNE: A bill (H. R. 21359) relating to injunctions—to the Committee on the Judiciary.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 172) requesting the President, on a day named in the future, to deliver the control and possession of the Philippine Islands to the authorities representing the people thereof—to the Committee on Insular Affairs.

By Mr. LAFEAN: Resolution (H. Res. 383) providing extra compensation to the messenger of the Journal clerk's room—to the Committee on Accounts.

By Mr. STEPHENS of Texas: Resolution (H. Res. 384) requesting the Secretary of the Interior to give to the House information in regard to the Shawnee Indian school at Shawnee, Okla.—to the Committee on Indian Affairs.

By Mr. HAMILTON of Michigan: Resolution (H. Res. 385) providing additional compensation to the clerk of Committee on the Territories—to the Committee on Accounts.

By Mr. HAWLEY: Concurrent resolution (H. C. Res. 38) to confirm States in possession of lands granted to them—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 21360) granting a pension to Juan Deciderio Valdez—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 21361) for the relief of the heirs of Mrs. Susan Gregory, deceased—to the Committee on War Claims.

By Mr. BOUTELL: A bill (H. R. 21362) granting a pension to Frank W. Reilly—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 21363) granting an increase of pension to James G. Rumbolz—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 21364) granting an increase of pension to Charles H. Wilmarth—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21365) granting a pension to Annie C. Travers—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 21366) for the relief of the legal representatives of Frederick Bartemeyer—to the Committee on War Claims.

Also, a bill (H. R. 21367) granting an increase of pension to Thomas B. Rogers—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 21368) to correct the military record of Richard A. Hutson—to the Committee on Military Affairs.

By Mr. GREENE: A bill (H. R. 21369) to correct the military record of Wilson B. Strong—to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 21370) granting a pension to Mary Whermann—to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 21371) granting an increase of pension to William H. Wing—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 21372) granting an increase of pension to Daniel Stine—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21373) granting a pension to Frances Turner—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 21374) granting a pension to Mary Burns—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 21375) granting an increase of pension to John E. H. Lowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21376) granting an increase of pension to Marion Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21377) for the relief of W. B. Herod—to the Committee on Military Affairs.

By Mr. McHENRY: A bill (H. R. 21378) granting a pension to Rebecca B. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21379) granting an increase of pension to James McKee—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 21380) granting an increase of pension to Joseph W. B. McClintock—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 21381) to amend the record and grant an honorable discharge to David Griffin—to the Committee on Military Affairs.

By Mr. PORTER: A bill (H. R. 21382) granting an increase of pension to Patrick McCarrick—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 21383) granting a pension to Anna Nevin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21384) granting a pension to Margaret E. Hare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21385) granting an increase of pension to Frederick G. Hocking—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21386) granting an increase of pension to Callaway C. Nash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21387) granting an increase of pension to M. H. Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21388) granting an increase of pension to George T. Black—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21389) granting an increase of pension to William Kraft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21390) granting an increase of pension to Howard Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21391) for the relief of Andrew J. Williams—to the Committee on War Claims.

Also, a bill (H. R. 21392) granting an honorable discharge to John Wilson—to the Committee on Pensions.

Also, a bill (H. R. 21393) to remove the charge of desertion standing against John E. Garrison—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 21394) for the relief of Mary Hayden—to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 21395) granting an increase of pension to Miles P. Cook—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 21396) granting an increase of pension to Susan B. Blanchard—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 21397) for the relief of the estate of Calvin Tilley—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of A. B. Hyde, of Friendship, N. Y.; S. E. McCorkle, of Girard, Ohio; William H. Taylor Company, of Allentown, Pa., and a number of other individuals and firms, praying for the establishment of a national highways commission—to the Committee on Agriculture.

Also, memorial of the Connecticut State Board of Trade, praying for legislation to establish the Southern Appalachian Forest Reserve—to the Committee on Agriculture.

Also, memorial of the Virginia Federation of Women's Clubs, praying for the establishment of the Appalachian and White Mountains Forest Reserves—to the Committee on Agriculture.

Also, memorial of the officers of the national banks of the city of St. Louis, Mo., protesting against the passage of the so-called "Aldrich bill"—to the Committee on Banking and Currency.

Also, memorial of the St. Joseph, Mo., Clearing-House Association, protesting against the passage of the so-called "Aldrich currency bill"—to the Committee on Banking and Currency.

Also, memorial of the Pine Bluff (Ark.) Clearing-House Association, protesting against the passage of the so-called "Aldrich currency bill"—to the Committee on Banking and Currency.

Also, memorial of the Glass Bottle Blowers' Association, of Danville, Ill., protesting against the so-called "Tillman bill" (S. 2926)—to the Committee on the Judiciary.

Also, memorial of the Engineers' Union of Belleville, Ill., and the Amalgamated Association of Street Railway Employees, of East St. Louis, Ill., praying for an amendment to the Sherman antitrust law, for a limit on the issuance of injunctions, for employers' liability legislation, and for extension of the eight-hour law—to the Committee on the Judiciary.

Also, memorial of the Hinton, W. Va., Brotherhood of Locomotive Firemen and Enginemen, praying for the passage of employers' liability law, an injunction law, and a free-pass law—to the Committee on the Judiciary.

Also, memorial of the Bill Posters' Union of Springfield, Mass., and of the Haverhill (Mass.) Shoe Council, praying for an amendment to the Constitution to enable women to exercise the right of suffrage—to the Committee on the Judiciary.

Also, memorial of the United Mine Workers of Dewey Station, Ill., praying for the modification of the Sherman antitrust law, for legislation to limit the issuance of injunctions, for an employers' liability law, and for the extension of the eight-hour system—to the Committee on the Judiciary.

Also, memorial of the Polish-American citizens of Thomas County, Kans., praying for intervention in behalf of the Polish people residing in the jurisdiction of the Prussian government—to the Committee on Foreign Affairs.

Also, memorial of the Polish citizens of Schenectady, N. Y., praying for intervention in behalf of the Polish people within the jurisdiction of the Prussian government—to the Committee on Foreign Affairs.

Also, memorial of the citizens of Polish descent of Natrona, Pa., praying for intervention on behalf of the Polish people within the jurisdiction of the Prussian government—to the Committee on Foreign Affairs.

Also, memorial of the Chicago-Odontographic Society of Chicago, Ill., praying for legislation to permanently secure dentists for the service of the Army and Navy—to the Committee on Military Affairs.

Also, memorial of the Northern Illinois Dental Association, praying for legislation to permanently secure the services of dentists in the Army and Navy of the United States—to the Committee on Military Affairs.

Also, memorial of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of South Glens Falls, N. Y., protesting against the removal of the duty on paper and pulp—to the Committee on Ways and Means.

Also, memorial of James Bowman, of Oak Lodge, Okla., praying for legislation to prevent the employment of children in factories and mines—to the Committee on Mines and Mniing.

Also, memorial of the Columbia Damen Club, of Chicago, Ill., praying for legislation to prevent the employment of children in factories and mines—to the Committee on Mines and Mining.

Also, memorial of the National Funeral Directors' Association of the United States, praying for legislation to abolish the custom of sea burials—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANTHONY: Petition of labor unions of Leavenworth, Kans., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. AIKEN: Petition of W. J. Smith and others, of Columbia, S. C., for amendment to the Sherman Act of 1890, excluding labor organizations from its provisions—to the Committee on the Judiciary.

By Mr. BEALL of Texas: Paper to accompany bill for relief of heirs of Mrs. Susan Gregory—to the Committee on War Claims.

By Mr. BOUTELL: Petition of Chicago Federation of Labor, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BRADLEY. Petition of Branch No. 1, of Newburgh, N. Y., Amalgamated Lace Operators of America, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of Lisborn Falls Mill Workers' Union, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of John Dority Grange, of Sullivan, Me., for a national highways commission and Federal aid in construction of public highways—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Petition of Florence M. Robinson and others, to suspend the third section of the service-pension act of February 6, 1907—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petition of citizens of Staunton and Springfield, Ill., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CARLIN: Paper to accompany bill for relief of Annie C. Travers—to the Committee on Invalid Pensions.

By Mr. CARY: Petition of citizens of Milwaukee, Wis., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CHANEY: Paper to accompany bill for relief of Henry Bradfield—to the Committee on Invalid Pensions.

Also, petition of Sherman G. Jones and others, of Bedford, Ind., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of Clearing-House Association of Jacksonville, Fla., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Board of Trade of Jacksonville, Fla., approving the course of American delegates to the last conference at The Hague—to the Committee on Foreign Affairs.

Also, petition of citizens of Miami, Fla., for a survey for an inside water route from Beaufort, S. C., to Key West, Fla.—to the Committee on Rivers and Harbors.

By Mr. COUDREY: Petition of citizens of St. Louis, Mo., for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Industrial Lodge, No. 21, Brotherhood of Locomotive Firemen, of St. Louis, indorsing H. R. 19795, for

automatic ash pan on engines—to the Committee on Interstate and Foreign Commerce.

Also, petition of Journeymen Barbers' Local Union No. 102, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CRAWFORD: Petition of citizens of Asheville, N. C., for amendment to Sherman antitrust law, for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of Building Association League of Pennsylvania, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

By Mr. DAWES: Petition of Marietta, Ohio, Trades and Labor Assembly, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. DENVER: Petition of Ohio general assembly of national health bureau, for legislation creating a national bureau of health—to the Committee on Interstate and Foreign Commerce.

By Mr. DUREY: Petition of Central Trades and Labor Assembly of Corinth, N. Y., against repeal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of William Cruft—to the Committee on Invalid Pensions.

By Mr. FULTON: Petition of legislature of Oklahoma, for appropriation to make navigable the tributary rivers of the Mississippi—to the Committee on Rivers and Harbors.

By Mr. GOULDEN: Petition of Morris Friedman, for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of workingmen of the Eighteenth Congressional District of New York, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of American Paper and Pulp Association, of New York City, against removal of duty on wood pulp and paper—to the Committee on Ways and Means.

By Mr. GREENE: Paper to accompany bill for relief of Wilson B. Strong—to the Committee on Military Affairs.

By Mr. GRONNA: Petition of Twin City Implement, Vehicle, and Hardware Club, of Minneapolis, Minn., for an amendment to the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Petition of Boiler Makers' Union No. 108, of Augusta, Ga., for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of citizens of Vermont, organized laborers, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HAYES: Petition of Labor Council of San Francisco, Cal., favoring H. R. 19745 (the Hepburn amendment to the Sherman antitrust law)—to the Committee on the Judiciary.

Also, petition of citizens of California, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petitions of Newington Grange and Tunis Grange, of Connecticut, for the creation of a national highways commission (H. R. 15837) and appropriation for Federal assistance in construction of public highways—to the Committee on Agriculture.

By Mr. HINSHAW: Paper to accompany bill for relief of Elias Didmore—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: Petition of citizens of Paterson, N. J., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. HULL of Iowa: Petition of many citizens of Des Moines, Iowa, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. OLLIE M. JAMES: Petition of citizens of Mayfield, Ky., for amendment to Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. JOHNSON of Kentucky: Paper to accompany bill for relief of J. W. Whallen—to the Committee on Military Affairs.

By Mr. KAHN: Petition of San Francisco Labor Council, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. KELIHER: Petition of Building Laborers and Excavators' Union of Boston, Mass., for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of City Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Laborers, Excavators, and Rockmen's Union, No. 11679, American Federation of Labor, of Boston, Mass., against prohibition for the District of Columbia—to the Committee on the District of Columbia.

By Mr. KNAPP: Petition of wage-earners of Watertown, N. Y., for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. KÜSTERMANN: Petition of Cigar Makers' Union, No. 162, of Green Bay, Wis., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LAFEAN: Paper to accompany bill for relief of Daniel Stine—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Petition of citizens of Atlanta, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LOUD: Petition for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. LOWDEN: Petition of labor organizations of Dixon, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Petitions of Frank Pennington, of Woodbury, N. J., and J. Howard Byrd, Andrew J. Turner, Harry Crist, and C. A. Marsh, of Williamstown, N. J., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. McKINNEY: Petitions of citizens of Rock Island, Moline, and Watertown, Ill., and Davenport, Iowa, for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. MALBY: Petition of Port Henry (N. Y.) Grange, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petition of residents of the Twenty-sixth New York District, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Petition of working people of Tracy City, Tenn., for amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Coal Exchange, favoring H. R. 18349, providing for the purchase of the pneumatic mail-tube system in the city of Philadelphia—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Building Association League of Pennsylvania, for amendment of H. R. 18525 so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. MOUSER: Petitions of citizens of Bucyrus and Clyde, Ohio, and Coopers' Union No. 11, of Sandusky, Ohio, for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petitions of citizens of Galion and Sandusky, Ohio, for amendment to Sherman antitrust law, the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. NYE: Petition of committee on organized labor, of Minneapolis, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of Building Laborers, Excavators, and Rockmen's Union 1167, American Federation of Labor, for H. R. 20584, amendment to Sherman antitrust law; for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. OVERSTRET: Petition of Royal Brewing Company, of Kansas City, Mo., opposing passage of the Knox liquor bill (S. 6576)—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of citizens of the State of New York, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. PORTER: Petition of citizens of Niagara Falls, N. Y., for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

Also, petition of Board of Trade of Niagara Falls, N. Y., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. RAINEY: Petition of Duquoin, Ill., Central Labor Union, favoring restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBERTS: Petition of citizens of Malden, Mass., for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of residents of the Twenty-seventh District of New York, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SMITH of Missouri: Petition of Machinists' Local Union No. 135, of De Soto, Mo., and Graniteville, Mo., citizens, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of the Hartford Business Men's Association, of Hartford, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of citizens of New Haven, Meriden, and Waterbury, Conn., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. STERLING: Petitions of citizens of Pontiac, Ill., and Bloomington and Normal, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. SULZER: Petition of Merchants' Association of New York, against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of the Royal Brewing Company, of Kansas City, against the Knox liquor bill (S. 6576)—to the Committee on the Judiciary.

Also, petition of Mergenthaler Linotype Company, against H. R. 15835 and 17869, proposing radical changes in the patent law—to the Committee on Patents.

Also, petition of Edward P. Moran, Words and Music Club, for legislation in copyright cases favorable to musical composers—to the Committee on Patents.

Also, petition of Association for Protection of the Adirondacks, praying for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Gulf Refining Company, of Pittsburg, Pa., for an embargo on Venezuelan asphalt—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of citizens of Olean, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

Also, petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Morrisonville and Palmer, N. Y., against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of New London Local Union, No. 289, relative to legislation against all kinds of dealings in futures relative to farm products—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petitions of Frank Pennypacker and 12 other citizens of Royersford and Spring City, Pa., and William A. Carl, Adam C. Krauss, and John H. Nase, and Cigar Makers' Union No. 232, of Sellersville, Pa., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

Also, petition of Ringing Rocks Lodge, No. 665, Brotherhood of Railway Trainmen, of Pottstown, Pa., favoring H. R. 19795 and S. 6320—to the Committee on Interstate and Foreign Commerce.

Also, petition of City Club of Chicago, for H. R. 10457, for forest reservation in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. WASHBURN: Petition of citizens of Worcester, Mass., and Local No. 96, International Brotherhood of Electrical Workers of America, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. WEISSE: Petition of Wisconsin Retail Lumber Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Paper to accompany bill for relief of estate of Calvin Tilley—to the Committee on War Claims.

By Mr. WILSON of Pennsylvania: Petitions of Division No. 24, Order of Railway Telegraphers, of Lock Haven and McElhattan, Pa., and Keystone Lodge, No. 33, International Association of Car Workers, of Vilas, Pa., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. WOOD: Petitions of R. D. Milnor, G. C. Milnor, and William D. Milnor, of Lambertville, N. J.; Rubber Workers' Union, No. 12420, American Federation of Labor, of Lambertville, N. J., and Sanitary Pressers' Association, of Trenton, N. J., and others, for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 29, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 5126. An act to grant the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal;

H. R. 12773. An act granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes; and

H. J. Res. 171. Joint resolution providing for assistance to the people of the storm-swept States of Georgia, Alabama, Mississippi, and Louisiana.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of North Side Republican Club, of New York City, N. Y., praying for the enactment of legislation to improve the present currency system, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens and local labor organizations of Brooklyn, Buffalo, Geneva, Mineville, New York City, Olean, Schenectady, and Troy, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of the Merchants' Association of the State of New York, praying for the appointment of

a currency commission, and also remonstrating against the passage of the so-called "Vreeland currency bill," which was referred to the Committee on Finance.

He also presented petitions of sundry labor organizations of Ilion, Lockport, Oswego, and Syracuse, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of the banking committee of the Chamber of Commerce of Buffalo, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

Mr. SUTHERLAND presented a petition of sundry citizens of Salt Lake City, Utah, praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented a petition of sundry citizens of San Francisco, Cal., and a petition of sundry citizens of Oakland and Los Angeles, Cal., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry labor organizations of Quincy, Chicago, Girard, Moline, Carlinville, Dixon, Bloomington, Galesburg, Belleville, Rockford, Kewanee, Joliet, East St. Louis, Elgin, Centralia, Edwardsville, Mattoon, and Madison County, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation to change the name of V street NW. to California avenue, which was referred to the Committee on the District of Columbia.

Mr. BRIGGS presented petitions of sundry labor organizations of Trenton, Newark, Paterson, Elizabeth, Williamstown, Lambertville, Long Branch, Jersey City Heights, New Brunswick, Bridgeton, Swedesboro, Clayton, Millville, and Hudson County, all in the State of New Jersey, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented the petition of Mrs. William A. Prescott, of Berlin, N. J., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Lincoln Republican Club, of Asbury Park, N. J., praying that an appropriation be made for the construction of a post-office building at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of J. S. Mundy, of Newark, N. J., remonstrating against the adoption of the Hepburn amendment to the so-called "Sherman antitrust law," which was referred to the Committee on the Judiciary.

He also presented the petition of Dr. William H. Shipps, of Bordentown, N. J., praying for the enactment of legislation to promote the efficiency of the Public Health and Marine-Hospital Service, which was referred to the Committee on Public Health and National Quarantine.

He also presented memorials of sundry citizens of Hoboken, Paterson, Clifton, and Passaic, all in the State of New Jersey, remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

Mr. GAMBLE presented the petition of W. M. Grafton, of Mitchell, S. Dak., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Rapid City, S. Dak., of Lincoln, Nebr., and of Nashville, Tenn., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GUGGENHEIM presented a petition of sundry citizens of Denver, Colo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Textile Workers' Union, No. 133, American Federation of Labor, of White Rock, R. I., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. PILES presented a petition of sundry citizens of Whatcom County, Wash., praying for the enactment of legislation to establish postal savings banks, which was ordered to lie on the table.

He also presented a petition of Marine Engineers' Beneficial Association No. 38, of Seattle, Wash., praying that an appropriation be made for the improvement of the rivers and harbors of the country, which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Seattle, Puyallup, Pearson, Foster, Sunnydale, and Riverton, all in the State of Washington, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented sundry petitions of labor organizations of Lincoln, Nebr., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. TALIAFERRO presented a petition of Welcome Union, No. 1409, United Brotherhood of Carpenters and Joiners of Apalachicola, Fla., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. FORAKER presented memorial of the Elm Street Club, of Cincinnati; Deutsche Eiche Loge, No. 469, D. of H., of Dayton; German Benevolent Society, of Newark; Wilhelm Circel, No. 294, P. H. C., of Springfield; Hessian Society, of Toledo; Grove No. 41, United Ancient Order Druids, of Newark; the Team of Hermann Lodge, No. 208, I. O. O. F., of Cincinnati; the Skas Club, of Youngstown; the Deutsche Krieger Verein, of Galion; the Socialer Turnverein, of Toledo; Steuben Lodge, No. 507, I. O. O. F., of Dayton; East Liverpool Turnverein, of East Liverpool; German Benefit Union, No. 236; Humboldt Verein, of Columbus; Gambrinus Benevolent Society, of Toledo; Deutsche Krieger Verein, of Medford; Bund Amerikanischer Freunde, of Cincinnati; St. Bonifacius Benevolent Society, of Minster; Eintracht Loge Deutscher Orden of Harugari, of Union City; Pioneer Society, of Massillon; German Beneficial Union, No. 34, of East Liverpool; Glass Bottle Blowers' Association, No. 17, of Massillon; also sundry citizens of Cleveland, Massillon, Warwick, Zanesville, Sandusky, Cincinnati, Portsmouth, Toledo, Hamilton; also St. John's Beneficial Society, of Columbus; Deutscher Natl. Verein "Eintracht," of Cincinnati; Hessian Beneficial Society, of Cincinnati; the Hamilton Sangerbund, of Hamilton; Allemania Loge, No. 27, Deutscher Orden der Harugari, of Cleveland; German-American Alliance, of Springfield; German-American Stadt Verband, of Youngstown; Bavarian Beneficial Society, of Columbus; Harugari Liederkranz, of Dayton; Musicians' Protective Union, of Hamilton; Newburgh Germania Maennerchor, of Cleveland; Concordia Beneficial Socitie, of Dayton; Germania Lodge, Independend German Order, of Cleveland; Gesang-Verein Orpheus, of Cleveland; Pfaelzer N. Verein, of Cleveland; Gruetti Verein, of Toledo; Pioneer Society of Chillicothe; Shwarzenalder N. Verein, of Cincinnati; Humboldt Grove Lodge, No. 15, U. A. O. D., of Tiffin; German Benevolent Society, of Springfield; Concordia Lodge, No. 345, F. A. M., of Cleveland; German-American Alliance, of Cincinnati; German-American Alliance, Fremont Bund, of Fremont; Schwabischer Unt Verein, of Cincinnati; Deutsch Oesterreicher Unterstuetzung Verein, of Cincinnati; St. Joseph Court, No. 433, C. O. F., of Columbus; Badische Saengerbunde, of Dayton; Deutscher Unterstuetzung Verein, of Dayton; Hernegh Mannerchor, of Cincinnati; West Cincinnati Turner Verein, of Cincinnati; German Lutheran Benevolent Society, No. 1, of Cleveland; Dayton Turngemeinde, of Dayton; German-American Alliance, of Akron; Helvetia Maennerchor, of Columbus; Deutsche Gesellschaft, of Bucyrus; German Pioneer Society, of Toledo; North German Benevolent Society, of Toledo; German Veteran Association, of Massillon; Turner Maennerchor, of Cleveland; Germania Maennerchor, of Portsmouth; United Trades and Labor Council of Cleveland; Bartenders' Union, Local No. 108, of Cleveland, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were ordered to lie on the table.

Mr. STEWART presented a petition of Local Union No. 21, Iron Workers' International Union of America, of Bethel, Vt.,

praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. STEPHENSON presented a memorial of the Merchants and Manufacturers' Association of Milwaukee, Wis., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the enactment of legislation to increase the diversion of the water from Lake Michigan into the Chicago Drainage Canal, which was referred to the Committee on Commerce.

Mr. du PONT presented sundry memorials of labor organizations of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of Preston City Grange, Patrons of Husbandry, of Preston City, Conn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Business Men's Association of New Haven, Conn., and a petition of the Chamber of Commerce of New Haven, Conn., praying that an appropriation be made for the construction of a public building at that city, which were referred to the Committee on Public Buildings and Grounds.

Mr. RAYNER presented petitions of sundry citizens and labor organizations of Cumberland and Baltimore, in the State of Maryland, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 3720) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement, reported it with an amendment and submitted a report (No. 577) thereon.

He also, from the same committee, to whom was referred the bill (S. 5306) granting increase of pensions to survivors of the Indian wars under the acts of July 27, 1892, and June 27, 1902, reported it with amendments and submitted a report (No. 578) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 142) providing for the deposit of a model of any vessel of war of the United States Navy, bearing the name of a State of the United States, in the capitol building of said State, reported it with an amendment and submitted a report (No. 579) thereon.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 2963) for the survey and allotment of lands now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment, reported it with an amendment and submitted a report (No. 581) thereon.

GLACIER NATIONAL PARK.

Mr. DIXON, from the Committee on Public Lands, to whom was refered the bill (S. 5648) to establish the Glacier National Park west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes, reported it with amendments and submitted a report (No. 580) thereon.

Mr. CARTER. In connection with the report just made I wish to offer a resolution, and I request consent for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Geological Survey is hereby authorized to reproduce by photolithograph the map filed as a part of the report on S. 5648, and to direct the reproduction of the illustrations, without competitive bidding.

ESTATE OF CORNELIUS VAN COTT.

Mr. KEAN. I am directed by the Committee on Claims, to whom was referred the bill (S. 4720) for the relief of the sureties on the official bond of the late Cornelius Van Cott, to report it favorably, and I submit a report (No. 576) thereon. It is a brief bill, and may as well be passed now. I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the estate of Cornelius Van Cott, late postmaster of the city of New York, and the sureties on his bond be relieved from the payment to the United States of America of the sum of $1,285.71, the amount paid H. Clayton Graff during the fourth quarter of the year 1902 and the first and second quarters of the year 1903, who was carried on the pay rolls at the New York City post-office for that period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 6885) granting a pension to Mary O'Neill, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6886) granting an increase of pension to Margaret Jewell, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6887) granting an increase of pension to Alfred Robbins;

A bill (S. 6888) granting an increase of pension to William W. Graves; and

A bill (S. 6889) granting an increase of pension to Henry D. Parsons.

Mr. KNOX introduced a bill (S. 6890) for the relief of the heirs of Cornplanter, alias John O'Bial or Abeel, a Seneca Indian chief, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. TALIAFERRO introduced a bill (S. 6891) for the relief of Maj. G. S. Bingham, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TAYLOR introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6892) for the relief of the estate of John T. McClenahan; and

A bill (S. 6893) for the relief of the public school directors of the first school district of Franklin County, Tenn.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6894) for the relief of the Cumberland Presbyterian Church, of Chattanooga, Tenn.; and

A bill (S. 6895) for the relief of St. Paul's Protestant Episcopal Church, of Chattanooga, Tenn.

Mr. GUGGENHEIM introduced a bill (S. 6896) granting an increase of pension to Edwin Morgan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 6897) granting an increase of pension to Maud J. Clark, which was read twice by its title and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6898) granting an increase of pension to James Ritchie, jr., which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 6899) granting an increase of pension to Jonathan Davison, which was read twice by its title and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6900) to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against any unlawful restraints and monopolies," which was read twice by its title and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 6901) to acquire the triangular square bounded by Second and T streets and Rhode Island avenue NW. for use as a public park, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6902) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government; and

A bill (S. 6903) for the relief of John I. Conroy and others.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $4,800 for the payment of the quota of the United States for the support of the International Institute of Agriculture for

the calendar year 1909, intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 to meet the expenses on the part of the United States in the arbitration before the Permanent Court of Arbitration at The Hague, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $150,000 for the purchase of the tract of land formerly known as "Graceland Cemetery," in the District of Columbia, etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $200,000 for the erection of a fireproof addition to the court-house, Washington, D. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate $3,267 for the purchase of property for embassy at Tokyo, Japan, intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. McCREARY submitted an amendment intended to be proposed by him to House bill No. 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

RESTRICTIONS ON LANDS IN OKLAHOMA.

Mr. DAVIS submitted an amendment intended to be proposed by him to the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, which was ordered to lie on the table and be printed.

EMPLOYMENT OF STENOGRAPHER.

Mr. HEMENWAY submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the University of the United States be, and the same is hereby, authorized to continue during vacation and for the remainder of the Sixtieth Congress the services of a stenographer, authorized by Senate resolution No. 59, to be paid from the contingent fund of the Senate, at the rate of $1,000 per annum.

COMMISSION UNDER JAY TREATY.

Mr. LODGE submitted the following resolution, which, with the accompanying paper, was referred to the Committee on Printing.

Resolved, That there be printed and bound, as a Senate document, report of the proceedings and opinions of the Commission under the seventh article of the Jay treaty, with correspondence relating thereto, prepared by Jackson H. Ralston, the same to be suitably indexed.

JOSE T. SILVA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith certified copies of a franchise granted by the executive council of Porto Rico to Jose T. Silva.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 29, 1908.*

EMPLOYMENT OF CHILD LABOR.

Mr. DAVIS. Mr. President, I desire to call up the resolution which I introduced yesterday relating to Indian affairs and ask its adoption, and upon the resolution I desire to be heard for a few moments.

Mr. GALLINGER. Will the Senator from Arkansas yield that I may make a request, which will occupy but a moment?

Mr. DAVIS. Certainly.

Mr. GALLINGER. The bill (S. 4812) to regulate the employment of child labor in the District of Columbia, has been at the head of the Calendar for a good many weeks and it has been passed over to accommodate Senators. I think it is very important that that bill should have consideration, and I rise to ask unanimous consent that at 4 o'clock on Thursday, May 7, any amendments pending and to be offered on the bill shall be voted upon without further debate.

Mr. BEVERIDGE. Will the Senator put that request a little later? I am compelled to be out of the city on the 7th.

Mr. TELLER. I should like to ask what bill the Senator refers to?

Mr. GALLINGER. It is the bill to regulate the employment of child labor in the District of Columbia.

Mr. BEVERIDGE. Could the Senator put it on the 11th? I must be out of the city on the 7th.

Mr. GALLINGER. That would put it pretty far ahead.

Mr. BEVERIDGE. All right; then make it the day before the 7th.

Mr. KEAN. Why not pass the bill now? It is a very simple measure.

Mr. GALLINGER. My request is made to accommodate one or two Senators who would like to have it postponed. I will ask that on Wednesday, May 6, at 4 p. m., the bill be voted upon without further debate.

The VICE-PRESIDENT. The Senator from New Hampshire asks that Senate bill 4812 be voted upon at 4 o'clock on Wednesday, the 6th day of May; that the vote be then taken upon amendments pending and to be offered and the bill without further debate.

Mr. NELSON. I have no objection to the bill being taken up for consideration at that time or on any other date, but until it has been taken up and discussed I am unwilling to agree upon any time for voting upon it. We have had no debate at all upon the bill.

Mr. GALLINGER. Then I will move to proceed to the consideration of the bill.

Mr. BEVERIDGE. I hope the Senator will postpone that motion until we can fix a day.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. GALLINGER. Certainly.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. LODGE. I merely desire to say that the Senator from Missouri [Mr. WARNER] is ill and confined to his house and will not be able to be in the Senate for some days to complete his speech on the Brownsville affair. In his behalf, in order that he may be relieved in that regard, I ask that he may be permitted to print his speech in the RECORD and extend it with such additions and extracts from testimony as are now embodied in his prepared speech.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Massachusetts on behalf of the Senator from Missouri?

Mr. BEVERIDGE. What is the request?

The VICE-PRESIDENT. The request of the Senator from Massachusetts is that, owing to the illness of the Senator from Missouri [Mr. WARNER], that Senator be permitted to print the residue of his speech in the RECORD.

Mr. BACON. I beg that the Chair will again state the request. I could not hear it distinctly.

The VICE-PRESIDENT. The request is that the Senator from Missouri, being ill, may be permitted to print the residue of his speech in the RECORD, together with such additions and extensions as he may desire.

Mr. BACON. I think that would be a very unfortunate precedent. I have never known such a request to be made in the Senate. We know that in the other House it is the common practice and the recognized practice, but I think it would be very unfortunate for us to set a precedent of that kind here to print speeches which are not delivered. I hope it will not be done.

I am perfectly willing that every indulgence possible may be given to the Senator from Missouri, but if this be done once, where will be the end of it? I know it is generally supposed throughout the country—I say generally—possibly that is probably too broad a term, but it is thought by many that the practice which obtains in one House obtains also in the other. But it has never obtained here. There is great liberality as to publishing without being read exhibits or papers which are used in a speech. They are allowed to be inserted in the RECORD; but this is the first time I have heard during my limited term of service here a request made that a speech which has not been delivered should be printed in the RECORD.

I would say this, Mr. President: If it were near the close of the session and the Senator from Missouri had been prevented by illness from delivering his speech, that would be a providential matter which might be recognized as a sufficient ground upon which to base exceptional action on the part of the Senate. But we have no reason to doubt the fact, I presume, that the Senator will have the opportunity before the session closes to conclude his remarks. While I have every disposition to concede everything which circumstances may demand, I do not

think that the present circumstances do demand that we should make such a wide departure from the practice of the Senate and inaugurate a precedent which certainly would be followed in the future in other instances.

Mr. LODGE. I am, of course, entirely aware of the rule of the Senate against extending speeches in the RECORD. I think it is an extremely wise rule and I hope it will never be changed. In this particular case the Senator who has given the notice that he would complete his speech to-day is ill. He may be several days absent from the Senate and it may be some time longer before he will be able to complete the delivery of his speech. He sent a message to me desiring to express to the Senate the hope that he might be permitted to print his speech as it stands, most of it having already been delivered. It contains a large number of extracts from testimony which could be perfectly well embodied and which permission is constantly given.

I have no desire to infringe any rule, nor would he have any such desire. I am as strongly in favor of the practice and rule of the Senate in this respect as anyone can be. I thought this was an exceptional case in which this relief might be given to a Senator who was ill.

I certainly shall not insist on the request if there is any objection to it. I merely desired to say that the Senator from Missouri could not go on to-day and it is uncertain when he will be able to complete the delivery of his speech.

Mr. TELLER. Mr. President, I understand that if at any time a Senator is unable to read a speech which he has prepared, it has been the custom here for some time, I know, that he may ask some Senator to read it for him. It may be read for him, but it must be either read by him or some one else before it goes into the RECORD.

Mr. LODGE. If the Senator from Missouri desires to have the remainder of his speech read to the Senate and to complete it in that way, I am sure I should be very glad to assist him, and I have no doubt others would be, in arranging it in that manner and relieve him from the delivery of the remainder of his speech.

I thought it well, however, to make the statement at this time that he would not be here to-day to carry out the notice which appears on the Calendar, and which would leave the day clear, if the Senator from New Hampshire desires, as I hope he does, to take up the child-labor bill this morning, because I understand the agricultural appropriation bill will not be taken up until to-morrow.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. Certainly.

Mr. FORAKER. I hope, in some way in substance, the request made by the Senator from Massachusetts may be granted. The situation is somewhat peculiar. The Senator from Missouri has been here speaking, I believe, upon three different days. He was unable to complete his speech yesterday, as he hoped he might, and was compelled to suspend with a notice that he would resume this morning. It is evident, and it has been evident, I think, to all his colleagues, that he has not been in good health, to say the least, and he has been speaking at a very great disadvantage. A speech with him, as it would be with any other Senator under like circumstances, weighs, no doubt, somewhat on his mind and interferes with the recovery of his health.

It would be a great relief to him, I understand, if he were permitted to conclude his speech in some manner, and, I think, the suggestion made by the Senator from Colorado is perhaps, one that will relieve him, and either in that way or some other I hope that the request in substance at least may be granted.

There is this further reason. I am very anxious to have the speech concluded, because until it is the case has not been fully presented on that side, and there are some who want to speak on the other side of the proposition. The Senator from Connecticut [Mr. BULKELEY] has given notice that he will address the Senate. He wants to address the Senate in answer to that speech and to the speech of the Senator from Idaho [Mr. BORAH], made a few days ago. We are near the close of the session, and it is important to get through this discussion, if it is possible to conclude it, so that we may take action on these proposed measures.

I understand the Senator from Massachusetts has sent word to the Senator from Missouri.

Mr. LODGE. I have sent word to the Senator from Missouri that if he desires his speech can be read here, and I shall be very happy to read it for him, as I have no doubt other Senators would be equally glad to aid him in that respect. If he expresses a wish to have it done in that way, we can go on to-day with it and conclude it.

Mr. FORAKER. If he should send word, I reserve the right to call up the matter again when we hear from him.

Mr. GALLINGER. I am occupying the floor through the courtesy of the Senator from Arkansas, and I will take but one moment more in connection with the measure I brought to the notice of the Senate.

Mr. BULKELEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. GALLINGER. Certainly.

Mr. BULKELEY. I have already given notice that on Thursday, if the Senator from Missouri shall have concluded his remarks, I would address the Senate on the pending matter in regard to the Brownsville affray. I have no desire to impose on the Senator in consequence of the illness of which he complains and of which we who have listened to him for the last few days are painfully aware.

I am not entirely familiar with the rule of the Senate in this respect except as it has been explained by the Senator from Georgia, but I understand that it is not the custom to publish the remarks of a Senator that have not actually been delivered in the Senate. However, in this case I should not object unless it is too great an innovation on the rules of this body. If that course should be adopted, I should like to be assured that the remarks the Senator has already made and those that are contained in the balance of his speech will be published as quickly as possible in the RECORD, in order that I might carry out my plan of replying, if I can, to the suggestions made in his remarks in regard to this matter.

I have no objection to the reading of the remainder of the speech by another Senator or by the Secretary, if the Senate should see fit to concede that proposition. If it occupied a long time—possibly one or two days, as the Senator told me yesterday would be consumed in the delivery of the balance of his remarks, with the progress he was making—it would necessitate somewhat a change of the notice which I gave. I understand the Senator from Arkansas has already announced that he will speak Friday on another measure, which would necessarily postpone the time that I desired to occupy to Monday next.

Mr. LODGE. If the Senator from New Hampshire will permit me, the text of the speech is at the house of the Senator from Missouri. He has telephoned that he would be very much obliged if it would be read here and he desires to get it in the RECORD as soon as possible. I have therefore sent for it. It will be some little time before it will be received, and as soon as it can be read of course it will go into the RECORD. But I suppose it may then take some time. The Senator from Missouri will wish to correct the proof no doubt.

Mr. BULKELEY. In view of the statement made by the Senator from Massachusetts and also in view of the probability that it will take some time to read the remarks in the Senate and then have them published in the RECORD, I should like to withdraw the notice I have given to speak on Thursday and make it Monday of next week. I ask the Senator from Massachusetts if that gives ample time?

Mr. LODGE. Ample time.

EMPLOYMENT OF CHILD LABOR.

Mr. GALLINGER. Now, Mr. President——

Mr. NELSON rose.

Mr. GALLINGER. If the Senator will permit me, I should like to make a request.

Mr. NELSON. I wish to make a suggestion in connection with it.

Mr. GALLINGER. Perhaps my request will cover the Senator's suggestion.

Mr. NELSON. I suggest to the Senator that in his request he fix a time for taking up the bill for debate and then for a vote.

Mr. GALLINGER. I was about to do that, Mr. President.

Concerning this bill—and I beg pardon of the Senator from Arkansas for keeping him from the floor a single moment—it has been on the Calendar a long time and has been postponed at the suggestion of various Senators. The Senator from Minnesota desires to discuss it and the Senator from Indiana [Mr. BEVERIDGE] wishes to speak on it. I have myself an amendment that I want to address myself to for a few minutes, and, as I presume, other Senators will wish to speak.

Now, Mr. President, I am going to make the request that, by unanimous consent, the bill (S. 4812) to regulate the employment of child labor in the District of Columbia be made the unfinished business, not to interfere with appropriation bills, and that it be voted upon on Wednesday, May 6, at 4 o'clock p. m., the vote to be taken upon the amendments pending and to be offered and upon the bill at that time.

Mr. NELSON. It will continue as unfinished business from now on?

Mr. GALLINGER. From now on, to be laid aside from time to time, and to be discussed at times.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the Senate proceed to the consideration of Senate bill 4812, and that all amendments pending and to be offered to the bill and the bill be voted upon at 4 o'clock on Wednesday, May 6.

Mr. BACON. I have no objection to voting at the time indicated, but I think the safer practice is to agree that we will vote on that day. I have noticed frequently that when the hour was fixed there is always some injustice done to some person who wished to be heard.

Mr. GALLINGER. Then I will ask that the bill be voted upon before adjournment on that day. That is entirely satisfactory. Let it be made the unfinished business by unanimous consent.

Mr. NELSON. I desire to say to the Senator from New Hampshire that I shall not oppose his request. I am not opposed to the principle of the bill, I am simply in favor of having it amended. I think it goes too far in some particulars.

Mr. GALLINGER. That is what I understand to be the Senator's view. Let my request be stated, that the bill be made the unfinished business and that it be voted on before adjournment upon that day.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that Senate bill 4812 be made the unfinished business, and that all amendments pending and to be offered to it and the bill itself be voted on before adjournment upon Wednesday, May 6.

Mr. BURROWS. Will not the Senator adhere to his original request that it be voted upon at a given hour, at 4 o'clock?

Mr. FRYE. No; objection was made to that.

Mr. GALLINGER. Objection was made to it.

Mr. BURROWS. I think it would be better to have a fixed hour. Otherwise the session may be prolonged into the night.

Mr. GALLINGER. Well, let it go.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. BACON. I could not hear what was said on the other side. Is there a change in the request?

Mr. GALLINGER. There is no change from the suggestion made by the Senator from Georgia.

The VICE-PRESIDENT. Without objection, it is so ordered.

LANDS OF THE CHOCTAWS AND CHICKASAWS.

Mr. DAVIS. Mr. President——

The VICE-PRESIDENT. The Chair lays before the Senate a resolution, which will be stated.

The SECRETARY. Senate resolution 167, by Mr. DAVIS, directing the Secretary of the Interior to inform the Senate in regard to the authority by which certain lands of the Choctaw and Chickasaw tribes of Indians have been withdrawn from allotment in the State of Oklahoma.

Mr. DAVIS. Mr. President, the resolution under consideration is of the utmost importance in view of the fact, as Senators well know, that the Committee on Indian Affairs, of which I have the honor to be a member, has for more than a week had under investigation the conduct of certain Department officers with reference to Indian affairs, and that investigation, to my mind, has disclosed some startling facts.

That investigation, Mr. President, has not yet concluded, and I say in view of the fact that this resolution seeks certain information which may be of great benefit to the Committee on Indian Affairs in its investigation, I trust there will be no objection to its adoption.

I do not intend, Mr. President, to in any way reflect upon the Department of the Interior, but, to be entirely frank, I desire to say that most of the resolution relates to matters not occurring during the term of the present incumbent, but of his predecessor. Therefore, I take it, sir, that there can be no objection upon either side of the Chamber to the procuring of the information which the resolution seeks.

It has been heralded by the press of Oklahoma, through that new State, that I am opposed to the bill taking off the restriction upon the allotted lands. Here and now I desire to say that this report is absolutely false and that I am not opposed to a bill relieving the allotted land from the restrictions, if that bill be properly drawn, safeguarding and protecting the rights of the Indians, who are the wards of the Government.

As I said, the investigation which has proceeded before the Committee on Indian Affairs for the last week has disclosed some startling facts.

Mr. President, the act of June 28, 1898, directed the Secretary of the Interior to enroll all persons of Choctaw and Chickasaw Indian blood on the citizenship rolls of said nations. That act was construed by Judge Willis J. Van Devanter, the Assistant Attorney-General of the United States, who rendered an opinion under date of March 17, 1899, construing and defining said act for the guidance of the departmental officers, which opinion in part is as follows:

> The act of 1898 made no provision for new applications for citizenship. The Commission was authorized and directed to enroll the persons indicated—
>
> That is, all persons of Indian blood—
>
> and to investigate the rights of all other persons whose names were found upon any tribal roll.

Mr. President, to my utter amazement and surprise, having before the Committee on Indian Affairs the law clerk of the Indian Office, Mr. Ward, we found that this act of June 28, 1898, had been totally disregarded in many respects, and that more than 2,000 people had been denied enrollment because of the fact that they had not filed their applications, when the act of June 28, 1898, did not require an application.

More than that, Mr. President, on the 4th of March, 1907, at midnight, the enrollment of these citizens terminated. At midnight on March 4, as I understand the act, the right of enrollment, the question of passing upon the enrollment, ceased. We found from the testimony of Mr. Ward that Mr. Hitchcock, within less than a week prior to March 4, 1907, passed upon 2,023 cases for enrollment. Papers involving thousands of pages of testimony were passed upon hurriedly by the Department, and these 2,023 cases were stricken from the rolls after the rolls had been completed by the Secretary of the Interior, involving the right of citizenship of more than 10,000 applicants.

Mr. President, this resolution directs the Secretary of the Interior to furnish to the Senate a reason for that action upon the part of the Secretary of the Interior. Can there be any harm in this, Senators? Can any wrong result from it? Ought not the Senate to know the facts about this matter?

Mr. President, the Indian is, and of right ought to be, the ward of the Government, and ought not his rights to be protected in this question of allotment and in this question of removing restrictions from allotted lands?

These 2,023 cases, involving the rights of more than 10,000 Indians and their children, are now pending in court and before the Department, applications to be placed upon these rolls. Their rights are involved in this controversy. The Senate has a right to know just what their rights are, and I see no objection to the adoption of the resolution.

More than that, Mr. President, the act of June 28, 1898, made it a compulsory duty of this Commission to look up the tribal roll, not to wait until applications were filed, not to sit back in their tents in the field upon their official dignity and ask the Indians, who are unacquainted with our law and our customs and our regulations, to file their applications, but the act of June 28, 1898, required that this Commission go to the tribal roll and enroll every Chickasaw and every Choctaw of Indian blood without question as to an application.

This, Mr. President, I charge has not been done. I say, sir, that these Indians, whether of the whole or the half blood, whether freedmen or of whatever mixture of blood they may be, are entitled to the protection of this Government in the establishment of their just rights in this common Indian property.

Somewhere, somehow, by some means this right has been denied to 10,000 or more Indians. They to-day are knocking at the door of the Committee on Indian Affairs asking to have their rights passed upon by that committee and by this honorable body.

Ah, Mr. President, I am met with the specious reply that at some time, at some place, the Indian shop ought to be closed; that we ought to stop business in Indian affairs, shut up camp, and let that end the matter.

That would be well, Mr. President, if it did not involve any right of Indian women and children, who are to be left helpless, homeless, and destitute by such an order of procedure.

Mr. President, I intend to take up but a very few moments of the time of the Senate on this resolution. Not only that, sir, but the Secretary of the Interior, Mr. Hitchcock, without warrant of law, without the slightest shadow of legal authority, as was determined by the select committee appointed for that purpose, of which the distinguished senior Senator from Colorado [Mr. TELLER] was a member—Secretary Hitchcock, I say, without the slightest shadow of authority, arbitrarily and summarily withdrew from allotment 1,373,000 acres of the most choice land belonging to the Choctaw and Chickasaw tribes.

Ah, sir, when called before that committee, as has been reported to me by one of the Senators composing that committee, Mr. Hitchcock could give no reason except that he thought it

was best to do that, that he was bigger than Congress itself, and that he declined to restore that land for the purpose of allotment.

Mr. President, this resolution calls upon the present Secretary of the Interior to know whether or not he proposes to follow the precedent established by Secretary Hitchcock. There is to-day unallotted in the Choctaw and Chickasaw nations 2,982,000 acres of the common lands of said Choctaws and Chickasaws, inclusive of the 1,373,000 acres which have been withdrawn by Secretary Hitchcock for the purpose of creating a forest reserve and a game preserve.

Mr. President, this land was given to the Indians as a heritage. When we first discovered this great country of ours the red man was its master, the red man was its king. For generations we have moved him back and back and back toward the setting sun, until to-day he finds himself with barely 40 acres of land carved from this vast possession if he be of mixed blood, and 320 acres of land if he be of the whole blood, for a homestead.

I say, Mr. President, that there is a question of sentimentality that clings around this subject that can not be ignored by Senators. The spirit of commercialism may be invoked, and it may be urged that this country ought to be opened to white settlers. I say that the right of the Indian, the ward of the Government, should be protected in the consideration of these measures.

Mr. President, I want to know of the Secretary of the Interior—and I apprehend that every Senator on this floor wants to know—if he purposes continuing the policies of Mr. Hitchcock with reference to the 1,373,000 acres of land withdrawn from the Indian allotments for the purpose of establishing this game preserve and this forest reserve. Not only that, Mr. President, but this is followed by the recommendation of the present Secretary of the Interior as to the 1,373,000 acres of land, that he be permitted to negotiate with the State of Oklahoma to sell this land to the State of Oklahoma for a forest reserve and a game preserve. Mark you, gentlemen, there are but 2,982,000 acres of the unallotted land of the Choctaw and Chickasaw nations. Mark you, 1,373,000 acres have been withdrawn from allotment for this game and forest preserve. Now, deduct that from the 2,982,000 acres of land and you have but a small portion of land left to be allotted to these Indians of the whole, the half, and the mixed blood, who, I contend, have been unjustly and improperly kept from these rolls, and who are now contesting their rights in the courts of the country.

Why, Mr. President, not only that, but the Secretary of the Interior inspired a bill, which was reported favorably from the Committee on Indian Affairs by the distinguished Senator from Oklahoma [Mr. OWEN] on yesterday, and in that bill is the merciless provision that the rolls shall be conclusive evidence of the degree of blood, age, and so forth, of the allottee. That section, Mr. President, upon its face looks innocent and not harmful of the rights of the Indian, and one so wholly unacquainted with Indian affairs or with the laws regulating their allotments as myself, would scarcely detect any injustice in that provision; but, Mr. President, upon investigation, I find that that provision "that the rolls shall be conclusive evidence of the degree of blood" is aimed at this condition: If an Indian is mixed with "nigger," under the law he gets a homestead of only 40 acres. If he is not mixed with "nigger," he gets an allotment of 320 acres as a homestead. This bill proposes to make the rolls conclusive evidence as to the degree of blood. In other words, Mr. President, it proposes to make the action of that citizenship court of the Indian Territory and the work of the men who enrolled those ignorant Indians final and conclusive of the degree of blood, thereby determining their homestead rights.

Mr. President, I have before me to-day the report of the select committee to examine into these matters. On page 1521 of that report I find that in one family of the Chickasaw Nation—the McGee family—there are ten children—Dora, Annie, Florence, Mattie, John, Allison, Wade, Ruby, Oliver, and Elsie. All of these children were born of the same parents—the same father and the same mother. I find that nine of these children were enrolled as "nigger" Indians and the other one was enrolled as an Indian of the blood. Under this remarkable provision of the bill proposed by the Secretary of the Interior, the Indian child of the McGee family, who is enrolled as an Indian, gets 320 acres of land as a homestead and the nine other children, full brothers and sisters, of the McGee family, enrolled as "nigger" Indians, get but 40 acres of land as a homestead.

Gentlemen, is this fair? Is this right? A great deal of solicitude has been expressed during this session by the distinguished Senator from Ohio [Mr. FORAKER] as to the "nigger" race. I have seen these galleries packed until they were as black as midnight with that race of people to hear the distinguished Senator speak. Now, I appeal to the Senator from Ohio, if he really has such great love for the "nigger," I appeal to the Senator to give him his rights under the enrollment act of the Indian Territory. [Laughter.]

Mr. FORAKER. Mr. President, if the Senator wants to address himself to me, if he would speak a little bit louder I could hear him better. [Laughter.]

Mr. DAVIS. I have been informed that the Senator's hearing was somewhat impaired on this question, and that is why I speak so loud in this behalf.

Mr. President, I say that is not fair; it is not right. This Senate ought to have the information that is called for by this resolution. In this connection, Mr. President, I desire to submit as a part of my remarks, to be printed in the Record, the testimony of Mr. George A. Ward, law clerk of the Indian Office, before the Committee on Indian Affairs.

The VICE-PRESIDENT. Without objection, permission to do so is granted.

Mr. DAVIS. Mr. President, I am deeply interested in this resolution. It is not a party question. There is no politics in it. It is just a question as to whether or not this Government, charged with the solemn duty, charged with the solemn obligation to take care of these helpless, defenseless, and ignorant people, will permit their rights to be taken from them by means of legislation, the object and purpose of which, to my mind and to my understanding, is attempted to be concealed and covered by the language of the bill, removing restrictions from their allotted lands.

Mr. President, having said thus much in support of this resolution, I submit it without further discussion, trusting that no Senator will seriously oppose its adoption.

Mr. McCUMBER obtained the floor.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I was going to say to the Senator from Minnesota that this question will cause considerable discussion on both sides, and I was about to ask unanimous consent to proceed to the consideration of certain bills on the Calendar, this being the hour to consider those bills.

Mr. CLAPP. I will only take a moment, and my suggestions will not lead to any debate, I can assure the Senator from North Dakota.

Mr. McCUMBER. I will yield for that purpose, Mr. President, so that I may hold the floor until the Senator has concluded his remarks.

Mr. CLAPP. Mr. President, of course until the bill which was reported yesterday by the Senator from Oklahoma [Mr. OWEN] is up for consideration, I would withhold any argument bearing on the merits of that bill, nor do I at this time care to enter into an analysis of the criticisms of the Interior Department, which I shall take up at the proper time. This question is now pending before the Committee on Indian Affairs, and I see no objection whatever, Mr. President, if the preamble to this resolution is stricken out, to the adoption of the resolution, excepting——

Mr. DAVIS. I suggest that the Senator from Minnesota is out of order and that I am entitled to a vote on this resolution, unless something else——

Mr. CLAPP. I thought the Senator from Arkansas was speaking on the bill reported by the Senator from Oklahoma [Mr. OWEN]. I understood the Senator from Arkansas to refer to that bill.

Mr. DAVIS. No, sir; I simply offered an amendment before taking my seat, which was not at all pertinent or germane to the discussion in which the Senator indulged.

Mr. CLAPP. Was I mistaken when I thought I heard the Senator from Arkansas criticise the propositions of the bill which was reported yesterday?

Mr. DAVIS. Only in so far as this information is sought to correct it.

Mr. CLAPP. What I was saying was that I saw no objection to the adoption of the resolution if the preamble were stricken out. I really think the Senator ought to go over the resolution and so modify it as to frame its requests in such language as it will be proper for us to adopt. That, however, I leave entirely to him. If he consents to the striking out of the preamble, I am willing that the resolution shall be adopted.

Mr. DAVIS. I desire to have the resolution passed as presented.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. STONE. Mr. President, I do not care to make a speech, but I simply want to make a suggestion to the Senator from

Minnesota in regard to the resolution. If you strike out the preamble, whatever objection or criticism may be made of it, then the resolution ought to be reframed. For instance, the resolution reads:

Resolved, That the Secretary of the Interior be, and is hereby, directed to inform the Senate without delay—

First. By what authority or pretended authority of law said lands were withdrawn from allotment.

There are no words identifying the land except in the preamble.

Mr. CLAPP. I made the suggestion that the resolution ought to be redrafted.

Mr. CURTIS. I move that the resolution be referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. The Senator from Kansas moves that the resolution be referred to the Committee on Indian Affairs.

Mr. TELLER. Mr. President, I want to say a word or two about the resolution.

Mr. McCUMBER. I yielded to the Senator from Minnesota [Mr. CLAPP] for the purpose of making a statement, and I still have the floor.

Mr. TELLER. I deny that the Senator has the floor.

Mr. McCUMBER. The Senator is mistaken.

Mr. TELLER. He yielded the floor.

Mr. McCUMBER. I yielded the floor for a moment at the request of the Senator from Minnesota for the purpose of his making a statement and for that only, and so stated when I yielded.

Mr. TELLER. Mr. President, according to the precedents of the Senate, when the Senator sat down he had yielded the floor. At all events, I think he ought to give us a chance to dispose of this resolution.

Mr. McCUMBER. I have never heard, Mr. President, that the particular posture which a Senator assumed indicated whether he yielded or not.

Mr. TELLER. I do not want to take the time of the Senate. I merely desire to say a few words. I think this is a very extensive resolution; but I think it ought to pass in some shape, and I want to just say a word or two about the suggestion which has been made.

Mr. CURTIS. May I interrupt the Senator?

Mr. TELLER. Yes.

Mr. CURTIS. I agree with the Senator that the information asked for should be furnished the Senate, but I object to the preamble of the resolution. We have no right to agree to a preamble of that kind. The resolution ought to be worded by the Senator from Arkansas or by the Committee on Indian Affairs in such a way as to secure the information desired, and the information should be furnished the Senate; but we should not adopt a resolution with a preamble condemning the Secretary of the Interior for doing many things that we do not know whether he did or did not do and charging him with doing a number of things unlawfully.

Mr. TELLER. I do not know what the preamble is. It was read, of course, hurriedly, and I do not pretend to say whether or not it is in proper shape.

Mr. CURTIS. Let me read the first paragraph.

Mr. TELLER. No; I am not going to insist upon the preamble, so it is not a matter of consequence.

But, Mr. President, there ought to be an investigation or some inquiry into this condition down there. Let me state it in a very few words. All that land held in the Indian country was held by a patent from the United States. It was to be held in trust for the members of the tribes. I will not go into any extended discussion as to how they got their title, except that the courts have held that they have an absolute fee-simple title, and that is enough.

Some two years ago the Secretary of the Interior set apart a million and more acres of this ground for the purpose of a forest reserve. He had as much right to take my land in the State of Colorado and to make a forest reserve as he had to take this land from the Indians who were to share in its distribution.

In the first place, I should say we had a general statute touching all of this land. It was all to be allotted, or whatever was not necessary for the allotment was to be reserved and disposed of for the benefit of the Indians under the law. This land was appraised at 70 cents an acre, not because that was the real value of it, but its relative value, compared with other land, farm lands being sold at $3 an acre, and so on. The distribution of this land ought to be equitable. If a man should take land in the mountain country, he would only be charged at the rate of 70 cents an acre, and if he took some of the other he would have to pay at the rate of $3 an acre, or at least the proportion would be in that direction.

The Secretary of the Interior in this instance set aside the statute that required him to allot this land. Allotments had, of course, already been taken in this neighborhood. Thereupon he ordered that no more allotments of those lands should be made, and he withdrew the land for the purpose of making a forest reserve.

One of the reasons given why the forest reserve ought to be made was that it would be a delightful place for people who lived in the South to come up there and spend their summers, and that it would be a delightful game preserve. The United States was supposed to go into the game business, even as they have gone into almost every other kind of business in the last few years. This was done after that country had been by an act of Congress practically created into a State, waiting only for the action of the people to see whether they were willing to accept statehood under the conditions we had provided.

The committee of which I was a member and of which the chairman of the Committee on the Judiciary [Mr. CLARK of Wyoming] was the chairman called the Secretary of the Interior before us. We inquired why he had attempted, in the first place, to suspend the law of allotments, and, in the second place, by what authority he had taken the private property of the Indians and attempted to put it into a forest reserve? He said he had been requested so to do by the Department of Agriculture, and therefore he had done so. The committee discussed the matter with him, and the chairman said, in the presence of several persons, that he did not think that the Secretary had the right to do that, and he thought he should revoke the order at once. The Secretary said he would decline to do that. He said it was "up to Congress now to determine." Then I submitted a question. I said, "Mr. Secretary, suppose Congress does nothing, what are you going to do?" He said, "I think I shall go on in the same way I am going." That is to say, he would create a forest reserve. I do not refer to the present Secretary of the Interior, Mr. President, but the ex-Secretary.

The land is worth in the market $5 an acre, I venture to say. In the first place, they started out to make a great game preserve by a party in the Southwest buying this land. That met the approval of the Secretary of the Interior at that time. There was difficulty discovered in that, however, and then it was thought that the only way to do it was the way they have done, by providing a forest reserve.

Mr. President, I understand that that land is withdrawn from allotment to-day, and that no man can locate there, no matter how much he wants it nor what his right may be to it, because the Department says it does not fall within the provision of the statute. I regard it as the grossest usurpation of power that has ever occurred in this country, and I think the Senator from Arkansas [Mr. DAVIS] has done a service to the country in calling for the information. I agree with the Senator from Kansas [Mr. CURTIS] that it would be a proper thing to refer this resolution to the committee, and for the committee to report just what ought to be done; but I think the Senate ought to indicate to the committee that they do not mean to let this resolution be smothered.

Mr. CLAPP. Mr. President——

Mr. TELLER. I do not mean to say that the committee would smother it, but I think we owe it to these people to say that we intend to look after their interests.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. I yield to the Senator.

Mr. CLAPP. I simply want to say that this very matter is under investigation at the request of the Senator from Arkansas. The Secretary of the Interior and other witnesses will appear before the committee to-morrow. The matter will be proceeded with at the same time, but I have no objection at all to the adoption of this resolution at this time or its reference to the committee.

Mr. DAVIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Arkansas?

Mr. TELLER. I yield to the Senator from Arkansas.

Mr. DAVIS. I should like to ask the Senator from Minnesota a question. I want to ask the Senator from Minnesota if I did not on yesterday plead with the Committee on Indian Affairs to withhold the reporting of the bill removing restrictions upon allotted lands until we could complete this investigation and get the information sought to be had by this resolution?

Mr. CLAPP. Mr. President, after the committee, with the aid of the Senator from Arkansas——

Mr. DAVIS. Will the Senator please answer the question?

Mr. CLAPP. I am answering the question—had gone over that bill and put in language wherever it could be conceived to be necessary to safeguard against the foreclosing of any right of those who had not received allotments, the committee did refuse to accept his offer this morning as to an amendment to that bill.

Mr. DAVIS. It was not a question of the amendment, Mr. President. I desire to ask this question and have it answered by the Senator from Minnesota, if he will be kind enough to do so: Did I not insist that the committee withhold the reporting of the bill removing restrictions until we could get this very information for which this resolution asks?

Mr. CLAPP. Most certainly the Senator did.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. TELLER. I yield to the Senator from Kansas.

Mr. CURTIS. I understood the Senator from Minnesota to say he had no objection to passing this resolution. I understood from his former statement that he had objection to the preamble. That is what I object to.

Mr. CLAPP. Certainly; that is what I have already said. I said if the preamble were stricken out I should have no objection to the resolution.

Mr. DAVIS. Mr. President, I adopt the suggestion of the Senator from Minnesota that the preamble be stricken out and the resolution itself recast so as to describe in the body of the resolution the particular lands sought to be taken for a forest reserve. I have no objection to that; but, sir, I do seriously object at this late day in the session to having this matter sent to the Committee on Indian Affairs and there thrashed out for a week or ten days until the Congress adjourns. While the Committee on Indian Affairs would not purposely smother the resolution—and no member of that committee would do a thing wrong—yet, sir, in the very nature of things, the matter would be thrashed out and worn out there until this session adjourned. I think we ought to have this information. To send the resolution to the Committee on Indian Affairs means absolutely that we will not get it.

Mr. BEVERIDGE. Mr. President, will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. Certainly.

Mr. BEVERIDGE. I think the Senator from Colorado in his suggestion has pointed out the very plain, appropriate thing to do with this whole affair, and I hope the chairman of the committee will agree to it.

Mr. CLAPP. As the chairman of the committee, I beg leave to make the suggestion, in order that there may be no possible question as to expedition, that the Senator from Arkansas adopt my suggestion—redraft the resolution with the preamble left off and present it here for immediate acceptance.

Mr. DAVIS. I will do that.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. I yield to the Senator from Texas.

Mr. CULBERSON. Mr. President, the suggestion of the Senator from Missouri [Mr. STONE] strikes me with force that the adoption of the resolution without the preamble would not explain fully to the Secretary of the Interior the information desired. During the colloquy which has taken place since the Senator from Missouri sat down I have gone over the preamble and have run a pencil through such phrases or words as "unlawfully," "by pretended authority," and "arbitrarily and in violation of law." With those words stricken out I think the preamble in the copy of the resolution which I have is not at all objectionable. It recites certain facts, without charging that the Secretary of the Interior had "unlawfully" done so and so, and then asks, in view of those facts, certain questions. For instance, the first whereas is:

Whereas several thousand persons of Choctaw or Chickasaw Indian blood and descent have been unlawfully denied allotments of land.

I have stricken out the word "unlawfully." There is no question but what they have been denied allotment. So down to the fourth whereas, which reads:

Whereas the Secretary of the Interior has without authority of law arbitrarily—

I have stricken out the words "without authority of law arbitrarily," so as to read:

Whereas the Secretary of the Interior has withdrawn from allotment approximately 1,373,000 acres of land—

And so on down through the entire paragraph.

I have it here. In that form it is not objectionable, and it meets the suggestion of the Senator from Missouri. It presents the facts to the Secretary of the Interior so that his answer may be definite and intelligent with reference to the facts desired to be inquired about.

Mr. CLAPP. Mr. President, it seems to me that the preamble is too long a recital for us to attempt to adjust in that way. My proposition is that the Senator from Arkansas take the resolution, eliminate the preamble, adjust the resolution, bring it in here—it can be done in half an hour's time—and adopt it by unanimous consent, which will expedite action upon it more rapidly than could be done in any other way.

Mr. TELLER. Mr. President, I should like to say a word about this preamble. It is God's truth. There is no question about that. It may not be courteous, perhaps, to put it in its present form, but it is absolutely true. Will any Senator here say, Mr. President, that the Secretary of the Interior could ignore a statute of the United States that is put around him, or will any Senator here say that, for however benevolent a purpose the Government might want this land, the Government could take it without the consent of the Indians? We were told by the officers in the report made on this subject that it would be a profitable thing, and that the Government in a little while could sell timber enough to pay for all of the land; in other words, the Government was to make money out of the property of its wards. Mr. President, the less said about this the better it will be for the credit of the United States. I should like to see the preamble amended so that everybody could vote for it.

Mr. DAVIS. I will accept the amendment.

Mr. CLAPP. If the resolution is amended as suggested, the preamble will be no part of the resolution.

Mr. TELLER. It will be a part of it when it passes.

Mr. CLAPP. Referring to the third paragraph, the present Secretary perhaps is not maintaining the withdrawal which was made by a former Secretary, but any Senator reading that would take it to mean that the present Secretary has arbitrarily made this withdrawal. There are a great many things in the preamble. Some of them should be dropped. It seems to me that the preamble should be eliminated, and that the Senator from Arkansas should be permitted to perfect the resolution.

Mr. TELLER. I am willing to dispense with the preamble entirely.

Mr. PAYNTER. Mr. President, I wish to call attention to the fact that even if the preamble is stricken out the resolution would be equally objectionable, for the reason that it refers to certain rights having been "unlawfully denied." In the eleventh clause of the resolution language appears as follows:

Why said Secretary has not reported the true facts to Congress with reference to the rights of those persons who have been unlawfully denied enrollment as blood citizens of said tribes, in order that Congress might provide for the correct enrollment of said blood citizens.

The same objectionable language appears in clause 12 of the resolution. The Secretary is asked why it is he has recommended certain legislation with reference to this matter, and then it is added:

And has thereby attempted to induce Congress to enact legislation designated for the purpose of legalizing said unlawful enrollments, and why he did not inform Congress of the real object sought to be accomplished by said proposed bill.

It seems to me the resolution is really more objectionable than the preamble. I am very much in favor of a resolution which would secure the information sought by the one under consideration. However, I desire one couched in respectful terms.

Mr. CURTIS. Unless the resolution is withdrawn for the purpose of amending it, I shall insist upon my motion to refer it to the Committee on Indian Affairs.

Mr. DAVIS. I had no purpose myself in introducing the resolution to be disrespectful to the Secretary of the Interior, but I certainly am glad that the distinguished Senator from Colorado [Mr. TELLER], a man full of years, whose every word is full of truth, has spoken on this subject. I do not care anything about the language of the resolution. Therefore, with the permission of the Senate, I accept the suggestion of the Senator from Minnesota and ask that the resolution be temporarily withdrawn, in order that it may be modified, to be submitted in a real short time.

Mr. CURTIS. I have no objection to withdrawing the resolution, so far as I am concerned.

The VICE-PRESIDENT. Without objection, permission is granted.

PENSION LEGISLATION.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of pension bills on the Calendar.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of pension bills on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

The bill (H. R. 18930) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was announced as the first business in order under the unanimous-consent agreement, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, line 19, before the word "dollars," to strike out "twenty-five" and insert "seventeen," so as to make the clause read:

The name of Carrie L. Poole, widow of Theodore L. Poole, late first lieutenant Company H, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving and $2 per month additional on account of a minor child of the soldier until such child shall arrive at the age of 16 years.

Mr. McCUMBER. I ask that the committee amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 15, line 17, before the word "dollars," to strike out "fifteen" and insert "twelve," so as to make the clause read:

The name of Henry Hammond, late of Company E, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 16, after the words "rate of," to strike out "twenty-four" and insert "twenty," so as to read:

The name of America H. Adams, widow of William G. Adams, late of Company G, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 11, before the word "dollars," to strike out "twenty-four" and insert "twenty," so as to make the clause read:

The name of Frances Crain, widow of Seburn S. Crain, late of Company G, One hundred and twenty-eighth Regiment, and Company C, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 15, to strike out:

The name of N. Martin Curtis, late captain Company G, Sixteenth Regiment, and colonel One hundred and forty-second Regiment, New York Volunteer Infantry, and brigadier-general, United States Volunteers, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 24, to strike out:

The name of Catherine Boykin, widow of Jabez Boykin, late of Company G, One hundred and twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 26, line 12, before the word "dollars," to strike out "twelve" and insert "eight," so as to make the clause read:

The name of Lizzie Duncan, widow of Robert Duncan, late of Company H, Eleventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 6569) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to place on the pension roll the names of—

Daniel J. Fox, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension of $24.

Sue Webb Cooke, widow of Robert H. Cooke, late acting assistant surgeon, United States Army, and pay her a pension of $12.

Alfred W. Gilkinson, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

James K. Brewer, late of Company B, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension of $30.

Samuel V. List, late of Company A, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension of $24.

William C. Beebe, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension of $30.

Sumner L. Warner, late of Company B, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension of $30.

Thomas Burton, jr., late of Company E, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

Sarah L. Procter, widow of George W. Procter, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension of $16.

Elisha Johnson, late of Company B, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension of $30.

Oliver Bruch, late of Company C, Eleventh Regiment New Jersey Volunteer Infantry, and pay him a pension of $24.

Lyman M. Aldrich, late of Company I, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension of $30.

John T. Hutchins, late of Company E, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension of $24.

William Stevens, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension of $40.

May de Forest Young, helpless and dependent child of Harrison de Forest Young, late captain Company A, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension of $12.

Anna Shaw, widow of William Shaw, late of Company E, Twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension of $20.

Alice C. Risley, widow of Samuel A. Risley, late of Company C, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and Signal Corps, United States Army, and pay her a pension of $20.

Thomas B. Fogle, late of Company D, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension of $30.

Caroline Lankford, widow of Robert Lankford, late of Company G, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension of $12.

John Byrns, late of Company H, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

Christopher Urich, late of Company G, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

Freeland Young, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, and Seventh Battery, Maine Volunteer Light Artillery, and pay him a pension of $24.

Gudson Revis, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension of $24.

Alice A. Johnson, widow of William M. Johnson, late of Company F, Sixth Regiment Missouri State Militia Cavalry, and Company A, Thirteenth Regiment Missouri Volunteer Cavalry, and pay her a pension of $12 per month and $2 per month additional on account of each of the minor children of said William M. Johnson until they reach the age of 16 years.

Samuel H. Slaught, late of Company A, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension of $30.

Eurith Knight, widow of Frederick Knight, late second lieutenant Company E, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension of $15.

Henry R. Stevens, late major Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension of $30.

William E. Barnes, late of Company H, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension of $30.

David A. Stewart, late of Company A, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

Joseph G. Shank, late of Company A, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension of $30.

John W. Childers, late of Company A, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension of $30.

Hugh R. Schoonover, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension of $24.

John P. Martin, late of Company C, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension of $24.

James McLaughlin, late of Company B, Third Regiment New York Volunteer Light Artillery, and pay him a pension of $24

John W. Kidd, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension of $24.

Oscar F. Miller, late of Company C, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension of $36.

William A. Wallace, late of Company C, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension of $30.

John Trezise, late of Company F, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension of $24.

Thomas Keys, late of Independent Company, attached to Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $30.

Asa Wren, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

Rhoda Bissell Thomas, widow of Charles W. Thomas, late first lieutenant Captain Vaughn's independent battery, Illinois Volunteer Light Artillery, and pay her a pension of $40.

Johnson Hinton, late of Company G, Sixty-ninth Regiment New York State Militia Infantry, and pay him a pension of $20.

John Rodgers, late of Company A, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension of $30.

Gustaf Alstrand, late of Company H, First Regiment Illinois Volunteer Light Artillery, and pay him a pension of $30.

Lucy E. Suzer, widow of Gilbert Suzer, late of Company C, First Regiment Michigan Veteran Volunteer Infantry, and pay her a pension of $12.

William H. Isenberg, late of Company I, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

Perry Harter, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension of $24.

Catherine Greelish, widow of John Greelish, late captain Company E, Eighth Regiment Kansas Volunteer Infantry, and Company F, Fifteenth Regiment Veteran Reserve Corps, and pay her a pension of $20.

Reuben A. Ketchum, late of Battery K, First Regiment Illinois Volunteer Light Artillery, and pay him a pension of $24.

William L. West, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension of $24.

Ormond D. Kimball, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension of $30.

James R. Moses, late of Company G, Eleventh Regiment, and Company D, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension of $30.

William C. Brooks, late captain Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension of $30.

Tyra Montgomery, late first lieutenant Company K, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension of $12.

Edwin J. Barber, late second lieutenant Seventeenth Independent Battery, New York Volunteer Light Artillery, and pay him a pension of $30.

Esward C. Emerson, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension of $30.

Elisha W. Cross, late of Company C, First Rhode Island Volunteer Light Artillery, and pay him a pension of $30.

Stephen A. Reid, late of Company D, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

William H. Thompson, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

James M. Zumwalt, late of Company M, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension of $24.

Cassius C. Wertz, late of Company C, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24.

Timothy Hayne, late of U. S. S. *Alleghany*, United States Navy, and pay him a pension of $24.

William Milford Ingraham, late first lieutenant Company C, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension of $20.

William A. Stewart, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension of $24.

John Murray Murch, late of Company D, Maine Volunteer Coast Guards, and pay him a pension of $24.

Maria B. Wheaton, widow of Frank Wheaton, late major-general United States Army, and pay her a pension of $50.

Edwin A. Chase, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension of $24.

James S. Wheeler, late of Company F, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

John F. Leach, late of Battery A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension of $30.

William Mitchell, late of Company F, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension of $36.

Henry W. Howe, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension of $30.

Harriet E. Noble, widow of Henry B. Noble, late captain Eighth Regiment United States Infantry, and pay her a pension of $30.

George H. Pettis, late first lieutenant and adjutant First Regiment New Mexico Volunteer Infantry, and pay him a pension of $30.

Seymour Camp, late of Company D, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension of $30.

James Gorman, late of U. S. S. *Ohio*, *Brooklyn*, and *Fort Jackson*, United States Navy, and pay him a pension of $24.

Rolando S. Fuller, late of Company G, Second Regiment New York Volunteer Cavalry, and pay him a pension of $24.

Alexander Burleigh, late of Company B, Sixth Regiment Maryland Volunteer Infantry, and pay him a pension of $30.

Anna A. Foster, widow of Charles W. Foster, late major and quartermaster, United States Army, and pay her a pension of $30.

Grace F. Jacobs, widow of J. W. Jacobs, late colonel and assistant quartermaster-general, United States Army, and pay her a pension of $40.

Jasper Taylor, late of Company E, Eighteenth Regiment Wisconsin Volunteer Infantry, and Company C, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension of $30.

William F. Willis, late of Company K, First Regiment Eastern Shore Maryland Volunteer Infantry, and pay him a pension of $36.

Ella Richmond Shaw, helpless and dependent daughter of George R. Shaw, late of Company F, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension of $12.

William Tremper, late of Company G, Eighth Regiment Veteran Reserve Corps, and pay him a pension of $24.

Henrietta S. Kimball, widow of Abner D. Kimball, late of Company I, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension of $12.

Abraham J. Buckles, late second lieutenant Company E, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension of $55.

Watson R. Gribbin, late of Company E, Thirteenth Regiment Maine Volunteer Infantry, and pay him a pension of $30.

Cornelia Foster, widow of Uriah Foster, late of Company E, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension of $16.

Fred Reed, late of Company B, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension of $30.

Ira W. Wheeler, alias Charles Smith, late of Troop L, Sixth Regiment United States Cavalry, and pay him a pension of $24.

Tabitha Evaline Dumond, widow of David R. Dumond, late of Company E, Nineteenth Regiment, and Company E, Twentieth Regiment, Indiana Volunteer Infantry, and pay her a pension of $16.

Hannah T. Maddox, widow of Billings Maddox, late of Company B, Sixth Regiment Maine Volunteer Infantry, and pay her a pension of $16.

Margaret Allison, widow of William Allison, late of Company B, Fifth Regiment Delaware Volunteer Infantry, and Company A, Seventh Regiment Delaware Volunteer Infantry, and pay her a pension of $12.

Charles F. French, late of Company G, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension of $24.

James T. P. Bucklin, late major Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension of $30.

Randolph Holding, late of Company E, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension of $30.

Mr. McCUMBER. I wish to call attention to page 12, lines 15 to 17. Let the Secretary read it.

The VICE-PRESIDENT. The Secretary will read the lines mentioned.

The Secretary read as follows:

The name of Maria B. Wheaton, widow of Frank Wheaton, late major-general, United States Army, and pay her a pension at the rate of $50 per month.

Mr. McCUMBER. I wish to make just one remark in reference to this item. One of the rules of the Committee on Pensions reads as follows:

No increase of pension to widows will be recommended above the general-law rating except in case of destitution, to be substantiated by competent testimony, and the word "destitution" will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases.

The evidence in this case shows that the claimant is in receipt of an income of about $2,500. An adverse report was made by the chairman of the committee, and I will ask, without having it read, unless some Senator desires to have it read, that the adverse report be printed in the RECORD in connection with my remarks upon this subject.

The report referred to is as follows:

Mr. MCCUMBER, from the Committee on Pensions, submitted the following minority adverse report, to accompany S. 5534:

Mr. MCCUMBER submits the following adverse report on the bill (S. 5534) granting a pension to Maria B. Wheaton, widow of Frank Wheaton, late major-general of the United States Army:

The statement of Maria B. Wheaton, filed with your committee, is to the effect that she has an income of something over $2,000 per annum from property left by her husband. It is not the intention of this adverse report to in any way belittle the gallant and meritorious services of the distinguished officer. But inasmuch as the pension committees of Congress were created to consider a few claims which, from their peculiar circumstances of extreme disability or destitution, could not secure adequate relief at the Bureau, and also to consider claims, some of which were necessarily rejected by the Bureau, for the reason that they are not covered by any existing laws, and others which were rejected on legal or medical technicalities which Congress could set aside, and not for the purpose of granting pensions upon the services of the soldiers, it is not believed this case would come within the category of cases properly provided for by special act of Congress.

It is not believed to have been the intention of Congress that the Government should provide full support for soldiers or their widows, but it is believed that pensions should be granted to prevent absolute want and suffering on the part of any soldier or his widow, and pension legislation should be restricted to cases of extreme destitution, where assistance is rendered imperative. The committee has adopted a rule which provides that the word "destitution" will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow, and it will not be contracted or expanded to meet any particular case. In this case, with an income of over $2,000 a year, it can not be held that Mrs. Wheaton is in any sense destitute. Your committee has repeatedly refused to consider or favorably report bills where it was shown that the widows were in receipt of incomes considerably less than that of Mrs. Wheaton. And it is held that if it is the intention of Congress to grant large pensions to the widows of officers a general law should be enacted to provide for all cases, and not make exception of occasional cases by special act. While the services of some officers may have been more hazardous than those of others, yet, as a whole, every officer performed the duties of his position to the best of his ability, and the fact that circumstances placed him in exceptionally hazardous service should not be taken into consideration in considering pension claim of his widow when his death was not due to the service. The passage of this bill to grant Mrs. Wheaton a pension of $50 per month is clearly in violation of the rules of the committee, and if this bill should become a law the widows of other officers similarly situated should, in common justice, receive equal recognition. It is therefore recommended that the clause in the bill to grant a pension to Maria B. Wheaton be stricken out.

Mr. MCCUMBER. I do that simply to indicate that it is not the policy of the Pensions Committee to vote to grant any widow a pension of $60 a month, no matter what her income may be. I can but feel that if we want to give the widow of every general a rating of $50 per month, we ought to give it by a general law, to apply to every one the same, and not to select some particular cases, and allow one widow, who has an income of $2,500 a year, $50, and cut off one who has an income of a thousand dollars a year.

This, however, is the report of the Committee on Pensions, due undoubtedly to a recognition of the splendid services of General Wheaton. I want to say now that it is given by the committee as an exception, and is not in accordance with the rules. I will not move to strike it out, but I want to have this statement go on record.

Mr. MCCREARY. Mr. President, the chairman of the Committee on Pensions has asked that the adverse report be printed in the RECORD. I ask that the report of the committee on this case be printed in the RECORD.

The VICE-PRESIDENT. Without objection, permission is granted.

The report is as follows:

S. 5534. Maria B. Wheaton is the widow of Frank Wheaton, a distinguished soldier of the Volunteer Army and Regular service, who, first appointed a first lieutenant March 3, 1855, rose through all grades to major-general, which rank he bore at the time of his retirement, May 8, 1897.

Born May 8, 1833, Frank Wheaton was educated for the profession of civil engineer at Brown University, Providence, R. I., from which institution he received the degree of master of arts. In July, 1850, he was appointed an assistant in the United States and Mexican boundary survey, and served thereon in various localities for several years. While engaged on this survey encounters with hostile Comanches, Apaches, and other Indians were frequent, and his services were made known to the War Department, resulting in his receiving the appointment of first lieutenant, First United States Cavalry. His active service with the Army continued for over forty-two years. A statement thereof is furnished by the War Department, being as follows:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, September 25, 1903.

SIR: Referring to your letter of the 16th instant, addressed to The Adjutant-General of the Army, and transmitted to this office, to which the subject pertains, in which you request the military record of the late Maj. Gen. Frank Wheaton, United States Army, I have the honor to inform you as follows:

It is shown by the records that Frank Wheaton, of Rhode Island, was appointed first lieutenant, First Cavalry, March 3, 1855; captain, same regiment, March 1, 1861, the designation of which regiment was changed August 3, 1861, to the Fourth Cavalry; appointed major, Second Cavalry, November 5, 1863; lieutenant-colonel Thirty-ninth Infantry, July 28, 1866, and was transferred to the Twenty-first Infantry March 15, 1869; appointed colonel, Second Infantry, December 15, 1874; brigadier-general, April 18, 1892; major-general, April 2, 1897, and was retired as major-general, United States Army, May 8, 1897. He died June 18, 1903, at Washington, D. C.

He was brevetted lieutenant-colonel May 5, 1864, for gallant and meritorious services in the battle of the Wilderness, Virginia; brevetted colonel October 19, 1864, for gallant and meritorious services in the battle of Cedar Creek, Virginia; brevetted brigadier-general March 13, 1865, for gallant and meritorious services in the capture of Petersburg, Va., and brevetted major-general March 13, 1865, for gallant and meritorious services during the war.

During a part of the period of his service in the Regular Army he also had volunteer service as follows: Was mustered into service July 12, 1861, as lieutenant-colonel, Second Rhode Island Infantry Volunteers, to serve three years; mustered in as colonel, same regiment, to date July 22, 1861; was appointed brigadier-general of volunteers November 29, 1862, and accepted the appointment December 14, 1862, and was mustered out as such April 30, 1866, his service in the volunteer army being no longer required.

He was brevetted major-general of volunteers to date October 19, 1864, for gallant and meritorious services in the battles of Opequan, Fishers Hill, and Middletown, Va.

Very respectfully,
F. C. AINSWORTH.
Chief Record and Pension Office.

Hon. GEORGE PEABODY WETMORE,
United States Senate.

General Wheaton's services before and since the war were largely rendered in the West, he being actively engaged in numerous campaigns against hostile Indians. During the war he rendered efficient and gallant services, taking part in many of the battles of that great conflict and receiving numerous brevets for gallant and meritorious services. In July, 1866, he received from his native State, Rhode Island, a sword of honor, inscribed as follows:

"Presented to Brevet Major-General Frank Wheaton, United States Volunteers, for gallant and meritorious services during the war, and especially at the battles of Opequan, Fishers Hill, and Middletown, by the State of Rhode Island, through James Y. Smith, governor, in conformity with a general resolution of the general assembly, passed at the January session 1865."

He commanded the Department of Texas from June 2, 1892, to May 16, 1895, and the Department of the Colorado from May 25, 1895, to the date of his retirement.

General Wheaton died in this city July 18, 1903. The cause of his death was cerebral hemorrhage from arterio-selerosis.

The following letter from Doctor Nash relative to the death of General Wheaton should be taken into consideration.

OFFICE OF ATTENDING SURGEON, UNITED STATES ARMY,
Washington, D. C., October 13, 1903.

I hereby certify that I had the late Maj. Gen. Frank Wheaton, U. S. Army, under my professional observation at various times from October, 1901, to the date of his death, June 18, 1903, and that I attended him professionally in his last illness.

He died from cerebral hemorrhage, the result of arterio-sclerosis (hardening of his arteries).

He also had an enlarged prostate and partial paralysis of the bladder.

It is reasonable to regard riding on horseback, of which he necessarily had a great deal to do, as an exciting cause of the prostatic and bladder trouble, symptoms of which manifested themselves before his retirement from active service.

In my opinion the arterio-sclerosis had its origin prior to retirement, and was naturally influenced by the nature of the life and the character of the food that was imposed on him by the conditions of his office.

Going on sick report is as a rule distasteful to the officers of the Regular Army.

This seems to have been the case with General Wheaton, as I am informed that there is no medical record of him except for yellow fever.

That he should have passed a reasonably long life, under the conditions which he had to live, without being sick a day otherwise than the yellow fever, is absurd and incredible, and the absence of his name from the sick list can only be attributed to his extreme devotion to duty, which forced him to do his work when sick.

F. S. NASH, M. D.

Mrs. Wheaton married the officer January 14, 1867, and her claim for pension at the Bureau was rejected for the reason that she could not prove her husband's fatal disease to be contracted during his active service in the Army. She was not eligible to pension under the act of June 27, 1890, for the reason that her income was in excess of $250 per year. In her own behalf, Mrs. Wheaton states that she has an income of something over $2,000 per year, but that she has dependent upon her a daughter whose husband was killed in the Spanish war at Santiago, and also an old lady who has been in the family for years, and that by the strictest economy she is able to provide for herself and those dependent upon her the necessities of life.

In view of the long and distinguished service of the gallant officer, the majority of your committee believe they are justified in waiving in this case the rule of the committee as to income of the widow, and therefore they recommend that Mrs. Wheaton be allowed a pension at the rate of $50 per month.

Mr. MCCREARY. Mr. President, I do not differ with the Senator from North Dakota [Mr. MCCUMBER] in the policy which, I think, the Committee on Pensions has wisely adopted, but there are exceptions to all rules, and this is an exception. The Committee on Pensions thought it was an exception, because every member of the committee except the chairman voted in favor of giving Mrs. Maria Wheaton a pension of $50 per month. I have here a list of 111 cases where pensions amounting to from $50 to $200 per month have been granted to the widows of major-generals, brigadier-generals, colonels, and lieutenant-colonels.

I am a member of the Committee on Pensions, and I endeavor to do justice to all applicants for pensions. I take an interest in the application of Mrs. Wheaton for a pension, because after careful examination I am satisfied she should have a pension of

at least $50 per month. The husband of Maria B. Wheaton served forty-two years in the United States Army. He entered the Federal Army as a lieutenant at the beginning of the civil war and was retired as a major-general, United States Army, in 1897.

I never met Mrs. Wheaton until a few weeks ago. She called to see me, as she did other members of the committee. I never met her distinguished husband, Gen. Frank Wheaton, unless I met him in Virginia during the civil war where we fought on different sides and where he was a Federal soldier and I a Confederate soldier. He was five times promoted for gallant and meritorious service on the battlefield, and when the civil war ended his State, Rhode Island, presented him with a sword, and when he died the State of Rhode Island erected a monument to his memory.

Mr. President, as the years roll by and we get further and further away from the animosities of the war and the horrors of civil strife, the excellence and the merit of those who honestly and conscientiously fought for what they believed to be right become more apparent, and brave and faithful soldiers are ready to do justice to gallant and worthy soldiers, no matter in what army they fought.

Mrs. Wheaton is now three-score years of age. For thirty-six years as the wife of General Wheaton she shared his pleasures and often endured with him hardships and trials. She has suffered more than any woman I know of. She has buried her husband and six children. She now, in her old age, asks for a pension, and the committee has made a report in behalf of Mrs. Wheaton, and reported in favor of giving her $50 a month, although widows of other major-generals are today receiving $100 a month.

I wish the Senate to remember that at this very session we have given $125 per month each to the widow of Doctor Reed, to the widow of Doctor Allen, to the widow of Doctor Lazear, three men who risked their lives to determine whether the mosquito transmitted yellow fever; and they decided that question and made a great and valuable discovery. I honor their memory, and I voted to give their widows the pensions they asked for. These men imperiled their lives once, but General Wheaton imperiled his life many times on many battlefields.

The only argument presented by the Senator from North Dakota in his adverse report and in his speech just made is that Mrs. Wheaton has an income of about $2,000. She deserves praise for candidly and truly stating her income. It is important, however, to state that the adverse report does not refer to all of Mrs. Wheaton's statement. She said in her written statement that she has dependent upon her a daughter, whose husband was killed in the Spanish war at Santiago, and three grandchildren, and also an old lady, who has been in the family for many years; and she told me she paid her taxes out of the income referred to, and it was only by the strictest economy she is able to provide the necessaries of life for herself and those dependent upon her.

Mr. President, it is not necessary for me to say more about this interesting and just application for a pension. I know of no more meritorious case. I believe, and all but one of the Committee on Pensions believe, that Mrs. Wheaton should have a pension of $50 per month, and I believe the Senate will indorse our report.

Mr. McCUMBER. I move to strike out lines 9 to 12, inclusive, on page 15, the party having died.

The VICE-PRESIDENT. The Senator from North Dakota proposes an amendment, which will be stated.

The SECRETARY. Strike out lines 9 to 12, inclusive, on page 15.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6625) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension at the rate stated per month the following persons:

Frank Kasshafer, alias Frank Snyder, late of Company G, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and Troop B, First Regiment United States Cavalry, and pay him a pension of $24.

Charles Duggan, late of Company D, Twenty-eighth Regiment Connecticut Volunteer Infantry, and landsman, U. S. S. *Victoria*, *St. Lawrence*, and *Poppy*, United States Navy, and pay him a pension of $24.

Timothy Covell, jr., late of Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension of $24.

Sarah Pennock, widow of William T. Pennock, late first lieutenant, First Regiment United States Cavalry, and pay her a pension of $25.

John M. Burk, late of Company A, Fourth Regiment Delaware Volunteer Infantry, and Ninety-fifth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension of $24.

Simon G. Cutting, late of Company I, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension of $30.

William B. Scott, late of Company B, Tenth Regiment New York Volunteer Cavalry, and pay him a pension of $50.

William T. Smith, late of Company B, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension of $24.

Thomas Moore, late of Company G, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension of $30.

Sarah A. Creed, widow of John C. Creed, late of Company D, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension of $20.

Winifred Flynn, widow of Thomas V. Flynn, late of Company D, Eighth Regiment New Jersey Volunteer Infantry, and pay her a pension of $12.

John H. Stover, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension of $24.

Thomas Heimbach, late captain Company B, Seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension of $30.

George G. Sherlock, late of Company I, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension of $24.

John F. Young, late of Company K, First Regiment Ohio Volunteer Cavalry, and pay him a pension of $30.

Addison Baker, late of Company C, and quartermaster-sergeant Third Regiment Indiana Home Guards, and pay him a pension of $24.

Charles L. Morrison, late of Company A, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension of $30.

Martin B. Wilson, late of Company K, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

Laura W. Russell, former widow of Almon A. Spooner, late of Company B, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension of $8.

Stephen D. Taber, late of Company H, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension of $24.

John L. Smith, late of Company B, Fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24.

George T. Miller, late of Company I, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

Thomas B. Lewis, late captain Company B, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension of $24.

William A. Reilly, late second lieutenant Company B, First Battalion Fremont Rangers, Missouri Home Guards, and pay him a pension of $12.

Thomas A. Skrivan, late of Company K, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension of $24.

Joseph C. Lambert, late of Company D, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and Company G, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension of $30.

Elijah Johnson, late of Company K, Second Regiment Pennsylvania Volunteer Artillery, and pay him a pension of $24.

Alfred O. Smith, late of Company H, Third Regiment New York Volunteer Light Artillery, and pay him a pension of $24.

John H. Carter, late of Company A, Third Regiment Kentucky Volunteer Infantry, and pay him a pension of $30.

Jefferson Wood, late of Company F, Eighth Regiment Iowa Cavalry, and pay him a pension of $24.

Silas L. Ashley, late of Company F, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension of $36.

Lucy E. Gregory, widow of Stephen Gregory, late of Company E, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay her a pension of $12.

Joseph S. Works, late of Company K, Ninth Iowa Volunteer Cavalry, and pay him a pension of $24.

James Shaahan, late of Company F, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension of $24.

Corter J. Brazee, late of Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $30.

Charles H. Goss, late of Companies I and C, Seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension of $24.

Royal E. Dake, late commissary-sergeant First Regiment New York Veteran Volunteer Cavalry, and pay him a pension of $30.

William S. McCormish, late of Company G, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension of $24.

Cynthia A. Lapham, widow of William B. Lapham, late first lieutenant Company F, Twenty-third Regiment Maine Volunteer Infantry, and Seventh Battery, Maine Volunteer Light Artillery, and captain and assistant quartermaster, United States Volunteers, and pay her a pension of $25.

James Wilson, late of Company I, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension of $24.

Andrew H. Yeazell, late first lieutenant and captain Company I, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension of $24.

Daniel Champlin, late captain Company H, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension of $30.

Solomon Holsey, late of Company A, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

Jud Morrow, late of Company C, Eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension of $24.

Charles E. Bowman, late of Company I, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension of $24.

Toor Anderson, late of Company B, Thirty-fourth Regiment Wisconsin Militia Infantry, and pay him a pension of $24.

Hiram E. Turner, late first lieutenant Company K, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension of $30.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 1062) granting an increase of pension to Charles C. Weaver was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "laws," to strike out "the name of Charles C. Weaver, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving," and insert "the name of Charles C. Weaver, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving," and to insert:

The name of Andrew Goddard, late of Companies M and H, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Marshall W. Rogers, late of Company G, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Jordan, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mittie Choate, widow of George W. Choate, late of Company B, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Davis E. James, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Patrick Grady, late of Company B, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Lane, late of Company I, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McNally, late of Company F, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Shelton Canfield, late of Company H, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Keefe, late of Company A, Second Regiment United States Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alonzo Knox, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip Bowers, late of Company M, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Wiffin, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Wagner, late of Company F, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Griffith T. Murphy, late of Company B, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Newton, late of Company C, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry M. Waters, late of Company H, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin L. Bruce, late of Company G, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Rickey, late of Company A, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Anderson, late of Company A, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. McCUMBER. I move to amend the amendment of the committee by striking out lines 23 and 24 on page 4 and lines 1 and 2 on page 5.

I will state that the reason for the amendment to the amendment is that the same claimant is taken care of in another bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting pension and increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors."

The bill (H. R. 1991) granting an increase of pension to Jerry Murphy was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions, with an amendment, to strike out after the word "laws," in line 5, down to the end of line 9, as follows:

The name of Jerry Murphy, late of Troop H, United States Mounted Rifles, Texas and New Mexico Indian disturbances, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

And to insert the following:

The name of Jerry Murphy, late of Troop H, United States Mounted Rifles, Texas and New Mexico Indian disturbances, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Frank Z. Curry, late second lieutenant of Company B, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Roy L. Jones, late of Company L, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Harris Alvin Conrad, minor child of Alvin S. Conrad, late of Company L, Sixth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month until he reaches the age of 16 years.

The name of Harry L. Orendorff, late seaman U. S. S. Newport, United States Navy, and pay him a pension at the rate of $24 per month.

The name of James Barbour, late of Company A, Third Regiment United States Infantry, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Jorge Benavides Anderson, widow of Tandy K. Anderson, late of Capt. M. B. Lamar's independent company Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of James J. Callan, late of Company E, Second Regiment United States Cavalry, and pay him a pension at the rate of $8 per month.

The name of Margaret C. Storts, widow of Charles Henry Storts, late of Company I, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Jennie H. Thomas, widow of Edward L. Thomas, late second lieutenant Captain Loyall's company Georgia Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Louisa E. Price, widow of Edmund Price, late of Company H, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Angeline Phillips, widow of William Phillips, late of Captains Dayton and Field's companies, District of Columbia Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Eliza J. Walker, widow of William C. Walker, late of Captain Smith's company, Colonel Young's Regiment Texas Cavalry, war with Mexico, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John Hearn, late of Company E, Sixty-ninth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Penelope L. Newman, widow of James Newman, late of Company E, Battalion of Mississippi Volunteer Riflemen, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Ophelia J. Gordon, widow of Thomas M. Gordon, late of Company G, Second Regiment Tennessee Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Maggie Z. Tarter, widow of William W. Tarter, late of Company H, Sixth Regiment United States Infantry, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said William W. Tarter until they reach the age of 16 years.

The name of Samuel W. Burt, late of Captain Henry's company, South Carolina Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Emeline M. Strong, widow of John Strong, late of Company F, First Regiment Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Noble Saxton, late of Captain Sheffield's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Anna Borkowski, dependent mother of Frank Borkowski, late of Company D, Second Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Martha C. Pace, widow of Alexander Pace, late of Captains Crute and Allen's companies, Georgia Mounted Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Peter A. Rainbolt, late of Captain Boling's Company B, Mounted California Volunteers, California Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William Goulding, late of Battery F, Second Regiment United States Artillery, Florida Seminole Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John Lichtenberger, late of Company C, Ninth Regiment Illinois Infantry, war with Spain.

The name of Eliza D. Ramey, widow of William Ramey, late of Captain Roger's company, Alabama Mounted Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary Hutchinson, widow of Burrel B. Hutchinson, late of Company H, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Sterling A. Galt, late of Company G, First Regiment North Dakota Infantry, and Company F, Thirty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Tillman L. Lafferty, late of Company D, Twenty-sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Elizabeth Norton, widow of Charles F. Norton, late hospital steward, Third Regiment Texas Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said Charles F. Norton until she reaches the age of 16 years.

The name of Sarah E. Willis, widow of Piatte A. Willis, late of Company B, Second Regiment Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Martha Marble, widow of John K. Marble, late of Company A, Fifth Regiment Louisiana Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Martha E. McDonald, widow of William P. McDonald, late of Company E, First Regiment Missouri Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Louisa J. Long, widow of Martin L. Long, late of Captain Price's company, Georgia Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary A. L. Hawk, widow of George F. Hawk, late ensign, United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Rebecca Williams, widow of Augustus H. Williams, late of Captain Greer's company, Georgia Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Dinah E. Sprague, widow of Ara Sprague, late of Captain Peterson's company, New York Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Wyatt Roberson, late of Capt. N. Kelsey's company, North Carolina Volunteers, Cherokee Indian disturbance, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Margaret E. McGuire, widow of Terrance McGuire, late of Captain Dill's company First Regiment Georgia Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary E. Leigh, widow of Benjamin Leigh, late of Captain Green's company, Georgia Militia, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Addie W. Farquhar, widow of Rear-Admiral Norman V. H. Farquhar, late of United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of America Bruce, widow of Griffin Bruce, late of Captain Howell's company, Tennessee Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of James Cochran Key, late of Captain Garmany's company, Georgia Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Sarah W. Passmore, widow of Brewington Passmore, late of Company B, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Annie Ricks, widow of Edward Ricks, late of Captain Buckel's company, Johnson's Regiment Texas Rifle Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of William Abt, late of Eighth Company United States Coast Artillery, and pay him a pension at the rate of $46 per month.

The name of Thomas J. Perkins, late of Captain Hay's Company B, First Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John Mogg, alias John Moor, late of Company G, Eighth Regiment United States Infantry, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Thetus R. Hobbs, widow of Calvin Hobbs, late of Company E, First Regiment Mississippi Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Charles Pharazyn, late of Batteries E and I, Third United States Artillery, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James Kilby, late of Captain Peden's company, North Carolina Volunteers, Cherokee Indian disturbances, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting pension and increase of pension to certain soldiers and sailors of the war with Spain and other wars, and to the widows of such soldiers and sailors."

The bill (H. R. 19463) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with an amendment, on page 3, line 18, before the word "dollars," to strike out "twenty-four" and insert "twenty," so as to make the clause read:

The name of Mary U. Robinson, widow of Thomas F. Robinson, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. McCUMBER. I move that the Senate disagree to the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 19737) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

Mr. DIXON. I wish to offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 27, after line 2, insert:

The name of John Burkman, late of Company K, Fifth Regiment Missouri Volunteer Infantry, and Troop L, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. DIXON. Mr. President, I wish to state, in explanation of the amendment, that a Senate bill increasing the pension of John Burkman was passed in the Senate some time in the winter. He was a soldier who had both civil-war service and service in the Regular Army; in fact, he was Custer's own personal orderly and scout for many years. He was in Benteen's battalion at the battle when Custer's command was annihilated on the Rosebud.

The bill was favorably reported and passed in the Senate on February 12, but when it went to the House Mr. Kerr, the clerk of the committee, tells me that a wrong reference was made; that in reading his service they misinterpreted it to read only Regular Army service, and by inadvertence sent it to the Committee on Invalid Pensions of the House instead of the regular Committee on Pensions, and that it was omitted from the House bill now before the Senate.

The bill was regularly reported from the committee and passed by the Senate. The old man is 84 years old at this time, and he is receiving a pension of $12 per month.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 6715) granting pensions and increase of pensions to certain soldiers and sailors of the Spanish war and other wars, and to the widows of such soldiers and sailors, was considered as in Committee of the Whole.

Mr. McCUMBER. I ask the Secretary to read lines 21 to 23, inclusive, on page 2.

The VICE-PRESIDENT. The Secretary will read the lines indicated.

The Secretary read as follows:

The name of Mary Eddy Driggs, widow of William H. Driggs, late commander, United States Navy, and pay her a pension at the rate of $40 per month.

Mr. McCUMBER. Mr. President, this is another case in which the chairman of the committee has felt it his duty to make a minority adverse report. I will say now that it is not my intention, the committee having reported the bill favorably by a majority vote, to ask the Senate to strike out this item, but to guard the committee against the dangers that a bill of this kind will lead it into as a matter of precedent, I will ask that the Secretary read the adverse report, which is very short.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read the minority views of Mr. McCUMBER.

Mr. McCREARY. The Senator from Florida [Mr. TALIAFERRO] took special interest in this case, and he has been called away. In his absence I ask that the report of the committee upon this pension be also inserted in the RECORD.

Mr. McCUMBER. There is no objection to that, and possibly it should precede the minority report.

The VICE-PRESIDENT. Without objection it is so ordered.

The report of the committee is as follows:

S. 5977. Mary Eddy Driggs is the widow of William H. Driggs, late lieutenant-commander, United States Navy. Her husband was appointed midshipman in the Navy July 21, 1865, and graduated from the Naval Academy June 4, 1869. He was successively promoted through the several grades to lieutenant-commander, to which rank he was commissioned September 16, 1899. He was placed on the retired list from June 30, 1899. Commander Driggs died in this city January 6, 1908, of pneumonia, following a surgical operation for stomach disorder, from which he had suffered many years and which the records show was incident to his long and active service in the Navy. The claim of the widow, however, was rejected at the Bureau on the ground that her husband's death from pneumonia eight years after his retirement was not due to his active naval service.

Mrs. Driggs was married to the deceased officer April 29, 1885, and she is now about 49 years of age. She is left with two children who are dependent on her for support and one of whom is under the age of 16 years. As the Pension Bureau has refused to grant her a pension, she makes her appeal to Congress, and in her own behalf she states that she owns property in this city known as 2236 Massachusetts avenue NW. This property, she says, is assessed at $6,000, and is encumbered by a trust of $2,000. Its market value on the basis of the assessment would be at least $20,000. She states further that she has an 8-acre farm on Staten Island, N. Y., estimated to be worth about $3,000 and subject to a mortgage in the same amount. She also states that her husband owned a one-half interest in two other pieces of fairly valuable property in this city. The value of this property she does not give, but states they are subject to a blanket deed of trust in the amount of $8,000. Her husband, she states, left personal estate consisting of five shares of the stock of the Calumet and Hecla Mining Company, which are pledged as security for a note of $2,000. The market value of this stock is estimated to be worth about $3,000. It is claimed by Mrs. Driggs that she receives no income from any of the foregoing property and is without means of support, being compelled to borrow funds with which to maintain herself and family.

The following letter from the Bureau of Navigation gives a brief account of the services of Commander Driggs during the Spanish war:

WASHINGTON, D. C., *April 4, 1908.*

SIR: In reply to your letter of the 3d instant, I have the honor to advise you that the U. S. S. *St. Paul*, during the Spanish-American war, was engaged in blockading duty off Cuba and Porto Rico and in scouting duty, intercepting Spanish vessels or blockade runners.

The late Commander William H. Driggs, U. S. Navy, retired, was awarded a medal for his services on board the U. S. S. *St. Paul* on the occasion of the engagement of that vessel with two Spanish vessels off San Juan, P. R., on June 22, 1898, he having been on duty aboard the *St. Paul* at that time as executive officer. The commanding officer of the *St. Paul*, in his report of this engagement, says: "The rapid and accurate fire brought to bear on the *Terror* by the *St. Paul*, whose crew has been under drill less than one month and a half against adverse conditions, reflects great credit upon the executive officer, Lieut. Commander William H. Driggs * * *."

Very respectfully, C. McR. WINSLOW,
Assistant to Bureau.

Hon. P. J. McCUMBER,
Chairman Senate Committee on Pensions.

In similar cases your committee have recommended the allowance of substantial pensions, and therefore recommend the allowance of $40 per month in this case.

The minority views, submitted by Mr. McCUMBER, are as follows:

VIEWS OF THE MINORITY.

[To accompany S. 5977, granting a pension to Mary Eddy Driggs.]

Mr. McCUMBER, from the Committee on Pensions, submits the following minority adverse report:

As stated in the foregoing favorable report, Mary Eddy Driggs is the widow of William H. Driggs, late commander, United States Navy, retired.

The officer graduated from the Naval Academy in 1869, and was passed through the several grades of promotion and finally placed on the retired list of officers of the United States Navy July 5, 1899. His service was almost wholly a peace service, largely on detached duty, which allowed him time to perfect and patent an improved firearm known as the "Driggs-Schroeder" gun, from which invention he was financially benefited to the extent of several thousand dollars.

It is not shown that he incurred any disability by reason of his service, and the allowance of a pension to his widow would be practically the allowance of a service pension, which, in the opinion of the minority of your committee, should not be granted at this time. From affidavits of the beneficiary and other evidence filed with your committee, it is shown that she is possessed of real and personal property to the value of more than $25,000, and she can not therefore be held to be destitute. Your committee has repeatedly refused to give favorable consideration to bills proposing to pension widows of soldiers when it has been shown that they had considerably less property than the beneficiary in this case, on the grounds that they were not destitute. Your committee has adopted a rule that the word "destitution" shall be held to mean the same when applied to the widow of an officer as when applied to the widow of a private, and will not be contracted or expanded to meet particular cases. Mrs. Driggs's property, if properly invested, should give her an income sufficient to relieve her from want, and the minority of your committee therefore recommend that no pension be granted in her case.

Mr. GORE. Mr. President, in my judgment, the chairman of the Pension Committee is a very conservative leader in affairs of this sort, and he has given thorough consideration to the case now before the Senate The minority report shows that this party possesses more than $25,000 worth of property. In fact one piece of property here in the city is worth $30,000, and efforts are being made now to sell it at that price. She also owns $2,000 worth of Calumet mining stock, now quoted at $625 a share, which paid in 1900 320 per cent dividend, and also owns a home on Staten Island, N. Y., which is mortgaged for $3,000 and doubtless worth double the amount of the face of the mortgage. The security is now held in the savings bank, and their rule, I understand, is not to accept securities unless the real estate is worth double the face value of the mortgage.

In view of the report of the chairman of the committee I move to strike out lines 21, 22, and 23, on page 2.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 2, it is proposed to strike out lines 21, 22, and 23 in the following words:

The name of Mary Eddy Driggs, widow of William H. Driggs, late commander, United States Navy, and pay her a pension at the rate of $40 per month.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. McCUMBER. Mr. President, I feel disposed to say that it is my conviction that if a pension of $50 a month is allowed to the widow of General Wheaton this pension to the amount of $40 a month should possibly be granted in this case. I think they are both without any justification under the rules. But when I call to mind the interest the Senator from Florida [Mr. TALIAFERRO] has taken in this case, I wish to say that I supposed he was in the Chamber, or at least not absent, when I called up this item.

Mr. McCREARY. Mr. President, I want to say that the Committee on Pensions, at a meeting attended by nearly every member, fully and at some length considered the bill granting a pension to Mrs. Driggs, and after careful consideration a majority of the committee voted in favor of reporting it.

As I said before, there are exceptions to all rules, and a majority of the committee regarded the Driggs bill as an exception. I was satisfied that a pension of $40 per month should be granted Mrs. Driggs. My recollection is that all the members of the committee except the chairman were also of that opinion. It was not a case that I had specially in charge.

Mr. McCUMBER. I do not think the Senator from Kentucky wants to be misunderstood. Quite a number of Senators voted consistently against it, as the Senator from Oklahoma [Mr. GORE], and also the Senator from Utah [Mr. SMOOT].

Mr. McCREARY. I did not know that. I did not know how many voted against it; but my recollection was that the day we passed it all present voted for it except the chairman. I regret that this matter came up in the absence of the Senator from Florida [Mr. TALIAFERRO], who took a very deep interest in it. I believe that the paragraph ought to be retained in the bill. It was reported by a majority of the Committee on Pensions, and it comes under the head of bills that are exceptions to the general rule. I hope the item will be retained in the bill.

Mr. GORE. Mr. President, the memory of the Senator from Kentucky is somewhat at fault. At one meeting of the committee there was a tie vote on this bill and it went over to a subsequent meeting, and it was then adopted by a majority vote.

The distinction I make between this pension and the Widow Wheaton pension is this: General Wheaton was a soldier in the civil war, I understand, a gallant and heroic soldier, and he was promoted several times for gallantry and heroism. This man was never a soldier in the civil war. He did not enlist until after the civil war was over, and the minority report submitted by the chairman of the committee represents that his service was peace service. I believe that he was never engaged in one conflict in the Spanish war.

There is no reason on earth why this pension should be granted. It seems to me that it is rather an imposition on the generosity of the Government, because the party is worth at least $35,000 to $40,000, at the very lowest limit. The fact that her husband was a peace soldier rather than a soldier of war is a double reason why the pension should not be allowed. If this pension should be granted, every old soldier who served in the civil war and who saw actual service, and especially

those who sustained wounds and injury or contracted disease in the service, certainly would have a right to complain at the allowance of this pension of $40 a month to the widow of a man who was a peace soldier, who enlisted subsequent to the civil war, and who possesses $35,000 or $40,000 worth of property.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

Mr. McCREARY. What amendment has just been agreed to?

The VICE-PRESIDENT. The amendment to strike from the bill the lines read by the Secretary.

Mr. McCREARY. I did not understand it that way. I shall ask that the Driggs case go over, if it is permissible. The Senator from Florida took special interest in it, and if it is necessary, I will move to reconsider the vote by which the amendment was agreed to. I should like to have it go over until the Senator from Florida can be present.

Mr. McCUMBER. So far as that particular item is concerned, I would gladly concede to the Senator's desire. Even if it is stricken out of this bill I understand that it can be proposed upon another bill at any time when the Senator from Florida is here.

Mr. McCREARY. I prefer, however, to have it reconsidered. I voted with the majority in order to enable me to make that motion. I move to reconsider the vote by which the amendment was agreed to.

The VICE-PRESIDENT. The Senator from Kentucky moves to reconsider the vote by which the amendment proposed by the Senator from Oklahoma was agreed to.

The motion to reconsider was agreed to.

Mr. McCREARY. Now, I ask that the paragraph in the bill which refers to Mrs. Driggs's pension be laid aside.

Mr. FRYE. We can not lay it aside without laying aside the whole bill.

Mr. McCUMBER. I do not see but what it would be exactly in the same position as though it was stricken out. It would become no part of this bill.

Mr. McCREARY. It would not be a part of this bill.

Mr. McCUMBER. It would still be reported upon favorably.

Mr. McCREARY. But could it not, by unanimous consent, be placed upon the Calendar to be taken up at some other time?

Mr. CULBERSON. I do not see, as a matter of parliamentary law, how a part of a bill can remain here and the other part go to the other House. This is an entire bill, with a number of beneficiaries, as I understand it.

Mr. McCREARY. It is an entire bill and it refers to a number of pensions. Each pension is granted in one paragraph. What I desired to do was to get unanimous consent to take the paragraph that refers to Mrs. Drigg's pension out of the bill and let it be laid aside, because I know the Senator from Florida takes a very deep interest in it. It is a matter to which he has given special attention, and he was called away and did not think it would come up to-day.

Mr. CULBERSON. I should like it to be understood that I do not object to the request of the Senator from Kentucky that the entire bill shall go over.

Mr. McCREARY. I do not ask that.

Mr. CULBERSON. I do not see how it is possible to retain a portion of it here and pass the balance.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

Mr. FRYE. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Maine asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. McCUMBER. I would suggest, as there has been a vote taken to reconsider the amendment, that the Senator from Oklahoma allow his amendment to pass, with the understanding that it is not a vote upon the merits of the measure at this time, so that the Senator from Florida may have an opportunity to bring it up, but that it is eliminated from this bill at this time so that it may be considered at a later date by the entire Senate.

Mr. SMOOT. Mr. President, I understand that the original bill introduced for the benefit of Mrs. Driggs is now before the committee; that it is not in this bill, but it is only a part of it. There would not necessarily be another bill introduced, but at the next session of the committee, which will be next Monday, the Senator from Florida [Mr. TALIAFERRO] can have the bill considered by the committee and it can be reported in another bill to the Senate and allow this bill now to pass and become a law. That is as I understand the case.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. McCREARY. I did not catch what the Senator from North Dakota said. I should like to have him repeat it.

Mr. McCUMBER. I merely suggested to the Senator from Oklahoma that if the amendment is carried to eliminate this particular provision from the bill under consideration, it shall not be considered as a final vote upon the merits, but simply for the purpose of eliminating it from this bill, whereby it may be considered on the merits at a time when the Senator from Florida is present.

Mr. McCREARY. What would become of that part of the bill which refers to Mrs. Driggs?

Mr. McCUMBER. It would be out of this bill. It would be exactly in the same position as though it had been stricken out, of course.

Mr. McCREARY. Does the Senator mean to say that he would be willing to report the next bill with this item in it in order that the Senator from Florida could participate in the debate?

Mr. McCUMBER. I simply mean that the Senator from Florida can offer it as an amendment to any other omnibus pension bill that comes before the Senate.

Mr. McCREARY. I regret very much that the Senator from Florida is not here. It is a pension claim which he has paid special attention to.

Mr. McCUMBER. Certainly it would then be in a position whereby it would not be necessary to pass on it again in the Committee on Pensions. I wish to avoid that.

Mr. BRANDEGEE. If this item is stricken out of the pending bill it would be in no position on the Calendar of the Senate.

Mr. McCUMBER. It certainly would not, but the Senator from Florida could offer it as an amendment upon any future bill the committee might report.

Mr. BRANDEGEE. Or the committee could report this item as a separate bill.

Mr. McCUMBER. But I assume that the Senator from Florida, having secured a vote favorable to it from the committee, would not care about having it go back to the committee to be considered whereby that decision, which was by only a small majority vote at that time, might be reversed. I wish to protect any right that the Senator from Florida may think he has in the matter.

Mr. McCREARY. Mr. President, I wish to make a parliamentary inquiry. Would it be in order to move that this special paragraph be referred back to the committee?

The VICE-PRESIDENT. The Chair is of the opinion that it would not be in order. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

Mr. McCUMBER. There is another amendment I wish to offer. I move to amend by striking out lines 11, 12, 13, and 14, on page 3, for the reason that a similar bill has been passed by the House and is now included in one of the House omnibus bills on the Calendar.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, strike out lines 11, 12, 13, and 14, as follows:

The name of David Raulerson, late of Capt. Giles W. Ellis's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 6812) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, and so forth, was considered as in Committee of the Whole. It proposes to pension at the rate stated per month the following persons:

Johnson Gammel, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

William Weeden, late of Company K, Fifty-fifth Regiment Illinois Volunteer Infantry, and Company E, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension of $24.

George Breckenridge, late of Company D, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension of $30.

Julia E. Willcox, widow of Orlando B. Willcox, late brevet major-general, United States Army, and pay her a pension of $50.

Robert A. Kerr, late of Company A, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension of $24.

William Donegan, late of Company A, Sixty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension of $30.

James H. Street, late of First Battery Kentucky Volunteer Light Artillery, and pay him a pension of $24.

Thomas L. Sims, late of Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension of $30.

Stephen Prior, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

Henry C. Jennings, late of Company G, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension of $36.

Henry Thompson, late of Company I, Seventy-ninth Regiment United States Colored Volunteer Infantry, and pay him a pension of $15.

Thomas Shults, late of Company G, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension of $30.

Samuel L. Higgins, late of Companies D and F, First Regiment Vermont Volunteer Cavalry, and pay him a pension of $24.

William Alexander, late of Company A, Fifth Regiment United States Infantry, and pay him a pension of $24.

Horace Seward, late of Company B, First Regiment United States Volunteer Sharpshooters, and pay him a pension of $30.

Samuel H. Britts, late of Company K, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension of $30.

Jesse Chapman, late of Company A, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension of $30.

Charles W. Cary, late of Company E, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension of $40.

Angeline C. Powell, widow of James W. Powell, late colonel Seventeenth Regiment United States Infantry, and pay her a pension of $40.

Thomas L. Ward, late of Battery I, Third Regiment United States Artillery, and pay him a pension of $30.

Rufus G. Tole, late of Company E, Second Regiment Ohio Volunteer Infantry, and pay him a pension of $30.

Charles Coddington, late captain Company A, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension of $30.

Michael C. Caddle, late of Company B, First Regiment New York Volunteer Cavalry, and pay him a pension of $30.

Edwin Smith, late of Company H, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension of $24.

Henry Kemmer, late of Company G, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and One hundred and seventy-third Company, Second Battalion Veteran Reserve Corps, and pay him a pension of $30.

William A Fiske, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension of $30.

James T. Johnson, late of Company H, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

Eber B. Priest, late of Companies B and C, Fourth Regiment California Volunteer Infantry, and pay him a pension of $30.

Henry J. Porter, late of Company G, Second Regiment Veteran Reserve Corps, and pay him a pension of $30.

Joseph Woodland, late of Company B, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension of $30.

Harry R. Bentz, the totally helpless and crippled son of Adam C. Bentz, late of Company B, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $12.

Angie E. Kerr, widow of Benjamin S. Kerr, late first lieutenant and captain Company D, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension of $17.

Edward Thompson, late first lieutenant Company H, Sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $30.

William Shattuck, late of Company B, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension of $30.

Jacob H. Dewees, late lieutenant-colonel Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension of $50.

William I. Dossett, late of Company C, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

Sidney F. Sanborn, late of Company F, Fifty-third Regiment New York Volunteer Infantry, and Captain Houghton's company, New Hampshire Militia Infantry, and pay him a pension of $20.

Thomas A. Walters, late of Company B, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension of $24.

Alfred Johnson, late of Company K, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension of $36.

Elizabeth Grass, late nurse, Medical Department, United States Volunteers, and widow of Harman Grass, late of Company D, Twelfth Regiment Iowa Volunteer Infantry, and pay her a pension of $20.

Butler Oleson, late of Troop I, First Regiment United States Cavalry, and pay him a pension of $30.

Caleb F. Bandle, late of Company G, Seventy-second Regiment New York Volunteer Infantry, and Company L, Twenty-second Regiment New York Provisional Volunteer Cavalry, and pay him a pension of $24.

George Newland, late of Company E, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $30.

Alonzo Greenleaf, late of Company B, Second Regiment Missouri State Militia Cavalry, and pay him a pension of $24.

Richard H. Shapland, late of Company E, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension of $24.

Amos P. Johnson, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $30.

Richard C. Vanderford, late of Company C, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension of $30.

John Milburn, late of Company H, One hundred and thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension of $24.

George Towers, late quartermaster U. S. S. *Great Western* and *General Pillow*, United States Navy, and pay him a pension of $50.

Charles E. Perry, late of Company A, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension of $30.

James T. Moore, late of Company F, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension of $50.

George Jacobs, late of Company C, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $30.

Elijah E. Smedley, late of Companies I and A, Second Regiment Ohio Volunteer Cavalry, and pay him a pension of $24.

Jeremiah Regan, late of Company G, First Regiment Ohio Volunteer Cavalry, and pay him a pension of $30.

Leonard Goss, late of Company D, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

Ella A. Smith, widow of Col. Andrew K. Smith, late surgeon, United States Army, retired, and pay her a pension of $30.

James Karr, late of Company H, Second Regiment Colorado Volunteer Cavalry, and pay him a pension of $30.

Francis O'Leary, late of Company D, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension of $30.

William B. Jones, late captain Company G, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension of $30.

Thomas Chase, late third assistant engineer, United States Navy, and pay him a pension of $24.

Peter Claude, late of Company G, Twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension of $15.

John Stuckey, late of Company K, Third Regiment New Jersey Volunteer Infantry, and pay him a pension of $30.

George W. Ellis, late of Company G, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension of $30.

Thomas Ashton, late of Troop K, Second Regiment United States Cavalry, and pay him a pension of $30.

Isaac Daniels, late of Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24.

George H. Scougale, late of Company F, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension of $30.

Mary Elizabeth McCann, widow of William P. McCann, late commodore, retired, United States Navy, and pay her a pension of $40.

Cornelius Teal, late of Company B, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension of $30.

George H. McIntire, late of Company C, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension of $30.

Henry C. Doyle, late of Company G, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension of $30.

Ruhamah D. Sawyer, widow of James W. Sawyer, late of First Battery Wisconsin Volunteer Light Artillery, and pay her a pension of $20.

George F. Pond, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension of $24.

Lindly Cox, late of Company G, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension of $24.

Charles H. Edwards, late of U. S. S. *New London*, United States Navy, and pay him a pension of $30.

Caleb H. Ellis, late captain Company E, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension of $50.

James Whyte, late of Company D, Eighteenth Regiment Illinois Volunteer Infantry, and Signal Corps, United States Army, and pay him a pension of $30.

James L. Foss, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension of $30.

Sarah E. Dodd, widow of Benjamin F. Dodd, late of Company K, Third Regiment Missouri Volunteer Cavalry, and pay her a pension of $12.

Edwin Smith, late of Company G, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension of $30.

Thomas N. Bray, late of Company B, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension of $24.

Evelina H. Sewall, widow of Frederic D. Sewall, late colonel Third Regiment Veteran Reserve Corps, and pay her a pension of $40.

Peter Dwyer, late of Companies C and E, Eighth Regiment United States Infantry, and pay him a pension of $24.

Eli H. Young, late of Company I, Second Regiment Maine Volunteer Infantry, and pay him a pension of $12.

Charles Crane, late of Company A, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension of $24.

Louisa January, widow of Horace January, late second lieutenant Company H, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension of $15.

Alonzo B. Curtis, late of Company D, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension of $30.

Thomas Handly, late of Company G, Second Regiment Missouri Volunteer Cavalry, and pay him a pension of $24.

Margaret Thompson, widow of William Thompson, late captain of the forecastle, U. S. S. *Morning Light*, *Princeton*, and *Hartford*, United States Navy, and pay her a pension of $16.

William A. Champlain, late second lieutenant Company D, Eleventh Regiment Rhode Island Volunteer Infantry, and second lieutenant Company C, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension of $24.

Mary C. Hayes, widow of Oren T. Hayes, late first lieutenant Company H, First Regiment Minnesota Volunteer Infantry, and major, First Regiment Minnesota Volunteer Mounted Rifles, and pay her a pension of $30.

Cyrus Wellington, late of Company H, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension of $30.

Jennie Hammond, widow of Milton S. Hammond, late of Company E, One hundred and forty-ninth Regiment New York Volunteer Infantry, and pay her a pension of $12.

George W. Bennum, late of Company B, Sixth Regiment Delaware Volunteer Infantry, and pay him a pension of $30.

Emily D. Carnagua, widow of James W. Carnagua, late of Company H, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension of $12.

Thomas Hooper, late of Company F, Third Regiment Colorado Volunteer Infantry, and Company H, Second Regiment Volunteer Cavalry, and pay him a pension of $30.

Laura M. Granger, widow of Paul L. Granger, late of Company B, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension of $12.

Mr. BRIGGS. On page 11, line 3, I desire to have a correction in the name made. I move to strike out "Ella" and insert "Ellen," so as to read:

The name of Ellen A. Smith, widow of Col. Andrew K. Smith, late surgeon, United States Army, retired, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

Mr. McCUMBER. On the same page—page 11—I move to strike out lines 22, 23, and 24, and lines 1 and 2, on page 12. The reason for this amendment is that an identical bill has been passed by the House and is now included in the House omnibus pension bill.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, strike out lines 22, 23, and 24, and lines 1 and 2, on page 12, as follows:

The name of Peter Claude, late of Company G, Twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $15 per month, the same to be paid him without deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. I desire to make an inquiry as to the order of business. What is the status of Senate bill 4812, to regulate the employment of child labor in the District of Columbia?

The VICE-PRESIDENT. That bill was laid aside temporarily at the request of the Senator from Maine [Mr. FRYE].

Mr. BRANDEGEE. And it had been previously made by order of the Senate the unfinished business?

The VICE-PRESIDENT. It was made the unfinished business by unanimous consent this morning.

The bill (S. 6845) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain helpless and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension at the rate stated per month the following persons:

Marvin Boget, late of Company I, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension of $24.

Rollin A. Pratt, late of Company K, First Regiment Michigan Volunteer Infantry, and pay him a pension of $24.

Charles Moyer, late of Company G, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $24.

Fannie J. Sargent, former wife of John B. Sargent, late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension of $12.

Kate Spencer, widow of Charles B. Spencer, late acting second assistant engineer, United States Navy, and pay her a pension of $12.

Edward Seeland, late of Company C, Third Regiment Michigan Volunteer Infantry, and pay him a pension of $24.

Hugh T. Crockett, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension of $40.

John P. Buckley, alias Newton J. Pilcher, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and Company A, Residuary Battalion, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension of $30.

Issacher R. Waggener, late of Company H, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company M, First Regiment Missouri Volunteer Engineers, and pay him a pension of $30.

Robert W. Malcolm, late of Company A, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension of $30.

Jason P. Carey, late of Company K, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension of $50.

Constantin G. W. Bischoff, late of Company F, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension of $30.

John W. Cullimore, late second lieutenant Company F, First Regiment Missouri Volunteer Cavalry, and pay him a pension of $30.

Jefferson H. Montgomery, late second lieutenant Company B, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension of $30.

Thomas Townsend, late principal musician Fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension of $30.

Charles Rice, late of Company C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $30.

William Relph, late of Company C, Seventy-second Regiment, and Company E, Thirtieth Regiment, Indiana Volunteer Infantry, and pay him a pension of $36.

Daniel Caswell, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension of $30.

Emma A. Henry, widow of George E. Henry, late captain Company B, First Regiment Massachusetts Volunteer Infantry, and pay her a pension of $20.

John Worrel, late captain Company G, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension of $30.

Philip D. Gibson, late of Company C, Fifty-first Regiment Massachusetts Militia Infantry, and pay him a pension of $24.

Thomas W. Manchester, late captain Company B, Ninety-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension of $30.

Margaret K. Hern, widow of David W. Hern, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension of $24.

John Hancock, late major and assistant adjutant-general, United States Volunteers, and pay him a pension of $50.

Samuel H. Hurst, late lieutenant-colonel Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension of $50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6846) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to dependent relatives of such soldiers and sailors,

was considered as in Committee of the Whole. It proposes to pension at the rate stated per month the following persons:

John McGuire, late of Troop C, Seventh Regiment United States Cavalry, and pay him a pension of $24.

George W. Walter, late of Troop A, Eighth Regiment United States Cavalry, and pay him a pension of $20.

Elizabeth Smith Tennent, dependent sister of Edward Smith Tennent, late of Company A, First Regiment Louisiana Volunteer Infantry, war with Spain, and pay her a pension of $8.

Jason A. Pelton, late of Company F, Thirty-second Regiment Michigan Volunteer Infantry, war with Spain, and pay him a pension of $20.

Augusta Burchard, widow of William Burchard, late lieutenant, Battery A, First Virginia United States Volunteers, and pay her a pension of $17.

Emil Kuhblank, late landsman U. S. S. *Palos*, United States Navy, and pay him a pension of $12.

Ellen Bernard Lee, widow of Fitzhugh Lee, late brigadier-general, United States Army, and pay her a pension of $50.

Laura M. Schofield, widow of William B. Schofield, late major and paymaster, United States Army, and pay her a pension of $40.

Augusta L. B. Curry, widow of Manly Bowie Curry, late major and paymaster, United States Army, and pay her a pension of $40 per month, and $2 per month additional on account of each of the minor children of the said Manly Bowie Curry until they reach the age of 16 years.

Charles H. Roth, late of Company A, Twenty-second Regiment United States Infantry, and pay him a pension of $24.

Willis J. Freeman, late of Company K, Second Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension of $17.

Bartolo Canova, late of Captain Mickler's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension of $16.

Mr. CLAY. I move to amend, on page 3, line 1, by striking out "forty" and inserting "fifty" before the word "dollars."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 1, before the word "dollars," strike out "forty" and insert "fifty," so as to read:

The name of Augusta L. B. Curry, widow of Manly Bowie Curry, late major and paymaster, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Manly Bowie Curry until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SHAD HATCHERY ON THE KENNEBEC RIVER, MAINE.

Mr. FRYE. There is a very small, insignificant bill which I should like to have passed. It is the bill (S. 6460) to establish a shad hatchery on the Kennebec River, in the State of Maine.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Fisheries with an amendment, in line 7, after the word "point," to strike out "at or near Gardiner," so as to make the bill read:

Be it enacted, etc., That the sum of $15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a shad hatchery in the State of Maine, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point on the Kennebec River, to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVENTION OF ORDER OF ELKS AT DALLAS, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 155) authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN CALIFORNIA.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (H. R. 11778) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, in line 8, before the word "Ventura," to strike out "San Luis Obispo, Santa Barbara," so as to make the bill read:

Be it enacted, etc., That an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906, be amended by striking out of section 1 the following words: "except the following counties in the State of California: Inyo, Tulare, Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SOUTHERN APPALACHIAN AND WHITE MOUNTAIN RESERVATIONS.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains. The bill has been heretofore read, Mr. President, and amended.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. Mr. President——

Mr. BRANDEGEE. I understand the Senator from Colorado desires to offer an amendment.

Mr. TELLER. I desire to make some remarks on the bill. I have some memoranda which I have not here this morning, because I did not understand the bill was coming up to-day. If the Senator will let it go over until to-morrow I will have my memoranda here and be ready to discuss the bill. If I had known early this morning that the bill was coming up, I could have had my papers here and could have spoken to-day.

Mr. BRANDEGEE. Of course I shall comply with the request of the Senator, Mr. President; but I desire to state that the occasions upon which we recur to the Calendar are so few, the session is approaching its end so rapidly, and the importance of this bill, in my opinion, is so great that I hope the Senator will not again ask me to let it go over when it is reached.

Mr. TELLER. I will say to the Senator that, having noticed now that he expects to bring the bill up, I will get my papers and keep them on my desk so that I will be ready to proceed.

The VICE-PRESIDENT. The bill will lie over at the request of the Senator from Colorado.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

STEAM VESSEL PASSENGER LISTS.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (S. 6417) to amend sections 4467 and 4468 of the Revised Statutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

Mr. CULBERSON. I ask the Senator from New York to explain briefly the purpose of the bill.

Mr. DEPEW. Mr. President, under the old law all steamers carrying passengers had to give their names, addresses, and residences. In the case of excursions, which are frequent to-day in New York, it is discovered to be absolutely impossible to comply with the requirement on excursion steamers. This bill is to preserve the law so far as seagoing vessels are concerned, but to relieve the excursion steamers, so that they shall give to inspectors an account of the number, but not a list of the names, of passengers for short trips.

Mr. FRYE. There are committee amendments to the bill.

The VICE-PRESIDENT. The committee amendments will now be stated.

The amendments of the Committee on Commerce were, on page 1, line 11, after the word "for," to insert "*Provided, however*, That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes

on routes exceeding 300 miles;" and on page 2, line 8, after the word "count," to insert "or list," so as to make the bill read:

Be it enacted, etc., That sections 4467 and 4468 of the Revised Statutes be amended so as to read as follows:

"SEC. 4467. That the master of every passenger steamer shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for: *Provided, however*, That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding 300 miles.

"SEC. 4468. That every master of any passenger steamer who fails, through negligence or design, to keep a count or list of passengers as required by the preceding section shall be liable to a penalty of $100."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend sections 4467 and 4468 of the Revised Statutes, relating to lists of passengers on steam vessels."

SUBTREASURY BUILDING AT SAN FRANCISCO, CAL.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 3093) to provide for the enlargement of the present site, or the purchase of a new site, and the erection thereon of a building for subtreasury purposes at San Francisco, in the State of California.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 8, after the word "exceed," to strike out "one million" and insert "five hundred thousand;" and in line 14, after the word "this," to strike out "act" and insert "bill," so as to read:

That upon the present subtreasury site when so enlarged, or upon the said new site when so acquired, the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable, commodious building, with heating, hoisting, and ventilating apparatus, vaults, and approaches, complete, at a total limit of cost, including additional land or a new site, as hereinbefore authorized, of not to exceed $500,000: *Provided*, That the balances of appropriations heretofore made for the purchase of additional land for the enlargement of the site and for the extension of the subtreasury building in said city of San Francisco, Cal., be, and the same are hereby, made available toward the purposes of this bill, and the limits of cost heretofore fixed for enlargement of the present site and for the extension of the subtreasury building be, and the same are hereby, repealed.

The amendment was agreed to.

Mr. PERKINS. I desire to offer the amendment which I send to the desk. I will say that I have submitted it to the chairman of the Committee on Public Buildings and Grounds and that it meets with his approval.

The VICE-PRESIDENT. The amendment proposed by the Senator from California will be stated.

The SECRETARY. On page 2, line 9, after the word "*Provided*," it is proposed to strike out all down to and including the word "repealed," in line 16, as follows:

That the balances of appropriations heretofore made for the purchase of additional land for the enlargement of the site and for the extension of the subtreasury building in said city of San Francisco, Cal., be, and the same are hereby, made available toward the purposes of this bill, and the limits of cost heretofore fixed for enlargement of the present site and for the extension of the subtreasury building be, and the same are hereby, repealed.

And to insert in lieu thereof the following:

That the appropriation of $375,000 made in the act of June 30, 1906, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," is hereby made available in addition to the limit of cost hereinbefore fixed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT KEOGH MILITARY RESERVATION, MONT.

Mr. DIXON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 6156) providing for the opening of the Fort Keogh Military Reservation to settlement, and for other purposes, to report it favorably with amendments, and I submit a report (No. 582) thereon.

Mr. CARTER. Mr. President, that is purely a local bill, and I ask unanimous consent to have it considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments of the committee will be stated.

The SECRETARY. On page 2, section 2, line 1, before the word "hundred," it is proposed to strike out "six" and insert "one;" and in the same line, before the word "acres," to strike out "forty" and insert "sixty," so as to make the section read:

SEC. 2. That 160 acres of said reservation land is hereby granted to the State of Montana, the same to be selected by the governor of said State as near as may be in compact form and so as to embrace the post buildings and other improvements at Fort Keogh; and there is also granted to the incorporated city of Miles City, in said State, 160 acres of said land, to be selected by the mayor of said city from land along the eastern boundary line of said military reservation; and the use and possession of 160 acres of said reservation land is hereby granted to the Custer County Fair Association, to be held, used, and enjoyed by said association only so long and to such extent as said land is devoted to the purposes of a county fair for the county of Custer; the said land to be selected by the officers of said Custer County Fair Association as near as may be in compact form and so as to embrace the fairground improvements now existing: *Provided*, That each of said tracts shall be selected by the aforesaid officials, respectively, in legal subdivisions within twenty days after the duly approved plats of the survey shall have been filed in the local land office and according to such regulations as the Secretary of the Interior may prescribe: *And provided further*, That said city of Miles City shall by acceptance of the aforesaid grant of land assume and discharge all obligations of the United States to control Tongue River in its course through the lands west of the present limits of said Miles City.

The amendment was agreed to.

The next amendment of the Committee on Public Lands was, in section 3, page 3, after the word "laws," in line 7, to strike out:

Provided, That persons entering irrigable lands within the limits of said reservations and other actual settlers in the vicinity may jointly cause the nonirrigable lands thereof to be inclosed and may use the same jointly for pasturage purposes, subject to such rules and regulations as the Secretary of the Interior may prescribe, and subject always to the right of any qualified person to enter any part or portion of such nonirrigable land under the public-land laws.

So as to make the section read:

SEC. 3. That all portions of said reservation, exclusive of the grants herein made and the possessory right given, which the Reclamation Service finds it impracticable to irrigate by artificial means, shall be subject to entry under the public-land laws.

The amendment was agreed to.

The next amendment was, to strike out section 4, as follows:

SEC. 4. That the sum of $130,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act; the same to be reimbursed from reclamation funds as received from the lands reclaimed under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN CHEYENNES AND ARAPAHOES.

Mr. DIXON. I ask unanimous consent for the present consideration of the bill (S. 6543) to authorize the expenditure of the unexpended balance of the appropriation for subsistence and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June 30, 1907.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the unexpended balance of the appropriation, in pursuance of treaty stipulations, for subsistence and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June 30, 1907, be, and the same is hereby, appropriated and made available for the fiscal year ending June 30, 1908.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILADELPHIA COMPANY.

Mr. GUGGENHEIM. Mr. President, there are three short bills of a similar nature on the Calendar, for which I desire to ask present consideration. First, I ask for the present consideration of the bill (S. 6312) for the relief of the Philadelphia Company, of Pittsburg, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the Philadelphia Company, of Pittsburg, Pa., any statute of limitations to the contrary notwithstanding, $2,741.60, being the amount of taxes collected by the United States under the war-revenue act of June 13, 1898.

Mr. BACON. I will ask from what committee the bill comes?

The VICE-PRESIDENT. From the Committee on Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER subsequently said: Mr. President, if I understood Senate bill 6312 correctly, the word "improperly" was not in the bill. It seems to me it ought to be. If the taxes were legally collected, they certainly ought not to be paid back. The word "improperly" is in the second bill. If necessary, I will move to reconsider the vote by which Senate bill 6312 was passed in order that the amendment may be made.

The VICE-PRESIDENT. Without objection, the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed will be reconsidered, and the bill will be considered as open to amendment.

Mr. GALLINGER. I move to amend the bill by inserting the word "improperly."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 9, before the word "collected," it is proposed to insert the word "improperly," so as to read "the amount of taxes improperly collected by the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOGAN NATURAL GAS AND FUEL COMPANY.

Mr. GUGGENHEIM. I now ask unanimous consent for the present consideration of the bill (S. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the Logan Natural Gas and Fuel Company (Incorporated), of Columbus, Ohio, $184.45, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBUS GAS AND FUEL COMPANY.

Mr. GUGGENHEIM. I now ask unanimous consent for the present consideration of the bill (S. 2911) for the relief of the Columbus Gas and Fuel Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments on page 4, line 1, after the word "pay," to insert "out of money not otherwise appropriated;" and in line 9, after the word "thousand," to strike out "six hundred and eighty-two dollars and twenty-one," and insert "eight hundred and twenty dollars and eighty-one," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of money not otherwise appropriated to the Columbus Gas and Fuel Company, of Columbus, Ohio, successors to the Central Ohio Natural Gas and Fuel Company, of Columbus, Ohio, any statute of limitations to the contrary notwithstanding, the sum of $1,820.81, the amount of taxes improperly collected by the United States under the war-revenue act of June 13, 1898.

The amendments were agreed to.

Mr. BACON. Mr. President, I simply want to call the attention of the Senate to one matter. These three bills, as I understand, have all been recommended by the committee. Two of them have already been passed, and the other is about to be passed because of the decision of the circuit court of the United States that these taxes were illegally collected. I am correct in that, I think.

Mr. GUGGENHEIM. The Senator is correct.

Mr. BACON. I think it is proper, Mr. President, that the bills should pass. I do not think it consistent with the honor of the United States to retain in its Treasury money that the courts of the country have solemnly decided does not belong to the United States, but belongs to individuals. I simply call the attention of the Senate to the fact that, while as to these particular parties at interest these bills are passed by the consent and approval of every Senator in the Chamber, there is to-day in the United States Treasury $10,000,000 that the Supreme Court of the United States has solemnly decided does not belong to the Government of the United States, but belongs to individuals, the proceeds of cotton which was sold and the money put in the Treasury of the United States. That has been the standing decision of the Supreme Court of the United States for nearly forty years. The money is there, and there is no dispute in the world about the fact that it does not belong to the Government of the United States. That has been determined by the highest court of the land. There has never been an effort made by the Government to have a review of that decision, and yet Congress after Congress passes, and the Congress of the United States, in the face of that solemn decision of the Supreme Court of the United States, keeps that money for the Government and refuses to return it to those to whom the Supreme Court of the United States has said it belongs.

I am not going to do, of course, what I might do—try to arrest these small matters on account of that injustice; but I simply want to point out to the Senate, and I want the country to see, the invidious distinction that is being drawn between those parties who are entitled to the cotton money by the decision of the highest court in the land and these parties who are now properly to be given their money under a decision of the circuit court of the United States.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do.

Mr. CLAPP. I do not want to take the time of the Senate, but I want to most heartily acquiesce in what the Senator from Georgia has said. The money is lying in the Treasury, it does not belong to the Government, and it ought to be distributed to the people who are entitled to it. I think I reported a bill a year or two ago for that very purpose.

Mr. BACON. Yes; and it has been reported four or five times by the Senate Committee on Claims unanimously, without a dissenting vote. One of those reports was written by my honored friend the Senator from Colorado [Mr. TELLER] when he was chairman of the committee. It has been reported four or five times by as many committees in as many Congresses in the House of Representatives, and yet by one device and another the Senate of the United States steels itself against doing this act of justice.

Now, I want to say, in order that I may not produce any misapprehension, that, as I have said, there are over $10,000,000 arising from this fund——

Mr. CLAPP. Mr. President——

Mr. BACON. Just let me finish the sentence. About half of it, however, does not belong to individuals. About half of it was the money of the Confederate States, and, of course, is now properly the money of the United States. But there is about $5,000,000, about which there is not a particle of dispute that it was the property of individuals, which has gone into the Treasury of the United States, and there is no difficulty about it except for Congress to authorize it to be paid out, under a judgment rendered by the Supreme Court of the United States to the effect that it does belong to these individuals and does not belong to the United States.

I did not get up for the purpose of saying what might be unpleasant, but I wished to emphasize and show that under precisely similar circumstances Congress is pursuing another course. I mention it not with the expectation that anything will be done about it now, but with the hope that the matter thus being brought to the attenion of the Senate will receive the consideration and action to which it is entitled.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF GOLD COIN FOR GOLD BARS.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 4263) to amend an act entitled "An act to amend an act amending the act entitled 'An act to authorize the receipt of United States gold coin in exchange for gold bars.'"

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, in line 4, on page 2, to strike out "or may impose a charge," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to amend an act amending the act entitled 'An act to authorize the receipt of United States gold coin in exchange for gold bars,'" approved March 3, 1901, be amended so as to read as follows:

"That the superintendent of the coinage mints and of the United States assay office at New York may, with the approval of the Secretary of the Treasury, but not otherwise, receive United States gold coin from any holder thereof in sums of not less than $250, and pay and deliver in exchange therefor gold bars in value equaling such coin so received: *Provided*, That the Secretary of the Treasury may make, in his discretion, such exchange without charge therefor."

Mr. KEAN. May I ask the Senator from Colorado what is the change in existing law?

Mr. TELLER. The general statute is that one may exchange $5,000 or upward, and the Department recommends this. Under it one may take $250 to the mint and exchange it.

Mr. KEAN. I only wanted to know what is the proposed change in existing law. It appears to be a very good bill.

Mr. TELLER. There is a letter from the Department saying it would be convenient to have the change made.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Finance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS OF THE CHOCTAWS AND CHICKASAWS.

Mr. DAVIS. I ask unanimous consent to call up the resolution introduced by me in relation to the lands of the Choctaws and Chickasaws.

The VICE-PRESIDENT. The Senator from Arkansas asks present consideration for a resolution, which will be read.

The Secretary read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate without delay:

"1. Whether there has been withdrawn from the common lands of the Choctaws and Chickasaws any lands for inclusion in a forest reserve or game preserve; and, if so, the number of acres so withdrawn and by what authority of law said withdrawal was made.

"2. Whether the lands of the Choctaws and Chickasaws are owned by said Indians in fee-simple title or whether the Government of the United States has, or claims to have, any interest therein.

"3. Whether recognized and enrolled members of the Choctaw and Chickasaw nations have been refused the right to select any of the common lands of the Choctaws and Chickasaws as their allotments, because of any withdrawal of any of said lands for the purpose of including said lands in a forest reserve or game preserve.

"4. Whether, under existing law, said Secretary has authority to sell and dispose of all unallotted common lands of the Choctaws and Chickasaws as soon as allotments have been made to all persons entitled to allotment.

"5. Whether said Secretary proposes or intends to sell and dispose of all unallotted lands of said Choctaws and Chickasaws as soon as allotments have been made to all persons whose names appear on the rolls of 'citizens' and freedmen of said nations, as approved by him, and to distribute the proceeds derived therefrom among said persons so enrolled to the exclusion of the blood citizens who have been denied enrollment.

"6. Whether the act approved June 28, 1898, under which said rolls were made, directed said Secretary to enroll as Indians, or citizens of the Choctaw or Chickasaw nations or tribes, all persons of Choctaw or Chickasaw Indian blood who were bona fide residents of said nations on the day said act was approved, regardless of any assertion of right to such enrollment by said person.

"7. Whether the names of all persons of Choctaw or Chickasaw Indian blood appear on the rolls of said Indians as approved by him, and whether said rolls so approved are being used as a basis for the distribution of all the common property of said Choctaws and Chickasaws.

"8. Whether said Secretary proposes or intends to deprive all persons of their distributive share of said common property who are of Choctaw or Chickasaw Indian blood, and who have been denied enrollment as citizens or Indians of said tribes, and thereby denied allotments of lands as such through the negligence or mistake of administrative officers charged by law with the duty of making said rolls.

"9. Why said Secretary has not reported the facts to Congress with reference to the rights of those persons who have been denied enrollment as blood citizens of said tribes, in order that Congress might provide, by appropriate legislation, for the correct enrollment of said blood citizens.

"10. Whether persons who are practically full-blood Indians or who are possessed of Indian blood and as such entitled under the law to allotments of 320 acres of the average allottable lands have been enrolled as freedmen or negroes, and as such are entitled to only 40 acres of the average allottable lands of said tribes; and whether said Secretary has transmitted to Congress proposed bills and recommended the enactment of same into law, which declare the enrollment records showing the enrollment of said Indians as freedmen or negroes final and conclusive as to their blood."

The resolution was considered by unanimous consent and agreed to.

Mr. DAVIS. I withdraw the former resolution for which this is a substitute.

The VICE-PRESIDENT. Without objection, the resolution is withdrawn.

TAKOMA SPRINGS ICE COMPANY.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (S. 4375) authorizing the Takoma Springs Ice Company to lay a pipe line under certain streets and roads in the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the Takoma Springs Ice Company, a corporation, be, and it is hereby, authorized to construct a pipe line along private right of way from the south side of Randolph place NE., crossing said Randolph place, also S and Fourth streets and Seaton place parallel with and adjacent to the right of way of the Metropolitan branch of the Baltimore and Ohio Railroad to T street at its intersection with Fifth street NE.; thence along Fifth street to Rhode Island avenue; thence along Rhode Island avenue to said Baltimore and Ohio right of way; thence crossing Rhode Island avenue and along Seventh street NE. to Michigan avenue; crossing Michigan avenue and along Brookland avenue to the north side of Bates road; thence along private right of way to Riggs road; thence along Riggs road from the west line of said Baltimore and Ohio Railroad to the District line.

SEC. 2. That all plans of location and construction shall be subject to the approval of the Commissioners of the District of Columbia.

SEC. 3. That excavations in the highways shall be made only under permits from the Commissioners of the District of Columbia and subject to regulations prescribed by them.

SEC. 4. That the said pipe line and its appurtenances shall be constructed in a substantial and durable manner, subject to inspection by the Commissioners of the District of Columbia. All changes to existing structures in public space shall be made at the expense of the company.

SEC. 5. That the said company shall deposit such sums as the Commissioners of the District of Columbia may require to cover the cost of inspection and the cost of changes to public works in the streets caused by the construction of said pipe line.

SEC. 6. That in the construction and maintenance of its pipe line the company shall leave the space along said pipe line in good condition, to the satisfaction of the Commissioners of the District of Columbia. The said space shall be left in at least as good condition as that of the contiguous roadway or parking space.

SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of the street or highway occupied by said pipe line, or from altering and improving streets, avenues, highways, and the sewerage thereof; and the company shall change its pipe-line construction and pavements so as to conform to such grades and improvements as may have been or may be established.

SEC. 8. That the construction of said pipe line within the District of Columbia shall be commenced within one year of the passage of this act and be completed within two years from the passage of this act, in default of which this act shall be void and of no effect, and within sixty days from the passage of this act the said Takoma Springs Ice Company shall deposit with the collector of taxes of the District of Columbia the sum of $1,000 to guarantee the construction of said pipe line within the time herein limited, said sum to be forfeited to the District of Columbia in the event of the failure of said company to commence or complete said construction as provided for herein.

SEC. 9. That each and every violation of the requirements of this act shall be punishable by a fine of not less than $20 nor more than $100, in the discretion of the court, such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.

SEC. 10. That the said Takoma Springs Ice Company shall furnish the Commissioners of the District of Columbia with a bond or bonds, or such other security as said Commissioners may require, to guarantee strict compliance with the terms of this act and the conditions of any permit issued under authority of said act, and to insure the complete restoration of all pavements and other public or private property disturbed in laying said pipe line.

SEC. 11. That all the conditions, requirements, and obligations imposed by this act shall be complied with by any of the successors to or assigns of said company within said District.

SEC. 12. That this act shall take effect from and after the date of its passage.

SEC. 13. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. BACON. Does the bill come from the District Committee?

The VICE-PRESIDENT. It is reported from the Committee on the District of Columbia.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WESTERN POWER COMPANY.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BACON. I wish to know from what committee the bill comes?

Mr. FLINT. From the Committee on Public Lands.

The VICE-PRESIDENT. From the Committee on Public Lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATUE OF GOVERNOR MASON, OF MICHIGAN.

Mr. SMITH of Michigan. I ask unanimous consent to call up the joint resolution (S. R. 38) granting to the State of Michigan permission to use for its own purposes unused portions of condemned cannon granted to that State by joint resolution of June 23, 1906.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to grant permission to use the residue of the six bronze or brass condemned cannon granted the said State of Michigan to make a life-size statue of Stevens T. Mason, late governor of that State.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SQUARE NO. 328, WASHINGTON CITY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5429) to facilitate the use for manufacturing purposes of square numbered 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in line 5, page 2, after the word "square," to strike out "said railroad track and the conduit and pipes hereby authorized shall be located as may be directed by the said Commissioners of the District of Columbia, and be laid and maintained under their inspection and such regulations as they may prescribe; and the cost of such inspection and of replacing the pavements, curbs, and sidewalks disturbed by said work shall be paid by the parties to whom the permits shall be granted."

And insert:

Provided, That for purposes of said overhead track no present grades of Twelfth street shall be disturbed, and that overhead track shall have a clearance of at least 14 feet above the curb of said street: *And provided further*, That the overhead track and the conduit and pipes hereby authorized shall be located as may be directed by the said Commissioners of the District of Columbia, and be laid and maintained under their inspection in such locations as they may prescribe, and the cost of such inspection and of replacing the pavements, curbs, and sidewalks disturbed by said work shall be paid by the parties to whom the permits shall be granted.

The amendment was agreed to.

The next amendment was to add as an additional section the following:

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN V. VICKERS.

Mr. PAYNTER. I ask unanimous consent for the present consideration of the bill (S. 4313) for the relief of John V. Vickers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 2, line 4, after the word "authorized," to strike out "and required;" and in line 6, after the word "Government," to strike out "to the end that the said John V. Vickers, his heirs or legal representatives, may be reinvested with all the title which he has heretofore conveyed to the United States Government, or that he be authorized to accept and approve lieu selections for the above-described lands in accordance with said act of Congress approved June 4, 1897, which was in force at the time the conveyances were made to the Government."

And to insert:

To the following-described land, to wit: Southwest quarter northeast quarter and southeast quarter northwest quarter and the west half southeast quarter, section 26, township 10 south, range 68 west of the sixth principal meridian, Colorado, embracing 160 acres: *Provided*, That the said John V. Vickers makes satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title together with the deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

So as to make the bill read:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized to reconvey, by proper deed of conveyance, all title which the said John V. Vickers has vested in the United States Government, to the following-described land, to wit: Southwest quarter northeast quarter and southeast quarter northwest quarter and west half southeast quarter, section 26, township 10 south, range 68 west of the sixth principal meridian, Colorado, embracing 160 acres: *Provided*, That the said John V. Vickers makes satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title together with the deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported an amendment to strike out the preamble, which was agreed to.

WILLIAM E. MOSES.

Mr. PAYNTER. I ask unanimous consent for the present consideration of the bill (S. 4312) for the relief of William E. Moses.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 3, line 4, after the word "authorized," to strike out "and required;" and in line 6, after the words "to the," to strike out "end that the said William E. Moses, his heirs or legal representatives, may be reinvested with all the title which he has heretofore conveyed to the United States Government, or that he be authorized to accept and approve lieu selections for the above-described lands in accordance with said act of Congress approved June 4, 1897, which was in force at the time the conveyances were made to the Government."

And insert:

Following-described lands: South half south half southwest quarter southwest quarter and south half north half south half southwest quarter southwest quarter section 4, township 7 south of range 74 west, Colorado; south half south half southeast quarter southeast quarter and south half north half south half southeast quarter southeast quarter section 5, township 7 south of range 74 west, Colorado, 30 acres; southwest quarter southeast quarter lot 3, southwest quarter lot 3, north half lot 3, section 5, township 10 south of range 73 west, Colorado, 34 acres; northeast quarter northwest quarter southwest quarter northeast quarter, southwest quarter southeast quarter southwest quarter northeast quarter, east half southeast quarter southwest quarter northeast quarter, section 5, township 10 south of range 73 west, Colorado, 10 acres; east half east half southwest quarter southwest quarter, southwest quarter southeast quarter southwest quarter southwest quarter, south half southwest quarter southwest quarter southwest quarter, northwest quarter southwest quarter, southwest quarter southwest quarter, southwest quarter northwest quarter southwest quarter southwest quarter southwest quarter, section 4, township 10 south of range 73 west, Park County, Colo., 22⅔ acres; west half northwest quarter northeast quarter southeast quarter, southwest quarter northeast quarter southeast quarter, south half southeast quarter northeast quarter southeast quarter, section 5, township 10 south of range 73 west, Park County, Colo., 20 acres; southwest quarter west half southeast quarter, section 2, south half southeast quarter, section 3, township 8 south, range 71 west, of the sixth principal meridian, Colorado, embracing 320 acres; east half southeast quarter, section 4, and east half northeast quarter, section 9, township 10 south, range 16 west, New Mexico principal meridian, New Mexico, embracing 160 acres; west half northwest quarter and north half southwest quarter, section 6, township 10 south, range 16 west, New Mexico principal meridian, New Mexico, containing 156.03 acres; east half northwest quarter, section 21, township 10 south, range 16 west, New Mexico principal meridian, New Mexico, embracing 80 acres; southwest quarter northeast quarter and south half northwest quarter, section 18, township 10 south, range 16 west, New Mexico principal meridian, New Mexico, containing 119.52 acres; north half northwest quarter, section 3, and east half northeast quarter, section 4, township 10 south, range 16 west, of the New Mexico principal meridian, New Mexico, containing 160.55 acres; northwest quarter southeast quarter and southwest quarter northeast quarter, section 35, township 9 south, range 16 west, of the New Mexico principal meridian, New Mexico, containing 80 acres; southwest quarter northwest quarter, north half southwest quarter and southeast quarter southwest quarter, section 17, township 9 south, range 15 west, of the New Mexico principal meridian, New Mexico, embracing 160 acres; north half northeast quarter, section 35, southeast quarter southeast quarter, section 26, southwest quarter southwest quarter, section 25, township 9 south, range 16 west, and north half southeast quarter, southeast quarter northeast quarter, section 30, and southwest quarter northwest quarter, section 29, township 9 south, range 15 west, of the New Mexico principal meridian, New Mexico, containing 320 acres; lots numbered 17, 23, and 24, in section 5, township 11 south, range 14 west, New Mexico principal meridian, New Mexico, containing 120 acres; southwest quarter southeast quarter, southeast quarter southwest quarter, section 32, township 9 south, range 16 west, and northeast quarter northwest quarter, section 5, and northwest quarter northeast quarter and northeast quarter northwest quarter, section 7, township 10 south, range 16 west, of the New Mexico principal meridian, New Mexico, containing 200 acres: *Provided*, That the said William E. Moses makes satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title, together with the deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported an amendment to strike out the preamble, which was agreed to.

JUSTICES OF THE PEACE, DISTRICT OF COLUMBIA.

Mr. DILLINGHAM. I ask unanimous consent for the present consideration of the bill (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 3, line 4, after the word "law," to strike out "and equity," so as to read:

Any member of said court may try any case within its jurisdiction according to law, regardless of the place and residence of the defendant therein.

The amendment was agreed to.

The next amendment was, on page 4, line 1, after the words "salary of," to strike out "three thousand" and insert "two thousand five hundred," so as to read:

The judges of said court shall receive the same annual salary of $2,500 heretofore provided for justices of the peace by section 6 of the Code of Law for the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 4, line 6, after the word "expenses," to insert:

In cases of absence on account of sickness, death, or expiration of the term of service of either of the judges of the police court or of the juvenile court, any one of the justices of the supreme court of the District of Columbia may designate one of the judges of the municipal court to discharge the duties of said judges until such disability be removed or vacancy filled. The justice so designated shall take the same oath prescribed for these judges.

Mr. DILLINGHAM. I move that the committee amendment be amended by striking out "In cases of absence on account of sickness, death, or expiration of the term of service of either of the judges" and inserting the words "In case of sickness, absence, disability, expiration of term of service, or death of either of the judges."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 5, line 16, after the words "by the" to strike out "court" and insert "clerk," so as to read:

The assistant clerk may sign the name of the clerk to any official act required by law or by the practice of the court to be performed by the clerk.

The amendment was agreed to.

Mr. DILLINGHAM. I move that the word "same," in the last line on page 3, be stricken out.

The VICE-PRESIDENT. The Senator from Vermont proposes an amendment, which will be stated.

The SECRETARY. On page 3, strike out the word "same," the last one on the page, so as to read:

The judges of said court shall receive the annual salary of $2,500.

The amendment was agreed to.

Mr. DILLINGHAM. On page 4, line 2, after the word "dollars," I move to insert:

In lieu of the salary.

The amendment was agreed to.

Mr. KNOX. I should like to inquire of the Senator from Vermont whether the bill, as it now stands, excludes the equity jurisdiction of the court and confines it to the law jurisdiction?

Mr. DILLINGHAM. It does.

Mr. KNOX. I should like to know how it has been in the past and how it is now. Does the court have equity jurisdiction?

Mr. DILLINGHAM. I did not understand that the court did have, but the committee thought it wise that those words be stricken out.

Mr. BACON. I should like to ask the Senator from Vermont a question. He speaks of this as a court. Do these judges sit in banc?

Mr. DILLINGHAM. The bill provides for the sessions of the court in a single building, but separately, and the supreme court judges direct the assignment of cases.

Mr. BACON. It speaks of a certain number of judges constituting a court. They are in a somewhat different position. Each has the same rank, and each holds a court. It does seem to me that if that is the scheme of the bill, that they simply sit in the same building, but each judge holding a separate court, they do not together constitute an inferior court. I do not think that is a proper designation. They do not sit in banc. They are not members of the same court. Each is a court in himself. I think the bill ought to be changed in that particular.

I listened attentively to the reading of the bill in order to learn in what way these judges would ever get together as a court. I do not understand that they do. But it is spoken of as a court, the inferior court, is it not?

Mr. DILLINGHAM. The provision I think the Senator has reference to is as follows:

All pending actions and all actions hereinafter instituted shall be assigned for trial among the members of said court in nearly equal numbers and in such manner as may be agreed upon between them.

Mr. BACON. I understand that.

Mr. DILLINGHAM. Then—

The judges of said court shall hold separate sessions as heretofore.

Then it goes on and makes provision for a common clerk. The real object of this bill is that the present practice of having justices receive deposits for costs and other purposes, and be accountable for such deposits to the auditor of the District may be done away with. The auditor has great difficulty in settling with the justices. The bill provides, after bringing them together in this way, for the convenience of the public, really, that there shall be a clerk of this court who shall be under bond and shall receive all these deposits and who shall receive all penalties, fines, and everything of that kind, and shall also settle the accounts. The jurisdiction of the justices is not changed materially, except in one case it increases the jurisdiction from three to five hundred dollars, as a matter of convenience.

Mr. BACON. They are, then, in fact, made a court for the purpose the Senator indicates; in other words, there is a common scope of duty.

Mr. DILLINGHAM. There is a common scope of duty.

Mr. BACON. There is a sphere of action; and while they do not preside together they belong to one organization, with a representative clerical officer, having connection with each of them and performing a common duty for all of them.

Mr. DILLINGHAM. That is the condition.

Mr. BACON. I can see the purpose, but in the absence of that suggestion it struck me as rather anomalous to call a collection of judges a court when they never sat together. I can see that the purpose designed is a good one and justifies the name.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AARON CORNISH.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 4806) to amend the military record of Aaron Cornish.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "organization," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in the case of Aaron Cornish, late assistant surgeon, Ninety-seventh Regiment New York Volunteer Infantry, and to grant him an honorable discharge from said organization: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESTORATION OF ANNUITIES.

Mr. GAMBLE. I ask unanimous consent for the consideration of the bill (S. 2405) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 3, after line 8, to strike out all down to and including line 2, on page 4, in the following words:

Proceedings shall be commenced, verified, by the attorneys for said Indians, who are authorized by contract with said Indians, on file in the Department of the Interior, or assignees under said contract, and the said cause shall be advanced on the docket of the Court of Claims, and of the Supreme Court of the United States if the same shall be appealed; and the court shall find and award to the attorneys of said Medawakanton and Wahpakoota bands of Sioux Indians a sum not to exceed 10 per cent of the amount of said judgment, and distribute the sum thus awarded to the attorneys and their associates as their respective interests may appear under agreements between themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon the rendition of final judgment and certification of the same to the Secretary of the Treasury by the clerk of the Court of Claims, which sum is hereby appropriated, the same to be reimbursed from the proceeds of such judgment.

And in lieu thereof to insert the following:

Proceedings shall be commenced by petition, verified by Charles A. Eastman or Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November 27, 1896, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 1, 1897, or by any assignee of the said parties or any attorney by them employed to assist in the prosecution of said claim, and said suit shall be conducted by an attorney or attorneys associated with the attorney who shall have verified the petition, and the said cause shall be advanced on the docket of the Court of Claims and of the Supreme Court of the United States if the same shall be appealed, and the court shall find and award upon a quantum meruit to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates as their respective interests may appear, under agreements among themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money, out of any money in the Treasury not otherwise appropriated, to the said attorneys immediately upon rendition of final judgment, out of the proceeds of such judgment, if any, when an appropriation thereof is made by Congress.

The amendment was agreed to.

Mr. KEAN. Before the bill goes any further, I only see the last sentence in the report, which says:

I respectfully return the inclosed bill without my approval.

That is signed by the Acting Secretary of the Interior. That is all I see. I have not read anything further, and I should like to have some explanation of it.

Mr. GAMBLE. Mr. President, that is very true. This bill was referred during the last Congress to a subcommittee, and after a very full hearing before the junior Senator from North Dakota [Mr. MCCUMBER], the then Senator from Idaho, Mr. Dubois, and myself it was reported to the full committee and unanimously reported to the Senate. A similar bill had been reported favorably prior to that time. A bill practically identical, covering the same facts and the claims of the Sisseton Indians, was passed two years since and referred to the Court of Claims. That court heard and determined the case, and it was appealed to the Supreme Court of the United States and affirmed on the 24th of February of the present year.

This, Mr. President, is the only case, I think, in the history of the Government where there has been a forfeiture of annuities where they have not been restored. They were restored in the case of the Sissetons, to which I referred. The annuities and property of the Five Civilized Tribes were forfeited in 1862 and restored, and legislation further enacted even beyond the terms and conditions of the act of forfeiture.

If the Senator from New Jersey desires me to go fully into the matter, I am perfectly willing to do so, because, as I said, it was fully and thoroughly investigated by a subcommittee and by the full committee, and this is the second time it has been favorably reported.

This, of course, is simply to refer the claim to the Court of Claims, to hear and determine the amount, if any, that is due, giving credit to all sums properly due the Government from the Indians, and if any balance is found due, to render judgment. It is a case that is equitable and proper and just.

Mr. KEAN. The Department does not seem to think so, however.

Mr. GAMBLE. The office took the same position in regard to the Sissetons. If I may enlarge by adding a few words, I will state that by the treaty of 1835 the Government pledged to these Indians an annual annuity of $15,000 perpetually. By the treaty of 1851 the Government agreed to pay these Indians $61,400 for fifty years annually.

I do not know that I need to refer to the outbreak of 1862 in the State of Minnesota. I have no apology to offer for the Indians who engaged in it. But the fact is, Mr. President, every one of the Indians who participated in it either fled to Canada, was shot and killed, was imprisoned, or was hung under sentence. They have answered their punishment. The provisions of this bill give nothing to those who participated in that outbreak. As the record shows, some 800 to 900 of these Indians fled the country and went to Canada and still remain there. So all the guilty have been punished or are in Canada. Thirty-nine of them were hung and the balance of them went to Canada. The provisions of the bill do not apply to those. It is a meritorious measure, and I think it is justly proper that it should pass.

Mr. KEAN. I should like to ask the Senator another question. Does he not think that in the amendment proposed by the committee there ought to be some limitation on the amount of fees, and so on?

Mr. GAMBLE. I may say in reply that there were different attorneys employed in connection with this case, and this matter has been agreed upon between themselves. Ordinarily there have been, I will not say limitations, but a specific statement as to 10 per cent or 15 per cent, whatever it might be; but this I think is a fair and just provision, because it leaves it to a quantum meruit to be determined absolutely by the court.

Mr. KEAN. Not the amount of the fee.

Mr. GAMBLE. Yes; the amount of the fee is to be determined by the court, and I think that is much better than the other kind of a provision.

Mr. MCCUMBER. The Senator from New Jersey may have perhaps a little better insight into this bill than others, but I simply wish to call attention to the fact that the earlier treaties that were made, not only with the Wahpeton and Sisseton bands, but with what were known as the "Lower Sioux," bound those Indians not to make war against the Government of the United States. However, a provision was made in the treaty itself by which if any of the members of the tribe should commence any act of aggression against the persons or property of the whites, any damages committed by them might be deducted from the amount that would be their due.

Then the question arose whether the outbreak of 1862 was an actual war committed by the tribes against the United States or whether it was an outbreak by individuals of that tribe. Under the assumption that it was an actual war by the Indian tribes against the United States, the President of the United States, President Lincoln, declared forfeited the entire annuities that were to be paid under these particular provisions of the treaties. I think after due deliberation and after an investigation without prejudice, those who have considered the matter are satisfied, not only from an historical standpoint but from the evidence adduced in the investigation of the question, that the outbreak was the outbreak of certain individuals and not an outbreak of the entire tribe. In fact, the older men of the tribe and many of the younger men performed heroic endeavors not only to capture those who had committed the offenses, but also to protect the white settlers in that section of the country.

We have already deducted from the amount of those annuities everything that we could consider proper as a matter for deduction pertaining to the damages committed by these Indians. That has already been taken from their annuities.

At this late date, after having punished all who were guilty of any offense, your committee were of the opinion that it was an injustice to those who had been loyal to the Government to deprive them of that which properly belonged to them and their children, and therefore we reported in favor of the passage of the pending bill.

The Senator from South Dakota [Mr. GAMBLE] has already explained what I consider to be a very proper amendment to the bill, relating to the payment of attorneys. It is true that this matter has been before the Senate for a great many years and attorneys have been employed. We can not tell how much each one has performed. Most of them were employed under contracts which provide for the payment of a certain percentage of what was collected, but many others who were to receive even a less percentage, perhaps, performed many times the amount of work. So it was thought best that the court should determine not only who are entitled to anything, but also what amount, if any, they are entitled to receive. I think this provision is quite proper.

Mr. GALLINGER. The Senator from North Dakota is familiar with this matter, and I should like to ask him if he knows about what percentage ordinarily is paid to attorneys in these Indian cases. I noticed a while ago that a firm of attorneys received $750,000 in fees. It struck me as being an enormous amount.

Mr. MCCUMBER. It was an outrageous amount for the performance of the labors, although there was very much at stake in that case and the value of the property upon which their service was rendered was very considerable. The amount agreed upon was probably not to exceed 10 per cent of the judgment in favor of the Indians.

Mr. GAMBLE. I will say to the Senator from New Hampshire that the original bill provided that a sum not to exceed 10 per cent should be paid, and we thought it wise to strike that out and put in an amendment leaving it to the judgment of the Court of Claims.

Mr. GALLINGER. Does the Senator think with that provision left out of the bill the Indians will derive a benefit from the change, the amendment leaving it in the hands of the court?

Mr. MCCUMBER. I certainly think so. I think the court has been pretty fair ordinarily. In the other case the Senator refers to, I do not think the court decided upon the quantum meruit, but upon the exact terms of the contract; that the court held the contract was absolutely valid and it could not change the terms of the contract.

Mr. GALLINGER. I have an impression about this particular case, and I have looked at it several times, that we are straining a point to appropriate this money at all. I think there was a war on the part of those people. Some of them probably did not fight, but they did engage in a war, and some of them, of course, lost their lives.

I am not going to object to the bill, but I should like very much to protect the Indians, so that they may get part of this money at least and that it shall not all go to attorneys. I am afraid the Indians will not get any of it, because I have some knowledge, derived from other people, that as a rule the lawyers get the most of it in such cases.

Mr. CARTER. If the Senator will permit a suggestion, I have no doubt that the committee made the change in contemplation of a possible reduction below 10 per cent. I suggest that the bill be amended so as to read "in the discretion of the court, but not to exceed 10 per cent of the recovery."

Mr. GALLINGER. That was originally in the bill, and I had prepared an amendment to make it read "not to exceed in the aggregate 10 per cent of the judgment."

Mr. MCCUMBER. I wish to say frankly to the Senator that I think he is taking a step which will result in the very thing that he does not want to accomplish. In other words, where

you say that the court shall fix a sum not exceeding 10 per cent, I have noticed in every case of that kind the court has fixed absolutely 10 per cent and has taken it as the expression of a sentiment on the part of the lawmakers that that was the intention. We did not feel that even 10 per cent might be justified in this case, and therefore we thought, in view of what the court had done in another similar case, that it was best to leave it entirely within the discretion of the court.

Mr. GALLINGER. Of course I yield to the judgment of the Senator.

Mr. McCUMBER. I have no objection to the amendment if the Senator wants to have it that way.

Mr. CARTER. I will not offer an amendment.

Mr. GALLINGER. Upon the statement of the Senator from North Dakota and the Senator from South Dakota I will not offer the amendment. My only purpose has been to call attention to the matter in the hope that the Indians may be fairly dealt with when the money is distributed; that is all. If Senators are satisfied that the court will safeguard their interests in this respect, I have nothing further to say.

Mr. McCUMBER. If the court should even fail to do that, when we appropriate the money to pay the judgment we could see that it was done.

Mr. GAMBLE. Yes; we have tried to safeguard the rights of the Indians to the utmost of our ability.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURT-HOUSE AND JAIL AT YUMA, ARIZ.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 5820) ratifying an act of the legislative assembly of the Territory of Arizona providing for the erection of a court-house and jail at Yuma, in Yuma County, Territory of Arizona.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Territories with an amendment to insert at the end of the bill the following provisio:

Provided, however, That no more than $50,000 shall be issued under the provisions of said act; and said act is ratified only to that extent.

So as to make the bill read:

Be it enacted, etc., That the act of the legislative assembly of the Territory of Arizona, approved March 21, 1907, providing for the erection of a court-house and jail in the town of Yuma, Yuma County, Territory of Arizona, is hereby ratified, approved, and confirmed: *Provided, however,* That no more than $50,000 shall be issued under the provisions of said act; and said act is ratified only to that extent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURT-HOUSE AND JAIL IN MOHAVE COUNTY, ARIZ.

Mr. BEVERIDGE. I ask the Senate to proceed to the consideration of the bill (S. 5816) ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly providing for the issuance of bonds by Mohave County to erect a court-house and jail in said county.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURT-HOUSE AT ST. JOHNS, ARIZ.

Mr. BEVERIDGE. I ask for the present consideration of the bill (S. 5818) ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TOWN SITES IN RECLAMATION PROJECTS.

Mr. BORAH. I ask for the present consideration of the bill (S. 6018) providing for the disposition of town sites in connection with reclamation projects, and for other purposes.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Irrigation and Reclamation of Arid Lands with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Interior is hereby authorized, in connection with town sites established within or in the vicinity of any reclamation project under the provisions of the acts of April 16, 1906, and June 27, 1906, in fixing the terms of sale for lots to provide, in his discretion, for payments in cash or in not exceeding ten annual installments. He is further authorized to expend from the proceeds of the sales of town lots in any town site heretofore or hereafter established under said acts, such sums as in his discretion may be necessary for the construction of schoolhouses, water and sewer systems, and other municipal improvements, and for the operation and maintenance therof, the expenditures herein provided for to be made through the Reclamation Service. The installments paid on the purchase of lots shall be available for such purposes to their entire extent as received. Upon the incorporation of any such town, which shall be done as soon as practicable under the State or Territorial laws, the Secretary of the Interior shall make no further expenditures for municipal improvements, except as may be necessary to complete those previously begun and to operate and maintain the works constructed until such time after incorporation as the town is organized and can take over the management and care thereof, whereupon the ownership of the improvements shall be transferred by the Secretary of the Interior on behalf of the United States to the proper town authorities.

SEC. 2. That the Secretary of the Interior is further authorized to reserve from entry under the public-land laws such lands as may be necessary for cemetery purposes, either adjacent to such town sites or at locations convenient for the purpose. He is further authorized to make appropriate regulations for the subdivision and sale of lots in said cemeteries at an appraised value through the Reclamation Service until such time as the town shall be duly incorporated under the State or Territorial laws, after which the lots shall be disposed of by the town authorities, and the proceeds of such sales by the town authorities shall be used for cemetery improvements and for general public improvements. The proceeds of such sales by the Reclamation Service shall be covered into the reclamation fund and be available for cemetery and general municipal improvements, subject to the provisions of section 1 hereof.

SEC. 3. That the survey, subdivision, and sale of lots for cemeteries and town sites heretofore and hereafter established under said acts shall be conducted by the Secretary of the Interior through the Reclamation Service. The proceeds of such sales shall be turned over to the receiver of the local land office, and patents for the lots shall be issued in the usual manner through the General Land Office.

Mr. PILES. I move to amend the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Washington to the amendment will be stated.

The SECRETARY. In section 1 of the amendment, page 3, line 22, after the word "received," it is proposed——

Mr. CARTER. Mr. President, I ask the Senator from Washington to kindly withhold the amendment he has offered for a few moments, as I have suggested certain amendments to the Senator from Idaho [Mr. BORAH], which I think may well first be disposed of.

Mr. BORAH. If the Senator from Washington will withhold his amendment for a moment——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. PILES. I yield to the Senator from Idaho.

Mr. BORAH. I desire to suggest some amendments to the committee amendment. In section 1, page 3, line 8, before the word "reclamation," I move to strike out the word "any," and to insert the words "the Minidoka."

The amendment to the amendment was agreed to.

Mr. BORAH. On page 3, line 8, after the word "project," I move to insert the words "in Idaho."

The amendment to the amendment was agreed to.

Mr. BORAH. I also offer an amendment after the word "installments," in line 12, on page, 3, to insert "with interest at 6 per cent per annum on deferred payments."

The amendment to the amendment was agreed to.

Mr. BORAH. In line 15, on page 3, after the word "acts," I move to insert the words "on said project."

The amendment to the amendment was agreed to.

Mr. BORAH. I now yield to the Senator from Washington.

Mr. PILES. I now ask that my amendment be stated.

The VICE-PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In section 1, on page 3, beginning in line 22, after the word "received," it is proposed to amend the amendment by striking out all down to and including line 7, on page 4, as follows:

Upon the incorporation of any such town, which shall be done as soon as practicable under the State or Territorial laws, the Secretary of the Interior shall make no further expenditures for municipal improvements, except as may be necessary to complete those previously begun and to operate and maintain the works constructed until such time after incorporation as the town is organized and can take over the management and care thereof, whereupon the ownership of the improvements shall be transferred by the Secretary of the Interior on behalf of the United States to the proper town authorities.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington to the amendment of the committee.

Mr. GALLINGER. Mr. President, before this bill is voted on I should like to get a little information about it.

The VICE-PRESIDENT. Does the Senator from New Hampshire rise to the pending amendment?

Mr. GALLINGER. No.

The VICE-PRESIDENT. Without objection, the amendment which has just been stated will be regarded as agreed to.

Mr. GALLINGER. I may be obtuse, and probably am——

Mr. PILES. Mr. President, I should like to know if my amendment has been adopted?

The VICE-PRESIDENT. The one which has been stated has been agreed to; but there is another amendment proposed by the Senator from Washington.

Mr. GALLINGER. I will wait until that also is acted upon.

The VICE-PRESIDENT. The Senator from Washington proposes an additional amendment, which will now be stated.

The SECRETARY. In section 2, on page 4, line 15, after the words "Reclamation Service," it is proposed to amend the amendment by inserting a period and beginning the following word, "until," with a capital letter.

The amendment to the amendment was agreed to.

Mr. GALLINGER. I was about remarking, Mr. President——

Mr. CARTER. Before the Senator from New Hampshire proceeds——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Montana?

Mr. GALLINGER. I will yield to the Senator from Montana.

Mr. CARTER. I desire to call the attention of the Senator from Idaho [Mr. BORAH] to the words "or Territorial" appearing repeatedly in the bill. Those words have no application there in view of the amendments which have been made. The words "or Territorial" may be stricken out in line 16, page 4, before the word "laws."

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. BORAH. I will state to the Senator from Montana that that entire clause will go out under the amendment suggested by the Senator from Washington [Mr. PILES].

Mr. CARTER. Section 2 does not go out under the amendment.

Mr. BORAH. A portion of it will.

Mr. PILES. Yes; but I suggest another amendment.

Mr. BORAH. The next amendment which will be suggested by the Senator, as I understand, is to section 2.

The VICE-PRESIDENT. The Senator from Washington [Mr. PILES] proposes an additional amendment, which will be stated.

The SECRETARY. In section 2, on page 4, line 15, after the word "Service," it is proposed to amend the amendment by striking out down to and including the words "public improvements," on line 19, as follows:

Until such time as the town shall be duly incorporated under the State or Territorial laws, after which the lots shall be disposed of by the town authorities, and the proceeds of such sales by the town authorities shall be used for cemetery improvements and for general public improvements.

The amendment was agreed to.

Mr. PILES. That takes it all out.

Mr. GALLINGER. Mr. President, the amendment just adopted removes from my mind some difficulties that I encountered in hurriedly reading this bill. I was a very warm advocate of the legislation which has brought about these great reclamation projects. That legislation contemplated or proposed the sale of Government lands for the purpose of reclaiming certain arid and semiarid regions of the country. I very likely do not understand the purpose of this bill, but, in glancing at it, it seems to me we are now going to take some of the money and build up town sites, build schoolhouses, put in sewers, and do all sorts of things in the way of municipal improvements. Then, according to the bill as it was framed before the amendments just adopted, those improvements were going to be turned over to the municipal authorities a little later. Am I right or wrong in that suggestion, I will ask the Senator from Idaho?

Mr. BORAH. Well, Mr. President, the Senator is partially correct. Upon these reclamation projects certain towns have been organized. Those towns are without any means whatever of raising money with which to construct schoolhouses or sewers or any of those things which are essential both to the health and the education of the people. This is a condition which has been found to exist for some time upon these projects.

Now, it has become necessary in some way to build up the schoolhouses and to provide means by which the health of the people can be protected. This plan has been devised and approved by the Department and unanimously agreed upon and approved by the committee. But it must be conceded that there must be some method by which the people who are invited to live upon these lands must have educational means and must have their health preserved and protected. As it is, they have no property to tax and no means by which to do this. This is a simple process of carrying out to successful fruition the reclamation project.

Mr. GALLINGER. Mr. President, that very likely is so theoretically. This is a paternal Government, or it is getting to be a paternal Government. But it seems to me rather remarkable that, after we have gone into the reclamation project and have provided that these Government lands shall be sold for the purpose of irrigation, we should proceed to divert a portion of the money to build up towns and give the people all the benefits that other people enjoy after they have earned their money. In the matter of the irrigation project, I think the money is to be reimbursed to the Treasury, but I do not see that there is any provision in this bill that the money we expend here to build up communities is to be reimbursed.

Mr. BORAH. Mr. President, that matter was thoroughly discussed before the Department and before the committee, and as the bill was originally introduced it made provision to that effect; but it was the opinion of the Secretary of the Interior and of those who are familiar with this matter that the increased value of the lots by reason of this project would more than compensate for the money expended.

Now, as an illustration, upon the project which we have in view in this bill there are two or three towns—that is, they purport to be towns—and side by side with this project is a scheme, which is carried on under the Carey proposition, and the difference in the price of lots on the same kind of land under the same conditions discloses very clearly that it will not be a loss, but a perceptible gain to the Government.

Mr. GALLINGER. Well, Mr. President, I have in mind some communities in New England, where they are struggling to get a living on farms that are mostly rocks, that would be glad to have the Government step in and build schoolhouses and sewers for them and make them as comfortable as the people are out on the prairies of the West; but we have never thought that we had a right to come to Congress and ask for help of that kind.

I can not to-day bring my mind to the conclusion that this is good legislation. Of course it is going to benefit some poor people; of course it is going to build up towns and give them educational and sewerage facilities that will be conducive to health; but is that a legitimate object of government? Have we not gone far enough when the Government provides for the sale of these lands for the purpose of irrigating them and making them productive? Ought not the people on those lands then take care of themselves, as the people in all other sections of this country are compelled to take care of themselves, to earn a living, and get funds for the purpose of building schoolhouses, sewers, and other internal improvements?

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Washington?

Mr. GALLINGER. Certainly.

Mr. PILES. I think the Senator from New Hampshire is laboring under a misapprehension.

Mr. GALLINGER. That is what I have feared, and I have been asking for information on that point.

Mr. PILES. This bill does not provide for the sale of agricultural lands and using the money derived from such sale for sewage purposes in the country or for the construction of schoolhouses in the country; but the Government, not only in the arid regions, but in all other sections of the country where the Government owns public lands, reserves for public purposes certain town sites. This bill simply provides that the money derived from the sale of the lots located within the limits of the towns shall be applied for the purpose of providing proper sewage facilities, the construction of schoolhouses, and so forth. All of the property within the limits of the towns being Government property, there is no other way of getting the money for this purpose.

Mr. GALLINGER. Mr. President, that is an outright gift on the part of the Government. It does not change the fact a particle. The Government gives the lands, the lots are sold, and the proceeds of those lots are used for internal improvements. I feel, Mr. President, that I must object to the consideration of the bill to-day, so that I can look into it a little more carefully.

The VICE-PRESIDENT. Objection is made to the further consideration of the bill.

Mr. BORAH. Mr. President, I will not, of course, object to that, but I want to make a suggestion to the Senator before the bill goes over. In looking into this matter he will find that the

people who are being invited to purchase land under the reclamation projects, which the Government is much interested in having them do, are being embarrassed and retarded by the very fact that when they take their families there they take them to a place where the Government has provided no means, because there is no property there which can be taxed, by which their education can be had or their health protected. The question is, Is the Government not interested in having this land sold under such conditions as will bring fair prices in the market?

Mr. GALLINGER. Of course those people are not compelled to go there any more than they are compelled to go to any other part of our country where they are not provided with adequate facilities for health and education.

Mr. McCUMBER. I should like to ask the Senator from New Hampshire, if he will allow me, if those lots would not become taxable for that purpose immediately after they are sold?

Mr. GALLINGER. They would probably become taxable; but I should be glad to have the Government give me some property that I could pay taxes on. I would even accept some in the District of Columbia.

Mr. McCUMBER. I am showing that when the land becomes taxable there is a method of raising money; that is all.

Mr. TELLER. Mr. President, if the bill is going over, I do not care to take the time of the Senate to speak on it at length; but, in my judgment, there is nothing in the reclamation act that would justify this proceeding.

Mr. GALLINGER. That is right.

Mr. TELLER. The other day a question was raised whether that act did not provide for the purchase of land by the Government. I have read it with care, and I find that it does not. It is only where there may be necessity for dams or something of that kind that a fair construction, perhaps, would allow the purchase of land; but there is no authority in any reclamation act for the Government to do anything more than that.

I have another objection to this bill, Mr. President. It interferes with the school systems of the country. If I were governor of the State of Colorado, I would not allow the Government of the United States to build a schoolhouse in the State of Colorado, and, as a citizen of that State, I should enter a very vigorous protest if the Government should attempt to do so.

The whole proceeding proposed is within a State. It looks to me as if the State that would come here and ask the Government to build schoolhouses for it and to do other things, and then plead the poverty of the people, must have got into the Union a little earlier than it should have done, or else the people have not a proper conception of their duty as citizens of that State. Mr. President, when this bill comes up again I shall have something to say about it.

Mr. BORAH. Mr. President, just a word. The people are not pleading poverty at all; but the conditions under which the reclamation act was passed and the conditions which now prevail preclude the possibility of taxing any property in that vicinity.

Mr. CARTER. Mr. President, with reference to the pending question, on the matter presented by the bill I desire, with the indulgence of the Senate, to say a word from the committee point of view.

It is true that the Reclamation Service will proceed, whatsoever may be done with the town lots in every reclamation project. The town lots, under existing law, are to be sold for cash, and of course conveyance promptly made; and thus the property will become taxable. When the money is paid in for the town lots under existing law it is covered into the Treasury to the credit of the reclamation fund, and so far reduces the cost to the farmer of the reclamation of each acre he may enter under the law.

The bill as originally presented contemplated its application to the entire country, and I think it is opportune to say that with reference to this proposed departure it is true that the Reclamation Service is very anxious and has insistently urged that authority be given to construct schoolhouses, to build waterworks, to lay sewer pipes, and to go into all the public utilities necessary for a community residing within a town site. I feel that this would make of the Reclamation Service a general contracting agency for the Government, with vague and indefinite authority to contract and an interminable task laid out for construction and interference with the legitimate activities of a growing community.

The American people, from the old town meeting in New England up to this hour, have understood how to organize municipalities and how to conduct them. It is a part of the educational work of each community to manage its own affairs, and I do not think it is wise policy for the Government to undertake to extend its paternal arm over the activities of each little growing community in the country, thus paralyzing its enterprise and pauperizing its sentiment.

But the bill pending, Mr. President, was amended at the suggestion of the Senator from Idaho by confining its provisions to a single irrigation project in his State, where I understood conditions were rather unusual, making the case a unique one. So understanding, as a member of the committee, I was willing to assent to the passage of the bill, but I can not assent to the passage of a bill which will form a precedent for like acts for other communities. If in this case, as stated, the conditions are exceptional, let relief be granted, but it must be in the nature of relief on this particular project. I believe it would be one of the worst things that could be done by Congress in the way of interfering with this Reclamation Service to enter upon this era of wild, unlimited construction in all the activities connected with the growth of cities and towns and villages in the country. The people will build these up themselves.

Mr. GALLINGER. Mr. President, before the bill goes over, I ask that it be printed as amended, so that we may have it in proper form when we take it up again.

The VICE-PRESIDENT. In the absence of objection, that order is made, and the bill will go over at the request of the Senator from New Hampshire.

REMOVAL OF RESTRICTIONS ON LANDS OF FIVE CIVILIZED TRIBES.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The VICE-PRESIDENT. The amendments reported by the committee will be stated.

Mr. McCUMBER. Mr. President, before taking up the committee amendments, I wish to say that I desire to offer an amendment that will include several of the committee amendments. I do not wish to be precluded from offering my amendment in Committee of the Whole by having the committee amendments agreed to.

Mr. OWEN. That can be done by unanimous consent, it being understood that the Senator may present his amendment without being precluded after the committee amendments have been agreed to.

Mr. McCUMBER. With that understanding, I will withhold the proposed amendment.

The VICE-PRESIDENT. The Secretary will state the committee amendments.

The first amendment of the Committee on Indian Affairs was, in section 1, page 2, line 1, before the word "Indian," to strike out "less than half" and insert "one-quarter or less than one-quarter;" in line 4, before the word "more," to strike out "half or;" in the same line, before the word "Indian," to strike out "half" and insert "one-quarter or less than three-quarters;" in line 7, before the word "or," to strike out "half" and insert "one-quarter;" in the same line, before the word "Indian," to strike out "half" and insert "one-quarter;" in line 8, before the word "and," to insert "including minors of such degree of blood;" in line 10, before the word "shall," to insert "including minors of such degree of blood;" and in line 20, after the word "act," to insert: "No restriction of alienation shall be construed to prevent the exercise of the right of eminent domain in condemning rights of way for public purposes over allotted lands. All restricted allotted land of allottees of the Five Civilized Tribes shall be subject to taxation where such land has been leased, but taxes thus levied shall not become a lien against the land, but shall be paid by the lessee, and shall be a lien against any crops or values produced from the land," so as to make the section read:

That from and after sixty days from the date of this act the status of the lands allotted heretofore or hereafter to allottees of the Five Civilized Tribes shall, as regards restrictions on alienation or incumbrance, be as follows: All lands, including homesteads, of said allottees enrolled as intermarried whites shall be free from all restrictions. All lands, including homesteads, of said allottees enrolled as freedmen shall be free from all restrictions. All lands, including homesteads, of said allottees enrolled as of one-quarter or less than one-quarter Indian blood shall be free from all restrictions. All lands, except homesteads, of said allottees enrolled as mixed-blood Indians having more than one-quarter or less than three-quarters Indian blood shall be free from all restrictions. All homesteads of said allottees enrolled as mixed-blood Indians having one-quarter or more than one-quarter Indian blood, including minors of such degree of blood, and all allotted lands of enrolled living full bloods, including minors of such degree of blood, shall not be subject to alienation, contract to sell, power of attorney, or any other incumbrance, prior to April 26, 1931, except that the Secretary of the Interior may remove such restrictions, wholly or in part, under such

rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe. The Secretary of the Interior shall not be prohibited by this act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions removed from land by or under any law prior to the passage of this act. No restriction of alienation shall be construed to prevent the exercise of the right of eminent domain in condemning rights of way for public purposes over allotted lands. All restricted allotted land of allottees of the Five Civilized Tribes shall be subject to taxation where such land has been leased, but taxes thus levied shall not become a lien against the land, but shall be paid by the lessee and shall be a lien against any crops or values produced from the land.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to strike out section 2, as follows:

SEC. 2. That all land allotted to adult allottees of the Five Civilized Tribes and subject to restriction may be leased by the allottees, or in the case of minors as provided in section 6 hereof, for periods not exceeding five years without the privilege of renewal, except that oil, gas, or other mineral leases of adults for any period of time, and other leases of adults if made for more than five years, of any such restricted lands, may be made with the approval of the Secretary of the Interior and not otherwise.

And in lieu thereof to insert:

SEC. 2. That all lands other than homesteads allotted to members of the Five Civilized Tribes from which restrictions have not been removed may be leased by the allottee for a period not to exceed five years: *Provided*, That leases of oil, gas, or other minerals, and of restricted homesteads and leases for more than five years, may be made under rules and regulations provided by the Secretary of the Interior, and not otherwise, and leases of the lands allotted minors may be made as provided in section 6 of this act.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 24, before the word "the," to strike out "the age and;" on page 4, line 1, after the word "tribes," to insert "and of no other persons;" and in line 2, after the word "act" to insert: "and the enrollment cards of the enrollment records shall be conclusive evidence as to the age of said citizen or freedman: *Provided*, That if any such card shall be lost or destroyed said rolls shall be conclusive evidence as to the age of said citizen or freedman," so as to make the section read:

SEC. 3. That the rolls of citizenship and of freedmen of the Five Civilized Tribes approved by the Secretary of the Interior shall be conclusive evidence as to the quantum of Indian blood of any enrolled citizen or freedman of said tribes and of no other persons to determine questions arising under this act, and the enrollment cards of the enrollment records shall be conclusive evidence as to the age of said citizen or freedman: *Provided*, That if any such card shall be lost or destroyed said rolls shall be conclusive evidence as to the age of said citizen or freedman.

The amendment was agreed to.

The next amendment was, on page 4, line 7, before the word "That," to strike out the words "SEC. 3a:" in the same line, before the word "oil," to strike out "all" and insert "no;" and in line 10, after the word "shall," to strike out "not," so as to read:

That no oil, gas, and other mineral leases entered into by any of said allottees prior to the removal of restrictions requiring the approval of the Secretary of the Interior shall be rendered invalid by this act, but the same shall be subject to the approval of the Secretary of the Interior as if this act had not been passed.

The amendment was agreed to.

The next amendment was, in section 4, page 5, line 3, after the word "restriction," to strike out "shall;" in line 4, before the word "removed," to insert "or shall be;" and in line 6, after the word "Tribes," to strike out "*And provided further*," and to insert "*Provided*," so as to make the section read:

SEC. 4. That all lands from which restrictions have been or shall be removed shall be subject to taxation and all other civil burdens as though it were the property of other persons than allottees of the Five Civilized Tribes: *Provided*, That allotted lands shall not be subjected or held liable to any form of personal claim, or demand, against the allottees arising or existing prior to the removal of restrictions, other than contracts heretofore expressly permitted by law.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 23, after the word "by," to strike out "law" and insert "this act;" on page 6, line 2, after the word "representatives," to strike out "for the eastern judicial district of" and insert "within;" in line 3, before the word "as," to insert "who shall be citizens of that State;" in line 5, before the word "curators," to strike out "and" and insert "or;" in line 9, before the word "curator," to strike out "and" and insert "or;" and in line 12, before the word "curator," to strike out "and" and insert "or," so as to read:

SEC. 6. That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by this act, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that State as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors; and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardians or curator, said representative or representatives of the Secretary of the Interior shall have power, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 3, before the word "curator," to strike out "and" and insert "or," so as to read:

The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian or curator for such minors, without fee or charge.

The amendment was agreed to.

The next amendment was, on page 8, line 6, after the word "except," to insert "by," so as to make the proviso read:

Provided, That no restricted lands of living minors shall be sold or encumbered, except by leases authorized by law, by order of the court, or otherwise.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word "thousand," to strike out "fifty" and insert "thirty;" in line 12, before the word "expenses," to insert "necessary;" and in line 14, after the word "Oklahoma," to insert the following proviso:

Provided, That the sum of $10,000 of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma.

So as to make the clause read:

And there is hereby further appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and available until expended as the Attorney-General may direct, the sum of $30,000, to be used in the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma: *Provided*, That the sum of $10,000 of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma.

The amendment was agreed to.

The next amendment was, on page 8, after line 18, to insert:

Any suit brought by the authority of the Secretary of the Interior against the vendee or mortgagee of a town lot against whom no fraud has been established may be dismissed and the title quieted upon payment of the full balance due on the original appraisement of such lot.

The amendment was agreed to.

The next amendment was, in section 8, page 9, line 10, before the words "at the," to strike out "substituting for the words 'a United States commissioner'" and insert "adding;" and in line 11, after the word "words," to insert "or," so as to make the section read:

SEC. 8. That section 23 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, is hereby amended by adding at the end of said section the words "or a judge of a county court of the State of Oklahoma."

The amendment was agreed to.

The next amendment was, in section 9, page 9, line 14, after the word "restrictions," to strike out "from" and insert "upon;" in line 18, before the word "estate," to strike out "said" and insert "the;" and in the same line, after the word "estate," to insert "of said deceased allottees," so as to make the section read:

SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the estate of said deceased allottee.

The amendment was agreed to.

The next amendment was, on page 9, after line 19, to insert as a new section the following:

SEC. 10. That nothing in this act shall be so construed as to abridge, change, or affect the rights of any citizens by blood or freedmen, or their heirs, of the Five Civilized Tribes, who may hereafter, by the order of court or of the Interior Department, be adjudged entitled to enrollment.

The amendment was agreed to.

The next amendment was, at the top of page 10, to insert as a new section the following:

SEC. 11. That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury of the United States belonging to the Chickasaw Nation, any and all outstanding general and school warrants duly signed by the auditor of public accounts of the Chickasaw Nation and drawn on the national treasurer thereof prior to April 26, 1906, and submitted for payment to the United States Indian agent at Union Agency, at Muskogee, Okla., with interest at 6 per cent per annum from the respective dates thereof: *Provided*, That said Secretary shall not pay such warrants until he investigates the issuance and transfer of said warrants and is satisfied that the respective owners of said warrants purchased the same in good faith for a valuable and reasonable consideration and had no reason to suspect fraud in the issuance of said warrants.

The amendment was agreed to.

The next amendment was, on page 10, after line 16, to insert as a new section the following:

SEC. 12. That the Secretary of the Interior may permit any lessee having a coal and asphalt lease covering segregated coal or asphalt lands in the Choctaw and Chickasaw nations in Oklahoma, which lease has been approved by the Secretary of the Interior, to surrender any tract or part thereof and to substitute therefor, subject to the terms of the lease and approval by the Secretary of the Interior, adjoining land within said segregation substantially equal in area to the land surrendered.

And all royalties heretofore accrued or hereafter arising from mineral leases by Seminole allottees heretofore or hereafter made shall be paid to the United States Indian agent, Union Agency, for the benefit of the Indian lessor or his proper representative to whom such royalties shall hereafter belong; and all royalties accrued or hereafter accruing under any oil lease made under section 13 of the act of Congress approved January 28, 1898, entitled "An act for the protection of the people of Indian Territory, and for other purposes," shall be paid to allottees of the land included in such lease pro rata according to the area of their respective holdings, or to their lawful assigns.

The amendment was agreed to.

The next amendment was, on page 11, after line 13, to insert as a new section the following:

SEC. 13. That all records pertaining to the allotment of lands of the Five Civilized Tribes shall be finally deposited in the office of the United States Indian agent, Union Agency, when and as the Secretary of the Interior shall determine such action shall be taken, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available as the Secretary of the Interior may direct, the sum of $15,000, or so much thereof as may be necessary to enable the Secretary of the Interior to furnish the various counties of the State of Oklahoma certified copies of such portions of said records as affect title to lands in the respective counties.

The amendment was agreed to.

The next amendment was, at the top of page 12, to insert as a new section the following:

SEC. 14. That section 15 of an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, shall become operative immediately upon the approval of this act.

The amendment was agreed to.

Mr. OWEN obtained the floor.

Mr. McCUMBER. Before the Senator from Oklahoma asks that the bill go over, I offer an amendment, which I ask may be read.

The VICE-PRESIDENT. The Senator from North Dakota proposes an amendment, which will be stated.

The SECRETARY. Strike out all after the word "restrictions," in line 10, page 1, down to and including the word "prescribe," on line 16, page 2, and insert in lieu thereof the following:

All lands of said Indian allottees of one-quarter or more than one-quarter Indian blood shall be subject to all restrictions now provided by law.

All lands of Indian allottees of less than one-quarter Indian blood, except homesteads, shall be free from restrictions.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. OWEN. I ask unanimous consent that the bill may now go over until after the morning hour to-morrow, not to interfere with the unfinished business or appropriation bills.

Mr. LONG. The purpose of the Senator's request is to make it the special order for to-morrow?

Mr. OWEN. To make it a special order after the routine morning business to-morrow, not, however, to bar appropriation bills or the unfinished business.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent that the bill may be taken up for consideration immediately after the conclusion of the routine morning business to-morrow, not to interfere with appropriation bills or the unfinished business. Is there objection? The Chair hears none, and it is so ordered.

COURTS AT SPRINGFIELD, MASS.

Mr. CARTER. On behalf of the junior Senator from Pennsylvania [Mr. KNOX], who is temporarily absent from the Chamber, I request unanimous consent for the present consideration of the bill (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN WASHINGTON STATE.

Mr. ANKENY. I wish to call up for immediate consideration the bill (S. 4183) to establish a fish-cultural station on the Tucannon River, in the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with an amendment, in line 5, after the word "station," to strike out "on the Tucannon River," so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Washington, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Washington."

VESSELS FOR IMMIGRATION SERVICE, SAN FRANCISCO.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (H. R. 16515) authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of Commerce and Labor to secure, by purchase or construction, a steel ferryboat at a cost not exceeding $100,000, to be used in the immigration service between Angel Island and San Francisco, Cal., and a steel cutter, at a cost not to exceed $25,000, for the use of the officials of the immigration service at San Francisco, Cal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 30, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 29, 1908.

UNITED STATES CONSULS.

Julean H. Arnold, of California, now consul of class 7 at Tamsui, for promotion to be consul of the United States of class 4 at Amoy, China, vice Harry L. Paddock, resigned.

Carl F. Deichman, of Missouri, now consul of class 9 at Manzanillo, for promotion to be consul of the United States of class 7 at Tamsui, Formosa, vice Julean H. Arnold, nominated for promotion to be consul of class 4 at Amoy.

Charles C. Eberhardt, of Kansas, now consul of class 7 at Iquitos, for promotion, to be consul of the United States of class 6 at Barranquilla, Colombia, vice Pierre Paul Demers, promoted to be consul of class 5 at Bahia.

George Heimrod, of Nebraska, now consul of class 6 at Apia, to be consul of the United States of class 6 at Berne, Switzerland, vice James Jeffrey Roche, deceased.

Franklin D. Hale, of Vermont, now consul of class 9 at Coaticook, to be consul of the United States of class 9 at Charlottetown, Prince Edward Island, vice John H. Shirley, recalled.

Mason Mitchell, of New York, now consul of class 6 at Chungking, to be consul of the United States of class 6 at Apia, Samoa, vice George Heimrod, nominated to be consul of class 6 at Berne.

RECEIVER OF PUBLIC MONEYS.

Thomas R. Hamer, of Idaho, to be receiver of public moneys at Blackfoot, Idaho, vice George A. Robethan, term expired. (J. Frank Hunt, declined.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 29, 1908.

UNITED STATES ATTORNEY.

J. Whitaker Thompson, of Pennsylvania, to be United States attorney for the eastern district of Pennsylvania.

REAPPOINTMENTS IN THE ARMY.

For reappointment as officers of the Medical Corps of the Army, with rank from the dates specified after their respective names:

Assistant surgeons-general to be colonels.

Joseph B. Girard, September 7, 1902.
William C. Gorgas, March 9, 1903.
Philip F. Harvey, August 6, 1903.
Charles B. Byrne, August 9, 1903.
Valery Havard, April 26, 1904.

John Van R. Hoff, January 19, 1905.
George W. Adair, April 6, 1905.
Louis M. Maus, May 10, 1907.
Blair D. Taylor, March 31, 1908.

Deputy surgeons-general to be lieutenant-colonels.

George H. Torney, August 6, 1903.
Louis W. Crampton, August 9, 1903.
Daniel M. Appel, August 3, 1904.
Harry O. Perley, August 14, 1904.
William B. Davis, January 19, 1905.
William W. Gray, April 6, 1905.
Louis Brechemin, July 1, 1905.
Louis A. La Garde, March 17, 1906.
John M. Banister, March 29, 1906.
Aaron H. Appel, May 10, 1907.
Junius L. Powell, March 31, 1908.
Charles Richard, April 10, 1908.

Surgeons to be majors.

W. Fitzhugh Carter, November 30, 1897.
Rudolph G. Ebert, April 17, 1898.
Robert J. Gibson, April 23, 1898.
William H. Arthur, August 23, 1898.
George E. Bushnell, December 10, 1898.
Henry P. Birmingham, December 15, 1898.
Edward Champe Carter, December 21, 1898.
Marlborough C. Wyeth, June 8, 1899.
Richard W. Johnson, November 6, 1899.
William Stephenson, April 28, 1900.
John L. Phillips, October 8, 1900.
William C. Borden, February 2, 1901.
Edgar A. Mearns, February 2, 1901.
Guy L. Edie, February 2, 1901.
William D. Crosby, February 2, 1901.
Charles M. Gandy, February 2, 1901.
Charles B. Ewing, February 2, 1901.
Walter D. McCaw, February 2, 1901.
Jefferson R. Kean, February 2, 1901.
Henry I. Raymond, February 2, 1901.
William P. Kendall, February 2, 1901.
Edward R. Morris, February 2, 1901.
Henry S. T. Harris, February 4, 1901.
William B. Banister, April 2, 1901.
Charles E. Woodruff, April 13, 1901.
Paul Shillock, June 7, 1901.
Ogden Rafferty, October 24, 1901.
Charles F. Mason, December 9, 1901.
James D. Glennan, January 1, 1902.
Alfred E. Bradley, January 1, 1902.
Charles Willcox, April 7, 1902.
Euclid B. Frick, June 28, 1902.
Frank R. Keefer, June 30, 1902.
Thomas U. Raymond, August 12, 1902.
Henry D. Snyder, September 7, 1902.
Philip G. Wales, October 27, 1902.
Allen M. Smith, November 23, 1902.
Joseph T. Clarke, February 13, 1903.
Merritte W. Ireland, August 3, 1903.
Henry C. Fisher, August 9, 1903.
Henry A. Shaw, September 22, 1903.
Charles F. Kieffer, April 26, 1904.
Francis A. Winter, August 3, 1904.
William E. Purviance, August 14, 1904.
George D. Deshon, December 5, 1904.
Champe C. McCulloch, jr., January 19, 1905.
Frederick P. Reynolds, March 31, 1905.
Robert S. Woodson, April 6, 1905.
Harry M. Hallock, July 1, 1905.
Paul F. Straub, March 17, 1906.
Alexander N. Stark, March 29, 1906.
Charles Lynch, April 2, 1906.
John S. Kulp, May 26, 1906.
Edward L. Munson, July 11, 1906.
James M. Kennedy, March 20, 1907.
Deane C. Howard, April 24, 1907.
William H. Wilson, May 10, 1907.
William F. Lewis, April 10, 1908.
Thomas S. Bratton, April 15, 1908.
Thomas J. Kirkpatrick, April 22, 1908.

Assistant surgeons to be captains.

William W. Quinton, October 26, 1898.
John H. Stone, November 6, 1900.
Irving W. Rand, November 6, 1900.
Powell C. Fauntleroy, November 15, 1900.
James S. Wilson, December 16, 1900.
Basil H. Dutcher, October 26, 1901.
Leigh A. Fuller, October 26, 1901.
George A. Skinner, October 26, 1901.
Carl R. Darnall, October 26, 1901.
Henry Page, November 6, 1902.
Bailey K. Ashford, November 6, 1902.
Henry A. Webber, November 6, 1902.
Jere B. Clayton, November 6, 1902.
Weston P. Chamberlain, July 23, 1903.
Edward R. Schreiner, July 23, 1903.
Ira A. Shimer, July 23, 1903.
Frederick M. Hartsock, July 23, 1903.
Douglas F. Duval, July 23, 1903.
Clarence J. Manly, July 23, 1903.
David Baker, July 23, 1903.
Albert E. Truby, July 23, 1903.
James R. Church, August 8, 1903.
Joseph H. Ford, December 12, 1903.
Percy M. Ashburn, December 12, 1903.
Elmer A. Dean, December 12, 1903.
Francis M. C. Usher, December 12, 1903.
Willard F. Truby, December 12, 1903.
Frederick F. Russell, December 12, 1903.
Edwin P. Wolfe, December 12, 1903.
George P. Peed, December 30, 1903.
Henry S. Greenleaf, January 7, 1904.
Louis T. Hess, January 30, 1904.
Christopher C. Collins, January 30, 1904.
Ralph S. Porter, April 12, 1904.
Walter D. Webb, February 10, 1904.
Benjamin J. Edger, jr., June 14, 1904.
Clyde S. Ford, June 16, 1904.
Samuel M. Waterhouse, July 23, 1904.
Eugene H. Hartnett, July 23, 1904.
Walter Cox, December 12, 1904.
Charles E. Marrow, December 12, 1904.
M. A. W. Shockley, February 17, 1905.
Henry D. Thomason, March 3, 1905.
Robert N. Winn, April 11, 1905.
Percy L. Jones, June 26, 1905.
John D. Yost, July 2, 1905.
Henry H. Rutherford, August 16, 1905.
Theodore C. Lyster, October 3, 1905.
Sanford H. Wadhams, October 3, 1905.
Chandler P. Robbins, October 3, 1905.
Thomas L. Rhoads, October 3, 1905.
Harry L. Gilchrist, October 3, 1905.
William J. L. Lyster, October 3, 1905.
Elbert E. Persons, October 3, 1905.
William N. Bispham, October 3, 1905.
Edward F. Geddings, October 9, 1905.
Wilson T. Davidson, November 26, 1905.
Ernest L. Ruffner, December 15, 1905.
William H. Brooks, January 1, 1906.
Edward P. Rockhill, January 9, 1906.
Charles N. Barney, January 12, 1906.
Arthur W. Morse, February 4, 1906.
Frank C. Baker, February 4, 1906.
Henry S. Kiersted, February 4, 1906.
Charles R. Reynolds, February 11, 1906.
Paul C. Hutton, February 11, 1906.
Frederick A. Dale, February 11, 1906.
William M. Roberts, February 11, 1906.
Charles W. Farr, February 11, 1906.
Park Howell, March 3, 1906.
Jay Ralph Shook, March 6, 1906.
William E. Vose, March 6, 1906.
Frank T. Woodbury, March 6, 1906.
James L. Bevans, June 16, 1906.
Eugene R. Whitmore, June 29, 1906.
Patrick H. McAndrew, June 29, 1906.
Charles Y. Brownlee, June 29, 1906.
John A. Murtagh, June 29, 1906.
George M. Ekwurzel, June 29, 1906.
Gideon McD. Van Poole, June 29, 1906.
William W. Reno, June 29, 1906.
Carroll D. Buck, June 29, 1906.
George H. R. Gosman, June 29, 1906.
Conrad E. Koerper, June 29, 1906.
John H. Allen, June 29, 1906.
Robert U. Patterson, June 29, 1906.
Roderic P. O'Connor, June 29, 1906.
George P. Heard, June 29, 1906.
Robert E. Noble, June 29, 1906.
James W. Van Dusen, June 29, 1906.

Roger Brooke, jr., June 29, 1906.
Wallace De Witt, June 29, 1906.
Robert M. Thornburgh, June 29, 1906.
Robert B. Grubbs, June 29, 1906.
Edmund D. Shortlidge, June 29, 1906.
Verge E. Sweazey, June 29, 1906.
Matthew A. De Laney, June 29, 1906.
Horace D. Bloombergh, June 29, 1906.
Paul S. Halloran, June 29, 1906.
Kent Nelson, June 29, 1906.
Peter C. Field, June 29, 1906.
Herbert G. Shaw, June 29, 1906.
Louis Brechemin, jr., June 29, 1906.
Lloyd Le R. Krebs, June 29, 1906.
William P. Woodall, June 29, 1906.
Clement C. Whitcomb, June 29, 1906.
George H. Crabtree, September 5, 1906.
Herbert M. Smith, September 20, 1906.
Cosam J. Bartlett, September 21, 1906.
Reuben B. Miller, October 30, 1906.
Charles A. Ragan, October 30, 1906.
William R. Eastman, October 30, 1906.
James F. Hall, October 30, 1906.
Raymond F. Metcalfe, October 30, 1906.
Edwin W. Rich, October 30, 1906.
Perry L. Boyer, October 30, 1906.
James M. Phalen, October 30, 1906.
Fred W. Palmer, November 14, 1906.
William H. Moncrief, November 30, 1906.
William L. Little, January 6, 1907.
Allie W. Williams, February 4, 1907.
John L. Shepard, February 21, 1907.
Louis C. Duncan, May 10, 1907.
William L. Keller, June 2, 1907.
Charles C. Billingslea, June 2, 1907.
Nelson Gapen, June 24, 1907.
William T. Davis, June 24, 1907.
Charles F. Morse, June 24, 1907.
Haywood S. Hansell, June 24, 1907.
Junius C. Gregory, June 24, 1907.
Clarence H. Connor, June 24, 1907.
Jay W. Grissinger, June 24, 1907.
Will L. Pyles, June 24, 1907.
William M. Smart, June 24, 1907.
Harry S. Purnell, June 24, 1907.
Robert M. Blanchard, July 16, 1907.
William R. Davis, August 8, 1907.
James Bourke, September 9, 1907.
Samuel M. De Loffre, September 10, 1907.
Edward M. Talbott, October 27, 1907.
John A. Clark, October 27, 1907.
Samuel J. Morris, October 27, 1907.
Jacob M. Coffin, October 27, 1907.
John W. Hanner, October 27, 1907.
Levy M. Hathaway, October 27, 1907.
Alexander Murray, October 27, 1907.
Philip W. Huntington, October 27, 1907.
James D. Fife, October 27, 1907.
William A. Powell, October 27, 1907.
Leon T. Le Wald, October 27, 1907.
Jesse R. Harris, October 27, 1907.
George H. Scott, October 27, 1907.
Edwin D. Kilbourne, October 27, 1907.
Robert L. Carswell, October 27, 1907.
Robert L. Richards, January 22, 1908.
Charles F. Craig, February 18, 1908.
William P. Banta, February 18, 1908.
Robert H. Pierson, April 23, 1908.
Cary A. Snoddy, April 23, 1908.
James I. Mabee, April 23, 1908.
Edward B. Vedder, April 23, 1908.
Henry F. Pipes, April 23, 1908.
Charles L. Foster, April 23, 1908.
John R. Bosley, April 23, 1908.
Robert C. Loving, April 23, 1908.
Chester J. Stedman, April 23, 1908.
Orville G. Brown, April 23, 1908.
George F. Juenemann, April 23, 1908.
Joseph F. Siler, April 23, 1908.
Arthur M. Whaley, April 23, 1908.
Theodore Lamson, April 23, 1908.
Craig R. Snyder, April 23, 1908.
Ernest G. Bingham, April 23, 1908.
James D. Heysinger, April 23, 1908.
Lloyd L. Smith, April 23, 1908.
John B. Huggins, April 23, 1908.
Edgar W. Miller, April 23, 1908.
William H. Tefft, April 23, 1908.
Leartus J. Owen, April 23, 1908.
Stanley G. Zinke, April 23, 1908.
Robert M. Culler, April 23, 1908.
Frank W. Weed, April 23, 1908.
William A. Wickline, April 23, 1908.
Henry L. Brown, April 23, 1908.
Howard H. Baily, April 23, 1908.
Harry G. Humphreys, April 23, 1908.
Paul L. Freeman, April 23, 1908.

Assistant surgeons to be first lieutenants.

William A. Duncan, May 1, 1905.
Earl H. Bruns, May 1, 1905.
Herbert C. Gibner, May 1, 1905.
Clarence Le R. Cole, May 10, 1905.
Albert G. Love, June 20, 1906.
Harold W. Jones, June 20, 1906.
Omar W. Pinkston, June 20, 1906.
Mathew A. Reasoner, June 20, 1906.
Henry J. Nichols, June 20, 1906.
Louis H. Hanson, June 20, 1906.
Lucius L. Hopwood, June 20, 1906.
Charles E. Freeman, June 20, 1906.
Ferdinand Schmitter, June 20, 1906.
Howard A. Reed, June 20, 1906.
Henry B. McIntyre, June 20, 1906.
Frederick S. Macy, June 15, 1907.
Guy V. Rukke, June 15, 1907.
Henry C. Pillsbury, June 15, 1907.
Edgar King, June 15, 1907.
Arthur C. Christie, June 15, 1907.
Howard H. Johnson, June 15, 1907.
Ray W. Bryan, June 15, 1907.
Bernard S. Gostin, June 15, 1907.
William H. Richardson, June 15, 1907.
William K. Bartlett, June 15, 1907.

POSTMASTERS.

FLORIDA.

William L. Keefer to be postmaster at Fort Pierce, St. Lucie County, Fla.

INDIANA.

Robert F. Brammer to be postmaster at Albany, Delaware County, Ind.

Hugh S. Espey to be postmaster at Rising Sun, Ohio County, Ind.

MINNESOTA.

Edward L. Bjorkquist to be postmaster at Moorhead, Clay County, Minn.

Lemuel S. Briggs to be postmaster at Princeton, Millelacs County, Minn.

NEW YORK.

Robert J. Buck to be postmaster at Watertown, Jefferson County, N. Y.

James H. Hopkins to be postmaster at Au Sable Forks, Essex County, N. Y.

A. M. Lanpher to be postmaster at Lowville, Lewis County, N. Y.

NORTH DAKOTA.

George F. Abelein to be postmaster at Anamoose, McHenry County, N. Dak.

OHIO.

Sheridan G. Dowds to be postmaster at Mount Vernon, Knox County, Ohio.

Will S. Fornshell to be postmaster at Camden, Preble County, Ohio.

John M. Washington to be postmaster at Sabina, in the county of Clinton and State of Ohio.

W. J. Weirick to be postmaster at Loudonville, Ashland County, Ohio.

PENNSYLVANIA.

Ida M. Kaye to be postmaster at Monaca, Beaver County, Pa.

John A. McKee to be postmaster at New Castle, Lawrence County, Pa.

John B. Moffitt to be postmaster at West Brownsville, Washington County, Pa.

Sarah V. Patton to be postmaster at Aliquippa, Beaver County, Pa.

Jennie M. Smith to be postmaster at Coal Center, Washington County, Pa.

SOUTH CAROLINA.

James Marion Byrd to be postmaster at Branchville, Orangeburg County, S. C.

Joseph P. Murphy to be postmaster at Bamberg, Bamberg County, S. C.

George A. Reed to be postmaster at Beaufort, Beaufort County, S. C.

WYOMING.

Joseph L. Kidwell to be postmaster at Douglas, Converse County, Wyo.

Joseph Munz to be postmaster at Saratoga, Carbon County, Wyo.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 29, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

REPRINT OF BILL.

Mr. CURRIER. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 21357, with permission to correct a typographical error.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. SMITH] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21260, the sundry civil appropriation bill.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] Sixty-six Members are present; not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as are in favor of the motion will, as their names are called, answer "yea," and as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 267, answered "present" 9, not voting 111, as follows:

YEAS—267.

Adair	Cooper, Tex.	Granger	Knapp
Adamson	Cooper, Wis.	Greene	Knopf
Aiken	Cousins	Gregg	Knowland
Alexander, Mo.	Cox, Ind.	Gronna	Küstermann
Alexander, N. Y.	Cravens	Hackney	Lafean
Ames	Crumpacker	Hale	Lamar, Mo.
Andrus	Currier	Hall	Lamb
Ansberry	Cushman	Hamilton, Iowa	Landis
Ashbrook	Dalzell	Hamilton, Mich.	Langley
Bartholdt	Darragh	Hamlin	Laning
Bartlett, Nev.	Davenport	Hammond	Lawrence
Beale, Pa.	Davis, Minn.	Harding	Leake
Beall, Tex.	Dawson	Hardy	Lenahan
Bede	De Armond	Harrison	Lever
Bell, Ga.	Denver	Haskins	Lindbergh
Bennet, N. Y.	Diekema	Haugen	Lindsay
Birdsall	Dixon	Hawley	Lloyd
Bonynge	Draper	Hay	Longworth
Booher	Driscoll	Heflin	Loudenslager
Bowers	Dwight	Helm	Lovering
Boyd	Ellerbe	Henry, Conn.	McCall
Brantley	Ellis, Mo.	Higgins	McDermott
Brodhead	Ellis, Oreg.	Hill, Miss.	McGavin
Brownlow	Englebright	Hinshaw	McGuire
Brumm	Esch	Holliday	McKinley, Ill.
Burgess	Favrot	Houston	McKinney
Burleigh	Ferris	Howell, N. J.	McLachlan, Cal.
Burleson	Finley	Howell, Utah	McLain
Burnett	Fitzgerald	Howland	McLaughlin, Mich.
Burton, Del.	Flood	Hubbard, Iowa	McMillan
Byrd	Floyd	Hughes, N. J.	McMorran
Calder	Focht	Hull, Iowa	Macon
Caldwell	Fornes	Hull, Tenn.	Madden
Campbell	Foss	Humphrey, Wash.	Madison
Candler	Foster, Ill.	Humphreys, Miss.	Malby
Capron	Foster, Ind.	James, Ollie M.	Mann
Carter	Foulkrod	Jenkins	Miller
Caulfield	Fowler	Johnson, Ky.	Mondell
Chaney	French	Johnson, S. C.	Moon, Pa.
Chapman	Gaines, Tenn.	Jones, Va.	Moon, Tenn.
Clark, Mo.	Gaines, W. Va.	Jones, Wash.	Moore, Tex.
Clayton	Gardner, N. J.	Keifer	Morse
Cocks, N. Y.	Garner	Keliher	Mouser
Cole	Gilhams	Kennedy, Iowa	Murdock
Conner	Gill	Kennedy, Ohio	Murphy
Cook, Colo.	Goldfogle	Kinkaid	Nelson
Cook, Pa.	Graff	Kipp	Nicholls
Cooper, Pa.	Graham	Kitchin, Claude	Norris
Nye	Reid	Small	Thomas, Ohio
O'Connell	Rhinock	Smith, Cal.	Tirrell
Overstreet	Richardson	Smith, Iowa	Tou Velle
Padgett	Riordan	Smith, Mo.	Townsend
Page	Robinson	Smith, Tex.	Underwood
Parker, N. J.	Rodenberg	Southwick	Volstead
Parker, S. Dak.	Rothermel	Sparkman	Waldo
Parsons	Rucker	Sperry	Wanger
Patterson	Russell, Mo.	Spight	Washburn
Payne	Russell, Tex.	Stafford	Watson
Perkins	Ryan	Stanley	Webb
Pollard	Sabath	Stephens, Tex.	Weeks
Porter	Saunders	Sterling	Wheeler
Pray	Scott	Sturgiss	Williams
Prince	Sheppard	Sulloway	Wilson, Ill.
Rainey	Sherley	Talbott	Wilson, Pa.
Ransdell, La.	Sherman	Taylor, Ala.	Wood
Rauch	Sims	Taylor, Ohio	Young
Reeder	Slayden	Thomas, N. C.	

ANSWERED "PRESENT"—9.

Bartlett, Ga.	Glass	Hardwick	Lassiter
Boutell	Goulden	Howard	Shackleford
Garrett			

NOT VOTING—111.

Acheson	Dunwell	Huff	Pearre
Allen	Durey	Hughes, W. Va.	Peters
Anthony	Edwards, Ga.	Jackson	Pou
Bannon	Edwards, Ky.	James, Addison D.	Powers
Barchfeld	Fairchild	Kahn	Pratt
Barclay	Fassett	Kimball	Pujo
Bates	Fordney	Kitchin, Wm. W.	Randell, Tex.
Bennett, Ky.	Foster, Vt.	Lamar, Fla.	Reynolds
Bingham	Fuller	Law	Roberts
Bradley	Fulton	Lee	Sherwood
Broussard	Gardner, Mass.	Legare	Slemp
Brundidge	Gardner, Mich.	Lewis	Smith, Mich.
Burke	Gillespie	Lilley	Snapp
Burton, Ohio	Gillett	Littlefield	Steenerson
Butler	Godwin	Livingston	Stevens, Minn.
Calderhead	Goebel	Lorimer	Sulzer
Carlin	Gordon	Loud	Tawney
Cary	Griggs	Lowden	Thistlewood
Clark, Fla.	Hackett	McCreary	Vreeland
Cockran	Haggott	McHenry	Wallace
Coudrey	Hamill	McKinlay, Cal.	Watkins
Craig	Hayes	Marshall	Weems
Crawford	Henry, Tex.	Maynard	Weisse
Davey, La.	Hepburn	Moore, Pa.	Wiley
Davidson	Hill, Conn.	Mudd	Willett
Dawes	Hitchcock	Needham	Wolf
Denby	Hobson	Olcott	Woodyard
Douglas	Hubbard, W. Va.	Olmsted	

The Clerk announced the following pairs:

For this session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. BANNON with Mr. BRUNDIDGE.

Mr. BARCHFELD with Mr. CARLIN.

Mr. BATES with Mr. CLARK of Florida.

Mr. CALDERHEAD with Mr. CRAWFORD.

Mr. DAVIDSON with Mr. DAVEY of Louisiana.

Mr. DENBY with Mr. FULTON.

Mr. DOUGLAS with Mr. GILLESPIE.

Mr. DUNWELL with Mr. WATKINS.

Mr. FAIRCHILD with Mr. GODWIN.

Mr. GARDNER of Michigan with Mr. GORDON.

Mr. GILLETT with Mr. HACKETT.

Mr. HAYES with Mr. HAMILL.

Mr. HUBBARD of West Virginia with Mr. HENRY of Texas.

Mr. HUFF with Mr. HITCHCOCK.

Mr. KAHN with Mr. LASSITER.

Mr. LAW with Mr. LEE.

Mr. MOORE of Pennsylvania with Mr. LEWIS.

Mr. OLCOTT with Mr. MCHENRY.

Mr. OLMSTED with Mr. WEISSE.

Mr. SLEMP with Mr. MAYNARD.

Mr. SMITH of Michigan with Mr. RANDELL of Texas.

Mr. STEVENS of Minnesota with Mr. SHACKLEFORD.

Mr. TAWNEY with Mr. SULZER.

Mr. VREELAND with Mr. SHERWOOD.

Mr. WOODYARD with Mr. WILEY.

Mr. BURKE with Mr. WILLETT.

Mr. BOUTELL with Mr. GRIGGS.

Mr. MCKINLAY of California with Mr. GARRETT.

Mr. FOSTER of Vermont with Mr. POU.

Mr. BARCLAY with Mr. COCKRAN.

Mr. PEARRE with Mr. CRAIG.

Mr. BINGHAM with Mr. LAMAR of Florida.

Mr. FULLER with Mr. PETERS.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. HUGHES of West Virginia with Mr. LEGARE.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. FASSETT with Mr. HARDWICK.

Mr. MUDD with Mr. WALLACE.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. BENNETT of Kentucky with Mr. EDWARDS of Georgia.

Mr. COUDREY with Mr. HOBSON.
Mr. MCCREARY with Mr. HOWARD.
Mr. BUTLER with Mr. BARTLETT of Georgia.
Mr. HILL of Conecticut with Mr. GLASS.
Mr. LILLEY with Mr. PUJO.
For this day:
Mr. CARY with Mr. WOLF.
Mr. POWERS with Mr. PRATT.
The result of the vote was announced as above recorded.

The SPEAKER. On this question the yeas are 267, nays none, voting "present" 9—a quorum. The Doorkeeper will open the doors. The ayes have it, the motion is agreed to, and the gentleman from Indiana [Mr. WATSON] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. FITZGERALD. Mr. Chairman, I yield fifteen minutes to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Chairman, there is no country in the world where coal is mined under as favorable conditions as it is mined in the United States; there is no country in the world where the per diem production of the miners is greater than it is in this country; there is no country in the world where the workmen engaged in mining are of as high an average of intelligence as in the United States; and yet, notwithstanding that fact, notwithstanding the natural conditions we have and the intelligence of our workmen, there is no country in the world where the mortality in the mine is as great as it is with us.

During the past seventeen years, or from 1890 until 1906, the number of men killed in the coal mines of the United States aggregated 22,840. It was 701 in 1890 and 2,061 in 1906. The number of men killed in the coal mines in the United States for each 1,000 men employed was, in 1895, an average of 2.67; in 1906 it was 3.40, a decided increase. The number of lives lost in the coal mines of Belgium for each 1,000 employed was, in 1895, 1.40; in 1906, 0.94, less than one-third the number of whose lives were lost in the mines of the United States; and yet Belgium has the deepest mines in existence, the most gaseous mines known anywhere, and the most dangerous for men to work in. In Great Britain the number of men killed for each 1,000 men employed was, in 1891, 1.50; in 1906, 1.29, or much less than ours—just about one-half, or less than one-half, of the mortality there is in the United States—and yet in Great Britain they have deep mines, gaseous and dangerous to work in. In Prussia the number of men killed in the coal mines for each 1,000 employed was, in 1895, 2.54; in 1904, the last statistics that we have, 1.80; again a much less death rate than in our mines. There they have deep, gaseous, and dangerous mines. In France they have a rate killed per 1,000 men in the mines, in 1901, 1.03; in 1905, 0.84.

I cite these tables for the purpose of showing that under the rules, regulations, and laws governing the operation of mines in more dangerous territory than we have, there is greater freedom from accident than there is under our laws and our regulations. Belgium, France, Germany, and Great Britain have bureaus in which they investigate into the conditions existing in mines, experiment as to the causes that create the conditions, and endeavor to protect the lives of the men who are working in the mines in those respective countries.

Several bills have been introduced at the present session of Congress with a view to the establishment of a Bureau of Mines and Mining; not for the purpose of usurping the prerogatives of the various States, not for the purpose of taking from the various States the right to regulate the conditions existing in the mines within their respective boundaries, but for the purpose of establishing a bureau under the Federal Government that will investigate into the causes that lead up to the great disasters that are occurring continually in the coal mines of the United States, so that the information thereby obtained can be utilized by the various States for the protection of the lives and limbs of those engaged in the dangerous calling of mining coal.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. WILSON of Pennsylvania. I yield to the gentleman.

Mr. GAINES of Tennessee. For the purpose of giving a comparison: The gentleman lives in Pennsylvania, and is a man versed in the laws of that State controlling mining. Now, what are the defects in the laws of Pennsylvania as compared with the laws of Holland and Belgium, where you say there are fewer accidents and yet they have deeper mines?

Mr. WILSON of Pennsylvania. Mr. Chairman, the defects of the law of the State of Pennsylvania and the laws of the State of Tennessee, and every other State in the United States where coal is produced, are that they are based upon insufficient information as to the causes of these accidents.

Mr. GAINES of Tennessee. What is the difference between the laws to prevent accidents?

Mr. WILSON of Pennsylvania. Mr. Chairman, the laws themselves vary considerably, the powers to enforce them vary considerably, and there are various conditions existing in the various countries concerning the composition of coal and the natural gases that are produced in the mines; and by the information secured by the governments of those countries they have been able to formulate their laws in such a manner as to protect life. In our country we have had no information produced by experiment or otherwise as to what extent coal dust accumulating in dry mines will cause explosions, and as to the extent——

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. WILSON of Pennsylvania. Certainly.

Mr. CRUMPACKER. If the States should enact laws making employers responsible for all risks incident to the service in mines, would not that do more than anything else, more than any other kind of a law, to reduce the percentage of mortality in the mines?

Mr. WILSON of Pennsylvania. Mr. Chairman, it would do a great deal to reduce the mortality in the mines, but I take it that no gentleman will assert that the coal operators or other employers deliberately create conditions in the mines by which the lives and health of their employees are endangered. If they do, it is through lack of knowledge as to what creates the dangerous conditions.

Mr. NICHOLLS. Is it not true that this bill provides for an investigation and the securing of necessary information and the disseminating of that information for the use of the States, so that they may intelligently make laws to safeguard the miners?

Mr. WILSON of Pennsylvania. It does.

Mr. GAINES of Tennessee. To what bill is the gentleman alluding?

Mr. WILSON of Pennsylvania. I am referring to the bill H. R. 20883.

Mr. GAINES of Tennessee. To what extent, say in your State or mine—because I want to help you to get at the evil if I can and get a remedy—are the owners of coal mines compelled to examine into and investigate the causes of these explosions and accidents?

Mr. WILSON of Pennsylvania. In each of the States where coal is produced a system of mine inspection is provided. In addition to that a system of ventilation is provided, and a certain minimum of air is required for each man engaged in a particular mine. That is provided by the laws as they exist now; but notwithstanding that provision we have these dreadful accidents where hundreds of men are destroyed in a second.

Mr. BRUMM. Will the gentleman allow me?

Mr. WILSON of Pennsylvania. Certainly.

Mr. BRUMM. Is it not true that in Pennsylvania the law requires examinations to be held of all bosses, superintendents, and overseers, and that they must have certificates pursuant to that examination before they are eligible to the various positions?

Mr. WILSON of Pennsylvania. That is true.

Mr. BRUMM. Now, having provided that by the State laws, is it not also true that the greatest difficulty is that these educated men, who have passed a thorough examination, have in almost every instance of large explosions or a great number of deaths, been unable to account for those accidents, and in many instances could not give any reason why those large explosions had occurred, showing a want of knowledge in the very line toward which this bill is directed?

Mr. WILSON of Pennsylvania. That is in a certain sense true.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BRUMM. Mr. Chairman, I should like to have the gentleman get five or ten minutes more if it can be done. This is a very important subject.

The CHAIRMAN. The time is in control of the gentleman from New York [Mr. FITZGERALD].

Mr. WILLIAMS. Mr. Chairman, some time has been reserved for me later on. I will yield five minutes of my time to the gentleman, with the consent of the House. [Applause.]

Mr. SMITH of Iowa. That is agreeable to me, with the consent of the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I yield the gentleman five minutes more.

Mr. WILLIAMS. Let it be yielded out of my time.

Mr. WILSON of Pennsylvania. Mr. Chairman, it is true that in the State of Pennsylvania and a number of other States the law requires that men in charge of mines shall pass examinations showing that they are qualified to take charge of those

mines, but it is frequently the case that the courts hold that the employer, having employed a man certified by the State to be competent, is not responsible for any damage that may occur as the result of an accident, thus relieving the employer of all responsibility.

Mr. MADDEN. You have reference now to the mine inspectors, have you not?

Mr. WILSON of Pennsylvania. No; the mine foremen.

Mr. MADDEN. It is a fact, though, that in all States they have laws requiring competent mine inspectors, have they not?

Mr. WILSON of Pennsylvania. It is true that they have mine inspectors, and they require a minimum amount of air circulating through the mine, and they require other conditions; but the fact is that notwithstanding that inspection, and notwithstanding the requirements of the law at the present time, the death rate in the mines is continually increasing in the United States.

Mr. MADDEN. I would like to ask the gentleman one question more. Are these men employed as mining inspectors supposed to be familiar with the mine work?

Mr. WILSON of Pennsylvania. Yes; I do not know a State in the Union where the mining inspector is not required to be a practical miner, and in most instances required to pass an examination as to the practical work and the technique of mining.

Mr. MADDEN. Have they the right to order changes made?

Mr. WILSON of Pennsylvania. Yes; within certain limits. Now, Mr. Chairman, the great difficulty is that even those learned in mining and understanding the whole business, understanding the whole limitations and resources at their disposal, are not in a position to determine what are the causes of these explosions in many instances. In the Naomi mine, in Pennsylvania, it was not known what the cause of the explosion was. In the Darr mine, in Pennsylvania, the cause has never been discovered. Down in the Monongah mine, in West Virginia, it was not known what the cause of that explosion was. There has been a difference of opinion as to whether or not dust will ignite without a mixture of gas in it. There has been doubt as to whether the sprinkling of dry mines, required by some of our laws, increases or reduces the danger of explosion. There are differences of opinion as to whether a silent electric current on a wire introduced into a mine, that does not come into contact with anything that will create a spark, will ignite the gas in a mine. There are other things at the present time in doubt, and under this bill proposed here, if it is enacted into law, a bureau is established furnishing the necessary equipment to make an investigation, and then these things can be determined through tests and experiments, and information furnished to the various State governments so that they may construct their laws accordingly. [Applause.]

I desire to submit for your consideration the following tables showing the rate of fatalities occurring in the mines of the United States and other countries for a number of years:

Number of men killed in the coal mines of the United States, 1890–1906.

1890	701	1900	1,493
1891	1,076	1901	1,594
1892	859	1902	1,828
1893	965	1903	1,794
1894	957	1904	1,999
1895	1,057	1905	2,097
1896	1,120	1906	2,061
1897	947		
1898	1,049	Total	22,840
1899	1,243		

Number of men killed in the coal mines of the United States for each 1,000 men employed.

1895	2.67	1901	3.24
1896	2.79	1902	3.49
1897	2.34	1903	3.14
1898	2.59	1904	3.38
1899	2.98	1905	3.53
1900	3.24	1906	3.40

Number of lives lost in the coal mines of Belgium for each 1,000 men employed.

1895	1.40	1901	1.16
1896	1.16	1902	1.07
1897	1.03	1903	1.14
1898	1.04	1904	.93
1899	.97	1905	.91
1900	1.05	1906	.94

Number of men killed in the coal mines of Great Britain for each 1,000 men employed.

1891	1.50	1899	1.26
1892	1.49	1900	1.30
1893	1.55	1901	1.36
1894	1.60	1902	1.24
1895	1.49	1903	1.27
1896	1.48	1904	1.24
1897	1.34	1905	1.35
1898	1.28	1906	1.29

Number of men killed for each 1,000 men employed—averages for five years.

France (1901–1905)	0.91
Belgium (1902–1906)	1.00
Great Britain (1902–1906)	1.28
Prussia (1900–1904)	2.06
United States (1902–1906)	3.39

Number of men killed in the coal mines of Prussia for each 1,000 men employed.

1861–1866	2.66	1897	2.35
1867–1880	2.94	1898	2.86
1881–1890	2.93	1899	2.31
1891	2.89	1900	2.25
1892	2.21	1901	2.34
1893	2.62	1902	1.99
1894	2.21	1903	1.92
1895	2.54	1904	1.80
1896	2.58		

Number of lives lost in the coal mines of France for each 1,000 men employed.

1901	1.03	1904	0.89
1902	.95	1905	.84
1903	.86		

Miners killed for each 1,000 employed in different countries; averages for five-year periods.

France (1901–1905)	0.91
Belgium (1902–1906)	1.00
Great Britain (1902–1906)	1.28
Prussia (1900–1904)	2.06
United States (1902–1906)	3.39
Alabama (1902–1906)	4.91
Colorado (1902–1906)	6.67
Illinois (1902–1906)	2.82
Indian Territory (1902–1906)	5.83
Kansas (1902–1906)	3.08
Michigan (1902–1906)	2.76
New Mexico (1902–1906)	6.23
Pennsylvania (1902–1906)—	
Anthracite	3.29
Bituminous	3.18
Tennessee (1902–1906)	7.31
Utah (1902–1906)	4.02
Washington (1902–1906)	5.44
West Virginia (1902–1906)	4.15

During these five past years, in the United States, nearly 10,000 coal miners have been killed. With the same degree of safety in American coal mines as has existed in France and Belgium 7,000 of these miners would have been saved.

During 1907 the number of men killed and injured in the coal mines was approximately 9,000, the number of killed reaching the enormous total of 3,500, or nearly 50 per cent, over the year 1906.

During January, February, and March, the first three months of the present year, there have been killed and injured in our mines some 1,500 miners, or 18 to 20 for each working day.

It will thus be seen that the loss of life from mine accidents in the United States is increasing, and it already is three and a half times greater per thousand men employed than in France or Belgium and nearly three times as great as in England, although our coal mines are neither as deep nor naturally as dangerous as the mines of those countries. In other coal-producing countries the percentage of accidents is being continually reduced, and it has been demonstrated that government investigations into the causes of accidents in the mines and enactment of legislation in accordance with the information thus obtained have materially reduced the number of these mine disasters.

In the United States, where the situation is more complex than it is in the other countries because of our dual form of government, investigations of this character, if undertaken by the various coal-producing States, would lead to needless and costly duplication, with uncertain and conflicting results. The Federal Government can make a more complete investigation into the causes of these terrible accidents than any one of the States can do.

The life cost of our coal supply is too great to pass by unheeded. The situation requires immediate action on the part of Congress. Many lives are being sacrificed through lack of sufficient information of the means required to prevent them. In December of last year about 800 miners were killed in four disasters in the mines. On January 1, this year, nine men were killed and five injured by an explosion of gas at Carthage, N. Mex. On January 30 nine miners were killed at Hawks Nest, W. Va., by an explosion. On February 11 ten miners were killed at Central City, Ky. On February 21 three men were killed and seven injured at Wilkes-Barre, Pa.

On March 28 seventy men were killed at Hannah, Wyo., by an explosion in a coal mine. Just the other day four men were killed and a number injured in an explosion of gas at Ellsworth City, Pa. A number of other serious accidents have taken place, bringing the death and accident rate of the present year to an average of about twenty per day. These acci-

dents are not due to lack of intelligence on the part of either the workmen or the managers, but to lack of necessary means to obtain information concerning the actual causes of the accidents and of the methods necessary to prevent them. A bureau of mines and mining, properly equipped, is absolutely necessary to make the experiments and tests that will furnish the desired information. The miners of our country are an intelligent and courageous class of men. They are engaged in the production of material that is the basis of our modern industrial and commercial activities. They are daily taking great risks in the hard and hazardous occupation which they follow. When accident has befallen any of their number, when the caving in of the roof, the flooding of the mine, or an explosion of coal dust or fire damp has cut off all means of escape, the innate courage of the miner asserts itself, and he will yield to no hardship, however great, nor shrink from any danger, however perilous, in his efforts to relieve his fellow-men.

Tell me in martial measures of the Charge of the Light Brigade; point with patriotic pride to the farmers who fought with the soldiers at Concord and Bunker Hill; repeat to me the story of the mighty conflict between the Blue and the Gray, when the "flower of American youth yielded up their last full measure of devotion" in defense of their respective flags, and my blood will thrill with patriotic enthusiasm and tingle through my veins in sympathetic response. Yet, with all my admiration for the heroes of the battlefield and their wonderful achievements in support of the rights of man, it does not equal my love, it can not measure my devotion to those sturdy sons of toil who, uninfluenced by the enthusiasm of numbers, without hope of present reward or future glory, deliberately enter the dark and dangerous caverns of the mines to carry relief to their suffering fellow-men or perish in the attempt. It is for the benefit of men of this character that I appeal to you to establish and equip a bureau of mines and mining. [Applause.]

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] has thirty minutes remaining and the gentleman from New York [Mr. FITZGERALD] thirty minutes remaining.

Mr. SMITH of Iowa. Mr. Chairman, I now yield fifteen minutes to the gentleman from New Jersey [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, on June 26, 1902, I used this language in this Chamber:

> Shall we in the very heyday of prosperity prepare for our unnecessary and ever-recurring shocks, panics, crises, and commercial horrors?

On the 17th day of October, 1906, at St. Louis, I addressed the American Bankers' Association and said to them that unless something was done at the next session of Congress every banker there would wish something had been done.

In March, 1907, in this House, I called the attention of the House and the country to the conditions and predicted precisely what would happen. I was then speaking with regard to the now so-called "McKinney bill," which was the product of the American bankers' commission and was the result of my visit to St. Louis in October. That bill was a good bill. It was made for the express purpose of what was certain to happen in the fall of 1907. The panic came. Congress convened. On the 3d day of December the Speaker of this House appointed the Committee on Banking and Currency. On the 4th day of December, the very next day, the Banking and Currency Committee was called together by its chairman, and at the request of the chairman the names of the members were called, and the minutes show that the chairman then requested the clerk to call the names of those members present and that they respond informally and express their views as to the currency legislation necessary.

A committee was then appointed by the Banking and Currency Committee for the express purpose of drawing a bill. They proceeded to do so, and on January 8 the committee introduced a bill into this House. Immediately the committee advertised for general hearings, opening its room to anyone who might come to offer suggestions. Having closed the general hearings they proceeded to have special hearings upon the bill prepared by the committee. We sent for the leading bankers and economists of the United States and they came before us. Lyman J. Gage and others came before us, and what was the result? On February 29 the committee reported a bill, a financial and currency measure, and filed the report of the committee which I hold in my hand, consisting of 154 pages.

All of the economists, so far as I know, in the United States, all of the banking and economic journals in the United States, so far as I know, are now supporting this measure. Mr. Horace White, Mr. Gage, and Mr. Carnegie have written letters of approval among others.

[Reprinted from the Journal of Commerce and Commercial Bulletin of March 12.]

Andrew Carnegie, Ex-Secretary Gage, and Horace White on currency.

The three following letters, from Andrew Carnegie, Hon. Lyman J. Gage, and Horace White should be read and reread before voting upon any financial measure:

ALDRICH BILL A MAKESHIFT—ANDREW CARNEGIE WARMLY COMMENDS THE FOWLER MEASURE.

DEAR MR. FOWLER: You have started on the right line and your proposed bill is the result. There is only one right path—we must base our currency upon gold. Your proposed "redemption cities" is just following our Canadian friends. Their system has worked well. There is no reason why our own should not. Sooner or later we must follow other civilized nations and place our banking system upon the same lines—the sooner the better.

There is a great contrast between the House and Senate at the present juncture. The Aldrich bill is a mere makeshift. It can not be needed for many years to come. Panics have to grow. And when it is needed it compels the banks to use their much-needed funds to purchase bonds before they can get the increased circulation required.

The bill before the House, on the contrary, will accomplish a result imperatively needed and place our banking system on a par with the banking systems of other nations.

ANDREW CARNEGIE.

FORMER SECRETARY GAGE INDORSES FOWLER BILL—TIME MOST FAVORABLE FOR SECURING PUBLIC ATTENTION—MR. GAGE DECLARES THE MEASURE AT ONCE REMOVES THE WEAKNESS IN OUR GOVERNMENT FINANCES AND BRINGS THE BANKING BUSINESS IN TOUCH WITH KINDRED INTERESTS.

Lyman J. Gage, ex-Secretary of the Treasury, in the following letter to Representative FOWLER, unequivocally indorses the latter's currency bill. Mr. Gage summarizes some of the practical benefits that the measure is calculated to secure, if cooperated in by the banks of the country. The letter in full follows:

Hon. CHARLES N. FOWLER,
House of Representatives, Washington, D. C.

DEAR SIR: I want to congratulate you upon the report of your bill to the House by so strong a vote in the committee. Your labors are, however, I fear, but just begun. It is probable, on the other hand, that this period of time is, in all respects, most favorable to secure attention to the comprehensive measures which your bill includes. The usual inertia of the public mind on the supposed recondite subjects of finances, banking, and currency is broken. Every intelligent man is now disposed to "sit up" and think, and there is a consensus of opinion that "something ought to be done," and that that something should be fundamentally curative of the evils experienced and so well established on sound principles as to give effective guaranties that we shall not be exposed to similar ills in the future.

As I expect to return at once to my home in California, I shall be quite "out of the running," and I see no practical way in which I can aid, as I would be glad to do, the great public work you have undertaken.

The more I study the bill reported by the House Committee the more comprehensive and complete it seems to be. It at once removes the weakness in our Government finances and brings the banking business into safe and natural relations toward those interests which it is the primary purpose of the bank to promote and serve. These interests are production, manufacturing, and exchange.

I just mentioned the weakness in our Government finances. We are so accustomed to the situation that we are unconscious of it. This would come to our attention, however, with painful emphasis were we, under present conditions, to face a war involving perhaps an expenditure by our nation of a thousand millions a year—that is, three millions a day—a modest estimate, as the thoughtful must admit.

In my statement before the House I enumerated these weaknesses as, first, the present demand obligations outstanding against the Treasury under the name of legal tender notes—$346,000,000; second, the Government guaranty on $700,000,000 of bank notes.

To be sure, the Treasury holds as security for this undertaking a similar amount of its own bonds, but everyone knows that by this artificial contrivance the bonds so held are overvalued when put to the test in a free market by 20 or 25 per cent. The issue of millions of new bonds to meet the costs of war would strip the mask which now conceals the fact, and expose the weakness at the moment when greatest strength would be required. Thus nature revenges herself on the unwise and the imprudent.

The bill in question ought, then, to commend itself to the public mind in this: It provides a way, without cost to the people, which will in a comparatively short period of time discharge the liability of the $346,000,000 first noted, and convert every "greenback" into a gold certificate, behind which will be a good gold coin, dollar for dollar. Is not this a consummation to be wished? Does it not replace weakness by strength?

Scarcely less important, it eliminates entirely the unnatural guaranty of the Government to the bank notes and wipes out that liability, whatever may be the measure of responsibility therein involved. Further, by impounding, as it will if it have full operation, nearly the present sum total of the public debt into a fund provided by the banks, which shall effectively serve as a guaranty for bank creditors, whether as depositors or note holders, it substantially removes the present bonded debt from any competition with the new Government issue, if made necessary in the contingency of war.

Lastly, looked at from the Government side, it reduces to a minimum the burden of maintaining at a parity with gold $600,000,000 of silver, the commercial value of which in the world's markets is less than $300,000,000. It accomplishes this by giving full priority in the field where money circulates from hand to hand to silver certificates through denominations so small that they can not be released from active use.

All those things the bill, if it becomes a law and is cooperated in by the banks of the country, will secure.

Will it be cooperated in by the banks, and so made uniform and effective? That such cooperation is to the banks an advantage I am certain, but being an ex-banker myself I anticipate you will hear many

objections from some who will conceive that the "guaranty fund" for deposits will be inimical to their present prestige and future superiority as compared to their neighbors or rivals. They will not go so far as to argue that the public should continuously endure afflicting losses from weak and unworthy methods of banking in order that their superior methods may gain prestige and profit, but they will argue against the theoretical equality which, it seems to them, the guaranty fund tends to establish. To these objections you and those who aid you in argument for the bill will have to point out that in the health and prosperity of all the real and lasting welfare of each is concerned. You will have to show that under the new régime character, capital, and ability will win as elsewhere they do win their appropriate reward. Fortunately, too, you can show that what the bill proposes in that direction is directly in the line of evolution, for it is to be observed that certain large cities are voluntarily adopting the principle of neutrality for which the bill contends.

The city of Chicago furnishes at the moment a striking and wise example. Surprised some time since that one of their banks—the Chicago National—with liabilities aggregating some $27,000,000, was in an insolvent condition, the clearing-house banks at a known large hazard to themselves took over the assets of the Chicago National bodily, assumed and paid offhand its liabilities. Not again to be surprised in similar fashion they agreed by common consent among themselves to have an agency of their own quite outside of the Government's official agency to keep close inspection and tab upon the methods, doings, and financial practices of each and every member of their organization and upon any other bank or banker in the city, for whom one of their number shall act as a clearing-house agency with power substantially to close the doors to any member by suspending that member from the clearing house. The power of control in the Clearing House Association is thus complete and absolute.

To be sure they have not entered into legal obligation for losses to the public through a weak or failing member, but with the power of examination and control thus assumed goes the duty to guardianship and protection. If they fail to administer and allow failure, always the results of vicious methods to occur in a fellow-member, can they escape without dishonor the moral obligation to protect the public from the results of their laxity or neglect? Their action in the case of the Chicago National establishes a precedent. It is to be remembered that it was established when they did not possess the present power of intimate knowledge and control. This gives a good warrant for the belief that now, under the conditions above indicated, they can not and will not depart from the method which precedent goes to establish. I am informed that both Kansas City and St. Louis are taking steps in harmony with those taken in Chicago. It will be to their advantage to do so since the public will not be slow to give preference to those cities which adopt the conservative method described.

What is thus or may be accomplished by voluntary action here and there in clearing-house cities the bill in question makes effective over the country through the twenty redemption districts proposed.

I have written too much already, but as this is probably my last word on the subject you will make due allowance if I have been guilty of verbosity. With good wishes, I remain,

Yours, very truly, LYMAN J. GAGE.

HORACE WHITE ON CURRENCY—WRITES HIS INDORSEMENT OF THE FOWLER BILL.

Congressman FOWLER has received the following strong indorsement of his currency bill from Mr. Horace White, former editor of the Evening Post:

NEW YORK, *March 10, 1908.*

MY DEAR MR. FOWLER: Yours of the 9th instant is received. When this session of Congress began I considered it unwise to attempt to amend our currency system by a single comprehensive measure. I did not then think that the public mind was ripe for it, although the discussion has been going on, in a limited circle, for nearly fifteen years. So, for the sake of brevity, I preferred the bill proposed by the American Bankers' Association, except that I did not favor a special tax on a particular part of the circulation.

If, however, the people are prepared, as they seem to be, to take into consideration a root-and-branch measure of reform like that of House bill No. 12677, I shall contribute such aid to its passage as I can.

It is a great merit that the bill reaffirms the principle that gold, not Government debt, is the true basis of a proper currency. It proposes to take away all soft-money cushions and false props of our monetary system, which might fail us in a time of trouble.

When the civil war came on, a large part of our currency, based upon State bonds, fell to a discount ranging from 10 to 50 per cent. Before the war ended our Government bonds and greenbacks fell to a still lower price, and the greenbacks remained below par for more than sixteen years.

Why should we continue to expose ourselves to such chances, even though the risk of war or internal convulsion now seems to be slight? If it is worth while to build a great navy in anticipation of conflict with foreign powers, is it not the part of prudence to put our Government finances and currency on a sure foundation, especially when it can be done without expense?

The plan proposed in your bill is feasible and will accomplish the end sought without any disturbance or contraction whatever. Moreover, the gold needed is within easy reach.

The next most important feature of the bill is that which provides for central redemption agencies, and a supervision of the banks by each other. Most bank failures are caused by speculation with the funds of the bank by improvident loans to the officers and their friends and favorites, in violation of law. Put a stop to such loans and you practically insure the depositors, note holders, and shareholders against loss.

I hear that the banks of Chicago, St. Louis, and Kansas City are taking steps voluntarily for such mutual examination and supervision. This is a wise extension of the powers of the clearing-house associations. Far better is frequent examination by one's neighbors and rivals in business than a diagnosis by the Comptroller after disease has set in.

With this practice established by law the mutual insurance of both deposits and circulation by means of a common guaranty fund deposited in the Treasury will be a very simple matter. Such coinsurance can not be considered either paternalism or socialism. The Government does nothing but hold the money contributed by the banks themselves, and pays it to those entitled to receive it.

The small banks are not put on an equality with the large ones as regards capital or earning capacity, but their liability to failure is minimized, and this is an advantage to the whole banking fraternity and to society in general.

To avoid ambiguity, it would be well to add to the seventeenth section of the bill a proviso that the Government shall not incur any liability in respect to the guaranty fund, except for its safe-keeping and disbursement according to law.

It is the A B C of banking science that circulation, notes, and deposits are alike potential demands on the bank's cash reserve, and that the banker can not determine which of the two forms his liabilities shall assume, and that it is a matter of indifference to him which form they do assume.

It is most desirable, however, to the community which he serves that his customers shall have the privilege of exercising their right to draw upon the bank in the form which they prefer. A considerable argument might be written on this text, but I forbear.

I concur in general with the report of the Merchants' Association of New York in favor of your bill dated February 21, 1908, and I remain,

Your sincere friend and wellwisher,

HORACE WHITE.

Not only that, but all over this country, from one end of it to the other, the commercial bodies, the boards of trade, the clearing houses, have sent letters of approval, and thousands upon thousands of people have been heard upon the same subject. This morning only I met a United States Senator on my way here and was discussing the financial and currency situation. He said, "We ought to do nothing except appoint a commission at this session. I have not received one single letter in support of the Aldrich bill, but I have received hundreds in favor of yours." There are no protests, so far as I know, throughout the length and breadth of this land to the measure which the Banking and Currency Committee reported to this House, with two single exceptions, as I recall them. Then what happened? We waited, and on March 30 there was reported to the House the Aldrich bill.

Immediately we advertised for a hearing, and sent out a thousand communications to all the clearing houses, to all the boards of trade, as far as we could get a list that would be of value. From all cities of the United States, beginning with Los Angeles and San Francisco, Takoma and Seattle, on the west; all the cities lying in between—Chicago, St. Paul, St. Louis, New Orleans—and all the cities of the Atlantic coast—Boston, New York, Philadelphia, Baltimore, and Richmond—we heard the people, either in person or by communication. What was the result? There came no approval of the Aldrich bill from anybody outside of two single individuals, to whom I shall allude in a moment. I shall insert here a list of the names of the bodies that were represented and of the gentlemen who appeared before our committee:

List of the gentlemen who appeared before the Committee on Banking and Currency in opposition to the Aldrich bill, together with the institutions and people they represented:

Mr. E. Southard Parker, president of the Metropolitan National Bank, of Washington, D. C.

Mr. Emory W. Clark, of Detroit, Mich., representing the Detroit Clearing-House Association.

Mr. Frank D. La Lanne, Philadelphia, Pa., representing 1,000 wholesale and retail merchants.

Mr. Victor Morawetz, chairman of the executive board of the Atchison, Topeka and Santa Fe Railroad Company and financial economist and leading member of the New York bar.

Mr. Horace White, ex-editor of the New York Evening Post and the Chicago Tribune and one of the leading financial economists and authors of to-day.

Mr. S. A. Harris, of Minneapolis, Minn., one of a delegation representing the business interests of Minneapolis and St. Paul.

Mr. J. N. Jackson, of St. Paul, Minn., representing the St. Paul Jobbers and Manufacturers' Association.

Mr. G. H. Partridge, of Minneapolis, Minn., representing the jobbers and manufacturers of Minneapolis, Minn.

Mr. D. S. Colver, cashier of the German-American National Bank, of St. Paul, Minn.

Mr. George C. Powers, president of the Second National Bank, St. Paul, Minn.

Mr. F. M. Prince, representing the First National Bank of Minneapolis, Minn.

Mr. Elmer H. Youngman, editor of the American Bankers' Magazine, of New York City.

Mr. Edmund D. Fisher, chairman of the legislative committee of the New York State Bankers' Association, of Brooklyn, N. Y.

Mr. William E. Attwood, president of the Connecticut Bankers' Association, New Britain, Conn.

Mr. H. W. Stevens, president Hartford National Bank, Hartford, Conn., and one of the committee representing the Connecticut State Bankers' Association.

Mr. A. J. Sloper, president New Britain National Bank, New Britain, Conn., and one of the committee representing the Connecticut State Bankers' Association.

Mr. Oscar Finley, president National Bank of Kentucky and representing the Louisville Clearing-House Association, an association of fourteen banks.

Mr. Logan C. Murray, representing the clearing house of the city of Louisville, Ky.

Members of the American Banking Association:

Mr. J. D. Powers, president American Bankers' Association and president of the Third National Bank of Louisville, Ky.

Mr. James B. Forgan, of Chicago, Ill.

Mr. A. B. Hepburn, president Chase National Bank, New York City.

Mr. John L. Hamilton, of Hamilton & Cunningham, Hoopeston, Ill.
Mr. E. F. Swinney, president First National Bank of Kansas City.
Mr. Sol. Wexler, vice-president Whitney Central National Bank, New Orleans.
Mr. Joseph T. Talbert, vice-president the Commercial National Bank and president of the Chicago Clearing-House Association, Chicago, Ill.
Mr. Joseph A. McCord, vice-president Third National Bank, Atlanta, Ga., and vice-president of the Georgia Savings Bank and Trust Company.
Mr. W. V. Cox, president the Second National Bank, Washington, D. C.
Mr. Arthur Reynolds, president the Des Moines National Bank, Des Moines, Iowa.
Mr. Robert Wardrop, president the People's National Bank, Pittsburg.
Mr. F. J. Wade, president Mercantile Trust Company, St. Louis, Mo.
Mr. John Perry, president of the American National Bank, Indianapolis, Ind.
Mr. Edward D. Page, representing the Merchants' Association of New York, who submitted the following list of mercantile organizations who have condemned the Aldrich bill:

"National Association of Credit Men, with branches in Chicago, New York, St. Louis, Cincinnati, Milwaukee, Detroit, Baltimore, Philadelphia, Boston, and 57 other leading cities.
"National Association of Clothiers and its branches in New York, Boston, Philadelphia, Baltimore, Rochester, Buffalo, Cincinnati, St. Louis, Milwaukee, and Chicago.
"Chicago Association of Commerce, Chicago, Ill.
"National League of Commission Merchants of the United States.
"Board of Trade, St. Paul, Minn.
"Indianapolis Board of Trade, Indianapolis, Ind.
"Trades' League of Philadelphia, Philadelphia, Pa.
"Boston Chamber of Commerce, Boston, Mass.
"Chamber of Commerce, Richmond, Va.
"Portland Board of Trade, Portland, Oreg.
"Red Wing Merchants' Association, Red Wing, Minn.
"Dallas Commercial Club, Dallas, Tex.
"Danbury Business Men's Association, Danbury, Conn.
"South Side Business and Improvement Association, Columbus, Ohio.
"Henderson Commercial Club, Henderson, Ky.
"Battle Creek Industrial Association, Battle Creek, Mich.
"The Board of Trade and Transportation of New York.
"Erie Chamber of Commerce, Erie, Pa.
"Evansville Business Association, Evansville, Ind.
"Hartford Board of Trade, Hartford, Conn.
"Haverhill Board of Trade, Haverhill, Mass.
"Manufacturers' Association, York, Pa.
"Stationers' Board of Trade, New York City.
"Ozone Park Board of Trade, Ozone Park, N. Y.
"Travelers and Merchants' Association, Baltimore, Md.
"Wallabout Market Merchants' Association, Brooklyn, N. Y.
"Auburn Business Men's Association, Auburn, N. Y.
"Merchants and Manufacturers' Association, Baltimore, Md.
"Grand Street Board of Trade, Brooklyn, N. Y.
"Chamber of Commerce (currency commission), Cleveland, Ohio.
"Council Bluffs Commercial Club, Council Bluffs, Iowa.
"Dallas Commercial Club, Dallas, Tex.
"Fort Worth Board of Trade, Fort Worth, Tex.
"Board of Trade, Little Rock, Ark.
"Louisville Commercial Club, Louisville, Ky.
"Retail Grocers and Merchants' Association, Nashville, Tenn.
"Oklahoma City Chamber of Commerce, Oklahoma.
"The Richmond Chamber of Commerce, Richmond, Va.
"Rochester Chamber of Commerce, Rochester, N. Y.
"The Merchants' Exchange, San Francisco, Cal.
"Chamber of Commerce, Santa Barbara, Cal.
"Chamber of Commerce, Seattle, Wash.
"The Business League of St. Paul, St. Paul.
"Board of Trade and Business Men's Association, Norfolk."

Mr. Eugene Levering, president National Bank of Commerce, of Baltimore, Md., representing the Baltimore Clearing House Association.
Mr. James Clark, president of the Drovers' and Mechanics' National Bank, of Baltimore, and representing the clearing house.
Mr. Alexander Gilbert, president of the New York Clearing House, New York City.
Mr. John M. Miller, jr., vice-president First National Bank of Richmond, Va., and representing the Chamber of Commerce of Richmond.
Mr. Joseph Moore, president National Bank of the Northern Liberties, of Philadelphia, Pa., and representing the Philadelphia Clearing House Association.
Mr. Finley Acker, chairman of the banking and currency committee of the Trades' League of Philadelphia, Pa., an organization composed of over 2,000 commercial, manufacturing, and financial firms.
Mr. Fred W. Upham, president of the Illinois Manufacturers' Association, of Chicago, Ill., representing more than 6,000 manufacturers of the State of Illinois.
Mr. Levy Mayer, attorney for the Illinois Manufacturing Association, of Chicago, Ill. The following gentlemen also were present at the hearing: Fred W. Upham, president, Upham & Agler, Chicago; W. B. Conkey, W. B. Conkey Company, Chicago; C. H. Smith, Western Wheeled Scraper Company, Aurora, Ill.; U. G. Orendorff, Parlin & Orendorff, Canton, Ill.; F. G. Allen, Moline Plow Company, Moline, Ill.; W. B. Brinton, Grand Detour Plow Company, Dixon, Ill.; John C. Spry, Southern Oak Lumber Company, Chicago; John T. Stockton, Joseph Stockton Company, Chicago; C. F. Wiehe, Edward Hines Lumber Company, Chicago; Charles Piez, Link-Belt Machinery Company, Chicago; John M. Glenn, secretary, Chicago. The names of the members of that board are synonymous with the great manufacturing interests of Illinois. The figures of the business they speak for are appalling; they represent nearly $2,000,000,000 annual output.
Mr. Charles B. Hamlin, corporation counsel of the Boston Chamber of Commerce, ex-Assistant Secretary of the Treasury.
Mr. Francis B. Sears, vice-president National Shawmut Bank, of Boston, representing the Boston Chamber of Commerce and the Boston Merchants' Association.
Mr. Alfred O. Crozier, of Wilmington, Del.

Gentlemen who appeared in favor of the Aldrich bill.

Mr. Charles G. Glover, president of the Riggs National Bank, Washington, D. C.
Mr. Charles G. Dawes, president Central Trust Company, Chicago, Ill., and ex-Comptroller of the Currency.
Mr. J. Howard Cowperthwait, of New York City.

As I stated, two gentlemen appeared in defense of the Aldrich bill. One was Mr. Glover, of this city, and after reading a statement which had appeared in the New York Herald, which I suppose was his statement, he added that he was in favor of issuing a thousand million demand obligations, and when he was pressed for an explanation of how the Government was to meet this frightful demand of a thousand million demand obligations, added to the thousand six hundred million already resting on the Treasury, what did he say? He said, "I do not want to discuss that question," and he plead guilty to having no information as to how it was to be done. The other gentleman who appeared to advocate the Aldrich bill was Mr. Charles G. Dawes, of Chicago, and after making us a long speech and he was brought down to the practical question involved, finally admitted that the Government would have to sell bonds to redeem these notes, and then when pressed to the last extremity asserted that he was in favor of making the national-bank notes a legal reserve, and also the additional five hundred millions that he favored issuing.

Those were the two defenders of this bill. Of all these people these associations and men that came before us representing the chambers of commerce and the boards of trade and the economists, including Mr. Horace White, Mr. Youngman, and several other leading economists, all of them asserted that the thing for us to do was to pass no legislation at this session, but to pass a broad commission bill. Following that course, on April 30 your committee reported a broad commission bill. What are the precedents for this broad commission bill? I will include in my remarks, for I will not have time now to go over it, the constitution of the commissions for the last seventy years, and prospectively one now for the review of the financial situation in Germany.

It has been the practice abroad, when an important subject of this sort had to be dealt with, affecting in one way or another nearly every member of the community, to create a commission containing representatives of these different elements as well as experts and members of the legislative body. The *select committee on banks of issue*, whose work was the basis of the law now governing the Bank of England, consisted *of twenty-six members*, among whom were Sir Robert Peel, who gave his name to the law; George Grote, the well-known banker and historian of Greece, and Sir Thomas Freemantle. *The commission on the depression of trade and industry in 1886 contained twenty-three members*, of whom only about one-half were members of Parliament. The royal commission on labor in *1892* contained *twenty-seven* members, among whom were Prof. Alfred Marshall, now the first living English economist, and Samuel Plimsoll. The gold and silver commission in *1888* contained only *thirteen* members, but they were nearly all experts, representing the interests of British India as well as of the London financial community.

Turning to other countries, the *French commission to study the monetary standard, appointed July 22, 1868, contained only seventeen persons*, but in this, as in other cases where a parliamentary government exists, it is not necessary to include so many members of the Chamber in order to secure the passage of what may be made a Government measure. *Among more recent commissions* the *full representation of different interests has been more marked than in earlier years. Thus the inquiry which became the basis of the monetary reform in Austria in 1892 was made through a commission of thirty-six persons for Austria and twenty-one for Hungary, making a total of fifty-seven for the dual monarchy. The Japanese commission, appointed by imperial ordinance on October 14, 1893, consisted of twenty-two members, appointed, according to the ordinance, from administrative officers of the higher class, the professors of the Imperial University, the members of the Imperial Diet, and the men noted for their experience and learning in monetary matters." They appointed a subcommittee, which reported in July, 1896, to the minister of finance. The Berlin silver commission, which made one of the most valuable reports on monetary conditions in Germany, consisted of thirty-one members, of whom twelve were officials and nineteen private citizens. The Mexican monetary commission which adopted the gold standard in 1904 was also a large commission representing practically all important interests in the Republic. I have not the exact number, but it is my impression that the full commission contained as many as fifty or sixty persons. It was considered essential there, as in Austria-Hungary and Japan, that all interests which had been affected by the rise and fall of prices and chances in the rate of interest should be represented.*

The work done in all these cases was very thorough, and the results, I think, are generally indorsed by experts and have proven of untold benefit to the countries where the new systems have been put in operation.

MONETARY INQUIRY IN GERMANY.

The recent pressure in the money market has led to an inquiry by the German Government on a scale somewhat similar to that proposed by the House Committee on Banking in this country by means of a large commission. The Government, having been interrogated in the Reichstag as to the reasons for the recent high rates of discount, the secretary of the state for the interior has announced an inquiry through an expert special commission. In order to make up such a commission of competent members, the governments of the several federated German States have been invited by the chancellor of the Empire to indicate to him those persons whom they consider qualified for such an inquiry and whose aid will be of value. The experts in question have been chosen from banking circles, as well as from industry, commerce, and agriculture. In addi-

tion to the appeal to the States, the Imperial Government has addressed itself directly to the Central Union of Banks and Bankers, to the Permanent Bureau of Commercial Congresses, to the Central Union of German Manufacturers, and to other allied industrial associations, and also to the Federation of German Agriculture, asking them in each case to indicate persons qualified to act as experts in the inquiry.

Our commission bill provides for eleven Members of the House, appointed by the Speaker, eleven members of the Senate, making twenty-two, retaining the legislative authority. What else? In accordance with the commissions that have been appointed for the last fifty years—yes, last one hundred years—throughout the world on such questions as this, we have included a large body of banking economists—six of them. Is there anyone in this House who would vote against such a proposition as that? Is there any Member from the Pacific coast who is going to oppose the appointment on this commission of a banker on the Pacific coast, of a farmer on the Pacific coast, of a representative of labor on the Pacific coast, of a representative of the merchants on the Pacific coast, and a representative of the manufacturers on the Pacific coast? Is there any Member of the great Mississippi Valley who is going to vote against having on this commission a banker from that region, a representative of the farmer, a representative of labor, and of the merchants and of the manufacturers in the Mississippi Valley?

Is there any Member that represents the Atlantic coast region who is going to vote against having a representative of the banking interests of the East, of having a farmer representative, or a representative of labor and a representative of manufacturers and of merchants of this great Atlantic coast? You will find, if you will read my remarks when they appear in the RECORD, that I will confirm with almost every commission that has been appointed on like subjects the wisdom of the appointment of such a commission.

Now, I want to call attention to the words in Saturday's RECORD of the senior Senator from Rhode Island, the leading authority of that body upon Government resources, and this is the all-important question for this House to consider:

> But a change has taken place. The revenues of the country are falling off. The deficiency in the month of April will be more than $11,000,000. The deficiency for the present fiscal year will be at least $60,000,000. What is the duty of Congress in this emergency? The appropriation bills now in this Chamber or in the other provide for an increase of appropriations over those made last year of a hundred and four million dollars; and the end is not yet. There is a public buildings bill, which will probably pass, which may add $20,000,000 to that, making an increase of appropriations in this fiscal year over the last of a hundred and twenty-four million dollars, and this with a deficiency in revenue this year of $60,000,000.

Receipts and expenditures of the Government.

[Recapitulation of revenue by fiscal years.]

Year.	Customs.	Internal revenue.	Miscellaneous sources.			Total revenue, exclusive of postal.	Surplus revenue.
			Direct tax.	Sales of public lands.	Other miscellaneous items.		
1856	$64,022,863.50			$8,917,644.93	$1,116,190.81	$74,056,699.24	$4,871,046.35
1857	63,875,905.05			3,829,486.64	1,259,920.88	68,965,312.57	1,533,177.30
1858	41,789,620.96			3,513,715.87	1,352,029.13	46,655,365.96	26,955,461.35
1859	49,565,824.38			1,756,087.30	1,454,596.24	52,777,107.92	16,293,868.82
1860	53,187,511.87			1,778,557.71	1,088,530.25	56,054,599.83	7,075,998.56
1861	39,582,125.64			870,658.54	1,023,515.31	41,476,299.49	25,070,345.40
1862	49,056,397.62		$1,795,331.73	152,208.77	915,122.31	51,919,055.43	422,842,763.48
1863	69,059,642.40	$37,640,787.95	1,485,103.61	167,617.17	3,741,794.38	112,094,945.51	602,645,779.66
1864	102,316,152.99	109,741,134.10	475,648.96	588,333.29	30,331,401.25	243,452,670.59	621,869,971.38
1865	84,928,260.60	209,464,215.25	1,200,573.03	996,553.31	25,441,556.00	322,031,158.19	973,806,166.11
1866	179,046,651.58	309,226,813.42	1,974,754.12	665,031.03	29,036,314.23	519,949,564.38	801,376.09
1867	176,417,810.88	266,027,537.43	4,200,233.70	1,163,575.76	15,037,522.15	462,846,679.92	116,117,354.14
1868	164,464,599.56	191,087,589.41	1,788,145.85	1,318,715.41	17,745,403.59	376,434,453.82	6,695,320.00
1869	180,048,426.63	158,356,460.86	765,685.61	4,020,344.34	13,997,338.65	357,188,256.09	35,997,658.34
1870	194,538,374.44	184,899,756.49	229,102.88	3,350,481.76	12,942,118.30	395,959,833.87	102,302,828.72
1871	206,270,408.05	143,098,153.63	580,355.37	2,388,646.68	22,093,541.21	374,431,104.94	91,270,711.43
1872	216,370,286.77	130,642,177.72		2,575,714.19	15,106,051.23	364,694,229.91	94,134,534.00
1873	188,089,522.70	113,729,314.14	315,254.51	2,882,312.38	17,161,270.05	322,177,673.78	36,938,348.44
1874	163,103,833.69	102,409,784.90		1,852,428.93	17,075,042.73	284,441,090.25	1,297,709.37
1875	157,167,722.35	110,007,493.58		1,413,640.17	15,431,915.31	284,020,771.41	9,397,378.57
1876	148,071,984.61	116,700,732.03	93,798.80	1,129,466.95	17,456,776.19	283,452,758.58	24,992,961.25
1877	130,956,494.07	118,630,407.83		976,253.68	18,931,655.46	268,594,810.04	29,934,801.11
1878	130,170,680.20	110,581,624.74		1,079,743.37	15,614,728.09	257,446,776.40	20,482,449.60
1879	137,250,047.70	113,561,610.58		924,781.06	29,585,697.49	272,322,136.83	5,374,253.30
1880	186,522,064.60	124,009,373.92	30.85	1,016,503.60	21,978,525.01	333,526,500.98	68,678,853.62
1881	198,159,676.02	135,264,385.51	1,516.89	2,201,833.17	25,154,850.98	360,782,292.57	101,130,653.76
1882	220,410,730.25	146,497,595.45	160,141.69	4,753,140.37	31,703,642.52	403,525,250.28	145,543,810.71
1883	214,706,496.93	144,720,368.98	108,156.60	7,955,834.42	30,796,695.02	398,287,581.95	132,879,444.41
1884	195,037,489.76	121,586,072.51	70,720.75	9,810,705.01	21,984,881.89	348,519,830.92	104,393,625.59
1885	181,471,939.34	112,498,725.54		5,705,983.44	24,014,055.06	323,690,703.38	63,463,771.27
1886	192,905,023.44	116,805,936.48	108,239.94	5,630,999.34	20,989,527.83	336,439,727.03	93,956,588.53
1887	217,286,893.13	118,823,391.22	32,892.05	9,254,286.42	26,005,814.84	371,403,277.66	103,471,007.69
1888	219,091,173.63	124,296,871.98	1,565.82	11,202,017.23	24,674,445.10	379,236,074.76	119,612,116.09
1889	223,832,741.69	130,881,513.92		8,038,651.79	24,297,151.44	387,050,058.84	105,053,443.24
1890	229,668,584.57	142,606,705.81		6,358,272.51	24,447,419.74	403,080,982.63	105,344,496.03
1891	219,522,205.23	145,686,249.44		4,029,535.41	23,374,457.23	392,612,447.31	37,239,762.57
1892	177,452,964.15	153,971,072.57		3,251,875.58	20,251,871.94	354,937,784.24	9,914,453.66
1893	203,355,016.73	161,027,623.93		3,182,089.78	18,254,898.34	385,819,628.78	2,341,674.29
1894	131,818,530.62	147,111,232.81		1,673,637.30	17,118,618.52	297,722,019.25	69,833,260.58
1895	152,158,617.45	143,421,672.02		1,103,347.16	16,705,438.48	313,390,075.11	42,805,223.18
1896	160,021,751.67	145,762,864.74		1,005,523.43	19,186,060.54	326,976,200.38	25,203,245.70
1897	176,554,123.65	146,688,574.29		864,581.41	23,614,422.81	347,721,705.16	18,052,454.41
1898	149,575,032.35	170,900,641.49		1,243,129.42	83,602,501.94	405,321,335.20	38,017,247.60
1899	206,128,481.75	273,437,161.51		1,678,246.81	34,716,730.11	515,960,620.18	89,111,559.67
1900	233,164,871.16	295,327,926.76		2,836,882.98	35,911,170.99	567,240,851.89	79,527,090.18
1901	238,585,455.99	307,180,633.77		2,935,119.65	38,954,098.12	587,685,337.53	77,717,984.38
1902	254,444,708.19	271,880,122.10		4,144,122.78	32,009,280.14	562,478,233.21	91,287,375.57
1903	284,479,581.81	230,810,124.17		8,926,311.22	36,180,657.20	560,396,674.40	54,297,667.36
1904	261,274,564.81	232,904,119.45		7,453,479.72	38,999,585.42	540,631,749.40	41,770,571.91
1905	261,798,856.91	234,095,740.85		4,859,249.80	43,520,837.29	544,274,684.85	23,004,228.60
1906	300,251,877.77	249,150,212.91		4,879,833.65	40,172,197.34	594,454,121.67	25,639,322.61
1907	332,233,362.70	269,666,772.85		7,878,811.13	53,361,387.37	663,140,334.05	84,223,583.30
1908[a]							60,000,000.00
1909[b]							180,000,000.00

[a] Approximate.

[b] Estimated by senior Senator from Rhode Island.

In other words, $60,000,000 deficit this year and $180,000,000 of a deficit next year. I will include in my remarks a tabulated statement showing from 1856 the surplus revenues and deficits, and you will find that since 1890, including these two years, there have been ten years in which there was a deficit and ten years in which there was a surplus.

On the 27th day of April, 1907—mark this, gentlemen—on the 27th day of April, 1907, the free gold in the Treasury was $145,997,000, and to-day there are fifteen millions of gold bullion and coin and twenty-four millions of gold certificates, a difference of about $100,000,000 altogether. They have already suspended gold payments; and if one of you gentlemen desire to go down stairs and draw your salary, you will probably find they will give you silver certificates or United States notes. I shall include in my remarks at this point an estimate made by the Treasury Department in 1902, showing that the cost of maintaining the $346,000,000 greenbacks up to date has been more than $1,000,000,000.

TREASURY DEPARTMENT,
OFFICE OF THE TREASURER OF THE UNITED STATES,
Washington, D. C., March 17, 1902.

Statement showing the redemption of United States notes, Treasury notes, silver coin redeemed or exchanged, the national-bank notes outstanding and redeemed by fiscal years from 1879.

Fiscal year.	Redemptions.		Silver coin redeemed or exchanged.	National-bank notes.		
	United States notes.	Treasury notes.		Average outstanding.	Redemptions. Amount.	Redemptions. Per cent.
1879	$64,107,833			$324,244,285	$157,657,000	48.62
1880	81,302,563			339,530,923	61,586,000	18.13
1881	54,545,334			346,314,471	59,650,000	17.22
1882	79,520,424			359,736,050	76,089,000	21.15
1883	109,764,714			359,868,524	102,700,000	28.53
1884	85,948,236			347,746,363	126,152,000	36.27
1885	84,493,153			327,022,283	150,209,000	45.93
1886	63,000,000			314,815,970	130,296,000	41.38
1887	74,068,000			293,742,052	87,690,000	29.85
1888	63,652,000		(a)	265,622,692	99,152,000	37.32
1889	59,450,000		$48,726,649	230,648,247	88,932,000	38.55
1890	78,132,000		47,643,939	196,248,499	70,257,000	35.80
1891	70,792,000	$1,624,000	54,775,783	175,911,373	67,461,000	38.34
1892	66,264,000	8,646,770	56,018,389	172,113,311	69,625,000	40.45
1893	91,116,000	41,759,950	58,472,489	174,755,355	75,845,000	43.40
1894	90,960,000	46,397,000	65,550,976	205,322,804	105,331,000	51.30
1895	74,720,000	50,712,000	57,073,792	207,860,409	86,709,000	41.71
1896	68,924,000	61,564,000	60,820,051	217,133,399	108,261,000	49.85
1897	59,620,000	45,502,600	64,626,098	232,888,449	113,574,000	48.76
1898	54,260,000	43,302,000	58,275,905	228,170,874	97,112,000	42.56
1899	88,404,000	38,401,000	61,697,291	239,287,673	90,838,000	37.96
1900	80,676,000	33,499,280	68,911,547	260,293,746	96,982,000	37.25
1901	91,680,000	28,244,000	76,671,474	339,884,257	147,487,000	43.39
1902 (eight months)	67,600,000	12,437,000	55,953,138	358,775,526	108,194,064	30.16

[a] Not reported previous to 1889.

The following estimate was made by the Chief of the Loan and Currency Division of the Treasury Department:

COST TO THE GOVERNMENT OF MAINTAINING THE GREENBACKS.

Cost of the gold reserve, including liability for principal of bonds sold and interest thereon to their maturity.

Principal of bonds sold for resumption purposes:		
1877 and 1878		$95,500,000
1894		100,000,000
1895		62,315,400
1896		100,000,000
Total principal		357,815,400
Interest at 4 per cent on the average amount of the free gold in the Treasury from January 1, 1879, to January 1, 1895		93,440,000
		451,255,400
Interest from January 1, 1895, to July 1, 1907, on $95,500,000 4 per cent bonds of 1907		47,750,000
Interest from January 1, 1895, to February 1, 1904, on $100,000,000 5 per cent bonds		45,416,666
Interest from February 1, 1895, to February 1, 1925, on $62,315,400 4 per cent bonds		74,778,480
Interest from February 1, 1896, to February 1, 1925, on $100,000,000 4 per cent bonds		116,000,000
Total cost, including liability, except United States notes outstanding		735,200,546
Add amount of United States notes still outstanding		346,681,016
Total cost and liability		1,081,881,562

If the United States notes had been funded on the 1st day of January, 1879, into the thirty-year 4 per cent bonds of 1907, then being sold, the total cost to the Government therefor, including interest from January 1, 1879, to July 1, 1907, would be as follows:

Principal of bonds	$346,681,000
Interest from January 1, 1879, to July 1, 1907	395,216,340
	741,897,340
Difference in favor of converting the United States notes into bonds	339,984,222

Now, what is the importance of that situation, gentlemen? It is this, that it is proposed to precipitate upon the Treasurer of the United States seven hundred and fifty millions of demand obligations. How are you going to redeem them? Mr. Glover did not know, Mr. DAWES was compelled to admit, as every man must, that the only way of escape is by selling bonds and buying gold for the redemption of the notes.

Mr. BRUMM. Will the gentleman permit a question?

Mr. FOWLER. No, sir; I can not have an interruption——

Mr. BRUMM. I would like to ask the gentleman one important question.

Mr. FOWLER. I have not the time. We have here what is supposed to be an explanation, gentlemen, of what this redemption is going to be at the lips or, rather, from the pen of the Treasurer of the United States, and made a part of Mr. VREELAND's statement before the Banking and Currency Committee. I want to read it to you:

There seems to be an ill-founded impression that in case additional notes to the amount of $500,000,000 were issued there might be reason for apprehension of an insufficient amount of lawful money to redeem the same. However, when it is taken into account that we have of lawful money, consisting of $346,000,000 United States notes and $565,000,000 silver certificates and silver dollars, a total of $911,000,000, with which to provide for the redemption of $627,000,000 national-bank notes and $500,000,000 emergency currency, a total of $1,127,000,000, it shows that we have a percentage of 80.8 per cent lawful money in the country, besides gold, to redeem the present and contemplated issue of national-bank notes.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. FITZGERALD. Mr. Chairman, I yield fifteen minutes additional to the gentleman.

Mr. FOWLER. Gentlemen, is it going to be a real redemption of these notes to put in silver certificates and United States notes? Think of it. As a matter of fact they never redeem them in any kind of lawful money, for in the practice of the banks when they make their 5 per cent good they send a check which goes through the clearing house at New York, and when the balance is against the Government it pays out the gold. We have a deficit and likely will have for several years. I would like to ask this House to revert to history if they will and read the splendid speeches which were male here in 1862 upon the question of making the greenbacks legal tender, by Roscoe Conkling, Charles Sumner, E. G. Spaulding, George H. Pendleton, William Pitt Fessenden, John Sherman, and a large number of men to whom I would like to call to your attention if I had the time. Gentlemen, the legislation of this session of Congress may be the most fatal legislation in the history of this nation. Mark my word. Occasionally we hear it whispered around these halls, "Oh, we must do something."

That reminds me of a little experience I had out in Iowa in the great greenback campaign in 1878. One night in a farmer's family two neighbors had come in and began an argument, and the farmer, who undoubtedly had a very useless boy, at the end of the debate, when argument would no longer suffice, remarked:

If I did not know any more than you do I would go and butt my brains out against a feather tick and if that is too hard I would shoot myself in the feet, in the bowels, do anything, commit suicide, but I want you to do something.

Ah, gentlemen, are we going to be so foolish as that? Must we do something even though we commit political suicide? Are the Republicans of this House going to be so foolish as to try to fool the American people with a foolish measure? Nay, more, with something worse than a foolish measure—a measure that must prove fatal to our national credit. It is worse than foolish. It is dangerous, it is ruinous, and will drive the national credit of this country, as certainly as any bill is passed of this character, to default.

Now, is there any need of doing something? Take all of these thousands and tens of thousands of voices that were heard in our room, or heard from, and not one person, not one single person, with an only exception, thought it was necessary to do anything at this time. That one person knew so much as to say he did not know how to redeem the notes if we put out a thousand million dollars, as he desired. No other person thought it was necessary. Probably the best judge of the situation in this country would be Mr. Forgan, president of the First National Bank of Chicago, a man whose connections cover the whole commercial field of the great Middle West and are broader and more extended than any other banker in this country. He said:

Why, no! I have been wanting to take a vacation for six years and go to Scotland and spend the summer, and I am going this summer.

Again, gentlemen, I stated in November when this panic was at its height, that in the first part of the year the reserves of New York would be higher than they have been for seven years, but they have outstripped my declaration, and last Saturday they were $60,000,000 stronger than in any April since 1894. So you will find the reserves throughout the country and business conditions are such to add still more largely to them.

Mr. Forgan was asked this question by Mr. PRINCE:

Mr. PRINCE. Do you think there is now need of emergency currency legislation?

Mr. FORGAN. I do not; and I do not think a condition can ever exist in this country or any other country that will warrant the use or the issue of anything that could bear such an infernal name as "emergency currency," because as soon as you use it and you say that a single bank has issued emergency currency you have got the whole of your depositors on your back. Now, suppose that emergency does exist; if they believe an emergency exists, they will do as they have always done, and run on the banks. A proper currency prevents anything of the kind of an emergency ever getting into the minds of the public. They never know that an emergency exists. The banks may,

but if the banks have the proper tools of their trade, the proper implements that will enable them to carry on their functions as bankers, they will serve the public in such a way that the public will never know that an emergency exists. But just as soon as you name a currency "emergency," just as soon as you use that word you invite distrust, you invite runs on your banks.

I heard something here yesterday from the gentleman from Massachusetts [Mr. LOVERING] about your depression. You have a depression, but let me say to you now, that if you hold the revision of the tariff over the American people for the next fifteen or eighteen months, you will have a persistent, continuous dry rot, and if you superimpose upon that the issue of $750,000,000 of fiat money, a sure inflation, this country will see a real panic, and you will need something more than emergency currency. You will want gold, gold, and still more gold furnished by the Government, because the banks will protect themselves against the Government and run upon the Government, and compel the Government to maintain all this money upon a gold basis. That is the banks' business. That is their duty. We were given a little advice in our committee the other day by a Member of this House. He told us that the wisdom of all is greater than the wisdom of few. When General Grant was confronted with the greenback bill in 1873, he did not think they all knew more than he did. And we all now know that he knew more than all of them.

In 1878 President Hayes knew more than all of the Republicans, who were political cowards wanting to be reelected to this House, and so in 1893 Grover Cleveland knew more than all the Democratic party, with William J. Bryan thrown in. [Applause on the Republican side.] So, gentlemen, we were advised. Now, we come to this House in the first place with a financial and currency measure supported by every economist and every economic journal in the United States; also thousands and tens of thousands of manufacturers, merchants, business men, and bankers. Again, having had before us a large number of the leading business men of the country, and they having advised us that under all the circumstances it would be better to have no legislation than the Aldrich bill, we have reported to this House a bill for a broad commission, representing all the regions of the United States, representing all the interests of the United States, and I want to tell you now, if there ever was a time for sound learning and sober thought, if there ever was a time when we should be honest with ourselves and honest with the American people, it is this very day. [Applause on the Republican side.]

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WILSON of Illinois. Mr. Chairman, I object.

The CHAIRMAN. The Chair will suggest to the gentleman from New York [Mr. FITZGERALD] that the gentleman from New Jersey consumed ten minutes and has five of the fifteen granted to him remaining.

Mr. SMITH of Iowa. I did not get the Chairman's announcement.

The CHAIRMAN. The gentleman from New Jersey [Mr. FOWLER] consumed but ten minutes of his last fifteen.

Mr. FITZGERALD. Will the gentleman yield the five minutes back to me?

Mr. FOWLER. I yield back my time to the gentleman from New York [Mr. FITZGERALD].

Mr. SMITH of Iowa. I yield seven minutes to the gentleman from Massachusetts [Mr. WASHBURN].

Mr. WASHBURN. Mr. Chairman, in his speech made on Friday, March 20, 1908, the gentleman from Georgia [Mr. BARTLETT] said:

> In reference to the antitrust question, I want to say that the antitrust bill introduced by Mr. Sherman, known as "bill No. 1, first session, Fifty-first Congress," was reported from the Committee on the Judiciary of the Senate, and it did not have a thing that Mr. Sherman ever wrote in it except the enacting clause. When it went upon the statute books it was the product mainly of the brains of four men, namely, Senator George, of Mississippi, Senator George G. Vest, of Missouri, Senator Edmunds, of Vermont, and Senator Hoar, of Massachusetts, and Mr. Sherman would not have recognized the bill that was reported as his own if he had met it in the road. Or, if he had recognized it, he would have looked at it as a cow would look at a last year's calf through a crack in the fence. He might have thought he knew it, but he would have thought again that he did not.

Mr. Chairman, in the interest of historical accuracy, I desire to quote from a statement made in reference to this matter in his autobiography by Hon. George F. Hoar, then senior Senator from Massachusetts, corroborating in one particular the remarks made by my friend the other day, and in another amending it. In chapter 36, volume 2, Autobiography of Seventy Years, Mr. Hoar said:

> In 1890 a bill was passed which was called the Sherman Act for no other reason that I can think of except that Mr. Sherman had nothing to do with framing it whatever. He introduced a bill and reported it from the Finance Committee providing that whenever a trust, as it was called, dealt with an article protected by the tariff, the article should be put on the free list. This was a crude, imperfect, and unjust provision. It let in goods made abroad by a foreign trust to compete with the honest, domestic manufacturer. If there happened to be an industry employing thousands or hundreds of thousands of workmen, in which thousands of millions of American capital was invested, and a few persons got up a trust—perhaps importers, for the very purpose of breaking down the American manufacturer—and made the article to a very small extent, all honest manufacturers would be deprived of their protection.
>
> Mr. Sherman's bill found little favor with the Senate. It was referred to the Judiciary Committee, of which I was then a member. I drew as an amendment the present bill, which I presented to the committee. There was a good deal of opposition to it in the committee. Nearly every member had a plan of his own. But at last the committee came to my view and reported the law of 1890. The House disagreed to our bill, and the matter went to a conference committee, of which Mr. Edmunds, the chairman of the committee, and I, as the member of the committee who was the author of the bill, were members. The House finally came to our view.
>
> It was expected that the court in administering that law would confine its operation to cases which are contrary to the policy of the law, treating the words "agreements in restraint of trade" as having a technical meaning, such as they are supposed to have in England. The Supreme Court of the United States went in this particular further than was expected. In one case it held that "the bill comprehended every scheme that might be devised to restrain trade or commerce among the several States or with foreign nations." From this opinion several of the court, including Mr. Justice Gray, dissented. It has not been carried to its full extent since, and, I think, will never be held to prohibit the lawful and harmless combinations which have been permitted in this country and in England without complaint, like contracts of partnership, which are usually considered harmless. We thought it was best to use this general phrase which, as we thought, had an accepted and well-known meaning in the English law, and then after it had been construed by the court, and a body of decisions had grown up under the law, Congress would be able to make such further amendments as might be found by experience necessary.

[Applause.]

Mr. BARTLETT of Georgia. Will the gentleman permit me to interrupt him?

Mr. WASHBURN. Certainly.

Mr. BARTLETT of Georgia. I want to state to the gentleman that I did not want to do the distinguished Senator from Massachusetts any injustice, but was simply undertaking to show that the Sherman antitrust law, like a great many other acts passed by Congress, simply carried the enacting clause of a Member or a Senator who introduced the bill, and who got the benefit of somebody's else brain and work.

Mr. WASHBURN. And, as I stated, this statement of Senator Hoar corroborates what the gentleman from Georgia said in one respect and amended what he said in another.

Mr. FITZGERALD. I yield the balance of my time, twenty minutes, to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, some argument, some ridicule, some humor have been expended by the gentlemen on that side of the House in connection with the programme which has been pursued by this side. The other day the gentleman from Washington [Mr. CUSHMAN], with exquisite humor, which appealed to my sense of fun as much as anyone's else, took easily the leading rôle in the matter of fun making. He was funnier even than he thought to be. The gentleman illustrated his home breeding upon the farm by telling a delightful story about a dog and an ox.

Several MEMBERS. A cow.

Mr. WILLIAMS. And the ox's name was "Boss," a very appropriate name for an ox, because it is possible, although I will not vouch for it, that the etymologist may have originally included the word "boss" as among the derivatives from the Latin "bŏs," then "bōs," and then corruptly pronounced "boss," genitive bo-vis, that originally meant a female ox. It is possible that is why we now refer to a boss, especially to the species yclept Republican boss, as bearing every similitude to the ox. [Laughter.] The gentleman told how the Democratic dog got after the Republican ox named "Boss," who was in the pasture up to his knees in clover, quietly chewing his cud, and presumedly doing nothing, as oxen are in the habit of doing nothing when chewing their cuds in deep clover; how the Democratic dog undertook to drive him out of the pasture; how the ox became infuriated and took after the dog, and how, when they got out of the pasture of inactivity and into the field of legislation, it was observed that the dog was in the lead and the ox was doing the chasing.

Now, Mr. Chairman, I do not materially care as to how or in what order we get out of the clover patch of cud chewing and legislative inactivity, nor how we get into the field of legislative activity. I am perfectly willing for the gentleman from New York to be of the persuasion when we get out in the field of active legislation, where we shall do something, that he has chased me into it—just so he gets out and does something is all I ask. [Applause on the Democratic side.] Just so the Republican party does something is all I ask. I have no doubt that even if evidently infuriated and nagged into it, it and its

bosses will claim all the credit. What I want is legislation beneficial to the people.

Then my friend, whom I perhaps love personally more than almost anybody, went on to say that our political programme was "not even peanut politics, but of the mustard-seed variety." He was again more humorous even than he himself knew. The Democratic leadership is not of the peanut-fed variety. Peanuts are oleaginous in character, with a fat-producing tendency, a food producing a certain rotundity—a certain appearance of oily embonpoint about a man's figure, which certainly can not be predicated as a physical description of me, however it may be with other "leaders." [Laughter and applause.] I am glad to welcome the description of my friend from Washington of our politics as being of "the mustard-seed variety." Again he was wiser in his humor and more humorous in his wisdom than he knew, for there is nothing that produces so fine a blister, nor as quickly and as effectively, as a blister made out of mustard seed. [Renewed laughter and applause.]

Now, Mr. Chairman, undiscouraged and in pursuance of this policy so blistering to activity, I hold in my hand a petition, respectfully worded, kindly worded, humbly worded, to the Speaker of the House of Representatives. To it are appended 162 names of men who are Members of the House of Representatives, or, rather, men whose constituents thought they would be Members of the House of Representatives when they were sent here. [Laughter and applause.] It contains the name of every Democrat who is a Member of this House except 4, who are out of town, and whom we are trying to reach by telegrams, and when we reach them there will be 4 more, which will constitute 166, the full membership of the House upon this side of the main aisle. [Loud applause on the Democratic side.]

Now, Mr. Chairman, it requires just thirty more names added to this to bring recognition and results. But first I will read you the petition, in order that you may know how respectful and polite and considerate it is.

Hon. J. G. CANNON: Mr. Speaker, we, the undersigned Representatives in Congress—

That is the only thing that could be even tortured into discourtesy—our calling ourselves Representatives [laughter on the Democratic side]—

We, the undersigned Representatives in Congress, request, each for himself and each for each of the others, that you recognize one of us, or, if you prefer, some other Representative, to move to discharge the Committee on Ways and Means from the further consideration of, and to suspend the rules and to pass, the Stevens bill, or any other bill, having the effect to put wood pulp and print paper on the free list.

A MEMBER. Put in the names.

Mr. WILLIAMS. I have stated who they are. Now, Mr. Chairman, I am going to ask the page to carry this petition down and put it on the table which has been placed in front of the Clerk's desk, out of the way of everybody, where ink and pen and blotters have been provided for all who sincerely desire legislative result. You know it is never too late to mend, and all of you who desire to join in this humble and polite request to the Speaker will have the opportunity. Oh, my friends, we only need thirty of you; that is all. [Applause on the Democratic side.] About that many of you—or almost that many—have introduced bills to put wood pulp and print paper upon the free list. Why, Mr. Chairman, the most eloquent argument that I have read in a long time (I missed its delivery and I was sorry, so I read it last night) came from the gentleman from New York, my friend, Mr. PERKINS. There has been nothing said upon this side of the Chamber that reached it in fullness of information, in cogency of reason, and in aggressiveness of expression and apparent anxiety for immediate action. It is unequaled as an argument in favor of putting wood pulp and print paper upon the free list. Not only the great State of New York is represented in this expressed desire, but the Middle West, in the person of the gentleman from Minnesota [Mr. STEVENS], has sounded the free wood pulp and paper tocsin, too. I do not know just how many of you have written and introduced bills to that end, but I know that every one of you who introduced a bill meant what you said, of course. Now, Mr. Chairman—

While the lamp holds out to burn,
The vilest sinner may return,

and if you have lately been, or expect to be, in any manner bulldozed or boss-ridden, why, think for a second; think of what a short life we live here and how necessary it is that we should be doing things while we are living during this brief day of our time.

I express a hope that at least thirty of you may sign the petition now on the table. If you do not like that petition because my name is on it, and the names of CHAMP CLARK and DE ARMOND and UNDERWOOD and JOHN WESLEY GAINES, and all these vile "publicans and sinners" on this Democratic side, get up one of your own composed entirely of the "unco guid." The Speaker can add the two together if he be not too excited. If thirty of you sign the Speaker can not refuse, because you, together with us, will then constitute a majority of the House of Representatives, and early in the session, when the rules were being adopted, the gentleman from Missouri [Mr. DE ARMOND] said that the House could not handle itself. The Speaker said that whenever the House wanted to do anything the House always could do it. The Speaker was then asked if a majority of the House made a request to the Speaker whether that request would be heeded, and his reply, as I remember it, was, "A request of a majority of the House of Representatives will always be heeded by the Speaker." So if you Republicans put 30 names there to our 166 and get, by a familiar process of arithmetic, the number 196, we shall have a majority of the House of Representatives. I know that the eminently good natured man who presides over this House, who is so tolerant of opposition, so patient whenever there is a stumbling block athwart the pathway of his intent, will bow in his most elegant manner, with the gesticulation that is peculiar to him, and say, "Gentlemen, a majority of the representatives of the American people have a right to have their way, and I will recognize somebody." [Applause.] Do not be afraid. Why, gentlemen, I feel optimistic to-day, because I joined the optimists' club this morning, sending a dollar for a life membership in it, and I have had some optimist's literature sent me, and I find these lines to read for your edification, among other things. I will announce beforehand, however, that they are evidently not written by the poet laureate of the House, the Hon. JOHN DALZELL, of Pennsylvania, but seem to have been written by a man with some regard for both rhythm and rhyme.

Now, gentlemen, before I read, walk up and do your duty. Are there thirty of you that are not afraid to make a respectful and polite, even a humble request, in writing, of your own chosen Speaker, without having previously obtained his consent to request him? [Laughter and applause on the Democratic side.] If there are, let us hear from you. Disregard the danger. Be independent. Play your own hand.

Though the path of life be stormy
Play the game.
Troubled waters may surround,
Disappointments will confound;
Yet, though heartaches still abound,
Play the game.

[Applause.]

Gentlemen, let me say that the danger is not so great as you think. It is chiefly an alarm growing out of peculiar gesticulations and an original hammering of the desk and an impatient voice. But if you just march up and say: "I will for once represent my constituents. I want free wood pulp and free print paper, and I will have the courage at least to ask of the Speaker to recognize somebody to move to consider a bill for it," upon my honor you will come out of it without any physical disfigurement. I know some of you gentlemen do not believe that, but you will. Do not take recourse in the idea that you will not benefit the publishers of the newspapers and their readers by your request and your vote. I know you will, because the other day the gentleman from Pennsylvania [Mr. DALZELL] demonstrated and confessed that you would. After the argument had been made that putting print paper and wood pulp on the free list "would not reduce the price of paper, because that was not the reason of the rise in its price," then the gentleman from Pennsylvania, turning to this side of the Chamber, said:

The gentleman from Mississippi has warned us on this side frequently not to take counsel from those who are interested in the result of legislation, and now he is trying to force upon the House legislation in the name of those who are interested in the legislation, to wit, the newspaper men and the magazines.

And so forth.

He little thought of the argument he was making, and yet it was conclusive; because if the newspapers and magazine publishers are interested in this legislation, then it is because the first step in his reasoning was not sound, to wit, that putting paper and wood pulp on the free list would not reduce its price. They could not have any possible interest in making them free of duty except upon the supposition that the gentleman could not himself help making—that putting them on the free list would reduce the price and enable them to get paper cheaper. So I will leave you to his argument and admission on that subject.

My friends, I say again, Do not rely on a broken reed, do not rely upon the Cannon resolution of "inquiry." Why, your own Republican newspapers, among them a paper from the district

of my friend from Illinois [Mr. MANN], the Chicago Record-Herald of April 20, 1908, says:

If Speaker CANNON had hoped to turn the tables on the President and the advocates of immediate action on wood pulp and print paper duties by his "coup" in the shape of resolutions demanding injunction proceedings against the paper trust he soon realized that the strategem had proved a complete failure. The Attorney-General informed the anxious Speaker that the inquiry into the organization and methods of the combination was still in progress, that the evidence so far obtained did not warrant criminal prosecution, and that the investigation would be energetically continued with a view to appropriate action in the end in the event of such action being demanded by the completed record.

"Trust busting" as an alternative to every simple repeal legislation—and legislation urged not merely by publishers but by manufacturers and merchants approaching the question from the standpoint of forest preservation—was thus eliminated from the situation. The Speaker's best laid plans had gone agley. The necessity of acting on the Executive's recommendation to overhaul the wood pulp and paper duties without touching any other tariff schedule again stared the poor standpatters in the face. What was to be done?

Nothing? With over a hundred Republican Congressmen in open rebellion—

If there be 100 of you, let 30 of you unite with us in this humble, but polite, request which the Speaker will gladly and greedily grant. That is all that is desired of you.

With over 100 Congressmen in open rebellion, with the Democrats under the irrepressible WILLIAMS contemplating further prodding, and with great interests persistently asking why the obvious, simple, natural remedy should not be applied by the majority, the standpatters perceive that "nothing" would be a poor alternative indeed.

It is now announced that Speaker CANNON will offer a resolution for an independent Congressional investigation of the paper trust. This will be coup No. 2. Will it be a greater success than No. 1? Hardly. Why a separate investigation of the paper trust and not of any other combination? Why this utterly gratuitous reflection on the Executive Departments, to whose records all the State platforms point with pride?

Mr. Speaker, I saw the gentleman from Maine [Mr. LITTLEFIELD] go down in the neighborhood of the mourners' bench, and I hoped for something in the shape of a signature result. I ask him to take the matter into prayerful and silent consideration for a few moments while I finish reading this article, and keep silent that he may hear. [Laughter.]

Besides, an investigation will take time—no one knows how much time. The restive legislators will scarcely be quieted by it. The champions of forest preservation need no investigation of any alleged restraint of trade to fortify their case for repeal of wood-pulp duties.

The CANNON scheme won't answer. The repeal remedy can not be dodged in any such way. The cry that the tariff question must not be touched, even gently, lest something appalling should occur alarms no one. There is no balm for the stand-patters save in repeal.

[Applause.]

Now, Mr. Speaker, I find this in the Poughkeepsie New Press——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I am very sorry that I did not have time to read an alleged interview with the present occupant of the chair [Mr. WATSON]. [Laughter.]

Mr. SMITH of Iowa. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. MCMORRAN].

The CHAIRMAN. The gentleman is recognized for eight minutes.

Mr. MCMORRAN. Mr. Chairman, it is seldom that I have felt inclined to talk on any public question before this House, but being a member of the Banking and Currency Committee, and having devoted considerable time within the past two or three months to the study of the currency question, and knowing from some observations that have been made that the members of that committee are sometimes called cranks, I have felt that I ought to address the House and give my views upon the currency question. I only regret that the time is so limited to discuss so important a question, and I regret very much that our time has been cut short, as I assume, largely by the efforts of that great Democratic spellbinder, the leader of the minority of this House. I was very glad to hear the gentleman state this morning that he had joined the optimists' club. If there is anybody who needs to join that club, it is our friend, JOHN SHARP WILLIAMS, the leader of the minority, and if I am any prophet, I want to prophesy to the Members of this House that after the vote is counted next November that same gentleman will be looking for one of the largest pessimistic clubs in this country to join. [Laughter and applause on the Republican side.] He will see presented to him one of the largest majorities that the Republican party has ever rolled up in favor of reinstating the Republican party in power for another four years.

Now, Mr. Chairman, referring to the currency question, it is a very important matter, and I assume there are very few Members of this House that are informed upon it or who have given any study to the question. We had a great panic during the year 1907, and there have been innumerable reasons given as the cause for it, and in that connection I desire to call attention to a few figures on the subject of our cash and reserves. In 1897 this country had in cash in circulation nineteen hundred and six millions of dollars.

In 1907, last year, we had thirty-one hundred and sixteen millions of dollars, or an increase of practically 50 per cent. In 1897 we had in loans in this country, by national and all other banks, two thousand and sixty-six millions of dollars. In 1907 we had forty-seven hundred and nine millions of dollars, or an increase of 135 per cent as against 50 per cent of an increase of actual money. I also desire to call attention to the condition of the banks of this country during the year 1907 as to their reserves. The cash reserves of all banks, except national, was 8.28 per cent; private banks, 5.76 per cent; trust companies, 4.93 per cent; savings banks, 0.78 per cent, or an average of 5.61 per cent of all banks, except national. Is it any wonder that we had a shock? And had this condition continued it was only a question of time when the shock would have been stronger and would have done far more damage to the country.

Now, as to the remedies. The remedies proposed are without number. Everyone has a remedy, and I assume that my friend, the gentleman from Missouri, Mr. CLARK, on the other side, if he were permitted to make an answer, would say that he would be willing to reiterate his former declaration on the floor of this House, namely, to destroy all the custom-houses and then we would have a good currency and plenty of it. There have been several bills introduced before the Banking and Currency Committee. We have had the Aldrich bill, which we have given most careful consideration. We have had the Vreeland bill, and have given said bill the same consideration. The danger of the Aldrich bill is that it is an issue of currency which is practically fiat money. There is no provision in that bill for any gold reserve for redemption, and the same thing applies to the Vreeland bill. Mr. Chairman, we do not want to forget, as the chairman of the Committee on Banking and Currency has stated, that we have to-day only $150,000,000 of gold reserve as against three hundred and forty-six millions of greenbacks, six hundred and odd millions of currency and four hundred and odd millions of silver dollars, which are worth only 50 cents on the dollar intrinsically. When you issue five to seven hundred millions of currency in addition to this without providing any additional gold for redemption, you are going beyond the danger line.

Our currency should be built up by a stronger gold reserve, and I think that is conceded by every business man in this country to-day. Before we pass any legislation relating to currency, it is all important that we should have better knowledge than we have to-day, and I am strongly in favor of the commission that may have ample time to give full investigation to the necessities of this country at this present time. At the present time I want to say to the membership of his House that there never was a better time for the formation of a new currency law by such a commission as was outlined by the chairman of the Committee on Banking and Currency. Our reserves are now being built up by the banks throughout the country. We shall have a period of rest for the next year, not only allowing the banks to build up their reserves, but allowing many of our American people to liquidate and get on a stronger basis. The currency to-day is more redundant, and will continue in that condition for many months, and until next August we shall have more currency, in my judgment, than the country needs. We have to-day, or will have by the 1st of July next, upward of four hundred millions of Government bonds that can be utilized for circulation. Assuming that something must be done for the interests of the American people, is it proper that we should assume to issue a currency based upon State, county, and municipal bonds when we have within our control over four hundred millions of Government bonds?

The Government bonds under which the present currency is issued are no burden upon the American people or upon the borrower, while the proposed form of currency, as advocated by the Aldrich bill and by the Vreeland bill, makes a tax upon the borrowers of this country, and I believe it is unfair, unjust, and uncalled for on the part of this Congress to pass any legislation of a currency nature that will impose any burdens upon the American merchant, the American manufacturer, or the American agriculturist.

In closing, I hope that the membership of this House will coincide with the recommendation of the Banking and Currency Committee and recommend a commission, giving them ample time to investigate this subject and to bring back to this Congress on the 1st day of December next a plan that will give a more elastic currency, such as the country is demanding. [Applause.]

The CHAIRMAN. The time for general debate has expired, and the Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

That in all cases, during the fiscal year 1909, where any building or buildings not reserved by the vender are on land heretofore acquired, or which may hereafter be acquired, for Federal building sites or for the enlargement of Federal building sites, the Secretary of the Treasury is hereby authorized, in his discretion, to rent such building or buildings until their removal becomes necessary and to make such repairs thereto as may be necessary to keep the buildings in tenantable condition, payment to be made from the proceeds derived from the rentals, the net proceeds to be deposited in the Treasury of the United States and a report thereof to be submitted to Congress annually.

Mr. CRUMPACKER. Mr. Chairman, I reserve a point of order to the paragraph just read, with the view of obtaining some information respecting the necessity for it. Are there any instances where the Government has bought sites for public buildings that such sites contain buildings not reserved and which are tenantable and the sites not needed by the Government?

Mr. SMITH of Iowa. I will state to the gentleman this chiefly refers to the buildings immediately in the rear of the post-office building in this city. We have acquired that block of ground, with the view of the ultimate erection of a building on it for the use of the Post-Office Department, and pending the erection of the new building we have been renting the residences and buildings upon these premises. Now, the items of repair and the like are difficult to compute in advance, and, being a purely temporary arrangement, we have provided that during the year they may rent these buildings and pay the absolutely necessary current repairs out of the rental, and cover the balance into the Treasury. Now we are simply extending this one year further.

Mr. CRUMPACKER. There is no appropriation then for the erection of a building on that site?

Mr. SMITH of Iowa. There is no appropriation and no authorization for the construction of a building upon this site.

Mr. CRUMPACKER. The Government has simply acquired the site.

Mr. SMITH of Iowa. Simply acquired the site.

Mr. CRUMPACKER. Intending some time in the future to erect a building there.

Mr. SMITH of Iowa. In the rear of the present post-office.

Mr. CRUMPACKER. I notice in a number of public-building acts that appropriations are made and authority given to acquire sites for public buildings in various towns without an appropriation for the construction of a building, and I did not know but that the provision might apply to such cases.

Mr. SMITH of Iowa. This refers to the city of Washington, where these residences are now rented by the Government and the current repairs paid out of the rent.

Mr. CRUMPACKER. This is the only case known to the committee where the Federal Government owns a site and buildings and is not ready to put up a new building.

Mr. SMITH of Iowa. This is the only one that is in my mind. The law was carried last year to the same effect.

Mr. DRISCOLL. Are not there places in the country, aside from Washington, where the Government has bought sites and has been renting buildings on them?

Mr. SMITH of Iowa. There have been such instances, but I do not know of any instance at the present time.

Mr. DRISCOLL. The buildings at Indianapolis are rented now.

Mr. SMITH of Iowa. I think perhaps they are, but I am not advised about that.

Mr. DRISCOLL. And does not this permit the Treasury Department to rent any sites, and therefore it may not prepare to construct the buildings as soon as possible?

Mr. SMITH of Iowa. It will not, but where a site has been authorized and acquired and a building has not been authorized it is certainly proper to rent the building during that period and cover the rent into the Treasury.

Mr. DRISCOLL. But without giving any leases for any length of time.

Mr. SMITH of Iowa. It is not so contemplated at all.

Mr. CRUMPACKER. Mr. Chairman, I withdraw the point of order.

Mr. SMITH of Iowa. This only refers to the fiscal year 1909.

The Clerk read as follows:

For salaries of 288 keepers of life-saving and lifeboat stations and of houses of refuge, $273,800.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I would like to ask the gentleman in charge of the bill in reference to the pay that is given the keepers of the life-saving stations, whether in case a man has become disabled by reason of his service for the Government, which is a hazardous and wearing service, any allowance of any sort is made for him?

Mr. TAWNEY. I will state in answer to the gentleman from New York [Mr. PERKINS] he is allowed one year's pay under the law.

Mr. PERKINS. He receives one year's pay, and that is all he receives?

Mr. TAWNEY. Yes, sir; that is all.

Mr. PERKINS. Now, does the gentleman think, where, as in many cases, and in a case that I have in mind of a keeper on Lake Ontario, a man who after heroic work for years, after saving a large number of lives, after constant exposure, without regard for himself, his health, or his safety, is at last so disabled that he can do no more for the Government, and, I suppose, no more for himself in any way, that is sufficient? It does seem that to turn a man onto the world disabled after such service as that, with one year's pay, is not just in comparison with what is received by those who expose themselves to no greater dangers in the Army and Navy.

Mr. BENNET of New York. Will the gentleman permit?

Mr. PERKINS. Certainly.

Mr. BENNET of New York. Is not there a bill either reported or passed—and I confess ignorance as to exact details—which provides for the retirement pay for men engaged in the Life-Saving Service?

Mr. PERKINS. I did not know that there was such a bill.

Mr. BENNET of New York. Such a bill has come out of the Committee on Interstate and Foreign Commerce in this session.

Mr. PERKINS. I should vote for it with very great pleasure.

Mr. CRUMPACKER. My recollection is that a bill passed the House, but it only referred to officers and not to surfmen. My recollection is it passed the House at this session.

Mr. TAWNEY. I will say to the gentleman from New York [Mr. PERKINS] that under the existing law a surfman who is injured in the performance of his duty—that is, permanently injured—is allowed one year's pay. That is, they carry him on the roll for one year. There is no law, however, providing for the retirement of the men in the Life-Saving Service.

Mr. MANN. The law provides if a man is killed in the Service that his widow or children may have two years' pay, and, if the Service desires, one year more of pay.

Mr. PERKINS. Suppose he becomes entirely disabled in the Service. What does he get when he is obliged to throw up his position?

Mr. MANN. He gets nothing.

Mr. DRISCOLL. Does the gentleman from New York [Mr. PERKINS] think that that is more dangerous than the Railway Mail Service?

Mr. PERKINS. I think the Railway Mail Service is a dangerous service.

Mr. DRISCOLL. That is all they get, namely, one year's pay when they are injured.

Mr. MANN. We had before the Committee on Interstate and Foreign Commerce a number of bills proposing pensions, retirement lists, and things of that sort.

Mr. DRISCOLL. I suppose you are against all sorts of civil pensions?

Mr. MANN. They were considered at length in the committee, and a majority of the committee was opposed to the creation of a pension list or a retirement list.

Mr. PERKINS. Was that retirement based merely upon length of service or was it a retirement where a man by reason of excessive exposure had become physically unable to do any further work, as often occurs in the Life-Saving Service?

Mr. MANN. Both schemes were represented in different bills before the committee.

Mr. PERKINS. The committee has not reported any of those, and does not expect to?

Mr. MANN. The committee in lieu of all those claims reported the Lovering bill, which has passed, and is now a law, making an increase in pay slightly in some of the cases, giving a ration in all cases, and extending the former law which gave two years' pay to a dependent mother as well as to the widow and dependent children.

Mr. PERKINS. Where would the gentleman draw a line between making a retiring allowance to a person who exposes himself to danger in the Navy, for instance, in the service of his country, and one that does precisely similar work and is exposed to equal dangers in the Life-Saving Service?

Mr. MANN. Well, if the gentleman asks me the question, of course I think it is an easy matter to draw the line between a military service and a purely civil service. It has always been the theory of the Government, as I understand it, to give some preference to people engaged in military service, so far

as being retired is concerned, over those employed in the civil service; but so far as this particular service is concerned, I may say to the gentleman that personally I have long been inclined to the opinion that they were entitled to a pension if injured in the service.

Mr. DRISCOLL. Mr. Chairman, it strikes me that there is a material difference in the two services. In the first place, the men in the civil service, all along the line, get better salaries than those in the military and naval service of the United States.

Mr. PERKINS. Will the gentleman allow me to ask him one question?

Mr. DRISCOLL. Certainly.

Mr. PERKINS. Take us now, in the condition of peace that we have enjoyed with few breaks for a hundred years, does not the gentleman think that the Life-Saving Service corps is more dangerous than service in the Navy?

Mr. DRISCOLL. I have no doubt that a railroad brakeman or fireman has a more dangerous employment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. My time has not expired, Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. DRISCOLL. Besides that, the man who enlists in the military or naval service for three years, four years, or five years, can not retire if he finds that service disagreeable or if he does not like it, whereas people in most other services, the railroad or other dangerous service, can retire when they like. So that I think that should all be considered before we inaugurate the policy of civil pensions all along the line.

Mr. HOLLIDAY. I would like to ask the gentleman if he does not believe, if we are going to inaugurate a system of civil pensions, that we ought to include miners, railroad men, and all men engaged in dangerous occupations?

Mr. DRISCOLL. Well, I have never advocated, and do not now, the policy of pensions for people engaged in civil life.

Mr. HOLLIDAY. Does not the gentleman think the time will come, and at at no very distant date, when we will be compelled to do it?

Mr. DRISCOLL. I do not believe in climbing mountains until I come to them, and we have not come to that mountain yet.

Mr. HOLLIDAY. I believe we ought to get ready to climb that mountain now.

The Clerk read as follows:

Hereafter the pay of surfmen in the Life-Saving Service shall be computed according to the number of days in each month, respectively, and not as required by section 6 of the act of June 30, 1906, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907.

Mr. UNDERWOOD. I desire to reserve the point of order on that paragraph and would like an explanation as to the necessity for the change of law in this paragraph.

Mr. TAWNEY. I will say that the reason for the change and the necessity for it is this: Under the rule that obtains in the payment of employees of the various Executive Departments as applied to the Life-Saving Service, it transpires that sometimes a substitute loses a day's pay and sometimes the principle and the substitute both lose a day's pay, and at other times only one loses a day's pay under the computation fixed by the rule under the statute. The surfmen do not understand why they sustain this loss, and think that somebody in the Department is responsible for it, and not the law. The gentleman in charge of this Service, Mr. Kimball, said it was very embarrassing to them, and caused more or less dissatisfaction among the surfmen, their employees; and for that reason they would like to have this provision inserted, so that they would pay a man for the time he actually worked; and if the substitute happened to go to work on the 31st he would get pay for that day, and not have to work two days for one day's pay. That is the reason for this change.

Mr. UNDERWOOD. I will state to the gentleman from Minnesota that there is no explanation in the report as to the change, and the change in the bill does not explain itself. I did not clearly understand the change that is made.

Mr. TAWNEY. The gentleman who appeared before the committee, Mr. Kimball, in charge of that work, said:

I would like to call the attention of the committee to the letter that the Secretary of the Treasury has sent to Congress asking that the method of paying the surfmen be changed. The letter is in House Document No. 806. The recommendation of the Secretary is that this proviso be added:

Then follows the proviso we have inserted. I asked him the question: "What is the reason for that recommendation?" Mr. Kimball said:

That method of computation for the Government usually is a very convenient method, but it operates very unjustly to our surfmen. The reason is stated as well as I can state it in the text that follows. The men do not get what is actually due them. In some instances they lose two days' work; that is, the compensation for two days' work, and others lose one day. As it is now both the substitute and the man lose a day sometimes and the Government gains two days. They think they are not treated right.

Then he goes on with a further explanation for the provisions to carry it out.

Mr. UNDERWOOD. The result of this amendment staying in here would be merely to pay the man for the day that he actually worked?

Mr. TAWNEY. Yes.

Mr. UNDERWOOD. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service: For pay and allowances of captain commandant and officers of that rank, senior captains, captains, lieutenants, engineer in chief, and officers of that rank, captains of engineers, lieutenants of engineers, two constructors, cadets, cadet engineers, commissioned surgeon, two contract surgeons, two civilian instructors, and pilots employed, and rations for pilots; for pay of warrant and petty officers, ships' writers, buglers, seamen, oilers, firemen, coal heavers, water tenders, stewards, cooks, and boys, and for rations for the same; for allowance for clothing for enlisted men; for fuel for vessels, and repairs and outfits for the same; ship chandlery and engineers' stores for the same; actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers traveling on duty under orders from the Treasury Department; commutation of quarters; for maintenance of vessels in the protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the enforcement of the provisions of law in Alaska; for maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, and in the Kennebec River, and the movements and anchorage of vessels in St. Marys River; for temporary leases and improvement of property for revenue-cutter purposes; not exceeding $15,000 for the improvement of the depot for the Service at Arundel Cove, Maryland; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, $1,994,000.

Mr. TAWNEY. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 14, in lines 18 and 19, strike out $1,994,000 and insert in lieu thereof $2,191,000.

Mr. TAWNEY. Mr. Chairman, I think I ought to make an explanation to the committee of the reason for this material increase.

Since the estimates were submitted to the House, Congress has enacted a law increasing the pay of the Revenue-Cutter Service, and it is in consequence of that law that this increase becomes necessary.

Mr. MANN. An increase in pay and an increase in numbers.

Mr. TAWNEY. An increase in pay and an increase in numbers. The amount required to be added to the appropriation "Expenses Revenue-Cutter Service, 1909," to carry out the provision of the act of April 16, 1908, is as follows:

1 captain commandant	$4,828.00
6 senior captains	7,023.60
1 engineer in chief	4,076.48
6 captains of engineers	10,977.60
For increase in pay of retired officers serving in the civil war:	
26 captains, 12 first lieutenants of engineers, 2 second lieutenants of engineers	20,273.25
Increase in pay to grade of captain commandant of former chief of division, retired	750.00
Increase of commissioned officers:	
5 second lieutenants, 5 second lieutenants of engineers, 10 third lieutenants of engineers, 10 cadets, 10 cadet engineers	19,142.50
20 per cent increase of pay for all enlisted men	114,607.20
Longevity pay of warrant officers	5,453.78
Longevity pay of petty officers	3,283.48
Clothing allowance, enlisted men	7,000.00
Total	197,415.89

All of these items make up the aggregate of the amendment submitted, which is made necessary by reason of the law passed at this session of Congress.

Mr. MANN. Mr. Chairman, some of the items which the gentleman gives are not new items in the sense of being totally new amounts. Some of them are new items merely in the name as given, with some increase in salary. Now, can the gentleman tell us what total increase is proposed by the amendment and asked for by the Department, over what the estimates would otherwise have been?

Mr. TAWNEY. One hundred and ninety-seven thousand four hundred and fifteen dollars and eighty-nine cents.

Mr. MANN. I want to compare it with the totals as they would have been.

Mr. TAWNEY. Can the gentleman state what it was represented the increase would be under this law?

Mr. MANN. My recollection was it was $175 or $200.

Mr. CLARK of Missouri. In the list which you read there, did you not read the salary of retired officers of the Army?

Mr. TAWNEY. No; I read—

For increase in pay of retired officers serving in the civil war.

Mr. CLARK of Missouri. Do they get more than the officers who did not serve in the civil war?

Mr. TAWNEY. They seem to get more under the recent law than the other retired officers.

Mr. KEIFER. I think not, Mr. Chairman.

Mr. MANN. All retired officers who served in the civil war, both those who served in the Army and those who served in the Navy, as well as in the Revenue-Cutter Service, get more pay than they would receive if they had not served in the civil war.

Mr. TAWNEY. And that provision existed prior to this session of Congress?

Mr. MANN. Yes.

Mr. CLARK of Missouri. How do you come to be making provision for retired officers of the Army in a section relating to the Revenue-Cutter Service?

Mr. MANN. This is not for retired officers of the Army.

Mr. TAWNEY. They are retired officers of the Revenue-Cutter Service who served during the civil war—that is, who served in the Army during the civil war and afterwards became officers in the Revenue-Cutter Service.

Mr. CLARK of Missouri. Have they already got a retired list in this Revenue-Cutter Service?

Mr. MANN. I am surprised that the gentleman from Missouri forgets the gallant fight that he and I made several Congresses ago.

Mr. CLARK of Missouri. I am sorry that we did not win out.

Mr. MANN. We were defeated, and a retired list was created.

Mr. FITZGERALD. The gentleman from Illinois parted company with us afterwards.

Mr. MANN. No; the gentleman from Missouri parted company with the gentleman from Illinois.

Mr. FITZGERALD. The gentleman from Illinois went over to the enemy in this matter.

Mr. MANN. Not at all.

Mr. CLARK of Missouri. Why are you talking about retired Army officers in the Revenue-Cutter Service?

Mr. TAWNEY. They are not Army officers in the Revenue-Cutter Service, because there are no Army officers in the Revenue-Cutter Service.

Mr. MANN. These retired officers to which reference was made are officers of the Revenue-Cutter Service who, during the civil war, served in the Navy.

Mr. CLARK of Missouri. And they get more pay than other men who do the same work?

Mr. MANN. They get more pay than they would have received if they had not served in the civil war. At the last session of Congress we passed a bill by unanimous consent increasing a man's retired pay on that account, and that man only had five days' service, I think, in the Academy at that.

Mr. CLARK of Missouri. I would like to ask one more question for information. Is there any retired list already created out of the Revenue-Cutter Service?

Mr. TAWNEY. Yes; the Fifty-sixth or Fifty-seventh Congress enacted a law creating a retired list in the Revenue-Cutter Service, since which time officers in the Revenue-Cutter Service have been retired.

Mr. CLARK of Missouri. Already got them on the list?

Mr. TAWNEY. Yes; on the list under the law passed in the Fifty-seventh Congress.

Mr. JOHNSON of South Carolina. If the gentleman from Missouri will let me interrupt——

Mr. CLARK of Missouri. Certainly.

Mr. JOHNSON of South Carolina. I want to call the gentleman's attention to the fact that in the Fifty-seventh Congress we passed a law placing officers in the Revenue-Cutter Service on the retired list, and a few days ago we passed a law here placing the enlisted men of the Revenue-Cutter Service on the retired list.

Mr. CLARK of Missouri. I voted against both of them.

Mr. JOHNSON of South Carolina. I did all I could the other day against that bill making this pension roll, but I did not get much help.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. I notice, on page 2 of the report, that the committee say that the appropriation of $50,000 for the transportation of silver coin is omitted. Why do you do that?

Mr. TAWNEY. I think when that item is reached——

Mr. GAINES of Tennessee. I understand, but I want to know beforehand, so that I can be looking the matter over.

Mr. TAWNEY. I will answer the gentleman when we reach that item.

Mr. GAINES of Tennessee. I want to be forearmed as to what the reason is, so that I may be able to show that the reason is not valid.

Mr. TAWNEY. Our reasons are the same as they were at the last Congress.

Mr. KEIFER. We do not care to discuss this in advance.

Mr. TAWNEY. We will discuss it when the item is reached.

Mr. GAINES of Tennessee. I want to discuss it now. The gentleman does not give any reason in the report, but I know the reason—we are held up by the express trust. The Government and everybody else is being robbed, and it is an outrage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was greed to.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized to transfer the U. S. S. Vicksburg, with her outfits and armament, to the Treasury Department for the use of the Revenue-Cutter Service.

Mr. SULZER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, after line 9, insert:

"That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to settle any and all claims of the widows and orphans and survivors, specified in the report of the Secretary of Commerce and Labor, of the General Slocum disaster, which occurred in the East River, New York Harbor, on the 15th day of June, 1904, by the burning of said steamer General Slocum."

Mr. TAWNEY. Mr. Chairman, I make a point of order on that.

Mr. SULZER. I hope the gentleman will reserve the point of order.

Mr. TAWNEY. Very well; I will reserve it.

Mr. SULZER. Mr. Chairman, this amendment is offered by me in good faith. It is just, and should be adopted. You all know the sad story. The steamer *General Slocum*, an excursion boat, plying in the waters around New York Harbor, was burned to the water's edge on the 15th of June, 1904, and over 1,000 men, women, and children lost their lives in the terrible tragedy. The cause of the catastrophe was due largely to the criminal negligence of the Government inspectors. They failed to do their duty. The inspection they made was a farce. The life-preservers on the steamer were rotten. The fire apparatus was useless. The crew were raw deck hands, who were never drilled, and at the critical moment tried to save only themselves. When the fire broke out pandemonium reigned, and amid the tumult and the scorching flames hundreds and hundreds of helpless men, women, and children, caught like rats in a trap, were burned to a crisp on the ship, and hundreds and hundreds of others, just as helpless, were scorched and burned until, frantic, they threw themselves into the rushing waters only to be drowned. The horrors of that day will never be forgotten. It is too terrible a scene to contemplate even now. Fathers who were there lost their reason, and mothers, unable to save their children, went mad. The frightful scenes that ensued will never be effaced from the memory of this generation. It took strong men to write what they saw, and the horror-stricken country shrank from reading the sickening details.

The Government, Mr. Chairman, ordered an investigation. That is generally the case. That investigation dragged its slow length along for weeks and months, and the testimony and findings in the matter filled a good-sized book, with the contents of which many here are thoroughly familiar. It was ascertained by this Government investigation that the terrible loss of life of this lamentable tragedy could have been prevented, to a very large degree, if the officials of the Government charged with the responsibility of proper inspection had performed their duty in accordance with the law. It was proven conclusively that the life-preservers and the fire apparatus on board of the *General Slocum* were old and rotten and absolutely useless; and this fire apparatus and these life-preservers had only recently been inspected by the Government inspectors, who had passed them as being in compliance with the provisions of the statutes of the United States. The law had been flagrantly violated. The testimony proves conclusively that if these inspectors of the Government had done their duty and enforced the law, the frightful loss of life never could have occurred.

Now, sir, after the official investigation had conclusively demonstrated the criminal negligence of these Federal officials, some of whom were indicted, and some of whom have been

tried, and, I believe, others are yet to be tried, the Government dropped the case so far as any relief is concerned. The captain, however, of the steamer has been convicted and sentenced to a long term of imprisonment. But these prosecutions and these convictions can not bring back to life the dead; can not restore to the living the loss they have sustained in the death of their beloved relatives; and can not compensate the injured and the maimed and the deformed. They have no legal redress—only an equitable claim on the Government for relief. Their only hope of relief is by an act sending their cases to the Court of Claims, or an appropriation by Congress to pay them a sum of money in full settlement as proposed in this amendment.

Mr. GOLDFOGLE. Will my colleague permit an interruption?

Mr. SULZER. Certainly.

Mr. GOLDFOGLE. When the bill introduced by my colleague for the relief of the survivors of the *Slocum* disaster was in the Committee on Claims in a former Congress I actively supported the measure and sought to secure action by that committee. I labored hard in the committee to obtain a report which would bring the matter before the House, but the committee differed with me. I regret the Claims Committee will not report some measure which might eventually give some measure of relief to these unfortunate people.

Mr. SULZER. The gentleman is quite familiar with all the circumstances in the case. I know he did all he could to aid me to get some relief for these poor people. As he says, the Committee on Claims refused to report the bill in the last Congress. But I reintroduced the same bill in this Congress. It is now pending in the Committee on Claims, and if this amendment is beaten to-day, or goes out on a point of order, I shall continue the fight to get a favorable report on my bill now in the Committee on Claims, and I know my colleague, who is an influential member of that committee, will give me all the help he can. I shall fight this matter to the end. Justice must be done to the survivors of the *Slocum* disaster. Their cause is just, and sooner or later it will prevail.

Now, Mr. Chairman, I do not care to discuss all the details in the case at length; I have not the time at my disposal to do so. But on the 4th day of December, 1905, as soon after the calamity as possible, I introduced in Congress a bill for the relief of the *General Slocum* survivors. The bill was referred to the Committee on Claims. That bill provided that these cases be sent to the Court of Claims for adjudication. There was a long hearing before the Committee on Claims, and it was contended by members of the committee that there was no legal liability on the part of the Government; and if there was any responsibility on account of the negligence of these inspectors, it was an equitable claim against the Government and that the only way relief could be had for the poor widows and orphans was by an appropriation bill. Hence, after consultation on the 7th of February, 1908, I introduced a bill making an appropriation to settle these claims, which bill was referred to the Committee on Appropriations.

The Committee on Appropriations granted a hearing, but refused to report the bill. Now, I want to get the judgment of this House in regard to this matter. I offer this amendment to get a vote in this House—to find out who are for and who are against these people. These bills have been pending in this House for several years, and I have never been able to get the matter before the House—never been able to get a vote. There are hundreds of these poor little orphans and widows that are to-day objects of charity or supported by friends. They should be provided for in some way by the Government, and if this amendment offered by me is now adopted they will all be satisfied, and the agitation for governmental relief will cease and the case will be closed. The Government should look after these widows and orphans and survivors, because they were made widows and orphans by reason of the neglect of the Government officials. That was proved by the Government investigation held in the city of New York. There is no other remedy save Government relief, and this amendment is just and should be adopted.

Mr. Chairman, perhaps this amendment is subject to a point of order on the ground that it is new legislation, but I hope that no gentleman on that side of the House will insist on the point of order. Give us a chance in the House to vote for or against this amendment on its merits. That is all I ask. I will say here that if this amendment is adopted these people will be satisfied, but if this amendment is stricken out on a point of order raised by the gentleman from Minnesota [Mr. TAWNEY] or some other Republican, then these people will be here at the doors of Congress, session in and session out, until relief is granted. I shall keep up the fight for justice until the battle is won. Just remember what I now say. I hope the point of order will not be made, and that the gentleman will permit this question to be voted on in the House. Let us have a record vote. Let us find out who are for and who are against the unfortunate survivors of the *General Slocum* catastrophe—one of the great tragedies of the century—one of the most heart-rending events in all history. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, $1,624,255, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. GAINES of Tennessee. Mr. Chairman, inasmuch as this paragraph refers to the cost of printing, and so forth, and to our paper moneys, I hope it will not be trenching too much upon the attention of this generous committee to read a bill, which I introduced in 1901, Fifty-seventh Congress, first session, numbered 3169, entitled,

A bill to exempt news paper and paper used in printing from tariff duties, and to amend the tariff laws.

It provides as follows:

Be it enacted, etc., That news paper and printing paper of every description intended to be used for printing newspapers, books, circulars, commercial blanks, notes, posters, labels, embracing and including all papers intended to be used as stock in newspaper or job printing offices, and all rags, jute, pulp, fiber, of every description, including all material intended to be used in the manufacture of paper herein described, shall be admitted at all the ports of the United States, when imported, free of duty; and the act approved July 24, 1897, entitled "An act to provide revenues for the Government and to encourage the industries of the United States," be amended to conform hereto.

Mr. Chairman, that bill I introduced in 1901. Of course a Republican House would not make it law. The Committee on Ways and Means did not then think enough of the proposition to report it. Of course we would not have had this paper trust about which we hear so much talk and complaint, nor the taxation of American intelligence, and so forth, by the paper trust if my bill had been made law. I am very glad to see the President come along six years after I introduced this bill, adopt the idea, and recommend it to Congress, and while on one side I rejoice at that, yet I regret very much to see that the President is in the minority with his own party, while the Democrats are a unit for this trust cure. Sooner or later I am satisfied that we will get relief under such a plan. I felt myself that it should have been done long, long ago, and I am glad to see so many—about sixty-eight Republicans—on that side who have come to the conclusion that there is real merit in the proposition which I suggested several years ago, and I think the first to do so.

The Clerk read as follows:

For postage stamps and foreign postal cards for the National Museum, $500.

Mr. DALZELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 4 on page 19 insert the following:
"Gallery of art: For the adaptation of the Smithsonian building to the purposes of an art gallery."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that amendment.

Mr. DALZELL. Mr. Chairman, I had hoped that the Committee on Appropriations would not resist this amendment. The act of 1846 which incorporated the Smithsonian Institution contains this provision:

SEC. 5586. Whenever suitable arrangements can be made for their reception, all objects of art and of foreign and curious research and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States which may be in the city of Washington, in whosesoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them and shall be so arranged and classified in the building erected for the Institution as best to facilitate the examination and study of them.

And so forth.

In other words, it was the intention of Congress originally that the Smithsonian Institution should include within its functions provision for an art gallery, and from 1846, when this organic act was passed, down until the present time, year by year, Congress has made provision for the accumulation and

preservation and display of objects of art. Not very long ago, within two or three years, Harriet Lane Johnston provided in her will for the disposition of all her pictures, constituting somewhat of an art gallery. They were to be given to the National Art Gallery. The question as to whether or not there was a National Art Gallery was raised by the executors of the will, the Smithsonian Institution intervening, and it was decided by the court that such National Art Gallery did exist in the Smithsonian Institution. In other words, it held substantially as argued by counsel, as follows:

First. In founding the Smithsonian Institution it was the intention of the Government to provide for an art gallery.

Second. Congress had always recognized the art gallery, and made constant provision therefor in the legislation from 1846 to the present day. The debates and records and journals of Congress will furnish abundant recognition on the part of the Government of the National Art Gallery.

Third. The Smithsonian Institution has developed its art collection from a potential National Art Gallery into an actual one, with many collections exceedingly large and valuable, including the Morse, Gatlin, King, Capron, etc., collections. It is constantly growing, receiving only recently the valuable Freer collection.

Now, in point of fact this accumulation of pictures and other objects, not only of art, but objects of curiosity and mineralogical specimens of various kinds, have all been stored to the best advantage possible in the Smithsonian Institution and in the National Museum, which was erected adjacent to the Smithsonian Institution. Now, however, Congress has provided for a new building, for the construction of a great National Museum, which will be finished in the coming year. The purpose is to take all of these collections, except the art collections, over to that new National Museum, and what the Smithsonian Institution now would like to have done would be to have the upper hall of the Smithsonian building, which was originally intended for an art gallery, so provided with skylights that all this accumulation of works of art may be gathered together into that one gallery. Mr. Walcott, the Secretary, stated before the committee as follows:

There is another item in the estimates for making certain alterations or adaptations in the Smithsonian building, $60,000. The Smithsonian building as originally planned was to have skylights over the central portion and to use that part of the building at least for fine art objects. With the completion of the new building, the natural history collections in the Smithsonian building and the present Museum building will be all transferred to the new building, making that a natural history museum; the old National Museum building will become a museum of industrial arts and the present Smithsonian building a museum of fine arts, so as to classify and separate the material and get it systematically arranged. This estimate of $60,000, as explained in submitting the estimate, is to adapt the central part of the Smithsonian building—that is, the upper portion, putting in skylights, certain partitions, and an elevator—it is quite inaccessible at the present time—and so arranging it that it can be used for art objects.

Now, the chairman said, "Could this work be deferred for a year without serious injury to the Institution?" And that brings me to this proposition, Mr. Chairman: The estimate for the National Museum for this year was $200,000. The Secretary of the Smithsonian said that for the present year they could get along with $50,000. That leaves $150,000 that must be provided for next year. Why not provide the $60,000 this year rather than provide $60,000 next year in addition to the $150,000 which will then have to be provided? Mr. Chairman, there has been an accumulation in this institution of pictures, works of art such as belong to an art gallery, to the value of $1,200,000. It does seem to me that a fair and just regard for the dignity of this Institution, for the welfare of the city of Washington, demands that this mere bagatelle, this little sum of $60,000, should be given, so as to put the Smithsonian building into the condition that was intended for it originally, and I do hope that the Committee on Appropriations, which has been fairly generous to the Smithsonian Institution in this appropriation bill—I do hope that that committee will not resist this amendment.

Mr. SMITH of Iowa. Mr. Chairman, it is important that we distinguish between the Smithsonian Institution acting as such in the execution of the Smithson trust and the Smithsonian Institution exercising special powers conferred upon it from time to time by Congress. This Institution was organized to administer the Smithson trust. The conferring of powers upon this Institution in the administration of that trust should constitute no basis for appropriations in the future from the Federal Treasury. From time to time after this Institution was created to administer the Smithson trust Congress, finding in this agency a valuable means for the transaction of certain governmental functions, has provided that they should be conducted under the Smithsonian Institution. Now, the provision that this Institution in the discharge of the Smithson trust shall or may do certain things does not constitute an authorization for an appropriation by Congress from the Treasury of the United States to carry out these objects. It does seem to me that the original act cited by the gentleman from Pennsylvania throws no light upon whether it would be in order to appropriate this money now.

The CHAIRMAN. May the Chair ask the gentleman from Iowa whether or not in the original act any provision was made that at any time in the future the Smithsonian Institution should be used for the purpose of an art gallery, or any part thereof be set aside for that purpose?

Mr. SMITH of Iowa. The gentleman claims the language is broad enough for that purpose, but that was an authorization for the use of the Smithson trust fund, if it was an authorization at all, and not an authorization for the appropriation of money out of the Federal Treasury.

Mr. DALZELL. Will the gentleman allow me to interrupt him a moment?

Mr. SMITH of Iowa. Certainly.

Mr. DALZELL. To make myself clear, Mr. Chairman, I contend, first, that the organic act creating the Smithsonian Institution for the administration of this fund contemplated a national art gallery. I claim, in the second place, that the supreme court of the District of Columbia has decided, in a case in which that was the very question involved, that the art collection of the Smithsonian Institution did constitute the National Gallery of Art.

The CHAIRMAN. Will the gentleman from Pennsylvania [Mr. DALZELL] kindly send the decision to which he refers to the Chair, and also the original statute?

Mr. SMITH of Iowa. It was in reply to that contention that I suggested that even if the language could be so construed, and even if the court held that it should be construed, that it was an authorization for the expenditure of the Smithson trust fund that would not be an authorization for the expenditure of money from the Treasury of the United States.

Mr. DALZELL. I would say to the Chair that I have here an abstract from the Revised Statutes, which constitutes a part of the organic act. I find I have not the decree of the court, but I send to the Chair the argument in the case and say to him that the decree affirmed the claims set out in this argument.

Mr. SMITH of Iowa. Not only is it true that any authorization in the organic act was an authorization with reference to the use of the Smithson trust fund and not with reference to money in the Treasury of the United States, but the Smithsonian Institution building does not belong to the United States. It belongs to the Smithsonian Institution, the trustee of the Smithson trust fund. And there is no authority of law for appropriations from the Treasury of the United States for changes in or modifications of this building, which is a part of the Smithson trust fund as invested. There are no appropriations carried here in reality for the Smithsonian Institution at all. The appropriations that are carried are carried for the execution of certain governmental duties which have been intrusted to this Institution.

Mr. SULZER. What is now to prevent making a part of this building an art gallery? Is there anything in the law now to prevent that?

Mr. SMITH of Iowa. I did not understand the gentleman's question.

Mr. SULZER. What is there now to prevent a part of this Smithsonian Institution being set aside, if so desired, for an art gallery?

Mr. SMITH of Iowa. I will say to the gentleman that there is nothing that I know of to prevent it if the Smithsonian Institution sees fit to set it aside, but there is no authorization of law for Government money for the improvement of a building that does not belong to the Government of the United States and that we have got no right to control.

Mr. DALZELL. The Smithsonian Institution is undoubtedly a very unique one. It was incorporated in order to carry out the terms of the will of James Smithson, who left his money to the United States for an institution to be founded, the object of which was to be "the diffusion of knowledge among men." Now, while it is true that the United States is simply the trustee for the administration of that sum of money left by Mr. Smithson, the Smithsonian Institution is a United States institution. It is the agent by which the United States administers its trust. It is governed by a Board of Regents composed of fourteen members, three from the House, three from the Senate, the Vice-President, the Chief Justice of the United States, and six members chosen outside of Congress or the Government, but chosen by Congress.

Mr. GAINES of Tennessee. Mr. Chairman, are they made officers by statute, or is it under some other kind of provision?

Mr. DALZELL. They are made officers by the organic law—the statute. From time to time Congress has appropriated and

does appropriate for these various branches under the Smithsonian Institution. The National Museum, for instance.

Mr. SMITH of Iowa. The National Museum is intrusted to the Smithsonian Institution to operate.

Mr. DALZELL. Under the organic law it is provided that this art gallery is intrusted to the Smithsonian Institution. As I say, during all these years it has accumulated pictures amounting in value to $1,200,000. The Smithsonian Institution has a building which the gentleman says does not belong to the Government of the United States. It is aided by the funds of the United States from time to time.

The CHAIRMAN. The Chairman would like to ask the gentleman from Iowa [Mr. SMITH] as to whether or not the Government of the United States in years gone by has been appropriating money for the Smithsonian Institution?

Mr. SMITH of Iowa. It has not. I deny that it has been appropriating money for the Smithsonian Institution.

The CHAIRMAN. At any time?

Mr. SMITH of Iowa. At any time.

Mr. GAINES of Tennessee. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee [Mr. GAINES]?

Mr. DALZELL. Will the Chair look at pages 17, 18, and 19 of the appropriation bill that is before him? Under the heading of "Under Smithsonian Institution" all of these various arms are referred to.

Mr. MANN. May I make a suggestion right there?

Mr. GAINES of Tennessee. I want to ask the gentleman from Pennsylvania a question, because I feel interested somewhat in the way he is. I have a good many requests asking me for the report of the Smithsonian Institution.

Mr. DALZELL. The report of the Smithsonian Institution is paid for and the publication is paid for out of the Federal Treasury.

Mr. GAINES of Tennessee. Why, of course it is,

Mr. DALZELL. Now, Mr. Chairman, it is a rather late day to claim that the Smithsonian Institution is not dependent upon the United States Congress every day for its support and maintenance.

Mr. MANN. Now, Mr. Chairman, like my distinguished friend from Pennsylvania, I have the honor to be one of the Regents of the Smithsonian Institution, but I can not quite agree with him as to the parliamentary status of the amendment. The Smithsonian Institution, as organized by the act of 1846, and by some subsequent legislation, is controlled by a Board of Regents. It expends its own money for its own purposes. Now, the act of Congress provided that the fund of Mr. Smithson was to be deposited in the Treasury of the United States and draw, I believe, 5 per cent interest up to $1,000,000. It may have been 6 per cent, I am not sure.

Mr. SMITH of Iowa. Six per cent.

Mr. MANN. So that it has a fund in the Treasury of a little less than $1,000,000 upon which it draws interest and owns some property bearing interest in addition to this fund. The Smithsonian Institution as an institution confines its expenditures to its own money. It expends no funds of the Government and controls none.

The CHAIRMAN. What fund was the building erected from?

Mr. MANN. As I understand it, it was constructed out of the funds.

Mr. SMITH of Iowa. It was constructed out of the interest.

Mr. MANN. As I understand, it was constructed out of the Smithson fund. It is maintained out of the Smithson fund.

The CHAIRMAN. The Chair thinks that is the principal point in this question—as to whether this building as originated was provided or builded out of a fund for that purpose, the funds of a private institution, or whether it was furnished by the Government; whether, in other words, it is a public building.

Mr. TAWNEY. If the gentleman from Illinois will allow me, I will read the act of 1846, approved August 10:

> The fund arising from the bequest of said Smithson, amounting to $515,169, authorized to be loaned to the United States Treasury, at 6 per cent per annum interest, from September 1, 1838, when the same was received into the Treasury; so much of the accrued interest to July 1, 1847, amounting to $242,129, or so much thereof as the Board of Regents deem necessary, appropriated for the erection of suitable buildings and for other current incidental expenses; and the 6 per cent interest on the said trust fund ($515,169) appropriated to be paid in half-yearly payments, on the 1st of January and the 1st of July in each year, for the perpetual maintenance and support of said Institution.

So that amount, $242,129 of interest received from this fund, was diverted to the construction of the building.

Mr. PARSONS. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Certainly.

Mr. PARSONS. Does the Government now pay 6 per cent interest on that Smithson fund?

Mr. TAWNEY. Yes, sir.

Mr. MANN. Up to a million dollars.

Mr. PARSONS. Then, is not that in effect an appropriation to the Smithsonian Institution far in excess of the cost?

Mr. TAWNEY. This was the contract entered into by the Government with those in charge of the Smithson fund. Under the act of 1846, approved August 10, $242,129 of the $515,169 of interest was appropriated for this building.

Mr. MANN. Mr. Chairman, I am unable to say, even after the reading of the appropriation, whether the building was constructed out of the fund of the Smithsonian Institution or out of a donation made by the Government. The building is maintained, as I understand it, out of the Smithsonian fund, and I had always supposed was constructed out of that fund. The fact that the appropriation bill and the current appropriation law carries other items for the Smithsonian Institution has nothing to do with the question, as I undersand it, of the Smithsonian Institution funds themselves. The accounts are kept separate. The accounts of the Smithsonian Institution are not audited by the Department in Washington, while the appropriations are audited by the Government officials.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. That building is of stone, and constructed upon land belonging to the United States, and is a fixture. Is not the title to the building in the United States?

Mr. MANN. I am surprised that the gentleman does not know the difference between red brick and stone.

Mr. COOPER of Wisconsin. I thought it was stone.

Mr. MANN. No; it is very noticeable that it is brick.

Mr. COOPER of Wisconsin. It is not movable?

Mr. MANN. I hope it is not.

Mr. COOPER of Wisconsin. It is a permanent fixture, on land belonging to the United States.

Mr. MANN. I will say to the gentleman that I was mistaken as to the material out of which it is built. It is brownstone.

Mr. COOPER of Wisconsin. I want to ask the gentleman from Illinois where the title to that building is, it being constructed on land belonging to the United States?

Mr. MANN. The title to the building is, I take it, in the Smithsonian Institution. The Smithsonian Institution has absolute control of the building under a contract with the Government.

Mr. COOPER of Wisconsin. It might have control of it, but not have the title.

Mr. MANN. I do not know where the title to the real estate is. The title to the building is in the Smithsonian Institution, I suppose.

Mr. DALZELL. I do not see how it could have got there. The Government is the administrator of the trust, under the will of Mr. Smithson, and the means by which the Government administers the trust is the Smithsonian Institution.

Mr. MANN. Oh, well, the will of Mr. Smithson provided that Congress should by law, which was enacted, provide for its disposition, and that became a contract.

The CHAIRMAN. The Chair will state that section 5588 undoubtedly determines that proposition.

Mr. FITZGERALD. It puts the title in the Smithsonian Institution.

The CHAIRMAN. It says:

> The site and lands selected for buildings for the Smithsonian Institution shall be deemed appropriated to the institution, and the record of the description of such site and lands, or a copy thereof, certified by the chancellor and secretary of the Board of Regents, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to the institution.

So that the title is evidently in the institution.

Mr. MANN. I have no doubt of that, Mr. Chairman, because the Smithsonian Institution is treated at the meetings of the Board of Regents as entirely separate from the organizations which are placed under the control of the Smithsonian Institution by the appropriations of Congress.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the Chair to section 5590 of the Revised Statutes, which expressly covers the point at issue. The Chair will find it on page 1080. Section 5590 reads as follows:

> So much of the property of James Smithson as has been received in money and paid into the Treasury of the United States, being the sum of $541,379.63, shall be lent to the United States Treasury, at 6 per cent per annum interest; and 6 per cent interest on the trust fund and residuary legacy received into the United States Treasury, payable in half-yearly payments, on the 1st of January and July in each year, is hereby appropriated for the perpetual maintenance and support of the Smithsonian Institution; and all expenditures and appropriations

to be made, from time to time, to the purposes of the institution shall be exclusively from the accruing interest, and not from the principal of the fund.

Mr. TAWNEY. If the gentleman from New York will permit me, I have here the testimony taken before the Committee on Appropriations two years ago, when this subject was under consideration before the committee. I read from the statement of Mr. Adler. Mr. Sullivan, who was then a Member of Congress from Massachusetts, said:

Let me ask a question about the $515,000. How long was it allowed to accumulate without any expenditure being made?

Mr. ADLER. The fund actually came into the possession of the United States in 1838, and the expenditures, except for legal expenses which were authorized by Congress, did not begin until 1846.

Mr. SULLIVAN. Then there were accumulations for eleven years before any expenditures were made?

Mr. ADLER. And the accumulated fund was added to the original fund.

Mr. SULLIVAN. Have the expenditures from the fund been constant ever since?

Mr. ADLER. Oh, yes; except that there were savings, which went into the brownstone building which was built out of the income.

That is the statement of the gentleman who was, I believe, the acting secretary in charge of the Smithsonian Institution two years ago.

Mr. SHERLEY rose.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. SHERLEY. I do not; but I desire to speak to the merits. I understood the point of order was reserved.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky.

Mr. SHERLEY. As I just stated, I shall not attempt to discuss the question whether the amendment is in order, but will speak to its merits. I am heartily in favor of such an undertaking and such legislation. I believe that we should establish in Washington a national art gallery, properly house it, and properly care for it, and I hope that the time will come in America when our artistic instinct will be sufficiently developed to cause the repeal of the duty that now exists upon paintings and objects of art. [Applause on the Democratic side.] To my mind there has never been a more absurd extension of the protective principle than the extending of it to works of art. There is to-day a duty of 20 per cent upon oil paintings, statuary, and other works of art. Now, there can be no possible excuse for such a law.

Mr. UNDERWOOD. Will the gentleman allow an interruption?

Mr. SHERLEY. Certainly.

Mr. UNDERWOOD. If the gentleman will allow me to correct him, it is only 15 per cent, and it only applies to private collections. If they were owned by the Government, they would come in free.

Mr. SHERLEY. The gentleman is mistaken, I think. The tariff act reads:

Painting in oils or water colors, pastels, pen-and-ink drawings, statuary not specially provided for in this act, 20 per cent ad valorem.

Mr. UNDERWOOD. Is that the Dingley bill?

Mr. SHERLEY. That is the Dingley bill.

Mr. UNDERWOOD. I think there has been an amendment since, because the present law, I am quite sure, is only 15 per cent.

Mr. SHERLEY. Well, Mr. Chairman, whether there be an amendment that would permit the Government to bring in works of art free or not, there ought to be absolutely no restrictions upon any citizen bringing in such objects of art. No artist who has the slightest claim to consideration needs legislation to protect his genius, and no amount of legislation can ever protect a man against competition of brain. Not only is that true——

Mr. WILLIAMS. Let me suggest to the gentleman that most of the great galleries are provided for by donations from private individuals who first buy and then by will give to public collections, or donate them during their lifetime.

Mr. SHERLEY. That is true. As I was saying, there can be no justification for this law on the ground of protecting the American artist. No American artist worthy of the name has ever asked for such protection. There can be no justification of it on the ground that you are taxing a luxury, because art is not a luxury and should never be treated as such.

I want to see it possible to bring from all parts of the world objects of art, great paintings, those that represent the work of the old masters, as well as those of the modern school, and see them housed, as far as possible, in one great museum of art, and I want to see that museum of art open to the public—and while I am speaking of that I would like to add that I hope when that happens that that museum will be open on Sundays as well as on week days, that the poor of the city of Washington, that the people who work and labor through the week, may have an opportunity to view it. When that is done, we will find an improvement in the public taste of America, we will find a development of national character, of national art, that will ten times over justify any expenditure that may be necessary. I for one would like to see the amendment offered by the gentleman from Pennsylvania prevail. If it is not in order, I would like to see the point not made in order that legislation may be had. I join in the statement made by the gentleman from Pennsylvania and trust that the chairman of the committee will not feel it necessary to insist on his point of order. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I wish to be heard on the point of order. The Smithsonian Institution is an institution chartered under an act of Congress for a specific purpose. The charter of the Institution is found in the Revised Statutes, sections 5579 to 5594. The provisions of the statute set forth the character of the governing body, the manner in which its members shall be selected, and certain restrictions upon their power. In order that there might be no question as to where the title to the property rested, the charter specifically prescribes that the land selected for the building shall be deemed the property of the Institution. The land was donated by the Government to the Institution, and the Institution erected the building out of its endowment.

It is no more a public work in the meaning of the rule than the Columbian Hospital in the city of Washington, under the charter of which Congress is entitled to representation in its board of directors; and in addition to the Columbian Hospital there are several other institutions under whose peculiar charters Congress is entitled to have representation on the governing boards. This is a corporation created by Congress for the purpose of carrying out a specific work. The title to the land is not in the United States. By the act incorporating the Institution it has been vested in the Institution itself. Even if the Congress has appropriated money to erect buildings upon land in the possession of and belonging to the Institution, under the well-recognized rules of law the buildings belong to the Institution which has title to the land.

If the reasoning that is urged were to be followed, then every time Congress incorporated any kind of an institution with a quasi public function it would be in order, under the rules, to appropriate money to improve buildings erected thereon, either erected originally by the Government and donated, or erected out of funds belonging to the particular institution. This act discloses that the United States, in order to make effective the provisions of James Smithson's will, incorporated an institution theretofore unknown and took various safeguards to protect the endowment of the Institution. I submit, however, that the Institution can not in any sense be considered as a part of the Government or its endowment or buildings part of the Government property.

Mr. PARSONS. How, then, does the gentleman explain the decision of the court in the case referred to by the gentleman from Pennsylvania [Mr. DALZELL], to the effect that the Smithsonian Institution is a national gallery of art?

Mr. FITZGERALD. I was not present when the gentleman referred to that decision.

Mr. DALZELL. Mrs. Harriet Lane Johnston by her will provided that her art collection should go to the National Gallery of Art, if it were established in Washington. The executors and the United States and the Smithsonian Institution, all parties to a suit in, I think, the supreme court of the District, but I am not certain as to the title of the court, raised the direct question——

Mr. PARSONS. Was the United States a party?

Mr. DALZELL. I think so—raised the direct question of whether or not the Smithsonian Institution or the National Gallery of Art in the Smithsonian Institution was entitled to take these pictures under the will. The court decided that it was, and decided it was established by the act of 1846, the organic act, which I have read to the Chair.

The CHAIRMAN. The Chair would like to ask the gentleman from Pennsylvania a question. There seems to be a confusion of terms. What does the gentleman from Pennsylvania understand by the National Gallery of Art—the buildings or the collection of art?

Mr. DALZELL. I mean the collection of art.

The CHAIRMAN. Separate and apart from any building? Then it is a national collection of art in the view of the gentleman.

Mr. DALZELL. No; it is not a national collection of art, separate and apart from any connection with the Smithsonian Institution, because it has been gathered by the Smithsonian Institution and given to the Smithsonian Institution by reason

of the mandate of the organic act, which authorized the Smithsonian Institution to take just such things, and the Chair will recollect that when the United States accepted this trust and created the Smithsonian Institution as its agent to administer the trust, the very first act that it did was to appropriate to the Smithsonian Institution for the purpose of the trust the very valuable ground on which the building is erected.

Mr. FITZGERALD. Mr. Chairman, in reply to the gentleman, I desire to call his attention to the language of section 5586 of the Revised Statutes. The question that was raised in the case referred to by the gentleman, I suppose, was whether a certain institution already in existence would be entitled to receive an art collection under a name designated, but not in common use by the institution. At the time the case arose there was only one institution in Washington——

Mr. MANN. There was no such question about the name in that case. The term "National Gallery of Art" is a new term wholly, just coined.

Mr. FITZGERALD. I am using the expression used by the gentleman—whether this institution in Washington, the only existing institution that would in any way come within the terms of the will, was the institution that could receive the collection. Section 5586 of the Revised Statutes, which is part of the charter of the Smithsonian Institution, is as follows:

SEC. 5586. Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging to the United States, which may be in the city of Washington, in whosesoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the Institution as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy are obtained for the Museum of the Institution, by exchanges of duplicate specimens, which the regents may in their discretion make, or by donation, which they may receive, or otherwise, the Regents shall cause such new specimens to be appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the Institution.

While I have not read the case, I have no doubt the question arose whether under this charter this particular institution was the institution intended in the will, and whether under this provision of its charter it had the power to accept such a collection. It would not in any way, however, decide that the Smithsonian Institution was a part of the United States or that its possessions were part of the property of the United States.

Mr. DALZELL. The Smithsonian fund was not given to the Smithsonian Institution; the Smithsonian fund was given to the United States and belongs to the United States.

Mr. SMITH of Iowa. Only as trustee.

Mr. DALZELL. It was certainly given to the United States for a particular purpose, and it belongs to the United States. The Smithsonian Institution is only the agent created by the United States to administer the fund.

Mr. FITZGERALD. It was given to the United States upon the express condition that an institution should be established at Washington for the diffusion of knowledge. Let me read from the preamble. Title 73, Revised Statutes, which is the charter of the Smithsonian Institution, says—this is the preamble of the will which is incorporated into the statutes:

James Smithson, esq., London, in the Kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States to found at Washington, under the name of the "Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men.

It was given upon an express trust, and the United States, by enacting this charter and establishing the Institution, has carried out the trust.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. FITZGERALD. Yes.

Mr. COOPER of Wisconsin. Suppose the Smithsonian Institution should erect a new building in a new location and move the collections into it. Then would the land on which the new buildings were erected belong to the Smithsonian Institution; and if so, where would the title to the old land belong?

Mr. FITZGERALD. Well, this act provides that the land selected for the buildings——

Mr. COOPER of Wisconsin. Exactly.

Mr. FITZGERALD. That that land originally belonging to the Government shall be deemed appropriated to the Institution. Now, let me suggest this to the gentleman. If any corporation bought land and put up a building on it, to whom does the gentleman think the building and the land would belong?

Mr. COOPER of Wisconsin. No; but the point is this, whether it has absolute title to the present location, or a title not absolute, one which it could not convey if the Institution were to erect a new building elsewhere.

Mr. PARSONS. But——

Mr. COOPER of Wisconsin. The gentleman from New York will permit me to suggest that in declaring that certain land shall be deemed to be "appropriated," this law does not use the language ordinarily employed in conveying title in fee, not at all. If this "appropriation" of land conveyed an absolute title in fee to the Smithsonian Institution, that is one thing. But if the language means only that the land is appropriated to the Institution for the purpose of the Institution, together with the exclusive right to possess and control it while used for such purpose, that is another thing. If a new building should be constructed for the Institution, a larger and better one, then the title to the site on which the new building might be constructed would under this statute be "appropriated" to the Institution, would it not? But would the Institution still continue to hold the title in fee to the old site?

Mr. FITZGERALD. I think it would under the act; I think it would. I have read the statute, and I believe it would. Now, I do not know what——

Mr. COOPER of Wisconsin. I do not think that is the intent of the statute. I think by using the word "appropriate" it appropriated the site to the Institution for the purposes of the Institution so long as the land should be so used, but did not give it the absolute fee to sell or dispose of if the Institution should move to a new place. Unless the fee is given it is not the absolute owner, and the United States has still an interest in the title.

The CHAIRMAN. The Chair is satisfied on this point.

Mr. TAWNEY. Mr. Chairman, before ruling I wish to make one statement, not especially on the point of order, but in answer to the criticism of the gentleman from Pennsylvania against the committee for not having incorporated this estimate in this bill. The proposition is to appropriate money from the Treasury of the United States for a practical remodeling of a building that does not belong to the United States, for the purpose of converting that building into a national gallery of art. Now, there may be sufficient space in this building to accommodate all of the gifts which the Smithsonian Institution receives or has received. This remodeled building may be used for the purpose intended without destroying the architectural symmetry of the building or its usefulness for the purposes for which it was originally constructed; but in any event, the building belonging to the Smithsonian Institution exclusively and not to the United States, the committee did not feel warranted in making an appropriation for the remodeling of the building for a national gallery of art. The committee would much rather have appropriated a sufficient amount of money, if it is deemed wise to have the gallery of arts for that specific purpose, allowing it to be owned and controlled by the Government of the United States as it may see fit. But further than that, one of the branches of the Smithsonian Institution, the National Museum, is in a state of transition. That branch will soon be moved from the old National Museum over to the new building, and whether or not they will be able to vacate enough space in the Smithsonian building to accommodate the National Gallery of Arts, if it is decided by the Smithsonian to locate it there, is not yet known definitely, and can not be known until the National Museum is completed and the various departments in the Smithsonian building that belongs to the National Museum have been moved over into the new building. Now, in view of these facts the committee felt there was a practical objection to our giving favorable consideration to this proposition at this time.

The statement made by the gentleman from Pennsylvania [Mr. DALZELL] is that, in view of the fact that we have appropriated $180,000 less for furnishing the new National Museum than was asked for by the officers of the Smithsonian Institution, therefore we ought to have been more liberal and we ought to have allowed this $60,000. Now, Mr. Chairman, the reduction in that estimate was made with the consent of the officers of the Smithsonian Institution themselves. They conceded it was possible for them to determine how much they would need to furnish the National Museum until they had occupied it or were about ready to occupy it, and that much of the furniture would have to be made specially for it, and with $20,000 they could get along very well. By next fall they would know more definitely how much was needed for that purpose. So there is nothing in the statement that because they reduced their estimate to that extent for furnishing the National Museum they ought to have the $60,000 for this National Gallery of Arts.

Mr. GAINES of Tennessee. Does the gentleman contend that this institution is not a public institution? Is that the point of his contention? If it is, I want to ask him a question.

Mr. TAWNEY. The building belongs to the Smithsonian Institution, which is a corporation created by an act of Congress. I will let the gentleman from Tennessee determine for himself

whether it is a private institution or a public institution. It is not an institution, however, that belongs to the United States. The building was constructed out of the trust fund given to the United States for this specific trust.

Mr. GAINES of Tennessee. Now, the President—not Mr. Roosevelt, nor Mr. McKinley, nor Mr. Cleveland, nor, if you please, Mr. Taft or Mr. Bryan, should either of the latter two be President—but the President is one of the officers by the statute. Now, can the President of the United States administer a private establishment as President?

Mr. MANN. The President is merely an honorary officer and has nothing to do with the conduct of its business.

Mr. GAINES of Tennessee. The Vice-President, the Secretary of State, the Secretary of the Treasury, the Secretary of War, and so forth——

Mr. MANN. They are not members of the Board of Regents that control the Institution.

Mr. TAWNEY. The control of the Institution is under the Board of Regents, and I have uever before heard anyone claim that the President had anything whatever to do with the practical management of the Smithsonian Institution.

Mr. GAINES of Tennessee. I may be able to help elucidate the matter.

The CHAIRMAN. The Chair is ready to rule on the proposition.

Mr. GAINES of Tennessee. I simply want to say this: That I contend it is a public institution and that Congress administers it; that everything must be reported, by the very words of the law, to Congress. The very last paragraph of the act requires that the President, as President, and the various other officers that I have named, as such officers, are officers to administer the corporation, and that the President, as President, and those officers, as officers, can not administer a private trust, and therefore it is a public institution and contemplated by Congress as being a public institution. Now, the gentleman said just now that the President had nothing to do with it. Let us see. Section 5585 reads:

SEC. 5585. The members and honorary members of the Institution may hold stated and special meetings, for the supervision of the affairs of the Institution and the advice and instruction of the Board of Regents, to be called in the manner provided for in the by-laws of the Institution, at which the President, and in his absence the Vice-President, shall preside.

Now, then, another section, section 5579——

Mr. MANN. The section which the gentleman reads refers to them as honorary members.

Mr. GAINES of Tennessee. Section 5579 distinctly states:

SEC. 5579. The President, the Vice-President, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, the Commissioner of the Patent Office, and the governor of the District of Columbia, and such other persons as they may elect honorary members, are hereby constituted an establishment, by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions hereinafter contained, and no other.

Now, Mr. Chairman, when President McKinley was President he was an officer; when Mr. Roosevelt became President he became an officer; and when his successor becomes President he will become one of the officers. Now, how in the world can the President of the United States, as President, be one of the officers of a private institution? His powers are defined by the Constitution, except such as are given him by law of Congress. Congress has made him an officer. Has Congress the power to make the President, as such, an officer of a private institution?

The CHAIRMAN. The amendment proposed by the gentleman from Pennsylvania is as follows:

Insert after line 4, page 19:
"Gallery of Arts: For the adaption of the Smithsonian Institution building for the purposes of an art gallery."

The Chair thinks the amendment is subject to the point of order. Whether the Smithsonian Institution be a public institution, a private institution, or a quasi-public institution, it is quite sure that neither the building of the Smithsonian Institute nor the ground on which that building rests belongs to or is the property of the United States. It is quite true that this is an institution authorized by the United States, and by acts of Congress, but that does not make it a Government building or a Government project. It is also true that section 5586 of the organic act recites:

Whenever suitable arrangements can be made for their reception, all objects of art—

And other things mentioned—

shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the Institution as best to facilitate the examination and study of them.

That refers, not to the building, but to the collection of art. Now, the proposition of the gentleman from Pennsylvania is to change the building. The Chair thinks that it is not "a work in progress," and therefore is subject to the point of order.

It is quite true that the supreme court of this District rendered a decision, which the Chair has not had an opportunity to examine fully, but from a cursory examination it appears that this decision has reference to the National Art Gallery, or collection of art, and not to the building itself. The court finds:

First. In founding the Smithsonian Institution it was the intention of the Government to provide for an art gallery.

The Government might provide for an art gallery and yet not provide for a building in which to place the art gallery.

Second. Congress has always recognized the art gallery and made constant provision therefor in the legislation from 1846 to the present day. The debates and journals and records of Congress will furnish abundant recognition on the part of the Government of the National Art Gallery.

The Chair has no doubt on the proposition that that does not refer to the building, but to the art gallery. It is quite separate and apart from the building or grounds. The same may be said of the other point made in this decision. The Chair thinks this is a proposition to change a building which does not belong to the Government, and is not, therefore, "a work in progress," and is subject to the point of order. The Chair therefore sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. POLLARD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed, with amendments, the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6600. An act authorizing the St. Louis, Brownsville and Mexico Railway Company to construct bridges across the Rio Grande at some point at or near the town of Brownsville, in Cameron County, Tex.;

S. 6572. An act to authorize the Ruston, Natchitoches and Northeastern Railroad Company to construct a bridge across Bayou D'Arbonne, in Louisiana;

S. 6540. An act to authorize the Copper River Railway Company to construct two bridges across the Copper River, in the district of Alaska;

S. 6487. An act to govern seagoing barges;

S. 6458. An act to authorize the Yellowstone Valley Steel Bridge Company to construct a bridge across the Missouri River in Montana; and

S. 2932. An act providing for the appointment of an assistant treasurer of the United States at the city of Seattle, in the State of Washington.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2932. An act providing for the appointment of an assistant treasurer of the United States at the city of Seattle, in the State of Washington—to the Committee on Ways and Means.

S. 6458. An act to authorize the Yellowstone Valley Steel Bridge Company to construct a bridge across the Missouri River in Montana—to the Committee on Interstate and Foreign Commerce.

S. 6487. An act to govern seagoing barges—to the Committee on the Merchant Marine and Fisheries.

S. 6572. An act to authorize the Ruston, Natchitoches and Northeastern Railroad Company to construct a bridge across Bayou D'Arbonne, in Louisiana—to the Committee on Interstate and Foreign Commerce.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce, as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners, $50,000.

Mr. TOWNSEND. I desire at this place to offer an amendment by inserting, at the end of line 9, just before the word "fifty," the words "three hundred and," making it read "three hundred and fifty thousand."

Now, Mr. Chairman, I am going to ask that this paragraph, with the amendment pending, may be passed for the present.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 9, before the word "fifty," insert the words "three hundred and," so that it will read "$350,000."

Mr. TAWNEY. I will reserve the point of order.

Mr. MANN. I would ask the gentleman to let this amendment, with the paragraph, go over, as several gentlemen take an interest in it.

Mr. TOWNSEND. I ask unanimous consent that this paragraph may be passed until I can present to the committee proof sufficient to show that it was not properly informed of the wants of the Department in reference to this matter when the committee itself reported on it.

Mr. TAWNEY. I will allow it to pass, but I do not think the gentleman can present anything to the committee which will change the judgment of the committee, because some of the committee have considered the matter fully. When does the gentleman want to take it up?

Mr. TOWNSEND. Preferably at the conclusion of the bill, but not earlier than to-morrow.

Mr. TAWNEY. I can not do that. I will agree that it be taken up to-morrow morning. I am prepared for the committee to present the reason for the recommendation the committee has made.

Mr. TOWNSEND. I want to state to the chairman, what he may undoubtedly know, this is the provision to which the President calls attention in his message. I have talked with the gentleman who is in charge of this work this morning, and have asked him to prepare for us a statement which I might present to-morrow morning, and I would not like to have it taken up until the House has it.

Mr. FITZGERALD. Why did not the gentleman that the gentleman refers to prepare a statement for the information of the committee? Why did he not give the committee the complete information that it is entitled to in the preparation of this item?

Mr. TOWNSEND. I will state to the gentleman that the explanation the one in charge made to me was that the Commission failed to fully present the matter to the Committee on Appropriations when the statements were made, and they probably assumed—I do not know whether there was any information before the committee or not—they assumed that the committee had full information, and that there would be a proper allowance for this special work provided for under section 20 of the act of 1906.

Mr. FITZGERALD. Let me ask the gentleman this question: When this gentleman stated that he thought there should be a proper allowance, did he believe that his judgment or the judgment of the committee and the House should control? In other words, which is proper, his judgment or our judgment?

Mr. TOWNSEND. I suppose he assumed that the usual course would be followed, and that the committee would rely to some extent at least on the judgment of gentlemen who had these matters specially in charge.

Mr. FITZGERALD. I will say to the gentleman from Michigan that so far as I am concerned, relying upon the information furnished to the committee, I have grave doubt as to the propriety of allowing even $55,000 for this purpose.

Mr. MANN. Will the gentleman from Michigan yield? Is it the gentleman's point that the need of this money was not sufficiently presented to the Committee on Appropriations?

Mr. TOWNSEND. That is the point.

Mr. SHERLEY. In that connection does the gentleman know what evidence the committee had before it?

Mr. TOWNSEND. I do not, and that is why I am asking time.

Mr. SHERLEY. Does not the gentleman think it is rather unusual to state that the committee did not have sufficient information, when the gentleman has not read the hearings before the committee?

Mr. TOWNSEND. I make that statement on the authority of the gentlemen who came before the committee, who stated to me that they had not presented their needs with sufficient fullness.

Mr. SHERLEY. I will say to the gentleman from Michigan that they had ample opportunity, and took advantage of the opportunity to talk at great length in regard to the matter, as the hearings will disclose.

Mr. TOWNSEND. There was no reflection on the committee. The reflection was on themselves.

Mr. SMITH of Iowa. The gentleman who made the statement was not a member of the commission.

Mr. TOWNSEND. I know that; but he was the gentleman whom the commission has relied upon to do this work.

Mr. SMITH of Iowa. His superiors were before the committee, and testified fully on the subject.

Mr. TOWNSEND. I am not informed as to that. I am referring now to the publicity clause.

Mr. TAWNEY. I will say to the gentleman from Michigan and to the members of the committee that we will let this matter go over until we go into the Committee of the Whole to-morrow morning; but that the whole question involved here is one of policy, whether you are going to embark upon the policy of a general audit system for all the railroad companies of the United States, or whether you will adopt the other policy, the one recommended by the committee, of providing for them a sufficient force to make such examinations as are necessary for the purpose of determining whether or not the law is being complied with.

Mr. TOWNSEND. I shall be very glad to discuss the question with the gentleman before the House as to what the intention of this Congress was in the passage of section 20 of the interstate-commerce law.

Mr. TAWNEY. I would say that before adopting the policy we did, some of the principal members (with the exception of the gentleman from Michigan) of the Committee on Interstate and Foreign Commerce were conferred with and consulted as to what was the real intent of that act in respect to this subject. I ask the Clerk to read.

Mr. UNDERWOOD. I understand the gentleman from Michigan to ask unanimous consent that this go over.

The CHAIRMAN. The Chair so understands.

Mr. TAWNEY. I understood the gentleman from Michigan to ask unanimous consent that this paragraph be passed until the House resolves itself into Committee of the Whole to-morrow morning.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that lines 5 to 10, inclusive, on page 20, be passed without prejudice until to-morrow morning. Is there objection?

Mr. UNDERWOOD. I wish to say that if the time is fixed definitely I shall have no objection.

The CHAIRMAN. Until to-morrow morning.

Mr. UNDERWOOD. Immediately after the reading of the Journal?

Mr. TAWNEY. Immediately after we go into Committee of the Whole.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, and to execute and enforce the requirements of the said act, including the employment of inspectors, $100,000. Hereafter all inspectors employed for the enforcement of said act shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add a new paragraph after line 2, page 21, as follows:

"Hereafter the Interstate Commerce Commission shall be, and is hereby, authorized, at its discretion, to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation which may be furnished in completed shape to such Commission for such investigation and test entirely free of cost to the Government. For this purpose the Commission is authorized to employ persons familiar with the subject to be investigated and tested, and may also make use of its regular employees for such purpose."

Mr. TAWNEY. I want to ask the gentleman if the only material difference between that and the item in the bill is the authority to employ others for making the inspection?

Mr. MANN. As I read the provision in the bill—I suppose it was inadvertence in the preparation of it—it does not confer any authority at all. This is the situation: Under the general resolution that was passed a year or so ago, and under the provision of last year, the Interstate Commerce Commission is authorized to make investigation of the block-signal system and automatic appliances for the control of railway trains; and a number of different propositions have been presented to the Commission for investigation which did not come within the terms of that resolution and that appropriation. They desire, and I think the country desires, that they shall have the power where the appliance or scheme is presented to them free of cost to make an investigation of it if it relates to a safety device in any way whatever.

This amendment provides that these schemes for appliances shall be presented to the Commission free of cost to the Government, which would not be covered by the amendment in the bill.

Mr. PERKINS. What is the object of the examination that is to be made?

Mr. MANN. The object would be to report to Congress, I suppose, and I suppose, also, to pass upon the advisability or practicability of the various devices or appliances.

Mr. PERKINS. With a view to legislation or advertising the value of the device to be purchased by the railroad?

Mr. MANN. Both with a view to legislation and with a view to making a recommendation which might be acted upon by the railroads. It is perfectly patent that all the railroads of the country can not make experiments individually of all of the specific appliances which may be presented to them.

Mr. PERKINS. You give the Interstate Commerce Commission the authority to make the investigations, but it has to be made on some railroad.

Mr. MANN. Undoubtedly; in the same way they are now making experiments. They obtain permission of the railroad to make the experiment on that railroad.

Mr. PERKINS. And this would be free of all cost to the Government?

Mr. MANN. Free of all cost to the Government except for the Government officials who may watch the experiment.

Mr. ESCH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ESCH. Under a resolution adopted in the last Congress $50,000 was appropriated for the use of this train-control board. How much of that sum is still available?

Mr. MANN. I understand that the most of it is still available.

Mr. ESCH. Would your amendment cause additional expense to be paid out on that appropriation?

Mr. MANN. I propose to offer an amendment to the next paragraph, if this goes in, authorizing that fund to be used for both purposes.

Mr. ESCH. So your amendment will not entail any additional expenditure?

Mr. MANN. It will, but not any additional appropriation.

Mr. ESCH. That is what I mean.

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman from Illinois whether his amendment is a substitute of what is in the bill or an additional paragraph?

Mr. MANN. It is put in as an additional paragraph, but I shall offer another amendment striking out that provision in the bill.

Mr. UNDERWOOD. I ask unanimous consent, Mr. Chairman, that the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The unexpended balance of the appropriation to enable the Interstate Commerce Commission to investigate in regard to the use and necessity for block-signal systems and appliances for the automatic control of railway trains, also any other mechanical appliances intended to promote the safety of railway operation, including experimental tests, at the discretion of the Commission, of such of said signal systems and appliances only as may be furnished in connection with such investigation free of cost to the Government, in accordance with the provisions of the joint resolution approved June 30, 1906, is hereby reappropriated and made available for expenditure during the fiscal year ending June 30, 1909.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after the word "nine," line 15, page 21, the following: "For the purposes named in this and the preceding paragraph."

Mr. MANN. Mr. Chairman, that would make the reappropriation of this money available for both of these purposes. Now, I would suggest to the gentleman from Minnesota that he have inserted in the item in the paragraph commencing with line 6 these words:

Also any other mechanical appliances intended to promote the safety of railway operations.

As it reads, that is a mere description of an appropriation heretofore made, and in view of the fact that we have covered that in the paragraph, would it not be advisable also to strike that out? There are no appropriations already made for that purpose.

Mr. TAWNEY. No. I think that would be true, if the gentleman is certain that his language provides for that additional authority to the Commission to investigate.

Mr. MANN. Oh, undoubtedly.

Mr. TAWNEY. Then I would suggest the striking of it out.

Mr. MANN. The question would be on this amendment first.

Mr. TAWNEY. Yes; if this amendment is adopted, then it should be further amended by striking that out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Then I propose a further amendment, Mr. Chairman, in line 6, to strike out the language to which I referred.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, lines 6, 7, and 8, strike out the following words:
"Also any other mechanical appliances intended to promote the safety of railway operations."

Mr. GAINES of Tennessee. Mr. Chairman, my information is, in a general way, that there are more accidents now than possibly in previous years. Is it a fact, and if it is a fact, why is it so, since we have been doing all that it seems we have been able to do heretofore to prevent accidents? I have asked the question quite often, and I want to get some information on the subject.

Mr. MANN. I will say to the gentleman that on some lines there has been an increase in railway accidents. The gentleman will understand that more than half of the accidents which occur and are reported are accidents to trespassers. Of course there are very few devices which we now have which will do away with these accidents except as we do away with grade crossings. Undoubtedly, also, while the safety air brakes have added vastly to the safety of travel, they have, to a certain extent, added to the danger of making up trains in yards, because those air brakes have to be coupled in addition to the coupling of the trains. Undoubtedly there are many things of that sort. I think, myself, on the whole, and I made quite an exhaustive report on the subject of the resolution a year or so ago in reference to accidents, that any increase is really owing to the increase in traffic. The gentleman will readily see that on a single-track road, when its business increases 50 per cent the danger increases more than 50 per cent.

Mr. GAINES of Tennessee. Then, the gentleman's information is that there are more accidents, even to the railroad employees with these devices than heretofore?

Mr. MANN. Oh, the number, of course, is undoubtedly greater.

Mr. GAINES of Tennessee. Can the gentleman tell me how much it costs to run the Interstate Commerce Commission?

Mr. MANN. I can not tell you. I think about $750,000 a year.

Mr. MACON. I think it is right here, Mr. Chairman—$935,000.

Mr. GAINES of Tennessee. How much has it increased under what is known as the "Hepburn law?"

Mr. MANN. That is a question which, if the gentleman is here to-morrow morning after we go into Committee of the Whole, he will probably hear discussed under the Townsend amendment. The Townsend amendment proposes to increase one item from $50,000 to $350,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. In connection with the question of the gentleman from Tennessee [Mr. GAINES] I wish to call the attention of the gentleman from Illinois [Mr. MANN] to a report which appears in to-day's New York Sun, to the effect that the New Hampshire railway commission blames a railway wreck upon the Hepburn law—that is, the law prohibiting railway telegraphers from working more than a certain number of hours a day.

Mr. MANN. That is not in the Hepburn law, I may say to the distinguished gentleman from New York. That was a separate act passed in the last Congress.

Mr. FITZGERALD. I understand that. It is referred to as the Hepburn law. I forget who the author of the act was.

Mr. MANN. The original author was Mr. Murphy of Missouri.

Mr. FITZGERALD. This states that a railway commission in the State of New Hampshire attributes an accident to the fact that Congress passed a very necessary and beneficial act to prevent the employment of railway telegraphers for more than a certain number of hours.

Now, has the gentleman from Illinois any suspicion that the report can be accurate?

Mr. MANN. Oh, I suppose it might be at some place they only had one telegraph operator where before they had two——

Mr. FITZGERALD. No; here they say they had three instead of two.

Mr. MANN. It would be a great draft upon the imagination to make anyone think that to make men work eight hours a day was harder on them than it was to work twelve hours a day, and yet that would be true of the gentleman from New York and possibly true of myself.

Mr. FITZGERALD. I withdraw the pro forma amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of the Treasury to refund money covered into Treasury as internal-revenue collections which under authority of law have heretofore been refunded or returned, $30,000.

For miscellaneous expenses, internal-revenue service, additional to the sum appropriated therefor in the legislative, executive, and judicial appropriation act for the fiscal year 1909, $15,000.

Mr. TAWNEY. Mr. Chairman, I desire to ask unanimous consent to offer an amendment to the paragraph just preceding the one which the Clerk has just read. My attention was not called to it at the moment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Minnesota will be read.

There was no objection.

The Clerk read as follows:

Page 22, in line 3, strike out the word "have" and insert in lieu thereof the word "has."

Mr. TAWNEY. It is a mere verbal correction.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection, and the amendment was agreed to.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $125,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act: *Provided*, That necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed $500, may be purchased out of the appropriation made for the fiscal year 1909 for salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses.

Mr. TAWNEY. Mr. Chairman, I have the following amendment to offer, and that is to strike out the proviso in this paragraph. In offering that amendment, I will state that this proviso was carried last year in the sundry civil bill. It belongs properly in the legislative bill and it has been so transferred and is now carried in that bill and was reprinted here by mistake.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 21 to 25, inclusive, on page 22 and lines 1 and 2 on page 23.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Transportation of fractional silver coin: For transportation of fractional silver coin, by registered mail or otherwise, $60,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, fractional silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. KEIFER. Mr. Chairman, I offer an amendment to this paragraph, to strike out the word "fractional," in line 3, the word "fractional," in line 4, and the word "fractional," in line 8.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, lines 3, 4, and 8, strike out in each line the word "fractional."

Mr. SMITH of Iowa. Mr. Chairman, I desire to make the point of order against the proposed amendment on the ground that it is not authorized by existing law and changes existing law.

Mr. KEIFER. Mr. Chairman, that is the most curious point of order I have ever heard.

Mr. SMITH of Iowa. I am not to blame because it is curious to the gentleman from Ohio. [Laughter.]

Mr. KEIFER. The gentleman's suggestion is that we can not strike anything from the bill because it would change existing law; that is the point, because we might strike out the whole paragraph. This question has been put in other forms before——

Mr. SMITH of Iowa. Mr. Chairman, I would like to be heard on the point of order for a moment, if the Chair will permit. As a matter of fact, the operation of striking out "fractional" is to authorize the transportation of standard silver dollars, and consequently, while the gentleman states he is striking out something, he is in fact including something. Now, the operation of it is this. There is no general law authorizing the transportation of standard silver dollars. From time to time through a number of years appropriations were made authorizing that transportation to be made within the limits of the appropriation. The appropriation made in the bill of last year has been exhausted and the transportation of standard silver dollars has wholly ceased. There is no appropriation, there is no current law upon the subject, because the appropriation has been exhausted and the Treasury Department some weeks since issued an order refusing to circulate standard silver dollars at Government expense. Therefore, to strike out the word "fractional" is to reinitiate the transportation of the standard silver dollars, there being no law authorizing their free transportation now extant.

Mr. GAINES of Tennessee. Is there any law authorizing the transportation of fractional silver coin?

Mr. SMITH of Iowa. There is no law, but no point of order was made on this paragraph. Now, the proposition is not to move an amendment germane to the subject-matter, but an amendment to strike out words bringing an entirely new subject-matter into the section.

Mr. GAINES of Tennessee. No; my amendment will be for the purpose of making a good proposition a much better one; that is the purpose of the gentleman's amendment.

Mr. SMITH of Iowa. The gentleman a few moments ago said he was opposed to this proposition of the gentleman from Ohio [Mr. KEIFER], and that it was an express company steal.

Mr. GAINES of Tennessee. I am going to offer an amendment right here to create competition between the express companies, and the carrying of some of this coin by mail.

Mr. SMITH of Iowa. I suggest there is no provision of law for the transportation of standard silver dollars. When the appropriation is exhausted, and the authorization ceases, there is not any authority to appropriate money for the transportation of these standard silver dollars. I am not discussing the question now as to what would be the status of this amendment if there was a current appropriation, and for the time being an authorization to carry these standard silver dollars, but I insist when there is no law authorizing their transportation at Government expense, and whatever law has ever existed upon that subject was limited by the appropriation, and the appropriation for the current year has been exhausted and their transportation has absolutely ceased for weeks, that to rule an appropriation for their transportation is not in order upon this bill, and that under the guise of striking out certain words the gentleman from Ohio is including the doing of a work not authorized by existing law.

Mr. KEIFER. If I can have order a moment, I would like to see whether the gentleman from Iowa [Mr. SMITH] is right, either in fact or in his notions of parliamentary law. In the first place, he says there is no law authorizing the transportation of silver dollars. I remember that I made the fight day after day and night after night here before we got in an appropriation for the present fiscal year to carry free of charge silver dollars, and he has forgotten that in so short a time. What the gentleman meant to say, Mr. Chairman, was that we did so poorly in making that appropriation that we did not appropriate enough; that it was exhausted. This is the only ground for saying there is no law. The appropriation was exhausted last February, substantially, and completely exhausted on the 24th of March, and then suspended by order of the Secretary of the Treasury, with a deficiency under existing law yet to be met in the deficiency bill soon to be reported here. But the proposition of law that he makes as a parliamentary matter is still more remarkable. He says that there is no law for carrying fractional silver coin. He is right about that, possibly, but he says because nobody made a point of order against this provision that you dare not amend it at all in any way. The rule has been established, and there are numerous precedents. One is that if a point of order is not made against a provision of an appropriation bill that was subject to a point of order, you may then amend that, although a point of order would have been sustained against the whole of it. There is an abundance of such precedents if we choose to look them up. They are familiar to the Chair, no doubt. There does not now seem to be any reason why I should go into the question of existing law further. There has not been a time since 1881 up to the present time when there has not been a law authorizing the carriage of silver dollars by the Government free.

Mr. GAINES of Tennessee. Will the gentleman yield? Are there not some precedents also like this, that where an item has been carried in a bill for years and years, as in this case, it becomes a law and is not subject to a point of order?

Mr. KEIFER. Well, the point of order is that you can not amend a provision here by moving to strike a part of it out; that because somebody did not make the point of order against the whole of it it is not subject to amendment.

Mr. SMITH of Iowa. If the Chair is not ready to rule, I would like to set history straight a little with the gentleman from Ohio. As a matter of fact, the contest was made here a year ago about putting in an appropriation for this purpose.

It was defeated repeatedly in the House. In the Senate an amendment was put on carrying this appropriation, and in conference that was put at a sum which all history showed would carry on the work but a part of the year. It did carry it on but a part of the year. The appropriation was exhausted, and the Secretary of the Treasury ordered that no more coin be hauled at Government expense, and it is not being done.

Mr. KEIFER. Mr. Chairman, let me say that the provision of the bill and the act provided $50,000 to carry silver dollars for the fiscal year—all of it and not a piece of it.

The CHAIRMAN. The Chair would ask the gentleman from Ohio [Mr. KEIFER] whether he claims there is any provision of law for carrying silver coin outside of that to be found in the current yearly appropriation bill?

Mr. KEIFER. I do not think so, neither as to the fractional silver nor as to silver dollars, but the transportation of silver is what we are proposing to provide for.

Mr. UNDERWOOD. Mr. Chairman, I think the point of order is not well taken for two reasons. In the first place, I think it would be entirely in order to offer this section as a provision in this bill, either by the committee or by a Member, so that it would read "for the transportation of silver coin." In the first place, it is to carry out a Government work. The Government is in the business of coining silver.

It is a part of the Government's business to make money for the people. To carry that money into circulation it is necessary to deliver it where the people can get it and use it. There is a large amount of the money of this country in the shape of coin—silver dollars. In order to maintain the circulation of that money it is necessary to pay the cost of the shipment of the silver dollars from the Treasury to the banks.

Now, as to whether it is wise or not to do that may be another question. But to-day, as the law is, we have a large amount of silver coin. In order to convey that coin to the people it has been customary for a number of years, in appropriation bills, to provide for the transportation of that coin from the mints to the banks. That is the existing law to-day. It does not make any difference whether the appropriation is exhausted or not. That is a matter that does not concern this question at all. The last bill carried an appropriation for the transportation of silver coin, and that will continue to be the law until the 1st day of July next. Therefore it is in order to propose an appropriation in this bill to carry out the same proposition. But more than that, Mr. Chairman, I do not think there can be any question about the proposition of amending this provision in the bill, even if this was the first time it had ever been offered. What is the object of the provision in the bill? What is the purpose? It is not, Mr. Chairman, to carry fractional silver coin alone. The purpose of the provision is to provide for the carrying of silver coin. It merely describes what has to be transported. Suppose that this provision provided for the transportation of silver half dollars. Would it not be in order, Mr. Chairman, to amend the provision by providing that it should carry silver quarters and silver dimes?

Well, if you can amend by providing that it shall carry silver quarters and silver dimes, why can you not also amend by saying "silver dollars?" Why, it is absolutely in line with the general intention of the paragraph, and is merely an amendment of the paragraph. If you brought in a provision, as was suggested the other day, and the argument was made by a gentleman on the other side—made by the gentleman who is now arguing the point of order against this proposition—that if you brought in a bill here providing for the purchase of a black horse it would be in order to strike out the word "black" and substitute "white;" or if you brought in a provision providing for the purchase of a white horse, it would be in order to strike out "white" and allow the appropriation to purchase any kind of a horse.

Now, the word "fractional" in this provision is merely descriptive of the kind of silver coin that you shall transport. It is merely descriptive of a class of silver coin, and it is perfectly in order to cover a different kind of coin described or an additional coin by changing the words in the provision.

Mr. BONYNGE. Mr. Chairman, I believe it is conceded the paragraph itself is subject to the point of order, and that if the point of order had been made it would have been sustained upon the ground that there is no existing law authorizing the appropriation of money for the transportation of coin, either fractional silver coin or silver dollars. The proposition, and the only proposition, therefore, Mr. Chairman, that is involved under our rules is, whether or not the amendment that has been proposed is germane to the paragraph; because under the rules if a paragraph is permitted by general consent to remain in a bill which is subject to a point of order, then it is in order for any Member to offer an amendment that is germane to the subject of the paragraph. Consequently, all that is presented to the Chairman in this amendment is the question whether the amendment proposed is germane to the subject of the legislation in the paragraph. As the gentleman from Alabama [Mr. UNDERWOOD] has well said, the subject attempted to be covered by the paragraph is the transportation of silver coin—any kind of silver coin—and not simply fractional coin.

The word "fractional" is used, but that is merely a descriptive word. The subject of legislation is the transportation of silver coin. For instance, if the bill had provided for the transportation of 100,000 silver dollars, it certainly would have been in order to have inserted as an amendment 150,000 or 175,000. The word "fractional" is an adjective, describing the silver coin that is to be transported. The main object of the paragraph is to provide for the transportation of silver coin; that is, not only fractional silver coin, but any silver coin, shall be transported free. The committee has reported in favor of transporting free fractional silver coin, but the House, in its judgment, by amendment, may decide that not only fractional silver coin, but silver dollars, may be transported free; and therefore it seems to me that there can be no question about the germaneness of the amendment, and if the amendment be decided to be germane, then under the rules I submit it is in order.

The CHAIRMAN. The gentleman from Ohio moves to amend the paragraph by striking out the word "fractional" wherever it occurs. The gentleman from Iowa makes a point of order that, there being no law authorizing the transportation of silver coin, the amendment operates as a change of existing law. The Chair so thinks. The paragraph, however, it is conceded, was itself subject to a point of order; but no point of order having been made, it was subject to amendment, provided the amendment be germane. The question, then, is, What is a germane amendment? As the Chair understands the law, the carriage of coin, as, for example, standard silver dollars, and the carriage of fractional coin are two separate and distinct legislative propositions; and while any amendment would be germane which would perfect the carrying out of the paragraph, no amendment is in order, in the opinion of the Chair, which introduces a separate and distinct legislative proposition; and therefore the Chair thinks that the point of order should be sustained.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

Mr. KEIFER. Mr. Chairman, I wish it to be understood that the paragraph is not passed. We will have further propositions to make with reference to it.

The CHAIRMAN. The paragraph is not passed until the next paragraph is read. The gentleman from Minnesota moves that the committee do now rise.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

The committee divided, and there were—ayes 62, noes 47.

So the motion of Mr. TAWNEY was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 21260, the sundry civil appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments the bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 15725. An act to relinquish, release, and confirm the title of certain lands in California to the Western Power Company.

H. R. 19463. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that on April 28 they had presented to the President of the United States, for his approval, the following bill:

H. R. 603. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

NAVAL APPROPRIATION BILL.

The SPEAKER laid before the House the bill H. R. 20471, the naval appropriation bill, with Senate amendments thereto.

The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to said amendments en bloc and ask a conference with the Senate?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, for fear a division might not be granted, I call for the yeas and nays.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. I desire to know, under the rule under which we are now acting, in case the negative vote on this proposition should be in the majority, whether that would not adopt these amendments en bloc?

The SPEAKER. It would agree to the amendments.

Mr. BARTLETT of Georgia. And pass the bill?

The SPEAKER. And pass the bill.

Mr. FITZGERALD. And help us to get home sooner.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 188, nays 43, answered "present" 7, not voting 149, as follows:

YEAS—188.

Adair	Ellerbe	Jenkins	Pollard
Ames	Ellis, Oreg.	Johnson, Ky.	Pray
Andrus	Englebright	Johnson, S. C.	Prince
Barchfeld	Esch	Jones, Va.	Rainey
Bartlett, Ga.	Finley	Jones, Wash.	Randell, Tex.
Beale, Pa.	Floyd	Kahn	Rauch
Bede	Focht	Keifer	Reeder
Bennet, N. Y.	Fordney	Keliher	Richardson
Birdsall	Foss	Kennedy, Iowa	Robinson
Bonynge	Foster, Ill.	Kinkaid	Rodenberg
Bradley	Foster, Ind.	Kitchin, Claude	Rothermel
Brownlow	Foulkrod	Knapp	Rucker
Brumm	Fowler	Knopf	Russell, Mo.
Brundidge	French	Knowland	Ryan
Burleigh	Gardner, Mich.	Küstermann	Sabath
Burton, Ohio	Gardner, N. J.	Lafean	Saunders
Butler	Gilhams	Lawrence	Scott
Caldwell	Goebel	Lindbergh	Sheppard
Capron	Goldfogle	Lorimer	Sherman
Carter	Goulden	Loudenslager	Sherwood
Caulfield	Graff	Lowden	Sims
Chaney	Graham	McCall	Smith, Cal.
Chapman	Granger	McGavin	Smith, Iowa
Clark, Mo.	Greene	McKinley, Ill.	Smith, Mo.
Clayton	Gronna	McKinney	Snapp
Cocks, N. Y.	Hackney	McLachlan, Cal.	Southwick
Cole	Hale	McLaughlin, Mich.	Stafford
Cook, Colo.	Hamilton, Iowa	McMorran	Steenerson
Cook, Pa.	Hamilton, Mich.	Macon	Sterling
Cooper, Pa.	Hamlin	Madden	Stevens, Minn.
Cooper, Tex.	Harding	Mann	Sturgiss
Cooper, Wis.	Hardy	Marshall	Sulloway
Cousins	Haskins	Maynard	Sulzer
Cox, Ind.	Hawley	Mondell	Tawney
Cravens	Hayes	Moon, Tenn.	Thistlewood
Crumpacker	Henry, Conn.	Morse	Thomas, Ohio
Currier	Henry, Tex.	Mouser	Tirrell
Dalzell	Higgins	Murdock	Tou Velle
Davis, Minn.	Hinshaw	Murphy	Townsend
Dawson	Holliday	Needham	Volstead
De Armond	Houston	Nelson	Vreeland
Denver	Howell, N. J.	Norris	Waldo
Diekema	Howell, Utah	Nye	Washburn
Dixon	Howland	Padgett	Watson
Draper	Huff	Parker, S. Dak.	Weeks
Driscoll	Hull, Tenn.	Payne	Wheeler
Dwight	Humphreys, Miss.	Perkins	Wilson, Ill.

NAYS—43.

Aiken	Candler	Heflin	Patterson
Alexander, Mo.	Carlin	Helm	Russell, Tex.
Ansberry	Clark, Fla.	Hill, Miss.	Sherley
Ashbrook	Davenport	Kipp	Slayden
Bartlett, Nev.	Ferris	Lamar, Mo.	Spight
Beall, Tex.	Fitzgerald	Lee	Stephens, Tex.
Bell, Ga.	Flood	Lenahan	Thomas, N. C.
Booher	Fornes	Lindsay	Underwood
Brantley	Gaines, Tenn.	McHenry	Williams
Burleson	Garner	Nicholls	Wilson, Pa.
Burnett	Hackett	O'Connell	

ANSWERED "PRESENT"—7.

Adamson	Garrett	Kimball	Shackleford
Fulton	Howard	Lamb	

NOT VOTING—149.

Acheson	Bowers	Cary	Denby
Alexander, N. Y.	Boyd	Cockran	Douglas
Allen	Brodhead	Conner	Dunwell
Anthony	Broussard	Coudrey	Durey
Bannon	Burgess	Craig	Edwards, Ga.
Barclay	Burke	Crawford	Edwards, Ky.
Bartholdt	Burton, Del.	Cushman	Ellis, Mo.
Bates	Byrd	Darragh	Fairchild
Bennett, Ky.	Calder	Davey, La.	Fassett
Bingham	Calderhead	Davidson	Favrot
Boutell	Campbell	Dawes	Foster, Vt.
Fuller	Hull, Iowa	McKinlay, Cal.	Riordan
Gaines, W. Va.	Humphrey, Wash.	McLain	Roberts
Gardner, Mass.	Jackson	McMillan	Slemp
Gill	James, Addison D.	Madison	Small
Gillespie	James, Ollie M.	Malby	Smith, Mich.
Gillett	Kennedy, Ohio	Miller	Smith, Tex.
Glass	Kitchin, Wm. W.	Moon, Pa.	Sparkman
Godwin	Lamar, Fla.	Moore, Pa.	Sperry
Gordon	Landis	Moore, Tex.	Stanley
Gregg	Langley	Mudd	Talbott
Griggs	Laning	Olcott	Taylor, Ala.
Haggott	Lassiter	Olmsted	Taylor, Ohio
Hall	Law	Overstreet	Wallace
Hamill	Leake	Page	Wanger
Hammond	Legare	Parker, N. J.	Watkins
Hardwick	Lever	Parsons	Webb
Harrison	Lewis	Pearre	Weems
Haugen	Lilley	Peters	Weisse
Hay	Littlefield	Porter	Wiley
Hepburn	Livingston	Pou	Willett
Hill, Conn.	Lloyd	Powers	Wolf
Hitchcock	Longworth	Pratt	Wood
Hobson	Loud	Pujo	Woodyard
Hubbard, Iowa	Lovering	Ransdell, La.	Young
Hubbard, W. Va.	McCreary	Reid	
Hughes, N. J.	McDermott	Reynolds	
Hughes, W. Va.	McGuire	Rhinock	

So the House voted to disagree to the Senate amendments and ask a conference with the Senate.

The following additional pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

Until Friday:

Mr. PEARRE with Mr. TALBOTT.

Until further notice:

Mr. ANTHONY with Mr. BOWERS.

Mr. BARTHOLDT with Mr. BRODHEAD.

Mr. BURTON of Delaware with Mr. BURGESS.

Mr. CALDER with Mr. BYRD.

Mr. CAMPBELL with Mr. FAVROT.

Mr. CONNER with Mr. GILL.

Mr. CUSHMAN with Mr. GREGG.

Mr. DARRAGH with Mr. HAMMOND.

Mr. HAUGEN with Mr. HARRISON.

Mr. HUBBARD of Iowa with Mr. HAY.

Mr. HULL of Iowa with Mr. HUGHES of New Jersey.

Mr. HUMPHREY of Washington with Mr. OLLIE M. JAMES.

Mr. LANDIS with Mr. LAMB.

Mr. LANGLEY with Mr. LASSITER.

Mr. LANING with Mr. LEAKE.

Mr. LITTLEFIELD with Mr. LEVER.

Mr. LONGWORTH with Mr. LLOYD.

Mr. LOUD with Mr. MCDERMOTT.

Mr. LOVERING with Mr. MCLAIN.

Mr. MCGUIRE with Mr. PAGE.

Mr. MCMILLAN with Mr. RANSDELL of Louisiana.

Mr. MADISON with Mr. REID.

Mr. MALBY with Mr. RHINOCK.

Mr. MILLER with Mr. RIORDAN.

Mr. MOON of Pennsylvania with Mr. SHACKLEFORD.

Mr. OVERSTREET with Mr. SMALL.

Mr. PARSONS with Mr. SMITH of Texas.

Mr. PORTER with Mr. SPARKMAN.

Mr. SMITH of Michigan with Mr. STANLEY.

Mr. TAYLOR of Ohio with Mr. WEBB.

Mr. WEEMS with Mr. TAYLOR of Alabama.

Mr. ALEXANDER of New York with Mr. MOORE of Texas.

The result of the vote was then announced as above recorded, and the Speaker appointed as conferees on the part of the House Mr. FOSS, Mr. LOUDENSLAGER, and Mr. PADGETT.

JOSE T. SILVA.

The SPEAKER laid before the House the following message from the President of the United States, which, with accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith certified copies of a franchise granted by the executive council of Porto Rico to Jose T. Silva.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 29, 1908.*

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21260, the sundry civil appropriation bill.

Mr. PAYNE. Mr. Speaker, pending that, I move that the House do now take a recess until 11.30 o'clock a. m. to-morrow.

The SPEAKER. The question is on the motion of the gentleman from New York, that the House do now take a recess until 11.30 a. m. to-morrow.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 147, nays 80, answered "present" 8, not voting 152, as follows:

YEAS—147.

Adair	Davis, Minn.	Huff	Parker, S. Dak.
Alexander, N. Y.	Dawson	Humphrey, Wash.	Payne
Ames	Diekema	Jenkins	Perkins
Andrus	Draper	Jones, Wash.	Pollard
Barchfeld	Driscoll	Kahn	Pray
Bartholdt	Dwight	Keifer	Rainey
Beale, Pa.	Ellis, Oreg.	Kennedy, Iowa	Reeder
Bede	Englebright	Knapp	Richardson
Bennet, N. Y.	Esch	Knopf	Rodenberg
Birdsall	Focht	Küstermann	Scott
Bonynge	Foss	Lafean	Sherman
Boutell	Foster, Ind.	Lawrence	Smith, Cal.
Boyd	Foulkrod	Lee	Smith, Iowa
Brownlow	French	Lindbergh	Snapp
Brumm	Gardner, Mich.	Lindsay	Southwick
Burleigh	Gardner, N. J.	Lorimer	Stafford
Burton, Del.	Gilhams	Loudenslager	Steenerson
Butler	Goebel	Lowden	Sterling
Calderhead	Graff	McGavin	Stevens, Minn.
Caldwell	Graham	McKinley, Ill.	Sturgiss
Capron	Greene	McKinney	Sulloway
Caulfield	Gronna	McLachlan, Cal.	Sulzer
Chaney	Hale	McLaughlin, Mich.	Tawney
Chapman	Hamilton, Mich.	McMorran	Thistlewood
Cocks, N. Y.	Harding	Madden	Thomas, Ohio
Cole	Haskins	Mann	Tirrell
Cook, Colo.	Haugen	Marshall	Townsend
Cook, Pa.	Hawley	Miller	Volstead
Cooper, Pa.	Hayes	Mondell	Vreeland
Cooper, Tex.	Henry, Conn.	Moore, Pa.	Waldo
Cooper, Wis.	Higgins	Morse	Washburn
Cousins	Hinshaw	Mouser	Watson
Crumpacker	Holliday	Murdock	Wheeler
Currier	Howell, N. J.	Needham	Wilson, Ill.
Dalzell	Howell, Utah	Nelson	Wood
Darragh	Howland	Norris	Young
Davidson	Hubbard, W. Va.	Nye	

NAYS—80.

Aiken	Fitzgerald	Hughes, N. J.	Rauch
Alexander, Mo.	Floyd	Hull, Tenn.	Robinson
Ansberry	Flood	Humphreys, Miss.	Rothermel
Ashbrook	Fornes	Johnson, Ky.	Rucker
Bartlett, Ga.	Foster, Ill.	Johnson, S. C.	Russell, Mo.
Bartlett, Nev.	Gaines, Tenn.	Jones, Va.	Russell, Tex.
Beall, Tex.	Garner	Kelliher	Ryan
Bell, Ga.	Gill	Kipp	Sabath
Booher	Goldfogle	Kitchin, Claude	Saunders
Burleson	Granger	Lamar, Mo.	Sheppard
Candler	Hackett	Lenahan	Sherley
Carlin	Hackney	Macon	Sherwood
Carter	Hamilton, Iowa	Moon, Tenn.	Sims
Clark, Mo.	Hamlin	Murphy	Slayden
Cox, Ind.	Hardy	Nicholls	Smith, Mo.
Denver	Heflin	O'Connell	Smith, Tex.
Dixon	Helm	Padgett	Spight
Ellerbe	Henry, Tex.	Patterson	Tou Velle
Ferris	Hill, Miss.	Randell, Tex.	Williams
Finley	Houston	Ransdell, La.	Wilson, Pa.

ANSWERED "PRESENT"—8.

Adamson	Garrett	Howard	Lamb
De Armond	Goulden	Kimball	Shackleford

NOT VOTING—152.

Acheson	Edwards, Ga.	Kinkaid	Parker, N. J.
Allen	Edwards, Ky.	Kitchin, Wm. W.	Parsons
Anthony	Ellis, Mo.	Knowland	Pearre
Bannon	Fairchild	Lamar, Fla.	Peters
Barclay	Fassett	Landis	Porter
Bates	Favrot	Langley	Pou
Bennett, Ky.	Fordney	Laning	Powers
Bingham	Foster, Vt.	Lassiter	Pratt
Bowers	Fowler	Law	Prince
Bradley	Fuller	Legare	Pujo
Brantley	Fulton	Lever	Reid
Brodhead	Gaines, W. Va.	Leake	Reynolds
Broussard	Gardner, Mass.	Lewis	Rhinock
Brundidge	Gillespie	Lilley	Riordan
Burgess	Gillett	Littlefield	Roberts
Burke	Glass	Livingston	Siemp
Burnett	Godwin	Lloyd	Small
Burton, Ohio	Gordon	Longworth	Smith, Mich.
Byrd	Gregg	Loud	Sparkman
Calder	Griggs	Lovering	Sperry
Campbell	Haggott	McCall	Stanley
Cary	Hall	McCreary	Stephens, Tex.
Clark, Fla.	Hamill	McDermott	Talbott
Clayton	Hammond	McGuire	Taylor, Ala.
Cockran	Hardwick	McHenry	Taylor, Ohio
Conner	Harrison	McKinlay, Cal.	Thomas, N. C.
Coudrey	Hay	McLain	Underwood
Craig	Hepburn	McMillan	Wallace
Cravens	Hill, Conn.	Madison	Wanger
Crawford	Hitchcock	Malby	Watkins
Cushman	Hobson	Maynard	Webb
Davenport	Hubbard, Iowa	Moon, Pa.	Weeks
Davey, La.	Hughes, W. Va.	Moore, Tex.	Weems
Dawes	Hull, Iowa	Mudd	Weisse
Denby	Jackson	Olcott	Wiley
Douglas	James, Addison D.	Olmsted	Willett
Dunwell	James, Ollie M.	Overstreet	Wolf
Durey	Kennedy, Ohio	Page	Woodyard

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the vote:

Mr. ALLEN with Mr. BRANTLEY.

Mr. ACHESON with Mr. BURNETT.

Mr. DAWES with Mr. CLAYTON.

Mr. DUREY with Mr. CRAVENS.

Mr. ELLIS of Missouri with Mr. DAVENPORT.

Mr. FORDNEY with Mr. DE ARMOND.

Mr. HALL with Mr. OLLIE M. JAMES.

Mr. KINKAID with Mr. CRAIG.

Mr. KNOWLAND with Mr. MCHENRY.

Mr. MCCALL with Mr. RIORDAN.

Mr. REYNOLDS with Mr. CRAWFORD.

Mr. SPERRY with Mr. DAVEY of Louisiana.

Mr. WEEKS with Mr. HAMILL.

Mr. MCMILLAN with Mr. LEWIS.

Mr. FOWLER with Mr. STEPHENS of Texas.

Mr. GARDNER of Massachusetts with Mr. THOMAS of North Carolina.

Mr. HULL of Iowa with Mr. UNDERWOOD.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

WITHDRAWAL OF OBJECTION TO EXTENDING REMARKS.

Mr. WILSON of Illinois. Mr. Speaker, I desire at this time to withdraw my objection to the request for unanimous consent of the gentleman from Pennsylvania [Mr. WILSON] to extend his remarks in the RECORD.

The SPEAKER. Pending the announcement of the vote, the gentleman from Illinois withdraws his objection to the request of the gentleman from Pennsylvania to extend his remarks in the RECORD. [After a pause.] The Chair hears no further objection.

RECESS.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 11 minutes p. m.) the House stood in recess until to-morrow at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting a response to the inquiry of the House as to the investigation ordered by resolution of the House, No. 795, of the Fifty-ninth Congress (H. R. Doc. 897)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for rent of building at Richmond, Va. (H. R. Doc. 898)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for expenses of the arbitration of the questions relating to the Northeastern fisheries (H. R. Doc. 899)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Navy submitting an estimate of appropriation for printing, binding, and casing the Navy Code (H. R. Doc. 900)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1385) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendments, accompanied by a report (No. 1539), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 18983) for the relief of clerks of courts exercising jurisdic-

tion under section 3 of the naturalization act, reported the same without amendment, accompanied by a report (No. 1540), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 19246) authorizing the sale of certain public lands to the State of Idaho, reported the same with amendments, accompanied by a report (No. 1541), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the resolution of the House (H. Res. 384) requesting the Secretary of the Interior to furnish the House of Representatives certain information in regard to the Shawnee Training School at Shawnee, Okla., reported the same without amendment, accompanied by a report (No. 1542), which said bill and report were referred to the House Calendar.

Mr. BANNON, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 390) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon, reported the same with amendments, accompanied by a report (No. 1543), which said bill and report were referred to the House Calendar.

Mr. HIGGINS, from the Committee on the Territories, to which was referred the bill of the Senate (S. 4748) to amend an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899, reported the same with amendments, accompanied by a report (No. 1546), which said bill and report were referred to the House Calendar.

Mr. KIMBALL, from the Committee on the Territories, to which was referred the bill of the House (H. R. 21311) to ratify and confirm an act of the legislature of the Territory of Hawaii, authorizing the manufacture and distribution of electric light and power in the district of Wailuku, on the island of Maui, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1547), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21312) to ratify an act of the legislature of the Territory of Hawaii, authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1548), which said bill and report were referred to the House Calendar.

Mr. HINSHAW, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 6163) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest, reported the same with amendments, accompanied by a report (No. 1549), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WHEELER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21406) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1545), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 18831) for the relief of Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex., reported the same with amendments, accompanied by a report (No. 1550), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 4286) for the relief of John Shull, reported the same with amendment, accompanied by a report (No. 1551), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2, Rule XIII,

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 15868) for the relief of Robert Bilsborough, reported the same adversely, accompanied by a report (No. 1544), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 21393) to remove the charge of desertion against John E. Garrison, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUGHES of New Jersey: A bill (H. R. 21398) to provide for the purchase of a site and the erection of a public building thereon at Hackensack, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. KÜSTERMANN: A bill (H. R. 21399) to amend the national banking laws of the United States—to the Committee on Banking and Currency.

By Mr. PORTER (by request): A bill (H. R. 21400) concerning standard packages, grades, and marketing of apples—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Iowa: A bill (H. R. 21401) to establish a fish-cultural station at or near Council Bluffs, in the State of Iowa—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHEPPARD: A bill (H. R. 21402) to create a Committee on Interstate and Foreign Quarantine and Public Health—to the Committee on Rules.

By Mr. GAINES of Tennessee: A bill (H. R. 21403) to exempt news paper and paper used in printing from tariff duties, and to amend the tariff laws—to the Committee on Ways and Means.

By Mr. LOVERING: A bill (H. R. 21404) to provide for the safe transportation to the port of destination of bodies of persons dying at sea—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 21405) relating to the receipts, expenses, and disbursements of the district court of the United States for Porto Rico, and for other purposes—to the Committee on the Judiciary.

By Mr. WHEELER, from the Committee on Pensions: A bill (H. R. 21406) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. SHERWOOD: A bill (H. R. 21407) for the purchase of a site for a Federal building for the United States post-office at Bowling Green, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. LOWDEN: A bill (H. R. 21408) amending section 5 of an act entitled "An act to enable national banking associations to extend their corporative existence, and for other purposes," approved July 12, 1882—to the Committee on Banking and Currency.

By Mr. MOORE of Texas: A bill (H. R. 21409) to provide for the selection of a site for the establishment of a navy-yard, dry dock, and naval training station on or near Morgans Point, in San Jacinto Bay, in the State of Texas—to the Committee on Naval Affairs.

By Mr. BRADLEY: A bill (H. R. 21410) granting condemned ordnance to certain institutions—to the Committee on Military Affairs.

By Mr. COUSINS: A bill (H. R. 21411) providing for the exchange of certain land in Peking, China—to the Committee on Foreign Affairs.

By Mr. MONDELL: A bill (H. R. 21412) to encourage the development of coal deposits in the district of Alaska—to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 21413) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by an act approved June 30, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: A bill (H. R. 21414) to amend the national banking laws—to the Committee on Banking and Currency.

By Mr. BOWERS: Joint resolution (H. J. Res. 173) for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana, on April 24, 1908—to the Committee on Military Affairs.

By Mr. SMITH of Iowa: Joint resolution (H. J. Res. 174) referring H. R. 21249 to the Court of Claims—to the Committee on Claims.

By Mr. SMALL: Concurrent resolution (H. C. Res. 39) directing the Secretary of War to cause to be made a survey for certain continuous waterway routes—to the Committee on Rivers and Harbors.

By Mr. KENNEDY of Ohio: Resolution (H. Res. 386) to continue the employment of the messenger on the heavy mail wagon in the House post-office—to the Committee on Accounts.

By Mr. SMITH of Michigan: Resolution (H. Res. 387) providing for an investigation of Western Union Telegraph Company and Postal Telegraph Cable Company—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of Michigan: Resolution (H. Res. 388) for additional compensation for certain employees of the House—to the Committee on Accounts.

By Mr. STEPHENS of Texas: Resolution (H. Res. 389) directing the investigation of the late Choctaw-Chickasaw citizenship court—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21415) granting an increase of pension to Thomas Klugh—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 21416) granting an increase of pension to William H. Bascue—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 21417) granting an increase of pension to Abraham Shufelt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21418) granting an increase of pension to Samuel W. Koser—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 21419) for the relief of Steven Pittman—to the Committee on Military Affairs.

Also, a bill (H. R. 21420) for the relief of John B. De Bord—to the Committee on War Claims.

Also, a bill (H. R. 21421) granting a pension to Jackson A. Watkins—to the Committee on Pensions.

Also, a bill (H. R. 21422) granting a pension to William A. Senkbeil—to the Committee on Pensions.

By Mr. BROWNLOW (by request): A bill (H. R. 21423) granting an increase of pension to Elizabeth C. Montrose—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 21424) granting an increase of pension to Christian C. Fleck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21425) granting an increase of pension to Robert H. Millen—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 21426) for the relief of the estate of W. R. Smith, deceased—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 21427) granting an increase of pension to Isaac V. Mossman—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 21428) granting a pension to Sarah B. Mitchell—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 21429) granting a pension to Josephine I. Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21430) granting an increase of pension to Thomas Freeland—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 21431) granting an increase of pension to Ellen B. Lee—to the Committee on Pensions.

By Mr. FOULKROD: A bill (H. R. 21432) granting an increase of pension to John J. Sharp—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 21433) for the relief of Peter Holt—to the Committee on War Claims.

By Mr. HARDY: A bill (H. R. 21434) granting a pension to Martha J. Kolb—to the Committee on Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 21435) granting an increase of pension to A. S. Thomson—to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 21436) granting an increase of pension to Edward Brown—to the Committee on Invalid Pensions.

By Mr. KIMBALL: A bill (H. R. 21437) for the relief of the legal representatives of James S. Clark, deceased—to the Committee on War Claims.

By Mr. LENAHAN: A bill (H. R. 21438) granting an increase of pension to Francis M. Lutz—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 21439) granting an increase of pension to Sarah Baker—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 21440) granting a pension to Anna P. Smith—to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 21441) granting an increase of pension to Walter D. Brock—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 21442) for the relief of John M. Boyd—to the Committee on Claims.

By Mr. STURGISS: A bill (H. R. 21443) granting an increase of pension to Andrew J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21444) to reimburse the estate of Samuel Caldwell, deceased—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 21445) granting an increase of pension to Edward L. Bailey—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 21446) granting an increase of pension to John R. Allen—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 21447) granting an increase of pension to Jay D. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21448) granting an increase of pension to Albert Wittie—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of citizens of Monoca and New Castle, Pa.; also Electrical Workers' Union, No. 33, Painters' Union, No. 24, Paperhangers' Union, No. 101, and Carpenters' Union, No. 206, of New Castle, Pa., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of department of health of State of Pennsylvania, favoring the call of a conference at the White House to consider the conservation of natural resources of the country—to the Committee on Interstate and Foreign Commerce.

Also, petition of Building Association League of Pennsylvania, for amendment of H. R. 18525 so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. ADAMSON: Petition of Atlanta Federation of Trades, for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. ANSBERRY: Joint memorial of assembly of the State of Ohio, for establishment of a national bureau of health—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of United Mine Workers of Conesville, Ohio, for amendment to Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of August Hofaker—to the Committee on Pensions.

By Mr. BIRDSALL: Petitions of citizens of Waterloo and Dubuque, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of citizens of Maine, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Local No. 73, International Brotherhood of Paper Mill Workers, of Madison, against the repeal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. CAPRON: Evidence in support of the bill granting an increase of pension to Charles H. Wilmarth—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: Petition of Building Association League of Pennsylvania, for amendment of H. R. 18525 (Hepburn bill), so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

Also, petition of working citizens of Philadelphia, for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Fred C. Berge, for remedial legislation excluding labor unions from provisions of the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petition of Chamber of Commerce of Pittsburg, Pa., for legislation to secure the conservation of the natural resources of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Building Association League of Pennsylvania, for amendment of H. R. 18525 so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. COUSINS: Petition of A. M. McDermott and other citizens of Los Angeles, Cal., favoring H. R. 28, expressing sympathy with the people of Russia—to the Committee on Foreign Affairs.

By Mr. COX of Indiana: Petition of citizens of Milltown and New Albany, Ind., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Iowa Park and Forestry Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DRISCOLL: Petitions of Meat Cutters and Butchers' Union and Retail Clerks' Union No. 243, of Syracuse, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of Eau Clair, Wis., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FLOOD: Petition of sundry citizens of Arvonia, Va., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. FORNES: Petitions of Maywood Post, No. 184, of Corning; Uncle Sam Post, No. 177, of the Soldiers' Home, Los Angeles; W. T. Sherman Post, No. 96, of Oroville; and T. B. Stevens Post, No. 103, of Elsinore, Grand Army of the Republic, all in the State of California, for H. R. 220—to the Committee on the Judiciary.

Also, petition of Royal Brewing Company, of Kansas City, Mo., against S. 6576—to the Committee on the Judiciary.

By Mr. FOCHT: Petition of citizens of Alexandria, Pa., for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. FRENCH: Petition of citizens of Sandpoint, Idaho, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Petition of mass meeting of the citizens of Lanesville, Mass., for amendment to Sherman antitrust law, and for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petition of Haverhill Shoe Council, No. 2, for amendment to the Constitution striking out the word "male"—to the Committee on the Judiciary.

By Mr. GOULDEN: Petitions of Unity Post, No. 171, Veterans' Home, Napa County; Maywood Post, No. 184, of Corning; Uncle Sam Post, No. 117, of Soldiers' Home, Los Angeles; W. T. Sherman Post, No. 96, of Oroville; and T. B. Stevens Post, No. 103, of Elsinore, Grand Army of the Republic, all in the State of California, for H. R. 220—to the Committee on the Judiciary.

By Mr. GRANGER: Resolutions of Rhode Island League of Improvement Societies, in favor of the great objects which the conference at the White House has been called to promote, relative to conservation of natural resources of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Petition of Federation of Trades of Atlanta, Ga., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HASKINS: Petitions of Quarry Workers' International Union, No. 21, of East Bethel, Vt., for H. R. 19745 (Hepburn amendment to the Sherman antitrust act) and Pearre injunction bill—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Business Men's Association of Hartford, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Preston (Conn.) City Grange, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of mass meeting held at Long Branch, N. J., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of J. W. Mount Company, of Red Bank, N. J., praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Memorial of 500 citizens in a meeting called by the mayor of Salt Lake City, that favored treaties of arbitration between all nations conferring upon the international court at The Hague jurisdiction as broad as practically possible—to the Committee on Foreign Affairs.

Also, petition of G. Renhart and others, connected with Mining Record, Denver, in support of a bureau of mines—to the Committee on Mines and Mining.

By Mr. HUGHES of New Jersey: Petition of Trades League of Philadelphia, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Merchants' Association of New York City, against the Vreeland bill, and for a currency commission—to the Committee on Banking and Currency.

Also, petition of Chicago City Club, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. KELIHER: Petition of Massachusetts State Board of Trade (executive council), indorsing action of the President in calling a conference of the governors and Representatives and Senators to consider the conservation of our natural resources—to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Lodge, No. 431, International Brotherhood of Boiler Makers, Iron-Ship Builders and Helpers of America, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. KENNEDY of Ohio: Petition of United Mine Workers of America, favoring H. R. 10556, for alleviating sufferings incident to accidents in coal mines (McHenry bill)—to the Committee on Mines and Mining.

Also, petition of E. L. Augustine and others, for battle-ship construction in the navy-yards—to the Committee on Naval Affairs.

Also, petition of Friends' Christian Alliance of Ohio, favoring prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Merchants' Association of New York, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Local Union No. 200, International Typographical Union, of Youngstown, for repeal of the duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Cleveland Chamber of Commerce, against S. R. 46 (Frye resolution), restricting the carrying of material and supplies to the Panama Canal to American ships—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cleveland Chamber of Commerce, indorsing S. 28, Report No. 168, providing for ocean mail service—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Salem Iron Company, of Latonia, Ohio; Silver Manufacturing Company, of Salem, Ohio, and the Banner Electric Company, favoring the Gallinger amendment to shipping act of 1891—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Alfred H. Beckman, for the Hepburn amendment to the Sherman antitrust law (H. R. 19745)—to the Committee on the Judiciary.

Also, petition of Sebring, Ohio, Pottery Company, favoring amendment to interstate-commerce law giving the Commission power to put in force a uniform classification of freight—to the Committee on Interstate and Foreign Commerce.

Also, petition of Trades and Labor Assembly of Salem, Ohio, against enactment of S. 1518, revising section 3893 of Revised Statutes of United States—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Wirschings Organ Company, Hillgreen Lane & Co., E. J. Shaffer & Co., the Scott & Jones Company, J. D. Lovett, and Klein & Heffelman, for amendment to copyright law to benefit musical composers—to the Committee on Patents.

Also, petition of citizens of East Liverpool, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of citizens of Brainerd, Minn., for amendment to Sherman antitrust law (H. R. 19745) and for Wilson bill (H. R. 20584) and Pearre bill (H. R. 94)—to the Committee on the Judiciary.

By Mr. LINDSAY: Petitions of legislation committee of Winthrop Lodge, No. 449, Edward J. McKee, member, and others, for the Wilson bill (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of William Crawford and other citizens of Brooklyn, for amendment to Sherman antitrust law, for Pearre bill, employers' lability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Music Engravers' Union, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of James R. Foard Company, against S. R. 46 (Frye resolution), restricting the carrying of material and supplies to the Panama Canal to American ships—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Brooklyn, N. Y., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of the Royal Brewing Company, of Kansas City, against the Knox liquor bill (H. R. 6576)—to the Committee on the Judiciary.

Also, petition of International Tuberculosis Congress, for adequate quarters in Washington for the forthcoming convention of that congress—to the Committee on Assignment of Rooms.

By Mr. LOUDENSLAGER: Petitions of citizens of Woodbury; Edward S. Zimmerman and William C. White, of Williamstown; George P. Pierce, of Woodbury, and other citizens of the district, all of the State of New Jersey, for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. McGAVIN: Petition of Chicago city council, for H. R. 15123 and 15267 and S. 4395, relative to conduct of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petition of Port Huron (Mich.) Trade and Labor Council, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Petition of citizens of Alton Park, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. NICHOLLS: Petition of citizens of Lackawanna, for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. NYE: Petition of committee of organized labor of Minneapolis, Minn., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. PAGE: Petition of North Carolina Press Association, favoring repeal of duty on white paper and wood pulp, etc.—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of mass meeting of citizens of Cumberland, Md., and Labor Lyceum of Baltimore, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PETERS: Petition of working citizens of Boston, Mass., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. PARKER of South Dakota: Petition of citizens of South Dakota, urging passage of H. R. 4776 and defeat of canteen legislation—to the Committee on the Judiciary.

By Mr. PRINCE: Petition of citizens of Galesburg, Ill., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citizens of Geneseo, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. ROBERTS: Petition of Boston Clearing-House Association, against Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. RIORDAN: Petition of Max Shubert, of New York City, for H. R. 20584, amendment to Sherman antitrust law; for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of American Forestry Association, asking for repeal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Samuel Schull and others, Council Hall, Buffalo, N. Y., and Stone Pavers' Union of Buffalo, N. Y., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours upon work done for the Government, and anti-injunction law, etc.—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of citizens of Utica, N. Y., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SMITH of Missouri: Petition of organized labor and sympathizers, of Flat River, Mo., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SPERRY: Resolutions of the Business Men's Association and Chamber of Commerce, of New Haven, Conn., urging the erection of a new public building at New Haven—to the Committee on Public Buildings and Grounds.

By Mr. SOUTHWICK: Petition of Trades Assembly of Schenectady, N. Y., for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. SULZER: Petition of J. C. Scantling, favoring H. R. 7558, to increase efficiency of the Army of the United States—to the Committee on Military Affairs.

Also, petition of James R. Foard & Co., of Baltimore, Md., against S. R. 46 (Frye resolution), restricting the carrying of material and supplies to the Panama Canal to American ships—to the Committee on the Merchant Marine and Fisheries.

By Mr. TALBOTT: Petition of trade and labor organization of Cumberland, Md., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. VREELAND: Petitions of citizens of Randolph, N. Y.; Allegheny County, N. Y.; Richburg, N. Y., against H. R. 4897, for religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Cottage Grange, No. 829; Elmer E. Eddy, of Mansfield, N. Y., and E. E. Burlingame and others, of Olean, N. Y., for the establishment of a national highways commission—to the Committee on Agriculture.

By Mr. WEISSE: Petition of City Club of Chicago, Ill., praying for the establishment of the White Mountain and Appalachian Forest Reserve—to the Committee on Agriculture.

Also, petition of Chamber of Commerce of Milwaukee, Wis., asking for a deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

Also, petition of American Newspaper Publishers' Association, praying for removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Petition of Branch No. 122, Glass Bottle Blowers' Association of the United States, signed by J. G. Chase and 104 other residents of Shinglehouse, Pa., for the passage of the Wilson bill (H. R. 20584), the Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 30, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John T. Sharp, administrator of John Sharp, deceased, and of George Dickson, deceased, *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Foss, Mr. LOUDENSLAGER, and Mr. PADGETT managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Vicksburg, Ind., and a petition of the Washington State Federation of Labor, of Tacoma, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 189, International Brotherhood of Stationary Firemen, of Ticonderoga, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. KEAN presented petitions of sundry labor organizations of Newark, Paterson, Elizabeth, and Clayton, all in the State of New Jersey, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of E. R. Hill, of East Orange, N. J., and a petition of Thomas S. Gladdin, of New York City, N. Y., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Rutherford, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in National Soldiers' Homes, which was referred to the Committee on Military Affairs.

He also presented the petition of Mrs. William A. Wescott, of Berlin, N. J., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. PLATT presented a memorial of Adirondack Local, No. 65, International Brotherhood of Paper Makers, Sulphite and Paper Mill Workers, of Piercefield, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens and local labor organizations of Brooklyn, Buffalo, Cohoes, Geneva, Long Island City, New York City, Ogdensburg, Olean, Poughkeepsie, and Schenectady, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SCOTT presented sundry petitions of labor organizations of Follansbee, W. Va., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GORE presented a concurrent resolution of the legislature of the State of Oklahoma, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House concurrent resolution 21.

[By Holland, Norvell, and Yeager.]

House concurrent resolution memorializing the National Congress to enact legislation that will restore the rivers tributary to the Mississippi and the Arkansas rivers to navigable streams.

Be it resolved by the house of representatives and the senate, That the following memorial be adopted and transmitted to our Senators and Representatives in Congress for formal delivery to the President of the United States and the Senate and the House of Representatives of the United States in Congress assembled, to wit:

MEMORIAL.

To the President of the United States and to the Senate and House of Representatives in Congress assembled.

GENTLEMEN: The senate and house of representatives representing the people of Oklahoma earnestly and respectfully call your attention to the importance of the Arkansas River as one of the great national highways prepared by nature for the internal commerce of the United States.

The volume of water, especially from Tulsa, forms a noble stream capable of a depth of 6 feet of water at all stages, which can be established at approximately the same cost as a double-track railroad along its banks. The importance of cheap transportation we do not discuss. The enlightened opinion of the United States has debated that question thoroughly, and the verdict has been rendered that the waterways of the United States shall be improved without delay.

We call your attention to important reports which demonstrate the fact that the Arkansas River has been navigated by the Government itself from the earliest history of the Western settlement until railroad transportation caused the abandonment of river traffic.

Special reference is made to the report of Captain Aberts—Executive Document No. 295, House of Representatives, Forty-first Congress, second session, enumerating twenty steamboats on this stream (1870).

Captain Tabor, in his report for 1885 and 1886, House Document No. 150, Fifty-sixth Congress, second session.

The report of Amos Stickney, lieutenant-colonel of Engineers, estimates that the stream can be put in perfect condition from Tulsa to the Mississippi River, 342 miles, for approximately $27,677,200, and that the cost from Tulsa to Fort Smith would be approximately $6,226,225 for a 6-foot channel and abundant improvement.

Attention is called to the report of Lieutenant-Colonel Stickney, of December, 1900, House Document No. 150, Fifty-sixth Congress, second session.

In view of the fact that Tulsa is surrounded by enormous coal fields in Oklahoma continguous to the Arkansas River and that it is in the midst of the greatest oil and gas fields in the world, it is of national importance as well of State importance that the Arkansas River be immediately developed.

We therefore on behalf of Oklahoma and on behalf of the entire tributary West respectfully pray that a fund sufficient shall be provided not only for the prompt development of the Mississippi from the Lakes to the Gulf, but the great branch of the Mississippi which penetrates our State shall be immediately provided for in a substantial manner.

The State of Oklahoma is in favor of the development of the waterways of the United States, and believes that an appropriation of not less than fifty millions annually should be devoted to this purpose.

We ask, therefore, that this be done and that such part thereof shall be devoted to the improvement of the Arkansas as is justified by the flow of water of that great stream and the great commerce contiguous thereto, or will be naturally tributary to the great transportation opportunities established on that river, and that not less than 25 per cent of that sum be expended upon improvements within the State of Oklahoma.

We respectfully emphasize the generally conceded fact that the railroads of the country are inadequate to handle our present immense commerce. We emphasize the fact that the railroads are more suitable to carry commerce of a more perishable nature or which for other reasons a quicker and more expensive transportation is required, while the waterways of our country can be more judicially used for heavy and cheap commodities.

We ask, therefore, to give immediate vitality to the wish and need of the nation for the systematic development at once of our internal waterways, of which the Arkansas River is one of the most valuable and most important.

The foregoing house concurrent resolution, consisting of seven pages, having been placed upon final passage, has received two-thirds of the votes of all the representatives elected to and constituting the house of representatives, I therefore declare the same to be duly and constitutionally adopted, and I sign the same in open session this 17th day of March, 1908.

WM. H. MURRAY,
Speaker of the House of Representatives.

Passed senate April 22, 1908.

HENRY S. JOHNSTON,
President pro tempore of the Senate.

Mr. FLINT presented petitions of sundry citizens of San Francisco, Oakland, and Los Angeles, all in the State of California, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented memorials of sundry citizens of Albany, Brooklyn, Newburgh, Marbletown, and Lockport, all in the State of New York, remonstrating against the enactment of legislation to extend the right of naturalization, which were referred to the Committee on Immigration.

He also presented petitions of sundry labor organizations of Geneva, Ticonderoga, Waterford, Mineville, Buffalo, Utica, Syracuse, Brooklyn, Poughkeepsie, Cohoes, Schenectady, Long Island City, Ogdensburg, Elmira, Oneonta, Canandaigua, Norwich, and New York City, all in the State of New York, praying for the adoption of certain amendments to the so-called

"Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of the Union League Club, of Chicago, Ill., and a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation for the establishment of a national forest reserve in the Southern Appalachian and White Mountains, which were ordered to lie on the table.

He also presented a memorial of the Brooklyn Federation of Labor, of Brooklyn, N. Y., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry labor organizations of New York City, Glens Falls, Fort Edward, Ticonderoga, Morrisonville, Luzerne, Pierceville, Sandy Hill, Willsboro, Palmer, and Watertown, all in the State of New York, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. HOPKINS presented a memorial of the Grand Army Hall and Memorial Association of Chicago, Ill., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Hudson, Ill., and a petition of the Trades League of Philadelphia, Pa., employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of the City Club of Chicago, Ill., and a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were ordered to lie on the table.

He also presented a petition of Frank R. Thompson Lodge, No. 564, Brotherhood of Locomotive Firemen and Enginemen, of Chicago, Ill., praying for the enactment of legislation to promote the safety of employees upon railroads, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 305, Cigar Makers' International Union, of Monmouth, Ill., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

He also presented sundry memorials of citizens of East St. Louis, Ill., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

He also presented petitions of sundry labor organizations of Bloomington, Belleville, Decatur, Alton, Marion, Johnston City, Jacksonville, Elgin, Centralia, Joliet, Dixon, Carlinville, Galesburg, Rockford, Girard, Quincy, East St. Louis, Staunton, Chicago, Aurora, Monmouth, Sparta, Danville, Kewanee, and Elmwood, all in the State of Illinos, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented a petition of sundry citizens of Wallace, Idaho, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to ganizations, which was referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens of Greenfield, Great Barrington, Brockton, and Boston, all in the State of Massachusetts, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry labor organizations of Danville, Ill., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GAMBLE presented sundry papers to accompany the bill (S. 6678) granting an increase of pension to Benjamin Flahart, which were referred to the Committee on Pensions.

Mr. OVERMAN presented petitions of sundry citizens of High Point, Raleigh, and Walnut Cove, all in the State of North Carolina, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. STEPHENSON presented petitions of sundry labor organizations of Eau Claire, Milwaukee, Kenosha, Appleton, Oshkosh, and Manitowoc, all in the State of Wisconsin, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented petitions of sundry labor organizations of Berlin, Concord, and Lebanon, all in the State of New Hampshire, praying for the adoption of certain amendments to the so-called "Sherman antiturst law,'" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented the memorial of E. R. Brown, of Dover, N. H., remonstrating against the passage of the so-called "Vreeland currency bill," which was referred to the Committee on Finance.

He also presented a memorial of the New England Shoe and Leather Association, of Boston, Mass., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Monadnock Paper Mills, of Bennington, N. H., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the Central Labor Union of Berlin, N. H., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. RAYNER presented sundry petitions of citizens and labor organizations of Baltimore, Md., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENTS.

Mr. OWEN. I present a memorial from the governor of Oklahoma, Hon. C. N. Haskell, relative to the adoption of certain amendments to the Constitution of the United States. I move that it be printed as a document, with the accompanying exhibits, to be used for the information of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DICK, from the Committee on Mines and Mining, to whom was referred the bill (S. 3764) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof, reported it without amendment, and submitted a report (No. 583) thereon.

Mr. STEWART, from the Select Committee on Industrial Expositions, to whom was referred the amendment submitted by Mr. PILES on the 21st instant, providing that all articles that shall be imported from foreign countries for the sole purpose of exhibition at the Alaska-Yukon-Pacific Exposition, to be held at Seattle, Wash., in 1909, be admitted free of duty, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 28th instant, proposing to appropriate $200,000 for constructing, equipping, and outfitting, complete for service, a new steam tender for use of the inspector of the first light-house district, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. PILES, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 28th instant, proposing to appropriate $30,000 for a light-house and fog-signal station on Eliza Island, Bellingham Bay, Washington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. WETMORE on the 28th instant, proposing to appropriate $225,000 for the construction and equipping of a steam revenue cutter, for service in Narragansett Bay, with headquarters at Newport, R. I., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 28th

instant, proposing to appropriate $100,000 for the enlargement, improvement, and equipment of the light-house depot at Yerba Buena Island, Cal., etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 28th instant, proposing to appropriate $10,000 for a light and fog-signal station on the outer end of the breakwater, entrance to the outer harbor, San Pedro, Cal., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. FLINT on the 28th instant, proposing to appropriate $10,000 for the construction of a launch for the use of the customs service at and in the vicinity of Los Angeles, Cal., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 28th instant, proposing to appropriate $60,000 for establishing a light and fog-signal station at or near Four Mile Creek, seacoast of California, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 28th instant, proposing to appropriate $215,000 for a steam tender for use of the light-house inspector of the twelfth district, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. STONE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. TALIAFERRO on the 28th instant, proposing to appropriate $250,000 for the construction of one steam revenue cutter of the first class for service in the waters of Key West, Fla., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 28th instant, proposing to appropriate $80,000 for the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. SMITH of Michigan, from the Committee on Commerce, reported an amendment proposing to appropriate $100,000 for a light and fog-signal station of the second order at or near the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. NEWLANDS, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. FULTON on the 28th instant, proposing to appropriate $250,000 for the construction of one steam revenue cutter of the first class for duty on the coast of Oregon, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed, which was agreed to, and on motion of Mr. FULTON it was, with the accompanying papers, referred to the Committee on Appropriations.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 6826) to correct the military record of Albert S. Austin, reported it with an amendment and submitted a report (No. 584) thereon.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, to report it without amendment, and I submit a report (No. 585) thereon.

I ask that the report also be printed in the RECORD. It relates to an important subject.

The VICE-PRESIDENT. Without objection, it is so ordered.

The report submitted by Mr. NELSON is as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, having considered the same, report thereon with a recommendation that it pass without amendment.

Following is a copy of the House report on the bill:

[House Report No. 1256, Sixtieth Congress, first session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, having considered the same, report thereon with amendments, and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

In line 3, page 1, after the word "That," insert "the consent of Congress is hereby given to."

In lines 4 and 5, page 1, strike out "be, and they are hereby, authorized."

In lines 9 and 10, page 1, strike out "that at the narrows in said bend be and they are hereby authorized," and in line 10, page 1, after the word "impound," insert "at the narrows in said bend."

At the end of section 1 add the following:

"*Provided*, That the Secretary of War shall have at all times control of the use of the water, even to the extent of causing the persons, firms, or corporations, taking advantage of the privileges granted herein, to cease using the water whenever the same may be necessary for navigation: *And provided further*, That should the United States in the work of improving the aforesaid river find it necessary to flood the aforesaid tunnels or in any way affect the flow of water through them, the owners or operators of aforesaid tunnels shall have no claim against the United States for damage on account of said flooding of the tunnels or said effect on the flow of water through them."

Strike out all of section 2 and renumber section 3 to section 2.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 11, 1908.

Respectfully returned to the Secretary of War with recommendation that the accompanying bill (H. R. 17707, 60th Cong., 1st sess.) to authorize the construction of a dam across James River, in Stone County, Mo., and to divert a portion of its waters through a channel into the said river again, to create electric power, be amended as indicated in red thereon.

As thus amended I am of opinion that the bill makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

SMITH S. LEACH,
Acting Chief of Engineers.

[Third indorsement.]

WAR DEPARTMENT, *March 12, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Acting Chief of Engineers, United States Army, and to the accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Following is a copy of a letter of the President received after the bill was referred to this committee:

THE WHITE HOUSE,
Washington, March 13, 1908.

SIR: Numerous bills granting water rights in conformity with the general act of June 21, 1906, have been introduced during the present session of Congress and some of these have already passed. While the general act authorizes the limitations and restrictions of water rights in the public interest and would seem to warrant making a reasonable charge for the benefits conferred, those bills which have come to my attention do not seem to guard the public interests adequately in these respects. The effect of granting privileges such as are conferred by these bills, as I said in a recent message, "taken together with rights already acquired under State laws, would be to give away properties of enormous value. Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights amounting to monopolies on navigable streams and on the public domain. The repurchase at great expense of water rights thus carelessly given away without return has already begun in the East, and before long will be necessary in the West also. No rights involving water power should be granted to any corporation in perpetuity, but only for a length of time sufficient to allow them to conduct their business profitably. A reasonable charge should of course be made for valuable rights and privileges which they obtain from the National Government. The values for which this charge is made will ultimately, through the natural growth and orderly development of our population and industries, reach enormous amounts. A fair share of the increase should be safeguarded for the benefit of the people, from whose labor it springs. The proceeds thus secured, after the cost of administration and improvement has been met, should naturally be devoted to the development of our inland waterways." Accordingly, I have decided to sign no bills hereafter which do not provide specifically for the right to fix and make a charge and for a definite limitation in time of the rights conferred.

Sincerely, yours, THEODORE ROOSEVELT.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

The bill, together with the foregoing letter, was referred to the War Department for its views, which are presented in the following indorsements:

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 11, 1908.

1. Respectfully returned to the Secretary of War.

2. The Committee on Commerce of the United States Senate refers H. R. 17707, Sixtieth Congress, first session, being a bill to authorize William H. Standish to construct a dam across the James River, Missouri, and to "divert a portion of its waters through a tunnel into the said river again to create electric power."

3. This bill was referred to this Department for report during its consideration in the House of Representatives, and after the usual inquiry through the local engineer officer, was reported on on March 11, 1908, to the effect that, so far as the interests of navigation are concerned, there is no objection to its passage.

4. Subsequently, March 18, 1908, the President of the United States, in a letter to the chairman of the Senate Committee on Commerce, stated that all bills of this character not having provision for a limited life and a remuneration to the United States for the privileges or rights conveyed, will fail to receive Executive approval. The Senate Committee on Commerce now desires the opinion of the War Department upon the merits of the bill and the propriety of its passage "in view of the letter of the President to the chairman of the committee."

5. The Chief of Engineers notes that the bill H. R. 17707 as it now stands does not comply with either of the President's requirements, and it is not believed that such requirements are provided for in the general dam act of June 21, 1906.

6. The following provision, if inserted in H. R. 17707, after the words "nineteen hundred and six," line 6, page 2, will, it is believed, accomplish the objects aimed at:

"and the Chief of Engineers and the Secretary of War shall, in accordance with said act, and as a part of the conditions and stipulations provided for therein, fix such limitation of time for the privilege hereby permitted, and such charge or charges for the same as they may deem necessary to protect the present or future interests of the United States."

The details as to time and amount in each case will depend upon the facts in each case, including amount of investment relative to the interests of navigation, and the amount of future responsibility which may have to be assumed by the Government in the matter of proper maintenance of dams, operation of locks, and other items, including possible failure of grantee, which may bear upon any liabilities which the Government by chance might possibly be called upon to assume. While in the form of legislation suggested no definite time or amount is considered, it is appreciated that in each case such time and amount would require consideration by the grantor in advance of preliminary work by the grantee.

A. MACKENZIE,
Brigadier-General, Chief of Engineers, United States Army.

[Third indorsement.]

WAR DEPARTMENT, *April 14, 1908.*

Respectfully returned to the chairman Committee on Commerce, United States Senate, concurring in the foregoing views of the Chief of Engineers, United States Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Following is the amendment suggested by the War Department:

Insert on page 2, line 6, after the word "six," the following:

"and the Chief of Engineers and the Secretary of War shall, in accordance with the terms of said act, impose conditions and stipulations fixing such limitation of time for the privilege hereby permitted and such charge or charges for the same as they may deem necessary to protect the present or future interests of the United States."

The President, in a communication addressed to the chairman of the Senate Committee on Commerce, dated March 18 last, as well as in his veto message of April 17 relating to the bill H. R. 15444 to extend the time for the construction of a dam across Rainy River, has declared it to be his policy not to approve of any bill permitting the construction of a dam by private parties across a navigable stream, although due provision is made for the conservation of the stream for the purposes of navigation, unless the bill provides for the payment of a royalty or compensation to the United States for the use of the water of the stream for purposes other than navigation.

This is a new departure from the policy heretofore pursued in respect to legislation authorizing the construction of such dams, and in view of this fact it becomes important to inquire whether the Government of the United States has the right to require compensation for the use of water in such streams for purposes other than navigation.

The common-law doctrine of England that a stream is not deemed to be a navigable water course unless the tide ebbs and flows in it is not the law in this country. The question whether a water course is a navigable stream is one of fact. If it is capable of being used for the purposes of trade and commerce in any mode, even for floating rafts of logs and timber, it is deemed to be a navigable stream.

(The Montello, 20 Wall., 430.)

(St. Anthony Water Power Co. *v.* St. Paul Water Commissioners, 168 U. S., 349.)

The title to the water of a navigable stream within the borders of a State is not in the Federal Government, but in the State; and title to the banks and bed of the stream, after the Federal Government has parted with its riparian lands, is either in the State or in the riparian owner, or both, according to the laws of the respective States. These principles have been laid down and applied by the Supreme Court of the United States in the following, among other cases, and is the settled law of the land, to wit: Martin *v.* Waddell (16 Pet., 367); Pollard *v.* Hagan (3 How., 212); Goodtitle *v.* Kibbe (9 How., 471); Barney *v.* Keokuk (94 U. S., 324); St. Louis *v.* Myers (113 U. S., 566); Packer *v.* Bird (137 U. S., 661); Hardin *v.* Jordan (140 U. S., 371); Kaukauna Water Power Company *v.* Green Bay and Mississippi Canal Company (142 U. S., 254); Shively *v.* Bowlby (152 U. S., 1); Water Power Company *v.* Water Commissioners (168 U. S., 349); Kean *v.* Calumet Canal Company (190 U. S., 452); United States *v.* The Chandler Dunbar Water Power Company (U. S. Supreme Court, April 20, 1908).

The use of water in such a stream is a matter of State regulation and State control. In many of the States the common-law rule, as defined in the following language of Chancellor Kent, prevails, to wit:

"Every proprietor of lands on the banks of a river has naturally an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (currere solebat) without diminution or alteration. No proprietor has a right to use the water to the prejudice of other proprietors above or below him, unless he has a prior right to divert it or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Aqua currit et debet currere ut currere solebat is the language of the law. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it, or give it another direction, and he must return it to its ordinary channel when it leaves his estate."

In the mining and arid States the rule of prior appropriation for mining and irrigation purposes prevails, and this rule of the States has been recognized by Federal Statutes (R. S., secs. 2339–2340). In some of the States there is a mixed application, as in California, of the common-law rule and the rule of prior appropriation.

But whatever rule may prevail in any State as to the use of the water in a stream, it is always subject to the following limitations, laid down by the Supreme Court in the case of the United States *v.* Rio Grande Dam and Irrigation Company (174 U. S., 690):

"Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its water; so far at least as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country even against any State action."

Where the Federal Government is not interested as the owner of riparian lands, the only interest it has in the water of a stream is as to its use for purposes of navigation, and it can lay no claim to the use of the water for any other purpose, not even for irrigation. (Kansas *v.* Colorado, 206 U. S., 46.)

In this case the United States appeared as intervenor; but inasmuch as it founded its claim not on the question of navigation, but on the question of irrigation, the court held that it had no ground for intervention and dismissed its petition. In reference to this subject the court says:

"It follows from this that if in the present case the National Government was asserting, as against either Kansas or Colorado, that the appropriation for the purposes of irrigation of the waters of the Arkansas was affecting the navigability of the stream, it would become our duty to determine the truth of the charge. But the Government makes no such contention. On the contrary, it distinctly asserts that the Arkansas River is not now and never was practically navigable beyond Fort Gibson, in the Indian Territory, and nowhere claims that any appropriation of the waters by Kansas or Colorado affects its navigability.

"It rested its petition of intervention upon its alleged duty of legislating for the reclamation of arid lands. * * *

"Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them by any implication refers to the reclamation of arid lands. * * *

"While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original thirteen, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders. Nor do we understand that hitherto Congress has acted in disregard to this limitation."

It was the doctrine at common law that a grant of land upon the borders of a navigable stream carried the grant only to high-water mark, while a grant of land bordering upon a nonnavigable stream carried the ownership to the center or thread of the stream, subject to the public easement.

In the case of Hardin *v.* Jordan (140 U. S., 384), the Supreme Court states:

"The United States have not repealed the common law as to the interpretation of their own grants, nor explained what interpretation or limitation should be given to or imposed upon the terms of the ordinary conveyances which they use, except in a few special instances; but these are left to the principles of law and rules adopted by each local government where the land may lie. We have adopted the common law, and must, therefore, apply its principles to the interpretation of their grant."

Further on the court states the same principle in this form:

"In our judgment the grants of the Government for lands bounded on streams and other waters without any reservation or limitation of terms are to be construed as to their effect according to the laws of the state in which the lands lie."

The rule of riparian ownership as to grants of land bordering on a navigable stream is diverse in the various States. Some States hold that the grant extends only to high-water mark; other States hold that it extends to low-water mark, while another class of States—and perhaps the most numerous—hold that the grant extends to the middle of the stream, subject to the public easement in the water of the stream. But whatever may be the law in this respect as to the effect of the grant, it only relates to the proprietorship in the banks and bed of the stream, and not to the ownership of the water in the stream.

In those States which hold that the title of the riparian owner only extends to the high or low water mark, the title to the bed of the stream is deemed to be in the State, and whether the title to the bed of the stream is in the riparian owner or in the State, in either case the general title to the water of the stream is deemed to be in the State, but it holds it not absolutely, but in trust for all lawful public uses. The State's interest in such a stream is akin to that of a riparian owner, though more comprehensive and general in its nature, and does not exist in hostility to or in diminution of the rights of the riparian owner.

(Rossmiller *v.* State, 114 Wis., 169.)

(People's Ice Co. *v.* Davenport, 149 Mass., 322.)
(Brown *v.* Cunningham, 82 Iowa, 512.)
(Braston *v.* Rockport Ice Co., 77 Maine, 100.)
(Martin et al. *v.* Waddell, 16 Peters, 367.)

From the foregoing it will appear that there are three different parties who are interested in the waters of a navigable stream:

1. The United States.
2. The State in which the stream is located.
3. The riparian owner.

The interest of the United States is derived from and rests upon that paragraph of the Constitution which gives Congress the power to regulate interstate commerce, and this power only extends to the extent of conserving the navigability of the stream. Beyond that the Federal Government has no interest or property in the stream.

The interest of the State in the stream is derived from its sovereignty and it holds its property in the stream in trust for all public uses, but in subrogation to the rights of the Federal Government as to navigation and of the riparian owner. The right to the use of the waters of a stream for any lawful purpose, outside of the right of navigation, belongs wholly to the State and the riparian owner.

(Martin et al. *v.* Waddell, 16 Peters, 367.)

Chief Justice Shaw, in the case of Elliott *v.* Fitchburg Railroad Company (10 Cushing, 191), describes the rights of the riparian owner in the use of water in a stream in the following language, which states the enlarged and modified common-law doctrine.

"The right to flowing water is now well settled to be a right incident to property in the land. It is a right publici juris, of such a character that whilst it is common and equal to all, through whose land it runs, and no one can obstruct or divert it, yet, as one of the beneficial gifts of Providence, each proprietor has a right to a just and reasonable use of it, as it passes through his land; and so long as it is not wholly obstructed or diverted, or no larger appropriation of the water running through it is made than a just and reasonable use, it can not be said to be wrongful or injurious to a proprietor lower down. What is such a just and reasonable use may often be a difficult question, depending upon various circumstances. To take a quantity of water from a large running stream for agriculture or manufacturing purposes would cause no sensible or practicable diminution of the benefit to the prejudice of a lower proprietor, whereas taking the same quantity from a small running brook passing through many farms would be of great and manifest injury to those below, who need it for domestic supply or watering cattle, and therefore it would be an unreasonable use of the water, and an action would lie in the latter case and not in the former. It is therefore to a considerable extent a question of degree; still, the rule is the same—that each proprietor has a right to a reasonable use of it, for his own benefit, for domestic use, and for manufacturing and agricultural purposes. * * *

"That a portion of the water of a stream may be used for the purpose of irrigating land, we think is well established as one of the rights of the proprietors of the soil along or through which it passes. Yet a proprietor can not under color of that right, or for the actual purpose of irrigating his own land, wholly abstract or divert the water course, or take such an unreasonable quantity of water, or make such unreasonable use of it, as to deprive other proprietors of the substantial benefits which they might derive from it, if not diverted or used unreasonably. * * *

"This rule, that no riparian proprietor can wholly abstract or divert a water course, by which it would cease to be a running stream, or use it unreasonably in its passage, and thereby deprive a lower proprietor of a quality of his property, deemed in law incidental and beneficial, necessarily flows from the principle that the right to the reasonable and beneficial use of a running stream is common to all the riparian proprietors, and so each is bound to use his common right as not essentially to prevent or interfere with an equally beneficial enjoyment of the common right, by all the proprietors. * * *

"The right to the use of flowing water is publici juris, and common to all the riparian proprietors; it is not an absolute and exclusive right to all the water flowing past their land, so that any obstruction would give a cause of action; but it is a right to the flow and enjoyment of the water, subject to a similar right in all the proprietors to the reasonable enjoyment of the same gift of Providence. It is, therefore, only for an abstraction and deprivation of this common benefit or for an unreasonable and unauthorized use of it that an action will lie."

The doctrine of prior appropriation, already referred to, is thus described by Justice Field in the case of Jennison *v.* Kirk (98 U. S., 453). After describing the system of discovery and appropriation and development of mining claims, he adds the following:

"But the mines could not be worked without water. Without water the gold would remain forever buried in the earth or rock. To carry water to mining localities, when they were not on the bank of a stream or lake, became, therefore, an important and necessary business in carrying on mining. Here, also, the first appropriator of water to be conveyed to such locality for mining or other beneficial purposes was recognized as having to the extent of actual use the better right. The doctrine of the common law respecting the right of riparian owners was not considered as applicable or only in a very limited degree, to the conditions of miners in the mountains. The waters of rivers and lakes were consequently carried great distances in ditches and flumes, constructed with vast labor and enormous expenditures of money, along the sides of mountains and through canyons and ravines, to supply communities engaged in mining as well as for agriculturists and ordinary consumption. Numerous regulations were adopted, or assumed to exist, from their obvious justness, for the security of these ditches and flumes and for the protection of rights to water, not only between different appropriators, but between them and the holders of mining claims. These regulations and customs were appealed to in controversies in the State courts and received their sanction, and properties to the value of many millions rested upon them. For eighteen years—from 1848 to 1866—the regulations and customs of miners, as enforced and molded by the courts and sanctioned by the legislation of the State, constituted the law governing property in mines and in water on the public mineral lands."

These water rights by prior appropriation, as described by Justice Field, were recognized and confirmed by Congressional legislation in 1866 and in 1870. Those acts are now sections 2339 and 2340 of the Revised Statutes. Justice Field further adds:

"It will thus be seen that the Federal statutes merely gave a formal sanction to the rules already established. Those rules had been built up in reliance on the tacit acquiescence of the United States, the true owner of the lands and waters on which appropriations were made, and these statutes acquiesced therein expressly 'a voluntary recognition of a preexisting right rather than the establishment of a new one.'"

In the case of Broder *v.* Natoma Water Company (101 U. S., 274), the Supreme Court, in referring to the contention that these statutes established a new right, uses the following language:

"We are of the opinion that it is the established doctrine of this court that rights of miners who had taken possession of mines and worked and developed them and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation, in the region where such artificial use of the water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged and was bound to protect before the passage of the act of 1866, and that the section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one."

These decisions of Judge Shaw, of Massachusetts, and of Justice Field, of the Supreme Court, describe fully the rights of the riparian owners to the use of the water both under the doctrine of the common law and under the so-called "doctrine of prior appropriation," and the case of Rossmiller *v.* The State (114 Wis., 169), and the cases therein referred to, as well as the case of Martin et al. *v.* Waddell (16 Peters, 367), show the interest and property of a State in the waters of a stream.

From the foregoing statement and citation of authorities, it is evident that the only use of the waters of a stream in which the United States has any property is its use for purposes of navigation. In the use of the stream for any other purpose the Federal Government has no property, and hence has nothing to sell or to exact compensation for.

The plan proposed by the President would deprive the States and the riparian owners of their rights in the use of the water of a navigable stream now vested in them by law, and would concentrate the entire disposal and control in the Federal Government, a power which neither the States nor the riparian owners can, with justice or safety, for a moment concede. But assuming for the sake of the argument that the Federal Government can lay a tribute in such cases as is proposed by the President, it can not be under the interstate-commerce clause of the Constitution, but must be under section 8, of article 1, which reads as follows:

"SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

Such a tribute must be either a direct tax or in the nature of an impost or excise tax. If a direct tax, it can not be levied directly by the Federal Government, but must be apportioned among the States, leaving each State to make the collection; and if an impost or excise tax, then it must be levied by the rule of uniformity upon every dam and water power in the United States not constructed directly or indirectly by the Federal Government. In other words, there must be a general excise law on the subject. The power of the Federal Government over the navigable streams of the country is no greater in the so-called "Western" or public-land States than in the New England States. If a tribute can be levied on a dam and water power in Minnesota or Colorado, it can be levied on a dam and water power in Maine or Massachusetts, for the power of the Federal Government over navigable streams is the same in the one case as in the other. In the case of Pollock *v.* Farmers' Loan and Trust Company (157 U. S., 557), the court states:

"Thus, in the matter of taxation, the Constitution recognizes the two great classes of direct and indirect taxes, and lays down two rules by which their imposition must be governed, namely, the rule of apportionment as to direct taxes and the rule of uniformity as to duties, imposts, and excises."

In the case of Thomas *v.* United States (192 U. S., 363), Chief Justice Fuller says:

"And these two classes, taxes so-called, and 'duties, imposts, and excises,' apparently embrace all forms of taxation contemplated by the Constitution. As was observed in Pollock *v.* Farmers' Loan and Trust Company (157 U. S., 429, 557): 'Although there have been from time to time intimations that there might be some tax which was not a direct tax nor included under the words "duties, imposts, and excises," such a tax for more than one hundred years of national existence has as yet remained undiscovered, notwithstanding the stress of particular circumstances has invited thorough investigation into sources of revenue. * * *'

"There is no occasion to attempt to confine the words 'duties, imposts, and excises' to the limits of precise definition. We think that they were used comprehensively to cover customs and excise duties imposed on importation, consumption, manufacture and sale of certain commodities, privileges, particular business transactions, vocations, occupations, and the like."

An act authorizing the construction of a dam is, so far the United States is concerned, a mere revocable license or privilege, and if a tax can be imposed on such a privilege it must be general and uniform throughout the United States. It must apply to all dams and water powers on navigable streams throughout the entire country.

Nearly all navigable streams in their upper and more remote courses are not, as a matter of fact, navigable, and in such reaches of the river dams can be erected and water powers created under State authority and State license, and so long as such dams and water powers do not materially injure or diminish the navigability of the stream in its navigable portions the Federal Government has no ground for interference. It has been customary, however, in many of such cases to apply to Congress for a Federal license, and the granting of it, while not necessary, serves a twofold purpose—first, that it authorizes the Federal Government, through the War Department, to control and direct the construction of the dam, and, second, that it recognizes the fact, which might otherwise require proof, that the dam will not affect the navigability of the stream in its navigable portions.

(Kansas *v.* Colorado, 206 U. S., 46.)
(United States *v.* Rio Grande Company, 174 U. S., 690).

And in such cases it is of as much advantage to the United States as to the grantee of the license to have Congressional action and recognition, but in such cases the Federal Government has nothing to sell and therefore has no moral or legal ground to demand compensation in any form.

For reasons above given the committee report the bill without the amendment recommended by the War Department.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 6640) authorizing appropriations for South Pass of the Mississippi River, or surveys thereon, to be used in dredging said river above the pass to secure 35 feet and

suitable width, reported it with an amendment and submitted a report (No. 586) thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4919) to correct the military record of Caleb J. Kizer, reported adversely thereon, and the bill was postponed indefinitely.

STANDARDS FOR MINERAL-OIL PRODUCTS.

Mr. DICK. I am directed by the Committee on Mines and Mining to report a resolution, which I ask may be printed and lie on the table.

The resolution was read and ordered to lie on the table, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate as to any plans now in progress for international standards for testing mineral-oil products, and as to what legislation is advisable to secure their adoption.

BILLS INTRODUCED.

Mr. STONE introduced a bill (S. 6904) for the relief of Capt. Edward Cahalan and the heirs of Milton C. Espey, Edmund P. Wilcox, and Hampton L. Lee, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 6905) for the relief of the heirs of William A. Griffin, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. SMITH of Maryland introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6906) for the relief of the estate of Zachariah Claggett;

A bill (S. 6907) for the relief of St. John's College, of Annapolis, Md.; and

A bill (S. 6908) for the relief of the estate of R. W. Isaac.

Mr. CLAPP introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6909) to authorize and empower the Court of Claims to hear, determine, and adjudicate the claim of the Pillager band of Chippewa Indians, of Minnesota, for balance of compensation for lands ceded to the United States by treaty concluded with them August 21, 1847; and

A bill (S. 6910) for the relief of H. M. Carpenter.

Mr. TELLER introduced a bill (S. 6911) granting an increase of pension to Thomas Davidson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORE introduced a bill (S. 6912) providing that all contributions hereafter made to political committees engaged in promoting the election of Representatives or Delegates to the Congress of the United States or of Presidential electors at any election at which such Representatives or Delegates shall be voted for shall be reported by such committees to the Clerk of the House of Representatives of the Congress of the United States, and for other purposes, which was read twice by its title and referred to the Committee on Privileges and Elections.

Mr. SMITH of Michigan. At the request of certain labor organizations of the State of Michigan, I introduce a bill, which I ask may be read twice by its title and referred to the Committee on the Judiciary.

The bill (S. 6913) to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against any unlawful restraints and monopolies," was read twice by its title and referred to the Committee on the Judiciary.

Mr. CARTER (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6914) for the relief of Newton C. Adams; and

A bill (S. 6915) for the relief of Simeon C. Aldrich and others.

Mr. FLINT introduced a bill (S. 6916) to increase the limit of cost of the public building at Los Angeles, Cal., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

AMENDMENT TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. McCREARY submitted an amendment proposing to appropriate $20,000 for the payment of claims for property taken from Confederate officers and soldiers after surrender, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. FRYE (for Mr. HALE) submitted an amendment intended to be proposed to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—LUCY FLORETTE NICHOLS.

On motion of Mr. LODGE, it was—

Ordered, That there be withdrawn from the files of the Senate all papers relative to the bill (S. 5081) granting a pension to Lucy Florette Nichols, Fifty-ninth Congress, first session, there having been no adverse report thereon.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. LODGE. Mr. President, I wish to state that the Senator from Missouri [Mr. WARNER] sent me word that he hopes to be able to continue his speech on Tuesday next, and if he should not be able to go on at that time he would ask me or some other Senator to read his speech for him, so that there might be no further delay about its appearance in the RECORD.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. MARTIN as the conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts:

On April 28, 1908:

S. 6028. An act to provide for safety of life on navigable waters during regattas or marine parades.

On April 29, 1908:

S. 5262. An act to repeal an act approved April 30, 1906, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business is closed.

Mr. WARREN. I ask the Senate to take up House bill 19158, the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. WARREN. I ask that the formal reading of the bill may be dispensed with and that it may be read for action on amendments, the committee amendments to be first considered.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Agriculture and Forestry was, on page 1, line 12, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand," so as to read:

One solicitor, $4,000.

Mr. SUTHERLAND. I move to amend the committee amendment by inserting after the word "thousand," in line 12, the words "five hundred."

The VICE-PRESIDENT. The Senator from Utah proposes an amendment to the amendment of the committee, which will be stated.

The SECRETARY. Amend the committee amendment in line 12, by inserting after the words "four thousand" the words "five hundred," so as to read:

One solicitor, $4,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was on page 2, line 1, after the word "dollars," to insert "and $500 additional as custodian of buildings," so as to read:

Chief clerk, $2,500, and $500 additional as custodian of buildings.

And so forth.

The amendment was agreed to.

Mr. TELLER. I should like to know (it is difficult to tell because the noise in the Chamber is so great), what method is being pursued in reading the bill?

Mr. WARREN. I asked that the usual method might be pursued, dispensing with the formal reading of the bill, but reading the bill for amendments and acting first upon the committee amendments.

Mr. TELLER. There are amendments here that I do not want to be agreed to informally. I do not know that I object to the reading of the bill in that way, with the understanding that we can go back to the amendments and object to them and offer amendments to them as if they had not been adopted.

Mr. WARREN. If the Senator wishes it, of course I shall not object to having the bill read formally. All these matters will remain unsettled during consideration of the bill. I assume that naturally they will be open to amendment in the Senate.

Mr. TELLER. I do not want to wait until they are open to amendment in the Senate. I think I understand what the rule is. Here is a bill carrying a large amount of money. I am not half so much concerned about the money as I am about the establishment of certain principles sought to be established in the bill. I desire to have the bill read and to have it open to amendment and to objection.

It has been the custom to read the bill and adopt the amendments that come from the committee unless there is objection to them. That is the way the appropriation bills are generally read here, and it is impossible for a Senator, unless he is on the qui vive all the time, to prevent the Chair from declaring an amendment adopted, and there is no opportunity for a Senator to be heard.

Mr. President, the bill should be read in an orderly manner. I think the text of the bill ought to be read. I do not believe in the clerks skipping from one page to another and from one amendment to another. It may be that it will take some little time to do it, but our experience here, I think, will justify me in saying that we ought to read these bills with more care, and the Senate ought to give more attention to the character of these appropriations than they have been in the habit of doing.

Mr. President, the bill can be read as I think it ought to be read, and I am going to attempt to make some objections when I have an opportunity. I do not intend that all the amendments shall be adopted pro forma and then be told that I may have the privilege, when the bill gets into the Senate, of attacking them. I am going to attack them while the bill is in Committee of the Whole.

Mr. WARREN. If the Senator will permit me, as I understand it, under the request he has made the bill will be carefully read, every word of it, and the amendments of the committee, as we come to them, will be agreed to or disagreed to, and they will be open, of course, for discussion. Now, in view of that, does the Senator wish to go through a formal reading of the bill and then have it read the second time?

Mr. TELLER. If the Senator is correct and the bill is to be read, every word of it, it will be an innovation in the method of reading appropriation bills. But if that can be done I will take my chances on following the bill.

Mr. WARREN. I ask that it may be so read. Of course it may be done.

The VICE-PRESIDENT. The Secretary will read the bill in accordance with the request of the Senator from Wyoming.

Mr. TELLER. The bill is to be read, every line of it is to be read, and every word of it is to be read.

The VICE-PRESIDENT. That is the rule. The Secretary will conform to it. The Secretary will begin at the beginning of the bill.

The Secretary again proceeded to read the bill. The first amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," on page 1, line 12, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand," so as to read:

Office of the Secretary: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; one solicitor, $4,000.

Mr. SUTHERLAND. I offered an amendment to the amendment when it was read before, and I understand that it was adopted. If I am incorrect about that I desire to offer it again.

The VICE-PRESIDENT. The Senator from Utah can again move his amendment to the amendment.

Mr. SUTHERLAND. On line 12, after the words "four thousand," I move to insert the words "five hundred," so as to read:

One solicitor, $4,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was on page 2, line 1, after the word "dollars," to insert "and $500 addition as custodian of buildings," so as to read:

Chief clerk, $2,500, and $500 additional as custodian of buildings.

The next amendment was, in the item for the office of the secretary, on page 2, line 18, after the word "dollars," to insert "one assistant engineer, $1,400," and in line 20, before the word "assistant," to strike out "three" and insert "two," so as to read:

One chief engineer, who shall be captain of the watch, $1,600; one assistant engineer, $1,400; two assistant engineers at $1,000 each.

The amendment was agreed to.

The next amendment was, in the item for the office of the Secretary, on page 3, line 18, before the word "emergency," to strike out the comma and insert "and," and in the same line, after the word "employments," to strike out "and pay of rents," so as to read:

Five charwomen, at $240 each; for extra laborers and emergency employments, $7,600.

The amendment was agreed to.

The next amendment was, on page 3, line 20, to increase the total appropriation for the office of the Secretary of Agriculture from $131,500 to $132,900.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from Wyoming. Should not the total be changed, $500 having been added by the amendment of the Senator from Utah to the amendment of the committee?

Mr. WARREN. I ask that the Secretary may correct the totals whenever changes should be made as we go along with the bill.

The VICE-PRESIDENT. If there is no objection, it is so ordered. The Chair hears no objection.

The next amendment was, under the head of "Weather Bureau," on page 6, line 5, after the word "Bermuda," to insert "not to exceed $2,000, to be immediately available for the pay of observers and other employees engaged in evaporation investigations," so as to make the clause read:

Salaries, station employees, Weather Bureau: Professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, for duty in the District of Columbia or elsewhere in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, not to exceed $2,000, to be immediately available for the pay of observers and other employees engaged in evaporation investigations, $586,750.

Mr. WARREN. I ask that the item in italics, in lines 5, 6, and 7, be disagreed to. I shall offer it in another form.

The amendment was rejected.

Mr. WARREN. For the committee I offer the following amendment. On page 6, at the end of line 8, after the word "dollars," I move to strike out the period and insert a comma and the following:

Of which sum not to exceed $2,000 shall be immediately available for the pay of observers and other employees engaged in evaporation investigations.

The amendment was agreed to.

Mr. TELLER. Do I understand that the Senator proposes to drop out the item in lines 5, 6, and 7?

Mr. WARREN. It is proposed in a different form so as to pass the Auditor, who has some doubt about the form in which it was first presented. It is merely a change, cutting out the amendment and adding another in place of it.

Mr. TELLER. As I understood the Secretary to read it, it would be left in. I do not know whether that is correct or not.

Mr. WARREN. Let the Secretary read from line 4 as it now stands.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. On page 6, beginning with line 4, the bill reads:

In the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, $586,750, of which sum not to exceed $2,000 shall be immediately available for the pay of observers and other employees engaged in evaporation investigations.

The VICE-PRESIDENT. The reading of the bill will be proceeded with.

The next amendment of the Committee on Agriculture and Forestry was, on page 6, line 11, before the word "equipment," to insert "establishment," so as to read:

General expenses, Weather Bureau: Every expenditure requisite for and incident to the establishment, equipment, and maintenance of meteorological observation stations in the United States, in the West Indies or on adjacent coasts, and in Bermuda.

The amendment was agreed to.

The next amendment was, in the item for general expenses, Weather Bureau, on page 7, line 7, before the word "thousand," to strike out "forty-five" and insert "one hundred and twenty;" in the same line, after the word "dollars," to strike out the period and the word "For" and insert a semicolon and "for"; and in line 15, after the word "climatology," to insert "and evaporation, including the erection of temporary buildings for

living quarters for observers engaged in evaporation work;" and in line 19, after the word "crop," to strike out "evaporation," so as to read:

For the acquisition of sites and the erection of buildings for the use of the Weather Bureau, and for all necessary labor, materials, and expenses, plans, and specifications to be prepared by the Secretary of Agriculture, and the work done under the supervision of the Chief of the Weather Bureau, not to exceed $120,000; for the reestablishment of the Weather Bureau Station at Pikes Peak, Colorado, not to exceed $5,000; for rents of offices; for official traveling expenses; for freight and express charges; for telegraphing, telephoning, or cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the service; for maintenance and repair of Weather Bureau telegraph, telephone, and cable lines; for investigations on climatology and evaporation, including the erection of temporary buildings for living quarters for observers engaged in evaporation work; for river, rain, snow, ice, crop, and aerial observations and reports.

The amendment was agreed to.

The next amendment was, in the item for general expenses, Weather Bureau, on page 7, line 23, before the word "thousand," to strike out "eighteen" and insert "thirty," so as to read:

For storm, hurricane, and other observations, warnings, and reports; including pay of special observers and display men, none of whom shall receive more than $25 per month; and including not to exceed $30,000 for the maintenance of a printing office in the city of Washington.

The amendment was agreed to.

The next amendment was, on page 8, line 5, after the word "necessary," to insert "not to exceed $10,000 to be immediately available for evaporation investigations," so as to read:

Including the purchase of necessary supplies and materials for printing weather maps, bulletins, circulars, forms, monthly reviews, and other publications, and for pay of assistant foremen, proof readers, compositors, pressmen, lithographers, and folders and feeders, when necessary; not to exceed $10,000 to be immediately available for evaporation investigations.

Mr. WARREN. I ask that this amendment, the two lines in italics, be disagreed to.

The amendment was rejected.

Mr. TELLER. Mr. President——

Mr. WARREN. I have another amendment to offer in its place. Possibly I should offer the amendment which is to take the place of it before the Senator proceeds.

Mr. TELLER. I wanted to make an inquiry of the acting chairman of the committee. It is whether the Department of Agriculture is maintaining a publication office which is engaged in printing as well as the general Government Printing Office?

Mr. WARREN. It does for the printing of maps, charts, and plats that are particularly applicable to Weather Bureau business, the same as the War Department does in the printing of certain forms, orders, etc.

Mr. TELLER. What is the amendment the Senator offers?

Mr. WARREN. I will ask that the amendment may be read and then it will be before the Senate. It is simply to change the form so as to pass the Auditor.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. After the word "dollars," in line 8, strike out the period and insert a comma and the following words:

Of which sum not to exceed $10,000 shall be immediately available for evaporation investigations.

Mr. WARREN. That is the same matter that we had up before, and it is only to provide that it may be audited exactly as we intend it should be. It makes that much of the amount immediately available for immediate use, and only that much.

The amendment was agreed to.

The next amendment was, on page 8, line 10, to increase the total for Weather Bureau from $1,602,260 to $1,677,260.

The amendment was agreed to.

Mr. CULBERSON. I was called out of the Chamber when the amendments on pages 6 and 7 were adopted. I notice that the word "establishment," in line 10, on page 6, was added, and the appropriation on page 7 is increased from $45,000 to $120,000.

Mr. WARREN. I will say that there is no connection whatever between the two. The matter is this: The establishment of a weather station does not carry with it, necessarily, the building, or the erection of a building, but there are one or two points where it is desired to establish stations of the Weather Bureau. The provision on page 7 is to provide for certain buildings in certain places to be designated by the Secretary of Agriculture. Those already built cost $15,000 apiece. On the House side, on points of order, some six or eight—I have forgotten how many—put in by name, were stricken out, and the amount was cut down to $45,000. The Senate committee has raised it to $120,000, which will provide for as many stations as 15,000 will be contained in 120,000—that is, eight stations, instead of three. In other words, the amendment on page 7 permits them to build eight stations instead of three.

The word "establishment," on the other page, means an entirely different thing—that is, that they may establish a weather station at one or two points where they desire to do so. They are not yet established.

Mr. TELLER. Where will they be established?

Mr. WARREN. I do not know that I have the names of the proposed points here, but they have the authority to establish stations under existing law. It has always been in the legislation heretofore. It was dropped out of this bill by error, and we wish to correct it.

Mr. CULBERSON. I will ask the Senator from Wyoming where is the item of increased expense for the establishment of new stations if the item on page 7 has no application to it?

Mr. WARREN. The amendment on page 8, I will say to the Senator, raises the total amount from $792,000 to $867,000.

Mr. CULBERSON. The total increase being how much?

Mr. WARREN. Seventy-five thousand dollars.

Mr. CULBERSON. Are we to understand that the $75,000 is for the establishment of new stations?

Mr. WARREN. Seventy-five thousand dollars is the addition, so that they may have a sufficient sum to erect the eight stations they expect to build. The establishment of new stations is provided for, so far as money is concerned, under the main appropriation or lump sum for the Bureau. It does not cost a great deal of money, but the word "establishment," which by error was left out, should be there in order to establish them.

Mr. TELLER obtained the floor.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. TELLER. Certainly.

Mr. SMITH of Michigan. I was going to ask the Senator from Wyoming a question regarding these stations. The bill provides, as I understand, a lump sum.

Mr. WARREN. Yes.

Mr. SMITH of Michigan. For the establishment of stations and the erection of buildings?

Mr. WARREN. There are two different things. The establishment of a station is not necessarily connected with the erection of a building.

Mr. SMITH of Michigan. Is there an item providing for the erection of buildings?

Mr. WARREN. Yes; the item of $120,000.

Mr. SMITH of Michigan. Does that cover the number of the buildings that were provided in the bill passed by the House?

Mr. WARREN. It covers one more than the number provided in the original House bill and five more than were in the bill as it came to the Senate.

Mr. SMITH of Michigan. And leaves the location in the discretion of the Department?

Mr. WARREN. Entirely so.

Mr. TELLER. It occurs to me from reading the bill that none of these establishments are in the United States. Is that the idea?

Mr. WARREN. The idea is to establish them in the United States, but temporary or hurricane stations may be established in the West Indies or at other points where they have been in the habit of establishing them, or where such stations may be deemed necessary.

Mr. TELLER. I think that is correct. You give the Department the option?

Mr. WARREN. They always have had it.

Mr. TELLER. How many Weather Bureau establishments have we outside of the United States?

Mr. WARREN. I am unable to state without referring to the report from the Weather Bureau. The Senator can find that in the report of the Weather Bureau. I will undertake to get it later.

Mr. TELLER. I shall have to go without that information then.

Mr. WARREN. The Senator will understand that it is rather hard for one man to carry in his mind all the stations in the United States and all the countries outside where we have stations of the Weather Bureau.

Mr. TELLER. The man has never lived who can keep up with the Agriculture Department and the Weather Bureau and the Forest Reserve Service so as to have any idea as to what is going on. I think it would take half a dozen men to do that if each man devoted his time to a part of the subject. I did not think the acting chairman ought to be able to give me the information as to what this Department or this Bureau is doing.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The reading of the bill was continued.

The next amendment was, under the head of "Bureau of Animal Industry," on page 10, line 23, after the word "necessary," to strike out the following proviso:

Provided also, That the Secretary of Agriculture is authorized to expend not to exceed $5,000 of the amount hereby appropriated to especially investigate hemorrhagic septicæmia, infectious cerebro-spinal meningitis, and malignant catarrh, prevalent among domestic animals in the State of Minnesota and adjoining States, to work out, if possible, in cooperation with the Minnesota Experiment Station, the problem of prevention by developing antitoxin or preventive vaccines and to secure and diffuse information along these lines.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," on page 14, line 17, after the word "methods," to strike out "to combat" and insert "of meeting the ravages of;" and in line 18, after the word "weevil," to insert "not to exceed $10,000, to be immediately available," so as to read:

General expenses, Bureau of Plant Industry: To investigate fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, in cooperation with other branches of the Department, the State experiment stations, and practical farmers; to continue the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, not to exceed $10,000, to be immediately available; to study plant and orchard diseases and demonstrate the treatment of same, etc.

Mr. MONEY. I want now to call the attention of the Senator from Wyoming [Mr. WARREN] to the fact that at this point the bill is incorrectly printed.

Mr. WARREN. I was about to move a disagreement to that amendment, and to move to insert it in a different form in another place.

Mr. MONEY. Why not correct the phraseology right here, where it ought to be corrected, if the Senator will allow me? Why not allow the Secretary to now correctly report the amendment. The committee simply concluded the consideration of the bill at the meeting on last Saturday; it did not have time to get the disjecta membra together, and when it was put together for the printer it was incorrectly phrased. I ask the Secretary to read the amendment as I have prepared it, which I think makes it exactly right.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. MONEY. The provision will be correct as I propose to amend it.

The SECRETARY. After the words "boll weevil," on page 14, line 18, it is proposed to strike out the words "not to exceed;" and after the word "dollars," in line 19, to insert the words "of which shall," so as to read:

"Ravages of the cotton boll weevil, $10,000, of which shall be immediately available.

Mr. WARREN. Will the Senator allow me to have read the words which I propose to have inserted?

Mr. MONEY. That is incorrect. I did not wish my amendment to read in the way it has been stated from the desk.

Mr. WARREN. Will the Senator allow to be read an amendment which has been prepared by the Department, and submitted to its legal authority, so as to put this matter in proper shape?

Mr. MONEY. My amendment has not been framed in the way I directed it to be.

The VICE-PRESIDENT. Without objection, the Secretary will read the amendment proposed by the Senator from Wyoming [Mr. WARREN].

Mr. WARREN. I will say that, if this amendment should be adopted, we strike out the one that was put in here on lines 18 and 19, and this goes in in another place.

Mr. MONEY. I should like to have the Secretary read it now.

Mr. WARREN. That is the second amendment there.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. TELLER. Is it on page 18?

Mr. WARREN. That is where we insert it, at the end of the paragraph.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 18, line 15, after the word "dollars," it is proposed to strike out the period, to insert a comma, and the following words, "of which sum not to exceed $10,000 shall be immediately available for cotton boll weevil work."

Mr. MONEY. No; that is not correct. What the committee adopted was the sum of $300,000 for that work, of which sum ten thousand was made immediately available for work in Oklahoma. We put that in at the instance of the Senator from Oklahoma [Mr. GORE], as the Senator from Wyoming [Mr. WARREN] will recollect, and we agreed to it.

Mr. WARREN. That is precisely what this amendment does. We decided then that we would not insert the name Oklahoma upon the assurance of the Secretary of Agriculture, who was present, that this money should be exclusively used there for that particular purpose.

Mr. MONEY. That is the understanding?

Mr. WARREN. The idea is to have this qualifying clause come in after the appropriation, rather than before it. That is the reason of the correction which I now offer; and this correction will meet the view of the Senator from Mississippi entirely. It will be, that out of the $300,000 the sum of $10,000 shall be immediately available for this work in Oklahoma.

Mr. MONEY. That is all the Senator from Oklahoma wanted.

Mr. TELLER. As I understand, lines 17 and 18, on page 14, are to be amended.

Mr. WARREN. The second amendment will be stricken out, on lines 18 and 19, and the amendment on lines 17 and 18 will be agreed to, because it is a mere change of language. Instead of having it read "to combat," as it came from the House, we put it, "of meeting the ravages of."

The VICE-PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 14, line 17, after the word "methods," it is proposed to strike out the words "to combat" and to insert the words "of meeting the ravages of," so as to read: "To continue the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil," and to disagree to the committee amendment after the words "boll weevil," in line 18, inserting the words "not to exceed $10,000, to be immediately available."

Mr. WARREN. That is correct.

The VICE-PRESIDENT. In the absence of objection, the first amendment of the committee, on page 14, lines 17 and 18, will be agreed to and the second amendment, in lines 18 and 19, will be rejected.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 15, line 8, before the word "water," to insert "farm," so as to read:

To study and find methods for preventing algal and other contaminations of farm water supplies; to carry on special investigations of the conditions of grain production, handling, grading, and transit, and of the means of improving the same.

The amendment was agreed to.

The next amendment was, on page 17, line 25, after the word "grades," to insert "such grades when so fixed to become the official standards for the grading of grain," so as to make the clause read:

To enable the Secretary of Agriculture to establish and maintain, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments, from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, such grades when so fixed to become the official standards for the grading of grain, and also for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into foreign commerce.

Mr. NELSON. I make the point of order against that paragraph that it is general legislation. It is general legislation of the most flagrant character. It provides for the establishment of official grades of grain by the Government.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken.

Mr. BURKETT. I hope the Senator will withhold his point of order for just a moment.

Mr. NELSON. I will withhold it.

The VICE-PRESIDENT. The point of order is withdrawn.

Mr. BURKETT. I doubt, Mr. President, if that amendment is subject to the point of order if taken in connection with the previous part of this section, and I do not believe that the Senator will care to have it go out if he understands the limitations of what it is calculated to do. I will say to the Senator that, as the section already provides, the Government does now have a certain number of these laboratories for the purpose of examining and reporting upon the nature, the quality, and the conditions of the samples of grain that are sent in. After they have done that they are through; they have done all the work, and yet have not announced the result. The object of these words is to enable the Department to declare what is an official standard for the grading of grain.

I want to say to the Senator that the amendment does not contemplate general grain inspection, as is contemplated by another bill—a general inspection bill—that is pending before the Committee on Agriculture and Forestry. The only object of this amendment is, after they have made this inspection in

these laboratories, as the law now provides, that they shall promulgate that as the standard of grain. I trust the Senator will withdraw his point of order.

Mr. McCUMBER. Mr. President, with the permission of the Senator from Minnesota [Mr. NELSON] I desire to say that there is a bill now pending before the Committee on Agriculture and Forestry upon which many hearings have been had, and the general question of national grain grading and inspection has been gone into very thoroughly. That bill is complete in itself. It not only grants power to the Secretary of Agriculture to inspect and grade grain, but puts the machinery into his hands for doing that business. The House committee and the Senate committee combined seem to have made an attempt to reach part way along this line by this character of amendment.

I do not see that anything possible can be gained by the amendment, even if it were a lawful amendment. It simply provides that the Secretary may designate certain grades as national grades, but it goes no further than that. It does not fix the grading of grain generally; it gives the Secretary of Agriculture or the Department of Agriculture the control over none of the grain grading at all; but simply provides that he may take a sample which he may examine, and he will call that sample which he examines "the United States standard" and give it a certain grade without any provision for reaching the grain back in the interior of the country or of enforcing that grade in any of the great grain markets of the United States.

Mr. BURKETT. Mr. President, I submit that it does more than that and that the good effect of it is more than suggested. The Senator from North Dakota has introduced a bill, as he suggests, and the Committee on Agriculture and Forestry have had a good many hearings on that bill. We have spent several days very recently in hearings on that bill. That bill, though, goes a good deal further than this amendment proposes. That bill provides for a system of inspectors by which all the grain in the great central markets shall be inspected by a Government inspector. This amendment does not add an inspector or a dollar of cost to the work that the Government is already doing.

One of the difficulties that developed in the hearing of the Senator's bill was that we were being handicapped in foreign markets by the fact that when grain of a certain grade was sold and shipped to Europe it did not mean much of anything, and the buyer could not rely on the grading. For instance, the grain might be sold as No. 2 wheat or No. 2 corn, but that does not mean anything particularly, because there is no universal standard in America. Minneapolis has its own standard; Illinois may have a standard; each grain center may have a standard. In some places it is controlled by State regulation, and in some places there is no regulation whatsoever. The difficulty is that when grain is shipped abroad and is bought as grain of a certain number, the buyer can not tell what he is going to get because, as I have said, there is no established standard in America.

The Agricultural Department has investigated this matter very thoroughly. I have here a report setting forth some of the conditions that handicap our exportation. One of our foreign consuls goes so far as to say that where we used to ship practically all the corn, to-day our competitors are shipping 80 per cent of it, which has been brought about because there is no standard in the United States and they can not tell what they are buying.

The object of this amendment, I will say to the Senator from North Dakota, is not to go so far as the bill which he has introduced and which he is championing—and, by the way, if we could get that as a law it would be much better even than this—but this simply provides that when these laboratories at Baltimore and New York and Minneapolis and at several other places—six or seven, I think, where the Government now has such laboratories—have inspected this grain and determined what the standard shall be, then that shall be announced as the United States standard, just the same as 3 feet constitute a yard, or so many feet a mile.

We passed a law here the other day providing, in the District of Columbia, how many cubic feet there must be in a cord of wood. That did not hurt or harm anybody, but it made a basis on which people could sell and buy wood and always know how many cubic feet they were getting for a cord. That is all, I submit to the Senator from North Dakota, that this amendment will do.

That is all it is intended to do. It does not add a penny of expense to the Government, but it does establish a standard of grain. It fixes how much of moisture a bushel of wheat or a bushel of corn may have in it, beyond which it must not have, to be No. 2 or No. 3, or whatever the case may be; how much of dirt; how much of cracked grains; how much of foreign substances; in short, it says how much of such matter a bushel of No. 2 wheat or No. 2 corn, or No. 3 corn, may have after this inspection has been made, and makes that the standard; so that when we export it foreign buyers can tell just exactly what they should get. It will be a great help, as the Secretary of Agriculture has demonstrated in this report—and I have not time to read it, and do not want to take the time of the Senate to do so—but the adoption of the amendment will help in our foreign markets.

Mr. TELLER. I should like to ask the Senator from Nebraska what would be the result where a State has a standard? Some of the States certainly have standards of grain.

Mr. BURKETT. Yes; there are some, I think. I have a list here. Illinois and Missouri and Minnesota, and perhaps one or two others, have State inspection.

Mr. TELLER. The Dakotas, I think, have.

Mr. BURKETT. Of course this would not affect anybody. You could not make anybody conform to this standard. If the Senator wished to buy grain on some other standard than the Government standard, he could buy it on the Minneapolis standard or any other standard that he wanted to buy it; but the thing is to have a standard by which a foreign buyer can buy "United States standard No. 2" and will know what he has a right to expect. That is the object of the amendment.

Mr. TELLER. Suppose the United States standard and the State standards differ, what would happen then?

Mr. BURKETT. There would not anything happen.

Mr. TELLER. Would it not affect the right of a State to have its general standard?

Mr. BURKETT. It does not affect the right of a State in the slightest. It has nothing to do with the right of a State.

Mr. TELLER. Possibly it would not; but I am surprised that there is not something of that kind in the bill, so that the States shall not fix the standard. It certainly will be an anomaly to have the State make one standard and the General Government another. I suppose the friends of this measure expect to force the States to accept the national standard, whatever that may be.

Mr. BURKETT. They would necessarily do it.

Mr. TELLER. It is a matter which, it seems to me, belongs to the States, and I think the grain-growing States can take care of it.

Mr. BURKETT. The facts are, I will say to the Senator, that the Secretary of Agriculture reports here that there is that difficulty which has grown out of this. They have not been able to take care of it. For instance, a purchaser in a foreign market buys a million bushels of No. 2 corn. There is now no standard. It may be No. 2 by one market, by one standard, and not No. 2 by another. This is to make a standard, so that when wheat or corn is sold abroad for No. 2, Government standard, the shipper will know exactly what he has to furnish, and the man at the other end will know what he is to receive, and there will not be this conflict.

Mr. TELLER. I do not suppose any foreign purchaser will be obliged to take either standard, either State or national. What the standard is will be determined where they sell the goods in Europe, or wherever it may be.

Mr. BURKETT. The result is that not knowing what standard applies when they buy No. 2, they do not know what they will get, and that fact has affected our sales abroad, and that is the object of making a uniform standard.

I will not quote, but I will say that in this report the Secretary of Agriculture speaks of the fact that the method of selling grain on certificate, both in domestic and foreign trade, is extremely desirable. Now, as a matter of fact, this thing his gone so far and to such limits that grain can not be sold on certificates, and it must be sold on samples, and moreover, as one consul reports, where grain has gone from here over there, and by something occurring on the route has been damaged, the purchaser insists on testing it after it reaches the foreign destination, to the detriment of the shipper.

Mr. TELLER. Does the Senator suppose that any man who imports grain which is injured on the road is going to accept the certificate made before the grain started? Of course it will depend upon what the condition of the grain is when it reaches there, and no certificate given by the shipper can bind the man who is to receive the grain.

Mr. WARREN. Will the Senator from Nebraska yield to me for a moment?

Mr. BURKETT. Certainly.

Mr. WARREN. Of course the discussion on this point should not proceed too long, and, although I have no desire to cut it off, I hope we will not go into the question of the grain inspection

hearings and all the arguments which for some months we have been considering. I hope the Senator from Nebraska will condense the discussion as much as possible.

Mr. BURKETT. I have tried to avoid going into the general-inspection scheme. I have endeavored to show the Senate, and especially the Senator from North Dakota, that this is not a general inspection scheme. It is only to take what is already established and to say, when that is done, it shall be the standard.

Mr. McCUMBER. Mr. President, I wish first to answer the objections of the Senator from Colorado [Mr. TELLER] and to say that if this did establish a Federal inspection, there would be no State inspection certificates which would be accepted anywhere for the exportation of grain, because the foreign demand is universal for such a certificate as they can depend upon. I say frankly that nearly all the grain shipped from the United States to-day to foreign ports does not measure up to the standard fixed by even the State inspection, and there is no confidence in foreign markets in certification from the United States.

If this was effective, it might have some such result as is hoped for by the Senator from Nebraska [Mr. BURKETT], but he will find upon reading it that it does not fix any standard for anything except the samples which the Secretary of Agriculture may examine. I call his attention to the wording of the paragraph. It says:

> And the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments from time to time—

Report to whom? Simply to "report upon." In other words, he reports to himself upon them. He makes examinations of the grain in his laboratory here and elsewhere in the country and determines the character of the grain, and he reports. To whom? To nobody who can enforce his recommendations.

> And the reports so made shall serve as a basis for the fixing of definite grades.

Reports made on what and to whom? Reports made upon samples and made to himself. He fixes the grade, then, of these samples which he examines through his laboratories. How does he enforce them? There is no method whatever of enforcing them. The provision that is added here does not even affect the following provision, which is—

> And also for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into foreign commerce.

If what the Senator desires is that we shall have United States grades for the grain that is exported, then the bill ought to say that the certificates shall be based upon United States grades, which shall be fixed by the Secretary of Agriculture; and if that were done, there is not a single foreign buyer, as we could easily show to the Senator from Colorado if we could get before him the results of the investigations, who would buy anything but the United States grades.

I want to say further to the Senator from Colorado that under our present system all the exports of grain are made upon certificates on this side of the ocean, and the purchaser is compelled to accept the certificate or the certification of the grain before it enters into transit. Therefore he has absolutely no remedy if there is any kind of fraud perpetrated upon him or if the grain does not measure up to the standard of certification.

So I agree with the Senator that at least the provision of this amendment does not in any way assist the Secretary of Agriculture in making a standard for the export of grain.

Mr. TELLER. Mr. President, I understand under this provision the Secretary would take a sample of grain, and he would determine how much moisture there was in it, and what should be the amount in it; and when he found that he could say that that was the standard, and everybody would have to conform to it. If a man wanted to ship a shipload of corn or wheat to Europe, he would be required to furnish it up to that standard. If it did not come up to that standard, of course the purchasers would have their remedy against him. If they thought it was up to the proper standard, they would buy it. I presume likely it would supersede the State authority. Undoubtedly it would.

Mr. McCUMBER. It would undoubtedly in time supersede both the State authority and the authority of the several boards of trade.

The way the Secretary of Agriculture or the Department of Agriculture would arrive at a standard is this: They would take grains from any of the sections of the country. We will say there are eight great species of grain raised. We will take our Northern grain, for instance, and if he wishes to have a No. 2 Northern United States grade, the Secretary will say what the weight must be per bushel, the coloring, and the amount of moisture, and the species of grain that enter into it, and determine that that shall be No. 2, and something else shall be No. 3. The foreign purchaser would purchase upon that certificate, in which he would have confidence.

But without taking any more time, I insist that the amendment, as it is inserted here, will not certify a United States grade upon the export from this country, and without further machinery for carrying it into effect I can not imagine how it can be enforced or made effective.

Mr. NELSON. Mr. President, I have no desire to take up the time of the Senate for more than a moment. We have in the different grain States grades of grain and inspection of grain. The effect of this amendment would be to create a national official grade of grain. It is an innovation and an entire change of our system, and to that extent it is general legislation and ought to go out of the bill.

The VICE-PRESIDENT. The Chair is of opinion that the amendment proposes general legislation, and is therefore in contravention of the provision of Rule XVI. The Chair sustains the point of order.

Mr. WARREN. The Senator from Colorado [Mr. TELLER] made a very pertinent inquiry a short time since, but I did not then have the information. I now have it. A moment after making my statement I knew I had been in error about our having permanent stations in foreign lands as such. We collaborate with other governments and work with them. We also have stations in our possessions outside of the United States proper. With its permission, where a foreign government has not a station of its own we can establish one.

I understand that the present plan is to establish one, perhaps, in Bermuda for the purpose indicated, and one or more on the Southern coast. The stations we now have are 206 in the United States proper, also one at Honolulu, and one at San Juan, Porto Rico. We also have one at Turks Island.

I desire the attention of the Senate for a moment to something that comes in properly at this point. We are on line 4, page 18?

The VICE-PRESIDENT. That is correct.

Mr. WARREN. I have received here at my desk, since calling up this bill, a communication from the Secretary of Agriculture, bearing date to-day, April 30, to the chairman of the committee, the Senator from North Dakota [Mr. HANSBROUGH], and also a copy of a letter from that Senator to the Secretary, of date yesterday, accompanied by an exhibit of screenings, and so forth, showing the great percentage of weed seed in the grain seed. The Secretary submits to the committee two amendments, one very short and the other one of considerable length. They are alternative, and it will require the adoption of but one. Since they comprehend legislation, I want to ask that the letters and the amendments be printed in the RECORD, so that Senators may look at them before we shall consider the question. I have no doubt we shall be compelled to go into another day before we finish the bill, and I will ask to take up the matter when we next have the bill up, to-morrow.

The VICE-PRESIDENT. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

APRIL 29, 1908.

Hon. JAMES WILSON,
Secretary of Agriculture, Washington, D. C.

MY DEAR MR. SECRETARY: I am in receipt of a letter from a friend at Port Arthur, Ontario, in which he says:

"Under separate cover I am sending you sample of screenings which may interest you. These foul seeds are being shipped from here to the United States by car and boat loads. It strikes me as being rather strange that this vicious stuff can be dumped into your country while the laws of the western provinces of Manitoba, Saskatchewan, and Alberta compel destruction by burning at interior cleaning elevators. Reshipment from terminal elevators to these provinces is absolutely prohibited. Some time ago a shipment was made to the eastern part of this province. It raised such a furore that the traffic is likely to receive a rude shock by drastic legislation. Don't believe I am overestimating when I say that fully 10,000 tons will have been shipped from Canadian head of the Lakes to the United States during twelve months when a consignment of about 3,000 tons awaiting shipment on the opening of navigation is included. As you are probably aware, this stuff goes into your country under an ad valorem of 10 per cent, and costs here from $6 to $7 per ton, though somewhat higher prices were paid for the output of one elevator last fall. Bulk of shipments here by boat have gone to Chicago and Duluth; by rail to Minneapolis and St. Paul, to be reshipped to feed lots in Minnesota, Iowa, Illinois, and other States.

"As you know, there has been an immense amount of feed wheat in this country this year, and from prices paid for screenings (?) I am inclined to the belief that not a little of it has found its way to Minneapolis and St. Paul, though I can not speak positively as to this nor cite specific instances. But the viciousness of the traffic I know will interest you, aside from the possibility of its being an avenue through which other grains reach your market under 10 per cent clause."

I am sending you samples of screenings referred to by my correspondent, and I shall be glad if you will have the matter inquired into and advise me if in your opinion anything can be done to prevent the evil complained of.

Sincerely, yours, H. C. HANSBROUGH.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., April 30, 1908.

Hon. H. C. HANSBROUGH,
United States Senate, Washington, D. C.

DEAR SENATOR HANSBROUGH: I am in receipt of your letter of April 29, with the sample of screenings referred to by your correspondent from Port Arthur, Ontario.

We agree fully with what your correspondent says, and believe that material of this kind should be excluded from entry into the United States. Our agricultural lands are rapidly becoming fouled with dangerous weeds introduced in this way. This particular situation seems to be especially urgent, and I believe some steps ought to be taken to prevent the further introduction of material of this kind. I am inclosing herewith two proposed paragraphs, either of which I think would serve the purpose.

The sample submitted contains 81 per cent of weed seeds, made up of thirty-one different kinds, including Canada thistle. Only 7 per cent of the material is grain, 22 per cent being dirt.

Very respectfully,

JAMES WILSON, *Secretary.*

[Inclosure.]

Insert page 18, after word "commerce," line 4:

"*Provided*, That screenings or grain containing more than 10 per cent of weed seeds shall be refused admittance into the United States."

Insert page 18, after word "commerce," line 4:

"*Provided*, That it shall be unlawful to import from any foreign country into any State or Territory or the District of Columbia screenings or grain containing more than 10 per cent of weed seed; and any person who shall receive in any State or Territory or the District of Columbia from any foreign country, or having so received shall deliver for pay or otherwise to any other person any imported screenings or grain containing more than 10 per cent of weed seed shall be guilty of a misdemeanor, and for such offense shall be fined not exceeding $200 for the first offense and for each subsequent offense not exceeding $300 or be imprisoned not exceeding one year, or both, in the discretion of the court.

"The Secretary of the Treasury and the Secretary of Agriculture shall make uniform rules and regulations for carrying out this provision."

Mr. McCUMBER. I wish to ask the Senator from Wyoming if those two letters or recommendations are so long that they can not properly be read at this time? I desire to say that so many efforts have been made to crowd in something that shall take the place of or put off a bill for national grain grading that I am suspicious of many of these little items that propose to go halfway or a quarter of the way or a little ways in the matter of securing that which the people of my section of the country are demanding in whole. I should like to know what those letters are, what they seek to procure, and what amendments, if any, are proposed.

Mr. WARREN. As I looked them over hurriedly, they seemed to refer entirely to weed seed. They are of some length. However, I have no objection to their being read now.

Mr. McCUMBER. Will the Senator tell me what are the proposed amendments? I understand amendments are proposed, one very short and the other quite long. I wish the Secretary would at least read those.

Mr. WARREN. They are in the alternative.

The SECRETARY. On page 18, after the word "commerce," in line 4, it is proposed to insert:

Provided, That screenings or grain containing more than 10 per cent of weed seeds shall be refused admittance into the United States.

Mr. McCUMBER. All grain, I understand, is subject to the tariff law, and I can not understand how we in the Senate can take up a matter that relates entirely to the raising of revenue and prohibit an importation that would affect our revenue.

Mr. WARREN. Mr. President, the Senator in charge of this bill understands the character of the amendment suggested, and for that reason wanted to put it in the broadest terms before the Senate for its action. It is an important matter and, on the other hand, it is a broad step in legislation. If the Senator desires the whole matter read, I have no objection, and will ask for it.

Mr. McCUMBER, I wish simply——

Mr. WARREN. The Secretary might read the other amendment, however.

Mr. McCUMBER. I wish to ask the Senator right here, upon that amendment, if in his opinion I am not right in the proposition that a subject of that character should originate in the House, because it must necessarily affect our tariff schedules upon grain?

Mr. WARREN. I suppose this is a class of legislation like that which the Senator and others have strongly advocated here—the oleomargarine bill, the pure-food bill, and so forth. It is a matter for the Senate to determine. As I have said, this communication has just reached me. It is not fifteen minutes since I received it, and I have not read the other amendment which the Senator asked to have read.

Mr. McCUMBER. I do not want the Senator to understand that I am opposed to it, provided we can reach this, because I am opposed to any wheat coming in without a heavy duty.

Mr. WARREN. Let the other amendment be read; or if the Senator desires it, let the letters be read.

The SECRETARY. It is proposed to insert on page 18, after the word "commerce," in line 4:

Provided, That it shall be unlawful to import from any foreign country into any State or Territory or the District of Columbia screenings or grain containing more than 10 per cent of weed seed, and any person who shall receive in any State or Territory or the District of Columbia from any foreign country, or having so received shall deliver for pay or otherwise to any other person any imported screenings or grain containing more than 10 per cent of weed seed shall be guilty of a misdemeanor and for such offense shall be fined not exceeding $200 for the first offense and for each subsequent offense not exceeding $300 or be imprisoned not exceeding one year, or both, in the discretion of the court.

The Secretary of the Treasury and the Secretary of Agriculture shall make uniform rules and regulations for carrying out this provision.

Mr. McCUMBER. The provision, I will say to the Senator, may be eminently proper and undoubtedly is. I am not prepared to pass on that.

Mr. WARREN. I have only this to-day, Mr. President. It seemed to me, in the glance I had the time to give it, to be along the line of the pure-food bill and others. In this case it seeks to purify the grains that shall come in, to the end that we shall not be distributing through our agricultural districts all kinds of noxious weeds.

I want to have the matter considered in the broadest terms, and therefore I desire to have printed in the RECORD, and I hope every Senator will carefully consider it, the communication from the Secretary, together with the proposed amendments. I think the object aimed at is most excellent. I shall ask to take it up at a later time.

Mr. McCUMBER. I suppose the object is to prevent the importation of foul seeds into this country.

Mr. WARREN. That is it.

The VICE-PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 18, line 14, to increase the appropriation for official traveling expenses, for telegraph and telephone service, for gas and electric current, for forage, ice, postage, etc., from $896,266 to $906,266.

The amendment was agreed to.

Mr. WARREN. Right at this point comes the cotton boll weevil amendment, which was sent to the desk some time ago.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment, which will be stated.

The SECRETARY. After the word "dollars," in line 15, on page 18, it is proposed to insert:

Of which sum not to exceed $10,000 shall be immediately available for cotton boll weevil work.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 18, line 21, before the word "traveling," to insert "official," and on page 19, line 1, before the word "thousand," to strike out "forty-eight" and insert "fifty-eight," so as to read:

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, and electric current, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for rent and repairs; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $258,000, of which amount not less than $202,000 shall be allotted for Congressional distribution.

The amendment was agreed to.

The reading was continued to the end of line 14 on page 20.

Mr. TELLER. I do not quite understand this clause. It says:

That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress, remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the Department.

The 1st day of April has passed. Will we be cut off from having any seeds——

Mr. WARREN. That is intended to apply to the 1st day of April following I understand. In this case it would be the 1st day of April of next year.

Mr. TELLER. I want my seeds this year, not next year.

Mr. WARREN. Suppose the Senator did not call for them at all, and the 1st day of next April should come; then this provision would become operative.

Mr. TELLER. It seems to me rather a remarkable way of treating the subject.

Mr. WARREN. It is the present law. I think the Senator will find no difficulty about it.

Mr. TELLER. I think the language might have been improved.

Mr. WARREN. It is the language of the present law.

The reading of the bill was continued to the end of line 12, on page 20.

Mr. WARREN. My attention has been called to line 12, page 20. After the word "propagation" there should be a comma.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert a comma after the word "propagation" in line 12, on page 20.

The amendment was agreed to.

Mr. BACON. I should like to call attention, although it is a small matter, to the propriety of the insertion of a comma at this place. I think the Senator is wrong about it. I think it is right as it is. A comma never precedes a conjunctive——

Mr. WARREN. It was in the House bill, and we have not offered any amendment to the text, and so I proposed that we should restore what the House had. It is not an important matter.

Mr. BACON. According to every known rule, the comma——

Mr. WARREN. I have yielded so many times that if the Senator from Georgia insists upon it I will gladly yield the comma.

Mr. BACON. I simply suggest it to the Senator. I would not wish to take the responsibility of doing more than that, and then leave him to be governed by what he may conclude to be correct. But I do not think there is any doubt about the question from a grammatical standpoint, that a comma ought not to be there. A comma never precedes the word "and."

Mr. WARREN. I will say to the Senator that I do not entirely agree with him that a comma never precedes the word "and," but I will defer entirely to him as to the language in this case. It was in the House bill and in the existing law, but it has run along that way from year to year, and I thought as long as they had been able to administer these affairs under the law and the House had adhered to the same thing we should let it go that way.

Mr. BACON. I think the bill as it stands is undoubtedly correct in that regard. A comma precedes "or," but it does not precede "and."

Mr. WARREN. It might in some cases, and in others it might not.

The VICE-PRESIDENT. Does the Senator from Wyoming wish the amendment to stand?

Mr. WARREN. It is probably necessary to do one thing or the other, either to move to amend the bill by striking out the comma or else to insert it and make it conform. I will put it the other way and move that the comma which is in the bill be omitted.

Mr. BACON. I ought to say to the Senator in order that I may not be misunderstood, that there are certain circumstances, as has been called to my attention by the Senator from Alabama [Mr. JOHNSTON], where a comma does precede "and," in the twenty-first line, for instance——

Mr. WARREN. Senators on both sides have undertaken to instruct me on the point of a comma, and, inasmuch as I was never so brought up and my education does not lie in that direction——

Mr. BACON. It does properly precede in the twenty-first line, but that is not where there is a conjunction between two nouns.

The VICE-PRESIDENT. The Senator from Wyoming proposes an amendment which will be stated.

The SECRETARY. Strike out the comma after the word "propagation" in line 12.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 21, line 1, before the word "thousand," to strike out "forty-six" and insert "fifty-six," so as to make the further proviso read:

Provided further, That $56,000 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

The amendment was agreed to.

The next amendment was, on page 21, line 14, to increase the total appropriation for the maintenance of the Bureau of Plant Industry from $1,331,676 to $1,351,676.

The amendment was agreed to.

Mr. WARREN. Perhaps we had better read the provisions with respect to the Forest Service, and then I shall ask to lay them over. The Senator from Idaho [Mr. HEYBURN] is very much interested in this matter, and he is too ill to take up the subject to-day. So I wish to ask that after the reading this matter be laid aside, and upon finishing the remainder of the bill I shall ask that it go over until to-morrow.

Mr. TELLER. This part of the bill?

Mr. WARREN. This part of the bill.

Mr. TELLER. Let the amendments go over.

Mr. WARREN. Certainly; the entire matter of the Forest Service may go over. I think it is well to read it now.

Mr. TELLER. Let it be read.

The VICE-PRESIDENT. The Chair understands that the Senator from Wyoming does not wish to have the amendments bearing on the Forest Service acted on at present.

Mr. WARREN. In one particular I shall move to amend. There are one or two amendments where the House language was sought to be followed, but where the record shows that one word or two words were stricken out. In one case two lines have been dropped out. I shall want to restore those. It is not my intention to correct these amendments or to adopt any of them as to the Forest Service at this time.

The VICE-PRESIDENT. The amendments will be passed over. The Secretary will read the text of the bill.

The Secretary read the text of the bill to line 23, page 25.

Mr. KEAN. Will the Senator from Wyoming explain the amendment on page 24?

Mr. WARREN. Yes; but I will say to the Senator that I had requested that all the items relating to the Forest Service, including that amendment, go over unacted upon until a later period.

MARY EDDY DRIGGS.

Mr. TALIAFERRO. Mr. President, when the bill (S. 6715) granting pensions and increase of pensions to certain soldiers and sailors of the Spanish war and other wars and to the widows of such soldiers and sailors was under consideration in the Senate yesterday afternoon I was in the Committee on Military Affairs, sitting as a member of the conference on the Army appropriation bill. There was an item in the pension bill in which I had some interest, and with which I was familiar, that was stricken from the bill. I move that the vote by which the bill passed the Senate yesterday be reconsidered.

The VICE-PRESIDENT. The Senator from Florida moves that the votes by which Senate bill 6715 was ordered to be engrossed for a third reading, read the third time, and passed be reconsidered. The question is on agreeing to the motion.

Mr. McCUMBER. Senators here present will remember the discussion that was had and the fact that the item was struck out not so much upon its merits as it was intended that it might be brought up again in some form by the Senator from Florida. Therefore, as chairman of the committee and having charge of the bill, I acquiesce in the reconsideration of the vote by which the bill was passed for the purpose of allowing the Senator from Florida to move to reinstate the part stricken out.

The motion to reconsider was agreed to.

Mr. TALIAFERRO. I now move, if a motion to that effect is necessary, to reinstate in the bill the item on page 2 of the bill commencing at line 21 and going down to and including line 23.

The VICE-PRESIDENT. The Chair would suggest to the Senator from Florida that the motion should be to reconsider the vote by which the three lines were stricken out.

Mr. TALIAFERRO. Yes; the vote by which the bill was passed having been reconsidered, I now move to reconsider that vote.

The VICE-PRESIDENT. The Senator from Florida moves to reconsider the vote by which the following item was stricken from the bill. It will be read.

The SECRETARY. On page 2, the Senate struck out lines 21, 22, and 23 in the following words:

The name of Mary Eddy Driggs, widow of William H. Driggs, late commander, United States Navy, and pay her a pension at the rate of $40 per month.

The VICE-PRESIDENT. The question is on agreeing to the motion to reconsider the vote by which the amendment was agreed to.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The questions recurs on agreeing to the amendment striking out the clause which has been read.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF CHILD LABOR.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

Mr. GALLINGER. I ask unanimous consent that the regular order be laid aside informally.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

REMOVAL OF RESTRICTIONS ON LANDS OF FIVE CIVILIZED TRIBES.

Mr. OWEN. Mr. President, I should like to preserve the place of the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, so that it will stand as the special order for to-morrow, subject to appropriation bills and the unfinished business.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent that House bill 15641, which was made by a unanimous-consent agreement the special order for to-day, following the routine morning business, subject to appropriation bills, may be given the same right to-morrow morning that it held to-day. Is there objection? The Chair hears none, and it is so ordered.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

The reading of the bill was continued. The next amendment of the Committee on Agriculture and Forestry was, under the subhead "Bureau of Chemistry," on page 27, line 1, after the word "elsewhere," to insert: "to continue collaboration with other Departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; to demonstrate and illustrate the methods for the making of denatured alcohol on a scale suitable for utilization by the farmer, or associations of farmers," so as to read:

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, and supplies, repairs to engine and apparatus, gas and electric current, official traveling and other expenses, telegraph and telephone service, express and freight charges, labor and expert work and all necessary expenses in conducting investigations in this Bureau in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such investigations; for the rent of buildings in the city of Washington and elsewhere; to continue collaboration with other Departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; to demonstrate and illustrate the methods for the making of denatured alcohol on a scale suitable for utilization by the farmer, or associations of farmers.

The amendment was agreed to.

The next amendment was, on page 28, line 1, to increase the appropriation for the laboratory, Department of Agriculture, from $725,000 to $810,000.

The amendment was agreed to.

The next amendment was, on page 28, line 8, to increase the total appropriation for the maintenance of the Bureau of Chemistry from $791,720 to $876,720.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 29, line 11, after the word "countries," to strike out:

To investigate, with the view of improving, the conditions relating to the supply and sale of domestic tobacco to any foreign country or countries where the business of buying and selling tobacco is conducted by the government.

The amendment was agreed to.

The next amendment was, on page 29, line 20, after the word "expenses," to strike out "three hundred and thirty-three thousand four hundred and sixty" and insert "two hundred thousand," so as to make the total for soil investigations $200,000.

Mr. McCUMBER. Mr. President, I ask the Senate to disagree to the amendment proposed by the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. WARREN. I understand the Senator from North Dakota wishes to increase the amount for the Bureau of Soils.

Mr. McCUMBER. I wish to leave it the same as it came from the House.

Mr. WARREN. The Secretary of Agriculture in estimating for this purpose estimated $200,000. The House committee reported to the House $170,000. Under discussion on the floor of the House the amount was increased to about $360,000.

We had the Secretary of Agriculture and other officers of his Department before us in the committee, and the Secretary stated that $200,000, the amount of his estimate, was all that could be used to advantage by the Department for the coming year. The Secretary stated that the Bureau had been to some extent, although not blaming it at all, doing work which duplicated that of another Bureau, the Bureau of Plant Industry, and that in undertaking to enlarge that work he would have either to take it from the Bureau of Plant Industry or leave it to do the same work. He felt that we should leave it at $200,000, or not exceed that amount for the coming year, until he should make the proposed division and see what was necessary and what work should go to each one of these two Bureaus, in order not to duplicate work and waste money.

I hope that the amendment of the Senate committee may be agreed to.

Mr. McCUMBER. I understand that all the facts which have been stated by the Senator from Wyoming were stated in the House before it voted upon this raise. In other words, I am informed that the House voted for the raise of about $133,460, after having had before them the same information that the Senate committee had from the Secretary of Agriculture. So that matter has been considered before.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. McCUMBER. Certainly.

Mr. WARREN. The Senator surely will not maintain that, because the Secretary was before us and testified on these comparative amounts. He was unable to do so when he was before the House committee, because there had been no presumption of having the amount as large as was later put on by the House.

Mr. McCUMBER. What I mean is that the Secretary's recommendation was before the House, and the necessity for a greater amount than that which the Secretary had recommended was also before the House, and after having considered the Secretary's recommendation and having considered the argument in favor of having a larger sum, the House of its own motion put on the extra amount of $133,460.

Mr. WARREN. How much does the Senator say the House added?

Mr. McCUMBER. One hundred and thirty-three thousand four hundred and sixty dollars is the difference.

Mr. WARREN. I understand that they put on over $163,000 in the House.

Mr. McCUMBER. I am simply taking the Senator's statement as compared with what was done by the House.

Mr. WARREN. We have allowed more by $30,000 than the House committee allowed.

Mr. McCUMBER. The bill as it came before your committee provided for an appropriation of $333,460.

Mr. WARREN. Very well; that was done by the House.

Mr. McCUMBER. And you reduced that to $200,000. That of course leaves a difference of $133,460.

Mr. WARREN. But I wish to call attention to the difference between what the House committee reported——

Mr. McCUMBER. I understand that.

Mr. WARREN. And what we have reported. There is a difference of one hundred and sixty-odd thousand dollars.

Mr. McCUMBER. I am speaking of the difference between what the House passed and the amount that was reported by your committee, which is a difference of $133,460.

Now, I made some inquiry at the Department to ascertain what they had in contemplation for soil surveys for the next year, and the information I got was that they have in view a soil survey of about 1,400 square miles. I also understand that with this amount they could survey that many square miles, but that if it is cut down $133,000 it would leave them available means for only about 400 square miles of soil survey. That is the information I got from the Department.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly.

Mr. LONG. The Senator says he obtained some information from the Department.

Mr. McCUMBER. Not from the Secretary.

Mr. LONG. I wish to know whether he obtained the information from the head of the Department, or from the chief of a bureau.

Mr. McCUMBER. If I go to ascertain what the Bureau of Soils has in contemplation, ordinarily I will not ask the Secretary, because I can get the information directly from gentlemen as to what they contemplate doing the next year, and naturally I go there; and there is where I went for this information as before.

Mr. LONG. The Secretary appeared before the Committee on Agriculture and Forestry and stated the plans of the Bureau of Soils for next year. They differ from what the Senator has just stated.

Mr. McCUMBER. May I ask the Senator, then, how many square miles the Secretary recommended for survey for next year?

Mr. LONG. The Secretary of Agriculture stated the general plans for soil survey, differing materially from what the Senator has just given.

Mr. McCUMBER. Very well, Mr. President. I do not know that we are absolutely bound by what the Secretary of Agriculture feels that we properly ought to survey for the next year. We people of the West who are making certain demands and going to the Department of Agriculture and asking if they can survey the soil in a particular section of the country, and the Secretary of Agriculture replies that he has no money available for that purpose, can use our own judgment, or at least the judgment of Congress, whether we are to be governed entirely by what the Secretary of Agriculture feels ought to go to the soil survey.

There is a universal demand for an extension of the soil survey, and every year when we apply and ask that a certain section be surveyed we are met with the proposition that there is not money enough appropriated for that purpose.

If we are asking for too much it may be possible that we should appropriate less than our demand is, but I believe that we have not appropriated enough for this purpose. It is most important to the Northwest how much should be appropriated for this particular purpose. It is a matter in which not only the agriculturists of the Northwest, but the agriculturists of the East, are particularly interested in. We have all the way from the Atlantic to the western slopes of the Appalachian range of mountains a soil that has been used up, that has been destroyed to a great extent. That soil may be regenerated by certain processes of cultivation and the planting of a certain character of vegetables. It may be particularly adapted for a certain character of crops. It is very important to the people of that section of the country, those who are compelled to farm, that they shall secure this information if it is possible to be secured. If I read the bill correctly, I find that that is exactly what is intended, because it says:

> Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters; for investigations of soils and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries.

Now, that is a very pretty broad provision, and it is applicable to all sections of the United States. I have always believed that we have sufficient country here that is adapted to the growth of the sugar beet, so that we could raise in this country every pound of sugar that is consumed in this country. There is no reason on earth why our farmers should not be making the sugar for the country instead of importing two-thirds or three-fourths of it from Germany or from any other section of the world. I should like to have the soil investigation for that purpose in my own State and in other sections, and especially in the semiarid sections of the United States.

There are large tracts of semiarid land where undoubtedly we can raise some kinds of grain that we can not raise in other sections. It will take chemical analyses and careful investigations of soils to determine this. There are few men who enter into the farming business who have sufficient means to lose a crop for several years, one year after another, until they can determine what the trouble is. This investigation can be made with very little additional expense.

Then, again, there are certain sections of the country which we have found, after the loss of many crops, that the land is not adapted to this character of crop, but it is to some other particular crop. I remember certain sections of the Northwest that were abandoned a number of years ago because they were unable to raise wheat there. They started in a few years later and commenced to raise flax, but after many families had been homeless and after many a crop had been lost. Then that land sprang up immediately from about $1 to $3 an acre to $20 and $30 an acre. But they had to go through a great deal of expense and a great deal of investigation and a loss throughout the entire section of the country that would be many hundredfold greater than the little amount that we are appropriating for this whole purpose.

We want to know where we can raise certain fruits in the United States to advantage. We can not tell this in the newer sections, and possibly not in many of the older sections of the country, unless there is a scientific investigation made in that section.

So I believe, Mr. President, that we have a right to ask for this little amount of something about $133,000, and that the investigation shall go forward to an extent even beyond what the Secretary of Agriculture may deem to be expedient. The people of the whole section of the northwestern part of the United States feel that we ought to have the soil survey carried on to a greater extent than it has been carried on for the past ten years.

Mr. TELLER. Mr. President, from a memorandum I have the following appropriations for the Bureau of Soils have been made since its inception:

1896	$15,000	1903	$169,680
1897	15,300	1904	212,480
1898	16,300	1905	214,680
1899	16,300	1906	204,080
1900	26,300	1907	221,460
1901	31,200	1908	203,980
1902	109,140		

Thus it will be seen that the last appropriation was nearly $207,000.

Mr. WARREN. It was $170,000 for this particular purpose. I have the law here. It was $170,000.

Mr. TELLER. I went over these figures some time ago just to see how gradually everything that takes money grows.

Now, Mr. President, we have $368,000 in the bill as passed by the House. Is not that the amount?

Mr. WARREN. I will say to the Senator that $170,000 was the amount last year, but the Senator takes the amount for the entire Bureau. For the investigation of this particular subject the amount was $170,000, and it is the proposition here of the Senator from North Dakota to make it $333,460.

Mr. McCUMBER. But that is not all for purposes of soil survey.

Mr. WARREN. It is for one purpose.

Mr. TELLER. What was done with the difference between $206,000 and $170,000?

Mr. WARREN. Salaries and office expenses, and so forth.

Mr. TELLER. I am speaking about expenses of the office. It is not what you have spent for soil survey, as I understand it. I am referring to how much the Bureau cost the first year, the second year, and so on, part of which, I understand, went for the examination of soils and part of it went for salaries.

Mr. WARREN. In that comparison, then, the Senator could quote what is proposed by the House in this bill, which would be $368,160. That is what it would amount to if the amendment of the committee is disagreed to.

Mr. TELLER. Mr. President, I do not think the Senator from North Dakota [Mr. McCUMBER] has shown us any need of this large amount of money in excess of the appropriation for last year. I do not myself believe that there is such a great and crying demand for this Bureau of Soils.

The Senator from North Dakota says we do not know where we can raise beets. You never will know until you have tried to raise beets. But it is pretty certain that two-thirds of the arid region will raise beets; all of it will raise beets if you can get water on it.

Mr. FULTON. Mr. President, will the Senator allow me to ask him a question

Mr. TELLER. Certainly.

Mr. FULTON. I call the Senator's attention to the fact—and I think his observation will bear me out in the correctness of the statement—that the individual is not able to go into experimentation. Take a great region of country, and it may be well adapted to sugar-beet growing or it may be adapted to a peculiar character of fruits, but the individual can not make the experiment. He must work to make himself a living during all the time. The Government can establish experiment stations for these regions or it can carry on experimental work at a very small cost, and when it determines what the soil is best suited for it certainly is a matter of very great advantage to the country.

Mr. LONG. Will the Senator from Oregon yield for a question?

Mr. TELLER. I have the floor, and I yield to the Senator from Kansas for a question.

Mr. LONG. Does the Senator from Oregon understand that the appropriation in this bill is for the purpose of establishing experimental stations?

Mr. FULTON. I do not know that this covers that.

Mr. LONG. It does not. That is covered by another part of the bill, where ample provisions are made for experimental stations.

Mr. FULTON. As I understand, a part of it applies to experimental work.

Mr. LONG. It does not.

Mr. FULTON. None at all? I thought it did.

Mr. TELLER. Mr. President, we have experimental stations, and have had them for a number of years. I think every State has one experimental station, and some of them, I think, have more than one. Perhaps they are not all Government agricultural experiment stations, but all States have at least one Government experiment station, where these experiments can be tried. All over the arid West they are raising sugar beets. Kansas is raising beets of a high grade, Colorado is raising beets of a high grade, and in every section of the country where beet raising has been tried it has been successful. I do not think the beet growers are asking anything from the Government of the United States. We commenced seven or eight years ago to raise beets in Colorado, and last year we produced 204,000 tons of beet sugar, while the whole of the United States produced about 450,000 tons of beet sugar. Michigan has tried it successfully, and I believe practically all of that Western country has found itself able to raise beets at a profit. California has raised them. Perhaps they have not raised them in the Dakotas; I do not know about that, but I think they could raise them. They have raised them in New Mexico; they have raised them in Arizona. The drier the climate, the more sunshine, the more sugar there is in the beets. For that reason, perhaps, Kansas, Nebraska, Colorado, and all that section of the country are better adapted to beet raising than is the country east of the Mississippi River.

Mr. President, we do not need any Government aid to point out the areas where we can raise beets, and if we did, $200,000, it seems to me, ought to be sufficient. How much, I will ask the acting chairman of the committee, is the appropriation as it now stands?

Mr. WARREN. Mr. President——

Mr. TELLER. I mean for experimentation.

Mr. WARREN. There would be $200,000 left if the committee amendment is adopted for the particular analysis of soils outside of office expenditures.

Mr. LONG. Which is the estimate.

Mr. WARREN. We have gone from $15,000 to $200,000 inside of eight years.

Mr. LONG. Which is the estimate of the Secretary of Agriculture, and is all that the Secretary informed the committee he desired.

Mr. TELLER. Mr. President, it would be a remarkable exhibition of our generosity if we should go beyond what the Secretary of Agriculture asks.

Mr. LONG. That is the proposition, as I understand, which is submitted to the Senate.

Mr. TELLER. While I have a very high opinion of the Secretary of Agriculture, I know that his Scotch blood never restrains him from asking for what he wants and what he thinks he needs. If he did not ask for more than $200,000, he does not need more.

Mr. FULTON. May I ask a question of the Senator from Wyoming?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. WARREN. Certainly.

Mr. FULTON. What particular purpose had the committee of the other House for inserting this extra $133,000?

Mr. WARREN. The committee of the House did not insert it.

Mr. FULTON. The bill came from the other House.

Mr. WARREN. It was inserted on the floor.

Mr. FULTON. Well, for what particular purpose was it inserted? It must have been for some purpose.

Mr. WARREN. Mr. President, I do not want to go into that particularly, but it has been charged, and I think not denied, and I do not think it can be successfully denied, that this Bureau has exploited itself, and has gone over, or attempted to go over, the head of the Agricultural Department. It has written to various Members of the other House and to Senators and others reminding them that there could be so many miles or acres of soil examined in their respective States if they would increase the appropriation.

Now, the point comes that we have a Bureau of Plant Industry for which we appropriate nearly a million dollars. The Plant Bureau is doing certain work. We have a Bureau of Soils doing certain work. The Senator from Colorado [Mr. TELLER] says it is one of the newer bureaus. It is one that we have increased very rapidly; it is one that I do not wish to unduly restrict or belittle; it is one for which I have always voted the largest amount proposed until this year; but it is perfectly plain that the amount proposed this year is a matter of gratification to the head of that Bureau and those who operate with him, and is a larger amount than is necessary or than can be used unless they propose to go into a region of subjects now covered by the Plant Industry Bureau.

The Senator from North Dakota [Mr. MCCUMBER] speaks of the adaptation of crops to soils. The Bureau of Soils analyzes the soils and finds what are the component parts or constituents, and of course must have some idea from that as to what crops might be grown upon given soils. When the Bureau of Plant Industry gets this, those who are connected with that Bureau can adopt the work so far as the altitude, the atmosphere, the amount of evaporation that goes on, the wind, and so forth, and everything of that kind, and they are doing that in considering plant life. Where we have this Bureau of Soils going into that same work, it is simply duplicating the work.

If the Senate desires to put in $130,000 or $140,000 or so to exploit a bureau that is overambitious, when the head of the Department says he is unable to use it satisfactorily and to advantage, of course the Committee on Agriculture will accept that verdict; but, charged with the responsibility of keeping down the appropriations to a proper point and with all generosity and liberality to every Department, it seems to me that we have got to accept somebody's judgment as to how a Department shall be carried on and administered, and I know of no Department head more competent for the duties to which he is assigned than James Wilson, the Secretary of Agriculture.

If we are going to provide that the Secretary of Agriculture shall not duplicate and have going on in two of his bureaus, at a double cost, work that he proposes to do—not duplicate the part that belongs to the Bureau of Plant Industry in the Soils Bureau or the part that belongs to the Bureau of Soils in the Bureau of Plant Industry—when he asks that we wait a year until he can determine what properly belongs to each bureau and then see whether he wants more money appropriated or not, I think we ought to sustain him.

Mr. MCCUMBER. I fear the Senator is probably doing this Bureau an injustice by his remarks.

Mr. WARREN. I do not wish to do it any injustice. If I did, I should hardly allow the full estimate of $200,000, which is $30,000 more than the House committee allowed. I do not think I have been either unjust or illiberal.

Mr. MCCUMBER. I want to say to the Senator that we have no evidence that this Bureau is attempting to exploit itself in any way. I have no letters or correspondence from this Bureau, but I have telegrams and letters and resolutions from boards of county commissioners and from individuals in my own State and from other sections of the country praying for a sufficient appropriation to carry on these soil surveys.

Mr. WARREN. Mr. President——

Mr. MCCUMBER. Just a moment. Upon receiving those telegrams and those resolutions, I very naturally made inquiry at the Bureau of Soils to see what they were doing and what they contemplated doing for the next year. They courteously answered my telephone question. I do not think they are subject to criticism for doing that, and I do not know how they could have avoided answering the direct question that I put to them. I wanted to say this simply in defense of that Bureau.

Mr. WARREN. Will the Senator submit to an interruption at that point?

Mr. MCCUMBER. Certainly.

Mr. WARREN. I want to say that I have had the same kind of telegrams and resolutions from boards of trade and others, and when I wrote back to find what their interest was and how they could be interested, I found where the source of it all was.

Mr. MCCUMBER. I am very positive that some of this information could not have had its source in this Bureau of the Agricultural Department. A section of our State has had soil surveys, and it is quite natural and proper that other sections should want to have surveys of the soil, and, acting upon that, they are giving me the proper and necessary information as to what their wishes are in the matter. Does the Senator think that the money that is appropriated in this bill is sufficient to answer the reasonable demands for soil survey in the country—I do not mean the unreasonable ones, but I mean the reasonable demands for soil surveys?

Mr. WARREN. Will the Senator allow me to answer that now?

Mr. MCCUMBER. Certainly; right now.

Mr. WARREN. The following is the mode of expenditure that is proposed by the Secretary of Agriculture to be initiated the next season. Heretofore, and as he admits, it has grown up so rapidly as to get almost beyond his cooperation. Heretofore they have organized parties from each Bureau to go out into different parts of the country. What the Secretary desires to do is to organize parties in a sort of joint way; supposing there are three in a party, to have one of them, say from the Bureau of Plant Industry, to take care of that particular line of the investigation, and with two of them from the Bureau of Soils, thus carry on joint investigations. So that there would be a third more parties for the same money organized in that way.

It is not his expectation, and it is not the expectation of the committee, that we shall cut out or reduce this work. We all believe in it, and we all wish to support it, but in view of the plan that was proposed, it seemed to us that this was all that we should allow this year, the full estimate of $200,000, which is $30,000 more than they had last year, and with the understanding that instead of these parties working alone in this new country they would partly be made up by men from another bureau, so that they could collaborate the knowledge of analysis of soil and the knowledge of plant growth.

Mr. McCUMBER. That does not quite answer the question; that is, it does not answer it correctly. It answers it by inference only, if at all. My question was, whether the Senator considered that the amount appropriated in this bill would answer the reasonable demands for the extension of the soil survey?

Mr. WARREN. I do. I want to say that we can not do it all in one year. This would not cover the United States, but I do believe that it is all we can use economically and all that we ought to ask for, and with the additions that will follow—and they will very likely be more from year to year, as has been the case in the past—we shall arrive at a conclusion, and that long before we shall in many of the other bureaus that are not so liberally provided for.

Mr. McCUMBER. But after all, Mr. President, it resolves itself merely to the question of the opinion of how far we ought to go in any one year; that is, to what extent we are justified in appropriating a certain sum for a certain year. Many of us believe that we could to great advantage appropriate a quarter of a million for this purpose. As I understand, there are about $80,000 really available for what we call the soil surveys; and if the additional $133,000 were appropriated, it would make something over $210,000 for that purpose. I do not believe that that is any too much, but I do understand——

Mr. WARREN. How does the Senator arrive at those figures?

Mr. McCUMBER. But I do understand that of the general appropriation for soil survey, as arranged by the Agricultural Department, there is used for the soil survey alone about $80,000 and that that is proposed for next year.

Mr. WARREN. Where does the Senator get that from?

Mr. McCUMBER. That is the information I get by making inquiry at the Bureau.

Mr. WARREN. I should like to ask the Senator to give us the information from the bill. We are proposing here to give $200,000, and we are also providing outside of that for $34,700 to pay the other expenses of that Bureau. I hardly see where the balance of the money can go.

Mr. McCUMBER. The Senator will find by reading the section that there are several divisions. One is the investigation of the relation of soils to climate and organic life. That is not really soil survey. That is what I mean. The next proposition is for the investigation of the texture and composition of soils in the field and laboratory. That may be soil survey to a certain extent. I mean that in the dividing of the several funds to meet the several propositions that are contained in that section there will be about $80,000 for what we call "soil survey" alone; and we feel that we ought to have from $150,000 to $200,000 for that purpose.

Mr. BACON. Mr. President, my attention has been called to this matter by some Members of the other House. As I understand, the work of the Bureau of Soils, among other things, relates to the general subject of soil survey, by which there will be ascertained what particular soils are adapted to particular products, and that another branch of the business is the analysis of soils, not for the purpose of ascertaining the particular products the cultivation of which should be sought in connection with those soils, but for the purpose of ascertaining what are the deficiencies in the soil. That is the part of the work in which the section in which I live would be most directly interested, because it is the oldest section, and of course the question of what particular products are adapted for cultivation in those regions is pretty well known.

But we are deeply interested in all questions relating to the exhaustion of the soil from long cultivation, and especially cotton cultivation, a crop which occupies the soil twelve months in a year and one that is raised by what is known as "clean cultivation"—that is, there is no grass, and the soil is more rapidly exhausted under that kind of cultivation. It is extremely important that soils in different localities should be so analyzed that those who are engaged in the cultivation of the land should be informed as to the particular kind of fertilizers demanded in order to restore its exhausted elements. I do not know whether any work of that kind has been carried on in my section or not. My attention has been called to that by those who are interested in that particular branch of the work.

As I understand from members of the committee, the Secretary of Agriculture does not desire over $200,000, and the question that I am interested in having an answer to is this: Does the Secretary limit his desire in that regard to a certain amount of work which he proposes, or will that amount enable him to prosecute these inquiries in all parts of the country? It may be that he is only proposing to prosecute them in a part of the country. The Senator from North Dakota [Mr. McCUMBER] asked the Senator from Kansas [Mr. LONG], as I understood him, how much territory the Secretary proposes to have surveyed. I do not know whether in making that inquiry he limited it to the particular branch of the work he has in view, to wit, the actual survey for the purpose of ascertaining what particular products may be successfully cultivated in particular localities, or whether he used the word "survey" in the broad sense, so that it would include all the various purposes enumerated in this section, including soil analysis. I did not understand the Senator from Kansas to give a reply to that further than to say that the purposes of the Secretary were different from those indicated by the information which has been received by the Senator from North Dakota, but he did not go on to say what the purposes were.

Mr. WARREN. When the Senator is through, I will read what the Secretary said to us.

Mr. BACON. When the Senator reads that, if he gives the information I want, I may be through without saying anything more. I will state it again to the Senate. The information I desire is this: Is the Department engaged in the analysis of soils in the South for the purpose of ascertaining what exhausted elements need to be resupplied to the land and how they are best to be resupplied?

Mr. WARREN. Mr. President, all of these lump sums cover the whole United States, but parts of the country must naturally wait before every acre can be covered. The investigation, however, is going on, I believe, in all of the States—I do not know that there are any exceptions—though perhaps more work is done in some particular localities than in others.

It takes, of course, certain scientific men, men who are educated for the purpose, and special machinery to carry out the plans, and the Secretary's position was that he was expending the appropriations as fast as he felt he could with economy to secure good results. Of course, if this could be all done in a year, it would be better to appropriate a million dollars, or whatever is necessary; but that is not the best way to do it or the most economical way. When the Senator is through, I will read what the Secretary said to us.

Mr. BACON. Very well, Mr. President. The processes of progressive investigation may be very satisfactory to the particular parts of the country which are selected for the earlier investigation, but to those parts of the country where the investigations are postponed, it will not be so satisfactory, and therefore I desired information so that I might know.

Mr. MONEY. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. BACON. I do.

Mr. MONEY. Mr. President, this is a practical question. How much money can the Secretary effectively expend during the coming fiscal year in this particular work of the analysis of the soil? The surveying parties test the soil analytically and find the quality of it. Then another bureau takes up the question of fertilizers, and they publish bulletins, until they have got a library upon that very question of the enrichment of certain soils that have been deprived by successive cultivation of certain elements of nutriment.

Now, the Senator wants to know in what particular localities and to what extent these investigations or analyses go. I will just give an illustration. In my own county, Harrison County, Miss., on Biloxi Bay, a surveying party made an analysis of the soil and found the base of it was Norfolk sand, and then there were some other things in it. I wanted another survey made in an adjoining county. I wrote to the Department asking if they

could not, if possible, make a survey of that country. The reply came very promptly that it was totally unnecessary to have that county surveyed, as one survey was quite sufficient for quite a number of counties, all of them having substantially the same soil and growing the same crops; but if there was any other section of the State that was entirely different, then they would be very glad to send a party. I had no demand from any other county, and so I let the matter drop.

I also want to state to the Senator that, in consequence of these surveys, I was informed that the land adjoining a line drawn east and west through the city of Hattiesburg, which is 70 miles from the coast, in the southern part of my State, is exactly the same land which the Senator has in his State and the same as the tobacco lands that are around Quincy, Fla., where tobacco is raised at a price of from 75 to 100 cents a pound, and that every kind of tobacco known in the whole world may be grown successfully in that belt of country along the Gulf of Mexico. Also, in the State of Texas the very same tobacco can be grown with equal success. The Government now has a great experiment station in Texas, and they are growing there the very finest tobacco grown outside of Sumatra.

Now, if the Senator will permit me—I do not want to trespass upon his time, but with his indulgence——

Mr. BACON. I do not object, except that the Senator is not discussing the particular thought that was in my mind. But I do not object to the Senator's going right on, and I will resume when he gets through.

Mr. MONEY. I am only answering the question which the Senator put.

Mr. BACON. The Senator is not answering my question.

Mr. MONEY. I thought I was.

Mr. BACON. I possibly was very unfortunate in not making myself clear to what I know is the very clear apprehension of the Senator from Mississippi; but if the Senator means to state that when the Secretary of Agriculture has made an analysis of the soil in Biloxi, Miss., and says that it is similar to the soil in Georgia, and that the farmers of Georgia should be satisfied with that statement, I must take issue with him, and I understand that to be about the sum and substance of the Senator's suggestion to me.

Mr. MONEY. No; if the Senator will excuse me, that is not what I intended to say. I said land in the same belt of country; for instance, along a line running east and west from the town of Hattiesburg, which is about 70 miles from the Gulf of Mexico.

Mr. BACON. I understand that.

Mr. MONEY. If the Senator understood me, it was not the State of Georgia, but that particular belt of country.

Mr. BACON. But the Senator does not permit me to state my proposition. He takes issue with a part of it before the whole of it has been stated.

Mr. MONEY. I will not interrupt the Senator.

Mr. BACON. There are many soils in the State of Georgia. The northern part of the State is mountainous; it is a part of the Appalachian range, and the climate and products in that part of the State are very much the same as they are in western North Carolina, or in West Virginia, or even in Pennsylvania, the Appalachian range having very similar climatic conditions, with some little variations in its progress, from the east to the southwestern limit. I suggest, therefore, that the analysis of soil in Mississippi does not meet the question at all of what may be required for soils in Georgia in the same latitude. There is a very great variety from the region in the mountains, of which I have spoken, down to the lesser hills, and then finally on down to the plains, to the border of Florida, where the vegetation is almost semitropical. We have all the varieties of climate and of soil and of conditions which are found in latitudes widely apart, very much more widely apart than the northern and southern boundaries of the State. Therefore, it is important that there should not be an analysis of soils in Mississippi for the purpose of giving information to the farmers of Georgia, but that there should be an analysis in Georgia, and not only of a particular belt on the line of the southern part of the State, which is on a parallel with the section of Mississippi of which the Senator speaks, but in all the varying and very widely extended classes of soil that vary in products. We have fruit sections; we have vine sections; we have cotton sections; we have small grain sections. There are some parts of the State where cotton can not be grown, because it is too high and the climate is too cold. We have other sections of the State where fruits can not be grown because it is too warm. Peaches do not grow in the southern part of the State. They grow in the middle and northern part of the State. Particular kinds of soil are adapted to peach growing as well as a particular kind and climate. In the same way there are products in the southern part of the State that can not be grown in the northern part of the State.

My purpose was simply this: I asked for information from the Senator in charge of the bill, whether the limitation which the Secretary of Agriculture is putting upon the amount that he wishes is because he is limiting the inquiries of the Soil Bureau or whether the investigations which are being made are sufficient to reach all the different sections and meet the varying wants, as I have illustrated, in my own State—wants which, while I illustrate them in my own State, I recognize exist in all other States, not in exactly the same conditions, but in similar ones.

Now, it occurs to me that if there is a part of this work which can be accomplished by this proposed increased appropriation, then we ought to vote it, if the work which is being done will not itself accomplish it.

I should like to know, if the committee and those representing it upon the floor of the Senate are in possession of the information, as to what was the particular reason which animated the House of Representatives in its desire to increase this appropriation. I recognize that ordinarily we are not expected to discuss in this House what occurs in the other, but when we are proposing to amend a piece of legislation passed by them, then it is strictly in order and proper that we should know what were their reasons in passing the legislation.

Mr. FULTON. Will the Senator from Georgia allow me?

Mr. BACON. Certainly.

Mr. FULTON. The Senator inquires whether if the appropriation as it came from the House is reduced as proposed by the Senate amendment the necessary work for all localities will be carried on. I doubt not the same condition that exists elsewhere applies to the State I represent. We are informed that unless this appropriation in the bill is maintained, we can not secure the surveys that are very important to our States; and just as the Senator says——

Mr. WARREN. I should like to ask the Senator where he got that information.

Mr. FULTON. I got it from my colleague, who has investigated it.

Mr. WARREN. Where did the Senator's colleague get it?

Mr. BOURNE. I got it from the Department itself.

Mr. WARREN. The head of the Department?

Mr. BOURNE. Yes, the head of the Department.

Mr. WARREN. That is, the Secretary of Agriculture.

Mr. BOURNE. No, the Secretary of the Bureau.

Mr. WARREN. You mean the head of the Bureau?

Mr. BOURNE. Yes.

Mr. WARREN. That brings the matter up just as I stated.

Mr. FULTON. That is what I understood, that it came from that source. I do not care where it comes from. When people go to the head of a bureau and ask for information, they are entitled to have it. It is not discreditable to him or the Representative who goes there for it.

Mr. BACON. I hope I may be allowed to proceed. I am willing to yield to any Senator for a question, but I do not want to be taken off the floor indefinitely.

Mr. FULTON. Just a moment. When I want information that properly comes under the head of a certain bureau, I am going to that bureau chief for it. I know I will get better information, more reliable and accurate information, than I would by going to the head of that particular Department.

Mr. BACON. I am after what is a practical purpose. As I was proceeding to say at the time I was interrupted, when we propose to amend what has been passed by the House, the reasons which induced the House to enact a certain piece of legislation constitute a legitimate and proper matter of discussion here; and we do find the fact that the House of Representatives, after consideration in its committee and a consideration it is to be presumed on the floor of the House, deemed it important that there should be one hundred and thirty-odd thousand dollars more devoted to this work than the $200,000.

Mr. LONG. Mr. President——

Mr. BACON. Pardon me just for a moment. The particular point I wish to make is this, If Senators have the information, what were the facts and what was the reason of the House of Representatives in deciding that $130,000 more was needed for this work than the Secretary says is needed?

Mr. LONG. Will the Senator yield for a question?

Mr. BACON. I do.

Mr. LONG. The Senator is in error with reference to the committee favoring the increase.

Mr. BACON. That was a mere assumption.

Mr. LONG. The Committee on Agriculture of the House of Representatives did not report this appropriation as it is now in the bill, but reported $170,000 for soil investigations.

Mr. BACON. I will stand corrected as to that.

Mr. LONG. Upon full investigation, after taking seventy-nine pages of testimony on this question, as shown by their hearings, they reported $170,000.

Mr. BACON. I accept the correction of the Senator, but that does not change the fact that the House of Representatives, the nearly 400 Representatives, had a reason, and that reason I am trying to get at.

Mr. TELLER. Mr. President——

Mr. BACON. The Senator will pardon me for just a moment. There certainly must have been some facts brought to the attention of the House as to the inadequacy of this amount, and as to the increased amount of work which it was desired to have done, which induced the House to make this additional appropriation of one hundred and thirty-odd thousand dollars.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. I do.

Mr. TELLER. I wish to ask the Senator if he understands, as it has been stated, that this is agreeable to the Secretary of Agriculture? He ought to know as much about it as the House.

Mr. BACON. Of course he knows as much about the subject as the House does.

Mr. TELLER. And he ought to know as much about what the needs are.

Mr. BACON. Very well. It depends on what he considers to be the work necessary to be done.

Mr. TELLER. I do not think the Senator will find out by further discussion.

Mr. BACON. I hope the Senator——

Mr. WARREN. The Senator will yield to me for a moment. He is asking questions. I suppose he is asking them for information.

Mr. BACON. Certainly. I am not asking them for any other purpose. But the Senator has not allowed me to reply to the Senator from Colorado.

Mr. WARREN. I beg pardon.

Mr. BACON. Permit me to say just one word in reply to his statement.

Mr. WARREN. I do not want to interrupt the Senator; only, his questions come one after another, and I should like to answer them before they escape my mind.

Mr. BACON. The Senator from Colorado made a suggestion to which I wish to reply, and then I shall be more than happy to get the information, if the Senator from Wyoming will kindly give it to me.

The Senator from Colorado says the Secretary knows more about this subject and what work is to be done than does the House. It may be that there is a certain part of the work which is within the legitimate scope of the Bureau of Soils which the House of Representatives desires him to do which he does not propose to do and to accomplish which will require this additional amount.

Mr. LONG. I think rather that the work which Members of the House desire to have done the Secretary of Agriculture believes should be done by other bureaus, and not by the Bureau of Soils.

Mr. BACON. I will illustrate what I mean. Take the cotton culture for instance, which is certainly an important industry in this country. It is not a question of what soil is adapted to the production of cotton, but it is a question what elements of nutrition, what fertilizing elements, have been exhausted in the long-continued culture of cotton, and how the soil can best be recuperated from it. It is therefore very important that the soil should be analyzed. What particular element has been exhausted in one locality may be an altogether different element from that which has been exhausted in another locality a hundred miles away.

It may possibly be that the House of Representatives are aware of the fact that the Department of Agriculture is not making the particular investigation in the analysis of soils for the purpose of determining what exhaustion there has been here or there, or elsewhere, which will enable farmers with the greatest knowledge of this exhaustion and this deficiency to supply what is needed to bring the soil back to its virgin state.

Therefore, when the Senator from Colorado says that the Secretary of Agriculture knows best, it is not an imputation that he does not know what particular elements are necessary to be restored to the soil, but it is simply a question whether or not that is one thing he intends to do, and it may be that is the particular thing the House of Representatives desires he should do, and to enable him to do which this increased appropriation is demanded.

Mr. McCUMBER. Mr. President——

Mr. BACON. Does the Senator from North Dakota desire to interrupt me?

Mr. McCUMBER. Yes; I want to make a statement that the Senator may understand what I think is the real difference. If I have the information correctly, under the present appropriation there will be a soil survey of probably about 400 square miles. That means only about eleven townships. One township, 6 miles square, would be 36 square miles. Eleven townships would be 396 square miles, or lacking only 4 miles of being the full 400. Whereas there are in contemplation about 1,400 square miles. It may be that 400 square miles will be sufficient, but I believe that eleven townships to be surveyed for soil purposes in one year does not meet the demands of the country for that character of survey. I believe that that is the view which the House took of it.

Mr. TELLER. I should like to ask the Senator from North Dakota a question.

Mr. McCUMBER. Certainly.

Mr. TELLER. Does the Senator understand you must survey each township in order to find out what the soil contains?

Mr. McCUMBER. No.

Mr. TELLER. You might take a hundred square miles, and one analysis would be all that would be needed.

Mr. McCUMBER. I do not mean to say that it is necessary to take every 40 acres or every square mile, but I believe that the work should be properly conducted. I do not believe that eleven townships surveyed throughout the United States, whether by separate square miles or whether a whole township is surveyed together, would be sufficient to answer the demand for reasonable information throughout the country as to the character of the soil.

Mr. BACON. Mr. President, I asked the permission of the Senator from Wyoming [Mr. WARREN], when he interrupted me, that I might reply to the Senator from Colorado [Mr. TELLER], and I shall be most glad if the Senator will give the information I sought, if he has it.

Mr. WARREN. I would rather wait until the Senator has finished.

Mr. BACON. I yield the floor to the Senator from Wyoming.

Mr. WARREN. If I can remember the questions, the Senator first asked what probably influenced the House. I read the debate carefully as it went on there and have looked it over carefully since. The Senator knows how hurriedly appropriation bills are handled in the House and how little attention is given to them. My impression of that debate is that various Members had asked the head of the Bureau or somebody connected with it if they could have so-and-so surveyed in their States, and the reply was yes, if they would appropriate money enough. There does not seem to be any particular locality which complains of having been neglected. There does not appear to have been any particular amount arrived at through any mathematical calculation.

I will read a few words from the statement of the Secretary of Agriculture before our committee. We did not interrogate him to any great extent, because we had the House testimony—and there are about a thousand pages in their hearings—as well as the RECORD of the proceedings in the House. When we came to that Secretary Wilson said:

> Now, we come to "soil investigations," and there should be a frank statement made to the committee.
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> I had estimated $200,000, and that was increased in the House in the bill we have now to $333,460.
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> * * * * * * *
>
> There has been a great deal done that we knew nothing about until I saw it come to the surface. I have instructed all of my people not to lobby for anything, and it is well understood. I never come to the Capitol myself unless I am sent for—never. I made a careful study of this work and was satisfied that the estimate I made of $200,000—which was $30,000 more than last year—was abundant. That is what I estimated.
>
> Senator LONG. The committee in reporting $170,000, then, reported just the same as the appropriation was last year?
>
> Secretary WILSON. Precisely. That is what they did. Now, the design in the minds of our soil people is to not only do the soiling, but to duplicate the work of the Bureau of Plant Industry and do the management of it, and they offered an amendment in the House—I think you will find it here—giving them authority to do this demonstration and utilization work.

That is true. In order to furnish an excuse for this money, they want to do this work which is being done in another Bureau.

> Senator LONG. Work that is now being done by the Bureau of Plant Industry?
>
> Secretary WILSON. Yes.
>
> The ACTING CHAIRMAN. Right there let me ask this: As I understand the soil industry, it is to find what is in the soil?
>
> Secretary WILSON. That is it.

Mr. CLAY. That is an analysis of the soil, I presume.

Mr. WARREN. Of course.

Mr. CLAY. I presume the purpose of the analysis of the soil is to see what kind of vegetation it is adapted to.

Mr. WARREN. Very well. You have to find out what is in it.

Mr. CLAY. That is true. He does not have reference to minerals.

Mr. WARREN. Of course not.

Mr. CLAY. He has reference to the quality of the soil.

Mr. WARREN. Certainly.

The ACTING CHAIRMAN. And what it will probably produce. Then the plant industry should take it up and adapt the plants as to the latitude, the longitude, the atmosphere, and all that?

Secretary WILSON. Precisely.

The ACTING CHAIRMAN. First to see whether the soil has the proper component parts, and then to see whether the other conditions are all right to grow a certain crop. That is the idea, is it not?

Secretary WILSON. Yes.

* * * * * * *

The ACTING CHAIRMAN. And you will be enabled to carry out your plan if we give you that much?

Secretary WILSON. Oh, surely. The bureaus, the scientific bureaus of the Department of Agriculture, always overlap a little, and I let the overlapping go on until it becomes quite prominent, and then make a division and order so much of it here and so much of it there. For example, a good deal of the soil work was once done by the Bureau of Chemistry, under Doctor Wiley. I turned it over, after studying the matter, to the Soil Bureau. I said: "I want all that work in one place." This is the statement I made to the soils people; this is the statement I made to the House committee, and it is the statement I make to you. I will say the same thing all along the line.

Then later the Senator from Oklahoma [Mr. GORE] asked:

Do you need this $333,000 for this purpose?

Secretary WILSON. No; I stand by my estimate. We can do that work, I think, as fast as it ought to be done without that.

Senator SIMMONS. Your estimate was $200,000?

Secretary WILSON. Two hundred thousand dollars was my estimate.

There was no prejudice on the part of the Senate committee against the Bureau of Soils. Of course I do think, as I said before, that the head of the Bureau ought not to undertake to run a propaganda all over the country by addressing boards of trade or county commissioners to get them to appeal to their Senators to take it up on the floor and ride over the committees of the House and the Senate and ride over the Secretary and those who have the interest of their industry at heart, but also have other things to think of. I do not blame men for becoming enthusiasts in their work. I do not blame a chief for undertaking to magnify his bureau. It is a matter of interest. But in providing for all of these things it seems to me the committees which are charged with these duties must consider for themselves the appropriations and the wants of the country and other matters that are also before the committee. It seemed to the committee that all parts of the country would be surveyed under this provision as fast as the Secretary could organize and take care of parties to do the work.

Mr. CLAY. Will the Senator from Wyoming permit me to call his attention to one point? I call his attention to this, which it is difficult for me to understand: The Secretary of Agriculture has recommended about $4,000,000 to take care of the forests of this country. I see here—

Total for salaries and general expenses, Forest Service, $3,296,200.

And again:

And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be expended as the Secretary of Agriculture may direct, for the proper and economical administration, protection, and development of the national forests.

How the Secretary of Agriculture can recommend $4,000,000, $500,000 to be used just as he may direct, for protecting the forests, and then recommend only $200,000 for testing the soils of this entire country, is something that I can not understand.

Mr. WARREN. Mr. President——

Mr. CLAY. One moment. One-third of this entire appropriation is to go to protect the forests of our country, and there is nothing easier protected than the forests. We appropriate only $200,000 to test the soils and determine whether they are adapted to corn, wheat, vegetables, or fruits, and at the same time the committee propose to appropriate a sum equal to more than twenty times that amount for the purpose of protecting the forests.

Mr. WARREN. Does the Senator think, then, we ought to raise all these others to that level?

Mr. CLAY. I think we have given too much money for forests. You are really giving one-third of this entire appropriation going to the Agricultural Department for the purpose of protecting the trees in this country, and at the same time we are giving to the American farmer only $200,000 to test the soil.

Mr. WARREN. We receive a large income from the forests, I will say, which fact the Senator has overlooked.

Mr. LONG. I suggest to the Senator from Georgia that the forests are practically self-supporting.

Mr. CLAY. The soil is a great deal more than self-supporting. The soil is supporting everybody else in this country.

Mr. LONG. I mean that the income from the forests is practically equal to the appropriation for the Forestry Bureau.

Mr. FULTON obtained the floor.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER (Mr. DIXON in the chair). Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. FULTON. I yield for a suggestion.

Mr. CLARK of Wyoming. I want to ask the Senator from Kansas, for the information of the Senate, the amount of the difference between the income of the Forest Service last year and the amount carried by this bill for that very same Service.

Mr. LONG. The statements show the amount.

Mr. CLARK of Wyoming. The Senator from Kansas made the statement that it was practically self-supporting. Undoubtedly he speaks from knowledge, and I would ask him how nearly self-supporting it is.

Mr. FULTON. The income last year was $1,500,000. This appropriation is $4,000,000.

Mr. CLARK of Wyoming. That is the information I wanted to get.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. FULTON. Certainly.

Mr. SMOOT. I desire to say that the $500,000 of which the Senator from Georgia speaks is for permanent improvements in the forest reserves—for the building of cabins, homes for rangers, the building of roads, the building of telephone lines.

Mr. CLAY. Will the Senator permit me? Does he say that under the provisions of this bill the $500,000 is bound to be used for any such purpose? It reads:

And there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $500,000, to be expended as the Secretary of Agriculture may direct.

He can spend it anywhere he wants and for any purpose he wants.

Mr. SMOOT. I should like the Senator to read the balance of that provision.

Mr. CLAY. I read it all once before. It says:

For the proper and economical administration, protection, and development of national forests.

Mr. SMOOT. That is it exactly.

Mr. CLAY. It is not provided that it shall be used for permanent improvements.

Mr. WARREN. May I remind the Senator that we laid aside the forestry matter for the day? I hope we may proceed with the matter at issue.

Mr. CLAY. I think it is very appropriate to this.

Mr. FULTON. When the forestry matter comes up I may have some observations to submit concerning it. But I pass that by for the present.

I hope that the appropriation as it came from the House for the purpose of soil surveys will be continued. As suggested by the Senator from Georgia, at best, the amount is very small when compared with the vast area to be covered and the great value to the people of the work to be performed.

I observe that in the discussions elsewhere on this bill it was suggested, and it has been suggested here, indeed, by the Senator from Mississippi [Mr. MONEY] that a soil survey in one section or one district of the country would afford ample information for the surrounding country and for the other portions of the State.

Mr. MONEY. I did not say that.

Mr. FULTON. I understood that was the Senator's contention. Anyway, it was so contended in the House in opposition to the increase there adopted. But it was clearly shown there, as it can be demonstrated elsewhere, that the conditions which obtain in one portion of a State may be entirely at variance with the conditions obtaining elsewhere. For instance, take it in my State. Take the western portion of the State, along the coast. The climatic condition, the plant life, almost every condition differs radically from that which obtains in the eastern portion of the State, which is separated from the western by lofty ranges of mountains, changing the climate entirely. The soil is different. The products of the soil are different. Nature is entirely different.

Take the southern portion of the State, and you will find again an entirely different district. We wish surveys of the soils to be made in the different districts. We can not secure them unless we can get appropriations that will bear the expense. If this appropriation is reduced we will not secure

them. I suppose that is true in many other portions of the country.

Mr. WARREN. Mr. President, I do not think I have yet made one point clear enough. The Secretary claims, and there seems to be no dispute about it, that a large portion of the money of last year that was appropriated for the Bureau of Soils has been used in nutrition business or investigations. There was a little over $38,000 used in that way last year. Then we have added $30,000, which would give $68,000 more for soil investigation this next year than was used for that purpose last year.

Mr. FULTON. How much additional does the amendment recommended by the committee give for the soil surveys over and above the $170,000 that was originally reported by the House committee?

Mr. WARREN. It gives $30,000 more than that.

Mr. TELLER. Thirty-seven thousand seven hundred and fifty dollars.

Mr. WARREN. Altogether nearly $40,000, and then the nearly $40,000 out of last year's appropriation, which was diverted.

Mr. TELLER. In all, nearly $80,000.

Mr. WARREN. Yes.

Mr. FULTON. I understand that quite well, I will say to the Senator from Wyoming, but still it does not afford sufficient money to carry on the work that is necessary.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. FULTON. Certainly.

Mr. LONG. What reason has the Senator for believing that this is not sufficient to carry on the work of soil survey?

Mr. FULTON. For the very simple reason that those who are in charge of it, those who know more about it——

Mr. LONG. The Secretary?

Mr. FULTON. As the Senator from Wyoming has read what the Secretary said, let me say that the Secretary of any of these Departments estimate that they will have so much work and it will take so much money. They want a total amount, and they will pare down one bureau in order to get enough for the particular bureau that they want to carry on a line of work.

Mr LONG. Does not the Senator think the Secretary should determine the work to be done by the different bureaus?

Mr. FULTON. In a measure, but not altogether.

Mr. LONG. Who should determine whether the Bureau of Soils or the Bureau of Plant Industry should do certain work?

Mr. FULTON. Congress should determine what it wants done, what work it deems the most important.

Mr. LONG. Should Congress determine how the work of the Department should be done?

Mr. FULTON. Yes, sir; Congress is the final arbiter in all those matters, and Congress should determine. If Congress should deem that it is more important that the soil survey should be extended than it is that certain other matters within the jurisdiction of the Department of Agriculture should be looked after, it is the duty and the functions of Congress to so determine. I believe myself that we can go to the bureau chiefs oftentimes and get more satisfactory information than we can from the Secretary himself at the head of the Department.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. FULTON. Certainly.

Mr. WARREN. Suppose we appropriated this money and followed it with an amendment that it should be expended under the direction of the Bureau Chief? Is not the Secretary of Agriculture the proper man to distribute the money and state how it shall be expended?

Mr. FULTON. No; I think that we should appropriate so much money for soil surveys. It will be expended, of course, in a broad sense under the administration of the Secretary of Agriculture, but immediately by the head of the Bureau of Soils.

Mr. LONG. Will the Senator from Oregon yield to me for a question?

Mr. FULTON. Certainly.

Mr. LONG. I notice in the estimates submitted by the Chief of the Bureau of Soils that he wanted an appropriation of $500,000 for his Bureau——

Mr. FULTON. He ought to have had it.

Mr. LONG. Of which $200,000 was for soil survey. The rest of it was for other purposes. The Secretary of Agriculture believes the other work should be carried on by other bureaus. Does the Senator believe——

Mr. FULTON. Let me ask the Senator, suppose that we prefer to have $350,000 devoted to soil surveys, have we not a right to so order it?

Mr. LONG. Undoubtedly. The Chief of the Bureau says that he wants $200,000 for soil survey, out of a $500,000 appropriation. We propose to appropriate $200,000.

Mr. FULTON. The Bureau Chief says that with $200,000 he can only do certain work. I want more work than that done. I want some work in my State, important information which we can not secure if an appropriation of only $200,000 is made.

Mr. WARREN. That is exactly what the Chief of the Bureau calls for.

Mr. FULTON. What amount?

Mr. WARREN. Two hundred thousand dollars.

Mr. FULTON. I have not looked at the estimate, but I say that the information now is that unless the amount appropriated by the House is retained in this bill the work that I want to see done will not be done.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. FULTON. In just a moment.

Of course I understand that the Chief of the Bureau wants to carry on certain work—we will say $200,000 for soil survey, $200,000 for this, and $200,000 for that—but the question for us to determine is how we want to afford the most relief to the producers, the farmers, of this country. My judgment is that one of the most important works that we are carrying on is the intelligent and efficient soil survey throughout the country. I know it is one of the most important things to us; I know that it is what our people want more than anything else, and I understand we can not get it if this amount is reduced.

I do not care what the Secretary of Agriculture says about it. His statement is made with a view to the amount of work he is going to do and the limitations he proposes to put on it. I am not satisfied with those limitations.

Mr. DEPEW. Mr. President, I dislike always in any way to disagree with the conclusions reached by a committee, and would not in this case have said anything if there had not been such a radical change in the bill as it passed the House.

The Senator from Wyoming [Mr. WARREN] asks us where our information comes from, and if by any possibility it may be better than that which the committee received. My information comes from agricultural societies and granges in the State of New York. I have a letter here from a distinguished agriculturist inclosing a speech made by one of the members of the New York delegation during the debate when this subject was up before the House of Representatives.

It seems to me that the only question at issue is the time which will be involved in the performance of this work. Everybody admits the necessity for the work and its enormous value. The question is, Shall it be done rapidly or shall it be spread over a longer period, and that depends upon the amount of the appropriation?

The information which I have received from these people who are so deeply interested and who have consulted with the Bureau of Soils is that the difference in this appropriation as it passed the House and is cut down by the Senate committee makes just double the time required to perform the work already mapped out.

This Bureau has done valuable service to the agricultural interests of the State of New York. The surveys which it has made in the counties along the Lake region in regard to grape culture have enriched that industry in that part of the State. They are now engaged in two kinds of work which interest greatly the farmers of New York, one in relation to the abandoned farms in the southern tier and the other the cultivation of alfalfa for the dairy interests.

One would hardly suppose that there were abandoned farms in the State of New York, but it is a fact that in some of the counties in the southern tier the soil has become exhausted. The people of the locality can not, by their own efforts, carry on the investigations which are necessary to make those farms sufficiently productive for profit or even for a living. The result is that farms are abandoned. The work which has already been done in a limited way by the Bureau of Soils survey has brought many of those farms into production again, and the whole of that section is looking with the liveliest interest to an immediate and energetic continuation of the work because of the results following what the Bureau has already done.

The dairy interests of New York are among the largest in the United States, and those interests have been suffering by the exhaustion of dairy soil and are alive to the necessity of finding fresh materials for feeding stock. It has been found that this necessity is abundantly supplied by alfalfa if the soil can be located which will economically and profitably produce it. That has been discovered in a great district, nearly 400 miles in length, between Albany and the Lakes.

Now, constituents of mine who are interested personally, and public-spirited citizens whose studies are in the line of agriculture, feel that unless this additional appropriation is made the work both of reclaiming farms and producing alfalfa will be delayed, to the infinite disadvantage of the agricultural interests of the State of New York.

We find that the committee of the House appropriated, on the information which they had, $170,000. Then, in the debate, on information received from practical farmers on the floor of the House, the amount was raised there to $323,000. Now, the Senate committee, on further testimony, has reduced it to $200,000.

So the whole discussion, from its origin in the House committee until its arrival on the floor here, demonstrates that it is a fluid question, to be determined by the information we can derive from any source where that information can be procured.

Under the circumstances, Mr. President, I am compelled, much as I regret it, to differ from the conclusions of the committee and to vote for the restoration of the amount passed by the House of Representatives.

Mr. TELLER. Mr. President, according to the figures I have given, this appropriation if left as the committee has it, will practically be $75,000 more than the Department had last year. Thirty-eight thousand dollars I understand was not used, and there is $37,750 more than was appropriated, taking out of last year's appropriation the working force provided just the same as it is now.

Mr. President, I should like to know upon what theory we shall pass appropriation bills if, when the head of a Department comes here and says, "I do not want any more," we force on him $130,000 more. The idea appears so absurd that it seems to me it is a waste of time to discuss it.

Mr. LONG. Mr. President, I agree with the Senator from Colorado [Mr. TELLER] that this proposition would be absurd if it were not pressed so seriously as it has been this afternoon. The estimate submitted by the Chief of the Bureau of Soils to the Secretary was for $500,000, $200,000 of which was for soil survey, as shown by the hearings before the House committee. That is the amount that we have reported in this bill. Fifty thousand dollars of the estimate was for soil management; $80,000 was for soil utilization.

Certainly the Secretary of Agriculture had some reason when this estimate for $500,000 was submitted to him by the Chief of the Bureau of Soils for reducing it to $200,000. What was that reason? The hearings before the House Committee on Agriculture show the purpose of the Secretary. The Bureau of Soils was engaging in work which the Secretary of Agriculture thought should properly be done by the Bureau of Plant Industry. The Secretary believed that soil management and soil utilization and other work estimated for by the Chief of the Bureau of Soils should be done by other bureaus in his Department. Instead of recommending $500,000 to Congress for this Bureau, the Secretary estimated $200,000 for soil investigations, which was an increase of $30,000 over the appropriation for the current year.

The Committee on Agriculture of the House, after giving full hearings upon this subject, reported in favor of $170,000. The House, probably for the same reasons that the Senator from New York [Mr. DEPEW] has just expressed, so that certain work would be done in the different districts, increased this appropriation. The Secretary of Agriculture should be permitted to determine which bureau should make certain investigations. Some of the investigations which the Senator from New York desires should be made by the Bureau of Plant Industry, in the opinion of the Secretary. Possibly the Chief of the Bureau of Soils thinks they should be done by his Bureau. The bill now restricts the investigations of the Bureau of Soils to the soil survey, and the chief of this Bureau only estimated $200,000 for soil survey.

He wanted $50,000 for soil management; he wanted $80,000 for soil utilization; he wanted $30,000 for erosion. But the Secretary of Agriculture, who I presume knows something about the division of the work among the different bureaus, believes that some of these things can be done better by another bureau in the Department. He came before the Committee on Agriculture of the Senate and said that he wanted only $200,000 for soil investigations by the Bureau of Soils. This is the only work imposed by the bill upon the Bureau of Soils.

In my opinion it would be a very strange proceeding after the Secretary says he wants only $200,000 for carrying on this work for Congress to increase the appropriation for the Bureau of Soils. The work of soil management and soil utilization is done by another bureau and no authority is given in this bill to carry on this work in the Bureau of Soils.

Mr. McCUMBER. Mr. President, I can not agree with the Senator from Kansas [Mr. LONG] that the Secretary of Agriculture shall have anything whatever to say about how the public money should be expended. That is not what the Secretary of Agriculture is appointed to his position for. He is simply to recommend to Congress what he may need for his Department.

Congress in its wisdom has the right, and it should exercise that right, of determining in its wisdom what it wants for any particular purpose, and whenever Congress, as representing all of the people, desires to spend a little more money to help out the agricultural sections of the country than the Secretary of Agriculture sees fit to recommend, then I say it is a question for Congress and not a question for the Secretary of Agriculture.

It has been represented here again and again that there is $200,000 appropriated for soil survey. There is nothing of the kind appropriated for soil survey, if I have the estimates correctly. Under the division of this money there will be about $80,000 of it for soil survey, and that is all that will be used for soil survey. That is sufficient to survey about 400 square miles of land.

If the Senator will look to see what this $200,000 is appropriated for, he will find that it is, first, for—

Investigation of the relation of soils to climate and organic life.

That is not soil survey, nor anything of the kind. The next——

Mr. WARREN rose.

Mr. McCUMBER. Just a moment. The next is—

For the investigation of the texture and composition of soils in the field and laboratory.

The next is—

For the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts.

That is not soil survey as we understand it and as you afterwards explain it in the same section.

Mr. WARREN. Mr. President——

Mr. McCUMBER. Will the Senator just allow me to complete the sentence? Then I will yield to him again.

Now, we have the proposition—

For investigations of soils and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations—

That is the particular proposition that we want carried forward to a greater extent than it has been carried on to-day. It is not so much with us the question of "the relation of soils to climate and organic life" or "the investigation of the texture and composition of soils in the field and laboratory" or "for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts." One investigation in one section of the country may answer that purpose, or it may take ten thousand, or it may be done here in Washington and not out on the Plains at all. But we do want a certain proportion of this money, which we believe should be used, and that is $200,000, "for investigations of soils and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations."

The question then would arise: If there are $200,000 appropriated, whether we should, in our judgment, expend $80,000 for this specific purpose or whether we should expend $200,000 for that specific purpose and $133,000 additional for the other purpose mentioned in that section? I will now yield to the Senator from Wyoming.

Mr. WARREN. The Senator's divisions are entirely of the imagination. It is all one matter, one lump sum for one class of investigation—that of soils—and it all comes out in one investigation. That is a matter which ought to be well known to the Senator. If he will look at the estimates made by the Bureau, he will find that there is no such subdivision. The Senator surely does not think that different parties may, under the subdivisions he has named, be sent out to examine just that particular thing or subdivision without regard to the others. It is all done at one time.

Mr. McCUMBER. Mr. President, the information that I obtain is this——

Mr. FULTON. Will the Senator from North Dakota allow me to ask the Senator from Wyoming a question?

Mr. McCUMBER. Let me make the statement first. The information I obtain is that after we have appropriated $200,000 for all of the provisions under this section that amendment is then divided up. It may require $20,000 for the investigation of the relation of soils to climate; it may require $10,000 for the investigation of the texture and composition of the soils; it may require another number of thousand dollars for another purpose and still another number of thousand dollars for the purpose of investigating soil conditions, and so forth, and for indicating them upon the maps. The information which I get is in these words:

The general appropriation for the soil survey as arranged by the Agricultural Department gives them about $80,000 of this $133,000 for the investigation of the soils and for indicating upon maps or plats by coloring or otherwise the results of such investigations.

In other words, out of the $200,000, $80,000 would be expended for that specific subdivision of the general purpose.

Mr. WARREN. The Bureau of Soils wants $80,000, in the Senator's estimation, for this purpose?

Mr. McCUMBER. I stated where I got my information.

Mr. WARREN. I understand, but does it not come under the survey of the Bureau of Soils?

Mr. McCUMBER. Certainly; we do not disagree on that at all, I will say to the Senator.

Mr. WARREN. The subdivisions are entirely imaginary. It is all soil survey.

Mr. McCUMBER. Very well. Let the Senator put it in whatever way he sees fit. If we have $133,000 more appropriated, it can be used for some purpose. The question is where it will be used? If $200,000 is enough to do this work and to survey 400 square miles, and Congress wants 1,400 square miles surveyed instead of 400 square miles, according as the work is already laid out, then we should appropriate for the extra amount.

Mr. WARREN. Why 1,400? Why not 14,000?

Mr. McCUMBER. We might even say, why not a million?

Mr. WARREN. Of course.

Mr. McCUMBER. We could not do it all, to be sure. I can answer the Senator back and ask why not 100, why not 50, why not 10? We have got to keep within the line of reason. The whole question is whether this is a sufficient amount, considering the demands all over the country for soil surveys. I maintain that it is not a reasonable amount when we take the matter into consideration.

Mr. LONG. The head of the Bureau estimated only $200,000 for soil surveys.

Mr. McCUMBER. It may be possible, Mr. President, that the heads of the Departments or bureaus themselves may not think the country needs as much as we do, who are making the demands for these surveys and getting refusals from the Department to grant surveys, because Congress has not appropriated enough money for the purpose. Last year I wanted some surveys in my own State, and I could not get those surveys because there was not money enough. If all Senators who feel that they wish more surveys in their own States should go before the Department next year and say, "We want so much, or we want such a survey to be made in New York, so much in Nevada, and so much in North Dakota," the answers of the Department would be, "Under the appropriation we can not answer all these demands and can not give you what you require."

Of course I will admit that we may demand a great deal more than we are entitled to, or than the Government can afford to give; but this little extra $133,000 was placed in the bill by the House after mature deliberation on the floor.

Mr. LONG. I call the attention of the Senator to the fact that a part of the appropriation of last year was not expended——

Mr. McCUMBER. That is no reason at all, Mr. President——

Mr. LONG (continuing). So that when the information was given him that there was not money enough, evidently the information was not very accurate.

Mr. McCUMBER. The information is that we could not get these soil surveys. We did not get the surveys, and we are not getting what we think we ought to have. I can see no serious objection on the part of the Secretary of Agriculture to our appropriating what we feel we ought to have.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. Mr. President, I have listened with a great deal of interest to this discussion. This is an important matter, as we all recognize; but the fact has been brought out that the appropriation of last year, which was $170,000, was not all expended—that there was a large balance left over. Now, I want to ask the Senator from North Dakota [Mr. McCUMBER] if it may not be that the force of scientists to perform this work is not adequate to do this largely increased work for which the Senator is contending?

Mr. McCUMBER. I think that that is probably true; but I think that there are enough in the United States, and if the Department would start on a larger scale and start early enough, they could get the requisite number.

Mr. GALLINGER. I want to ask the Senator one further question, because my knowledge is not accurate on that point. Has the Secretary of Agriculture authority outside of the law to employ men to do this work or is he restricted by law to a certain force? If, of course, he can go outside and employ men and find competent men to do it, then any amount can be expended, but if he has not that authority, I can see very clearly that the amount provided in the bill, or even a less amount, may be sufficient.

Mr. McCUMBER. I can not speak definitely, but I would naturally assume when Congress appropriates a certain sum of money for a specific purpose and charges the Department of Agriculture with the execution of that purpose, that of itself carries sufficient authority to the Secretary of Agriculture to employ the means that are necessary to effectuate the direction of Congress.

Mr. GALLINGER. Yet the fact remains that last year the smaller amount of $170,000 was not all used.

Mr. McCUMBER. Undoubtedly some reason could be given for that with which I am not acquainted.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. McCUMBER. I will ask that the amendment be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 20, after the word "expenses," it is proposed to strike out "three hundred and thirty-three thousand four hundred and sixty" and to insert "two hundred thousand."

Mr. WARREN. Mr. President, I understand the question before the Senate is, Shall the amendment of the committee be agreed to?

The VICE-PRESIDENT. That is the question which the Chair stated.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I transfer that pair to the Senator from Pennsylvania [Mr. PENROSE], and vote. I vote "yea."

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. McENERY]. I transfer that pair to my colleague [Mr. PLATT], and vote. I vote "nay."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is not in the Chamber. I therefore withhold my vote for the present.

Mr. OVERMAN (when his name was called). I am paired with the Senator from Missouri [Mr. WARNER], but I will transfer that pair to the Senator from Maine [Mr. HALE], and vote. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily absent, to the junior Senator from Iowa [Mr. DOLLIVER], and vote. I vote "yea."

Mr. GAMBLE. Having a general pair with the senior Senator from Nevada [Mr. NEWLANDS], I will transfer that pair to the junior Senator from Kansas [Mr. CURTIS] and vote. I vote "yea."

The result was announced—yeas 42, nays 9, as follows:

YEAS—42.

Allison	Clapp	Gallinger	Simmons
Ankeny	Clarke, Wyo.	Gamble	Smith, Md.
Bankhead	Crane	Gary	Smith, Mich.
Borah	Culberson	Hopkins	Smoot
Brandegee	Cullom	Lodge	Stephenson
Brown	Dillingham	Long	Stone
Bulkeley	Dixon	Money	Sutherland
Burkett	du Pont	Nelson	Teller
Burnham	Foraker	Paynter	Warren
Burrows	Foster	Piles	
Carter	Frye	Richardson	

NAYS—9.

Bacon	Depew	McCreary	Overman
Bourne	Flint	McCumber	Perkins
Clay			

NOT VOTING—41.

Aldrich	Frazier	Knox	Rayner
Bailey	Fulton	La Follette	Scott
Beveridge	Gore	McEnery	Stewart
Briggs	Guggenheim	McLaurin	Taliaferro
Clarke, Ark.	Hale	Martin	Taylor
Curtis	Hansbrough	Milton	Tillman
Daniel	Hemenway	Newlands	Warner
Davis	Heyburn	Nixon	Wetmore
Dick	Johnston	Owen	
Dolliver	Kean	Penrose	
Elkins	Kittredge	Platt	

So the amendment of the committee was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 29, line 23, to reduce the total appropriation for the maintenance of the Bureau of Soils from $368,160 to $234,700.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Entomology," on page 31, line 8, before the word "dollars," to strike out "fifty-eight thousand eight hundred" and insert "forty-nine thousand two hundred and forty," so as to make the proviso read:

Provided, That Porto Rico is not excluded; for rent, and the employment of labor in the city of Washington and elsewhere; freight and express charges and official traveling expenses; for office fixtures, supplies, and apparatus; telegraph and telephone service; gas and electric current, $149,240, of which sum $10,000 shall be immediately available.

Mr. WARREN. Mr. President, I ask that that amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 31, line 11, to reduce the total appropriation for the maintenance of the Bureau of Entomology from $184,960 to $175,400.

Mr. WARREN. Mr. President, I did not move, as we were passing on, to amend the total, because I asked early in the consideration of the bill that the Secretary might correct the totals. I think the total just stated should be changed from the amount as proposed by the committee. I therefore ask that that total may be corrected by the Secretary according to the preceding matter.

The VICE-PRESIDENT. Without objection, it is so ordered.

The reading of the bill was resumed and continued down to the word "dollars," on page 32, line 18.

Mr. WARREN. I move to amend by striking out the word "disbursement" and inserting the word "disbursing." It is an error in the print. The amendment should come in on line 16.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 32, line 16, before the word "clerk," it is proposed to strike out the word "disbursement" and insert "disbursing," so as to read:

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the Department, $3,250.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Division of Accounts and Disbursements," on page 33, line 2, to reduce the salary of one custodian of records and files in the Division of Accounts and Disbursements from $1,200 to $1,000.

The amendment was agreed to.

The next amendment was, on page 33, line 4, to reduce the total appropriation for the Division of Accounts and Disbursements from $46,690 to $46,490.

The amendment was agreed to.

The next amendment was, under the head of "Division of Publications," on page 33, line 22, to increase the salary of one assistant in document section, Division of Publications, from $1,400 to $1,600.

The amendment was agreed to.

The next amendment was, on page 34, line 2, before the word "chief," to strike out "clerk now;" in line 3, before the word "folder," to strike out "clerk now;" in line 5, before the word "nine," to strike out "one clerk" and insert "three clerks;" in the same line, before the word "clerks," to strike out "seven" and insert "sixteen;" in line 7, before the word "clerks," to strike out "thirty-two" and insert "twenty-one," and in line 20, before the word "dollars," to strike out "thirty-six thousand five hundred and fifty" and insert "thirty-nine thousand five hundred and ten," so as to read:

Two forewomen, at $1,200 each; one chief folder, $1,000; one folder, $900; three folders, at $840 each; three clerks, $900; sixteen clerks, at $840 each; twenty-nine clerks, at $720 each; twenty-one clerks, at $600 each; one photographer, $1,200; one assistant photographer, $840; ten skilled laborers, at $840 each; eight skilled laborers, at $720 each; twenty skilled laborers, at $600 each; one messenger, $840; three messengers, at $720 each; three messengers, at $600 each; two messengers, $420 each; one messenger boy, $360 dollars; one fireman, $720; in all, $139,510.

The amendment was agreed to.

Mr. WARREN. Mr. President, after the amendment in line 4 the word "at" should be inserted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, at the end of line 4, after the committee amendment just adopted, it is proposed to insert the word "at," so as to read:

Three clerks, at $900.

The amendment was agreed to.

Mr. WARREN. I also move to amend, after the word "dollars," by inserting the word "each" in line 5.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 34, line 5, after the word "dollars," it is proposed to insert the word "each," so as to read:

Three clerks, at $900 each.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 35, line 12, to increase the appropriation for general expenses, Division of Publications, from $40,000 to $45,000.

The amendment was agreed to.

The next amendment was, on page 35, line 15, to increase the total appropriation for the maintenance of the Division of Publications from $176,550 to $184,510.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Statistics," on page 35, line 25, before the word "clerks," to strike out "thirteen" and insert "fourteen;" in the same line, before the word "clerks," to strike out "nine" and insert "eight;" and on page 36, line 6, before the word "hundred," to strike out "four" and insert "six," so as to make the clause read:

Salaries, Bureau of Statistics: One statistician, who shall be Chief of Bureau, $3,500; one assistant statistician, who shall be assistant chief of Bureau, $2,500; one chief clerk, $1,800; six clerks, class 4; nine clerks, class 3; twelve clerks, class 2; two clerks, at $1,300 each; fourteen clerks, class 1; eight clerks, at $1,000 each; four clerks, at $900 each; four clerks, at $840 each; ten clerks, at $720 each; six clerks, at $600 each; two messengers, at $840 each; in all, $96,640.

Mr. TELLER. Mr. President, I want to call the attention of the Senator in charge of the bill and I also wish to call the attention of the Senate to the fact that we have another Bureau of Statistics that does exactly the same work that is being done by this Bureau. I do not want to make any motion in regard to it, but I want to call the attention of those who are more positively directing the legislation here than I am to the necessity for the consolidation of these statistical bureaus into one body. I have had some experience with statistics, and I find that there is frequently a great discrepancy between the report of one bureau and the report of another.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 37, line 4, to increase the total appropriation for the maintenance of the Bureau of Statistics from $221,440 to $221,640.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 17 on page 37, as follows:

Salaries, library, Department of Agriculture: One librarian, $2,000; one assistant librarian, $1,400; one clerk (who shall be a translator), $1,200; two cataloguers, at $1,200 each; three cataloguers, at $1,000 each; one clerk, $1,000; four clerks, at $900 each; one clerk, $840; two clerks, at $720 each; one messenger, $720; one messenger, or laborer, $480; in all, $18,080.

Mr. GALLINGER. I wish to ask the Senator in charge of the bill if he has any knowledge as to the character of the books that constitute the library of the Department of Agriculture?

Mr. President, I will say in explanation of my inquiry that it developed during a recent hearing that in one school building in the city of Washington there are 6,000 volumes. They have practically a library in every school building in Washington, and I suppose they have in every Department.

Here is a provision for eighteen employees and an expenditure of $33,580 for the library of the Department of Agriculture. An inquiry concerning the particular school building that I allude to developed the fact that they were buying books of fiction as well as other books.

Mr. WARREN. In the Department of Agriculture?

Mr. GALLINGER. No; in one of the school buildings.

It seemed to me a great abuse of the public money. I should like to know, if the Senator has any knowledge, whether the $15,000 that is appropriated for books, cards, and so forth, is meant for technical books and books that are of value to those who are studying the problems connected with the Department of Agriculture, or whether somebody has a free hand, as they seem to have in some of our school buildings, to buy any kind of books he sees fit to purchase.

Mr. WARREN. Mr. President, I can only give the Senator the information, generally speaking. The Department of Agriculture, like other Departments, undergoes an examination once in a while by a committee of the House regularly organized for that purpose, and I was informed at the time an examination was made of that Department, in answer to a question respecting the library, that they had held very closely not only to the law, but to the proprieties in confining themselves to books, many of them foreign, pertaining to the particular branches of

agriculture, forestry, and so forth, all matters with which that Department has to deal.

Of course the Senator will understand that in a school where there are many teachers and scholars who desire to read fiction the temptation would be to inflate the library beyond what it would be in an institution like the Department of Agriculture.

Mr. GALLINGER. But there is a public library for that purpose. It seems to me an abuse in the schools.

Mr. WARREN. I agree with the Senator entirely. I think an investigation by him of the Department will convince him that the library is well conducted.

Mr. GALLINGER. I have no disposition to make an investigation. I will add another thing, which, perhaps, will attract attention. How extensive is the library in the Department of Agriculture?

Mr. WARREN. I am not able to say offhand; the books are not all in one place, so I am not able to answer.

Mr. GALLINGER. It must be a very large library which requires eighteen employees to look after it. Really I think it is a matter that might well be inquired into by the committee.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 38, line 21, after the word "apparatus," to insert "for rent in the District of Columbia, not to exceed $8,000; for the construction of a suitable building for shops, stables, and storage, including labor and other expenses, work to be done under the supervision of the Secretary of Agriculture, not to exceed $25,000;" and on page 39, line 12, before the word "thousand," to strike out "fifty-three" and insert "eighty-six," so as to make the clause read:

Contingent expenses, Department of Agriculture: Purchase of stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, matting; for lights, freight, express charges, advertising, telegraphing, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for rent in the District of Columbia, not to exceed $8,000; for the construction of a suitable building for shops, stables, and storage, including labor and other expenses, work to be done under the supervision of the Secretary of Agriculture, not to exceed $25,000; the purchase, subsistence, and care of horses, for official purposes only; the purchase and repair of harness; the purchase and repair of vehicles, for official purposes only; payment of duties on imported articles, and the Department of Agriculture's proportionate share of the dispatch agent in New York, not to exceed $400; official traveling expenses; and other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the Department, including not to exceed $2,500 for postage, $86,200.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 3 on page 40.

Mr. TELLER. I should like to make an inquiry of the chairman of the committee. I find on page 39 an item for "Office of Experiment Stations; salaries, Office of Experiment Stations," extending to page 40, line 3, and aggregating $34,620.

Then, under another head, "Agricultural Experiment Stations," there are further appropriations. I wish to know if there are two distinct sets of stations, or how it is.

Mr. WARREN. I will say to the Senator that the first paragraph alludes to the Office of Experiment Stations in the Department, while the agricultural experiment stations embraced in the next paragraph are the various agricultural colleges, and so forth, throughout the United States that are provided for by annual appropriations under the Morrill, Hatch, and other bills.

Mr. TELLER. Then this first item of $34,000, on pages 39 and 40——

Mr. WARREN. It is for general administration.

Mr. TELLER. It is really the administration of the station here in Washington.

Mr. WARREN. And all the others, as the Senator will see.

Mr. TELLER. I mean to take care of the reports that come in from them?

Mr. WARREN. Yes, sir.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 40, line 12, before the word "thousand," to strike out "forty-three" and insert "thirty-three," so as to read:

Agricultural experiment stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $833,000, $30,000 of which sum shall be payable upon the order of the Secretary of Agriculture, etc.

The amendment was agreed to.

The next amendment was, on page 41, line 21, after the word "Hawaii," to strike out "and;" in the same line, after the words "Porto Rico," to insert "and the island of Guam;" in line 24, after the word "That," to insert "not more than $5,000 shall be expended at Guam, and;" on page 42, line 2, before the word "Alaska," to insert "either;" in the same line, after the word "Hawaii," to strike out "and" and insert "or;" in line 5, after the word "Hawaii," to strike out "and," and in line 6, before the word "and," to insert "and the island of Guam," so as to read:

The Secretary of Agriculture is hereby authorized to expend $83,000 of said sum to establish and maintain agricultural experimental stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the printing (in Hawaii and Porto Rico), illustration, and distribution of reports and bulletins: *Provided*, That not more than $5,000 shall be expended at Guam, and not more than $26,000 shall be expended for the maintenance of stations in either Alaska, Hawaii, or Porto Rico, and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, and to apply the money received from the sale of such products to the maintenance of such stations, and this fund shall be available until used.

Mr. TELLER. I wish to call attention to the fact that there is no agriculture in Guam, and there can not be to amount to anything. It is a waste of money to establish a station there.

Mr. WARREN. That was my impression until the Secretary testified before the committee, to my astonishment, that there are 10,000 people there and that they are to some extent engaged in agriculture.

Mr. TELLER. They are engaged in agriculture that they thoroughly understand, and they will not accept any suggestions from us, because we know nothing about their character of agriculture. It is just about as good as the fifth wheel to a coach.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 42, line 20, before the word "all," to insert "and completing;" and in line 22, before the word "thousand," to strike out "three" and insert "seven," so as to make the clause read:

Nutrition investigations: For setting up and completing all apparatus now the property of the Government and used in the nutrition investigations, and for preparing for publication results already obtained, $7,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 43, line 13, to increase the total appropriation for maintenance of the Office of Experiment Stations, from $1,030,620 to $1,034,620.

The amendment was agreed to.

The next amendment was, on page 44, after line 22, to strike out the subhead "Leave of absence" and insert the heading "Miscellaneous."

The amendment was agreed to.

The next amendment was, on page 44, line 24, before the word "The," to insert "Leave of absence."

The amendment was agreed to.

The next amendment was, on page 45, line 7, before the word "To," to insert "Paper tests;" and in line 8, before the word "such," to strike out "by cultivation," so as to make the clause read:

Paper tests: To enable the Secretary of Agriculture to test such plants as may require tests to ascertain if they be suitable for making paper, $10,000, or so much thereof as may be necessary, including the employment of labor in Washington or elsewhere.

The amendment was agreed to.

The next amendment was, on page 45, after line 11, to insert:

Naval-stores industry: To enable the Secretary of Agriculture to inquire into the destruction of forests by the production of turpentine and rosin, and the sources and methods of said industry, and in cooperation with the Bureau of the Census to report upon the production of the naval-stores industry, $10,000, or so much thereof as may be necessary, including the employment of labor in Washington or elsewhere.

Mr. WARREN. In line 14 let the word "rosin" be changed to "resin."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 45, after line 19, to insert:

National bison range: The President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed 12,800 acres of said lands, near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison range for the heard of bison to be presented by the American Bison Society. And there is hereby appropriated the sum of $30,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille, and such other Indians and persons holding tribal relations or may rightfully belong on said Flathead Indian Reservation, the appraised value of said lands as shall be fixed and determined under the provisions of the act of Congress approved April 23, 1904, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment." And the Secretary of Agriculture is hereby authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds

and buildings for the proper care and maintenance of the said bison; and there is hereby appropriated therefor the sum of $10,000, or so much thereof as may be necessary; in all, $40,000.

The amendment was agreed to.

Mr. WARREN. On the part of the committee I offer an amendment, to come in after line 21, on page 46.

The SECRETARY. On page 46, after line 21, it is proposed to insert:

Mount Tabor Industrial and Manual Training School: That out of the sum of money hereafter annually paid to the State of New York pursuant to the provisions of the acts of Congress relative to agricultural colleges, approved, respectively, July 2, 1862, and August 30, 1870, and of the agricultural appropriation bill approved March 4, 1907, there shall hereafter annually be paid to the Mount Tabor Industrial and Manual Training School for colored youths the sum of $5,000.

The amendment was agreed to.

The next amendment was, on page 47, line 16, before the word "dollars," to strike out "five hundred eight thousand eight hundred and six" and insert "six hundred forty-two thousand one hundred and forty-six," so as to make the clause read:

Total carried by this bill for the Department of Agriculture, $11,642,146.

Mr. WARREN. We will have to leave the total until the bill is completed.

The VICE-PRESIDENT. The amendment will be regarded as open. The reading of the bill has been concluded.

Mr. WARREN. Mr. President, I understand we should have an executive session. The reading of the bill having been completed and the forestry section passed over to another time, I will ask that the bill may be laid aside, and I will call it up to-morrow.

The VICE-PRESIDENT. Without objection, it is so ordered.

PROTECTION OF SCHOOL BUILDINGS.

Mr. BURKETT. Mr. President, I desire to submit a letter from the president of the Board of Commissioners of the District of Columbia with reference to the fire-protection resolution which was introduced, and as it is short I ask that it may go into the RECORD. In making the report the answer was not at hand.

The letter states that a considerable portion of the estimates were placed in the District of Columbia appropriation bill. I have consulted the Senator from New Hampshire [Mr. GALLINGER], in charge of the bill, and he says that, as he understands, the entire amount that was estimated for fire protection was placed in the bill. If there is no objection, I ask that the letter may be inserted without being read.

The VICE-PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 30, 1908.

DEAR SIR: In response to your inquiry as to what has been done by the Commissioners with respect to the better protection of the schoolhouses of the District of Columbia against fire, permit me to say that the chief engineer of the fire department is making an examination of all the school buildings, and that his reports have been transmitted by the Commissioners to the board of education, which, under the law, prepares estimates for the public schools, which are transmitted by the Commissioners with their recommendations to Congress, and that as a result of the reports made by the chief engineer of the fire department, the board of education has transmitted and the Commissioners have recommended estimates for the improvement of the school buildings with respect to protection against fire, and that the District of Columbia appropriation bill as it passed the Senate carries a considerable portion of the amount recommended in those estimates for that purpose. In addition to this, every step that could be taken under existing appropriations has been taken by the Commissioners to bring about a better state of protection against fire in the schoolhouses. They have called the attention of the board of education to administrative measures suggested by the reports of the chief engineer of the fire department and by other information coming to the Commissioners from District officials and others, and they are informed by communications from the board of education that appropriate action has been taken. It is believed that everything has been done which could be done to properly meet the requirements of the situation.

Very respectfully, yours,

HENRY B. F. MACFARLAND,
President Board of Commissioners of the District of Columbia.

Hon. E. J. BURKETT,
Chairman Subcommittee of the Committee on the District of Columbia, United States Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20063), making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. MADDEN, and Mr. BURLESON, managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 15725. An act to relinquish, release, and confirm title of certain lands in California to the Western Power Company;

H. R. 16515. An act authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal.;

H. R. 19463. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 155. Joint resolution authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20063) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. GALLINGER, Mr. ELKINS, and Mr. FOSTER as the conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 1, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nomination received by the Senate April 30, 1908.

POSTMASTER.

ILLINOIS.

Louie Taylor to be postmaster at Westville, Vermilion County, Ill., in place of Cornelius M. Ogdon, resigned.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 30, 1908.

Thomas S. Brown to be postmaster at East Hampton, in the State of Connecticut.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 30, 1908.

CIRCUIT JUDGE.

A. N. Kepoikai, of Hawaii, to be judge of the circuit court of the second circuit of the Territory of Hawaii.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Capt. Horatio Davis Smith to be a senior captain in the Revenue-Cutter Service of the United States.

Capt. Francis Grey Ford Wadsworth to be a senior captain in the Revenue-Cutter Service of the United States.

First Lieutenant of Engineers Charles Frederick Coffin to be a senior engineer in the Revenue-Cutter Service of the United States.

First Lieutenant of Engineers John Richard Dally to be a senior engineer in the Revenue-Cutter Service of the United States.

First Lieutenant of Engineers David McComas French to be a senior engineer in the Revenue-Cutter Service of the United States.

First Lieutenant of Engineers Charles Warren Munroe to be a senior engineer in the Revenue-Cutter Service of the United States.

First Lieutenant of Engineers Edward George Schwartz to be a senior engineer in the Revenue-Cutter Service of the United States.

First Lieutenant of Engineers Horace Capron Whitworth to be a senior engineer in the Revenue-Cutter Service of the United States.

Capt. Charles Frederick Shoemaker, retired, Revenue-Cutter Service, to be captain-commandant, retired, in the Revenue-Cutter Service of the United States, under the provisions of section 6 of the act of Congress approved April 16, 1908.

POSTMASTERS.

OHIO.

John McGuff to be postmaster at Creston, Wayne County, Ohio.

KANSAS.

George W. Hill to be postmaster at Douglass, Butler County, Kans.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 30, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Iowa, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, the yeas and nays.

Mr. DALZELL. Mr. Speaker, I suggest that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania suggests the absence of a quorum. [After counting.] Sixty-one Members are present—not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as favor the motion will, as their names are called, answer "yea," and many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 274, answered "present" 7, not voting 106, as follows:

YEAS—274.

Acheson	Cooper, Wis.	Gronna	Laning
Adair	Cousins	Hackney	Lassiter
Adamson	Cox, Ind.	Hale	Lawrence
Aiken	Cravens	Hall	Leake
Alexander, Mo.	Crawford	Hamilton, Iowa	Lee
Ames	Crumpacker	Hamilton, Mich.	Lenahan
Andrus	Currier	Hamlin	Lever
Ansberry	Dalzell	Hammond	Lewis
Anthony	Davenport	Harding	Lindsay
Ashbrook	Davidson	Hardy	Longworth
Barclay	Davis, Minn.	Harrison	Loud
Bartholdt	Dawson	Haskins	Loudenslager
Bartlett, Ga.	Denver	Haugen	Lowden
Bartlett, Nev.	Diekema	Hawley	McCall
Bates	Dixon	Hay	McDermott
Beale, Pa.	Draper	Heflin	McGavin
Beall, Tex.	Driscoll	Helm	McGuire
Bede	Dwight	Henry, Conn.	McHenry
Bell, Ga.	Ellis, Mo.	Henry, Tex.	McKinley, Ill.
Bennet, N. Y.	Ellis, Oreg.	Higgins	McKinney
Birdsall	Englebright	Hill, Miss.	McLachlan, Cal.
Bonynge	Esch	Hinshaw	McLain
Booher	Favrot	Holliday	McLaughlin, Mich.
Boyd	Ferris	Houston	McMillan
Brantley	Finley	Howell, N. J.	McMorran
Brodhead	Fitzgerald	Howell, Utah	Macon
Brownlow	Flood	Howland	Mann
Brumm	Floyd	Hubbard, Iowa	Marshall
Burleigh	Focht	Hubbard, W. Va.	Maynard
Burleson	Fordney	Hughes, N. J.	Miller
Burnett	Fornes	Hull, Iowa	Moon, Pa.
Burton, Ohio	Foss	Hull, Tenn.	Moon, Tenn.
Butler	Foster, Ill.	Humphrey, Wash.	Moore, Pa.
Byrd	Foster, Ind.	James, Ollie M.	Moore, Tex.
Caldwell	Foulkrod	Jenkins	Morse
Campbell	French	Johnson, Ky.	Mouser
Candler	Gaines, Tenn.	Johnson, S. C.	Murdock
Capron	Gaines, W. Va.	Jones, Va.	Murphy
Carlin	Gardner, Mich.	Jones, Wash.	Needham
Carter	Gardner, N. J.	Kahn	Nelson
Caulfield	Garner	Keifer	Nicholls
Chaney	Gilhams	Keliher	Norris
Chapman	Gill	Kennedy, Iowa	Nye
Clark, Fla.	Gillespie	Kennedy, Ohio	O'Connell
Clark, Mo.	Gillett	Kimball	Olcott
Clayton	Goldfogle	Knapp	Overstreet
Cocks, N. Y.	Gordon	Knopf	Padgett
Cole	Graff	Knowland	Page
Conner	Graham	Küstermann	Parker, N. J.
Cook, Colo.	Granger	Lafean	Parker, S. Dak.
Cook, Pa.	Greene	Lamar, Mo.	Patterson
Cooper, Pa.	Griggs	Lamb	Perkins
Pollard	Russell, Tex.	Sparkman	Underwood
Porter	Ryan	Sperry	Volstead
Pray	Sabath	Spight	Wanger
Pujo	Saunders	Stafford	Washburn
Rainey	Scott	Stanley	Watson
Ransdell, La.	Shackleford	Stephens, Tex.	Webb
Rauch	Sheppard	Stevens, Minn.	Weeks
Reeder	Sherley	Sturgiss	Weems
Reynolds	Sherman	Sulloway	Wheeler
Rhinock	Sherwood	Sulzer	Williams
Richardson	Sims	Tawney	Wilson, Ill.
Riordan	Slayden	Taylor, Ala.	Wilson, Pa.
Robinson	Smith, Cal.	Taylor, Ohio	Wood
Rodenberg	Smith, Iowa	Thistlewood	Woodyard
Rothermel	Smith, Mo.	Thomas, N. C.	Young
Rucker	Smith, Tex.	Tou Velle	
Russell, Mo.	Southwick	Townsend	

ANSWERED "PRESENT"—7.

Bradley	Garrett	Goulden	Olmsted
Fassett	Glass	Humphreys, Miss.	

NOT VOTING—106.

Alexander, N. Y.	Dunwell	James, Addison D.	Peters
Allen	Durey	Kinkaid	Pou
Bannon	Edwards, Ga.	Kipp	Powers
Barchfeld	Edwards, Ky.	Kitchin, Claude	Pratt
Bennett, Ky.	Ellerbe	Kitchin, Wm. W.	Prince
Bingham	Fairchild	Lamar, Fla.	Randell, Tex.
Boutell	Foster, Vt.	Landis	Reid
Bowers	Fowler	Langley	Roberts
Broussard	Fuller	Law	Slemp
Brundidge	Fulton	Legare	Small
Burgess	Gardner, Mass.	Lilley	Smith, Mich.
Burke	Godwin	Lindbergh	Snapp.
Burton, Del.	Goebel	Littlefield	Steenerson
Calder	Gregg	Livingston	Sterling
Calderhead	Hackett	Lloyd	Talbott
Cary	Haggott	Lorimer	Thomas, Ohio
Cockran	Hamill	Lovering	Tirrell
Cooper, Tex.	Hardwick	McCreary	Vreeland
Coudrey	Hayes	McKinlay, Cal.	Waldo
Craig	Hepburn	Madden	Wallace
Cushman	Hill, Conn.	Madison	Watkins
Darragh	Hitchcock	Malby	Weisse
Davey, La.	Hobson	Mondell	Wiley
Dawes	Howard	Mudd	Willett
De Armond	Huff	Parsons	Wolf
Denby	Hughes, W. Va.	Payne	
Douglas	Jackson	Pearre	

So the motion was agreed to.

The Clerk announced the following pairs:

For the balance of the day:

Mr. CARY with Mr. WOLF.

Mr. POWERS with Mr. PRATT.

Until Friday:

Mr. PEARRE with Mr. TALBOTT.

Until further notice:

Mr. DUNWELL with Mr. WATKINS.

Mr. SLEMP with Mr. WILEY.

Mr. DOUGLAS with Mr. LIVINGSTON.

Mr. HILL of Connecticut with Mr. GLASS.

Mr. FASSETT with Mr. HARDWICK.

Mr. BINGHAM with Mr. LAMAR of Florida.

Mr. FULLER with Mr. PETERS.

Mr. FOSTER of Vermont with Mr. POU.

Mr. JACKSON with Mr. ELLERBE.

Mr. DAWES with Mr. BRUNDIDGE.

Mr. MCKINLAY of California with Mr. GARRETT.

Mr. OLMSTED with Mr. WEISSE.

Mr. FAIRCHILD with Mr. GODWIN.

Mr. DENBY with Mr. FULTON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. MUDD with Mr. WALLACE.

Mr. BENNETT of Kentucky with Mr. EDWARDS of Georgia.

Mr. COUDREY with Mr. HOBSON.

Mr. MCCREARY with Mr. HOWARD.

Mr. HUGHES of West Virginia with Mr. LEGARE.

Mr. ALEXANDER of New York with Mr. BOWERS.

Mr. BANNON with Mr. COCKRAN.

Mr. BURKE with Mr. CRAIG.

Mr. BURTON of Delaware with Mr. DAVEY of Louisiana.

Mr. CALDERHEAD with Mr. DE ARMOND.

Mr. BARCHFELD with Mr. GREGG.

Mr. CUSHMAN with Mr. HACKETT.

Mr. HAYES with Mr. HAMILL.

Mr. HEPBURN with Mr. HITCHCOCK.

Mr. HUFF with Mr. HUMPHREYS of Mississippi.

Mr. ADDISON D. JAMES with Mr. KIPP.

Mr. LANDIS with Mr. CLAUDE KITCHIN.

Mr. LAW with Mr. LLOYD.

Mr. MADISON with Mr. RANDELL of Texas.

Mr. LORIMER with Mr. REID.

Mr. LOVERING with Mr. SMALL.

Mr. MADDEN with Mr. WILLETT.

Mr. PAYNE with Mr. BURGESS.

Mr. SMITH of Michigan with Mr. COOPER of Texas.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASKINS). A quorum is present and the Doorkeeper will open the doors; the ayes have it and the motion of the gentleman from Iowa is agreed to, and the gentleman from Indiana [Mr. WATSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21260, the sundry civil appropriation bill (Mr. WATSON in the chair).

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 21260, the sundry civil appropriation bill.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. KEIFER. I rise for the purpose of offering an amendment to the proposition under consideration when the committee rose last evening.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] offers an amendment, which the Clerk will report.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHERLEY. A certain provision in the bill was passed yesterday with the understanding that on the House going into committee again it should be taken up for consideration.

Mr. TAWNEY. I want to say, Mr. Chairman, that that is correct, and I think the first thing to be considered is the paragraph in the bill which was passed with the understanding that it was to be taken up the first thing after going into Committee of the Whole.

Mr. KEIFER. Mr. Chairman, that is undoubtedly right. I only desire to retain my right to offer an amendment to this clause, and waive the right now until that is disposed of.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is correct, the Chair will state.

Mr. GAINES of Tennessee. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAINES of Tennessee. At the close of the consideration of H. R. 21260 yesterday I stated that I desired to offer some amendments to the paragraph entitled "Transportation of fractional silver coin." I want to know now if it is in order to do so?

The CHAIRMAN. Not at this time. The Chairman is informed that there is another matter pending by agreement.

Mr. GAINES of Tennessee. We have not concluded the consideration of this paragraph?

Mr. TAWNEY. No.

Mr. GAINES of Tennessee. All right, then.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Page 20, line 9, after the word "examiners," insert "three hundred and," so as to read:

"Three hundred and fifty thousand dollars."

The CHAIRMAN. The Chair desires to know whether or not there is a point of order pending.

Mr. MANN. There may be a point of order pending, but it is not subject to a point of order.

Mr. TAWNEY. I reserved the point of order at the time, before I knew exactly what the amendment was. I withdraw that now. The amendment is not subject to a point of order.

The CHAIRMAN. The gentleman from Michigan [Mr. TOWNSEND] is recognized.

Mr. TOWNSEND. Mr. Chairman, in view of the importance of this amendment, and also of the fact that I have some letters to present, I ask unanimous consent that I may proceed for ten minutes.

The CHAIRMAN. The gentleman from Michigan [Mr. TOWNSEND] asks unanimous consent that he may proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNSEND. Mr. Chairman, this proposition as amended will provide $350,000 for the purpose of carrying out the provisions of the twentieth section of the so-called "Hepburn law" passed by this House in 1906. It was called to the attention of the House by the President in his last message, as he had theretofore called the attention of the House to it, in this language:

Ample appropriation should be made to enable the Interstate Commerce Commission to carry out the very important feature of the Hepburn law which gives to the Commission supervision and control over the accounting systems of the railways. Failure to provide means which will enable the Commission to examine the books of the railways would amount to an attack on the law at its most vital point, and would benefit, as nothing else could benefit, those railways which are corruptly or incompetently managed.

Mr. Chairman, I desire to send to the Clerk's desk and have read two letters—one from the Chairman of the Interstate Commerce Commission, Mr. Knapp, and the other from Prof. H. C. Adams, the chief accountant of the Commission, who has charge of the particular work for which this appropriation is sought to be made.

The CHAIRMAN. The Clerk will read the letters in the gentleman's time.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, April 29, 1908.

MY DEAR MR. TOWNSEND: So far as I am aware, every member of the Commission is heartily in favor of the appropriation asked for effective administration of the twentieth section of the act, and I am sure there will be extreme disappointment if the appropriation is not made.

For nearly two years we have been planning this work under the able direction of Professor Adams, and we shall be ready to carry it on efficiently just as soon as the money is provided. The uniform system of keeping accounts was put in force on July 1, 1907, and the examination and inspection of these accounts should begin with the next fiscal year. To withhold the needed appropriation would disarrange all our affairs in this regard and postpone the commencement of a most important branch of our work. The machinery is ready, the men are available, and all that is needed for efficient and useful service is the necessary means for defraying the expense. I sincerely hope you may be able to secure an increase of the item in question to the $350,000 which the Commission believes to be the smallest sum that will carry on this work during the next year.

Yours, very truly,

MARTIN A. KNAPP,
Chairman.

INTERSTATE COMMERCE COMMISSION,
DIVISION OF STATISTICS AND ACCOUNTS,
Washington, April 29, 1908.

Hon. CHARLES E. TOWNSEND,
House of Representatives, Washington, D. C.

MY DEAR MR. TOWNSEND: As you are aware, the request of the Interstate Commerce Commission for an appropriation of $350,000 with which to undertake the effective administration of the twentieth section of the act to regulate commerce was not regarded favorably by the Committee on Appropriations, and the amount contained in the sundry civil bill for this purpose is very much less than the amount asked.

Having made some inquiry as to the reasons for this reduction, I am led to the conclusion that possibly the Committee on Appropriations did not fully understand the purposes for which this money is needed and the degree of preparation which the Interstate Commerce Commission has made for its advantageous expenditure.

Permit me to make one or two statements upon this point:

"First. The Committee on Appropriations seems to be under the impression that the Commission was requesting money before it had made adequate provision for its judicious use. On the contrary, the Commission, immediately after the passage of the Hepburn Act, took steps which have resulted in the organization and promulgation of a complete and detailed system of railway operating accounts, which system went into effect on July 1, 1907. During the current year the attention of the division of statistics and accounts has been given to the development of the capital and property accounts. In the meantime the Commission, using its ordinary appropriation, has employed a small number of expert examiners for the purpose of making a sufficient number of examinations to determine by actual experience the best form for organizing this branch of the Commission's service. Not only is the machinery for the administration of the twentieth section of the act now ready, but an available list of men fitted to conduct expert examinations has been secured as the result of a special examination by the Civil Service Commission. The point is, that the appropriation now asked is not an appropriation for a preliminary survey, but an appropriation to do the work contemplated by Congress when this section was enacted.

"Second. I feel that possibly the Committee on Appropriations regards this work differently from the manner in which it is regarded by the Commission. This board of examiners is in no sense a detective agency. Its purpose, on the contrary, is to enable the Commission to assure itself that the carriers are in fact conforming to the accounting orders that have been issued. The final result of a system of prescribed accounts uniform for all carriers and of an examination adequate to guarantee that the rules laid down are in fact followed by the carriers will be to create conditions in which infractions of the law will be of less frequent occurrence than at present is the case."

Another result involved in this system of uniform accounting is that the Commission and the courts will have at hand reliable data upon which to rest their comparisons and judgments when questions of rates or discriminations are under consideration. Speaking yet more broadly, it is believed that the effective administration of a prescribed system of accounts will go far toward creating a condition of confidence in public statements made by carriers, and thus tend to allay the suspicions which at present unfortunately pertain to their reports and statements.

The elimination of injurious speculation from current business practice is universally approved, and the twentieth section of the act, properly interpreted and administered as the Commission has undertaken to administer it, goes a long way in attaining this result so far as the business of transportation is concerned.

I might continue this statement at great length, but will not encroach further upon your time. For two years the Commission has been engaged in providing the means for the administration of the twentieth section. It is now prepared to enter upon the work required by that section, and awaits only the appropriation of Congress for the employment of an adequate number of experienced men. If we have the appropriation available next July, the work of final construction can be immediately undertaken, but if we are obliged to wait until Congress reconvenes, the result will be to postpone effective work along the lines indicated probably until July 1, 1909. I sincerely trust, and in this it is my understanding I express the desire of all the members of the Commission, that some means may be found to avert the necessity of postponing this work.

Very truly, yours,

HENRY C. ADAMS,
In Charge of Statistics and Accounts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNSEND. Mr. Chairman, I did not anticipate that

the reading of that communication would take so long, and I feel constrained to ask the indulgence of the House for ten minutes more.

The CHAIRMAN. The gentleman from Michigan [Mr. TOWNSEND] asks unanimous consent that he may proceed without interruption for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNSEND. Mr. Chairman, I stated last evening that I thought some facts should be presented to the committee which had not theretofore been presented which will show the necessity for this amendment. I believe I speak the sentiment of every member of the Interstate Commerce Committee who had in charge the framing of this bill originally that we regard the twentieth section as really the most important of all the provisions of the interstate-commerce law.

Section 20 provides for a uniform system of accounting; it provides for reports to be made annually, or more frequently if the Commission so desire. The Commission has been engaged in preparing itself for this work for nearly two years. Professor Adams, one of the most competent men in the United States, has had this matter directly in charge. Civil-service examinations have been held for the purpose of securing the men who are necessary to do this work. I submit, gentlemen, it will be a serious mistake for this House not to provide the means necessary for carrying out this provision. It is too late now for us to determine whether we have made a mistake in the passage of the rate bill or not. That act is a statute in the laws to-day, and that law has not been in force sufficiently long for us to say that we will abandon it. On the contrary, the results that have come from the enforcement of that law have been highly beneficial.

I submit there are few gentlemen in this Congress who would repeal any provision of that law. Now, having enacted it, having "put our hand to the plow," it is too late to turn back. We must make this appropriation for the purpose of carrying out the intended object of the legislature in passing that law.

The gentleman stated yesterday, the chairman of the Committee on Appropriations, that some distinguished Members, leading members of our committee, had expressed themselves as not agreeing with the interpretation that the Commission places upon this section. The distinguished chairman of our committee [Mr. HEPBURN], who fortunately is here with us to-day, informs me that he has not been consulted, and that he understands the provision of this law as I understand it; namely, that this Commission was not only to prescribe the methods that the railroads should follow in keeping their accounts, but that, under authority of the law, it was to see that the railroads complied with the regulations laid down by it.

I submit that it would be the height of folly for the Commission to promulgate an order, a general order, if it then could take no means and have no way of employing means for enforcing that order. Why, gentlemen, we are told that the pending proposition contemplates the employment of detectives. Ah, but, gentlemen, we employ men to enforce provisions of the law by inspection of national banks not because we believe all bankers are dishonest, but because bankers have great opportunity to be dishonest and the great interests involved demand inspection; and while it is unfortunate that we have to pass any laws in this Congress for restraining evil men and corporations, yet we know it is absolutely necessary. Every great act that is passed restrains the claimed right of some individual or corporation. "Thou shalt not steal" enacted into law denies to the thief the right to practice his profession. "Thou shalt not" in the form of a legal enactment is a prohibition to him who would violate that commandment, and yet the prohibition is made for the common good, and in this case we have been dealing with the railroad corporations of this country, with reference to which there have been great recognized evils which have been practiced, and we have entered upon the administration of law which requires adequate appropriations for its enforcement.

Now, we say to the common carriers, Hereafter your record shall be made public and it shall be kept according to a general uniform rule. The reports that you make shall be such reports as shall command the respect not only of the stockholders, but of the people whom you serve; there shall not be one record for the stockholders and another for the tax collector; and I submit, gentlemen, it would be better for us, having solemnly enacted the twentieth section, to repeal it at once rather than by a failure to make a proper appropriation to say by that we do not propose to enforce it.

Mr. SHERLEY. Will the gentleman submit to an interruption? I think the committee agree generally with the remarks of the gentleman. What some of us would like to know is, why this particular amount is required, and just how it is to be expended, because that is the real question before us.

Mr. TOWNSEND. I should like, if I had time, to call the attention of the House to House Document 802, which is the estimates made by the Interstate Commerce Commission to the Committee on Appropriations, in which Professor Adams states explicitly for what this amount, or even a greater amount, is required.

He specifies the number of men called senior and junior inspectors and the ordinary clerks that would be required. He states in detail the number of men that will be needed for the purpose of doing the work according to the plan which he has with such minute detail, infinite pains, and great ability provided for the consideration of the Commission and of Congress. He asks for more than $350,000; but he states that, due to the fact that they can not procure all of the men that will be necessary for this work at once, it may be January 1, 1909, before the full quota of men could be secured and set to work upon this particular proposition, and therefore the lesser amount may do for the coming year.

Therefore I have it on the authority of the chairman of the Commission, as well as of Professor Adams, that if they could have $350,000 now they could put in force this scheme or plan which they have adopted, and which I submit the Congress intended to have carried out, the statement of any other gentleman to the contrary notwithstanding. The language is clear.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. TOWNSEND. Yes; certainly.

Mr. TAWNEY. Will the gentleman state how many men they contemplate employing in this service?

Mr. TOWNSEND. The original proposition was 285, when the quota is full. They have now 161, as I remember it—men who have passed the civil-service examination and are qualified at this time to take up the work and commence operations under the provisions of the act.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. GAINES of Tennessee. Is this increased force for the purpose of finding out the value of the railroads?

Mr. TOWNSEND. No; but I am obliged to the gentleman from Tennessee for calling my attention to that. There are propositions before the country to-day to take an inventory of all the railroads in the United States, and that is a job that would cost the country millions of dollars. I submit that if this provision can be carried out, as was indicated by the proponents of the measure when it was before our committee, we would have the facts as to the value of the property; we would know what the value of the property is, and those reports would be filed with the officers of this Government; and possibly, nay, probably, it would answer the demands which gentlemen make in favor of an appraisal of all the property of the railroads within the United States.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GAINES of Tennessee. I ask unanimous consent that the gentleman have five minutes more.

Mr. WILLIAMS. I ask unanimous consent that the gentleman may have time to complete his remarks.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Michigan may have time to conclude his remarks. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. GAINES of Tennessee. Is this new machinery that you want to create for the purpose of finding out the value of the railroads? I did not exactly get your answer.

Mr. TOWNSEND. No. Is the gentleman familiar with the twentieth section of the act?

Mr. GAINES of Tennessee. I do not know that I am. I may be familiar with the substance of it.

Mr. TOWNSEND. It is worth reading.

Mr. GAINES of Tennessee. Will the gentleman state it to us?

Mr. TOWNSEND. It provides, in the first place, for all practical and valuable reports to be made by the railroads to the Interstate Commerce Commission in reference to their business, their contracts, everything that the Commission may desire to know and that the public has a right to know from a quasi-public servant. It provides for a uniform system of accounting, and it provides this:

> In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners, such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

And furthermore—

The Commission shall at all times have access to all accounts, records, and memoranda kept by carriers subject to this act, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, and it may employ special agents or examiners, who shall have authority under the order of the Commission to inspect and examine any and all accounts, records, and memoranda kept by such carriers. This provision shall apply to receivers of carriers and operating trustees.

Mr. GAINES of Tennessee. The paragraph evidently contemplates that which you are trying to do.

Mr. TOWNSEND. If I can understand the English language, then the Interstate Commerce Commission has interpreted this provision as I understood it when it passed the House, and as two or three of my speeches on this subject will verify, and as I believe every other member of the committee understood it, namely, that the Commission has full power to provide how these things shall be done, and then to see that they are done.

Mr. LANDIS. If the gentleman's interpretation is not correct, what virtue was there in the Hepburn Act?

Mr. TOWNSEND. I submit, Mr. Chairman and gentlemen, that if the view of this law is correct as taken by the Committee on Appropriations, if it is to be interpreted by the amount they have appropriated——

Mr. TAWNEY. If the gentleman from Michigan will permit, he is not warranted in stating what view the committee has taken of the law. I submit that he should not try to prejudice the members of the committee against the Committee on Appropriations by misrepresenting the attitude of the Committee on Appropriations.

Mr. TOWNSEND. I am sure, Mr. Chairman, that there is no Member of this House that has a greater respect for the Committee on Appropriations or would hesitate longer to cast any reflection on it than myself. I said at the beginning that I did not believe the Committee on Appropriations understood the needs of this particular provision, and I judged yesterday, and I so admit now, that it was due to the fact that the matter was not fully presented to the committee, but the gentleman did say yesterday that the leading gentlemen of our committee, excepting myself, who had talked with him—and I do not know whether he meant to slur me, but I presume that he did not—understood this provision differently from what I understand it. I submit that I understand the provision as the House understood it when it enacted it into law.

It may cost money to enforce this provision and undoubtedly will; it is unfortunate that we have to expend this amount of money, but I say to you gentlemen that we can not afford to undo all we have already done, neither can we afford to cast discredit on the provision of the law which we on this side and you on that side have exploited to our constituents as one of the things that has entitled us to credit as Members of the National House of Representatives. [Applause.]

Mr. SHERLEY. Will the gentleman permit?

Mr. TOWNSEND. Certainly.

Mr. SHERLEY. Does not the gentleman think it might perhaps help the House in arriving at a conclusion if, instead of questioning the desire of Members to carry out the section, he would indicate wherein the appropriation made by the committee is not sufficient to carry it out? The question is not one of desire. Everybody wants to do what is proper to enforce section 20.

Mr. TOWNSEND. If the gentleman from Kentucky will pardon me, perhaps he did not hear the reading of Professor Adams's letter.

Mr. SHERLEY. I not only heard it read, but I reread it, in order to be accurate. And again, I suggest that what the committee desires to know in order to determine the matter correctly is not the motives of men, but simply what machinery is necessary to carry it out, and what money is needed to provide the machinery. That is the material question.

Mr. TOWNSEND. I must have been exceedingly stupid, but I had supposed I had made that clear. In answer to the question of the gentleman from Kentucky I wish to say that I said earlier in my discussion that Professor Adams gave a list of experts, or examiners, who were necessary for the work. Does the gentleman from Kentucky want to know what the work is?

Mr. SHERLEY. Unquestionably. Now, Professor Adams's theory is that it is necessary to have these inspectors constantly working on the books, on the theory that the railroads are not going to comply with the law. Some of us believe that generally the railroads will comply with the law. The difference between these two positions is the question for this House to determine.

Mr. TOWNSEND. I would be very glad to discuss that phase of the proposition. In the first place, if the gentleman will give me his attention, I take it he does not question the object sought to be obtained by the twentieth section of the law, and I am going to claim that gentlemen as a general rule approve of things to be done under it; but whether they do or not I will say that it is too late now for us to take consideration of that question, as we have written the law in the statutes and all are protesting their loyalty to it.

Now, section 20 proposes to take account of the methods that the railroads have of doing business as shown by their books. The Commission provides the plan which it hopes shall be uniformly adopted by every railroad doing an interstate business in the United States. Nay, more than that; it is hoped and expected that the method proposed will be adopted by the States. A State road can not be compelled to adopt it, but some of the States are complying with the provision proposed by the Interstate Commerce Commission.

Mr. FINLEY. Will the gentleman yield?

Mr. TOWNSEND. I had hoped to finish my answer to the gentleman from Kentucky, but I will yield to the gentleman from South Carolina.

Mr. FINLEY. Will the gentleman state briefly the scope of the work that has been done by the Commission in carrying out the provisions of section 20?

Mr. TOWNSEND. All the Commission has done up to date under the accounting clause during the time that it has been in operation under this law has been to consult with railroad experts and the best men that could be found throughout the United States for the purpose of getting and establishing a uniform system. It has adopted and promulgated such a system. It has taken nearly two years to do that particular work. They have already established it and promulgated their order to the railroads. This was done on July 1 of last year.

Mr. FINLEY. Then about all they have done is to promulgate a plan of operation for the future.

Mr. TOWNSEND. That is right. They propose by this appropriation, if they can get it, to employ the men, experts, competent men, to go to these various railroads and learn if the orders of the Commission are being complied with, and to obtain information necessary to secure the honest, fair, and impartial management of these common carriers. The scheme contemplates an inspection of railroad accounts and business methods at least once in two years, and oftener if it is necessary, the inspectors going wherever it is found there is special need for their going and seeing that the law is complied with. And, more than that, these visits by these experts will obtain added information which the country needs in legislating in the future on this subject.

Mr. FINLEY. About what will it cost to carry into effect fully the provisions of section 20?

Mr. TOWNSEND. I can not tell, because there are some provisions of this section that possibly might be carried under other appropriations. I can not divide that. I am talking about the accounting system, the system known as the publicity section of the bill. If there was a full quota of men, and they were ready to start out to-day to do the work the Commission has planned, they estimated originally it would cost about $500,000.

Mr. FINLEY. About how long would it take?

Mr. TOWNSEND. They then propose to keep that up continuously at least until the system is sufficiently established to determine whether it is workable or not. Time alone can tell how long the plan will maintain and what changes shall be found necessary.

Mr. FINLEY. Do I understand the gentleman that it would cost $500,000 for the first year, or for each year.

Mr. TOWNSEND. Five hundred thousand dollars a year.

Mr. FINLEY. Professor Adams said $750,000.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. TOWNSEND. Does the gentleman want to ask about the $750,000?

Mr. FITZGERALD. Not exactly that. The gentleman said the original estimate was $500,000. Is it not a fact that after the report was made as to the number of men required, they were afraid to make the estimate of how much it would cost, because the estimate would require between twelve and fifteen hundred men instead of 250 men.

Mr. TOWNSEND. Commissioner Harlan so stated before your committee. Mr. Harlan said they had talked this over and when they came to take into consideration the full extent that the Commission thought it ought to go in the first place, it was startled by the number of men and the size of the appropriation that would be necessary to carry it out. I state, however, to the House, that at this time the Commission is convinced that in view of the fact that it can not use the full quota

of men in the field now, and not before January 1, 1909, $350,000 will be sufficient to demonstrate the wisdom of the act of the Commission, and it is the judgment of Professor Adams, who has done so much, not only for the United States as statistician and accountant, but, if I may be pardoned for saying so, for the State of Michigan, in reference to the valuation of railroad properties in that State—and he is the man who is the most competent of any man in the United States that I know of to do this work—it is his judgment that the amounts which he recommends and itemizes are necessary to carry out during the year the plan adopted.

I say to you, Mr. Chairman, and gentlemen, we must go on with this work. I do not want to hamper this Commission in carrying out the provisions of the interstate-commerce law. I would rather spend a little too much money, possibly foolishly if you care to speak of it in that way, than be subject to the criticism that we had failed to do our plain duty in a matter about which we were in such jubilant spirits about two years ago. It is a question of the proper enforcement of a law fraught, as I believe, with great probabilities for good, or by failure to provide the commission with suitable money, nullify that law and stultify every Member who voted for it in 1906.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 1062. An act granting an increase of pension to Charles C. Weaver;

H. R. 1991. An act granting an increase of pension to Jerry Murphy;

H. R. 11778. An act to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves;"

H. R. 18930. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19737. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment joint resolution and bill of the following titles:

H. J. Res. 155. Joint resolution authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908; and

H. R. 16515. An act authorizing the purchase of a steel ferry-boat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2911. An act for the relief of the Columbus Gas and Fuel Company;

S. 3093. An act to provide for the enlargement of the present site, or the purchase of a new site, and the erection thereon of a building for subtreasury purposes at San Francisco, in the State of California;

S. 3748. An act for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio;

S. 4183. An act to establish a fish-cultural station in the State of Washington;

S. 4263. An act to amend an act entitled "An act to amend an act amending the act entitled 'An act to authorize the receipt of United States gold coin in exchange for gold bars;'"

S. 4312. An act for the relief of William E. Moses;

S. 4313. An act for the relief of John V. Vickers;

S. 4375. An act authorizing the Takoma Springs Ice Company to lay a pipe under certain streets and roads in the District of Columbia, and for other purposes;

S. 4720. An act for the relief of the sureties on the official bond of the late Cornelius Van Cott;

S. 4806. An act to amend the military record of Aaron Cornish;

S. 5429. An act to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907;

S. 5816. An act ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly providing for the issuance of bonds by Mohave County to erect a court-house and jail in said county;

S. 5818. An act ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz.;

S. 5820. An act ratifying an act of the legislative assembly of the Territory of Arizona providing for the erection of a court-house and jail at Yuma, in Yuma County, Territory of Arizona;

S. 6074. An act to provide for holding terms of the United States circuit and district courts at Springfield, Mass.;

S. 6156. An act providing for the opening of the Fort Keogh Military Reservation to settlement, and for other purposes;

S. 6312. An act for the relief of the Philadelphia Company, of Pittsburg, Pa.;

S. 6359. An act to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia;

S. 6417. An act to amend sections 4467 and 4468 of the Revised Statutes, relating to lists of passengers on steam vessels;

S. 6460. An act to establish a shad hatchery on the Kennebec River, in the State of Maine;

S. 6543. An act to authorize the expenditure of the unexpended balance of the appropriation for subsistence and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June 30, 1907;

S. 6569. A bill granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors;

S. 6625. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors;

S. 6812. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, and so forth;

S. 6845. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain helpless and dependent relatives of such soldiers and sailors;

S. 6846. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to dependent relatives of such soldiers and sailors; and

S. 2405. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

S. R. 38. Joint resolution granting to the State of Michigan permission to use for its own purposes unused portions of condemned cannon granted to that State by joint resolution of June 23, 1906.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. UNDERWOOD. Mr. Chairman, I am heartily in accord with what the gentleman from Michigan [Mr. TOWNSEND] has said in reference to this question. I think the Congress to-day faces the proposition in reference to the carrying out of what is known as the Hepburn law, and the question of whether we are going forward and enforce the law and whether we are going to retire from the field that it took twenty years for the country to reach.

The most important thing in all the railroad legislation that this country had to face was the question of wiping out rebates. The rebate was a secret gift to the shipper. You can not reach the question, the Hepburn law is null and void, unless you carry to the world publicity, carry to the world the knowledge of what the railroad is doing.

And if we take the position that it is only necessary to appropriate sufficient money to investigate a railroad when you suspect it is giving rebates, when you suspect that it is violating the law, you will never enforce the provisions of this law, and it might as well never have been written on the statute books. [Applause.] The clear contemplation of the Congress when it passed this law was to require that the railroads should keep their books in a uniform way so that every shipper might know whether or not advantages were given to another shipper. The only way that you can enforce that provision of the law is to have these railroads' accounts inspected at regular intervals, and it is folly to say that $50,000 is sufficient money to inspect the accounts of the great railway systems of the United States. Why, I am not surprised when the gentleman suggested that probably it would cost a million dollars to do that work. Possibly it will. I think that the estimate of $350,000 that is requested here by the gentleman from Michigan is too small. I do not believe you can keep up with this system, but what is a million dollars, if it costs that much, to the shippers of this country to carry out and enforce the Hepburn law, and that is what it means?

Mr. GAINES of Tennessee. How much does it cost to enforce the law that requires national banks to be inspected?

Mr. UNDERWOOD. That I can not give the gentleman——

Mr. FITZGERALD. The banks pay that.

Mr. UNDERWOOD. The banks pay for that proposition, and I do not know what the cost is, but there is no question that the sentiment of the American people is in favor of enforcing the Hepburn rate law, and whether it cost $500,000 to enforce that law or whether it cost a million to enforce it, it is the duty of Congress to supply the funds, and the only way we can estimate what it is going to cost is to depend upon the bureau which carries out the law. They come before the Congress and say they need $350,000 to start the machinery to carry out the law. Well, we all know, we are bound to know, that $50,000 can not do this work, and, as I say, we have reached the time to-day when, if we intend to stand up for the law we passed four years ago, if we intend to enforce this law, if we intend to carry out the wishes of the constituency that was behind the sentiment that passed the law, we should adopt this amendment, at least, and appropriate this $350,000——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. TAWNEY. Mr. Chairman, I sincerely regret that the gentleman from Michigan [Mr. TOWNSEND] has deemed it necessary to the success of his amendment to question the motives of the Committee on Appropriations in respect to the enforcement of section 20 of the Hepburn act without knowing the reason that actuated the committee on reporting $50,000 instead of $700,000, as originally estimated. I desire, first, Mr. Chairman, to disabuse the minds of members of this committee of any impression which he has left that there has been any attempt, that there has been any desire on the part of any member of the Committee on Appropriations to cripple, to hamper, or in any way to interfere with the enforcement of the interstate-commerce act, especially section 20, with which this provision deals in particular. I voted for the Hepburn act, as he did. I was as enthusiastically in favor of it as he, and I believe in the wisdom and benefit of that law. I believe that it will result in the accomplishment of all that Congress intended should be accomplished by the law.

The practical question presented to this committee the gentleman from Michigan did not even discuss. He never attempted to discuss the merits of the proposition, but contented himself with endeavoring to excite the prejudices of the Members of the House against the recommendation of the Committee on Appropriations by unjustified and unwarranted insinuations, which, I hope, are not original and which, I believe, are only borrowed for this occasion, that we were the enemies of this legislation. Mr. Chairman, the House is now confronted with this proposition: Section 20 does not need an army of examiners to enforce it. If section 20 must depend upon an army of examiners for its enforcement, then that section is an absolute failure. The gentleman says we have laws declaring that "Thou shalt not steal." That is true, but who, except the gentleman from Michigan, has ever advocated the proposition that, because we had enacted a law of that kind, therefore Congress should provide for an army of examiners for the purpose of supervising the conduct of every man to determine whether or not he was obeying the law? [Applause.]

Mr. TOWNSEND. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. TOWNSEND. May I suggest to the gentleman that for the purpose of enforcing that law we have hundreds of thousands of policemen all over this country, who are appointed for the express purpose of protecting the people of the United States?

Mr. TAWNEY. Appointed for the express purpose of detecting the men charged with having violated the law——

Mr. TOWNSEND. More than that.

Mr. TAWNEY. The criminal statute referred to by the gentleman from Michigan [Mr. TOWNSEND] does not proceed upon the presumption that all men are dishonest, that all men are thieves, and that therefore it is necessary to have a sufficient force of men to supervise the conduct of each individual to see that that law is not violated.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. TAWNEY. Just one moment. Now, Mr. Chairman, we are confronted with this proposition: Here are two policies. One involves the creation of a new service of sufficient size and capacity to audit the accounts of all the railroad companies of the United States.

The present proposition does not go beyond the railroads. They ultimately contemplate having an additional corps of examiners to audit all of the accounts of the express companies and the navigation companies, and all other transportation companies subject to the provisions of the interstate-commerce law. Now, section 20 of that law clothes the Commission, and wisely clothes the Commission, with the power of prescribing the form under which the books of a railroad company shall be kept. It also provides that they must make monthly reports of their accounts and their system of bookkeeping to the Commission. It also provides that there must be a general annual report sent in to the Commission, and it prescribes severe penalties for any failure to comply with these provisions. All of the machinery that is necessary for the enforcement of section 20 will be provided under the provision as reported by the committee. The Commission has prescribed the form under which all the books of the railroad companies must be kept. It has prescribed the rules and regulations in respect to their making reports, and all of these reports must be under oath.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. TAWNEY] has expired.

Mr. TAWNEY. I ask that I may proceed.

Mr. FITZGERALD. I ask that the gentleman may conclude his remarks.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks that the gentleman from Minnesota may conclude his remarks.

Mr. TAWNEY. I will conclude in ten minutes.

Mr. MANN. I ask that the gentleman have ten minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the gentleman from Minnesota [Mr. TAWNEY] may conclude his remarks.

Mr. MANN. I object. I ask unanimous consent that the gentleman may proceed for ten minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Minnesota may proceed for ten minutes. Is there objection to that request? [After a pause.] The Chair hears none.

Mr. TAWNEY. The Commission has already, under the provisions of this section, prescribed, as I said, the form and the method for keeping railroad accounts. They have prescribed what particular items shall be included in their operating and other accounts. They have prescribed methods of bookkeeping for every branch of their service.

Now, if we are going to proceed upon the presumption that these reports when they are sent in to the Commission will not disclose the truth and that, therefore, in every case it is necessary that we should have a corps of examiners of sufficient size to demonstrate whether or not their reports are true, why, gentlemen, it will require an army of men for that purpose and result ultimately in a Federal audit of all the accounts of all the transportation companies in the United States.

Mr. FINLEY. Mr. Chairman——

Mr. TAWNEY. I yield to the gentleman from South Carolina.

Mr. FINLEY. Has the gentleman any information as to whether or not the railroads are carrying out the rules provided by the Interstate Commerce Commission?

Mr. TAWNEY. They have not yet been fully installed. As far as they have, my information is that they are. I was informed by a member of the Commission only recently that the companies are perfectly willing to conform to the system prescribed by the Commission. In conversation with Mr. Adams, the chief statistician, he cited the case of the Louisville and Nashville Railroad Company, where it seemed from their statement that their net earnings during a certain month—I think the month of December, 1907—were larger than the Commission thought it ought to show.

They sent one of their examiners there to examine the books and discovered that they had erroneously included an item of about $185,000 in that month's expenditures which ought to have been included in two previous months. Now, that illustrates the necessity of having a sufficient force of examiners to go and examine the books of any railroad company when the Commission have reason to believe, or when complaint is made, that the company is not complying with the law, and that we have provided for.

Mr. TOWNSEND and Mr. GAINES of Tennessee rose.

Mr. TAWNEY. I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. I will state this to the gentleman, that the employees of the railroad complained and complained and complained, and finally complained to the President, and the President, I think, himself directed this examination. If he had had this money, we would have had no strike down there.

Mr. TAWNEY. Of that practice there was no complaint. That was not the excuse at all. I do not think there was any

delay, but when the fact was brought to their attention they found that that particular complaint was not a violation of the rules prescribed by the Commission.

Mr. TOWNSEND. Does not the gentleman know that in that particular case to which he refers the violation of the provision was discovered by an inspector who was sent there for the purpose of testing that very method that Professor Adams wishes to make universal?

Mr. TAWNEY. No; I do not. On the contrary, Mr. Adams states the opposite. Their system had not yet been installed.

Mr. TOWNSEND. I beg the gentleman's pardon. I know he is not informed on that.

Mr. BONYNGE. How many inspectors will they be able to obtain for the $50,000 appropriated?

Mr. TAWNEY. It depends upon what compensation they will have to pay. The rate of compensation has not been fixed. Assuming that they can obtain the men, they concede they will have to be men who are competent railroad accountants. If they can be obtained, they will not be able to get that class of men at a very low rate of pay. But, Mr. Chairman, here is what the committee thought: This is a new service. If this service is once inaugurated, it will never be reduced, no matter how unnecessary it may be in the enforcement of this law. But Congress can always be relied upon to increase the amount if it is necessary, to whatever amount is demanded or required by the Commission for this service. But when we once inaugurate a service, if we start at the top, and it should develop that this service is unnecessary, you will never get rid of it; but if we start at the bottom, in the enforcement of this particular provision, which is now in an experimental stage, and that service is found to be necessary, it can gradually grow as the needs of the service require. If we do that, we will be acting the part of wisdom, and not in any way interfering with or crippling the interstate-commerce law, a charge that is being used to scare Members into doing what their judgment would not otherwise approve.

Mr. SCOTT. Do I understand the chairman of the committee to say that this is a new demand for an appropriation?

Mr. TAWNEY. It is an absolutely new appropriation. It has never before been estimated for. They have got no appropriation for this corps of examiners. They have some examiners, I think, about twelve, if I am not mistaken, but they are provided for under the general appropriation for the Interstate Commerce Commission.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question, in line with the question asked by the gentleman from Colorado [Mr. BONYNGE]? Does the gentleman think that a competent examiner can be employed at a salary of less than $5,000 a year?

Mr. TAWNEY. Two thousand five hundred dollars a year, as I now recall the statement of Mr. Adams, is the maximum they expect to pay.

Mr. COOPER of Wisconsin. That seems to me to be a very small sum to pay a competent accountant.

Mr. TAWNEY. It seems so to me.

Mr. COOPER of Wisconsin. That at the outset would employ twenty men for $50,000. Do you think that they can get the men for that amount? But assuming that they can, that would leave only twenty men to send all over the country from Maine to San Francisco to examine the accounts of these railroads.

Mr. TAWNEY. Your proposition proceeds upon the theory that it would be necessary to send these men all over the United States and examine the books of all the railroads of the United States to determine whether or not railroad companies are complying with the law.

Mr. COOPER of Wisconsin. In view of the fact that very recently they have been violating the law and making rebates, and have confessed to making rebates within the last two months, two years after the enactment of the law, I think it is very clearly shown that we should have a rigid system of inspection of their books. Now, then, will the gentleman allow me to ask him one question more? Does the gentleman know what salaries are paid to the examiners or inspectors of the national banks?

Mr. TAWNEY. They are not paid by the United States. When a bank examiner is sent to examine a bank he is paid a certain per diem and an amount for subsistence; this the bank pays.

Mr. COOPER of Wisconsin. Let me make a suggestion right there in line with that thought. As showing the very great importance of having a better service and a class of men who would command greater salaries, I have in mind a case in my own State where attention was called to the condition of a bank, which was reported on as all right by the inspector, but in a very short time after a defalcation was made of over a million dollars.

Mr. TAWNEY. The incident referred to by the gentleman from Wisconsin has occurred, notwithstanding the fact that we have bank examiners, and competent bank examiners.

Mr. COOPER of Wisconsin. A bank examiner ought not to be paid by the bank. He ought to be paid $10,000 a year.

Mr. ALEXANDER of New York. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. WILSON of Illinois. I ask unanimous consent that the gentleman from Minnesota have ten minutes longer.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Minnesota be extended ten minutes. Is there objection?

There was no objection.

Mr. TAWNEY. I yield to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER of New York. When the gentleman was interrupted by the gentleman from Wisconsin [Mr. COOPER] I was about to ask the chairman of the committee if he would not proceed for a few moments on the same line, and show us that these twenty special agents will be sufficient to do the work necessary during the coming year.

Mr. TAWNEY. Mr. Chairman, it is impossible for either the Commission or Congress to determine the exact number of complaints that will be made against the railroad companies respecting the matter of their obeying the rules and regulations prescribed for the keeping of their books and accounts.

The theory, purpose, and thought of the committee was that with twenty men, in addition to the examining force they now have, they would have a sufficient force to examine into all of the cases where they had reason to believe examinations were necessary, or where complaint was made until the end of the fiscal year, or until Congress convenes next December, and that then both the Commission and Congress will know a great deal more about the necessities of this service than either the Commission or Congress knows at this time. That was the theory upon which the committee acted. It did not act with any intention or any thought of crippling or interfering in the least with the enforcement of this law; but inasmuch as the Commission itself did not know how many examiners would be required, or how many complaints would have to be investigated, and inasmuch as the Commission has just promulgated these rules and regulations respecting the keeping of books and accounts, the committee thought we might at least proceed for six months upon the theory that all men are not dishonest.

Mr. YOUNG. I wish to ask the gentleman from Minnesota if the appropriation contained in this provision is the only appropriation for carrying out the multifarious provisions on this subject, or if there is any more; and if so, how much more?

Mr. TAWNEY. There is $750,000 available in addition. The total appropriation of $750,000 is available for this purpose if they wish to use it for that. They asked us, however, to add to the general appropriation what we thought we should give them for this service; but the committee thought that in view of the fact that this was a new service, it would be of benefit to Congress in the future to know how much this service is costing the Government as contradistinguished from the other services which the Commission render in connection with the enforcement of section 20 and the other provisions of the interstate-commerce law.

Mr. YOUNG. I wish to ask the gentleman further if the $750,000 he refers to is not for the purpose of carrying out all the provisions of the Hepburn Act?

Mr. TAWNEY. Yes.

Mr. BONYNGE. That is a very different proposition.

Mr. TOWNSEND. Does not the gentleman admit that the whole argument before his committee was to separate this particular item and the other appropriation which related to the other provisions of the law? And while I am asking that question, let me ask who will make complaint? You say they should investigate only in cases of complaint. Who will know that the law has been violated? Who can make a complaint that the Commission can go on and investigate?

Mr. TAWNEY. When the Commission receives reports from the railroad companies every month in regard to their methods of keeping accounts and keeping their books, if the Commission can not from these reports determine whether or not they are complying with the law or the regulations, or if there is anything in those reports showing anything that would indicate that they were not complying, then the Commission would be justified in investigating and would have the necessary amount

and force to make the investigation. We do not proceed upon the theory that all the railroad companies are going to disobey the law in respect to keeping their accounts. Now, if you are going to provide a sufficient force to examine the accounts of all the railroads, good, bad, and indifferent, how much information will you get that will be of no value at all, and how much money and service will be expended in acquiring that information regarding railroads that are complying with the law? What the country and the Commission needs is information as to noncompliance with the law and not as to compliance. In other words, Congress is not justified in proceeding upon the theory that all men are dishonest.

Mr. TOWNSEND. I ask the gentleman why he provides in the same bill $100,000 for inspecting the safety appliances and other special provisions? Why does not the same argument he makes apply to the investigation of national banks?

Mr. TAWNEY. Why, Mr. Chairman, we recommend that an appropriation of $100,000 for the investigation of safety appliances——

Mr. SMITH of Iowa. And we started that at $15,000.

Mr. TAWNEY. I was just going to call attention to that. We have recommended that because the law authorizes the investigation in the interest and for the protection of the traveling public, and I want, as my colleague has just said, to state the significant fact that we did not begin this work with an appropriation of $100,000, but we began it with an appropriation of $15,000. Now, that is the way in which Congress has always proceeded when we come to inaugurate a new service that is based upon the estimate of those who will be charged with the administration or have control of the service.

The committee has proceeded upon the theory that the Commission can not at this time use the maximum amount it estimates will ultimately be required to give them the service they desire. We have heretofore proceeded slowly, as we gained information from experience as to the necessities of the service, and not otherwise. It is for that reason the committee has recommended what we think will be ample to provide for all the inspection required for the next six months, when Congress will again be in session, and when, if the experience of the Commission shows that more money is needed, more money will be appropriated.

The amount carried in this bill is not because of any antipathy to, or any desire on the part of any member of the committee to cripple or impair or hamper the administration of the law in any way, but we do not want to rush in blindly and appropriate at the beginning more than is necessary for this service, for we know the amount can never be reduced.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. MANN. Is this the first appropriation made specifically for carrying out the provisions of section 20 of the Hepburn law?

Mr. TAWNEY. It is the first specific appropriation made for carrying out the provisions of section 20 of the Hepburn law in respect to books of account.

Mr. MANN. Has there been any specific appropriation heretofore on account of section 20?

Mr. TAWNEY. Never on account of section 20, although the section was enacted two years ago. There has never been any estimate for a specific appropriation.

Mr. MANN. As I understand, the Interstate Commerce Commission has been preparing a uniform system which it proposes to have the railroads put in effect, including books of account, records, memorandum of all sorts.

Mr. TAWNEY. That is work already done.

Mr. MANN. And the railroad companies have been advised to put in practice this uniform system of accounts prescribed by the Interstate Commerce Commission. Now, this appropriation is for the purpose——

Mr. TAWNEY. Of aiding them in supervision where supervision is necessary.

Mr. MANN. In helping them to put it into effect?

Mr. TAWNEY. Yes.

Mr. MANN. And of ascertaining whether it has been put into effect as they make their reports?

Mr. SULZER. If the gentleman from Minnesota will pardon me, how much money have they asked for to carry out the provisions of section 20?

Mr. TAWNEY. They first asked for $700,000, and then they reduced that to $500,000 on account of the fact that they do not yet know how much would be needed, and then they reduced it to $350,000 when they found that they could not employ all the people during the next fiscal year.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman from Minnesota be extended five minutes. Is there objection?

There was no objection.

Mr. SULZER. Has the Commission submitted any particular number of men necessary for them to employ?

Mr. TAWNEY. Two hundred and eighty-five to begin with.

Mr. SULZER. At how much of a salary?

Mr. TAWNEY. As I said a moment ago, I do not know that I have that information.

Mr. FITZGERALD. Twenty-five hundred dollars, $1,800, and $1,200.

Mr. SMITH of Iowa. And they want a $7,500 man at the head of it.

Mr. MANN. You can not get very experienced railroad accountants for $1,200 or $1,800 or $2,500. You have to go up into the thousands. Was it proposed under section 20 and presented to the committee practically to have the Government audit the railroad accounts at stated intervals?

Mr. TAWNEY. Yes; at stated intervals the Commission proposes examination of all the accounts for the purpose of determining whether or not these various items of expenditure are charged in the proper account, and the only way that can be done is by an audit, and they will have to go through all the vouchers of all the railroad companies.

Mr. MANN. If that is to be the policy of the Government, would it not be well to do as we do with national banks, where we practically do away with a certain amount of the work which they would have to pay for privately, and have them pay into the Treasury enough money for this audit, which they do now by private contract?

Mr. TAWNEY. I think that would be a far more reasonable proposition. I do not even believe, however, because of the great magnitude of this service and the relation in which the Federal Government would then stand to this great industry, that I should favor the establishment of a service sufficiently large to audit all the accounts and expenditures of the railroad companies, but that would be more reasonable and practical than the proposition of the gentleman from Michigan [Mr. TOWNSEND].

Mr. MANN. There are not a great number of railroad corporations after all. It does not require the services of a great many men to ascertain whether all of the railroads are keeping their accounts and their records and their memoranda in accordance with the way prescribed by the Commission. Railroads are not as numerous as banks and grocery stores, and while their transactions are very large, it is easy for a small number of men to ascertain whether these accounts are kept in accordance with the methods prescribed by the Commission.

Mr. TAWNEY. That may be true, but that is not the purpose of this service as it has been explained to the committee. It is not a mere examination of the books to see whether or not they are complying with the methods of bookkeeping, but they have got to know in order to determine whether or not their statements correctly represent the actual earnings of the companies.

Mr. MANN. I understand that. That is for the audit; but in order to ascertain whether they are complying with the provisions set forth by the Commission, it does not require any large number of people.

Mr. TAWNEY. It is for that reason, Mr. Chairman, that the committee thought the Commission itself would know six months from now, after having that much experience, better than it does now, just the extent to which this examination would have to go and the extent to which this service is necessary to insure the enforcement of section 20, and for that reason the committee felt that it would be the part of wisdom for us to begin at the bottom and let this service develop as the result of experience and provide for it upon a theory.

Mr. ALEXANDER of New York. Mr. Chairman, I would like to ask the gentleman from Minnesota what point was made by Professor Adams in his presentation of the matter to his subcommittee?

Mr. TAWNEY. Mr. Adams did not appear before the subcommittee at all. Mr. Harlan, the Commissioner, appeared, and Mr. Moseley.

Mr. ALEXANDER of New York. What point was made by them asking for a larger appropriation than is allowed in the bill?

Mr. TAWNEY. If the gentleman will turn to page 179 of the hearings before the Committee on Appropriations, he will find the testimony of Mr. Commissioner Harlan and the testimony

of Mr. Moseley, which begin about that page, and is contained on three or four following pages:

We regard it as the most important feature of our work. That is to say, every transaction between a railroad company and a shipper comes forward sooner or later in some item on its books of account, and through that system of uniform accounts and by means of a board of examiners we will be able to supervise and follow the transactions of railroads and ascertain whether they are complying with the law and obeying its provisions or not. We regard the board of examiners as the crux of the situation. That is to say, it is the one means by which we can enforce compliance with the law and ascertain whether the carriers are in fact obeying it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER of New York. I ask unanimous consent that the gentleman may proceed for ten minutes, in order to complete his remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Then, again, he says:

Mr. HARLAN. That has been very thoroughly considered. I have before me what we call the "Classification of operating expenses," which goes into the most minute details of the expenditures of railroads, even for such items as glue and tape and string and stationery, and it assigns each one of those ordinary and customary expenditures of railroads to a particular place of the accounting system.

So that the minute details in which these accounts are to be kept, although the number of roads may be comparatively small, as the gentleman from Illinois [Mr. MANN] said a moment ago, the magnitude and number of the accounts are very great. The transactions of these roads were never as large or as numerous as they are now. If we are going to adopt the policy of providing a force of men sufficiently large to examine all these several items of account and the vouchers to see whether or not the earnings of the railroads have been properly expended, I say then we ought to appropriate ten times as much as is proposed in the amendment offered by the gentleman [Mr. TOWNSEND]. In this service I submit again that we should go slow. Our inspection and special agent service of the Federal Government has been growing by leaps and bounds during the last decade. We had eleven years ago all told only 166 inspectors in that service. To-day we have over 3,000 and are spending over $9,000,000 for this service. It has grown from 166 in 1896 to over 3,000 in 1907.

I submit that we should not become hysterical over this proposition. It is not proposed to cripple in any way the administration of the interstate-commerce law. The Committee on Appropriations is just as friendly to that law as the Committee on Interstate and Foreign Commerce, and always has and always will recommend the appropriation of all the money necessary for its enforcement. But we do not propose our judgment to the populistic demand for unnecessary appropriations for that purpose. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I confess that I am surprised that the committee has reported only $50,000 in this bill to enforce the Hepburn railroad law and protests against an amendment of $300,000 being made in this bill. Sufficient funds should be appropriated to enforce this law, or Congress should, in a manly way, say we refuse to enforce a law which Congress made to enforce and the people demanded.

Go back to the Sherman antitrust law, gentleman, passed in 1890 by both Democrats and Republicans. The Harrison Administration did not know what this new law meant, and failed with nearly all the suits it instituted under it. The Cleveland Administration, through the Supreme Court, under the administration of Mr. Harmon, as Attorney-General, had it construed as applying to railroad combinations in the Trans-Missouri case. Judge Harmon then filed a suit against the joint traffic railroad combination, and against the Addison Pipe trust, an industrial combination, and the Supreme Court held the Sherman law applied to both railroad and industrial combinations, and thus paved the way to undo railroad and industrial combinations in restraint of Federal commerce.

General Harmon, as I remember, called for more assistance in his office and more money to enforce this law, and I think his successors renewed this request. They said Congress did not give to the Department of Justice sufficient machinery to enforce the law. Finally, Congress gave the Department of Justice a large amount of additional assistance in officers and money. We were considering the legislative and judicial bill here one day, and the gentleman from Georgia [Mr. BARTLETT] offered an amendment to give $250,000 as a special fund to enforce this antitrust law; and after a considerable stir the gentleman from Iowa [Mr. HEPBURN] offered an additional amendment, making the appropriation $500,000, "the very first jump out of the box," so to speak; and although it was subject to a point of order, the $500,000 was appropriated, and the gentleman from Minnesota [Mr. TAWNEY], if I remember correctly, voted for it. What else?

Mr. TAWNEY. Right there will the gentleman permit an interruption?

Mr. GAINES of Tennessee. Why, yes.

Mr. TAWNEY. How many years was it before they even began to spend that money?

Mr. GAINES of Tennessee. Well, who complained of that? I will tell you——

Mr. TAWNEY. You complained of it——

Mr. GAINES of Tennessee. I certainly did. I tried to get Attorney-General Knox to spend a part of it in the spring of 1904 in starting an investigation of the tobacco trust, and filed with him more than sufficient evidence showing "probable cause" for "to believe" this trust was unlawfully operated in the purchase and sale of the farmers' tobacco. But instead of Mr. Knox then proceeding to investigate he called on me and the farmers to furnish him with the testimony, and rather than let the investigation be abandoned, I undertook to get up evidence, with the farmers to assist me, for Mr. Knox to file a bill or start a prosecution, all of which he should have been prompt and glad to do, but he "laid flat down on me" and the tobacco people, to the extent at least of calling on us to do what he was fully equipped to thoroughly do and should have done. However, I want to say that Attorney-General Moody late in 1904 or early in 1905 took up the matter where I, with my people, had carried it. We had gotten up a great deal of evidence. But I do not wish to discuss this matter. I have the records to prove what I have stated and am ready at any time to discuss it, but not now.

But, Mr. Chairman, what is $50,000 to enforce the Hepburn law, to examine into the possible railroad wrongdoing, compared to $500,000 we promptly gave to enforce this antitrust law? Congress has annually appropriated about $250,000 to maintain this fund at $500,000, so that there could be no excuse for the nonenforcement of this trust law. Why, this very bill, gentlemen, carries an addition of $250,000 to be added to a like sum now in the hands of the Attorney-General, making $500,000, to enforce the Sherman law against industrial and railroad combinations in restraint of Federal commerce, and yet we are to start off in the enforcement of the publicity provision at least of the Hepburn law with the miserable little pittance of $50,000. What distance will that sum go in investigating the railroads of this country? The sum is ridiculously small. You say the bill carries about $750,000 to carry on the machinery of the Interstate Commerce Commission, and that that is enough, but you do add the $50,000 to cover the matter in question, treating the publicity proposition as practically a separate duty imposed upon the Commission.

What else, Mr. Chairman, have we done to enforce and help along the Sherman antitrust law? We have created a new Cabinet office, called "the Bureau of Corporations," or, rather, "the Department of Commerce and Labor," and have appropriated millions of money to employ hundreds of agents and secret-service men, I presume, to look after all kinds of unlawful combinations in restraint of trade and commerce amongst industrial institutions and interstate railroads, and yet this great appropriation committee comes in here and says that $50,000 is sufficient to execute section 20 of the Hepburn law, although we have this new Department of Commerce and Labor backed by its appropriation and the Department of Justice backed by its regular appropriation, with a special appropriation of $500,000 to enforce the Sherman antitrust law. However honest and sincere the committee may be in its conclusions, I can not agree with it. I have no malice, Mr. Chairman, for the railroads or any other concern or individuals. Thank God that I can not bear malice or ill-feeling long toward anybody, and all I want is to defend the law-abiding and make the lawless obey the law.

They make me, they make the humblest man in the land obey the law, but some, at least, of the railroads have not obeyed the law, and when the courts open their books we find secret rebates and free passes have been given, and various other wrongs done, all covered up in their archives. These wrongs should be uncovered and stopped and the guilty punished and the innocent protected, whether railroads or private persons. I say it is our duty to the President, it is our duty to this great Commission and the people, and it is a duty to ourselves to amend this bill——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, give me three minutes more—just two minutes—and then I will have finished.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may be allowed to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Gentlemen, Congress put that law on the statute books. Shall we pull its teeth at the start? Did we put it there for it to be a dead letter as the previous law had been? The Sherman law was a dead letter until we revived it by appropriating $500,000 annually in order that that law might be vigorously enforced. Yet the people complain against unlawful trusts and its nonenforcement.

Shall we let this law lie dormant because of the lack of a few hundred thousand dollars? Why put the million and a half of extra money behind the Sherman law and give the Commission a miserable little pittance of $50,000 to use behind this great law that controls the interstate railroads of this country? "Consistency, thou art a jewel!" As for me, I am going to vote for the $300,000, which seems to be enough. I want the law enforced, and nothing but the law. If it is unconstitutional, the great lawyers of my State and other great lawyers will see that it is held up in the courts, and our errors, if any, will be pointed out. But the people have been mercilessly outraged in this country, and I am going to stand by them first. They demand justice. That is their right.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, whatever criticism I may have heretofore made in regard to the wisdom of the railroad rate law, it never applied to section 20 that this appropriation is intended to enable the Commission to enforce. I once had what was an unusual experience in high finance and juggling of figures by railroads. In some litigation involving the reorganization of the Monon Railroad that I took some part in, an examination of their books showed that what had apparently been a prosperous road for six or eight years, and which, by virtue of the impression that had been given to the public, had unusual credit, was in point of fact an insolvent, bankrupt road, and that condition of deception was brought about by charging to improvements and capital account what should be charged to operating expense—an old trick of the railroads. I speak of this to show that I have some little degree of familiarity with railroad bookkeeping, and also with the importance of having a uniform system. To my mind nothing can be more important, and if I thought it required not only $350,000, but twice that sum, in order to bring about such a reform, I would vote it gladly. But I do not believe that a case has yet been made, and I am not willing to go on an assumption. Now, what is the assumption? The assumption is this: That having arranged for a uniform system of bookkeeping by all the roads, having required certain facts to be disclosed in a prescribed form, the railroads will generally disobey that law. I believe that is an indictment that is not warranted by the facts. I do not believe that it is necessary in order to enforce a law to have an inspector practically auditing the books of every railroad in America, and until we have something more than an assertion as to such a necessity, I do not feel warranted in voting unnecessary appropriations.

Now, there has been a good deal said about section 20 of the act. There are provisions other than that of inspectors looking to the enforcement of this section. We have heard a great deal said lately, and some of it properly said, about having put the fear of the law in the souls of men in high places. We have heard a good deal claimed by some of having started a crusade that has awakened the conscience of men, and yet the gentleman from Michigan's whole case is predicated upon the idea that the railroads of America are going to disregard this law.

I do not believe it. I do not believe it is necessary to keep United States inspectors on all the books of the railroads. We have hundreds of penal laws upon the statute books. It is a new idea that, in order to enforce a penal law, you must send somebody to be the guardian and watchman of every human being that comes within the purview of that law. It is a doctrine that I think is totally abhorrent to all the instincts of American manhood. I am not willing to indict the people of this country by any such assumption. Now, your law provides:

In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts * * * such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense.

Not only that, but—

Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the commission, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment.

I am in favor of giving the commission a force sufficient to enable them to send out at unannounced times to the offices of any railroad for an examination. I am in favor of giving them a force sufficient, whenever they have any reason to suspect that the accounts are not being kept properly, to make an investigation, and if they find such cases and will then turn in and convict the offender, we will in truth have put the fear of the law upon them.

But to assume that you must send out these inspectors to go over the books in detail at regular periods and all the time is to take a burden upon the Government that is not only useless, but will be expensive beyond the dreams of men. Three hundred and fifty thousand dollars a year will not touch it; three times $350,000 a year will not touch it. Now, I am not in favor in advance, before we have had any experience to guide us, of appropriating these big sums. Why, the gentleman would have us follow the wisdom of Mr. Adams. I have no doubt he is a splendid expert, but he has all the enthusiasm of an advocate. He started out with a request for $750,000, which he thought was absolutely necessary, and he has now got down to $350,000. I think we can afford to go a little slow in the matter. It has been well said by the chairman of the Committee on Appropriations that no bureau is ever started in this Government that ever ceases. No bureau is ever started that keeps its original size; but they grow and expand, until we are confronted by facts that simply cause consternation among those thinking men who realize what it is costing to administer the Government.

But it is not simply the saving of $300,000 I plead for, but it is for a principle and to voice my protest against the theory that we must have an army of inspectors and spies to go around watching the men of America during each hour of the working-day in order to see that these men are honest and do not disobey the law. Such a principle carried out will require a multiplication of officers in every Department of the Government. It is contrary to the whole history of the Government. Gentlemen, we owe most of the popularity of the National Government to the fact that it has not touched the people in any such onerous way, because it has only touched the people in a few important and necessary ways. Once let this Government depart from that time-honored custom and let it undertake the spy system of countries abroad and you will find a protest rise from the very people who are now so quick to clamor against certain men, and business will be the first to complain about this change. If this sum is not given now, we have other years and other appropriation bills, and there will be no hesitancy and no false modesty on the part of the Commission in asking for additional sums. [Loud applause.]

Mr. CRUMPACKER. Mr. Chairman, I believe section 20 of the Hepburn law to be the most important section of that law. I believe under its proper enforcement more substantial permanent good will come in the way of regulation and correcting corporate abuse than from any other feature of the law. I believe it is a matter of vital importance at this time that a sufficient appropriation be made by Congress to enable the Interstate Commerce Commission not only to establish a uniform system of bookkeeping and accounting by transportation companies of the country, but to inaugurate and fully install that system.

I agree with the gentleman from Kentucky [Mr. SHERLEY] in his criticism of a system of Government espionage. It is abhorrent to every instinct of human liberty; but I do not regard an increased appropriation for the purpose under consideration as entering in this Republic upon any system of General Government inspection of railroad books and accounts. A uniform system of accounting has already been established. It has not been fully installed yet throughout the country. I think it is a matter of vital importance that the Commerce Commission be given a sufficient amount of money to see that every railroad in the country adopts the uniform system of accounting that has been already established; and when that system has become general, when it has become recognized as the general system of accounting and bookkeeping throughout the country, we will not need a great army of Government inspectors to investigate and inspect the books and accounts of the railroads as we inspect the banks to-day. Then we can depend, in a large measure, upon the good faith of the railroad companies, we can depend upon the monthly reports required and a reasonable number of Government agents to investigate cases where suspicion may rest as to honest observance of the

law. Section 20, unless its provisions be carried out, will, of course, become a nullity; and I repeat, Mr. Chairman, that its provisions can only be made effective by appropriating a sufficient amount of money to enable the Interstate Commerce Commission to see that every railroad in the land does adopt the uniform system of accounting and bookkeeping of the Commission; and when that is done, primarily the Commission will have discharged its duty.

I stated at the outset that this is the most important section, in my judgment, in the bill. It carries with it the feature of publicity. It will enable the Government to know exactly what the inside working of every railroad corporation in the country may be, it will enable the country to know all about capitalization, it will increase the security of investors in railroad securities, and allay the suspicion under which many of the railroad companies rest in the public mind.

I believe the sum of $350,000 is a moderate sum for the installation and introduction of this uniform system of bookkeeping and accounting.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. CRUMPACKER. I will.

Mr. TAWNEY. There is no part of the $350,000 proposed here that would be used or is intended to be used for the installation of this system.

Mr. CRUMPACKER. Oh, yes.

Mr. TAWNEY. Not in the least.

Mr. CRUMPACKER. I beg to differ from the gentleman.

Mr. TAWNEY. Oh, no; the cost of the installation is paid out of the general appropriation for the Interstate Commerce Commission.

Mr. CRUMPACKER. But the cost of inspection is a part of the cost of installation.

Mr. TAWNEY. You can not inspect until you have installed, can you?

Mr. CRUMPACKER. The establishment of the uniform system in the first place is the act of the Interstate Commerce Commission. The adoption of this system rests with the railroads, and the appropriation for the purpose of having Government inspectors or expert accountants to find out whether the uniform system has been generally adopted is to promote the installation of the system.

Mr. TAWNEY. Will not the monthly reports which they are required to make to the Commission show whether or not they are conforming to the rules and regulations of the Commission?

Mr. CRUMPACKER. They ought to, in a general way, but, at the same time, there will doubtless be many mistakes in the monthly reports, and the system of bookkeeping in relation to transportation companies is necessarily to some degree complicated. I believe that every transportation company ought to know that the Government has sufficient facilities to find out whether the law is being violated, and that power ought to rest in the Commission, even though it be not exercised, until the transportation companies do, of their own volition and as a matter of self-protection, adopt and follow the established system of bookkeeping and accounting.

Mr. KEIFER. Mr. Chairman, I am not absolutely certain that in five minutes I can enlighten the committee on this important subject. I have an impression that there is a general misapprehension about the provision in the bill and a misapprehension as to the meaning and purpose of portions of section 20 of the interstate-commerce act.

I do not believe it was ever thought essential to the enforcement of that act or any part of it that we should establish a universal system of espionage, as some Members here to-day contend, upon all these great common carriers. The proposition that is involved now in the amendment, inspired by the persons who are looking after the accounts of these great railroads, comes as a first step in asking that we should begin this work, not of examining into the business particularly of these corporations, but, to use the language of Mr. Harlan and also Mr. Adams, to furnish men to help these roads, or see that these roads adopt a proper system of accounting. They do not propose in doing that, as I understand, to do the things that are talked about here on the floor by gentlemen who declaim, as usual, loudly against railroads and corporations simply because they are railroads and corporations and because they think that spirit of declamation will catch the public ear. The time is coming when somebody should cry "halt" against this vicious method of attacking business everywhere under the cover of assailing public corporations, treating them all as though they were criminal organizations managed by criminals. And while section 20 of the Hepburn Act is proper, this is no time to commence a system of investigation that requires the Interstate Commerce Commission to go through the books of the 1,491 railroads that they have selected out. It will require two years, the Commission's officers inform us, to investigate and see whether they keep their accounts properly; and that is not all, Mr. Chairman. Mr. Harlan says in his letter of January 27 last that this is only the beginning; that the Commission has not yet devised a scheme or plan of providing inspectors for express companies, water lines, pipe lines, and perhaps other companies; that it has so far confined its plans to railroad common carriers. We are only entering upon this. The Commission only need now the first appropriation—$750,000.

If his statement be taken as true, that the proposition is to see that the system of accounts that has been adopted by the Commission and required to be adopted by the railroads—to see that they keep their accounts right, then the appropriation is absurdly great. How long would it take an expert accountant to go over and see whether the great railroads had adopted the system that the Commission has required to be adopted? How long would it take?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DRISCOLL. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEIFER. Mr. Chairman, five minutes is not sufficient time for an explanation of this matter. If the plan of Mr. Adams, in charge of statistics and accounts, is simply to see whether the accounts are kept according to the system inaugurated by the Commission, then I think that $50,000 is abundant and quite enough to begin upon. I will undertake to go over half the accounts of the railroad in one year myself at a proper compensation and see whether the system is adopted properly, but my friend from Michigan thinks I am not an accountant.

Mr. TOWNSEND. I think you are.

Mr. KEIFER. If the gentleman from Michigan thinks I am no accountant, he is mistaken. I have spent fifty years in going over accounts in litigations and otherwise to find whether there were frauds in them or not. Now, here they want men to go out and spend years of time——

Mr. TOWNSEND. I want to say that I think the gentleman from Ohio is a good accountant, for he can figure out things that I can not understand. [Laughter.]

Mr. KEIFER. I am sorry for that. Very well. I believe in enforcing the interstate-commerce act in every respect, but there is nothing in the twentieth section of that act or anywhere else in it that requires an army of examiners and inspectors. There is a clause in the twentieth section that authorizes the employment of inspectors or examiners or agents for the purpose of enabling them to see what is proper to be done, but it does not attempt to inaugurate a system of espionage. If it did, I should be opposed to it in toto.

I am not afraid to say here and anywhere that when the time comes in this country that we are to inaugurate what some here think this proposes—a system of espionage upon all of our business enterprises, public and private—this country has taken a step backward greater than any ever taken before. If this policy is to apply generally to interstate-commerce railroads, it is equivalent to saying to the States: Get a law in each State that will put a spy on the business of every intrastate corporation in the State. Then will come the cry, Here is a man carrying on a private business, and we do not know whether he is keeping his accounts or running his business honestly, and there must be an inspector in his office. And that will go on until we destroy all the sacred attributes and privacy that belong to the business of the successful people in this country. What the Federal Government does as to interstate business a State will be required to do as to all purely State business, including all domestic and private affairs.

Mr. DAVIS of Minnesota. Will the gentleman allow me an interruption? I agree with the gentleman as being opposed to this general system of espionage, but I would like to ask him if he is opposed to the system of espionage that would ferret out and discover rebates or discriminations?

Mr. KEIFER. If the gentleman from Minnesota had listened to what I said, he would not have asked that question. I said I was in favor of enforcing the interstate-commerce law, and when necessary I would employ inspectors, agents, and everybody that was essential for the purpose, but I would not inaugurate a system of treating every man as though in his business he was a scoundrel and a thief and ready to rob his fellow-men.

Mr. DAVIS of Minnesota. Would the gentleman be in favor of a system where in obtaining the information it should be obtained by giving the criminal an immunity bath?

Mr. KEIFER. I do not know what the gentleman means by that. If I had the information, I would punish the guilty.

Mr. DAVIS of Minnesota. Would the gentleman seek to obtain that information in such a manner that when he obtained it it would be an immunity to the criminal?

Mr. KEIFER. Oh, I do not want the gentleman to get away from the question. This is a question whether we shall put into the hands of the Interstate Commerce Commission sufficient agents to investigate where they should investigate, and where it is necessary to carry out the matter of the enforcement of their rule with reference to the system of accounting. That is all I wish to say. I do not cry out against the railroads. The country is prosperous by reason of the railroads. The great Northwest has developed a rich country in consequence of it. The railroads have been guilty, no doubt, of many things that were imposed on the country, but there are many regions of our country, formerly inaccessible and consequently valueless, now prosperous, where farms and villages and cities are now found and where large bodies of prosperous citizens have gone and settled, due almost solely to the enterprise of building railroads to them. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. MANN having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution of the following title:

On April 30, 1908:

H. J. Res. 171. Joint resolution providing for assistance to the people of the storm-swept States of Georgia, Alabama, Mississippi, and Louisiana.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. POLLARD. Mr. Chairman, the gentleman who has just taken his seat says that he is in favor of enforcing every provision of the interstate-commerce act, and yet he takes it upon himself to oppose an appropriation for carrying into effect the very thing that he says he is in favor of.

Mr. KEIFER. The gentleman is mistaken.

Mr. POLLARD. Now, Mr. Chairman, there is only one question, I believe, in this whole discussion. This House two years ago enacted, and gentlemen opposing this amendment without exception voted for, what is known as the "Hepburn railroad-rate act." In that act is section 20, which provides for the publicity of the accounting system of railways.

The question before the House to-day is whether we are in favor of enforcing that section. That is the only section before the committee; and if we are, will we give the Interstate Commerce Commission sufficient money to enforce it. The whole question revolves around the point as to the amount of money necessary to carry into effect this provision of the law. The gentleman from Minnesota [Mr. TAWNEY] says that the Interstate Commerce Commission has in this bill, if I understood him correctly, $750,000, every dollar of which could be used for the enforcement of this section of the law. This very section the gentleman from Michigan [Mr. TOWNSEND] seeks to amend limits the amount of money that can be used for that purpose to $50,000, and the gentleman from Minnesota certainly will agree that that is true.

Mr. TAWNEY. Will the gentleman from Nebraska [Mr. POLLARD] explain to the committee on what basis he insists that $350,000 is necessary?

Mr. POLLARD. I will be very glad to.

Mr. TAWNEY. Give us the details of the expenditures.

Mr. POLLARD. I will be very glad to enter into that. What I was objecting to in the gentleman from Minnesota [Mr. TAWNEY] was his statement by which he undertook to leave the impression on the House that the Commission could use the whole $750,000 for the enforcement of this section.

Mr. TAWNEY. I was asked the question by the gentleman from Michigan [Mr. TOWNSEND] if it was not a fact that they had $750,000 in addition, and if any part of that could be used, and I said it could be.

Mr. POLLARD. If I misquote the gentleman, I beg his pardon, but I understood him to say that they had $750,000 that could be used for that purpose, while the section in question limits the amount that could be used for that purpose to $50,000. Mr. Chairman, Mr. Harlan and Mr. Moseley, who appeared before the committee, made estimates as to the number of men that would be required to carry into effect the terms of this section. The Committee on Appropriations, I have no doubt, have given some consideration to that question. We have a right to assume that they have given a great deal, or they would not come in here and cut down the amount from $750,000 to $50,000. That is a pretty heavy drop, it seems to me. The men who are charged with the responsibility of enforcing this law say it will take $350,000.

Mr. TAWNEY. The drop was made by the Commission itself, I will say to the gentleman, from $750,000 to $350,000.

Mr. POLLARD. But in the hearings it shows that the Commission dropped from $750,000 to $500,000.

Mr. TAWNEY. Yes, and then they dropped to $350,000.

Mr. POLLARD. Now I understand they will be satisfied with $350,000, simply because they can not get more. This is not a question of introducing a general system of inspection of railroads throughout the country.

That is not contemplated at all. Under the figures given by the gentleman from Minnesota, if $350,000 be appropriated, the Commission will have only 140 inspectors at its disposal, and yet the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Ohio [Mr. KEIFER] and others who oppose this amendment contend that it will create a vast army of inspectors, while, from their own figures, it will only permit the employment of 140 inspectors. We all know the extent of the railways of the country. We all know the great mileage of the railways of the country, and we know also that twenty men, which is all that can be employed if this appropriation of $50,000 is carried, are insufficient, manifestly insufficient, to carry into effect the terms of this act. It seems to me if there is one thing that this Congress ought to do above every other it is to grant to that Commission sufficient funds to carry into effect the act that we passed here two years ago. We all understand the intricacy of the questions involved, and we all understand the great evil that existed before the law was passed and prior to the enactment of what is known as the "Elkins antirebate act." We all understand how difficult it is to find out what companies are paying rebates and to whom they are paid.

Under the terms of the Hepburn Act the railroads are required to keep a uniform system of accounts. This amendment will enable the Commission to carry out the terms of that act. It will enable them to inspect these accounts and ascertain what railroads are violating the law. This amendment, if adopted, will make it practically impossible for the railroads to give rebates. It provides funds that will enable the Commission to examine their books. It will throw on the searchlight. That of itself will tend to prevent rebates. I hope the amendment will prevail.

[Here the hammer fell.]

Mr. HARDY. Mr. Chairman, I wish to say some things in regard to this matter and to state in the beginning that it is not an antirailroad disposition that prompts me to this utterance. After the Supreme Court of the United States, the most important body in existence under our laws to-day, is the Interstate Commerce Commission. I wish to warn some of the Members of this House against a recurrence of a situation that did occur when the Interstate Commerce Commission for ten long years petitioned Congress for more authority in fixing rates, and met with a nonreceptive hearing. All over this country, after the Supreme Court had decided that the Commission had no power to fix rates, the question was asked, Why was not the Commission for ten years clothed with this authority when they continually asked it? Who knows best now what is necessary, the amount that is necessary, to enable the Commission to enforce the most important section of the Hepburn Act? If the members of that Commission be wise, if they be wisely selected, they know better than a single Member of any committee of this House. Permit me to answer a few of the suggestions of my friend from Kentucky [Mr. SHERLEY], who always speaks entertainingly and learnedly. He says that this is a proposition to start a universal system of spies. The gentleman from Ohio [Mr. KEIFER] echoes the sentiment.

No system on earth is more odious to me than a system of spies; but during the long years of my knowledge of public affairs I have always believed in inspection of public officials and quasi public officials. For eight years I gave to the grand jury at stated periods instructions to inspect the books of public officials of counties. Was it deemed that that was creating a system of spies? Every public official was ready and willing to have his accounts and books inspected if they could bear inspection. If they could not, then they needed this inspection. It is useless to talk about opposition to this appropriation on the ground that it starts a system of spies into private matters. In the same manner this Government has recognized for half a century its duty to appoint inspectors of banks. I know that section 20 has been complied with to the extent that a uniform system of bookkeeping has been arranged.

The law stands now, with section 20, as a magnificent 13-inch gun, but the Commission have no ammunition with which to load it, or to make it effective. [Applause.] I want to say if year after year that Commission appeals to Congress for means to put into operation and enforce section 20, and we go before our people, all of us proud of the part our party took in enacting that law, we will stand stripped of our pretense of desire to regulate railroads if we appropriate only the pitiful pittance of $50,000 to enforce its most important section, to accomplish a purpose toward which it will not grease the skillet. If we do not appropriate more, we had better sweep it all out; if we are to do nothing, let us say so; if we are not going to have these books inspected and the section enforced, let us wipe out the $50,000 and say it is a self-enforcing law.

Now, permit me to say I do not wish to overrun my time, but I regard the railroad service of this country as a quasi public service, its operations to be inspected and regulated as the operations of a bank. They have even more of a public nature than national banks. That being the case I ask those, on our side especially, not to go before the country with the naked pretense that we enacted a very valuable law and we refused to appropriate the money to carry that law into execution. [Applause.]

Mr. HUBBARD of Iowa. Mr. Chairman, I rise for the purpose of calling the attention of the House to a piece of recent history which I think most emphatically illustrates the necessity of this amendment. Only a short time ago in the very midst of impending financial disaster there was announced by the Louisville and Nashville Railroad Company its intention of lowering the wages upon that road. All over the country the same threat was impending from railroad companies. It was understood that there was a concerted movement on the part of the railroad companies to lower the wages of their men. The result which would have followed inevitably can well be imagined. They based their proposition of lowering the wages upon the showing of nearly 40 per cent reduction in earnings in the month of December. The President of the United States, facing the danger that he saw was coming upon us, said:

> We will examine your books, we will ascertain whether this is a necessary measure upon your part or not.

He took the inspectors under the interstate-commerce act and they were sent down for the purpose of examining the books of the Louisville and Nashville Company. They were examined, and it was found that instead of having a loss of 40 per cent in the month of December from their net earnings the books had been doctored for the purpose. They had taken the accounts of their expenses for five or six months and put them into the account for the month of December, thereby showing a loss in the neighborhood of 40 per cent for the month of December. This system of inspection that is proposed is not a system of espionage——

Mr. TAWNEY. Will the gentleman permit an interruption there?

The CHAIRMAN. Does the gentleman yield?

Mr. HUBBARD of Iowa. Yes.

Mr. TAWNEY. Did the case you refer to arise under the system of bookkeeping and accounting that the Interstate Commerce Committee has recommended or under the old system?

Mr. HUBBARD of Iowa. No; it arose under the power of the Interstate Commerce Commission to inspect the books.

Mr. TAWNEY. Well, but I asked the gentleman if the system which has been agreed upon now by the Commission and the railroads of keeping the accounts had been in force and that railroad company had made its report every month, if the Commission could not then have discovered from the reports that they were including the expenditures of previous months in the month of December?

Mr. HUBBARD of Iowa. "And if, and if;" yes.

Mr. TAWNEY. Yes; but we had no system then of reporting——

Mr. HUBBARD of Iowa. But we are proposing to inaugurate this system of accounting, and it requires that inspectors be appointed to see that the system of bookkeeping is carried out in good faith. Without that system of inspection, without an adequate force to enforce the law, how are you going to enforce it? The amendment should be adopted. Ample means should be given to the Commission to carry out the purposes of the law under which it is acting. [Applause.]

Mr. STANLEY. Mr. Chairman, there seems to be a general impression among those who speak against this amendment that a system of inspectors is in the nature of a trained band of spies, and that it inaugurates in this country a character of espionage hitherto unknown. If it be true that this appropriation asked does loose upon men a system of espionage, does place in their offices and other places of business sleuths who have no right to be there, and in good conscience ought not to be there, then I can not see how men as rational and as clear-headed as the able gentlemen who have advocated this amendment can advocate $50,000 for that purpose. A spy is a spy for all that. [Applause.] If it is wrong to put two hundred spies upon the railroad, it is wrong to utilize spies at all.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Ohio?

Mr. STANLEY. Certainly.

Mr. KEIFER. I would like to say that I am one that does not believe in the $50,000 at all, and I do not understand that any part of it is to be used for a system of espionage except where there is a discovery of some necessity.

Mr. STANLEY. The gentleman is consistent, at least, even if he is wrong. I do not believe that this means, Mr. Chairman, a system of espionage. These inspectors are necessary simply because of the nature of the offense. With the usual laws against crime, it is not necessary that you should employ any trained man to discover a violation of the law, because the violation of the law brings its discovery. It is not necessary either in State or nation to send out men to discover murder or ordinary theft or robbery, because when the offense is committed the wronged party makes it known. But where an offense lies in a system of bookkeeping and where the party injured is not aware of the fact that he is wronged, it is necessary, in order to make the law effective, that you should not only punish but that you should have the means of discovering it. That is no new principle. The same principle holds with national banks. The fact that banks are inspected does not change the rule.

I would hesitate, I admit, on the presumption that if you sent an inspector to national banks it presupposed that every national banker is a scoundrel. I do not agree with this assertion. It presupposes that every national banker has the means to evade the law, and that he can evade it with impunity unless you are protected by an adequate inspection. The fact that you have a cash register upon your counter does not imply that every clerk is a thief, but it does imply that he may be, that he has the power to be, and that this is the best way to prevent it.

Now, I submit to the gentlemen of this House that the system in force by the railroad companies before the passage of the Hepburn-Dolliver bill did show that the railroads were more prone to violate the law than the banks were to appropriate the money of the people already deposited with them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STANLEY. I ask for two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STANLEY. Now, I see no reason why an inspection of the books of a railroad company should not be as efficient, should not be as careful, as the inspection of the books of a bank; why one should be espionaged and why the other should not.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. STANLEY. Certainly.

Mr. MADDEN. Does the gentleman recognize no difference between the books of a bank and the books of a railroad as to their relation to the public?

Mr. STANLEY. None in the world, if the railroad is a quasi public corporation.

Mr. MADDEN. The gentleman must admit that the banks, holding the money of the people of the country and responsible for that money, should be subject to rigid examination, while the railroad companies, having nothing whatever belonging to the public except the privilege of carrying the goods of the public, need not necessarily be examined as rigidly as the banks.

Mr. STANLEY. If a railroad, I will say to the gentleman, had nothing belonging to the public, was a private corporation, why, an exercise of the power of eminent domain on its part would be an outrage. The fact that a railroad can take, through process of law, your property and mine is an avowal on the part of the railroad that it is a public service and has something belonging to the people. The railroads of this country have the people's prosperity and have the power of wealth and plunder in their hands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I will ask that the gentleman may have time to answer a question. Do not the railroads have a power which amounts to the power of taxation?

Mr. STANLEY. Certainly; and this bill would not be constitutional, and it would not be necessary if it were not for that fact. [Applause.]

Mr. FITZGERALD. Mr. Chairman, there is no dispute between those who oppose and those who advocate this amendment as to the propriety of a strict enforcement of the Hepburn rate act. There is a wide difference of opinion as to what Congress intended when it enacted that law, and as to what it is now deemed advisable to do in order to make the law effective. Before the enactment of the Hepburn law it was recognized and generally conceded that the fact that the various railroads of the country did not have a uniform system of accounting made it difficult to ascertain whether things that were prohibited were being done by the railroads. The Hepburn law provided that a harmonious and uniform system of accounts should be kept. For two years the Interstate Commerce Commission has been engaged in an effort to make uniform and harmonize the system of accounts. It has partially done so, and it believes that by the 1st of July it will have completed a perfect system of railroad accounting.

What was made clear before the committee when this appropriation was asked? I undertake to say that any unbiased Member of this House, when he knows the facts, will be convinced that the Interstate Commerce Commission has no conception whatever of what it wanted and what it intended to do. They submitted an estimate asking $500,000 additional to their previous appropriation, for the purpose of inspecting the accounts of the railroads submitted in accordance with the law. To convince the committee that $500,000 was the proper sum, it submitted a detailed statement to the committee, in which it is conclusively proved that in order to do what it was suggested it wanted to do it would require $750,000 for the first year. Now, the Commission says that if it gets $350,000 it can do the same work. But that was not the original estimate submitted by the Commission.

Mr. HARDY. Will the gentleman submit to a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. HARDY. Is your position that the Interstate Commerce Commission know less about this matter than almost anybody else?

Mr. FITZGERALD. That may probably be true.

Mr. HARDY. Are they not considered as able men?

Mr. FITZGERALD. Well, some of them are able men. Some people consider some of them able men.

Mr. GAINES of Tennessee. Did not the Senate of the United States confirm them?

Mr. FITZGERALD. Oh, yes; and the President of the United States appointed them, and it is the presumption that they are able men, and some people think that they are competent.

Mr. HARDY. Then, even under your construction, would they not know better than anybody else what they want?

Mr. FITZGERALD. My position is that the Commission has not yet determined that it knows what it wants in regard to this matter of investigating the accounts of railroads.

Mr. GAINES of Tennessee. They do say they want to enforce the law.

Mr. FITZGERALD. They want to enforce the law, and I want to enforce the law.

Mr. GAINES of Tennessee. They say they can not do it without this appropriation.

Mr. FITZGERALD. Oh, a lot of people in the Government service say they can not enforce the law unless we appropriate extravagant sums; but our experience has been and will be that they will enforce the law in a proper manner with the amount that Congress gives.

Mr. GAINES of Tennessee. Why do you give them only $50,000?

Mr. FITZGERALD. If the gentleman will be patient I will tell him why we give the $50,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent that the gentleman may have five minutes more.

There was no objection.

Mr. FITZGERALD. Mr. Harlan is one of the Commissioners, and he made this statement to the committee, that the Commission had five or six expert railroad accountants, some obtained through civil service and some by special appointment, who had been working out a system of accounting, and let me read what he said:

> With singular unanimity, although they did not take the question up in joint conference at all, these five or six thought it would require from twelve to fifteen hundred men to make a thorough test of the accounts of the railways.

Then Mr. Harlan states that the amount of money that would be required appalled him and Doctor Adams, and they did not estimate the sum that would be necessary. Then Doctor Adams made an investigation of his own and threw aside the result of this independent examination by five or six special expert railroad accountants, and he submitted a statement that 260 men will be able to make the same investigation every two years that the 1,200 or 1,500 men would make every year. Now, if the gentleman will just figure that out, he will find that if 260 men can make a certain examination in two years that much less than 1,200 men should be able to do it in one year.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GAINES of Tennessee. The gentleman has quoted Mr. Harlan, the youngest member of the Commission. Now, what did Senator Cockrell and Chairman Knapp, who have been there so long, say about it?

Mr. FITZGERALD. Senator Cockrell and Chairman Knapp, who have been there so long, selected Mr. Harlan, I suppose, as the best informed and most competent member of the Commission to present their case to Congress before this particular committee.

Mr. GAINES of Tennessee. Then he is speaking for those experienced men—Mr. Knapp and Mr. Cockrell?

Mr. FITZGERALD. Yes; he is speaking for those experienced men. And while Mr. Commissioner Harlan is a young man, he is a son of a distinguished member of the United States Supreme Court, and he is older than I am, and he is fairly competent and should know something about the subject. He was opposed and did not dare to submit to Congress the estimate of what it had originally been figured out it would cost to make this examination.

Now, this question came before the committee in this shape: A law has been enacted requiring a uniform system of accounts from the railroads. The Commission say—it is clear to anybody who reads it—that they wish to audit the accounts of every railroad in the United States every two years, and at their lowest estimate it will take not $350,000 but $750,000 for the 260 men. I leave it to this House to imagine how much it will require if they get the 1,200 or 1,500 men that the railway expert accountants have estimated are required. The committee takes this position: The law requires annual reports and monthly reports to the Interstate Commerce Commission. These statements are examined. Whenever there is a complaint, or whenever there is reasonable ground to suppose that the railroads are not living up to the law, the Commission should have sufficient money to investigate and to ascertain whether they are obeying the law; but so far as the committee is concerned, to undertake to turn loose 1,200 or 1,500 accountants upon the railroads of the country is the initiation of a policy that had never been contemplated by Congress when it passed the Hepburn Act. I undertake to say that you can search the debates of Congress, both in the Senate and in the House, and not even in the able speech of the gentleman from Michigan [Mr. TOWNSEND] will you find a suggestion that it was proposed that the Federal Government was to undertake to audit all of the accounts of the railroads of the United States after the system of accounting had been perfected.

(The time of Mr. FITZGERALD having expired, by unanimous consent it was extended five minutes.)

Mr. FITZGERALD. Mr. Chairman, I have no prejudice against the Hepburn law. I have no prejudice against the railroads, and I have no desire to embarrass the Administration in the enforcement of any law. I have not reached that point yet, however, where I believe that every man engaged in a legitimate business, whether it be a business against which a great prejudice has been created in the past, or whether it be a business in which there has been no prejudice created, I have not reached the point where I believe that every man engaged in business is endeavoring to act illegally. Reference has been made to the examinations now made of banks. I undertake to say, if this force be appointed and the investigations be no more successful nor accurate than the average bank examination, that they will be absolutely futile and worthless. I know something about such examinations. I know of a bank which had been examined, where the officials of the bank had been congratulated upon the condition of the bank; and yet hardly were the examiners out of the bank when it was closed because of irregularities in its management that should have been disclosed by a proper examination. These investigations are of no value unless a man goes in to examine with the conviction or belief that there has been some irregularity or some violation of the law. Who believes that there will now be gross violations of the law? For every day that a railroad fails to keep the system of accounts prescribed by the Hepburn Act it is subjected to a penalty of $500, and for every erroneous or improper or irregular entry made in the books it is subjected

to a fine of from $1,000 to $5,000, and its officials are punishable by imprisonment for three years in the penitentiary, or both, in the discretion of the court.

Does anybody imagine that with such a statute as that in existence there is much likelihood that the railroads will continue the practices of which so much complaint has been made in the past? I say, so far as I am concerned, that I believe that with the $50,000 available for the next six months the Commission will have an opportunity to demonstrate to its own satisfaction, and to the satisfaction of reasonable men, whether that amount is sufficient, or whether a much largely increased amount should be made available for this purpose.

Mr. DRISCOLL. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. DRISCOLL. Does the statute state when the first report shall be made by the railroad companies throughout the country?

Mr. FITZGERALD. I am not sure that it prescribes when the first report shall be made, but the Commission has made regulations requiring annual and monthly reports, and if I am not mistaken the Commission is now receiving the monthly reports in so far as the system of accounts has been initiated.

Mr. DRISCOLL. Have any of the annual reports been made by companies throughout the country?

Mr. FITZGERALD. Not a complete annual report under the uniform system.

Mr. DRISCOLL. Under the rules and forms prescribed by the Commission?

Mr. FITZGERALD. I am unable to answer that question.

Mr. DRISCOLL. Will any be made by June 30 of this year, or soon after that time?

Mr. FITZGERALD. I am unable to say.

Mr. DRISCOLL. Does the gentleman think that sufficient inspectors may be employed under the bill as it now is to examine these reports as to form and as to the regularity of the reports themselves?

Mr. FITZGERALD. I have no doubt that is being done now by the Commission.

Mr. DRISCOLL. The other gentlemen want money enough to employ persons to go through the country and examine into the merits of these reports made by the railroad companies.

Mr. FITZGERALD. They wish to send investigators into the various offices of the railroad companies and compare their reports with the books of the company.

Mr. DRISCOLL. In order to find out whether they are accurate on the facts?

Mr. FITZGERALD. In order to ascertain whether the report has been made in conformity to the law.

Mr. DRISCOLL. And also with the facts?

Mr. FITZGERALD. Yes.

Mr. DRISCOLL. And to find out whether the railroads are honest and whether the reports are made according to the facts. Is it the gentleman's idea that this should not be done unless complaints are first made of the railroad companies, or unless some information comes to the Commission that the railroad companies are violating it?

Mr. FITZGERALD. Yes; unless the Commission has reasonable ground to believe that the railroad company is not living up to the law.

Mr. DRISCOLL. And it is the opinion of the other side that the men should go out, whether there are complaints or not, and investigate and examine the books of the companies to determine whether or not they make the report honestly and correctly?

Mr. FITZGERALD. Yes; for the purpose, Mr. Harlan said, in answer to a question, that while in a sense much useless work would be done, yet, that it would assure the public that the railroads were living up to the law, and it would be a great advantage to the investing public to know that in every detail the law was being obeyed. My understanding has never been that that was the purpose for which this law was enacted. I understood that the Hepburn railroad-rate law was enacted to protect the shippers and to prevent one shipper from being discriminated against in favor of another.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Chairman, the amendment offered by the gentleman from Michigan [Mr. TOWNSEND] is an important matter that should command the earnest attention and the best judgment of the House. I am in favor of the amendment and shall vote for it. It appeals to my sense of the eternal fitness of things. After much deliberation the Congress enacted this law and it has met with the approval of the people. It is a salutary law, and its most important provision is this section 20, which provides for investigations to ascertain whether the railroad companies are obeying the law or not. The railroad companies of the country must obey the law. That is the order of the day. If they do not, it should be known, and they should be punished like other ordinary lawbreakers.

Now, I say this is a good law and I am in favor of its enforcement. The people of this country to-day are in favor of the enforcement of the law, and the arguments made here to-day by some of the gentlemen of the Appropriations Committee against the amendment offered by the gentleman from Michigan [Mr. TOWNSEND] are a good deal like the logic of the man who said he was in favor of the law, but against its enforcement. All these speakers say they are in favor of this law, but they seem most desirous of doing all they can to minimize its effectiveness.

If this law is to amount to anything, it must be enforced, and if it is to be enforced, it can only be done through the machinery of an appropriation sufficient to accomplish the purpose. It is said that the Interstate Commerce Commission does not know how much money will be necessary. Possibly that is true, but no more money will be spent in carrying out the intent of the law than will be necessary. I have great faith and confidence in the Interstate Commerce Commissioners, and I deprecate the criticisms respecting them thus far made in this discussion. These covert attacks are as unjust as they are unfair. Let me say that the members of the Interstate Commerce Commission are gentlemen of great learning, much legal ability, and extensive business experience. They are the picked men of the country, and they are doing a great work that deserves the commendation of the country and the praise of Congress. These Commissioners are clothed with great powers, administrative and judicial; and I do not think there is a man in all the land who can justly find fault with their ability, their honesty, their efficiency, or their competency. I am willing to vote them this money to enforce the law against the lawless railroads, and I am content to trust them not to spend a dollar more than is absolutely necessary. In this connection I call the attention of the House to the fact that the Interstate Commerce Commission has never abused the confidence of this House by spending a dollar more than was necessary for any purpose at any time.

Now, it seems to me to be a self-evident proposition that if we do not give them the money to do so the law can not be enforced, and we all say we are for the enforcement of the law. But without the necessary funds to enforce it this salutary law—so elaborately defended and so highly praised by all the speakers here this morning—will be about as effective against the railroads as a last year's bird's nest. The position assumed in this very important matter by some of the members of the Committee on Appropriation is as illogical as it is ludicrous.

I am willing to trust the Interstate Commerce Commission. These honest and able and learned Commissioners will enforce this law, will do their full duty, and in doing so will not expend one dollar more than is necessary. Let us, then, do our duty and vote them sufficient money to enforce the law, and if they have more than is necessary we can all rest assured it will not be expended, but will go back into the Treasury.

I think it was either Commissioner Harlan, or Mr. Moseley—a most able, experienced, efficient, and competent man, the popular secretary of the Interstate Commerce Commission, a man who for years and years has been doing a very great work, very little appreciated, and who receives very little pay and very little credit for it—who testified before the Committee on Appropriations that the Interstate Commerce Commission had never gone beyond its appropriation, had never asked Congress for a deficiency appropriation during its existence. If we appropriate this $350,000 and it is not required, it will not be expended. If it is required, to enforce this law against the lawless corporations, it is there for that purpose. We will make no mistake in supporting the amendment of the gentleman from Michigan.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. SULZER. Certainly; I always yield to the gentleman.

Mr. GAINES of Tennessee. Is it not a fact that of the $500,000 that Congress has annually given to enforce the Sherman antitrust law the Department has expended much less than the amount appropriated? Now, will the gentleman tell me any good reason why we should give only $50,000 to enforce the Hepburn law and $500,000 annually to enforce the Sherman antitrust law?

Mr. SULZER. That is a timely question, and I quite agree with my friend from Tennessee. I think, however, the question should be submitted to the members of the Committee on Appropriations. I should like to have them answer the interrogatory. I agree with the gentleman that if we appropriate

so large an amount of money to enforce the antitrust law, we should, in all fairness, appropriate a reasonable sum to enforce a law just as important to the people of the country as the antitrust law.

This provision of law now under discussion is greater by far in its effectiveness for good than many people thought when it was enacted, and I want to see it enforced, so that we will not in the future witness the humiliating spectacle so often exhibited in the past of men holding high positions in the railroad world publicly confessing that they are lawbreakers and had to be lawbreakers to get their share of the business. Let us, then, appropriate the money necessary to enforce this provision of the law and indulge the hope that hereafter there will be no more railway violations of the law.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RICHARDSON. Mr. Chairman, I believe I have good reason for stating that I am an earnest advocate of the Hepburn railroad-rate law. I am an earnest advocate of the enforcement of every provision of that law, and to punish any common carrier that violates its terms. I have been a member of the Committee on Interstate and Foreign Commerce of the House since the Fifty-seventh Congress. It was my pleasure and privilege to be one of the conferees on the Hepburn rate bill between the two Houses, and I believe that I understand fairly well, at least, the spirit of fairness and conservatism that inspired its scope and tenor and prevails throughout that entire law.

Its provisions were framed with a proper regard for the interests of the people and the common carriers. It was not intended to be drastic. The Interstate Commerce Committee has had a great number of bills before it at this session of Congress to change, alter, and amend nearly every section of that law in a great many respects, and I think I am right when I say that up to date not a single paragraph of the law has thus far been amended. I do not mean to say that the committee would not make amendments if convinced the same were proper and necessary. It is an experimental law, as we all know. But few of its leading and important provisions have as yet been sufficiently tried for a fair man to judge their effect. It is intended to solve one of the greatest problems that this country has had for many, many years—that is, to determine what is a reasonable charge on the part of a common carrier for the transportation of persons and property, and to solve it from a conservative, business standpoint and not in an exuberance of spirit to show our hostility to corporations. I fear, Mr. Chairman, that spirit is sometimes too freely indulged in. That is not the spirit in which this House ought to undertake to handle this subject at all. I am no apologist for the railroads, nor will I be a party to any extreme measure against common carriers not demanded by the interests of the people or otherwise.

It does seem to me, Mr. Chairman, that very many mistakes have been made here, according to my judgment, this afternoon in discussing this matter before the committee that might have been left out. Gentlemen have proclaimed here on the floor most earnestly and energetically that it was a long time before Congress could be induced by the Interstate Commerce Commission to give the Interstate Commerce Commission power to regulate the reasonableness of railroad rates. That is a mistake. That really is an injustice to the Commission. It really is intended to put Congress in the position of being most reluctant to act. The fact is, Mr. Chairman, that when the Commission was created in 1887 Judge Cooley, the able and distinguished lawyer, was the presiding officer of the Commission, and any gentleman who takes the time and opportunity to examine the history of the Interstate Commerce Commission during its first ten years will find out that Judge Cooley and the Commission ruled and decided that the Commission had a right to declare what was a reasonable rate after it had properly ascertained that the carrier was charging an unjust and an unreasonable rate.

The first ten years of the life of the Commission discloses the fact that the railroads of the country acquiesced in this ruling by the Commission, and rates accordingly were changed and prescribed without murmur or complaint from the common carriers. There was during that period cordial and friendly relations between the people and the railroads—no bickerings and strife such as has been dilated on. It was not until 1897 that the Supreme Court, in what is known as the "Maximum rate case," held that the Commission did not have the authority to declare what a reasonable rate was. For the next ten years following there really was but little attention paid to the subject of railroads and railroad rates, and I do not hesitate to say that the railroads did exercise and enjoy arbitrary power in many respects, and Congress was not slow in its efforts to curb and regulate them by proper law. The first complaint made by the people commenced some years after the maximum rate case was decided by the Supreme Court of the United States. The people became finally aroused to the imposition they were subjected to, and they demanded relief, and the rate law was enacted.

Mr. Chairman, it seems to me the whole spirit of this section 20 that is under discussion is entirely misunderstood. It simply proposes to prescribe certain modes of keeping books and accounts, with reports from railroads annually and oftener if necessary, giving amount of capital stock issued, how the same is paid for, dividends, and so forth.

There are a great many things included in it, and is there a gentleman on this floor to-day who would pretend to say for a moment that if the railroads had complied with the requirements of section 20, or are proceeding to comply honestly and fairly with those requirements, that we ought to have a flood of experts or examiners and all kinds of would-be agents of that kind, at a very large expense, to go over all the railroads and examine the books and accounts, and examine all the things that section 20 requires them to examine, when there is no necessity for it, when there is no occasion for it, when there is really no demand for it in the interests of the public? You know, and I do also, that these special examiners would "get busy" at once and stir up friction just to appear that they were earning their salaries. We all know that would be the result—bringing bitterness and criminations where there ought to be friendly relations.

Mr. Chairman, what is the real situation? Let us see if we can not take a dispassionate, calm view of this matter. The Appropriation Committee reports in its bill, now under discussion under the five-minute rule, the sum of $50,000, to carry out the provisions of section 20 of the Hepburn railroad rate law, relative to the appointment by the Interstate Commerce Commission of "*special agents or examiners who shall have authority, under the order of the Commission, to inspect and examine any and all accounts, records, and memoranda kept by such carriers.*" Certainly no one would contend, if the common carriers of the country and the Interstate Commerce Commission had practically agreed as to how the books and accounts of the railroads should be kept and how the reports should be made, that special examiners and agents should be, at heavy and useless expense, sent to examine these railroads.

Let us look on the matter from the standpoint of common sense and conservatism. I concede, of course, to gentlemen differing with me, sincerity. We are not enemies of the railroads, We are not unfriendly to corporations, and I say that the spirit of the whole Hepburn law, as I understand it, from the very beginning of the discussion until it was closed in the conference report, is that of conservatism, fair dealing, and honest treatment of the public corporations of this country. I believe now, Mr. Chairman, under the influence of the Hepburn law that the railroads and the people are reaching a better understanding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RICHARDSON. The amendment of the gentleman from Michigan [Mr. TOWNSEND] is to make the appropriation $350,000—that is, $300,000 more than the Appropriations Committee recommended. The amount of $50,000 follows on prudent, careful lines, but the increase proposed is in the nature of a "leap in the dark." No one would like to see the provisions of this rate law become a dead letter on the statute books for want of an appropriation to enforce its terms. There is no such danger as that. I say I am an earnest advocate of the Hepburn railroad law and an earnest advocate of making the railroads of the country, the common carriers, discharge their duties to the public—thoroughly so; but, Mr. Chairman, the time has not come with me, and I hope it never will, that I will go so far, as an extremist, as to do wrong and injustice to the railroads and at the same time injure the public in their interests by stimulating and encouraging an inspection that will advance no one's interest. Now, this section 20 says:

That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce as defined in this act, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions, etc.

The Interstate Commerce Commission, in compliance with the agreement with twenty-five prominent railroad men, appointed by the Association of American Railway Accounting Officers,

have submitted a circular, and they say they have tentatively complied with the circular and they are proceeding on that line.

Mr. BARTLETT of Georgia. Will the gentleman permit an interruption?

Mr. RICHARDSON. Certainly.

Mr. BARTLETT of Georgia. You did not get the full import of that report. That is a report of the Interstate Commerce Commission made on the 19th day of December of last year, in which they report that they and the railroads have tentatively come to an agreement as to the manner of keeping accounts and books.

Mr. RICHARDSON. I am very much obliged to the gentleman from Georgia [Mr. BARTLETT]. The Interstate Commerce Commission says, in its report on this subject, as indicated by the gentleman from Georgia:

> After consultation with a subcommittee of this general committee, the Commission, through its representative, issued a circular calling attention to the necessity of such an extension of the classification of operating expenses as would represent the best American practice in this branch of accounting, special attention being called to certain specific points respecting which detailed information was required. The replies to this circular indicate that the questions submitted had been studied with care by all the important lines of the country, and their answers portrayed, not only what current American practice in fact is, but what it should be in order to serve most perfectly the interests of all concerned. It was upon the basis of these replies, and after extended conference with the representatives of the railways, that a tentative revision of the classification of operating expenses has been worked out. This will be submitted to all persons interested for consideration and advice before the classification is finally adopted and promulgated by the Commission.
>
> It is not necessary to proceed further in a detailed statement of the work already done under the twentieth section of the act to regulate commerce, as amended. In general, it may be said that the same method of procedure will be followed in regard to all branches of accounting as was followed in the case of the revision of the classification of operating expenses. The result of this will be that the system of railway accounting finally adopted will not express the ideas of any particular set of accountants, but will be, in fact, the crystallization of the views of all who, from experience or study, have a right to an opinion on so intricate a problem.

That is full and complete. Why should we go on and create a large number of experts and inspectors when we are making this experiment, when the Interstate Commerce Commission, which gentlemen praised so highly—and they are deserving of that praise—state there is a tentative agreement now between the railroads of the country and the Interstate Commerce Commission about all this? And in addition to that, Mr. Chairman, another very important paragraph of this report of the Interstate Commerce Commission is as follows:

> From the above it is evident that the uniform system of railway accounting which the Commission has undertaken to establish is not limited by bookkeeping considerations; on the contrary, it comprehends the use to be made of the compilations which such a system of accounts renders possible. The best fruit of correct accounting is correct statistics, and without correct accounting according to uniform classification and definition it is not possible to arrive at satisfactory statistical results. This part of the task delegated by the twentieth section, as amended, has not as yet been taken up in any formal manner.

That part of the work the Commission declared had not been touched at all, nothing had been done with it, yet these gentlemen would say in the most earnest, excited manner, "You must not stand on $50,000, but we demand $350,000." It seems to me that the Commission ought to know. Do not they know, when they are speaking in such emphatic and earnest terms as that, that if the $50,000 does not answer the purpose, when Congress meets in December, if the amount appropriated—$50,000—is insufficient, that it will be reported and provision will be made for a sufficient amount to carry out the inspection part of the law?

Mr. GAINES of Tennessee. Does the gentleman think that this great Commission will throw the money away or waste it?

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. GAINES of Tennessee. I ask that the gentleman be given a minute to answer that question—well, five minutes.

The CHAIRMAN. Does the gentleman from Alabama desire more time?

Mr. RICHARDSON. Only one minute, so that I may answer the question. I thank the gentleman from Tennessee [Mr. GAINES] for his offer to extend my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. RICHARDSON. Will the gentleman from Tennessee repeat his question? I failed to catch it fully.

Mr. GAINES of Tennessee. My question is, Does the gentleman from Alabama think that this great Commission will throw this money away or only use so much of it as is necessary?

Mr. RICHARDSON. Oh, no; I do not think that. I have confidence in the ability and integrity of the Commission.

Mr. GAINES of Tennessee. Did not the gentleman vote to give $500,000 to enforce the Sherman antitrust law?

Mr. RICHARDSON. Why, no.

Mr. GAINES of Tennessee. The gentleman did not vote for it?

Mr. RICHARDSON. I misunderstood the gentleman from Tennessee. Of course I voted the amount to enforce the Sherman antitrust law, and would do so again. But this, Mr. Chairman, is a different proposition. It certainly is not my purpose to say anything in the world against the Interstate Commerce Commission. I am following what the Commission has said in its report. The Interstate Commerce Commission has appeared frequently before the Committee on Interstate and Foreign Commerce and asked us to do things that we did not do—asked our committee to make amendments that we have not yet made.

We thought we were there for the purpose of exercising our own judgment, and, as I said in the beginning, there are a great many amendments now pending to this Hepburn law, and I think it behooves the Congress of the United States to proceed in this matter of amendment most conservatively, not act upon it until possessed with knowledge of the facts and not make mere experiments. If a larger appropriation is needed and necessary to carry out the provisions of the rate law under discussion, after it has been demonstrated that the same was wise and judiciously used and was insufficient to carry out the purposes of the law, then for one I will vote to make the appropriation sufficient for all lawful purposes. The country, I think, expects Congress to be prudent, just, and fair to the common carriers of the country.

Mr. COOPER of Wisconsin. Mr. Chairman, I was a good deal interested and somewhat amused at the arguments of my eloquent friends, the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Ohio [Mr. KEIFER], against the pending amendment, because, as they declared, it is an effort to enlist an "army of inspectors" for the purpose of spying upon one of the great business interests of the United States. One gentleman said, I think it was the gentleman from Kentucky [Mr. SHERLEY], that he was opposed to having an "army of inspectors" spying upon the "honest manhood" of America, having reference, of course, to the management of the railroads, as this amendment relates simply to railroads. And yet there is not a great railroad corporation in the United States but that has as large an "army of inspectors" and detectives in its employ as could possibly be hired under the paragraph of the bill we are now considering. These railroad corporations employ detectives and inspectors to spy upon their employees.

They follow brakemen to their homes, they follow switchmen to their homes, they follow other employees to their homes, to see that nothing is stolen from the cars; and yet the great majority of the employees of the railroads of the United States are as honest as is the distinguished gentleman from Kentucky [Mr. SHERLEY] or myself. They are a part of the "honest manhood" of the Republic, but the railroads of the country do not hesitate to put detectives on them. Why? Every man of sense can answer the question without my replying to it. It is because of the fact that while the great majority of the people in the employ of the railroad companies are honest, some of them, if strongly tempted, may prove to be dishonest.

So also is it with the rest of mankind, including railroad managers; a large majority are law-abiding and honest, others, when tempted, are law-defying and dishonest.

The Government of the United States is determined under the Hepburn interstate-commerce act to put a stop to rebates, and to see that the shippers of the United States have their rights protected. One thing that is necessary to be taught with great thoroughness in the United States to a certain class of people is the monstrous iniquity of rebates. Some men do not seem to realize how outrageous it is for a railroad to give rebates, to make one man rich and another man poor. A railroad is a monopoly of transportation which men must patronize or go out of business, just as the post-office is a monopoly of postal facilities that all men in business must patronize.

Suppose a postmaster were to sell postage stamps to one man at 2 cents and compel another man to pay 10 cents.

That very discrimination by the Post-Office Department would lead to the enrichment of some people in the United States and the comparative impoverishment of their competitors in business. In my home city are corporations that use $40,000 worth of 2-cent stamps a year—one of them about $60,000 worth. What if the United States Government were to permit the postmasters at that city to sell a certain number of 2-cent stamps to one of these corporations for $60,000 and the same number of stamps to a competitor for $15,000? In these days of intense competition that difference of $45,000 in the cost of postage stamps might represent the margin of profit in that particular business.

The United States Government can not—dare not—tolerate such discriminations and thus enable officials at their pleasure to enrich one man and impoverish another. Yet this is exactly what is done when the Government permits railroads to grant rebates. And for men to sneer at or to treat lightly the declaration that the people have determined that rebates shall stop and justice be done to all the shippers of the United States makes me think——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. It makes one think that the man who sneers does not understand the enormity of the offense. A railroad official who gives a man a rebate ought to go to the penitentiary.

Neither the giving nor the taking of a rebate requires any particular business ability. The greatest commercial business ability in the United States can be crushed into helplessness by the competition of mediocre ability if only the mediocrity be given a monopoly of railroad rebates.

The Government can not stop rebating unless it has opportunity to inspect the books of the railroad companies. This amendment proposes that the Government shall have such opportunity. That is all.

The clause of the bill under consideration appropriates only $50,000, and the gentleman from Minnesota [Mr. TAWNEY], in response to my inquiry, said that he thought $2,500 a year would employ inspectors.

Mr. TAWNEY. I beg the gentleman's pardon. I did not say anything of the kind. I said that Mr. Adams said that $2,500 is what they propose to pay.

Mr. COOPER of Wisconsin. I understood the gentleman to say that they were to get $2,500.

Mr. SMITH of Iowa. The highest price they estimate for, the highest-priced man on the roll, is $2,500.

Mr. COOPER of Wisconsin. Two thousand five hundred dollars strikes me as nothing at all in the way of a salary if we wish to get men competent to inspect the books of these great companies. The complaints because of defalcations in national banks have been very largely due to the failure of the inspection service. An illustration of this is found in the case that I cited a few minutes ago, where a bank was reported sound, and yet within two weeks it was discovered that at the time this report was made the cashier had already embezzled more than a million and a quarter of dollars of the bank's funds.

The gentleman from Ohio made a statement deserving attention, to the effect that the great Western country had been opened up and the people there made happy because somebody built railroads to them. The men who constructed the Pacific railroads never invested a dollar in them. The bonds of the United States, together with the first-mortgage bonds of the railroad, issued on land granted by the Government, paid every dollar of the cost.

There are many honest railroad men in the country; some of them are my personal friends; but though they be honest, yet in transactions in which the Government is interested their acts should be subject to Government inspection. There is not a great business concern but that has men acting as inspectors. There is not a great dry-goods house but has its special detectives. Why, then, is this proposition denounced as an effort to enlist "an army of inspectors" to spy upon "American manhood?" I really think that there is nothing whatever of reason or argument in that statement.

Mr. SHERLEY. If the gentleman will permit me. The gentleman has made repeated statements as to what I have said and which I did not say and is now proposing to treat as contemptible something I said.

Mr. COOPER of Wisconsin. Not contemptible.

Mr. SHERLEY. The gentleman is assuming to inspect and protect the different railroads and business establishments. Will he tell the House what railroad or what establishment of any kind proposes to absolutely examine and oversee on the theory that the employee is not going to do his duty—every employee that it employs?

Mr. COOPER of Wisconsin. Why, all the great dry-goods establishments have them.

Mr. SHERLEY. Not one.

Mr. COOPER of Wisconsin. In all the large dry-goods stores the floorwalkers attend to the customers, but at the same time they see that the employees attend to their business. This is not a proposition to employ an "army of inspectors," and nobody knows that better than does the very able gentleman from Kentucky.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Can I have one minute more?

The CHAIRMAN. Without objection, the gentleman will proceed for one minute more.

Mr. COOPER of Wisconsin. Just a word about the statement made by the gentleman from Minnesota [Mr. TAWNEY] and corroborated by the gentleman from Iowa [Mr. SMITH], that at the beginning, in the matter of safety appliances, and so forth, there was a very small appropriation, which has since considerably increased. There is no analogy between the legislation concerning safety appliances and the pending amendment to appropriate funds for inspectors to examine books. Safety appliances are something which anybody can see. I can tell by walking along a railroad track, and so can anybody else, whether air brakes are attached to the train; but the books of railroad companies are kept privately, in secret, and the Government of the United States can not tell whether its laws are being evaded unless there is a thorough inspection of the books.

The $50,000 proposed by the bill would not provide for a thorough inspection of the books of the companies owning the thousands of miles of railroads in this country, and therefore I shall vote for the pending amendment.

Mr. SMITH of Iowa. Mr. Chairman, the Hepburn law covers about twelve pages of the Statutes at Large. Section 20 of that law covers about two pages. The only portion of section 20 which is in mind to-day is as follows:

> The Commission shall at all times have access to all accounts, records, and memoranda kept by carriers subject to this act, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed and approved by the Commission, and it may employ special agents or examiners who shall have authority under the order of the Commission to inspect and examine any and all accounts, records, and memoranda kept by such carriers.

Amidst the manifold things done by the Hepburn law, the Commission was authorized to require reports, to prescribe a uniform system of bookkeeping, and was given authority in its discretion to examine the books and accounts of the railroad companies. If Congress had had a settled purpose that all the books of the railroad companies were to be constantly examined, the language would naturally have been—

> And it *shall* from time to time examine the books of the companies.

The statute is permissive, and it is therefore largely within the discretion of the Commission as to how often and how far these books shall be examined, limited only by the money placed at the disposal of the Commission for that purpose.

When this law was enacted the total appropriations for the Interstate Commerce Commission for the general discharge of all its duties, aside from the salaries of the Commissioners and the secretary, was $290,000. This bill carries for these general purposes $700,000; so that since the passage of the Hepburn law the annual appropriation for the general execution of this law will have been increased $410,000 a year if this bill carries.

Every dollar of this $700,000, composed of this $290,000 and this $410,000, is available for the very purposes under discussion here to-day. For all other authorized expenditures, aside only from the salaries of the Commissioners and the secretaries, the Commission is authorized to expend $700,000 in this year, an increase over last year's appropriation of more than $96,000. The Hepburn law became a law in June, 1906, and for the enforcement of all of its provisions this bill carries, in round numbers, $150,000 more than any bill passed by Congress upon this subject. Has there been such a change in the last year that it can be well contended that this committee is not dealing generously with this Commission? We want this law enforced in its every part, but the question is, How much does this Commission need for the purpose of enforcing this law? The bill as reported from this committee carries $98,500 for the Interstate Commerce Commission, or, in round numbers, a million dollars reported by this committee for the enforcement of the interstate commerce law in its every part. It is true that we specifically provide that they shall have this $50,000, but the language of the statute is such that they are entitled to use each and every part of the $700,000 for this same purpose. The language of the bill is—

> To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act—
>
> And so forth—
>
> Fifty thousand dollars.

Seven hundred thousand dollars to enforce every part of the act, and to further enable it to enforce one section, $50,000 more.

(The time of Mr. SMITH of Iowa having expired, by unanimous consent, at the request of Mr. TAWNEY, it was extended ten minutes.)

Mr. POLLARD. May I ask the gentleman a question?

Mr. SMITH of Iowa. I yield, although I would rather, after this, proceed until I have concluded.

Mr. POLLARD. I want to ask the gentleman whether the effect of inserting this paragraph on page 20 will not be to limit the amount to be used for this purpose to $50,000.

Mr. SMITH of Iowa. I answer the gentleman unqualifiedly, no.

Mr. POLLARD. Then why do you particularize and say that they shall use $50,000 a year if they can use the whole $750,000?

Mr. SMITH of Iowa. Because of the fact that a supplemental estimate was put in. They said to us upon the hearing that they would be equally pleased to have whatever went in go under the old heading, but this is put in to further enable them to execute section 20. Now, that distinctly implies that the other money is available for the enforcement of section 20 along with every other provision in the act.

Mr. UNDERWOOD. The gentleman says this $750,000 is all available for this purpose. Does not that money have to be used for other purposes? Are there not other employees to be paid, and is there not other machinery for which the money must be expended?

Mr. SMITH of Iowa. During the past year a large force has been engaged in installing this uniform system. That is complete. Not only that, but this item of $700,000 is increased substantially $100,000 over last year, and to that extent the money can not have been used for other purposes. So that there is more than $100,000 of the $700,000 that has not been heretofore enjoyed by this Commission. When a committee reports a million dollars for the enforcement of one law, to say that that evidences that the committee does not want that law enforced is absurd.

Mr. UNDERWOOD. Now, will the gentleman be fair about it with the House——

Mr. SMITH of Iowa. I have been fair, and I resent the intimation that I have not.

Mr. UNDERWOOD. I do not mean to imply that you have not, but I want a fair question answered fairly.

Mr. SMITH of Iowa. I have answered fairly.

Mr. UNDERWOOD. Did the Appropriations Committee——

Mr. SMITH of Iowa. I decline to answer any gentleman who propounds a question with the insinuation that I have not answered fairly.

Mr. UNDERWOOD. I made no insinuation and I meant none, but I want the information. The gentleman implies that the increase of $100,000 in the other items is not necessary for the carrying on of the other service.

Now, I ask the gentleman to tell the House why the Appropriation Committee increased their appropriation $100,000, and whether it was done to carry out this item?

Mr. SMITH of Iowa. I will say that an increase has been granted every year from the $290,000 up to $700,000 for the purpose of enforcing all the provisions of this new law, as well as those of the old law, and there is no showing, as far as I know, of any special need for this additional $100,000, except the general growth of the business.

Mr. UNDERWOOD. I wish the gentleman would answer my question directly.

Mr. SMITH of Iowa. I have answered it.

Mr. UNDERWOOD. Under the evidence brought before the committee, it increased the other item $100,000 for the purpose of carrying——

Mr. SMITH of Iowa. Just as much for this item as any other. There was no other reason indicating any special purpose, but the work of this Commission has been growing as the result of the passage of the Hepburn law, and to cover all the growth of this business this additional $100,000 was given, as I understand it.

Mr. UNDERWOOD. Did not the committee appropriate the $50,000 for the sole purpose of carrying out the provisions of section 20?

Mr. SMITH of Iowa. As an additional appropriation for this section, not to be devoted to anything else. Heretofore they have been using it out of the other appropriation. Everything done in the way of prescribing uniform bookkeeping, everything that has been done in the way of prescribing for annual and monthly reports, everything of every kind and character that has been done under section 20 of the Hepburn law has been done under this appropriation carrying $700,000.

Mr. UNDERWOOD. Will the gentleman state how much money appropriated heretofore has been used?

Mr. SMITH of Iowa. I can not tell.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. SMITH of Iowa. I should prefer to finish my remarks, as my time is limited, but I will yield to the gentleman.

Mr. GAINES of Tennessee. Has the Commission succeeded in doing the work that is to be done?

Mr. SMITH of Iowa. The Commission has succeeded in doing a large portion of the work.

Mr. GAINES of Tennessee. Has it done all the work?

Mr. SMITH of Iowa. I can not devote my time to answering questions of that kind.

Mr. GAINES of Tennessee. But that is the main question.

Mr. SMITH of Iowa. That is for the gentleman from Tennessee to determine in his own mind. When this law was passed, the question of how often and how frequently the Interstate Commerce Commission should examine these books was left to be governed and controlled only by the amount of money at their disposal. There was no policy of Congress announced as to whether this was to be a constant inspection, or an occasional inspection, or when the Commission suspected something was wrong. If this was to be an inspection only when the Commission at least suspected something was wrong, then this full appropriation of $350,000 could not be justified. But even if we ultimately examined and audited every book of every railroad in the country, it seems to me that to initiate the work by attempting to employ in one day a force of 285 men competent to go over all the books of these railroad companies would be a great blunder, and that is exactly what the Commission said they wanted to do; they wanted the pay for the whole 285 men for the entire year. This $700,000, that they have been spending under this section, and the $96,000 added, and the $50,000 carried specifically, are all available for the organization and the initiation of this inspection service. It is more than abundantly sufficient, in my judgment, for the work in its infancy, because if this bureau is organized at one time by the employment of 285 men it will be a badly organized bureau, with a bad personnel.

Reference was made a little while ago to the fact that we give $100,000 for inspectors under the safety-appliance law. We started that with $15,000 a year, and increased it from year to year as the business grew. If we are to go into this system of general scrutiny of all the books of all the railroads in the United States, we ought to go about it by organizing a reasonable sized force, and developing that force until it is capable of discharging that duty.

A hastily organized force of the magnitude proposed would be inefficient and unsatisfactory in every respect.

Mr. CHANEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Iowa. Certainly.

Mr. CHANEY. I would like to ask the gentleman if this $50,000 is simply to be added to the amount before appropriated, would not the whole difficulty be remedied by simply increasing that amount, for has not this difficulty arisen from the fact that this additional amount was expressed as though for a different purpose?

Mr. SMITH of Iowa. I think not. I think if there had been put in there $750,000 for the enforcement of the law, the same complaint would be made because we did not make it a million and fifty thousand dollars.

Mr. TAWNEY. The Commission itself did not include in the annual estimates anything for that service except that it was included under the general estimate. They subsequently sent in a supplemental estimate, and they themselves did not know anything about it or did not send in the supplemental estimate until about two months ago.

Mr. TOWNSEND. May I ask the gentleman from Iowa a question? Does the gentleman mean to argue to this House that if this bill passes as it is recommended by the committee the Interstate Commerce Commission would be warranted in expending one cent more than $50,000 for this particular purpose?

Mr. SMITH of Iowa. I can say that in my judgment the Interstate Commerce Commission would not only be authorized to do so, but that it could expend the $50,000, that it could expend all that it has been expending for the enforcement of the twentieth section of the Hepburn-Dolliver Act, and that it could assign to that purpose as much as it saw fit of the increase of $96,000 of the same item, and I have no doubt that that is both the law and the interpretation of it.

Now, I am not inclined to cavil with the irresistible tendencies of our times, but it is a remarkable thing that in former days we had constables and sheriffs to enforce all State law, and marshals and police to enforce all city laws, and marshals to enforce all Federal law, but in our day we are building up a force of officers to enforce each specific law, and finally in this bill we reach the strange proposition that we are to create forces of special officers to enforce special sections of special laws. For the first

time we are creating a force to execute a single section of the interstate-commerce law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER of Missouri. The gentleman speaks of the old methods of investigating offenses. Now, the United States grand juries in all the different circuits of the United States can investigate violations of this law, can they not?

Mr. SMITH of Iowa. Not unaided. I do not think they could wholly unaided.

Mr. ALEXANDER of Missouri. They can investigate, can they not, by calling agents and the witnesses and the private parties who complain?

Mr. SMITH of Iowa. Yes.

Mr. ALEXANDER of Missouri. They have this additional agency.

Mr. SMITH of Iowa. Certainly; but it does seem to me that an agent to enforce the interstate-commerce law ought to be enough, without getting down to agents to execute specific sections.

Mr. TOWNSEND. Then, why did the committee provide for a specific appropriation for this thing?

Mr. SMITH of Iowa. At the request of the Commission. I personally disapprove of it.

Mr. GAINES of Tennessee. We have a system of what we call "espionage" in enforcing the customs laws, have we not?

Mr. SMITH of Iowa. Oh, I did not speak about espionage.

Mr. GAINES of Tennessee. Where they open everybody's trunk.

Mr. SMITH of Iowa. Mr. Chairman, that is all I desire to say.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be now closed.

Mr. TOWNSEND. Mr. Chairman, I would like to have the gentleman allow me at least five minutes to reply to some of the arguments that have been made.

The CHAIRMAN. The gentleman has had a privilege extended to him that has been extended to no other Member of the House—of completing his remarks.

The motion is not debatable.

Mr. TAWNEY. I insist on the motion.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that debate be now closed.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 53, noes 52.

Mr. HOUSTON. I demand tellers.

The CHAIRMAN. Tellers are demanded.

Mr. TAWNEY. Well, Mr. Chairman, if there is going to be a demand for tellers, I will change that motion and move that all debate close in five minutes and the gentleman from Michigan have those five minutes.

The CHAIRMAN. The Chair will state the motion of the gentleman from Minnesota. The gentleman moves that all debate on the pending paragraph be closed in five minutes and the gentleman from Michigan be allowed those five minutes. Without objection, the motion will be considered as having been agreed to.

There was no objection.

Mr. TOWNSEND. Mr. Chairman, I do not know that I can enlighten the committee on this proposition by anything more that I may say, but I have listened with a great deal of interest to the various arguments that have been made against this amendment, and I must confess they have been varied and most inconsistent.

Gentlemen from the committee were very jealous of their reputation, fearing that anything I might have said would have reflected upon them, but as the discussion has progressed they have become exceedingly vulnerable. The opposition has assumed a twofold aspect before the Committee of the Whole House. Gentlemen on the Appropriations Committee loudly proclaim their loyalty to the commerce law and say they are willing to appropriate sufficient money to carry out the provisions of that law, but they insist that their interpretation of the statutes shall be the one for which appropriation shall be made. I object to their interpretation. It robs section 20 of all practical benefit.

I have insisted, Mr. Chairman—and I think I have with me the unbiased opinion of the majority of this House—that it was intended by the enactment of section 20 of the act of 1906 not only to provide for a uniform system of keeping accounts to provide for reports that would give the Commission the information which the Government had the right to demand, but it also imposed the necessary duty of seeing that those provisions were carried out. I submit that simply because you impose a penalty that does not mean an enforcement of the law. That will not be disputed. I have great faith in the gentleman from Iowa, and I have always admired his candor and his ability, but it seems to me that in the heat of debate he has given the wrong impression to this House when he says that the $700,000 carried in this bill can be used for enforcing the twentieth section of the law.

The $50,000 is a segregated item, and that alone could be used for the purpose stated. It is possible that some of the $700,000 could be used for this purpose, but it would be contrary to the spirit and intent of the act, and the gentleman and his committee would condemn it if it were done, because it has provided that the Commission, for the purpose of carrying out the provisions of the twentieth section, may expend $50,000. It is stated in express terms. Furthermore, the $700,000 is appropriated, according to the estimates, for other purposes, else the committee has not done its duty, and those estimates provide for the other things to be done under the law, and the Commission understands that the $50,000 only can be expended for the one particular purpose.

Mr. Chairman, we have reached that point, it seems to me from the discussion, and I base it upon what gentlemen themselves say, when we are going to provide for the enforcement of the interstate-commerce law as written in the statute books, as interpreted by the Interstate Commerce Commission, by the President of the United States, and, I believe, by this House, or we are going to confine it to the notion of a few gentlemen who do not believe that the railroads can do dishonest things or that they are in such a condition that we ought to have inspection reports, when, in case after case, their usual reports have been found to be false and unjust to the people. Mr. Chairman, I feel deeply on this question because it occurs to me that the present marks a vital moment in the history of legislation with reference to interstate and foreign commerce.

Can we afford at this time to weaken the Interstate Commerce Commission who have spent two years in developing a plan which they say will redound to the interests of the people of the United States? Can we afford at this time to stand against them by refusing to appropriate $300,000 more for carrying out a sane, intelligent, and well-considered plan for regulating the railroads of this country? Mr. Chairman, there are so many things that ought to be answered. The plan does not simply propose a method of auditing books, but it provides for obtaining information which shall come to the people of the United States for their benefit and for the good of honestly conducted railroads as well. Complaints will not come, and I will say to the gentleman from Minnesota, complaints have not come to the Commission of violations of the uniform-accounting system except through Government inspectors.

Mr. Chairman, I sincerely hope in the interest of the enforcement of existing law that this added appropriation may be granted to the Interstate Commerce Commission. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. TAWNEY) there were—ayes 79, noes 65.

Mr. TAWNEY. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided, and the tellers (Mr. TAWNEY and Mr. TOWNSEND) reported that there were—ayes 87, noes 73.

So the amendment was agreed to. [Applause.]

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21260, the sundry civil appropriation bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. GARDNER of Michigan, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Jacob Betzer (H. R. 1520, Fifty-ninth Congress), no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 4289) for the relief of the people of Hartshorne, Okla., was changed from the Committee on Private Land Claims to the Committee on Indian Affairs.

THREE HUNDREDTH ANNIVERSARY OF DISCOVERY OF LAKE CHAMPLAIN.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Industrial Arts and Expositions and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State submitting a formal communication from the States of Vermont and New York, made to the Government of the United States through the Department of State, to the end that the Federal Government may make provision for national participation in the proposed celebration of the three hundredth anniversary of the discovery of Lake Champlain.

As recommended by the Secretary of State, the memorial is laid before the Congress with a view to appropriate action.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 30, 1908.*

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER laid before the House the bill H. R. 20063 entitled "An act making appropriation to provide for the expenses of the government of the District of Columbia," with Senate amendments.

The Senate amendments were read.

The SPEAKER. Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas any nays were ordered.

The question was taken, and there were—yeas 242, nays 24, answered "present" 4, not voting 117, as follows:

YEAS—242.

Acheson	Ellis, Mo.	Johnson, S. C.	Pollard
Adair	Ellis, Oreg.	Jones, Va.	Porter
Ames	Englebright	Jones, Wash.	Pou
Andrus	Esch	Kahn	Pray
Anthony	Finley	Keifer	Prince
Ashbrook	Flood	Kelliher	Rainey
Barchfeld	Floyd	Kennedy, Iowa	Reeder
Barclay	Fordney	Kennedy, Ohio	Reynolds
Bartlett, Ga.	Foss	Kinkaid	Robinson
Bates	Foster, Ill.	Kipp	Rodenberg
Beale, Pa.	Foster, Vt.	Knapp	Rothermel
Beall, Tex.	Foulkrod	Knopf	Rucker
Birdsall	Fowler	Küstermann	Russell, Mo.
Bonynge	French	Lafean	Russell, Tex.
Boyd	Gaines, Tenn.	Lamb	Ryan
Brantley	Gaines, W.Va.	Landis	Sabath
Brownlow	Gardner, Mich.	Langley	Saunders
Brumm	Gardner, N. J.	Laning	Scott
Brundidge	Garner	Lawrence	Shackleford
Burke	Gilhams	Lee	Sheppard
Burleigh	Gill	Lindberg	Sherman
Burleson	Gillett	Lindsay	Sherwood
Butler	Goebel	Lloyd	Sims
Byrd	Goldfogle	Longworth	Slemp
Calder	Graff	Lorimer	Smith, Cal.
Calderhead	Graham	Lovering	Smith, Iowa
Campbell	Granger	Lowden	Smith, Mich.
Candler	Greene	McCall	Smith, Mo.
Capron	Gregg	McGuire	Smith, Tex.
Carter	Gronna	McHenry	Snapp
Caulfield	Hackney	McKinley, Ill.	Southwick
Chaney	Hale	McKinney	Sperry
Chapman	Hall	McLachlan, Cal.	Spight
Clark, Mo.	Hamill	McLain	Stanley
Clayton	Hamilton, Iowa	McLaughlin, Mich.	Steenerson
Cocks, N. Y.	Hamilton, Mich.	McMillan	Sterling
Cole	Harding	McMorran	Sturgiss
Conner	Haskins	Macon	Sulloway
Cook, Colo.	Haugen	Madden	Tawney
Cook, Pa.	Hawley	Madison	Taylor, Ala.
Cooper, Pa.	Hay	Marshall	Taylor, Ohio
Cooper, Wis.	Hayes	Mondell	Thistlewood
Cousins	Heflin	Moon, Pa.	Thomas, N. C.
Cox, Ind.	Helm	Moon, Tenn.	Thomas, Ohio
Cravens	Henry, Conn.	Moore, Tex.	Tirrell
Crawford	Higgins	Morse	Tou Velle
Crumpacker	Hinshaw	Mouser	Townsend
Currier	Holliday	Murdock	Underwood
Dalzell	Houston	Murphy	Vreeland
Darragh	Howell, N. J.	Needham	Waldo
Davenport	Howell, Utah	Nelson	Wanger
Davis, Minn.	Howland	Nicholls	Watkins
Dawson	Hubbard, Iowa	Norris	Watson
De Armond	Hubbard, W. Va.	Nye	Weeks
Denver	Huff	O'Connell	Weems
Diekema	Hughes, N. J.	Olcott	Wheeler
Dixon	Hull, Tenn.	Overstreet	Wilson, Ill.
Draper	Humphrey, Wash.	Padgett	Wilson, Pa.
Driscoll	Humphreys, Miss.	Parker, N. J.	Woodyard
Dwight	Jenkins	Parker, S. Dak.	
Ellerbe	Johnson, Ky.	Payne	

NAYS—24.

Adamson	Fitzgerald	Page	Sherley
Ansberry	Hardy	Patterson	Slayden
Bartlett, Nev.	Harrison	Randell, Tex.	Stephens, Tex.
Bell, Ga.	Hill, Miss.	Ransdell, La.	Sulzer
Favrot	Lever	Reid	Webb
Ferris	Lewis	Richardson	Williams

ANSWERED "PRESENT"—4.

Alexander, Mo.	Garrett	Goulden	Hill, Conn.

NOT VOTING—117.

Aiken	Dawes	Hughes, W. Va.	Mudd
Alexander, N. Y.	Denby	Hull, Iowa	Olmsted
Allen	Douglas	Jackson	Parsons
Bannon	Dunwell	James, Addison D.	Pearre
Bartholdt	Durey	James, Ollie M.	Perkins
Bede	Edwards, Ga.	Kimball	Peters
Bennet, N. Y.	Edwards, Ky.	Kitchin, Claude	Powers
Bennett, Ky.	Fairchild	Kitchin, Wm. W.	Pratt
Bingham	Fassett	Knowland	Pujo
Booher	Focht	Lamar, Fla.	Rauch
Boutell	Fornes	Lamar, Mo.	Rhinock
Bowers	Foster, Ind.	Lassiter	Riordan
Bradley	Fuller	Law	Roberts
Brodhead	Fulton	Leake	Small
Broussard	Gardner, Mass.	Legare	Sparkman
Burgess	Gillespie	Lenahan	Stafford
Burnett	Glass	Lilley	Stevens, Minn.
Burton, Del.	Godwin	Littlefield	Talbott
Burton, Ohio	Gordon	Livingston	Volstead
Caldwell	Griggs	Loud	Wallace
Carlin	Hackett	Loudenslager	Washburn
Cary	Haggott	McCreary	Weisse
Clark, Fla.	Hamlin	McDermott	Wiley
Cockran	Hammond	McGavin	Willett
Cooper, Tex.	Hardwick	McKinlay, Cal.	Wolf
Coudrey	Henry, Tex.	Malby	Wood
Craig	Hepburn	Mann	Young
Cushman	Hitchcock	Maynard	
Davey, La.	Hobson	Miller	
Davidson	Howard	Moore, Pa.	

So the Senate amendments were nonconcurred in and a conference was requested.

The Clerk announced the following additional pairs:

For this session:

Mr. BENNET of New York with Mr. FORNES.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. EDWARDS of Kentucky with Mr. SPARKMAN.

Mr. KNOWLAND with Mr. RIORDAN.

Mr. WOOD with Mr. RHINOCK.

Mr. WASHBURN with Mr. RAUCH.

Mr. STEVENS of Minnesota with Mr. PUJO.

Mr. STAFFORD with Mr. MAYNARD.

Mr. PERKINS with Mr. MCDERMOTT.

Mr. PARSONS with Mr. LENAHAN.

Mr. MOORE of Pennsylvania with Mr. LEAKE.

Mr. MILLER with Mr. LASSITER.

Mr. MANN with Mr. LAMAR of Missouri.

Mr. MALBY with Mr. KIMBALL.

Mr. MCGAVIN with Mr. OLLIE M. JAMES.

Mr. LOUD with Mr. HAMLIN.

Mr. LITTLEFIELD with Mr. GRIGGS.

Mr. HULL of Iowa with Mr. GORDON.

Mr. GARDNER of Massachusetts with Mr. GILLESPIE.

Mr. FOSTER of Indiana with Mr. COOPER of Texas.

Mr. FOCHT with Mr. CLARK of Florida.

Mr. DAVEY of Louisiana with Mr. CARLIN.

Mr. DAVIDSON with Mr. CALDWELL.

Mr. BURTON of Ohio with Mr. BURNETT.

Mr. BEDE with Mr. BRODHEAD.

Mr. BARTHOLDT with Mr. ALEXANDER of Missouri.

Mr. ALLEN with Mr. AIKEN.

Mr. VOLSTEAD with Mr. HENRY of Texas.

Mr. LILLEY with Mr. BOOHER.

The result of the vote was announced as above recorded.

The Speaker announced as conferees on the part of the House:

Mr. GARDNER of Michigan, Mr. MADDEN, and Mr. BURLESON.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6417. An act to amend sections 4467 and 4468 of the Revised Statutes, relating to lists of passengers on steam vessels—to the Committee on Ways and Means.

S. 6312. An act for the relief of the Philadelphia Company, of Pittsburg, Pa.—to the Committee on Ways and Means.

S. 6460. An act to establish a shad hatchery on the Kennebec River, in the State of Maine—to the Committee on the Merchant Marine and Fisheries.

S. 6543. An act to authorize the expenditure of the unexpended balance of the appropriation for subsistence and civiliza-

tion of the Northern Cheyennes and Arapahoes for the fiscal year ended June 30, 1907—to the Committee on Indian Affairs.

S. 6569. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 6625. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 6812. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors, and so forth—to the Committee on Invalid Pensions.

S. 6845. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain helpless and dependent relatives of such soliders and sailors—to the Committee on Invalid Pensions.

S. 6846. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to dependent relatives of such soldiers and sailors—to the Committee on Pensions.

S. 2405. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863—to the Committee on Indian Affairs.

S. 5429. An act to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907—to the Committee on the District of Columbia.

S. 3093. An act to provide for the enlargement of the present site, or the purchase of a new site, and the erection thereon of a building for subtreasury purposes at San Francisco, in the State of California—to the Committee on Public Buildings and Grounds.

S. 4720. An act for the relief of the sureties on the official bond of the late Cornelius Van Cott—to the Committee on Claims.

S. 6156. An act providing for the opening of the Fort Keogh Military Reservation to settlement, and for other purposes—to the Committee on Military Affairs.

S. 4313. An act for the relief of John V. Vickers—to the Committee on the Public Lands.

S. 4312. An act for the relief of William E. Moses—to the Committee on the Public Lands.

S. 3748. A bill for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio—to the Committee on Claims.

S. 2911. A bill for the relief of the Columbus Gas and Fuel Company—to the Committee on Claims.

S. 4375. A bill authorizing the Takoma Springs Ice Company to lay a pipe line under certain streets and roads in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

S. 4183. A bill to establish a fish-cultural station in the State of Washington—to the Committee on the Merchant Marine and Fisheries.

S. 6074. A bill to provide for holding terms of the United States circuit and district courts at Springfield, Mass.—to the Committee on the Judiciary.

S. 4806. A bill to amend the military record of Aaron Cornish—to the Committee on Military Affairs.

S. 4263. A bill to amend an act entitled "An act to amend an act amending the act entitled 'An act to authorize the receipt of United States gold coin in exchange for gold bars'"—to the Committee on Coinage, Weights, and Measures.

S. 6359. A bill to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia—to the Committee on the District of Columbia.

S. R. 38. Joint resolution granting to the State of Michigan permission to use for its own purposes unused portions of condemned cannon granted to that State by joint resolution of June 23, 1906—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 19463. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 15725. An act to relinquish, release, and confirm the title of certain lands in California to the Western Power Company;

H. R. 16515. An act authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal.; and

H. J. Res. 155. Joint resolution authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that on April 29, 1908, they had presented to the President of the United States, for his approval, the following bill and joint resolution:

H. R. 12773. An act granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other purposes; and

H. J. Res. 171. Joint resolution providing for assistance to the people of the storm-swept States of Georgia, Alabama, Mississippi, and Louisiana.

PENSION APPROPRIATION BILL.

The SPEAKER laid before the House the bill H. R. 16268, making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, with Senate amendments, which were read.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

The question was taken.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 238, nays 6, answered "present" 8, not voting 135, as follows:

YEAS—238.

Acheson	Englebright	Jenkins	Page
Adair	Esch	Johnson, Ky.	Parker, N. J.
Adamson	Favrot	Johnson, S. C.	Parker, S. Dak.
Aiken	Ferris	Jones, Va.	Patterson
Ames	Finley	Jones, Wash.	Payne
Andrus	Flood	Kahn	Pollard
Ansberry	Floyd	Keifer	Porter
Anthony	Fordney	Kennedy, Iowa	Pray
Barchfeld	Foss	Kennedy, Ohio	Prince
Barclay	Foster, Ill.	Kimball	Rainey
Bartlett, Ga.	Foster, Ind.	Kinkaid	Reeder
Bates	Foster, Vt.	Knapp	Reynolds
Beale, Pa.	Foulkrod	Knopf	Rhinock
Beall, Tex.	French	Knowland	Robinson
Bell, Ga.	Gaines, Tenn.	Küstermann	Rodenberg
Birdsall	Gardner, Mich.	Lafean	Rucker
Bonynge	Gardner, N. J.	Lamar, Mo.	Russell, Mo.
Booher	Garner	Landis	Russell, Tex.
Brodhead	Gilhams	Langley	Ryan
Brownlow	Gill	Laning	Sabath
Brumm	Gillett	Lassiter	Scott
Brundidge	Goebel	Lawrence	Sheppard
Burleigh	Goldfogle	Lee	Sherley
Burleson	Gordon	Lever	Sherman
Butler	Graff	Lindbergh	Sherwood
Byrd	Graham	Lindsay	Sims
Calderhead	Granger	Lloyd	Slayden
Campbell	Greene	Longworth	Slemp
Candler	Gregg	Loud	Smith, Cal.
Capron	Gronna	Lovering	Smith, Iowa
Carlin	Hackney	Lowden	Smith, Mich.
Caulfield	Hale	McCall	Smith, Mo.
Chaney	Hall	McGavin	Smith, Tex.
Chapman	Hamill	McKinney	Southwick
Clark, Fla.	Hamilton, Iowa	McLachlan, Cal.	Sperry
Clark, Mo.	Hamilton, Mich.	McLain	Spight
Clayton	Hamlin	McLaughlin, Mich.	Stafford
Cocks, N. Y.	Harding	McMillan	Stanley
Cole	Haskins	McMorran	Steenerson
Conner	Haugen	Macon	Stephens, Tex.
Cook, Colo.	Hawley	Madden	Sterling
Cook, Pa.	Hay	Madison	Thistlewood
Cooper, Pa.	Hayes	Mann	Thomas, N. C.
Cooper, Wis.	Heflin	Miller	Tirrell
Cox, Ind.	Helm	Mondell	Tou Velle
Cravens	Higgins	Moon, Tenn.	Underwood
Crumpacker	Hill, Miss.	Moore, Tex.	Vreeland
Currier	Hinshaw.	Morse	Waldo
Dalzell	Holliday	Mouser	Wanger
Darragh	Houston	Murdock	Watkins
Davenport	Howell, Utah	Murphy	Watson
Dawson	Howland	Needham	Webb
De Armond	Hubbard, Iowa	Nelson	Weeks
Denver	Hubbard, W. Va.	Nicholls	Weems
Diekema	Huff	Norris	Williams
Dixon	Hughes, N. J.	Nye	Wilson, Ill.
Driscoll	Hull, Iowa	O'Connell	Wilson, Pa.
Dwight	Hull, Tenn.	Olcott	Woodyard
Ellerbe	Humphrey, Wash.	Overstreet	
Ellis, Oreg.	Humphreys, Miss.	Padgett	

NAYS—6.

Bartlett, Nev.	Fitzgerald	Keliher	Sulzer
Brantley	Harrison		

ANSWERED "PRESENT"—8.

Alexander, Mo.	Fassett	Goulden	Hill, Conn.
Draper	Garrett	Hardy	Shackleford

NOT VOTING—135.

Alexander, N. Y.	Denby	Kipp	Pratt
Allen	Douglas	Kitchin, Claude	Pujo
Ashbrook	Dunwell	Kitchin, Wm. W.	Randell, Tex.
Bannon	Durey	Lamar, Fla.	Ransdell, La.
Bartholdt	Edwards, Ga.	Lamb	Rauch
Bede	Edwards, Ky.	Law	Reid
Bennet, N. Y.	Ellis, Mo.	Leake	Richardson
Bennett, Ky.	Fairchild	Legare	Riordan
Bingham	Focht	Lenahan	Roberts
Boutell	Fornes	Lewis	Rothermel
Bowers	Fowler	Lilley	Saunders
Boyd	Fuller	Littlefield	Small
Bradley	Fulton	Livingston	Snapp
Broussard	Gaines, W. Va.	Lorimer	Sparkman
Burgess	Gardner, Mass.	Loudenslager	Stevens, Minn.
Burke	Gillespie	McCreary	Sturgiss
Burnett	Glass	McDermott	Sulloway
Burton, Del.	Godwin	McGuire	Talbott
Burton, Ohio	Griggs	McHenry	Tawney
Calder	Hackett	McKinlay, Cal.	Taylor, Ala.
Caldwell	Haggott	McKinley, Ill.	Taylor, Ohio
Carter	Hammond	Malby	Thomas, Ohio
Cary	Hardwick	Marshall	Townsend
Cockran	Henry, Conn.	Maynard	Volstead
Cooper, Tex.	Henry, Tex.	Moon, Pa.	Wallace
Coudrey	Hepburn	Moore, Pa.	Washburn
Cousins	Hitchcock	Mudd	Weisse
Craig	Hobson	Olmsted	Wheeler
Crawford	Howard	Parsons	Wiley
Cushman	Howell, N. J.	Pearre	Willett
Davey, La.	Hughes, W. Va.	Perkins	Wolf
Davidson	Jackson	Peters	Wood
Davis, Minn.	James, Addison D.	Pou	Young
Dawes	James, Ollie M.	Powers	

So the Senate amendments were nonconcurred in, and a conference was requested.

The following additional pairs were announced:

Until further notice:

Mr. TOWNSEND with Mr. RIORDAN.

Mr. TAWNEY with Mr. TAYLOR of Alabama.

Mr. SULLOWAY with Mr. SHACKLEFORD.

Mr. STURGISS with Mr. SAUNDERS.

Mr. MOON of Pennsylvania with Mr. ROTHERMEL.

Mr. MCKINLEY of Illinois with Mr. RANSDELL of Louisiana.

Mr. MCGUIRE with Mr. RANDELL of Texas.

Mr. LOUDENSLAGER with Mr. MCHENRY.

Mr. HOWELL of New Jersey with Mr. LEWIS.

Mr. GAINES of West Virginia with Mr. ASHBROOK.

Mr. DAVIS of Minnesota with Mr. KIPP.

Mr. TAYLOR of Ohio with Mr. CRAWFORD.

Mr. MARSHALL with Mr. LAMB.

Mr. HENRY of Connecticut with Mr. CARTER.

Mr. DRAPER with Mr. RICHARDSON.

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair announces the appointment of Mr. KEIFER, Mr. GARDNER of Michigan, and Mr. BOWERS as conferees.

ORDER OF BUSINESS.

Mr. KEIFER. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for further consideration of the sundry civil appropriation bill.

Mr. PAYNE. Pending that, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

The question was taken.

Mr. WILLIAMS. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 144, nays 92, answered "present" 8, not voting 143, as follows:

YEAS—144.

Acheson	Crumpacker	Hamilton, Mich.	Lindsay
Adair	Currier	Harding	Lorimer
Ames	Dalzell	Haskins	Lovering
Andrus	Darragh	Haugen	Lowden
Barchfeld	Dawson	Hawley	McCall
Barclay	Diekema	Hayes	McGavin
Bates	Driscoll	Hill, Conn.	McKinley, Ill.
Beale, Pa.	Dwight	Hinshaw	McKinney
Birdsall	Ellis, Oreg.	Holliday	McLachlan, Cal.
Bonynge	Englebright	Howell, Utah	McLaughlin, Mich.
Boyd	Esch	Howland	McMillan
Brownlow	Focht	Hubbard, Iowa	McMorran
Brumm	Fordney	Hubbard, W. Va.	Madden
Burleigh	Foss	Humphrey, Wash.	Madison
Butler	Foster, Ind.	Jenkins	Mann
Byrd	Foster, Vt.	Jones, Wash.	Miller
Calderhead	Foulkrod	Kahn	Mondell
Campbell	Fowler	Keifer	Moon, Pa.
Capron	French	Kennedy, Iowa	Mouser
Caulfield	Gaines, W. Va.	Kennedy, Ohio	Murdock
Chaney	Gardner, N. J.	Knapp	Needham
Chapman	Gilhams	Knopf	Nelson
Cocks, N. Y.	Gillett	Knowland	Norris
Cole	Goebel	Küstermann	Nye
Cook, Pa.	Graff	Lafean	Olcott
Cooper, Pa.	Graham	Landis	Overstreet
Cooper, Wis.	Greene	Langley	Parker, N. J.
Cousins	Hale	Lawrence	Payne
Cox, Ind.	Hall	Lee	Pollard
Porter	Sherman	Steenerson	Waldo
Pray	Siemp	Sturgiss	Wanger
Reeder	Smith, Cal.	Sulloway	Watson
Reynolds	Smith, Iowa	Thistlewood	Weeks
Rodenberg	Snapp	Thomas, Ohio	Wheeler
Rucker	Southwick	Tirrell	Wilson, Ill.
Scott	Stafford	Vreeland	Woodyard

NAYS—92.

Adamson	Finley	Hull, Tenn.	Rothermel
Aiken	Fitzgerald	Humphreys, Miss.	Russell, Mo.
Alexander, Mo.	Floyd	Johnson, Ky.	Russell, Tex.
Ansberry	Foster, Ill.	Johnson, S. C.	Ryan
Ashbrook	Gaines, Tenn.	Jones, Va.	Sabath
Bartlett, Ga.	Garner	Keliher	Sheppard
Bartlett, Nev.	Gill	Kimball	Sherley
Beall, Tex.	Gillespie	Kipp	Sherwood
Bell, Ga.	Goldfogle	Lamar, Mo.	Sims
Brodhead	Gordon	Lassiter	Slayden
Burleson	Granger	Lloyd	Small
Burnett	Gregg	Macon	Smith, Mo.
Candler	Hackett	Moon, Tenn.	Smith, Tex.
Carlin	Hackney	Moore, Tex.	Spight
Carter	Hamill	Murphy	Stanley
Clark, Mo.	Hamilton, Iowa	Nicholls	Stephens, Tex.
Clayton	Hamlin	O'Connell	Sulzer
Cravens	Harrison	Padgett	Taylor, Ala.
De Armond	Hay	Patterson	Thomas, N. C.
Denver	Helm	Pou	Tou Velle
Dixon	Hill, Miss.	Rainey	Watkins
Ellerbe	Houston	Rhinock	Williams
Ferris	Hughes, N. J.	Robinson	Wilson, Pa.

ANSWERED "PRESENT"—8.

Draper	Garrett	Hardy	Lever
Fassett	Goulden	Lamb	Shackleford

NOT VOTING—143.

Alexander, N. Y.	Dawes	James, Addison D.	Perkins
Allen	Denby	James, Ollie M.	Peters
Anthony	Douglas	Kinkaid	Powers
Bannon	Dunwell	Kitchin, Claude	Pratt
Bartholdt	Durey	Kitchin, Wm. W.	Prince
Bede	Edwards, Ga.	Lamar, Fla.	Pujo
Bennet, N. Y.	Edwards, Ky.	Laning	Randell, Tex.
Bennett, Ky.	Ellis, Mo.	Law	Ransdell, La.
Bingham	Fairchild	Leake	Rauch
Booher	Favrot	Legare	Reid
Boutell	Flood	Lenahan	Richardson
Bowers	Fornes	Lewis	Riordan
Bradley	Fuller	Lilley	Roberts
Brantley	Fulton	Lindbergh	Saunders
Broussard	Gardner, Mass.	Littlefield	Smith, Mich.
Brundidge	Gardner, Mich.	Livingston	Sparkman
Burgess	Glass	Longworth	Sperry
Burke	Godwin	Loud	Sterling
Burton, Del.	Griggs	Loudenslager	Stevens, Minn.
Burton, Ohio	Gronna	McCreary	Talbott
Calder	Haggott	McDermott	Tawney
Caldwell	Hammond	McGuire	Taylor, Ohio
Cary	Hardwick	McHenry	Townsend
Clark, Fla.	Heflin	McKinlay, Cal.	Underwood
Cockran	Henry, Conn.	McLain	Volstead
Conner	Henry, Tex.	Malby	Wallace
Cook, Colo.	Hepburn	Marshall	Washburn
Cooper, Tex.	Higgins	Maynard	Webb
Coudrey	Hitchcock	Moore, Pa.	Weems
Craig	Hobson	Morse	Weisse
Crawford	Howard	Mudd	Wiley
Cushman	Howell, N. J.	Olmsted	Willett
Davenport	Huff	Page	Wolf
Davey, La.	Hughes, W. Va.	Parker, S. Dak.	Wood
Davidson	Hull, Iowa	Parsons	Young
Davis, Minn.	Jackson	Pearre	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this vote:

Mr. ELLIS of Missouri with Mr. FLOOD.

Mr. CONNER with Mr. FAVROT.

Mr. CALDER with Mr. DAVENPORT.

Mr. GARDNER of Michigan with Mr. BRANTLEY.

Mr. GRONNA with Mr. HARDY.

Mr. HIGGINS with Mr. HEFLIN.

Mr. MORSE with Mr. MCLAIN.

Mr. SMITH of Michigan with Mr. UNDERWOOD.

Mr. TAWNEY with Mr. WEBB.

Mr. LANING with Mr. SAUNDERS.

Mr. HENRY of Connecticut with Mr. LEVER.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock p. m.) the House took a recess until to-morrow, Friday, May 1, 1908, at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a recommendation in relation to the appropriation for reconstruction of annex to the New York barge office and for building a pier (H. R. Doc. 902)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CAPRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 16374) to confirm to the Wahiawa Water Company, of Hawaii, the right of way for irrigation purposes, reported the same with amendment, accompanied by a report (No. 1552), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 21410) granting condemned ordnance to certain institutions, reported the same without amendment, accompanied by a report (No. 1553), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 551) relating to commutation of homestead entries and to confirm such entries when commutation proofs were received by local land officers prematurely, reported the same with amendment, accompanied by a report (No. 1555), which said bill and report were referred to the House Calendar.

Mr. ANDREWS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 17982) to authorize the issue of bridge bonds by the county of Bernalillo, in the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 1556), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21004) authorizing the Territory of New Mexico to sell and transfer certain school lands to the town of Portales, N. Mex., reported the same without amendment, accompanied by a report (No. 1557), which said bill and report were referred to the House Calendar.

Mr. OLCOTT, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20248) to provide for the appointment and compensation of professors and instructors at the Naval Academy, reported the same without amendment, accompanied by a report (No. 1558), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COUSINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 21411) providing for the exchange of certain land in Peking, China, reported the same without amendment, accompanied by a report (No. 1559), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7098) for the relief of James S. Clark, reported the same with amendments, accompanied by a report (No. 1560), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 19797) to validate certain certificates of naturalization issued in the State of Minnesota, reported the same adversely, accompanied by a report (No. 1554), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 20921) granting an increase of pension to Permelia A. Creed, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By. Mr. PAYNE: A bill (H. R. 21449) to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905—to the Committee on Ways and Means.

By Mr. CHANEY: A bill (H. R. 21450) granting authority to the Bedford Power Company to construct and maintain a dam across the East Branch of White River near Williams, Lawrence County, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: A bill (H. R. 21451) to refund and pay to the State of New York the balance due to said State from the United States growing out of the late war with Spain—to the Committee on War Claims.

Also, A bill (H. R. 21452) to refund to the State of New York certain duties paid by said State in 1863 to arm State troops organized to aid in suppressing the then existing insurrection against the United States—to the Committee on War Claims.

By Mr. BURTON of Ohio: A bill (H. R. 21453) providing for the appointment of a National Waterways Commission and for the improvement and development of the waterways of the country—to the Committee on Interstate and Foreign Commerce.

By Mr. CHANEY: A bill (H. R. 21454) to regulate the granting of restraining orders and injunctions, and their violation—to the Committee on the Judiciary.

By Mr. CURRIER: A bill (H. R. 21455) to establish a United States Court of Patent Appeals, and for other purposes—to the Committee on the Judiciary.

By Mr. DAVENPORT: A bill (H. R. 21456) to divide the eastern district of Oklahoma into three divisions, to fix the time and places of holding court therein, and for other purposes—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 21457) to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. FRENCH: A bill (H. R. 21458) authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho—to the Committee on Indian Affairs.

By Mr. HUBBARD of West Virginia: Joint resolution (H. J. Res. 175) suspending the commodity clause of the present interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Resolution (H. Res. 390) to pay J. C. Stewart a certain sum of money—to the Committee on Accounts.

By Mr. HEPBURN: Resolution (H. Res. 391) providing additional compensation to Dallas Jones, janitor to Committee on Interstate and Foreign Commerce—to the Committee on Accounts.

By Mr. PAYNE: Resolution (H. Res. 392) authorizing the Committee on Ways and Means to sit during the recess of Congress, and so forth—to the Committee on Rules.

By Mr. CARY: Resolution (H. Res. 393) directing the Secretary of Commerce and Labor to investigate the Western Union Telegraph Company and the Postal Telegraph Cable Company and report to the House—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolution (H. Res. 394) providing additional compensation to certain pages of the House—to the Committee on Accounts.

By Mr. DAVIDSON: Resolution (H. Res. 395) providing additional compensation to the assistant document clerk of the House—to the Committee on Accounts.

By Mr. AMES: Resolution (H. Res. 396) authorizing and directing the Committee on Ways and Means to sit during the recess to secure information as to tariff rates—to the Committee on Rules.

By Mr. HILL of Mississippi: Resolution (H. Res. 397) for the payment to Robert Bowman of a certain sum of money—to the Committee on Accounts.

By Mr. LORIMER: Resolution (H. Res. 398) providing additional compensation to P. L. Coultry—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 21459) granting an increase of pension to John Wand—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 21460) for the relief of Thomas J. Irvin—to the Committee on Claims.

By Mr. BRUMM: A bill (H. R. 21461) to correct the military record of John Grace—to the Committee on Military Affairs.

Also, a bill (H. R. 21462) granting an increase of pension to James D. Bartholomew—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 21463) granting an increase of pension to Austin P. Maguire—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 21464) granting an increase of pension to James M. Foster—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 21465) granting an increase of pension to John Hughes—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 21466) granting a pension to Mariah Graves—to the Committee on Invalid Pensions.

By Mr. CRAWFORD: A bill (H. R. 21467) granting a pension to James H. Arnood—to the Committee on Pensions.

Also, a bill (H. R. 21468) for the relief of William P. Moore—to the Committee on Claims.

By Mr. DAVEY of Louisiana: A bill (H. R. 21469) for the relief of Mrs. Maria Barron—to the Committee on War Claims.

By Mr. DENBY: A bill (H. R. 21470) granting a pension to Margaret Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21471) granting a pension to Hattie L. Fox—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 21472) granting a pension to Joseph Younker—to the Committee on Pensions.

By Mr. GILHAMS: A bill (H. R. 21473) granting an increase of pension to Peter V. Gruesbeck—to the Committee on Invalid Pensions.

By Mr. HACKNEY: A bill (H. R. 21474) granting a pension to Harry M. Haughawout—to the Committee on Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 21475) granting an increase of pension to Hugh A. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21476) granting an increase of pension to John W. Flowers—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 21477) granting an increase of pension to John H. Eply—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 21478) granting a pension to William F. Graham—to the Committee on Pensions.

By Mr. McDERMOTT: A bill (H. R. 21479) granting an increase of pension to Edward Wall—to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: A bill (H. R. 21480) to remove the charge of desertion from the military record of Cornelius Ducey—to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 21481) granting an increase of pension to Benjamin Franklin Miller—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 21482) for the relief of J. W. Morison—to the Committee on War Claims.

By Mr. WEBB: A bill (H. R. 21483) granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21484) for the relief of the estate of George W. Hines, deceased—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Enos B. Engle, of division of zoology, department of agriculture of Pennsylvania, favoring S. 6515, governing manufacture, sale, and transportation of fungicides and insecticides in the United States—to the Committee on Agriculture.

Also, petition of Philanthropic Community of Friends, of Philadelphia, deploring extension of the military and naval departments of the Government—to the Committee on Military Affairs.

Also, petitions of citizens of Westland and New Castle Amalgamated Sheet Metal Workers' Union, No. 166, of New Castle, and citizens in meeting at West Monterey, all in the State of Pennsylvania, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: Petition of Atlanta (Ga.) Federation of Trades, Arthury Andery, president, and R. J. Lockludge, secretary, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BEALE of Pennsylvania: Petitions of citizens of Jefferson County, Reynoldsville, and Kelly Station, Pennsylvania, for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Pennsylvania, for S. 3125, for additional protection to dairy interest—to the Committee on Agriculture.

By Mr. BROWNLOW: Paper to accompany bill for relief of heirs of William Raines—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Androscoggin Union, No. 15, International Brotherhood of Paper Makers, of Lisbon Falls, Me., against repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. BURNETT: Petitions of citizens of Montgomery, Ala., and Brotherhood of Carpenters' Union, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. CALDER: Petition of New York Lubricating Oil Company, favoring H. R. 20353 (Burton bill), against improper disclosures about interstate shipments—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles H. Finnan, urging support of labor's recent memorial to Congress and, most particularly, remedial legislation excluding labor unions from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of William S. Aldrich, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Otto Stiefel, of Brooklyn, N. Y., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584) and for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Royal Brewing Company, against the Knox liquor bill (S. 6576)—to the Committee on the Judiciary.

Also, petition of Joshua Oldman & Son, against the Hepburn bill, amending Sherman Act (H. R. 19745—to the Committee on the Judiciary.

Also, petition of Music Engravers' Union, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. CARY: Petition of citizens of Milwaukee, Wis., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CAULFIELD: Petition of Central Trades and Labor Unions, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petitions of Clem H. Knobbe, of St. Louis, Mo.; John F. McGrath, Herman Weidner, and Harry Sluggens, John Murtaugh, and other citizens of St. Louis; Local Union No. 102, Journeymen Barbers; United Hatters of North America, No. 21; Book Binders, and Central Trade and Labor Union, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CHANEY: Paper to accompany bill for relief of James M. Foster—to the Committee on Invalid Pensions.

Also, petitions of T. H. Boswell and others, of Sullivan, Ill.; meeting of citizens of Vicksburg, Ind.; John Tetrick and others, of Vicksburg, Ind.; and Martin O. Campbell and others, of Shelburn, Ind., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of citizens of Philadelphia, Pa., for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Philadelphia Board of Trade, for appropriation for improvement of inland water route from Boston, Mass., to Beaufort, N. C.—to the Committee on Rivers and Harbors.

By Mr. DAWSON: Petitions of Austin W. Stanley and other citizens of Muscatine, Iowa, and Harry D. Grau and other citizens of Davenport, Iowa, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Union League Club of Chicago, favoring H. R. 10457 (for forest reservations in White Mountains and Southern Appalachian Mountains)—to the Committee on Agriculture.

By Mr. DRAPER: Petition of citizens of Troy, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DWIGHT: Petitions of Local No. 178, Painters' Union, and Central Labor Union, of Ithaca, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FERRIS: Joint resolution of the legislatures of twenty-seven States, praying for a convention of States for the purpose of amending the Federal Constitution—to the Committee on the Judiciary.

By Mr. FLOOD: Petitions of Board of Trade of Staunton, Va., and board of aldermen of Newport News, for appropriation for memorial to President John Tyler—to the Committee on the Library.

By Mr. FOSTER of Illinois: Petition of Clio Club, of Olney, Ill., for passage of concurrent resolution 28—to the Committee on Foreign Affairs.

By Mr. FOULKROD: Petition of Michael J. Brown, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

Also, petition of Polish citizens of Philadelphia, against expropriation measures relative to Prussian Poles by the Prussian Diet—to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Machinists' Association of New York, protesting against the passage of the so-called "Aldrich currency bill"—to the Committee on Banking and Currency.

Also, petition of Dr. B. H. Bigelow, of Rockford, Ill., for H. R. 4432, relative to betterment of the Dental Corps in the Army—to the Committee on Military Affairs.

Also, petition of Gilbert Barnes Post, No. 395, Grand Army of the Republic, of Kingston, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. GOLDFOGLE: Petition of National German-American Alliance, against changes in immigration laws until commission reports—to the Committee on Immigration and Naturalization.

Also, petition of American Newspaper Publishers' Association, for removal of duty on wood pulp and print paper—to the Committee on Ways and Means.

Also, petition of New York Advertisers' League, for enactment of law to penalize fraudulent and misleading advertisements—to the Committee on the Judiciary.

Also, petition of Commercial Travelers' Congress, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Herman Ridder, president of the American Newspaper Publishers' Association, for repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Gulfport (Miss.) Council, No. 1244, Knights of Columbus, for making October 12 a legal holiday—to the Committee on the Judiciary.

Also, petition of Music Engravers' Union of New York City, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), and for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HALE: Paper to accompany bill for relief of estate of L. D. Waddill—to the Committee on War Claims.

By Mr. HASKINS: Petition of H. S. Foster and others, of Calais, Vt., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. HILL of Connecticut: Petition of Wichita Grange, No. 132, of Warren, Conn., favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

Also, petition of Hartford Business Men's Association, of Hartford, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HOLLIDAY: Petitions of citizens of West Terre Haute and Ashboro, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of citizens of East Orange and Newark, N. J., for amendment to the Sherman antitrust law, for the Pearre bill limiting injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Adam Minear—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of Presidential Postmasters' Association of Oklahoma, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Michael J. Brown, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

Also, petition of Philharmonic Community of Friends of Philadelphia, against further naval and military expansion—to the Committee on Military Affairs.

Also, petition of Machinists' Association of city of New York, favoring a commission to reform the currency and against the Vreeland bill—to the Committee on Banking and Currency.

Also, petition of Clearing House Association of the banks of Philadelphia, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. KAHN: Petition of Musicians' Club of San Francisco, favoring the Kittredge copyright bill—to the Committee on Patents.

By Mr. KELIHER: Petition of National Union and Steam Engineers of America, for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. KENNEDY of Ohio: Petition of general assembly of Ohio, for the establishment of a national bureau of health—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB: Petition of citizens of Richmond, Va., favoring bills affecting labor, amendments to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of Painters' Union of Great Barrington, Mass., favoring bills affecting labor, amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of F. A. Gatten, of Brainerd, Minn., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citizens of Little Falls, for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of citizens of New York, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of New York Lubricating Oil Company, favoring H. R. 20353—to the Committee on Interstate and Foreign Commerce.

By Mr. MALBY: Petition of citizens of the Twenty-sixth Congressional District of New York, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOORE of Texas: Petitions of committee of the Labor Council and others, of Houston, Tex., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of labor organizations and public of San Francisco, Cal., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of International Brotherhood of Boiler Makers, Iron-Ship Builders, and Helpers, of Boston, Mass., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. OLMSTED: Petitions of Central Labor Union and citizens of Lebanon, Pa., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of citizens of Rochester, N. Y., favoring bills affecting labor, amendment to Sherman antitrust

law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of Arnold B. McStay, favoring enactment of a more stringent immigration law and against extension of the rights of naturalization—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of Switchmen's Union, No. 4, Switchmen's Union of North America, of Buffalo, N. Y., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SABATH: Petition of Chicago City Club, for the establishment of the Appalachian and White Mountain Forest Reserves—to the Committee on Agriculture.

Also, petition of Polish citizens of Chicago, Ill., protesting against expropriation of the Polish people by the Prussian Government—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolutions of citizens of New Haven, New Britain, Bridgeport, Collinsville, and Bristol, Conn., favoring the Hepburn amendment to the Sherman antitrust law, etc.—to the Committee on the Judiciary.

Also, petition of citizens of Meriden and New Haven, for amendment to Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of J. P. Clark—to the Committee on War Claims.

By Mr. SHERMAN: Petition of various residents of Utica, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas; Petition of bankers of Texas, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of citizens of Bridgeport, Tex., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SULZER: Petition of New York Lubricating Oil Company, for H. R. 20353 (Burton bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Federation of Post-Office Clerks, favoring increase of salaries of post-office laborers—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., November 11, 1907, favoring legislation for increase of pay of officers and enlisted men of Army, Navy, Marine Corps, and Revenue-Cutter Service—to the Committee on Military Affairs.

By Mr. THISTLEWOOD: Petition of Woman's Club of Carbondale, Ill., favoring investigation of methods for the suppression of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petition of labor unions of Marion, Sparta, and Johnston City, Ill., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Charles J. Overly, Warren Major, and William Fripe, of Linfield, Pa., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

Also, petition of Smoky City Lodge, No. 24, Brotherhood of Locomotive Engineers and Firemen, of Allegheny, Pa., favoring the Hemenway-Graff ash pan bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEMS: Papers to accompany bills for relief of William T. Hargrave and Samuel B. Piper—to the Committee on Invalid Pensions.

By Mr. WILEY: Petition of working people of Montgomery, Ala., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. WOODYARD: Petition of Butchers' Union No. 7, of Wheeling, W. Va., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

SENATE.

FRIDAY, *May 1, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEIFER, Mr. GARDNER of Michigan, and Mr. BOWERS, managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Public Health and National Quarantine, and ordered to be printed in the RECORD, as follows:

House concurrent resolution 13.

Whereas the growth and spread of consumption or tuberculosis, commonly known as "the white plague," in some parts of the United States is becoming alarmingly prevalent; and

Whereas it is now generally accepted as a fact that this dread disease can be communicated from one person to another, by the healthy person inhaling the diseased breath of the consumptive, and also by inhaling dried expectorations carried by the wind; and

Whereas separation of the consumptively afflicted from the well and healthy is one of the best ways and means of preventing the spread of the disease and to benefit the ailing: Therefore be it

Resolved by the senate and house of representatives of the legislative assembly of the State of Oklahoma, That the Government of the United States be requested and the United States is hereby requested to take early action looking toward the procurement by purchase or cession from the State of Texas in the arid regions thereof or Territory of Arizona a tract of land at least 18 miles square to be used for a consumptives' home and sanitarium. That the United States is hereby requested to reclaim said tract of land by wells or otherwise, so as to make the same productive, thereby affording the unfortunate an opportunity for profitable outdoor employment in the way of gardening, raising poultry, and engaging in other light enterprises to assist them in earning a competency and as an aid to mind employment at the same time.

That the United States be requested to cut said reserve into small tracts and to improve the same and to place the same in a cheerful homelike condition, as far as possible, in order that the unfortunate may find that relief that is awaiting him in the dry, recuperating, health-giving atmosphere of the dry regions above named.

That a copy of these resolutions be forwarded to the President of the United States, to the President of the United States Senate, and to the Speaker of the House of Representatives.

WILLIAM H. MURRAY,
Speaker of the House of Representatives.
GEORGE W. BELLAMY,
President of the Senate.

The VICE-PRESIDENT presented a memorial of the Hartford City Paper Company, of Hartford City, Ind., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. FRYE presented petitions of sundry citizens of Rockland and Hallowell, in the State of Maine, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Palmer Amalgamated Local Union, No. 7, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Palmer, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of the State of New York; of Bartenders' Alliance Local No. 228, of Albany; of Labor Lyceum No. 949, Willoughby; of Local Union No. 509, United Brotherhood of Carpenters and Joiners of America, of New York City; of sundry citizens of Cohoes, Ithaca, Mount Morris, Port Jervis, Seneca Falls, Syracuse, and the Utica Trades Assembly, of Utica, all in the State of

New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens of Belleville, Galesburg, Peoria, Joliet, Kangley, Kewanee, Danville, Taylorville, Johnston City, Chicago, and Quincy, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Belleville, Ill., remonstrating against the enactment of legislation to further extend the right of naturalization, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of East St. Louis, Ill., remonstrating against the ratification of the arbitration treaty between the United States and Great Britain, which was ordered to lie on the table.

He also presented a petition of Local Branch No. 2, Glass Bottle Blowers' Association, of Alton, Ill., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Belleville Trades and Labor Assembly, of Belleville, Ill., remonstrating against the enactment of legislation to further extend the right of naturalization, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Siloam Springs, Ark., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented the petition of G. F. Tomlinson, of Cheyenne, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented petitions of sundry citizens of Central Falls, R. I., and of Lonsdale, all in the State of Rhode Island, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Tiverton, R. I., and a petition of the Woman's Christian Temperance Union of Westerly, R. I., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a petition of sundry citizens of Wyoming, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," for defining the powers of injunction, for the enactment of a general employers' liability law, and for the extension of the eight-hour law, which was referred to the Committee on the Judiciary.

Mr. DIXON presented petitions of sundry labor organizations of Billings, Helena, and Logan, all in the State of Montana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BURROWS presented petitions of sundry citizens and labor organizations of Marquette, Port Huron, Escanaba, Grand Rapids, Kalamazoo, and Muskegon, all in the State of Michigan, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Twentieth Century Club, of Detroit, Mich., praying for the adoption of a certain amendment to the so-called "Crumpacker bill" providing for the employment of additional clerks for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented a petition of sundry citizens of Reading, Mich., praying for the enactment of legislation to establish postal savings banks, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Carsonville and of Dewitt and Cass counties, all in the State of Michigan, praying for the passage of the so-called "rural parcels-post bill," which were ordered to lie on the table.

He also presented petitions of the congregation of the Fountain Street Baptist Church, of Grand Rapids; of the congregation of the Joy Memorial Methodist Episcopal Church, of Grand Rapids, and of the Ladies' Library Club, of Grand Rapids, all in the State of Michigan, praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of R. C. Simmons Lodge, No. 611, Brotherhood of Locomotive Firemen, of Alpena, Mich., and a petition of S. M. Stevens Lodge, No. 150, Brotherhood of Locomotive Firemen, of Marquette, Mich., praying for the enactment of legislation to promote the safety of employees upon railroads, which were referred to the Committee on Interstate Commerce.

Mr. CULLOM presented petitions of sundry citizens and labor organizations of Chicago, Monmouth, Sparta, East St. Louis, Alton, Belleville, Danville, Elmwood, Girard, Kewanee, Kangley, Joliet, Rockford, and Taylorville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

Mr. du PONT presented petitions of sundry citizens of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SCOTT presented petitions of sundry citizens and labor organizations of Paden City, Point Pleasant, Follansbee, Wheeling, Morgantown, Hinton, Ronceverte, and Hartford, all in the State of West Virginia, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HALE presented memorials of Local Union, of Solon, of Local Union No. 26, of West Enfield, and of Local Union No. 12, of Millinocket, all of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, in the State of Maine, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. BURKETT presented petitions of sundry citizens and labor organizations of Omaha and Havelock, in the State of Nebraska, praying for the adoption of certain admendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Baker City, Oreg., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Albion and Columbus, in the State of Nebraska, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in National Soldiers' Homes, which were referred to the Committee on Military Affairs.

Mr. BULKELEY presented a petition of the Business Men's Association of Hartford, Conn., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying that an appropriation be made for the enlargement and alteration of the present public building at that city, which was referred to the Committee on Public Buildings and Grounds.

Mr. GORE presented a petition of sundry members of the Creek Nation of Indians, of Checotah, Okla., praying for the enactment of legislation to reopen the rolls of that nation to enable its citizens to file the names of their new-born children for homesteads on the unallotted lands, which was referred to the Committee on Indian Affairs.

He also presented a petition of the legislature of Oklahoma, praying for the enactment of legislation to procure by purchase or cession from the State of Texas or the Territory of Arizona a tract of land to be used for a consumptives' home and sanitarium, which was referred to the Committee on Public Health and National Quarantine.

Mr. DEPEW presented petitions of sundry citizens and labor organizations of New York City, Poughkeepsie, Long Island City, Schenectady, Piercefield, and Seneca Falls, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. HALE. I report back from the Committee on Appropriations with amendments the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal

year ending June 30, 1909, and I submit a report (No. 588) thereon. I hope to be able to call up the bill to-morrow morning after the routine morning business.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6580) to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907, reported it without amendment and submitted a report (No. 589) thereon.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the bill (S. 6529) for the relief of Mary S. Fergusson, reported it with amendments and submitted a report (No. 590) thereon.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 2032) to establish the Glacier National Park, west of the summit of the Rocky Mountains and south of the international boundary line in Montana, and for other purposes, submitted an adverse report (No. 591) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6358) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," reported it without amendment and submitted a report (No. 592) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (H. R. 19863) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors (Report No. 593);

A bill (H. R. 19101) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors (Report No. 594); and

A bill (H. R. 19475) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors (Report No. 595).

Mr. JOHNSTON, from the Committee on the District of Columbia, to whom was referred the bill (S. 3940) requiring certain places of business in the District of Columbia to be closed on Sunday, reported it with amendments and submitted a report (No. 596) thereon.

JAMES RIVER (MISSOURI) DAM.

Mr. FRYE. The senior Senator from Minnesota (Mr. NELSON) yesterday reported from the Committee on Commerce the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its water through a tunnel into the said river again to create electric power. The Senator from Minnesota reported the bill without amendment. A minority of the committee was in favor of the amendment approved by the Secretary of War, and I was of the minority.

MAJ. G. S. BINGHAM.

Mr. TALIAFERRO. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6891) for the relief of Maj. G. S. Bingham, to report it favorably without amendment, and I submit a report (No. 587) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Maj. G. S. Bingham a sum equal to the amount of pay withheld from that officer because of his acceptance of the single-screw quartermaster steamer *General Joseph E. Johnston*, and that no pay shall be hereafter withheld on that account.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 6917) to provide for a term of the circuit and district courts at Keene, N. H., which was read twice by its title and, with the accompanying papers, referred to the Committee on the Judiciary.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 6918) to establish a psychopathic pavilion in the District of Columbia, and for other purposes; and

A bill (S. 6919) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes.

Mr. BANKHEAD introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6920) for the relief of Elisha Stogsdill; and

A bill (S. 6921) for the relief of William Moseley, administrator of Temperance Moseley (with an accompanying paper).

Mr. FRYE introduced a bill (S. 6922) granting an increase of pension to James Donova, which was read twice by its title and referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 6923) for the relief of John M. Kelly, which was read twice by its title and referred to the Committee on Claims.

Mr. OWEN introduced a bill (S. 6924) granting an increase of pension to James W. Hamilton, which was read twice by its title and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 6925) for the relief of the Alaska Terminal and Navigation Company, which was read twice by its title and referred to the Committee on Public Lands.

Mr. FORAKER introduced a bill (S. 6926) granting a pension to Mary Ella Judy, which was read twice by its title and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 6927) extending the provisions of the so-called Carey Act to certain vacant and unappropriated public land in the State of Montana, which was read twice by its title and referred to the Committee on Public Lands.

Mr. DEPEW introduced a bill (S. 6928) creating the Hudson River National Park Commission, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 6929) for the relief of claimants who have paid money into the United States Treasury under compulsion of an unconstitutional statute, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. OWEN introduced a bill (S. 6930) to pay to certain Cherokee citizens moneys to which they have been found entitled by the Supreme Court, which was read twice by its title and referred to the Committee on Indian Affairs.

CONSTITUTIONAL AMENDMENTS.

Mr. OWEN. I introduce a joint resolution, which I ask may be printed in the RECORD, with the accompanying paper.

The joint resolution (S. R. 80) proposing certain amendments to the Constitution of the United States was read twice by its title and referred to the Committee on the Judiciary.

The VICE-PRESIDENT. In the absence of objection, the joint resolution and the accompanying paper will be printed in the RECORD.

The joint resolution and accompanying paper are as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following articles be proposed to the legislatures of the several States as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the State legislatures, to be valid to all intents and purposes as part of the said Constitution, viz:

"ART. 16. The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof for six years, and each Senator shall have one vote; and the electors in each State shall have the qualifications requisite for electors of Members of the House of Representatives. They shall be divided as equally as may be into three classes, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an elector of the State for which he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. The Senate shall choose their own officers, and also a president pro tempore in the absence of the Vice-President, or when he shall exercise the office of the President of the United States.

"ART. 17. The Congress shall have power to provide for the collection of a uniform tax upon the gains, profits, and income received by every citizen or person of the United States, including every corporation, association, or company doing business for profit in the United States, subject to such exemption as it may deem proper.

"ART. 18. The Congress shall have power to define and regulate the liability of common carriers engaged in interstate or foreign commerce to their servants or employees for injuries resulting from the negligence of fellow-servants or coemployees.

"ART. 19. No State shall be denied the right to regulate the charges of common carriers for the carriage of freight or passengers wholly within the State or to regulate or prohibit the consolidation or combination of competing carriers.

"ART. 20. No State shall be denied the right to regulate or prohibit the shipment into the State of any article or articles of commerce injurious to public health or morals, or the product in whole or in part of convict labor."

MEMORIAL RELATIVE TO AMENDING THE CONSTITUTION OF THE UNITED STATES.

Mr. OWEN presented the following memorial of the Hon. C. N. Haskell, governor of the State of Oklahoma, relative to amending the Constitution of the United States.

April 30, 1908.—Ordered to be printed.

To the Sixtieth Congress of the United States:

Whereas in the Constitution of the United States it was contemplated that lapse of time and changing conditions would necessitate amendments of and additions to the original document, and therefore the making of amendments and additions thereto were provided for;

Time has demonstrated that government by the people, of the people, and for the people can not be obtained by the present method of electing the upper House of the legislative branch of the Federal Government, therefore an overwhelming majority of the people of the entire United States have in various conclusive ways given evidence of their desire that the Constitution should be amended, to the end that United States Senators may be elected by direct vote of the people of the respective States, to the end that our Government in practice, as well as in theory, may justify the motto, "Let the people rule;"

Whereas government devised for the protection of life, liberty, and the right of property necessarily incurs the burden of taxation, direct and indirect; and

Whereas indirect taxation is far too often made an excuse for special privileges to a favored class and a burden upon the toiling masses of the United States; and

Whereas great estates and accumulations of property necessitate a greater share of supervision and expense to government; therefore it is fair and just that an income tax be authorized by the Constitution of the United States, affording a source from which a portion of the expense of government may be obtained, and to this end the Constitution of the United States should be so amended as to make the assessment and collection of an income tax constitutional;

Whereas it should be the policy of our Government to protect the toiling masses to the fullest degree of justice, in case of disability or death while in the service of interstate carriers and free from responsibility on account of the negligence of his fellow-servant or coemployee. It is therefore essential that the laws of Congress upon this subject should not be hampered or their validity endangered by the narrow provisions of the Constitution as at present. Distinct power should be given Congress to legislate as in its wisdom may fully protect the employee;

Whereas the conditions and necessities of the different States render it indispensable that each State have unrestricted the right to regulate the charges of common carriers and the conduct of transportation business and the right to prohibit the consolidation or combination or merger of competing carriers, to the end that reasonable competition shall not be destroyed; and

Whereas time has demonstrated that Federal control of this vast subject is inadequate to the needs of the States, and it being within the power and province of the State to regulate its internal affairs, this subject should have the emphasis of a direct provision in the Federal Constitution, not that the States have ever surrendered this right, but that judicial legislation may not further encroach upon the just rights and powers of the State;

Whereas it has always been the policy of free government to permit the people of the States, by their own voice (the majority controlling), to formulate and execute the laws for their local regulation, and where a State, by its people, have elected to prohibit the importation or use of any products affecting the morals and health of the community or the protection of its honest labor, by the exclusion of convict-made goods, the Federal Government should never aid or connive at the violation of such as has been declared to be the expressed will of the people of such State, to the end that doubt on this subject may be cleared away and a definite limit put upon legislation by our Federal judiciary, an amendment of the Constitution is essential.

AMEND THE CONSTITUTION.

There are two methods of securing the submission of amendments to the Constitution of the United States:

(*a*) The Congress of the United States may formulate and submit amendments on its own motion to the several States for the ratification, but as to this method the people of our country have waited long weary years in vain; but, with a last appeal to that method, the five articles proposed herewith are submitted for the voluntary action of our Congress.

(*b*) Wise, indeed, were those who framed the Constitution of our country, in the provision of another method for its amendment. In Article V it is provided that the several States, the source of all Federal power, may, by resolution of the legislative body, two-thirds of the States joining therein, and addressing such request to the Congress, make it mandatory upon the Congress of the United States to convene a convention of the States of the Union for the purpose of formulating any and all such amendments to the Federal Constitution as said convention, when assembled, may deem wise and proper, and the Congress shall also provide that all amendments proposed by such convention shall be submitted to the several States for ratification or rejection. It is to be hoped that Congress will not, by their failure to act, make necessary the delay and expense incident to such convention by refusing to submit the attached five articles and such additional articles as the people may demand by a reasonable representation of the people.

The action of twenty-seven States of the Union in requesting a convention of the States must impress the Congress that patience has almost ceased to be a virtue and that Congress has not listened with even diligence and justice to the source of all power—the people of our country.

Can there be any better evidence of the demand for a constitutional convention of the States than that expressed in the resolutions filed herewith, adopted by twenty-seven of our grand and glorious free States, following:

Pennsylvania, Indiana, Texas, California, Nevada, Missouri, Nebraska, Arkansas, Wyoming, North Carolina, Illinois, Colorado, Louisiana, Kansas, Montana, Wisconsin, Oregon, Michigan, Tennessee, Idaho, South Dakota, Washington, Utah, Kentucky, Minnesota, Iowa, and Oklahoma.

Of the nineteen remaining States, more than two-thirds of them stand ready to join with their sister States in this demand, awaiting only the convening of their legislative bodies.

Shall Congress defer longer the submission of these needed amendments to the Constitution when, by the States above named, substantially two-thirds of the population of the United States have united in a call for such a convention?

Shall the people have the opportunity to pass upon these questions without further hindrance or delay, or must a campaign be waged to remind Congress that it is the servant of a free and independent people?

The State of Oklahoma has created its commission and directed the presentation to Congress of the matters and things herewith, and humbly prays that the justice of these demands may appeal to the honorable Congress of the United States.

Respectfully,

C. N. HASKELL,
Governor and Chairman of the Oklahoma State Commission.

STATE OF ARKANSAS.

House concurrent resolution No. 17.

Making an application to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to provide for the election of United States Senators by a direct vote of the qualified electors of the several States.

Be it resolved by the house of representatives and senate of the general assembly of the State of Arkansas, That the legislature of the said State of Arkansas, on behalf of the said State, hereby make application, in accordance with the provisions of Article V of the Constitution of the United States, to the Congress to call a convention to be composed of delegates from the several States of the Union, which convention when assembled shall propose as an amendment to the said Constitution a provision whereby members of the United States Senate shall be elected by a direct vote of the qualified electors of the several States.

That a certified copy of this resolution shall be immediately transmitted by the governor to the President of the United States, to be by him presented to the Congress of the United States.

Approved, April 25, 1901.

STATE OF CALIFORNIA.

DEPARTMENT OF STATE.

I, C. F. Curry, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 2, Statutes of 1900, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of State, at office in Sacramento, Cal., the 10th day of April, A. D. 1908.

[SEAL.] C. F. CURRY, *Secretary of State,*
By J. HOESCH, *Deputy.*

CHAPTER VII—Senate joint resolution No. 2—Relative to the election of United States Senators by direct vote of the people.

Whereas section 3 of Article I of the Constitution of the United States provides that "the Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years;" and

Whereas the present system for the election of United States Senators is subject to severe public criticism and divided public opinion arising from various causes: Therefore be it

Resolved by the senate of the State of California and the assembly, jointly, That our Senators in Congress be instructed, and our Representatives be requested, to vote for the submission of an amendment to the Constitution of the United States providing for the election of Senators by the direct vote of the electors of the respective States.

Resolved, That a copy of these resolutions be transmitted to our Senators and Representatives in Congress.

THOS. FLINT, Jr.,
President pro tempore of the Senate.
ALDEN ANDERSON,
Speaker of the Assembly.

Attest:
C. F. CURRY,
Secretary of State.

STATE OF MINNESOTA.

DEPARTMENT OF STATE.

I, Julius A. Schmahl, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original instrument in my office of chapter 406, Laws of Minnesota of 1901, approved February 9, 1901, and that said copy is a true and correct transcript of said original instrument and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol, in St. Paul, this 20th day of April, A. D. 1908.

[SEAL.] JULIUS A. SCHMAHL,
Secretary of State.

CHAPTER 406.—A joint resolution of the senate and house of representatives of the State of Minnesota making application to the Congress of the United States, under Article V of the Constitution, for the submission of an amendment to said Constitution making United States Senators elective in the several States by popular vote.

Be it enacted by the legislature of the State of Minnesota, That the legislature of the State of Minnesota hereby makes application to the Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States making United States Senators elective in the several States by direct vote of the people.

SEC. 2. The secretary of state is hereby directed to transmit copies of this application to the Senate, House of Representatives of the Congress, and copies to the Members of the said Senate and House of Representatives from this State; also, to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several States, requesting their cooperation.

Approved, February 9, 1901.

STATE OF UTAH.

House joint resolution.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the

application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and

Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much-desired change in the method of electing Senators: Therefore be it

Resolved by the senate and house of representatives of the State of Utah, That under the authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of the State be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States and to the Speaker of the House of Representatives of the United States.

Approved this 12th day of March, 1903.

STATE OF UTAH, *County of Salt Lake, ss:*

I, Willard Done, a notary public in and for the county of Salt Lake, State of Utah, do hereby certify that the within is a full, true, and correct copy of a house joint resolution passed by the legislature of the State of Utah and approved by Governor Heber M. Wells on the 12th day of March, 1903.

In testimony whereof I have hereunto set my hand and seal this 11th day of March, A. D. 1908.

WILLARD DONE, *Notary Public.*

STATE OF KANSAS.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has so far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore be it

Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That the legislature of Kansas, in accordance with the provisions of Article V of the Constitution of the United States, hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

Resolved, That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of their respective bodies and to try and induce favorable action thereon; and

Resolved further, That the secretary of the State of Kansas is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from Kansas, and to the speaker of the house of representatives of each State in which the legislature is now or soon to be in session.

STATE OF KANSAS, *Office of the Secretary of State:*

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 18th day of January, 1908.

[SEAL.]

C. E. DENTON,
Secretary of State.
By J. F. BOTKIN,
Assistant Secretary of State.

STATE OF TEXAS.

House concurrent resolution No. 22.

Whereas under the present method of the election of United States Senators by the legislatures of the several States protracted contests frequently result in no election at all, and in all cases interfering with needed State legislation; and

Whereas Oregon, in common with many of the other States, has asked Congress to adopt an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people, and said amendment has passed the House of Representatives on several occasions, but the Senate of the United States has continually refused to adopt said amendments: Therefore be it

Resolved by the house of representatives of the State of Texas (the senate concurring), That the Congress of the United States is hereby asked and urgently requested to call a constitutional convention for proposing amendments to the Constitution of the United States as provided by Article V of the said Constitution of the United States.

Resolved, That we hereby ask and urgently request that the legislative assembly of each of the other States in the Union unite with us in asking and urgently requesting the Congress of the United States to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States.

Resolved, That the secretary of state be, and is hereby, authorized and directed to send a certified copy of this concurrent resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to the legislative assembly of each and every of the other States of the Union.

(NOTE.—The enrolled bill shows that the foregoing resolution passed the house of representatives, no vote given; and passed the senate, no vote given.)

Approved, April 17, 1901.

THE STATE OF TEXAS, *Department of State:*

I, W. R. Davie, secretary of state of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of house concurrent resolution No. 22, passed by the twenty-seventh legislature of the State of Texas, and approved April 17, 1901, as the same appears of record in the printed statute book of the State of Texas, deposited in the office of the secretary of state of the State of Texas, on pages 327 and 328 of General Laws of the State of Texas passed at the regular session of the twenty-seventh legislature, convened at the city of Austin, January 8, 1901, and adjourned April 9, 1901; and I further certify that I am the keeper and custodian of the said printed statute book above mentioned.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the seal of my office, same being the great seal of the State of Texas, at my office in Austin, Tex., on this the 3d day of April, A. D. 1908.

[SEAL.]

W. R. DAVIE,
Secretary of State.

STATE OF ILLINOIS.

DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true copy of senate joint resolution No. 5 of the forty-third general assembly, adopted by the senate February 10, 1903, and concurred in by the house April 9, 1903, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State. Done at the city of Springfield this 10th day of March, A. D. 1908.

[SEAL.]

JAMES A. ROSE,
Secretary of State.

Whereas by direct vote of the people of the State of Illinois at a general election held in said State on the 4th day of November, A. D. 1902, it was voted that this general assembly take the necessary steps under Article V of the Constitution of the United States to bring about the election of United States Senators by direct vote of the people; and

Whereas Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the several States the Congress of the United States shall call a convention for proposing amendments: Now, therefore, in obedience to the expressed will of the people as expressed at the said election, be it

Resolved by the senate (the house of representatives concurring therein), That application be, and is hereby, made to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, as provided for in said Article V; and be it further

Resolved, That the secretary of state do furnish to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States, to each, one copy of this resolution, properly certified under the great seal of the State.

Adopted by the senate February 10, 1903.

J. H. PADDOCK,
Secretary of the Senate.
W. A. NORTHCOTT,
President of the Senate.

Concurred in by the house April 9, 1903.

JNO. A. REEVE,
Clerk of the House of Representatives.
JOHN H. MILLER,
Speaker of the House of Representatives.

STATE OF INDIANA.

OFFICE OF SECRETARY OF STATE.

I, Fred A. Sims, secretary of state of the State of Indiana, and being the officer who under the constitution and laws thereof is the custodian of the enrolled acts of the general assembly, do hereby certify that the attached is a full, true, and complete copy of the house joint resolution No. 4, approved March 11, 1907, and filed in the office of the secretary of state, as the law provides.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at Indianapolis, this 19th day of March, 1908.

[SEAL.]

FRED A. SIMS,
Secretary of State.
FRANK I. GRUBBS,
Deputy.

CHAPTER 299.—Joint resolution of the sixty-fifth general assembly of the State of Indiana, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States. (H. 4, joint resolution. Approved March 11, 1907.)

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

SECTION 1. *Be it resolved by the general assembly of the State of Indiana*, That the legislature of the State of Indiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

STATE OF SOUTH DAKOTA.

DEPARTMENT OF STATE.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's office:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 2 as passed by the legislature of 1907, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 18th day of March, 1908.

[SEAL.] D. D. WIPF, *Secretary of State,*
By J. L., *Assistant Secretary of State.*

House joint resolution No. 2.

A joint resolution memorializing Congress to submit to the several States an amendment to the Constitution of the United States, providing for the election of the United States Senators by direct vote of the electors.

Be it resolved by the house of representatives (the senate concurring therein): Whereas the election of United States Senators by the legislatures of the several States frequently interferes with important legislative duties, and has in many States resulted in charges of bribery and corruption; and

Whereas the sentiment of the majority of the people of this State is in favor of electing United States Senators by a direct vote of the electors of the State, that under authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the electors of the several States.

Be it further resolved, That the secretary of state be, and he is hereby, authorized and directed to send a properly authenticated copy of this resolution to the President of the United States, to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives in Congress of the State of South Dakota.

M. J. CHANEY,
Speaker of the House.
Attest: JAMES W. CONE,
Chief Clerk.
HOWARD C. SHOBER,
President of the Senate.
Attest: L. H. SIMONS,
Secretary of the Senate.

I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as "house joint resolution No. 2."

JAMES W. CONE,
Chief Clerk.

STATE OF SOUTH DAKOTA,
Office Secretary of State, ss:

Filed February 2, 1907, at 5 o'clock p. m.

D. D. WIPF,
Secretary of State.

STATE OF IDAHO.

DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 2 by committee on privileges and elections, which was filed in this office the 27th day of February, A. D. 1901, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 14th day of March, A. D. 1908.

[SEAL.] ROBERT LANSDON,
Secretary of State.

Joint memorial. No. 2.

Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people.

Whereas a large number of the State legislatures have at various times adopted memorials and resolutions in favor of election of President, Vice-President, and United States Senators by popular vote; and

Whereas the National House of Representatives has on four separate occasions, within recent years, adopted resolutions in favor of this proposed change in the method of electing the President, Vice-President, and United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of Idaho that the President, Vice-President, and United States Senators should be elected by a direct vote of the people: Therefore,

Be it resolved, That the legislature of the State of Idaho favors the adoption of an amendment to the Constitution which shall provide for the election of President, Vice-President, and United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing President, Vice-President, and United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States Senate, the Speaker of the House of Representatives, and our Representatives in Congress.

This senate joint memorial passed the senate on the 14th day of February, 1901.

THOS. F. TERRELL,
President of the Senate.

This senate joint memorial passed the house of representatives on the 21st day of February, 1901.

GLENN P. MCKINLEY,
Speaker of the House of Representatives.

This senate joint memorial was received by the governor on the 26th day of February, 1901, at 5 o'clock p. m., and approved on the 26th day of February, 1901.

FRANK W. HUNT, *Governor.*

I hereby certify that the within senate joint memorial No. 2, entitled "A memorial requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people," originated in the senate of Idaho during the sixth session.

WM. V. HELFRICH,
Secretary of the Senate.

STATE OF WASHINGTON.

CHAPTER 61.—An act making application to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America as authorized by Article V of the Constitution of the United States of America. (H. B. No. 207.)

Whereas the present method of electing a United States Senator is expensive and conducive of unnecessary delay in the passage of useful legislation; and

Whereas the will of the people can best be ascertained by direct vote of the people: Therefore,

Be it enacted by the legislature of the State of Washington, That application be, and the same is hereby, made to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America as authorized by Article V of the Constitution of the United States of America.

SEC. 2. That a duly certified copy of this act be immediately transmitted to the presiding officer of each legislative body of each of the several States of the United States of America, through the governor of each of the several States, with a request that each of such legislatures pass an act of like import as this act.

Passed the house February 19, 1903.
Passed the senate March 7, 1903.
Approved by the governor March 12, 1903.

STATE OF WASHINGTON,
Department of State, ss:

I, Sam H. Nichols, secretary of state of the State of Washington, do hereby certify that the above is a full, true, and correct copy of the original enrolled law now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of State this 13th day of March, A. D. 1908.

[SEAL.] SAM H. NICHOLS,
Secretary of State.

STATE OF NORTH CAROLINA.

A joint resolution relative to amending the Constitution of the United States to provide for the election of the United States Senators by the direct vote of the people of the respective States.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has so far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore

Be it resolved by the house of representatives of the State of North Carolina (the senate concurring therein). That the legislature of North Carolina, in accordance with the provisions of Article V of the Constitution of the United States, hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

Resolved, That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of the respective bodies and to try and induce favorable action thereon; and

Resolved further, That the secretary of the State of North Carolina is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from North Carolina, and to the speaker of the house of representatives of each State in which the legislature is now or soon to be in session.

In the general assembly; read three times, and ratified this the 11th day of March, A. D. 1907.

STATE OF NORTH CAROLINA,
Office of Secretary of State.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (two sheets) to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh, this 4th day of April, in the year of our Lord 1908.

J. BRYAN GRIMES,
Secretary of State.

STATE OF TENNESSEE.

Joint resolution No. 15.

Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people.

Whereas a large number of the State legislatures have at various times adopted memorials and resolutions in favor of the election of United States Senators by popular vote; and

Whereas the National House of Representatives has on several occasions recently adopted resolutions in favor of this proposed change in the method of electing United States Senators which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provided that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for the proposed amendments; and

Whereas, believing there is a general desire upon the part of the citizens of the State of Tennessee that the United States Senators should be elected by a direct vote of the people: Therefore be it

Resolved (if the house concur), That the legislature of the State of Tennessee favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators

by popular vote and joins with other States of the Union in respectfully requesting that a constitutional convention be called for the purpose of proposing an amendment to the Constitution of the United States as provided for in Article V of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by direct vote of the people.

Be it further enacted, That a copy of this joint resolution and application to Congress for calling of the convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States, to the Speaker of the House of Representatives, to each of the United States Senators from Tennessee and our Representatives in Congress.

Adopted March 14, 1905.

J. I. COX,
Speaker of the Senate.
W. K. ABERNATHY,
Speaker of the House of Representatives.
JAMES B. FRAZIER,
Governor.

Approved March 22, 1905.

STATE OF TENNESSEE,
Office of Secretary of State.

I, John W. Morton, secretary of the State of Tennessee, do certify that the annexed is a true copy of senate joint resolution No. 15, passed by the general assembly of the State of Tennessee, 1905, the original of which is now of record in my office.

This the 12th day of March, 1907.

JOHN W. MORTON,
Secretary of State.

STATE OF MONTANA.

Senate joint resolution No. 1.

Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people.

Whereas a large number of the State legislatures have, at various times, adopted memorials and resolutions in favor of the election of United States Senators by popular vote; and

Whereas the National House of Representatives has, on several occasions within recent years, adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposed amendments; and

Believing there is a general desire upon the part of the citizens of the State of Montana that the United States Senators should be elected by a direct vote of the people: Therefore, be it

Resolved (if the house concur), That the legislature of the State of Montana favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of the convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States, the Speaker of the House of Representatives, and also to each of the United States Senators from Montana and our Representative in Congress.

EDWIN L. NORRIS,
President of the Senate.
E. W. RING,
Speaker of the House.

Approved, February 21, 1907.

J. K. TOOLE, *Governor.*

Filed February 21, 1907, at 4.05 p. m.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA,
State of Montana, ss:

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is, with the exception of corrections in orthography and punctuation, and insertion of omissions or substitute words in brackets, a true and correct copy of senate joint resolution No. 1, resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people, enacted by the tenth session of the legislative assembly of the State of Montana, and approved by J. K. Toole, governor of said State, on the 21st day of February, A. D. 1907.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State. Done at the city of Helena, the capital of said State, this 28th day of January, A. D. 1908.

[SEAL.]

A. N. YODER, *Secretary of State.*
By DAVE PIZER, *Deputy.*

STATE OF WYOMING.

Enrolled memorial No. 2, house of representatives, Wyoming.

Be it resolved by the third legislature of the State of Wyoming, That the Senate and House of Representatives of the United States of America be memorialized as follows: The third legislature of the State of Wyoming respectfully represents to the honorable the Senate and the honorable the House of Representatives of the United States of America in Congress assembled that they urge the submission of the constitutional amendments now pending in Congress requiring United States Senators to be elected by a vote of the qualified electors of the State.

They believe that the exciting and disturbing contest for seats in the legislature in many of the States has been owing in a great measure to impending contests for United States Senators.

In many States the sessions of the legislature are limited to a specified time, and much of this time has been wasted and consumed in a fruitless effort to elect Senators.

The temptation to corruption and the inducements to influence legislators by questionable means would be entirely removed if the election of Senators were transferred to the people. It is believed the business of the legislature should be confined to matters of legislation, and that the excitement attendant upon the selection of United States Senators by the legislature interferes to a great degree with that business. The growth of a public sentiment in this direction we believe to be grounded upon good reasons, calling for an amendment of the Constitution in this respect.

Resolved, That the governor be, and he is hereby, respectfully requested, upon his approval of this memorial, to forward a duly authenticated copy thereof, under the great seal of the State, to the Senators and Representative in Congress from this State, in order that the same may be brought to the attention of the Congress of the United States.

GEO. W. HOYT,
President of the Senate.
JAY L. TORREY,
Speaker of the House.

Approved February 16, A. D. 1895.

WM. A. RICHARDS, *Governor.*

STATE OF NEVADA.

Senate concurrent resolution relating to the election of United States Senators by direct popular vote.

Whereas the people of this State, as shown by a vote taken thereon, favor an amendment to the Constitution of the United States providing for the election of United States Senators by a direct popular vote; and

Whereas it is evident that a large majority of the American people favor such an amendment, as shown by the tone of the public press and by the resolutions of the State legislatures of the various States and the resolution passed by the National House of Representatives; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments thereto:

Resolved, therefore (if the assembly concur), That the legislature of the State of Nevada favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and respectfully requests that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this resolution and application to Congress for the calling of a convention be sent to the President of the United States, the Speaker of the House of Representatives, and to each of the Representatives of the State of Nevada in the Congress of the United States.

Resolved, That our Representative in Congress be directed to urge upon Congress the calling of a convention provided for by these resolutions.

STATE OF MICHIGAN.

No. 7.—A joint resolution of the senate and house of representatives of the State of Michigan, making application to the Congress of the United States, under Article V of the Constitution, for the submission of an amendment to said Constitution making United States Senators elective in the several States by popular vote.

Resolved by the senate and house of representatives of the State of Michigan, That application is hereby made to the Congress, under the provision of Article V of the Constitution of the United States, making United States Senators elective in the several States by direct vote of the people; and

Resolved further, That the secretary of state is hereby directed to transmit copies of this application to the Senate, House of Representatives of the Congress, and copies to the Members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several States, requesting their cooperation.

STATE OF WISCONSIN.
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 10 has been compared by me with the original enrolled resolution on file in this department and that the same is a true copy thereof and of the whole of such original enrolled resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 11th day of March, A. D. 1908.

[SEAL.]

J. A. FREAR,
Secretary of State.

Joint resolution No. 10.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and

Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much-desired change in the method of electing Senators: Therefore be it

Resolved by the senate and assembly of the State of Wisconsin, That, under the authority of Article V of the Constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of state be, and is hereby, directed to

forward a proper authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

J. O. DAVIDSON,
President of the Senate.
I. L. LENROOT,
Speaker of the Assembly.
THEO. W. GOLDIN,
Chief Clerk of the Senate.
C. O. MARSH,
Chief Clerk of the Assembly.

STATE OF MISSOURI.

Joint and concurrent resolution.

Application of the legislature of the State of Missouri for a convention for proposing amendments to the Constitution of the United States, as provided in Article V thereof.

Resolved by the general assembly of the State of Missouri, That the legislature of Missouri shall and hereby does make application to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States, as provided in Article V thereof; and

Resolved further, That the Congress be requested to provide for the holding of State conventions to pass upon amendments submitted, as also provided in said Article V.

Approved, March 6, 1907.

STATE OF MISSOURI,
Department of State:

I, John E. Swanger, secretary of state of the State of Missouri, do hereby certify that the annexed and foregoing is a true and complete copy of a joint and concurrent resolution passed by the forty-fourth general assembly of the State of Missouri, approved March 6, 1907.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Missouri.

Done at the city of Jefferson this 9th day of March, A. D. 1908.

[SEAL.] JNO. E. SWANGER,
Secretary of State.

STATE OF IOWA.

SECRETARY OF STATE.

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of senate joint resolution No. 2, making application to the United States Congress to call convention for proposing amendments to the Constitution of the United States. Adopted by the thirty-second general assembly of the State of Iowa March 12, A. D. 1907, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, April 20, 1908.

[SEAL.] W. C. HAYWARD,
Secretary of State.

Senate joint resolution No. 2.

Making application to United States Congress to call convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

Be it resolved by the general assembly of the State of Iowa, That the legislature of the State of Iowa hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Approved March 12, A. D. 1907.

STATE OF MICHIGAN.

DEPARTMENT OF STATE.

I, Clarence J. Mears, deputy secretary of state of the State of Michigan and custodian of the great seal of the State, hereby certify that the annexed sheet of paper contains a correct and compared transcript of joint resolution No. 7, passed at the session of the legislature of 1901, the original of which is on file in this office.

In witness whereof I have hereto affixed my signature and the great seal of the State, at Lansing, this 11th day of March, in the year of our Lord 1908.

[SEAL.] CLARENCE J. MEARS,
Deputy Secretary of State.

No. 7.—A joint resolution of the senate and house of representatives of the State of Michigan, making application to the Congress of the United States, under Article V of the Constitution, for the submission of an amendment to said Constitution, making United States Senators elective in the several States by popular vote.

Resolved by the senate and house of representatives of the State of Michigan, That application is hereby made to the Congress, under the provision of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States making United States Senators elective in the several States by direct vote of the people; and

Resolved further, That the secretary of state is hereby directed to transmit copies of this application to the Senate, House of Representatives of the Congress, and copies to the Members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several States, requesting their cooperation.

STATE OF OREGON.

OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 7 with the original of said joint resolution No. 7, with the indorsements thereon, filed in the office of the secretary of state of the State of Oregon on the 10th day of March, 1903, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 12th day of March, A. D. 1908.

[SEAL.] F. W. BENSON, *Secretary of State.*

Senate joint resolution No. 7.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and

Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much-desired change in the method of electing Senators: Therefore, be it

Resolved by the senate and house of representatives of the State of Oregon, That, under the authority of Article V of the Constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of state be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States and to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

STATE OF LOUISIANA.

Joint resolution making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the State is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore, be it

Resolved by the general assembly of the State of Louisiana, That the legislature of the State of Louisiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

J. W. HYAMS,
Speaker of the House of Representatives.
J. Y. SANDERS,
Lieutenant-Governor and President of the Senate.

Approved November 25, 1907.

NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

A true copy.

JOHN T. MICHEL,
Secretary of State.

STATE OF LOUISIANA, *Parish of East Baton Rouge, ss:*

Before me, W. M. Barrow, a notary public in and for the State and parish aforesaid, duly commissioned and qualified, personally appeared H. H. Johnson, a resident of the city of Baton Rouge, State of Louisiana, to me well and personally known, who upon oath stated that he made the above and foregoing copy of act No. 4 of the extra session of the general assembly of the State of Louisiana of 1907, and that the same is a true and correct copy of the original.

H. H. JOHNSON.

Subscribed and sworn to before me this 10th day of March, A. D. 1908.

[SEAL.] W. M. BARROW, *Notary Public.*

STATE OF COLORADO.

An act requesting the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, and urging an amendment to section 3, Article I of the Constitution of the United States, which amendment shall provide for the election of United States Senators by a direct vote of the people of each State.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. Pursuant to Article V of the Constitution of the United States, application is hereby made to the Congress of the United States, by the State of Colorado and the legislature of said State of Colorado, to call a convention for proposing amendments to the Constitution of the United States.

SEC. 2. The general assembly of the State of Colorado desires to present and urge before the convention to be called, as provided in section 1 of this act, an amendment to section 3, Article I of the Constitution of the United States, which shall provide for choosing Senators of the United States by the voters of each State, in lieu of the provision of said section 3, Article I, which requires that Senators of the United States shall be chosen in each State by the legislature thereof.

SEC. 3. The secretary of the State of Colorado shall transmit one copy of this act to the President of the United States, one copy to the President of the Senate of the United States, one copy to the Speaker of the House of Representatives of the United States, and one copy to the governor of each State, to the end that appropriate action may be had and taken by the Congress of the United States whenever and as soon as two-thirds in number of the States of this Union shall make similar application.

Approved April 1, 1901.

I, Alfred C. Montgomery, secretary to the governor, State of Colorado, do hereby certify that the above and foregoing is a full, true, and complete copy of senate bill No. 13, by Senator Parks, asking for a constitutional convention to amend the Constitution of the United States providing for the election of United States Senators, as the same is found on pages 115 and 116, in the Session Laws of Colorado, 1901.

ALFRED C. MONTGOMERY.

STATE OF KENTUCKY.

Resolution favoring a change in the Constitution of the United States so as to provide for the election of Senators in the Congress of the United States by popular vote.

Whereas a large number of State legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote; and

Whereas the National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing United States Senators, which was not adopted by the Senate; and

Whereas by reason of alleged corruption and fraud and the corrupt use of money the election of United States Senators in several States have been prevented and by deadlocks several States have failed to elect Senators and in a number of instances the will of the people prevented; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the people of Kentucky that United States Senators should be elected by the people,

Be it resolved by the general assembly of the Commonwealth of Kentucky, That the legislature of the State of Kentucky favors the adoption of an amendment to the Constitution which shall provide for the election of the United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this concurrent resolution and application to Congress for the calling of a convention be sent to the President of the United States Senate and the Speaker of the House of Representatives.

Approved February 10, 1902.

STATE OF PENNSYLVANIA.

No. 10.] IN THE SENATE, *February 6, 1901.*

Whereas a large number of State legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote; and

Whereas the National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of Pennsylvania that the United States Senators should be elected by a direct vote of the people: Therefore be it

Resolved (if the house of representatives concur), That the legislature of the State of Pennsylvania favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this concurrent resolution and application to Congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States Senate and the Speaker of the House of Representatives.

E. W. SMILEY,
Chief Clerk of the Senate.

The foregoing resolution concurred in February 6, A. D. 1901.

CHARLES JOHNSON,
Acting Chief Clerk of the House of Representatives.

Approved the 13th day of February, A. D. 1901.

WILLIAM A. STONE.

The foregoing is a true and correct copy of concurrent resolution of the general assembly No. 10.

[SEAL.]

W. W. GRIEST,
Secretary of the Commonwealth.

STATE OF NEBRASKA.

A bill for a concurrent resolution relating to the election of United States Senators.

SECTION 1. That it is deemed necessary to amend the Constitution of the United States so as to make provisions therein for the election of United States Senators by direct vote of the people.

SEC. 2. That pursuant to the provisions of Article V of the Constitution of the United States application is hereby made to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people.

SEC. 3. That a copy of this joint resolution be sent to each Senator and Representative from the State of Nebraska in the Congress of the United States, and to each presiding officer of the Senate and House composing the Congress.

Approved March 25, 1903, by John H. Mickey.

EXECUTIVE OFFICE, *Lincoln, Nebr.:*

I, George Lawson Sheldon, governor of the State of Nebraska, do hereby certify that the above is a true and correct copy of house roll No. 167, passed by the legislature of the State of Nebraska in the year 1903 and approved by the Hon. John H. Mickey March 25, 1903.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Nebraska, this 9th day of March, 1908.

GEORGE LAWSON SHELDON,
Governor.

[SEAL.]

GEO. C. JUNKIN,
Secretary of State.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLARK of Wyoming submitted an amendment relative to the pay of jurors and witnesses in the United States courts, including commissioners' courts, in the States of Wyoming, Montana, Washington, Oregon, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to appropriate $166,500 for the maintenance of the Bureau of Immigration and Naturalization, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate the sum of $10,000 for the liquidation of bills incurred since January 1, 1908, for the transportation of fractional silver coins, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for surveys and resurveys of public lands from $425,000 to $525,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the number of skilled laborers at $720 each from one to three at the fisheries station, Leadville, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $9,000 for a light and signal or whistling buoy, fitted with submarine bell, off Point Judith, Rhode Island, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate $30,000 for the enlargement and improvement of the national cemetery at San Francisco, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $350,000 for the purchase of land and acquirement of water rights on Lobos Creek, San Francisco, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. PLATT submitted an amendment proposing to appropriate $15,000 for the purchase of a site to be used for a United States post-office, etc., in Batavia, N. Y., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

CONTRIBUTIONS TO POLITICAL CAMPAIGN FUNDS.

Mr. GORE submitted the following resolution, which was read:

Whereas it has been alleged upon more or less respectable authority that various corporations and individuals made large contributions to the campaign fund of one or more political parties in the last Presidential campaign; and

Whereas the truth or falsity of those allegations should be ascertained and made public in order to vindicate the innocent and expose the guilty; Therefore, be it

Resolved, That the Committee on Privileges and Elections in the Senate is directed to investigate such charges and allegations, and, if possible, make a partial or complete report of their findings to the present session of Congress; and if the investigation can not be concluded prior to the adjournment of the present session, then to make a full and complete report to the succeeding session of Congress; and to that end the committee or any subcommittee thereof is authorized to sit in vacation, to subpœna witnesses, compel production of

records and papers, to administer oaths, and to do all other acts and things necessary to elicit the truth; and

Resolved, second, That such committee is authorized and directed to report at the present session of Congress such legislation as may be necessary to prevent and to punish such contributions to the campaign fund of the political parties of the United States.

Mr. BURROWS. I desire to ask what action the Senator from Oklahoma desires?

Mr. GORE. I assume there will be no objection to the adoption of the resolution.

Mr. BURROWS. I move that it be referred to the Committee on Privileges and Elections.

Mr. GORE. I was going to suggest that if there was objection, I would ask that the resolution be referred to the Committee on Privileges and Elections.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Privileges and Elections.

INSPECTION OF GRAIN.

On motion of Mr. MCCUMBER, it was

Ordered, That there be printed for the use of the Senate Document Room 2,000 copies of hearings before the Committee on Agriculture and Forestry of the United States Senate, held January 16, 1908; February 6, 1908, and April 2, 3, 4, and 8, 1908, on the bill (S. 382) "To provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes."

WITHDRAWAL OF PAPERS—WILLIAM ROGERS.

On motion of Mr. HALE, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relative to the bill (S. 2992) granting an increase of pension to William Rogers, Fifty-eighth Congress, there having been no adverse report thereon.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following joint resolution:

On April 30, 1908:

S. R. 48. Joint resolution instructing the Attorney-General to institute certain suits, and so forth.

PENSION APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed as the conferees on the part of the Senate.

CELEBRATION OF DISCOVERY OF LAKE CHAMPLAIN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State submitting a formal communication from the States of Vermont and New York, made to the Government of the United States through the Department of State, to the end that the Federal Government may make provision for national participation in the proposed celebration of the three hundredth anniversary of the discovery of Lake Champlain.

As recommended by the Secretary of State, the memorial is laid before the Congress with a view to appropriate action.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 30, 1908.*

ORDER OF BUSINESS.

The VICE-PRESIDENT. The morning business is closed.

Mr. WARREN. I notice on the Calendar that the Senator from Arkansas [Mr. DAVIS] intends to proceed with his remarks this morning. I will ask the Senator if he is ready to proceed and desires to do so.

Mr. DAVIS. I am; yes, sir.

Mr. WARREN. Very well.

SUPPRESSION OF TRUSTS, ETC.

Mr. DAVIS. Mr. President, I ask to have the resolution which I introduced recently laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution at the request of the Senator from Arkansas.

The Secretary read the resolution submitted by Mr. DAVIS on the 28th of April, as follows:

Resolved, That the Committee on the Judiciary be, and the same is hereby, discharged from the further consideration of the bill (S. 100) to suppress pools, trusts, and combinations in trade and to provide penalties for violations of its provisions, and for other purposes.

Mr. DAVIS. Mr. President, the resolution introduced by myself seeks to discharge the Judiciary Committee having in charge Senate bill No. 100, introduced by myself on the 4th day of December, 1907, from the further consideration of said they having failed to the Senate, and I ask that said bill be laid before the Senate for its consideration, and with the indulgence of the Senate, I shall give my reasons for such resolution, and that there may be no doubt as to the reasons given, and that no intemperate or unguarded language may escape my lips on this occasion, I have chosen to do that which I have never done before in my life—committed to writing the things of which I speak on this occasion.

Why shall this bill not be reported by the committee? Can any Senator of the majority give me a valid, intelligent reason? Does the bill not accomplish in legal effect the evil at which it is leveled, or is the majority, the Republicans in this Senate, just preceding the Presidential election, afraid to meet the issue before the American people involved in this bill, namely, the suppression of trusts, pools, and combinations in trade? Do they prefer to go before the American people in the coming contest, notwithstanding the fact that the President of the United States has insisted upon legislation along this line, with no bill passed, no legislative effort made looking to the relief of the people against this monstrous evil? I say to the majority to-day, however much they may dread the issue and however much they may delay it, it will not down. The people are demanding relief along this line, and, like Banquo's ghost, it will rise in the coming campaign and in coming years to fret you.

Except in so far as a proper discharge of public duty meets virtuous approbation, I have little ambition to attract attention to myself or to what I may do. To the importance of the present bill I therefore turn as an excuse, if excuse be needed, for venturing again so early in my career as Senator to consume the time of the Senate. And within the abounding virtues of that measure may I not hope to sink, at least for the time, whatever deficiencies I myself may personally possess; for, sir, even if mere applause were, under any circumstances, desirable for its own sake, still my own untrained abilities, when tested here, constantly warn me that only a plodding directness of speech, unadorned, is the unenvied lot to which alone by nature I am assigned. It is known to the Senate that my service upon this floor has just begun, nor would I seem to disregard your staid and dignified customs, or lack at all in respect for whatever usage has indicated as decorous and seemly. Under other circumstances I would yield to a natural inclination and defer addressing the Senate until time had matured my tenure of office; but I deem the bill now before the Senate too important, too vital to my country; delay, sir, would prove fatal to it. But for that, I should most likely defer to that long usage here which in some quarters has been thought needful as probatory for new Senators. My cause alone, then, I trust will acquit me of presumption. Indeed, Mr. President, earnestly devoted to what seems to be of transcendent importance to the people, Senators will not, I pray, believe me too forward if, indeed, I shall note conditions which provoke need of this measure. Not that I propose argument, or that argument is deemed necessary; none, absolutely none. The arguments, sirs, have all been made, all of them. Not here? Not in this Chamber? Ah! that asseveration may be true. As to that personally I do not know. Austere, staid, ultra-conservative, the Senate may not have given ear to all that has been heard, or all that is being resolved by and among those whose backs are straining and bending under the weight of Government.

Arguments, sir, indeed, which justify, aye, which demand the passage of effective antitrust legislation, are being made daily, hourly made throughout the land. Not in words, in gifted speech, not by leading statesmen and orators, no; most generally, no; not in classic rhythm or word vaporings always. All such, sir, for the most part, are against us. Here and there it is true, a brave soul cries from the watch towers and his great eloquence, like the voice of a bell at sea, is resonant, clear, and loud, amidst the befogged and rolling waters. But, sir, would you hear the muffled swish and sob of the undertow, hear the moan, the deepening roar, the fitful slash; hear the grinding, thudding beat upon dark and desolate shores? Ah, sir, in poverty, in unrequited toil throughout the land, conditions consequent upon discriminating laws, are the arguments made. Moreover, these are arguments within themselves, sir, which gifted speech can not turn. The sad plight of the people everywhere, in comparison with the unholy acquisitors of your policies, are arguments which storm the very citadel of national justice. I hope here to note only some of these conditions. The Senate, I hope, has not deemed me so vain as to attempt to offer anything new, or even to present old arguments more

eloquently or otherwise in stronger or better lights. There is not only nothing original to be offered, but, Mr. President, to drone away time upon this floor in restating, upon the one hand, what all so well know, or, upon the other hand, by embarrassing this bill with tedious technical criticism, where crimes, red-handed, against decency itself, say nothing of the patient suffering of our people. My wish, therefore, at this hour is not argument, but action. Still, did I not believe such a course unnecessary I should attempt a detailed analysis of the measure; for, in my feebleness, I would attempt whatever is within the energies of man to strike down those causes which are grinding into dust all that is best in this Republic. But, sir, as I can see, detail is unnecessary. To pursue it would be so much time lost. The bill has been printed. Every Senator has had or may have had a copy of it. It has been upon every desk in this Chamber. Its terms are plain, simple, direct, and ample. And, too, all have read it or may read it unless there be those amongst us wholly given over to fiddling while torrents and tempests of fire deluge the streets of Rome. This bill, sir, is calculated to be most effective. But I challenge Senators to make issue upon any provision of it if anywhere it may be made better, pointing in good faith to its defects, if such there be. As to its salutary purpose, there can be no division of opinion. Directed, without ambiguity, against trusts and conspiracies which infest our commerce, evils, sir, that have sprung up, grown, and fattened under favor of Republican laws, impoverishing labor and robbing the farm of its annual substance, and dominating in all enterprise until liberty itself is stifled. I earnestly beseech Senators to lend to this measure most thoughtful attention.

Ah, sirs, it has been suavely suggested that the penalties proposed by this bill are unusual; that they are too severe. True it is that heavy fines are provided; true, it is intended to confine malefactors of the class defined by its terms in penitentiaries. For myself, sir, I see no objection to those provisions. Sensible, too, of the general tone and temper of this body, I can but hope that, as to this, no Senator can be found who does object. Ah, sir, upon what are such objections founded? The crime, what crime save treason itself more vitally threatens, not merely domestic felicity, but the security of free institutions? Trusts! Has any one been so bold as to deny that they, those who conceive and execute them, are robbing the people? Robbing, I say; and what, pray, is robbery? A thief is a thief, is he not, sir? These insolent predatories for years have surreptitiously filched from industry and labor indiscriminately until their aggregate booty runs far into the billions. Billions, sir, I repeat! Methuselah could not have counted it by dollars in twice his lifetime. Adam, indeed, had he survived till this day, and computing a thousand dollars every minute since his expulsion from Paradise, must have lived 50,000 other years to have completed the task. Let no one take alarm; these are conservative estimates. Upon what pretext, therefore, do we hear the word "severity" deftly connected with what is so justly proposed as punishment for so great a crime? No; let trusts and trust magnates be placed precisely upon the same level of infamy as other thieves; let them be punished with unerring certainty according to their crimes. Ah, what is the true significance of this deft suggestion? Whence comes it? Resting upon the false basis it does, the suggestion is an insult to intelligence and an affront to the spirit of American institutions. There is not and there can be naught in mere wealth, nothing in so-called "station in life" to excuse or palliate. What odds in "station," Mr. President, if one be an enemy to society, a felon in every moral aspect? Away, then, with considerations so unworthy of honorable men. A thief is a thief, and so, I affirm before all mankind, that trusts and trust promoters deserve the consideration which becomes thieves. "Station," "wealth," indeed!

If the poor steal, are not the poor punished? The hungry, the halt, the sick, who has excused from punishment these, although in extremity demands of humanity may sometimes force appropriation of the necessities of life? Yet this is a crime; for such is the law. Who, then, I ask, would soften the same punishment when it is proposed to visit it upon the rich thief, whose very crimes, indeed, have made him rich? Ah, Mr. President, my estimate of this body forbids the supposition that a single Senator may be found who is so sensitive, so blind to what is just, as that. There is no severity; the terms of the bill, in the light of criminal codes everywhere, are temperate and conservative. An ordinary horse thief is as severely punished in most of the States. Besides, sir, penitentiary walls, what terrors have they for honest men? And even those now guilty, they with all their booty, may, if they will, escape so horrible humility. If the rich and patrician would avert it, there is an easy road. Let them forego brigandage, abandon villainy; they have, then, but to seek forgiveness for the past before the throne of heaven.

That there are imperfections in this bill I do not question; but I am sure, if any, they are of a minor character, though I know of none. The best legislation, sir, must be perfected by trial and experience. Let the Senate enter upon a trial of this. It will at least begin what has been deferred far too long—so long, Mr. President, that not only has untold treasure been swept away forever, but that predatory wealth has become eminently perilous to the Republic itself. I beg the Senate, therefore, to pass this bill. Delay at this late day will prove most disastrous to it.

Procrastination will but afford its enemies time to fortify against it. Or do you wish to wait until the trusts themselves or their friends give to it their assent? They do not ask this bill. Naturally neither do their friends want it, and now there is nothing left to them, if it be not objection and obstruction. Secretly or more openly, all who are in sympathy with "high criminality" will object and obstruct. Less, the country does not expect. Naturally, furthermore, it will, I have no doubt, be their tactics by indirection to overthrow it. No one looks for open, doctrinal attack, though each day adding to their power and audacity, these giants in rapacity have grown most bold and daring. But we expect them, true to stealth, to adopt the surreptitious assault; to hear from them feigned professions of regard and love, seeking tenderly (?) only to cure by amendments, assumed defects. These, or similar methods, I am informed, are generally the resort of those who would strangle legislation proposed in the interest of the people. But, Mr. President, the trusts have no place in this Chamber; and shall we not refuse to be deceived by trust lobbyists and agents about this Capitol? Shall we cower or fear their taunts and jeers; tremble before their poisoning mouth or biting pen; shall we hide from the fury of their long-pampered pride? Ah, Senators, well you know that, laying wait for the halting and timid, is a debauched, mercenary press, who with false, but seductive or more dire and threatening, arguments heaped upon desks here, undertake to intimidate the American Senate. This bill, calculated as it is to bring untold blessings to the country and harmful to none, normally here, should be received with most general favor; for, sir, its principles, fundamentally comporting with the true American conception of liberty and justice, are infinitely above party, above partisan prejudice, and party policies.

I appeal to that intelligence and to those higher sentiments which have actuated men aforetimes when dire and appalling crisis had befallen humanity; aye, to that bond of brotherhood which individually in the silent hour provokes contemplation and awakens within us a sense of our obligations to God. At such times, within the experience of every man, *however rich or exalted* before the world, thoughts, as if apart or proceeding from voiceless speech somewhere within the mystery of our being, engages the mind with problems of human life, its relations, and its ends. Worldly pomp, glory, and power, effervescent; wealth, pageantry, resplendence, ambition—these, all these, sir, at such times turn to wormwood, and, as a sick child, we roll upon our pillow and cry for God. Then it is that the human heart exclaims, "What is all this worth!" Then it is, too, there comes a counter query, "What shall it profit a man if he gain the whole world and lose his own soul?" And, too, Mr. President, then it is to every man there comes but one reply. What? Every Senator bears me ample answer. Be your creed what it may, each experience exemplifies: We are bound indissolubly in a brotherhood whose fatherhood is God; and in the solitude of self-communion no man fails to apprehend that material conditions in so far as they disregard these principles inhere in evil and must decay. Sir, it behooves us here, not simply and only from official obligation, but from what is infinitely more binding, the imperative dictates of our common humanity to strike down the greedy despoilers of civic and domestic peace and tranquillity. The bill now before the Senate is a proposition to scourge the thieves from our temple. It proposes nothing more, and certainly nothing less will be offered or suggested. Yet, sir, if there is to be attack, spring it, I say to the trusts, in the open field and let us behold to whom the country shall point with the finger of contempt and scorn.

Ah, sir, conscious of its fullest meaning, I challenge open, direct attack, if there be enemies anywhere who have designs upon the life of this measure. Whence shall it come? Sir, I do not predict that it will come from within this Chamber, for Senators here represent the people. No Senator sits in the Senate under false color or false pretense. Your commission is, I know, directly under the seal of your general assembly, but

your people are behind your general assembly. Whatever of technicality there may be against it, still, Senators, you represent your people; your only allegiance is to them. Moreover, I halt to say that time has demonstrated that you should in all good faith be elected directly by the people themselves. However that may be, you in fact represent only them. You wish it not declared, you dare not yourselves declare, that you hold allegiance to another master. Wherefore let this bill come to a vote. By our unanimity for such a bill put forever at rest any question of our fidelity to what is best for the masses in every quarter of this Union. In such a body as this, if guerrilla warfare from without be superinduced, honorable Senators all, it shall be spurned with contempt. This bill, then, must come to a vote. If, perchance, there be Senators whose principles require opposition to minor features of the measure, let such objection be made here; if finally the bill is to them objectionable, surely, sir, no objection can be so indefensible as not finally to be openly supported by the vote of such objectors. Upon a final vote on the bill, Mr. President, affecting, as it obviously does, the well-being of the whole people, any doubt may thus be expelled, if doubts anywhere exist, that a single Senator would hide from his constituents his true sentiments upon it. If such doubt there be, I devoutly trust that upon final submission that doubt will take wings and fly far away and be at rest.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. DAVIS. Yes, sir.

Mr. FULTON. As the Senator is complaining of the Committee on the Judiciary in not reporting this measure, and his argument is simply to show the importance, I take it, of proceeding against combinations in restraint of trade, I suggest that he kindly tell us wherein his proposals differ from the existing law, the act of 1890, commonly known as the "Sherman Act."

Mr. DAVIS. Yes, sir. It differs most materially in the penalties of the act. It proposes to put malefactors in the penitentiary.

Mr. FULTON. The only difference, then, is——

Mr. DAVIS. Not only that, sir, but it differs in many respects, if I could take the time of the Senate to point them out. The bill is upon my desk.

Mr. FULTON. Does the Senator contend that the provisions of this bill would cover any combination in restraint of interstate commerce or interstate trade that is not fully and completely covered now by existing law?

Mr. DAVIS. I certainly do.

Mr. FULTON. Will the Senator indicate any particular act that his bill would cover that the existing law does not cover?

Mr. DAVIS. I will do so before I conclude.

Sir, I would dispel whatever of injustice toward the Senate may linger anywhere in the minds of the people. I defend the Senate against the charge of indirection. For myself, but an integral here, the whole world may know by my vote, as well upon all other as upon this question, what has been my ultimate decision and action.

Sir, the sinister arts of seductive agencies may hurl whatever of ridicule or of contumely for hindering and embarrassing legislation, but for one, this bill shall have my undismayed support, treading the wine press alone, if it be so decreed, one Senator if no more, here shall voice a conviction that humanity and justice are more to be prized than aggrandizement or glory. Thanks be to God, however, I shall not be alone. Without regard to party, there are others in this Chamber, tried and faithful, on either side, sir, who deeply realize the value of this legislation to the country. Devotion to the well-being of the people characterizes many independent minds amongst us irrespective of party, and however partisan when partisanry is the tug of war. I but send word of cheer and hope among the oppressed in every State when I proclaim, as I gladly do, that the breadwinners, those united toilers whose brain and brawn sustain this Republic, still have friends in the Senate of the United States. Whatever beliefs exist in any part of the country, I would defend from aspersion, unless truth be barred me, any or all Departments of the Government. Upon crucial exigencies I have faith that no Department will fail, that they, each and all, will prove in the critical hour, a most sincere and unbending adherent to public weal. I can not permit my mind to dwell upon the contrary, nor will I allow my thoughts to speculate concerning what may be the consequences of such improbable contingencies. Yet, popularly, sir, you may be not aware, this greatest of deliberative bodies has been likened in some of its important tendencies to the House of Lords of the British Parliament. Throughout this Republic the belief for years has steadily grown that the Senate has acquired a fixed bias against the people. Whatever legislation be proposed here which is designed justly to restrain the acquisition or the exaction of wealth, has been supposed very generally to enter upon a rocky road, meeting at last at your hands a melancholy doom.

I but state a fact, sir, when I say that the trusts, according to a popular belief, whatever the injustice to the Senate, are here peculiarly influential; that measures looking to reform in that behalf, that any legislative programme leveled against their predatory sway, is somehow and in some way summarily executed, court-martialed, drumhead court-martialed, sir, and shot upon the spot. And, Mr. President, in view of that erroneous belief I now ask what has been done, what is being done, or will be done?

Sir, as was so properly said by the distinguished Senator from Rhode Island [Mr. ALDRICH] upon the question of the building of four battle ships, this Congress will go down in history as the most extravagant Congress that ever assembled on the American continent. He said that there was the largest deficiency in the Treasury to-day that had ever existed.

Ah, Mr. President, I pause to say that when the people of this great nation ask of Congress bread, they give them a stone; when they ask of Congress a fish, they give them a serpent. What have you done at this session for the amelioration of the condition of the toiling masses of this country? You have passed one bill, the employer's liability act, which is as full of holes as a kitchen sifter; a bill, sir, that the President thought so little of that for days and days he threatened its veto. Ah, Mr. President, well may it be asked what has been done to reassure the public mind or to dispel these vain beliefs. For, however far from the facts, a condition confronts the Senate. People in all ages have been swayed by their beliefs, however fanciful or elusive. Human nature is what it is; but great will be our error if we rest upon a belief, equally false or elusive, that the people found their beliefs wholly upon either passion, ignorance, or prejudice.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. DAVIS. Yes, sir.

Mr. FULTON. Before the Senator passes from the employers' liability act, which he has denounced in such strong terms as being full of deficiencies and defects, will he not kindly point out the particular point wherein it is unconstitutional?

Mr. DAVIS. Mr. President, I do not intend that this discussion shall be diverted from the question under consideration. If the Senator from Oregon desires me to teach a law school and if he will kindly indicate that desire, I will be glad to have him as a pupil. He himself, sir, well knows that the employers' liability act is but a sop thrown out to the American laborer just preceding a Presidential election.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield further to the Senator from Oregon?

Mr. DAVIS. Yes, sir.

Mr. FULTON. The Senator asks do I want him to teach a law school. I ask him to teach only me. Before we are asked to enter upon that broader field, I should like to see whether or not he really understands the bill.

Mr. DAVIS. I do not mean to be disrespectful to the Senator, but I do not care to have the discussion diverted at this time. True, the public mind is not invariably judicial; it does not wait upon demonstration, or demand that evidence be orderly, circumstantial, or particular. Men in all the more serious affairs of life form opinions as frequently upon what does not as upon *what does* transpire. The Senate is judged in large part by what it has not accomplished. So, sir, I say let popular judgment be founded never so erroneously, want of confidence in this body is the fact to which all must give heed. Ah, just now there comes from "captains of industry" a specious plea that "want of confidence," that this element alone, *want of confidence in business stability precipitates a panic;* that within the twinkling of an eye what was full and fat became lean and poor; that so vital to prosperity is mere confidence of the people that to withdraw that confidence is to convulse enterprise with disorder and bring to ruin in a day the mighty fabric of business and commerce. As to that I now take no issue.

But, Mr. President, what then are we to understand is the nature or value of confidence? Can you say "confidence" is substantive, a thing which may be owed, borrowed, or loaned; a tangible quality inhering in all things, if they are to have consistency, cohesion, and durability? Or, sir, is that subtle agency something less or more; will you rank it among the mechanical or vital forces, so precipitate and dreadful are its

effects, buoying by its favor, or destroying in cyclonic fury by a nod, universal prosperity? Moreover, whatever be the constituents or the caprices of "confidence," none have supposed it capable of extension or withdrawal, unsupported, and at will. Repeating, therefore, I ask what has the Senate done to restore the confidence among the people? What of want of confidence in the Senate? What ere long will that precipitate? Mr. President, the Senate must be judged, has been judged, will be judged as other men generally are judged, by their actions, by nonaction, by their sympathies and associations. I repeat again, sir, that the Senate is confronted by a condition. It may not be just. Upon the whole, I am persuaded that it is unjust. But *persuasion of others* do not meet what the Senate must meet for itself. Nor, indeed, can we longer fold about us the silent dignity, a self-consciousness of innocence, and ignore this condition. Suavely attribute it in silence to ignorance or prejudice? No; that will not do; something more must now be done. This, sir, is a representative body. While there may be a just loftiness appurtenant to our place here, Senators can not forget nor treat with contempt the political truth that we are but servants of the people, and, what is more, that our masters hold our conduct under suspicion. Deny, again and again, that trusts have peculiar influence upon this floor? Denial is proper within itself, comporting as it does the truth, but denial alone, unattended with something more substantial and demonstrable, will wander back unladen, a vagrant echo from the mountains of discontent. Denial, sir, is no longer open as an efficient remedy. Denial has been sent forth year after year, but not one has found where to rest its feet. Moreover, now, everywhere the flood does not abate. Upon the contrary, discontent is rising, mountain peaks are disappearing, landmarks are submerged. Most alarming of all, over the whole sky a dismal pall warns us of impending torrents. Sir, believe me, there must be action. I pray God most earnestly that the Senate be up and doing. Act for the people, not in excitement, not suddenly in fright, but let what is done be decently done, promptly and amply.

Mr. President, let no Senator, from what has been said, receive misunderstanding as to my own temper or sentiments. Aye, sir, if denial be worth anything, I deny the direct influence upon this body of predatory wealth. Such denial, during my short experience here, has been in many ways confirmed. No, sir; if the trusts have influence in the Senate Chamber, that influence is not direct; whatever at all there may be of that influence, I feel that it can be only consequential and remote. So it is to be reflected that we are but men. I do not say that Senators chosen by the people to so great an office are, as respects character and virtue, even ordinary men, yet men, after all, possessed, too, it is fair to assume, of the weakness, the fears, the temptations, and hopes of other men. If, therefore, unworthy influences have had effect here to stay legislation, there are still peculiar conditions which render Senators generally—and I doubt if there be a single exception—wholly insensible to it. It must be remembered where we are and what relation this body bears to commerce and to all that pertains to public good. Who can affirm that environment is a condition which, if regarded at all, may be set apart as separate from ourselves. Insensibly, sir, whatever we are or hope to become, is referable directly or broadly to environment. And, surrounded as we are by the allurements of luxury, seeing hourly the scintillations and glitter of wealth, it need not be doubted that public servants are made the objects of its enticements. Devotees of Mammon, ever ready to afford gayety without stint, their arts for entertainments are unrivaled, while bewitching smiles all the while plausibly disarm fear. Prodigal liberality is their stock in trade, appealing to the natural appetites of man, and, sir, as the country well knows, this capital city is overflowing with seductive measures, which, although failing often to enthrall, are designed to ensnare the stoutest heart. Thus daily surrounded, some men are borne unconsciously, as in a dream, upon angel wings.

Exhilarated by that inexplicable effluvium characteristic of pageantry and pomp, the mind passes rapidly through increasing stages of intoxication, the heart glows, the head rings with subdued, though altogether pleasurable sounds, while the victim sinks painlessly, if not joyfully, into a sort of stupefaction. Among the first effects of this condition upon the mind is forgetfulness. Singularly, what of the past has to the victim been true and real, now is apprehended only as a dream. Home, faces of the confiding people—all these; pledges at the hustings, duty, honor, valor, devotion, justice, law, float aimlessly, as dispersing clouds, and if seen at all, are seen only as far away and unreal. It, sir, is the hypnotism of worldliness—the spell of wealth. At every turn now wily incantations of Mammon enwrap the attention; there is no longer either desire or opportunity for escape, and the poor, weak creature, in a sort of frenzied gladness, falls down in hopeless idolatry. These conditions are ever present about many great capitals, seen of all men. Approach Senators directly? No. Not that the trusts would not, did not the honor of the Senator warn them that they dare not. Sir, assured thus of the rebuke which must follow direct approach, a system infinitely removed and wholly metaphysical is adroitly woven around the habitat of legislation. "Necromancy," "hypnotism," sir, is the better, and more nearly the word. It is the hypnotism of wealth. By its exquisite agency, though neither the person nor the honor is harmed, the will is unconsciously controlled.

But let me hasten to more substantial things. Mr. President, who does not know that American Government originated out of bitter hostility to those very principles which to-day seem under its administration to thrive, while liberty and justice themselves wither and die? I deny that any there be who deliberately refuse to see. No; but blind are they rather, so constant and fierce has been the glow of gold. Ah, no one is now assuming the authority of a Moses, but I bid the Senate hearken to a discontent which is daily growing more ominous. "Brazen serpent," say you, "without virtue?" Yes, I appeal to the Senate. Look! Else, sir, as God lives the Republic must perish. Inevitable it is. If it be destiny, call it destiny; but be assured, Senators, that except we return to righteousness national life must terminate in nation dissolution. If truth be truth, there is no escape. Ever widening the chasm between capital and labor, bitter fruits of national legislation, this Congress must span quickly and well, else soon within that dismal abyss will tumble in conglomerate hopelessness the cracking and creaking walls of this Republic. Ah, well I know how ready some may be to cry "Prophet! Prophet!" in mockery and disdain. In the self-same spirit which the Hebrews, upon a far different occasion, scoffingly cried: "All hail, King of the Jews!" Life, sir, has its own laws. Fundamentally righteousness and justice, infinitely varied in forms, are its essential remonstrance. All else is death. Ye can not escape. In the all of the one is life; beyond, Mr. President, death stalks, stern, remorseless, and solitary through halls where laughter has not entered, and silence, in sabled stiffness enshrouds oblivion. Be warned, I say, Senators, Federal policies must be swiftly reformed. Sir, the time is propitious, and here and now, putting aside party interest and feeling, let the Senate for proof turn in retrospection upon this Government. Its original designs you know full well, you know its history. Federal Union—Union of free States in America! Sir, when first proclaimed that glory palsied the heart of Europe, ashen were the lips of monarchy in alarm, and then and there plutocracy furtively indited its last will and testament.

Providential resolution had crowned liberty, and American valor sworn allegiance to justice. Here, home of the free, there was constituted a safe haven for every craft, ocean liner or smack, that should be dashed unequally amidst the reefs of human struggle. Behold to-day that Government, not as now, but in the beginning. History, sir, will tell the story. Ah, some may accuse me, if they choose, of academics, but what of history if from history, in times like the present, we may not again take our bearings, so violently have greed and glory driven us. Look, then, I beg, at this Republic in the earlier lights; see her unimpaired splendor unfurled before the world an unconquerable spangle of stars; behold her unrivaled grace in the flash and glare and roar of war, her unsparing sacrifice of blood and treasure to the cause of human liberty. Behold, too, now her virgin loveliness in the first full flush of blissful realization of joys which just victory brings. Sir, the story of history need not be repeated here; yet, Mr. President, who dare alter, who forget it? For my own part, I love to dwell upon its pages, to pour its precious treasures into the laps of my children, to hold its priceless lesson for their emulation. And even the Senate, sir, may well review, candidly review, those early events; and then if there remains amongst us the least of those deeper sentiments which actuated our sires, answer, if you can, how far, alas, how dangerously far, government has at last been given over to its original enemies. That somewhere and somehow there has been betrayal not even hardihood is audacious enough to deny. Deliberately, solemnly, in my place here, representative of a sovereign State, do I challenge denial that liberty to-day in America, as liberty was meant and understood in the bloody baptismal of revolution, so far from being an occasional welcome visitor, has been a total stranger to this Government for many years. Let no one start; if there be contrary sentiments, I am ready to maintain it. For, poor and weak though I be, truth is mighty.

I am prepared to hear some soft-handed, timid creature, anxious lest by something said here the people be disturbed

from their bondage, charge me with "intemperate language." The country knows, however, that I dare hold up plain truth to this body. Doubt not that the truth is everywhere recognized, whatever, in certain quarters, interest or cupidity dispose some to deny. Fully conscious am I that plainness of speech subjects me, among the foolish, to animadversion; but to disguise truth or to withhold from it aught were, under the circumstances, worse than treason. Sir, special interests seek, I know, by intimidation to make plain speaking unpopular. Certain of the press even, allured by vainglory or gold, have set a fashion to deride and decry whatever is calculated to arouse the country to its true condition. Indeed, so strong has become insolence, feeding upon its own offal, that, let whomsoever desire action here which savors of public weal, and that Senator is at once denounced as a demagogue from one end of the Union to the other.

Here, Senators, I would be indulged, if but for a moment, in slight personal allusion; its illustrative character will be too apparent to require explanation or apology. It is known to most Senators that, by the indulgence of the Senate, I ventured a few observations, on the 11th day of December last, when this bill was referred. Whatever was then said, sir, was the natural overflow of a heart in deep sympathy with the poor, the laborer, with honest workers in every walk of life. For, saying nothing of disinterested justice to all such, upon the shoulders of these rests the security and glory of the Republic. That this is but simple truth only knaves are despicable enough either to disregard or to deny. From the sturdy mass of our people proceeds all—yes, *all*, I repeat—that is worthy the name of man amongst us; by their authority do Senators hold places of responsibility, and from the fruits of their industry are we sustained. By them, too, was not government itself ordained? Sir, if, then, that be true, how bestial the doctrine that mere wealth, for its own sake, may seize upon the potencies of government for its own aggrandizement.

Speaking broadly, government was instituted among men as a bar to evil in all forms. Covetousness and greed, especially—have these egregious enemies of sweat and toil, nevertheless, "rights?" Rights, sir, I say, vested rights, which government is bound to respect. Too well you know how utterly wreckful is such a pretense. Yet, Mr. President, taking these, my very words, watch plutocracy, you who care to busy your curiosity with the arts of low cunning and systematic villainy; for, even while I speak, spies and sentinels are impatient, and ere my last word shall be spoken a line of craven newspapers, seizing upon what has been so truthfully said, will contort it to deceive the public, as if anarchy were ranting treason in the Senate. Yet, let me repeat, government, American government, was not ordained to protect wealth for its own sake, aside from the fair fruits of honest toil. No vested rights may be imputed to wealth. I go further; government was not designed to foster wealth for its own sake; certainly not where, by conspiracy, it assumes monopolistic forms. Legislative favor, therefore, laws framed whereby acquisition may be accelerated beyond what is natural, favoring one against another, favoring one section above the rest of the country, thus impoverishing many and enriching the few, the veritable Pandora's box, sir, whence sprang all our evils, criminally outraging justice and flushing every statute of liberty with shame, burning, mortifying shame. Sir, this is a serious business, and I challenge any to a denial. I charge that in every essential part the Constitution has been trampled under foot and American institutions overthrown. What? Ah, the form may still remain, but of what value, pray, is form, if the substance be gone? But I bid plutocracy be not too exultant; it is not gone forever. Thank God it will return, soon return; triumphant Democracy, ere long, will restore to the temple our ark of the covenant from Republican hands. Plutocracy, be warned, I say, God's people shall have their own. And yet, sir, so accustomed have favored interests become, that now they audaciously plead illicit favors as if rights in themselves, marvelously appropriating estoppel, as they have wrongfully appropriated everything to themselves, since endurance and patience have been mistaken for laches on the part of the people.

So that, Mr. President, on the occasion named my few simple words on behalf of truth and justice scarcely left my lips when a pampered, silken-robed, scriveling set of conspirators, surprised and alarmed, curled haughtily, though nervously, at their choppy mustaches, and bit patrician finger nails in puzzled haste, so importunate was their eagerness to hurry a polluted press to mock and ridicule a homely friend of labor. Instantly paid trust journals up and down the country, with one accord, in the selfsame breath, and manifestly upon identical command, thinking to discredit my cause, centered upon me from a thousand sources vituperation, artfully put as news, and consummate wrath covertly dressed in the habiliments of humor. Upon that occasion I had ventured—an unskilled, plain man—to speak in honest terms upon a subject which I know to be near the hearts of that large army of men who wear overalls and hickory shirts. What offense, pray? Meet the issues. Shall no one speak for them in the Senate? True, I had essayed the unexpected and unconventional—had addressed the Senate—a new Senator—upon the eleventh day of my service. Why should there have been delay? Arkansas, sir, is she not the equal of any State upon this floor? For her I reply "Yes." Against whom, then, has one of her Senators offended? Precedent? "Precedent," indeed! Mr. President, I care not for precedents, unless they be good precedents; and a precedent which binds the hands or closes the mouth of a Senator when duty bids him speak is a bad precedent, suited only to temperaments which shrink from responsibility. Still my conduct was by the press scouted as a boldness, against which they affected to scowl and sneer. Moreover, what at that time came from my heart, unstudied and unkempt—and for aught I know or care was ungrammatical, as was with much deliberation charged—nevertheless proceeding from a brain busied wholly with truth—conditional limitations, sir, to which the plutocratic newspapers are, in the nature of the case, total strangers. Modestly arraigning the protective system by quoting from a well-known trust magnate "As the mother of trusts," this was heralded as a most grievous fault. But it seems wherein I chiefly offended is yet to be mentioned.

Upon the occasion named I had adverted briefly and truthfully, if somewhat fervently, to the nature of the punishment proposed by this bill. Believing punishment by fine only abortive, I urged and still urge, as part of this bill, penal servitude as wisest and best. Fine a trust? A policy of that sort can have no other effect than to excite contempt, if it does not irritate to renewed exorbitance, for what Senator is too blind to know, what everybody else realizes, that only to fine a trust is but to add to operating expenses; a veritable fine upon the innocent consumer at last. Ah, Mr. President, let the Senate meet bravely and patriotically the issue which is set before us. It is square and sharp. Shall autocracy or democracy dominate; shall the Republic endure, or shall there arise from its ruins a despotism of wealth? Sir, if constitutional Government, think you, be worth the saving, then, in God's name, lend your might and main to rescue it from gluttony and greed! Trusts must be destroyed or they will destroy all else. That trusts are criminal, aye, that they are ethically treasonable, is everywhere known, if not openly charged or admitted. I am aware, to the contrary, of the specious pretext offered that the trusts are benefactors; that they develop industries and reduce the cost of commodities. Fundamentally false, what is stronger proof of their egregious infamy? I have neither time nor inclination to dignify this falsehood by argument; but I remind the Senate that this Government was builded for something loftier than *cheap tea, cheap steel, cheap tobacco, and cheap petroleum.* Nor, sir, is American slavery to be compensated by any of these. Your stalking horse Troy is not to be again subjugated by disguises like that. Away with madness and folly. Trusts are wicked conspiracies and combinations of men; punish them, I say—not the shadow, but the substance. Let flesh and blood feel the inexorable mandate of law.

What say your criminal codes? Are conspiracies to kill, to rob, or burglarize foolishly denounced or punished? Are only conspiracies fined? *No; you apprehend and punish men.* Your specious rejoinder I readily anticipate and grant, that corporations are entities owning estates and may be punished by fines; let their officers act for them as *other agents* and should not be held personally for what is done officially, but, sir, I deny that an officer can rob "officially," that he can violate the law "officially," while the entity itself can only act by law; so that but for the evil purposes of men going beyond law the entity only would prove harmless. What then? Sir, I say the penitentiary. Open prison doors; set that alternative before conspiracy, graft, and greed. The penitentiary; that prospect alone can now restore the country. And, sir, the term of imprisonment must be formidable; let even men of wealth or station, if guilty, feel the draw of the inexorable halter of the law.

Such, upon the occasion named, were my sentiments deliberately expressed before the Senate and the country, though not in my present language. Nor do I offer now the slightest apology. No new theory or strange doctrine has been advanced. Hired scriveners will cry out, as of late they invariably cry out whenever honest men speak in behalf of truth and justice, "Anarchy!" "Socialist!" but it is only an old stratagem of guilt in new form—it is but the hue and cry of the thief, made as he runs. No; what I have maintained is as old as time.

Every criminal code is based upon it. From the beginning of English history that doctrine has been applied readily to the poor, the ordinary, the common thief. Upon what, then, is the Senate asked to delay? Why, pray, shall not men, such as Rockefeller, Harriman, Rogers, and that ilk, be treated by the Government upon the same level as other thieves? And yet, sir, when I ventured to suggest it, lo, there arose a shout of derision. Certain of the press, mostly Republican, but some pretendedly Democratic—for money will sometimes buy either—seized upon my words as if every letter exhaled the foul breath of treason.

Diminutive editors in paroxysms of frenzy grimaced and gesticulated as though there had been committed an unpardonable sin against the Holy Ghost. Puniest of creatures, miserable, monocarpous, misnamed men, pressed trousers and all, slinking cravens at the golden feet of Mammon, frothed madly, upon seeing my words; their little, weak bodies trembled, the limbs twitched and jerked as in spasm; the eyeballs rolled nervously, and the eyes emitted a greenish light, while the poor, brainless creatures snarled and snapped aimlessly, as do ordinary dogs, as it is said, affected with hydrophobia. Such seem to have been the first effects upon a plutocratic press. But, do not misunderstand me. I arraign not one honest newspaper. I know and appreciate the value to liberty of an unmuzzled press. Under wise and patriotic guidance, no power or influence goes before unbridled journalism when justice and freedom are at stake. The press in the past, I know what part it accomplished, I know its valiance, its brave deeds in behalf of government by the people. Mighty power for good, it is also, in wicked hands, a power for evil; and designing men, seizing upon the press wherever possible, are transforming its power into agencies of evil. Ah, I earnestly pray that infinite wisdom ever guide our patriotic editors in this trying hour. Despite iniquitous tariffs even upon your white paper, roll your ample pages to the winds of heaven and let the farthest reaches of civilization gather truth as it flies. And, oh, may your white wings, wide extended, hover always closely about, a protection and a shield to labor everywhere, and to the husbandman whose industries feed the nation. Ah, sir, I make no war upon legitimate journalism; on the contrary, what they stand for I stand for, what we jointly seek no lover of justice can despise. Individualism universally regarded and developed is the only hope of man. You may talk of greatness, of development, and of power, but all these are vain unless individualism be their highest fruition.

Fearlessly do I proclaim that in proportion as government neglects individual well-being it attains not the ends for which government was ordained. True, government itself is a combination; but it is a union, *not a trust*, constituted to promote liberty, not of a mass or of an aggregation of men as a body, *or of the majority*, as is sometimes foolishly supposed, but to assure, through the strength of the whole, the individualism of every part, however weak. All ulterior combinations, therefore, amongst the parts which are subversive of these primary ends to that extent are at enmity with freedom. I am not unaware that the trusts make bold to deny that they are among combinations or conspiracies of the class here implied. Indeed, amongst a spawn of other presumptuous sophistries advanced it is now audaciously maintained that so far from being enemies they are benefactors to society. Pointing to present prices of some commodities over earlier prices and wholly ignoring favoring conditions which time and developments have wrought in spite of the trusts, they modestly exclaim, "Behold the fruits of our benevolence!" But, sir, the American people are not objects of charity. Not the pittance, but the principle, it was which drove the colonists to annul by sword the tax upon tea. Ah, "benefactors!" Upon like plausibility can ordinary larceny be heralded as benevolence, and the more widespread and systematic the thefts—God save the mark!—the wider and more general the benefits of so great munificence; for, truth to say, the subject-matter which provoked this sort of "disinterested thrift" is usually put upon the market "regardless of cost." But I shall not further dignify a false pretense. Benefactors, indeed! Behold the veritable mountains of gold piled up and still piling up in the strong vaults of a few men as a result of their undying charity for the people.

Equitably applied, all this unearned wealth, had it been left with the people, would have builded in each State a college at a cost, inclusive of endowment, of $10,000,000; a home for veterans of the civil war at a cost of twenty million; an agricultural academy at a cost of forty million; an orphan asylum, a poorhouse in every county, ample for all coming demands; museums and art institutes in every hamlet, bountifully endowed the school fund of each State, threaded the land with macadamized roads, bridged rivers and streams, reduced State and other taxes to a mimimum, and left the people with good homes, unacquainted with debt or grinding poverty, while peace, quietude, and contentment would everywhere abound. The sober, sane, simple truth! Let scavengers of plutocracy howl! Truth, God's living truth—where are its defenders? Miserable travesty upon noble manhood, post-graduates in all arts of slander or defamation, I challenge a subsidized press! The people know your design and spurn your pretenses, whether under show of argument or more servient hypocrisy. Go! damnable imps of pelf and greed, I defy your taunts! Tear to fragments my political career, if it comport with your execrable will; stifle and distort my every utterance; not satisfied, if such be your brutal frenzy, lash my poor form into insensibility; then, if it be your further pleasure, gnaw from my stiffening limbs every vestige of quivering flesh; howl in wretched bestiality through my own innocent blood as it drips from your fiendish visages; drag then, if you want what remains, into the filth and vermin of your foul den and burn it upon the altar of Baal, or scatter it before the friendly winds of heaven to your betters, the carrion crows of the field! All that may they do, all and more, if there yet be open further depths of infamy to a polluted besotten press. These ready servants of greed, what have they not done or attempted to fasten still more securely an autocracy upon us? It seems to be their special function, not simply to pervert truth, but to threaten and terrorize public men. Dare a Senator align himself with the people? What? Yes; many illustrious servants of the people have lifted honest voices here and elsewhere against the march of plutocracy, to fall ambushed, politically assassinated, and by whom? By the trusts, wearing masks. Ah, sir, newspaper masks. But, Mr. President, insignificant as am I, if my political career be marked, let them sharpen their blade, for I will be here at the appointed hour, and while here only God can stay my voice in behalf of organized, united labor and the yeomanry of America.

Mr. President, it was said of old, "Ye can not serve God and Mammon." Ah, Senators, I would dare assert this immortal truth even upon this floor, for in that simple doctrine is to be found the root principles of all just government. Analyze or differentiate, but it remains the sum total. Not from superstition; not necessarily from sectarian views. But resting in the essential polarity of a mortal mind, the affections of man can not embrace objects which are fundamentally repulsive. Nor, sir, is that doctrine applicable only to individuals. Governments dare not disregard it. Time can not alter or abate its force. You may content yourselves with procrastination or assure me that God no longer deals with nations. The Bible is plain; the orthodox belief is explicit. As to personality and personal relations, as affecting conceptions of God, I leave to each for himself; but for myself, one thing I know: Baal is not God; and I reason that while Baal deals with nations for evil, God must continue to combat him and rule for good. Skepticism may stalk, but be warned, Senators, the rule of Mammon is the rule of ruin, and sooner or later government must pay the penalty. Bring, sir, to your assistance the history of Europe. What has been the doom of empires who knew not God? Good, sir, if you will have my creed, for "good" and "God" are identical principles—the fruits and essence of the divine mind. And if we are to profit by history, turn your thoughts upon our distracted country, where Mammon has stormed the very walls and holds the strong places with brutal fury.

Mr. President, to enter upon an elaborate review of conditions which distract this unhappy country would be supererogation. So long and cheerless is the history of man's inhumanity to man. Trusts and their cause, predatory wealth in all its forms, little as may be supposed, is, sir, a matter of common knowledge. In vain is hidden their perfidy under such high-sounding terms as "science" and "finance;" in vain it is assumed that "business" is a thing peculiar to the elect and wholly apart from the so-called "common people;" terms, sir, ill chosen to designate the sturdy citizenship of America. In vain, too, has it been sought to throw about modern methods of "finance" an appearance of legality and respectability. Repeated and rapidly increasing crimes have found them out.

And I charge, sir, that such conditions could not have survived a day save by favor of this Government. The field is inviting, but time forbids that I now descend into particulars. But in what manner Federal policies for more than forty years have steadily wrought, involving a recital of wretched detail, even to an American schoolboy, it were folly to recount. From the close of the civil war to this hour Mammon has been as busy as busy can be. Who does not recall his sinister manipulation of our greenback currency? Erecting a national banking system despite the Constitution, these banks are temples all over the land adapted especially to his worship. Who inspired resumption to his glory? It was Mammon, sir, who bound and gagged

the people in the galling bonds of protection, a system which for bold outlawry and despotic confiscation distances far the remorseless tribute of Cæsar. Who but the god of gold demonetized our silver? Monopoly has been intrenched; favorites have been advanced; his worship, even in the Christian churches and colleges, fostered; his code is graft, his followers are thieves, and his heaven is hell. Moreover, so powerful and insolent has grown this money god that no sooner do the people seek to overthrow his power or to retard his further subjugation of our fair country than straightway he, in wrath, brings down upon the suffering millions—men, women, and children—a panic, a pestilence of ruin. Oh, boasted Republic, brightest star in the constellation, blessed stay and security to and for the highest good of man; once glorified not less in prayer than in song the world over wherever hope dared whisper to sinking liberty, what shall be thy ultimate destiny under the madness and inhumanity of man? Sir, it is the old story—selfish ambition and love of power. When shall men come to that glorious understanding, basic in all righteousness, that only conformity to the good insures real felicity? Homiletic, am I told? Does the Senate find itself beyond or above recurrence to the simple truths which make for godliness? It has been said that the Senate is dignified. Very well; there be dignity. Dignity, true dignity, always gentle, unassuming, and simple, denotes probity and justice.

Dignity marks him who loves truth, whose life is a daily expression of inward harmony with the real and good, while false dignity is an attempt to disguise what is hideous and bald. Then, in simple terms, I make bold to speak, and I say to the Senate I know its acknowledgment of those simple, though more sublime truths which uphold the right in all things. And if there be the least confusion, disenthrall yourself from the artificial modes or beliefs, so that from the eternal fountain of homiletic truth you may drink copiously. To destroy evil, the minds and purposes of men must rightly apprehend its genesis. Evil, broadly, is conditional, not personal. It is a negation, a disregard of law, erroneous conceptions of what is good. Under ignorant beliefs men seeking the good yet set up and worship error, entailing, logically, a brood of our present evil consequences. It follows that many, as well individual as national, beliefs—idols, indeed, sir—must be altered and demolished. Erroneous principles, as they are called, must give way to righteousness ere again in America a sense of supreme brotherhood shall give character to our laws. In considering the great question now before this body, therefore, I pray Senators to drink deeply from pure fountains of homiletic truth.

Mr. President, our present commercial disorders, trusts, and concomitant evils are bitter fruits of noxious seed long ago sown. Deliberately do I affirm that, despicable as is the blood, trusts are a legitimate breed. Specifically stated, conceived in special privilege, nurtured by protective tariff, and fattened upon public swill of every kind, the overgrown wards of Republicanism, following the principles of their being, turn naturally to pillage as a duck to water or a sow to her wallow. Their denial, I doubt not, will be forthcoming. The country expects not a plea of guilty. In the State of Florida an old negro, arraigned upon a charge of larceny of an alligator from a farm where the young of these quadrupeds are reared, is said to have pleaded "not guilty" to "de allergashuns" and to have defied "de allergater." You insolently "stand pat," a paraphrase of the negro's plea; but to "stand pat," as a plea, is dilatory—is the equivalent of standing mute; but you shall be put to trial. Trusts, I repeat, are a legitimate breed. By no accepted tables can they be looked upon as bastards.

Trusts have conformed, if to none other, to the law of biogenesis, for their strain of blood, such as it is, has remained unmixed for generations. True in every trait and lineament, from father to son, their ancestral line, not heading in, but linking with the Tories of Revolutionary times, reaches its polluted source in George III; and well do they boast such princely ancestry, for, although possessed not of the prince's courage, they inherit both his meanness and his rapacity. Here, however, sir, I must pause, for, sir, not at this late day would I by word or deed do aught of injustice to even that cruel monarch. George III, to be sure, was narrow and cruel, but his tyranny was a direct force. As king did he stifle justice and look with disdain upon liberty. By brute force was his royal prerogative maintained. He therefore laid tribute without mercy, taxed without representation, filled his dominions with squalor, and trampled ruthlessly upon his subjects. Yet all this, Mr. President, was in strict accord with the genius of monarchy. As king, so went the theory, he could do no wrong. That despised Prince, let it be said here in strict justice to his memory, however, abhorred a thief; a thief, sir, in the ordinary development of cupidity. Unlike his descendants, George hated not his colonies, but far different sentiments stimulated his policies toward them. His conduct in America showed forth but the genius of empire. and colonial challenge of kingly prerogative, the assertion of the right of self-government—these were the things which started royal armies hitherward. But I mean not to dwell upon events of the Revolution. All that was hateful to American liberty, however, did not depart from our shores with the departure of British arms. British sentiment, distrust of the people, and love of power found lodgment still. Toryism, though despoiled of its personal king, demanded "a strong government," one rested upon wealth, privilege, and class. Nor during all these years has Toryism abandoned its claim to the throne. Born to rule, according to their creed, the classes view the masses only as slaves, by nature constituted by their work to enrich and glorify the king.

Such is the spirit of the class; and so, I say, the spirit of George III still animates persons and parties in this country. You have but to look about and around you. Tribute and favoritism, political debauchery in its most malignant forms, coalition, combination, and conspiracy rule the hour; whereby, sir, so mighty has become predatory wealth, so widespread and assertive have become the dominions of Mammon, that did their illustrious ancestor behold the vast extent of their power, typified in the Standard Oil Company and like aggregations of iniquity, George III must groan in disappointment, while the very devil himself, swelling the chorus of his imps in hell, chants in fiendish exultation. And yet, this is America; America, proud, boasted America, home of the free! Ah, yes, the selfsame; the same, Mr. President, which aforetime, pledged her all for independence; the same which, in the crisis of revolution, testing the devotion of her people, put monarchy everywhere, for the first time in the history of the world, in mortal terror. Oh, America, albeit to-day! May the God of Moses, in infinite mercy and pity, rescue liberty in America from a thraldom more abject than Egyptian bondage, to the infidelity of gold. His faithful poor in every State in the American Union may He deliver from that sweat and toil which brings no reward! Strike down the power of Pharaoh, O God of Israel!

Ah, Mr. President, looking now over our past, I would ask what, after all, is indeed independence? Harnessed by a hundred favoring laws, our commerce terminates in the lap of luxury, while the people, robbed of its fruits, are lashed without mercy to renewed toil. And in a country, too, blessed by Providence beyond other portions of the earth. Behold, in proof, the extent of this Republic; its boundless area of fruitful soil, its mountain ranges, its deep carrying rivers, its lakes and seas. The very bowels of the earth are overflowing, so generous has been the bounty of Almighty God. Charged, too, are now found to be the very heavens with inexhaustible riches; and everywhere the needs and measures of life are piled with godly prodigality and paternal amplitude. Sir, I indulge no poetic fancy; for language in its meagerness may not depict the natural glories of this Republic. Indeed, from the beginning America seems to have been foreordained a special habitat for liberty and independence. As if by specification and plan divinely prepared, here has been wrought a Utopia in blissful reality for us and for our children. For, I can not forego the proud declaration, and I make it in reverential thankfulness to God, that nowhere has the sun yet kissed a spot nor set upon a foot of earth where liberty is more indigenous or where by nature independence is courted with the same passionate abandon as in America. Such, too, was the grateful realization of the fathers when first they came into their so glorious inheritance. Reread our blood-stained history; read it in the yet glimmering lights of Concord and Lexington, when, for the sake of liberty on this continent, the very foundations of the deep were broken up and the heavens opened for independence. The doctrines at that time enshrined it were needless now to recount. Enough that to-day they are the sum total of Democratic faith; and heaven vouchsafe that those principles once again inspire administration, diffusing uniformly the blessings of free government amongst the people of every section, to the utter rout of Mammon from our affairs, public and private.

Mr. President, pardon me again for slight personal allusion. It will, I trust, tend to advance the thought which I have desired to impress upon this body. It will be readily recalled that a Republican President only recently sent to the Congress a most remarkable democratic special message. In that document, the Chief Executive, rising above his party, boldly, bravely, and truthfully dealt with conditions to which I have here alluded. Without regard to party that message thrilled the American people from Florida to California. It was a

bugle call as from the skies; the people heard and took hope, for its truth went to the heart of the nation. Yet, sir, quite a contrary though simultaneous effect was produced in other quarters. Indeed, the livid streak through the Senate which marked the passage of that document had not faded from sight ere proof of good marksmanship told that the President had hit his aim; for instantly from plutocratic press and spokesman there arose, as from sewer mouths, a dense sickening odor which stifled the air and affronted the nostrils of all decency.

Thinking to abate the force of that message, members of the President's own party joined, more or less openly, in whatever criticisms might serve their purpose, for the Chief Executive, deliberately defying adverse influences, had added fuel to a Democratic conflagration which must sweep the land. Mark you, Senators, I say "sweep the land;" yes, sweep the land until corporate power be controlled, predatory methods all consumed and their ashes sifted upon the winds. Not as a Senator only but as a citizen of this Republic do I proclaim that of right this is a free country. "Equal rights to all" is at eternal enmity with "special privilege." Monopoly is an alien, therefore, and an enemy. Not the person, but the wicked policy of George III, in whatever form of disguise it were, that threatened the inalienable rights of man. Ah, sir, those policies must be driven from our councils. For if at last we have but to choose as between *forms* of tyranny, then the infidelity of gold is more to be despised. And yet, so bold has become this tyranny, seeing the arousing temper of the people and failing longer to beguile them, the trusts insolently, by traduction, seek to drive and intimidate our leaders. But America is not Russia; nor are Americans Russians. Lovers of peace, still Americans love liberty as nothing else; and, sir, they have both the courage and ability to defend it. Ah! my words in certain quarters may be laughed to scorn, while plutocracy revels in feigned security amidst dance and song. Sir, their songs are not music; their revelry proceeds not from joy, for music is the language of love and joy; true joy is the flower of righteousness which blooms in a heart softened by love. I know, Mr. President, that in what we are weak the trusts are strong. There is a magic potency in wealth, gold, stocks, and bonds. Yet a *weakness* there is to be found, and against that weakness the people are peculiarly strong; for the trusts, bold, brazen, and haughty, they are still as Goliath meeting David. The God of Israel is with the people of this Republic; He shall be their strength, so that the powers of hell shall not prevail against them.

Nor do I care for your denial that this is a Christian country. Be not, however, deceived. God is the same to-day and forever. Be warned—ye can not serve two masters. If Baal be God, serve him, but, sir, we challenge you to a test of fire from heaven. The trust of the people is in the living God. In our hearts, if this motto has been stricken from our coin, His love there is ineffacable. By His power shall be lifted the cause of right and justice.

Sir, I would not by any allusion leave myself open to misconstruction. By an Executive order "In God we trust" was stricken from our coin. I have just alluded to that. Yet I wish to make definite a statement of my opinion that, under the circumstances, whatever the purpose, the order was consistent with the practices of the Republican party. "In God we trust" upon money which, controlled by national banks, is daily prostituted to do the work of the devil was blasphemous in the eyes of mankind. Upon a money system so utterly Christless what a bald hypocrisy! Yes, strike it off, out of decent respect for Almighty God, and leave to the people its restoration when government itself shall be rescued from debauchery and greed. Yes, doff the very livery of heaven; for by the authority of God's word I charge that you serve the devil. Strong language? If I be admonished of the teachings of Christ that "if one take your cloak give him your coat also," I reply that the selfsame Christ scourged the thieves from the temple.

But, Mr. President, at this juncture my mind has been somewhat diverted from its original course. Observation concerning Christ and God, naturally suggest to the mind the early history and some of the early professions of the Republican party. And turning to history, I would ask, Where is that great party of boasted emancipation, that vaunted God and morality band of crusaders who, more than forty years ago, assumed administration of this Government? Did some echo answer, "Wedded, hopelessly wedded, to the idolatry of gold?" Yes, and that, too, from the very beginning of its career. Prating long and loud of freedom, working that hypocrisy in season and out, that party, direct descendant of George III, under cover of solicitude for humanity has steadily intrenched against the ultimate indignation and vengeance of the people. Departing from its early professions, that party has erected in every portion of this fair land altars to the money god, and in them installed the priesthood of Mammon.

Through protective tariffs merciless tribute is forced upon the masses; commerce, bound hand and foot, is brought a helpless though struggling victim; labor, blessed hope of mankind under free institutions, brutally driven as galley slaves, as national banks bind as with cords of steel our every energy while plutocracy in fiendish glee and ravenous gluttony gorges its putrid stomach. Stop, Senators; in God's name I beseech you, think. Still, sir, I ask, what do you? To-day you fiddle while Rome is burning. You sit here marking time lest you do something. To-day, pending a frightful, a criminal panic, made out of the whole cloth, conspired with aforethought and brutal malignancy as a pretext to accomplish what the Aldrich bill is now attempting for the national banks under cover of relief to the country, you drone away the time here and hide your conduct and purposes pending an election. What the whole world knows you might know if you wished to know, that tinkering with the currency is the very worst thing that could be done, unless with one fell swoop the Congress wipe from existence every vestige of the national banking system. Building upon a rotten foundation, adding to the superstructure, may postpone but it will not avert what must inevitably come. A stable currency, if you really wish it, bottom your entire circulation upon Government notes at par with all coin in paying the debts, public and private, and expenses of the Government. But no, contrarywise, you hug the national bank in fond embrace, so effective has this system demonstrated itself to bind the people in hopeless slavery. Ah, "slavery!" The very term awakens some of my earliest recollections. Mr. President, it is said to be not in good form to speak carelessly upon the subject of ropes in a family where some member of which has been hanged. But the word "slavery"—this term, in view of the present condition of the people, reminds me of the early oratory of the Republican party, when Toryism was struggling for power. I recall the language of Charles Sumner, speaking at great Faneuil Hall, so early as 1855. Referring to the subject of tenure slavery, a system superinduced by Northern sales of negroes into the South, Mr. Sumner then said:

> Not that I love the Union less, but freedom more, do I now, in pleading this great cause, insist that freedom, at all hazards, shall be preserved. God forbid that for the sake of the Union we shall sacrifice the very thing for which the Union was made.

Yes; "God forbid;" such was the invocation. "God forbid that for the sake of the Union" we should sacrifice freedom. Freedom was more to be prized than Union, was it not, sir? And what was freedom at that time, that it should be of so great value? Sir, I tender no sectional issue. Nor do I wish now to detract one iota from what was then said of the freedom as applied solely to tenure slavery. What was said so long ago by Charles Sumner is brought forward only to prove the value of freedom, that it is worth more than Union. The party of Charles Sumner, then, was ready, if confronted with such a last alternative to secure liberty for the tenure slaves of the South, to overthrow our Government. I shall not here enter upon any analysis of the motives which actuated men during that period. Much fervid oratory was indulged, humanity was stirred, tenure slavery was doomed. I here make no issue; no one now defends that system; in that form negro slavery is gone forever. Indeed, I make bold to say that to the individuals who suffered it that system was wrong; not at that period wrong legally, for, wrong as it was ethically and morally, the law permitted sales by the North to the South and recognized property in slaves. But what I emphasize is that even under those circumstances negro freedom, so Republicans proclaimed, was more to be desired than Union itself. Freedom from tenure servitude let it be; no one elsewhere, certainly none in the South, would wish it otherwise. Nor can my mere mention of it in this connection afford opportunity, by seizing upon a dead issue, to divert the public mind from the living present. But your professions of devotion to liberty; how do your professions comport with what you have actually done? Your great love of freedom; where may we now look—what has been its depths, its lengths, and breadths? Ah, following appeals to sentiments of humanity which secured to you a long lease of power, what evidence of your love, what, indeed, have you not done to fasten upon whites and blacks alike a servitude in comparison with whose hopelessness tenure slavery were a boon? "God forbid that for the sake of the Union we should sacrifice the very thing for which the Union was made." "God forbid;" and yet both have been sacrificed, for upon the ruins of our erstwhile Republic flourishes to-day a feudal dynasty whose base servitudes rival Normandy or England in the palmiest periods of feudal

tenures. Your doctrines have not been extended, your great love seems to have stopped with the negro, and even him you have finally betrayed.

Sir, confronted as is the country with dire calamity, I should in all just reason afford not to even the narrower souls the slightest pretext for stirring up passion or sectional discord, whereby to draw away the public mind. A ruse of that sort, however, can but produce general disgust. Tranquillity between North and South concerning sectional issues has closed, I feel sure, forever. Be destiny what it may, the future is our own. What is best for one shall be best for all, for by our united hands, working to a common purpose, beneath a common flag which floats proudly and resolutely over the dead past, seen and respected emblem of an unconquerable people, it is within our determination at every hazard to strive without ceasing until there shall be an equal and exact diffusion of justice, wholly disregardful of class, creed, or station. And therefore I can have no ambition to stir up memories of the past, for their own sake. Yet, Mr. President, I am not sensible of any just demand that on this occasion I lend myself wholly to mere oversensitiveness. Duty forbids that I shut my eyes out of a false delicacy. History, sir, shall we be truant to that? Upon the contrary, I, for one, shall dare there look at all times for what may be made of service to my country. And looking to history, what, I ask, under the influence of benign Republican love, has been the sad plight of the people, blacks no less than whites, now for more than one whole generation? Ah, what a long funeral train, what a dreary catalogue of evils. Behold the Republic prior to the sixties and behold it now; in the special light of that love for freedom which was so lustily proclaimed. With the ending of the civil war, "freedom" vindicated, victorious humanitarianism fully empowered, there began the work of love whose endearing tokens we now behold.

Review, sir, the panoplied retinue, moving in somber statelliness before your enrapt and ravished imagination. Heading the column are national banks, crowned and with ermine flowing, bearing each for itself the flag of our Union, emblazed in glittering letters upon its undulating folds "In God we trust;" next are a long line by fours, tariff barons, caparisoned and sable plumed; trusts, by tens abreast, fill the center, constituting more than a third of all; following these, currency manipulators, bearing gold standards; then, in the order named, a motley swarm, headed by 2,500 multimillionaires, 25,000 millionaires, and, still coming, railway mergers, bank frauds, insurance frauds, corruption funds, market gamblers, bucket shops, graft, commercial three-card monte men, blighting panic, lockouts, government by injunction, political filibusterers, legislative abasement to plutocracy, gag rules, billion-dollar appropriations, waste, fraud, public debauchery, oppression of the poor, and a thousand other evils make up the endless train. Oh, what wondrous love! Humanity, sir, the wide world over, hearing your early cries in behalf of freedom, has given heart and hand to the Republican party, thus plighting faith to its fidelity and devotion. And now, sir, that great fidelity—what has been its course? Ah, in vain do you seek to cover the fact or to divert attention from the worst. The whole world knows of your morganatic loves; denial can not longer defer the hour of domestic wrath. Oh, erstwhile devotee of gentle, winsome liberty, for shame that the love of gold has enslaved; that power's lecherous lust has enthralled your manhood. Return, oh return, truant spouse to a proper sense of domestic fidelity and felicity, for, related morganatically, though you may boast, to English royalty through George III, know, vain and foolish one, that your bastard ancestor is none other than whom, once upon a time, George Washington flung, flagrante delicto, from the throat of his beloved country. Be assured, too, that history will repeat itself in its own good time. You can not avert it. Conciliatory, and slow to resistance, the American people now mean to drive you from power.

Paul Revere, riding again, is shouting from house to house in swift warnings, for your recent panic, withering industry like a hot blast, only too plainly now manifests your ultimate purpose. Whatever hope of peace existed, this last means war—war to the extermination of autocracy, war upon predatory wealth in all its forms. But, Mr. President, there is something more to which I wish to invite attention as manifesting the present alarming temper and power of the trusts. Sir, I charge that they have adopted a system to corrupt the very fountains of individualism and of public morality. Our very children, the hope of the future, these they have insidiously set craftily to ensnare. Entering our churches and schools, masked and covered by pretended bounty and munificence, cold, calculating autocracy would metamorphose childhood, dry up the very springs of love, and steal away that soft and guileless innocence which characterizes the heart in the first flush of virginity, manly vigor, and power. Not content with robbing the present, they calculate upon enslaving the future. Not only would they steal from the tabernacle the ark of our covenant, but transform our colleges into temples to Baal. Broadcast would they sow seed of disloyalty, not alone to the brotherhood of man, but to the Fatherhood of God. Deny it? Ah, yes; denial is the expected, the universal resort of guilt. But, if you dare, I challenge you to put yourself upon the country. Ah, upon the contrary, what do they? Throw themselves, sir, upon the ample bosom of a grasping press, while generously enlarging endowments to churches and colleges—throwing up defenses, making ramparts against the power of the people.

Only recently, think, sir, there was published a denunciation and slander of your Chief Executive by a stall-fattened college professor, all because in a brave, democratic, special message, bluntly Western in directness, the President dared to call a spade a spade. And this most mighty prodigy of conservatism and wisdom—who is he? Whoever he may be, it was quite fitting that at the very crest of the present panic the music of his oration should have delighted the ear, as doubtless it did, of the New York Bankers' Association. Ah, "Day," I am told; *Day* is the name! James R. Day, the very same, sir! James R., chancellor of Syracuse University, paradoxical as it may seem. "Day," indeed! Period of effulgence, the antipode of darkness and night! Nowhere do our common calendars show it; nor have astronomical researches taken note of such a Day. In Genesis, it is true, the first seven days only are mentioned. Presumably, then, James R. is not of these. Logically, therefore, I take it he must have been prior in time; in fact the sum total of that darkness and void immediately antedating that negative or nebulous status spoken of in Genesis as "In the beginning," thus identifying James R. with the primitive, plutonic Day! His frantic frothings I should not stoop for a moment to dignify before the world did not they, made when and where they were, fittingly show forth the strutting boastfulness and daring arrogance of the money power. It is not enough that he has slunk out of sight into the stiff, thick night of his original obscurity. His sentiments were representative, nor shall the trusts go unwhipped for his bestial vomit against democratic truth.

Among other things, speaking of the recent special message, James R., taking a golden spoon temporarily from his month, said: "I charge the whole business with bearing the earmarks" ("the whole business" being the whole message, sir) "of disloyal slander and defamation of the commerce of the country." "Earmarks of disloyal slander"—those are his words—"disloyal slander to the commerce of the country;" as if there was a loyalty owing anywhere other than to the Constitution of the Union. "They are not," says Mr. Day (referring to the President's "attacks") "judicial, specific, and particular. They are sweeping, reckless, indiscriminate, and, upon their face, for the most part, false." Thus pleads the incomparable criminal lawyer, the paradoxical, sunless Day. With the green-bag load, bent upon technicality and delay, he ludicrously strides up and down, wrinkling his brow with wisdom, and the while busying himself with a show of assurance characteristic of the professional shyster who counts as success whatever wins. After roundly denouncing the President, this little Syracuse monstrosity counsels to New York banks, as if also master of the people, "to stop the ravings of the demagogue, serve vigorous notice upon the men" (the President he means, and others who hold to Democratic doctrine of the kind mentioned) "serve vigorous notice upon the men *who are defaming our business men* and discrediting our trade by representing our products as the sum of all villainies in fraud and adulteration." "If you will call to account," said he—"call to account" was his language—"call to account the men who are depreciating our bonds and stocks by comparing our great centers" (the bucket shops, he means, sir) "of brokerage and exchange with a den of thieves," and so forth, "sixty days"—so he speaks for those who precipitated the panic—"will put an end to our hard times." Only sixty days; so criminal, then, is their control and manipulation of the panic! Confession, indeed! What egregious effrontery! But, further, Mr. Day counsels his masters "to *see to it*"—the language of command and authority—to "*see to it* that our great railways have fair play in their efforts to make new adjustments" (*new adjustments* is what he calls it) "to meet the demands of a fabulously growing country."

God save the mark! We now are made aware for the first time to what must be referred the interminable, vexatious mergers, and rebating delays and overcharges with which the country has been so long inflicted. Mr. Day, following this grave counsel, turns to the people and in stilted pedantics warns them that they "must rise up out of suspicion, ignorance,

and distrust concerning economic conditions and refuse to give their votes to men who defame their country," terms, sir, manifestly synonymous, in the vocabulary of Syracuse University, with "men who defame our tariff barons and trust magnates of New England." "If you acquiesce," continues Mr. Day, now again speaking to the bankers of New York, "if you acquiesce and by silence consent to the infamous work of the slandermonger and permit"—*permit* is the exact word—"permit the widening of the breach between our *thrifty classes* (stock gamblers and captains of graft, I take it, was immodest, sir) "and the restless, anarchistic socialists" (the toiling masses is a proper translation); "if you look on without uttering a word against an agitation which invites the anarchist to sharpen his dagger, that invites the poor"—mark his words—"that invites the poor to take property from the rich by violence because it has been stolen from them * * * then before another half decade blood will flow in our streets and the Night Riders' torch will light the heavens with appalling glare." Thus, in plutonic gloom, perched upon Syracuse University, quothed its sable-robed, though lilliputian, prophet. With what boldness, what assumption does plutocracy at last outline its campaign against public servants who dare challenge its unbridled sway. Ah, sir, there has been denial that Mr. Day speaks for the trusts. For whom, then, does he speak? Not certainly for the people at large whom he has characterized as "anarchistic socialists." "The whole people" are groveling "in suspicion, ignorance, and distrust concerning economic conditions," does he not charge? His, sir, is emphatically a special plea for "our thrifty classes," and he speaks for them.

The wrongs of the railways are called "efforts at new adjustments," and he speaks for them. His whole plea is a sugar-coated, technical evasion in defense of commercial brigandage and is meant to arouse wealth to greater relentlessness and violence. In one breath it is maintained that "the attack is not judicial, specific, definite;" in another he charges that the message "upon its face, for the most part, is false." Too definite to be understood, yet most of it, prima facie, false! False, most of it, upon its face, against nobody in particular. "A slander," says the voice from Syracuse, "upon our great centers of exchange, upon our thrifty classes!" The charges, it is complained, have not been definite, not specific; the allegations are not ample to constitute the offense. Very well; there is a new indictment: "*We, the people of America*, of whatever party, adherents to the doctrine of equal rights to all, in the name and by authority of the Constitution and the Declaration of Independence, do accuse the Standard Oil Company and John D. Rockefeller, its high priest, of the crime of treason, plutocratic robbery, and conspiracy to subvert government, committed as follows, to wit:

The said Standard Oil Company, and John D. Rockefeller, within and without the United States of America, for the last twenty-five or more years then and there, not having the fear of Almighty God before their eyes, but being seduced, persuaded, allured, and instigated by the blandishments and enticements of the devil and his imps of hell, inclusive of "stand-patters" against tariff revision, unlawfully, feloniously, willfully, maliciously, deliberately, wantonly, wickedly, mendaciously, and without decency or feelings of humanity; by means of national banks, tariffs, currency manipulations, gold standard, by stock exchanges, by produce exchanges, by bucket shops, and other gambling devices; by merger, conspiracy, pools, trusts, combinations; by subsidizing legislation and press and public institutions, including churches and colleges whenever and wherever practicable; by watering stocks, by fraud, deceit, common lying, rebating, overcharge, adulteration, fraudulent insurance, and thefts of insurance funds; by boodle election funds, graft, thefts, three-card-monte tricks, by a wicked colonial policy, by a public profligacy, by special legislation, and by other wicked and devilish means and devices, conceived by the devil aforesaid, and, in his absence, by Pierpont Morgan and John D. Rockefeller and their abettors, whereby the defendants, and each of them, have despoiled all the people, brought liberty to shame, and in the manner and by the means aforesaid the said corporations, trusts, and other defendant conspirators, instigated by the devil aforesaid and by his imps of hell, including the said "stand-patters," have wickedly, jointly, and severally set up, and attempted to set up, over the free people of America an oligarch of gold, against the inalienable rights of men, the justice and peace of God, and the exalted dignity of organized labor.

Such is the charge which the country makes against predatory wealth.

Sir, I now take leave of a little chancellor of a big university. Let his original obscurity fold again silently and congenially about him. In the amplitude of time sufficient intelligence may there penetrate to quicken sensibility, if not to repentance, nevertheless to the truth that obscurity is the proper habitat of small minds. The alarming sentiment, sir, of which Mr. Day was made the voice is alone what concerns the country. Upon every hand coming conflict presses nearer and nearer. Insatiate greed and vaunting ambition out of desperated pride will rule, if possible, or ruin. I repeat, as applicable, the words of the immortal Lincoln: "The Republic can not long endure half slave and half free!" If not exact, it is the substance; and what was then said of negro slavery applies broadly to-day to whites and blacks, slaves of graft and greed. And, Mr. President, seeing now the resolution of plutocracy, let the Democracy, let patriotic men in every State, indifferent to party lash and party line, make common cause in the November elections. Not as a partisan, but as a Senator and a citizen I pray God that the people, perceiving, will act resolutely in time to avert the danger. Party lines in such a crisis; let them, sir, go to the winds. I care not whom, joining hands with me in a common cause against the enemies of my country, be his tenets what they may, I hold him my brother. But woe to defenders of plutocracy, crawling, creeping, cringing travesties in the degenerate line of Adam, so wholly lost are all such to humanity! Before the forum of the people let plutocracy answer. In the nature of debate here, if argument were necessary, such a remedy is inadequate. To debate is futile, for those who will not hear are deaf to your entreaties, while the willing millions have been long convinced. Action, decisive action, must be our motto. But, sir, at this time I can not wholly forbear, indeed, the intolerant insolence of gold, so deep seated is its arrogance, a royal swagger so characterizes its bearing, its tone and manner is so insistently threatening and virulent that I can not at this hour wholly ignore it without a sense that duty to my country remains undischarged.

It is false, the deceptive cry, that Americans, any considerable portion, or that any part in America is at enmity with honest wealth. Nor has violence against plutocracy anywhere been counseled. The despotism of gold, while there is determined resolution to overthrow it, it is to be done in order and with decency by the American ballot. Violence? Sir, whatever of this has been counseled is found in publications and speeches inspired by plutocracy itself. But, sir, what would they understand or mean as "violence?" Godly wrath? Scourging thieves? Say you that such is violence? Ah! Mr. President, what means open, defiant denunciation of the masses "as suspicious, ignorant, and distrustful?" A merciless panic, criminally precipitated, followed by brazen boasting that it will be lifted only at the price of submission to Mammon? Here, then, is your violence! And if blood at any time shall flow in our streets or the heavens be lighted up by the Night Riders, be assured, Senators, that that glare, however appalling, heating the crimson flood at the feet of plutocracy, will metamorphose into a lake of everlasting fire.

Mr. President, be it far from me to excite needless alarm, but be not deceived by the conservatism of the people. For forty years or more patience has marked their every action; but patience, worn and discredited, has given place to resolution. Radical reforms must now be inaugurated, a swift return to fundamental justice. Dallying and procrastination, fruiting in mock performances here, must give place to earnest obedience to public demands. Sir, shall it be deemed chimerical, such a sentiment expressed in this great body—for here and now I do proclaim that this country, if it shall enjoy true prosperity, if it shall again take its place as leading among the Christian nations of the earth, must return to the old ways, the old sentiments, the old beliefs. Not to superstition, not to old errors. No, but to old simplicity, which regards justice; to old honesty and love whose correlation is the brotherhood of man. Turning backward? No! Turning forward and upward—manward and Godward!

Ah! do I dare declare before the Senate, *before the wide world*, that, putting down the lust for gold, American ideals must now be conformed to those simpler, aye, grander truths of immortal being. The false and dishonest which honeycomb commercial life, misnomered "thrift," a synonym for "graft," these, all these, and their kindred pestilentially swarming everywhere must perish under the tread of right and justice. Severe as have been its tests, the temper of the American people can endure no more. Rotten business and commercial structurals, if I mistake not the American temper, are doomed. The wonder is that, considering that temper, there has been tolerated for a moment amongst them a system which must ultimately work destruction to all for which government was instituted. Proudly have we boasted of the vastness and greatness of our Republic. Press and public men alike magnify the splendor of great cities in almost every State. The public domain is ample to

house and feed the habitable globe. Unparalleled systems of railway, threading into rich mining, manufacturing, and agricultural sections, are laden with incomparable carrying, while phenomenal works, both public and private, everywhere meet the eye; all, all to what end? Glory, sir; only glory! That glory which has regard only for the jealousies and ambitions of surrounding nations. Prowess and statecraft "glory," which means "might" in war; *greatness* in comparison with other parts of the world. But, Mr. President, true glory in none of these is to be found. Besides, the people of America are a Christian people; and is not ours a republic? Essentially grounded upon justice, its cardinal principle the brotherhood of man, all glory is vain, every mark of greatness must grow dim and fade away, if it be not rested firmly upon individualism, which, sir, is the chief glory of man. Ah, the glory of the Republic!

Mr. President, be the Senate not in doubt, my sentiments are my own; and so, in my place here, denying that what glitters, or that mere brute power is glory, I charge that until equality is assured and labor and merit accorded justice, so that individuals, men, be unshackled in life's fitful race, shame rather than glory must be the portion of this Republic. Babylon, Egypt, Rome, begloomed in paganism, splendid in national achievements, unsurpassed in arts, letters, and architecture, whose wealth dazzled mankind and whose arms terrified, what nevertheless, have we at last more than they? The towers of Babylon have crumbled; ruins, it is true, of the coliseum, yet the name, but the glory of Rome is only ruins. Ah, I need not be assured that there, sir, "still stand the Pyramids." Yes; but bald and dead. Amidst the stifling solitude, massively, brutally, the Pyramids have withstood decay, vain monuments of stone, blindly peering into oblivion, as if fated to mock that national glory whose foundations are reared not in the hearts or affections of man. Sir, I honestly pray you, let us promise for this Republic a different glory. I would put it down to ravages of time, make it impregnable to the elements of decay. I hold with the belief of perpetuity in government. Dissolution and death are penal, necessarily—the awful price with which governments no less than men purchase so-called "pleasure and glory" for a season. Contrarywise, whatever is good in the essential constitution of being survives forever. Condition the Republic, then, sir, if you would avert its destruction; conform its resultants to an immortal environment from whence alone proceeds whatever is of lasting moment. Restore this Republic, therefore, I pray the Senate, to her primitive purpose; moor her back to an anchorage where justice is deep, where contentment and peace, as green sward, line the shore and far and wide overspreading the skies, where eternal morning, from horizon to horizon seem vibrant in the rising glory of fraternity and union. Deem me not too importune; for what think you portends the unrest, the strikes, the distress, the suffering, and poverty in a land so naturally blessed?

Sir, do men seek out these things of free choice and hug them in a fond embrace as so many blessings to themselves and to their children? Or are these conditions but incident to and irremedial even in boasted American government? No! Let us for once try justice. To dispel unrest, murmuring discontent, suffering, and poverty, try happiness upon the American plan. Let the Government send amongst them an army of equal blessings and equal opportunity. Unfrock captains of industry and colonels of tariff regiments. Relieve from duty *Major Privilege* and *Brigadier Favor*. Court-martial General Graft; put in the guardhouse his Lordship Monopoly, and shoot, as a camp-following traitor, wherever and whenever found, venal vagabond journalism. With such an army thus unhampered, armed with justice, you may mow down discontent, put poverty to flight, and bind the people in the everlasting bonds of peace and happiness. With my whole heart I challenge you to assure to the people a fair and equal race for those prizes which the God of nature has set before us. A consummation so much to be desired will demand all of our energies and all of our courage. Deep-seated the influences which must be dislodged and routed. False standards, long unchallenged, are now to be supplanted by probity and fairness, while trusts and associated evils shall be summarily executed; beheaded, sir, without benefit of clergy. Monopoly, every vestige of it, if this Government shall be restored to the affection of the people, must be strangled without cessation while one spasm of ebbing life remains. Moreover, Mr. President, even corporate activity, useful as, with legal restraints, corporations may be, demands rigidity of legal control. Soulless and artificial, corporations only of all persons are by nature and constitution slaves, bereft of every right and privilege save those of slaves. Yet, under favoring laws, corporations, how have these baseborn creatures presumed to the place of master. Or can it be that, having builded other than was dreamed, there now, at the full tide of our material hopes, spring from the loins of the Republic monsters to seize upon and devour before our eyes the last hope of liberty?

Sir, to this what some would make reply I am fully aware. Great public and private enterprise, it is observed with singular irrelevance, call for united minds and means beyond the dream of individual effort. Sophistry such as that—the best, to be sure, where all is bad—is offered but to deceive. Never for a moment, as the enemy well knows, has the most radical of my school of believing inveighed against great corporate enterprise, public or private. Development, progress, advancement, broad and deep and high, strike boldly for these and, in God's name, whatever betides, I shall follow you, scouting mere partisanry as but a shadow whose objective alone appeals to the highest hopes of the race. For one, I stand for government which for a verity assures to all men life, liberty, and happiness—not to some, not to a few, but to all. Not for the greatest good to some, or even to all. No; but let wise laws be so ordered that the weak and lowly, the minority, and the individual citizen shall be amply assured. Utopian dream? Nay, nay! Majorities whipped by passion or swayed by selfishness, hurried blindly out of love of power, or maddened, as leaders often are, under the spell of wealth, crucify minorities; individualism is trampled upon mercilessly and men by the thousands—men, women, and children—are fed to the crunching wheels of Mammon, while other thousands are offered up in sacrificial piles to the god of gold.

Mr. President, this Government, be assured, was designed to be, and so it shall remain, a government of, for, and by the people. Regardless of party, then, I pray that it may be restored to them. Short of that all exertion, all progress, though there be transitory gratulation, will at last disintegrate and fall away. I, sir, would that we rear a great government, builded not for the present alone, but for our children. Ideal government, so far from being incompatible, is in accord with more comprehensive enterprise, with broader and deeper currents of civic and industrial life. Indeed, ideally a republic aspirant in all material progress may righteously challenge the envy of nations and court world-wide the admiration of civilized man. Good government is not incompatible with the acquisition of wealth nor with the wise and beneficial disposition of it, but, sir, this is yet to be reaffirmed: That government possesses not elements of perpetuity where administration disregards justice and where public laws defy the equality of man.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. GALLINGER rose.

Mr. DAVIS. I hope the Senator will indulge me a few minutes longer. I am just about through.

Mr. GALLINGER. Let the title be read.

The VICE-PRESIDENT. The unfinished business will be stated.

The SECRETARY. A bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. DAVIS. I thank the Senator from New Hampshire very much, and I shall conclude in a very few moments.

Mr. President, I can not bring myself to a conclusion of these remarks without some word of entreaty, something addressed to a sense of humanity no less than to a sense of official responsibility. Before high heaven I implore the Senate by the equanimity, justice, and wide influence of your policies to win back the hearts of our people. I entreat not for the present alone, but for the future. I know, and you know, that without contentment there must be injustice, and if there be room for injustice, government, if liberty be not sacrificed, must be reformed. Sir, I am awfully sensible that we are but men; nor is there, therefore, unwarrant if it be inferred that we are possessed of the hopes, the weaknesses, and the ambitions of men. Seize then, Senators, upon a propitious moment. Restore the Republic to her primitive moorings. For fleeting show only at last are wealth, ambition, and power. While their enticements are seductive to selfishness and love of glory, be reminded in the full flush of life that in death they are separated from us. Besides, looking to posterity, the heritage which must be left them, can it be that at so enormous a cost we are willing to sacrifice our very children upon the altar of Moloch? Mr. President, in all ages monuments have been reared to perpetuate men and deeds. In our own day, libraries, beautifully emblazoned, and rich endowments to colleges, mark the yearning of men to be

remembered. These monuments of stone, however, must decay. Not one stone will be left upon another. Disintegration ultimately shall sweep, as fine sand before the winds, every particle of the monumental piles. Mr. President, chide me not when I plead for this Republic. To her, sir, have I given of my best love, and devoutly do I pray that it may be perpetuated to our children. I invoke all the power of this great body, therefore, to build here a monument. Looking abroad, nowhere is there beheld a single ray of hope for liberty if at last American institutions shall prove too weak to endure the strain which is now upon them. Let us build a living monument, mortar its foundations deeply, securely in the hearts of the people. Rising, sir, supremely above selfish considerations and awaking from every sinister or partisan dream, let the great Senate of the United States scourge from power predatory wealth and assure forever to us and to posterity the priceless blessings of equal rights and universal liberty. To such a consummation, while yet it is day, may God in his wisdom concentrate every energy of the Senate.

The VICE-PRESIDENT. The resolution will lie on the table.

PUERTO RICO SUGAR COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Puerto Rico, and for other purposes," approved April 12, 1900, I transmit herewith certified copies of franchises granted by the executive council of Porto Rico to the Puerto Rico Sugar Company, the Compañía Azucarera Central Machete, and to Messrs. Mullenhoff and Korber.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *May 1, 1908.*

PERSONAL EXPLANATION—DEPTH OF WATER IN COLUMBIA RIVER.

Mr. FULTON. Mr. President, I ask the indulgence of the Senate for a few minutes in order that I may make a statement of facts which, it seems to me, should be made in justice to the commercial interests of my State as well as in justice to the senior Senator from California [Mr. PERKINS].

A few weeks ago the Senator from California, in delivering an address in this Chamber on the American Navy, put forth the argument that the size of a nation's battle ships and other vessels of war must of necessity be restricted by the depth of water in the ports of the country, and in the course of that discussion he offered a table showing the depth of water at the entrances to the principal ports of the Pacific coast, which table had been furnished him by the Coast and Geodetic Survey, I believe.

Mr. PERKINS. And also by the Government engineers.

Mr. FULTON. Also by the Government engineers, the Senator says. I was not aware of that. However, the RECORD shows that it was furnished, I believe, by the Coast and Geodetic Survey. In that table the depth of water is stated to be at San Diego, 27½ feet; at San Francisco, 33 feet; and at Portland, Oreg., about 19 or 20 feet.

I was not present at the time the Senator delivered that portion of his speech, or the error would have attracted my attention and I would have had it then corrected, so that no misapprehension would have resulted and no ill feeling would have followed. I did not, however, hear the statement, and my attention was not called to it until a couple of days ago, when I saw an article in one of the principal papers of Portland, Oreg., very severely censuring the Senator from California because of the statement. Since then I have looked into the matter to ascertain the facts, and I think it is important that the statement should be corrected and that the circumstances under which it was made should be given, in justice to the Senator from California, because it would be very unfortunate, indeed, if any considerable number of the people of my State should reach the conclusion that the Senator from California is hostile to our interests in any respect. I take great pleasure in testifying that no one has done more earnest work to secure appropriations for the improvement and development of our rivers and harbors on the Pacific coast, and those of Oregon especially, than has the senior Senator from California. I am very sure that he would just as soon be guilty of misrepresenting facts to the disparagement of the harbors on the coast of California as he would of those on the coast of Oregon. Of course the statement is entirely inaccurate, namely, that there are but 19 or 20 feet of water in the port of Portland, Oreg.

In a letter written to the Senator from California by the Superintendent of the Coast and Geodetic Survey, of March 20, he states that—

The portion of the article—

Referring to a newspaper article which the Senator from California had inclosed to him commenting on this statement—

The portion of the article referring to Portland evidently refers to the depth on the Columbia River bar and not to the depth which can be carried to Portland.

Now, it is utterly amazing that an official occupying the position of Superintendent of the Coast and Geodetic Survey should make such a statement as that. There never has been a survey which has shown that there are but 19 or 20 feet of water on the Columbia River bar. On the contrary, the statement which he gave the Senator was issued in February last, whereas the last survey at the mouth of the Columbia River, namely, in June, 1907, shows that the least depth is 25½ feet. I read from page 774 of volume 2 of the last report of the Chief of Engineers the following:

There is a tendency to shoal in the vicinity of the channel used for two years past and there is no longer any decided depression across the bar at this point, as there was a year ago.

To the southwest about 7,000 feet of the bar crest is beginning to yield to the increased scour which the incomplete jetty extension has set up, and within this distance there are four distinct depressions or channels—24, 24½, 25½, and 25½ feet deep at low water, respectively, at the shoalest points. The deepest of these channels are 4,000 feet apart and the lesser channels are between these two.

But if the Superintendent of the Coast and Geodetic Survey had simply taken occasion and time to look at the last map issued under his supervision, he would have found that there are two channels at the mouth of the Columbia, the least depth in each at lowest low tide being 25 feet. One of them is buoyed, and in that one a depth of 25 feet is the least shown, and that low depth continues less than a mile, the rest of the channel being all the way from 30 to 40 and 50 feet and even greater depths, and this, remember, is at lowest low tide, and the rise is 7 feet, giving at mean high tide at least 32 feet of water.

I can not understand why such a statement should have been given out, or why, when his attention had been called to it by the Senator from California, the Superintendent should not have taken pains to go to the records and ascertain the exact facts. Carelessness in making statements of that character which reflect on the commercial resources and advantages of a great port is inexcusable.

I find also in a publication issued by the Light-House Board, entitled "Lights, Buoys, and Daymarks on the Pacific Coast," at page 55, this statement in regard to the Columbia River:

The last official survey shows a depth of 21 feet at low water in this channel across the bar.

There is no official survey, and there is no character of survey that gives any such figures. The last official survey, as I have shown, and as it is extended on the map issued by the Coast and Geodetic Survey, shows that the least depth of water in the two channels is at the lowest low tide 25 and 25½ feet, with a rise at mean high tide of 7 feet. So far as the depth of water in the river is concerned, I have received a telegram from the engineer who is in charge of improvements there, dated at Portland, Oreg., on yesterday, addressed to the Chief of Engineers in response to a telegram which I sent the local engineer, in which he says:

PORTLAND, OREG., *April 30, 1908.*

CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.:

Please forward this telegram to Senator FULTON in answer to his telegram of this morning. Last survey Columbia River bar made June, 1907. This survey showed the river to be making new channel across bar well to south of channel of previous year. Though there was shown to be several channels having 25½ feet depth at low water, they were regarded as too narrow for practical use, and safe depth was assumed to be 24 feet at low water. It is expected that survey of the coming June will show further improvement in depth and width of new channel. Summer freshet of Columbia has begun, giving depths much above normal between Portland and Astoria. River pilots report safe depth of 28 feet all way to Portland at present time.

ROESSLER, *Engineers.*

3.18 p. m.

And vessels drawing 25 feet and over have for years been entering the Columbia River, ascending to Portland, loading to that depth, and going to sea.

But my principal purpose, Mr. President, in calling this matter up was to show that the Senator from California was in no wise to blame for the statement which appeared in the RECORD. He used due caution and care in securing the data and was justified in relying on it and assuming it to be true. It is therefore unjust to him that he should be subjected to criticism. The criticism, whatever is to be uttered, should be directed to the officials who, through carelessness, have misrepresented the facts to the injury and to the detriment of an important commercial river and a great commercial port.

SUSPENSION OF COMMODITY CLAUSE, INTERSTATE-COMMERCE LAW.

Mr. ELKINS. I move that the Senate proceed to the consideration of the joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Interstate Commerce with an amendment.

Mr. ELKINS. Mr. President, I ask that the joint resolution and the report of the committee may be read. It is very short.

The VICE-PRESIDENT. The joint resolution will be read, at the request of the Senator from West Virginia.

The Secretary read the joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law, as follows:

Resolved, etc., That the failure of any railroad company, prior to May 1, 1910, to comply with that provision of section 1 of the act approved June 29, 1906, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," which reads as follows: "From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier," shall not be held or deemed to subject the railroad company so violating said provision prior to May 1, 1910, to the penalties, fines, or forfeitures now provided by law for violations of said act to regulate commerce, or any act amendatory thereof or supplementary thereto: *Provided,* That nothing in this resolution shall be construed to prevent the bringing of any civil suit or proceeding for the enforcement of said provision or the prevention of violations thereof.

Mr. HEYBURN. There is a committee amendment, I understand.

Mr. ELKINS. I should like to have the report read; it is very short.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read the report submitted by Mr. ELKINS on April 6, 1908, as follows:

The Interstate Commerce Committee, to whom was referred Senate joint resolution No. 74, submit the following:

The committee report the resolution favorably with one amendment, as follows:

On page 2, line 13, after the words "prior to," strike out the word "May" and insert the word "January."

Accompanying this report is a letter from the Interstate Commerce Commission, dated April 2, 1908, recommending the passage of this resolution.

INTERSTATE COMMERCE COMMISSION,
Washington, April 2, 1908.

DEAR SIR: The Interstate Commerce Commission has the honor to submit the following in response to the request of your committee of this date for a report on Senate resolution No. 74, a copy of which was transmitted with your letter.

Without attempting to recite our reasons or otherwise discuss the matter, I am authorized to say that the Commission approves this resolution and would favor its adoption. This is the view of all the members of the Commission except one, who is now absent on official business, but it is believed that he would concur in the foregoing if he were here to be consulted.

Very respectfully,
MARTIN A. KNAPP,
Chairman.

Hon. STEPHEN B. ELKINS,
Chairman Committee on Interstate Commerce,
United States Senate.

Mr. CULBERSON. Mr. President, a few days ago, when this joint resolution was presented and unanimous consent was asked for its consideration by the Senator from West Virginia [Mr. ELKINS] I objected, stating that, so far as I was personally concerned, I would object to unanimous consent for the consideration of the resolution unless certain legislation was brought from the Committee on Interstate Commerce, to which reference was made. I have not changed my mind in that respect at all; but this joint resolution has been brought before the Senate, not by unanimous consent, but by the adoption of the motion of the Senator from West Virginia to take it up for consideration.

The act which this resolution seeks to amend was adopted on June 29, 1906, and the paragraph of the act, known as the "rate act," which is sought to be amended is this:

From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.

That provision of the act was suggested by the Supreme Court of the United States in the case of the New Haven Railroad against the Interstate Commerce Commission, reported in 200 United States Reports. It was also suggested in the opinion of the circuit court of appeals in a case in which Mr. Chief Justice Fuller presided. It was also recommended by the Interstate Commerce Commission in its report to Congress on January 25, 1907, in this language:

Fourth. That carriers engaged in interstate commerce be forbidden after reasonable time to own or have any interest, directly or indirectly, in any operated coal properties, except such as are exclusively for their own fuel supply, and that ownership, either directly or indirectly, by officers or employees of any common carriers of any coal properties or any of the stock of coal companies along the line of road by which they are employed be forbidden.

That was forbidden by the act of June 29, 1906, to the extent provided in the act, after elaborate discussion in this Chamber, and it was forbidden upon grounds of public policy which are undeniable, I think. The railroads were given from June 29, 1906, until the 1st day of May, 1908, to prepare themselves for this change of attitude with reference to coal and other commodities to be transported by them and owned by them. After the expiration of that year and a half we are asked to extend it two years more. There has been absolutely no reason given either by the committee which has this matter in charge or by the Interstate Commerce Commission, to which the joint resolution was referred.

It goes without saying, Mr. President, that any Senator in this body, if it were necessary and adequate reasons were given, would favor as an independent proposition, disconnected from any legislation that might be pending, the giving of a reasonable time for the railroads in good faith to adjust themselves to this law. My purpose in rising now is to ask the Senator from West Virginia to state to the Senate the reasons, if there be any, why this extension of time to the railroads should be granted; and if he is able to state a reason, then it is for the Senate to say whether it is sufficient; and so far as I am concerned, I reserve the right to pass upon the sufficiency of any reason that may be suggested. The committee have made a report, and what is it? Nothing more than the transmission of a letter from the Interstate Commerce Commission, a portion of which I will read in order that the Senate may understand how indefinite, so far as the facts are concerned, is the recommendation:

Without attempting to recite our reasons or otherwise discuss the matter, I am authorized to say that the Commission approves this resolution and would favor its adoption.

The committee give no reasons. The Interstate Commerce Commission decline to state the reasons upon which their recommendation is based. No Senator in this body has heretofore given, so far as I am aware, any reason why this extension of time should be granted, and I submit that the Senator from West Virginia, the chairman of the committee, who has charge of the joint resolution, ought to state some facts which will give the Senate an opportunity to pass upon the question whether or not there are any considerations upon which this law should be suspended for two years more.

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. CULBERSON. I yield to him to answer the question generally.

Mr. ELKINS. Mr. President, there has been no opportunity afforded any Senator on the floor or any member of the committee to give any reasons. That is the only reason none has been given. This is the only opportunity which has been afforded to explain the reasons to the Senate, and I am indebted to the Senator from Texas for his courtesy in allowing me, in the midst of his remarks, to explain the matter, which I will do, in answer to his question.

Mr. CULBERSON. I did not intend to make any remarks, except to state these preliminary facts and to ask the Senator then to state the reasons, if there are any, for the proposed extension of time.

Mr. ELKINS. I was only waiting for the Senator to conclude.

Mr. President, the joint resolution does not repeal the law. It only suspends the penalties, which are very heavy and very severe, according to the amendment of the committee, until twenty months from the 1st of May—that is to-day. The reason that moved the committee to report the joint resolution favorably—and I think it actuated the Interstate Commerce Commission—is the condition of the country. The railroads find that we are following in the wake of a most disastrous panic. They have been unable to find money or to find purchasers who could pay for these coal lands. They must be separated. The railroads have been unable to make the necessary financial arrangements. They have been trying to make them. A great many legal questions are involved.

Take the old coal-hauling railroads in the East, organized in the early history of railroad building. In order to induce the building of railroads, those railroad companies were provided

with special charters, or at least a number of them were, which authorized them to acquire coal lands and to mortgage the coal lands along with the railroad property proper in order to raise the necessary capital to build and extend the lines. The coal lands so acquired were mortgaged, and again and again mortgaged. It is a great undertaking to separate, according to the requirements of the commodity clause, the coal lands from the railroads, so that the railroads shall not have any interest, directly or indirectly, in transporting the commodities.

Mr. President, I think if the recent panic had not come on with such severity most of the railroads would have been enabled to make the necessary financial arrangements to comply with the act of Congress. I do not seek, nor does the committee ask, a repeal of this provision, but simply to extend the time. I call the attention of the Senate to the fact that when the safety-appliance bill was passed five years were given to the railroads, because it was an expensive thing to comply with the law. The expiration of that time unfortunately fell, just as the expiration of limitation does here, at a time when the country was following in the throes of a panic, when there was great business and financial depression in the country; and I believe without a word of objection, on the report of the committee, following something like this, by a simple joint resolution, the time to comply with the law was extended. At the end of two years substantially all the railroads in the United States had complied with the law.

All that is asked here is that considering the recent panic, the financial depression—and I do not think it is unreasonable—the railroads shall have time to settle the legal questions and the financial propositions involved, and find the capital necessary to separate these great interests.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. ELKINS. Certainly.

Mr. CULBERSON. The Senator from West Virginia makes the suggestion that the railroad companies ought to have time to settle the legal questions. I do not want to make any improper inquiry of the Senator, but I will ask him, in view of his statement, if there is any disposition on the part of the railroads to seek this extension of time, in order that they may make a test of this question in the courts? Does that enter into the purpose of the railroad companies?

Mr. ELKINS. Not that. The legal questions that I referred to are simply these: Take the Delaware and Lackawanna, the Lehigh Valley, the Reading, the Pennsylvania, and other coal roads under charters especially granted by the legislatures of the respective States that have been given power to own coal lands, and having that power, which was granted and exercised in order to raise funds, they mortgaged the property of the railroads along with the coal lands. It is a delicate question, where some of the roads have four mortgages, to get rid of those mortgages. The $500,000,000 or $200,000,000 or $300,000,000 of bonds rest upon the coal lands just as they do upon the railroads proper. There are a great many legal questions involved. Some of them will have to be settled by the courts. The railroads have taken it up in good fashion and earnestly, and are trying to make the necessary arrangements. That is the legal question I referred to. No other legal questions at all are involved.

Under the joint resolution time is given and there is a suspension of the penalties for twenty months. In the meantime, under the suggestion of the Attorney-General, following the recommendation of the Commission, ample provision is made to test the law. The Government could not test it until May 1. There was no way in which to do it.

Mr. BURKETT. I should like to ask the Senator from West Virginia a question in order to ascertain the good faith of the railroads. What have they done? Have any of these coal lands been alienated? Have any of the railroads in the country divested themselves of these possesions which are prohibited? What are the facts? I ask that in order to show the good faith.

Mr. ELKINS. Some of the railroads, where the difficulties were not so great—I may cite the case of the Baltimore and Ohio Railroad. They were in a condition where they had only one mortgage, and it was a recent one, and they were not under the ancient rights guaranteed by special charters, as I understand, empowering them to own such properties, but were under the general incorporation law. Their case was easier, and the Baltimore and Ohio proceeded at once. But I am informed by some of the Baltimore and Ohio officials that they have some doubt whether what they have done is entirely legal or not. They think it is, and they hope it is, but they were hurried.

In the case of the other great roads which I have mentioned, with charters fifty years old, and these ancient rights and these mortgages which have been piled upon them, it is not an easy question, legally or financially, to separate these properties. I think the railroads want to do it. I think in good times they would have found a way to comply with the law. I think the Supreme Court of the United States, as the Senator from Texas [Mr. CULBERSON] has well said, in the Chesapeake and Ohio case, decided they could not do this and should not do this, and upon that the commodity clause was drawn when the rate bill was under consideration.

Mr. CULBERSON. It was the case of the New Haven Railroad——

Mr. ELKINS. The Chesapeake and Ohio was involved.

Mr. CULBERSON. On circuit, in an opinion by Judge Goff, I think—a trial over which Mr. Chief Justice Fuller presided.

Mr. ELKINS. Yes.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Minnesota?

Mr. ELKINS. Certainly.

Mr. NELSON. As I understand, partly from the remarks of the Senator from West Virginia and also from what has appeared in the public press, the railroads are going to contest the right of Congress to enact this legislation. As long as they appear in that attitude and deny our power to enact this legislation, why should we give them this extension?

Mr. ELKINS. Let me interrupt the Senator.

Mr. NELSON. In the case of the safety-appliance act, to which reference has been made, the companies did not propose to litigate the question. They came here and asked for an extension.

Mr. ELKINS. Let me answer.

Mr. NELSON. If the roads would come here and say in good faith, "We will comply with this law just as soon as we can, and we will not dispute its validity, but we want to dispose of our property," it would be another matter.

Really, what they want is the opportunity to litigate this question and to defeat the power of Congress to enact such legislation. Coming in this attitude, I submit they are not entitled to any special favor.

Mr. ELKINS. I think the Senator misunderstood me. I think the Government is prepared to proceed in a way under the suggestion of the Attorney-General, which perhaps the Senator has not read, against the railroads for the first violation of the law. The railroads find themselves in this situation. On the first of May they can not make this arrangement. The Attorney-General suggests that that being the case, if the joint resolution passes, he be put in position to enforce the law. The railroads have asked for no suspension of the law.

Mr. NELSON. No; but what I want to say to the Senator is this: When the railroads come in here and ask us to give them an extension of time, a favor, they ought, in connection with that, express a willingness to comply with the law. They ought to say to Congress, "We will not dispute the validity of this law and are ready to comply with it as soon as we can get an opportunity to dispose of our property." But their attitude now is that they want time in which to dispute and contest the validity of this provision of the act of Congress. That is the attitude in which they appear. If these great railroad companies will come here and say to us, "We are willing to comply with this provision of the act of Congress—the letter and spirit of it—if you will only give us time to dispose of our property; we do not intend to contest the right of Congress; we only ask for this extension," then they would be entitled to some favor. Otherwise they are not, if we have to litigate this question. If they are going to dispute the right of Congress to enact such legislation, let the law remain as it is and let them contest it.

Mr. ELKINS. The railroads——

Mr. DEPEW. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from New York?

Mr. ELKINS. Certainly.

Mr. DEPEW. I should like to ask the Senator a question. Are not the people interested in this matter? Under the law as it stands to-day is not every carload of railroad-owned coal which is shipped across the boundary of a State shipped in violation of the law, and does not the railroad company and its officers become liable to penalties if they ship out of the State a pound of such coal under any exigency?

Mr. ELKINS. After to-day.

Mr. DEPEW. After to-day.

Mr. ELKINS. Beginning with to-day.

Mr. CLAY. With the permission of the Senator from West Virginia, if I understand the law, the property of the railroad

companies is not confiscated on the 1st of May. They can retain their coal fields. They can retain their lumber plants. They simply are not allowed to transport over their lines the products of those mines or the timber products manufactured by them.

Mr. ELKINS. That is it.

Mr. CLAY. It was wise to prevent railroad companies from owning coal lands and shipping their own coal in competition with private citizens, because the railroads would always furnish cars to its own officers and the owners of these coal mines, to the detriment of the private citizen. What the railroads have to do in this case is to cease to ship. After the 1st of May they can retain their coal fields, they can retain their lumber plants, and they can sell the products without shipping the products, and will be allowed years within which to do it.

None of their property will be confiscated by reason of this fact. After the 1st of May the private citizen can get cars for the purpose of shipping his coal. The reason why this law was passed is that heretofore the private citizen's property was practically destroyed by reason of the fact that a railroad used its cars in order to ship its own coal at an unreasonably low price and practically confiscated the mines of many private citizens. The property of the railroad companies can not be injured; only they can not, by shipping it over their own lines, utilize it after this date. But they can sell it within twenty months or three or four or five years.

Mr. ELKINS. I agree entirely with the Senator.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. ELKINS. Certainly.

Mr. FORAKER. I merely want to ask the Senator whether he still adheres to what I understood was his purpose when this matter was last before the Senate, to offer the amendment prepared by the Attorney-General? I was waiting until he did offer it. After that the debate might be allowed to proceed in order.

Mr. ELKINS. I am going to come to that, but the Senator from Texas asked a question, and I want to answer the question, and then I shall move the adoption of the amendment.

Mr. CULBERSON. If the Senator from West Virginia will pardon me for an interruption, in the first place I want to invite attention to the fact that the Senator from Georgia inadvertently referred to the manufactured products of timber, when they are excepted.

Mr. CLAY. I believe the Senator from Texas is correct. Timber is excepted, and the railroads, under the present law, are allowed to transport anything they may need for the purpose of keeping up or constructing their roads. They are not prohibited in any way from transporting timber or coal or anything else which they may need for the purpose of operating their own roads. I think the Senator from Texas is correct.

Mr. CULBERSON. The other purpose I had in rising was to suggest, in answer to the suggestion of the Senator from Ohio, that what I believe the Senate desires now, at this preliminary stage, is a full statement from the Senator from West Virginia, in view of the absence of that in any report, showing that there is some reason for this additional time to be given to the railroad companies to carry out the law.

Mr. ELKINS. I was trying to make that statement.

Mr. CULBERSON. When that statement is made, I beg leave to suggest to the Senator that the joint resolution ought to be perfected, and then the substitute proposed by the Senator from Ohio could fittingly be considered.

Mr. ELKINS. I agree, Mr. President.

Now, let me answer the question of the Senator from Minnesota [Mr. NELSON]. The railroads do not come here in any attitude of hostility to this law. To-day, not being able to comply with the law in the time prescribed, every railroad that hauls its own coal is subject to a penalty of $5,000. The bondholders of the railroads have a right to interpose in the State courts and in the United States courts in this matter. It is not the railroads. All the railroads say is, "We find ourselves unable to comply with this law, for the reason that there is a business depression, a great panic. We have just come through a great panic." I think that is entirely reasonable, Mr. President.

The Senator from Georgia [Mr. CLAY] has stated the reason for the law, which is a good one—to prevent railroads from transporting their own commodities in competition with the individual shipper, with the small producer, with the independent coal operator. The Senate passed that law unanimously and the railroads have not, so far as I know and so far as the Interstate Commerce Commission has reported, interposed any objection to it or any disposition to fight the law. They do not have to fight, I will tell the Senator from Minnesota. The Government will begin proceedings at once against the railroads. The bondholders are trying, and I believe some have begun proceedings, such as they could under the law, to find out what the rights of the bondholders are under special charters of the respective States, whether or not this act sets aside the special acts of the legislatures granted fifty years ago——

Mr. McCUMBER. May I ask the Senator a question?

Mr. ELKINS. Certainly.

Mr. McCUMBER. There is nothing in this law which prevents the railroad companies, the owners of mines, from operating the mines?

Mr. ELKINS. Nothing, I believe.

Mr. McCUMBER. Then there is nothing to prevent them from producing coal and nothing to prevent them from selling that coal after they have produced it.

Mr. ELKINS. That is right.

Mr. McCUMBER. Only they can not ship it as their own property. They can sell it to any other dealer and he can ship it over their line of railroad, paying the same freight that any other person would.

Mr. ELKINS. Yes.

Mr. McCUMBER. How will that conflict with any bonds that have been given upon both the railroad and the coal fields? Is there anything in the bonds that compels the railway companies to operate the mines and also to ship the particular coal produced from those fields?

Mr. ELKINS. I understand there are all sorts of questions involved under the ancient charters of these States. Here is what makes it dangerous, answering the Senator's question: Any railroad officer violating the law subjects himself or his company to a fine of $5,000. Let me read the law.

Mr. McCUMBER. He does not subject himself to the fine if he operates the mines and sells the coal.

Mr. ELKINS. Let me read the law:

> From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it or under its authority—

That covers your statement—

> or which it may own in whole or in part or in which it may have any interest, direct or indirect.

There might be an indirect interest here if they sold to somebody. They would have to sell in good faith. Suppose in good faith they leased the mines. Some of them have tried that. The Baltimore and Ohio got up some legal machinery by which they divested themselves of, I should think, twenty-five or thirty million dollars of property. It was very difficult to do it on the ground that they might have an indirect interest in it. The question of leases has been considered, whether a railroad could lease its coal lands to a third party, still retaining an indirect interest.

Mr. McCUMBER. That, I understand, would be true, but does the Senator contend that a fair construction of the law would mean that if the railroad company mined its own coal and sold the coal to another individual, absolutely independent——

Mr. ELKINS. In good faith.

Mr. McCUMBER. And absolutely in good faith; that that person could not ship the coal over the line of that railroad?

Mr. ELKINS. But here comes in another question. That coal has been mortgaged, and if the railroad company sold it to another party, the money perhaps would go to satisfy the mortgage. There comes in a legal question, a difficult question. There might be an indirect interest retained by the railroad company. Let me tell the Senator that in these times twenty-five or thirty or forty or fifty million dollars are not picked up every day or any day to pay the railroads in good faith for coal lands, and it is hard for the railroads to find a purchaser for them.

Mr. McCUMBER. I appreciate the fact that it would probably be impossible to sell under present conditions.

Mr. ELKINS. That is right.

Mr. McCUMBER. But I can not conceive that it would be impossible to mine.

Mr. ELKINS. No.

Mr. McCUMBER. Nor impossible to sell wholesale at their mines to independent dealers.

Mr. ELKINS. That is right.

Mr. McCUMBER. Then if they have the right to sell, they would have the right to ship over their own line property that belonged to an independent dealer, and their bondholders could

have no objection. It would be no more an interference with any agreement in their bonds to sell immediately than it would be to sell——

Mr. ELKINS. No.

Mr. McCUMBER. At the end of the route over which the coal was transported.

Mr. ELKINS. But there are all sorts of questions.

Mr. WARREN. Will the Senator from West Virginia yield to me for a moment?

Mr. ELKINS. Certainly.

Mr. WARREN. I want to ask the Senator from North Dakota a question. Does the Senator think that a railroad owning mines, only accessible to that one road, can avoid the law by selling to Smith or Jones the product it mines with the intention on the part of Smith or Jones, after buying the coal, to ship it out over that road and sell it? Would it not be considered as evading the law or engaging in a conspiracy to evade the law? It would be perfectly evident that the party who bought the coal and shipped it out over the railroad intended to ship it over that line. Where is the difference between the company mining the product and itself shipping it, or shipping it out through such a purchaser?

Mr. McCUMBER. That simply raises the question of the ability to perpetrate a fraud. I do not think the Senator would contend that the fact standing alone that they had mined the coal themselves and had sold it to a person who shipped it over their line would be any evidence of fraud of itself, or any evidence that they had an interest in it. I simply maintain, as I understand the law, that the law does not contemplate that the railway company owning mines can not operate those mines and sell that coal at the mines to independent dealers who may ship it over their line of railway. I can see very easily that it places them in a position where they might be under a suspicion, possibly, that it would give them an opportunity to perpetrate a fraud as against the law, but I am speaking of the fact, and not of the mere opportunity to commit a fraud.

Mr. WARREN. Will the Senator allow me to state a case? For instance, here is a corporation which owns very large coal mines. There are no other mines near it. They are supplying and have been supplying a great area of country. Along comes the 1st of May. If it may appear that somebody is buying thousands of tons of coal from the railroad company and shipping it over the road and supplying these same customers, is it not on the face of it an avoidance of the law?

Mr. McCUMBER. I would say that it is not an avoidance of the law upon the face of it. It may or it may not be.

Mr. ELKINS. If I may be allowed to have the amendments acted upon, I will thank Senators.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Nevada?

Mr. ELKINS. Let the Secretary read the committee amendment and then another amendment, and then the joint resolution will be before the Senate as amended.

The VICE-PRESIDENT. The Secretary will state the amendment reported from the Committee on Interstate Commerce.

The SECRETARY. On page 2, line 13, strike out "May" and insert "January," so as to read, "prior to January 1, 1910."

The amendment was agreed to.

Mr. ELKINS. Now I offer the amendment which was before the committee. It is the suggestion of the Attorney-General of the United States, in his letter dated April 8, that the proviso at the end of the joint resolution be stricken out and a proviso inserted, which I will ask be read by the Secretary and adopted.

Mr. MONEY. Mr. President, before that is read I should like to ask the Senator from West Virginia a question.

Mr. ELKINS. Certainly.

Mr. MONEY. We are all expected here to rely more or less upon the Interstate Commerce Commission for all the facts that pertain to the running of railroads in this country. Now, as the letter favoring this legislation that has been sent to the committee by the Interstate Commerce Commission, as read by the Senator from Texas, discloses no reason for favoring this legislation, I wish to ask the Senator from West Virginia whether he is informed of the reason which actuated the Interstate Commerce Commission in favoring the legislation. I presume they have reasons or they would not recommend it, and we ought to know them. They ought not to write a letter and decline to give the reasons. I suppose that the Senator is possessed of those reasons, and I ask him if he will give the Senate the benefit of them.

Mr. ELKINS. I tried to state that it was more particularly the state of the country—the financial condition of the country. There is no other reason in the world than that the railroad companies could not find purchasers for their coal lands.

Mr. MONEY. Excuse me. I understood the Senator to give that as his reason for favoring it, but do I understand now that that is the reason why the Interstate Commerce Commission favors it?

Mr. ELKINS. In talking with the chairman, that was the only reason that was given, and no other was needed. I do not know of any other reason, except that at this moment railroad companies can not find purchasers for their coal lands, so as to comply with the law in good faith. Some of them did, I will say to the Senator. The Baltimore and Ohio, the greatest coal shipper, I believe, of all, did not have as many legal complications as others, and they did it before the panic.

Now, let me ask Senators to allow this amendment to be voted on, and then I can make a further statement, if it is desired.

Mr. MONEY. Certainly; I did not want to interrupt the Senator.

The VICE-PRESIDENT. The amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. On page 2, beginning with line 17, strike out the proviso at the end of the joint resolution and insert in lieu thereof the following:

Provided, That nothing in this resolution shall be construed to prevent the bringing of any civil suit or proceeding for the enforcement of said provision, or the prevention or violations thereof; and the Attorney-General is hereby authorized to institute, or cause to be instituted, in the name of the United States and against any persons or corporations failing to comply with said provision, such civil suit, whether by application for mandamus, bill in equity for injunction, or other effective remedy in the premises, in any circuit court of the United States having jurisdiction in the premises, to secure the enforcement and observance of said provision; and the respective parties to any such suit herein authorized to be commenced shall enjoy the right of appeal, as in suits of like character when instituted by the request of the Interstate Commerce Commission to compel the observance of the interstate-commerce law.

Mr. ELKINS. Before the amendment is voted on I should like to have the letter of the Attorney-General, which transmitted that suggestion, to be read to the Senate, so that the two may go together.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., April 8, 1908.

Hon. STEPHEN B. ELKINS, *United States Senate.*

MY DEAR SENATOR: My attention has been called to S. R. 74, introduced by you on the 31st ultimo. In view of the fact that some difference of opinion seems to exist as to whether any appropriate civil remedy exists to enforce the provisions of the "commodities clause" of the Hepburn Act, as the law now stands, I venture to suggest that the above-mentioned resolution be amended by adding to it the words following:

"*Provided*, That nothing in this resolution shall be construed to prevent the bringing of any civil suit or proceeding for the enforcement of said provision or the prevention of violations thereof; and the Attorney-General is hereby authorized to institute, or cause to be instituted, in the name of the United States and against any persons or corporations failing to comply with said provision, such civil suit, whether by application for mandamus, bill in equity for injunction, or other effective remedy in the premises, in any circuit court of the United States having jurisdiction in the premises, to secure the enforcement and observance of said provision; and the respective parties to any such suit herein authorized to be commenced shall enjoy the right of appeal, as in suits of like character when instituted by the request of the Interstate Commerce Commission to compel the observance of the interstate-commerce law."

Yours, very truly,

CHARLES J. BONAPARTE,
Attorney-General.

Mr. FORAKER. Mr. President——

Mr. CULBERSON. I rise to this particular amendment, I will state to the Senator from Ohio.

Mr. FORAKER. I thought that the Senator from West Virginia wanted the Senate to act on the amendment so that he might perfect the joint resolution and have it in the form in which he wants to present it to the Senate.

Mr. ELKINS. That is what I wanted.

Mr. FORAKER. He has not yet been able to do it. As soon as it is done, I will say to the Senator from Texas, I want to offer a substitute for the perfected joint resolution.

Mr. CULBERSON. I so understood and I stated that a while ago. I rise to this particular amendment in view of suggesting an amendment to the amendment.

Mr. FORAKER. I want to offer a substitute.

Mr. CULBERSON. After the joint resolution is perfected?

Mr. FORAKER. Of course; I will not offer it until this amendment is disposed of.

Mr. CULBERSON. I have not a copy of the proviso submitted by the Attorney-General, except as it appears in the CONGRESSIONAL RECORD on page 5545. I suggest to the Senator from

West Virginia this amendment, which I regard as necessary. It reads:

Or other effective remedy in the premises, in any circuit court of the United States having jurisdiction.

I suggest to the Senator to strike out the word "having" and insert "which said court shall have."

Mr. ELKINS. I accept that.

Mr. CULBERSON. Otherwise it depends upon existing law, and that law, I think, is confined to mandamus, as will appear by section 20.

Mr. ELKINS. I accept the suggestion of the Senator from Texas.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment to the amendment, which will be stated.

The SECRETARY. In line 10 of the amendment, before the word "jurisdiction," strike out "having" and insert in lieu the words "which said court shall have."

The amendment to the amendment was agreed to.

Mr. CULBERSON. Now, there is one other suggestion of amendment that I wish to make, if the Senator from West Virginia will permit it. The word "request" appears in the last clause "when instituted by the request of the the Interstate Commerce Commission." I suggest that the words "the request" be stricken out and the words "or on behalf" be inserted, so that it will read:

And the respective parties to any such suit herein authorized to be commenced shall enjoy the right of appeal, as in suits of like character when instituted by or on behalf of the Interstate Commerce Commission to compel the observance of the interstate-commerce law.

Mr. ELKINS. I accept that amendment to the amendment.

The VICE-PRESIDENT. The Senator from Texas proposes an additional amendment to the amendment which will be stated.

The SECRETARY. On page 2 of the proviso, line 1, strike out the words "the request" and insert "or on behalf."

The amendment to the amendment was agreed to.

Mr. CULBERSON. If the Senator from Ohio will excuse me further, I am seeking to perfect the joint resolution so that his substitute will then be in order. I call the attention of the Senator from West Virginia to the peculiar wording of the joint resolution at the beginning:

That the failure of any railroad company, prior to May 1, 1910.

And on page 2 the joint resolution continues:

Shall not be held or deemed to subject the railroad company so violating said provision prior to January 1, 1910.

The difference between May and January seems not to have been considered. I think these dates ought to be reconciled.

Mr. ELKINS. Let me say to the Senator that it was contemplated to make the extension two years, and the committee voted to make it twenty months. The object of the amendment in line 13, page 2, striking out "May" and inserting "January," was to reduce the time to twenty months instead of two years.

Mr. CULBERSON. I do not understand how it can be that way. It says "that the failure of any railroad company, prior to May 1, 1910, to comply with that provision of section 1," and so forth, "shall not he held or deemed to subject the railroad company so violating said provision prior to January 1, 1910." It ought to be January or May in both places.

Mr. ELKINS. Let me suggest to the Senator that to strike out "May" on the first page of the joint resolution and insert "January" will make the twenty months, which was the purpose of the committee.

Mr. CULBERSON. I do not think that would do, because the act became operative the 1st of May.

Mr. ELKINS. January is past, too. From May 1, 1908, to January 1, 1910, is just twenty months, the way the committee figured it, and that was the purpose of the committee. But as it was drawn it gave two years.

Mr. CULBERSON. The more material matter to which I now call attention is the language found on page 2:

Shall not be held or deemed to subject the railroad company so violating said provision prior to January 1, 1910, to the penalties, fines, or forfeitures now provided by law for vialations of said act to regulate commerce, or any act amendatory thereof or supplementary thereto.

That will relieve the railroad companies, if it remains as it is written here, free within this time from the penalties for the violation of said act or any part of it.

I therefore suggest to the Senator, on line 15, page 2, the addition of the words "of said provision," so that it will read:

Shall not be held or deemed to subject the railroad company so violating said provision prior to January 1, 1910, to the penalties, fines, or forfeitures now provided by law for violations of said provision of said act.

Otherwise they will be relieved against the violation of any provision of the entire act.

Mr. HEYBURN. I call the attention of the Senator from Texas to the fact that, from my reading of the provision as it stands, there are no penalties. I have been giving some consideration to it during the discussion. If the Senator will refer to the provision which is at the bottom of page 2 and the top of page 3, I look in vain for any penalties. I think the reference must be had to the general act. The provision is at the bottom of page 2 and top of page 3, in Public Document 337, which I just obtained through a page. There is some deficiency there—some oversight.

Mr. CULBERSON. I did not catch the significance of the suggestion of the Senator. I was diverted by Senators around me.

Mr. HEYBURN. I understood the Senator from Texas to suggest to the Senator from West Virginia that the language of the joint resolution on page 2, line 15, should refer to the forfeiture now provided by law for violations of said provision, instead of violations of said act. I understood that to be the suggestion of the Senator from Texas.

Mr. CULBERSON. Yes.

Mr. HEYBURN. Then I was calling the attention of the Senator from Texas to the fact that in the act that it is sought to amend there are no penalties provided.

Mr. ELKINS. It is the general penalty clause.

Mr. HEYBURN. That is the reason why I was calling the attention of the Senator from Texas to it. If we would use the word "provision" or "paragraph," or whatever we might use, then it would refer to something that did not exist.

Mr. CULBERSON. I will ask the Senator from West Virginia to read the section of the act of June 29, 1906, as to the penalties.

Mr. ELKINS. It is under the general penalty clause, I think, of $5,000 for each offense. I will read it in a moment. I think the suggestion of the Senator from Texas, and he is an able lawyer, is correct about this provision. We want to get it right.

Mr. CULBERSON. We do not want to pass any law that will relieve the railroad companies from the penalties of the entire act.

Mr. ELKINS. Not at all.

Mr. CULBERSON. We only want to relieve them, if we relieve them at all, against the penalties for violating this provision.

Mr. ELKINS. That is all. The general penalties follow this provision, I understand.

Mr. HEYBURN. No; if we add the word "provision," there being no penalties prescribed in the provision referred to, then there would be no penalty.

Mr. CULBERSON. The general provisions for general penalties reach back and apply to each separate provision.

Mr. McCUMBER. Mr. President, I think if the Senator from Texas will read over the first part of the joint resolution he will find that the language is absolutely correct. It reads:

That the failure of any railroad company, prior—

As it should be amended—

to January 1, 1910, to comply with that provision of section 1 of the act approved June 29, 1906, entitled "An act to amend an act"—

And so forth, which reads as follows:

From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber—

And so forth—

or produced by it—

And so forth—

shall not be held or deemed to subject the railroad company so violating said provision prior to January 1, 1910, to the penalties, fines, or forfeitures now provided by law for violations of said act—

Now, the violation of that single provision shall not subject the company to the penalties for the violations of the act. There being but one general penalty for the violation of the act, and this relating only to the violation of a particular provision, not to subject it to that penalty for such violation, it seems to me, is absolutely correct and the way it should be.

Mr. FULTON. Mr. President, if there is no amendment pending, I wish to offer an amendment.

The VICE-PRESIDENT. There is an amendment pending.

Mr. NELSON. I understand the amendment of the Senator from Texas is pending. I desire to suggest to the Senator from Texas that he put his amendment in this form: Strike out the word "law," in line 15, and insert the words "said act," and then strike out the word "act" further on in the same line and insert the word "provision," so that it will read:

Or forfeitures now provided by said act for violations of said provision.

I think that would make it clear and logical.

Mr. CULBERSON. I think that would have the same identical effect. I am not concerned about the particular language, just so the object is reached.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. On page 2, line 15, strike out the word "law" and insert "said act," and after the word "said," in the same line, strike out the word "act" and insert in lieu thereof the word "provision."

The amendment was agreed to.

Mr. ELKINS. Now, let the question be taken on the proviso.

The VICE-PRESIDENT. The Senator from West Virginia moves to strike out the proviso beginning in line 17 on page 2 and to insert in lieu of it the proviso which has been read.

Mr. ELKINS. As amended.

The amendment as amended was agreed to.

Mr. FULTON. I now offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Oregon proposes an amendment to the text.

Mr. ELKINS. If the Senator from Oregon will allow me, I believe a mistake has been made, and I call the attention of the Senator from Texas to it. In the first line of the joint resolution, on the first page, according to the suggestion of the Senator from Texas, I think that ought to be made "January." Is that not true? The Senator made the suggestion. I overlooked it. I think it ought to read "prior to January 1, 1910."

Mr. CULBERSON. Yes; I made that suggestion.

Mr. ELKINS. I should like to have "May" stricken out and "January" inserted.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment, which will be stated.

The SECRETARY. On page 1, line 3, strike out "May" and insert "January."

The amendment was agreed to.

Mr. FULTON. Now, let my amendment be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be read.

The SECRETARY. At the end of the joint resolution insert the following:

That section 6 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 6. That every common carrier subject to the provisions of this act shall file with the Commission created by this act and print and keep open to public inspection schedules showing all the rates, fares, and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier by railroad, by pipe line, or by water when a through route and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file, print, and keep open to public inspection as aforesaid, the separately established rates, fares, and charges applied to the through transportation. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed, and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper, or consignee. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation, and facilities defined in this act.

"Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public, as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

"No change shall be made in the rates, fares, and charges, or joint rates, fares, and charges which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the Commission and to the public, published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions: *Provided further, That at any time prior to the expiration of the notice herein required to be given of a proposed increase of rates, fares, or charges, or of joint rates, fares, or charges, any shipper or any number of shippers, jointly or severally, may file with the Commission a protest, in writing, against the proposed increase in whole or in part, stating succinctly the grounds of his or their objections to the proposed change. Upon the filing of such protest the Commission may, in its discretion, make and enter an order directing that the then existing rate or rates, fare or fares, charge or charges, proposed to be changed and protested against as aforesaid, shall continue in force until the reasonableness of the rate or rates, fare or fares, charge or charges, proposed to be substituted shall have been determined by the Commission, and thereupon the proposed increase shall not take effect or go into force until approved by the Commission after a hearing as herein provided for. Upon the filing of such protest, a copy thereof shall be mailed by the Secretary of the Commission to the carrier or carriers proposing the change and thereafter the Commission shall proceed to hear and determine the matter in all respects as it is required to do by sections 13 and 15 of this act, in case of a complaint made because of anything done or omitted to be done by any common carrier, as provided in said section 13; but throughout the proceeding the burden of proof shall be on the carrier proposing the change, to show that the rate, fare, or charge proposed to be substituted is just and reasonable.*

"The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

"Every common carrier subject to this act shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party.

"The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

"No carrier, unless otherwise provided by this act, shall engage or participate in the transportation of passengers or property, as defined in this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this act; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs: *Provided*, That wherever the word 'carrier' occurs in this act it shall be held to mean 'common carrier.'

"That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, to the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic.

That section 1 of the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, be amended so as to read as follows:

"That anything done or omitted to be done by a corporation common carrier, subject to the act to regulate commerce and the acts amendatory thereof, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said acts or under this act, shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said acts or by this act with reference to such persons, except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said acts to file and publish the tariffs or rates and charges as required by said acts, or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than $1,000 nor more than $20,000 for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give, or to solicit, accept, or receive any rebate, concession, or discrimination in respect to the transportation of any property in interstate or foreign commerce by any common carrier subject to said act to regulate commerce and the acts amendatory thereof whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said act to regulate commerce and the acts amendatory thereof, or whereby any other advantage is given or discrimination is practiced. Every person or corporation, whether carrier or shipper, who shall knowingly offer, grant, or give, or solicit, accept or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000: *Provided*, That any person, or any officer or director of any corporation subject to the provisions of this act, or the act to regulate commerce and the acts amendatory thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall, in addition to the fine herein provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court. Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed, or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

"In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or shipper, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or shipper, as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the act to regulate commerce or acts amendatory thereof, or participates in any rates so filed or published, that rate as against such carrier, its officers or agents, in any prosecution begun under this act shall be conclusively

deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this act.

"Any person, corporation, or company who shall deliver property for interstate transportation to any common carrier, subject to the provisions of this act, or for whom as consignor or consignee any such carrier shall transport property from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or foreign country, who shall knowingly, by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of money or any other valuable consideration as a rebate or offset against the regular charges for transportation of such property, as fixed by the schedules of rates provided for in this act, shall in addition to any penalty provided by this act forfeit to the United States a sum of money three times the amount of money so received or accepted and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and the Attorney-General of the United States is authorized and directed, whenever he has reasonable grounds to believe that any such person, corporation, or company has knowingly received or accepted from any such common carrier any sum of money or other valuable consideration as a rebate or offset as aforesaid, to institute in any court of the United States of competent jurisdiction a civil action to collect the said sum or sums so forfeited as aforesaid; and in the trial of said action all such rebates or other considerations so received or accepted for a period of six years prior to the commencement of the action may be included therein, and the amount recovered shall be three times the total amount of money or three times the total value of such consideration so received or accepted, or both, as the case may be."

Mr. HEYBURN obtained the floor.

Mr. ELKINS. The amendment which has just been read is the amendment proposed by the Senator from Oregon [Mr. FULTON], I understand.

The VICE-PRESIDENT. It is the amendment proposed by the Senator from Oregon.

Mr. FORAKER. Mr. President, may I make an inquiry?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. Certainly.

Mr. FORAKER. The amendment which has just been offered as a substitute by the Senator from Oregon [Mr. FULTON] is a very long amendment.

Mr. FULTON. It is not offered as a substitute. It is simply offered as an amendment. It is a long one, as the Senator says. Was the Senator from Ohio going to make a suggestion?

Mr. FORAKER. I was in error in saying that the amendment was offered as a substitute, was I?

Mr. FULTON. Yes; it is not offered as a substitute.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon [Mr. FULTON] is offered as an amendment to the joint resolution.

Mr. FORAKER. What I wanted to say was, that if we were to discuss that amendment I think it ought to be printed. I have seen it before, but I am not sufficiently familiar with it to debate it. Some provisions in it I might find satisfactory, but it has some provisions for which I do not want to vote. I do not like to be called upon to debate it at this time.

Mr. FULTON. If the Senator from Idaho [Mr. HEYBURN] will permit me, I will say that it will be quite agreeable to me to have my amendment passed over for the present to be printed, if it will then be in order for other Senators to offer their amendments without displacing my amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be considered as pending and the Chair will entertain the amendment proposed by the Senator from Idaho [Mr. HEYBURN] to another portion of the joint resolution, if there be no objection.

Mr. FULTON. That will be agreeable to me.

Mr. HOPKINS. A large part of the amendment offered by the Senator from Oregon [Mr. FULTON] is a repetition of section 6——

Mr. ELKINS. Of the present law.

Mr. HOPKINS. Yes; of the present law. I should like when the amendment is printed to have the part that is new differentiated from the present law in different type, so that we can get at that without reading the whole section.

Mr. FULTON. Let the new provisions——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Oregon?

Mr. HEYBURN. Yes; but I would say, Mr. President, that I should like first to present my amendment, because I want the amendment stated at this time, then I shall be pleased to yield. I move to amend the joint resolution after line 2 by inserting what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. After the resolving clause it is proposed to insert:

That section 4 of the act entitled "An act to regulate commerce," approved June 29, 1906, be amended by striking out the words "under substantially similar circumstances and conditions," where the same appear in said section 4, and further amend said section 4 of said act by striking out all of said section 4, beginning with the words "*Provided, however,*" said section 4 when so amended to read as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line in the same direction, the shorter being included in whole or in part within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

Mr. HEYBURN. Now, Mr. President, I will yield to any Senator who wants to speak on any formal matter, but I would say at this time that, in my present condition, I should like to make a few remarks in regard to this joint resolution, so that, in the event of not being able to be present when it is next considered, my remarks will be uttered and in the RECORD.

Mr. HOPKINS. I should like to inquire of the Senator from Idaho if it is his purpose to strike out all of the present joint resolution after the resolving clause and to substitute what has just been read?

Mr. HEYBURN. Not at all.

Mr. HOPKINS. Where does the amendment come in, then?

Mr. HEYBURN. The amendment comes in after the resolving clause and precedes the present joint resolution.

Mr. HOPKINS. Making a separate section?

Mr. HEYBURN. Yes.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I desire simply, Mr. President, to make the request that that portion of the amendment I have just offered which is new matter may be printed in italics and the existing law in Roman. So that it may be understood, I will say that the amendment I offer has all of the new matter printed in italics now, except some pencil interlineations in the italicized portion, which should also be printed in italics.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HEYBURN. Mr. President, my purpose in offering this amendment is to secure to the shippers of the country an advantage that it was the original intention of Congress to give them, but, unfortunately, the law was not so framed as to express that intention; in other words, this amendment is to prevent transportation companies from charging more for a short haul than for a long haul. There have been, as I find in the records of Congress, many attempts to secure more favorable tariffs for short hauls according to distance than for long hauls, but they have always failed, because it would have resulted in putting transportation upon a mileage basis, which was not practicable then and would not be practicable now. I would not favor a law that undertook to place transportation upon a mileage basis, but I know that the great majority of the people of this country insist upon their rights as against transportation companies that they should not be charged more for intermediate distances or lesser distances than is charged for longer distances.

I am going to ask that some order be maintained, because I shall speak briefly and under some difficulty, and I know that the remarks which I have to make are of interest, not only to the Senate, but to the entire country. If any member of the lawmaking body of this Congress thinks they are not of interest, let him wait until the next election and see what the people think of it.

Now, I want it impressed upon the mind of the legislative body of this country that the people are demanding that the present discrimination in favor of what are termed "terminal points" shall cease. The demand has gone forth from the commercial bodies of this country from one end of it to the other, and I have on hand a supply of reading matter on this question which would be sufficient to occupy the attention of this Senate for more days than they would be patient with the consideration of any question; and I know that many members of this body have heard from their constituents on this subject. That those living at a point 500 miles back from the seacoast should be called upon to pay for transportation upon commodities of absolute necessity in their families and in their mercantile and trade houses the rate to the coast plus the local rate back to their cities is considered an interminable burden; and yet it is the law that Congress has enacted, as it has been interpreted by the Interstate Commerce Commission and by the courts, and we can not blame the courts. If we have misstated our intention in legislating, they take us at our word.

This amendment provides nothing more and nothing less than that the transportation companies shall not charge any more

for the short haul than for the long where it is over the same road and includes the intermediate points. Could anything be fairer than that? I think that the framers of the law intended that it should be so.

Whenever this question has been up for discussion there has been always present or at hand those in the interest of what are known as "water points" to oppose it. This country was not intended to be a second Hawaii, which is a brown spot on the earth with a green rim around it. This country is as great in the center as it is at its circumference, and the rights of the people are just as great in one part of its geography as in another. The people know that, and they are demanding that that right be recognized. Simply because there might be water competition—that is the pretext that is put forward in justification of this law—then, forsooth, the railway company, without taking into consideration the question as to whether there is and would be water competition, is permitted, under the rule of the Interstate Commerce Commission, to charge a rate to the coast that is discriminatory in favor of the seaboard towns and then again to discriminate between seaboard towns.

I have here, for convenient use, data showing just what these rates are, but I will not attempt, under existing conditions, to go into the matter as fully or as much in detail as it had been my intention to do.

I introduced this amendment in the form of a bill for the attention of the Interstate Commerce Committee in the Fifty-eighth and Fifty-ninth Congresses. It has had the pleasure of associating with the Interstate Commerce Committee during a period of about five years, and I have no doubt that the acquaintance is by this time quite intimate, but it has confined its existence to the rooms of that committee.

To the pending joint resolution, and to every bill where it may be appropriately offered as an amendment and is not subject to the rule of new legislation or the several rules that protect appropriation bills, it is my intention to get it before this body until it is rejected or accepted by a direct yea-and-nay vote by the members of this body, because it is a substantial demand and a substantial right, and one that will not be downed.

Let me illustrate it briefly. From Chicago, which is not a seaboard town and has no connection by vessel with the sea, to Portland, Oreg., which is a hundred miles back from the sea, but blessed by a splendid navigation which makes it in effect a seaboard town, we buy a cargo of goods intended for use in our homes, our mines, our mills, and on our farms and order them shipped. They go to our capital city, Boise, over the Union Pacific system, which is the Northwestern, from Chicago to Council Bluffs, and from there is the Union Pacific proper to Green River or Granger, and from there the Oregon Short Line, all of them a part of the Union Pacific system, and at Portland the Oregon Railway and Navigation Company is added to the system. The goods go over that connection of railways to Portland, Oreg., for one rate; but if you want to ship them to Boise, you pay the full rate through to Portland, Oreg., plus the local rate back from Portland, Oreg., to Boise, 514 miles. The plus rate—and by that I mean the rate back, which is a local rate and not a through rate—is in many instances more than the cost of the goods in Chicago.

The purpose of this amendment is to provide that the railroads may charge no more to Boise than they would charge to Portland, Oreg., and I use these places merely as illustrations, with no sense of invidious application whatever. The result of the discrimination is that Boise can not set up wholesale and jobbing houses in order to supply the great number of prosperous mining and other towns about it and the surrounding country, which is as thickly settled as the country around this section. She must do her wholesale and jobbing business at some seaboard town that has these terminal rates, because they have received these goods less than Boise could receive them from the East by the amount of the plus rate.

What is true under that illustration is true in every part of the United States. I will undertake to say that there is not a Senator here whose State is not the victim, in some part of its domain, of this vicious system. In the State of Massachusetts, when people living 30 miles back from Boston buy goods manufactured in the western part of their State or goods that come from our part of the country—and we ship vast quantities of wool there—they pay the rate to Boston plus the local rate from Boston back to their city, and the farther back they are from the coast the greater is this local rate which they pay, and that is added to the cost of the goods. What is the result? Why, a certain class of business that draws its raw material from the great interior of this country must necessarily establish its manufacturing industries at the terminal point. You can ship goods from Chicago to San Francisco in some instances $16 a ton cheaper than you can ship them to the eastern State line of California. Reno, Nev., is just as good an illustration as Boise, Idaho; Salt Lake City is another; Spokane, Wash., is another; Coeur d'Alene city is another. I could enumerate them on that coast by the hundred, and I could enumerate them within a hundred miles of the city of Washington by more hundreds. I think, unless Senators have had their attention drawn to this question, they do not know——

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Certainly.

Mr. OVERMAN. I should like to give an example in the South of this discrimination as to one town against another, where the short haul and the long haul prevail to such an extent as to build up some towns to the detriment of others. Take the item of molasses—and, of course, the same thing applies as to other freights—the rate on molasses from New Orleans to Greensboro, N. C., is a dollar, whereas to Lynchburg, Va., some hundred miles farther north, it is only 27 cents; and freight can be shipped from Lynchburg to New Orleans and then shipped back to Greensboro and money saved on the transaction.

Mr. HEYBURN. Mr. President, you might multiply those illustrations almost without number. This is probably as large a question in the scope of its interest to the people and the effect that it has upon the prosperity and the even balance of the business of the country as ever came before either of these legislative bodies, and it is one that must not be passed over with the scant consideration that I am able to give it to-day. I am going to ask to defer the further remarks that I may make in support of this amendment until a time when I am better able physically to present them.

Mr. CULBERSON. I present an amendment intended to be proposed by me to the joint resolution under discussion, and I ask that it be printed and lie on the table.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CARTER. Mr. President, I think it is quite obvious that the amendments here pending are so important and extensive as to require printing before they can be fully and finally considered. I therefore move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. Will the Senator withhold the motion for a moment?

Mr. CARTER. Certainly.

EMPLOYMENT OF CHILD LABOR.

Mr. GALLINGER. Mr. President, by a vote of the Senate to-day, the unfinished business, being the bill (S. 4812) to regulate the employment of child labor in the District of Columbia, was displaced. It has developed that there will be much less debate on the bill than I anticipated, and I now rise to ask unanimous consent that after the routine morning business on Wednesday the bill be taken up, and that amendments pending and to be offered and the bill itself be voted upon before adjournment that day.

Mr. BACON. I beg the Senator's pardon. My attention was diverted. I could not hear his request.

Mr. GALLINGER. My request is that the bill, having been displaced as the unfinished business, be taken up after the routine morning business on Wednesday, and that we vote upon the amendments pending and to be offered and the bill itself before adjournment on that day. There is to be much less debate on the bill, I will say to the Senator, than I anticipated.

Mr. BACON. I do not object.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that Senate bill 4812 be taken up for consideration immediately after the close of the routine morning business on Wednesday next, May 6, and the amendments pending and to be offered and the bill itself be voted upon before adjournment on that day. Without objection, it will be so ordered.

Mr. NELSON. I did not exactly understand the request.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill (S. 4812) to regulate the employment of child labor in the District of Columbia be taken up for consideration immediately after the close of the routine morning business on Wednesday next, May 6, and that the amendments pending and to be offered and the bill itself be voted upon before adjournment on that day. Is there objection? The Chair hears none.

REORGANIZATION OF THE CONSULAR SERVICE.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S.

4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 4.

That the House recede from its amendment numbered 5 and agree to the same with an amendment as follows: Insert "Gibraltar" on page 4, line 8, after the word "Erfurt;" and the Senate agree to the same.

That the House recede from its amendment numbered 6, and agree to the same with an amendment as follows: Insert "Limoges," on page 4, line 10, after "Leeds;" and the Senate agree to the same.

H. C. LODGE,
S. M. CULLOM,
A. O. BACON,
Managers on the part of the Senate.
R. G. COUSINS,
C. B. LANDIS,
W. M. HOWARD,
Managers on the part of the House.

The report was agreed to.

POSTAL SAVINGS DEPOSITORIES.

Mr. CARTER. I desire to give notice that on Thursday next, after the close of the routine morning business, I will submit some remarks to the Senate on the subject of the postal-savings depositories bill now on the Calendar.

REMOVAL OF RESTRICTIONS ON LANDS OF FIVE CIVILIZED TRIBES.

Mr. OWEN. I ask unanimous consent that the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, be given the same place on Monday that it occupied to-day.

The VICE-PRESIDENT. The Senator from Oklahoma asks that the bill referred to by him be given the same right on Monday next that it had to-day. Without objection, it is so ordered.

Mr. FORAKER. What is the request?

Mr. OWEN. That it retain the place it occupied to-day.

Mr. FORAKER. That it retain the same place?

Mr. OWEN. Yes. It will not interfere with appropriation bills.

Mr. WARREN. The condition of that reservation is such——

The VICE-PRESIDENT. The Senate will be in order.

Mr. FORAKER. I wish to call attention to the fact that the Senator from Connecticut [Mr. BULKELEY] has given notice that on Monday morning he will address the Senate.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday May 2, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 1, 1908.

ASSISTANT SECRETARY OF COMMERCE AND LABOR.

William R. Wheeler, of California, to be Assistant Secretary of Commerce and Labor, vice Lawrence O. Murray, appointed Comptroller of the Currency.

UNITED STATES ATTORNEY.

James W. Freeman, of Montana, to be United States attorney for the district of Montana, vice Carl Rasch, whose resignation has been accepted to take effect May 31, 1908.

PROMOTIONS IN THE NAVY.

Ensign Henry D. Cooke, jr., United States Navy, to be a lieutenant, junior grade, in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade.

Lieut. (Junior Grade) Henry D. Cooke, jr., United States Navy, to be a lieutenant in the Navy from the 3d day of February, 1908, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

GEORGIA.

John E. Pruett to be postmaster at Cumming, Forsyth County, Ga. Office became Presidential April 1, 1908.

ILLINOIS.

Archibald W. Fletcher to be postmaster at Highland Park, Lake County, Ill., in place of Archibald W. Fletcher. Incumbent's commission expired April 21, 1908.

Fred O. Munn to be postmaster at La Grange, Cook County, Ill., in place of Sealey B. Moody. Incumbent's commission expired April 21, 1908.

John Murvin to be postmaster at Louisville, Clay County, Ill., in place of John Murvin. Incumbent's commission expired April 27, 1908.

INDIANA.

William R. Elrod to be postmaster at Orleans, Orange County, Ind., in place of Fred Kimbley, deceased.

IOWA.

Samuel H. Hall to be postmaster at Lime Springs, Howard County, Iowa, in place of Samuel H. Hall. Incumbent's commission expired April 21, 1908.

Peter S. Narum to be postmaster at Waukon, Allamakee County, Iowa, in place of Peter S. Narum. Incumbent's commission expired November 17, 1907.

KANSAS.

Gordon H. Boughton to be postmaster at Galena, Cherokee County, Kans., in place of William Smith, deceased.

MARYLAND.

Richard E. Bouldin to be postmaster at Bel Air, Harford County, Md., in place of Richard E. Bouldin. Incumbent's commission expired January 25, 1908.

NEBRASKA.

Loree V. Styles to be postmaster at St. Edward, Boone County, Nebr., in place of Loree V. Styles. Incumbent's commission expired April 8, 1908.

NEVADA.

V. L. Adams to be postmaster at Wonder, Churchill County, Nev., in place of Frank R. Lamb, resigned. Office became Presidential April 1, 1908.

NEW YORK.

Guy C. Fargo to be postmaster at Kennedy, Chautauqua County, N. Y. Office became Presidential April 1, 1908.

PENNSYLVANIA.

Granville F. Heathcote to be postmaster at Glen Rock, York County, Pa., in place of Granville F. Heathcote. Incumbent's commission expired April 27, 1908.

George A. Songer to be postmaster at Marienville, Forest County, Pa., in place of James H. Morrison. Incumbent's commission expired February 29, 1908.

SOUTH DAKOTA.

Charles H. Stilwell to be postmaster at Tyndall, Bonhomme County, S. Dak., in place of Peter T. Unruh, removed.

TEXAS.

C. A. Cox to be postmaster at Lott, Falls County, Tex., in place of J. Mark Westmoreland, resigned.

WISCONSIN.

Charles J. Linquist to be postmaster at Rio, Columbia County, Wis. Office became Presidential January 1, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 1, 1908.

CONSULS.

Julean H. Arnold, of California, now consul of class 7 at Tamsui, for promotion, to be consul of the United States of class 4 at Amoy, China.

Charles C. Eberhardt, of Kansas, now consul of class 7 at Iquitos, for promotion, to be consul of the United States of class 6 at Barranquilla, Colombia.

George Heimrod, of Nebraska, now consul of class 6 at Apia, to be consul of the United States of class 6 at Berne, Switzerland.

Franklin D. Hale, of Vermont, now consul of class 9 at Coaticook, to be consul of the United States of class 9 at Charlottetown, Prince Edward Island.

Mason Mitchell, of New York, now consul of class 6 at Chungking, to be consul of the United States of class 6 at Apia, Samoa.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Thomas J. Kirkpatrick, assistant surgeon, to be surgeon with the rank of major from April 22, 1908.

Infantry Arm.

Capt. Almon L. Parmerter, Twenty-first Infantry, to be major from April 24, 1908.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Capt. William Hickson Cushing to be a senior captain in the Revenue-Cutter Service of the United States.

Capt. Oscar Charles Hamlet to be a senior captain in the Revenue-Cutter Service of the United States.

Capt. Frederic Montford Munger to be a senior captain in the Revenue-Cutter Service of the United States.

Capt. Frank Hamilton Newcomb to be a senior captain in the Revenue-Cutter Service of the United States.

POSTMASTERS.

CALIFORNIA.

Franklin L. Glass to be postmaster at Martinez, Contra Costa County, Cal.

FLORIDA.

Martin M. Loadholtes to be postmaster at Fort Meade, Polk County, Fla.

NEW YORK.

William B. Adams to be postmaster at Bedford Station, Westchester County, N. Y.

Frederic A. Purdy to be postmaster at Croton Falls, Westchester County, N. Y.

OREGON.

William H. Leitner to be postmaster at Huntington, Baker County, Oreg.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 1, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The pending question is on the motion of the gentleman from Ohio, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The question was taken.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. I make the point of order that no quorum is present.

The SPEAKER. The gentleman from New York makes the point of order that no quorum is present. [After counting.] Thirty-nine Members are present—not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as favor the motion will, as their names are called, answer "yea," and as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 290, nays 2, answered "present" 7, not voting 88, as follows:

YEAS—290.

Adair	Capron	Englebright	Hamilton, Iowa
Adamson	Carter	Esch	Hamilton, Mich.
Aiken	Caulfield	Favrot	Hamlin
Alexander, Mo.	Chaney	Ferris	Hammond
Andrus	Chapman	Finley	Harding
Ansberry	Clark, Fla.	Fitzgerald	Hardwick
Anthony	Clark, Mo.	Flood	Hardy
Ashbrook	Clayton	Floyd	Haskins
Barclay	Cocks, N. Y.	Focht	Hawley
Bartholdt	Cole	Fordney	Hay
Bartlett, Ga.	Conner	Foss	Heflin
Bartlett, Nev.	Cook, Colo.	Foster, Ill.	Helm
Bates	Cook, Pa.	Foster, Ind.	Henry, Conn.
Beale, Pa.	Cooper, Pa.	Foster, Vt.	Henry, Tex.
Beall, Tex.	Cooper, Tex.	French	Hepburn
Bede	Cooper, Wis.	Fuller	Higgins
Bell, Ga.	Cousins	Gaines, Tenn.	Hill, Miss.
Birdsall	Cox, Ind.	Gaines, W. Va.	Hinshaw
Bonynge	Craig	Gardner, Mich.	Hitchcock
Booher	Cravens	Gardner, N. J.	Holliday
Bowers	Crawford	Garner	Houston
Boyd	Crumpacker	Gilhams	Howell, N. J.
Bradley	Currier	Gillespie	Howell, Utah
Brantley	Cushman	Gillett	Howland
Brodhead	Dalzell	Goldfogle	Hubbard, Iowa
Brownlow	Darragh	Gordon	Hubbard, W. Va.
Brumm	Davidson	Goulden	Hughes, N. J.
Brundidge	Davis, Minn.	Graff	Hull, Iowa
Burgess	Dawson	Graham	Hull, Tenn.
Burke	De Armond	Granger	Humphrey, Wash.
Burleigh	Denver	Greene	James, Ollie M.
Burleson	Diekema	Gregg	Jenkins
Burnett	Dixon	Gronna	Johnson, Ky.
Butler	Draper	Hackett	Johnson, S. C.
Byrd	Driscoll	Hackney	Jones, Va.
Caldwell	Dwight	Hale	Jones, Wash.
Campbell	Ellerbe	Hall	Kahn
Candler	Ellis, Oreg.	Hamill	Keifer
Kellher	McHenry	Payne	Smith, Tex.
Kennedy, Iowa	McKinley, Ill.	Perkins	Southwick
Kennedy, Ohio	McKinney	Pollard	Sparkman
Kimball	McLachlan, Cal.	Porter	Sperry
Kinkaid	McLain	Pou	Spight
Kipp	McMillan	Pujo	Stafford
Knapp	McMorran	Rainey	Stanley
Knopf	Macon	Randell, Tex.	Steenerson
Knowland	Madden	Ransdell, La.	Stephens, Tex.
Küstermann	Madison	Rauch	Sterling
Lafean	Malby	Reeder	Sturgiss
Lamar, Mo.	Mann	Reid	Sulloway
Lamb	Marshall	Reynolds	Tawney
Landis	Miller	Rhinock	Thomas, N. C.
Langley	Mondell	Richardson	Thomas, Ohio.
Laning	Moon, Pa.	Robinson	Tou Velle
Lassiter	Moon, Tenn.	Rodenberg	Townsend
Law	Moore, Tex.	Rothermel	Underwood
Lawrence	Morse	Rucker	Volstead
Leake	Mouser	Russell, Mo.	Vreeland
Lee	Murdock	Russell, Tex.	Waldo
Lenahan	Murphy	Sabath	Wanger
Lever	Needham	Saunders	Washburn
Lewis	Nelson	Scott	Watkins
Lindbergh	Nicholls	Shackleford	Webb
Littlefield	Norris	Sheppard	Weeks
Lloyd	Nye	Sherley	Wheeler
Longworth	O'Connell	Sherwood	Willett
Loud	Olcott	Sims	Wilson, Ill.
Loudenslager	Overstreet	Slayden	Wilson, Pa.
Lovering	Padgett	Slemp	Wood
Lowden	Page	Small	Woodyard
McCall	Parker, S. Dak.	Smith, Cal.	Young
McDermott	Parsons	Smith, Iowa	
McGavin	Patterson	Smith, Mo.	

NAYS—2.

Harrison	Sulzer

ANSWERED "PRESENT"—7.

Bennet, N. Y.	Humphreys, Miss.	Roberts	Talbott
Garrett	Riordan	Ryan	

NOT VOTING—88.

Acheson	Douglas	Hobson	Parker, N. J.
Alexander, N. Y.	Dunwell	Howard	Pearre
Allen	Durey	Huff	Peters
Ames	Edwards, Ga.	Hughes, W. Va.	Powers
Bannon	Edwards, Ky.	Jackson	Pratt
Barchfeld	Ellis, Mo.	James, Addison D.	Pray
Bennett, Ky.	Fairchild	Kitchin, Claude	Prince
Bingham	Fassett	Kitchin, Wm. W.	Sherman
Boutell	Fornes	Lamar, Fla.	Smith, Mich.
Broussard	Foulkrod	Legare	Snapp
Burton, Del.	Fowler	Lilley	Stevens, Minn.
Burton, Ohio.	Fulton	Lindsay	Taylor, Ala.
Calder	Gardner, Mass.	Livingston	Taylor, Ohio
Calderhead	Gill	Lorimer	Thistlewood
Carlin	Glass	McCreary	Tirrell
Cary	Godwin	McGuire	Wallace
Cockran	Goebel	McKinlay, Cal.	Watson
Coudrey	Griggs	McLaughlin, Mich.	Weems
Davenport	Haggott	Maynard	Weisse
Davey, La.	Haugen	Moore, Pa.	Wiley
Dawes	Hayes	Mudd	Williams
Denby	Hill, Conn.	Olmsted	Wolf

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. DOUGLAS with Mr. LIVINGSTON.

Mr. BURTON of Delaware with Mr. DAVEY of Louisiana.

Mr. BENNET of New York with Mr. FORNES.

Mr. HILL of Connecticut with Mr. GLASS.

Mr. BINGHAM with Mr. LAMAR of Florida.

Mr. MCKINLAY of California with Mr. GARRETT.

Mr. OLMSTED with Mr. WEISSE.

Mr. FAIRCHILD with Mr. GODWIN.

Mr. DENBY with Mr. FULTON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. MUDD with Mr. WALLACE.

Mr. BENNETT of Kentucky with Mr. EDWARDS of Georgia.

Mr. COUDREY with Mr. HOBSON.

Mr. HUGHES of West Virginia with Mr. LEGARE.

Mr. MCCREARY with Mr HOWARD.

Mr. ALEXANDER of New York with Mr. CARLIN.

Mr. BANNON with Mr. COCKRAN.

Mr. BARCHFELD with Mr. DAVENPORT.

Mr. BOUTELL with Mr. GRIGGS.

Mr. CALDER with Mr. HUMPHREYS of Mississippi.

Mr. FOULKROD with Mr. GILL.

Mr. PRINCE with Mr. CLAUDE KITCHIN.

Mr. SMITH of Michigan with Mr. LINDSAY.

Mr. STEVENS of Minnesota with Mr. MAYNARD.

Mr. TAYLOR of Ohio with Mr. WILEY.

Mr. WATSON with Mr. TAYLOR of Alabama.

Mr. DAWES with Mr. WILLIAMS.

For the balance of the week:

Mr. FASSETT with Mr. RYAN.

Until Friday:
Mr. PEARRE with Mr. TALBOTT.
For the day:
Mr. POWERS with Mr. PRATT.
Mr. CARY with Mr. WOLF.
The result of the vote was announced as above recorded.
The doors were opened.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. WATSON in the chair.

Mr. KEIFER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 23, line 4, after the word "fractional" insert the words "and other;" and in line 8, after the word "fractional," insert the words "and other."

Mr. SMITH of Iowa. Mr. Chairman, I desire to make the point of order against the amendment.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. KEIFER. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. KEIFER. I would be very much obliged to the gentleman from Iowa if he would state on what ground he makes his point of order.

Mr. SMITH of Iowa. I will state that the ground is that it changes existing law; that it is not authorized by existing law and is not germane to the section.

Mr. KEIFER. Mr. Chairman, this is a very important question, and I do not want to be surprised to-day by having a question decided that has not been made or argued. I have recently heard a point of order made on a special ground, and after it was argued and the ground of the point of order overthrown the point of order was sustained by the Chair on another ground. The grounds now assigned are three in number, and so I hope we will try to confine ourselves to them. It is said by the gentleman from Iowa [Mr. SMITH] that this amendment would change existing law and that it is not authorized by law. This is one and the same point, I think. He also makes the point that it is not germane to the paragraph. I would like very much to have the attention of the Chair carefully to this question, because I believe in our effort to follow a good rule we are liable to forget ourselves and make an arbitrary ruling that will defeat all attempts to amend a proposition at all. Therefore, if the Chair will indulge me, I will try to make a few suggestions on the subject.

Let me dispose of the first of the two points, as I understand them, as made by the gentleman from Iowa. It seems to be conceded now, although not formally, that this entire paragraph relating to the transportation of fractional silver coin would have been subject to a point of order because not in accordance with existing law. That is conceded by the gentleman from Iowa. Originally that was not so treated in the House in that way. Originally, under a construction given to the act relating to fractional silver coin, and the act of 1878, providing for the coinage of silver dollars, it was understood that that act—and it remains unchanged to-day—authorized the free distribution of silver dollars, and it was so ordered by circular as early as September 3, 1878, by the distinguished Secretary of the Treasury, Mr. John Sherman. We followed that construction for a period of more than twenty years. But now we seem to have strayed from it, and it is sufficient now for my purpose to say that if this paragraph under consideration was subject to a point of order and no point of order was made against it it is subject to amendment. The precedents are all in favor of such holding.

The CHAIRMAN. Will the gentleman from Ohio indulge the Chair for a moment? The gentleman cited from the statute authorizing the distribution of silver dollars. Will the gentleman kindly cite that statute to the Chair?

Mr. KEIFER. I think the Chair misunderstood me. I said the original act of 1878 was construed by the Secretary of the Treasury, Mr. John Sherman, to authorize the carriage of silver dollars free, and we followed that for many years.

The CHAIRMAN. Is that act still in force?

Mr. KEIFER. The act is still in force. Allow me to read a paragraph from a former address of mine to the Chair on substantially the same subject on January 28, 1906:

There was an act of 1853 that had some limitations. It was only for shipment to assistant treasurers and depositories and officers of the Government, but that law was amended. After the act of 1878 was passed, that provided for the coinage of silver dollars, Mr. John Sherman, Secretary of the Treasury, in September, 1878, gave a construction to the then existing law that has never been changed, in which he said that the Government was authorized to send silver dollars out for distribution at the cost of the Government. This construction of Mr. Sherman will be found in the hearings before the subcommittee of the House of Representatives of our Committee on Appropriations.

This related to the hearings before the subcommittee of the Committee on Appropriations of this House when considering the urgent deficiency bill in the early part of the Fifty-ninth Congress. Mr. Chairman, I do not, however, need to insist upon that construction, though I believe that that great Secretary knew exactly what he was about when he gave that construction to the law of 1878, which law has not since been changed.

The CHAIRMAN. The Chair would like to know whether or not the gentleman from Ohio believes that that statute of 1878 authorizes the transportation of coin.

Mr. KEIFER. Undoubtedly I believe that. If Secretary Sherman was right in 1878 and since, it is right now, because that act has not been repealed or modified in that respect; but for the purposes of this discussion, if it be true, as stated the other day by the gentleman from Iowa [Mr. SMITH], that the whole paragraph now under consideration was subject to a point of order, then it is also true and settled that being subject to a point of order and no point of order being made against it, it is now subject to amendment.

I will cite some authorities in support of that, and that will bring us to the question of whether or not the amendment proposed by me is germane. And here, Mr. Chairman, let me say that whatever limitation there is upon an amendment in an appropriation bill of this kind, or any other bill perhaps, is a matter of new parliamentary law, rule, or regulation that primarily the right to amend existed without any limitation at all. And permit me to read one single sentence from Jefferson's Manual. I read from the last Constitution, Manual, and Digest (p. 187) just a single paragraph:

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition, by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves.

Now, it is claimed that this amendment must be germane to the paragraph, and here I want to emphasize that the practice has grown up always in the matter of construction, and recently it has been held by construction that unless the amendment proposed was the same proposition as the one under consideration that the amendment was not in order. That, reduced to an absurdity, means that unless the amendment is the same thing as that provided in the paragraph it is not in order.

Now, we never have had, with all our attempted restrictions, any such rule as that. We have fixed a rule in our code of rules that is a reasonable one, a rational one, and permits us to make amendments to paragraphs or bills under consideration that are germane to the "subject." Now, note the difference between "subject" and "proposition." The former relates to a general policy or purpose, while the latter relates to a single thing—a specific matter. The House rule permits us to go into the "subject." I call your attention, Mr. Chairman, to the last part of paragraph 7 of Rule XVI, and I read:

And no motion or proposition on a subject different from that under consideration shall be admitted under the color of amendment.

The question is not, as claimed by the gentleman from Iowa, that this amendment is a different thing or a different proposition from the paragraph, and the question is whether it is on a different subject, not a different proposition. We have had an abundance of decisions to determine that, and some of them I should have doubt about whether they were even within that rule but for the long and uniform line of concurring parliamentary decisions.

The CHAIRMAN. Will the gentleman from Ohio state to the Chair what, in his opinion, is the difference between the present amendment and the one the gentleman proposed the other day, to strike out the word "fractional," on which the gentleman from Pennsylvania made a ruling?

Mr. KEIFER. I offered no amendment at all the other day of a substantive kind, and now I have one.

The CHAIRMAN. Well, what is the difference in effect between the gentleman's motion to strike out the word "fractional" the other day and his present amendment?

Mr. KEIFER. You ask a conundrum. I have never been able to get through my mind that an amendment that contained nothing (a mere motion to strike out one word) was a change of existing law, or was not germane to the paragraph. I never have been able to get that through my head at all.

Mr. GAINES of Tennessee. Will the gentleman yield just there——

Mr. KEIFER. I made a motion to strike out a word in the paragraph the other day, and that was contended to be an

amendment that changed existing law, when it did not do anything but take a word out of the paragraph. [Laughter.] It was held to be not germane because, after the word was out of the paragraph, it meant something else, not on account of what was in the amendment, but because what was left in the paragraph meant something else, and so, begging the Chairman's pardon, he must not put a conundrum to me.

Mr. GAINES of Tennessee. Will the gentleman yield for an inquiry?

Mr. KEIFER. Presently; let me get through with this line.

The CHAIRMAN. The gentleman from Ohio declines to yield.

Mr. KEIFER. Well, I call attention now to the Constitution, Manual, and Digest, page 323, and let me read a paragraph or two. This goes to the question the other day:

An amendment simply striking out words already in a bill may not be held not germane.

That was a decision in the Fifty-eighth Congress and again in the Fifty-ninth. But let us go further, and I read on the same page:

The germaneness of an amendment should be judged from the provisions of its text rather than from the purposes which circumstances may suggest.

Further:

The question is as to the germaneness of propositions which are related to the same general subject.

Now, first, what does germaneness mean? Not the same thing, not the same proposition, not the same thing in result or meaning, but germane means just what the word in its origin meant, namely, kinship, relation to, near akin. It arose long ago, when the German people were coming out of their tribal relations in Europe. The Celt and the Gaul, and the tribes that lived side by side in the then wilds of Germany and Gaul were at all times regarded as and called "German"—meaning kin or neighbors or tribes related. Hence the name German came to be applied to a great nation of people. We have cousins-german because they are related; they are akin, but they are not the same. Individually they are not the same, and propositions need not be the same to be germane to each other. So that germaneness means a different thing than the same proposition. Now, let us follow it just a little, if you will indulge me, Mr. Chairman.

On the same page:

A bill being considered under exceptional circumstances, an amendment germane to the bill—

Note, Mr. Chairman—

germane to the bill, but not strictly germane to the section, was admitted.

That is on page 323. And further:

An amendment germane to a bill as a whole, but hardly germane to any one section, may be offered at an appropriate place, with notice of motion to strike out following sections which it would supersede.

These are citations from our Constitution, Manual, and Digest, and they are abundant. Another one more directly appropriate on the point I have just discussed is:

A paragraph which changes existing law being allowed by general consent to remain, it may be perfected by any germane amendment.

All that is essential is for an amendment to be germane to the subject being legislated about. Reading further, on page 324:

A paragraph in an appropriation bill changing existing law may be perfected by a germane amendment which also changes existing law.

Now, the most that can be charged against my amendment is that it changes existing law while we are dealing with a paragraph which changes existing law. An amendment which also changes existing law is within the settled rules and precedents we are working under. To illustrate, reading further, from page 324:

To a bill relating to Federal elections and functions of the Federal court therein, an amendment establishing a system of jury commissioners in such court was held to be germane.

Why? Because the House was dealing with a subject, not merely with a definite proposition. In that instance a different proposition was offered by the amendment, but it was on the same subject, and it was rightfully held to be in order. Further:

To a bill referring generally to the affairs of a gas company, an amendment introducing the subject of the price of gas was held to be germane.

Further:

To a bill relating to the control of certain public places in Washington, an amendment providing for the removal of the fence around the Botanic Gardens was held to be germane.

That was a different proposition, but it was on the same subject, and the authorities seemed to be pretty well in line and in harmony.

Further:

To a bill providing generally for the improvement of rivers and harbors, an amendment providing for an additional harbor was held to be germane.

To a bill providing for an interoceanic canal, specifying a certain route, an amendment providing for another route was held to be germane.

It was not the same route. But here it is said that we can not do anything but talk about fractional silver coin. Here was another route, but it was on the same subject, and that far we are permitted to go under paragraph 7, of Rule XVI. But here is one a little closer, Mr. Chairman, on page 325:

To a proposition to recoin full legal-tender silver dollars into subsidiary coin, an amendment making the latter full legal tender was held to be germane.

Is that going into the matter of germaneness? Is not that going further into the matter of germaneness than we are asking to go now? We are dealing with what now? With the question of the transportation of silver, limited in the paragraph to fractional silver. The principal question is one of transportation of coin, but this is limited in the paragraph to the transportation of fractional coin. The subject on which we are proposing to legislate in the paragraph to which the amendment was offered relates broadly to the transportation of coin—silver coin. What we want is simply to extend it in the matter of transportation of coin to the transportation of fractional and other silver coin. Coin is the subject here, and my amendment comes easily within all of the precedents that I have been reading.

Mr. Chairman, I will not weary you much longer if you will just bear with me until I get another precedent or two in here:

To a bill admitting several Territories into the Union, an amendment adding another Territory is germane.

That would look like getting another or different proposition into a bill, and would fall under the limitation of the rule contended for here that would destroy the practice of amendments of a substantive kind altogether. But the wisdom of the rule I maintain exists is upheld uniformly by the precedents I have just read. Again I read:

An amendment providing for an educational test for immigrants was held to be germane to a bill for the regulation of immigration of aliens into the United States.

That looked to me like going aside; but under a proper construction of the last part of paragraph 7 of Rule XVI, it was held to be within the "subject" of the immigration bill. That subject was under consideration, and being the "subject," not the "proposition," then it was in order. This being the rule and practice, my amendment is clearly within it and germane and consequently in order. It is clearly in order to submit an amendment such as I have offered. Again:

To a bill relating to the salaries of Federal judges and judges of the District of Columbia, an amendment relating to the salaries of the Porto Rican judges was held to be germane.

A different proposition, a different territory or province, yet we could deal with that as germane to a bill relating to the Federal judges of the District of Columbia.

To a bill relating to the salaries and expenses of judges, an amendment forbidding them to receive passes, franks, etc., was held to be germane.

Also:

To a bill establishing a new Department, creating officers and fixing the salaries, an amendment that changed the salaries of the officers of the Department was held to be germane.

A bill on a subject only to establish a new Department. Again:

To a bill providing generally for a Union Station in the District of Columbia, an amendment levying a special tax in the District to defray the cost of the station was held to be germane.

It was the same subject.

Further:

An amendment on the subject of renovated butter was held to be germane to a bill relating to "oleomargarine and other dairy products."

So another:

To a provision providing clerks to Senators, an amendment providing them also to Members of the House was held to be germane.

Well, we are not the same here in this House as they are in the Senate, but an amendment dealing with the "subject" of clerks for the two Houses was germane. An attempt to provide for clerks for the Senate brought up the "subject" of clerks for the House, and hence the amendment to provide clerks for this House was held germane and in order.

I have only gone into this subject thus fully because there seemed to be a strained opinion that the rule was so restricted in character that we could not do anything under it. Under the construction of the rule contended for here we could not do anything here on this paragraph that was not "fractional"—was not "fractional" in some way. This is too refined for a rule of this great parliamentary body. So that unless we are going now, in the precence of this great subject of transporting silver dollars free by the United States, to strike down a settled

practice the point of order should be overruled. On March 24 last, because the appropriation for the purpose for this fiscal year was exhausted, the Secretary of the Treasury suspended the transportation of silver dollars at the expense of the Government. For the first time for many years the per capita circulation of this country has become reduced, and this partly at least by reason of the failure to make adequate appropriations for the free carriage of silver dollars. To avoid the continuance of this evil we should adopt this amendment, which I contend is germane. I am through for the present and will hear the other side.

Mr. GAINES of Tennessee. Mr. Chairman, I want to cite a few authorities to the Chair.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee, although the Chair is ready to rule.

Mr. GAINES of Tennessee. I want to cite to the Chair from Hinds's Digest of the Sixtieth Congress, page 325:

To a bill providing generally for the improvement of rivers and harbors an amendment providing for an additional harbor was held to be germane.

We were providing for harbors. Here we are providing for the transportation of coin—United States coin. Now, let us read it this way: "A bill providing for the transportation of silver coin or fractional coin," say; an amendment providing "for an additional coin" would be germane under this ruling, an "additional (kind of) coin," which is in this case a silver coin.

The CHAIRMAN. What is the gentleman reading from?

Mr. GAINES of Tennessee. I am reading from page 325 of Hinds's Digest, Sixtieth Congress, first session. I will send it up to the Chair in just a moment.

Now, there are similar cases, Mr. Chairman, in this book. I will not take up your time, but send it up to the Chair. I do want, however, now to call your attention, Mr. Chairman, to this:

A paragraph which changes existing law allowed to remain in the bill—

Which is this case—

may be perfected by any germane amendment.

The Chair at the time held otherwise, but the Chair was overruled, and the compiler of this volume so states; and there are a number of decisions which have followed that decision overruling the Chair cited in this volume.

A paragraph in an appropriation bill changing existing law—

That is this case—

may be perfected by a germane amendment which also changes existing law.

Now, the proposed amendment is clearly germane, because, first, it refers to coins; second, it refers to silver coins, and, third, the paragraph which we all have consented to let remain in the bill, having been unobjected to, we have the right now to change that paragraph by germane amendment, although that germane amendment also changes existing law, which is exactly the proposition the gentleman has, I think, so well argued. Now, I will send these cases up to the Chair, so the Chair can look at them.

Mr. SMITH of Iowa. Is the Chair ready to rule?

The CHAIRMAN. The Chair is ready to rule. Does the gentleman desire to be heard?

Mr. SMITH of Iowa. I will not insist on being heard if the Chair is ready to rule.

The CHAIRMAN. The Chair is willing to hear the gentleman, of course.

Mr. SMITH of Iowa. Mr. Chairman, this is in the nature of an application for a rehearing. This question was decided night before last by the then occupant of the Chair [Mr. DALZELL], and that decision was against the contention of the gentleman from Ohio.

We have in this country numerous kinds of money. The standard silver dollar may be said to be in a class by itself. The fractional silver is issued at a profit to the Government; is redeemable by the Government upon demand in proper quantities, and is a mere token and redeemable currency, which the standard silver dollar is not. The standard silver dollar is not redeemable by law and is as distinct from fractional silver as is the gold dollar.

Now, it ought to be conceded that there is no law authorizing the transportation of the standard silver dollar. The statement that it is found in the act of 1878 is scarcely worthy of consideration, in my judgment, although I have no doubt the gentleman from Ohio is sincere in thinking it has been so construed. The silver dollar has been transported under appropriations made from time to time, the only authority being the appropriations.

Now, it is true that in the last Congress it was held that if Congress made an appropriation for a fiscal year, and that appropriation had existed during the fiscal year, the transportation having been authorized for that fiscal year, a deficiency appropriation was in order to carry out the law during the balance of that year. There is no case holding (except possibly the principle might apply of the railway-mail decision, which has been repudiated constantly in the House) that the mere fact that it is authorized for this year constitutes a basis for an appropriation for next year.

Now, I want to call the gentleman's attention to one thing. He seemed to be astounded the other evening when it was held that a motion to strike out might be out of order. And yet, if the gentleman's theory is correct, if we had an appropriation in this bill for the improvement of the roads in the national cemeteries of the United States, some one could rise here and move to strike out the words "the national cemeteries of the" and thus, in effect, enact here upon an appropriation bill, without authority of law, the bill of our good friend, the gentleman from Tennessee [Mr. BROWNLOW], or the bill of the gentleman from New Hampshire [Mr. CURRIER]. If the striking out is for the purpose of incorporating something, and it brings in an entirely new subject-matter, then it is out of order. There is no authority of law for the transportation of the standard silver dollar, and this appropriation brings in a wholly distinct subject-matter.

It is true that if we were legislating with reference to the expenses of the Botanic Garden, we could put in new expenses for the Botanic Garden, as stated by the gentleman; but because this bill provides for the transportation of one form of money, it is not possible within the rules of this House to bring in by amendment a provision for the transportation of different classes of money, and I submit the ruling of the Chair night before last ought to be adhered to.

The CHAIRMAN. The Chair is ready to rule.

Mr. GARRETT. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. Do I understand it has been held that this paragraph to which the amendment is offered by the gentleman from Ohio is itself out of order?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] was occupying the Chair at the time that paragraph was passed. No point of order was made to it, but it is very evident that the provision would have been subject to a point of order if one had been made at the time, because there is no law authorizing it.

Mr. GARRETT. Is it not the uniform holding that when a paragraph is subject to a point of order, and that point of order is not made, then an amendment which, as an independent proposition, might be subject to the point of order, is in order?

The CHAIRMAN. No; it is not; that is the question the Chair is about to decide.

Mr. GARRETT. The gentleman from Pennsylvania [Mr. OLMSTED] a few days ago, in a ruling upon the military bill, if I am not very much mistaken, held that proposition squarely. I may be in error about it.

The CHAIRMAN. The Chair has no knowledge of that.

Mr. GAINES of Tennessee. Before the Chair rules, did the Chair distinctly hear me read these two lines?

The CHAIRMAN. The Chair is entirely familiar with that decision.

Mr. GAINES of Tennessee. This is another one.

A paragraph in an appropriation bill changing existing law may be perfected by a germane amendment which also changes existing law.

The CHAIRMAN. Will the gentleman give us the page in the Manual?

Mr. GAINES of Tennessee. Page 324 of the Manual.

Mr. KEIFER. Mr. Chairman, will the Chair allow me to say for the benefit of at least the gentleman from Iowa, who doubts the construction that I spoke of as being given to the act of 1878—I wish to call his attention to page 36 of the hearings on the urgent deficiency bill in the opening of the Fifty-ninth Congress. On that page he will find, dated September 3, 1878, a copy of a circular signed by John Sherman, Secretary of the Treasury, in which that construction was given.

The CHAIRMAN. The Chair is clearly of the opinion that the motion made by the gentleman from Ohio is subject to a point of order. It does not appear that there is any authorization by law for the paragraph in the bill. The gentleman from Ohio made the statement that the act of 1878 had been construed by somebody as an authorization for that purpose. The Chair has carefully read the act of 1878, and in the opinion of the Chair no such authorization exists. None having been cited by the gentleman from Ohio, or any person in support of the proposition he makes, the Chair is of the opinion that the entire proposition under the head of "transportation of fractional

silver coin," page 23, is contrary to law and would have been stricken out had the point of order been made. Therefore the only question that remains to be decided is as to whether or not the proposition of the gentleman from Ohio, being germane to the paragraph, embodies an additional matter of unauthorized expenditure.

This whole subject was decided in a very well-considered decision rendered by the distinguished gentleman from Ohio [Mr. BURTON], sitting as Chairman of the Committee of the Whole House on the state of the Union, in the Fifty-seventh Congress. The Chair will not read very much of the decision, but read the final summing up by the gentleman from Ohio, in which he took up and discussed the conflict that theretofore existed on the proposition of germaneness to a proposition which in and of itself was contrary to existing law.

The Chair finally said:

The Chair, though somewhat doubtful, thinks this the best rule: That if a paragraph has been included in the bill which has in it a taint of illegality or of being contrary to existing law, that paragraph can be corrected or perfected by an amendment; but if the further paragraph which is proposed as an amendment carries a further degree of illegality affecting the whole paragraph as amended, then it is not in order.

The Chair thinks that is the best rule. The Chair also has read the decision quoted by the gentleman from Tennessee [Mr. GAINES], that a paragraph which changes existing law, being allowed by general consent to remain, it may be perfected by any germane amendment; but this does not permit an amendment which adds additional legislation; and that, the Chair thinks, is the better rule.

The Chair also read the other lines read by the gentleman:

A paragraph of an appropriation bill changing existing law may be perfected by a germane amendment which also changes existing law.

The Chair is of opinion that that is not the rule. It is an earlier decision, and has reference to another matter, into which the Chair has not gone. The Chair thinks it is a bad rule, and that the point of order should be sustained in accordance with the decision made by the gentleman from Pennsylvania [Mr. DALZELL], which is certainly on all fours with the pending proposition, for it is the opinion of the Chair that the amendment now proposed by the gentleman from Ohio is practically the same in effect as the amendment he proposed the other day, on which the gentleman from Pennsylvania made a ruling similar to that now made by the Chair, and the Chair therefore sustains the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after the word "applicants," line 11, page 23, the following: "*Provided*, That not less than one-half of this appropriation shall be used in transporting said coin by registered mail."

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against that amendment.

Mr. GAINES of Tennessee. Mr. Chairman, when the Chair rules on this proposition, I really would like to have the Chair lay the rule down on this proposition. Is that a correct form of making a point of order just used by the gentleman from Iowa [Mr. SMITH], "I make the point of order?" I don't know what the gentleman's point of order is based upon. Let us see how it would work in a case where no quorum is present. Suppose I were to rise in my seat and say that "*I make the point of order*," and stopped there. Is it not plain how absurd it would be, when I had in my mind that there is "no quorum present" and wanted to make the point of order? I don't think that that is fair—certainly not fair—and not the proper way to make a point of order, to fail to state the reasons for the point of order. I hope the gentleman will reserve his point of order for a moment. My proposition is clearly a limitation, and so intended.

Mr. SMITH of Iowa. Mr. Chairman, being somewhat inclined to favor the amendment proposed by the gentleman from Tennessee, I shall withdraw the point of order.

Mr. KEIFER. Mr. Chairman, the point of order having been withdrawn, I would ask that the Clerk again report the amendment.

The CHAIRMAN. Without objection the Clerk will again report the amendment.

There was no objection and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER of Vermont having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. ELKINS, and Mr. FOSTER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6715. An act granting pensions and increase of pensions to certain soldiers and sailors of the Spanish war and other wars, and to the widows of such soldiers and sailors.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Transportation of minor coin: For transportation of minor coin, $25,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, minor coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. GAINES of Tennessee. Mr. Chairman, I have another amendment, somewhat akin to the one that was just offered and agreed to, which I desire to offer.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 23, line 14, after the word "coin," insert the words "by registered mail or otherwise."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against that amendment, and for this reason, that this transportation is expressly authorized by existing law, and this changes the existing law.

Mr. GAINES of Tennessee. I hope the gentleman will withdraw that point of order, or indulge me for a few moments, anyway.

Mr. SMITH of Iowa. I certainly am willing to reserve the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman certainly knows that the chairman of his committee [Mr. TAWNEY] and perhaps himself have been trying here for several years to reduce the enormous expense that falls upon the Government of hauling our moneys, bonds, and securities by express only.

Mr. TAWNEY. Will the gentleman permit me to make a statement there?

Mr. GAINES of Tennessee. Yes.

Mr. TAWNEY. While the statement of the gentleman is entirely true, the committee has never recommended the transportation of nickels and pennies by registered mail, for the reason that it has never been deemed practicable.

Mr. GAINES of Tennessee. Does the gentleman know how much it costs per thousand to haul them?

Mr. TAWNEY. I do not.

Mr. GAINES of Tennessee. Twenty-two dollars and seventy-seven cents per thousand to haul the minor coins and $2.40 to haul silver dollars and fractional coin. I have the official figures here.

Mr. TAWNEY. The entire appropriation is only $18,000.

Mr. GAINES of Tennessee. Eighty-two thousand dollars in 1907, and always a deficit follows.

Mr. TAWNEY. Oh, no.

Mr. GAINES of Tennessee. And I have another amendment now, unless the gentleman will offer it himself. It requires the Secretary of the Treasury to report to the next Congress the necessary appliances and the cost thereof for doing this work on a larger scale. I do not want to go at this in a rush. I want to save the Government; I want to save the people. I am satisfied that the Department, if the heart of it were tested as well as brain, would quite agree with the spirit of this proposed legislation. Think of it. In 1888 we paid $1.88 per thousand to transport silver dollars. We then had transported about twenty-six millions, and now there are about thirty-eight millions to be hauled, and this same express monopoly is charging

now $2.40, as Secretary Cortelyou says, and here are his own words, right here in this book, that I have written out on this slip of paper. We may just as well get down to common business sense. Here is the increased work of the express companies, the cost of the increase in the amount of money and bonds and securities that have to be sent all over the United States by express, because, I may say, that the contract which is now in existence prohibits the transmission of a bit of it by mail. I did not learn that until this morning. The law permits it to go by mail, but the contract says no; it all goes by express; and here we are paying $22.77 a thousand for carrying copper coin and nickels and minor coin and $2.40 for the silver dollars. Yet we paid $1.89 for carrying silver dollars in 1888, when 55,545,303 silver dollars were hauled—when we were then carrying 55,545,303 silver dollars, or about that number—and now we are carrying about $78,000,000. I do submit, Mr. Chairman, that either the great legislative committee of this House should report a bill here regulating this matter or this committee itself should report a proposition that covers this crying evil.

Now, these are facts that I challenge any man in the House to dispute successfully. I repeat, we paid $2,40 a thousand last year for carrying silver dollars when we carried about $78,000,000, and $1.88 per thousand when we carried in 1888 $22,000,000 less. We are now paying, I repeat for the purpose of accentuation, $22.77 for carrying the little old nickels and coppers around over the country for the benefit of the newspapers, the street car companies, and the people, and yet there has not been one bit of legislation on this subject to reduce and refix this rate, or the $2.40 rate we also pay to have fractional coin. Congress has done nothing—and when I say Congress, gentlemen, I mean Democrats and Republicans alike—has enacted no legislation as far back as I can find it—to cure this evil, but I now appeal to your sense of justice and as business men to now start. Why in the world do you direct in each of these paragraphs—

> And the Secretary of the Treasury shall report to Congress the cost arising under the appropriation?

That is in the item for transportation of fractional silver coin, and then in the next, for transportation of minor coin, we find this:

> And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Why are you putting that in there? You certainly have a good reason for this direction and the Department has complied. Why does not Congress, why does not the Judiciary Committee, why does not this great Committee on Appropriations—and I say it absolutely dispassionately, without the slightest impulse of partisanship—report legislation here to cure this crying evil? Now, that is what I am trying to do. I have tried to get, Mr. Chairman, all the facts through the great Ways and Means Committee, but they have not reported my resolution on the subject.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for just five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Last year we transported $3,619,117 of minor coin, and it cost $82,000 to do it, or $22.77, as I have said, per thousand. Now, the gentleman can at least put a provision—and I ask the gentleman to do it; I have a proposed amendment for it somewhere—to this effect:

> That by the next session of Congress the necessary facilities and the cost thereof for transporting said coin by registered mail and by registered mail insured shall be reported to the House for our information.

Now, I want to submit that Mr. Joseph T. Howell, either the president or vice-president—at all events, he is the chief active officer—of the Fourth National Bank at Nashville, Tenn., a United States depository, wrote to me, and I have his language here, stating there were companies throughout the United States that insured coins, moneys, and so forth, when sent through the mails, and at a small insurance rate. The report of the Secretary of the Treasury shows that individuals, at least, send bonds, securities, and other valuable articles to the Treasury, and they are sent back through the registered mail. Why not the United States? The banks of Nashville, Tenn., I want to say, as you all will admit a great commercial city, great in almost everything she undertakes, the bankers there all tell me they send their money throughout that country, with perfect safety, in the registered mail at a small rate for insurance. Now, why can not the great committee reporting this bill take up some line of reform in that way, and especially so, I submit in all candor, when you not only appropriate money to carry this minor coin at $22.70 per thousand, but you bring in a deficit here regularly for hauling these and other moneys, and have done it every year since I have been in Congress, because of these oppressive express charges. Now, Mr. Chairman, I submit that at least the committee can, with perfect propriety, permit this amendment, and I ask the gentleman to agree to it. Insert, after the word "appropriation," line 21, page 23, the following:

> And report at the next session of Congress the necessary facilities and the cost thereof for transporting said coin by registered mail and registered mail insured.

Mr. YOUNG. Is that a new amendment?

Mr. GAINES of Tennessee. Yes. I will ask the gentleman to offer it or I will offer it.

Mr. SMITH of Iowa. The gentleman has already one amendment pending. Are you going to offer another one on top of that?

Mr. GAINES of Tennessee. No, no. I want you to know about this now. Let us pass on the pending amendment.

Mr. SMITH of Iowa. Now, Mr. Chairman, I desire to insist upon the point of order against this amendment, but I would like to make a brief statement here. The Revised Statutes of the United States, section 3529, provide:

> The minor coins authorized by this title may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and towns of the United States, at the cost of the mint, for transportation.

It is true that the committee has acquiesced in the amendment with reference to the silver. The appropriation is larger for that than for this. There is a law authorizing the transportation of minor coin and not of silver coin.

The CHAIRMAN. Does the gentleman state there is such a law?

Mr. SMITH of Iowa. Authorizing the transportation of minor coin?

The CHAIRMAN. Yes.

Mr. SMITH of Iowa. I just read it to the Chair.

The CHAIRMAN. Will the gentleman kindly read it again? The Chair did not catch all of it.

Mr. SMITH of Iowa. It reads:

> The minor coins authorized by this title may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and towns of the United States, at the cost of the mint, for transportation.

Mr. JOHNSON of South Carolina. It does not say what kind of transportation, does it?

Mr. GOLDFOGLE. Would not that permit transportation by mail?

The CHAIRMAN. Does it mean in the discretion of the Secretary of the Treasury?

Mr. SMITH of Iowa. I take it so. As a matter of fact, this question of how these coins shall be transported is one that has interested the Committee on Appropriations for some years. We think we are paying too much to the express companies for handling these coins, and we have been desirous of experimenting and transporting them by registered mail, but it must not be forgotten that while it may be economical for the citizen to transport by registered mail, it may be very expensive for the Government to transport by registered mail.

Mr. GAINES of Tennessee. Why so?

Mr. SMITH of Iowa. Because the citizen is getting the postal service at less than it costs the Government, and consequently it will cost more to transport in the mail than it would cost the citizen.

Mr. GAINES of Tennessee. Will you tell us what in the world would make it cost the Government more to send to New York and back and forward?

Mr. SMITH of Iowa. I say it will cost more than it will cost the citizen to ship it that way, because the postal service is conducted at a loss, and the citizen does not pay for that service what we must pay for it if we ship by registered mail.

Mr. GAINES of Tennessee. If we send it both by mail and express we get a competitive rate, do we not?

Mr. SMITH of Iowa. We have assented to this system of registry, and as this has been going on for many years, he ought to be satisfied without changing existing law on the subject.

The CHAIRMAN. Does the gentleman from Iowa state to the Chair now that this changes in any way, by limitation or otherwise, the discretion of the Secretary of the Treasury?

Mr. SMITH of Iowa. As I understand, it would deprive the Secretary of the Treasury of the discretion given him by the statute.

The CHAIRMAN. The amendment of the gentleman from Tennessee [Mr. GAINES] says:

> Transportation of minor coin by registered mail or otherwise.

Mr. SMITH of Iowa. Oh, no; that is not the amendment of the gentleman from Tennessee [Mr. GAINES].

The CHAIRMAN. That is the amendment that is now being considered.

Mr. SMITH of Iowa. It provides that half of it is to be transported by one method and half of it by the other.

The CHAIRMAN. That is the only amendment the Chair has—by registered mail or otherwise.

Mr. SMITH of Iowa. If it does not include this last suggestion, I do not know that we will specially object—that it may be by registered mail or otherwise. It is merely a formal amendment, and it may be put in as far as we are concerned.

The CHAIRMAN. The Chair desires to state to the gentleman from Iowa [Mr. SMITH] that this is the only amendment that is now pending.

Mr. GAINES of Tennessee. You will accept that amendment?

Mr. SMITH of Iowa. It does not change the law in the slightest degree or affect the meaning in any way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. GAINES].

The question was taken, and the amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I offer an amendment, and I will read it. Insert, in line 21, page 23, following the word "appropriation" and beginning with the word "and."

The Clerk read as follows:

Insert, on page 23, line 21, after the word "appropriation," "and report at the next session of Congress the necessary facilities and cost thereof for transporting such coin by registered mail and by registered mail insured."

Mr. GAINES of Tennessee. Just a word on the merits.

Mr. SMITH of Iowa. Does the gentleman claim that this requires him to ship by registered mail during the next fiscal year?

Mr. GAINES of Tennessee. It is discretionary. That simply asks the Secretary of the Treasury to report to us what facility he needs and the cost of it. I am told that is all that is needed. It does not change any law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. GARRETT. Mr. Chairman, I offer an amendment, which has been placed in the hands of the Clerk, to insert, after the paragraph just concluded, as a new paragraph.

The Clerk read as follows:

Insert as a new paragraph, after line 21, the following:
"Transportation of silver coin: For transportation of silver dollars by registered mail or otherwise, $50,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation."

Mr. SMITH of Iowa. I make the point of order against this amendment. It is not authorized by existing law, and it changes existing law.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. GARRETT. I do not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Contingent expenses, Independent Treasury: For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, $260,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, after line 3, insert:
"For defraying expenses of transporting money stored at the San Francisco mint and receiving and storing the same elsewhere, $300,000."

Mr. GARRETT. Mr. Chairman, I reserve the point of order on that.

Mr. TAWNEY. Mr. Chairman, the transportation of coin between the mints of the United States is authorized by law. There is statutory authority for it, and this is simply transporting some of the coin in one mint to another mint.

Mr. GARRETT. I am satisfied it is subject to the point of order, but I will withdraw the point of order.

Mr. KAHN. I will ask the gentleman whether it is not a fact that the Secretary of the Treasury recommends this appropriation?

Mr. TAWNEY. He does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. JOHNSON of South Carolina. Before that question is put, I want to ask the chairman of the committee a question. Are all these moneys and bonds transported by express?

Mr. TAWNEY. They are.

Mr. JOHNSON of South Carolina. Does the gentleman know what the rates are?

Mr. TAWNEY. No; I do not recall what the rate is. This is a provision for the transportation between subtreasuries and the mints. I do not know what the rates are. I think it is the same as the other rate—a dollar a thousand. If the gentleman will turn to the hearings, he will find it in the statement made by the officer in charge of this part of the work of the Treasury Department.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Recoinage of gold coins: For recoinage of light-weight gold coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, as required by section 3512 of the Revised Statutes of the United States, $7,000.

Mr. SLAYDEN. I move to strike out the last word.

Mr. Chairman, I think this is perhaps as good a place as any in this bill to invite attention to the very remarkable figures that we find in the Treasury statement for the last three days, and also to the fact—and I do this on the very highest authority, that of a distinguished member of that body—that another branch of Congress has been expending the money of the people at the rate of $163,000,000 in four minutes; at least, the newspapers say it was done in four minutes, but the gentleman from whom I had this said that it was done in appreciably less than five minutes.

My attention, Mr. Chairman, was drawn to the remarkable figures that appear in the Treasury statement of April 28. On that date the excess of expenditures over receipts was $985,000. The cash balance at the same time was $250,448,728.

By a little calculation it is manifest that if that rate of expenditure over receipts continued for 254 days, we would be scraping the bottom of the money chest. However, the figures of April 29, the next day, were slightly more encouraging. On that day the expenditures of the Government were only the trifling sum of $707,247 in excess of the receipts, and the deficiency for the fiscal year was only $49,514,122.

But, Mr. Chairman, while my hope was uplifted on that day by the better financial statement, I was cast into the slough of despond by the statement that came this morning. I found that yesterday the expenses of the Government were $2,131,707 more than the receipts, and while the available cash balance in the Treasury still amounted to $250,448,728, the deficiency for the fiscal year was $51,645,829.

Mr. TAWNEY. Will the gentleman state also what the deficiency was for the month of April, or the difference between the expenditures and receipts for the month of April? I think it was over $11,000,000.

Mr. SLAYDEN. For that month it was $15,970,000. Mr. Chairman, these figures may not appeal to gentlemen generally, but it is really a startling situation when we find that this enormous cash balance will soon be completely exhausted; if the rate of expenditure that obtained yesterday were to continue it would completely exhaust it in three months and twenty-three days. If the rate of day before yesterday continued, the cash balance would not be exhausted for eleven months and twenty-three days. If the rate of the day before continued, it would be all gone in eight months and fourteen days.

I am not sufficiently advised as to what are the prospects of the revenue of the Government to say how long this deficiency will continue, nor how soon we may expect to see the bottom of this money chest that has been overflowing for so many years. I said to a Member of this House a few moments ago that I was going to invite attention to these figures, and he suggested that in common fairness I ought to assert that there were members of my own party who advocated the enormous expenditures made by this Congress, that I ought not to be guilty of unfairness or cast on the majority the entire responsibility.

Mr. Chairman, I accept frankly, fully, and cheerfully his suggestion. I know that this side of the House, as well as that, has advocated extravagant expenditures on the part of the Government which I do not believe the income of the Government warrants nor the necessities require. I said to him, in response to his suggestion, that I would be glad to see the expenses of the Government reduced—the military expenses, the naval expenses, the expenditure of money in many other directions—but I regretted specially to see such enormous extravagances, such a frightful outlay going on when we present to the world the spectacle of a body spending more than a thousand million dollars, throwing scores of millions into the sea, as it were, building battle ships which, in my judgment, are not required to fight an enemy who does not exist, who could not reach us if

we had such an enemy, while we refuse to make an appropriation of $60,000 to take care of and properly house a donation of works of art given by a patriotic woman.

We squander scores of millions for the purpose of butchery and decline to give a few paltry thousands for the cultivation of the refining and gentling influences of the arts. Mr. Chairman, it is preposterous, it can not be supported, it can not be justified by any process of reasoning whatever.

But we need not curtail a single penny in the appropriations for public buildings that are required, we need not curtail a single penny in making appropriations required for the development of waterways, and we may go on making all the appropriations that we can possibly expend in a judicious way for development along productive lines like the improvement of waterways. We can do all that and still save hundreds of millions.

It is impossible to trace it, so cleverly is it covered up, in the general appropriations, but I hold the opinion that if we could analyze all of the projects that are in this bill, if we could follow the expenditure of every dollar that goes out of the Public Treasury, we would find that not less than $75,000,000, possibly $150,000,000, a year is squandered in the prosecution of colonial enterprises 7,000 miles beyond our Pacific coast.

And I am of the opinion that if we would but divorce ourselves from political and geographical contact with the Asiatic races and come back to the American continent and mind our own business, as George Washington and other statesmen of the older days advised, we would not only operate our Government for hundreds of millions of dollars less, but that our people would be immeasurably happier and wealthier. [Applause.]

The Clerk read as follows:

Distinctive paper for United States securities: For distinctive paper for United States securities, including expenses of transportation, salaries of register, assistant register, four counters, five watchmen, one skilled laborer, and expenses of officer detailed from the Treasury as superintendent, $310,000.

Mr. DRISCOLL. I move to strike out the last word. Here is a provision for distinctive paper for United States securities, $310,000. In a paragraph a little further along there is a provision for distinctive paper for currency. I should like to know what these securities are which require so much money for distinctive paper.

Mr. TAWNEY. One item is for national-bank notes and the other for United States Treasury notes, silver certificates, and gold certificates; and then there is distinctive paper for internal-revenue stamps, but that is not included in this paragraph.

Mr. DRISCOLL. Why are not this paragraph and the one at the top of the next page put together? What is the difference?

Mr. SMITH of Iowa. One is for national-bank notes and the other for national currency.

Mr. DRISCOLL. Which is which?

Mr. SMITH of Iowa. The smaller item is for national-bank notes.

Mr. CRUMPACKER. The national banks repay that themselves, and that is the reason why the two items are separate.

Mr. BARTLETT of Georgia. Does this include the amount of paper that is going to be used for the purpose of issuing the $750,000,000 to be provided for the increase under the Vreeland bill?

Mr. TAWNEY. No; that will have to be in a supplemental appropriation.

The Clerk read as follows:

Special witness of destruction of United States securities: For pay of the representative of the public on the committee to witness the destruction by maceration of Government securities, at $5 per day while actually employed, $1,565.

Mr. PERKINS. Mr. Chairman, I reserve a point of order on the paragraph just read. In these days when we are running so much behind this seems a very foolish and unnecessary expenditure, unless some explanation can be given of it. Nor do I know of any provision of law which authorizes that expenditure. I refer to the $1,500 a year paid to some person who, in behalf of the public, witnesses the destruction of the Government notes.

Mr. TAWNEY. The law expressly authorizes that service.

Mr. PERKINS. Does it direct it?

Mr. TAWNEY. Yes; it does. There is a committee appointed to witness the destruction of these securities.

Mr. PERKINS. What is the necessity for this representative of the public?

Mr. TAWNEY. It is for the purpose of making sure that the securities are destroyed.

Mr. PERKINS. Why should $1,500 a year be paid to one person?

Mr. TAWNEY. It is not all paid to one person. There is a committee, and they meet several times a year.

Mr. PERKINS. Yes; but it amounts to paying $1,500 for what must be a pure sinecure, and a wholly unnecessary expenditure.

Mr. BENNET of New York. Will my colleague yield for a question?

Mr. PERKINS. Yes; I am in search of information, because this seems like a pure waste.

Mr. BENNET of New York. Does not my colleague recall the trouble which our recent comptroller, Mr. Wilson, had in the State of New York from the fact that they did not have such a representative of the public, and he was accused of the careless misuse of stamps to the amount of $8,000,000 or $9,000,000, because there was no committee to supervise their destruction?

Mr. PERKINS. Of course there must be some one to supervise the destruction, but I understand there are certain Government employees, several of them, charged with the work and the responsibility. Now, to have some one outside come in at $1,500 a year to supervise this work is as unnecessary, it seems to me, as to have a representative of the public in any other work done by the employees of the Government.

Mr. BENNET of New York. We had in our State employees of the State government whose duty it was to see that this was done, and they did it, and, as a matter of fact, the stamps were destroyed, but the fact that there was no organized committee with an outside representative to witness the destruction led to the trouble which occurred.

Mr. PERKINS. I do not see why there is greater confidence if some man is picked up from the outside. Does the gentleman from Minnesota [Mr. TAWNEY] say that there is any statute under which this appropriation is authorized?

Mr. TAWNEY. Yes; I do.

Mr. PERKINS. Because, if there is not any, I am going to make the point of order.

Mr. TAWNEY. The statute authorizes it. I will read from the hearings of two years ago, on page 197, where Secretary Shaw was interrogated in regard to the matter. He said:

We destroy those that are redeemed, and it takes a certain amount of help, and we employ those people and pay them.

Mr. SMITH. A person outside of the Department is employed for this purpose?

Mr. SHAW. Yes; a person from the outside and two people from the inside.

Mr. SMITH. So you have a pretty good check on it.

Mr. SHAW. Mr. Noble, the special witness for the United States securities, is a gentleman appointed by the Secretary to represent the people, and the others are representatives from the Registrar's office and from the Treasurer's office.

Mr. PERKINS. Then the representative of the people is somebody that the Secretary of the Treasury picks out.

The CHAIRMAN. Does the gentleman from New York withdraw his point of order?

Mr. PERKINS. Yes; if it is authorized by law.

Mr. MACON. Mr. Chairman, I move to strike out the last word. Following up what the gentleman from New York [Mr. PERKINS] has said, I desire to state that this paragraph seems to provide $5 a day for every day in each year, except Sundays, to pay some particular person to witness the fact of the destruction of the Government securities provided for in this provision. It strikes me that a man who could be picked up for $5 a day to be used as a witness on a great proposition of this kind would not be a very important character. I can not see, to save my life, how the law contemplates that the Government will be very greatly protected by employing a person at the small sum of $5 a day to witness the destruction of securities that are ready for cancellation.

If it could go out on a point of order, it looks to me like it would be a clear saving of $1,565 a year, whereas it is now practically macerated when it is paid to a witness, just as much as the securities that he is called upon to witness the maceration of.

Mr. CRUMPACKER. Why does not the gentleman move to strike out the paragraph and take the sense of the committee on the proposition?

Mr. MACON. Very well, Mr. Chairman, I withdraw the pro forma amendment and offer a formal one to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, beginning with line 15, strike out the paragraph down to and including line 20.

Mr. JOHNSON of South Carolina. Will the gentleman allow me to interrupt him?

Mr. MACON. Yes.

Mr. JOHNSON of South Carolina. Does the gentleman know who the people are that destroy this money?

Mr. MACON. I do not. I think they ought to be highly responsible, however.

Mr. JOHNSON of South Carolina. Very well, I will tell the gentleman. The macerater in the Treasury Department has three locks upon it. One of those can only be opened by the Comptroller of the Currency or some man from his office, one by the Secretary of the Treasury, and one by the Treasurer of the United States. Those three men must always be present, or somebody from their office representing them, before the machine can be opened and this money put in for destruction. Now, you have got a man at $5 a day to watch the Secretary of the Treasury, the Comptroller of the Currency, and the Treasurer of the United States.

Mr. MACON. Which emphasizes the needlessness of this particular witness. We know that a $5 a day man can not add anything to an occasion of this sort that would be in any sense valuable to the American people; and while it will save only $1,565 per annum, it will be that much saved, and I believe this committee ought to save even that small sum whenever it has an opportunity of doing so.

Mr. McCALL. Mr. Chairman, I would like to ask the chairman of the committee how much is destroyed in value of securities each year.

Mr. TAWNEY. It is impossible for me to state the amount that is destroyed. The destruction is going on almost every day. They have in the Bureau of Printing and Engraving a macerater, and that is where the money, including the national-bank notes, the gold notes, and the silver certificates, and all the money that is redeemed by the Government, is destroyed, and the destruction by statute must be made in the presence of some one who represents the people, as the statute expresses it, and somebody to represent the Department.

Mr. McCALL. Is not it a very great amount—many millions of dollars a year?

Mr. TAWNEY. It amounts to hundreds of millions of dollars a year.

Mr. McCALL. It seems to me this would effect so infinitesimal a saving, Mr. Chairman, and at a risk very great——

Mr. TAWNEY. And the statute requires this service. It was deemed in the judgment of Congress of sufficient importance to guard the destruction of this money to have some one who was not a regular official of the Treasury Department to witness that destruction.

Mr. CRUMPACKER. Will the gentleman answer a question? Does the gentleman believe, as a practical proposition, that the public witness, as he terms it, is any additional safeguard at all? Is not that duty performed chiefly in a perfunctory way? He is not a classified man, and is it intended to go out of the classified service to get a spoilsman to watch classified clerks and officers?

Mr. TAWNEY. The gentleman will have to address his question to the Members of Congress who were here and enacted this law. I do not know what influence prompted Congress to provide this additional safeguard in the destruction of these hundreds of millions of dollars of paper money——

Mr. CRUMPACKER. But we do not have to make the appropriation.

Mr. TAWNEY. Nevertheless the statute requires it, and the statutory recommendation for that service exists.

Mr. CRUMPACKER. Why is it necessary to have these notes canceled every day, so this $5 a day man, who can only be there a few minutes during the operation——

Mr. TAWNEY. Simply because the redemption of notes is going on every day.

Mr. CRUMPACKER. Why should it be necessary——

Mr. TAWNEY. And there is not vault room enough to store the notes that have been once redeemed and canceled, and it is for the purpose of getting them out of the way.

Mr. CRUMPACKER. They do not have to cancel them every day.

Mr. MACON. Mr. Chairman, I want to ask the gentleman from Minnesota a question, if he will permit me.

Mr. TAWNEY. Go ahead.

Mr. MACON. I want to ask the chairman of the committee the direct question. Do you believe, sir, as chairman of the committee that has had this matter under consideration for year after year, that this $5 a day man saves to the Government one single cent in the course of a year in the matter of watching persons who are charged with the duty of destroying this paper? Do you think it saves one single cent in the course of a year?

Mr. TAWNEY. I will say to the gentleman that it is not for the purpose of saving the Government money in the sense he uses that term; it is for the purpose of satisfying everybody that the destruction of redeemed paper is accomplished honestly. The statute requires that when a note is redeemed and canceled it must be destroyed. Now, that destruction should take place in accordance with the law in the presence of three persons, one of whom is a public witness or who represents the people as contradistinguished from the Department. Now, to clear the matter up I will read section 3180 of the Revised Statutes:

> Whenever any United States notes returned to the Treasury are so mutilated or otherwise injured as to be unfit for use, the Secretary of the Treasury is authorized to replace the same with others of the same character and amount.

Section 3181 reads:

> Mutilated United States notes, when replaced according to law, and all other notes which by law are required to be taken up, and not reissued, when taken up, shall be destroyed in such manner and under such regulations as the Secretary of the Treasury may prescribe.

The only regulation prescribed by the Secretary of the Treasury is the appointment of a man who represents the public as contradistinguished from the Department. I am informed now—I do not know whether the information is correct or not—but I am informed that the present public witness, if you please to call him that, is the former director of the Bureau of Engraving and Printing, General Meredith. I think I was asked that question a moment ago. I now yield to the gentleman from Arkansas.

Mr. MACON. Now, Mr. Chairman, I want to ask if that is the only employment Mr. Meredith has?

Mr. TAWNEY. That is the only employment he has, that is, so far as the Government service is concerned.

Mr. MACON. So far as the Government is concerned.

Mr. DAWSON. If the gentleman from Minnesota will permit me, I desire to say I happened to be at the Bureau of Engraving and Printing when this process was going on, and I happen to know that this gentleman is there and superintends this personally, so that he gives personal attention to his duties.

Mr. KEIFER and Mr. MACON rose.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I will be very brief. I think the statement is not clearly made as to the duties of this witness for the Government. He is not a mere witness of the maceration or destruction of securities. He knows and is required to know what is being destroyed. Having witnessed that faithfully, as we must assume, he is required to make a statement in relation to them, as to kind, amount, and so forth. My recollection is that this applies not only to the class of Government securities mentioned here in this paragraph, but to all mutilated and worn-out national bank and other notes circulating as money. The same sort of destruction goes on of all canceled and worn-out notes of the different denominations of the different banks, and there is a record made and a certificate made and filed. I think the witness has to make an affidavit to his report or statement, and it is filed, and if any question comes up it can be settled by going to these papers. The record thus made contains the history of the destruction of all classes of Government securities. It is a most important place, and it is not absolutely an office. This distinguished gentleman who is generally there may not be there every day, but some other distinguished gentleman will be there. It is not a classified office at all. I am not sure but a Member of the House of Representatives might go there, if he would take the time, and examine the securities that were to be destroyed, keep a list of them, see that the destruction took place, and after the destruction make his proper certificate and the record that is to be kept. And it is a very important service to the Government when we extend it to the destruction of worn-out or mutilated national-bank paper. It is a very important one for the banks; and $5 a day is a very small sum to be paid per diem. You see that there are three hundred and twelve days in the year provided for—that is, $5 a day for three hundred and twelve days in the year, and that is on the theory that——

Mr. DRISCOLL. He gets pay for three hundred and thirteen days here.

Mr. KEIFER. If that be so, if the work goes on, it is still only $5 a day. That ought not to break the Government up.

Mr. FITZGERALD. The committee must remember that from the time this distinctive paper that is used for Government securities and bank notes has begun to be manufactured the Government throws the greatest safeguards about it. It is of the utmost importance, as has often been demonstrated, that every scrap of this paper be accounted for from the time it is manufactured until it is so destroyed that it can not be used for any other purpose.

Mr. TAWNEY. If my colleague will permit, I will suggest right there that the Government superintends not only the manufacture, but from the manufacture of the paper until it is finally destroyed.

Mr. FITZGERALD. If I recall correctly, in the Treasury Department they count fifty-two times the sheets of paper that are finally stamped and turned out as paper money. Now, it may be that at this particular time these mutilated notes would be as effectively destroyed without this witness as if he were there; but as the result of long experience, and in the belief that it was a wise thing to do, it was determined to be beneficial not only to have the Government officials, but somebody not connected with any Government department, present when this paper was destroyed.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. CRUMPACKER. Does the Government authorize the selection of a witness to represent the public in the manufacture of the paper or any other stage of its handling except this maceration? There are no witnesses to represent the public in any stage of the manufacture of this distinctive paper, are there?

Mr. FITZGERALD. Not that I know; but I have no doubt that this particular person, or witness, for this purpose was designated and is employed because of some peculiar conditions that existed at that time and that may now be removed.

Mr. CRUMPACKER. I supposed the Secretary of the Treasury and all the men engaged up there and receiving salaries from the Public Treasury are representing the public and looking after the public's interests.

Mr. FITZGERALD. That is undoubtedly true, but it was deemed wise to have somebody not connected with the different services under the Treasury Department or the affiliated bureaus of the Government present when this was done.

Mr. PERKINS. Will the gentleman answer the question?

Mr. FITZGERALD. I will try to answer it.

Mr. PERKINS. Undoubtedly you can. What degree of additional safety does the gentleman think we get when, instead of some employee of the Government in an important position, the Secretary of the Treasury himself picks out somebody who is to draw this pay and come in and supervise this work? Wherein does it especially guard the public against any loss to have the Secretary of the Treasury pick out his own man to superintend the destruction of these bills?

Mr. FITZGERALD. Well, I am unable to answer that question. Perhaps my colleague will try and answer one for me.

Mr. PERKINS. All right.

Mr. FITZGERALD. Is he able to give the reason which resulted originally in the witness being selected outside of Government employment?

Mr. PERKINS. I am not able to give any reason, other than it appears to me a purely foolish position, a position created to draw an extra salary for very little work.

Mr. TAWNEY. Do you know anybody who has applied for this position and did not get it?

Mr. PERKINS. I do not know that I ever heard of it.

Mr. FITZGERALD. I have heard at some time the reason for this appointment outside of the officials. The details do not now come to me, but I know it was because of a condition that existed at one time. If I am not mistaken, some of these securities were not destroyed. It is an additional precaution that was taken. It may not be wise, but I would sooner spend the $1,500 to make certain the destruction rather than vote not to appropriate it without having the reason that impelled the selection of a witness of this character and know just why such a witness has been used.

Mr. HAUGEN. Is it destroyed before it is sent over to the Bureau?

Mr. FITZGERALD. No; that is a different class of paper. [Cries of "Vote!"]

Mr. MACON. Mr. Chairman, it strikes me as being absolutely useless to require the payment of $5 a day to some one to watch other officers of the Department discharge a certain duty. Why, sir, in the expenditure of all the money of this country some one must be trusted to do it, but we do not employ witnesses at $5 a day to see that the money of the country is properly expended. The parties who are charged with the duty of macerating Government securities ought certainly to be as responsible as any $5 a day men that can possibly be found in the city of Washington, and why they should have a witness that can be secured for the per diem just mentioned to watch them discharge their duty surpasses my capacity to reason out or understand. I insist that it is a reflection upon the integrity and honesty of one who occupies the high position of Secretary of the Treasury for it to be deemed necessary to employ some one at $5 a day to witness that he properly discharges that particular part of his duty as Secretary of the Treasury.

Mr. CRUMPACKER. Will the gentleman allow a suggestion?

Mr. MACON. Certainly.

Mr. CRUMPACKER. The gentleman must bear in mind that the Secretary has power to appoint the man whom he desires to watch him.

Mr. MACON. That is a good point, sir. If the Secretary of the Treasury was disposed to do wrong, he being given power to select some one to witness the maceration of these securities, would certainly get some one who would witness the transaction just as he would want it witnessed.

Why, sir, it is true that this, in a way, is a small matter, but small matters when added together make large matters sometimes, and when we find small matters in connection with any part of the administration of the affairs of this Government that are being conducted in a wrongful manner, it becomes our duty to right the wrong as well as we can.

The gentleman from Minnesota, the chairman of the committee, insists that this appropriation ought to be made, because the law has provided for it heretofore. Why, we are charged with the duty of correcting the wrongful features of the law in so far as we can whenever we find that they exist. Therefore I insist now——

Mr. TAWNEY. While the gentleman is discussing this amendment seriously, will he permit me to inform him that while I submit it is necessary to do this because the law requires it, I also claim that it is necessary to do it because, if the appropriation is not made we do not change the law, but simply permit the service to continue, and allow a claim to run against the Government for which we will have to appropriate later. If the gentleman wants to accomplish his purpose, he ought to introduce a bill changing the law. He can not change the law by refusing the appropriation; and that is all he proposes to do.

Mr. MACON. No one knows better than the chairman of the committee that that statement will hardly hold water. Because the Secretary of the Treasury, if this appropriation was stricken out and the matter left to his discretion, would not go to the trouble of employing this witness when no appropriation had been made to pay for his services.

Mr. TAWNEY. The gentleman does not change the discretion now vested in the Secretary by the law by refusing to make the appropriation. He still has the discretion.

The CHAIRMAN. The question is upon the motion of the gentleman from Arkansas [Mr. MACON] to strike out the paragraph.

The question being taken, the motion was rejected.

The Clerk read as follows:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services for the care of all public buildings under control of the Treasury Department outside of the District of Columbia, and washing towels, sprinkling streets, and removing rubbish in connection with said buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, $1,688,872; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee if this additional appropriation over the appropriation for 1908, amounting to about $118,000, provides for an increase in the pay of janitors and others employed in the various public buildings throughout the country.

Mr. TAWNEY. The pay of assistant custodians and janitors of public buildings is fixed by the Secretary of the Treasury and paid out of this lump-sum appropriation. The estimate was increased, as the representative of the Treasury Department informed the committee, for the purpose of giving some increases of salaries to these assistant custodians, janitors, laborers, and charwomen, and the committee recommend the allowance of the full amount of the estimate. I therefore infer that with the appropriation equal to their estimate they will carry out the purpose which they declared they had when they were before the committee. There is some of this increase which is made necessary on account of new buildings that are coming into commission during the next fiscal year.

Mr. KNOWLAND. I understand from the Treasury Department that they asked for a sufficient amount to allow this increase.

Mr. TAWNEY. That is what they informed the committee.

Mr. KNOWLAND. You gave them all they asked?

Mr. TAWNEY. Yes.

Mr. KNOWLAND. I think it is entirely proper. A great many of them are receiving only $45 a month, and that is a very low wage. I withdraw my pro forma amendment.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to offer a new paragraph to come in at this point.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 26, after line 6:
"For payment of transportation by mail of all mutilated and insanitary United States notes sent to the United States Treasury for reissuance."

Mr. TAWNEY. I make the point of order on that, and I will say further that we have passed the item which the gentleman refers to.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. TAWNEY. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GAINES of Tennessee. Will the gentleman reserve it?

Mr. TAWNEY. No; I make it. We have heard from the gentleman this morning on his proposition.

Mr. GAINES of Tennessee. I have not addressed myself to this question, nor has anyone else, I am sorry to say, in the Congress of the United States. I hope the gentleman will reserve the point for a couple of minutes. Does the gentleman know what my amendment is about?

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. What?

Mr. TAWNEY. About the transportation of silver.

Mr. GAINES of Tennessee. No; it is not. I knew the gentleman did not understand it.

Mr. TAWNEY. I knew it was either silver or else dirty money; I did not know which. The gentleman has frequently addressed the House on those two propositions.

Mr. GAINES of Tennessee. I am talking about this dirty paper money which spreads disease all over the United States, and the Government of the United States is as much responsible for its condition as are the people through whose hands it circulates. It goes into every corner of the civilized world, and is worn out and befouled, and then it brings back all kinds of disease and filth. A similar item was carried for a number of years in the appropriation bills, and I have sought for several years to get some legislation on this subject. I knew the gentleman did not know what my amendment was about, and I want to tell him.

The CHAIRMAN. The gentleman is speaking by unanimous consent.

Mr. GAINES of Tennessee. I presume I am, because the House seems anxious to hear something about dirty money. I do not know of any man who uses as little dirty money as does the gentleman from Minnesota. He gets it clean, right out of the Treasury, and the kind of money that he uses, in the clean condition in which he receives it, would be a curiosity to the people out West.

Mr. TAWNEY. The gentleman from Minnesota is glad to get any kind of money.

Mr. GAINES of Tennessee. Well, this is more or less serious. If we have a Democratic House, I am going to have a clean-money bill or I am going to be very much disappointed. I know, Mr. Chairman, if the public press can ever tell a straight story on the subject, and of course it does, that an Army officer in Manila city recently lost his life counting the dirty money of the United States Government in paying off the Federal obligations. Several in New York City have lost their hands for the same reason, the cashier of the Hoffman House, New York, being one of them. That is the Democratic headquarters, and I have no doubt that if we could find the Republican headquarters we would find that somebody had lost his life by the same means. [Laughter.]

But, gentlemen, you would be greatly astonished if you read the mail that I have received since I started this crusade against disease-breeding money. This is nothing new except the idea that I have employed in the bill which the Committee on Banking and Currency have had in custodia legis. Of course they are too busy fooling around with the currency bill, the Hill bill, the Vreeland bill, the Aldrich bill, and other bills, to give attention to this plain, serious proposition.

Now, for a number of years we appropriated $55,000 a year to purge the country of rotten money. They continued it until the currency was clean, and then they dropped it. Why can not you do it now? Why, if you go back into the sections of the country removed from Washington, where we get clean money, you will find it so foul that it stinks in the nostrils of the miser! Our wives, our nurses, our children, our good Samaritans deal with it, and then they have to handle the little infants, and if they have some little sore upon the mouth or upon the eye their blessed little bodies become inoculated with a disease carried on the hands of these ministering angels. The gentleman from Minnesota says he does not have any dirty money. Neither does any other Member of Congress, but if you go back into the country where I have been you will find it. The gentleman from Minnesota is busy in Washington, but I go back to where the lamp of liberty started, in the country, and there I find the best people in the world; but what do they have? Dirty money that they sweat their faces to make, and yet it stinks so that they complain to the sanitary officers and to the people, and appeal to me, as I appeal to you and to Congress, to give them a remedy. What is $55,000 to this great Government compared with having clean money? The people will indorse it if we only do the clean thing by them, and then we will all have clean money and clean consciences and conscious that our full duty has been well done. [Applause.] I hope I have converted the gentleman from Minnesota and that he will withdraw the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, whose duty it shall be to inspect public buildings under the control of the Treasury Department and report on the efficiency of the custodians' forces and the use of fuel, lights, water, miscellaneous supplies, etc., $3,000; and for actual necessary traveling expenses, not exceeding $2,000; in all, $5,000.

Mr. PERKINS. Mr. Chairman, I make a point of order, on the ground that that is new legislation.

Mr. TAWNEY. Mr. Chairman, I will say that there is no law or statute authorizing this position. The provision has been carried in the sundry civil bill for a number of years. The Committee on Appropriations at the last Congress, at both sessions, reported a bill omitting this paragraph, but it was always inserted in the Senate and insisted upon, and the House has always receded from its disagreement to the amendment. The committee at this session concluded, in view of our failure in the past to carry it, to recommend it to the House.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Inspector of furniture and other furnishings for public buildings: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, $2,500; and for actual necessary traveling expenses, including actual traveling expenses of assistant, not exceeding $3,000; in all, $5,500.

Mr. MACON. Mr. Chairman, I make a point of order against that provision.

Mr. TAWNEY. What is the point of order?

Mr. MACON. That the position is not provided for by existing law.

Mr. TAWNEY. I will state, Mr. Chairman, that that is a fact; both of these provisions were omitted in the bill as reported at both sessions of the last Congress for the reason I have stated. The inspection has been going on for several years.

The CHAIRMAN. Is there any authorization of law for it?

Mr. TAWNEY. No; no law authorizing it. It is a public work that has been going on for some time.

The CHAIRMAN. Did the gentleman from Arkansas make the point of order

Mr. MACON. I did.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For assistant inspector of furniture and other furnishings for public buildings, $1,600.

Mr. MACON. Mr. Chairman, I make the point of order against that provision; the same point of order.

The CHAIRMAN. The gentleman makes the point of order on lines 1 and 2, page 27?

Mr. MACON. Yes.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota whether or not there is authorization for this.

Mr. TAWNEY. There is no statutory authorization for this provision. This provision has been carried in the sundry civil bill for a number of years, and will be next year. The House will recede again as it always has on all of these provisions, and we will be put to the trouble and expense of doing it.

The CHAIRMAN. Is this position a clerk in the classified service?

Mr. TAWNEY. This position is in the classified service. The first is the inspector and this is the assistant inspector, and they are both in the classified service. The one on the other page is not.

The CHAIRMAN. The assistant inspector is in the classified service within the meaning of the statute which creates the classified service?

Mr. TAWNEY. No; it is not in that sense. He is required to take a civil-service examination, that is all.

The CHAIRMAN. The Chair thinks it is subject to the point of order and sustains the point of order.

The Clerk read as follows:

The furniture for all new public buildings shall hereafter be procured in accordance with plans and specifications approved by the Supervising Architect of the Treasury.

Mr. MACON. Mr. Chairman, for fear someone will try to get a witness to watch this gentleman at $5 a day while he is preparing these plans and specifications, I make the point of order against that provision.

Mr. SMITH of Iowa. Of course it is possible that it is subject to a point of order, but I think the gentleman will withdraw his point of order if he knows the circumstances.

Mr. MACON. I am afraid that they will bring in a witness at $5 a day to watch him while he is making the plans.

Mr. SMITH of Iowa. The point is this: The architect draws the plans of a building, and, of course, necessarily of the rooms in that building. He knows what furniture is adapted to those rooms. Of course if the gentleman is desirous of having the plans or designs for the furniture supplied by some one who did not draw the plans, and have furniture that would not be suitable, he has a right to have that. Still, the object of this is to let the Supervising Architect not draw the plans for the furniture, but overlook the designs—that they shall be submitted to him, so that he may know whether the furniture is harmonious with the building which he has planned. It does not cost anything at all. Of course if the gentleman wishes to insist on his point or order, it is well taken.

Mr. MACON. I withdraw the point of order.

Mr. PERKINS. Mr. Chairman, I reserve the point of order for the purpose of getting a little information. It seems to me that, with the great number of buildings scattered all over the United States in different climates and with different requirements, to concentrate it all in Washington and say that the guardians of these buildings can not as much as buy a set of chairs without their first being approved is somewhat cumbersome.

Mr. SMITH of Iowa. That is not what this does.

Mr. PERKINS. I would like to know what it does.

Mr. SMITH of Iowa. This refers only to new public buildings—when a new building is erected and furniture installed. Now, that furniture ought to be suitable furniture for that type of building. The custodian of a building now has nothing to do with the selection of it. It is selected by the chief clerk of the Treasury Department. The question is whether the chief clerk of the Treasury Department, in furnishing a new building, ought to submit his plans for furniture to the supervising architect who drew the plans of the building that he may see whether the furniture is fitted for the building.

Mr. PERKINS. I would like to ask my friend a question. We have to consider the effect of such regulations as these. Architects are human. They have their ideas of what should be. Does the gentleman not think that making it necessary to have all the furniture approved by the architect to correspond with his architectural plan will result in very costly systems of furniture being installed, more so, really, than we require for our everyday life in custom-houses and collectors' rooms and court-houses and witnesses' rooms? These public buildings are not parlors where the members of the Cabinet are to receive foreign representatives, but are everyday workaday rooms.

Mr. SMITH of Iowa. That is true; but there is no proposition to expend any additional money; there is no proposition here to have the architect plan the furniture, which I think he should, but the proposition is that before the furniture is ordered for a particular building designs of it should be submitted to the man who drew the designs of that building, that he may see whether the designs of the furniture are fit for the building.

Mr. PERKINS. The idea being if this is a Louis XV room, that we will have a suite of Louis XV furniture.

Mr. SMITH of Iowa. Oh, the gentleman is better informed on such subjects than I am, and I can not give him any information on that.

Mr. PERKINS. That would seem to be the result, which would be an exceedingly costly system to inaugurate for our court-houses and post-offices.

Mr. TAWNEY. If the gentleman will permit, do you think that the chief clerk of the Treasury Department is more competent to determine the character of the furniture that should go into Government buildings than the Supervising Architect, the man who designed the buildings and under whose supervision they are constructed?

Mr. PERKINS. From the little experience, I should fear the result would be that the furniture that was approved by the Supervising Architect would probably be more handsome, but surely it would be more costly.

Mr. TAWNEY. It is to avoid that, after a full and careful consideration of the whole subject, that the committee inserted this provision, in order that we may perhaps furnish our buildings at a less cost hereafter than we have been furnishing them heretofore.

Mr. PERKINS. I hope that will be the result.

Mr. SHERLEY. If the gentleman will permit me, I want to accentuate what has been said by the chairman of the committee. I think we would save a good many thousands of dollars and have a much more economical administration if the entire matter of public buildings and their furnishings were put in the hands of the Supervising Architect and taken entirely out of the hands of the chief clerk of the Treasury Department.

Mr. PERKINS. But the Supervising Architect must take the opinion—no one man can supervise all of these buildings—of a large number of employees.

Mr. SHERLEY. But I believe that Department would work much more economically and would have much more reason to sustain their action than that arising under the charge of the chief clerk of the Treasury Department. To my mind, there is a very foolish division now of responsibility between those two Government officials.

Mr. PERKINS. Well, I am by no means sure my friends of the committee are right, but I shall not insist on the point of order.

Mr. SHERLEY. Has the gentleman any reason to think the committee is not right?

Mr. PERKINS. A good deal. I withdraw the point of order.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including $1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States, $115,000: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

Mr. PARSONS. Mr. Chairman, I move to amend in line 9, page 29, by striking out the word "fifteen" and inserting the word "twenty-five."

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 29, line 9, strike out the word "fifteen" and insert the word "twenty-five," so it will read "$125,000."

Mr. PARSONS. Mr. Chairman, that would make the appropriation the same amount it was last year and has been for several years.

Mr. TAWNEY. Does the gentleman from New York assume that because a certain amount was appropriated last year and for the current year that that money was all spent, and therefore they should have as much next year?

Mr. PARSONS. I know that last year it was not all spent, but I also know that you have appropriated $125,000 for several years, and that in your hearings this year the testimony was that there was an increase in the crime of counterfeiting. I will read what Mr. Moran said in the hearings:

Just now it is on the increase; that is, in the last few months there has been unusual activity. We looked up the records the other day, and compared the last five months with the five months previous to that, and our arrests have almost doubled in that time.

And again later:

The CHAIRMAN. Do you expect to have a surplus this year?

Mr. MORAN. It depends altogether how active counterfeiters become. We husband our resources in shape of emergencies.

The CHAIRMAN. Is there any special reason for the activity at this time?

Mr. MORAN. No; unless it is because so many are out of work.

Mr. FITZGERALD. Has it been your experience that in times of financial depression the counterfeiters become more active?

Mr. MORAN. Yes.

It seems to me, Mr. Chairman, if $125,000 was appropriated in the past, it is additionally proper this year.

Mr. SHERLEY. If the gentleman will permit me, if I understand the gentleman's argument, it is due to the Republican hard times that an additional amount of money is needed to stop counterfeiting?

Mr. PARSONS. No; that is not the gentleman's argument at all.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PARSONS. I yield.

Mr. CLARK of Missouri. Is it not a matter of common knowledge that the business of counterfeiting has fallen off instead of increasing all over the country?

Mr. PARSONS. Not now; it is on the increase at present, according to the testimony.

Mr. CLARK of Missouri. Does the panic increase counterfeiting? If so, it is the only thing it has increased except soup houses.

Mr. TAWNEY. Mr. Chairman, I just want to read a paragraph from the testimony of Mr. Moran. Mr. Moran said to the committee:

Of course we try to take care of these men—

Speaking of the men who were employed by the Secret Service in other departments and another service than that in which the law authorizes them to be employed—

Of course we try to take care of these men in the best manner we can. To show that we did not needlessly spend the money, we turned in a surplus of over $19,000 last year, but it was because counterfeiting has been at a low ebb. Just now it is on the increase; that is, within the last few months there has been unusual activity. We looked up the records the other day—

The balance of the paragraph is as read by the gentleman from New York [Mr. PARSONS]. In view of the fact that they have heretofore had a surplus of $19,000, they would still have a surplus if the expenditures were no greater next year than they were last year, under the appropriation which the committee has given, and the committee did not feel warranted, in view of the fact that it was disclosed to us that there was a surplus, in appropriating more money than the testimony before the committee would show was required for the service.

And, in addition to that, I might say, Mr. Chairman, that while technically there perhaps has been no part of the $125,000 appropriated for the current year, or last year, paid to men in the Service when employed by other Departments, nevertheless it does appear from the testimony that there were about twenty more men maintained on the rolls of the Secret Service during the last year than were necessary for the discharge of the specific duties for which the $125,000 is appropriated. Now, these men were paid out of appropriations made for the other Departments in which they served, but, nevertheless, it was necessary for the Secret Service officer to maintain a larger number of men in consequence of this practice, and I have no doubt in the world that $115,000 will be more than sufficient to meet the requirements of the Service if that service is confined legitimately to the purposes which the law contemplates it shall be.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PARSONS].

The question was taken, and the amendment was rejected.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word. I do this, Mr. Chairman, for the purpose of asking the chairman of the committee for some information regarding this particular paragraph. I notice in the paragraph there is a provision made, or it is practically for the purpose of making provision, for arresting men and bringing them to trial who are engaged in counterfeiting, and so forth. Why is it that that is connected with the provision later on relating to the investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased persons, and also is connected with the provision for protecting the person of the President of the United States? Why are these several subjects connected in this paragraph?

Mr. TAWNEY. I will say the statutory provision referred to by the gentleman is an old provision. That Service became necessary shortly after the war, when there were a great many frauds, as we were informed, perpetrated upon the Government in consequence of people claiming the accrued pensions due deceased old soldiers. The provision now could be dropped out of this paragraph, but it was never brought to the attention of the committee before that there had been no investigation and no arrests made under that paragraph, although they have from year to year set aside a thousand dollars for that specific purpose.

Mr. NORRIS. That is what you have done here?

Mr. TAWNEY. Yes. A thousand dollars for that specific purpose. Now, we did not feel justified in ceasing that Service, in view of the fact that it is statutory service; but if there is no longer any necessity for it, when we come to consider the next appropriation bill it will probably be dropped if the Department will approve of our doing so.

The provision in regard to the protection of the President was for the first time placed in this paragraph two years ago. Up to that time no officer or employee in the Secret Service was justified in paying any attention whatever to the protection of the President. If any officer was used, and many were used for that purpose, it was in direct violation of the law, if they were paid out of this appropriation; and they were paid out of the appropriation. The necessity for the service was so manifest, and the fact that it could not be had under this provision without inserting that language was the reason why the committee incorporated it in the bill two years ago.

The Clerk read as follows:

No person employed in the Secret Service Division of the Treasury Department or under the appropriation for suppressing counterfeiting and other crimes, who is detailed, furloughed, granted leave of absence, dismissed, or otherwise temporarily or finally separated from the service of such division and is thereafter employed under any other branch of the public service shall be restored or paid compensation for service or expenses in the Secret Service Division for two years after the termination of his employment under such other branch of the Government.

Mr. BENNET of New York. Mr. Chairman, I reserve the point of order against the paragraph just read, from line 16 to line 25.

Mr. TAWNEY. Mr. Chairman, the paragraph is unquestionably subject to the point of order. I hope, however, in view of the testimony that was presented to the Committee on Appropriations regarding this Service, that the gentleman from New York will not insist upon the point of order, and thereby make it possible to continue the practice which obtains now and has obtained for several years of the Department of violating this provision of the appropriation law. It may be said this violation is purely a technical violation; but, nevertheless, while I would not concede that, I want to call attention to what the practice is. The appropriation reads as follows:

And for no other purpose except for the protection of the person of the President of the United States.

So that this appropriation can be expended for no other purposes than those mentioned in the paragraph. As a matter of fact, the testimony of the Assistant Chief of the Secret Service shows that they are maintaining and have for some time maintained on their rolls a force of twenty more men than was necessary for the secret-service work authorized under this appropriation. That necessity grows out of the fact, as he informed us, that they are constantly called upon by other Departments of the Government to furnish men for service in their department.

When this matter was first brought to the attention of the committee, the committee felt that it was its duty to investigate it. Congress was from year to year appropriating $125,000 for this specific service; and if the men employed in the Secret Service were detailed to other Departments and paid from other appropriations, then what becomes of the $125,000 appropriated for that Service in the Treasury Department? On inquiry, however, we found that when a man in the Secret Service of the Treasury Department is transferred or loaned or detailed—and all three words are used to describe the fact—the man employed in that Service is no longer paid out of this appropriation. There is, therefore, to that extent, no violation of the statute. He is paid out of a miscellaneous appropriation made to the Department in which he is then employed.

Mr. LANDIS. Is he paid in accordance with the law?

Mr. TAWNEY. Well, miscellaneous appropriations are usually very general. In the Department of Justice there is no question of their right to pay secret-service men out of the general appropriation for United States courts. There is no question about that. But there might be, and doubtless is, a serious question whether, under existing law and existing miscellaneous appropriations, they could be paid out of these miscellaneous appropriations for the other Departments.

But I say, notwithstanding that he is employed thereafter by another Department, paid for by the other Department, and is not required to take the oath of office, during all this time he remains on the rolls of the Secret Service in the Treasury Department he is under the control of the Chief of the Secret Service, and he makes his reports to the Chief of that Service.

Now, this provision is not intended as an evidence on the part of the committee of its disapproval so much of the employment of secret-service men wherever they are necessary in other Departments as it is to emphasize our disapproval of the practice of using the Secret Service, which is the most important branch of the secret-service work in the Government and which is limited exclusively to the detection of counterfeiting and alleged counterfeiting and the protection of the person of the President. It was for the purpose of stopping the use of this Service in every possible way by the Departments of the Government that this provision was inserted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I would like five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PARSONS. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Certainly.

Mr. PARSONS. Does the gentleman think it desirable to have a general detective service for the Government?

Mr. TAWNEY. No; I do not.

Mr. PARSONS. Then would the gentleman have a separate detective force for each Department?

Mr. TAWNEY. No; I would not.

Mr. PARSONS. Well, how would the gentleman, then, have the detective force necessary for the Department of Justice and other Departments that need such a force?

Mr. TAWNEY. There are several answers, Mr. Chairman, that could be made to that question. The same way that the Department of Justice and the other Departments obtained this service prior to the beginning of the present practice. Then there is another objection to a permanent secret service in connection with the administrative departments of the Government. They are on the pay roll constantly. They are always with you; whereas if it becomes necessary—and I do not dispute the fact that at times it may be necessary for the Department of Justice to employ secret-service men. But, when that necessity arises, there is nothing in this provision to prevent the Department of Justice getting the eligible roll in the Treasury Department and simply selecting a man from that roll and employing him for the particular work the Department desires him to do.

Mr. PARSONS. What roll can he be found on?

Mr. TAWNEY. And then when he has completed the work he was employed to do his service ends and he is no longer a Government employee. He has done his job, and he is off the roll. Now, the gentleman asked what roll. If he will read the hearings, he will find Mr. Moran testified that they have a long waiting list of applicants who are waiting for appointment, and they always investigate every applicant in order to determine his qualifications.

They know every man on that roll. They know the extent of his experience. They know his knowledge and his aptness and qualifications for the discharge of the duty of a secret-service man.

Mr. PARSONS. Supposing that to-day the Secret Service is employing forty men, and it needs ten more. It goes to that roll to get them, does it not?

Mr. TAWNEY. Yes.

Mr. PARSONS. What is the difference, then?

Mr. TAWNEY. The difference is this: That if this provision prevails the people employed in the Secret Service will have their services limited to the object for which the Service has been created. They will be permanent, and I will say here that the people employed in that Service welcome this provision, because it tends to elevate and standardize the Service and protects them from the unreasonable prejudice that exists throughout the country against the Secret Service of the Treasury Department. Those people are not opposed to this provision, as we are, to stop the practice that now exists. You will see from the testimony of Mr. Moran himself that he would be very glad to get rid of the matter of keeping men on the rolls for the purpose of supplying requests of this kind, whether they deem the Service necessary or not. Now, if the Departments actually need secret-service men hereafter, this provision does not interfere with their obtaining them. They will have the same opportunity then that they have now. They have no right and can not justify the practice which has obtained here for the last few years of maintaining a larger force than is necessary for the secret-service work in the Treasury Department in order to supply men in other Departments when their employment in other Departments is deemed necessary.

Mr. PARSONS. The compensation of these men is a per diem compensation, is it not?

Mr. TAWNEY. Yes.

Mr. PARSONS. Is there any testimony that the men are paid when they are not employed?

Mr. TAWNEY. The Bureau of the Secret Service knows that a demand may come in at any time, and these men are retained on the roll to provide for such an emergency, and of course they are paid while they are waiting. The Bureau may try to give them something to do in order to bridge over the time. Now, this provision will not interfere with any Department of the Government that has legitimate use for the Secret Service obtaining that Service. They can not use the Secret Service of the Treasury Department, which is a permanent organization maintained for the purposes expressed in this paragraph. If there is necessity for the employment of secret-service men in other Departments, that necessity is only temporary, and no detective force ought to be maintained permanently in any Department of the Government except the Treasury. That is the reason for this provision, and I hope the gentleman will not insist upon his point of order.

Mr. BENNET of New York. Mr. Chairman, I shall feel constrained to make the point of order, but I think I ought to say that I sympathize with the efforts of the committee to make definite and certain that kind of employment. There is no law whatever on the statute books for a secret-service division. This provision has been carried here for forty-three years and from time to time changed to cover other branches of the Government work in other Departments.

Mr. SHERLEY. Has not every change that has been made since the establishment of that Secret Service been a change looking to limiting it to the purpose for which it was established?

Mr. BENNET of New York. It has been just the opposite.

Mr. SHERLEY. If the gentleman will point to a single instance where the change has been to enlarge it, other than for the protection of the President, and the bounty act, I shall be glad to see it.

Mr. BENNET of New York. Those are the only two there are.

Mr. SHERLEY. Oh, no; the gentleman will find a very broad provision there.

Mr. SMITH of Iowa. At one time it said "other felonies against the United States."

Mr. SHERLEY. Does not the gentleman from New York know that in the past history of this secret service there have been pronounced abuses growing out of the use of the Secret Service for purposes other than those intended?

Mr. BENNET of New York. The gentleman does not know those things.

Mr. SHERLEY. The gentleman is not very fully informed on the subject, then.

Mr. BENNET of New York. There are many subjects on which the gentleman is not fully informed.

Mr. SHERLEY. The gentleman from Kentucky is perfectly willing to admit that.

Mr. BENNET of New York. The gentleman from New York is endeavoring to obtain the information which the committee has on the subject.

Mr. SHERLEY. That is very proper.

Mr. BENNET of New York. If it is desired, as the gentleman from Minnesota seems in a way to think, that some provision should be made for the secret-service work of other Departments, put them in particularly, as looking up bounty matters and protection of the President have been put in; but a certain amount of secret-service work has got to be done by other Departments. It can be done in several ways, by going out and hiring temporary men, but that is a bad way, because they get men who have no permanent adherence to the Government service.

Mr. TAWNEY. That is the very thing we want to avoid.

Mr. BENNET of New York. If you want to avoid it, you are not doing it in a skillful manner. Second, they could hire men from a detective agency, and everybody is opposed to that. In the third place, they could make a temporary selection from a body of men whose business it is to know how to detect crime, and that is what this Department has done. I say if the Navy Department wanted $245 worth of work done, that was not enough to warrant a secret-service department of their own.

Mr. TAWNEY. Does the gentleman from New York know what the nature of that work was?

Mr. BENNET of New York. Yes.

Mr. TAWNEY. Does the gentleman approve of it?

Mr. BENNET of New York. Absolutely; as long as the service is composed of officers and gentlemen and charges come against one that would warrant his dismissal from the service, and when the Secretary of the Navy has exhausted the ordinary sources inside the Department itself, I say it is the duty of the Secretary of the Navy to follow up that case and procure the evidence on which to convict the officer and turn him out of the service for the violation of the law.

Mr. CLARK of Missouri. I would like to ask the gentleman from New York a question.

Mr. BENNET of New York. I will yield to the gentleman from Missouri.

Mr. CLARK of Missouri. What are courts-martial for?

Mr. BENNET of New York. To act after you get the evidence. That is what this $245 was spent for.

Mr. CLARK of Missouri. Does the gentleman think the Government ought to be mulcted in money to go around and hunt up the private conduct of these fellows?

Mr. BENNET of New York. Not in many cases, but I submit to the gentleman from Missouri that there may occasionally occur situations where the Government ought to do these things.

Mr. CLARK of Missouri. Now, I would like to ask the gentleman another question solely for information for myself.

Mr. BENNET of New York. Very well.

Mr. CLARK of Missouri. Does the gentleman believe that the secret-service men ever kept anybody from being shot?

Mr. BENNET of New York. From being shot?

Mr. CLARK of Missouri. Yes; any President or any functionary of the Government?

Mr. BENNET of New York. How do I know?

Mr. CLARK of Missouri. They did not prevent the shooting of Mr. McKinley.

Mr. BENNET of New York. I can tell the gentleman every man that has been shot despite the secret-service men, but I can not tell him every man that the secret-service men have saved from being shot. [Laughter.]

Mr. SMITH of Iowa. There was a secret-service man standing right by the side of President McKinley when he was shot, was there not?

Mr. BENNET of New York. Yes; and yet the President was shot.

Mr. SHERLEY. Will the gentleman from New York indicate what kind of private conduct by an officer of the Government he considers should be investigated by the Secret Service, and should it apply to officers of the Navy, to officers of the Army, men in the Departments, Members of Congress, Senators, or what shall be the line?

Mr. BENNET of New York. I shall not attempt to answer any such blanket question as that.

Mr. SHERLEY. Well, I will make it a little less of a blanket.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERLEY. I ask that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from New York be extended five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. Will the gentleman indicate what private conduct of an officer or employee of the Government should be investigated at the instigation of the head of any Department of this Government?

Mr. BENNET of New York. None whatever, except such as affect him in his public capacity.

Mr. SHERLEY. That is a statement that does not mean anything. What does the gentleman consider should be the class of conduct, and who is to be the judge of whether it affects him in his public or private capacity? Does the gentleman think that heads of Departments should have the right to determine, and if they so determine that the private conduct of the individual affects him in his public capacity, shall they investigate the matter with secret-service men?

Mr. BENNET of New York. I think this Navy case, the history of which some gentlemen here are familiar with——

Mr. SHERLEY. What are the facts in that case?

Mr. BENNET of New York. Without telling any names, I am ready to state the facts. Here is a case where a naval officer of previous very high and irreproachable character, so far as the Department knew, was absent on leave. There came to the office of the Acting Secretary of the Navy one day a very estimable lady of Washington, who charged that gentleman with conduct unbecoming an officer and a gentleman, to wit, that he had abducted her daughter. The Secretary of the Navy exhausted the ordinary means within the Navy of ascertaining the whereabouts of that officer.

Mr. SMITH of Iowa. Was not her daughter a married woman?

Mr. BENNET of New York. That makes it worse. [Laughter.]

Mr. SMITH of Iowa. I am trying to get all the facts; she was a married woman?

Mr. BENNET of New York. Certainly; after the Secretary of the Navy had exhausted all the means at his command, he called in either one or two, I do not know which, secret-service officers, who simply, after a lapse of a few days, reported to the Secretary of the Navy——

Mr. SMITH of Iowa. A few days of shadowing, I suppose the gentleman means?

Mr. BENNET of New York. I do not. After a few days investigating, to find out where he was, they reported that he was at a certain place, and there their connection with the case ended. The Secretary of the Navy sent for the naval officer, and he was subsequently separated from the service. I maintain that in a case like that the Secretary of the Navy, or the head of any other Department, for instance, the Secretary of War, has the right to do that.

Mr. SHERLEY. Then, whenever a charge is made against any officer, on leave or not on leave, that he has been guilty of conduct unbecoming a gentleman and an officer, the Secretary of the Navy is warranted in employing the secret-service man to shadow that man in order to prove whether those charges are well founded or not.

Mr. BENNET of New York. Not at all; and I do not so state.

Mr. SHERLEY. Then, let us find out the gentleman's point.

Mr. BENNET of New York. I stated that the Secretary of the Navy desired to locate the officer, and that he was unable through the officers of the Navy Department and through the regular channels——

Mr. SHERLEY. The man was on leave.

Mr. BENNET of New York. Yes.

Mr. SHERLEY. He had a right to be away.

Mr. BENNET of New York. On leave, and he was charged with a serious and most grave crime.

Mr. SHERLEY. But let us not confuse the issues.

Mr. BENNET of New York. That is a part of the issue.

Mr. SHERLEY. The man was on leave.

Mr. BENNET of New York. Yes.

Mr. SHERLEY. And the gentleman thinks the Secretary of the Navy was warranted in putting a secret-service man on that man's trail?

Mr. BENNET of New York. I think he was not only justified, but that it is his duty, an officer of the Navy being charged with crime, whether on leave or on duty, to send for that officer, to start investigations, to court-martial him, and if he was guilty to separate him from the service.

Mr. SHERLEY. That does not necessarily involve, and heretofore has not involved, the use of a secret-service man.

Mr. BENNET of New York. It may not be necessary, but it did in this case involve it, and it has in other cases involved it, and I think that when these rare cases arise——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET of New York. I would like to have two minutes more.

Mr. SHERLEY. I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Does the gentleman think that if the accusation was made against a Member of Congress that he had been guilty of conduct unbecoming a gentleman and a Member of Congress that a Department would be warranted in investigating his conduct by a secret-service man?

Mr. BENNET of New York. The gentleman is a gentleman of very high erudition, and he knows, of course——

Mr. SHERLEY. Well, let us dispense with the compliments, and get down to the case.

Mr. BENNET of New York. Very well; now, I will give the gentleman some facts. [Laughter.]

Mr. SHERLEY. I am prepared to admit that anything that adduces a fact from the gentleman is warranted.

Mr. BENNET of New York. Very well. He knows, as we all know, who are lawyers and have given any thought to the subject, that we are not Federal officers, that we are not State officers, that we are a component part of the Government. There is nobody over us. We are the Congress of the United States and the judges of our own conduct.

Mr. PARKER of New Jersey. Is it not true in the Navy, that it is a part of the standing regulations that a man must never go on leave so that his address shall not be known to the Department? He has to be where they can find him, if he is required for duty, at a moment's notice.

Mr. BENNET of New York. That ought to be the regulation, whether it is or not.

Mr. PARKER of New Jersey. It is.

Mr. BENNET of New York. I am glad to find that it is, and when this man could not be found, in obedience to that regulation I say it was the duty of the Secretary of the Navy in that case, himself a gentleman of the highest character, to find this man and give him a chance to face his accusers and his accusers a chance to face him.

Mr. SHERLEY. The gentleman may be aware of the fact that this secret service at one time was used for the purpose of

looking into the personal conduct of a Member of Congress, notwithstanding the gentleman seems to think that they are answerable to no one.

Mr. BENNET of New York. The gentleman is not aware of anything of that kind. As far as the gentleman has investigated it has been denied.

Mr. SHERLEY. But that was the fact.

Mr. BENNET of New York. The allegation was made, if the gentleman will permit, that that particular investigation was made not by a member of the Secret Service, but by a police officer of the city of Washington, who, when it was ascertained that he had done that, was summarily dismissed from the police force. The gentleman from New York has heard that.

Mr. SMITH of Iowa. Does the gentleman know the origin of this remarkable language, "for no other purpose whatever," in this section?

Mr. BENNET of New York. The gentleman from New York is not informed as to that. This statute is forty-three years old.

Mr. SMITH of Iowa. Not this part of it.

Mr. BENNET of New York. The gentleman from New York does not even know that. The gentleman from New York is confining his remarks to the matters which he does know.

Mr. SMITH of Iowa. That is very satisfactory.

Mr. TAWNEY. If the gentleman will permit. He spoke about this Service being forty-three years old. This Service was established in 1882. The first appropriation was made in 1864, during the war, and that is the first time that the Secret Service was ever authorized by Congress in the history of the Government. Congress then appropriated $100,000 for this special purpose, and the division was not created until 1882.

Mr. BENNET of New York. The division has never been created by statute, except as it has been carried in the annual appropriation bills. I make the point of order.

Mr. SMITH of Iowa. Would the gentleman withhold his point of order for a moment?

Mr. BENNET of New York. Certainly.

Mr. SMITH of Iowa. Mr. Chairman, for two years past some investigation has been made into this subject by the Committee on Appropriations. It appears that this division was in fact created by an appropriation, as stated by the gentleman from New York, and at one time the language was so broad as to authorize the use of this Secret Service for investigation of all felonies. After certain gross abuses of it about twenty-five years ago, a provision was put into this appropriation that it should be used for the enumerated purposes and for no other purposes whatever.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. SMITH of Iowa. Not until I finish this statement, then I will yield.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. SMITH of Iowa. Now, that was the only way in which any limitation could be put upon the activities of this Secret Service. It existed only in the appropriation authorizing it, and when Congress provided that no person employed under this appropriation could be used for any other purpose whatever than those enumerated in the statute, although it only operated as a limitation technically upon the appropriation, it was a specific declaration of Congressional purpose that the men in this division should not be used for any other purpose whatever. Scarcely had this statute been put upon the books when a deliberate plan was made by which the object and purpose of it was wholly defeated. By putting sixty-seven men on the roll when the appropriation would only pay forty-seven men, and then loaning those men from this roll to be paid out of some other appropriation, exactly the system was reinstated that had been sought to be destroyed by this act of Congress.

Does the gentleman mean seriously to say that when Congress adopted this amendment that this force, under the appropriation, should be used for no purpose whatever except this specifically enumerated, its only object was to transfer the charge to some other appropriation? Abuses existed and were the subject of complaint at the time. This was the only place where the Secret Service was authorized, and in this place it provided they should be used for no other purposes whatever except those therein enumerated, and while it must be said that within the meaning of accounting laws they have not violated this statute, it has been defied time and again in spirit [applause], and the very purpose of it has been defeated at all times in recent years. I submit that all this committee is asking is that the expressed and declared purpose of Congress existing for a quarter of a century shall be obeyed by this division of the Secret Service. [Applause.]

Mr. BENNET of New York. I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 15, page 29:

"No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1909 have been employed in or under said Secret Service Division."

Mr. BENNET of New York. Mr. Chairman, I make the point of order against that.

Mr. TAWNEY. Mr. Chairman, that is a limitation upon the appropriation, an express limitation, and it involves no legislation and the point of order would not lie against it.

Mr. BENNET of New York. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. BENNET of New York. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. BENNET of New York. Mr. Chairman, this is not properly a limitation, because there is no such division as the Secret Service, and therefore no appropriation for the Secret Service Division, and this appropriation is no limitation on anything, but a separate legislative provision. The Chair will search the statutes of the United States in vain for anything authorizing any such a body as the Secret Service Division.

Mr. SMITH of Iowa. It is not necessary that there should be any law creating the Secret Service Division. Does the gentleman deny that there is a Secret Service Division in fact?

Mr. BENNET of New York. Certainly. There is no such thing as a Secret Service Division.

Mr. SMITH of Iowa. It exists in fact, does it not?

Mr. BENNET of New York. No.

Mr. SMITH of Iowa. Oh, yes.

Mr. BENNET of New York. You do not even find the name on the door.

Mr. TAWNEY. Mr. Chairman, I will read from the current law to show whether the name is on the door if it is not in the gentleman's head:

The Secret Service Division: One chief, $4,000; assistant chief, who shall discharge the duties of a clerk, $3,000; one clerk of class 4; one clerk of class 3; two clerks of class 2—

And so on. I have the act here when this was created. In 1882 the provision was made for the Secret Service Division and the appointment of a chief and an assistant chief.

Mr. BENNET of New York. But, Mr. Chairman, that is an entirely different appropriation.

Mr. SMITH of Iowa. You said there was no Secret Service Division.

Mr. BENNET of New York. What we are now considering is the specific appropriation for suppressing counterfeiting and other crimes, which does not mention the Secret Service Division in any way whatever, and therefore there is no limitation. The gentleman from Minnesota [Mr. TAWNEY] may just as well say that no part of the money appropriated in here for dredging Ambrose channel shall be used for this, because there is nothing in here that says this has any connection whatever with the Secret Service Division, and therefore, even if the amendment was adopted, it would not apply to this particular appropriation. An additional point is that it is not germane to this appropriation.

The CHAIRMAN. I will ask the gentleman, the chairman of the committee [Mr. TAWNEY], if there is an appropriation in this bill anywhere for the Secret Service?

Mr. TAWNEY. No. In the legislative bill, and this is for the Secret Service—the Treasury Department.

Mr. BENNET of New York. Then, I respectfully submit, if the appropriation was in the legislative bill, the limitation belongs to the appropriation and not in some other bill.

Mr. TAWNEY. This is a limitation, Mr. Chairman, upon all of the appropriations carried in the sundry civil bill, and provides that none of them shall be used for the payment or compensation or expenses to anyone employed from the Secret Service in any of the Departments during the fiscal year 1909.

The CHAIRMAN. The Chair thinks this is a limitation on the appropriation in the bill, and overrules the point of order.

Mr. BENNET of New York. I would like to be heard briefly on the amendment. I assume, although I have not had time to absorb the language particularly, that if this limitation is adopted, the Secret Service of the United States, or other Departments of the Government, will be driven, when they have to do work, which the chairman of the Committee on Appropriations concedes that they have to do from time to time, outside of Government service, either to men employed temporarily for a day or two, and with no particular interest in the Government, or to the agents of hired detective agencies.

Mr. SMITH of Iowa. The law prohibits that now.

Mr. BENNET of New York. Which I was just going to say was prohibited by law, so that they will either have to violate the law or take men with whose training and antecedents they are absolutely unfamiliar. As it is now, they can go to this Secret Service Bureau, where they have the best trained men in the United States; men who have done splendid work; men who know about crime, and take them for a day or two, pay them out of their appropriation, and then let them go back to their own employment. It only means a question of twenty men a year. It is a very small item, and it keeps the integrity of the proceedings of the different Departments, or absolutely protects the proceedings of the different Departments of the Government. I do not think the limitation is wise, and it ought to be voted down.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will be adopted. Those who have given any attention to this matter know that there have been gross abuses growing out of the use of the men in the Secret Service by the various Departments of the Government. It should be stopped. These men——

Mr. DRISCOLL. Suppose another Department wants a man, a competent man, to do some detective work, secret-service work, and the men in this Bureau, that are getting about $125,000 a year, are not all busy, what great harm can be done if one of these men should be detailed to do that work instead of keeping up a permanent force in the other Department?

Mr. FITZGERALD. If the gentleman will permit me to proceed for five minutes I may answer his question. That is what I am going to discuss.

The Secret Service Division has an eligible list of 304, and whenever they require the services of more men than they have they take a man from this list. Numerous instances have come to the observation of many Members of the House where this secret-service force has been employed upon service upon which they should not have been employed.

Congress appropriates a certain amount of money to employ a certain number of men in this Secret Service for a certain specific purpose. They should be restricted to that work. They should not be given a roving commission, so that they may be assigned to any kind of work, to investigate the action of all kinds of persons, whether in the Government service or not.

There has been an effort once or twice to create a general police system under the Federal Government. It has not been successful. But if the practice be continued, which has been in force for some years, not many, but recently, of having carried apparently upon the rolls of the Secret Service twenty more men than are necessary or are required for that work, and appropriations continue, then we will have in time a Federal secret police. What does the ordinary district attorney do when he requires work of this character done? It is not necessary for him to apply to the Secret Service. He can easily secure competent men within his jurisdiction to do any work of this character that is required. And so with every Department of the Government; whenever it requires a man of particular qualifications in any locality, it can easily find a man to do the work required.

Mr. BENNET of New York. Does not my colleague recall, as stated by the gentleman from Iowa, that the Government is prevented, and properly prevented, from going to the same place that a lawyer would go, that is to a generally recognized detective agency in order to get the character of work done?

Mr. FITZGERALD. Where some lawyers go.

Mr. BENNET of New York. Most lawyers.

Mr. FITZGERALD. Not most lawyers; some lawyers. Everybody knows what that law is. After the railroad strike in Chicago a law was passed prohibiting the employment of the Pinkerton and similar detective agencies. But it is easy enough to get competent men for such work who are not employed by those agencies. The Secret Service Division has an eligible list of 304 men, men applying from all parts of the country. It would be very easy for a Department, if it required an odd man, to pick him out from this list rather than have him carried in this list of secret-service men.

Mr. SHERLEY. Mr. Chairman, the possibilities of abuse of such a system as has grown up, and that this amendment is intended to correct, to my mind more than outweighs any inconvenience that may happen to a Department. The gentleman from New York goes on the assumption that it is necessary for the Departments to have secret-service men. I am not quite prepared to admit that proposition, at least as a general proposition; and if it be true that they need, for certain purposes, to have secret-service men, they should come to Congress and get authorization by Congress for the employment of this class of men. There is always a tendency on the part of bureau government to use means such as these to carry out what they consider to be the legitimate purposes of their creation; but there may be, and frequently is, very great difference of opinion as to what is a legitimate purpose. The gentleman from New York thinks that the Secretary of the Navy properly employed secret-service men in order to find out the details concerning a scandal in connection with a naval officer.

Mr. BENNET of New York. "The gentleman from New York" did not say that.

Mr. SHERLEY. I am simply taking the statement of the gentleman and the facts of the case, and I understood him to justify the action of the Secretary.

Mr. BENNET of New York. In locating the man.

Mr. SHERLEY. But the location of the man was not a question with the Department, to know where that man was while on leave, but the location of the man by the Secret Service was really for the purpose of making charges against him in connection with some scandalous conduct of his. Now, I deny that it is the business of the Secretary of the Navy, or the Secretary of War, or any other Secretary, to employ secret-service men to dig up the private scandals of men.

I do not mean to uphold the scandals, but I do not believe this country has reached a point where it needs that sort of supervision over men's conduct by Government, and by secret-service methods. That is the reason I am opposed to it. Let the Departments come openly. They have been evading the plain spirit of the law and they know it. There is not a man who can justify what has been done in the face of that statute. The statute expressly says that these men shall be used for certain enumerated purposes, and for none other. Now, they could not avoid the meaning of that statute, and so they try to circumscribe it by detailing, by dropping men from the rolls temporarily, in order that they may be picked up by other Departments, and they frankly confess that they keep on their rolls a greater number than the needs of their service require in order that they may be able to detail those men to other Departments. It is treating Congress and its laws with absolute contempt, and I desire to voice my protest against this attempt of the Departments to determine what is necessary and legal, rather than to let the lawmaking part of the Government make that determination. I hope the limitation will prevail.

Mr. DRISCOLL. Mr. Chairman, I listened with a good deal of care to this proposition while it was being discussed on the point of order and on the merits, and I must confess that the more I have heard of it from both sides the more I am convinced that this amendment should not prevail.

This amendment, as I take it, is intended to accomplish exactly, or substantially, the same end that would be accomplished by leaving the paragraph in the bill which was stricken out on the point of order made by the gentleman from New York. Now, I believe that while the Treasury Department should have a great force of these secret-service men, because that Department needs that force for more purposes and more times in the year than any other, yet other bureaus and Departments may need the assistance of secret-service men from time to time. They may need the services of detectives for certain purposes——

Mr. SHERLEY. If they have such need, why not let them present the need to Congress and have Congress authorize it?

Mr. DRISCOLL. There should not be a secret-service bureau in each Department, any more than there should be a Government printing office in each Department. It is economical, it is businesslike, and it is symmetrical to keep them together. Let there be a Secret Service Bureau, or men clothed with power, if you please, to do secret-service work of the Government. Let them do the most of their work where it is most required; but where men are required to do detective work in other Departments, let them be detailed from this Service to do that. It tends toward economy; it tends toward keeping together the things that have been discovered in this work.

Mr. SHERLEY. You are acting on the assumption that the need exists. Now, if it exists, let the Department show it and ask Congress to authorize it.

Mr. DRISCOLL. Certainly I go on the supposition that the need exists, and while it does not exist in all the Departments, all the time, it may exist sometimes. I do not care who the officer is who has control of these secret-service men. Let them detail a man if it is necessary to do so. I believe the men should be detailed from time to time to do the detective work. Let the chief of the bureau detail the men, or the Secretary of the Treasury, or some other man, I do not care who. These men that are regularly employed in the Secret Service may not be required all the time in one Department. Their time should be occupied, and when they are required in other Departments, why should they not be detailed? They are the most competent. The men in the Secret Service can take advantage of all the information which is obtained by that Service, in that way adding to the sum of the knowledge possessed by the Service in relation to the criminals of the country. Therefore it seems to me, for effective work as well as for economy, the men now constituting the Secret Service should be detailed to do the other work of a similar character, and this amendment should not prevail.

Mr. TAWNEY. The gentleman from New York who has just taken his seat proceeds upon the theory that it is necessary for us to maintain a permanent secret-service organization in the various Executive Departments of the Government.

Mr. DRISCOLL. I stated just the opposite; that it ought not to be necessary to do that.

Mr. TAWNEY. Then, if it is not necessary to maintain the permanent secret-service organization, the gentleman was talking in favor of the amendment instead of against it. For the logical conclusion of the remarks of the gentleman from New York would lead inevitably to the maintenance of a permanent secret service in all the Departments of this Government or the maintenance of a secret service in all Executive Departments of the Government. Now, do gentlemen in opposition to this amendment propose to indorse and approve the practice that has obtained during the last few years under this appropriation of violating the law by detailing men from the Secret Service to other Departments of the Government?

Mr. PARSONS. Violating what law?

Mr. TAWNEY. Violating the provisions in the appropriation act. Why, I have in my possession a letter from the Secretary of the Treasury, received a few days ago, in which he has pointed out to me the practice of the Treasury Department, whereby he himself admits that the provisions under which this appropriation is made have been violated year after year for a number of years in his own Department.

Mr. DRISCOLL. Will the gentleman yield?

Mr. TAWNEY. I will yield to the gentleman from New York.

Mr. DRISCOLL. I wish to ask the gentleman if it is not intended by him and by this amendment to accomplish just what was sought to be accomplished in the paragraph that was stricken out on the point of order raised by the gentleman from New York. Does not he intend to accomplish the same thing?

Mr. TAWNEY. Yes; and to accomplish exactly what Congress intended should be accomplished when it wrote the provision in the paragraph that the money should be expended for the purposes enumerated, and for none other.

Mr. DRISCOLL. I wish the gentleman would answer my question—if it is not intended to accomplish what was intended to be accomplished by the paragraph stricken out on the point of order raised by the gentleman from New York?

Mr. TAWNEY. Yes; to a certain extent.

Mr. DRISCOLL. Now, then, one more question. Is not the subject of that that no man can be detailed from the secret-service system to any other Bureau or Department; and if he is, he will be dismissed from the Service, and therefore it can not be done? And if so, was I not talking to the point under consideration? [Laughter.]

Mr. TAWNEY. I will say that that is exactly what is intended, and that is what the law now intends. It was never contemplated that the employees of the Secret Service should be used for any other purpose than that named in the paragraph, namely, for counterfeiting, protection of the person of the President, and the other two purposes named.

Mr. DRISCOLL. That is where the gentleman and I differ. I contend that there should be but one Secret Service Bureau, and that men should be detailed to other bureaus to do the work necessary in those bureaus.

Mr. TAWNEY. That would make a secret service for all the Departments, exactly what we now have. The assistant chief of the Secret Service testified before the committee that they maintained on their rolls twenty more people than was necessary to accomplish the object for which this appropriation is made and twenty more than could be paid out of the appropriation.

Mr. PARSONS. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. PARSONS. Did the assistant chief say that they maintained them under pay?

Mr. TAWNEY. I did not say so. I said that he maintains them on the roll as secret-service men, and maintains twenty more than can be paid out of the appropriation, but they are paid out of other appropriations made to other Departments of the Government. Now, they know that it is not lawful.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. I would like three minutes more.

The CHAIRMAN. The gentleman from Minnesota asks that his time be extended three minutes. Is there objection?

There was no objection.

Mr. TAWNEY. They know that this is not lawful, and the members of the Secret Service themselves are not hunting for this work. Let me read you what Mr. Moran stated when before the committee. You will find it in the hearings at the bottom of page 192:

> The CHAIRMAN. How can they be compensated for the service? The statute expressly prohibits compensation until the oath of office has been taken.

Before I read this statement, let me state the fact that when these men are employed in the other Departments of the Government they do not take the oath of office, notwithstanding the statute which prohibits compensation to any man in the public service until he has taken the oath of office, and that fact is admitted by Mr. Moran.

Mr. Moran then says:

> My understanding is that they pay them a lump sum for the work they do in some places. We do not go after this work, and we would not care to-morrow if it was all stopped. We do not want it.

Mr. DRISCOLL. Of course they do not want it. They want their pay for doing nothing.

Mr. TAWNEY. They know that the Secret Service of the Treasury Department has been created for a specific object and has a purpose entirely distinct and separate from the ordinary secret service maintained in the municipalities and throughout the States, and they want to be allowed to continue their work in that particular line. They are not seeking, as Mr. Moran says, employment in other Departments. Then I asked him this question:

> The CHAIRMAN. Here is the oath of office prescribed by the statutes upon which salaries can be paid. It is contained in section 1756 of the Revised Statutes:
>
> "SEC. 1756. Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the other persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath:"

Then follows the oath. These men, before they can accept employment in any other Department, must be separated from the Secret Service in the Treasury Department. They go to work in some other Department, and they do not even conform to the law, which says that before anybody can receive pay for a service, or other emoluments, they must take the prescribed oath of office. So that I say the practice has been going on here in various ways, and the law of Congress has been violated in respect to the employment of this Service. As I said before, this provision will not in any way cripple any Department in its administration. They can go to the eligible list of over 300 men in the Secret Service Division in the Treasury Department and there look over the waiting candidates or applicants and select the man they want. They know every man's record, and they can employ whomsoever they want.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. TAWNEY. I will yield in a moment. When these men have completed their employment, their service in the Government ceases, and that is my objection to the proposition of the gentleman from New York, who would have them employed.

Mr. DRISCOLL. Why should they have to go and pick out men on this waiting list, not employed, when there are a lot of men doing nothing, drawing pay, and who are better able to do it?

Mr. TAWNEY. That condition does not exist.

Mr. SMITH of Iowa. There will not be any men not doing anything.

Mr. TAWNEY. That condition does not exist, or will not exist if this provision is adopted. I maintain whenever there is any necessity for the employment of secret-service agents that that necessity is temporary, and when the work is done that man's connection with the service in the Government should end there. If you retain him permanently on the roll, after he has completed one job, while he is perhaps working on it, he will be manufacturing some employment in order to continue and justify his permanent employment. If he is not in the employ

of the Government permanently and can be employed only for a specific piece of work, when that work ends his service ends, and he is no longer a Federal employee. I hope the amendment will be adopted.

Mr. BENNET of New York. Mr. Chairman, before the vote is taken I want this committee to understand some things that this amendment will do if it is adopted. You take, for instance, the prosecutions against what are known as "trusts." [Laughter.] We have turned in something over $700,000—oh, gentlemen can laugh at it here, but they will not laugh at it on the stump in the fall.

Mr. SHACKLEFORD. Where has any of them ever been prosecuted?

Mr. BENNET of New York. We have turned in something like $700,000 in fines in the southern district of New York alone. In the investigations that are going on all the time we are using, or the district attorney there is using, the secret-service men. If you adopt this amendment, under the language of it he can never take one of those witnesses over there. He can not pay his expenses; he can not pay him any compensation. You make utterly useless the efforts that have been made through the Secret Service for the last three or four years in these antitrust prosecutions in New York City.

Mr. GAINES of Tennessee. The gentleman means in State prosecutions or Federal?

Mr. BENNET of New York. I mean in Federal prosecutions. Up there the other day they found there was trouble in relation to the ink contracts in the Bureau of Engraving and Printing.

Mr. TAWNEY. Oh, the gentleman says "the other day." That was three years ago.

Mr. BENNET of New York. Well, it is a great deal more recent than the case my colleague [Mr. FITZGERALD] cited. They found there was trouble there, and they took and put a secret-service man at work there and found how the Government had been defrauded out of $45,000 by a man from my own city.

Mr. TAWNEY. Will the gentleman now permit me to correct him there? That work was not done by the secret-service men. That work was done by a clerk in the office who has since been promoted in recognition and as a reward for that service.

Mr. BENNET of New York. I think the gentleman is entirely mistaken.

Mr. TAWNEY. We carried in the appropriation two years ago a provision promoting him as a reward for his services.

Mr. BENNET of New York. I am glad he received promotion.

Mr. TAWNEY. And the secret-service men did not accomplish that.

Mr. BENNET of New York. But the work was largely done by the secret-service men. The same way with the defalcation at the mint at San Francisco and at other places where crimes were alleged against men, they used secret-service men.

Mr. GAINES of Tennessee. I want to ask the gentleman to indulge me—we will get him more time. Has the Government used the Secret Service in procuring evidence in these antitrust-law suits?

Mr. BENNET of New York. To procure evidence and procure the attendance of witnesses and if this limitation goes through they will be cut out of all that sort of thing and they will be left in New York, against some of the smoothest, brightest lawyers, against some of the brightest, smartest men——

Mr. GAINES of Tennessee. And you might say, some of the "slickest" men God ever let live.

Mr. BENNET of New York (continuing). Absolutely defenseless.

Mr. TAWNEY. If the gentleman from New York will permit, he knows very well this limitation will not interfere with the attendance of any witness in the trial of any case in any court, either State or Federal.

Mr. BENNET of New York. The gentleman knows nothing of the kind under this amendment.

Mr. TAWNEY. Then the gentleman does not know the English language.

Mr. GAINES of Tennessee. Has the Government used secret-service agents in getting up testimony in these lawsuits?

[Cries of "Vote!"]

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and amendments be now closed.

Mr. GAINES of Tennessee. Will the gentleman answer my question, whether or not the Government uses these secret-service agents to get evidence in these lawsuits?

Mr. TAWNEY. It has not used the secret service, but it has used secret-service men.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this paragraph and amendments be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to. [Applause.]

The Clerk read as follows:

Customs service: To defray the expenses of collecting the revenue from customs, $4,500,000, being additional to the permanent appropriation for this purpose for the fiscal year ending June 30, 1909. And the provisions of the act of March 3, 1879 (20 Stat., p. 386), as amended by the act of April 27, 1904 (33 Stat., p. 396), authorizing the Secretary of the Treasury to expend out of the appropriation for defraying the expenses of collecting the revenue from customs such amount as he may deem necessary, not exceeding $150,000 per annum, for the detection and prevention of frauds upon the customs revenue, are hereby further amended so as to increase the amount to be so expended for the fiscal year 1909 to $200,000.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word.

Mr. UNDERWOOD. Mr. Chairman, I desire to reserve the point of order.

The CHAIRMAN. The gentleman from Alabama reserves the point of order.

Mr. SCOTT. Mr. Chairman, I offered that amendment for the purpose of asking a few questions of the gentleman in charge of the bill. I notice this provides $4,500,000 to defray the expenses for collecting the revenue from customs in addition to the permanent appropriation for that purpose, which I notice is $5,500,000. That makes altogether $10,000,000 appropriated in this paragraph to defray the expenses of collecting revenue from customs, and I should like to ask the chairman of the committee if the Secretary of the Treasury, under whose direction I assume this money is expended, makes a report to Congress or to the Committee on Appropriations showing in any detail the manner in which the money is spent?

Mr. TAWNEY. I will say to the gentleman that the Secretary makes such a report to Congress at the beginning of each session. He is required by law to do it, and then he is required in addition to the reporting of the expenditures to make a detailed estimate of the expenditures for the next fiscal year. That report shows the number of people employed and shows the compensation paid to each of them. The gentleman from Kansas [Mr. SCOTT] can secure a copy of the document containing all that information in the House document room. I can not give him the number of it.

Mr. SCOTT. The gentleman's answer gives me the information I desire.

Mr. TAWNEY. It is House Document No. 499.

Mr. SCOTT. Mr. Chairman, I withdraw the pro forma amendment.

Mr. PERKINS. The total expenses of collecting the customs is about ten millions?

Mr. TAWNEY. Ten millions.

Mr. PERKINS. How much is the total amount collected?

Mr. TAWNEY. I will say for the information of the gentleman from New York that in all probability we will have to, before the close of this session, or at the next session, appropriate about $325,000 in addition to the $10,000,000.

Mr. PERKINS. How much has the Government collected from customs?

Mr. TAWNEY. The total customs revenue amounts to between three and four million.

Mr. PERKINS. This is then a ratio of expense of over 2½ per cent?

Mr. TAWNEY. Yes.

Mr. PERKINS. Is not that very high?

Mr. TAWNEY. It is very high, and it will always continue to be high as long as we continue the permanent appropriation of $5,500,000, and continue also the large number of useless custom-houses and customs districts in the United States. A great deal of the expense of collecting customs revenue is due to the fact that we are maintaining customs districts and officers and custom-houses where there is no revenue collected whatever.

Mr. PERKINS. Which ought not to be the case.

Mr. TAWNEY. Which ought not to be, but the House has on several occasions endeavored to repeal that provision, and has in all cases failed.

Mr. SCOTT. Mr. Chairman, let me ask the gentleman why the custom of making a permanent appropriation increases the expense of this service?

Mr. TAWNEY. In my judgment, one of the causes for the increased cost of collecting the customs revenue over the cost

of collecting the internal revenue is due to the fact that a single officer of the Government has it in his discretion to spend such a large sum of money. We appropriate in a lump sum. The expenditure of that money is entirely under his control and without any legislative limitation whatever.

Mr. SCOTT. Why can not the Congress by the suggestion of the Committee on Appropriations limit that discretion by setting out this appropriation in detail, instead of making a lump-sum appropriation, or, at least, the part of it which we control in this bill?

Mr. TAWNEY. The gentleman, I think, can readily see that to attempt to classify or provide specifically for a part of the force, and the remainder of the force to be paid out of a lump sum would be wholly impractical if not impossible.

Mr. PERKINS. Why can not we control the $5,000,000?

Mr. TAWNEY. We can, if we can repeal the permanent appropriation.

Mr. PERKINS. Why can we not do it?

Mr. TAWNEY. The Committee on Appropriations has repeatedly recommended the repeal and carried provisions for the repeal in the sundry civil bill. I will say at the last session of Congress—I do not know whether the Members of the House knew it or not, but I do know that no member of the committee took any pains to inform the membership of the House—we carried a provision repealing the permanent, indefinite appropriation for the collection of customs which aggregated about $900,000 a year, and in consequence of that repeal the lump sum is that much greater, but the fees and fines which were heretofore appropriated for the collection of the customs revenue are now turned into the Treasury as miscellaneous receipts, and are not expended, and without any report for the accounting of the same to Congress as heretofore. So we have succeeded in getting that much of the permanent appropriation for the collection of customs wiped off the statute books.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Alabama [Mr. UNDERWOOD] make the point of order?

Mr. UNDERWOOD. I reserve the point of order, because I see the change of existing law here increases the amount to be paid out for this particular purpose by statute, and I reserve the point of order for the purpose of asking the chairman of the committee the necessity for this increase, because I think we are increasing the cost of the customs service enough already; and though there is a very good reason for an increase here, I make the point of order.

Mr. TAWNEY. What paragraph?

Mr. UNDERWOOD. On page 30 of the bill. The paragraph under the head of "Customs service," that provides for the amendment of the act of March 3, 1897, as amended by the act of April 27, 1904, "authorizing the Secretary of the Treasury to expend out of the appropriation for defraying expenses of collecting the revenue from customs," and so forth. Formerly the appropriation was $150,000, as fixed by law. As I understand, this bill seeks to change the law and increase the appropriation.

Mr. TAWNEY. The appropriation is increased above the statutory amount.

Mr. UNDERWOOD. This is an increase of the amount allowed by law for that purpose.

Mr. TAWNEY. That is the amount in the current appropriation act, and has been the amount appropriated for the last two years. We increased it to $200,000 last year because of the statements that were made to us by the Treasury Department in respect to the amount expended the previous year and of the amount that would be necessary to be expended this year, and this year the recommendation of the Department was to make this a permanent provision, and that the committee declined to do. But their representations were to the effect that they should have at least $200,000 this year in order to carry on the service as required by statute.

Mr. UNDERWOOD. I will say to the chairman of the committee that I find in the hearings Mr. Lyman says:

> Under the law of 1897 the appropriation was $150,000, and I think that was all expended, and an increase to $200,000 asked for, and it is desired that $200,000 shall be appropriated for the next fiscal year.

Well, I do not see from this hearing that he offers any light on the question as to why increase should be made; and my objection to the proposition is, according to what the chairman of the committee has said only a moment ago, that the cost of the collection of the customs service is so much greater than it ought to be that I am not in favor of giving this as a permanent increase now.

Mr. TAWNEY. This provides for a particular branch of the service which I do not think either the gentleman from Alabama or the committee want to curtail, and that is in the detection of frauds upon the customs revenue. There has never been any evidence before the committee that there was any unnecessary amount of money expended under this provision, and in the very nature of things the gentleman will see that it could not be extravagantly expended, for the reason that it is expended for the purpose of detecting fraud and protecting the revenue.

It is not all spent in this country, I should say. These frauds are committed against the revenue not only at home, but many of them are initiated in foreign countries. Under this provision we have agents employed in foreign countries, who are engaged in the particular work of prying into and ferreting out contemplated frauds on the revenue and the perpetrators of the same. They send that information to the officials here, who provide for the punishment of the guilty parties when the things arrive. I do not think that the gentleman from Alabama will want to restrict that service.

Mr. UNDERWOOD. Mr. Chairman, it would be far from me——

Mr. TAWNEY. And, as my friend from Connecticut [Mr. HILL] informs me, this service pays a larger dividend than any appropriation in connection with the public service.

Mr. UNDERWOOD. I think it is possible it does. It would be far from my purpose to hamper the detection of frauds perpetrated on the customs revenue. My object in making the point of order was this: When I looked at the hearings I saw no explanation made by Mr. Lyman, who asked for the additional money for this fiscal year, to show why this increase should be made.

Mr. TAWNEY. I will say to the gentleman, in regard to the gentleman who appeared before us in behalf of the estimates for the collection of the customs revenue, he did not illuminate the subject to any great extent, but he appeared because of the absence of those who were more intimate with the matter, and we relied largely upon information obtained from the Treasury Department subsequent to his appearance. Since that time the Department has communicated with the members of the committee—I know it has with myself—in regard to the necessity for this amount, and also in regard to an increased amount which we have not yet concluded to give.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, on the statement of the chairman of the committee that he has information from the Treasury Department that this increase is necessary, I will withdraw my point of order, but I say that I think it is important for the Appropriation Committee, as well as the Ways and Means Committee, to look to the question of reducing the cost of collecting the custom revenue.

The Clerk read as follows:

> Lands and other property of the United States: For custody, care, protection, and expenses of sales of lands and other property of the United States, the examination of titles, recording of deeds, advertising, and auctioneers' fees, $300.

Mr. COOPER of Wisconsin. I should like to ask the gentleman from Minnesota a question. In lines 5 to 9, inclusive, on page 31, there is an appropriation of only $300 for the custody, care, protection, and so forth, of the lands and other property of the United States, the examination of titles, recording of deeds, advertising, and auctioneers' fees. What is that?

Mr. TAWNEY. That is land that comes into the possession of the Government as the result of forfeitures and litigation. There is only a very small amount of it, but it comes from all the various miscellaneous sources through which the Government could acquire land by forfeiture or litigation.

Mr. COOPER of Wisconsin. It occurred to me that that phraseology was broad enough to cover all the lands of the United States.

Mr. TAWNEY. As long as we can keep the appropriation where it ought to be, we are not so particular about the phraseology.

The Clerk read as follows:

> For maintenance of marine hospitals, including subsistence, and for all other necessary miscellaneous expenses which are not included under special heads, $235,000.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I take this occasion to make a few observations about the administration of the quarantine service of the United States and what I believe to be a very serious mistake now being made in the administration of that branch of the public service. The Government of the United States, and the Government of Cuba, over which island we now have a provisional administration, have spent a vast amount of money in trying to exterminate certain diseases that are occasionally epidemic in that island, particularly yellow fever.

A few years ago, when we were occupying the island, our medical officers offered themselves, in a spirit of the noblest

self-sacrifice, for the investigation of that important question. Lives were sacrificed, and a great scientific discovery was made, one of vast importance to the human race, one which advanced medical science to an enormous degree. It was established then, if anything in the scientific world is ever established, that the spread of yellow fever is very largely, if not entirely, due to the bites of the Stegomyia mosquito.

Now, Mr. Chairman, when we went back for the second provisional occupation of the island of Cuba there were a few cases of yellow fever in that island. Immediately energetic effort was made to get rid of the fever. That effort met with the most flattering and immediate success. Under the able administration of Doctor Kean, of the United States Medical Corps, yellow fever has been driven completely out of the island.

Some branch of the War Department, I do not know which, has just issued a document appertaining to a quarantine lately established against supposed yellow fever in Cuba. Now, as a matter of fact, it develops that this quarantine is against suspicion and not against facts. This quarantine is established because a certain month in the year has rolled around, because we have reached a certain date on the calendar, and not because yellow fever exists. Major Kean, speaking upon his authority and responsibility as the chief medical officer of the United States Army, and after having devoted himself for months to an investigation of the question, declares that, in his judgment, there is not in the entire island a case of yellow fever. Yet commerce is impeded and intercourse between that island and this country has been practically discontinued, because of an arbitrary quarantine, established by one man in the city of Washington. The sources of information possessed by the Public Health and Marine-Hospital Service are not, and under the circumstances can not be, as good as are those of the medical corps of the Army and, through them, the Secretary of War.

Earnest protests have been made by the War Department, through the Secretary and by the American governor of the island of Cuba, against the establishment of this quarantine at this time as wholly unnecessary. Mr. Chairman, I protest that it is unfair to the people of the island of Cuba and ultimately likely to cause us trouble.

If we show that we have no faith in our own scientifically established truths, what reason can be urged when the government has been turned over to them again for the continuance of the extravagant expenses for sanitation which they have undertaken? They can reasonably say that if, after the fever has been expelled from the islands, if after they shall have taken every step commanded by science, we still disregard it and because we have reached a certain period in the year established a quarantine, there is no reason why they should go on with the enormous expenditure.

The city of Habana has just undertaken an expenditure of $15,000,000 for a sewage and water system. The city of Cienfuegos, on the southern coast, has also undertaken an expediture of $3,000,000 for the same purpose, all in the interest of public health and practically all dictated by the necessities of keeping open intercourse with the United States, where the bulk of their trade lies. They have cheerfully, as I understand, accepted every suggestion made to them by our medical officers, and, in the opinion of the people best informed, there is absolutely no excuse for the quarantine that has been lately put up.

Furthermore, Mr. Chairman, it is very doubtful in my mind if Congress has acted wisely in the past by putting in the hands of any one man the power to establish a quarantine, arbitrarily, that is entirely unjustified by the facts. [Applause.]

The Clerk read as follows:

IMMIGRATION STATIONS.

Immigration station, Angel Island, Cal.: For completing buildings and appurtenances in accordance with specifications, $45,000: *Provided*, That the cost of furnishings and equipments for the station shall be paid from the permanent appropriation for expenses of regulating immigration.

Mr. KELIHER. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On line 11, page 35, insert the following as a new paragraph after the word "immigration:"

"For the establishment upon a site to be ceded to or purchased by the Government for the purpose of an immigration station at the port of Boston, Mass., including erection of necessary buildings or improvement of structure already existing or suited to remodeling which might be located on site selected, $250,000, said sum to be paid out of the permanent fund known as the immigration fund."

Mr. KELIHER. I can not consistently contend that there is not new legislation involved in this amendment, but I do claim that if legislating in an appropriation bill can ever be justified, my proposition furnishes an excellent example. The theory that all proposed legislation shall be considered by committees of both branches of the Congress has been carried out to the fullest extent in this case.

Boston's need of a new immigration station is urgent, aye, it is imperative. The dictates of common humanity, as well as the requirements of effectual administration, demand that a proper station be provided, and at once.

Mr. Chairman, I had the honor as the representative of the district in which is located the present inadequate, insanitary, fire-trap building which is utilized for a detention station, to present a bill last January which provides for a new station. I presented facts and figures in support of the project to the Committee on Immigration and Naturalization and secured a unanimous report in favor of an authorization of the use of $250,000 from the existent immigrant fund for the purpose specified.

This meritorious measure now slumbers peacefully, with nearly 150 others of more or less merit, upon the Union Calendar, where it is likely to repose indefinitely, at least till after adjournment, notwithstanding the crying need of my city for its enactment.

In the Senate a similar measure has been passed and is now awaiting action by the very committee which reports the pending bill. Surely it can not be urged that an attempt is being made to get through legislation which has not been duly and thoroughly considered. A Senate committee has passed upon the proposition involved in my amendment and the Senate has ratified its action. The proper House committee has reported favorably upon it after most careful consideration, and in view of the fact that it will pass this body if not molested by a point of order it seems as if its merit would justify the Member from Minnesota in allowing it to pass without invoking the rule which it doubtlessly contravenes.

Mr. Chairman, that the committee may more fully comprehend the urgent need of this station at Boston, let me hurriedly outline the salient reasons for its passage. In the first place it will not necessitate the expenditure of a single dollar from the General Treasury. A fund amounting to nearly $4,000,000, which is mainly derived from the head tax, is now available. This money is held for the purpose of operating the laws pertaining to immigration. It is a separate and distinct fund which is raised by the means I have stated and for just such purposes as my amendment proposes.

Boston is the second largest port of entry in the United States, and for immigrants it is the same. In 1907 over 70,000 were landed there, and over 95,000 persons passed the inspection of the immigration officials in that city. The present building is leased at a yearly rental of $3,748. It is a wooden structure, illy adapted to the purposes for which it is used, insanitary, and manifestly inadequate. It is a phyiscal impossibility to enlarge it, for every available inch of ground is now occupied. In 1907 there was collected at Boston in this immigration service $162,358. There are times when between 150 and 200 human souls are detained there, and the accommodations afforded are such at times as would draw down the indignant protest of any person of ordinary human instincts if applied to the caring for cattle, not to speak of the housing of human beings.

President Roosevelt's special investigator, James B. Reynolds, had this to say of the place some eighteen months ago after an inspection of it:

> Your detention pen (Boston immigration station) is an absolute fire trap, though it lodges from 100 to 200 people nightly in very crowded and cramped quarters. The sleeping accommodations are berths, one above another, such as are provided on board steamers, and such as may be excused there because of the limited space, but such as are provided on land only by the second and third rate lodging houses of the city. We are sometimes apt to criticise immigrants who reach our shores for their lack of cleanliness, though we are in no position to do so, seeing the accommodations we furnish them.

Now, Mr. Chairman, the policy of the House has been defined upon this subject.

Philadelphia, which handled but 30,501 immigrants last year as against Boston's 70,000, was voted by the present Congress a $250,000 building, and consistency would prompt similar action upon the plea of Boston.

Now, so uncertain and chaotic are legislative conditions here that the House will, in all probability, adjourn without considering this matter, and for that reason I trust that action may be had upon it at this time.

Now, Mr. Chairman, we heard the chairman of the Appropriation Committee argue forcibly to-day in favor of legislating into this bill a provision which would establish by law an office, the duties of the incumbent of which would be to inspect the style and character of furniture which shall go into new buildings. Surely, if the rule which my amendment offends is rendered powerless by the appeal of the chairman in such a cause, it ought not be invoked by him against my proposition, which affects not only the health, but safety and comfort of so many human beings. Now, Mr. Chairman, if there is to be a

resumption of good times, as predicted so frequently by the other side, then the inevitable result will be increased immigration and additional reasons for this station, and I urge the chairman of the committee not to press the point of order, but to allow this measure to pass on to law through the channels of the pending bill.

Mr. TAWNEY. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

St. Joseph light-house depot, Michigan: For repairs to the dock and fences, $24,000.

Mr. HAMILTON of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 10, page 36, the following paragraph:

"The Secretary of Commerce and Labor is hereby authorized and directed to accept as a gift from the owner or owners a piece of land 150 feet long by 100 feet wide, which shall be selected by the Secretary of Commerce and Labor from a tract of land situated in section 23, town 4 south, range 19 west, Berrien County, Mich., and bounded on the west by Lake Michigan, on the south by the north pier at the entrance of St. Joseph and Benton Harbor, on the east by lands owned by the United States and occupied as a light-house station and light-house supply depot, and on the north by a line drawn westerly from the northwest corner of said lands occupied as a light-house station and light-house supply depot, parallel with said north pier at the entrance of said harbor, to Lake Michigan; and upon the delivery of a deed, with abstract showing good title to said tract of land offered as a gift in the United States, the Light-House Board is authorized and directed to erect the new light-keeper's dwelling heretofore authorized for said station on said tract of land so acquired."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DAWSON having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 30, 1908:

H. R. 15852. An act to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes;

H. R. 15219. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909;

H. R. 603. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors; and

H. R. 12773. An act granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Salaries of keepers of light-houses: For salaries, fuel, rations, rent of quarters where necessary, and all other necessary incidental expenses of not exceeding 1,650 light-house and fog-signal keepers and laborers attending other lights, $1,000,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word for the purpose of making some observations on the pay of light-house keepers. I have had occasion to make application once or twice to the Department, and have always been met by the reply that the Light-House Board recognized the gross inadequacy of pay given to light-house keepers, but could make no increase on account of the inadequacy of the sum that was allowed them by the Committee on Appropriations. I have taken the pains to collect here very briefly the figures which show the life that can be led by the keeper of a light-house in the employ of this Government, charged with the duty of preserving the life of people and the interests of commerce. There is a light-house keeper about whom I know something who is paid the sum of $520 a year. Formerly he was required to light his house for eight months and a half in the year.

Now, on Lake Ontario he is obliged to keep the light for twelve months. This man has two children. The chairman of the committee may say that a light-house keeper has no business to have children, but children are approved by the President of the United States, if not by the Committee on Appropriations, and for the expenses of those he pays $200.

Mr. TAWNEY. Will the gentleman from New York permit an interruption?

Mr. PERKINS. Certainly.

Mr. TAWNEY. The gentleman's criticism should have been addressed to the bill reported by the Committee on Interstate and Foreign Commerce a short time ago, when that committee reported a bill to increase the compensation of light-house keepers. The salaries have been increased at this session.

Mr. ESCH. I will state that that bill only includes a ration of 30 cents a day.

Mr. TAWNEY. To light-house keepers?

Mr. ESCH. Yes; the other portion was stricken out.

Mr. TAWNEY. I will correct my statement. The bill I referred to was in relation to the Life-Saving Service.

Mr. PERKINS. The salaries are fixed by the Light-House Board.

Mr. TAWNEY. They are fixed by the Board under the limitation fixed by law.

Mr. PERKINS. But the limitation made by law is in the amount of the total appropriation, which makes it impossible for them to grant increases, which, as the Board themselves say, they are in favor of granting. This light-house keeper, for instance, has left for himself—for the board and clothes of himself and wife—out of the salary of $520 the sum of $125, or a little over $2 per week. That, under the compensation which can be allowed under the appropriation, is the total sum left for the board and the clothing of himself and wife during the year—a little over $2 a week—and on this sum it is impossible that a man and his wife should decently, not only properly and sufficiently, but decently exist.

Now, Mr. Chairman, only this afternoon——

Mr. TIRRELL. I would like to ask the gentleman if he has any other means of support?

Mr. PERKINS. This man has to be in this light-house, that is 6 miles from any town, on the remote part of the coast where it is situated. He must be in this light-house to see that the house is sufficiently warm, that the light is kept lighted. He gets what little can be raised on about an acre of land, but he has no other means of subsistence. Now, this very afternoon the committee thought it proper to allow a man, charged with the laborious duty of walking in for perhaps an hour a day and seeing the officials of the Secretary of the Treasury burn bills, $1,500 a year. A man who gives his whole life on a remote part of the coast, 5 or 6 miles from a village, 2 or 3 miles from any other house, who has to keep the light-house and the light in such shape that life may be saved, where any failure on any night of the year may result in loss of life or property, is paid $520, and has left for himself and wife, after he has sent his children to school, after he has paid for the expenses of a horse which he has to have to draw him to get supplies to take care of his children, a little over $2 a week, and it does not seem to me that these results are satisfactory or harmonious. [Applause.] I withdraw the pro forma amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PRATT, one of its secretaries, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Erwin (Tenn.) station: Superintendent, $1,500; fish culturist, $900; three laborers, at $600 each; in all, $4,200.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman tell me, as a matter of information—because this is in my State—how many fish this establishment furnishes? I want to know because my people are very anxious to get more and better fish.

Mr. TAWNEY. There are so many millions that you can not compute them.

Mr. GAINES of Tennessee. I imagined that if there was any way to compute the matter the gentleman would know it.

Mr. TAWNEY. There is no computation.

Mr. GAINES of Tennessee. Are they growing any fish there yet?

Mr. TAWNEY. In Tennessee?

Mr. GAINES of Tennessee. At this fish-cultural station. Of course there are fish down there, in some places enough to lock and dam the river.

Mr. TAWNEY. They do not all stay at home.

Mr. GAINES of Tennessee. I have a great many inquiries—in fact, frequently—for more fish. If the gentleman will not give any information, I will presume that the fish-cultural establishment under the administration of my colleague [Mr. BROWNLOW] is doing its full duty.

The Clerk read as follows:

Division of inquiry respecting food fishes: Assistant in charge, $2,700; assistant, $2,500; assistant, $1,600; two assistants, at $1,200 each; assistant, $900; assistant, $720; one clerk of class 1; one clerk, at $900; one clerk, $720; in all, $13,640.

Mr. PERKINS. Mr. Chairman, I reserve a point of order with reference to this section, because it seems to me that the provisions of the bill authorize much duplication of work. Here is an inquiry regarding food fishes, which has been going on for many years, $13,000. Immediately following is a further investigation as to methods of the fisheries, which has been going on for many years, $17,000. Two pages further on is an inquiry respecting food fishes, the same thing we have here, with an appropriation of $30,000. Then there is the following paragraph for collection and compilation of statistics of the fisheries, $7,500. There are four branches, all of which have been going on for many years, one of them in reference to the causes of the decrease in fisheries. Now, we all sympathize with all proper work of continuing the fish supply, but, on the other hand, it is entirely possible for different branches of inquiry to be instituted and never to terminate their inquiries, and it seems to me that it has been so in this bill. The four classes to which I have called the attention of the committee seem to me are duplications of work, and as none of them have any permanent authority of law, I wish, at least, to reserve the point of order to the paragraph just read.

Mr. TAWNEY. Mr. Chairman, there is no explanation that can be made other than to say there is no duplication under these several provisions. While this general heading of the four different paragraphs referred to by the gentleman from New York [Mr. PERKINS] may be similar in language, the work authorized and the work done with the money expended is altogether different in character. So far as the statute authorizing the work is concerned, the gentleman says there is no statute creating the Fish Commission or no statute clearly defining the purpose or the scope of its work; but it is a public work in progress. It has been going on for years, and these various appropriations that the gentleman has referred to have all been made in connection with the general work of the Commission. I sympathize with what he says, and it illustrates the difficulty of our ever getting rid of any Government service when we once inaugurate it. The Fish Commission is the outgrowth of a little innocent resolution passed in 1871, authorizing the appointment of a commission to investigate the cause of the depletion of food fishes and appropriating $5,000.

Mr. PERKINS. What year was that started in?

Mr. TAWNEY. I should have said in 1871.

Mr. PERKINS. Thirty-seven years ago?

Mr. TAWNEY. Yes; in 1871.

Mr. PERKINS. Have they yet found it?

Mr. TAWNEY. No; they have been investigating ever since. As I stated to the committee yesterday, one of our objections to the inauguration of the service that we were then discussing was the very fact that it would always grow upward and never downward, and the Fish Commission is perhaps as good an illustration of the truth of that statement as any other branch of the public service furnishes. It commenced in 1871, as I said, with a little resolution authorizing the appointment of a commission to inquire into the cause of the depletion of food fishes, appropriating $5,000 for the service, and from that on it has grown, until the aggregate appropriation is almost $1,000,000.

Mr. PERKINS. Of course so far as these separate fisheries are concerned in which fish are bred for purposes of distribution, no one questions the utility of them, and if the expense is large the profit is also large. But when it comes to these inquiries as to what originally did cause diminution in the fish supply, certainly that should come to an end.

Mr. TAWNEY. I will say to the gentleman from New York that these inquiries are inquiries that are absolutely essential, a part of and absolutely essential to the work of maintaining and carrying on the fish hatcheries. It is a part of the original work and is a work in progress. It has been going on these many years and will continue to go on for all time, I suppose.

Mr. PERKINS. Is there any information which the committee can furnish the Committee of the Whole as to what work, for instance, is covered by this appropriation, "Division of inquiry respecting food fishes?" What work is done under that?

Mr. TAWNEY. What is the language?

Mr. PERKINS. "Division of inquiry respecting food fishes."

Mr. TAWNEY. I will say to the gentleman from New York that if he will take the hearings of two years ago of the subcommittee in preparation of the sundry civil bill at that time he will be able to find out. At that time the members of the subcommittee were all inexperienced in the preparation of the sundry civil bill, and had little or no knowledge regarding the various branches of the service provided in the sundry civil bill, and we went into the genesis of nearly all these various services, and I would respectfully refer the gentleman to the hearings of two years ago on the Fish Commission and the appropriation made under that title, and he will get all the information. I have not since that time given the matter any particular study as to the details of this work.

The CHAIRMAN. The gentleman's time has expired.

Mr. TAWNEY. Just a minute, Mr. Chairman. My recollection is, however, that this is an inquiry that is a part of the general work, and especially the scientific work, of the various branches of the service.

Mr. PERKINS. Mr. Chairman, I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time may be extended for five minutes. Is there objection?

There was no objection.

Mr. PERKINS. Is the gentleman in charge of the bill sufficiently familiar with this question so that he is willing to state that, in his opinion, there should be no reduction in the amount under these four different paragraphs to which I called his attention?

Mr. TAWNEY. I am; and I will say that I am sufficiently familiar also to state that the increase of $5,000 we gave in one of these appropriations is absolutely justified by the testimony, and that branch of the subject we went into rather minutely at this session, because it presented a new question, and that was in relation to the fresh-water mussels.

Mr. THOMAS of North Carolina. Will the gentleman allow me right there to make a statement? I want to say, as a practical matter, in connection with the general subject of fish culture, that in my section of the country, on the Atlantic seaboard, there has recently been a great decrease in the supply of shad, and we regard this investigation, having for its purpose information as to the decrease of the shad in the rivers in my locality, as of the very utmost importance.

Mr. PERKINS. I think so, too; but does not the gentleman think that after they have spent thirty-four years in this matter there should have been some results?

Mr. THOMAS of North Carolina. In answer to that I will say it has been found that this decreased supply of fish in different localities in the country is constantly recurring, and that there are different causes which produce it, and from time to time the Fish Commission has investigated certain localities with a view of ascertaining the cause which decreased the supply.

Mr. TIRRELL. I wish to add, as showing that the subject has not yet been exhausted, that I have had pending until this session of Congress before the Committee on the Merchant Marine and Fisheries a bill authorizing the Department to investigate and ascertain whether the so-called "dog fish" was a fish that could be used for food supply, and, if not, if some means should not be provided for its destruction.

Mr. BONYNGE. Why not try it on the dog? [Laughter.]

Mr. TAWNEY. The gentleman from Colorado has suggested that possibly if they would try the fish on the dog the gentleman could ascertain whether or not it would be a food fish. [Laughter.]

Mr. OLMSTED. Try the dog fish for sausage purposes. [Laughter.]

Mr. TAWNEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21260, the sundry civil appropriation bill, and had come to no resolution thereon.

PORTO RICAN FRANCHISE.

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, I transmit herewith certified copies of franchises granted by the executive council of Porto Rico to the Puerto Rico Sugar Company, the Compañía Azucarera Central Machete, and to Messrs. Mullenhoff and Korber.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *May 1, 1908.*

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6715. An act granting pensions and increase of pensions to certain soldiers and sailors of the Spanish war and other wars, and to the widows of such soldiers and sailors—to the Committee on Pensions.

DISEASES OF CATTLE.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following House joint resolution.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent for the present consideration of the joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 176, providing for the printing of the Special Report on the Diseases of Cattle.

Resolved, etc., That there be printed and bound 100,000 copies of the Special Report on the Diseases of Cattle, the same to be first revised and brought to date under the supervision of the Secretary of Agriculture, 30,000 copies for the use of the Senate, 60,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the request that the resolution be considered and passed?

Mr. CLARK of Missouri. I want to ask the gentleman——

Mr. FITZGERALD. I object to that.

The SPEAKER pro tempore. The gentleman from New York objects.

JOHN PAUL JONES COMMEMORATIVE EXERCISES.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution 19, which I send to the desk.

The Clerk read as follows:

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 25,000 additional copies of the addresses delivered at the exercises commemorative of John Paul Jones at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, compiled and published under the direction of the Joint Committee on Printing; 8,000 copies for the use of the Senate, and 16,000 copies for the use of the House of Representatives.

The SPEAKER pro tempore. Is there objection to the House considering and agreeing to the resolution just read?

Mr. CLARK of Missouri. I object.

LEAVE OF ABSENCE.

Mr. LOVERING, by unanimous consent, obtained leave of absence, for one week, on account of illness in family.

WITHDRAWAL OF PAPERS.

Mr. ASHBROOK, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Frank S. Mathews (H. R. 19809), Sixtieth Congress, no adverse report having been made thereon.

Mr. GREENE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Wilson P. Strong (H. R. 21369), Sixtieth Congress, no adverse report having been made thereon.

ORDER OF BUSINESS.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. PAYNE. Mr. Speaker, pending that, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 145, nays 88, answered "present" 9, not voting 145, as follows:

YEAS—145.

Adair	Driscoll	Jenkins	Pollard
Alexander, N. Y.	Dwight	Jones, Wash.	Pray
Andrus	Ellis, Oreg.	Kahn	Prince
Barchfeld	Englebright	Keifer	Rainey
Bartholdt	Esch	Kennedy, Iowa	Rauch
Beale, Pa.	Foss	Kennedy, Ohio	Reeder
Bede	Foster, Ind.	Kinkaid	Reynolds
Birdsall	Foster, Vt.	Knapp	Rodenberg
Bonynge	French	Küstermann	Scott
Boyd	Fuller	Lafean	Slemp
Brownlow	Gaines, W. Va.	Landis	Smith, Cal.
Brumm	Gardner, Mich.	Langley	Smith, Iowa
Burke	Gardner, N. J.	Lawrence	Snapp
Burleigh	Gilhams	Lindbergh	Southwick
Butler	Goebel	Littlefield	Sperry
Calderhead	Graff	Longworth	Stafford
Campbell	Graham	Lowden	Steenerson
Capron	Greene	McKinley, Ill.	Stevens, Minn.
Caulfield	Hale	McKinney	Sturgiss
Chaney	Hall	McLachlan, Cal.	Sulloway
Chapman	Hamilton, Mich.	McMorran	Tawney
Cocks, N. Y.	Harding	Madden	Thistlewood
Cole	Haskins	Madison	Thomas, Ohio
Cook, Colo.	Haugen	Mann	Tirrell
Cooper, Pa.	Hawley	Mouser	Townsend
Cooper, Wis.	Hayes	Needham	Volstead
Cousins	Henry, Conn.	Nelson	Wanger
Cox, Ind.	Higgins	Norris	Washburn
Crawford	Hinshaw	Nye	Watson
Crumpacker	Holliday	Olcott	Weeks
Currier	Howell, N. J.	Overstreet	Wheeler
Dalzell	Howell, Utah	Parker, N. J.	Wilson, Ill.
Davidson	Howland	Parker, S. Dak.	Wood
Davis, Minn.	Hubbard, Iowa	Parsons	Woodyard
Dawson	Hubbard, W. Va.	Payne	
Diekema	Huff	Pearre	
Draper	Humphrey, Wash.	Perkins	

NAYS—88.

Adamson	Denver	Hill, Miss.	Robinson
Aiken	Dixon	Houston	Rothermel
Alexander, Mo.	Ellerbe	Hughes, N. J.	Russell, Mo.
Ansberry	Favrot	Hull, Tenn.	Russell, Tex.
Ashbrook	Ferris	Johnson, Ky.	Ryan
Bartlett, Nev.	Finley	Johnson, S. C.	Sabath
Beall, Tex.	Fitzgerald	Keliher	Sheppard
Bell, Ga.	Floyd	Kimball	Sherley
Booher	Foster, Ill.	Lamar, Mo.	Sherwood
Bowers	Gaines, Tenn.	Lassiter	Sims
Brantley	Garner	Lee	Slayden
Brodhead	Gill	Lloyd	Small
Burleson	Hackett	McHenry	Smith, Mo.
Burnett	Hackney	McLain	Smith, Tex.
Candler	Hamilton, Iowa	Macon	Stanley
Carlin	Hardwick	Moon, Tenn.	Stephens, Tex.
Clark, Fla.	Hardy	Moore, Tex.	Sulzer
Clark, Mo.	Harrison	Murphy	Thomas, N. C.
Clayton	Hay	O'Connell	Tou Velle
Cooper, Tex.	Heflin	Padgett	Underwood
Craig	Helm	Patterson	Watkins
Cravens	Henry, Tex.	Richardson	Wilson, Pa.

ANSWERED "PRESENT"—9.

Bennet, N. Y.	Hill, Conn.	Humphreys, Miss.	Olmsted
De Armond	Howard	Lamb	Shackleford
Garrett			

NOT VOTING—145.

Acheson	Ellis, Mo.	Kitchin, Wm. W.	Page
Allen	Fairchild	Knopf	Peters
Ames	Fassett	Knowland	Porter
Anthony	Flood	Lamar, Fla.	Pou
Bannon	Focht	Laning	Powers
Barclay	Fordney	Law	Pratt
Bartlett, Ga	Fornes	Leake	Pujo
Bates	Foulkrod	Legare	Randell, Tex.
Bennett, Ky.	Fowler	Lenahan	Ransdell, La.
Bingham	Fulton	Lever	Reid
Boutell	Gardner, Mass.	Lewis	Rhinock
Bradley	Gillespie	Lilley	Riordan
Broussard	Gillett	Lindsay	Roberts
Brundidge	Glass	Livingston	Rucker
Burgess	Godwin	Lorimer	Saunders
Burton, Del.	Goldfogle	Loud	Sherman
Burton, Ohio	Gordon	Loudenslager	Smith, Mich.
Byrd	Goulden	Lovering	Sparkman
Calder	Granger	McCall	Spight
Caldwell	Gregg	McCreary	Sterling
Carter	Griggs	McDermott	Talbott
Cary	Gronna	McGavin	Taylor, Ala.
Cockran	Haggott	McGuire	Taylor, Ohio
Conner	Hamill	McKinlay, Cal.	Vreeland
Cook, Pa.	Hamlin	McLaughlin, Mich.	Waldo
Coudrey	Hammond	McMillan	Wallace
Cushman	Hepburn	Malby	Webb
Darragh	Hitchcock	Marshall	Weems
Davenport	Hobson	Maynard	Weisse
Davey, La.	Hughes, W. Va.	Miller	Wiley
Dawes	Hull, Iowa	Mondell	Willett
Denby	Jackson	Moon, Pa.	Williams
Douglas	James, Addison D.	Moore, Pa.	Wolf
Dunwell	James, Ollie M.	Morse	Young
Durey	Jones, Va.	Mudd	
Edwards, Ga.	Kipp	Murdock	
Edwards, Ky.	Kitchin, Claude	Nicholls	

So the motion to take a recess was agreed to.

The Clerk announced the following additional pairs:
For this session:
Mr. BRADLEY with Mr. GOULDEN.
For this vote:
Mr. JACKSON with Mr. WEBB.
Mr. WEEMS with Mr. TAYLOR of Alabama.
Mr. PORTER with Mr. TALBOTT.
Mr. EDWARDS of Kentucky with Mr. WILLETT.
Mr. FOWLER with Mr. SPIGHT.
Mr. YOUNG with Mr. SPARKMAN.
Mr. WALDO with Mr. SHACKLEFORD.
Mr. VREELAND with Mr. SAUNDERS.
Mr. TAYLOR of Ohio with Mr. RUCKER.
Mr. MURDOCK with Mr. RHINOCK.
Mr. STERLING with Mr. REID.
Mr. MORSE with Mr. RANSDELL of Louisiana.
Mr. MOON of Pennsylvania with Mr. PUJO.
Mr. MOORE of Pennsylvania with Mr. POU.
Mr. MILLER with Mr. PAGE.
Mr. MARSHALL with Mr. NICHOLLS.
Mr. MCLAUGHLIN of Michigan with Mr. MCDERMOTT.
Mr. MCCALL with Mr. LEAKE.
Mr. MCGUIRE with Mr. LEVER.
Mr. MCGAVIN with Mr. LENAHAN.
Mr. LOVERING with Mr. OLLIE M. JAMES.
Mr. LOUDENSLAGER with Mr. LAMB.
Mr. LOUD with Mr. KIPP.
Mr. LORIMER with Mr. JONES of Virginia.
Mr. LANING with Mr. HITCHCOCK.
Mr. KNOWLAND with Mr. HAMMOND.
Mr. KNOPF with Mr. HAMLIN.
Mr. HULL of Iowa with Mr. HAMILL.
Mr. HEPBURN with Mr. GREGG.
Mr. GILLETT with Mr. GRANGER.
Mr. FORDNEY with Mr. GORDON.
Mr. FOCHT with Mr. GOLDFOGLE.
Mr. DARRAGH with Mr. GILLESPIE.
Mr. CUSHMAN with Mr. FLOOD.
Mr. CONNER with Mr. DE ARMOND.
Mr. BATES with Mr. CARTER.
Mr. BARCLAY with Mr. CALDWELL.
Mr. ANTHONY with Mr. BRUNDIDGE.
Mr. ACHESON with Mr. BARTLETT of Georgia.
Mr. AMES with Mr. BURGESS.
Mr. MALBY with Mr. LEWIS.
Mr. MCMILLAN with Mr. BYRD.
Mr. COOK of Pennsylvania with Mr. RANDELL of Texas.

NATURALIZATION.

Mr. FRENCH. Mr. Speaker, pending the announcement of the vote, I ask unanimous consent to withdraw a report that I was authorized to make by the Committee on Immigration and Naturalization on the bill (H. R. 18983) for the relief of clerks of courts exercising jurisdiction under section 3 of the naturalization act, and to submit the report which I hold in my hand, which includes a few lines inadvertently omitted from the other report.

The SPEAKER pro tempore. The gentleman from Idaho asks unanimous consent to withdraw the report indicated by him and to substitute therefor another, for the purpose of correcting a mistake. Is there objection?

There was no objection.

RECESS.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 13 minutes p. m.) the House took a recess until Saturday, May 2, 1908, at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for completion of a dredge (H. Doc. 903), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3541) vesting in the city of Enid, Okla., for park, school, and other public purposes, title to block 1 of McGuire's approved plat of the southwest quarter of the northwest quarter of section 8, township 22 north of range 6 west of the Indian meridian, reported the same without amendment, accompanied by a report (No. 1562), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LINDBERGH, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4186) creating in the State of Minnesota a national forest consisting of certain described lands, and for other purposes, reported the same with amendments, accompanied by a report (No. 1563), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOWDEN, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 21491) providing for the purchase or erection of embassy, legation, and consular buildings abroad, reported the same without amendment, accompanied by a report (No. 1564), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BENNET of New York, from the Committee on Immigration and Naturalization, to which was referred the bill of the Senate (S. 5083) to amend section 1 of the passenger act of 1882, reported the same with amendments, accompanied by a report (No. 1566), which said bill and report were referred to the House Calendar.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16492) to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes, reported the same with amendments, accompanied by a report (No. 1567), which said bill and report were referred to the House Calendar.

Mr. LANDIS, from the Committee on Printing, to which was reported the same with amendments, accompanied by a report authorizing the printing of additional copies of the addresses delivered at the exercises commemorative of John Paul Jones, reported the same with amendments, accompanied by a report (No. 1569), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. LANDIS, from the Committee on Printing, to which was referred the joint resolution of the House (H. J. Res. 140) authorizing the printing of 10,000 copies of the complete orders of Gen. George Washington during the war of the Revolution, reported the same adversely, accompanied by a report (No. 1568), which said resolution and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 7168) for the relief of the heirs of Elizabeth Smith—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 18074) for the relief of the heirs of William McConnell, deceased—Committee on Claims discharged, and refered to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 21485) to protect the rights of any owner of letters patent for an invention—to the Committee on Patents.

By Mr. KIPP: A bill (H. R. 21486) to provide for a site and public building at Towanda, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LAMAR of Missouri: A bill (H. R. 21487) to establish a forest reserve and game park in the Sixteenth Congressional District of Missouri, to be known as "The Ozark National Forest Reserve and Game Park"—to the Committee on Agriculture.

By Mr. COOPER of Texas: A bill (H. R. 21488) for the relief of the State of Texas—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 21489) relating to injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. BYRD: A bill (H. R. 21490) to grant all public lands in the State of Mississippi to that State for the support of the common schools—to the Committee on the Public Lands.

By Mr. LOWDEN, from the Committee on Foreign Affairs: A bill (H. R. 21491) providing for the purchase or erection of embassy, legation, and consular buildings abroad—to the Union Calendar.

By Mr. NORRIS: A bill (H. R. 21492) to authorize the sale of certain public lands—to the Committee on the Public Lands.

By Mr. GILLETT: A bill (H. R. 21493) to suppress the trade of so-called "bucket shops"—to the Committee on Interstate and Foreign Commerce.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 21494) to authorize construction of bridge across Muskegon River, Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY. A bill (H. R. 21495) for the erection of a monument to the memory of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.—to the Committee on the Library.

By Mr. KALANIANAOLE: A bill (H. R. 21496) to amend the acts regulating the distilling of fruit brandies—to the Committee on Ways and Means.

By Mr. ROBINSON: A bill (H. R. 21497) appropriating $30,000 to maintain the channel and revet the bank of the Arkansas River, and to protect the Government levee at and near Red Fork, on the Arkansas River, in Arkansas—to the Committee on Rivers and Harbors.

By Mr. FOSTER of Indiana: A bill (H. R. 21498) relating to injunctions—to the Committee on the Judiciary.

By Mr. PRAY: A bill (H. R. 21490) for the relief of entrymen on public lands in the Milk River Valley, State of Montana—to the Committee on Appropriations.

By Mr. LANDIS: Joint resolution (H. J. Res. 176) providing for the printing of the Special Report on the Diseases of Cattle—to the Committee on Printing.

By Mr. FERRIS: Joint resolution (H. J. Res. 177) proposing amendments to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WATSON: Resolution (H. Res. 399) to pay to Harry Graham a certain sum of money—to the Committee on Accounts.

Also, resolution (H. Res. 400) providing additional compensation for Harry Graham—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally refered as follows:

By Mr. AIKEN: A bill (H. R. 21500) granting a pension to Ernest Howard—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 21501) granting an increase of pension to William A. Gibbany—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 21502) granting a pension to Francisco Lucero—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21503) to remove the charge of desertion from the military record of the late Lieut. Robert C. Hoggins—to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 21504) granting a pension to William M. Kunkle—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 21505) granting an increase of pension to F. M. Ridge—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 21506) granting a pension to George F. Reeve—to the Committee on Pensions.

By Mr. COOK of Pennsylvania: A bill (H. R. 21507) granting a patent for land to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania—to the Committee on Indian Affairs.

By Mr. DAVENPORT: A bill (H. R. 21508) granting an increase of pension to Napoleon Bonaparte Breedlove—to the Committee on Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 21509) granting an increase of pension to William A. Cotrel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21510) granting an increase of pension to Peter H. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21511) granting an increase of pension to Samuel H. Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21512) granting an increase of pension to Henry A. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21513) granting a pension to Mrs. Horace W. Hovey—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 21514) granting a pension to Fannie Crump—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 21515) granting an increase of pension to Abraham Dustman—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 21516) granting an increase of pension to Joe Seaton—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 21517) granting a pension to Gertrude Lowe—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 21518) granting an increase of pension to Francis M. Hunting—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 21519) for the relief of Elisha Stogsdill—to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 21520) granting an increase of pension to Nancy Mitchell—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 21521) for the relief of the heirs of John Hughey, deceased, late a citizen of Tippah County, Miss.—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 21522) for the relief of Dennis A. Litzinger—to the Committee on War Claims.

By Mr. WEBB: A bill (H. R. 21523) granting an increase of pension to William Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21524) for the relief of the estate of George W. Hines, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 21525) for the relief of Jake T. Patrick—to the Committee on Claims.

Also, a bill (H. R. 21526) for the relief of the legal representatives of Mrs. Polly Clark—to the Committee on War Claims.

By Mr. WATKINS (by request): A bill (H. R. 21527) for the relief of James L. Bradford—to the Committee on Private Land Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of working people and their sympathizers of Westland, Reissing, New Castle, and Washington, Pa., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Post No. 164, Grand Army of the Republic, of Beaver Valley, Pa., against the project to erect a monument to the memory of Captain Wirz—to the Committee on the Library.

By Mr. AIKEN: Petition of working people of Columbia, S. C., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: Petition of J. Schneggenburger, P. Martin, and F. Meyers, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of representatives of the labor organizations and working people and their sympathizers of Leavenworth, Kans., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. BOOHER: Petitions of labor unions and plumbers of St. Joseph, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of John G. Swank—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of citizens of Maine, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. BUTLER: Petition of working people and their sympathizers of Spring City, Pa., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. CALDER: Petitions of Association of Dealers in Masons' Building Material, New York Lumber Trade Association, and J. D. Crary, against all injunction legislation affect-

ing relations between employer and employee—to the Committee on the Judiciary.

Also, petition of Oscar Brockhaul, for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Eugene J. Bohan, favoring remedial legislation excluding labor from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

By Mr. CHANEY: Petitions of Charles W. Reid and others, of Midland, Ind., and International Brotherhood of Blacksmiths and Helpers, of Washington, Ind., for amendment to Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of citizens of Tampa and Apalachicola, Fla., praying for legisiation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, petition of Board of Trade of Jacksonville, Fla., against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Builders' Exchange of Jacksonville, Fla., against passage of any bill changing the present statutes relative to injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. COCKS of New York: Petition of Music Engravers' Union, for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. COUDREY: Petition of F. H. Beberich, for the prisoners' parole bill (H. R. 20705)—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of Robert J. Espy and other citizens of Indianapolis, favoring resolution of sympathy for the Russian people—to the Committee on Foreign Affairs.

By Mr. DALZELL: Petition of United Bohemian Building and Loan Association, for amendment of H. R. 18525 (Hepburn bill) so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. DAVENPORT: Petition of Creek Indian citizens, to open Creek tribal rolls and enroll the new-born children born since the rolls were closed—to the Committee on Indian Affairs.

By Mr. DAVEY of Louisiana: Petition of working people of New Orleans, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of Board of Trade of Nashville, Tenn., in favor of H. R. 18204, providing for appropriation for agricultural and industrial education in secondary schools on these lines—to the Committee on Agriculture.

By Mr. DAWSON: Petitions of William L. Banrose and other citizens of Clinton, Iowa; E. A. Coon and other citizens of Muscatine, Iowa, and Jay C. Mead and other citizens of Davenport, Iowa, for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. DRISCOLL: Petition of Retail Clerks' Union No. 243, of Syracuse, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. ESCH: Petition of Trades and Labor Council of La Crosse, Wis., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FORNES: Petition of Engravers' Union of New York City, for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Winnebago National Bank, of Rockford, Ill., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Charles H. Williams, favoring the Marshall pure-paint bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of Local Council No. 108, American Federation of Labor, of New York City, for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Providence Typographical Union and citizens of Providence, Central Falls, and Lonsdale, R. I., for amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of United Bohemian Building and Loan Association of Illinois, for amendment of H. R. 18525 so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. HAMILTON of Iowa: Petition of Ottumwa Lodge, No. 89, Switchmen's Union of North America, favoring H. R. 13477, for standardization of automatic couplers—to the Committee on Interstate and Foreign Commerce.

Also, petition of Protection Lodge, No. 137, Brotherhood of Locomotive Firemen and Engineers, of Eldon, Iowa, for H. R. 19795, for self-dumping automatic ash pans on locomotives—to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Green Ridge and Evans, Iowa, for H. R. 20584, amendment to the Sherman antitrust law; for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HARRISON: Petitions of Music Engravers' Union and Cigar Packers' Union, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. HENRY of Texas: Petition of working people and their sympathizers of Waco, Tex., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HUFF: Petition of Paul Hauck, Frank Kirchner, Henry C. Schroding Latrobe, John Saunt, William Palmer, Fred Chapman, McCance, G. L. McCoy, S. M. Reichart, J. O. Hogan, and W. Monterey, of Pennsylvania, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petition of trades and labor organizations at Keokuk, Iowa, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of shoe workers of North Adams, Mass., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Greenfield Union, International Association of Car Workers, for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LEVER: Petition of working people of Columbia, S. C., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of citizens of Staples, Minn., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LIVINGSTON: Paper to accompany bill for relief of estate of John C. Lee—to the Committee on War Claims.

By Mr. McDERMOTT: Petitions of Packing House Teamsters of Chicago, Ill.; O. G. Eden, president; Louis Beckel, vice-president; H. B. Divel, recording secretary; George F. Golden, secretary-treasurer; G. O. Johnson, Frank Keefer, W. J. Sullivan, and others; Brotherhood of Stationary Firemen; Iron Molders' Union, and George I. Johnson, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of citizens of Rock Island, Ill., for making October 12 a national holiday—to the Committee on the Judiciary.

Also, petition of citizens of Rock Island, Ill., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. McLAUGHLIN of Michigan: Paper to accompany bill for relief of Joel Seaton—to the Committee on Invalid Pensions.

By Mr. MALBY: Petition of various citizens of Ogdensburg, N. Y., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Union Stationary Firemen of Ticonderoga, N. Y., against repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. MANN: Petition of Union League Club and City Club, of Chicago, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Credit Men's Association, favoring H. R. 13266, amendment of bankruptcy law—to the Committee on the Judiciary.

Also, petition of Grand Army Hall and Memorial Association of Illinois, against consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Lake Seaman's Union, against H. R. 225, amending section 4463, Revised Statutes—to the Committee on the Judiciary.

By Mr. MAYNARD: Petition of working people and their sympathizers in Virginia, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of working people and their sympathizers, of Lincoln, Nebr., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PETERS: Petition of workingmen of Boston, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. PORTER: Petition of Lockport Union of Carpenters, No. 289, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of International Paper Makers' Union of Niagara Falls, protesting against the removal of the duty on paper and pulp—to the Committee on Ways and Means.

Also, petition of working people and their sympathizers of North Tonawanda and Mount Morris, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. PRINCE: Petition of working people and their sympathizers of Quincy, Ill., for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. REYNOLDS: Petition of citizens of Conemaugh, Cambria County; citizens of Defiance; Local Union No. 1837, United Mine Workers of America, of Defiance; citizens of Spangler, Cambria County; Local Union No. 830, United Mine Workers of America, of Dunlo; and citizens of Dunlo and Spring Hill, all in the State of Pennsylvania, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. RHINOCK: Petition of trades and labor unions of Covington, Ky., and citizens of Ludlow, Ky., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

Also, petition of Cincinnati Clearing-House Association, against sections 8 and 11 of the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. RICHARDSON: Paper to accompany bill for relief of Elisha Stogsdill—to the Committee on War Claims.

By Mr. RIORDAN: Petition of Chamber of Commerce of New York, against H. R. 19245, relative to obstructive and injurious deposits within the harbor of New York and adjacent waters—to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of New York, favoring increase of salaries of United States circuit judges—to the Committee on the Judiciary.

By Mr. SABATH: Petition of citizens of Illinois for amendment to Sherman antitrust law, Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of McCook Post, Grand Army of the Republic, of Iola, Kans., expressing the thanks of the post to the President and the Congress for the passage of the widows' pension bill—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of various citizens of Utica, N. Y., for amendment to Sherman antitrust law, and for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. SOUTHWICK: Petition of citizens of Schenectady, N. Y., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of working people and their sympathizers of Albany and Cohoes, N. Y., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SPIGHT: Paper to accompany bill for relief of heirs of John Hughey—to the Committee on War Claims.

By Mr. SULZER: Petition of citizens of New York City, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. TALBOTT: Paper to accompany bill for relief of Anna E. McDonald—to the Committee on War Claims.

By Mr. WEEMS: Petition of Local Union No. 186, Jefferson Trades and Labor Association, of Steubenville, Ohio, praying for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: Petitions of Order of Railway Telegraphers, of Lock Haven; Brotherhood of Electrical Workers, F. B. Long, and Joseph Winslow, of Williamsport, Pa., and Midvale, Ohio, Local Union No. 2052, United Mine Workers of America, for amendment to Sherman antitrust law, the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 2, 1908.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

Paul, an apostle of Jesus Christ, to the faithful brethren:

We do not cease to pray for you and to desire that ye might be filled with the spirit in all wisdom and understanding; that ye might walk worthily of the Lord, bearing fruit in every good work and increasing in the knowledge of God, strengthened with all power according to the might of His glory.

Let us pray.

Here is our prayer, Father, that what the apostle asked from Thee Thou wilt give to us to-day in this day's duty, in to-day's pleasure, in work, in thought, alone or together, that the Lord God will be with us to teach us, Father, Thy will; that we may walk worthy of this Christian vocation to which we are called; that it may not be in vain that Thou hast lifted this nation where it is, to be the messenger of Thy glad tidings to all men.

To-day, Father, we go back into the past to recall memories of the lives of those who have served in this Chamber, and to look forward for the good of this people. May every lesson of the past be translated for us into duties for to-day, to-morrow, and every day. O God, make this nation that happy people whose God is the Lord. We ask it, in Christ Jesus.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TALIAFERRO, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

LIST OF VOLUNTEER OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in further response to the resolution of March 21, 1908, a list of officers of the United States Volunteers organized under the act of March 2, 1899, for service in the Philippines, showing the difference between the amount paid each officer under the act of May 26, 1900, as travel pay, etc., and the amount each would have received under section 1289 of the Revised Statutes in force at the time of the muster into service, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

IMPROVEMENT OF ROCK CREEK VALLEY.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, a report upon the improvement of the valley of Rock Creek from Massachusetts avenue to the mouth of the creek, which, with the accompanying papers, was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of sundry citizens of Marion, Ind., of St. Charles, Ky., of Birmingham, Ala., and of Watertown, N. Y., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Wyoming State Federation of Women's Clubs, of Sheridan, Wyo., praying for the enactment of legislation providing for the investigation and the development of the method of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Society of Survivors of the Men of the Mississippi River United States Steamer Army Fleet and Marine Brigade, praying for the enactment of legislation to apply to them, their widows, and minor children, the provisions of the act of June 27, 1890, which was referred to the Committee on Pensions.

He also presented memorials of Local Union No. 31, of Franklin; of Local Union No. 29, of Berlin, in the State of New Hampshire, and of Local Union No. 7, of Palmer, N. Y., all of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. CULLOM presented petitions of sundry citizens and labor organizations of Peoria and Kewanee, in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Painters and Paperhangers' Union, No. 15, of Pawtucket, R. I., and a petition of Local Union No. 33, International Typographical Union, of Providence, R. I., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented petitions of sundry citizens of Denver and Durango, in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SCOTT presented petitions of sundry citizens and labor organizations of McMechen, Grafton, Paden City, Follansbee, and Morgantown, all in the State of West Virginia, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the West Virginia Fish and Game Protective Association of Wheeling, W. Va., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented a petition of sundry surviving officers of the civil war of Harrison County, W. Va., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments of the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented the petition of E. D. Sanderson, director of the New Hampshire Agricultural Experiment Station, of Durham, N. H., praying for the enactment of legislation to prevent the manufacture, sale, or transportation of adulterated or misbranded fungicides, Paris green, and other insecticides and for regulating traffic therein, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 31, International Brotherhood of Pulp, Sulphite and Paper Mill Workers, of Franklin, N. H., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. PILES presented a petition of sundry citizens of Tacoma, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented the memorial of John E. Garvey, of East St. Louis, Ill., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

He also presented petitions of sundry citizens and labor organizations of Bloomington, Galesburg, Danville, Kewanee, Peoria, and Belleville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. WETMORE on the 1st instant, proposing to appropriate $0,000 for a light and signal or whistling buoy, fitted with submarine bell, off Point Judith, Rhode Island, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. PILES. I report back from the Committee on Territories favorably without amendment the bill (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902, and I submit a report (No. 597) thereon. A similar bill passed the House at the last session and was on its final passage in this body when the hour of final adjournment arrived. I ask for the immediate consideration of the bill, as it is an important one for Alaska.

Mr. HALE. I can not agree, of course, as I have made an arrangement with the Senator from Florida [Mr. TALIAFERRO], who has charge of the eulogies, that he will give way for the diplomatic and consular appropriation bill. I shall object to any other bill, and I shall object to this if it gives rise to any debate.

Mr. BEVERIDGE. It will not, I think.

Mr. HALE. Then it may go on.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. HALE. If it is a long bill, I can not consent to its consideration.

The VICE-PRESIDENT. It is a long bill.

Mr. BEVERIDGE. It will not take ten minutes.

Mr. HALE. I can not give ten minutes.

Mr. SCOTT. Let the bill go over.

The VICE-PRESIDENT. Objection is made, and the bill goes to the Calendar.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6901) to acquire the triangular square bounded by Second and T streets and Rhode Island avenue NW. for use as a public park, asked to be discharged from its further consideration and that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 4308) to restore the name of California avenue to that certain street lying and being in the county of Washington and running from Florida avenue to Nineteenth street NW., and now known as V street, reported it with amendments and submitted a report (No. 598) thereon.

BILLS INTRODUCED.

Mr. STEPHENSON introduced a bill (S. 6931) for the relief of H. S. Sacket, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 6932) granting a pension to Nancy Peltz, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6933) for the relief of Rastus W. Crandall, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6934) for the relief of the Merritt & Chapman Derrick and Wrecking Company; and

A bill (S. 6935) for the relief of the Merritt & Chapman Wrecking Company.

Mr. BANKHEAD introduced a bill (S. 6936) authorizing the erection of a post-office building at Demopolis, Ala., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. JOHNSTON introduced a bill (S. 6937) to increase the appropriation for a public building at Dothan, Ala., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. CLARKE of Arkansas introduced a bill (S. 6938) granting an increase of pension to William S. Thomas, which was read twice by its title and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6939) granting an increase of pension to Thomas Black, which was read twice by its title and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6940) for the relief of the heirs at law and legal representatives of Asahel Bliss, which was read twice by its title and referred to the Committee on Claims.

Mr. STONE introduced a bill (S. 6941) granting a pension to Nora R. Willett, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MONEY submitted an amendment proposing to appropriate $125,000 for the construction of a dredge for use on the Gulf coast of Mississippi, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask that House bill 20345, the diplomatic and consular appropriation bill, be taken up and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments be considered as they are reached in the reading of the bill.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will read the bill.

The Secretary proceeded to read the bill, and read to page 2, line 16, the last paragraph read being the following:

Envoys extraordinary and ministers plenipotentiary to Denmark, Morocco, Norway, Paraguay and Uruguay, Portugal, Roumania and Servia, and diplomatic agents in Bulgaria, Sweden, and Switzerland, at $10,000 each, $80,000.

Mr. HALE. The word "agents," in line 14, should be "agent." It is a mistake in the print.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 14, strike out the word "agents" and insert the word "agent."

The amendment was agreed to.

The reading was continued to line 2, page 4, the last paragraph read being as follows:

Secretary of legation to Salvador and consul-general to San Salvador, $2,000; and the words "San Salvador" in the consular reorganization act of April 5, 1896, are hereby repealed.

Mr. HALE. On page 3, line 25, before the word "dollars," I move to strike out "two thousand" and insert in lieu "thirty-five hundred."

The amendment was agreed to.

The reading was continued to page 5, line 13.

Mr. HALE. In lines 12 and 13 the total should be changed so as to read "$129,875" in lieu of "$128,375." I move that amendment.

The amendment was agreed to.

The reading was continued. The first amendment of the Committee on Appropriations was, in Schedule A, under the subhead "Transportation of diplomatic and consular officers in going to and returning from their posts," on page 9, line 8, after the date "1909," to strike out "so much as may be needed" and insert "$30,000," so as to make the clause read:

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts, or when traveling under the orders of the Secretary of State, at the rate of 5 cents per mile, but not including any expense incurred in connection with leaves of absence, to continue available during the fiscal year 1909, $30,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to insert:

INTERNATIONAL INSTITUTE OF AGRICULTURE.

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1909, $4,800.

Mr. HOPKINS. I should like to have the Senator in charge of the bill state what this amendment relates to.

Mr. HALE. It is in reference to a conference arranged with the Department, under treaty, which takes place at Rome. The same provision was in the bill last year.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert:

REPORTS RELATIVE TO THE WORK OF THE JOINT HIGH COMMISSION.

For the preparation of reports and material necessary to enable the Secretary of State to utilize and carry out the work partly performed by the Joint High Commission of 1898 for the settlement of questions relating to Canada and for the settlement of questions relating to Newfoundland, $10,000, or so much thereof as may be necessary, to become immediately available.

The amendment was agreed to.

Mr. HALE. After line 4, on page 16, I move to insert:

To enable the Secretary of State to protect the property and rights of citizens of the United States interested in the navigation and use of the St. John River in case of litigation arising in the courts or tribunals of any foreign power, the Secretary of State in such case being authorized to appoint counsel in such courts or tribunals, $15,000.

The amendment was agreed to.

The reading was resumed.

The next amendment was, on page 19, after line 3, to insert:

PURCHASE OF LEGATION PROPERTY.

For the purchase of building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, and for furnishing the same and, if necessary, otherwise adapting it to the needs of the service, $400,000, or so much thereof as may be necessary.

Mr. HALE. I ask that this amendment may be passed over until after the reading of the bill has been completed.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The next amendment was, on page 19, after line 11, to insert:

For the purchase of the residence erected by Mr. R. S. Miller, Japanese secretary of the legation, at his own expense, on the ground held by the United States in perpetual lease for the legation purposes in Tokyo, Japan, $3,267.

The amendment was agreed to.

The next amendment was, on page 19, after line 11, to insert:

EXCHANGE OF PROPERTY AT PEKING, CHINA.

The Secretary of State be, and he is hereby, authorized to transfer to the Bank of Indo-China a certain lot of land situated at Peking, China, and now belonging to the United States, said lot being designated as X Y Z on the plat on file in the Department of State entitled "Plat showing the property situated at Peking, China, to be exchanged between the United States and the Bank of Indo-China," and marked with file No. 3565/45–47; said lot X Y Z being described by metes and bounds, as follows:

Starting from the point "o" of lot "C," thence north 81° 58′ west 54 feet to the point "p," the place of beginning in describing lot "X Y Z;" thence south 4° 36′ west 72 feet to a point "r;" thence north 77° 56′ west 67 feet to the point "a;" thence north 12° 4′ east 10 feet to the point "t;" thence south 77° 56′ east 50 feet to the point "u;" thence north 12° 4′ east 7 feet to the point "v;" thence south 85° 24′ east 6 feet to the point "w;" thence north 4° 36′ east 54 feet to the point "y;" thence south 81° 58′ east 10 feet to the point "p."

The said lot to be transferred to the said Bank of Indo-China in exchange for certain lots of land situated at Peking, China, and now belonging to the said bank, said lots being designated as A, B, and C on the said plat and described by metes and bounds, as follows:

LOT A.

The starting point marked "a" on the plat is the intersection of the west side of the west wall of the house built and formerly owned by H. G. Squiers, and being situated upon the south line of Legation street, Peking, China, and the west side of the west wall being 128 feet 6 inches, more or less, east of the east side of the main entrance to the compound of the Banque de l'Indo Chine, and 191 feet 6 inches, more or less, west of the intersection of the north line of Canadal street with the south line of Legation street, with the south face of the present wall running east and west on the south line of Legation street, said wall being the boundary wall on the north side of the property of the Banque de l'Indo Chine.

Beginning with the point "a," thence south 2° 52′ west 96 feet to the point "b;" thence west 1° 44′ north 4 feet 6 inches to the point "c," this being the northeast corner of the house now occupied by the comprador of the Banque de l'Indo Chine; thence north 2° 52′ east 96 feet to the point "d;" thence east to the starting point "a."

LOT B.

Starting from "a," thence south 2° 52′ west 114 feet to the point "c," which is the place of beginning in describing lot "B;" thence east 4° 36′ south 20 feet to the point "f;" thence south 11° 30′ west 36 feet to the point "g;" thence west 4° 36′ north 5 feet to the point "h;" thence north 11° 30′ east 2 feet to the point "j;" thence west 12° 38′ north 9 feet to the point "k;" thence north 2° 32′ east 32 feet to the point "e."

LOT C.

Starting from the point "h," thence south 8° 2′ west 44 feet to the point "l," which is the place of beginning in describing lot "C;" thence south 8° 2′ west 16 feet to the point "m;" thence west 8° 2′ north 20 feet to the point "n;" thence north 8° 2′ east 16 feet to the point "o;" thence east 8° 2′ south 20 feet to the point "l," as described in Senate Document No. 451, Sixtieth Congress, first session.

The amendment was agreed to.

The next amendments were, on page 22, after line 15, to insert:

PAYMENT TO SWEDEN.

To pay the Government of Sweden, for the proportionate share of the United States on account of a claim of a Swedish subject in Samoa under the convention of November 7, 1899, between the United States, Great Britain, and Germany, $375.

PAYMENT TO NORWAY.

To pay the Government of Norway, for the proportionate share of the United States on account of a claim of a Norwegian subject in Samoa under the convention of November 7, 1899, between the United States, Great Britain, and Germany, $200.

Mr. HALE. I ask the Senate to disagree to the two amendments just read, as they will be incorporated in the deficiency bill to be reported hereafter. They are to be taken care of later.

The amendments were rejected.

The next amendment was, in schedule B, under the subhead "Salaries, consular service," on page 23, after line 6, to strike out "For salaries of consuls-general, consuls, and consular inspectors, as provided for in the act approved April 5, 1906, entitled 'An act to provide for the reorganization of the consular service of the United States,' $1,061,000" and to insert in lieu thereof the following:

For salaries of consuls-general, consuls, and consular inspectors, as provided in the act approved April 5, 1906, entitled "An act to provide for the reorganization of the consular service of the United States," as follows: Salaries of consuls-general, including consul-general at Boma, Kongo Free State, of class 5, at $4,500, $298,500; consuls, including consul at Calgary, Canada, of class 9, at $2,000, $737,500; consular inspectors, including three additional inspectors, at $5,000 each, $40,000; total, $1,076,000.

Mr. NELSON. I suggest to the Senator who has charge of the bill the necessity of making an amendment in lines 13 and 14, because yesterday we agreed to the conference report on the consular reorganization bill.

Mr. HALE. That will be looked out for in conference.

Mr. NELSON. You will correct that?

Mr. HALE. Yes.

The amendment was agreed to.

The next amendment was, under the subhead "Allowance for clerk hire at United States consulates," on page 24, line 18, after the word "consulates," to insert "to be expended under the direction of the Secretary of State," and in line 20, after the word "dollars," to insert "*Provided*, That the total sum expended in one year shall not exceed the amount appropriated," so as to make the clause read:

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $242,690: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. I ask that the Senate return to the item on page 19, beginning with line 4. Let it be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. The committee report to insert on page 19, after line 3:

PURCHASE OF LEGATION PROPERTY.

For the purchase of building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy and for the residence of the ambassador at that capital, and for furnishing the same and, if necessary, otherwise adapting it to the needs of the service, $400,000, or so much thereof as may be necessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CULBERSON. I ask the Senator in charge of the bill if he will explain the amendment and the necessity for the expenditure of this extraordinary sum of money?

Mr. HALE. The item speaks for itself. It is a provision for buying property and owning a building for the use of the embassy of the United States in Paris. It was considered fully by the Committee on Foreign Relations and reported by that committee as an amendment to this bill, and in accordance with that report put upon the bill for the consideration of the Senate.

Mr. OVERMAN. Let me make an inquiry of the Senator. Why are we to have this building in Paris and not have one in Berlin and one in London, or is it to be the policy of the Government to own the houses where our ambassadors will live in other foreign countries than in France?

Mr. HALE. Of course the Senate will understand that this appropriation is a departure. The Committee on Foreign Relations, which reported it to the Committee on Appropriations, has all the papers and all the information upon it, and the members of that committee will give the details of the reasons why that committee adopted it.

It is the beginning of a new plan. In the East, where it has been impossible, in some cases, to rent buildings and where it was desirable because of conditions there to own property, we have heretofore had legation property owned by the Government. But we have never, up to this time, gone in as other governments have done and are doing in Washington and furnished residences for our embassies. The beginning of that plan, and it is involved in this amendment, was selected by the Committee on Foreign Relations as Paris, because, I suppose, it is very important as an embassy and there is property there which can be bought at a reasonable rate. Instead of going into others, although the Committee on Foreign Relations recommended one or two others, the Committee on Appropriations did not report anything except this provision for our embassy in France.

Mr. OVERMAN. I understand, then, that this is the beginning of a policy to have such buildings in other countries.

Mr. HALE. Of course we can not tell what another Congress may do; but the reasons that apply for purchasing and owning and furnishing a residence for an embassy at Paris apply equally to London, Rome, Vienna; in fact, to all the great missions which are now embassies.

Mr. OVERMAN. I should like to inquire of the Senator if Germany and England own such magnificent establishments in this city as we propose to establish in Paris, costing some $400,000? The British embassy here is a very substantial-looking building, but I should think it could be bought for $150,000, and probably it would not cost that much. I think the French Government has lately bought a building here, but I do not think it cost $100,000 or $150,000. I do not know, and I simply make the inquiry for information.

Mr. HALE. All of those details are in possession of the Committee on Foreign Relations and will be given to the Senate if required.

At present the nations that we have friendly intercourse with, who have in late years purchased and built and furnished residences here, comprise Great Britain, France, Germany, Italy, China, and, I think, one or two of the smaller powers. They have bought property here and built fine residence buildings and furnished them, and they house their ambassadors. That relieves them from the payment of rent.

Of course the great argument for it, and it is a very pertinent argument, is that if we furnish comfortable residences abroad, men can afford to take the places of ambassadors to foreign powers; it relieves them from the great burden under which they rest now of cutting into and in some cases absorbing their entire salaries.

Mr. OVERMAN. Does the Senator think a poor man could live in a $400,000 house in Paris?

Mr. HALE. He could live better if he had a house furnished him than if he had to hire one.

Mr. OVERMAN. If he is a poor man, would he not rather live in a more humble residence, not put on so many airs, and not live in such magnificence?

Mr. HALE. I do not think if this property in Paris is purchased it will be considered in any way as extravagant there, or that it will in any way surpass what other nations furnish for their ambassadors in Paris. In fact, I think it would be rather a modest place compared with some other embassies in that great city.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Yes.

Mr. WARREN. The Senator understands, of course, that it is not only the residence, but furnishing the offices and the location of the entire business part of the embassy, as well as the residence?

Mr. HALE. Yes; of course it is included. It is for all the uses of the embassy, not only the dwelling of the ambassador, but the offices in which the business of the embassy is transacted.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. Yes.

Mr. CULBERSON. The Senator from Maine has very frankly stated that this is the beginning of a new rule with respect to housing the ambassadors of the United States in foreign countries. I should like to ask him, in view of that candid statement, two questions.

The first is, Ought not the Senate and the other body to be allowed to consider this important and general question as to whether we shall institute this innovation on some general legislation, not in an appropriation bill? The second the Senator has adverted to already in a general way, but is there any special reason why we should at this time, under the peculiar

circumstances which surround the Senate this morning, pass this appropriation for Paris, amounting to $400,000, without allowing the Senate an opportunity to consider the general questions to which I have referred? In other words, is there any special reason, on account of an option or anything of that kind, why we should act immediately upon the matter as to Paris and not act on the general proposition for all the countries?

Mr. HALE. It is a question purely for the discretion of the Senate. It will finally come, whether now or at some other time. But it is a question of the appropriation of money, and that should be upon this bill. It does not follow if Congress decides to inaugurate this plan by providing for Paris that it is obliged to take up the general question of providing for residences and offices for all the embassies. Like everything else the items will come up one at a time.

If this measure passes Congress and is embodied in this bill and the appropriation is made, undoubtedly next year the Committee on Foreign Relations, as it has done here, will call in the Secretary of State and have a full hearing, and if he recommends it to Congress, one or possibly two others will be reported, and it will all come up on an appropriation bill.

I do not think that in any way it weakens this project, whatever strength it may have, that we take only one at a time. It would be impossible to put through a general bill. There have been bills introduced perhaps in this branch of Congress, certainly in the other, for a general programme involving several million dollars, covering all of the embassies.

The Committee on Appropriations did not consider it proper and fitting at the present time to go further than to put this item upon the pending bill for Congress to settle whether it will begin in Paris. It is a good place. It is said that the amount is not extravagant, and from my knowledge of the situation, from the papers that have been presented and the illustrations of what the building is and what it will be, I do not think, if our ambassador gets this place and moves into it, it will be considered in Paris as in any way more showy, or as much so, as other great embassies which are established in that city.

Mr. TELLER. I wish to ask the Senator if he is not of the opinion that if we buy one place we will have to buy more than one? Is it not certain that if we buy a building in Paris we must buy one in London or in Berlin or in other places?

Mr. HALE. I think they will all follow.

Mr. WARREN. Have we not already bought in Constantinople?

Mr. HALE. We have in the East, as I have already said, one or two cases where the conditions were such that for protection we have had to buy property.

Mr. TELLER. Certainly. I understand that because of the conditions that is so in China and Japan.

Mr. HALE. Yes.

Mr. TELLER. If the Senator has concluded, I wish to say a word.

Mr. HALE. I admit that if we do this now, undoubtedly it is the beginning of the policy, and it will be followed up by requests from the Department from year to year to purchase property and to erect embassy buildings and offices in the other European capitals.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. WARREN. Will the Senator yield to me just a moment to answer a question asked by the Senator from Texas, which the Senator from Maine did not cover?

Mr. TELLER. I yield to the Senator.

Mr. WARREN. As I understand the Senator from Texas, he made inquiry whether this ought to be settled now or at another time, and if there was any option. Of course I am not upon the Committee on Foreign Relations, and perhaps members of that committee had better answer the question; but I happened to be in Paris late last season. My attention was called to this property, not through the influence of anybody who sought to sell it to the United States or to buy it for the United States; but they took me to another property, which would cost several times as much and which would correspond more nearly with the embassies of Great Britain, Austria, and other countries.

But this building being then under repair, I had occasion to go through it and to go about it, making a pretty thorough examination. If we were to buy property, and surely we ought to do so, it seemed to me this would be good enough even though it were not worth a quarter or a fifth of what some other countries may have invested. I asked at the time as to the price, and it was stated that it would probably cost about $450,000.

I seems that the property belongs to heirs and that the time has come to divide it or divide the proceeds among the heirs. The property can now be bought at considerably less than $400,000, and it is considered by those who know the market prices of property in Paris as being very low, in consideration of the repairs which our ambassador has put upon the building—some thirty-odd thousand dollars of his own money—which, of course, he will never have returned to him. He has, however, on that account a sort of option on the property, and they will wait to see what Congress may do before the property is sold. But it is to be sold the present year.

Therefore I think, if we are to buy and furnish an embassy at Paris, this is the very best property, and I think it can be obtained for the least figure we can avail ourselves of at any time. Now, just a word more. As to the matter of policy, of course that is for every Senator to decide for himself. My own impression is that in Paris, where the whole world goes in and out—in fact, we have to go to Paris to get to almost any other country—we should not confine our embassy to upstairs rooms and back places, as it has been confined most often heretofore. I think we ought to have a place among nations, not equal, perhaps, to some others in elegance, but to have this Government represented in an official and permanent, even though modest way. I think we ought also to have——

Mr. OVERMAN. I wish to ask the Senator from Wyoming if other countries—Germany and England, for instance—own their embassies in Paris?

Mr. WARREN. Oh, yes; magnificent ones.

Mr. OVERMAN. How do they compare with the property it is proposed this Government shall purchase?

Mr. WARREN. I should say that the English embassy is possibly worth five to eight times as much, and I should say that the Austrian embassy might be worth five to seven times as much.

Mr. LODGE. The English embassy is worth, I suppose, ten times as much.

Mr. WARREN. Possibly.

Mr. LODGE. The English embassy is one of the finest houses in Paris, and is surrounded with an immense garden. It is located right in the heart of Paris.

Mr. WARREN. The property in question here also has a garden. It faces two ways, and upon two prominent streets. It is very handsomely located.

Mr. OVERMAN. Is property more expensive in Paris than in Washington?

Mr. WARREN. It is; oh, yes.

Mr. OVERMAN. Largely more expensive than it is in Washington?

Mr. WARREN. Very much more expensive.

Mr. OVERMAN. I suppose the British embassy here would cost not more than $100,000.

Mr. WARREN. Be that as it may, that property was bought when it was out of town and it cost then very little; but Paris—this property is in town and costs very much.

Mr. TELLER. Mr. President, I do not criticise the character of this proposed purchase nor the cost of it. I think the only thing for us to determine is whether we are to go into the policy of furnishing buildings for our ambassadors and ministers at the several courts of the world. It is quite certain that if we purchase a building in Paris we shall have to purchase a building in London; and, having bought one there, we shall have to buy one in every great capital of every country of any consequence in the world.

Mr. President, I do not know but what we have reached a time in the history of the world when we may be compelled to do something of that kind. I have thought perhaps, as suggested by the Senator from Texas [Mr. CULBERSON], that the matter ought properly to come to Congress in the way of determining what should be our policy, and not in the way of determining what should be done as to a particular embassy. I have no doubt that this purchase would be all right if we should determine that we wanted to make such a purchase; but, Mr. President, I want to say now that if we go into this business I am in favor of making a reasonable purchase. If we establish an embassy in a building of our own, we shall have to take some care to see, at least, that it is somewhat commensurate with our consequence in the world. We may let our minister or ambassador live where he wishes to, but when we provide a place for him we shall have to provide a good and proper one.

In addition to that, I have no doubt we shall have to do more than merely provide a building. If we provide a building which is large and somewhat prominently located, we shall have to equip it, to furnish it according to the character of the building and corresponding with the character of the position which our representative occupies.

Mr. HALE. That is provided for in the amendment, I will say to the Senator.

Mr. TELLER. I understand that is provided for in the amendment.

Mr. HALE. The provision is "and for furnishing the same and, if necessary, otherwise adapting it to the needs of the service."

Mr. TELLER. Yes; I see.

Mr. HALE. That provision covers all of that.

Mr. WARREN. Just a word there——

Mr. TELLER. I think it follows, as a matter of course, that if we are going to provide a building we shall have to fit it up.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly.

Mr. WARREN. Mr. President, in my estimation, having seen both the properties—this house property and the legation where it is now located—this appropriation will cover its furnishing and upkeep. I do not think the expense will be any greater than it would be under our present system, under which the embassy is likely to be moving from place to place. There will be no greater cost for attendance.

Mr. TELLER. Mr. President——

Mr. WARREN. Let me just say one word before I sit down. The Government so far, to my knowledge, has never made an investment for an embassy or a legation but what the value of it has very greatly increased. This one is a good investment, and I think the property is one that will not deteriorate—that is, the land will be worth more, rather than less.

Mr. TELLER. That is not what I want to consider. I do not care anything about the value of this property. If it is a proper thing for us to do, we want to do it; and if it is not, we do not want to do it. If we go into this system, I think we ought to go into it with our eyes open and with the understanding that it is to add immensely to the cost of the diplomatic service in foreign lands. I do not mean to say that that is what we ought to do. If that matter is to be submitted to the Senate, I should like to consider it somewhat before I vote on it. We are now preparing practically to establish a precedent without any consideration whatever. We pay our ambassador to France $17,500 a year, as I recollect. Is that correct?

Mr. WARREN. It is.

Mr. TELLER. Now, with a house which costs $400,000 and properly equipped, our ambassador can not live for $17,500 a year, and we must make such provision, so that an ambassador who occupies a house that we shall buy and equip for him may be able to live in accordance with his surroundings. I do not know but what, in the present condition of the world, it is necessary that our ambassador should occupy a position somewhat different from what he has occupied heretofore. For instance, Mr. Franklin lived in a private house, and I believe his salary was $5,000 a year. Mr. Jefferson, I think, had a salary of $7,500, and he lived at a hotel. That, Mr. President, in those days was eminently proper and not out of character. Whether it would be so to-day is another question.

I suppose we owe something to the ideas of mankind, and since we have got to be a world power and are putting on fine airs, I think we shall have, perhaps, to enlarge our contributions in that line. I do not know how much it will cost to sustain a house of this character, never having lived in a house that cost $400,000, but I do know, Mr. President, that there will be considerable expense attached to a large house with large consequent demands. If our ambassadors in the future are to meet the demands which our present ambassador and our former ambassadors have had made upon them by society, then we shall have to make a very large appropriation either for their support or increase their salaries.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. TELLER. I do.

Mr. SMITH of Michigan. Mr. President, I simply wanted to say to the Senator from Colorado that this house need not necessarily cost $400,000 or involve large expense in its maintenance. The dwelling in which our ambassador at Tokyo lives cost originally about $15,000, I understand, and its great value now is in the land.

Mr. TELLER. Mr. President, that is a very different thing.

Mr. SMITH of Michigan. No. The grounds which surround the building are very valuable now—worth probably many times the original price; but it does not cost so much to keep the grounds up. I do not believe this house in Paris cost $400,000 to build.

Mr. WARREN. Oh, no.

Mr. SMITH of Michigan. The main value is in the land, I think.

Mr. TELLER. That is not the question. You will require a different character of house and you will have to meet different conditions in every way in Paris from those in Tokyo or some Chinese town. All I want to say about it is that when later on somebody raises a question about giving an additional appropriation for an ambassador or a minister and making some provision for maintaining his position socially, as it is properly demanded he shall, the Senate will not feel that they have a somewhat unnecessary demand on them. When we establish this principle we must establish it with the understanding that considerable expense is to follow.

We know, Mr. President, that there are certain demands made upon American ambassadors and ministers in all the great cities of the world. We recently had an intimation that the Emperor of Germany did not want a certain man because he would not expend as much money, and he would not have the social position because he did not expend it, as some other man had, who possibly might have been an inferior man to the one proposed. That is a part of his public duty, I suppose, and our representative abroad has got to do it.

I should have been glad if this matter could have come before the Senate in such a way as that the whole question could have been settled as to the adoption of the policy now proposed. As to whether we are really in a condition to make this movement, I have no doubt we are. If we purchase this property, I shall regard it as establishing a principle requiring us to furnish a house in practically each of the great cities of the world. If we establish an embassy in fine style in Paris, we must do the same thing in London, and we must do the same thing in every country of that rank at least.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. Certainly.

Mr. CULBERSON. I hesitate to ask the question because the Senator is not a member of the Committee on Foreign Relations——

Mr. TELLER. No; I am not on that committee.

Mr. CULBERSON. But I should like to know if the Senator has any knowledge about what proportion, if any, of the cost of maintaining this character of establishment is borne by the United States?

Mr. TELLER. Mr. President, practically nothing heretofore, I suppose. We have been sending abroad rich men, who are able to pay for house rent two or three times the amount of their salary, and then they have been able to spend four or five times that amount in entertaining. It is not a very good condition when you can not send a man to represent the United States at Berlin, at Paris, or at London unless he is a millionaire; but that is the condition to-day. I do not suppose any man of moderate means would dare to take an appointment to any great capital to-day. If he did, he would probably be ostracized by the world's representatives.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. TELLER. In a moment. There is something, undoubtedly, in the social relations and duties being properly performed by the representatives of this Government as they are performed by the representatives of other governments. I think we have passed the period when we can send a minister abroad and let him live in a small house or a small room, dress plainly, and fail to recognize the demands of society on him as the representative of this Government. I do not know that the world is any better by the change, but I think we have to recognize the fact that our ministers now are called upon to do things that they would not have been called upon to do a hundred years ago.

I only wish that we should start out with a knowledge of what it will involve if this thing is to be done. How much it will cost, I have not the slightest idea, but if we start upon it, I think, as we are a rich Government, we ought to do it in a proper style or else we ought not to do it at all.

Mr. NEWLANDS. Mr. President, all I wanted was to ask the Senator from Colorado a question, and that was, whether he did not think it would add to the embarrassment of a man of even moderate fortune to assign him to a house worth $400,000, and whether the expense of administering that house and running it upon the social scale that would be required would not be such that it would be almost prohibitive of the employment of men of moderate means in positions of this kind?

Mr. TELLER. Mr. President, in a house costing $400,000 and properly equipped, as such a house should be—for there

must be some relation between the surroundings and the interior of the house—I do not believe that any man could go to Paris and live in such a house on $17,500 a year, even if he did not entertain at all.

Mr. LODGE. Mr. President, I think the Senator from Colorado [Mr. TELLER] has put this question on the proper ground. The adoption of this amendment—and I hope it will be adopted—will be unquestionably the adoption of a policy. There can be no doubt about that. It was so intended. It was believed by the Committee on Foreign Relations, certainly, that it was wiser to enter upon the policy in that way by buying one house at a time as favorable opportunities offer than to attempt by an appropriation of five or six million dollars to enter on general purchases all over the world.

We own now legations at Peking; at Seoul, where the legation has been abolished; at Bangkok, Siam; at Tokyo, which is now an embassy of course; and two years ago we purchased another and very fine embassy building in Constantinople. This is a departure, in that it is providing for the purchase of an embassy in one of the great capitals of Europe. The change, I think, that has brought about the demand for a policy of this kind was when we created embassies and entered upon the appointment of ambassadors. When we created embassies we created posts of very much greater expense than any legation could possibly be. The rank of embassies was settled under the treaty of Vienna. An ambassador not only occupies a very much higher position than anyone else in the diplomatic service and has corresponding advantages in the transaction of business, but very great expenditures are forced upon him. Demands are made upon him that he can not well avoid. We changed the rank, and we made no change in the salaries. It would have been very much the same thing when we created the rank of Admiral in the United States Navy if we had simply given admirals the salaries paid to commodores.

Having given our ambassadors no increase of salary and thrown upon them a great increase of expense, we find ourselves confronted with the fact that, in order that the United States should have proper representation in those great capitals, we must either increase the salary or add to the salary by giving them house rent or confine these appointments to men of great wealth. What it has come down to is confining these appointments to men of great wealth in almost all instances.

It is impossible, practically, for an ambassador to live in a small apartment in Paris or Berlin and transact the business of the Government of the United States as it ought to be transacted. The demands do not come simply from the court or the society in which he finds himself, but the demands made by his own people are very great, indeed. They expect certain public receptions to be held on Washington's Birthday and on the Fourth of July; they expect hospitality from the ambassador. The number of Americans who go to these great capitals in Europe is very large; it is said that there are 60,000 Americans normally in London alone; and an ambassador can not escape the expenditure of a large amount of money. He has a constant pressure upon him; and a man who desires to represent his country properly is inevitably embarked in a course of expenditure which, if he is a poor man, will take probably what little property he may have. I know that that substantially happened in one case. It would not be proper to mention names, but I know that what I have just said did occur in one case.

Now, Mr. President, if we give to our ambassadors their rent, in addition to the salary they already have, it would certainly make living much easier for them; also it would give to the United States a definite place in the city; it would give the embassy a definite home, and it would establish what I consider a proper scale, because it is not merely that an ambassador is forced, if he is a poor man, to live below the scale that he would like to adopt, but there are cases I have in mind where men of great wealth have taken houses and established a scale of living which puts the successor in a position of great embarrassment. At least we should secure that the successive American ambassadors to any one country should live in the same house and should maintain substantially the same scale.

I do not think it is decent for a country as rich as the United States to send its ambassadors abroad as they are sent now, even if they have abundant money, to pass six months, a year, or eighteen months in looking for a suitable place to house themselves.

You have all heard the story of Mr. Choate and what he is reported to have said in a speech at a dinner. He said he wished to compliment the police of London; that on the night of his arrival in London it was very rainy. He was wandering about the streets and a policeman stopped him and said, "What are you doing here?" He said, "I am just wandering about the streets." The policeman said, "You must not do that; you must go home." "Why," said Mr. Choate, "I have no home; I am the American ambassador." [Laughter.] That is an exaggerated way of stating what is an actual fact.

I think I shall not be trespassing upon private confidences—because the fact is known to other Senators here, as well as myself—in saying that when Mr. White was appointed ambassador to Italy I happened to be in Rome, and the Senator from Georgia [Mr. BACON] also happened to be there at that time. He had rooms at a hotel. He was searching for an apartment suitable for himself and his family to live in. It took him eight months to get a place where he could receive Americans and where he could transact the business of the embassy, and when he got a suitable apartment he was obliged, in order to make it fit for his purposes and for his residence, to spend something like $20,000 in putting it in order. Within one year he was transferred to Paris, and went from Rome to Paris, and the $20,000 he had the pleasure of spending on that apartment was of course an absolute loss to him.

I do not think it is fair to put these expenditures on our ambassadors, many of whom are not men of great wealth, but who desire to appear properly in the great office which they hold.

The really serious thing, to my mind, is that the inevitable tendency of this perfectly inadequate salary is to compel the giving of these offices exclusively to men of great wealth. The average man, even the man who has got a fair income of his own, knowing what expenditures these places require, does not want to go there and live in a "two-pair back." If he is going to represent his country at all, he wants to do it properly and generously and as it should be represented, and men decline those places because they can not face the great expense. I am speaking of embassies where very much is required. Therefore, Mr. President, I think this is a sound policy, one becoming to the United States, and one which we ought to adopt in regard to our embassies.

As for the amount of this particular purchase, I think, as the Senator from Colorado says, it is a secondary question. I know the particular house which it is proposed to purchase. I believe I have seen pictures of it. It is a very modest house, indeed, compared to the embassies of other nations in Paris; but you can not go into Paris and London any more than you can go into New York and buy a house suitable for an embassy, for official receptions and official purposes, for much under $400,000.

A little less than ten years ago we were offered for $300,000 the house in Rome then occupied by our ambassador, which was a very fine, modern house. It has a beautiful garden, and is a very fine house, indeed. There had been a great decline in values in Rome; real-estate speculation had been overdone, and this house was offered to our ambassador for $300,000. We talked it over in the Committee on Foreign Relations, and decided that it was useless to attempt to get an appropriation. So we allowed it to go by, and, within five years after that, the Government of Italy paid a million dollars for that same house and garden, and it is now occupied by the Queen Dowager of Italy. It was an opportunity to buy a very fine embassy, of which we ought to have availed ourselves.

I think, from the circumstances which have been stated by the Senator from Wyoming [Mr. WARREN], and which are also known to him, that this is a good opportunity to buy a very suitable house—not an extravagant one—with an abundance of ground about it. It is an opportunity, if we are to enter upon this policy at all, which ought not to be allowed to go by; but the main thing with which I am concerned is the adoption of the policy. We must either largely increase the salaries or we must give them their house rent free, or we must expect to see these places occupied wholly by men of large wealth, and men of moderate means practically excluded from the great prizes of the diplomatic service. We have to make up our minds to just one of those three courses. I prefer the purchase of a house, because it seems to me that it is a great advantage to the United States to have one fixed place where the business of the United States shall be done and where everybody will know that the embassy of the United States is fixed and settled.

The rents which have been paid by our ambassadors have made great demands upon them, even where they have been men of moderate means and have lived in a way which every Senator in this body would agree was the only proper way for an ambassador of the United States to live. I have in mind one case in London, where the ambassador lived in a very simple manner, and yet his house rent in such a house as we should all expect him to have, and which nobody would comment upon as extravagant or unreasonable, the rent of that house took more than half his salary. It took $10,000 out of the $17,500 and left him with $7,500. He had other resources,

or he could not possibly have occupied the place. I do not think that the rent which this house and grounds would represent is an excessive rent. I know that our ambassador to Paris has paid more than that in rent.

Mr. OVERMAN. Mr. President, I will ask why is some particular house mentioned here? Is there an option on somebody's house in Paris? Does somebody want to sell a house to this country?

Mr. LODGE. That was explained by the Senator from Wyoming. This is an estate which must be settled within a year.

Mr. OVERMAN. Owned by some American?

Mr. LODGE. No; owned by a Frenchman. It is a French property. There is an opportunity to buy it on the settlement of an estate and to that extent it is a forced sale. They are holding it until the question can be decided here. I have no doubt about its being a good investment; and if we are disturbed about it, we can probably sell it for more than we give for it.

Mr. BACON. Mr. President, I should like to call the attention of the Senator to one statement of fact——

Mr. WARREN. Right there, if the Senator will permit me——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. Yes.

Mr. WARREN. I want to say that while this amendment does not confine the purchase to this particular property, it is expected we can buy it and that it will be a most advantageous purchase.

The property is now occupied by the American ambassador. He has expended some thirty-odd thousand dollars in putting it in thorough repair. He asks no relief, and this was not the property that he first suggested the United States should buy. But this opportunity has come, and the price will probably be nearer $350,000 than $400,000 for the house and land, where it has been held at $450,000. On account of the money expended upon it by our ambassador there is a sort of an understanding, which amounts practically to an option, that until Congress has passed upon it the United States shall have the right to buy it.

The value of this property is largely in the ground. As I said, it is between two prominent streets. There is a garden, and, as we all know, with the residences in Paris the garden is considered of equal or greater importance than the house. The entertainments that are given during most of the year are garden parties or receptions. They are the least expensive and the most satisfactory. The upkeep is not much. Probably the house alone would not cost over—or not much over—a hundred thousand dollars to build.

This is a very desirable property. It is one that furnishes office rooms, official quarters, and a family residence, and these fine grounds, of which the United States may well be proud. The ambassador and the great number of Americans who yearly visit there will have the full benefit of the grounds and the gardens, and the United States embassy be so located that we may take just pride in its permanency, convenience, and elegance.

Mr. LODGE. I merely want to say one thing more. This is not extravagant, compared with other countries. England pays her ambassador to Paris £10,000 a year. In addition, she gives him one of the finest houses and most beautiful gardens in Paris. I think the English ambassador here receives £7,000, $35,000, and a house, stable, and grounds. But in Paris, where this is proposed, England pays her ambassador $50,000 a year and gives him a house and garden and everything free. That is the scale on which European nations transact their business abroad.

Under this amendment we are not confined to this particular property. It will be a very advantageous purchase, in my judgment, if we can get the property. But the amendment provides for the purchase of a site and the erection of a building, if that seems better to the judgment of the State Department.

Mr. President, I do not think I need dwell longer upon the subject. The arguments in favor of the amendment seem to me overwhelming, and the question seems to me to involve the dignity of the United States abroad. I think Senators understand it, and I do not desire to detain the Senate longer.

Mr. BACON. Mr. President, I do not wish to occupy the time of the Senate for more than a few minutes, as the Senator from Massachusetts [Mr. LODGE] has said practically all that it is necessary to say, and it is not necessary that I should repeat it, except possibly to emphasize one or two points.

The only interest I have in making provision for embassies is the one which he has stated with great clearness, that the office of ambassador shall be open to any man of moderate means in this country, and shall not be exclusively confined to men of great wealth. This legislation is not in the interest of any ambassador who now holds a post in Europe, for the reason that all of them, possibly with one exception, are millionaires, and most of them are multimillionaires. If the question were left to-day to the wealthy men of the United States, at least to those of them who may have ambitions to hold such positions, whether there should be any change in the present arrangement, they would possibly most of them desire that there should be no change and that the law should remain as it is, because with the law as it is now they have an absolute monopoly of the representation of this Government in the high and important office of ambassador.

There is no trouble under present conditions so far as concerns the United States in getting ambassadors who will represent the Government. There are any number of wealthy men throughout the country who would be delighted to hold the office of ambassador and bear all the burdens, and not only all the existing burdens, but they would gladly serve if there was no salary at all. But as it now stands it is an utter impossibility for any man to hold one of these positions and present himself in a way that would be at all creditable to the country, leaving out of sight any suggestions as to snobbery or spectacular display, and which would not be mortifying to any of our citizens who should meet him, unless he is a man of great wealth.

Mr. President, the suggestion, while not made directly, is implied that this is not necessary and therefore it ought not to be done. In other words, that ambassadors can do their work in representing the United States and live in rented rooms or in cheap houses. We do not follow that rule in our expenditures in other matters. The Congress could be housed easily and comfortably in a building that would not cost over a hundred thousand dollars, and yet it would not comport with the dignity of this nation to have Congress in a building of that kind. We recognize the necessity of our having for the Capitol of this nation a building which shall be in harmony with the dignity of the country and in harmony with what is considered proper by other nations; and instead of Congress meeting in a building costing a hundred thousand dollars, we meet in one that has cost fourteen or fifteen million dollars. The same illustration pertains to all the other provisions which Congress makes for the proper accommodations of the Departments, and all of its business throughout the country.

We have here a public-building bill, and millions of dollars are expended where a few hundred thousand dollars would suffice if we were simply to be governed by the question of what is absolutely necessary. We could save a good many million dollars. It is not necessary that there should be these vast expenditures for public buildings if we were to limit it to such buildings as would just absolutely meet the necessities. But I do not think that would be a proper policy. I think the proper policy is to do as has just been done with respect to the city of Atlanta, where a million dollars has been appropriated for the erection of a public building.

It is proper it should be done. If we were to pursue the other policy, a hundred thousand dollars would furnish a proper building where the post-office business could be transacted and the courts held in Atlanta. But it would not be a proper thing to do.

In the same way, in my own city, a much smaller town, we are erecting a building to cost $300,000 for the post-office and court facilities and other offices connected with the Government. Twenty-five thousand dollars would put up a building in which the post-office business could be properly carried on and in which the court could be held, but it would be a disgrace to the Government of the United States to have such a building in such a city for such purposes, and it is a proper thing that the town has the $300,000 building. And so on throughout the country. The same illustrations could be made in almost every important city in the United States.

Senators will recognize the fact that the Government does not in its dealings in such matters control itself by a consideration of what is absolutely necessary, but it goes further and does what is proper and what is consistent with the dignity and importance of this nation. Mr. President, it is not necessary that we should provide buildings in the various cities in order that the Government shall be represented in style. It is represented in style now and will continue to be represented in style, even if we do not provide buildings. Even if we refuse to erect or provide proper buildings for the residences and offices of the ambassadors, there will be great buildings occupied by ambassadors, great spectacular displays, great ostentation, and

there will be everything which will be on as grand a scale as we may desire on the part of the ambassadors of this country. That is the condition now. Because nobody will be ambassadors except these millionaires, and they will, at their own expense, continue to rent palaces and live in ostentation and splendor. But instead of its being so that any man who may have a moderate competency may, if he has the proper qualifications, represent this Government in these high and important positions, it will continue to be, as it is now, that they will be debarred, and only the millionaires can afford to be ambassadors. I do not recognize the correctness of the argument that it is consistent with democratic institutions that we should so parsimoniously arrange for our representation abroad that only a few favored men can hold these offices. That is the truth of the present situation.

Mr. President, when Mr. Franklin represented this Government in France, when Mr. Jefferson represented this Government in France, everything was upon a very different scale. It is true that was in the days of the old Confederation.

The salaries enjoyed by those distinguished gentlemen have been stated, but then Senators immediately thereafter were getting four or five dollars a day, and now they are getting over $20 a day.

Mr. LODGE. The Senator is referring to the days of the Confederation. I have just been reminded that under the Confederation the house occupied by John Adams, who was our minister to the Low Countries, was owned by the United States.

Mr. BACON. I do not design to detain the Senate, although a great deal more can be said upon this line. I merely want to say one thing in regard to the expense in keeping up an extensive house. The expenditures are not proportioned, as might be thought, to the value of the house. The expenses of a gentleman in his home are practically the same, whether he is in a small house or a large house, so far as his private living is concerned. The size of the house for an ambassador is not that he may have so many living rooms, although he must have a proper number, but the large part of the house is necessarily devoted to public needs. It does not involve any great expense in keeping it up after the house is properly furnished, and so forth. But there must be large apartments for the receptions of the public, upon occasions when it is impossible, however simple and democratic our representative may desire to be, to avoid the reception of the public. And, aside from that, the large part of the value of a house in a great city is represented in the value of the land.

Another point I will briefly allude to is this: It is a difficult thing, by reason of the fact I have just mentioned, to get a house in one of these cities which is adapted to the uses of the representative of the Government. For instance, in the city of Paris, where our present ambassador has been for two years, while there are plenty of houses which would suit him as a private residence, it has been impossible for him to find a house which has such arrangements for public official entertainments and for the receptions of the public as would be at all suitable to the purposes; and after a year's effort he has succeeded in getting a house which, while it was sufficiently spacious, was dilapidated. There can be no higher evidence as to the difficulty of obtaining a suitable house than the fact that at last he had to get a house that was so dilapidated that he had to spend $30,000 in putting it in such reasonable repair as to enable him to receive in that house the representatives of other governments and the large colony of Americans who are in Paris and the large number of American tourists who annually visit there.

The question, as suggested by the Senator from Colorado [Mr. TELLER] indicates that he has not accurately informed himself as to the provisions of this proposed appropriation. It is not $400,000 for a house, and after that is to follow an appropriation for equipment, but the amount named here covers everything.

Mr. TELLER. I understand that.

Mr. BACON. I then misunderstood the Senator. I understood the Senator to indicate that after the house was purchased there would have to be an additional expenditure for equipment. I am glad to know that I misunderstood the Senator.

Mr. TELLER. This bill contains an appropriation not only for the purchase of the house, but for its equipment.

Mr. BACON. And furniture.

Mr. TELLER. Yes. The house may cost $400,000.

Mr. BACON. No.

Mr. TELLER. I think the appropriation would justify the purchase of a house to cost $400,000.

Mr. BACON. I think not. I think the Senator is mistaken about that.

Mr. CULLOM. No particular property is mentioned in the bill.

Mr. BACON. No property is mentioned in the bill.

Mr. TELLER. I understand there is no specific property named, and they can go out and pay $400,000 or $395,000 and have $5,000 or $2,000 or $1,000 left. I am not finding fault with that. I do not know that you can do any better. If we are going to buy a house, I want the Government to buy one consistent with our standing and our wealth. I do not think $400,000 is an immense sum for a house in Paris.

I only want to have it understood that we are entering upon a policy which will require us not only to buy houses for our foreign representatives, but to equip them; for if we do, in my judgment—I am confident it will be found to be true—we will be compelled either to increase the salaries or else to provide sufficiently for the support of the ministers, as we provide for the support of the White House.

Mr. BACON. It is not simply Paris. The only reason we take one place and limit our recommendation to that now is because it is more easy to accomplish something in that way than it would be to try to do it all at once. But it does seem to be very remarkable that Senators should be unwilling to go to an expense of this kind when large sums of money are voted here for other purposes with comparatively little consideration. Here is the agricultural appropriation bill, which we have had under consideration, in which there is an appropriation of over $3,000,000 for the service connected with forestry, and we are told that that expenditure is to be made for purposes in the nature of improvements and things of that kind. Three million dollars. And yet the Senate is content, when that $3,000,000 appropriation is under consideration, with the simple statement that most of it will be used for permanent edifices and things of that kind for the protection of the forests, and nobody asks for details. The same amount will furnish embassies for the American ambassadors in all the principal countries in Europe. The money will not be lost, but the property will belong to the United States and increase in value, whereas you will never again hear of the $3,000,000 you spend on the forest reserves. Yet the latter is freely voted without any details.

Now, in regard to what other nations do, there is not a government which has not in Paris a building worth a great deal more than this one would cost, and many times more. In this city, where property is not worth one-fifth of what it is in Paris, the French Government is now proceeding to erect an embassy, and it has already voted $250,000 for it, and the purpose is to spend a million dollars for a proper and suitable embassy.

Mr. TELLER. So far I have heard nobody complain of the price of the building. The only question is whether we want to enter upon this policy.

Mr. BACON. I may have misunderstood the Senator.

Mr. TELLER. If we do want to enter upon the policy, I do not suppose anyone will question the price of the property.

Mr. BACON. If it is simply a matter of policy, then, as a policy, we ought to make arrangements by which every ambassador, when he goes to a foreign capital, will be able to live in the same state that his predecessor lived, and have the posts open to men of all gradations of wealth and not simply open to a few multimillionaires.

If the amount stated in this amendment is too large, then reduce it to a proper amount. What I am concerned about is that we shall determine what kind of embassies we shall have at the European capitals, and that when we have so determined we shall provide them and require our ambassadors to live in them, so that all of our ambassadors may appear upon an equal footing. I am not willing that one ambassador shall, because he is a millionaire, live in a royal palace, and have his successor at the same post, because he is a poor man, live in a mean house which will painfully contrast with the palace which was occupied by his predecessor.

Mr. CULBERSON. Mr. President, at the outset of the consideration of this bill—it has not been considered more than an hour—I suggested, and the suggestion met the approbation of the distinguished Senator from Colorado, that in instituting an entire change of policy on the part of the Government, from renting embassies to purchasing them, there ought to be at least a general consideration of the subject.

I call attention to the fact that there is not a fourth of the Senators on the floor while this bill is being considered.

Mr. BACON. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Georgia will state his point of order.

Mr. BACON. The Senator from Texas has suggested the absence of a quorum.

Mr. CULBERSON. I desire to state it was not my purpose to suggest the absence of a quorum in the parliamentary sense of the term.

Mr. BACON. The Senator did it, nevertheless.

The VICE-PRESIDENT. Debate is out of order. The absence of a quorum has been suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

PRESENT.

Allison	Clay	Hale	Richardson
Ankeny	Crane	Hemenway	Scott
Bacon	Culberson	Hopkins	Smith, Md.
Bankhead	Cullom	Lodge	Smith, Mich.
Beveridge	Daniel	Long	Smoot
Bourne	Depew	McLaurin	Stephenson
Brandegee	Dick	Milton	Stone
Brown	Dillingham	Money	Sutherland
Bulkeley	Dixon	Nelson	Taliaferro
Burkett	Flint	Newlands	Taylor
Burrows	Foster	Owen	Teller
Carter	Frye	Overman	Warren
Clapp	Fulton	Paynter	Wetmore
Clark, Wyo.	Gallinger	Perkins	
Clarke, Ark.	Guggenheim	Piles	

The VICE-PRESIDENT. Fifty-eight Senators have responded to their names. A quorum of the Senate is present.

Mr. CULBERSON. Mr. President, when the call of the roll was directed by the Presiding Officer I was stating that at the outset of the consideration of this matter I made a suggestion that there ought to be fuller consideration of this question before we entered upon this change of policy. There being a disposition to vote upon the matter without, as it seems to me, such a consideration as I think it deserves, I raise the point of order that the appropriation is out of order under this provision of Rule XVI:

No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law.

Mr. LODGE. Mr. President, this amendment, I think, is clearly in order under the first clause of the rule:

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

Which is this case—

unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

The amendment is moved by direction of the Committee on Foreign Relations, and was submitted to the Committee on Appropriations, as the next paragraph of the rule requires, more than twenty-four hours before the bill was reported.

Mr. CULBERSON. I submit the point of order to the Chair.

The VICE-PRESIDENT. The Chair is of opinion that the proposed amendment is not in contravention of the provision in the first clause of Rule XVI, cited by the Senator from Massachusetts [Mr. LODGE], and for that reason overrules the point of order.

Mr. CULBERSON. I submit that the amendment is in contravention of the third paragraph of Rule XVI:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. LODGE. Mr. President, I think this is clearly not general legislation. It is a new item of expenditure, germane to the bill. The very next amendment to it, providing for the purchase of a legation building at Tokyo, was adopted by the Senate, and very properly. This amendment contains an item of appropriation for the purposes of the bill. It is a new item.

The VICE-PRESIDENT. The Chair is of opinion that the amendment does propose legislation in the nature of general legislation, and that it is obnoxious to paragraph 3 of Rule XVI, quoted by the Senator from Texas. Therefore the Chair sustains the point of order.

No objection has been made to the item providing for the purchase of the legation building at Tokyo.

Mr. HALE. Now, I think there is nothing further in the bill to bring to the attention of the Senate.

The VICE-PRESIDENT. If there are no further amendments, as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MEMORIAL ADDRESSES ON THE LATE SENATORS FROM FLORIDA.

Mr. TALIAFERRO. Mr. President, I ask for the consideration of the resolutions I send to the desk.

The VICE-PRESIDENT. The Senator from Florida submits resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the deaths of the honorables STEPHEN R. MALLORY and WILLIAM JAMES BRYAN, late Senators from the State of Florida.

Resolved, That as a mark of respect to the memory of the deceased Senators the business of the Senate be now suspended to enable their associates to pay proper tribute to their high characters and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the families of the deceased Senators.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Florida.

The resolutions were unanimously agreed to.

Mr. TALIAFERRO. Mr. President, the late distinguished Senator, STEPHEN R. MALLORY, of Florida, died at Pensacola, his home, on Monday morning, December 23, 1907, in the sixtieth year of his age. He was born in Columbia, S. C., November 2, 1848, but very soon thereafter was taken by his mother to Key West, Fla., where his boyhood days were spent. In the fall of 1864, when only 16 years old, he entered the Confederate army, but after a brief service, or in 1865, was transferred to the Navy, serving as a midshipman on the *Patrick Henry* until the war ended.

Soon after the surrender, or in November, 1865, he entered Georgetown College, District of Columbia, and graduated therefrom in June, 1869. The fortunes of the family having been sapped by the four years' struggle, he had to bend his efforts of body and mind to the serious affairs of life, and, having made a fine record in college, he applied for and obtained a chair in his alma mater and taught there for two years. In June, 1904, this institution conferred upon him the degree of doctor of laws. The hours not filled by his duties at college were diligently spent in preparing himself for the practice of law. Later he removed to New Orleans and, while still reading law, supported himself by teaching school. In 1873 he was admitted to the supreme court of Louisiana and in 1874 removed to Pensacola and began practice.

From his early life he took an active interest in government and politics, and especially in the herculean struggle being made to free Florida from the corrupt control of political adventurers. In 1876 he was elected, as a Democrat, to the lower house of the Florida legislature; was elected to the State senate in 1880 and reelected in 1884, his services covering in all a period of ten years. His record was excellent in every way and inspired his people with such confidence in his integrity and ability that he was sent to represent his district in the Fifty-second and Fifty-third Congresses.

In 1897 the Florida legislature balloted many days for many men for United States Senator in one of the most exciting contests of the history of the State and finally elected Senator MALLORY to succeed the Hon. Wilkinson Call. He was actually not a contestant for the place, but believed that the honor would go to one of the declared candidates then in the field. Indeed, it is said that he had no notice of any purpose to propose his name earlier than twenty-four hours before his election.

Senator MALLORY's career in this body shows him to have been a careful thinker and a conservative statesman. He was not opposed to reform, but first satisfied himself that a change was needed and that the new order would be better than the old. He thought that the basic principles of this Government were sound; his respect for the Constitution was profound, and his abiding faith was that through the study of the Constitution the broadest and best principles of government could be learned. In his will he left a sum to Georgetown University to be invested and the proceeds used to provide medals to be awarded from time to time for the best essays upon the Constitution of the United States.

Senator MALLORY's mind was essentially judicial and his sense of justice true and correct. He was of the Catholic faith and loved his church, but I submitted a case to him once in which the church was largely interested, and, after giving it careful study and thought, he decided that the contention of the church, while possibly correct in equity, had no standing in the law.

While he was grateful to those who had brought about his election to the Senate from the deadlock of the Florida legislature in 1897 and loyal to the men who led in that contest, yet his gratitude and loyalty were not allowed to extend beyond the bounds of what a correct conscience told him was right. In his first term in this great deliberative body Senator MALLORY

made an excellent record, and upon the strength of it had no opposition for a second term, his election by the legislature in April, 1903, being unanimous.

I had known Senator MALLORY as a lawyer in Florida, as a member of the legislature, and as a Representative in Congress, but my home was in Jacksonville and his in Pensacola, cities wide apart, and because of the infrequency of our meetings our acquaintance was only casual. In 1899 I came to the Senate, and it was then that our real acquaintance began. The sturdy excellence of the man caused me to admire and esteem him, and I was soon glad to number him among my strong and steadfast friends. It is largely upon the intimacy with him here in this body that I base my views and judgment of his character.

He was the son of a distinguished man, but this did not spoil him or cause him to seek prominence or adulation. He fought his own fight with a definiteness of purpose that was commendable and showed the sterling stuff of which he was made. He attained, but the honors he won were worn with touching modesty. His career shows steadfastness of character and purity of principle. His record here—in all his life, indeed—displays a patriotic and abiding faith in the principles of our Government, a correct sense of justice, and a deep and generous sympathy for those who struggle for the betterment of themselves and their children. He believed that the foundation of a wise and enduring Government was the education of its people, and if there was one cause more than another which appealed to his sympathy and enthusiasm it was education.

Child-labor legislation, compulsory education, the organization of the public school system of Florida, and the reorganization of school matters in this city all bear the impress of his zeal in behalf of thousands of children whom he could never know. But the children whose pitiful condition touched him most closely were those in the naval reservation off Pensacola, in sight of his own home. There were 500 or more of these children, many of them descendants of workmen who were long ago induced to go there under the promise of homes in peaceful security. The State had no jurisdiction or control of this reservation, and therefore no power or authority to supply schools, and the children were growing up in comparative ignorance. The first Congressional provision for their relief was introduced by Senator (then Representative) MALLORY. Since then he worked untiringly in every Congress of which he was a member for free school facilities for these children. In the Fifty-ninth Congress he introduced a bill in the Senate for the establishment and maintenance of public schools on the naval reservation. Finally, certain, because of his fast failing health, that he could not live long, he arranged for a place on the Committee on Naval Affairs (exchanging with his old friend, Senator Blackburn, who went to the Committee on the District of Columbia), one of his purposes being to further the educational interests of the neglected children of the Pensacola Navy-Yard.

Entering the portals of death, a soul whose life labors were dedicated even in part to the betterment of the condition of little children need have no fear.

A friend of Senator MALLORY, a friend of education, and especially of neglected children of the naval reservation, has suggested that no more enduring monument could be erected to his memory, no more fitting tribute of love and veneration could be laid upon his grave, than for this great body to assume the work of providing the little neglected protégés of the nation with the educational advantages which should be assured to all.

Senator MALLORY was the son of Stephen Russell Mallory, who was a Senator from the State of Florida in this body from 1851 to 1861, when he retired to follow the fortunes of his State, which had seceded from the Union to become a part of the Confederate States of America. The elder Mallory was secretary of the Confederate navy, which placed upon the seas the first fighting ironclad the world had ever seen—an ironclad which ended the era of the wooden vessel and revolutionized the naval architecture of the world.

The elder Mallory was born in Trinidad on his father's vessel, sailing from Bridgeport, Conn., famed as the home of mariners and shipbuilders. The junior MALLORY also was reared within the sound of the sea. Indeed, his early boyhood days were spent at Key West, an island in the sea, some miles distant from the mainland of Florida. Reared in such an atmosphere and descended from the sturdy mariner folk of Connecticut, it is but natural that he should love the sea, its vast air of freedom, the grandeur of its storms, the music of its murmurs, and its mysteries. The Spanish blood in his veins, a heritage from his mother, produced in him, as the strange chemistry of the Latin admixture usually produces, a perhaps more intense love of the beautiful in poetry and art and nature than the Anglo-Saxon seems to hold, and especially in nature, which he looked upon as the open book—the ideal—of both poetry and art.

For many years preceding his death Senator MALLORY had been an invalid. During much of that time he was compelled to rest in a sitting posture. He bore his troubles silently and without complaint even to his most intimate friends. He has appeared in this body more than once with the tell-tale flush of fever on his face and suffering bodily pain to participate in some important debate or to advocate some measure of interest to the people of his State and the nation. Nor did he measure the sum of his duty by the interests of his State alone.

When he came to die the Senate was sent a message—one of his last—requesting that there be no official funeral. He wished no pomp or display, but merely to be laid quietly away by his own people at his own home with the simple service of the Catholic prayers for the dead. He asked too that there be no eulogy, but Father Fullerton, who conducted the funeral, felt "that a life so modest, so full of lessons for the living, warranted a disregard of part of this request at least." He said that Senator MALLORY "had died as he had lived, a courageous man, religious without pretense, and a faithful soldier of the cross. There was no complaining or repining in the long fight against sufferings which were a martyrdom. He showed us how to live, and when he could not longer show us that, he showed us how to die."

On the north face of the Confederate monument at Pensacola there is a legend selected by Senator MALLORY and chosen perhaps because it was the lode star of his own life:

"Tis not in mortals to command success. We'll do more, Sempronius—we'll deserve it.

And I may add, Mr. President, that the success which my lamented colleague achieved he well deserved.

Mr. MILTON. Mr. President, the electric spark never flashed a more grievous message to the people of this country than that sorrowful announcement that went over the wires on the 22d of last March that the noble heart of WILLIAM JAMES BRYAN had ceased to beat forever.

I confess, sir, at the outset, my inability to do justice to the character and merits and achievements of this extraordinary young man who so lately sat among you, a resplendent figure, superbly endowed by nature with all the charms of a fine physical presence and with an intellectuality of the highest order. Ever since his mortal remains were laid to rest I have carried with me each hour of the day the most poignant sense of bereavement and acute sorrow that accompanies the loss of a dear personal friend, and beyond that the knowledge of the affliction that has come to the people of his State and mine, in the passing of one who had but stepped upon the threshold of a career that would unquestionably have brought him lasting fame, as it would have resulted in good to his State and country.

A youthful giant, he was cut down by an inexorable destiny in the blossom time of his existence, ere yet the perfect fruit had come to maturity. The youngest Senator save one who ever occupied a seat in this Chamber, I do not conceive it to be the language of exaggeration that proclaims him to have been the greatest man of his years that this generation has been privileged to know. The heights he would have reached had his life been spared can only be surmised, but those of us who knew him best and had followed his developing genius from the days of his boyhood are confident that his fame would have ultimately filled the continent and that he would have left an imperishable record on the pages of his country's history.

Mr. BRYAN made no claim to high patrician lineage or aristocratic ancestry, and yet he was of no plebeian origin. His father, Hon. John M. Bryan, now living at an advanced age, is a Floridian by birth, and for many years has been one of the most useful and honored citizens of the State. Conscientious, high-minded, and full of zeal, he prompted the welfare of his native Commonwealth. The sire instilled into the plastic mind of his son at a tender age those elementary principles and honorable aspirations which were so magnificently developed in him we mourn. Born in Orange County, Fla., October 10, 1876, WILLIAM JAMES BRYAN passed much of his boyhood days in the open air, acquiring a fine physique in the work of a farmer boy. He learned fruit culture and breeding of cattle, and the practical knowledge thus acquired was of much service in his subsequent career.

After finishing his course at the local high school, he entered Emory College, at Oxford, Ga., and was graduated from this noted institution with honor. Still later, he pursued his studies at Washington and Lee University, Lexington, Va., where he ranked among the most earnest and successful students, taking his degree in June, 1899.

His next step was the carrying out of his long-cherished ambition to take up the practice of the law as his regular life work. Admirably equipped for this exacting and greatest of all professions, his success was so immediate and conspicuous at the bar of the metropolis of the State that in 1902, three years after leaving the university, he was overwhelmingly elected to the office of county solicitor. From that time on his progress was rapid and brilliant. Still youthful to the point of boyishness, he met the veterans of the bar on equal terms, asking no odds, and winning battle after battle in lawsuits of the highest importance, until he became recognized from one end of the State to the other as one of the shining lights in his profession. He went into the trial of a case only after the most thorough preparation, studying it in every phase, with the diligence of his old student days. In addition to the mastery of detail, he possessed the gift of eloquence, and the personal magnetism that appealed to juries with irresistible force. With such an equipment, it is no wonder that in the few years of his practice he attained a prestige any man might be proud of acquiring in the course of an ordinary lifetime. His older associates were astonished at the scope and profundity of his legal attainments, and at the skill he displayed in the handling of every case. To sum up, he was a lawyer of the first rank, ever loyal to the interests of his clients, and scrupulously honorable in and out of the court room. This quality endeared him to his legal brethren, as it did to the public at large.

Neither as a private citizen, a professional man, nor the holder of an office, was the integrity of his conduct, or the purity of his motives ever brought into question. He was likewise as magnanimous as he was honest, ever willing to concede honor to all who deserved it, and never making unreasonable demands for personal aggrandizement.

It was inevitable, however, that a man of his temperament and qualifications should be drawn into the political arena. Seemingly born to assume a leadership of men, he plunged into the memorable Broward-Davis gubernatorial campaign, ranging himself with the forces that followed the banner of the successful candidate. Following this, he was, in 1904, a candidate for delegate at large to the national Democratic convention, with the result that he was chosen by the largest vote given any man on the ticket. This lead of more than 1,000 votes was the spontaneous tribute of the masses of Florida's Democratic voters, who believed in this young chieftain for their cause and in the attainment by him of a splendid destiny. He was even then the hero of his people.

On the day when he was notified of his appointment to succeed the late Senator STEPHEN RUSSELL MALLORY, Mr. BRYAN issued the ringing public statement from which I take the following extracts, as showing the virile qualities of his intellect and the buoyant optimism of his nature. Among other things, he said:

> From among those who are candidates for the nomination of United States Senator, I believe that he should be chosen who can best serve the people of Florida in crystallizing their Democratic faith into national law. It is purely a question of service. That Democrat can render the best service who is really and sincerely in heart and mind in accord with the principles and beliefs of the rank and file of Florida's Democracy and has been so in season and out, whether a candidate, a private citizen, a public official, a lawyer, doctor, editor, farmer, or what not, regardless of his local habitation. * * * I am, by birth, education, and intense conviction, identified with the State of Florida, and hope to contribute of the strength of vigorous manhood and an unflinching courage of a firm believer in the righteousness of his conduct to the State in which my people, having been of pioneer families in the period of settlement and development, so wholly belong. I shall accept the Governor's commission, and I propose to justify his action in the minds of all fair-minded Democrats by an earnest, energetic, and unflagging devotion to the interests of the people of Florida. * * * I have planned a whirlwind campaign already, that will give courage to my friends in the coming primary election.

In this very human and positive announcement the gallant spirit of BRYAN makes itself felt. It was like the man—earnest, straightforward, devoid of all guile and pretense. He took the people into his confidence, and there was never a time in which they did not trust him implicitly. He said he had planned a whirlwind campaign. There are few who do not believe that he would have been successful by the verdict of the people had he lived to carry through his fight for a full Senatorial term. Although he was contending against able and popular men, in his own mind there never came a shadow of doubt of his triumph. As with many of his type of inherent greatness, he was a firm believer in his own destiny. But let it be understood that this conviction had no effect whatever on the natural sweetness of his disposition or upon the amiability of his bearing.

He was always the courteous, unaffected gentleman, ever considerate, never arrogant, never vain or conceited. His appearance here might well have turned the head of a man of less balance, for it was a proud distinction that he enjoyed to be seated among men of national repute, most of whom were so greatly his seniors. Yet he took his place with that modest, serene air which sat so well upon him and which stamped him as one of nature's noblemen. The favorable reception which he met, and the kindliness shown him by every Senator on both sides of this Chamber, would have been a precious memory throughout all the years of his earthly pilgrimage. Not only did he win the instant favor of his associates in this body, but the most cordial and sympathetic relations were established between him and the leading officials of the Government, including the Chief Executive of the United States. Upon their first meeting the President of the United States recognized the young Southerner's innate nobility of character, his high purpose, and chivalrous principles, and immediately they became friends. Evidence of this was seen in the beautiful compliment paid by President Roosevelt to Mr. BRYAN'S memory, when in accordance with the latter's wish he decreed that one of the new battle ships should bear the name of *Florida*. How pathetic it was that he who was instrumental in bringing this about could not have lived to see the bestowal of the name on the occasion of the great ship's christening.

After all, Mr. President, perhaps WILLIAM JAMES BRYAN did not live so short a life, when we come to consider how full of action were his days, how crowded with worthy deeds, how much of good he wrought, and what a deep imprint he made on the history of his time. The record that he left will endure, and for generations to come it will serve as an inspiration and a stimulus to other young men of the Southland.

In speaking of his capacity for deep study and investigation and of his profession and boyhood I have but barely alluded to his engaging qualities as a man or of his irreproachable conduct as a husband, son, and brother. In the long days of illness that preceded his departure from life he was sustained by the presence of the devoted woman upon whom he lavished the utmost affection of his knightly soul and that of the loyal brother, who was also his truest friend. But outside of his family circle he drew to him a multitude of men, from the humblest to the highest, for he took as keen an interest in the welfare of the poorest farmer as in that of the most influential and aristocratic of his compeers, for, with the great poet of Scotland, he believed that "A man's a man for a' that," and he never knew how to "bend the pregnant hinges of the knee that thrift might follow fawning."

He did not court the favor of the rich and the great, but always he stood forth as the champion of the rights of the people. However, there was no taint of the demagogue or the political charlatan. He took no stock in the doctrines of the radical or the Socialist, and his programme was conservative, not revolutionary. He prosecuted a trust with vigor and to successful conclusion, not pandering to public prejudice but to avenge a violated law. There was naught of malice in his temperament, but he believed that laws were made to be enforced and that the violators of laws should be punished.

That the world is better because WILLIAM JAMES BRYAN lived in it there can not be a doubt. He did not burst upon our vision like a blazing comet, attracting all eyes by the strangeness of its advent and luster of its fire; instead, he rose like a star, moved steadily in his appointed orbit, and melted off into the light of heaven.

Mr. GALLINGER. Mr. President, a singularly conscientious and devoted public man of the very best American type has been lost to the Senate and the nation in the death of STEPHEN R. MALLORY, of Florida. His splendid character was manifest in the very aspect of his face and form—in the refinement of his well-remembered features and the dignified and courteous bearing of the well-born, cultivated gentleman. He was a worthy heir to one of the historic names of the South, the second of his family to adorn this Chamber. This is a distinction rare in the annals of the Republic. Not often in our bustling, aggressive democracy are the public honors of a father transmitted to a son—nor were these honors in this instance merely transmitted as a matter of right, in the aristocratic Old World way, from the older to the younger MALLORY. Rather were they achieved anew by the younger man, in our good American way, by dint of sheer ability, ardent endeavor, and high personal deserving. Fortunate is he who inherits a distinguished name, but still more fortunate is he who, inheriting it, leaves that name all the more illustrious because of the manner in which he has borne it throughout his life and of honest and beneficent work in the service of his country.

It was the fortune of Senator MALLORY to have lived during the most stirring and dramatic period of our national career. These are the years spanned by the lives of the majority of the older men now in this Chamber. As a lad he saw the final intensifying of the sad and bitter estrangement between North

and South, that consummate tragedy of America, the transforming of brethren into deadly enemies—a tragedy which we are mourning still, but, fortunately, one which heals and fades so swiftly in these present years that to our children's children it will be a thing incredible.

Young MALLORY not only saw this tragedy. Like tens of thousands of brave and ardent boys, South and North, he was himself a part of it—both witness and actor in its heroism, grief, and suffering. As a young officer of the Confederate navy he bore his share in the final scenes of the drama, and it happened that his own rôle was of the most difficult and discouraging character. It is a matter of history that the little, improvised Confederate fleet was outmatched almost everywhere by the overwhelming resources of the Federal Navy, and that it was only the solitary commerce destroyers, free and far on the ocean, some of which never saw Confederate waters, that could make any headway against the tremendous maritime power of the North. Yet peculiarly hard and disheartening as was the service of the Confederate navy in the work of home defense, it proved to young MALLORY to be an admirable school of manly courage and endurance. What is more, it helped to give him that unusual interest in and knowledge of the affairs of the sea which, strengthened by his long residence at a historic Southern seaport, made him so useful afterwards in House and Senate in the consideration of important matters of ocean trade and navigation. On all these things he spoke among us here with rare information and authority.

But Senator MALLORY was a well-rounded man. Nothing of concern to the nation or his State found him indifferent or forgetful. The great war had broken in upon his school years, as it broke in upon the student life of so many of the wisest and best men who have sat here and in the other House of Congress. But when there was opportunity he turned again resolutely to his education and gathered an excellent equipment in the law. His habit of mind was exact, logical, and fair. He would have made a great and able judge. Indeed, his temperament was naturally the broad and philosophical one of judge and arbiter rather than of sharp, uncompromising partisan advocate. But his honored name, the ripeness of his scholarship, and his notably attractive personality marked him out for an active political career. The people of Florida were proud of his qualities of mind and heart, and proud of the distinction of being represented by a man like this at Washington.

Senator MALLORY in his later day and generation recalled some of the best traditions of those earlier and fortunate years before the slavery feud had rent North and South asunder. He was of a distinguished race, long identified with the most important public service. The power of leadership and of statesmanship were with such men a matter of instinctive habit and inheritance. They knew their people and were absolutely trusted by their people, and they held to lofty ideals of the obligations and the powers of government. Even those who differed with them never dreamed of doubting the sincerity of their logical conclusions and their disinterestedness of purpose.

Senator MALLORY endeavored, in his long and valuable public service here in Washington, to approach every public question with entire openness of mind. His manner of discussion was always candid and philosophical. He respected his honest adversaries and commanded respect from them. He was one of those rare public servants who could be both fair and firm—for beneath his kindliness and courtesy there was always manifest the bed rock of deep and strong individual conviction.

Out of many years of pleasant associations with Senator MALLORY in the general service of the Senate, I can not but recall especially the most faithful and considerate performance of his duties a few years ago as a member of the Merchant Marine Commission. This was a difficult and thankless labor, involving as it did much journeying and long and weary sessions in the heat of summer and the crowded year of a Presidential campaign. Senator MALLORY was not at that time in robust health. The additional duties of the work of the Commission were sure to prove a severe tax upon his physical strength and to rob him of a well-earned and needed leisure. Yet, instinctively recognizing that his own personal knowledge of maritime conditions made his presence and participation of the utmost value, he loyally undertook the task, traveling, studying, and laboring to the very limit of his physical capacity, personally arranging for and presiding over several of the Commission's sessions of inquiry in the far South, and aiding materially in the final drawing up of the recommendations of the Commission to Congress. On every point where he could consistently agree with his Republican colleagues Senator MALLORY fully and unhesitatingly agreed, just as on other points he firmly and courteously differed.

But he made it his business to seek points of agreement rather than of disagreement, and if this question of our merchant marine, long such a contentious and almost hopeless question in the American Congress, is now, as I believe, somewhat further along toward a fair, friendly, and satisfactory solution, the credit for it must be held to be in a large measure due to the untiring industry, the breadth of temper, and the devoted patriotism of my good friend and keenly missed and well-remembered associate, the late Senator from Florida.

But for the ill health which so unfortunately hampered the activities of his later years, Senator MALLORY would have left a far longer record of personal achievement. Yet all of us who knew him here know well how great a contribution to the vast work of legislation was his conscientious service on his committees and his close attention to the business of the Senate when he was not debarred by sheer lack of physical strength or by physical suffering. The keenness of his well-trained intellect drove right to the heart of a complex and baffling problem. Able as he was, earnest and devoted, he had that all-essential quality often lacking in men of really great ability and high purpose, and that is that fine, strong, human talent for working harmoniously and effectively with his fellow-men.

Such a public man as this—intellectual, learned, patriotic, high-souled, generous—is sure to inspire affection among all with whom he meets and works in the great and important responsibilities of the American Senate. We who knew Senator MALLORY think of him to-day with admiration and gratitude—aye, but with something even warmer than that, more human and more enduring. He was distinguished as a Senator, and he was also lovable as a man. So it is with a grief deep and personal, and not in any mere ceremonious way, that we meet here to-day to speak of him, to recall his vanished face and form, his gracious words and noble work, and to do honor to a dear and sainted memory.

Mr. BACON. Mr. President, in a body so limited in its membership as is the Senate, with so long a term of service and with daily associations, it is readily appreciated that the personal relationship between Senators is naturally intimate and close. When death removes one of our number, it nearly touches each one of us. It is almost as when one is fatally stricken in the family circle. During the term of my service here many Senators have died while in office. The roll is long and includes many honored names. Almost all of them have been old men—men who at the close of long public careers have laid down their work when fully done.

There is at such times solace in the thought that in such cases, with rare exceptions, life has been closed as it was designed; that its duties had been performed, its pleasures enjoyed, and its honors won. The day with them had run its course. For them there had been the rosy dawn, the morning bright with its preparation and its hopes, the noontide quick with its struggles and its activities, and the evening rich in contentment and in the recompenses which their labors had gathered. And then, when the full-orbed and undimmed sun had sunk in the west, there had come to them the restful night, and they had laid down to pleasant dreams.

Mr. President, the attention and the interest of the whole nation were most pleasantly excited when, in January last, a youth entered this Chamber bearing the commission of the State of Florida to represent her as an ambassador in this high council of the States. Barely beyond the limit of the age prescribed by the Constitution, he was with scarcely an exception the youngest man who had ever become a Senator of the United States. In securing at his age so exalted a station a great fortune had come to him. The honor that men strive for through long years in the hope that they may attain it as the reward of unwearied struggle had been bestowed upon him at the very outset of his career. His early morning was in very aglow with the promise to him of the fortunes and honors the most coveted by them. Contemplating the fortune which had crowned his youth, to the older Senators it was a long retrospect to the day, when at his age, they had looked forward in the distance, and when the hope was then born to them that in what then seemed the far future they might through weary years of effort reach a place in the Senate. At the point where their hopes had begun his success had been achieved.

He was handsome in person, modest in his demeanor, and without demonstration quietly cordial in his address. The brevity of his service here gave no opportunity for the demonstration in this arena of his mental abilities, but the reputation of his achievements in other fields left no doubt that as opportunity offered he would measure up to the full stature required in the high and responsible station to which he had come. It is a fact which will be recognized by all here that as the days

passed he grew steadily in the favor and esteem of Senators, and with this growing favor and esteem our interest deepened in the personality and the fortunes of one so rich in such unusual opportunity and so fitted for its improvement.

How dearly he loved and cherished his native State and her fame is shown in the letter which he addressed to the Secretary of the Navy, February 14, 1908, asking that the name of *Florida* might be given to one of the future battle ships, and when the ship which will bear that name goes into commission it is fitting that she shall forever thereafter wear some appropriate memorial to Senator BRYAN.

Singularly and by accident, in the selection of seats upon his entrance here, his was adjoining the seat of Senator WHYTE, of Maryland, and thus there sat side by side the oldest and the youngest Senators in the Chamber, the venerable octogenarian and the youth of 31. In going to and from my seat in the Chamber it was necessary for me to pass them by, and frequently in so doing I have laid a hand at once on the shoulder of each of them and inquired: "How are the boys to-day?"—a pleasantry always smilingly recognized by each, and never seeming to them to grow old with repetition. Senator WHYTE, although 84 years of age, was then active physically and mentally, and Senator BRYAN was far below the meridian of life. What possible anticipation could have told that within a few short weeks, and within five days of each other, the funeral crape would be draped upon each of these two adjoining desks in token that those who had sat at them had gone out from among us forever? But so it was.

One day Senator BRYAN was missed from his accustomed seat. The report came that he was not well. Days lapsed into weeks, and still his seat was vacant, and we were told each day of the tightening grip of the illness which had fastened upon him; but when at its worst it seemed incredible that so much of youthful vigor, so much of hope and promise, could die, and we felt that surely he would recover and again be with us. But it was not to be, and on that beautiful Sabbath morning to us there came as a shock and a great sorrow the tidings that our youngest brother, our Benjamin, was dead.

Sir, in the annals of the Senate, past and future, there will never be recorded an event more pathetic than this. With the greatest of prizes within his grasp, while upon the dizzy heights from which there stretched the almost limitless scene of the years of his widening influence and power, ere his fascinated gaze could fairly view the far-reaching horizon, the sun of his life, in the early morning hour, darkened into the unending night.

Those of us who were commissioned thereto by the Senate sadly bore him back to his stricken family and friends in his loved Florida; and there within her bosom, beneath the drooping moss which shall ever mourn his untimely end, and amid the tender spring flowers which in their wakening from their winter sleep told of the new life which shall again come to him, they laid him to his final earthly rest.

Mr. DANIEL. Mr. President, within the space of less than one year Senators MORGAN and PETTUS, of Alabama, LATIMER, of South Carolina, PROCTOR, of Vermont, WHYTE, of Maryland, and both MALLORY and BRYAN, of Florida, have been removed from the scene of their labors by the Omnipotent One who wills the coming and going of His creatures.

These losses, in proportion to numbers, are greater than the average number killed in a great and fierce battle.

They show that we walk in our daily ways as soldiers under fire, and none may tell who next will lie amongst the fallen. The oldest Senator and the youngest are enrolled amongst these dead, and neither youth nor age can wear a shield against the dart that struck them down.

MORGAN and PETTUS were recently commemorated by their colleagues in this body on the same day. At that time such an event was without precedent, but the precedent has been speedily repeated, and to-day our farewell tributes are bestowed upon MALLORY and BRYAN, who passed away in swift succession.

STEPHEN RUSSELL MALLORY was an able man, a learned man, a patriotic and a good man. He made an excellent Senator, and of his useful service the records of the Senate bear witness.

In conduct and character he realized Blackstone's ideal of a good citizen, for he "lived honestly, hurt nobody, and rendered to every man his due."

He was punctilious in the discharge of every task. The whole Senate respected him highly, and by his intimates he was beloved.

He was always modest and unobtrusive, neither provoking nor giving offense, and he had no enemy amongst his colleagues. He was as manly as he was modest, and in debate was as firm and assertive as became the dignity of his personality and of the body to which he belonged. A certain refinement, both of appearance, manner and speech, indicated the instincts which make the character of the gentleman. The cleanness and clearness of his mind were illustrated whenever he spoke in argument upon this floor. His positions were chosen with wisdom, his views were uttered with precision; whatever he thought was so succinctly and forcibly expressed that none failed to understand his meaning or to be impressed by the force and earnestness of his nature. No man could ever question either the propriety or the integrity of his course, and his good name was as precious ointment.

His father, Stephen Russell Mallory, was the fourth Senator of the new State of Florida, and served ten years. Our late colleague was the fourteenth Senator elected by that State and served an equal time. His father became secretary of the navy of the Confederate States, which when he assumed the office was only a name, but he made a navy. Little and makeshift as it was, it held its position on the James River as long as Lee held his lines on land, and, as war is a great teacher, its history and achievements will be studied and those who study them will find a lesson taught, which will appease anxiety as to this country being ever overrun by an enemy in war.

The younger MALLORY was born in 1848. He became the bearer of arms in the Confederate army in the autumn of 1864, and was soon made a midshipman in the Confederate navy, and served on the *Patrick Henry* in the James River fleet until war speedily ended. It was at a time when, as Grant said, the Confederates had robbed the cradle and the grave for their recruits, and the dissolution of the Confederacy, of which their very presence was a sign, was soon fulfilled.

As the South dropped the sword it picked up the pruning hook, seized the plow handles, and opened anew its neglected books. The steps by which MALLORY advanced to fields of large usefulness and honor are indicated by his successive occupations.

We find him at Georgetown College in 1865; a graduate of that institution in 1869; a professor of Latin and Greek in the service of his Alma Mater; again a student, teaching himself the law; at New Orleans a practitioner of the supreme court of Louisiana in 1873, and then, in 1874, settling down in his old home in Pensacola beginning practice.

It is in the legislatures of the States that many of our most distinguished statesmen have learned something of the art of legislation. In 1875 he was in the house of representatives of Florida. He was elected to the State senator in 1880 and again in 1884. A little later his capacities were so developed and were so well recognized by his constituents that he was sent in succession for two terms to the House of Representatives of the United States. In 1897 he was chosen to the United States Senate. When he died he was in the second term of a ripe experience and of a service valuable in all its connections with the interests of his State and country. He had been a member of all the legislative bodies known to the administration of the governments of the State and of the United States, and in each of those bodies he had well performed his part and left a memorial of his labors.

Amongst other measures with which Senator MALLORY was identified was one which he offered in the Fifty-ninth Congress looking to the enlarged usefulness of the Public Health and Marine-Hospital Service. He realized what we all know, that the pestilence which wasted at noonday is far more destructive and terrible to the human race than is battle, and that more perish from disease in war than by the bayonet, the bullet, and the sword.

Mr. MALLORY was for years troubled by a physical ailment which was to him a source of constant impediment and suffering. How patiently and unmurmuring he bore his burden all of us know. Christian by faith and by profession, his life was the best insignia of his devotion. A soldier of the cross and a bearer of the cross, he fought the good fight without display of banners, and he closed his life the real conqueror who had conquered and subdued himself.

He had scarce reached three score. To one of his simple life, his strong nerve, his prudent and well-ordered disposition, a score or more of years might have been reasonably anticipated as his portion; but it was not so ordered.

The acclaims of the multitude, the conspicuous display of public honors, the dazzling badges of distinction, the resounding speech of eulogy, and the printed page; all these things which flatter the vanity and stiffen the pride of man have their place even in the just economy of life's ambitions, which urge on and measurably reward men in their best endeavors.

MALLORY had no burning ambition for these things. He lived on the work that was for him to do, and he bore to the grave that highest of earthly comforts that God has ever vouchsafed

to the workers of His will—the calm repose of the spirit which holds itself in peace to all others and so goes its way to that peace which passeth all understanding.

Scarce had he died at his own home, on December 23, 1907, than a new name took its place by the appointment by the governor of Florida on the Senate roll, and WILLIAM JAMES BRYAN, with the freshness of youth, stepped into the Senate. Only seventy-three days was he here, and over thirty of them were spent in the weariness and affliction of a mortal malady, of which he died on the 22d day of March, 1908.

Painfully did he illustrate the lines:

> Life can little more supply
> Than just to look about us and to die.

He was a native of Florida and of a family notable in its private worth and in its honest and useful service. He was himself tall, slender, straight, and handsome, an athlete and a student, a graduate of Emory College, Georgia, and then of Washington and Lee University in Virginia. A recognized orator and debater amongst the young men who were his fellow-students, a lawyer who was soon chosen as solicitor in his community, a successful practitioner, with the beckoning rewards and honors of his profession swiftly extended, no young man could have had a more auspicious or promising position amongst his people.

Added to these things were his happy marriage to Miss Allan, of Lexington, Va., a daughter of Col. William Allan, a man who had won the honors of war as the chief of ordnance in Jackson's corps, and the honors of peace as a writer of history and as a professor in Washington and Lee University.

On Christmas day came to BRYAN a commission to the Senate of the United States. His bearing here fulfilled the expectations of those who saw in him the making of a long, honorable, and useful career.

> He heard his days before him and the trumpet of his life.

But those days were not to be fulfilled.

He had barely time to become acquainted with and on easy terms with his associates when came the lingering sickness which afflicted him, and then the solemn repose of death.

The names of MALLORY and BRYAN will ever linger in the memories of those who knew them here. They will long be cherished in their State and honored by them whom they honored. They may remind us of the flickering and how soon extinguished is the flame of life, but in the generous economy of that Providence which permits nothing to be lost, their lives intermingle with the meditations of those who come after them, repressing unworthy things, inspiring virtuous deeds and aspirations, and cheering the column of humanity as it moves in its successive generations of toil and conflict, of achievements and disappointments, of sickness and sorrow, and pain and death to—

> That one far off divine event,
> To which the whole creation moves.

Mr. CARTER. Mr. President, in conformity with an ancient practice of the Senate we again meet to pay a last sad tribute of respect to a former member of this body. WILLIAM JAMES BRYAN took his seat in the Senate on the 9th day of last January, appointed by the governor of Florida to fill a vacancy caused by the death of the lamented STEPHEN R. MALLORY.

When he reported at the desk to take the oath of office Mr. BRYAN presented a perfect picture of fervid youth and manly form. He had not reached his thirty-second year and he appeared younger. To all who gazed upon his tall and slender, but strong and athletic form, his clearly defined and classical features, the impression was irresistible that a Senatorial career had just begun which was destined to be long continued, well sustained, and highly honored.

That he was a man of exalted character and distinct intellectual endowments was made manifest by every feature of his appearance. Gentle breeding, kindly disposition, keen perception, self-restraint, and dignified poise were conspicuous characteristics of his individuality. Sedate and thoughtful demeanor subdued the ordinary impressions of youth associated with one of his age.

As though by some strange design of fate in seeking to bring forth striking contrasts he was assigned to a seat in the Senate nearby the venerable Senator WHYTE of Maryland. WILLIAM PINKNEY WHYTE had been a conspicuous figure in State and national affairs for more than thirty years before Mr. BRYAN was born. The oldest Senator and the youngest Senator side by side in the Chamber furnished subjects for reflection, but not for doubt, as everyone knew that the venerable Senator from Maryland must soon, in the natural order of events, surrender to their final impulses the hovering powers of life, but as to the young Senator from Florida speculation was not indulged, because all rested secure in the confident belief that there would be vouchsafed to him, according to the same order of nature, an indefinite period of activity.

The material of history again shows how vain are human calculations, for before the spring had fairly opened the Senate was called upon to suspend its labors while consigning to their last long resting place the Senator from Maryland, its oldest member, and but a few days later the Senator from Florida, its youngest member. For the death of the aged we were prepared, and the grief inseparable from sundered ties was assuaged by the knowledge of a long life, well rounded out with splendid deeds; but for the youth stricken down at the very threshold of a career of great promise and superb opportunity such consolation was denied.

WILLIAM PINKNEY WHYTE had lived beyond the allotted span of life, and all his capacity for achievement had been accorded ample scope. WILLIAM JAMES BRYAN, on the other hand, was called away from the field of endeavor when inviting opportunity bade him remain to render just account for the high moral and intellectual treasure committed to his care. That he lived up to the full measure of his opportunities and accomplished more than is ordinarily given to man to accomplish in the opening years of an active life is recorded, known, and cherished by those who knew and loved him, but what he might have accomplished had his span of life been projected into the unknown future must always remain a sad and an unsolved mystery. We do know that his frank and manly demeanor not only challenged the respect of the Senate, but also attracted the attention and called forth the approval of the President of the United States.

The customs of the Senate are so established and its orders of business are so arranged that Senators new in service feel naturally inclined to abide the maturing and ripening process preparatory to entering upon the direction of public affairs with a degree of self-assertion requisite to the presentation of all the elements of which strong individuality is composed. Naturally modest and unobtrusive, Mr. BRYAN yielded to the ancient custom, and thus it came to pass that in his brief service of about sixty days no fitting occasion appeared to him for presentation to the Senate of his general views on public questions. But notwithstanding that fact, the membership of this body, trained to observe and quick to detect worthy elements of character, had quietly formed such an opinion of this young man as to bring with his death a sense of great loss.

To the Senate his manliness was captivating and the possibilities of his character were interesting. In the language of Denham—

> Youth what man's age is like to be doth show;
> We may our ends by our beginnings know.

From the first fruits of a tree we may learn what is to be expected in the future, and thus we may well believe that WILLIAM JAMES BRYAN, the youngest Senator of the United States ever consigned to the tomb, gave promise of a career of great usefulness.

To the Commonwealth of Florida, which tendered his services to the nation, to his neighbors, friends, and political associates, we may send messages of condolence, but to the stricken and sorely afflicted little family, whose pride and comfort and support he was, no adequate measure of solace or sympathy can be embraced in words. We can only suggest the illuminating hope of the Christian world by saying:

> God gave, He took, He will restore, He doeth all things well.

Mr. NELSON. Mr. President, we all know, especially those who have been for a long time members of this or other legislative bodies, that the most effective work leading to material results in the way of legislation is not always accomplished by those who are regarded as great orators or great debaters, but rather by that other class of legislators who are not much given to debate or oratory. This class is made up of those men who do the hard and substantial work of the legislative body. They are usually the men who are active participants in the work on committees and who prepare and formulate legislative measures and who put them in practical and effective shape. To this class of industrious, unobtrusive, and quiet workers belonged our late colleague, Senator MALLORY. I became intimately acquainted with him soon after he made his first appearance in the Senate, and during his entire service in this body we were associated on one of the most important committees, and frequently during that time we were thrown together as members of important subcommittees which had under consideration many important and far-reaching measures, and in such committee work I found him to be one of the best-equipped, one of the most industrious, and one of the most efficient of Senators.

He seemed to grasp intuitively, as it were, the full importance and scope of every important measure that was under consideration, and if the measure had come to the committee in a crude and imperfect form he always seemed to know how to prune, correct, and improve it; and he never allowed a spirit of partisanship to control or warp him to any extent. Senator MALLORY was a most excellent lawyer, well grounded in the fundamental principles of constitutional and common law, and hence was always able to determine the true legal scope and constitutional validity of any pending bill or proposition.

He was barely old enough to serve in the Confederate army and navy during the last two years of the civil war, and his army and naval service no doubt left its impress on his physical constitution, so that he was not as strong and rugged as he otherwise might have been if he had not been engaged in such service; but this service, in connection with his legal training, seemed to have equipped him for the important duties of a legislator in a very high degree. And he was as loyal and faithful to the welfare of our entire country in all his public duties as though he had never at any time borne arms against her.

While he may not have been regarded either as an orator or a great debater, nevertheless he would on occasions discuss important measures in a clear, succinct, and instructive manner. He never spoke for the mere sake of making a speech. He was never given to posing as a legislator for mere show or to attract attention. To him the work of legislation was a serious matter and he was always serious and in earnest in respect to any proposition or measure that he had in charge or advocated. He was in no sense a radical, but rather inclined to be conservative, prudent, and careful in all his legislative efforts. Whenever he spoke in this body he was always listened to and always gave the Senate valuable information and demonstrated that his judgment was sound and that he was possessed of the true conservative spirit.

A legislative body composed of men like Senator MALLORY would not be apt to make mistakes, but would move along safe and conservative lines and never drift into slipshod legislation and never pander to public clamor. He took a broad and national view rathér than a mere local view of great legislative problems, and never seemed to be a creature of, or tied down to, mere local environment. He was always a faithful attendant upon committees and upon the sessions of the Senate, and never sought to shirk his duties and his work in any direction. I served with him on important subcommittees when I knew his health was poor and that he was hardly in a condition to work, and yet he would stick to his task as faithfully and as thoroughly as though he were in the prime of life. He was a true son of the South, typical of all that is bravest and best among the Southern people, and while his heart and his spirit were with his State and his people, his legislative vision extended to the entire country, whose welfare he had at heart as fully and to as great an extent as any member of this body.

His State never had a more earnest, a more hard-working, or a more faithful representative in this Senate. He was a most kind hearted and lovable man, as companionable, and as ready to form true and real friendships as any man with whom I have ever come in contact. As a member of the committee on which we were so long associated I miss him very much, and I know all his colleagues in this body feel his loss most keenly.

The generation of men who participated in the great civil war are rapidly passing away, and in a few years more none of them will be left; but when they have finished their task and finally passed away and finally surrendered to that inexorable fate that awaits us all, the verdict of history will be that they, both of the North and of the South, were big enough and great enough to unite and cooperate in the great and noble task of healing the wounds of the war and recementing the bonds of the Union and of placing it upon a more permanent and enduring basis than ever, and of zealously cooperating to extend, fortify, and perpetuate the moral and industrial greatness of our common country; and it will redound to his glory and be something that his descendants may look back to with pride that Senator MALLORY was one of the prominent members of this class.

In the latter years of his life he was in poor health; but in the midst of his afflictions, and in spite of them, he struggled along bravely and heroically with his Senatorial duties, always aiming to do his share of the work and never complaining; but I have no doubt that in the midst of it he often felt like exclaiming in the language of Father Ryan:

> And I am restless still; 'twill soon be o'er;
> For down the west
> Life's sun is setting, and I see the shore
> Where I shall rest.

Mr. OWEN. Mr. President, I had hardly taken my seat in the Senate of the United States before the State of Florida sent to that body the noble young man whose death we mourn today, WILLIAM JAMES BRYAN.

Adjacent to my seat in this Chamber, at this session, sat the oldest and the youngest Senator, and by some inscrutable act of Providence each was taken from my side—Senator WHYTE, of Maryland, the oldest, and Senator BRYAN, the youngest.

Senator WHYTE had rounded out a long and honorable public life and was ripe in years. Senator BRYAN, at the very early age of 32, had come to the Senate full of the buoyancy of youth, full of life, full of the earnest desire to be of service to his State and to the people of the United States.

I was greatly drawn to him and immediately there was established between us a sense of comradeship, of affection, and regard. It had not seemed possible to me that his summons could come so suddenly.

I recall the pleasure I had in discussing with him, among other interests, his athletic sports, his games of football, in which he showed the keen zest of the athlete delighting in vigorous exercise in the open air.

He was an athlete not only on the ball ground, but he was also an athlete intellectually, with a mind whose thoughts were as clear and as brilliant as the light of a diamond. A more vigorous specimen of a young man could never be found, tall, erect, sinewy, and strong; with a graceful carriage and a splendid pose, he presented the picture of physical perfection.

I have never seen a finer head—a high and noble brow, features as finely carved as a perfect cameo. An artist hand could not have improved the perfection of that face. It was the handiwork of the master artist, the Maker and the Creator of men.

Mr. President, the physical beauty of this young man was but the outer form of a spirit more noble and beautiful within, an intelligence of the first magnitude, a spirit whose purity and whose high moral purpose had already fitted him to become one of the archangels of God.

Mr. President, I am not one of those who believe that death is an evil. I am not one of those who believe that death is to be deplored. Indeed, Mr. President, it seems to me that death is but the laying aside of the mortal frame in preparation for the higher form of spiritual life, where the activity of the soul and of the mind are engaged in a more exalted sphere.

The human senses which receive impressions of material matter are but clumsy instruments with which to comprehend the higher forms of life. The sense of hearing fails to perceive the higher vibrations of sound; the sense of sight fails to receive the higher forms of vibration of light; and we are constantly admonished in our daily experience that none of the organs of the body are requisite or necessary to the sensations of the soul.

When our bodies are receiving the reparation of complete repose, when the body lies inert and senseless in profound slumber, then the soul is nevertheless awake, unguided, however, as an untrained child entering in new fields of inexperience and without the power of self-direction, receiving impressions as various and as strange as fall upon the sight of a newborn babe opening its eyes and receiving impressions of things not understood in a new and strange world.

With the eyes of the human body closed, and in the dark, without operation of the optic nerve, nevertheless we see. We see nature in every form, we see vividly and clearly a thousand objects of every form and color, and without the use of the nerves of the body we exercise every function of sight, of hearing, of taste, of smell, of speech, without using those muscles or nerves by which physical impressions are received during our waking hours. Men say they dream and think no further, and do not realize that the soul is acting, is seeing without eyes and hearing without ears; that the soul does not need the optic or the auditory nerve in exercising the sense of sight or of hearing.

Nor is there any truth in the theory of philosophers who say that these sensations experienced by the soul are but the impressions of things which have been revived by memory.

Mr. President, the great Creator who made the beautiful form of our departed friend and brother, WILLIAM JAMES BRYAN, and who made his more beautiful soul, inflicted no evil upon him when He transferred his spirit into its sphere of higher service.

This glorious young man was prepared for greater purposes. He had served with great usefulness among his fellow-men. He had set a shining example to the young men of our country as a physical athlete, as a student, as a scholar, as a man of practical affairs, as a patriot, as a vigorous public servant, as a good citizen. He had demonstrated to every young man how great a degree of distinction is possible within a few short years of virtuous and honest effort. What he has done other

men may do, and he has greatly served his country in setting an honorable and a high example to the young men of our beloved Republic.

Mr. President, it is not with me merely a sanguine opinion or a pleasing hope when I express the conviction of my soul that what we call death is merely a transition into a higher form of spiritual life.

In that great and new sphere of activity this splendid young son of Florida will carry with him the same high purpose which he exhibited in this life and will be found among the angels of our Lord serving his Maker and the spirits of the blest in his new sphere with the same noble zeal which caused for him great preferment in this life, which brought to him in this life the admiration, the affection, and the love of all who knew him. May he be doubly blessed in his divine pathway through the stars.

Mr. CLAY. Mr. President, my first acquaintance with the late Senator MALLORY began in March, 1897. We began public life in the Senate at the same time. He was elected to the United States Senate by the legislature of Florida for the term beginning March 4, 1897. I was elected by the legislature of Georgia for the term beginning the same time. We served continuously together in the Senate for nearly eleven years, and about half of that time we were members of the Committee on Commerce, and I knew much of his services as a public man and Senator. We were warm personal friends, and I will not be accused of exaggeration when I say that Senator MALLORY had the respect, the confidence, and esteem of every Member of the Senate with whom he served. He had held many positions of trust and honor in his own State before he was elected a member of this body. He had served in both branches of the legislature of Florida with honor and distinction, and had served two terms as a Member of the Lower House of Congress. Mr. MALLORY was elected to the United States Senate when he was not a candidate, and his services for the first term were so valuable and satisfactory to his constituents that he was returned a second term without opposition. Had his life been spared he doubtless would have been elected for a third term, for he constantly grew in popularity with the people of Florida. When Senator MALLORY first came to the Senate he was in wretched health, but, notwithstanding this fact, he was diligent and attentive in the discharge of his public duties, and especially devoted to his work on the Commerce Committee, where he was so valuable in securing the necessary appropriations to develop the waterways and protect the coast of his State. All of his associates recognized him as a very valuable member of this body.

He possessed an analytical mind, reached his conclusions slowly, but when he formed an opinion his associates rarely questioned the soundness of his views. He was genial, lovable in all the relations of life, was modest, sincere, and hated every form of wrong and loved justice. His life was dominated by the highest moral purpose. His ideals were lofty. I am sure he lived for that which was noble, pure, and uplifting. He made one of the most valuable members of the Committee on Commerce. He took deep interest in the development of our waterways, and his opinions on any subject before that committee always carried the greatest weight. He served on subcommittees in solving the most important problems before the Committee on Commerce, and he was diligent in his attendance and untiring in his efforts to faithfully discharge his duty. His intellect was of the highest order, grasping every phase of a subject, overlooking no detail, going to the core of the most complicated problems. In investigating public questions he was actuated by the purest of motives. He sought to know the very right of things. He was a man of positive convictions, and was always moved by those convictions. Convince Senator MALLORY that a proposition was right and no power could move him from supporting the right. While positive and firm in supporting his views on public questions, he was kind and gentle, "tender as a woman and guileless as a child," and sincere and loving in his friendships.

Florida lies adjacent to Georgia. The people of my State have always been deeply interested in the growth and progress of our sister State. I knew of Senator MALLORY as a public man before he became a member of the Senate, and of his high character and standing in Florida. His growth was a steady one. Each day he grew stronger in the confidence and affections of his associates. During the eleven years that I served with him in the Senate I have never heard an unkind word spoken of him. Both his friends and foes in political life in Florida recognized in him a man of ability, of sterling integrity, and the broadest patriotism.

No man can gain and retain the public esteem and affections of the people of his State as he held them without having rare qualities of mind and heart. Partisan considerations and prejudices never warped his judgment, but with an even temper, an impartial mind, he was found where justice and equity prevailed. Everyone who knew him and watched his career pointed to him as an upright man, an able, conscientious, and honest public official. No one ever questioned his integrity, and his private life was without a blemish. Few men possessed and enjoyed the confidence of their associates as did Senator MALLORY. The distinguished chairman of the Committee on Commerce, representing with distinction and ability his State in the Senate for more than a quarter of a century, recognized Senator MALLORY as one of the most valuable members of his committee. This high opinion of the deceased was entertained by every member of that committee. He loved his native State. He diligently studied to advance the interests of that State; but he not only loved Florida, but was devoted to the entire country. No one ever heard him speak disparagingly of any section of his country. He recognized that the Republic was composed of States and that the Senator who assaulted any section of his country assaulted the Republic. He acted upon the theory that a Senator who was the enemy of any section was the enemy of his country. Sometimes we are swayed by partisan considerations and are inclined to criticise one section of the Republic in comparison with another. But our dead friend loved Maine, Massachusetts, Florida, Georgia, New York, Virginia, and every State in the American Union. He had studied the history of his country. He had watched with pride the rapid progress we had made, and his statesmanship was of the highest character, recognizing that it was the duty of a Senator not only to represent his own State, but to advance in every possible way the interests and welfare of the entire nation.

His life is a lesson to the American youth. Although in wretched health, a constant sufferer, he struggled and triumphed over difficulties. He rose step by step in the estimation of the community where he lived and won one victory after another and at last honorably reached one of the highest places of public life, where his usefulness was recognized by the entire country.

How did he achieve success? Why is his memory held in such high esteem by his countrymen and associates in this body? The answer can easily be made. He led an honest, industrious life, was faithful in the discharge of every duty, and such a life is always properly rewarded. We can say to the American youth: "Follow in his footsteps—lead an honest, industrious life, be faithful in the discharge of every duty, and success will crown your efforts."

Illustrious and sterling honesty will always be rewarded. Temporary success gained by undue advantage and dishonorable conduct will always end in ruin and disgrace. The future of the Republic depends upon the education and training of the American youth. Most of the education and the training we acquire comes from contact with others. Education by association and example is a powerful factor in forming character. Association with the intelligent, the industrious, and the good tends to elevate and build up. Association with those who lead an indolent, dishonest, and immoral life tends to corrupt and degrade. A life of continued exhibition of high morals, purity of soul, and Christian charity is a source of strength and elevation to any community. The young men of a community respect, honor, and follow such a life.

Senator MALLORY was not sensational. He possessed none of the arts of the demagogue. He was not a meteor in the political firmament. He never sought notoriety. He gradually built himself up in the confidence and esteem of the Senate by real, genuine worth. Each day he grew stronger and more useful.

But, Mr. President, his work is finished, but his influence will never die.

Mr. President, I have been a member of this body eleven years, and the mortality of the Senate during that period has been remarkable. Senators who have been members of this body since March 4, 1897, will recall those of our number who have gone to the world beyond. The Senators who have died during this period are as follows:

Alabama.—John T. Morgan, Edmund W. Pettus.
Connecticut.—O. H. Platt, J. R. Hawley.
Florida.—STEPHEN R. MALLORY, WILLIAM J. BRYAN.
Iowa.—J. H. Gear.
Maryland.—Arthur P. Gorman, William Pinkney Whyte.
Massachusetts.—George F. Hoar.
Michigan.—James McMillan, Russell A. Alger.
Minnesota.—Cushman K. Davis.
Mississippi.—Edward C. Walthall.
New Jersey.—William J. Sewell.

South Dakota.—James H. Kyle.
Ohio.—Marcus A. Hanna.
Oregon.—John H. Mitchell.
Pennsylvania.—Matthew S. Quay.
South Carolina.—Joseph H. Earle, A. C. Latimer.
Tennessee.—William B. Bate, Isham G. Harris.
Vermont.—Redfield Proctor, Justin S. Morrill.

Four Senators who died after ceasing to be Senators were:

Donelson Caffrey, of Louisiana; Stephen M. White, of California; Edward O. Wolcott, of Colorado; George G. Vest, of Missouri.

Mr. President, the same modesty which characterized the entire life of Senator MALLORY was exemplified in his death. The custom has long prevailed in this Senate, when a Senator dies, to appoint a committee of Senators and Representatives to attend his funeral. But Senator MALLORY desired a simple, plain burial, "dying as he lived—an honest, self-respecting gentleman."

I repeat, Mr. President, that Senator MALLORY's growth was a steady one, the result of a modest, sincere, and studious life. In Washington, after becoming a Member of Congress, he lived the same plain, temperate, economical life. His influence was not derived from social functions, but from work and worth. No scandal was ever connected with his name in either private or public life. He was not the representative of any trust, combine, or special interest, neither was he ever engaged in the advancement of his own schemes, using his office as a means to an end. He was a plain, straightforward, unassuming gentleman, a sound thinker, a fearless advocate of what he believed to be right. Senator MALLORY was a stanch friend of honest, clean, economical government. He sought in every possible way to elevate the standard of our civilization, and by precept and example to prepare and qualify our young men for the highest possible standard of citizenship. He abhorred every form of hypocrisy and deceit. He left no doubt upon the minds of those who heard him as to the earnestness of his convictions. Those who differed with him knew he was both honest and sincere. He did his own thinking, formed his own conclusions, and sought diligently to reach conclusions that were just and right. He believed that a Senator should be under no personal obligations to any power and that a Senator should do his own thinking. He formed high ideals and lived up to them. No man is perfect. Doubtless Senator MALLORY had his faults; but if so, I was never able to discover them. I am glad that such a man lived, and I am sure his influence will never die. I most cheerfully place upon the records of the Senate my tribute of affection and admiration for the memory of the deceased.

Mr. CLARK of Wyoming. Mr. President, born in the centennial year of the great Republic, endowed with all the graces of mind and body, entering as a Member of this Senate at an age which gave full promise of a long and illustrious public life, our young Senator was stricken at the very threshold of his career. He had seemed marked from the beginning as one destined to serve his State and nation by natural gifts and immediate opportunity given to few. Young in years and just from his books, he was called to serve his native State in high position in her chief city, and at once addressed himself to the duties of county solicitor in such a way as to promote in the greatest degree the law and order, and the moral upbuilding of the community whose servant he was. Enjoying the full confidence of his fellow-citizens, having performed his every duty as a civil officer, and by his services having given full proof of his high sense of public duty, Governor Broward on Christmas day, 1907, tendered to him the appointment as Senator of the United States from the State of Florida, and on the following day the appointment was made in legal form. Thus, at the early age of 31 years, we find him clothed with the highest legislative honor in all the world. It is not for us to know the pride, both to himself and to his young wife, that this appointment brought. The youthful enthusiasm, the generous ambitions, and the patriotic aspirations of his heart we can well imagine.

During his brief service here his personal appearance, his modest bearing, and the interest and ardor with which he entered upon his work gave him a most friendly standing at once; but it was not given him to serve his country long. His sun set while it was yet day. What he was, the love in which he was held by those who knew him best, bears witness. What he might have been, had his life been spared, may, perhaps, be read in the hearts and hopes of those who loved him best, and whose prophecies reached far out into the years to come. To them he has left a memory redolent with the fragrance of youth, and in them will always rest the reasonable and comforting assurance that had he not been called away in his youth his future years would have reached and reaped the highest honors of his native land.

It was my mournful privilege to accompany his funeral train to the city of Jacksonville, and seldom have I seen one more sincerely mourned. Only words of love and affection were heard, and it seemed as though the multitude who paid him last sad tribute thought more of his private virtues than even of his great public position; and from all the expressions of sorrow, from all the tributes of friends and neighbors I could but think that if it could ever be justly said of any man, it could be said of WILLIAM JAMES BRYAN that—

He wore the white flower of a blameless life.

Mr. PERKINS. Mr. President, the South has been more than fortunate in the men she has sent to represent her in the Senate of the United States. They have been selected from among the ablest and best of her citizens, and have brought to this Chamber an influence for honest and conscientious endeavor that has comported with the high standards set by the greatest of those who have preceded us. We have recently had cause to mourn with her for great and irreparable losses which she has sustained. Some of the most distinguished Americans of this generation who have occupied seats here have been lost to us through death within a year, and among them are numbered some of the South's greatest men. Of these is STEPHEN RUSSELL MALLORY.

My acquaintance with Senator MALLORY began when he first became a member of this body in 1897. I was instinctively attracted to him by reason of his honesty and sincerity, and soon my admiration was awakened through the recognition of those great powers which he possessed, but which his modesty prevented him from displaying, except on such occasions as specially demanded their exercise. But it was not long before his ability was fully recognized here, and he took a place among the foremost men of the Senate. I was associated with him on the committees of Naval Affairs and of Commerce, and there had the opportunity to learn his peculiar fitness for such matters as came before us. He was unusually well equipped for the discussion of such business as arose, by reason of his early experience in maritime affairs which excited within him an interest that never flagged. He was the son of the secretary of the navy of the Confederate States, and in his early youth he was appointed a midshipman in the Confederate navy, and though his service was short on account of the end of the war, he imbibed the spirit which naval training and following the sea gives, and which is one of the most valuable possessions which a man can have. However short may have been a man's connection with a fighting sea force, there will inevitably be born within him an ambition to emulate the deeds of bravery and self-sacrifice which illuminate all maritime history.

The men who sail the seas, whether in an armored vessel of a navy or on a merchantman or fishing schooner, have experiences which toughen the moral fiber, which cultivate self-reliance, which promote unselfishness, which cultivate generosity, and promote honesty in the dealings of man with man. And the traditions of the sea, which will always be of vital interest to one who has once been connected with it, transmit and perpetuate all these influences which make for courage, honesty, and sincerity. Senator MALLORY came within these influences, and in him they contributed to the formation of that strong character which commanded the respect of all who knew him. His devotion to public duty was untiring, and no constituency has ever had a representative here whose interests were more carefully studied. He loved his native State with the ardor which characterizes the affection of all Southrons for the State of their birth. The glamor of romance and adventure which was cast over that fair land by the search by Ponce de Leon for the fountain of perpetual youth, and the name which he gave the unknown region when he saw it brilliant with the flowers of a Palm Sunday nearly four centuries ago, undoubtedly have had their influence in strengthening the devotion which is felt for it by all who claim Florida for their native State or adopted home. That of Senator MALLORY was sweet, simple, and sincere, as was his own character. That devotion accentuated his firm belief in the doctrine of States rights, which more than once he ably expounded before this body, and his education in the law and his training in the courts made him a powerful champion of the principle that the States are the possessors of every power not delegated to the Federal Government by the Constitution of the United States.

Senator MALLORY began his public career early, and has been conspicuous in State and national affairs ever since. After the war he attended Georgetown College, graduating in 1869. He studied law and was admitted to the bar in Louisiana in 1873, and in 1876 was elected to the lower house of the Florida legislature, from which he passed successively to the State senate, the House of Representatives of the National Congress, and in 1897 to the Senate. His political career presents a record of

clean, honest, efficient work, which gained for him the respect of all people and all parties.

Those who knew him admired him for his sterling integrity and his genial companionship. He was always true to himself, to his convictions, ideals, and his conceptions of the best public good. His heart went out to all that was good and noble in others, for he looked upon the manifestations of high character as of inestimable value as examples.

Example—

He once said—

is the most potent of preceptors. The object lesson is the most impressive method of reaching the understanding and shaping the inclination of the young, and the oftener we can present to their plastic minds authentic illustrations of character which of itself conquers adverse environment, rises to eminence by its innate merit, and wins the respect and esteem of good men and women, the greater the probability of our inspiring those who are to follow us with a zealous purpose to emulate such virtue.

This reveals his view of life, its duties, and its responsibilities, and we all know how closely he lived up to that high standard.

In his work in Congress he had ever before him the examples of the great men who in years gone by made this body illustrious, and he strove to reach their high level of pure statesmanship. And when he saw that the end of life was near he again exhibited that honest simplicity of character which endeared him to all who knew him. He wished that in the last duties which should be paid to him there should be that absence of even a suspicion of ostentation that had always characterized his acts in life. His wishes were respected, and he was quietly laid to rest by the friends he loved.

As one by one of our colleagues fail to answer the roll call in the Senate and we realize that we will never again hear their eloquent or persuasive voices, may we not well ask ourselves the question—

Oh why should the spirit of mortal be proud?
Like a fast-flitting meteor, a fast-flying cloud,
A flash of the lightning, a break of the wave,
He passes from life to his rest in the grave.

Mr. STONE. Mr. President, I was one of a committee appointed by authority of the Senate to represent this body at the funeral of Senator BRYAN. In company with my colleagues I went to Florida and was present at the obsequies which marked the closing scene in his history, and I wish now to pay a brief tribute to his memory—an imperfect tribute, I know; but, none the less sincere. My acquaintance with Mr. BRYAN was of short duration. I never knew him until he came to the Senate on the appointment of the governor of Florida as the successor of Senator MALLORY. As we all know, he was here but a few weeks before he was stricken with the fatal malady which terminated his life. I can not speak of him, therefore, as one who knew him intimately or well. Nevertheless, during his service here I came to know him well enough to appreciate his sterling qualities and to regard him with high esteem. His service here was unhappily too brief to afford an opportunity for him to demonstrate his capabilities. Still, if I may judge, as well I may, by the beautiful things I hear said of him on every hand, I am safe in saying that all who knew him here felt, as I did, that his fine qualities of head and heart made him one not only to be loved and trusted, but one who gave great promise of the highest usefulness in the public service. That he was a man of unusual force is sufficiently attested by his achievements. When sworn in as a member of this body he was barely past the constitutional age of eligibility, and was one of the three youngest men who ever sat in the Senate. But before that he had in the exercise of his native powers forged his way to the front and had taken a high place among the leading men of his Commonwealth. He was ranked among the able lawyers of the Florida bar, and was universally esteemed as one of the potential men of the State. And so, when a vacancy occurred in the Senate by reason of the untimely fall of the lamented MALLORY, notwithstanding the comparative youth of Mr. BRYAN, there was no occasion for surprise or criticism when the State's executive selected him for the succession.

During his brief service here he impressed all with whom he came in contact as being a man of the finest type and of great promise and as one in every way worthy to wear the high honor conferred upon him. He was cast in that mold which produces men of lovable character and capable of great achievement. He was genial, companionable, and unpretentious; but then, Mr. President, the bravest are the tenderest, and modesty is to real manliness what courage is to chivalry. He was a man of fine intellectual endowments—a man of high ideals—a student and thinker, sensitive, high-strung, and honorable alike in thought and purpose and deed. His qualities were those which commanded respect and inspired confidence, and his equipoise, conservatism, and sound judgment marked him as one whose counsels would be characterized by wisdom and whose leadership would be distinguished by sagacity. Few men of his age have risen to such heights; and though his career is not without parallels, it was nevertheless rare and exceptional. Mr. President, while none rail against the inscrutable decrees of Providence, it does seem pitiful that a man of this kind, who while still little more than a youth had risen to a place so conspicuous among the leading men of a great State and who was just entering upon a new career with splendid promise in a larger field, should be stricken down. When venerable men like our late colleagues from Alabama, Vermont, and Maryland are summoned to take their places in the silent halls of death, however sensible we may be of loss or however much we may lament, the event when it comes is not unexpected nor the shock so acute. Such men have climbed life's rugged way to the summit and have "sounded all the depths and shoals of honor." They have run their course, lived out their lives—long, honorable, and useful lives—and when at last they fall as falls some lordly oak which has bared its naked arms to a hundred winters and shaken its green banners in the sunshine of as many summers, no matter how great the deprivation, we are conscious that it was something natural, inevitable, and expected.

But to see a young man like Senator BRYAN, already eminent, and yet with all his highest hopes and best opportunities before him, standing in the morning light with undimmed eyes uplifted to green hills and to loftier peaks beyond, suddenly stricken with the shriveling pain of death is something so terribly pathetic that it staggers even the strongest. It is a note struck on the chords of life so discordant that it puts the whole world out of tune, and we can not help pausing to wonder and to question. But wonder and question as we may, what answer will come to us? We can not answer for ourselves. In the presence of such a tragedy no unaided mortal wisdom can soothe the heart's tumult or silence the mind's protest. But this I know, that somewhere in the far-off summerland we have mothers—mothers who taught us to lisp a prayer in childhood days. Sometimes we fancy we can see their sweet, benignant faces smiling down through the shadows. If they could give answer to our questioning, they would tell us with that simple, sublime, submissive faith with which they comforted in the long ago, "It is God's will." And, after all, that old, familiar saying embodies all that Christian men can know concerning the stupendous mystery of death.

Nevertheless, Mr. President, to see the expanding light of this young life snuffed out as might have been the flickering blaze of a candle was pathetic. To see a young man like this cut down at the very inception of a career so full of promise was pitiful. Yet such tragedies come all too often to startle and appall us, and we are powerless to stay them. All we can do is to give sepulcher to the dead and enshrine them in our memories. And so it was with this splendid young son of Florida. We carried him back to the State he loved and to the people who trusted and honored him. Back to Florida—back to the home he had left so recently to enter upon his high duties here—back to the land of the everglade, the land of the magnolia and orange bloom, we bore him, tenderly and reverently. A great concourse of his countrymen, those who knew him best and loved him most, came to honor his memory. With gentle hands they laid him to rest and covered him with flowers, rare flowers, beautiful and sweet, in great profusion. And that was the end of this remarkable man and of his impressive career. With that his book of life was closed and clasped with a clasp, save that the work he did, his achievements, and his character will stand forever as an example and inspiration to the youth of Florida. And for this alone we know that WILLIAM JAMES BRYAN did not live in vain. The world is better that he lived, because he wrought for his country's good and the uplifting of mankind.

Mr. MILTON. Mr. President, I have not the gift of language nor of eloquence to fittingly portray the character and attainments of Florida's distinguished son, STEPHEN RUSSELL MALLORY, whose life, character, and public services we now pause from the customary duties of the Senate to commemorate and commend.

My reason for speaking on this occasion is not that I think I can do him justice, but these words of commendation, veneration, and eulogy, though weak and halting, come from a friend and are the only tribute he can pay. As flattery to the living is unjust, so fulsome praise of the dead seems mockery; therefore I speak of him as I think and feel.

More than twenty years ago I met STEPHEN RUSSELL MALLORY, and so impressed was I with his worth, pure character, integrity of heart and mind, and nobility of soul that whether

he was in the shade of temporary political defeat, or crowned with the laurels of success, I was always his friend, admirer, and political follower. His friendship was an honor of which I feel justly proud.

Mr. MALLORY was a true type of a Southern gentleman and statesman, modest, courteous, wise. He was the worthy son of a great sire, and his life work was full and active, replete with Southern sentiment and instinct, but of national breadth and force in its statesmanship. He was born November 2, 1848, as the war clouds were gathering over this great land. His father was a member of this body from 1851 to 1861; therefore he was reared in the midst of the activities and battles of intellectual arguments which preceded the conflict of giant brothers.

At the age of 16 he entered the Confederate army of Virginia, and later became a midshipman in the navy of the South, freely risking his life fighting in that titanic struggle for what he deemed to be right then and believed to be right to the day of his death, the sovereign rights of a sovereign State.

At the close of the war he completed his education and began the practice of law. But his State, like other Southern States after the war, was suffering from the rule of ignorance, vice, and robbery. Thinking it his duty to again serve his country, he entered heartily in the struggle of the people of Florida to redeem her government from negro and carpetbag domination and in 1876 was elected a member of the Florida legislature. He was elected to the State senate in 1880 and returned again in 1884. In her legislative halls so ably did he serve the people that, feeling his abilities and usefulness should not be circumscribed by State bounds, he was elected to the National House of Representatives, and served two terms.

While here he so well represented the interest of Florida and so favorably impressed the citizenship of his State that in 1897, when the most momentous and bitter strife among Florida Democrats was waged, the representatives of the people turned to MALLORY as the only man who could properly represent them; and although he was not a candidate for the honorable position, he was elected to the United States Senate and reelected in 1905.

Here for nearly eleven years he gave to the service of his country the benefit of his ripened intellect. At the age of 59, while in the prime of life and the activity of his intellect, and while he bade fair to still give years of service to his country, he was mowed down by the grim reaper, Death.

As a soldier he was brave and gallant, bearing cheerfully the hardships necessarily imposed by reason of his impoverished country. He followed the flag of the lost cause with the same zeal, devotion, and self-sacrifice, which characterized the hero soldiers of the Confederacy.

As a citizen he was law-abiding, diligent in the discharge of his duties, and worked for the advancement of good government. He was modest and unassuming, but courageous and bold in the pursuit of and in the path of duty and never swayed by fleeting public opinion from the right, as he saw it.

As a friend he was honest, loyal, and true. He trusted and could be trusted. His conversation was pure, chaste, and full of kindness. His ambitions were noble and his aims and aspirations high. He was such a friend that time and separation mattered not; his friend knew at all times that he could be depended on and that he would only do what was right.

He was a lawyer of wide information and knowledge of law. He was faithful to the interests of his clients, and he won the confidence of all by his high ideal of justice and right. His well-trained mind was analytical, his reasoning logical, and his conclusions just. He was an able lawyer, a credit to the bar, and an honor to his profession.

As a Christian he was baptized and had an abiding faith in the wisdom, justice, love, and mercy of his Maker. He well performed his duty to his neighbor and in his life exemplified the golden rule:

Do unto others as ye would they should do unto you.

As a public man he was broad in his views and had a ready grasp of national affairs. He was no demagogue, but at all times a loyal advocate and an outspoken champion of the principles for which he stood. No selfish ambition ever kept him silent or made him swerve from his duty to his people. His character and mind were well balanced, conservative, but bold. If he had one trait of character that impressed one more than another, it was his strict integrity. MALLORY'S honesty was known, admired, and esteemed throughout the length and breadth of Florida.

A prince can mak' a belted knight,
A marquis, duke, and a' that,
But an honest man's aboon his might.

STEPHEN RUSSELL MALLORY was an honest man, the noblest work of God.

As a citizen, a soldier, and a statesman he freely gave to Florida and the nation his best efforts. He was earnest, diligent, and faithful to every trust reposed in him. His spotless life and character without stain is his best monument, and to succeeding generations will illuminate the path to duty and to honor.

And now that his life work is over, his body rests beneath the sod of his loved Florida. The Southern sun, which warmed his heart to love of his native State and filled it with patriotism, now with each returning springtime kisses into life and bloom the flowers that lovingly adorn his grave, and its too warm rays to them as tempered by the soft, balmy Southern breezes from across the Mexic Sea, which he loved so well, and his slumber is soothed by the requiem of its rippling waves; for he is not dead, but sleepeth, his pure soul having risen, until resurrection's dawn, to rest on high in realms of eternal bliss with his Maker, for—

Death's but a path that must be trod,
If man would ever pass to God.

Mr. TALIAFERRO. Mr. President, WILLIAM JAMES BRYAN, late a Senator from the State of Florida, died in the city of Washington, Sunday, March 22, 1908. He was born October 10, 1876, near Fort Mason, Fla., and on his next birthday would have been but 32 years old. Only one Senator, I understand, began his career in this body at an earlier age, and none, I believe, with a promise of a more brilliant and useful future.

He was the son of Hon. John M. Bryan, a native of Hamilton County, Fla., who went in 1868 as a pioneer to Orange County, then a country without railroads, sparsely settled and devoid of many advantages, but which, under the influence of the sturdy pioneer, has since become one of the most prosperous and promising sections of the State. The father has filled many offices of trust in Florida, was a member of the legislature and a member of the railroad commission, and all his career has been marked with integrity and ability. Senator BRYAN'S mother was descended from the Huguenots—a people who gave up their native land and all of its ties and associations of home and kindred to find an asylum where they might worship God in their own way. Brave types were these. Each had a history of hardship, toil, peril, and privation, and the son of such a union could not fail if he toiled and endured in keeping with the ambitions and traditions of his ancestors.

Senator BRYAN was reared on his father's farm, and his early education was acquired in the Osceola High School at Kissimmee, near his home. He soon took rank as a faithful, diligent, and ambitious student. His vacations, as a rule, were spent in study, and he thus equipped himself for college. He entered Emory College at Oxford, Ga., at an early age, graduating with the degree of bachelor of arts. In his junior and senior years he was one of the ablest members of the debating team of the college, his election to the team being an unusual honor for one in his junior year. Having won his degree at Oxford, he taught school for a year at Monticello, Ga., and, after school hours, continued his studies, particularly in the law, which had become the guiding star of his ambition.

At the end of this period he entered Washington and Lee University, where his ability as a debater was quickly recognized, and he was chosen for the high honor of representing the university in the intercollegiate debate at Lexington, Va.

In June, 1899, he graduated from Washington and Lee with the degree of LL. B. and the proud distinction of completing the two years' course in one. Considering the double duty he thus exacted of himself as a student, it is a remarkable fact that he also won distinction among the champions in the athletic field, demonstrating thereby that he was still under the healthful spell of the woods and prairies of his Florida home.

Three months after graduating from Washington and Lee University he removed to Jacksonville, where he established himself in the practice of law and won at once the esteem and confidence of the people. He was regarded as an earnest worker and a clear and safe counselor, learned both in the law and the practical common sense of his father's fireside. His life was upright and correct. When he first went to Jacksonville he was practically a stranger, but soon made fast and firm friends and was especially popular among the young men. He joined their organizations and went into their athletic sports with zeal and enthusiasm. He won their confidence and held it throughout his short career in his adopted home.

Three years after his first going to Jacksonville he entered the political field as a candidate for county solicitor, and, after a vigorous and tireless campaign, won an overwhelming victory over his opponent, carrying every election precinct in the county

except two. He entered upon the duties of the office in May, 1903. The legislature, then in session, passed stringent laws against Sunday saloons. Solicitor BRYAN gave notice that he would enforce the law and that all violators would be vigorously prosecuted, and he kept his word. He proceeded also against gambling, and within two years there was not known to be a gaming place in the city. He also instituted proceedings to compel delinquents to pay their licenses, filing in all nearly 2,000 informations, and was peculiarly vigorous in his prosecutions of what he regarded as combinations in restraint of trade. In 1904 he was a candidate as delegate from the State at large to the national Democratic convention, having been elected in the State primary by a very large and flattering vote. In 1906 he had no opposition for the nomination and election as county solicitor, and held this office until he was appointed to the United States Senate to fill the unexpired term of the late Senator MALLORY.

Before leaving for Washington to take up his duties as a member of this body, he said:

I shall accept the governor's commission, and I propose to justify his action in the minds of all fair-minded Democrats by as earnest, energetic, and unflagging devotion to the interests of the people of Florida as is humanly possible.

In 1904 there were several candidates before the Democratic primaries for governor of Florida, among them the Hon. N. B. Broward, the present governor of the State. The campaign in behalf of the governor was successfully directed by Senator BRYAN, and as there were strong and influential candidates in the race, the victory he won showed, for so young a man, a high evidence of political and executive ability. The friendship between him and the governor was close and strong, and when, on last Christmas day—a peculiarly fitting time—the latter offered Senator BRYAN the appointment to succeed Senator MALLORY, he acted only in keeping with the genius of such a friendship.

Senator BRYAN'S appointment was dated December 26, 1907, but he did not take his seat until January 9, 1908. He came to Washington just recovering from the grip, and a month later was attacked with typhoid fever. Although usually full of strength and vitality, he was so reduced that he was unable to combat the disease, and after a long illness, full of suffering, he died Sunday morning, March 22. The last ray of life light in his eyes rested upon the face of his young and devoted wife—the sweetheart of his college days, the light of his home, and the mother of his little son, and when he crossed over the brink into the glory of that other world it was her loving hand clasped in his that gave him comfort and courage in meeting the end.

I regard the death of Senator BRYAN as perhaps the saddest in the history of the Senate. Older men have passed away, but their course was run and their lives were finished and rounded to completeness with deeds done and laurels won. But here was a young man, rugged with the strength of the pioneer blood in his veins, handsome, magnetic, earnest, clean of thought, sturdy of character, and endowed with brilliant intellect—all the foundation of a life of great usefulness—cut down at the very threshold of his career. His passing away is one of those mysteries beyond our understanding, but into the wisdom of which it is not the province of good men to inquire.

Senator BRYAN entered upon the work of the Senate with the deepest interest. No important question was discussed upon which he did not, if necessary, burn the midnight oil that he might understand it in all its details. His legal training made him observant of every point of view; and although a partisan and holding steadfast to the principles of his party, he was generous in his belief that differences among right-thinking men were honest differences and born of convictions of what was right and wise and just.

The youth and promise of Senator BRYAN appealed to the kindly interest of the whole country. His reception in Washington by the Senate, by the President, by the people of the city, by the press, by high officials of the Departments, was generous in the extreme, and the memory of it will always be a source of pride and gratification to his kindred and the people of Florida.

His career here, while all too short, was long enough to impress all with his force, his earnestness, his purity of character, his high ideals, and his intense patriotism.

Mr. President, as a further mark of respect to the memory of my deceased colleagues, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, May 4, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 2, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The pending question is on the motion of the gentleman from Iowa, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The question was taken.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. I make the point of order that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] Sixty-one gentlemen present—not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; all those in favor of the motion will, as their names are called, answer "yea;" those opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 248, nays 3, answered "present" 9, not voting 128, as follows:

YEAS—248.

Acheson	Diekema	Hull, Tenn.	Payne
Adair	Dixon	Humphrey, Wash.	Pearre
Adamson	Draper	James, Ollie M.	Perkins
Aiken	Driscoll	Jenkins	Pollard
Andrus	Dwight	Johnson, S. C.	Porter
Ansberry	Ellerbe	Jones, Va.	Rainey
Ashbrook	Ellis, Mo.	Jones, Wash.	Randell, Tex.
Bannon	Ellis, Oreg.	Kahn	Reeder
Barchfeld	Englebright	Keifer	Rhinock
Barclay	Esch	Kennedy, Iowa	Richardson
Bartholdt	Ferris	Kennedy, Ohio	Robinson
Bartlett, Nev.	Finley	Kinkaid	Rodenberg
Beale, Pa.	Flood	Kipp	Rothermel
Beall, Tex.	Floyd	Knapp	Rucker
Bede	Fordney	Knopf	Russell, Mo.
Bell, Ga.	Foster, Ill.	Knowland	Russell, Tex.
Birdsall	Foster, Ind.	Küstermann	Ryan
Bonynge	Foster, Vt.	Lamar, Mo.	Saunders
Booher	French	Landis	Scott
Bowers	Fuller	Langley	Shackleford
Boyd	Gaines, W. Va.	Laning	Sheppard
Brodhead	Garner	Law	Sherley
Brownlow	Gilhams	Lawrence	Sherman
Brumm	Gillespie	Lenahan	Sherwood
Brundidge	Gillett	Lever	Sims
Burgess	Goebel	Lewis	Slayden
Burleigh	Gordon	Lindbergh	Slemp
Burleson	Graff	Lloyd	Small
Burnett	Graham	Longworth	Smith, Cal.
Byrd	Granger	Loud	Smith, Iowa
Caldwell	Greene	Lowden	Smith, Mich.
Campbell	Gregg	McCall	Smith, Mo.
Candler	Gronna	McDermott	Smith, Tex.
Capron	Hackney	McGuire	Snapp
Carter	Hale	McKinlay, Cal.	Southwick
Caulfield	Hall	McKinley, Ill.	Sparkman
Chaney	Hamill	McKinney	Sperry
Chapman	Hamilton, Iowa	McLachlan, Cal.	Spight
Clark, Fla.	Hamilton, Mich.	McLain	Stafford
Clark, Mo.	Hamlin	McLaughlin, Mich.	Stanley
Clayton	Harding	McMorran	Steenerson
Cole	Hardwick	Macon	Stephens, Tex.
Conner	Hardy	Madden	Sterling
Cook, Colo.	Haskins	Madison	Stevens, Minn.
Cooper, Pa.	Haugen	Mann	Sturgiss
Cooper, Tex.	Hawley	Marshall	Sulloway
Cooper, Wis.	Hay	Maynard	Tawney
Cousins	Hayes	Miller	Taylor, Ala.
Cox, Ind.	Heflin	Moon, Tenn.	Thistlewood
Craig	Helm	Moore, Tex.	Thomas, N. C.
Cravens	Henry, Conn.	Morse	Thomas, Ohio
Crumpacker	Henry, Tex.	Murphy	Tou Velle
Currier	Higgins	Needham	Townsend
Cushman	Hill, Miss.	Nelson	Volstead
Dalzell	Hinshaw	Nicholls	Washburn
Darragh	Holliday	Norris	Watkins
Davey, La.	Houston	Nye	Weeks
Davidson	Howell, N. J.	O'Connell	Wheeler
Davis, Minn.	Howland	Padgett	Wilson, Ill.
Dawson	Hubbard, Iowa	Page	Wilson, Pa.
De Armond	Hubbard, W. Va.	Parker, N. J.	Wood
Denver	Hughes, N. J.	Parker, S. Dak.	Woodyard

NAYS—3.

Harrison	Johnson, Ky.	Kelliher

ANSWERED "PRESENT"—9.

Adamson	Garrett	Hill, Conn.	Humphreys, Miss.
Bennet, N. Y.	Glass	Howell, Utah	Roberts
Butler			

NOT VOTING—128.

Alexander, Mo.	Bates	Broussard	Carlin
Alexander, N. Y.	Bennett, Ky.	Burke	Cary
Allen	Bingham	Burton, Del.	Cockran
Ames	Boutell	Burton, Ohio	Cocks, N. Y.
Anthony	Bradley	Calder	Cook, Pa.
Bartlett, Ga.	Brantley	Calderhead	Coudrey

Crawford	Goulden	Littlefield	Prince
Davenport	Griggs	Livingston	Pujo
Dawes	Hackett	Lorimer	Ransdell, La.
Denby	Haggott	Loudenslager	Rauch
Douglas	Hammond	Lovering	Reid
Dunwell	Hepburn	McCreary	Reynolds
Durey	Hitchcock	McGavin	Riordan
Edwards, Ga.	Hobson	McHenry	Sabath
Edwards, Ky.	Howard	McMillan	Sulzer
Fairchild	Huff	Malby	Talbott
Fassett	Hughes, W. Va.	Mondell	Taylor, Ohio
Favrot	Hull, Iowa	Moore, Pa.	Tirrell
Fitzgerald	Jackson	Moon, Pa.	Underwood
Focht	James, Addison D.	Mouser	Vreeland
Fornes	Kimball	Mudd	Waldo
Foss	Kitchin, Claude	Murdock	Wallace
Foulkrod	Kitchin, Wm. W.	Olcott	Wanger
Fowler	Lafean	Olmsted	Watson
Fulton	Lamar, Fla.	Overstreet	Webb
Gaines, Tenn.	Lamb	Parsons	Weems
Gardner, Mass.	Lassiter	Patterson	Weisse
Gardner, Mich.	Leake	Peters	Wiley
Gardner, N. J.	Lee	Pou	Willett
Gill	Legare	Powers	Williams
Godwin	Lilley	Pratt	Wolf
Goldfogle	Lindsay	Pray	Young

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BENNET of New York with Mr. FORNES.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. WATSON with Mr. WILLIAMS.

Mr. WALDO with Mr. WILLETT.

Mr. VREELAND with Mr. UNDERWOOD.

Mr. TIRRELL with Mr. TALBOTT.

Mr. PRINCE with Mr. SULZER.

Mr. PARSONS with Mr. SABATH.

Mr. OVERSTREET with Mr. REID.

Mr. MOON of Pennsylvania with Mr. RAUCH.

Mr. MALBY with Mr. RANSDELL of Louisiana.

Mr. MCMILLAN with Mr. PUJO.

Mr. MCGAVIN with Mr. POU.

Mr. LOVERING with Mr. PETERS.

Mr. LOUDENSLAGER with Mr. PATTERSON.

Mr. LORIMER with Mr. LINDSAY.

Mr. LAFEAN with Mr. LEE.

Mr. ADDISON D. JAMES with Mr. LEAKE.

Mr. HULL of Iowa with Mr. LAMB.

Mr. HUGHES of West Virginia with Mr. CLAUDE KITCHIN.

Mr. HEPBURN with Mr. HUMPHREYS of Mississippi.

Mr. GARDNER of Michigan with Mr. HITCHCOCK.

Mr. OLCOTT with Mr. HAMMOND.

Mr. FOCHT with Mr. HACKETT.

Mr. DUNWELL with Mr. GOLDFOGLE.

Mr. COOPER of Pennsylvania with Mr. GAINES of Tennessee.

Mr. CALDERHEAD with Mr. FITZGERALD.

Mr. CALDER with Mr. FAVROT.

Mr. BURKE with Mr. DAVENPORT.

Mr. BATES with Mr. CRAWFORD.

Mr. ANTHONY with Mr. CARLIN.

Mr. ALEXANDER of New York with Mr. ALEXANDER of Missouri.

Mr. REYNOLDS with Mr. WEBB.

Mr. BURTON of Delaware with Mr. LASSITER.

Mr. FOULKROD with Mr. MCHENRY.

Mr. DOUGLAS with Mr. LIVINGSTON.

Mr. HILL of Connecticut with Mr. GLASS.

Mr. MOORE of Pennsylvania with Mr. COCKRAN.

Mr. BINGHAM with Mr. LAMAR of Florida.

Mr. OLMSTED with Mr. WEISSE.

Mr. FAIRCHILD with Mr. GODWIN.

Mr. DENBY with Mr. FULTON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. MUDD with Mr. WALLACE.

Mr. BENNETT of Kentucky with Mr. EDWARDS of Georgia.

Mr. COUDREY with Mr. HOBSON.

Mr. MCCREARY with Mr. HOWARD.

Mr. BOUTELL with Mr. GRIGGS.

Mr. TAYLOR of Ohio with Mr. WILEY.

For the day:

Mr. POWERS with Mr. PRATT.

Mr. CARY with Mr. WOLF.

For the balance of the week:

Mr. FASSETT with Mr. RYAN.

Mr. GARDNER of New Jersey with Mr. GARRETT.

Until Tuesday:

Mr. COCKS of New York with Mr. GILL.

The result of the vote was then announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. DALZELL in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. The Clerk will read.

Mr. TAWNEY. Mr. Chairman, as I recall the situation, last evening just before the committee rose there was a point of order reserved by the gentleman from New York [Mr. PERKINS]. I do not think that he withdrew the point.

Mr. PERKINS. Yes, Mr. Chairman, I withdrew the point of order in view of the statements made by the chairman of the committee.

The Clerk read as follows:

For recording every assignment, agreement, power of attorney, or other paper of 300 words or under, $1; of over 300 and under 1,000 words, $2; and for each additional thousand words or fraction thereof, $1.

Mr. MANN. Mr. Chairman, I reserve the point of order on that. Is this an increase in the cost in the Patent Office for furnishing copies?

Mr. TAWNEY. It is.

Mr. SMITH of Iowa. It is not for copies; it is for recording.

Mr. MANN. That is the recording of applications?

Mr. SMITH of Iowa. Assignments.

Mr. TAWNEY. Certified copies of patents.

Mr. SMITH of Iowa. Assignments of patents.

Mr. TAWNEY. Assignments, I should say, of patents. I will say to the gentleman that when the present statute was enacted assignments of patents covered only a very few pages, if it covered more than one. The character of patents and the importance of patents has so changed and the documents used in the assignment of patents have so increased that the Government of the United States to-day is paying for the work of making these certified copies at least 100 per cent more than the people who receive these certified copies of patents pay for the service.

Mr. MANN. This is not for certified copies, I will say to the gentleman. What is now paid for recording and assignment of patents?

Mr. SMITH of Iowa. The same rates as these, except there is a maximum of $3, no matter how big it is.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, $500,000, to be immediately available, of which sum $250,000 is for the purpose of bringing up the work of the General Land Office hereunder so as to make the same current: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Mr. MANN. Mr. Chairman, I make the point of order on the proviso in this paragraph. I have no objection to that part allowing the per diem in lieu of subsistence.

Mr. TAWNEY. Mr. Chairman, the part I suppose the gentleman objects to is allowing the Secretary of the Interior to appoint these agents.

Mr. MANN. Instead of having them appointed in the regular way.

Mr. TAWNEY. Under the civil service. They are all appointed now by the Secretary of the Interior.

Mr. MANN. Is there any special reason why that should be so?

Mr. TAWNEY. It always has been done, and because of the fact that the Department is not able to secure men possessing the qualifications that are necessary in the examination of these land quesions. These special agents have always been selected in this way.

Mr. MANN. Mr. Chairman, I know they have always been selected in this way, and that is what I am complaining about. They have become political appointments instead of appointees selected for efficiency. They may be of value to some few Members of Congress, for aught I know.

Mr. TAWNEY. I can not agree with the gentleman's statement that they are political appointments. I know personally they are not.

Mr. MANN. When I said they might be of value to some few Members of Congress I made a mistake. I think they are usually, so far as they do political work, in opposition to the Members of Congress from various districts. But they apply only to a few Congressional districts. These men ought to be experts as a rule. Some of them, at least, ought to be forestry experts. There are a number of forestry schools in the country from which it is easy to secure first-class men in reference to such matters.

Mr. TAWNEY. Well, the gentleman from Illinois [Mr. MANN] must necessarily know that the work of these special agents, who are appointed to make the investigations in regard to fraud upon the public domain, must necessarily be done by men not only of some legal attainments, but they must have some experience and some tact in order to conduct and transact the business for which they are employed. It requires a peculiar fitness, and it requires more or less experience in the administration of the public-land laws in order to qualify a man for the discharge of the duties in this position.

Mr. MANN. That is exactly it.

Mr. TAWNEY. And it is because of this fact that these agents have never been classified, and have always been appointed by the Secretary of the Interior. It has been found absolutely necessary in the experience of the office in the adminstration of the public-land laws to have men appointed in this way.

Mr. MANN. So far as the men who are now in the service are concerned, if it is desired to retain them in the service, that can be done in a very simple way by the President covering them into the classified service, which undoubtedly would be done and done properly. The Secretary of the Interior himself is a former Commissioner of Civil Service. He does not believe in this system of political appointments, and I can see no reason why Congress should force him to make appointments in a way that he does not believe he ought to exercise.

Mr. TAWNEY. If the gentleman will permit me, Congress is not forcing him. He has asked for this authority, and he asked it, notwithstanding his experience as a former Commissioner of the Civil Service. He asks it because of his knowledge of the qualifications of men obtained through the Civil Service Commission, and his knowledge of the necessary qualifications of men capable of performing this particular service. Now, if the gentleman will permit me, the Land Office is very much in arrears in the investigation of these claims. What they want and what the Secretary of the Interior recommended was this increase of appropriation for general purposes. In the judgment of the committee they thought that this additional force should be limited to the work that has now accumulated, and when the work is up current then the size of the force of special agents will again drop back to where it has always been and where they can keep the work up current hereafter. They are to be employed on the work that is now awaiting the action of the Interior Department. When before the committee the Secretary said this:

> A special agent now must be a man of vigor, for he very often has to walk on the trail 25 or 26 miles a day if he can not get any other way of transit. If he is not in a country that is wooded, he may be able to get a buggy, and there he may have to drive 50 miles a day and put up with discomfort. We want men learned in the law so far as possible, because they have to appear before registers and receivers and conduct these cases. Then we must have men who are gentlemen, because there is nothing that hurts the service more than to get hold of a man who is a bulldozer, one who may go up to a homesteader and say, "You can not get your claim." That hurst the service and we do not stand for it. We are trying to get a class of young, bright, active fellows.

Now, those are some of the reasons why the Secretary of the Interior recommended that he be permitted to appoint these men. Then he can select from among the applicants, knowing the character of the service, knowing the duties they will have to perform. Knowing these things, he is far better qualified to make an examination as to the fitness of the applicants than the Civil Service Commission; and it is in the interest of the public service that this discretion be given to the Secretary in the matter of the appointment of these men, whose employment is absolutely necessary to get the work up current in order that the homesteaders now waiting for the final adjustment of their claims may secure their titles.

Mr. MANN. Does the Secretary of the Interior state that in his opinion he can not secure proper officials in the ordinary manner of appointment through the Civil Service Commission?

Mr. TAWNEY. I do not know that he states specifically that he can not get the men. I infer from statements that they can not. My statement is based also upon the fact that while employees in every branch of the public service have been covered into the classified service, these men, because of the peculiar character of their work, have never been classified. This, I infer, would have been, had it been believed the men required could be obtained through the civil service.

Mr. BONYNGE. Are you certain that is true as to the men who are now in that service?

Mr. TAWNEY. The special agents are not now in the classified service.

Mr. BONYNGE. Are not those now in that service in the classified service?

Mr. TAWNEY. No; they are not, and never have been in the classified service.

Mr. MANN. Does the gentleman state there is any difficulty in securing the number needed from the classified service?

Mr. TAWNEY. It has not been possible heretofore, or it has been believed to be impossible, to get men from the classified roll, in the judgment of those who have it in their power to classify the men if they see fit to do so.

Mr. MANN. Oh, the gentleman knows as well, or better than I do, that there is a tendency on the part of Government officials everywhere where they can appoint special agents to travel around, to try to make special appointments.

Mr. SMITH of Iowa. It has been carried in this way for about ten years.

Mr. MANN. I know, and I made the point of order on this nearly ten years ago, and it went out on the point of order. It went over to the Senate and it came back with this on it, and it was agreed to by the committee.

Mr. TAWNEY. And by the House.

Mr. MANN. Agreed to because—well, I will not say that is the reason, but probably would have been agreed to by the House anyhow. Now, some Members may be interested in some of these agents; I do not know, I doubt that, but that is no reason why the Government should be constantly put in a position, and the House be constantly put in the position of requiring a civil-service reformer—and I say that with all respect, because I have a very great admiration for the Secretary of the Interior—to violate everything he has ever said on the subject, in the appointment of some special agents when you can get all you want by civil-service examination. The Commissioners could ask the Secretary of the Interior to prepare the examination questions, to prepare all of the information that is to be furnished by the applicant, the character of the application, and yet they say they want Congress to assume the burden of violating the sentiment and morale of the law.

Mr. TAWNEY. I hope the gentleman from Illinois [Mr. MANN] will take into consideration the fact that the character of this service is temporary. It is not intended to keep these men employed regularly, but they have got behind with their work.

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. I ask unanimous consent for five minutes more.

Mr. TAWNEY. I think 180,000 cases.

Mr. MANN. Does the gentleman from Minnesota [Mr. TAWNEY] say that this is temporary work—

> To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriations—

Is that temporary work as long as we have the public domain?

Mr. TAWNEY. Why, no; I do not say so, but I do say this, that, "of the sum appropriated, $250,000 is for the purpose of bringing up the work of the General Land Office hereunder so as to make the same current." Now, that language was put in there by the committee for the special purpose of their not hereafter coming to Congress after the work is up current and claiming that they had so much the year before and therefore they must have this much next year. Now, we want to give them what service is necessary to bring their work up current, and then when that work is brought up current Congress will have the power to again reduce their appropriation.

Mr. MANN. I would be willing to make an agreement with the gentleman, if this temporary—and that is all the gentleman is figuring about, namely, to have these appointees for the temporary appropriation made by the Secretary of the Interior—I would be willing to make an agreement to withdraw the point of order if next year, when the temporary appropriation goes out, the authority to make appointment for the permanent work is also taken away from the Secretary of the Interior.

Mr. TAWNEY. I will say to the gentleman——

The CHAIRMAN. The gentleman's time has again expired.

Mr. TAWNEY. I ask unanimous consent that the time of the gentleman from Illinois [Mr. MANN] may be extended five minutes.

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] had the time.

The CHAIRMAN. The gentlemen had five minutes apiece, and it is all gone.

Mr. TAWNEY. It is not intended that this authority shall apply to any except those that are necessary to bring the work up current. That is all.

Mr. MANN. Mr. Chairman, I do not like to put my judgment in this particular matter up against the Committee on Appropriations, although I want to say I think it is simply rotten that Congress should be constantly called upon to require Department officials to make appointments outside of the civil-service law when those same officials are constantly criticising Congress for its attitude in opposing civil-service reform and holding themselves up as high and mighty prophets of civil-service reform. I think that if the appointment of men under the civil-service law is good for one branch of the service under John Smith, it is good for another branch of the service under John Jones, and there ought to be no distinction made. But, in view of the particular temporary character of this work, as explained, I will withdraw the point of order. [Applause.]

The Clerk read as follows:

Examinations of desert lands: The unexpended balance of the appropriation of $1,000 made by the act of Congress approved March 3, 1905, to enable the Secretary of the Interior to examine, during the fiscal year 1906, under such regulations and at such compensation as he may prescribe, the desert lands selected by the States under the provisions of section 4 of the act of Congress approved August 18, 1894, is hereby continued and made available for expenditure in such examinations that may be made during the fiscal year 1909: *Provided*, That if such examinations be made by detailed clerks or employees of the Department, they shall be entitled to actual necessary expenses of transportation, including necessary sleeping-car fares, and not exceeding $3 per day in lieu of subsistence.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman whether this paragraph refers to examination of desert lands selected under the Carey Act?

Mr. TAWNEY. Yes; those are the examinations made under the Carey Act. This reads:

Provided, That if such examinations be made by detailed clerks or employees in the Department, they shall be entitled to actual necessary expenses of transportation, including sleeping-car fares.

And so forth.

Mr. MANN. How much is the appropriation? One thousand dollars?

Mr. TAWNEY. One thousand dollars; yes.

Mr. MANN. Did the gentleman's committee take into consideration the adequateness of this appropriation?

Mr. TAWNEY. There has been practically nothing expended under the appropriation for the last two or three years.

Mr. MANN. Well, that is very likely. Mr. Chairman, the State of Idaho has already received 1,000,000 acres under the Carey Act, and they brought a proposition before Congress to give that State 2,000,000 acres more under the Carey Act, with the proposition to give various other States a large amount of acreage under the Carey Act. No Government official knows whether the Carey Act is being observed by the State of Idaho or the other States or not. There is no examination made by the Government to ascertain whether this desert land turned over to these States is being irrigated in accordance with the provisions of the Carey Act or not.

Now, it seems to me that when the Government is carrying on great irrigation works on the one hand itself, and then offering to turn over lands which will become of great value since irrigation has become a known success, turning over great quantities of acreage of land to States on the basis that they shall in some way cause the land to be irrigated, the Government ought to have an examination to ascertain whether these laws are being carried into effect or not. When the State of Idaho or any other State may be making contracts with some corporation for the sale of some several hundred thousand acres of land for irrigation, we ought to know whether the land is being irrigated before we vote additional acreage.

Here is an unexpended balance of $1,000 proposed. No portion of it has been expended for several years for the Government to ascertain whether this enormous acreage of land now proposed to be taken from the Government is taken under conditions which the Government intended to have fulfilled.

Mr. TAWNEY. Mr. Chairman, I am in entire sympathy with the gentleman in regard to the administration of the Carey Act. I believe that there should be some investigation by the proper committee of the House having jurisdiction of public lands and public-land laws and their honest administration. I will say, further, that if it is not done before the Committee on Appropriations considers this estimate again it will be done by that committee.

I want to call the attention of the gentleman to the fact that when before the committee the Secretary said in reply to this inquiry:

The CHAIRMAN. You omit the item for examination of desert lands?

Mr. GARFIELD. I found out about that to-day. It simply asks for the reappropriation of the unexpended balance. The thousand dollars has not been expended that was appropriated in 1906. It is for desert-land entries under the Carey Act. So far it has not been needed within the last two years. There are some Carey Act cases coming in, and we may need that during the next year, so if you will leave the reappropriation of the unexpended balance, striking out the brackets, simply as it was last year, we will be glad.

As a matter of fact, they had recommended dropping this item entirely until the attention of the Secretary was brought to the fact by the committee at the time of the hearing.

Mr. MANN. If the gentleman will permit, since these bills were reported in giving to Idaho 1,000,000 acres additional as passed by the Senate, reported to the House to give the State of Idaho 2,000,000 acres more, various other States it is proposed to give large acreage to. I have made some casual investigation as to what the Department is doing in reference to it, and my information has been that the Department has made no examination as to whether these States are carrying out the Carey law, because they have no money to begin with. A thousand dollars, of course, would be a mere bagatelle.

Mr. TAWNEY. There is nobody to blame except the Department for that. They got all they estimated for.

Mr. MANN. I am not criticising the Committee on Appropriations, but calling the attention of the committee to this proposition, which is a pretty live wire, that we are asked to turn over a million acres of land to a half dozen or more Western States, in which we are carrying on at great expense irrigation plants, in order to permit these States to turn over to corporations as much as 100,000 acres of land, when we will not turn over more than 160 or more than 40 acres to one individual. It strikes me it is something that is worthy of attention.

The Clerk read as follows:

Restoration of lands in forest reserves: To enable the Secretary of the Interior to meet the expenses of advertising the restoration to the public domain of lands in forest reserves, or of lands temporarily withdrawn for forest-reserve purposes, $12,000.

Mr. PERKINS. Mr. Chairman, I reserve the point of order to that paragraph in order to ascertain what it means.

Mr. TAWNEY. I will read what Mr. Dennett said when before the committee, on page 330 of the hearings:

The chairman asked him this question:

The next item is "Restoration of lands in forest reserves." Your current appropriation is $2,000, and you ask for $8,000 for the next year. You had a deficiency appropriation of $10,000 for the current year.

Mr. DENNETT. We have now pending in the office 1,000 lists, applications for homesteads within forest reserves. That takes about $8 a list. We will use up all of the $10,000 that you gave us in January, and I presume it is reasonable to suppose that we will have over 1,000 next year. We could use the smaller appropriation and then come in for a deficiency, if you think that would be better.

Now, under the law these homestead entries are made within forest reserves, and the advertising that this appropriation is intended to provide for is directed by law to be made.

Mr. PERKINS. At the same time I would like to ask the gentleman in reference to the next item, $18,000, for the furnishing of transcripts.

Mr. TAWNEY. This is for the Land Office.

Mr. PERKINS. What are they taken for?

Mr. TAWNEY. They furnish a transcript and record, and it is furnished to persons who buy the land, or for the use of the Government. It produces an amount that is more than the amount expended by the Government.

Mr. PERKINS. I withdraw the point of order.

The Clerk read as follows:

For surveys and resurveys of public lands, $425,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the acts approved February 22, 1889, and the acts approved July 3 and July 10, 1890; and, second to surveying under such other acts as provide for land grants to the several States and Territories, except railroad land grants and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture and lines of reservations, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth rates not exceeding $13 per linear mile for standard and meander lines, $11 for township and $7 for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding $18 per linear mile for standard and meander lines, $15 for

township and $12 for section lines: *Provided further*, That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $23 for township and $20 for section lines; the provisions of section 2411, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon, are hereby extended to all of the above-named States and Territories and district. And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation, not exceeding $6 per day, except in the district of Alaska, where a compensation not exceeding $10 per day may be allowed one such surveyor and such per diem allowance, in lieu of subsistence, not exceeding $3, while engaged in field examinations, as he may prescribe, said per diem allowance to be also made to such clerks who are competent surveyors who may be detailed to make field examinations, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making, by such competent surveyors, fragmentary surveys and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States: *Provided further*, That the sum of not exceeding $25,000 of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal monuments to be used for public-land survey corners wherever practicable.

Mr. MACON. Mr. Chairman, I make the point of order against that part of the paragraph just read, commencing with line 24, page 73, and extending down to and including line 16, on page 75. It extends special privileges to certain States in so far as special prices for surveys will extend them.

The CHAIRMAN. Will the gentleman from Arkansas kindly state his point of order?

Mr. MACON. The paragraph makes a change in existing law.

Mr. TAWNEY. I suggest that the gentleman's point of order ought to extend only from line 24, on page 73, to line 13, on page 74, to the word "district." The balance of it is not subject to a point of order, while that part that I have mentioned undoubtedly is, because the rates allowed there are in excess of the statutory rates. The reason for the excess is stated in the paragraph. If the gentleman includes all that he has stated, I shall oppose the point of order.

Mr. MACON. As I understand it, the whole paragraph is subject to a point of order. If there are any parts of it that are based upon existing law, then the chairman of the committee can offer such parts as an amendment to the bill; but all being together, and being a part and parcel of the whole, with the illegal features embodied in it, the whole paragraph, as I understand it, becomes subject to a point of order.

The CHAIRMAN. Does the gentleman make the point of order against the whole paragraph?

Mr. MACON. I make the point of order against the part of the paragraph beginning with line 24.

Mr. TAWNEY. Beginning with the words "*Provided further.*"

Mr. MACON. Beginning with "*Provided further*," on page 73, and extending throughout page 74, down to and including line 16, on page 75.

Mr. TAWNEY. I submit that the point of order is not well taken against that part of the paragraph. The gentleman does not make a point of order to the entire paragraph, and the point does not lie against that part to which he has made the point, for the reason that after the word "district," in line 13, the Chairman will observe that there is a limitation upon the expenditure of the appropriation for surveying:

And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation, not exceeding $6 per day, except in the district of Alaska.

And then follows the rate of compensation which he shall not exceed. Then the proviso at the end of the paragraph—

Provided further, That the sum of not exceeding $25,000 of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal monuments to be used for public land survey corners wherever practicable.

Now, these surveys are authorized by law. Also the monuments are authorized by law, but the character of the monument is not described. This appropriation is made for the purchase and establishment of metal monuments, instead of the monuments that have heretofore been used. It would be entirely competent to make a specific appropriation for these monuments. Instead of doing that, however, we segregate so much of the appropriation and make it available for the purchase of these metal monuments, which are authorized by law. So I say that from line 13 to the end of that paragraph it is not subject to a point of order.

Mr. MACON. Line 13 on what page?

Mr. TAWNEY. Pages 74 and 75. From line 13 to the word "district," on page 74, including all of page 75, is a limitation on the total appropriation, and the other part is an appropriation of money which the law authorizes.

Mr. MANN. How far does the point of order of the gentleman from Arkansas go?

Mr. TAWNEY. He extends it clear from the bottom of page 73 to the end of the paragraph, on page 75.

Mr. MACON. To the end of the paragraph, on page 75, including line 16.

Mr. MANN. Does the gentleman desire to prevent the use of metal monuments in place of the stone monuments? That is the last proviso.

Mr. MACON. The part of it which I mainly contend against is contrary to existing law. Beginning with "*Provided further*," at line 24, on page 73, it reads:

That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $23 for township and $20 for section lines; the provisions of section 2411, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon, are hereby extended to all of the above-named States and Territories and district.

If that is not a change of existing law, then I do not understand what it would take to make a change of law. It extends opportunities for surveying lands in certain States that they do not have under existing law, and hence must be a change of existing law.

Mr. MANN. If the gentleman from Arkansas will permit. The gentleman from Minnesota concedes that that portion which the gentleman from Arkansas has just read is subject to a point of order. May I inquire whether he cares to make the point of order on the balance of the paragraph?

Mr. MACON. Beginning on line 13, page 74, the paragraph reads as follows:

And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation, not exceeding $6 per day, except in the district of Alaska, where a compensation not exceeding $10 per day may be allowed one such surveyor, and such per diem allowance, in lieu of subsistence, not exceeding $3, while engaged in field examinations, as he may prescribe, said per diem allowance to be also made to such clerks who are competent surveyors who may be detailed to make field examinations, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making, by such competent surveyors, fragmentary surveys and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

So it is not necessary for me to point out to one who is so well informed as the present occupant of the chair that this is a change of existing law. I insist on the point of order.

Mr. TAWNEY. I want to call the attention of the Chair and also of my friend from Arkansas to the fact that this paragraph appropriates $425,000 at rates not exceeding $9 per linear mile for standard and meander lines, $7 for townships, and $5 for section lines. Here is an appropriation of $425,000, under which the Secretary of the Interior, or the Commissioner of the General Land Office, will make these public surveys. If you strike out the language as proposed by the gentleman from Arkansas, there is no limitation whatever on the amount that the Secretary of the Interior can pay to these people that are employed by him in making these surveys authorized and appropriated for. The language that the gentleman proposes to strike out, from line 13 to the end of the paragraph, removes every possible limitation that the paragraph places upon the expenditure of the total sum appropriated for making public surveys. I do not think the gentleman from Arkansas wants to increase the discretion of the executive officers in the expenditure of $425,000.

Mr. MACON. Mr. Chairman, after the statement of the chairman I will withdraw the point of order as to all that part beginning with the word "and," in line 13, page 74, to the end of the paragraph.

Mr. MANN. Let me call the attention of the gentleman from Arkansas in that connection—I think the gentleman's point of order is well taken as to the whole paragraph—but the gentle-

man will notice that line 6, page 74, the provision in reference to the payment for services in certain States and Territories is at a rate not exceeding $25 per linear mile.

Now, it goes without saying that the cost in making a survey over a mountain is more per linear mile than it is for making a survey over a prairie. As I understand the law, there is no limitation now upon the amount that the Secretary of the Interior may pay for these mountain surveys, and here is the total of the appropriation, a sum appropriated; and while I think it subject to a point of order, I fully agree with the gentleman about that, still this is, in fact, a limitation upon the amount which the Secretary of the Interior may pay for this mountain service.

Mr. MACON. It allows greater pay for surveying in these States than is allowed for surveys in other States.

Mr. MANN. That is because the conditions are different; it is a mountainous condition. I think this provision only applies to the States where are situated the Rocky Mountains. They are named in this way merely as a matter of convenience, because it is a better description to name certain States than to say in States where the Rocky Mountains prevail, and it is intended to be not an extension of authority to the Secretary of the Interior, but a limitation of the amount which he may pay. I know that if I am correct in that view, and the gentleman from Arkansas should concur in that view, he would think that the provision ought to be in the bill and not go out.

Mr. MONDELL. Mr. Chairman, I think there is some question whether these provisions are subject to a point of order, but I hope in any event that the gentleman from Arkansas will not insist on the point of order. I will say to the gentleman that this provision has been in the bill for many, many years, and that, without this provision, the Secretary of the Interior has authority to let contracts, without limit as to cost, and the expense might be much greater in some cases than provided for in this paragraph. If he has not that authority, then it would be utterly impossible to get the service in a mountainous country. These higher prices are very rarely paid, but it is necessary to pay them in some instances in order to have surveys executed in a very rough, mountainous country.

Without this provision a contract let for the survey of a township some portion of which might be level would stop at the base of the mountains and the township would be left partially unsurveyed if there was no opportunity for increasing the rate for the survey of such land. I think there have been few cases where it has been claimed that an excessive price has been paid for public-land surveys. I have heard of few such complaints. I think the public-land surveys which are executed under competitive bids are generally executed at low rates, and the gentleman does not certainly desire to leave the statute in such form that it would be impossible to execute necessary surveys. If there had been any improper payments or extravagancies under this provision, it seems as though there might be some reason for striking it out; but I think the gentleman has heard of none such. I certainly have never heard any complaint, and when it is stricken out it is a question whether or not the Secretary may not pay in a given case a still higher rate.

Mr. MACON. Mr. Chairman, what the gentleman says appeals to me, but I notice that provision is made in a part of this paragraph which precedes the part I make the point of order against, which provides for survey or resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth for a higher pay than for ordinary land surveys. On page 73, line 11, beginning with the word "except," we find the following language:

Except that the Commissioner of the General Land Office may allow for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth rates not exceeding $13 per linear mile for standard and meander lines, $11 for township and $7 for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding $18 per linear mile for standard and meander lines, $15 for township and $12 for section lines.

That provides for a survey of mountainous lands. That provision allows the Commissioner to contract for surveys at a special price, but this proviso that I object to goes on to state that in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth rates not exceeding $25 per linear mile, for standard and meander lines. That extends a special privilege in the matter of the survey of the lands in these particular States.

The CHAIRMAN. The gentleman's time has expired.

Mr. MACON. Mr. Chairman, I am addressing myself to a point of order, but the Chair, of course, can say when my time for doing that has expired.

Mr. MONDELL. Mr. Chairman, I hope the gentleman will reserve his point of order for a moment. I want to call his attention to the fact, as did the gentleman from Illinois [Mr. MANN], that the States named are mountainous States.

Mr. MACON. But this provides for surveys in mountainous territory where the timber is heavy and the undergrowth is thick.

Mr. MONDELL. It provides for the survey in the ordinary mountainous regions of the country.

Mr. MACON. But it does not say the ordinary mountainous regions of the country.

Mr. MONDELL. This other provision Mr. Chairman, the gentleman must know is intended to cover those exceedingly rough mountainous regions that occur only in the Rocky Mountains, and there are some lands included in surveys that can not be surveyed even at these rates profitably, and yet if you do not allow for these extremely difficult conditions it may be utterly impossible to complete the survey of a township.

The gentleman understands, of course, that these rates are not paid over all the territory included in any contract, but only where the field notes of the surveyor, made under oath, and the report of the Government examiner following him, made under oath, are to the effect that the conditions referred to in this paragraph exist. In other words, conditions where it is almost impossible to carry a chain, where it is almost impossible under ordinary conditions to project a line, and so difficult are some of these surveys that efforts have been made in the past to secure legislation allowing the projection of a line by other methods than by chaining, but Congress has not seen fit to do that. But you reach oftentimes in a survey, a survey coming within the first classification, a limited territory where it is utterly impossible to survey except at the high rate.

Mr. MACON. Then, if the gentleman will permit me, I will state that I do not think that character of territory worth surveying, and for that reason no price ought to be paid for it. If it is so impossible to survey land as that, a band of surveyors with chain carriers and so on can hardly get over the territory to be surveyed, I do not see how it can be utilized after it is surveyed.

Mr. MONDELL. A condition of that kind may exist only for a mile or two or three miles, and then territory is reached of a character that can be surveyed at lower rates, at the minimum or intermediate rates; and, surely, it is not economy to drop a survey at a point like that and then take it up from another direction at extra expense and carry it on.

Mr. MACON. Let them take the bad with the good. We all have to do that, no matter what kind of a task we are performing.

The CHAIRMAN. Does the gentleman from Arkansas make the point of order?

Mr. MACON. Mr. Chairman, I make the point of order beginning with line 24, page 73, and ending with the word "district," in line 13, on page 74.

The CHAIRMAN. The Chair thinks that portion against which the point of order is made, beginning with the word "provided," line 24, on page 73, and ending with the word "district," line 13, page 74, is a substantive proposition, and the point of order would lie against it without destroying or taking out the remainder of the paragraph. The Chair further thinks that that portion of the paragraph against which the point of order is made is subject to the point of order, and therefore the point of order is sustained.

Mr. TAWNEY. The point of order is only from the beginning of the proviso to the word "district," in line 13, page 74.

The CHAIRMAN. Yes.

Mr. MACON. That is all, Mr. Chairman.

The Clerk read as follows:

UNITED STATES GEOLOGICAL SURVEY.

Office of the Director of the Geological Survey: For Director, $6,000; chief clerk, $2,500; chief disbursing clerk, $2,500; librarian, $2,000; photographer, $2,000; three assistant photographers, one at $900, one at $720, and one at $480; one clerk of class 2; three clerks of class 1; one clerk, $1,000; four clerks, at $900 each; four copyists, at $720 each; watchman, $840; four watchmen, at $600 each; janitor, $600; four messengers, at $480 each; in all, $35,340.

Mr. TAWNEY. Mr. Chairman, I have been requested by several Members to pass the remaining paragraphs under the head of United States Geological Survey, and I therefore ask unanimous consent that they may go over until Monday immediately following the House going into the Committee of the Whole House on the state of the Union.

Mr. NORRIS. Extending how far?

Mr. TAWNEY. All appropriations under the title of the United States Geological Survey.

Mr. MANN. Commencing with "Scientific assistants of the Geological Survey."

Mr. TAWNEY. Yes; down to "Miscellaneous objects, Department of the Interior," on page 80. It begins with line 17, page 76, and goes to the top of page 80, including lines 1 and 2.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that that portion of the bill included between line 17, page 76, and line 3, on top of page 80, having reference to the Geological Survey, be passed until next Monday. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman from Minnesota if that will be taken up as soon as we go into the Committee of the Whole House on Monday?

Mr. TAWNEY. That is what I said.

Mr. NORRIS. That was the request the gentleman from Minnesota made, that it be taken up immediately after going into the Committee of the Whole House.

Mr. TAWNEY. Immediately upon the House resolving itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil bill.

The CHAIRMAN. The first thing on Monday. The Chair adds that to the request of the gentleman from Minnesota.

Mr. MANN. That will include all amendments relating to the Geological Survey, examination of structural materials, and so forth?

Mr. TAWNEY. All are included in that.

Mr. MANN. And will come up at that time.

Mr. TAWNEY. All are included in that reservation.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I was necessarily absent from the House when the items of depredation on public timber, and so forth, page 69, were discussed, and I ask unanimous consent that I may have ten minutes to discuss that paragraph.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for ten minutes.

Mr. TAWNEY. Mr. Chairman, I do not know whether the gentleman's request would take the committee back to that paragraph. If it is for the purpose of offering an amendment——

Mr. MONDELL. I have no intention of offering an amendment; I simply desire to discuss the question. Mr. Chairman, I ask unanimous consent to discuss that paragraph.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wyoming is recognized for ten minutes.

Mr. MONDELL. Mr. Chairman, in the last Congress, in a discussion of this item, I opposed an increase of the appropriation above $250,000. This item provides for agents and others employed to protect the public timber, examine depredations on public timber, for the protection of public lands from illegal and fraudulent entry, and so forth. I have not opposed the increase of appropriation this year, and have, in fact, favored it, for the reason that I am assured that the increase is a temporary one, and that it is necessary to clean up the cases now before the Land Office. Mr. Chairman, had a sane and reasonable policy been pursued with regard to the public lands in the past this increase of $250,000 would have been entirely unnecessary; but, unfortunately, several years ago it was the policy of the Department to suspend land entries on the most flimsy pretext. The slightest suggestion, whether of a character entitling it to consideration or not, has been quite sufficient to suspend land entries by the thousand.

The slightest whisper wafted into the General Land Office or to a special agent, anonymous communications of all sorts and kinds, have been considered sufficient to suspend the entries of settlers, and the Department now declines to pass these cases which arose before the administration of the present Secretary until there can be a special examination in the field of the cases which have been thus suspended. Of course it will develop that 95 per cent or a greater per cent of these complaints have no foundation whatever, that they are the result of spite or pique, or of the effort of Government agents themselves to perpetuate their employment by raising questions as to the validity and legality of entries. But those of us who live in the public-land States have grown weary of constantly and continually importuning the Department to make examinations and relieve entries from suspension, and inasmuch as the Department has assured us that if given this additional fund it will be used for the purpose, not of attempting to create new cases, but to settle the old cases, and inasmuch as we are confident that the present Secretary of the Interior is honestly anxious to clean up the old cases, to relieve them from suspension, and does not desire to continue the policy of his predecessor of suspending entries upon the slightest pretense, the slightest suspicion as to their legality, we feel that the increase ought to be had, and we hope that we will not be disappointed as to the manner in which it will be used.

Those who do not live in public-land States can not understand how trying are the conditions existing in regions where settlers are attempting to secure titles from the Government and where, though an entryman may have complied with all the provisions of law, his title may be withheld one year, two years, three years, or indefinitely, upon an absolutely unsupported or anonymous communication wafted into the Land Office, or some malicious whisper coming to the ear of an overzealous official of the Government. We want to have these cases cleaned up, and we do hope that the men appointed to that work will not attempt to perpetuate their service by creating new cases with as little foundation as the majority of the cases that now stand upon the books of the General Land Office.

Mr. Chairman, while discussing this matter I want to refer very briefly to the provisions contained at the bottom of page 75, providing for special surveys in Utah. I wish simply to say that I have no doubt that those surveys are necessary, and I certainly do not desire to raise my voice in opposition to that appropriation. I hope that the committee in the future will not continue this practice of dividing the survey appropriation. I believe that it is a very unwise practice. If this is to become the rule, then every Member of Congress from a public-land State must become engaged in a scramble for surveys for his own State and district. The appropriation for land surveys should all be contained in the one lump-sum appropriation, and should be divided in accordance with the necessities of the situation by the Commissioner of the General Land Office, under the law, among the States containing public lands and requiring surveys.

The Clerk read as follows:

Yosemite National Park, California: For protection and improvement of the Yosemite National Park, and the construction of bridges, fences, and trails, and improvement of roads, other than toll roads, $30,000.

Mr. TAWNEY and Mr. ENGLEBRIGHT rose.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to return to page 80 for the purpose of offering an amendment to the following:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, and rental of school buildings; for text-books and industrial apparatus; for pay and necessary traveling expenses of all persons employed hereunder outside of Washington, D. C., including general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, $175,000: *Provided*, That any person or persons employed hereunder as special agents or inspectors, or to perform any special or unusual duty in connection herewith, shall not receive as compensation exceeding $200 per month, in addition to actual traveling expenses and per diem not exceeding $4 in lieu of subsistence, when absent on duty from their designated and actual posts of duty.

I was not on the floor for a minute, and did not notice that we had passed it. I ask unanimous consent to return for the purpose of offering a committee amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 80, strike out all after the word "of," in line 21, down to and including the word "including," in line 23; and on page 81, after the word "duty," in line 9, insert:

"*Provided*, That of the sum hereby appropriated, not exceeding $7,000, may be expended for personal services in the District of Columbia."

Mr. TAWNEY. That is in relation to the appropriation for education in Alaska. Heretofore they have had $10,000, and the committee omitted the item entirely, but upon investigation it was found they will need $7,000 of the amount carried in the amendment for the appropriation for education in Alaska.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the amendment was agreed to.

Mr. ENGLEBRIGHT. Mr. Chairman, I desire to offer an amendment.

Mr. NORRIS. While the gentleman from Minnesota [Mr. TAWNEY] is still on page 80, if the gentleman from California [Mr. ENGLEBRIGHT] will yield, I want to ask a question of the gentleman from Minnesota. I wanted to inquire of the chairman about the provision made for the purchase of fifteen copies of volume 3 of the decisions of the——

Mr. TAWNEY. Lawyers' Cooperative Publishing Company?

Mr. NORRIS. That is the name of a company. I will say to the gentleman that since I have looked it over again I see what the point is.

The CHAIRMAN. The gentleman from California [Mr. ENGLEBRIGHT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 82, line 19, strike out "thirty thousand" and insert "fifty thousand."

Mr. ENGLEBRIGHT. Does the chairman of the committee accept that?

Mr. TAWNEY. No; the committee can not accept it. The amount recommended by the committee, after full investigation, is all that the committee felt Congress would be justified in appropriating for the Yosemite Park for the next fiscal year. I might say, respecting all these various national parks, that in view of the condition of the public revenue the committee thought if there was any one place in this bill where new construction and increased expenditure might properly be delayed it was here, and many of the items of the estimates for this park are of such a character as to be very doubtful about the wisdom of our making the improvements at any time. But, in any event, the committee felt that we would not be justified in going into elaborate expenditures for purposes that are not essential to the maintenance and administration of these parks.

Mr. ENGLEBRIGHT. Mr. Chairman, I desire to call the attention of the committee to this item. I do not desire to take up time to extol the beauties of Yosemite Park or the grandeur of its scenery. Ever since you were children you have read of the beauty and the grandeur of that place. Of all the places in the known world, Yosemite Valley stands unequaled for the grandeur of its scenery. For a long time this park has been almost inaccessible. But a year ago a railroad was completed to a point within 14 miles of the center of the valley, so that it is now easily accessible; and there is going to be a great deal of travel and a great many visitors to that valley, so that it certainly is the duty of the United States, when we are in possession of such a great natural wonder, to improve it for the use of the people of the United States.

Now, as a practical matter of business, the people of the United States in large numbers go to Europe for no other purpose than to enjoy themselves and to see scenery; and it is stated by people who are well posted on the subject, that there is somewhere from one hundred to two hundred million dollars spent annually in Europe by tourists from the United States. There is no reason why a large amount of this money should not be kept at home, and I consider it the duty of the United States Government to spend some money to properly make the great national parks accessible, so that they will be attractive, and keep the money that is going to foreign lands right here with us.

The Secretary of the Interior made a personal visit to Yosemite Park last year. He had reports made by engineers. Without my going into the merits of all the improvements in connection therewith, he recommended no less an amount than $240,000 that could be expended properly in the improvement of this park.

Knowing that such an amount would probably not meet with the approval of this House, I have simply asked for a small addition.

Mr. NEEDHAM and Mr. HARDY rose.

The CHAIRMAN (Mr. LONGWORTH). The Chair recognizes the gentleman from Texas.

Mr. HARDY. Mr. Chairman, I do not know whether there is an amendment pending or not. I wish to direct attention to another matter, and therefore I yield to the gentleman from California.

Mr. NEEDHAM. Mr. Chairman, I hope this amendment will prevail. As my colleague has said, the estimates for this park for the coming fiscal year are more than $240,000. The committee has recommended but $30,000. It seems to me that my colleague has been exceedingly modest in asking that it be increased only $20,000. I visited Yosemite for the third time last fall, and I want to say that the roads in that park are in horrible condition. Really, at this time it is exceedingly trying to travel over those roads. They need improvement very, very much, and this additional amount is requested for the purpose of improving principally the roads within Yosemite Valley proper. Since the building of the railroad the travel has increased perhaps three-fold to this national park, and the coming year will probably witness more people going to the Yosemite National Park than ever before in its history. It is not necessary to extol the beauties of this national park as a playground of the nation. It is not necessary to tell the Members of this House of the beauties that can be seen there. It should be the policy of the Government to make it accessible and to make a trip there a trip of pleasure. As it is now, the roads being so bad, it detracts from the pleasure of the trip. I sincerely hope this modest amendment will pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. TAWNEY. Mr. Chairman, I do not know whether the committee understands exactly the situation in regard to this amendment with reference to this park. I want to call the attention of the committee to the fact that we have never heretofore appropriated for this park in excess of $6,000, except for the current year, when the appropriation is $30,000, which is due to the fact that the Government has taken over again from the State of California the entire area included in the original Yosemite Park.

Now, the amount allowed for the next fiscal year is the same as the amount allowed for the current year. That is for the maintenance of the roads and the various buildings in the park that are owned by the Government, and also for the salaries of superintendents and assistants and laborers; and in addition to the $30,000 they get all the revenue derived from the concession which the Government has granted, which amounts in the aggregate to about $15,000 a year. The committee think that if there is any branch of the Government service that can wait for extension and improvement, as proposed in the estimates of the Secretary of the Interior for this park, it is the national parks of the United States. And in refusing to allow the increase there is no danger of the property deteriorating or that the park will not be maintained in the same condition in which it has been maintained heretofore and is being maintained during the current fiscal year. I hope the amendment will not prevail.

Mr. GILLETT. Did the committee consider the question of purchasing any roads in the park?

Mr. TAWNEY. No.

Mr. SMITH of Iowa. There was no such proposition before the committee.

Mr. TAWNEY. There was no such proposition before the committee and there is no authority for the purchase of any road in this appropriation.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. ENGLEBRIGHT].

The question being taken, the Chairman announced that the "noes" appeared to have it.

Mr. ENGLEBRIGHT. Division!

The committee divided, and there were—ayes 20, noes 30.

Accordingly the amendment was rejected.

Mr. HARDY. Mr. Chairman, I rise for the purpose mainly of making an inquiry, but I move to strike out the last word for that purpose. I see here an appropriation for the purchase of necessary food for buffaloes and salary of a buffalo keeper in the Yellowstone Park, $2,500. My recollection is that in going nearly all over that park some years ago we saw but one buffalo, and he was fenced in on an island in Yellowstone Lake, and we paid a little commission for the purpose of seeing him to the alleged owner of the boat on the lake and of the buffalo on the island. If there are any buffaloes that belong to the Government, they must have gone there since my visit some years ago, and I do not believe they ought to be there if they are there at the expense of the Government. It is a cold climate, uninhabitable by men during most of the year, unless they are very well protected, and if this is an annual expenditure of $2,500 for the exhibition of one buffalo on an island in Yellowstone Lake, it seems to me it is rather expensive. [Laughter.]

Mr. TAWNEY. Evidently the gentleman did not visit any other part of the Yellowstone Park than the part he has just referred to, the island. If he had, he would know that this appropriation is for the herd of buffalo near the Hot Springs reservation in the park. The buffalo that is referred to by the gentleman, I think, is a private enterprise maintained for private profit, and there is no appropriation for the maintenance of any buffalo on the island in Yellowstone Lake, but we have a large herd of buffaloes in that park, for which herd this appropriation is made.

Mr. HARDY. Is that herd away from the usual course of tourists?

Mr. TAWNEY. No, sir; it is not. The gentleman must have been asleep when he was driving up from the Hot Springs Hotel or he would have seen it, because the herd is right there in plain sight. Anybody can see it if he is awake when he drives along there.

Mr. HARDY. I must have gone by another route, but I thought I was informed that the buffalo on the island was the only gentleman of that character in the park. [Laughter.]

Mr. KAHN. Evidently the gentleman himself was buffaloed. [Laughter.]

Mr. HARDY. It has been suggested by gentlemen who do not know as much as I do about it to ask how many there are in the herd.

Mr. TAWNEY. Our information is that there are about 300 in the herd.

Mr. SMITH of Iowa. There are so many that they have asked me several times to allow a division of them, and the putting of them in different places, because there are too many to have in one place.

Mr. HARDY. I was in search of information, and I have obtained it. It was some years ago I was there, and these must have been put there since.

The Clerk read as follows:

Crater Lake National Park, Oregon: For protection and improvement of the Crater Lake National Park, and repairing and extension of roads, $3,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

In line 7, page 83, strike out the words "three thousand" and insert "four thousand three hundred."

Mr. HAWLEY. Mr. Chairman, the purpose of the amendment is to increase the amount appropriated for the Crater Lake National Park in Oregon from $3,000 to $4,300. The reasons for that increase are as follows: First, there is a considerable travel into the park during the summer, and the present roads should be put into condition to accommodate that travel and proper extensions made. Another reason is that the roads across the land now embraced in the park have been for many years the natural outlets for central Oregon, including the driving out of stock. By making this a national park the Government has obstructed this natural thoroughfare. Since the park has been included in the forest reserve and made a national park all the maintenance of the roads devolves upon the General Government, and I was told when I was in that vicinity last summer, by gentlemen interested in business, it was difficult to get stock across, and that considerable improvements should be made. However, I am asking only a very modest amount at this time.

The committee has appropriated $3,000; $1,000 as salary of the superintendent, $480 for two park rangers, $200 for emergency expenses, and $365 for the keep of a horse, leaving $955 for improvements and extension of the roads and for the maintenance of bridges, many of which are, as I am told, in a dangerous condition. The sum recommended by the Committee on Appropriations is altogether insufficient. The Secretary of the Interior, who visited this region last summer, asked for $10,845 for this park, and some of the improvements that that amount was intended to pay for are these: There should be $400 for the improvement of a road from the south line of the park to the post-office, $600 for improvement of the road from the west line of the park to the post-office, $500 for improvement of the road from the post-office to the rim of the crater, and $500 for the repairs of bridges. There is another small item of $250 for the repair of the road within the rim of the crater. Crater Lake is located within the top of an extinct volcano and is of most imposing grandeur and one of the greatest scenic wonders of this country, but the principal reason for asking this small increase of $1,300 at this time is for the maintenance and improvement of the roads and bridges through the park, making reasonably available a natural outlet from central Oregon, and I hope the committee will adopt the amendment.

Mr. TAWNEY. Mr. Chairman, the amount which the committee has recommended, $3,000, is the amount that Congress has always appropriated for the maintenance of roads, trails, and bridges in this park, and for the supervision of the park, until last year we appropriated for the current fiscal year $7,315. The four thousand additional was for new roads and trails.

Now, a detailed statement of that expenditure was submitted to the committee, and upon examination we found that $3,000 is an ample sum for the maintenance of the park, including the maintenance of all the roads, trails, and bridges that are in the park. The park is in the State of Oregon, and is one of the smallest of our national parks in area. It contains 159,360 acres and is almost in the center of a large forest reserve. In view, as I said in answer to the gentleman from California [Mr. ENGLEBRIGHT], who offered an amendment in respect to the Yosemite Park—in view of the large amount asked for above the $3,000, a large part of it being for new and improved construction, the committee felt that we would not be warranted in recommending to the House an expenditure of this character at this particular time for the benefit of tourists. And I may say that while the number of tourists last year was greater than in any previous year, there is very little doubt of the fact that there will be a very much smaller number this coming year than there was last year.

The question was taken, and, on a division (demanded by Mr. HAWLEY), there were—ayes 15, noes 25.

So the amendment was lost.

Mr. CARTER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 7, page 83, the following:

"Platt National Park, Oklahoma: For protection and improvement of Platt National Park, construction of fences, trails, roads, bridges, etc., to be expended under the supervision of the Secretary of the Interior, $20,000; of this amount, the sum of $15,000 shall be expended in the construction of a sanitary sewer through the park, with laterals to intersect with others connecting with the sewer system of the city of Sulphur, Okla.: *Provided*, That the municipality of Sulphur expend in the construction of said sewer system through the park the sum of $15,000."

Mr. CARTER. Mr. Chairman, I see from the report that this was in the original estimate and was recommended by the Secretary of the Interior. A bridge on Rock Creek, in this national park, is one of the items included in this amendment. This bridge was placed there originally by the people of the city of Sulphur, and it was given to the Government when the Government segregated that portion of land for a national park. That bridge has become decayed and rotten, the Government has condemned it, and the people are deprived of its use. The creek is impassable at this point at times. The banks are so steep and high that only the lightest kind of vehicles can ascend and descend, so that it requires a drive of almost a mile to go from points which are only a short distance apart. It will require about $20,000 or $25,000 to build such a bridge as is needed.

Then there is another proposition. Platt National Park lies just south of Sulphur City, down the creek from Sulphur, and it is impossible to have any sewerage for the town unless a sewer can be run across Platt National Park. The authorities will not allow the sewage dumped in the park. So this provision for $15,000 to construct a sewer across the park is absolutely necessary at this time, in my opinion, because the town of Sulphur is getting to be a town of three or four thousand people, and possibly more. It is necessary for them to have some kind of sanitary sewer system. The park has been set aside as a national park, and I do not think there has ever been any appropriation for this park. I would like very much to see this amendment inserted.

Mr. SMITH of Iowa. Mr. Chairman, the gentleman is right, that no appropriation has ever been made for this park, and the proposition is to appropriate more for it than for almost any of the parks in the United States. I read from the hearings:

The CHAIRMAN. The next is Platt National Park, Indian Territory.
Mr. GARFIELD. That is the Sulphur Springs Park.
The CHAIRMAN. That is a new proposition?
Mr. GARFIELD. Yes.
The CHAIRMAN. We have never appropriated for it before?
Mr. GARFIELD. The fund was accumulated formerly for the care of the park. Now we have come to the point where it will have to be cared for by the Government.
The CHAIRMAN. What are the proceeds from the sale of the land in the last fiscal year?
Mr. GARFIELD. There was an available balance of $19,000. The expenditures have been $12,383, leaving an available balance of $19,000. There evidently were no sales of land last year, and I understand there will be no further revenues from the sale of property. Oh, yes; there will be one; if I can do something with the old hotel there, that I am trying to dispose of; but it is a very small amount, as I understand.
Balance available July 1, 1908, $31,851.30.

Leaving an available balance of $19,000, that they have the right to use on this park without further appropriation, and without enlightening the House as to what are the values of this park to the country, they are asking now, with a balance on hand of about $30,000, and with an estimated balance on the 1st day of next July of nearly $20,000, that this House appropriate $20,000 more for the improvement of this park.

Mr. UNDERWOOD. Will the gentleman permit a question?

Mr. SMITH of Iowa. Yes.

Mr. UNDERWOOD. I want to ask why the Secretary of the Interior asked for an appropriation, if he can use the money now available for that purpose?

Mr. SMITH of Iowa. Just as he asked for $240,000 for the Yosemite and got only $30,000, and just as he has asked for five or six times the amount of money that he has obtained for the improvement of other national parks, and with this new park of less interest almost than any of the rest, which has about $20,000 on hand, or will have next July, we are asked to give $20,000 more for its improvement.

Mr. CARTER. I would like to ask the gentleman why it is that this park is of so much less importance than others.

Mr. SMITH of Iowa. I would like to have the gentleman tell me how it compares with the Yellowstone or the Yosemite.

Mr. CARTER. It is one of the greatest health resorts and has the greatest health-giving waters of any park in the country.

Mr. SMITH of Iowa. That may be very true. There is a hotel there, but it is not a great park like the Yosemite that only got $30,000 by a vote of the House a few minutes ago, and they have $20,000, and now are asking us to appropriate for this park $40,000.

Mr. CARTER. The Yosemite is an old park. I would like to ask how much has been expended on it.

Mr. SMITH of Iowa. Almost nothing by the National Government. The appropriations for the Yosemite have been $5,000 of $6,000 a year until within the last three or four years.

Mr. CARTER. Does the gentleman consider $30,000 almost nothing?

Mr. SMITH of Iowa. I said $5,000 or $6,000 until the last three or four years. It never received $30,000 until last year, and yet the gentleman is asking $40,000 for this park.

Mr. CARTER. We ask only $20,000.

Mr. SMITH of Iowa. But you have $30,000 available now, and it is estimated there will be on hand $20,000 in round numbers next July.

Mr. CARTER. In a few minutes my colleague, Mr. FERRIS, will read a report of the Secretary explaining that.

Mr. SMITH of Iowa. I have just read it.

Mr. CARTER. But he has a more recent one.

Mr. SMITH of Iowa. All right.

Mr. FERRIS. Mr. Chairman, in view of the statement of the gentleman, I submit that this would be a very unreasonable request, but the conditions and facts and recent report of the Secretary do not coincide exactly with the view stated by the gentleman who is in charge of the measure.

Mr. SMITH of Iowa. I read from the report in the hearings.

Mr. FERRIS. I have a letter in my hand from the Secretary of the Interior that I received this morning relative to this matter. The facts are these: The Secretary of the Interior came down into Oklahoma and segregated a large tract of land and made a national park out of it. The city of Sulphur, while quite a new city, and indeed a thriving and growing city, and quite a modern one as well, is situated in rough, broken country. Between two portions of the city is a great chasm. There is a bridge across it, which I would judge, not having the figures at hand, is in the neighborhood of a hundred or a hundred and fifty foot span.

Prior to the segregation this chasm between the two portions of the city was bridged by the citizens, who built the bridge at their own expense, independent of the Government. The Government took that into the national park. Then when they made the segregation the officials condemned the bridge, which places the citizens of Sulphur in an attitude that they neither can repair the bridge themselves nor get the Department to do it, so that they have to go around about 2 miles——

Mr. SMITH of Iowa. Can you identify that bridge for us?

Mr. FERRIS. Well, I do not understand what the gentleman means by "identify." I have seen that bridge a number of times and passed over it a number of times.

Mr. SMITH of Iowa. I mean simply this, that this estimate that was furnished to the committee showed, "suspension bridge plans and supervision" and "for supervision repairs to Davis Avenue Bridge" and "construction of suspension bridge over Rock Creek at Bromide Springs." Is that the one?

Mr. FERRIS. That is the one.

Mr. SMITH of Iowa. That is estimated to cost $950, and it was stated that there would be $19,000 on hand after building the bridge.

Mr. FERRIS. Oh, the gentleman means some slight repairs that are only temporary. The Department, prior to this time, has condemned the bridge, and the citizens of Sulphur were not permitted to use it for a long time. I am advised it is unsafe now.

Mr. SMITH of Iowa. Does the gentleman say, when the Department says, "For suspension bridge, plans, and supervision, $50;" "for construction suspension bridge over Rock Creek and Bromide Springs," that that means slight repairs on a bridge?

Mr. FERRIS. Well, I have had some recent conversation with the Secretary on that subject.

Mr. SMITH of Iowa. He furnishes this testimony.

Mr. FERRIS. I am talking about the Davis Avenue Bridge.

Mr. SMITH of Iowa. Is not that the bridge you mean?

Mr. FERRIS. Mr. CARTER advises me that it is a different bridge. It is the Davis Avenue Bridge that I am referring to.

Mr. CARTER. Oh, the gentleman from Iowa misunderstands the proposition grossly. This is a different bridge entirely. The Davis Avenue Bridge is a bridge across this chasm which must have originally cost about $4,000 and was put up very cheaply at that. The bridge at Bromide is almost a mile below there.

Mr. SMITH of Iowa. That is what I wanted the gentleman to identify.

Mr. CARTER. He possibly did not understand the question.

Mr. FERRIS. I want to state that a recent conversation I had with the Secretary was this: I went to see if the bridge could not be opened. One part of the city is absolutely cut off from the other part of the city when the Davis Avenue Bridge is out. The Secretary says that they have no funds with which to do it, but that he has recommended that $20,000 be given, and then they would have enough to fix that up. I again wrote to him a letter yesterday or the day before, and I have received his reply, and I would like to send it to the Clerk's desk and have it read in reference to this matter. There is some mistake here evidently, because the hearing does not coincide with the correspondence I have in my hand nor with the correspondence I had before on the subject.

Mr. SMITH of Iowa. I will say that this was the official statement prepared in the Secretary's office. It was not a statement made by the Secretary on the spur of the moment, but an official statement prepared in his office.

Mr. FERRIS. If the park has $19,000 on hand, that would be an unusual request, but this letter does not so state, and neither does the conversation which I had with him even intimate such a thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. I would like to ask for five minutes more so that the letter can be read.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 30, 1908.

Hon. SCOTT FERRIS,
House of Representatives.

SIR: Your letter of the 25th instant received, inquiring what expenditures will be made in the Platt National Park this year, and also the amount appropriated by Congress for that reservation.

There will be expended for improvements in the Platt National Park during the balance of the present fiscal year approximately $3,000.

An estimate for an appropriation in the sum of $20,000 was submitted to Congress through the channel provided by law for that purpose (H. R. Doc. No. 12, 60th Cong., 1st sess., p. 431) for certain proposed improvements in the Platt National Park, namely:

Construction of stone culvert at Sulphur Run, near Pavilion Springs	$500
Construction of a brick barn for park horses and forage	2,000
Care and repair of buildings, fences, bridges, pavilions, and springs	2,500
For the construction of a sanitary sewer for Platt National Park with laterals to intersect with others connecting the sewer system of the city of Sulphur	15,000
Total	20,000

No appropriation for any of the purposes above set forth is contained in the sundry civil bill (H. R. 21260) reported to the House of Representatives on the 25th instant.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Mr. UNDERWOOD. Mr. Chairman, it seems to me that this proposition is a simple one. The people out there have built a town. Through the center of the town runs a chasm. The chasm belongs to the Government. After the town is established the Government creates a national park and takes in this chasm. Now, the testimony, that seems not to be controverted at all, shows that the bridge that was originally built across the chasm is unsafe and that the people can not cross it. The people can not build another bridge because they do not own the land. The land belongs to the Government. The Secretary of the Interior has investigated the question and says a new bridge ought to be built, and he says that it will take an appropriation of $20,000 to build a bridge.

Mr. SMITH of Iowa. He does not say that.

Mr. UNDERWOOD. That is what his letter says.

Mr. SMITH of Iowa. His letter does not say anything about that at all; but the gentleman says that he has not the money to build a bridge.

Mr. UNDERWOOD. I take it that the Secretary of the Interior would not come to Congress and ask for $20,000 from Congress if he had money in his hands to accomplish a public improvement that he says is necessary. Now, of course he may do it, but I do not think it is reasonable for us to put that interpretation upon his letter.

Mr. GAINES of West Virginia. Has he asked for the money?

Mr. UNDERWOOD. He has, in his estimate. There is the letter received asking for it. These people can not help this. The chasm separates the town, and that belongs to the Gov-

ernment. Nobody can build the bridge but the Government, and it seems to me if we are going to continue this national park, it is our clear duty to those people to make a sufficient appropriation to let them get along with, and I can not see any other conclusion to come to, if we take the statement of the Secretary of the Interior that this is necessary, and I judge from his letter and the appropriation that it must be.

Mr. TAWNEY. I will say to the gentleman from Alabama [Mr. UNDERWOOD] that the Secretary has made no estimate of $20,000 for the construction of a bridge.

Mr. UNDERWOOD. All the information I have is what I have heard read.

Mr. TAWNEY. If he states in the letter that there is an estimate, I have a detailed statement here. He was before the committee. He made no such statement whatever. The estimates for this year were only $20,000, which included maintenance and everything else.

Mr. UNDERWOOD. I will ask the gentleman to let us ask unanimous consent to have the letter read in my time.

Mr. TAWNEY. You can have it read if you desire, but are you going to rely upon estimates submitted to Congress, as the law provides, or are you going to take a letter subsequently sent to Congress when the appropriation is under consideration and let it guide you as to how much should be appropriated?

Mr. UNDERWOOD. If I believed in the Secretary of the Interior, as I do, and he has made a mistake in his estimate.

Mr. TAWNEY. He does not say that he has made any mistake.

Mr. UNDERWOOD. I ask unanimous consent that the letter may be read.

Mr. GAINES of West Virginia. Before that, I would ask on what authority is the statement made that there is already appropriated and available $19,000 for the purpose of this?

Mr. SMITH of Iowa. On the statement of the Secretary of the Interior in the hearings on this bill.

Mr. GAINES of West Virginia. Then, I think we ought to have the letter read again.

Mr. UNDERWOOD. I ask unanimous consent, Mr. Chairman, that the letter may be read again.

The CHAIRMAN. Without objection, the letter will be again read.

There was no objection.

The letter was again read.

Mr. TAWNEY. There is nothing in the letter, I will say to the gentleman from Alabama, saying he estimated $20,000 for bridge or for sewers or——

Mr. UNDERWOOD. The letter says he estimates $2,500.

Mr. TAWNEY. He gives the total for the proposed expenditures for the next fiscal year, aggregating $20,000, which is the amount of his estimate.

Now, he does not say anything at all about the surplus that they will have at the end of the fiscal year, which he estimates at $19,468, independent of the amount he will receive from the sale of the hotel.

Mr. UNDERWOOD. I take it he would not ask for an appropriation of $20,000 if he had a surplus with which to do the work.

Mr. SMITH of Iowa. Why should he have that amount of money for the improvement of this park, which is insignificant as compared with other national parks, and especially so as compared with the Yosemite Park, for which we give but $30,000? Here, it appears, the revenues up to July 1, 1908, will amount to more than $30,000, and he estimates the expenditures up to the 1st of July as $12,873, and he says he will have a balance on hand of $19,468. And for this insignificant park, which is an unimportant park, which is a park unknown, it is claimed that you ought to spend far more money in the next year than we spend on any national park except Yellowstone.

Mr. UNDERWOOD. I take it the condition is that this chasm belongs to the Government. The people living in the town before it was made a park built a bridge, and as it is they need a new bridge. They can not build it, because the Government owns the land.

Mr. SMITH of Iowa. Why, they want the Government to build a sanitary sewer for a bridge. That is what they want—a sanitary sewer for this town, to take the place of a bridge. That is what they are asking for. There is no pretense that they need a bridge that would cost $15,000.

Mr. HARDY. I would like to ask if they will only spend $3,000 for that? Is that what he states in the letter?

Mr. SHERLEY. I think if the gentleman will examine the letter he will find there is to be $3,000 expended during the remainder of the fiscal year ending July 1. The Secretary expressly says he would have for the coming fiscal year $19,000 available. Now, that is his testimony before the committee.

Mr. HARDY. Now, what I want to get at is to understand the position. I understand the Secretary says he has got $3,000 only this year to expend.

Mr. SHERLEY. No; the Secretary does not so state in the letter. What he stated in the letter was that he proposed to expend $3,000 by the 1st of July.

Mr. HARDY. Let me state my proposition there; then the gentleman can go on. He then says that he asks an appropriation of $20,000. Now, if he has made that statement in his letter, I want to know why he asks twice for this $20,000.

Mr. SHERLEY. The gentleman will find in any number of instances estimates were made as to what can be expended; and then upon inquiry we find certain sums available. Then the Committee on Appropriations always reduces the amount asked for by the amount available. Now, the estimates are sent in by the people having charge of the park, and they are transmitted regularly by the Secretary to Congress. When he was questioned by the committee, he replied that he had $19,000 available for the coming year, and on his statement the committee did not see why any further sum should be appropriated.

Mr. HARDY. It seems to me from his letter he did not seem to think he could use that money for bridge purposes.

Mr. SHERLEY. I did not so understand his letter. I want to say, not specially in connection with this matter, as I have no special interest in it, that I think that there is no more reprehensible practice than that which has recently grown up in the Departments sending a formal statement to the committee having charge of the matter and sending their representatives before those committees to make detailed statements, and then, when the matter comes up on the floor, to give to some Member of Congress information of a contrary condition. We had an instance here the other day of a gentleman from the Naval Affairs Committee talking about information that had been sent by Admiral Dewey contrary to an official statement over his own signature, and the fact subsequently developed that the report that he signed had been approved by the President, and yet he was having telephone communication with Members to a contrary purpose, and thereby affecting the judgment of the House against the formal and proper communication made by himself and other members of the Commission.

Mr. HARDY. That is all correct, and I would like the gentleman to give me his understanding as to this matter, and then we can get it cleared. I understand the gentleman to say that that estimate was submitted to this committee. It seems to me that there ought to be some rule if a Department has a right to expend a certain sum of money in a year and at the conclusion of the year have a sum of money on hand, that they have not expended, that that money ought to be covered into the Treasury.

Mr. SHERLEY. If the gentleman will permit me, the letter will clear up the whole situation. And before I read it I want to say that the fact that an estimate is made does not necessarily imply that the Department must have that much money. The estimate is to indicate what they think could be expended during the year; and then if it is discovered that they have an available balance that is sufficient for the estimated expenses, that covers it.

Mr. HARDY. I should like to ask if it suggested that the Secretary has a right to spend this money without any authority from Congress?

Mr. SHERLEY. I understand he has a right to expend this money and has been expending money from the same fund heretofore on this park. Let me read:

> Your letter of the 25th instant received inquiring what expenditures will be made in the Platt National Park this year, and also the amount appropriated by Congress for that reservation.
>
> There will be expended for improvements in the Platt National Park during the balance of the present fiscal year approximately $3,000.

"The balance of the present fiscal year" means between the date of this letter, April 30, 1908, and the 1st of July.

Now he goes on—

> An estimate for an appropriation in the sum of $20,000 was submitted to Congress through the channel provided by law for that purpose (H. R. Doc. No. 12, 60th Cong., 1st sess., p. 431), for certain proposed improvements in the Platt National Park, namely——

Mr. HARDY. Does not that letter imply that the Secretary thought it was necessary to have the authority of Congress to expend this money which he had on hand, or which he did not have on hand?

Mr. SHERLEY. I do not think it implies that; but if it does imply that, the Secretary is mistaken. Now, to conclude the letter:

> No appropriation for any of the purposes above set forth is contained in the sundry civil bill (H. R. 21260) reported to the House of Representatives on the 25th instant.

That is a statement of the fact and nothing more. He does not say that there ought to be an appropriation of $20,000 carried. He does not recommend it at all.

Mr. HARDY. Your idea is that the Secretary has a perfect right to go on and build that bridge and make these improvements that he estimates for without any action on the part of Congress.

Mr. SHERLEY. I take his own statement. He has $19,000 available for the coming fiscal year.

Mr. HARDY. The proposition is that he can do these things without authority from Congress?

Mr. SHERLEY. Unquestionably, and he has the money ample to do it.

Mr. GAINES of West Virginia. It does not appear that that money can be expended after the 1st of July, 1908, unless Congress should appropriate, and I think there is the whole question. Undoubtedly, from this statement given here on page 469 of the hearings, the sum of $19,000 and some odd dollars is available for expenditure, and the Secretary estimates that up to July 1, 1908, he will have expended a certain amount, showing that up to that time he has a right or deems he has a right to expend money without further appropriation. It appears that this was a sum collected from the sale of property in this park prior to the time that the Government took it over. But I do not see that it necessarily follows from anything here that the Secretary would have the right to expend that sum, or any part of it, after the 1st of July, 1908, without a further authorization.

Mr. SMITH of Iowa. The existing law for the organization of the park authorizes that, without any further action.

Mr. GAINES of West Virginia. Then that settles the whole question.

Mr. FERRIS. In connection with the letter that was addressed to me, I do not want to be unfair to the Secretary, nor do I want to appear in an unfair light to the committee. I want to say to this committee that if they have something over $19,000, it would look like an unusual request to come here and ask for more on that proposition; but I want to say to you that I have had numerous appeals from the local authorities to try and get that bridge opened, so that one part of the town could communicate with the other, and I went to the Assistant Secretary, Mr. Wilson, and made an appeal to him to rebuild and repair that bridge so that the people living in the two parts of the town could communicate with one another without going 2 or 3 miles around.

He said to me, not once, but two or three times, that he did not have money enough to rebuild and make repairs, but would submit an estimate of $20,000. I am not trying in my statement to the committee to overthrow that statement just read by the gentleman from Iowa, and I do not contend that my letter overthrows that statement, but I do say that they claim that they have not enough money to rebuild the bridge, in fact, no money at all for that purpose.

Mr. SMITH of Iowa. Will the gentleman allow me to present one thought to him? In this estimate of $15,000 or $20,000 you ask for the construction of a sanitary sewer, with laterals, for the Platt National Park, and to intersect the others, amounting to $15,000. That is your bridge, is it not? That is what the $20,000 was estimated for, to build a sewer system?

Mr. FERRIS. The park has buildings of its own. They have a water service and they have other buildings.

Mr. SMITH of Iowa. This is to carry off all the sewage of sulphur?

Mr. FERRIS. I do not know.

Mr. SMITH of Iowa. Does not the gentleman know that the sewage of sulphur would all come through this sewer when it was built?

Mr. FERRIS. I do not know.

Mr. SMITH of Iowa. Does not the gentleman know the geography of the country, and does not he know that it would?

Mr. FERRIS. I do not know but that it would.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to say that the gentleman from Iowa is correct in his statement that a part of the money contemplated in this appropriation is to be used for completing a sewer. I want to say that the sewer is absolutely necessary for the health of the town; and if it was not for the fact of the topographical conditions mentioned by the gentleman, this money would not have to be expended by the citizens of Sulphur. This park lies, as the gentleman has said, just adjoining the city of Sulphur on the south. Rock Creek runs southward, and you can not drain the sewage without going through the entire park. Now, it seems to me, since the Federal authorities have placed the people of the town in this condition, cutting them off from any place to empty their sewage, that they ought to be willing to take care of the sewer through the park. Not only that, but I call attention to the proposition of which the gentleman from Oklahoma [Mr. FERRIS] has spoken, the creek dividing this town. The town originally was built upon the east side of the creek. Since then they have segregated the part where the business portion of the town originally was, and a part of the town is moved to the west side. It is impossible to pass from one part of the town to the other on account of this creek, which runs through a canyon with banks 20 or 30 feet high. Is it going to be the policy of the Government to segregate these lands and then leave the people without any means of communication? It will take about $20,000, I take it, at least $15,000, to build the bridge, and $15,000 or $20,000 to complete the sanitary sewer across the park. Being a new Member, I do not know what the policy of the Government has been in such cases as this, but it seems to me that it is the duty of the Federal Government to take care of that sewage and take it to a place where it can be dumped and at no expense to the people of Sulphur.

Mr. TAWNEY. How large a city is it?

Mr. CARTER. About 3,000 or 4,000, I think.

Mr. TAWNEY. What is the topography of the land upon which the city is located?

Mr. CARTER. It is broken and undulating.

Mr. TAWNEY. Hilly and undulating?

Mr. CARTER. Yes. It needs a sewer system and needs it badly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and on a division (demanded by Mr. CARTER) there were—ayes 18, noes 44.

So the amendment was disagreed to.

The Clerk read as follows:

Wind Cave National Park, South Dakota: For the management, improvement, and protection of the Wind Cave National Park, $2,500.

Mr. KAHN. Mr. Chairman, I move to strike out the last word. I do that for the purpose of calling the attention of the committee to a condition that prevails with respect to witnesses that have been brought here by the Government from the States of California and Oregon in the so-called "land-fraud cases." There are probably sixty or seventy of these witnesses. They are here to testify on behalf of the United States. Many of them are working people, depending upon their daily wage for their living. The Government pays their traveling expenses to and from the city of Washington on the railroads and gives them $1.25 a day as witness fees while they are here attending the sessions of the court. This amount is entirely inadequate. Many of them have been kept here two or three weeks.

Several of these witnesses have called upon me and have attracted my attention to this state of affairs. A number of witnesses will be out of pocket as the result of coming here to testify for the Government to the extent of upward of $100 or $150. It is a severe strain on the means of these poor people, and I sincerely hope that the Committee on Appropriations may see its way clear to present some item in the urgent deficiency bill, which will soon be brought in here, whereby these people may be properly remunerated for the loss of time and expense to which they have been put. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Testing machines, Watertown Arsenal: For the necessary professional and skilled labor, purchase of materials, tools, and appliances for operating the testing machines, for investigative test and tests of United States material for constructions, and for instruments and materials for operating the chemical laboratory in connection therewith, and for maintenance of the establishment, $35,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 89, after line 19, insert:
"And the testing machines at Watertown Arsenal are hereby transferred to the Department of Commerce and Labor."

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

Under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than $1.85 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

Mr. CRUMPACKER. Mr. Chairman, I reserve a point of order against the paragraph just read. It seems to me that it may be subject to a point of order, but I do not desire to make it unless after explanation I think it ought to be made.

In the first place, it seems rather strange that in determining the question of the quality of pavement we should go back twenty-two years for a standard of perfection or excellence. The Good Roads Division in the Agricultural Department in this city has been in operation for several years—some eight or ten years, I think—and it is engaged in instructing various sections of the country respecting the best method of street and highway improvement. Yet it has not been able, it seems from the provisions of this paragraph, to improve upon the character of the pavement which was laid in Washington more than twenty-two years ago.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Indiana will permit an interruption, I probably can save his time and the time of the committee. This paragraph has been carried in the sundry civil appropriation bill for a good many years, and is also carried in the District of Columbia appropriation bill, and has been for many years. The standard here referred to is considered the best pavement that has ever been laid in the District of Columbia, and was laid at a less cost, and for the reason that, in the judgment of the engineers, this pavement referred to is the best pavement in the material and in the character of construction Congress has continued to use it as the standard as to cost and character of construction.

Mr. CRUMPACKER. So that if the municipalities and the counties and the townships throughout the country are left to themselves they can work out successfully the problems of road building and street construction. I hope, for the sake of appearance, at least, and for the standing and reputation of the Good Roads Division in the Agricultural Department, we will not continue this antiquated, moss-covered provision any longer.

Mr. MANN. The gentleman does not mean that the pavement of 1886 here is covered with moss.

Mr. CRUMPACKER. No; the provision in the bill, which is archaic on its face. We would improve the phraseology by saying "or as good a quality as any heretofore laid in the District of Columbia." That would go clear back to that ancient period when this standard of excellence obtained, many years ago. It does not look very well, it seems to me, in view of the wonderful improvement that has been made in the last twenty-five years, that we should go back a quarter of a century practically for a standard of excellence in road and street construction. That is away beyond the time when the Good Roads Division got into operation at all.

Mr. TAWNEY. And the Good Roads Division, since it got into operation, with all the appropriations that Congress has made for it, has never yet been able to build a piece of road or street that excels the one referred to in this paragraph.

Mr. CRUMPACKER. Then, what is the use of the Good Roads Division? What are we paying that Division for?

Mr. TAWNEY. Unfortunately, the man who is really responsible for this provision and for the construction of the street is now dead. He was formerly a Member of this House. General Ketchum, of New York, is the man who originated this provision, and it was during his service on the Committee on Appropriations that this street was constructed, and it is confessedly the best street to-day in the city of Washington, the best pavement in the city of Washington. Pavements that have been laid since this pavement was laid have all been either repaired or entirely removed and new pavements laid in their place. I think that inasmuch as the gentleman has been a Member of this House a great many years, and inasmuch as this paragraph has by some hook or crook escaped his scrutinizing eye, that he should not and will not make the point of order; but in any event the point of order does not lie against it.

Mr. CRUMPACKER. Let me say I will close this discussion satisfactorily.

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. CRUMPACKER. Just a word, if the gentleman from Tennessee pleases. I assume now, from what the gentleman from Minnesota has said, that this provision is kept in as a tribute of respect to the distinguished gentleman from New York, the late General Ketcham. I concede that he is worthy of it, and that is the only reason for the provision; therefore I withdraw the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. The point to which I desire to call the attention of the committee is this, if I can have the attention of the chairman of the committee, and I think we will have a better street after a while. I do not know much about asphaltum, nor do I know very much about pavements, but I do know how to make a good country road, because I have helped to make them. I know the difference between a good and a bad country road, and I know the difference between a good and a bad street. I think it is badly mixed in Washington, particularly here where it ought to be always good on Pennsylvania avenue; but my point is this, that there is a new kind of material used in making a better street than is made out of asphaltum. That is what I started in to state. This is called "bitulithic." I do not know what gave it the name—they seem to have been a little scarce of names when it was named—but, as a matter of fact, it has been used in my city, Nashville, and elsewhere, and I have seen it made, and it is made along the lines of the asphalt pavement, and is made very hard with some black fluid that is poured between broken rock, dust, and so forth, and it is then rolled.

Mr. CRUMPACKER. But the gentleman understands they can not use that kind of street material under the provisions of this paragraph. We are tied up to the material used a quarter of a century ago.

Mr. GAINES of Tennessee. That is exactly the thing I am joining the gentleman in protesting against, and I was about to suggest some kind of an amendment here. I had one a moment ago, but I have lost the page. I would ask to insert the words "bitulithic or asphalt," or some word giving the right to select any first-class material. Now, I want to tell you how our people get along with that bitulithic street.

Mr. HAMILTON of Michigan. Will the gentleman tell the committee something about the construction of a street with this material?

Mr. GAINES of Tennessee. Yes; but it seems like the chairman of the committee is determined not to hear what I have to say, as somebody is talking to him. I would like to have his ear.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent for five minutes or just a few minutes.

The CHAIRMAN. Is there objection to the request of the gentleman that his time be extended for five minutes? [After a pause.] The Chair hears no objection.

Mr. GAINES of Tennessee. I will take only a minute or two more. You can insert here, if the chairman will permit it, "for making or repairing concrete with bitulithic or asphalt pavement." Now, the gentleman claims he wants the best, and I say to you honestly and frankly, from my observation of both kinds, that bitulithic is much better and I am told that it is cheaper. In fact, the gentleman from Missouri [Mr. BOOHER], only a few weeks ago, when I was discussing this point, said it was much cheaper. Now, I do know that the surface is rough in dry and wet weather both, at least it is much rougher in dry weather than the asphalt pavement and it does not grow very slick in wet weather. I have never seen a horse or anybody slip up on this bitulithic pavement.

Mr. MANN. I hope the gentleman does not refer to his own side of the House about not slipping up.

Mr. GAINES of Tennessee. Well, they slip up sometimes on the Republicans.

Mr. FITZGERALD. This provision does not prevent the use of bitulithic pavement, if the gentleman will permit me. The object of this provision is to prevent a greater price than $1.85 a square yard being paid for the concrete or asphalt.

Mr. GAINES of Tennessee. Why do you say "asphalt?" I would say put in the words "bitulithic or asphalt, or other first-class material," so they may select from all kinds of material.

Mr. FITZGERALD. This is a limitation upon the price to be paid for either concrete or asphalt pavement; that is all.

Mr. GAINES of Tennessee. This is not an asphalt pavement. It is called bitulithic and is bitulithic.

Mr. FITZGERALD. There is nothing here that requires that the street be paved either with concrete or asphalt.

Mr. GAINES of Tennessee. Why do you put asphalt in there if you do not mean asphalt?

Mr. FITZGERALD. Asphalt is meant.

Mr. GAINES of Tennessee. I want us to say both asphalt and bitulithic.

Mr. FITZGERALD. If the gentleman will be patient a moment, he will see that this is to prevent an excessive price being paid either for asphalt or concrete whenever either is used. There is nothing here that requires that either one of these substances be used.

Mr. GAINES of Tennessee. Is there anything in the law, I will ask anybody, that prohibits the Department or the parties in authority from buying the bitulithic material or the asphalt material or the concrete, if they so desire?

Mr. FITZGERALD. Nothing whatever that I have any knowledge of.

Mr. MANN. Nothing whatever, except in the various District appropriation bills, in which it is frequently provided that so much money is appropriated for the pavement of a certain street with asphalt.

Mr. FITZGERALD. That may be, but under that appropriation you could not use some other material, and this does not prevent the use of any particular material, but it does prevent an excessive price, or a price in excess of the amount stated here being paid per square yard when these particular materials are used.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] is always correct.

Mr. FITZGERALD. Correct in this instance.

Mr. GAINES of Tennessee. I am glad to know that we have no general or special law that prohibits the authorities from using any kind of the best material.

Mr. FITZGERALD. If the gentleman from Tennessee will permit me, if he will examine the District appropriation bill he will find in a part of it authority to pave or repave certain streets; the amount of money is specified, and in the items authorizing the paving or repaving of streets it is generally stated the material with which the street is to be paved.

Mr. GAINES of Tennessee. That is a matter of contract.

Mr. FITZGERALD. Under the District bill it might be possible that certain authorizations have been made that require certain material to be used, but that is because the District Commissioners in submitting their estimates ask that particular materials be used for paving purposes. This item is merely to prevent in the expenditure of the appropriation made a larger price per square yard for this particular kind of pavement than specified in here.

Mr. MACON. I suggest that all the gentleman from Tennessee [Mr. GAINES] has to do is to go to work on the Commissioners and get them to use his particular kind of pavement.

Mr. GAINES of Tennessee. The main purpose of what I have said, I repeat, is to tell the committee and tell the Congress, and particularly the gentleman from Indiana [Mr. CRUMPACKER], who is inquiring, and the chairman, that I personally know that the bitulithic pavement in the city of Nashville has proved to be a longer-lived pavement and a better pavement than the asphalt. It rarely ever wears into holes, whereas, on the contrary, the asphalt is short lived and wears into holes, and is very unsatisfactory. The city of Nashville has repeatedly, I think, substituted the bitulithic for the other. I have no personal concern in the matter one way or the other. I just give the Congress the benefit of the information I have.

Mr. MANN. I suppose the gentleman from Tennessee [Mr. GAINES] is aware of the fact that asphalt pavement never wears well except the street on which it is placed is used, while the bitulithic pavement wears a great deal better where there is no traffic on the street. I would not have supposed that would apply so strongly to the gentleman's city.

Mr. GAINES of Tennessee. Our streets are narrow, and are very much used by every conceivable kind of vehicle that is known to transportation, from pleasure seeking to hauling heavy freight. They are used by the pedestrian, the equestrian, the dray, transfer lines, and automobiles. Bitulithic wears better than concrete or asphalt in Nashville. That is my observation and judgment.

Mr. ADAIR. Mr. Chairman, I move to strike out the last word. It seems that all of this discussion came from the statement made by the gentleman from Indiana [Mr. CRUMPACKER], that we were still using old methods adopted and used way back in 1886. Now, I notice from the provisions of this bill that it provides that just such a pavement as was constructed in 1886 need not necessarily be constructed at this time, but that the cost of the construction of the pavement shall not exceed what was paid at that time. This bill provides that under the contract made for making or repairing concrete or asphalt pavements in the city of Washington the price shall not be higher than $1.85 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886. It says that it must not be of a poorer quality than that laid at that time, but this bill does not provide that it shall not be of a better quality. Hence I take it that if a discovery has been made by which better pavements can be laid now than were laid in 1886, at the price specified in this bill, there is absolutely no reason whatever why we should not have better pavements than we had in 1886, if they can be laid for the price specified.

So the objection to this provision does not lie to the fact that we go back to 1886. It is not asked that the pavement laid now shall be just the same kind as was laid in 1886, but it does require the contractors to lay just as good pavement, and if a better pavement can be laid within the stipulated price, there is nothing in the provisions of this bill to prevent it.

The Clerk read as follows:

For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee how much of this amount was expended last year by the President?

Mr. TAWNEY. I do not know.

Mr. MACON. Nor the year before?

Mr. TAWNEY. Nor the year before.

Mr. MACON. This is the third appropriation.

Mr. TAWNEY. This is the third appropriation. The appropriation was asked for the next fiscal year, and I assume it is needed.

Mr. MACON. I withdraw the pro forma amendment.

The Clerk read as follows:

Repairs of building where Abraham Lincoln died: For painting and miscellaneous repairs, $200.

Mr. GAINES of Tennessee. Mr. Chairman, I offer an amendment to come in after the paragraph as a separate section.

The Clerk read as follows:

Insert as new paragraph, page 99, after the word "dollars," line 7: "That the sum of $10,000 be, and is hereby, appropriated to aid the Ladies' Hermitage Association, of the State of Tennessee, a corporation which was in 1889 duly authorized to properly care for the Hermitage, the home of Gen. Andrew Jackson, and his tomb, and procure and preserve in the Hermitage the Andrew Jackson relics for the use and benefit of said association, which association and the State of Tennessee have spent more than $60,000, excluding interest, in purchasing and caring for the Hermitage and a portion of said relics. The said sum, when appropriated, shall be paid to the Ladies' Hermitage Association and by it used in procuring the balance of said relics, and for no other purpose."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order upon that amendment.

Mr. GAINES of Tennessee. I hope the gentleman will not make the point of order.

Mr. TAWNEY. It is one very dear to the heart of the gentleman from Tennessee, and I will give him a chance to make a speech.

Mr. GAINES of Tennessee. Well, I am forced to believe from the words just uttered by the gentleman that it is a matter near his heart.

Mr. Chairman, I am frank to say that ordinarily I would not offer an amendment, subject, as this is, to a point of order because new legislation, but this is not the ordinary or undigested amendment, but one well known to us all.

The proposition has been thoroughly discussed, both here and in the Senate. It has been thoroughly discussed before the Senate committee, and the Senate committee reported a bill for $25,000 to aid in caring for the Hermitage. The House committee has considered a similar bill thoroughly, and has reported a bill for $30,000 to do the same thing and also buy these relics, and they are both now pending in the House—a Senate bill and a House bill. I do not ask, Mr. Chairman, for $25,000 to take care of the Hermitage, houses, and so forth and so on, now, but I do ask, as seriously as any request I could possibly make to this or any other Congress, that you give to the Ladies' Hermitage Association $10,000 now to buy these relics, now, I may say, in the hands of Mrs. Andrew Jackson, jr., living in Knoxville, for which formerly $17,500 was asked. But the good women of this association have bought about $7,500 of them, and recently Mrs. Jackson has written to me and, in effect, said:

Mr. GAINES, I will take $10,000 for the balance.

Now, another fact. She is a poor woman. She has three splendid young sons, one of whom, I believe, the President has tendered an alternateship to Annapolis. That good woman is selling by degrees, now and then, the remainder of these relics to get money to send her boys to school. It would be a great godsend not only to her, a widow, with these three responsibilities, one of whom I say the President is trying to help along, to buy these relics, but it would be a proper thing to buy these relics for this association. Every man should be glad to have them preserved and kept from being scattered around over the country, because I hear of them from all points of the compass in the United States. Anyone who wants these relics—and she is selling them one or two at a time, to get money to send her boys to school and care for herself. She simply sells them for what she can get, and she is struggling to hold them for Congress to buy for this association, which she thinks should have them.

Now, gentlemen, I am not here to comment on Andrew Jackson or any other man. You all know what he did, both in war and in peace; and I might say that nothing that I can say, or

anybody else can say, could make him any greater than he is, because he is as great as human flesh ever got to be on American soil.

The great State of Tennessee, in which his ashes are laid, bought the Hermitage before the civil war, for which she paid $48,000 and issued bonds for it.

Here is the statute authorizing the purchase. Bonds were issued at that time to pay for it. The war came on, and the bonds were not paid until the interest and principal amounted to nearly $160,000. That is the amount which the Hermitage cost the old Volunteer State, where this great general and great hero and patriot lived and where his ashes rest. In addition to this the good women, the Ladies' Hermitage Association, who have immediate control of the buildings, the tomb, and 25 acres of ground surrounding them, have, in their own sweet, beautiful, and patriotic way, collected about $27,700, and spent that in preserving the houses, that were going into decay when they took charge of them. This is a regularly chartered organization. They have collected a great many of the relics.

They have repainted the house; they have propped up and reroofed the log cabin where the old hero lived when he went to fight the battle of New Orleans and when he fought our Indian wars and when he was elected President of the United States. They are carrying everything back as near as possible to the exact status it was in when his glorious old spirit took its everlasting flight. That is the way we want to keep everything; but we can not get it back to that high standard of preservation without the money to buy these relics that Jackson had there, but which are now being scattered all over the world.

Here is a State whose people have expended $160,000 plus $27,000. What other State has done as much for one of her heroes as my State has done in this matter?

I am proud of what she has done. Was General Jackson a State character only? No; he was a national character; indeed an international character. Why, when I went over to the Philippine Islands I met a man in the island of Ceylon as black as the ace of spades, and when he found out that I was an officer of the United States Government he said:

> Your greatest man was George Washington. He was first in war, first in peace, and first in the hearts of his countrymen. Thomas Jefferson wrote your Declaration of Independence.

And quoted several passages from it—

> He was your greatest writer. General Jackson was one of your great men. He was one of the greatest generals in his time. General Grant and Gen. Robert E. Lee were your greatest generals in recent years.

So you can see that our ideals are well known in all the world, and amongst them is Andrew Jackson. Yet Congress has never aided the State of Tennessee to preserve the Hermitage, which Jackson built and in which he died. Not a cent has the United States ever given. General Jackson spilled his blood for his country. From the time he was 13 years old he was in public life. The grave of his mother, a heroine of the Revolutionary war, is unknown and was to him. His two brothers were victims of that war, and their graves are unknown and were to him, and the place of his father's grave is unknown and was to him; but whether Jackson's grave is left unkept by State and nation, he will live, regardless of what we do, because he was always a patriot and always stood up for the Constitution of the United States and the flag. I say as little as we can do as an American Congress, representing the American people and the American heart, would be to say, "Here, Tennessee, here, Ladies' Hermitage Association, is the tribute of the Federal Government and its offering to your great work at the Hermitage. Congress for the people has been long in giving you this, but we are glad to do it now." [Applause.]

Mr. SMITH of Iowa. I insist on the point of order.

The CHAIRMAN. The Chair has no doubt that the amendment is subject to the point of order, and the Chair sustains the point of order.

The Clerk read as follows:

> Old railroad station: For a watchman for the old railroad station building at the southwest corner of Sixth and B streets NW., $720.

Mr. DRISCOLL. I have been asked by a number of people what is to be done with this old railroad station; and if the committee have any information on the subject, I should like to have them state it.

Mr. SMITH of Iowa. This station is now the property of the United States, like any other property belonging to the Government. It is subject to such use as it may be put to by the authority of Congress. Personally I believe it is very much superior to many of the private residences and the like now used for divisions and Bureaus of the Government, and that within a short time a division or bureau of the Government ought to be housed in the building. If such a bureau or division can be found, it ought to be placed in the building. In the meantime it is being used for storage purposes, but much of it is altogether too good in quality to be permanently used for that purpose.

The Clerk read as follows:

> Improving New York Harbor, New York: For continuing improvement of Ambrose Channel (formerly known as "East Channel") across Sandy Hook bar, $318,490.

Mr. PARSONS. Mr. Chairman, I move to strike out the last word. I would like to ask why this amount was appropriated instead of $486,490, estimated by the engineers?

Mr. SMITH of Iowa. The engineers made that estimate originally, but they were requested to make a new estimate and give the amount that they would be able to use before next March, and they gave the amount that they could use in the meantime, and this amount was put in in accordance with the later estimate.

Mr. PARSONS. And next year the balance will have to be appropriated in a deficiency bill?

Mr. SMITH of Iowa. No; it will be carried in the sundry civil bill. Every dollar is appropriated in these river and harbor items that the engineers reported could be used before the next sundry civil bill is passed.

The Clerk read as follows:

> Improving waterway from Franklin to Mermentau, La.: For continuing improvement, $100,000.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> On page 100, after line 10, insert:
> "Improving the Great Peedee River, South Carolina: For continuing the upper portion of river improvement, $11,300.

Mr. SMITH of Iowa. That is within the authorized limit of cost, and the Chief of Engineers has reported since the bill was made up that this amount will be needed before the next sundry civil bill is passed.

The amendment was agreed to.

The Clerk read as follows:

> Improving Sabine Pass, Tex.: For continuing improvement, $190,000.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> Page 107, after line 13, add: "Improving the St. Michael Canal, Alaska, for completing improvement, $150,000."

Mr. STEPHENS of Texas. Does this amendment affect Sabine Pass, Tex., in any way? I see it is an amendment to come in after line 13.

Mr. SMITH of Iowa. No; this is like the other amendments I have offered, reported by the engineers since making up the bill. It does not affect Sabine Pass at all; it is a separate item.

The Clerk read as follows:

> Improving harbor at San Juan, P. R.: For continuing improvement, $220,000.

Mr. LARRINAGA. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill what is the basis of the $220,000 that has been fixed upon?

Mr. SMITH of Iowa. This is that portion of the amount now authorized by law deemed necessary by the engineers which will be needed before the passage of the next sundry civil bill.

Mr. LARRINAGA. The reason of my inquiry is that the work has been proceeding there for three or four months, and all the difficulties that are generally encountered in the beginning of a work have been overcome. The work to be done the next year is easy, and as the work is paid for by the quantity every month, I anticipate that the expenditure is going to be pretty large. You can work in all the harbors of San Juan and practically in all Porto Rico every day in the year. I, myself, have been a chief engineer in charge of harbor work in San Juan, and have conducted that work for some time, and I anticipate that a larger amount will be necessary. Will the gentleman from Iowa inform me as to how these figures have been made up?

Mr. SMITH of Iowa. It was originally estimated by the Chief of Engineers that $300,000 could be used during the next year, but subsequently he reported the amount carried in the bill would be all that could be utilized before the next sundry civil bill passed.

Mr. LARRINAGA. Did he give any reason why it should be reduced?

Mr. SMITH of Iowa. The original estimates were made by the Chief of Engineers to cover the entire fiscal year, which would be a year from next July, but he subsequently reduced his estimates to what would be consumed before the passage of the next sundry civil bill, which would be not later than the

4th of March next year. He has been allowed what he could utilize in that time.

Mr. LARRINAGA. Well, he could judge of that all right.

The Clerk read as follows:

Maintenance of South Pass channel, Mississippi River: For continuing improvement and maintenance, $50,000.

Mr. SMITH of Iowa. Mr. Chairman, I offer the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

On page 108, after line 2, insert:

"Improving harbors on the coast of Mississippi: For completing construction of dredge for use in said harbors and the channels adjacent thereto, $125,000."

Mr. SMITH of Iowa. Mr. Chairman, that item is like the others, is authorized by existing law, but it is not included in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Waterway from Pamlico Sound to Beaufort Inlet, North Carolina: For continuing improvement, $170,000.

Mr. THOMAS of North Carolina. Mr. Chairman, I notice in the hearings that an estimate of $350,000 is made by the Chief of Engineers for the work of improving the waterway from Pamlico Sound to Beaufort Inlet, North Carolina. Why is it that the amount was reduced to $170,000 by the committee?

Mr. SMITH of Iowa. Because, as already stated, with reference to some other items, the Chief of Engineers has reported this reduced amount is all that is necessary to be used before the 4th day of next March.

Mr. THOMAS of North Carolina. Then there was a revised estimate?

Mr. SMITH of Iowa. There was no revised estimate, but a reduction based upon the time that he would spend on it.

Mr. THOMAS of North Carolina. According to that reduction this amount, $170,000, would enable the Engineer Corps to carry on the work up to March 1, 1909?

Mr. SMITH of Iowa. Yes.

Mr. THOMAS of North Carolina. And then I suppose the next sundry civil appropriation bill will carry the balance of the money needed?

Mr. SMITH of Iowa. It will carry whatever is necessary for the balance.

The Clerk read as follows:

Improving Mississippi River: For continuing improvement of Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries and clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, $2,000,000.

Mr. MACON. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 108, lines 22 and 23, after the word "the," in line 22, strike out the words "mouth of the Ohio River" and insert "the highlands, at or near Cape Girardeau, Mo.

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against that amendment, that it changes existing law. I will reserve it for a moment.

Mr. MACON. Mr. Chairman, I think the gentleman is mistaken about this not being authorized by existing law. The Fifty-ninth Congress passed a law specifically extending the jurisdiction of the Mississippi River Commission up to the highlands at Cape Girardeau, Mo., and when the rivers and harbors appropriation bill that followed was in this House, Mr. BURTON, the chairman of the committee, accepted an amendment extending the provision up to the highlands at Cape Girardeau. The law is very clear on the subject, and I do not think the gentleman will insist that it is not, after the statement made upon that question.

Mr. SMITH of Iowa. Mr. Chairman, I do not desire to state positively of course that the law has not been changed as indicated by the gentleman, but I have no further information, and I submit that I ought to insist on the point of order until the gentleman cites the identical law.

Mr. MACON. I can get it in a few moments.

Mr. SMITH of Iowa. What is the object of making this change, if the gentleman is correct?

Mr. MACON. Why, to extend this appropriation to projects up the river above the mouth of the Ohio. That is why—projects that are in course of progress.

Mr. HAMILTON of Michigan. It goes up to the mouth of the Ohio.

Mr. MACON. Yes; but it goes up farther on the other side. I will get the law if the gentleman will allow me. If the gentleman will allow me to return to this by unanimous consent, I will show the gentleman the law.

Mr. SMITH of Iowa. I should have to insist on the point of order at this time, because this is the language used by the Chief of Engineers, who ought to be advised if there is such a change as the gentleman thinks.

Mr. MACON. Certainly the gentleman will not insist that this is in conflict with existing law when I tell him emphatically that Congress in the last session, I believe it was the last session of the Fifty-ninth Congress, if not the first, passed a specific law authorizing the construction of levees up to the highlands at Cape Girardeau, Mo., and extended the jurisdiction of the Commission to that point?

Mr. SMITH of Iowa. I want to state I believe the gentleman is entirely sincere in the belief he has stated the law, but he has not the law to present, but simply says it was passed, and I must insist——

Mr. MACON. I said it was passed in the first or second session of the Fifty-ninth Congress, and if the chairman of the committee [Mr. PRINCE] were present, he would bear me out in the statement.

Mr. SMITH of Iowa. This is a river and harbor item.

Mr. MACON. That was a river and harbor bill that was passed then.

Mr. ADAIR. Will the gentleman from Iowa yield for a question?

Mr. SMITH of Iowa. I will.

Mr. ADAIR. Does the chairman of the committee or the gentleman think it is fair to insist upon the point of order based upon a statement that he himself does not know what the law is?

Mr. SMITH of Iowa. I certainly do; I certainly do. When gentlemen are contending that a law has been modified, they ought to produce the law.

Mr. ADAIR. They are willing to produce the law if they have the time.

Mr. SMITH of Iowa. I have no doubt they think they are stating it correctly.

Mr. MACON. The gentleman has made the point of order and says that there is no law authorizing the appropriation for that purpose, and the burden is upon him to show it. I insist that the law does exist and have only asked him to allow this to go over by unanimous consent until I can have the law brought from the library. I know that it passed. I introduced the bill, sir, and certainly we do not forget when measures of that kind which we have introduced become a law. They are too important to us. This particular proposition is too important to my section of the country for the gentleman to tell me that I do not know that it is a part of the law of the land at this hour.

Mr. SMITH of Iowa. As far as I am able to discover, if the gentleman is correct, his amendment is unnecessary; but if he is incorrect, his amendment is out of order. Now, I have no doubt on earth that the gentleman thinks he has stated this law correctly, but he has not the law before him, and he does not remember what session of Congress it passed, and I would like to see it.

Mr. MACON. The chairman of the Committee on Levees and Improvements of the Mississippi River will bear me out in the statement that the law was passed in the first or second session of the Fifty-ninth Congress.

Mr. Chairman, I have the law, and I will read it:

Improving Mississippi River, from Head of the Passes to the mouth of the Ohio River, including salaries, clerical, official, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $3,000,000, which shall be expended under direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers for the general improvement of the river, for the building of levees between the Head of the Passes and Cape Girardeau, Mo.

Mr. PRINCE. What is the question?

Mr. MACON. I will state to the chairman of the Committee on Levees and Improvements of the Mississippi River that I have offered an amendment here to this provision in the bill which provides for the improvement of the Mississippi River, which reads:

Improving Mississippi River: For continuing improvement of Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries and clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, $2,000,000.

I have offered as an amendment to strike out "the mouth of the Ohio River" and to insert "highlands at or near Cape Girardeau, Mo." The gentleman in charge of the bill insists that there is no authorization for that appropriation and that the amendment is in conflict with existing law.

Mr. PRINCE. Was not the law passed at the first session of the Fifty-ninth Congress——

Mr. MACON. Authorizing an appropriation.

Mr. PRINCE. And extending the jurisdiction of the Mississippi River Commission northward about 50 miles to Cape Girardeau, as I recollect it. There is no question about that. That is the law.

The CHAIRMAN. Does the gentleman say that this work described in his amendment has already been contracted for?

Mr. MACON. I did not hear the Chairman.

The CHAIRMAN. Does the gentleman from Arkansas contend that the work covered by his amendment has been contracted for?

Mr. MACON. I understand so, sir. While in Memphis, about six weeks or two months ago, I was told that the Commission had made a contract and that the contractor had begun the construction of the levee that my bill provided for. The engineer told me that himself. I do not know anything further about it. But if there is nothing, Mr. Chairman, if no contract has been let for the construction of the work, if it is not in progress, then my amendment will not affect the matter one bit, because it will not be a piece of work in progress or in the course of construction. If they have provided for it, if there is a contract for it, then my amendmet will cover the case. Otherwise it will not. Now, if the Chair will read this——

The CHAIRMAN. What does the chairman of the Committee on Appropriations say with respect to the contract for the construction of this work referred to in the gentleman's amendment?

Mr. SMITH of Iowa. I have no information on that subject. This estimate was sent down in the exact form in which it appears in the bill.

Mr. FITZGERALD. If the Chair will notice, this item is for the purpose of continuing an improvement authorized under the act of 1902.

Mr. MACON. Nineteen hundred and two? That being the case, Mr. Chairman, if the gentleman is correct about that, then, of course, a point of order would lie against my amendment, and I would like to ask unanimous consent to withdraw it so far as that case is concerned.

Mr. FITZGERALD. It may be that I am mistaken.

Mr. MACON. I do not want to do anything that is contrary to law.

Mr. SMITH of Iowa. Now, I would like to call the Chair's attention to the fact that this law under which he claims that this is authorized, while somewhat awkwardly drawn, because, no doubt, of its amendment on the floor, is as follows:

Improving the Mississippi River from the Head of the Passes to the mouth of the Ohio River, including salaries, clerical, official, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $3,000,000.

Now, we have, first, here an appropriation of $3,000,000 for that purpose, and then we will find that that appropriation is also made available for certain other purposes, namely:

Which shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers for the general improvement of the river.

Now, that, I presume, was the end of this section as it came into the House. To that was added:

For the building of levees between the Head of the Passes.

And so forth, thus making the $3,000,000 available not only for the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers, but also making that appropriation available for the improvement above the mouth of the Ohio River. But then the authorization to contract comes in, namely:

That on and after the passage of this act the Secretary of War may enter into additional contracts for such material and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid.

This act, taken as a whole, provides for a $3,000,000 appropriation to execute the plans already approved, or thereafter to be approved, of the Mississippi River Commission, and in addition thereto for the improvement of the river above the mouth of the Ohio. But when the authorization comes it is in the language originally devised by the committee and does not extend beyond the plans of the Mississippi River Commission as approved by the Chief of Engineers of the Army. So that while the then current appropriation was made available for this improvement above the mouth of the Ohio, the authorization for further contracts does not, in my judgment, apply above the mouth of the Ohio. At any rate, there is no evidence of any contract being made.

Now, the Chief of Engineers, familiar with all these laws, sends down this estimate in this language. It is adopted by the committee. I do not think it can properly be changed. If the gentleman's theory is correct—that the authorization to expend the $3,000,000, when appropriated, above the mouth of the Ohio River, also authorizes the expenditure of $3,000,000 more under contract above the mouth of the Ohio—then, in my judgment, the language in the bill is sufficient to make the money available for that purpose. It is an appropriation under this section. But to allow him to make his amendment is to solve what should be the true construction of the original act and extend the use of this money to a place where, in my judgment, he did not succeed in extending it by his amendment injected upon the floor.

Now, the gentleman was somewhat indignant that I wanted to see the statute; yet when the statute is produced I find that, to my mind, it is exceedingly blind and indefinite.

Mr. MACON. If the gentleman will allow me, I will read him the statute.

Mr. SMITH of Iowa. I have the statute, and have been reading from it.

Mr. MACON. I beg the gentleman's pardon. You have the river and harbor act. Read the law. I will let you read it.

It simply corroborates the statement I have just made to the Chair, and I will read it:

Out of any funds which have been or may hereafter be appropriated by Congress for improving Mississippi River, from Head of the Passes to the mouth of the Ohio River, * * * which shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers for the general improvement of the river, for the building of levees between the Head of the Passes and Cape Girardeau, Mo.

What was that which was approved? In other words, it is set out in the very language in which this bill shall carry this money. Any part of it set apart for levees the Commission may see fit to use; and the gentleman is simply seeking by his amendment to make the full amount of money and not the money set apart for levees available for it. Now, the language put in the bill is to make the money available above the mouth of the Ohio for as much as may be set apart for levees, and that is all that is intended.

Mr. MACON. The part of the law that authorizes the expenditure of any money whatever for the improvement of the Mississippi River by way of construction of levees is to be found in the act that created the Mississippi River Commission. In other words, the act provides that money is to be appropriated to aid in the construction of levees, and the Commission is given authority to apportion it to the different projects along the Mississippi River. Up to the time the law was passed that the gentleman from Iowa last read, the Commission had no authority whatever under existing law to expend any part of the money appropriated for the improvement of the Mississippi River at a higher point than the mouth of the Ohio River.

The Commission saw the great necessity of improving the river farther up, on the other side, by extending the levee system 50 miles, to the highlands at or near Cape Girardeau, Mo. It therefore suggested that the original law ought to be amended to the extent that it be given authority to construct levees up to Cape Girardeau, Mo. The chairman of the Commission himself, General Ernst, was so much interested in the matter that he came to Washington from the city of St. Louis and appeared before the committee in behalf of the measure, and insisted that it was highly necessary that the bill pass; and it was passed by a unanimous vote of this House during the Fifty-ninth Congress.

Now, sir, I insist that all moneys that are to be hereafter appropriated for the purpose of improving the Mississippi River in the matter of construction of levees are henceforth to be expended, under the law as it now exists, as high up as Cape Girardeau, Mo., instead of stopping at the mouth of the Ohio River, under the original law, because the original act has been amended and authority has been extended up to Cape Girardeau. Hence, sir, the Commission ought to be given specific authority in this bill to use the money appropriated for the improvement of the Mississippi River on any project on said river between the Head of the Passes and Cape Girardeau, instead of to the mouth of the Ohio. Hence I insist that the point of order ought not to lie against this amendment.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. MACON. Yes, sir.

Mr. SMITH of Iowa. This law that you have got provides that any portion of the money allotted for levees in the appropriations shall be used?

Mr. MACON. Yes.

Mr. SMITH of Iowa. Now, if you change that, the language is for continuing improvement of the Mississippi River from the Head of the Passes to Cape Girardeau?

Mr. MACON. That is all.

Mr. SMITH of Iowa. This makes it available not only for levees but the very specific thing that you want to change. That is a change that you make.

Mr. MACON. The original law makes it available.

Mr. SMITH of Iowa. This makes it only available for levees; the law you cited made it available for other purposes as well.

Mr. MACON. It makes it available for levees, and the Commission has the right to improve it otherwise.

Mr. SMITH of Iowa. Out of the appropriations for the river below?

Mr. MACON. From the mouth of the Ohio to the highlands.

Mr. SMITH of Iowa. Below that?

Mr. MACON. I do not know about below that.

Mr. SMITH of Iowa. That act makes the appropriation for improvements of the river below, and you are taking this and expending it not only on the levees, but on other improvements.

Mr. MACON. But does not the gentleman expect that money to be expended for the general improvement of the Mississippi?

Mr. SMITH of Iowa. Under the authorization of the river and harbor bill.

Mr. MACON. To do what?

Mr. SMITH of Iowa. For the improvement of navigation, not wholly for levees.

Mr. MACON. For the improvement of navigation? Do you not know it is for the improvement of the levees?

Mr. SMITH of Iowa. Not wholly so.

Mr. MACON. For what other purpose can it be used?

Mr. SMITH of Iowa. I understand it can be used for other purposes.

Mr. MACON. For what purposes?

Mr. SMITH of Iowa. The improvement of navigation.

Mr. MACON. Do you know of many improvements on the Mississippi River below the mouth of the Ohio that have been made in any other way except by the construction of levees?

Mr. SMITH of Iowa. Oh, yes; I think so.

Mr. MACON. I know of very few, and I live upon the river.

Mr. SMITH of Iowa. I insist it is perfectly plain.

The CHAIRMAN. The Chair is ready to rule. It must be borne in mind that this is not a river and harbor bill, but a bill making appropriations for improvements that have been authorized by law and placed under contract. Now, in view of the statement made by the chairman of the committee that the language of the paragraph in the bill making the appropriation is the language furnished by the Chief of Engineers, and in the absence of any evidence of a contract that would cover the improvement between the points named in the amendment offered by the gentleman from Arkansas, it seems to the Chair that the point of order ought to be sustained. But, in addition to that, the provision in the bill is for the general improvement of the Mississippi River between the points named, while the legislation to which the gentleman from Arkansas calls the attention of the Chair is for the expenditure of money allotted to levees, not to general improvements of the river between the points named. Therefore the Chair sustains the point of order.

Mr. TAWNEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21260, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 15725. An act to relinquish, release, and confirm the title of certain lands in California to the Western Power Company;

H. R. 19463. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 16515. An act authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal.; and

H. J. Res. 155. Joint resolution authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908.

THE CYCLONE OF APRIL 24, 1908.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of House joint resolution 173, for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana on April 24, 1908, and the same was referred to the Committee on Appropriations.

Mr. BOWERS, from the Committee on Appropriations, reported a joint resolution (H. J. Res. 173) for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana on April 24, 1908, which was read a first and second time and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration in the House, as in Committee of the Whole, of the joint resolution just reported.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the joint resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. If there be no objection, the joint resolution will be considered as engrossed and read a third time.

Mr. FITZGERALD. Mr. Speaker, it ought at least to be read.

The SPEAKER. The Clerk will report the joint resolution, with the amendments.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized to procure, in open market or otherwise, subsistence and quartermaster supplies, medicines, and medical aid, in addition to such supplies belonging to the military establishment and available, and issue same to such destitute persons as have been rendered homeless or are in needy circumstances as the result of the cyclone which occurred April 24, 1908, in the States of Georgia, Alabama, Mississippi, and Louisiana, and in executing this joint resolution is directed to cooperate with the authorities of the said States.

SEC. 2. That to enable the Secretary of War to execute the provisions of this joint resolution there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, to be expended under the direction and in the discretion of the Secretary of War.

With the following committee amendment:

On page 2, line 1, after the word "resolution," insert "and of the joint resolution on the same subject adopted April 27, 1907."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

AMENDING THE PASSENGER ACT OF 1882.

Mr. BURNETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURNETT. I rise for the purpose of asking unanimous consent to have until Monday afternoon next to file minority views on the bill (S. 5083) to amend section 1 of the passenger act of 1882.

The SPEAKER. The gentleman from Alabama asks unanimous consent to file minority views on the bill mentioned. Is there objection?

There was no objection.

INCREASE OF MEMBERSHIP IN THE PHILIPPINE COMMISSION.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17516) to increase the membership of the Philippine Commission by one member.

The Clerk read the bill, as follows:

Be it enacted, etc., That the number of Commissioners constituting the Philippine Commission is hereby increased by one additional member, making the Commission consist of nine members. Said additional member shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive the same salary and emoluments as is now, or may hereafter be, prescribed by law.

With the following amendment recommended by the committee:

Add another section to the bill, as follows:

"SEC. 2. That the President is hereby authorized in his discretion to create by Executive order and name a new executive department in the Philippine government, and to embrace therein such existing bureaus as he may designate in the order; and in his appointment of any Commission member he shall specify in his message to the Senate the department, if any, of which the appointee shall be the secretary."

Amend the title so as to read: "A bill to increase the membership of the Philippine Commission by one member, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. CLARK of Missouri. I object.

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and pass the bill just read, with amendments.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Indiana [Mr. CRUMPACKER] has twenty minutes and the gentleman from Missouri [Mr. CLARK] has twenty minutes.

Mr. CRUMPACKER. Mr. Speaker, the bill authorizes the addition of one member to the Philippine Commission. The

Commission is now composed of eight members, four of whom are executive officers, members, in one sense, of the cabinet of the governor of the islands. There are four administrative or executive departments of the Philippine government. The Philippine Commission constitutes the upper body of the Philippine legislature, and the four executive members of the Commission and four others who perform simply legislative functions, of course, have to consent to all bills that are passed by the Philippine legislature. Section 2 of this bill authorizes the President to create one additional executive department. It is the desire of the Commission to separate the departments of finance and justice, I understand, into two distinct departments. Those two are now combined in one. It is desired that the new member of the Commission shall also be an executive officer at the head of one of the departments.

The Commission very earnestly recommend this bill, and the Commission deem it highly important that the additional member of the Commission be provided for, not only for the reason I have already suggested, but to enable the Commission more easily to secure a quorum. It now requires five members to constitute a quorum, and the administrative and executive duties of the members of the Commission require them to be away from the capital at certain periods as long as a month or six weeks at a time, and if one member is added to the number it will be much easier to have a quorum at the meetings of the Commission.

Mr. CLARK of Missouri. How many Commissioners are there now?

Mr. CRUMPACKER. Eight.

Mr. CLARK of Missouri. How long have they had eight members?

Mr. CRUMPACKER. Since the organic act was passed, in 1902, I believe.

Mr. CLARK of Missouri. How much salary do they get?

Mr. CRUMPACKER. The executive Commissioners get $15,500 a year, and the legislative Commissioners get, I believe, $7,500 a year.

Mr. CLARK of Missouri. This one that you propose to add will get how much?

Mr. CRUMPACKER. Seven thousand five hundred dollars a year until the President creates another executive department and he should be appointed at the head of that department.

Mr. CLARK of Missouri. What executive department do they want to create?

Mr. CRUMPACKER. The branches of finance and justice are now combined under one department, and it is desired to separate those two, because there is no logical relation between them.

Mr. CLARK of Missouri. If they have got along as well as you say they have up to this time, what do they want to change it now for?

Mr. CRUMPACKER. They require legislation there the same as we do in this country. We have got along admirably for one hundred and twenty-five years, and yet we hardly have the time to pass what new legislation we consider necessary. It seems that the better a country gets along the more legislation it requires.

Mr. SHERLEY. What is the duty of the other Commissioners besides the one that has charge of the department of justice and finance?

Mr. CRUMPACKER. There is the department of education, the department of the interior, and the departments have the executive and administrative work of the islands distributed among them—not, perhaps, as systematicly as we have.

Mr. SHERLEY. I agree with the gentleman that it does not seem logical to have the departments of justice and finance together, but it seems to me that they could rearrange these departments without creating a new office.

Mr. CRUMPACKER. They could not without legislative action, because the departments are provided for in the organic act of 1902.

Mr. SHERLEY. Who pays for this office?

Mr. CRUMPACKER. The salaries of the Commission are paid by the Philippine government.

Mr. SHERLEY. Have the Filipinos made a request for this additional Commissioner?

Mr. CRUMPACKER. I do not know about the Filipinos personally, but——

Mr. SHERLEY. They are going to foot the bill.

Mr. CRUMPACKER. Speaking in a sense confidentially, I understand the additional Commissioner is to be a Filipino.

Mr. SHERLEY. The reason I asked the question was because one of the general complaints that I heard while in the Philippines was that the government we were putting upon these people was too expensive and too elaborate for their needs. Now, to create a new office unless the Filipinos want it——

Mr. CRUMPACKER. I will say to the gentleman that the representatives of the Philippine government in the city of Washington are for this bill. They attended the meetings of the committee when it was under consideration, and both of them favored the enactment of the bill. The Commission is earnestly in favor of it. The Secretary of War, who recently visited the archipelago and investigated the whole situation, and who was before, perhaps, more familiar with the conditions there than any other man in America, regards it as of considerable importance. I believe we ought to defer largely to the judgment of men who are charged with the responsibility of administering affairs in those islands, respecting legislation that may be necessary.

Mr. DALZELL. What committee does this bill come from?

Mr. CRUMPACKER. The Committee on Insular Affairs.

Mr. DALZELL. Is there a unanimous report?

Mr. CRUMPACKER. A unanimous report. There was no opposition to the bill.

Mr. SHERLEY. In a general way I agree with the gentleman, and I should go slow in differing with the Secretary of War. But there has been a tendency to multiply offices, and I should like some special reason given why we should create such a high-salaried office there now.

Mr. CRUMPACKER. I appreciate the criticism the gentleman makes. It impressed me, too, that the government there, viewed from our standards, might be a little top-heavy, a little too expensive, but I think we ought to defer, as I said a moment ago, to the judgment and recommendation of the men who are on the ground and know conditions. We can not determine the demands of the Philippine Archipelago by American standards. What may be required here might not do at all there.

Mr. SHERLEY. That is just the point. We are very largely governing them from American standards, and are imposing upon them a government very much more elaborate, in my judgment, than the wealth of the country or the needs of the people make requisite. This is in direct line of elaboration of government.

Mr. CRUMPACKER. Oh, no; this is not in line of elaboration; it is in line of systemizing the government down there.

Mr. SHERLEY. That is another way of phrasing it. It is in line of creating a new office.

Mr. CRUMPACKER. And reducing administration to a business basis. That is the real situation. A couple of years ago the Commission eliminated a number of bureaus and saved about a million dollars a year of expense, and I think others ought to be eliminated and probably will be in the course of a year or two.

Mr. FITZGERALD. Will the gentleman yield?

Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. Were the four departments that now exist created by act of Congress or by Executive order?

Mr. CRUMPACKER. By act of Congress.

Mr. FITZGERALD. Why not by act of Congress do the same in this instance—segregate the various bureaus into departments, that it is believed proper to have, rather than to delegate so much power to the President?

Mr. CRUMPACKER. Well, the judgment of the Commission and of the Secretary of War is that that discretion would best be left with the President; and when the Commission gets ready for the additional department, it will inform the President, and the probabilities are that he will create it. They are willing to trust that question to the discretion of the President.

Mr. FITZGERALD. I have no doubt that when the President appoints, they are perfectly willing to trust to the President the power to divide up these offices as they wish, but since the gentleman's committee believes in the first instance that Congress should determine the departments and how they should be constituted, does he not think the Congress should be convinced first that it should be done, and that Congress ought to exercise its judgment as to the manner in which the departments should be divided?

Mr. CRUMPACKER. It might, if Congress was in a position to know. In conversation with the Secretary of War only a few days ago, he said they had not finally decided that a new department should be created, but he thought it ought to be; but the question of considering the various administrative bureaus and divisions is one that will take some time, and one that perhaps Congress would hardly be competent to decide.

Mr. SHERLEY. If Congress was competent originally to separate that government into four departments, is it incompetent now to determine whether there should be four or five?

Mr. CRUMPACKER. Congress never did that originally. The Philippine Commission created the four departments and Congress enacted the work of the Commission into law. That was all that was done in the first place. I now reserve the balance of my time.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. CRUMPACKER. I yield for a question.

Mr. NORRIS. I want to suggest to the gentleman, and then I will ask him the question; in the first place, this bill, as I understand it, leaves it to the President to establish, if he sees fit, a new department.

Mr. CRUMPACKER. Yes.

Mr. NORRIS. The gentleman tells us that it is expected to separate the department of justice from the department of finance, and have it designated as this new department.

Mr. CRUMPACKER. No; but the administration of justice and the administration of finance are in one department.

Mr. NORRIS. That is what I want to reach if the gentleman will permit. When the President designates the new department, he will call the department by something that is not now named——

Mr. CRUMPACKER. No.

Mr. NORRIS. He could not call it the department of finance, nor could he well call it the department of justice.

Mr. CRUMPACKER. Why?

Mr. NORRIS. Because we already have a department of justice and a department of finance.

Mr. CRUMPACKER. They have a department of finance and justice as one department. If a new one is created, one will be the department of finance and one will be the department of justice.

Mr. NORRIS. Then the bill ought to be amended, it seems to me, to give the President authority to change the name of the present department. Under the bill, as I understand it, he would not have any right to change the name of that department.

Mr. CRUMPACKER. Oh, indeed, it gives him the power to create a new department, and of course he would have to designate it.

Mr. NORRIS. But he would not desire to give it the name of some department that already exists, and if he can not change the name he would have to give it the name of a department that already exists.

Mr. CRUMPACKER. That part the committee did not consider. The bill was prepared in the office of the Secretary of War and earnestly recommended by the Secretary himself, and we acted upon his judgment.

Mr. NORRIS. Does not the gentleman think there should be some amendment of that kind?

Mr. CRUMPACKER. No; I do not. I do not think there is any danger of that; otherwise it would have been considered and provided for in the bill.

Mr. NORRIS. It seems to me to be apparent on the face of it that if there is one department there now called the "department of finance and justice" you could not have another department named a "department of finance" and another department named the "department of justice."

Mr. CRUMPACKER. I think so.

Mr. NORRIS. It will be very conflicting.

Mr. CRUMPACKER. Mr. Speaker, I reserve the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I would like to further interrogate the gentleman from Indiana. I notice in your report a statement that the government of the Philippines now comprises four departments, the department of finance and justice, the department of the interior, the department of commerce and police, and the department of education. Now, you have eight commissioners; what do the other four do?

Mr. CRUMPACKER. This Commission, the gentleman will bear in mind, has legislative as well as administrative functions, and four of its members are heads of departments and four of them simply perform legislative functions.

Mr. SHERLEY. Do you mean that only four have anything to do with the making of laws for the archipelago? The entire eight are constituted a Commission to assist in the enacting of laws; but, as I understand the gentleman, four of them, in addition to their legislative duties, are heads of departments and have executive duties to perform. If four of them can attend to legislative duties and executive duties, why could not you, instead of increasing the number, simply give the four who only have legislative duties some departmental duties and let them attend to it that way?

Mr. CRUMPACKER. I must confess I was not listening to the gentleman's question.

Mr. SHERLEY. I say inasmuch as by your statement four of them give their time only to legislative duties and the other four give their time to both legislative and departmental duties, why not let the four who are only doing legislative duties take some of the burden of the departmental duties instead of increasing the number?

Mr. CRUMPACKER. The Commission desires an increase in the number, as I said a moment ago.

Mr. SHERLEY. I understand they desire it.

Mr. CRUMPACKER. In order that it may increase the facilities for having a quorum, because the administrative officers are away from the capital substantial portions of every year.

Mr. SHERLEY. Does the gentleman think that Congress would be justified in adding to the number of this Commission on the statement that it would facilitate the having of a quorum with which to do business?

Mr. CRUMPACKER. I do, upon the statement of the men that we have sent down there to administer that important trust, men who are on the ground, men who know about conditions, men who carry the responsibilities. When they come to us and ask for legislation, if we refuse to grant it we take the responsibility, then, and relieve them from it.

Mr. SHERLEY. Unquestionably.

Mr. CRUMPACKER. Relieve them from the responsibility of success of administration in the archipelago.

Mr. SHERLEY. Unquestionably we do; but when we simply take their statement, without finding some reason for it, we are delegating our functions as legislators to them. Now, I understand what they ask, but I think the chairman of this committee or the members of this committee should give to the House some of the reasons that these people advance. Now, one of the reasons that I understand has been advanced is the fact that it will make the obtaining of a quorum easy. That may be a reason, but it is hardly a sufficient reason for adding to the number of the Commissioners. And another statement is that this is recommended by the Filipinos, and that statement would have more weight if it was not for the fact that one of the motives that might actuate them is clearly shown by the gentleman's statement that it is proposed to appoint a Filipino, though nothing is said in the law that requires that appointment to go to a Filipino. Of course it is true that they are anxious to get as large a proportion of representation as is possible, but I submit to the gentleman that the House is asked to take a good deal on faith when we have a report here that simply says there are four departments now, and four Commissioners attend to them, and the other four attend to legislative matters only, and in order to get a quorum they should have an additional member. I do not believe the House can afford, on the statement contained in this report, to create an office of that size.

Now, the danger of the English race in legislation as to their colonies is that there has always been a tendency to overlegislate and to make the standard of their civilization the standard for the colony without regard to the local conditions there; and we can very easily burden that country, which is a poor country, with a machinery of government away beyond its means and beyond its power properly to pay for it. I submit the committee is hardly warranted by the information given to vote this additional Commissioner.

Mr. ADAIR. I find that the report of the committee here states that the principal trouble in prosecuting business is due to the fact that these Commissioners are compelled to go to remote parts of the islands at different intervals and remain for a number of weeks. If a new member of this Commission is created under this law, could not this Commissioner be required, within his duties, to go to the various parts of the islands, and would it make it any more easy to obtain a quorum than it now is?

Mr. SHERLEY. That might or might not be so, according to the duties of the Commissioner.

Mr. HILL of Connecticut. Is it not true that the Resident Commissioners here from the Philippine Islands, representing conflicting political views in the islands, unite in the request for this additional appointment?

Mr. SHERLEY. I have been told that that is so, but the gentleman, who has some familiarity with the archipelago, will understand that there is of course a desire on the part of the Filipino people to have as large a representation of their own race in the office-holding class as possible, and that reason might be sufficient to warrant them in supporting this bill, but the gentleman will also know that the danger that confronts us in our treatment of the archipelago is the creation of an unneces-

sarily complicated government. And you are asking to increase the heads of that government one, to make them from eight into nine.

Mr. HILL of Connecticut. The point I want to make is this: That when the conflicting political views of the people in the islands unite in saying this is necessary for the proper administration of the government, and they pay the bill, why ought we not to consent to it?

Mr. SHERLEY. Not if the reason for it is the reason suggested by me.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Speaker, I did not demand a second on this bill simply to consume forty minutes of time. I did it because of my opposition to the bill itself. I am opposed to creating any more commissions or commissioners. Congress seems to have gone daft on the subject of delegating powers and creating commissions and bureaus. Why, a short time ago there was a great hullabaloo to the effect that we wanted a tariff commission, and I am very happy to say that I thoroughly agreed with the gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] against the creation of a tariff commission.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption right there?

Mr. CLARK of Missouri. Yes.

Mr. COOPER of Wisconsin. The gentleman is aware, is he not, that the bill passed the Senate without any opposition at all?

Mr. CLARK of Missouri. With all due respect to the Senate, I say that is a very feeble argument. Here lately there has been a proposition to appoint a financial commission. I undertake to say, without the fear of successful contradiction, that you can appoint a financial commission and send it around the country, which when it gets back will know as much about the finances as Mr. HILL of Connecticut knows now.

Mr. DOUGLAS. They will be very fortunate if they know half as much as he does.

Mr. CLARK of Missouri. What are 92 Senators and 391 Representatives in Congress for? They are supposed to have information on these subjects when they come here, and if they did not have they ought not to have come here; and if they want any more information, let them go to work and dig it out.

The upshot of this performance will be that you will just simply make one good, fat office for one more man, and he will have a lot of employees, stenographers, messengers, and hangers-on. I am opposed to the creating of any more commissions, any more bureaus to get information that we all have, or can easily get, and to discharge the duties that we ourselves ought to discharge.

Now I yield five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I do not know that I shall use the whole five minutes. I am told that under the provisions of this measure the majority of the Philippine Commission will be Filipinos. Now, I understand that is a new departure in the administration of our insular possessions. In Porto Rico a majority of the Commissioners are not Porto Ricans, and I apprehend that the reason why the gentlemen who represent the Philippine Islands here as Commissioners favor this proposition is because it gives to the Commission one more Filipino. I suppose that is the real ground for their favoring the measure.

Then again, Mr. Speaker, it is urged that this measure ought to pass, in order to furnish a quorum in all cases. It seems to me that it is just as easy to get a quorum with the Commission as presently organized, as it would be with the addition of this new member, or if this be not true, then, the better plan would be to reduce the Commissioners by deducting one.

Then, I notice another provision in the bill, for which I oppose the measure also, that he shall receive the same salary and emoluments as are now or may hereafter be prescribed by law. I suppose that is the real reason for the passage of this measure, to create a Federal office for some other Federal officeholder, for some other pie hunter, for some other man who wants a place.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption right there? This is unanimously reported by the Committee on Insular Affairs, and I think every one of that committee will tell you, if you want to ask them, that the man who will unquestionably be appointed is a Filipino, a splendid lawyer, and a most excellent man in every way, and that his services are absolutely needed in order to——

Mr. CLAYTON. How does the gentleman know, in the inscrutable ways of Providence and of the present occupant of the White House—how can he tell who is going to be appointed? And if you are making provision for some particular man, why not put it in your measure? Why do you not name him?

Mr. COOPER of Wisconsin. Because we do not want by legislation to name a commissioner.

Mr. CLAYTON. But you are absolutely certain that the man is already picked out for this place, and you are creating a special office for some particular individual. If you are going to create an office for a particular individual, I want to know who the man is who is going to get it. I want to help the President and the Senate in filling this office. I want to know the proposed appointee. Who is the man that the gentleman has in mind?

Mr. COOPER of Wisconsin. Well, he is the present attorney-general of the Philippines, as I understand.

Mr. CLAYTON. Has he a name?

Mr. COOPER of Wisconsin. Mr. Araneta. He is a Filipino.

Mr. CLAYTON. Is he not already doing this work?

Mr. COOPER of Wisconsin. Oh, not at all; and will the gentleman permit me just a word right there?

Mr. CLAYTON. Certainly.

Mr. COOPER of Wisconsin. Mr. Ocampo, one of the Commissioners from the Philippine Islands, represents one party; Mr. Legarde, a business man of large wealth, represents the other party. Both these gentlemen say that it is absolutely necessary, in their judgment, for the proper running of the Philippine government to have this Commissioner.

Mr. CLAYTON. I have no doubt they say it is necessary in their judgment, but in my judgment it is not absolutely necessary, and this pie brigade is already large enough, and I do not think the House ought to increase the membership now provided, by pressing new ones upon the President. Let us give the Filipinos self-government and independence and save the time of the American Congress and the tax money of the American people.

Mr. CLARK of Missouri. I would like to ask the gentleman from Indiana if he is going to use all the remainder of his time in one speech?

Mr. CRUMPACKER. I am not.

Mr. CLARK of Missouri. Then I will ask you to consume some of your time now.

Mr. CRUMPACKER. I yield to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, the present Commission consists of eight members, two of whom are Filipinos, and the other six are American citizens. It is proposed to give one more, which will make nine, and of course it will be much easier to get a quorum, because it now takes five to make a quorum, and it will only take five to make a quorum when there are nine. Some of the departments are overcrowded with business, and it is necessary for the proper government of the islands that there should be one more executive department. It is necessary, as I found on my visit there, for members of the Commission to visit the outlying islands, and it takes a couple of months or more to make their visit. While they are away it is quite essential that there should still be a quorum left in Manila. We have lately added an assembly, which is the lower house of legislature, and no law can be passed unless it passes the assembly.

Formerly the Commission were the sole law making power. It would seem there is no reason why this bill should not be passed. Mr. Legarda was a member of the Commission from the time of its inception until appointed Commissioner Resident to the United States. The other gentleman representing the islands here is a gentleman well known throughout the islands, a gentleman of education, a lawyer, and a man of ability.

Mr. GAINES of Tennessee. Will the gentleman yield to me for a question?

Mr. PAYNE. Certainly.

Mr. GAINES of Tennessee. How many Commissioners did we have when all this war and bloodshed was going on over there?

Mr. PAYNE. We did not have a civil commission then; it was after the war was ended that a civil commission was appointed.

Mr. GAINES of Tennessee. Why, Mr. Taft and Mr. Luke E. Wright were Commissioners then.

Mr. PAYNE. There was a commission appointed under the War Department.

Mr. GAINES of Tennessee. How many composed it?

Mr. PAYNE. I do not remember how many there were then.

Mr. GAINES of Tennessee. I think it was five, and now you want six—one more in time of peace than you had in time of war.

Mr. CRUMPACKER. Will the gentleman from Missouri use the remainder of his time?

Mr. CLARK of Missouri. I yield the rest of my time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, there is evidently a good deal of misunderstanding about this matter on the other side. My colleague says there are six Americans and two Filipinos on the Commission. The report says there are three Filipinos. The gentleman from Indiana states that they desire to create this new department. I asked why they do not provide for the department in the bill itself. He replies that Secretary Taft states that while he believes it should be done, it has not yet been determined that it shall be created. It seems to me that if we could go a little further perhaps we might have some more inconsistent statements about the bill. In 1902 the act ratifying the action of the President creating the Philippine Commission was enacted by Congress. It consists of twenty-one pages in the general Statutes at Large. It goes minutely into the affairs of the Philippine government; yet the gentleman from Indiana states that Congress is incompetent to determine how many departments there should be, and which particular bureau should be in each department.

Mr. CLAYTON. Will the gentleman allow me? Returning to the matter of the personnel of this Commission, will you explain your statement as to the inaccurate statement in that regard made by your colleague from New York and the gentleman from Indiana? Will you please tell the House how many of the present Commissioners are Filipinos and how many are Americans, who does the work for the Commission, or who fails to do his duty and makes it necessary to have another Commissioner?

Mr. FITZGERALD. The report says:

The proposed increase in the membership of the Commission is greatly desired by the Commissioners themselves, including its three Filipino members.

The report further states that it is desired to appoint in the place of one of the Resident Commissioners to this country a Filipino and a Filipino to this new position. If that were done, the Commission would consist of four Filipinos and four Americans. It occurs to me that perhaps the reason an additional Commissioner is desired is to prevent what the gentleman from Alabama was led to believe existed—that the Filipinos would have a majority in the Commission. If the Commission be not increased, and if there were four Filipinos and four Americans, there might be a division upon lines undesirable.

But why not, Mr. Speaker, reduce the number of Commissioners? If it is desired to avoid the possibility of a tie vote, why not, instead of increasing the Commission from eight to nine, reduce it to seven? The objection I have to this bill particularly is, however, that I do not believe that the circumstances warrant Congress in delegating authority to the Executive that should be exercised by the Congress. Is not the Committee on Insular Affairs, after six or eight years' service and investigation, able to determine just what the character of the legislation in the Philippine Islands should be, or how the various departments should be divided, or how the various bureaus should be assigned? It seems to me the committee should be able to determine these questions. I am not willing to concede that Congress is unable, as the gentleman from Indiana claims, to determine, after full investigation and full information, how the various bureaus of the government should be distributed among the several departments.

Mr. CRUMPACKER. Mr. Speaker, the object of the bill is not to create an office for any particular person. The purpose of the bill is to create an office to increase the efficiency of administration and legislation in the archipelago. Gentlemen must bear in mind the fact that the Philippine Commission is a legislative body. It has almost plenary legislative power; it is a branch of the legislative department in the archipelago, and I think every man in this House will agree with me in the view that too many executive officers in a legislative body is not conducive to impartial and wise legislation. If one of the four members of the Commission who now only have legislative functions should acquire also executive functions the executive branch of the government would practically make or dictate all the laws of the archipelago.

Is a body of nine members too large to assist in the enactment of laws in the archipelago? There are only two natives now on the Commission; and if the purpose of the Secretary of War and the President, if this bill should be enacted into law, is carried out, they may appoint another native, and then there will be three natives and six Americans, five executive officers and four members of the Commission whose duties are purely and solely legislative.

Mr. FITZGERALD. Why, then, does the gentleman in the report state that there are three natives now on the board?

Mr. CRUMPACKER. That statement in the report is an error. The Committee on Insular Affairs, like the Committee on Appropriations, consults men who are familiar with the subject-matter of legislation. I submit that the gentleman from New York [Mr. FITZGERALD], able and well informed as he is, knows comparatively little personally of the workings of the great Departments of the Government for which he assists in making appropriations. He consults the heads of the Departments and men engaged in the service and acts upon their advice, and the Committee on Insular Affairs does identically the same.

Mr. FITZGERALD. Let me say to the gentleman from Indiana that I act upon my own judgment after getting information from men representing the Departments.

Mr. CRUMPACKER. The Committee on Insular Affairs does the same thing. It acts upon its own judgment, based upon the advice and opinion of those in a position to know.

The SPEAKER. The time of both gentlemen has expired. The question is on suspending the rules and passing the bill.

Mr. CLARK of Missouri. Mr. Speaker, I call for the yeas and nays.

Mr. PAYNE. I make the point that no quorum is present.

The SPEAKER. The Chair has just counted; 156 Members present; not a quorum. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members. All those in favor of the motion will, when their names are called, answer "yea;" those opposed "nay;" those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken, and there were—yeas 127, nays 100, answered "present" 10, not voting 150, as follows:

YEAS—127.

Alexander, N. Y.	Ellis, Oreg.	Kinkaid	Porter
Ames	Englebright	Knapp	Pray
Andrus	Esch	Knowland	Reeder
Bannon	Foss	Küstermann	Rodenberg
Barclay	Foster, Ind.	Laning	Scott
Bartholdt	Foster, Vt.	Longworth	Slemp
Bartlett, Nev.	French	Lorimer	Smith, Cal.
Bonynge	Fuller	Loud	Smith, Iowa
Boyd	Gaines, W. Va.	Lowden	Smith, Mich.
Brownlow	Gardner, Mich.	McGuire	Smith, Mo.
Brumm	Gardner, N. J.	McKinley, Ill.	Snapp
Burleigh	Graff	McKinney	Southwick
Campbell	Greene	McMorran	Sterling
Capron	Gronna	Madden	Stevens, Minn.
Caulfield	Hall	Madison	Sturgiss
Chaney	Hamilton, Mich.	Mann	Sulloway
Chapman	Harding	Mondell	Tawney
Cole	Haugen	Moon, Tenn.	Thistlewood
Conner	Hawley	Morse	Tirrell
Cook, Colo.	Hayes	Mouser	Townsend
Cooper, Pa.	Henry, Conn.	Murdock	Volstead
Cooper, Wis.	Higgins	Murphy	Vreeland
Crumpacker	Hinshaw	Needham	Washburn
Dalzell	Holliday	Nelson	Watson
Davidson	Howell, Utah	Norris	Weeks
Davis, Minn.	Howland	Nye	Weems
Dawson	Hubbard, Iowa	Olcott	Wheeler
De Armond	Hubbard, W. Va.	Overstreet	Wilson, Ill.
Denver	Huff	Parsons	Wood
Douglas	Kahn	Payne	Woodyard
Draper	Keifer	Perkins	Young
Driscoll	Kennedy, Ohio	Pollard	

NAYS—100.

Adair	Cushman	Henry, Tex.	Ransdell, La.
Aiken	Davenport	Hill, Miss.	Rauch
Alexander, Mo.	Dixon	Houston	Reid
Ansberry	Edwards, Ga.	Hughes, N. J.	Richardson
Ashbrook	Ellerbe	Hull, Tenn.	Robinson
Beall, Tex.	Favrot	Humphrey, Wash.	Rothermel
Bell, Ga.	Ferris	Humphreys, Miss.	Russell, Mo.
Booher	Fitzgerald	Johnson, Ky.	Sabath
Bowers	Flood	Johnson, S. C.	Saunders
Brantley	Floyd	Jones, Wash.	Shackleford
Brodhead	Foster, Ill.	Kellher	Sheppard
Brundidge	Gaines, Tenn.	Kimball	Sherley
Burleson	Garner	Kipp	Sherwood
Burnett	Gilhams	Lee	Sims
Byrd	Gillespie	Legare	Small
Candler	Gordon	Lenahan	Smith, Tex.
Carlin	Gregg	Lloyd	Sparkman
Carter	Hackett	McLain	Spight
Clark, Mo.	Hamill	Macon	Stanley
Clayton	Hamilton, Iowa	Maynard	Stephens, Tex.
Cooper, Tex.	Hammond	Moore, Tex.	Thomas, N. C.
Cox, Ind.	Hardwick	O'Connell	Tou Velle
Craig	Hardy	Padgett	Underwood
Cravens	Hay	Page	Watkins
Crawford	Helm	Rainey	Wilson, Pa.

ANSWERED "PRESENT"—10.

Adamson	Cousins	Howard	Ryan
Bennet, N. Y.	Currier	Jenkins	
Butler	Hill, Conn.	Russell, Tex.	

NOT VOTING—150.

Acheson	Bennett, Ky.	Burton, Del.	Cocks, N. Y.
Allen	Bingham	Burton, Ohio	Cook, Pa.
Anthony	Birdsall	Calder	Coudrey
Barchfeld	Boutell	Calderhead	Darragh
Bartlett, Ga.	Bradley	Caldwell	Davey, La.
Bates	Broussard	Cary	Dawes
Beale, Pa.	Burgess	Clark, Fla.	Denby
Bede	Burke	Cockran	Diekema

Dunwell	Harrison	Lindbergh	Pratt
Durey	Haskins	Lindsay	Prince
Dwight	Heflin	Littlefield	Pujo
Edwards, Ky.	Hepburn	Livingston	Randell, Tex.
Ellis, Mo.	Hitchcock	Loudenslager	Reynolds
Fairchild	Hobson	Lovering	Rhinock
Fassett	Howell, N. J.	McCall	Riordan
Finley	Hughes, W. Va.	McCreary	Roberts
Focht	Hull, Iowa.	McDermott	Rucker
Fordney	Jackson	McGavin	Sherman
Fornes	James, Addison D.	McHenry	Slayden
Foulkrod	James, Ollie M.	McKinlay, Cal.	Sperry
Fowler	Jones, Va.	McLachlan, Cal.	Stafford
Fulton	Kennedy, Iowa	McLaughlin, Mich.	Steenerson
Gardner, Mass.	Kitchin, Claude	McMillan	Sulzer
Garrett	Kitchin, Wm. W.	Malby	Talbott
Gill	Knopf	Marshall	Taylor, Ala.
Gillett	Lafean	Miller	Taylor, Ohio
Glass	Lamar, Fla.	Moon, Pa.	Thomas, Ohio
Godwin	Lamar, Mo.	Moore, Pa.	Waldo
Goebel	Lamb	Mudd	Wallace
Goldfogle	Landis	Nicholls	Wanger
Goulden	Langley	Olmsted	Webb
Graham	Lassiter	Parker, N. J.	Weisse
Granger	Law	Parker, S. Dak.	Wiley
Griggs	Lawrence	Patterson	Willett
Hackney	Leake	Pearre	Williams
Haggott	Lever	Peters	Wolf
Hale	Lewis	Pou	
Hamlin	Lilley	Powers	

So the motion was agreed to.

The clerk announced the following additional pairs:

For the balance of the day:

Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. BIRDSALL with Mr. HARRISON.

Mr. DUREY with Mr. CALDWELL.

Mr. BARCHFELD with Mr. CLARK of Florida.

Mr. BARCLAY with Mr. GILL.

Mr. BATES with Mr. GRANGER.

Mr. BEALE of Pennsylvania with Mr. HACKNEY.

Mr. BEDE with Mr. HAMLIN.

Mr. BURKE with Mr. HEFLIN.

Mr. DIEKEMA with Mr. HITCHCOCK.

Mr. DWIGHT with Mr. OLLIE M. JAMES.

Mr. ELLIS of Missouri with Mr. JONES of Virginia.

Mr. GILLETT with Mr. LAMAR of Missouri.

Mr. GOEBEL with Mr. LEVER.

Mr. GRAHAM with Mr. LEWIS.

Mr. HALE with Mr. MCDERMOTT.

Mr. HASKINS with Mr. MCHENRY.

Mr. HEPBURN with Mr. NICHOLLS.

Mr. KENNEDY of Iowa with Mr. RANDELL of Texas.

Mr. KNOPF with Mr. RHINOCK.

Mr. LAWRENCE with Mr. RUCKER.

Mr. LOUDENSLAGER with Mr. RUSSELL of Texas.

Mr. MARSHALL with Mr. SLAYDEN.

Mr. MILLER with Mr. TALBOTT.

Mr. PARKER of New Jersey with Mr. TAYLOR of Alabama.

Mr. PEARRE with Mr. WILLIAMS.

Mr. HOWELL of New Jersey with Mr. WILLETT.

Mr. JENKINS with Mr. PATTERSON.

Mr. WALDO with Mr. BURGESS.

The result of the vote was announced as above recorded.

The doors were opened.

COMMITTEE APPOINTMENT.

The SPEAKER announced the following committee appointment:

Mr. FAVROT to the Committee on Immigration and Naturalization.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 126, nays 87, answered "present" 8, not voting 166, as follows:

YEAS—126.

Adair	Brownlow	Cooper, Pa.	Englebright
Alexander, Mo.	Brumm	Cooper, Wis.	Esch
Alexander, N. Y.	Burleigh	Cousins	Foss
Ames	Campbell	Cox, Ind.	Foster, Ind.
Andrus	Capron	Crumpacker	Foster, Vt.
Bannon	Caulfield	Cushman	French
Barclay	Chaney	Dalzell	Fuller
Bartholdt	Chapman	Davis, Minn.	Gaines, W. Va.
Bede	Cocks, N. Y.	Dawson	Gardner, Mich.
Bonynge	Cole	Draper	Gilhams
Booher	Conner	Driscoll	Graff
Boyd	Cook, Colo.	Ellis, Oreg.	Greene
Gronna	Kimball	Needham	Southwick
Hall	Kinkaid	Nelson	Sterling
Hamilton, Iowa	Knapp	Norris	Stevens, Minn.
Hamilton, Mich.	Knowland	Nye	Sturgiss
Harding	Küstermann	Olcott	Sulloway
Haugen	Laning	Overstreet	Thistlewood
Hawley	Longworth	Parsons	Thomas, Ohio
Hayes	Lorimer	Payne	Tirrell
Higgins	Loud	Perkins	Volstead
Hinshaw	Lowden	Pollard	Vreeland
Holliday	McGuire	Porter	Washburn
Howell, Utah	McKinley, Ill.	Pray	Watson
Howland	McKinney	Rauch	Weeks
Hubbard, Iowa	McMorran	Reeder	Weems
Hubbard, W. Va.	Madden	Rodenberg	Wheeler
Huff	Madison	Scott	Wilson, Ill.
Humphrey, Wash.	Mann	Sims	Wood
Jones, Wash.	Mondell	Slemp	Young
Kahn	Mouser	Smith, Iowa	
Keifer	Murdock	Smith, Mich.	

NAYS—87.

Aiken	Edwards, Ga.	Houston	Richardson
Ansberry	Ellerbe	Hughes, N. J.	Robinson
Ashbrook	Favrot	Hull, Tenn.	Rothermel
Bartlett, Nev.	Ferris	Humphreys, Miss.	Russell, Mo.
Beall, Tex.	Fitzgerald	Johnson, Ky.	Russell, Tex.
Bell, Ga.	Flood	Johnson, S. C.	Sabath
Bowers	Floyd	Keliher	Saunders
Brantley	Foster, Ill.	Kipp	Shackleford
Brodhead	Gaines, Tenn.	Lee	Sheppard
Burleson	Garner	Legare	Sherley
Burnett	Gillespie	Lenahan	Sherwood
Byrd	Gordon	Lloyd	Small
Candler	Gregg	McLain	Smith, Mo.
Carlin	Hackett	Macon	Smith, Tex.
Clark, Mo.	Hamill	Maynard	Spight
Clayton	Hammond	Moon, Tenn.	Stanley
Craig	Hardwick	Moore, Tex.	Stephens, Tex.
Cravens	Hardy	Murphy	Thomas, N. C.
Crawford	Hay	O'Connell	Tou Velle
Davenport	Helm	Padgett	Watkins
Denver	Henry, Tex.	Page	Wilson, Pa.
Dixon	Hill, Miss.	Randell, Tex.	

ANSWERED "PRESENT"—8.

Adamson	Butler	Hill, Conn.	Jenkins
Bennet, N. Y.	De Armond	Howard	Ryan

NOT VOTING—166.

Acheson	Fassett	Kitchin, Wm. W.	Pearre
Allen	Finley	Knopf	Peters
Anthony	Focht	Lafean	Pou
Barchfeld	Fordney	Lamar, Fla.	Powers
Bartlett, Ga.	Fornes	Lamar, Mo.	Pratt
Bates	Foulkrod	Lamb	Prince
Beale, Pa.	Fowler	Landis	Pujo
Bennett, Ky.	Fulton	Langley	Rainey
Bingham	Gardner, Mass.	Lassiter	Ransdell, La.
Birdsall	Gardner, N. J.	Law	Reid
Boutell	Garrett	Lawrence	Reynolds
Bradley	Gill	Leake	Rhinock
Broussard	Gillett	Lever	Riordan
Brundidge	Glass	Lewis	Roberts
Burgess	Godwin	Lilley	Rucker
Burke	Goebel	Lindbergh	Sherman
Burton, Del.	Goldfogle	Lindsay	Slayden
Burton, Ohio	Goulden	Littlefield	Smith, Cal.
Calder	Graham	Livingston	Snapp
Calderhead	Granger	Loudenslager	Sparkman
Caldwell	Griggs	Lovering	Sperry
Carter	Hackney	McCall	Stafford
Cary	Haggott	McCreary	Steenerson
Clark, Fla.	Hale	McDermott	Sulzer
Cockran	Hamlin	McGavin	Talbott
Cook, Pa.	Harrison	McHenry	Tawney
Cooper, Tex.	Haskins	McKinlay, Cal.	Taylor, Ala.
Coudrey	Heflin	McLachlan, Cal.	Taylor, Ohio
Currier	Henry, Conn.	McLaughlin, Mich.	Townsend
Darragh	Hepburn	McMillan	Underwood
Davey, La.	Hitchcock	Malby	Waldo
Davidson	Hobson	Marshall	Wallace
Dawes	Howell, N. J.	Miller	Wanger
Denby	Hughes, W. Va.	Moon, Pa.	Webb
Dickema	Hull, Iowa	Moore, Pa.	Weisse
Douglas	Jackson	Morse	Wiley
Dunwell	James, Addison D.	Mudd	Willett
Durey	James, Ollie M.	Nicholls	Williams
Dwight	Jones, Va.	Olmsted	Wolf
Edwards, Ky.	Kennedy, Iowa	Parker, N. J.	Woodyard
Ellis, Mo.	Kennedy, Ohio	Parker, S. Dak.	
Fairchild	Kitchin, Claude	Patterson	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. HENRY of Connecticut with Mr. RANSDELL of Louisiana.

Mr. SMITH of Michigan with Mr. RAINEY.

Mr. LANGLEY with Mr. COOPER of Texas.

Mr. LANDIS with Mr. CARTER.

Mr. KENNEDY of Ohio with Mr. BRUNDIDGE.

Mr. LANING with Mr. HAMLIN.

Mr. LAW with Mr. REID.

Mr. WOODYARD with Mr. SPARKMAN.

Mr. TAWNEY with Mr. UNDERWOOD.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned, to meet to-morrow (Sunday) at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Steele and Washington bayous and Lake Washington, Mississippi (H. R. Doc. 904)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wickford Harbor, Rhode Island (H. R. Doc. 905)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Shallowbag Bay, North Carolina (H. R. Doc. 906)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Katalla Bay, Alaska (H. R. Doc. 907)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bear Creek, Mississippi (H. R. Doc. 908)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Sipsey River, Alabama (H. R. Doc. 909)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Postmaster-General, transmitting a report of records of weight, number of pieces, and revenue derived therefrom of mail matter for certain specified periods (H. R. Doc. 910)—to the Committee on the Post-Office and Post-Roads and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Point Judith harbor of refuge (H. R. Doc. 911)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORSE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 421) to pay allottees to whom lands have been patented under the act of February 8, 1887, entitled "An act to provide for the allotment of lands to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," as amended by the act of February 28, 1891, the amount paid into the Treasury of the United States on account of the sale, cutting, or removal of timber from, or damages to, lands allotted to them, and to appropriate money for the payment thereof, reported the same with amendments, accompanied by a report (No. 1576), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 21052) to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," reported the same with amendments, accompanied by a report (No. 1577), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21412) to encourage the development of coal deposits in the district of Alaska, reported the same with amendments, accompanied by a report (No. 1578), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COLE, from the Committee on the Territories, to which was referred the bill of the House (H. R. 19604) restricting the practice of medicine and surgery in the Territory of Alaska, reported the same with amendments, accompanied by a report (No. 1579), which said bill and report were referred to the House Calendar.

Mr. PARKER of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 21458) authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho, reported the same without amendment, accompanied by a report (No. 1583), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 19095) authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perce Indian Reservation, reported the same with amendment, accompanied by a report (No. 1584), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 19275) for the relief of Rachel Parker, reported the same without amendment, accompanied by a report (No. 1570), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 9755) for the relief of Charles Lennig & Co., reported the same without amendment, accompanied by a report (No. 1571), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5728) for the relief of James H. De Coster, reported the same with amendments, accompanied by a report (No. 1572), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12512) for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia, reported the same with amendments, accompanied by a report (No. 1573), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14236) for the relief of the Merchants' National Bank, of Poughkeepsie, N. Y., reported the same with amendments, accompanied by a report (No. 1574), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17171) for the relief of Benjamin F. Curry, reported the same with amendment, accompanied by a report (No. 1575) which said bill and report were referred to the Private Calendar.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 21019) to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance, reported the same without amendment, accompanied by a report (No. 1580), which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11460) to remove the charge of desertion from the military record of William H. Houck, reported the same with amendment, accompanied by a report (No. 1581), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9334) granting an increase of pension to Anton Mazzanovich, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURRIER: A bill (H. R. 21528) to amend section 4920 of the Revised Statutes of the United States, relating to patents—to the Committee on Patents.

By Mr. SMITH of Michigan: A bill (H. R. 21529) to establish a home for feeble-minded, imbecile, and idiotic children in the District of Columbia, and for other purposes—to the Committee on Appropriations.

Also, a bill (H. R. 21530) to establish a psychopathic pavilion in the District of Columbia, and for other purposes—to the Committee on Appropriations.

By Mr. RODENBERG: A bill (H. R. 21531) to make East St. Louis, in the State of Illinois, a subport of delivery in the customs collection district of New Orleans, with the privilege of immediate transportation without appraisement of dutiable merchandise—to the Committee on Ways and Means.

By Mr. BENNET of New York: A bill (H. R. 21532) authorizing the extension of Volta street NW.—to the Committee on the District of Columbia.

By Mr. KINKAID: A bill (H. R. 21533) to amend an act entitled "An act to provide revenue for the Government and encourage the industries of the United States," approved July 24, 1897—to the Committee on Way and Means.

By Mr. HAMILL: A bill (H. R. 21534) making an appropriation for the improvement of the North Shrewsbury River, New Jersey—to the Committee on Rivers and Harbors.

By Mr. DE ARMOND: A bill (H. R. 21535) concerning permits to sell intoxicating liquors—to the Committee on Ways and Means.

By Mr. DAVENPORT: A bill (H. R. 21536) to reimburse certain Eastern Cherokees who removed themselves to the Cherokee Nation under the terms of the eighth article of the treaty of December 29, 1835—to the Committee on Indian Affairs.

By Mr. BUTLER: A bill (H. R. 21537) directing the Secretary of War to cause a survey to be made of Crum River, Pennsylvania—to the Committee on River and Harbors.

By Mr. WATKINS (by request): A bill (H. R. 21538) to provide for the refunding to the rightful owners, their heirs or legal representatives, the proceeds of the cotton tax illegally collected by the United States from the people of the several States in the years 1863, 1864, 1865, 1866, 1867, and 1868, and to provide for the disposition of such as may be unclaimed—to the Committee on War Claims.

By Mr. BOYD and Mr. MADISON: A bill (H. R. 21539) to regulate the granting of restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. BOUTELL: Resolution (H. Res. 401) to continue employment of clerks to committees authorized by House resolution adopted February 29, 1908—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21540) granting an increase of pension to John W. Crismond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21541) granting an increase of pension to Joshua B. Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21542) granting an increase of pension to Jacob Jackley—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 21543) granting a pension to Leonisco Martin—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 21544) for the relief of the heirs of William S. Thatcher—to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 21545) granting a pension to Daniel Kimball—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 21546) granting an increase of pension to Nahum A. Kelton—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 21547) granting an increase of pension to Wilson S. Brittin—to the Committee on Invalid Pensions.

By Mr. COOK of Colorado: A bill (H. R. 21548) granting an increase of pension to John C. Kennedy—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 21549) for the relief of Otto Seiler, administrator of the estate of Carl Weiland, deceased—to the Committee on War Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 21550) granting an increase of pension to Peter Boyer—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 21551) granting an increase of pension to William M. Ramsey—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 21552) granting an increase of pension to Humphrey E. Chilcoat—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21553) granting an increase of pension to John Groosbeck—to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 21554) granting a pension to Charles King—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 21555) granting an honorable discharge to James P. Cornes—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By The SPEAKER: Memorial of the New Hampshire branch of the American Federation of Labor, protesting against any revision of the tariff which does not consider all the schedules, and especially protesting against the proposition to remove the duty on paper and pulp—to the Committee on Ways and Means.

Also, memorial of the Stationary Firemen's Union, of Palmer, N. Y., protesting against the removal of the duty on paper and wood pulp—to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of Watertown, N. Y., protesting against the removal of the duty on wood pulp—to the Committee on Ways and Means.

Also, memorial of the Hesse Darmstaedtes Unterstuetzungs Verein, of the District of Columbia, and 29 other similar organizations, protesting against any legislation restricting interstate commerce in beer, wine, etc.—to the Committee on the Judiciary.

Also, memorial of the Polish-American citizens of Allegheny County, Pa., praying for intervention in behalf of the Polish people living within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, petition of United Mine Workers, Cigarmakers' Union, and Brickmakers' Union, of Belleville, Ill., praying for an amendment to the Sherman antitrust law, for the regulation of the issuance of injunctions, for an employers' liability law, and for the establishment of an eight-hour day—to the Committee on the Judiciary.

Also, memorial of the Central Trades Labor Assembly of Centralia, Ill., praying for an amendment to the Sherman antitrust law, for employers' liability law, for legislation to limit the use of the power of injunction, and for the establishment of an eight-hour day—to the Committee on the Judiciary.

Also, memorial of the Trades and Labor Council of Danville, Ill., and the Musicians' Association of the same place, praying for legislation to amend the Sherman antitrust law, to establish employers' liability, to limit the power of injunction, and to establish an eight-hour day—to the Committee on the Judiciary.

Also, memorial of the Central Labor Union of Harrisburg, Pa., praying for the modification of the antitrust law, employers' liability law, the law limiting the use of the power of injunction, and praying for the passage of an eight-hour law—to the Committee on the Judiciary.

Also, memorial of the Stationary Firemen, of Wilder, Vt., protesting against the removal of the duty on paper and pulp—to the Committee on Ways and Means.

Also, memorial of the members of the International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Berlin, N. H., Willsboro, N. Y., West Endfield, Me., Millinocket, Me., Dolon, Me., and Lisbon Falls, Me., protesting in behalf of the wage-earners of those places against the removal of the duty on paper and pulp—to the Committee on Ways and Means.

Also, memorial of the Fort Wayne Commercial Club, praying for legislation in favor of the construction of a canal to Fort Wayne and Chicago—to the Committee on Railways and Canals.

Also, memorial of the Knights of Columbus of Sharpsburg, Pa., praying for legislation to make the anniversary of the discovery of America a national holiday—to the Committee on the Judiciary.

Also, memorial of the Charleroi Council, Knights of Columbus, praying for legislation to make the anniversary of the discovery of America a national holiday—to the Committee on the Judiciary.

Also, memorial of the Knights of Columbus of Allegheny, Pa., praying that the anniversary of the discovery of America may be made a national holiday—to the Committee on the Judiciary.

Also, memorial of the Berlin (N. H.) branch of the International Brotherhood of Stationary Firemen, protesting against the removal of the duty on paper and wood pulp—to the Committee on Ways and Means.

Also, memorial of J. H. Murphy and other officers of the International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Bellows Falls, Vt., protesting against the removal of the duty on pulp and paper—to the Committee on the Judiciary.

Also, memorial of S. Austin Bicking, of East Downingtown, Pa., protesting against the removal of the duty on paper and pulp—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of Presbyterian Temperance Committee of Pittsburg, representing a million and a half of people, for prohibition legislation—to the Committee on the Judiciary.

Also, petitions of working people of Washington and Philadelphia, and labor organizations of New Castle, all in the State of Pennsylvania, for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of working people of Courtney, Pa., favoring amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. ADAIR: Petition of citizens of Adams County, Ind., against religious legislation—to the Committee on the District of Columbia.

By Mr. ANDRUS: Petition of citizens of Yonkers, N. Y., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Journeyman Barbers' Union, No. 155, of Coshocton, Ohio, for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BOOHER: Petition of nine banks of St. Joseph, Mo., against passage of the bill interfering with produce exchanges—to the Committee on Agriculture.

Also, petition of Plumbers' Union of St. Joseph, Mo., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BROWNLOW: Petition of Mrs. J. L. Dame, for S. 5117 and H. R. 18445—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. James Price, of Morristown, Tenn., favoring S. 5117 and H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE: Petition of L. G. McCauley for S. 6581—to the Committee on Military Affairs.

Also, petition of citizens of Pittsburg, Pa., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Henry Kemkel, of Sharpsburg, Pa., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Michael J. Brown, for amendment of H. R. 18525 so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of citizens of Maine, favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. BUTLER: Petition of Brandywine Grange, No. 60, Patrons of Husbandry, favoring H. R. 12682 (McHenry bill)—to the Committee on Banking and Currency.

By Mr. CALDWELL: Petition of citizens of Springfield, Taylorville, Virden, Girard, and Hillsboro, Ill., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. CAPRON: Petitions of Grange No. 39, of North Scituate, R. I., and Pomona Grange, of Washington County, R. I., Patrons of Husbandry, for the establishment of a national highways commission—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Nathan A. Kelton—to the Committee on Invalid Pensions.

Also, petition of Young Men's Christian Association of Pawtucket and Central Falls, R. I., indorsing call of the President for a conference to consider proper conservation of the natural resources of the United States—to the Committee on Agriculture.

Also, petition of Providence (R. I.) League for Suppression of Tuberculosis, favoring H. R. 18445—to the Committee on Appropriations.

Also, petition of Pomona Grange, Patrons of Husbandry, of Washington County, R. I., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Northeastern Shoe and Leather Association, against the Hepburn bill, amending Sherman antitrust act (H. R. 19745)—to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Westerly, Textile Workers of White Rock, Central Labor Union of Woonsocket, Mulespinners' Union of Woonsocket, and Cotton Weavers' Association of Woonsocket, all in the State of Rhode Island, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of sundry churches and branches of the Woman's Christian Temperance Union of Rhode Island, for the Sims prohibition bill (H. R. 40)—to the Committee on the District of Columbia.

Also, petitions of the Wolfe Tone Literary Association, of Providence; Division No. 1, Ancient Order of Hibernians, of Westerly; Branch No. 10, Irish National Foresters' Benefit Society; Division No. 19, Ancient Order of Hibernians; John Dillon Branch, Irish National Foresters' Benefit Society, and United Irish Societies of Newport, all in the State of Rhode Island, against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. CAULFIELD: Petition of citizens and associations of St. Louis, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of W. J. Geer, mayor of Galion, Ohio, and other citizens, for passage of resolution of sympathy for the people of Russia—to the Committee on Foreign Affairs.

Also, petitions of B. F. McFarland and other citizens of West Bend, Iowa; Jane Sherzer and other citizens of Oxford, Ohio; Mrs. Annie E. Garden; Theresa Goulston and other citizens of Boston, Mass.; Harsdale (Pa.) Improvement Association; Mynard Winton, of Minneapolis, Minn.; Pichney & Moore and other citizens of Boston, Mass; Mrs. J. H. Collins and other citizens of Granville, N. Y.; M. N. Weisell and other citizens of New York, and Minnie P. Kellog, of Greene, Butler County, Iowa, favoring resolution of sympathy for the Russian people—to the Committee on Foreign Affairs.

Also, petition of William Arthur Snell and other residents of Anacostia, D. C., favoring resolution of sympathy for the Russian people—to the Committee on Foreign Affairs.

Also, petition of Sheet Metal Workers of Cedar Rapids, Iowa, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DAWSON: Petitions of C. A. Weigand and other citizens of Davenport, Iowa, and J. F. Berry and other citizens of Muscatine, Iowa, for H. R. 20584, amendment to the Sherman antitrust law, and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DUREY: Petition of National Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Palmer, N. Y., against the removal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. FOSTER of Illinois: Petition of Gerhard Schumacher and 16 other citizens of Clinton County, Ill., against a parcels-post law and for a reduction of letter postage to 1 cent—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSTER of Vermont: Petition of Union No. 21, of Bethel, Vt., for exemption of labor unions from operations of the Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of P. G. Stardock, secretary Lasalle County (Ill.) Dental Society, for H. R. 4432, reorganization of the dental service in the Army—to the Committee on Military Affairs.

Also, petition of H. S. Thomas, of Rockford, Ill., for the Crumpacker bill and postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Rockford, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. GILHAMS: Petition of W. S. Rogers and others, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. GOULDEN: Petition of Thomas S. Louregan, De Soto Council, No. 327, Knights of Columbus, of New York City, favoring H. R. 7559 (Columbus holiday)—to the Committee on the Judiciary.

Also, petition of William F. Brown, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

Also, petition of International Congress on Tuberculosis, favoring provision for holding same in Washington in 1908—to the Committee on Assignment of Rooms.

By Mr. GRAHAM: Petition of citizens of Pittsburg, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of National Child-Labor Commission, favoring S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRANGER: Petitions of Building Trades Council of Providence, citizens of Pawtucket, and Bartenders' Union of Woonsocket, R. I., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HACKNEY: Petition of labor unions, Trades Assembly, Local Union No. 37, and other members of labor unions of Joplin, Mo., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. HAMILL: Petition of labor organizations in Tenth Congressional District of New Jersey, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HAMLIN: Petition of Marguerite A. Moon and 27 others, against legislation to limit the circulation of fraternal literature through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMMOND: Petition of S. Hage Lumber Company, against H. R. 13447, amending postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKINS: Petition of J. L. Eastman and others, for amendment to Sherman antitrust law and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HIGGINS: Petitions of James C. Young and other citizens, William Scott and other citizens, George A. Risley and other citizens, and John A. McDonald and other citizens, all of Norwich, Conn; W. R. Williams and other citizens of New London, Conn., and E. C. Leite, secretary of Painters' Union No. 650, of Norwich, Conn., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. HILL of Connecticut: Petition of United Bohemian Building and Loan Association, of Meriden, Conn., for amendment of H. R. 18525 so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. HOLLIDAY: Petition of citizens of Terre Haute, Ind., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of Brotherhood of Locomotive Engineers and Firemen, favoring S. 4831—to the Committee on Claims.

By Mr. KENNEDY of Ohio: Petition of hundreds of citizens of the Eighteenth Ohio District, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Watch Case Engravers' International Association of America, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of A. E. Stacker, favoring the Tawney anti-coupon bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Youngstown Credit Men's Association and Chamber of Commerce, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of J. E. Ammerman and James P. Donnelly, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of the Business Association of East Liverpool, Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Brotherhood of Railway Trainmen of Canton and Painesville, Ohio, for the La Follette-Sterling employers' bill (S. 5307 and H. R. 17036), Clapp free-pass bill (S. 4260), and Rodenberg anti-injunction bill (H. R. 17137)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 122, of East Liverpool, Ohio, for repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Watch Case Engravers' International Association of America, for battle-ship building in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of National Brotherhood of Operative Potters, Local Union No. 44, against enactment of S. 1518, revising section 3893 of Revised Statutes of United States—to the Committee on the Post-Office and Post-Roads.

Also, petition of Local Union No. 205, International Printing Pressmen and Assistants' Union, for immediate consideration of the Stevens wood-pulp bill—to the Committee on Ways and Means.

Also, petition of A. J. Shaffer, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petition of Brotherhood of Railway Trainmen, for the Clapp free-pass amendment (S. 4260)—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Milo Shoemaker, Daniel Wilson, and others, for the passage of the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Lodge No. 445, Brotherhood of Locomotive Firemen and Engineers, for the La Follette-Sterling liability bill (H. R. 17036) and the Rodenberg anti-injunction bill (H. R. 17137)—to the Committee on the Judiciary.

Also, petition of citizens of Canton, Ohio, for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Glass Bottle Blowers' Association, against prohibition legislation—to the Committee on the Judiciary.

Also, petition of Local No. 497, International Typographical Union, of Alliance, Ohio, for repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Trades and Labor Council of East Palestine, Ohio, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Massillon Board of Trade, against H. R. 7597 (Crumpacker Thirteenth Census bill)—to the Committee on the Census.

Also, petition of Brotherhood of Railway Trainmen, for the Hemenway-Graff ash-pan bill (H. R. 19795)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Home Savings and Loan Company, of Youngstown, Ohio, for amendment of H. R. 18525, so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

Also, petition of Munroe Falls Paper Company, against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of working people and labor unions of East Liverpool, Ohio, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LEVER: Petition of working people of Columbia, S. C., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of working people of Columbia, S. C., for H. R. 20584, amendment to the Sherman antitrust law, and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of Henry Betz, of Brainard, Minn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of citizens of New York City and Brooklyn for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours upon work done for the Gvernment—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Petitions of Charles F. Rennebaum and other citizens of Williamstown, Harry Clark and other citizens of Camden, and William Baum and other citizens of Woodbury, all in the State of New Jersey, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. McDERMOTT: Petitions of United Bohemian Building

and Loan Association, Frank G. Hajicek, Richard Dusil, and Konrad Ricker, for amendment of H. R. 18525 (Hepburn bill) so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. McKINNEY: Petitions of citizens of Moline, Rock Island, and Silvis, Ill., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of citizens of Port Huron, Mich., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MADDEN: Petition of Packing House Teamsters, of Chicago, Ill., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. MAYNARD: Petition of citizens of Virginia, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Petition of citizens of Hamilton County, Tenn., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), and for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOUSER: Petitions of citizens of Bucyrus, Clyde, Sandusky, and Tiffin, Ohio, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PAYNE: Paper to accompany bill for relief of Francis M. Hunting—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petitions of labor unions of Lincoln, Nebr., and John Mortimer, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PRAY: Petition of associations of Montana, opposing S. 1518, to amend postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Kansas, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of John J. Griffin, secretary Lynn Central Labor Union, against extension of the rights of naturalization and for exclusion of all Asiatic laborers—to the Committee on Immigration and Naturalization.

Also, petition of working people and their sympathizers of Boston and Lynn, Mass., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Horseshoers' Association of Buffalo, N. Y., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Iron Molders of Buffalo, N. Y., and Marine Firemen, Oilers and Watertenders, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. SIMS: Petition of organized labor of Jackson, Tenn., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. SMITH of Missouri: Petition of members and sympathizers of Granite Workers' Union No. 9289, of Graniteville, Mo., and railroad telegraphers of Bismarck, Mo., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of citizens of New Haven, Portland, and Meriden, Conn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of John J. Conroy and others, against workmen and mechanics in various Government buildings working more than eight hours per day (previously referred to the Committee on Public Buildings and Grounds)—to the Committee on Claims.

By Mr. THISTLEWOOD: Petition of labor unions of Pinckneyville and Johnston City, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. WEEKS: Petition of citizens of Milford, Mass., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citzens of Mendon, Mass., against conditions in Russia—to the Committee on Foreign Affairs.

By Mr. WILSON of Pennsylvania: Petition of Joseph Schlotrum and others, of Nesbit, Pa., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. WOOD: Petitions of M. E. Miller, N. P. Druck, Harry W. McClurg, and Harvey Whitehead, of Trenton, N. J., and John M. Carey and E. C. Docherty, of Lambertville, N. J., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 3, 1908.*

The House met at 12 o'clock m. and was called to order by the Clerk, Hon. ALEXANDER MCDOWELL, who caused the following communication from the Speaker to be read:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 3, 1908.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to act as Speaker pro tempore for this day.

JOSEPH G. CANNON. *Speaker.*

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We bless Thee, our Father in Heaven, for the immutability of Thy character, that Thou art the same yesterday, to-day, and forever; that we are Thy children; that we may rely implicitly upon Thine infinite wisdom, power, and goodness, and that whatsoever Thou dost order for us is better than anything we could desire for ourselves. "Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord; and in His law doth he meditate day and night. And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper."

We thank Thee, our Father, for the great and the true, the wise and the pure, the strong and the brave of every age, who comprehended the light which shone out of the darkness and the meaning of life, caught its spirit, and gave themselves in a faithful service to Thee and to mankind. We are gathered here to-day to pay a tribute of love and respect to two such men—men in whom their fellows reposed confidence and trust, who never deceived, never betrayed that confidence, but lived pure, noble, exemplary lives, and wrought a good work for mankind. Grant that their lives may be an inspiration to us and to those who shall come after us. And bless, we pray Thee, those who were near and dear to them in life, and comfort them with the blessed thought that they shall meet again in a land where love shall find its full fruition in the hearts of the true and the pure. And so may our lives be ordered that we shall be counted worthy in the day of our departure. And Thine be the praise through Jesus Christ our Lord. Amen!

APPROVAL OF JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal.

The Clerk proceeded to read the Journal.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

Mr. PAYNE. Mr. Speaker, I ask that the Journal be approved without further reading.

The SPEAKER pro tempore. The gentleman from New York [Mr. PAYNE] asks unanimous consent that the Journal be approved without further reading. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER FOR THE DAY.

Mr. SPARKMAN. Mr. Speaker, I ask that the special order of the day be read.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

On motion of Mr. SPARKMAN, by unanimous consent,

"*Ordered*, That the House shall meet at 12 m. on Sunday, May 3, which shall be set aside for memorial addresses on the life, character, and public services of Hon. S. R. MALLORY, late a United States Senator from the State of Florida." (Order adopted in the House April 23, 1908.)

On motion of Mr. CLARK of Florida, by unanimous consent,

"*Ordered*, That Sunday, May 3, at the conclusion of the addresses on the life, character, etc., of the late STEPHEN R. MALLORY, shall be set apart for memorial addresses on the life, character, and public services of Hon. WILLIAM J. BRYAN, late United States Senator." (Order adopted in the House April 23, 1908.)

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that all those who may address the House to-day have permission to revise and extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent that all Members addressing the House to-day may have leave to extend their remarks in the RECORD. Is there objection?

There was no objection.

THE LATE SENATOR MALLORY.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent for the consideration and adoption of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Florida [Mr. SPARKMAN] submits the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That in accordance with the order of the day, an opportunity be given for tributes to the memory of Hon. STEPHEN R. MALLORY, late a United States Senator from the State of Florida.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question in on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

Mr. SPARKMAN. Mr. Speaker, we are assembled on this occasion to perform one of those sad duties that have become so frequent here during the past few years, that of paying tribute to the life and character of some Member of this body or of that at the other end of the Capitol, who has answered the summons from on high, to which all must give heed and from which none can turn away. All alike—the rich and the poor, the powerful and the weak, the sovereign and the subject—must obey that summons. No station so high as to be above its reach, none so low as to lie beneath the compass of its sound. How frequently, in this body, are we reminded of this sad truth. How often at each session do we pause in the proceedings here to commemorate the life and services of some one who, in advance of us, has answered the call to go hence.

I am not one of those, Mr. Speaker, who regard services such as these an idle waste of time. On the contrary, I think we can not use more profitably the brief period necessary to pay loving tribute to those honored by the people with commissions to serve them in the National Legislature, and who have gone down before the grim reaper in the midst of their duties and ere their work here has been done.

True we can not, if we would, bring the dead back to life by aught we may say here, no more than the flower dropped upon the casket or the high pealing anthem above the bier can lift the coffin lid and restore to those who remain behind the departed friend or companion. But they all serve a purpose in life. They soften the gloom of the death chamber and make lighter the burden of bereavement. Touching, as these simple acts do, the more delicate cords of our nature, they make us better and purer and strengthen the bonds of sympathy that link all human hearts together.

Then, too, the country at large derives a benefit in other ways from such proceedings as these. By them we not only stimulate patriotism, broaden our political horizon, and temper the asperities engendered by party strife, but, by spreading upon the records here the history of an honored and illustrious career, to be read from one end of the land to the other, we kindle the ambition of the young in every walk of life and stimulate them to nobler effort and grander achievement.

No one has ever accomplished aught in any field of endeavor without having been inspired thereto by some one, and few lives are so barren of results as not to furnish a stimulus to still more worthy action by those who may come under their influence. A gifted poet has said:

There's never a rose in all the world
But makes some green spray sweeter;
There's never a wind in all the sky
But makes some bird's wing fleeter;
There's never a star but brings to heaven
Some silver radiance tender,
And never a rosy cloud but helps
To crown the sunset splendor;
No robin but may thrill some heart,
His dawnlike gladness voicing.
God gives us all some small, sweet way
To set the world rejoicing.

And in that gem-laden poem, Lucile, Owen Meredith gives utterance to the same truth in the following lines:

No stream from its source flows seaward, how lowly soever its course,
But what some land is gladdened; no star ever rose
And set without influence somewhere; no life
Can be pure in its purpose and strong in its strife
And all life not be stronger and purer thereby.

And, sir, if influences for good may flow from humble sources, how much greater results may come from the contemplation of the life and character of one such as we are assembled here to commemorate.

I can not, perhaps, do better, Mr. Speaker, than to quote a short paragraph from the address by the deceased himself. Eulogizing the life and character of the late James Montraville Moody in the Senate a little more than five years ago, Senator MALLORY used this language:

Mr. President, it is a natural impulse that prompts those who, by association or observation, have learned the intrinsic merit of one who has closed a life of usefulness, to pay such tribute as can be conveyed by our inadequate powers of expression to the memory of such a career. When Death has placed his imprimatur on the last chapter of our little earthly life story, and what we have done for good or ill has thereby become fixed forever, a part of our irrevocable and unamendable record, it is eminently proper that not only those who have the incentive of personal affection, but that those who in the casual intercourse of a strenuous existence have had occasion to note exceptional and shining traits in the character and career of one who has passed away forever, should also put in as permanent a shape as possible the results of their observation. This impulse ought to have, and generally does have, with the thoughtful a higher and nobler inspiration than that which evolved the maxim of the ancients which enjoined nought but good when speaking of the dead. Example is the most potent of preceptors. The object lesson is the most impressive method of reaching the understanding and shaping the inclination of the young, and the oftener we can present to their plastic minds authentic illustrations of character which of itself conquers adverse environment, rises to eminence by its innate merit and wins the respect and esteem of good men and women the greater the probability of our inspiring those who are to follow us with a zealous purpose of emulating such virtue.

Senator MALLORY'S life is one well worthy of being studied. While he had not reached its allotted span nor passed much beyond its meridian, he had trodden the pathway of duty and had lived long, if life be counted by achievement rather than by the flight of years. Although springing from an honored and distinguished parentage, he had, by reason of adverse conditions, been compelled to start well down in the humbler walks of life. But, by his own unaided efforts, had climbed, one at a time, the steep heights of success until he had reached the goal of his ambition, the highest point, save one, that may be touched in the field of political endeavor, and that too without a stain upon his life or a blot upon his character. How much, then, may we, whether young or old, learn from a career so filled with bright achievement.

STEPHEN RUSSELL MALLORY was born on November 2, 1848, in Columbia, S. C., where his parents were sojourning temporarily—their home being in Key West, Fla., from which city they subsequently moved to Pensacola. He sprang from English and Irish stock on his father's side, his paternal grandmother having been a Miss Russell and a cousin of Lord Russell, of England, and from Spanish lineage on his mother's side—she having been a Miss Moreno, a lady distinguished for her many qualities, both of mind and heart. His father was a man of marked ability, and, elected to the United States Senate from Florida in 1851, served the people in that high position until his State seceded, in 1861, when he resigned from the Senate, becoming afterwards secretary of the navy in the cabinet of Jefferson Davis, there likewise discharging his duties with distinction until the star of the Southern Confederacy "went down forever in smoke and blood."

Nor did the son escape the hardships and perils of that bloodiest of conflicts. Being then at school in Richmond, the Confederate capital, and where his father's official position had required him to reside, the son, at the call of what he conceived to be the voice of duty, entered Lee's army at the age of 15 years; later being transferred to the navy, in which he served as a midshipman on the *Patrick Henry* until the surrender of Lee at Appomattox, when he returned to Pensacola. But only for a brief period did he remain there at this time,

for we soon find him at Georgetown University, in this city, from which he graduated in due time, with distinction. Being without financial means, his father's fortune having been dissipated, as so many fortunes were in that disastrous war, he became a professor of classic languages in the university from which he had graduated, teaching there for two years, when he removed to New Orleans and began the study of law, supporting himself the while by teaching school. Admitted to the bar in Louisiana, he returned to Florida in 1874, where he commenced the practice of his profession, in which he took at once a commanding position, and that, too, at a bar ever noted for the ability, learning, and high standing of its membres.

But he was not permitted long to follow without interruption the profession he had chosen. The people of his county, indeed of the State, had a use for his services in the political field. In 1876, a period in Florida as well as over the entire South when partisan feeling ran high, he was elected to the lower house of the Florida legislature, where his talents and high character at once placed him in the front rank of Florida's public men, a position he ever afterwards retained.

Elected to the State senate in 1880, he was reelected in 1884, all the while continuing the practice of law, except when engaged in the performance of his official duties. In 1890 he was elected to the Fifty-second Congress and reelected to the Fifty-third, serving the people with that fidelity and conscientious regard for duty which characterized him throughout his entire life. From his seat in this body he retired to private life at the end of the Fifty-third Congress, broken in health but not in spirit, still with the determination to give the best that was within him to the world in which he lived. His retirement, however, was not to be for long, for in 1897 he was elected to the United States Senate, and reelected without opposition in 1903, serving well the State whose commission he bore until death laid its hand upon him on December 23, 1907.

This, Mr. Speaker, is but an outline of a remarkable career, but from it, even if we knew no more, we might easily fill the space within. I have only touched the more prominent elevations along his pathway, but from these resting places we can easily discern the difficulties of the course he trod, and picture to ourselves his struggles to surmount them, until finally he reached the goal of his ambition, the highest point for which he strove.

A soldier at 15 under the greatest chieftain of the South in one of the most gigantic struggles the world has ever witnessed; a civil war veteran at 17; a graduate and professor in one of the first colleges of the country at the age of 21; a lawyer with a large practice in the city where his childhood had been spent at 26; a member of the lower house of the legislature of his State at 28; twice a State senator between then and his thirty-sixth year; twice a Congressman ere he had reached the age of 45, and then with broken health ten years in the greatest lawmaking body in the world; finally, after years of physical suffering, yielding to the ravages of disease and falling under its pitiless assaults, but with earthly honors thick upon him; these show not only a remarkable career, but indicate the traits which gave success—commanding talents, honorable ambition, singleness of purpose, energy in the discharge of duty, unyielding determination, and a well-rounded character.

It was my good fortune, Mr. Speaker, to know Senator MALLORY intimately, and particularly after he had been honored with a seat in the Senate. I have seen him in private and public life, have met him in the social circle, accompanied him in political campaigns, observed him in the performance of his official duties at the other end of this Capitol, and know full well the qualifications he possessed for the work demanded of him and the fidelity with which he served those who had intrusted their interests to his keeping. But if I were asked to specify the leading trait in his character, I would unhesitatingly say that it was a high sense of honor. No political or other exigency could make him swerve from what he conceived to be the path of right.

The voice of the tempter is heard in all the walks of life. With no less frequency, perhaps, is it whispered in the ear of him engaged in civil strife, and the temptation to sacrifice convictions to political exigency is sometimes great, but fortunate is that constituency represented by one who, with an honest heart and a clear head, will, seeing the right, dare to do it in the face of the probable disapproval of that public on whom he relies for support.

That trait the subject of this sketch possessed in a high degree. Mistakes he may have made now and then in the support of men and measures. Who has not made them? But if such there were, they were of the head and not of the heart. And in saying that, Mr. Speaker, I have perhaps said all that is necessary to be said of STEPHEN R. MALLORY. For he who possesses this characteristic can ever be trusted by those he serves. In the life of such a man, the conditions being given, friend and foe alike will know what his action will be. With the star of right to guide him, he ever moves on a straight line to the end of the way.

Another characteristic of Senator MALLORY'S, which, after all, is but one of the many aspects of a high sense of honor, was his fidelity to his State and the people he represented. He ever had their interest before him and never lost an opportunity to serve them when able to do so. I have referred, Mr. Speaker, to the condition of his health. Indeed, he entered the Senate in 1897 an invalid and never afterwards did he regain his accustomed vigor. Often, to appearances, near death's door, he remained at his post of duty, except when compelled to absent himself on account of the severity of the disease from which he suffered. Going in and out of the Senate Chamber, but a shadow of his once strong and robust physique, though his body might be racked by pain and weakened by fever, he never failed to respond to the request of a constituent, no matter how humble or obscure, when able to leave his bed. Frequently I have seen him in the Senate Chamber with a high fever participating in the deliberations of that body, or at the Departments serving some friend or constituent, when prudence and a proper regard for his waning health and strength should have kept him in his room.

But his sense of duty was such as to cause him to disregard his physical condition as long as an obligation claimed by a constituent or imposed by his official position remained undischarged. With him duty was first, everything else, including health and physical comfort, secondary. Knowing of his ill health and the drain which disease and suffering had made upon his strength, I have wondered at his ability to perform so well his official duties. Besides attending to his correspondence and departmental work, he kept well up with the proceedings of the Senate—often engaging in the discussions of that body. In fact, there was scarcely a great measure before the Senate while he was a member there upon which he did not speak and which was not rendered more lucid by his utterances.

Senator MALLORY, while a partisan, was not a bitter one, and although his arguments were presented with force, his kindness of heart was such that his language left nothing to rankle in the heart of an adversary. While standing firmly by his convictions, he was magnanimous and liberal to all. He was not quick to take offense, and never intentionally wounded the sensibilities of another. He was always in earnest—never a trifler—but regarding every subject at all worthy of his consideration, as meriting his best effort, he conducted the discussions in which he engaged upon a high plane.

Such in part, Mr. Speaker, were the leading characteristics of S. R. MALLORY. But he is gone. As the last eventful days of 1907 were slipping away into the centuries that have passed his spirit laid aside its wasted abode of flesh and took its flight to the God who gave it. But though with us no more, his memory still lingers in our hearts. Indeed, such a life is never lost in death nor buried in the grave, but passes out upon the years to cheer mankind as the centuries go by. The world is better for his having lived in it, and rich indeed is the heritage of those he left behind or who may come after him. Of him it may be truly said he left—

Footprints on the sands of time.

Footprints that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother
Seeing, shall take heart again.

[Mr. WILLIAMS addressed the House. See Appendix.]

Mr. PAYNE. Mr. Speaker, my first acquaintance with STEPHEN R. MALLORY began in December, 1891, when he entered the Fifty-second Congress as a Representative from the southern district of Florida He came here when his party was in the full flush of victory. The McKinley tariff act became a law on the 6th of October, 1890, and the election was held only a month later, before the act had gotten into full operation. Its various provisions were magnified by the imaginations of the people and there was a universal feeling and apprehension that prices on all commodities would be enormously high under its operations. I remember well seeing large placards in the stores announcing that certain goods would be sold at a certain price and that now was the time to buy, because on the next invoice they would be compelled to advance the price 25 per cent because of the operations of the McKinley law. There was no partisanship either in the display of these placards, because they were seen as frequently in stores owned by Republicans as those of the opposition party. The result was an overwhelm-

ing Democratic majority in the House of Representatives, elected in the fall of 1890; and in 1892 his party came into full power in both the executive and legislative branches of the Government.

Here was a great opportunity for a newly elected Member. Mr. MALLORY was fresh from service in both houses of the Florida legislature. He had a mind well trained in statecraft. Yet being a new Member he was largely overshadowed by many of the old-time leaders in his party, and with his naturally modest and retiring disposition did not bring himself so much to the front as he would have done under other circumstances. I got to know him well during his service here in the House, although we were not on the same committee in any instance. He was of gentlemanly disposition, of friendly nature, a man of warm friendship, and always courteous in his bearing and intercourse with his fellow Members.

He was defeated for renomination in 1894 by the present popular and able Representative from that district, the Hon. STEPHEN M. SPARKMAN. The success of Mr. SPARKMAN was a tribute to his wide popularity in the district. But it is a great tribute to the character of Mr. MALLORY that though defeated for Congress in 1894 he was elected to the Senate in 1896 for the term commencing March 4, 1897. He at once took high rank in that body as a patient, persistent, hard-working Senator, a man who looked for results and not for oratorical display. He did not bring himself into the lime light, but was content to work out quietly his plans, with the result of unusual success. He was reelected to the Senate in 1902, having been renominated by a vote in the primaries without opposition. His fatal illness overtook him in November last, and the subsequent days of his life marked his character for industry and devotion to duty. His last speech was delivered in this city on the Sunday evening before his sickness, and the last article from his pen was completed only a few hours before he was stricken with his fatal malady. He fully realized the condition of his health some time before his death, as he declined to be a candidate for reelection to the Senate and also declined any position of chairmanship of a committee in the Senate. His last request showed the simplicity of his life; he desired that no committee be appointed to attend upon his funeral and that the services be of the simplest character.

It is a remarkable fact in the career of Mr. MALLORY that he enlisted in the Confederate army at the age of 15 years and became a midshipman in the Confederate navy in the spring of 1865. He retired as a veteran of the war at the age of 17 years. Mr. MALLORY'S devotion at this early age to the Confederate cause is but a fair example of the fealty of the men of the South during those sad and bloody years of fratricidal strife. In common with millions of his countrymen he believed the cause of the South was right, although this belief is now generally conceded to have been a mistaken one as to the question of whether the United States was a nation or simply a confederacy; yet all are willing to concede the general good faith of those adopting the latter view who risked their lives in their vain endeavor to sustain it. Now everywhere their valor is recognized. The heroism which sent boys at 15, or even younger, into the field side by side with old men, tottering on the verge of the grave, showed a sturdy determination and valor never surpassed in history. However we may differ on other questions relating to the war of the sixties, none of us can forget that these men were Americans, and well illustrated the fighting blood shed on every field from Lexington to San Juan Hill.

Mr. DE ARMOND. Mr. Speaker, on occasions like this we are impressed with a sense of the narrowness of the round of life—a rejoicing over the advent into existence in this world, a buffeting of its billows and a braving of its storms, an enduring of its trials and a sharing of its joys and triumphs for a brief period, and then scenes like this, where the survivors gather to pay tribute to those who are gone.

The subject of our memorial remarks had quite a remarkable career. Into few lives is there crowded so much of history as may be written about the man of whom we speak to-day. A soldier, a sailor, a legislator in each branch of the legislature of his State, a Member of this House of Representatives, and a member of the Senate of the United States, and yet death reached him before old age had come, and when he had but by little passed his meridian. Into few lives is crowded so much of work and of glory. To but few is it given to render so much of public service.

I came to Congress at the time Senator MALLORY entered this House. I served with him in the Fifty-second and Fifty-third Congresses, and in that time came to know him quite well. As others have remarked, he was modest and unostentatious in the discharge of his duties. His effort seemed to be to find the right side of questions and to adhere to the right as he saw it.

The devotion of his State to him and the signal manner in which it honored him is evidence of itself that he served the people of that State, both in his Congressional district, and, afterwards, in the State at large, faithfully and well.

It is a comparatively rare thing for son to succeed father, directly or remotely, in the membership of this House. It is still more rare for son to follow father in membership at the other end of this Capitol. It is a notable fact that the service of the son in the Senate in this instance is about equal in length of years to the Senatorial service of the father a generation earlier.

What an amount of history was made in the period during which this young man was upon the boards as an actor in life! In that time was our great civil war, one of the mighty conflicts not only of modern times but of all time, and he was an actor in its scenes, both upon land and upon sea. The events of that war were so tremendous, the results of it are so far-reaching that even those of us who may have given the most thought to the subject perhaps but feebly comprehend the full significance of what then happened, and what has resulted and what will result from what then happened.

In another respect the career of Senator MALLORY is somewhat remarkable, because in the death chain his name is linked forever with the name of his successor. It is surely an extraordinary and perhaps an unprecedented event that upon the same day, in the same Chamber, tributes are paid to the memory of a departed Senator and to the memory of another departed Senator who followed him, his immediate successor in the Senate and in death. With what audacity does Death tread upon the heels of Life! How fleeting is earthly existence, and how rapidly are the scenes shifted!

The vacancy in the Senate made by Senator MALLORY'S death was filled by the appointment of young Mr. BRYAN. He came here in the flush and strength of young manhood, and yet in a few weeks mourning friends followed him to his last resting place, as mourning friends had followed his predecessor to the tomb; and to-day in this Chamber tribute will be paid to his memory as well as to the memory of the Senator who preceded him in office and in death.

Senator MALLORY'S abilities were of a solid, substantial, and accomplishing kind, if I may use the expression. A modest man, he never sought display and never attempted it. His purposes were high, and the means by which he tried to accomplish them were worthy of the ends in view. His aim was to serve faithfully those who intrusted him with public duties and to advance their interests in this Capitol and elsewhere, and without exaggeration and without favor or partiality we may well say his services were faithful and efficient.

It is often a matter of curious study as to who accomplishes most in a given forum in this life and what means are the best for the accomplishment of desired results. Perhaps each can accomplish best the task set before him by his own methods and in his own ways, by the employment of his talents in the ways that are natural for him, because the natural ways of each of us are better for each than the superior ways of others which me might try to copy or follow.

This man, not gifted with extraordinary brilliancy, not possessed of display talents, used faithfully and persistently, honestly and courageously the substantial talents which were given him; and the faithful use of these is what results in the attainment of the desirable things of life. Brilliancy dazzles momentarily, startles, perhaps gratifies, but steady work—steady persistence in the pursuit of an object, steady aim in the accomplishment of what is laid out for accomplishment—that is what produces results, that is what in the main makes the world better, advances a good cause, and retards that which is bad.

Some are of the opinion that services and exercises such as these are merely formal and ought to be dispensed with. I am not of that mind. I believe that it is worth while for us in this everyday, plodding life of ours to throw in a dash of sentiment where we can. Life is an extraordinary mingling of tragedy and comedy, the most wonderful thing of which we can conceive, the one wonderful thing of which we have experience from our entrance into it until our departure from it. It is entirely fitting that those associated with a worthy man in his life and in his work when he is gone should turn aside from their everyday performances to pay a tribute of respect to his memory, a tribute that may be paid honestly because it is richly merited. Of course the departed is neither benefited nor injured by what we say here, nor by our failure to say anything. He is gone beyond the realm of temporal things. Temporal voices no longer reach his ear, temporal concerns no longer command his attention. It is rather for us and for those who follow after us, it is rather in the example and effect upon humanity in general, that exercises like these have their meaning and use.

It is no idle ceremony to pay tribute to the memory of such a man as Senator MALLORY; an honest, sincere, worthy man, honored far beyond the average of American citizenship; notable by the honors heaped upon him, and by his conduct so worthy of them. In him we have lost a friend and coadjutor in the work of good government; and in our several ways and with our varying lights, blinded sometimes and warped by our prejudices, in the main, I like to believe, we seek good government and its good results. One who battled with us and who wrought by our side, one who was a helper and a friend, is gone; and in a comparatively short time—for life is fleeting, and soon the longest life ends—we who are yet in the flesh shall have performed our part in life, well or ill, and also shall have gone hence.

May it be our good fortune when the time comes for kind, loving friends to say something concerning us, to have such records that they may honestly speak well of us, as we this day may honestly speak well of him to whose memory we would pay the tribute of abiding reverence.

Mr. LAWRENCE. Mr. Speaker, it is not my purpose at this time to speak at length of the life, character, and services of Senator MALLORY. That privilege belongs properly to those who knew him longer and more intimately than I did. I do desire, however, to pay a brief tribute to one whose whole career was characterized by a splendid integrity and an absolute fidelity. When he passed away a great loss came to his State and section, but more than that, Mr. Speaker, a great loss came to his country. The sorrow felt by his friends, neighbors, and associates was shared by those who lived in more distant parts of our land and who admired and respected this brave and useful man.

In the fall of 1864 he was but a boy of 15 years, yet he enlisted in the Confederate service and fought for the cause in which he believed until the war was over. He then taught school and studied law. He had, however, hardly entered upon the practice of his profession when he was elected to the lower house of the Florida legislature, and for ten years was a member of that body and of the State senate. So satisfactory was his record there that his constituents sent him to Washington as a Member of the House of Representatives. He had been a United States Senator since 1897.

Practically his whole life, therefore, was given to the public service. He had the entire confidence of the people of Florida, and in return he gave them the best that was in him. He was an intense patriot. He loved his Southland, and during the days of civil strife showed that he was willing, if need be, to die for its people. His military record was marked by fidelity and fearlessness. When the war came to an end he showed like fearlessness in confronting the distressing difficulties which followed it. From that hour he devoted himself with all his might not alone to bettering local conditions, but to the welfare of the whole country. And how eagerly have those associated with him in public life testified to the signal ability with which he discharged his duties.

Senator MALLORY was brave, courteous, kindly, the very soul of honor; in a word, he was a true Southern gentleman. I have listened with great interest to the affectionate and eloquent tributes which have been paid to him to-day, and I was especially touched by the reference made by my friend [Mr. SPARKMAN] to the pluck and determination shown by Senator MALLORY in pressing steadfastly on with his work in spite of ill health. There was something very thrilling in that recital of daily battle with disease by one who "though his body might be racked by pain and weakened by fever, never failed to respond to the request of a constituent, no matter how humble or obscure." I think we do not always realize how much of heroism there is in such a life. It calls for a finer courage than that shown upon the battlefield. Companionship with a man who carries cheerfulness with him and goes on with his work in spite of physical ills is inspiring. It drives away melancholy, and makes the world a better place to live in. I have also been impressed by the many references to his rugged honesty. In these days, when there have been revelations of dishonor in public and private life which have shocked and alarmed us, it is indeed uplifting to contemplate the life of a man whose record is without stain.

Mr. Speaker, a strong man has gone; a life of rare usefulness is ended; the record is made up. As the years pass by, it will be realized more and more clearly how great is our loss. A noble constituency which he served so devotedly and unselfishly can be depended upon to see to it that such service is ever gratefully remembered.

Mr. BRANTLEY. Mr. Speaker, the friends and admirers of STEPHEN RUSSELL MALLORY, late a Senator from the State of Florida, received a great shock on December 23 last when the news of his death at his home in Pensacola, Fla., was flashed across the wires.

That shock settled into a deep and profund sorrow as we here and elsewhere came to a full realization of the great loss we had sustained.

The hearts of countless numbers became and are filled with mourning because of his passing away. This House, of which he was twice an honored Member, took fitting and proper action on his death when notice of same was received, and meets to-day to permit its Members to pay a last final tribute to his memory. Some, more gifted in speech and beautiful thought, will sing his praises and sound his virtues in grander and more harmonious tones than others less gifted can do, but the heart of each will be in his song and each song will be a song of love, for Senator MALLORY was beloved by all who knew him.

So far as he is concerned our exercises this day are vain and futile. He has solved the mystery of life and of death and is beyond the reach of our words. We can not contribute to his happiness or his glory, nor can we by our most affectionate thoughts or tenderest words provoke the faintest sign of recognition from him. He has passed from our midst and the things that are earthly concern him no more.

As he could not in life by taking thought add a single cubit to his stature, so we today by taking thought can not add to the stature of manhood and of fame that he for himself carved out of the life that was given him to live.

We pay honor therefore to his memory with no thought save that of paying honor where honor is due, and in truth by that which we do we but honor ourselves.

It has been truly written that "it is not all of life to live nor all of death to die." We know the former; we believe the latter. We need not enter the realm of speculation nor invoke our religious faith to know that it is not all of life to live. Poor indeed would be the life that at its closing could point to no other achievement than that of mere existence, and poorer still would be our great country if the lives that have made it glorious had been pitifully empty and useless lives. But it is not all of life to live, when that living has been filled with mighty deeds and crowned with works of beneficence, for such a life in the hearts and minds of those who knew it lives on and on.

The grave marks the ending of the physical life, but there is no ending there of memory, and a man's works live after him. The influence of a good and useful life furnishes hope and courage and is an inspiration to nobler and better things. This influence for neither its beginning nor its ending takes any note of the hour when the life that gave it birth passes from time into eternity. It was such a life that Senator MALLORY lived, and it is because of it that now, when his physical life is ended, we meet to utter words of love and praise about him. The short sketch of him that appears in our directory but faintly reveals the busy and useful life he lived. It shows, however, that he was called to many positions of honor and trust, and those who knew him know that he was faithful and true in every instance. Before he was 16 years of age he became a volunteer in the Confederate army to do battle for his beloved Southland, and from that hour until his last expiring breath he was loyal to the noblest and best traditions of the people he loved and the people who loved him.

One by one the old soldiers of the South, who, after the "bloody conflict," were called to the patriotic service of a reunited country are passing away.

The roll call on the other side of the river is lengthening, while here it is growing shorter and shorter. One of the last to leave us and to swell the great majority on the other side was Senator MALLORY.

We grieve and lament his departure, while hosannas of joy welcomed his answering "present" to the roll call over there. No better or more efficient or more loyal service to the Stars and Stripes has been rendered here than has come from these old soldiers of the South, and among them all there has not been one more patriotic nor one more consecrated to duty than Senator MALLORY. He was a scholarly man, and his mind was a great storehouse of learning. He was fitted by nature, by inheritance, and by training for the great work of statesmanship. His people recognized this, and for almost half of the fifty-nine years he lived he was engaged in the arduous and exacting work of making laws. He served in both branches of his State legislature, and he served in both branches of the Congress of the United States. He knew the science of government as but few men learn it, and the Constitution was the chart and guide to which he clung at all times and in all cases.

He leaned to the school of strict constructionists, and he ever questioned the exercise of any power by Congress plain warrant for which could not be found in the written delegation of power. The sovereign State found in him a stanch defender, and no knightlier blade was ever drawn in defense of a just cause than that drawn by him in defense of what he believed to be the reserved power of the States. So gentle, however, was he in thought, and so polished and persuasive in phrase and word, that no opponent met him but to admire and be disarmed. Whatever the result of the conflict, it left no feeling of enmity or resentment.

Senator MALLORY was not merely a student and defender of the Constitution, but he was a man of action and of deeds. He was a man of theories, but he put his theories into practice. The improvement of the harbors and the waterways of his State and country greatly interested him, and the results in this direction that he accomplished speaks a greater eulogy of his achievements than can any feeble words of mine. He was much concerned for the protection of the South from the invasion of yellow fever, and our present quarantine law is largely the result of his labors.

He was a stanch believer in the future of his State and of the South. He ever had before him not only their present greatness, but their greater possibilities, and whatever of law, whatever of speech, whatever of precept that lay within his power to induce the realization of these possibilities was ever at the service of his people. In all this he was neither sectional nor partisan. He was simply true to those who first reposed their trust in him, for truly his labors were not confined to his own section. He was a man of broad and national views and loved his whole country, and he served it all and served it well.

So clean was he in his methods and so uprightly did he walk in this body that he possessed the confidence and esteem of both sides; and as it was here, so it was in the upper House. He was the friend of all his associates and all his associates were his friends. He was by instinct a gentleman, and his courtesy was as unfailing as the atmosphere of honesty in which he lived. He was of kind and sympathetic disposition, and while he knew law and statesmanship and government he also knew people. He never lost sight of the individual, and was ever ready to extend a helping hand to the needy and distressed. While sick and suffering for many years before his death, no murmur of complaint came from his lips, but he was ever, in sickness as in health, the generous friend and the ready sympathizer. He gave aid and sympathy, but he sought neither for himself.

Quiet and unobtrusive, one had to know him to thoroughly appreciate him, but once knowing him his personality was impressive and those who knew him did not forget him.

But few who have served in this body knew the city of Washington so well as he. He was here as a student and here as a teacher long prior to his advent into political life. This capital city of the nation lost a friend when his life went out—a friend who not only knew and understood its needs, but who was powerful to aid. There are many in this city, as elsewhere, who have cause to remember his broad and catholic spirit, who know his work for and interest in the boys and girls of the country, and who know of his zealous efforts in the cause of education—a cause near and dear to him throughout his public career. His influence was ever on the side of the weak and helpless, and he left no stone unturned to carry education, to carry aid and sustenance to the dependent children of the land. In his death education has lost a friend, virtue and morality a stanch adherent, and his country a devoted, loyal son. In every walk of life, wherever he was known, his death is deplored; but while we deplore it, we, at the same time, rejoice that he was permitted to live and that we were permitted to know him.

[Mr. BURTON of Ohio addressed the House. See Appendix.]

Mr. LAMB. Mr. Chairman, the State of Florida has been unfortunate in losing two Senators within a short space of time. Indeed, the grim monster has played sad havoc in both Houses since this session of Congress began.

We are constantly reminded that we have here no continued city and that death is no respecter of persons.

In the death of STEPHEN RUSSELL MALLORY the State of Florida has lost a useful citizen, the Senate of the United States a valuable and distinguished member, and his colleagues in both Houses a warm-hearted and genial friend, whose splendid traits of character endeared him to all who enjoyed the pleasure of his acquaintance and friendship.

For several years I was thrown with him at the same table and in his room at the hotel where we both lived, and am therefore as well fitted to speak of his life and character as any Member of Congress outside of his own delegation.

I loved to hear him talk, and found inspiration and instruction in communion with him. We had much in common. We were both soldiers in the civil war—he in the Navy, I in the cavalry service. Being the elder of the two, I was longer in the service, for he entered at 15 years of age and was a veteran of that war at 17.

He often told me of riding around the defenses of Richmond when a mere lad of 13 years. He seemed to love every foot of ground around that historic and lovely city, and he knew many of the leading families of the place, who exhibited a fortitude and courage during four long years that has never been surpassed, if equaled, by any people in all the tide of time.

It is no wonder that after entering the Confederate army as a private, he subsequently entered the navy as a midshipman, for his distinguished father, of the same name, was the secretary of the Confederate navy during the four years of the war between the States. He had been a distinguished member of the United States Senate and chairman of the Committee on Naval Affairs, and also a member of the Committee on Claims. He refused the appointment of minister to Spain in 1858. He also declined to serve as chief justice of the admiralty court of Florida when that State seceded from the Union. Jefferson Davis appointed him secretary of the navy which he accepted and held until the close of the war. It was here that he manifested the wisdom of the choice of the Confederate president, for he succeeded in organizing a navy where none had previously existed. In proof of the wisdom of this choice and the work performed I quote a monograph by Major Gorgas. He says:

> We began, in April, 1861, without an arsenal, laboratory, or powder mill of any capacity, and with no foundry or rolling mill except at Richmond, and before the close of 1863, within a little over two years, we supplied them. During the harassments of war, while holding our own in the field defiantly and successfully against a powerful enemy—crippled by a depreciated currency—throttled with a blockade that deprived us of nearly all means of getting material or workmen, unable to use slave labor, with which we were abundantly supplied, except in the most unskilled department of production; hampered by want of transportation, even of the commonest supplies of food; with no stock on hand even of articles such as steel, copper, leather, or iron, which we must have to build up our establishments—against all these obstacles, in spite of all these deficiencies, we persevered at home as determinedly as did our troops in the field against a more tangible opposition, and in that short period created almost literally out of the ground foundries and rolling mills at Selma, Richmond, Atlanta, and Macon; smelting works at Petersburg; chemical works at Charlotte, N. C.; a powder mill far superior to any in the United States and unsurpassed by any across the ocean, and a chain of arsenals, armories, and laboratories equal in their capacity and improvements to the best of those in the United States, stretching link by link from Virginia to Alabama.

The inheritance from and the example set by such a father must have contributed largely to the development of the character and the forming of the life of our late friend and colleague.

In 1865 young MALLORY matriculated in Georgetown College, was graduated, and for some time filled the chair of classical languages. While teaching school in New Orleans in 1870 he read law and was admitted to practice by the supreme court. In 1876 he was elected to the Florida legislature. In 1880 he was elected to the Lower House of Congress and reelected two years later. He was elected United States Senator in 1897 and reelected in 1902 for the term expiring March, 1909.

He died in December last at the age of 59 years, leaving a splendid record and an untarnished name. He literally died with his harness on, resisting to the last the fatal disease that had been preying on his constitution for years. He delivered a speech to the Knights of Columbus the Sunday night before he was taken very ill.

A few hours before he was stricken he compiled an article for the Christmas edition of one of his State papers.

His was the simple life in many respects. In evidence of this his last request was that no Congressional delegation be appointed to attend his funeral and that the ceremonies be of the simplest character.

His taste was cultivated to a degree. In many years of association with him I never heard fall from his lips an unkind or hasty word. He suffered much. I have been in his room when he was racked with pain, but never heard a murmur or a word of complaint. He possessed patience for the small sorrows of life, as he had shown courage for the great disappointments that came to him and those he loved in his early youth.

He appeared to me as a link between the old time and the new when together we discussed the issues of 1865 and the characters of the men who figured in the civil and military life of that stormy time. He knew many of the leading men and officers. He had judged them from the view point of youth, and these impressions wore off with his student life. He knew only what he had gathered from history of the trials

and hardships and sufferings of the rank and file of the Confederate army. History has not yet told and will never fully portray the heroic sacrifices and unquenchable spirit of the men and officers of the Southern army.

In addition to the simple life and patience that marked the character of our deceased colleague I was often struck with the correctness of his judgment and his strong sense of justice. He was fair to his opponents in debate, and rarely, if ever, did he lose his equanimity of temper.

He was a safe counselor. He was sincere and frank always. It might be said of him "That he was a man that would swear to his own hurt and change not." If he possessed some of the weaknesses that attach to our frail natures, I did not observe them.

Inheritance, association, and education combined to make of Senator MALLORY a model character. That these together fitted him in an eminent degree for the responsible duties of a legislator the public records of Congress, running through more than a decade, will amply show.

That he was warm-hearted and affectionate was clearly shown by the manner in which he often spoke of his family and kindred.

I often thought that his simple and somewhat exclusive life was possibly the result of self-imposed sacrifices for the good of others. This world has many such lives. The period in which our colleague lived and was reared and educated produced such characters. Sacrifice was the lot of all. It was necessary. Besides, it was contagious. It was in the air and filled the hearts and molded the lives of men and women.

The youths who drank in this spirit every day and watched it make heroes of beardless youths and angels of mercy of women raised in the lap of luxury, could but drink at the fountain of waters of sacrifice that flowed in bleeding wounds around the beleagured city, and spent its force in the hospitals where diseased and mutilated humanity appealed for aid and sympathy.

The records of Congress in both Houses will hand down to future generations the public life and services of our colleague. Had he been blessed with robust health there is no calculating the greater extent of his achievements. Had his party been in the majority he would undoubtedly have been one of its ablest leaders.

Those who knew him best will long regret his untimely end, particularly the men in both Houses nearing the "three score and ten," who look upon a member of 59 as yet young and active.

Another trait of character stood out prominently in Senator MALLORY's life. It was the virtue of gentleness, the crowning grace of great and good men.

He possessed this in an eminent degree. It helped no doubt to endear him to a loyal and devoted constituency. It bound him as with hooks of steel to those who knew him best and loved him most. It will keep green his memory in their minds and hearts when the scenes in which he figured shall have faded and the public acts in which he participated become, as it were, ancient history.

Mr. WALDO. Mr. Speaker, while I had known of Senator MALLORY and of his distinguished life and services for many years, my personal acquaintance only started from the year 1906, when I first came to Congress. His whole life, as has been stated here perhaps many times, was practically spent in the service of the public, commencing with service as a soldier at the age of 15. There are few men who have passed through personally so much of the history of this country as did Senator MALLORY and yet have died comparatively young. He was not, from all that I have read or heard or have known of him, a man of exceptional brilliancy in any way. He was a simple, plain, unostentatious American citizen who was devoted to whatever duty came before him. When I first met him I was particularly impressed with this characteristic—a man of such distinguished services in almost all branches of the public service and yet as unassuming and modest as a schoolboy. He seemed to be an example of the kind of modest, hard, simple, plain work upon which the very life of our great Republic was founded. It is such men as Senator MALLORY that carry on the work of this country and of the world. They ask for no reward except the knowledge that their work has been well done. If anything can justify or does well justify such ceremonies as these, it is the calling to our minds and to the minds of those who come after us that such attention to duties, without the desire or the seeking for applause, the attending to whatever comes before us at the moment, is the one thing that is worth while in this life. It is the one thing upon which the stability of human affairs depend.

Mr. CLARK of Florida. Mr. Speaker, it may not be generally known that, although Florida was admitted into the Union of States on the 3d day of May, 1845, this is the first time since she became a member of the Federal Union that a Senator from Florida or a Representative from that State has died during his tenure of office. The first to die while engaged in active service was Senator STEPHEN RUSSELL MALLORY, only to be followed in a few weeks by his successor, WILLIAM JAMES BRYAN. For nearly sixty-three years of Florida's history as an American State the hand of death was never laid upon a single one of her representatives here in either House. It seems a strange dispensation of Providence, and one that I shall not undertake to fathom, that almost within the month after Senator MALLORY had finished his labors here and gone across the river the young Senator appointed to succeed him should also be called from his labors here.

I was asked, Mr. Speaker, a few days ago by a gentleman, what was the distinguishing characteristic of Senator MALLORY? I answered without hesitation, and I think that would be the answer given by all the people of Florida, that his most distinguished characteristic was his sterling, rugged, uncompromising honesty under any and all circumstances. As has been said by gentlemen who have paid tribute to him to-day, he did not rank in that class of American statesmen known for their great brilliancy, known for their gifts of magnificent oratory, but he was painstaking, he was careful, he was loyal, he was true, and he was honest.

No step in his life, whether as private citizen, whether as a practitioner at the bar, whether as a member of the Florida legislature, a Member of this House, or a member of the Senate, was ever taken except with the purest of motives and the most patriotic of purposes. I knew Mr. MALLORY personally for nearly a quarter of a century. I have gone with him over the State of Florida in political campaigns. I have known him well during all that time and, although we have had in the State of Florida at times fierce factional differences, the opponents of Senator MALLORY always knew that he would never stoop to anything that was improper or unfair to achieve an advantage. The people of the State of Florida, I think, loved Mr. MALLORY probably with an intenser affection than any other of her sons. People who bitterly opposed him in the field of politics admired, honored, and respected him. I think I can say, too, Mr. Speaker, for him something that is exceedingly rare in American politics. Having been a Member of this House for two terms, as has already been mentioned, he was a candidate for a third term, and having been defeated by the present occupant of the chair [Mr. SPARKMAN], he retired to his home at Pensacola and assumed his position as a quiet citizen, taking up his work as a lawyer and lending every possible aid in the upbuilding of the city and State he loved so well.

In 1897 there was a fierce Senatorial conflict before the legislature of Florida. Mr. MALLORY was not a candidate. The contest was between others. After this contest had dragged its weary and bitter lengths for some weeks and it seemed impossible that either of the contestants could be elected, some gentlemen who were not supporters of either of the two prominent candidates got together and it was suggested that they send for Mr. MALLORY.

They telegraphed for him, and he came to Tallahassee. I remember how he looked when he arrived. The dread disease which eventually carried him off was then upon him. Pale and emaciated, he was hardly recognizable by the friends who had known him in the years before.

He had a conference that night with the gentleman who had sent for him, and the next day, without the expenditure of a dollar, without a promise of any character, he was elected to the United States Senate. In 1904, without the expenditure of a cent, he was unanimously renominated, and in 1905, without an opponent, and without the expenditure of a dollar, he was unanimously re-elected as a Senator.

I believe it is generally conceded among the people of the State of Florida that if his health had improved he would have been returned for the third time to the Senate, with practically no opposition.

Mr. MALLORY's life will always be an inspiration to the youth of Florida. It ought to be an inspiration to the youth of this whole country. What he was he had carved out for himself, because, as has been so well stated, he was left in his early youth to strike out for himself, without money and without aid.

He has never been "found wanting" in any position of honor or trust to which his fellow-citizens have called him. Modest, unassuming, and generous, he was a model citizen; honest, sincere, and patriotic, he was a faithful public servant; candid, kind, and unselfish, he was a genuine friend. He despised hypocrisy. He would spurn success secured at the sacrifice of

honor. He never compromised with wrong or winked at fraud. The Senate may have had abler members, but no man who ever sat in that august body was more thoroughly consecrated to the cause of right than was our dead Senator—STEPHEN RUSSELL MALLORY.

THE LATE SENATOR BRYAN.

Mr. CLARK of Florida. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That in accordance with the order of the day an opportunity be now given for tributes to the memory of Hon. WILLIAM JAMES BRYAN, late a United States Senator from the State of Florida.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. CLARK of Florida. Mr. Speaker, as I stated in the few remarks that I have just submitted to the House with reference to the late Senator MALLORY, no death had occurred in the Florida delegation from the time of her admission to the Union until the death of Senator MALLORY.

We now turn to pay tribute to the memory of his successor, WILLIAM JAMES BRYAN. He was born near Fort Mason, then in Orange, now in Lake County, Fla., on the 10th day of October, 1876. In 1883 his father, Hon. John Milton Bryan, moved with his family to a place about 3½ miles south of Kissimmee, in what was then Orange, but now Osceola County, where young BRYAN grew to manhood. He worked on the farm, and aided his father in looking after his cattle. During the time when his services were not needed in looking after his father's herds or in performing labor upon the farm, young BRYAN attended the common schools of the country, until he had reached a point where it was necessary for him to attend a high school. He then attended the high school in Kissimmee, driving back and forth, morning and evening, in company with his brother, Nathan P. Bryan, his other brother, John Bryan, and the rest of his father's children. In September, 1892, he entered the freshman class at Emory College, at Oxford, Ga., from which he graduated fifth in a class of about forty, with the degree of A. B., in June, 1896.

In the summer of 1896, he was chosen as principal of the public school at Monticello, Ga., and taught there for one year. On account of the ill health of his mother, to whom he was devotedly attached, he remained at home during the fall and winter of 1897. He went to Jacksonville in the spring of 1898, and was engaged in the law office of Barrs & Bryan, composed of Hon. John M. Barrs, of the city of Jacksonville, and his brother, Nathan P. Bryan, and for several months he read in the office of these gentlemen.

In September, 1898, he entered the law department of Washington and Lee University, and graduated therefrom in June, 1899, with the degree of LL. B., making the two years' course in one year.

In the summer of 1899 he traveled over Florida, securing students for the law department of Washington and Lee University. Mr. Speaker, this gave the young man a State-wide acquaintance, and enabled him to make friends in different sections of Florida, which stood him well in hand after he had entered the arena of politics.

I knew the young man when he first came to Jacksonville to live. I was a citizen of Jacksonville at the time, and his brother, Hon. Nathan P. Bryan, lived very near me, and we were neighbors. Young BRYAN visited my house often, and I became thoroughly well acquainted with him. Tall, slender, and handsome, he would have attracted attention in any assemblage. I never knew a young man who began life with brighter prospects than did he. Often I have discussed with him his future, and have taken it upon myself to advise him, to some extent. He was related to a great many people scattered throughout the State of Florida. The Bryans are a numerous family, and hardly a section of the State, hardly a county, I might say, in which there does not live some relative of his. He was distinctly marked for the field of politics. Bright, optimistic, hopeful, cheerful, he made friends wherever he went. The law and politics invited him. And if he had lived the allotted time there is no question but that his name would have been written high upon the scroll of fame. On his twenty-second birthday, October 10, 1899, he became a member of the law firm of Barrs & Bryan, at Jacksonville, and then began the active work of his life. He remained with this firm for about one year and three months, when he voluntarily, on January 1, 1901, severed his connection with it and opened an office for himself, adjoining that of the Hon. Duncan U. Fletcher, one of the leading lawyers of Jacksonville, who took a great interest in the future of the young man.

He remained by himself in the practice of the law in the city of Jacksonville until January 1, 1903, when his brother Nathan and himself formed a law partnership under the firm name of Bryan & Bryan, which was dissolved only by the death of WILLIAM JAMES BRYAN March 22, 1908. I should have said that he was admitted to the bar at Kissimmee, the county seat of his home county of Osceola, in October, 1899.

His first appearance before the people of Florida in any kind of contest was in the year 1900, when an effort was made to remove the State capital from Tallahassee to the city of Jacksonville. Young BRYAN was a citizen of Jacksonville. I had the honor to occupy somewhat of a leading position in the fight for Jacksonville, and I availed myself of his services as a speaker in a good many sections of the State of Florida. Wherever he went he upheld the cause of his home city, with convincing logic and with an eloquence which charmed his audience, and when the votes came in the results of his work were apparent.

His practice at the bar, so far as he was personally concerned, had to do mainly with the criminal side of the court. The firm of Bryan & Bryan did a large and lucrative business, covering the civil side as well as the criminal side of the law, but the young Senator seemed to take more naturally to that side of the law, and he appeared and was usually successful in important criminal cases in various parts of the State. In 1902 he was elected county solicitor of the county of Duval, in which the city of Jacksonville is located, and in a total vote of 3,100 his majority was 1,100 votes. During his incumbency of the office of county solicitor he made a fight against what was denominated in the city of Jacksonville the "ice trust," which gave him a great deal of prominence. His brother stated to me—I was not familiar with the litigation—that there were six ice factories in the city of Jacksonville. A combination existed between them, by the terms of which one only was in operation, while the other five were held ready to be put in operation at any time if necessary to crush competition.

I believe it is generally conceded that his prosecution in this case broke up what was known as the "ice trust" and was a positive benefit not only to the people of the city of Jacksonville, but to the people of the entire State.

On September 9, 1903, he was united in marriage at Lexington, Va., to Miss Janet George Allan. Mr. BRYAN belonged to the Knights of Pythias, was a member of the Seminole Club in Jacksonville, the most exclusive organization of its kind there, was a member of the Board of Trade of the city of Jacksonville, was a member of the Jacksonville Bar Association and of the Florida State Bar Association.

He was appointed Senator in the 25th of December, 1907. He took the oath of office in the Senate Chamber on January 9, 1908, and February 18, 1908, was his last day in the Senate.

Mr. Speaker, it has been said that Mr. BRYAN was the youngest man who ever sat in the Senate Chamber save two. I want to say that if Mr. BRYAN had remained in the Senate Chamber, young as he was, the country would have heard from him, and Florida would not have been ashamed of his record there. On Christmas Day, 1907, full of life, of hope, full of ambition, with a young wife who was justly proud of him and solicitous for his future career, he was handed a Christmas present that able and deserving men have spent a lifetime to secure. The governor of Florida was his friend. He had materially aided in making him the governor of Florida, but, Mr. Speaker, the people of Florida recognized at the time that the governor of Florida did not merely pay a political debt, but that he honored the State when he handed this young native of her soil his commission as one of Florida's ambassadors in the highest legislative body in all the world.

When the electric wires flashed the sad news across our beloved Commonwealth that the lamented MALLORY had "finished the course;" that the remnant of that magnificent army which followed the standard of the immortal Lee had again been reduced by the death of as manly a man as ever bore allegiance to the "stars and bars," those of us who were acquainted with conditions in Florida had no difficulty in determining where the governor would look for one to occupy Florida's "vacant chair" at the other end of the Capitol. We knew that the governor would call WILLIAM JAMES BRYAN to this high place.

In 1904 there took place in Florida, inside the Democratic party, a fierce contest for the nomination for governor. Napoleon B. Broward, the present governor, was declared to be the nominee. In his contest before the people in a primary

election for the gubernatorial nomination, Governor Broward had no more active supporter than WILLIAM JAMES BRYAN.

The young lawyer and orator threw himself into the fight and waged a ceaseless war in the interest of his friend. I was not a supporter of Governor Broward, and consequently knew nothing as to the management of his campaign, but those who were in a position to know claim that the organization and conduct of Broward's successful campaign for the governorship was the product of the brain and genius of WILL BRYAN. I may say that Broward's success was considered marvelous, because his opponent was then, as he is now, the most popular and best beloved citizen of our State.

This being the condition of affairs, none were surprised when the Associated Press announced that the name of the new Senator from Florida was WILLIAM JAMES BRYAN. Mr. Speaker, when I reflect upon the career of WILL BRYAN I catch myself asking the question, "Is it worth the effort?" Here was a young man in the rosy morning of life; blessed by the Creator with mental gifts of a superior nature; tall, athletic, and handsome; loved, yea, the very idol of his devoted young wife, his aged father and mother, his brothers and sisters, and thousands of staunch, devoted friends all over the broad expanse of his native State.

He stood last Christmas morning, surrounded by his loved ones, on the very pinnacle of fame and saw stretching out before him a long life of distinguished service to his State and country. How justly proud the father and mother must have felt when in imagination as they sat in their humble Florida home they saw WILL, their WILL, a Florida country boy, on the 9th day of January, 1908, walk down the main aisle of the historic American Senate Chamber, with the eyes of the nation upon him, to take the oath of office as an American Senator and then to take his seat where Clay, Calhoun, and Webster had occupied seats! Surely their cup of happiness was full! He was just beyond the legal age, and I can hardly realize that he is dead. Just two months and thirteen days from the time when he took the oath as a Senator, with his hand clasped in that of his devoted wife and almost under the shadow of the Dome of the Capitol, the spirit of WILL BRYAN—Florida's young Senator—took its flight to "that bourne from which no traveler returns." To our human understandings this dispensation of Providence is inexplicable, but we can safely trust all things to Him who "doeth all things well."

I will close these few remarks, Mr. Speaker, by quoting from the last lines of a letter which his brother wrote me. He belonged to a large family, and he was the idol of that family. His brother, Nathan P.—strong, intellectual, recognized as one of the best lawyers in our State—in writing to me about him, used this language:

> Life has not been the same with me since. The State has lost a public servant. Others have lost a personal friend. It seems to those of us who were of his family that we have lost everything.

May God bless, comfort, and sustain this noble brother, and, as "He tempers the wind to the shorn lamb," may He be very near to the aged father and mother and the disconsolate young wife in this hour of sore trial and deepest gloom.

Mr. THOMAS of North Carolina. Mr. Speaker, when the news was conveyed to Senators and Members of the House of Representatives of the Sixtieth Congress that the young Senator from Florida, W. J. BRYAN, was dead, having finally succumbed to that dread disease, typhoid fever, a thrill of deepest regret and sympathy was felt in Congress.

While I did not know Senator BRYAN intimately, and his public life in Washington was too short to form the best judgment as to his characteristics, I was most favorably impressed by him in the short association I had with him here.

Senator BRYAN had barely passed the age limit fixed by the Constitution of the United States when he was appointed Senator from the State of Florida, to fill the vacancy caused by the death of the lamented Senator MALLORY.

Our distinguished friend and colleague, Hon. FRANK CLARK, introduced me to Senator BRYAN, and in our few brief interviews I formed a most pleasant impression of him. His death, so sad and sudden, terminating a career already brilliant, and which gave promise of greater and further usefulness to his State and country, is another proof that death does indeed love a shining mark.

Senator BRYAN was born in Lake County, in the State of Florida, October 10, 1876, and graduated with distinction at Emory College, in Oxford, Ga., with the degree of A. B., in June, 1896. In 1898 he entered the law department of the Washington-Lee University, and was graduated in June, 1899, with the degree of LL. B., taking the two years' course in one year. He began the practice of law in October, 1899. His career at the bar was very successful, especially in criminal and corporation cases.

In 1902 he was elected county solicitor, and was renominated to that office in 1906 without opposition, and was holding that office when he was appointed Senator of the United States on Christmas day, 1907. As county solicitor he did not hesitate to discharge his duty fearlessly. He was especially prominent in the prosecution of what is known as the "ice trust," the combination of ice factories in the State of Florida, the effect of which combination was felt outside of Jacksonville and in the State of Florida. He continued the prosecution of the ice trust until the combination was finally destroyed. As county solicitor he also did his duty in the prosecution of those who violated the laws against the sale of liquor upon Sunday and against gambling.

In his whole political career he manifested an intense devotion to his duty and absolute fearlessness, regardless of the rank and prominence of those who were charged with violation of the law.

The one office he held besides that of United States Senator was county solicitor, but in his brief career he was prominent in politics, having been elected a delegate to the St. Louis Democratic convention, heading the ticket by about 1,000 votes. Prominent in all the affairs of Florida officially, socially, and politically, his untimely end is a source of deepest regret not only to his intimate friends and associates and those of us who knew him in Congress, but to the entire State of Florida. To few men have been accorded with such unanimity of sentiment the love and friendship of those who knew him, the affection of the people, and the highest offices within the gift of the State. He was a brilliant lawyer, fearless public official, and a distinguished Senator of the United States. He was also a true friend, devoted husband and father, and a Christian gentleman. May his ashes rest in peace in the State of Florida, "the land of flowers," he loved so well. That Commonwealth has lost a most valuable public servant, whose early career gave promise of still greater usefulness and distinction.

In the language of his predecessor, Senator MALLORY, in speaking of another—

> Conscious of unfailing adherence to rectitude of purpose that had guided him through life, and secure in the possession of the respect and love of the people to whose service that life had been devoted, he heard without fear the decree that all must bow to, and passed from the sight of men forever.

We feel assured from his private life and public career that this man, so true and lovable, has passed into a brighter and happier existence in the great beyond.

In the words of Blaine's splendid eulogy on Garfield—

> In the silence of the receding world he heard the great waves breaking on a farther shore, and felt upon his wasted brow the breath of the eternal morning.

[Mr. WILSON of Illinois addressed the House. See Appendix.]

Mr. HARDWICK. Mr. Speaker, to-day Georgia mourns with Florida at the bier of the late brilliant junior Senator from the latter State, WILLIAM JAMES BRYAN. While the peculiarly sad and untimely taking off of this brilliant young Senator touched the sympathy and stirred the heartstrings of the entire nation, Georgia feels more than her general and ordinary share in that sorrow, for she had more than the ordinary and general interest in the brilliant young Senator whose promising career has been so suddenly, so sadly, and so prematurely ended.

Senator BRYAN was, in a sense, a son of Georgia, for while not a native of her soil, he was her mental and intellectual son, having received his education at one of Georgia's three great colleges—Emory College, at Oxford, Ga. Senator BRYAN graduated from that splendid college in June, 1896, at the age of 19, standing fifth in a class of about forty, having won both in his junior and senior years the honor of representing the literary society to which he belonged in the annual champion debate, one of the highest literary and oratorical honors of the college.

His career at Emory was brilliant and successful in every respect and gave prophetic promise of the higher honors that awaited him in the broader field of life's duties and responsibilities. As a student at Emory he was popular with his fellows and esteemed and respected by all. To-day there are hundreds of Emory boys scattered through Georgia who knew and loved "WILL" BRYAN at college, and who sincerely and earnestly mourn his untimely death upon the very threshold of a brilliant and successful career—a career of which they were universally proud.

After graduating at Emory Mr. BRYAN studied law at Washington and Lee University, in Virginia, and returned to his

native and dearly beloved State of Florida, engaging in the practice of his profession at Jacksonville. His professional career was in every way creditable, and he won early and high success at the bar.

To a man of his affable manners and genial and sunny disposition personal popularity came naturally; and, when to personal popularity is added mental ability of a high order and moral courage of the most pronounced type, as was the case with Senator BRYAN, his early and splendid success in politics is not surprising. He had been the devoted friend of Governor Broward, and his loyal and devoted political champion as well, so that when the death of the late lamented Senator MALLORY made it the duty of the governor to appoint a successor to that Senator, it surprised no one in Florida that, in spite of his youth, the choice easily fell on young BRYAN. Indeed, the action of the governor was not only expected in Florida, but warmly and generally indorsed by the people of that State. I recall that, when his appointment was announced, Bishop Warren Candler, of Georgia, who had been the distinguished and able president of Emory College when young BRYAN was a student there, and who is one of the most brilliant and able sons of the South, indorsed the appointment in a glowing eulogy to his former pupil and in a splendid tribute to the mental and moral worth of the young gentleman who had been so highly, so signally honored.

Mr. Speaker, the Senate is one of the high goals of political ambition. Few men achieve election to that distinguished body before middle age has come upon them; the vast majority of the men who are elected to it are comparatively old men when they are elected. The selection of this young man, not 32 years old at the time of his appointment, was not only a signal tribute to his worth, but was a shining inspiration to the young men of America.

Great things were expected of him, and he stood upon the threshold of a brilliant public career. One of the very youngest men who ever sat in the American Senate and the youngest who had held a seat in that august body for many years, he was a brilliant, attractive, and commanding figure.

The ways of Providence are often inexplicable. Death is, at all times, a mysterious and awful specter. When she summons those who are old, full of years of achievements and of honors, her decrees seem hard enough, but when she selects for her shining mark a brilliant, clean, healthy, promising young man, standing in the very lime light of American public life, and with the future opening up before him like some beautiful book, her decrees pass all human understanding and seek their justification in the wisdom of the Infinite and Omniscient. Senator BRYAN'S death was one of the saddest events in our history, and all our people mourn with the State and the nation so prematurely bereaved, and with the family so sorely afflicted.

Mr. MOUSER. At the request of a close friend of mine serving on the Florida delegation in this House, I arise to pay a tribute of respect to one of these whose life and deeds we commemorate to-day.

It was not my high privilege to know Senator BRYAN, except as our citizens generally become acquainted with their public servants.

I have stood in reverence and awe of him who gained in the prime of youth and in the morning of his splendid manhood high national distinction and renown.

My heart was touched with profound sorrow at the news of his untimely death.

How thrilling and glorious to contemplate the life and successful career of this noted son of Florida, and yet how sad to believe that cruel death has stricken him down. Mystery of mysteries, that joyous, hopeful, promising life should yield and be conquered by the "King of Terrors!"

Why, we ask, was not another called, whose days were shadowed o'er by pain and suffering, whose existence was a misery? Why? Why should one so just, so young, so true, so noble, be called away?

We ponder o'er this perplexing problem. We are wont to criticise and condemn that inscrutable Providence which withers and decays joyous, budding youth, blights strong, virile, and successful young manhood, and yet passes by trembling, suffering age, patiently waiting and expecting the touch of death.

Senator BRYAN won renown and high political honor at an age when most men are struggling to lay the foundation of their careers. He was possessed of a keen and powerful mind, a genial, broad, and honest nature. Loving work, he gave his hours over to study and thorough investigation. Believing that life's honors are only bestowed upon the earnest, capable, and worthy, he cultivated the splendid natural talents which he inherited from strong and sturdy ancestors. From his friends I gather that he was ambitious, yet modest, strong and forceful, yet tender and loving.

Possessing a clear vision, and a peculiar talent for concise and facile statement, a remarkable comprehension of public questions, a keen perception, he would have undoubtedly gained an exalted place in the minds and hearts of his fellow Senators, and have won high national renown. Without forcing attention, he attracted his fellow-men. This explains, in a way, his high place in the hearts of the citizens of his State.

Oftentimes have I heard, while he was serving in his high place at the other end of the Capitol, that the young Senator from Florida had gained the respect and the esteem of his distinguished colleagues.

His short and promising career is romantic, intensely interesting, and full of noble lessons. We read in the light of his splendid reputation of the honors that he might have achieved had death but spared him for the public service.

To those who knew him well and enjoyed the pleasure of his close acquaintance, I leave the pleasing task of portraying the splendid qualities of mind and heart which raised him to the heights of fame.

Mr. BENNET of New York. Mr. Speaker, WILLIAM JAMES BRYAN came to the Senate of the United States with the rose of youth upon him, and by one of those curious occurrences which we with our short sight into the future call coincidences, the seat assigned him was immediately adjoining that of the then oldest member of the Senate, Hon. WILLIAM PINKNEY WHYTE, of Maryland. I took occasion a few days after his advent into the Senate to go there at a time that I thought both of those gentlemen would be there, in order to look upon the contrast; and I am glad now that I did. There sat the Senator from Maryland, trim, erect, precise, a gentleman of the old school, a man who had twice represented his State in the Senate of the United States before his young colleague was born; a man whose history was in the past, who was crowning a long and useful life with the distinguished honor of again representing his State in that great body; by his side his young colleague, just over the legal age, youthful, buoyant, himself alert, a typical American of the best class. For all that the eye could see his history lay in the future, and yet the history of both lay in the past, for both have met the common fate.

I know of nothing more illustrative of the democracy of our country, of the great common democracy, than the quartette of Senators who sat side by side at that time in the Senate Chamber. As has been stated by the gentleman from Georgia [Mr. HARDWICK], a seat in the Senate of the United States is a great goal. Many strive for it, few attain it; but those men who sat there at that time illustrate that it is denied to none, not to the old, not to the young; not to the crippled, for one of the quartette was blind; not to those born of others than the Anglo-Saxon race, for one of those was of Indian parentage. Opportunity in this land is as broad to-day as it ever was. We sometimes, in public speech or in private meditation, wonder whether our institutions are in any sense decaying. I think not. Such sights as those, illustrating that the door of opportunity still swings to the touch, leads to hope and to belief that for the American of to-day the opportunities in public life are as free and as open as they have ever been in the history of our country.

I like to reflect upon the life of this young Senator, because it was so typically American. I gather, without having made much inquiry on the subject, that there was not much wealth in the family from which he came. I gather that he was one of a large family, and, as is not uncommon in large families, the one in whom the affections and the ambitions of that family centered. How wonderfully and how nobly he justified their affections and realized their ambitions!

I had the good fortune to be a visitor to Florida during his all too brief term in the Senate. I spoke to many of the young Senator and of the fact of his youth, and not in one single instance did I hear an adverse criticism of WILLIAM JAMES BRYAN. There seemed, on the other hand, a pride that their State could produce a man who at that early age would be believed by so many and by the governor of his State to be worthy of the high office to which he had been appointed. It is to the credit of our American institutions, I think, and to our policy of party government that Senator BRYAN came to his appointment here through the path which so many have trod, and that is of party service, and through another path and for another reason which I hope will never fail in American politics and American public life, and that is the gratitude of a friend befriended. The governor of that State had won his high office after a hard contest. This young man had been the

manager of that campaign. He had organized it from one end of that great State to the other. It was a difficult task, as the competitors were many and strong, particularly difficult for so young a man; and yet the campaign had been successful.

I honor the governor who after election remembered those who had been his friends before. The preacher of the past in Ecclesiastes said:

Rejoice, O young man, in thy youth—

But in the same verse he put the grim warning—

But know thou, that for all these things God will bring thee into judgment.

I gather that there is very little for WILLIAM JAMES BRYAN to have remembered against him in the judgment day. His life seems to have been an open book, a typical American life on that side also, a life of which those who remain behind him may well be proud, a life in which that child who never saw him can rejoice in after days.

I do not see why we should mourn for the dead. I can mourn for the living, mourn for this brother who wrote that affecting letter, mourn for the family that to-day longs for—

The touch of a vanished hand,
And the sound of a voice that is still.

But not for the dead, and particularly not for the young man in his prime. He has achieved much, but he has also escaped much. The years of which the preacher speaks, when the grasshopper shall be a burden, when there shall be no more pleasure in them, never shall be known to him. In his allotted sphere he has done much. Why should there be mourning for him, or for any other dead friend? He has achieved; he has fought the fight; he is gone beyond. Doubtless many times he looked out in that beautiful State, the land of sun and flowers, across one of their glorious sunsets, and admired its beauty as so many of us have, since and before, with no thought of any personal application; but to-day he has gone into the glory of that sunlight. The stars, the moon, and the planets are no mystery to him now, for he is a part of them, and the golden shaft, which in the morning gilds all, gleams as the Throne which he can approach. There is nothing in this life of his to be sad about, but everything to be glad about. We mourn with those who are here; but we rejoice for this young, strong, virile, typical American life, which can be such an example to those of us who are also young.

Mr. ANSBERRY. Mr. Speaker, there is much of consolation for the bereaved relatives and sorrowing friends of this young man in the thought so beautifully expressed by the poet and paraphrased by me—If to live in the hearts of those we leave behind is not to die, WILLIAM JAMES BRYAN is not dead.

Mr. Speaker, despite the fact that my acquaintance with WILLIAM JAMES BRYAN was of brief duration, still I can not refrain from adding my mite of tribute to his memory. I learned through the public press of his appointment as Senator; of his extreme youth; the fact that he would be the youngest man to occupy a seat in that great body since Henry Clay took the solemn oath of office. I rightly conjectured that he must have been the possessor of qualities of heart and mind out of the ordinary to justify his selection for so important and responsible a position.

And when later on I was introduced to the young Senator by the gentleman from Florida [Mr. CLARK] I made a mental note of my impression—that the governor of Florida had not made a mistake. His career in the Senate was so brief that I was compelled to look into his public career in his home State to properly guage his stature, and I am pleased to at this time bear testimony to the fact that his administration of the one public office that he filled before he came to the United States Senate was universally indorsed by the community in which he lived.

Born in a log cabin, on a farm in Lake County, Fla., he lived the free and open life of a country lad, helping at the chores, attending school; his life was no different than the lives of thousands of other young boys similarly situated. He attended the country schools and laid the foundation of his education in that great university of the common people. Later on, he entered Emory College, at Oxford, Ga., and graduated from that institution high up in his class. Shortly thereafter he taught school, and then took a law course at Washington and Lee University, graduating with the degree of LL. B. after one year. Thereafter he practiced law successfully. In 1902 he was elected to the important office of county solicitor of Duval County, which office gave him the first opportunity he had of exercising his talent as an administrative officer. That his heart was in the right place is best evidenced by the fact that he began a vigorous prosecution of the ice trust that was oppressing the people of his county, and his prosecution was in the end successful. He was reelected county solicitor in 1906 by an increased majority, plainly demonstrating that his course met the approval of the electors of his county.

He was happily married, and as he had been a dutiful and obedient son, so he was a faithful and loving husband to the accomplished wife who shared in his first triumphs, and who so bravely bore the sharp pangs of grief, a grief that is to know no end, although it will be softened by that greatest of healers—time.

A member of the Episcopal Church, obedient to the laws of God and man, he was an exemplary Christian gentleman, modest, unassuming, capable of doing well all little things that it was his duty to do, he thus had the best training to care for larger things when fate looking his way espied the ideal Senator.

It is hard indeed for those who loved this young man to accept this seemingly harsh and cruel decree as coming from an all-wise, all-kind, all-loving Father. But such is the end of man. And failing in my search for comforting thoughts for his relatives and friends, I quote from the poem of Fitz-Greene Halleck:

Green be the turf above thee,
Friend of my better days;
None knew thee but to love thee,
None named thee but to praise.

Mr. EDWARDS of Georgia. Mr. Speaker, it was not my good fortune to know Senator WILLIAM JAMES BRYAN as intimately as others here knew him. I knew him intimately enough, however, to count him as my friend, and in his death I am sure I lost a friend.

My acquaintance and friendship with him date back but a few years. I first knew him in Jacksonville, Fla., where I went to discuss a legal proposition in a case with him. I had heard and read much about him, but had never met him until then. His genial disposition at once drew me to him. His ability as a lawyer at once was plainly evident to me.

Our acquaintance ripened into a friendship which I prized very highly, and his death was a sad loss to me. Death is always sad, but in this case it is doubly sad. Senator WILLIAM JAMES BRYAN had a short, but remarkable, career. Step by step, in rapid strides, he had climbed to the exalted position of United States Senator. He had just begun his duties in that distinguished body when the withering hand of death laid hold of him and claimed him for its own.

In every position to which he had been chosen by his people he had served with distinction and honor. In him the people of his section and of his State knew they had a true and noble character, and they were glad to honor him with their confidence by placing him in offices of honor and trust. In honoring him they honored themselves.

He was true to his people and true to every trust. He had demonstrated that he was worthy of their confidence and esteem and had been in every way faithful to the people who had honored him. He had not had time to make a record in the Senate, but it is safe to assume that he would have proven as worthy and as well fitted there as he did in other positions with which he was honored.

His was indeed a remarkable career—but little more than a boy, he was serving in the United States Senate. For one to receive these honors surely there is merit. In this case there was merit, for there was no man in the State of Florida, for his years, who stood higher in the estimation of the people as a lawyer and as a statesman than Senator WILLIAM JAMES BRYAN.

He was much beloved by the people of Florida, and, in fact, by all who knew him. He was one of those in whose presence you could not be without being convinced that "there stands a man."

God give us men! A time like this demands
Strong minds, great hearts, true faith, and ready hands,
Men whom the lust of office does not kill,
Men whom the spoils of office can not buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking!
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo! Freedom weeps,
Wrong rules the land, and waiting Justice sleeps.

Such a noble man I think Senator BRYAN was. The world sustains a great loss when one like this is taken away from us.

That he was beloved by those who knew him best was evidenced by the great sorrow that spread over his home city of Jacksonville and over the whole State of Florida when the news of his death was flashed over the country on March 22, 1908.

It was evidenced again when thousands of his friends and acquaintances with sorrowing hearts gathered at the cemetery to see him laid to rest beneath his native soil and a bank of tenderest flowers.

What his future would have been it is not given to us to know, but one gifted with the winning qualities that he possessed would have surely walked from success to even higher achievements.

He was a noble young man, a strong Christian character, an able lawyer, a polished gentleman, and a statesman who had manfully fought his way by effort and perseverance to the great things he had achieved.

Although he was cut down in his early manhood, his life was nevertheless a complete success. He would have developed as years of experience were added to his life, and would no doubt have left his name among those of the nation's truly great. But the Great Master knew best, and he was called away from this scene of activities into the great beyond, where God-fearing and God-serving souls are taken into that sweet and perpetual rest, where there is no strife, but where love and happiness reign supreme.

Mr. FLOOD. Mr. Speaker, of all the symbolism in which affection enshrines the memory of the dead, the broken shaft is the most pathetic. When a sheaf of grain is pictured upon the monumental marble, it testifies that the golden grain of a lifetime has been garnered. When the violets and lilies are chiseled upon the tomb, they tell that the budding life has been transplanted to blossom under serener skies. But when the oak of the forest is snapped in twain it startles us, and to the pagan mind it seemed remorseless and inexplicable. But to us, nurtured in the atmosphere of Christendom, while there arises perplexity, yet in the background we discern the figure of consolation.

The good man is immortal until his work is done, and whether he departs at noontide, when the shadows begin to fall, or in the night season, we can only say: "He was *not*, for God took him."

It is indeed a tribute to our better nature to grieve when our friends depart from among the living. Our humanity could not be worth the having without this attribute. But as we stand by the grave of our friends we are comforted by the counsel of Holy Writ "not to sorrow for them that are asleep even as those who have no hope." My friends, we all have our natural ambitions to act well our parts among our fellows; and we are all emulous to "do the State some service," but there is no one of us whose best and supremest aspiration is not to leave, amongst our closest circle, the world a little darkened at our own departure. Senator BRYAN's brother wrote to a friend, a Member of this body:

> Life has not been the same with me since. The State has lost a public servant, others have lost a personal friend. It seems to those of us who were of his family that we have lost everything.

May this testimony, in some measure at least, be recorded of us when our time shall come!

Senator WILLIAM J. BRYAN's career reads like a legend of romance. In the highest sense he was one of nature's noblemen. He was born in Orange (now Lake) County, Fla., near Fort Mason, October 10, 1876. His eyes opened upon life within a log cabin. When he was 7 years of age his "father moved from Fort Mason to the old home, 3½ miles south of Kissimmee, then in Orange, now in Osceola, County, Fla., where the boy was reared and lived until he went to Jacksonville to practice law" (in 1899).

With an elementary training in the public schools, he entered the freshman class at Emory College, Oxford, Ga., just before attaining his sixteenth year. From this honored institution he graduated four years later, fifth in a class of about forty, with the degree of A. B.

From time out of mind this ancient college has maintained two debating societies, which own their separate buildings and between which has always existed the keenest and liveliest rivalry. At each commencement one night is devoted to a champion debate between these literary societies.

Whilst the custom was to select the competitors from among the senior class, young BRYAN was accorded this honor at both his junior and his senior terms. He was a manly, athletic fellow, participating with keen zest in baseball, football, and tennis. Upon his graduation he was elected principal of the public school at Monticello, Ga., where he taught a year. The ensuing fall, his mother's health being poor, he stayed at home until about April, 1898, when he went to Jacksonville, and for a few months was a student of law in the office of Barrs & Bryan. In September of that year he entered the law department of Washington and Lee University, an institution whose standards are advanced and progressive as any sister university in the land and whose curriculum is always abreast of the highest, receiving the degree of LL. B. in June, 1899. Here he was awarded an intersociety medal for oratory and represented Washington and Lee University in the Southern Intercollegiate Oratorical Association. During the same year, upon his twenty-second birthday, he became a partner of the law firm of Barrs & Bryan, with whom he remained until January 1, at which time he "started out for himself," practicing thus for two years, when he formed a partnership with his brother, which was only dissolved by the Senator's death.

His forte and predilection in law were in the direction of criminal practice, in which he attained both fame and success.

On July 15, 1902, he was nominated by 1,100 majority out of a total of 3,100 votes for county solicitor; renominated without opposition in 1906, and was holding this office when appointed to the United States Senate, upon Christmas Day, 1907.

As county solicitor he forced the closing of saloons on Sunday and the closing of gambling houses, by prosecution, during the first term of court after he was sworn in.

A brief outline of his prosecution of the ice trust, in 1906, will prove interesting as well as characteristic.

There were, in Jacksonville, six ice factories, but by agreement only one was operated, the combine dividing the profits. The other five factories were held equipped and prepared to crush out opposition. The effects of this trust were felt outside of Jacksonville. Letters were introduced in evidence showing a threat to the parties putting up an ice plant at Starke. The defendants were acquitted, at the first trial, and continued the combine for about one week, when they were again prosecuted until they were convicted upon the proposition that each overt act under an old conspiracy constituted a new conspiracy. The proceedings were under the common law.

The county solicitorship was the only office he ever held before being appointed Senator.

He was married September 9, 1903, at Lexington, Va., to Miss Janet Allan, a member of a distinguished Virginia family. On Easter Sunday, 1905, he united with the Episcopal Church. He was sworn as Senator January 9 of the present year, and his last appearance in that Chamber was on February 18, two days after typhoid fever had without his knowledge come upon him, a not uncommon feature of that insidious disease. He died March 22, 1908, aged 31 years and 5 months.

During his brief Senatorial career he was placed upon nearly all the committees to which assignments his predecessor had attained by long and distinguished service, a very unusual honor.

In his intercourse with his colleagues and his work on committees and upon the few occasions on which he addressed the Senate, he impressed that distinguished body in a way and to a degree which augured most auspiciously for a signal and fruitful career.

Such, in meager outline, was the career of Senator WILLIAM J. BRYAN. Were it not well, my friends, to linger a moment over the lesson it conveys? It was, indeed, a high and fine career of service to mankind than which there is nothing higher beneath the circuit of the sun. Such aims and ends constitute the only real royalty, for—

> Herein stands the office of a king,
> His honor, virtue, merit, and chief praise,
> That for the public all this weight he bears;
> Yet he who reigns within himself, and rules
> Passion, desires, and fears, is more than king.

It is of such men that the greatest of the ancient philosophers affirmed:

> The man of great soul is one who counts himself worthy of great things, being worthy.

How far removed from this noble aphorism is the wretched plaint of Solomon:

> Surely man at his best estate is only vanity.

Man at his best estate is thrilled with intimations of immortality. Death to a man like Senator BRYAN is but a shadow cast by his transition to loftier activities.

> He is not dead but sleepeth; well we know
> The form that now lies mute beneath the sod
> Shall rise when time the golden bugles blow,
> And pour their music through the courts of God.

In his essay upon death Lord Bacon has pictured that of Senator BRYAN:

> He that dies in an earnest pursuit is like one that is wounded in hot blood; who, for the time, scarce feels the hurt; and therefore a mind fixed and bent upon somewhat that is good doth divert the troubles of death. Death hath this also, that it openeth the gate to good fame, and extinguisheth envy.

During the dreadful Sepoy mutiny in India, when the English garrison in Lucknow, with the women and children, was beleaguered by its ferocious and merciless foes and the fate of

Cawnpore seemed staring them in the face, a cry was heard from the little Scotch lassie Jeannie Brown: "Dinna ye hear the pibroch! Dinna ye hear the slogan!" Her eager and alert ear had caught from afar the sound of the bagpipe in the approaching army of Sir Colin Campbell.

And so, my friends, while our hearts are attuned to sorrow that a life fraught with such high promise should be cut off from among us, our chastened reflection can discern echoes of counsel and encouragement from his life which should animate us all to a renewed and higher consecration to worthy and unselfish devotion to our country and our kind. And whilst among the perplexities of this world we "Can not always see the way," we can all become better and stronger from the example of such a life; and with pride and gratitude for such a career, can cry to our Father and his Father:

Lord, I believe, help Thou mine unbelief,
And grant Thy servant such a life and death!

Mr. SPARKMAN. Mr. Speaker, we are again reminded of the uncertainty of life and the certainty of death. Scarcely have loving hands placed the last sod upon the grave of some friend taken by the hand of death from these halls than the soft chant of the funeral dirge is heard over the earthly remains of another following close after him. How strongly do these proceedings and the occasions for them render us mindful of this melancholy truth.

On the 23d of December last, when all Christian lands were preparing to commemorate that greatest of events in the history of the world, the sad message was flashed across the continent that Florida's senior Senator, STEPHEN R. MALLORY, was no more. Within less than ninety days the country was again shocked to learn that his successor, the young and brilliant BRYAN, had likewise been cut down at his post of duty by the fell destroyer, who spares neither age nor position.

Mr. Speaker, it is not my purpose to give in detail the life history of the deceased. Others here, this afternoon, have done that, and I shall only glance at some of the more prominent features of his career. His life, though short, was an eventful one. Less than 32 years of age when death laid its ruthless hand upon him, he had accomplished much, and had planted his banner high upon the mountain peaks of human achievement.

Reared upon a farm with modest surroundings, he nevertheless distinguished himself in every field of endeavor into which he entered. Attending during his early years the common schools in his native State, his eighteenth year found him at Emory College, one of the finest institutions of learning in the South, where he graduated with distinction four years later. Then entering Washington and Lee University and taking the two years' legal course in one, he again graduated with honors, having meanwhile achieved in the field of intercollegiate debate an enviable reputation as an orator and a debater. Entering the practice of law in the city of Jacksonville, Fla., his rise was rapid until he stood in the front ranks of his profession. The prosecuting attorney for the county of Duvall at the age of 26, he distinguished himself as an honest and fearless prosecutor. While holding this position, one of the most responsible in the State, he was appointed by the governor of Florida to fill the vacancy in the United States Senate caused by the death of the late S. R. MALLORY, and that, too, before he had passed his thirty-second year, a record of which the chief actor might have been justly proud, and one which reflects honor upon the entire State within which his life work was done.

Such a life is well worthy of study, and the means by which he accomplished so much during a career so brief are deserving of careful consideration. They were self-reliance and an intense earnestness, coupled with a commanding personality and a strong, vigorous intellect.

Taught self-confidence on the farm, that best of all schools for early training, he had implicit faith in his own powers, and placed little reliance upon adventitious aids. The guiding principle of his life is, perhaps, well expressed in the following beautiful lines:

Trust in thine own untried capacity
As thou wouldst trust in God Himself. Thy soul
Is but an emanation from the whole.
Thou dost not dream what forces lie in thee,
Vast and unfathomed as the greatest sea.
Thy silent mind o'er diamond caves may roll;
Go seek them—but let Pilot Will control
Those passions which thy favoring winds can be.
No man shall place a limit on thy strength;
Such triumphs as by mortals may be gained
May yet be thine if thou wilt but believe
In thy Creator and thyself. At length
Some feet will tread the loftiest heights attained;
Why not thine own? Press on, achieve; achieve!

With a simple faith in his Creator and a conviction that he might accomplish whatever he willed to do, he did press on until achievement grand and enduring crowned his efforts.

Choosing the law as a vocation, he reached the highest point in his profession, and going to work with that singleness of purpose and self-reliance which ever characterized him, his fame as a lawyer soon extended from one end of the State to the other. Determined to shine in the political field, he brought to bear the same characteristics and soon became a commanding figure in the domain of politics, taking a high stand in the councils of his party.

Another secret of his remarkable success was his thorough preparation for the great battle of life and its eventualities. He seems to have been well qualified for each emergency as it arose and prepared to take advantage of every opportunity in his struggle to rise until cut down by death. Each period in his life was well rounded, nothing left undone to insure success in the next field of endeavor. Entering the practice of law, he was well qualified for its most exacting demands. Suddenly elevated to the highest position in the gift of his State, he was found by study and thorough training in the field of his multitudinous labors to be prepared for his new and untried duties, as would have been abundantly shown had he been spared to complete his term of service.

These, Mr. Speaker, were the achievements of a life which ended while its morning was yet young and long before its sun had touched the zenith. What might we not have expected had his career run its allotted span of years? With talents such as we have seen, with a charm of manner at once commanding and pleasing, a degree of eloquence not often surpassed by any upon whom fortune has bestowed this rarest of gifts, we can well believe that had he been spared to us increase of years would have but added to his achievements and renown and his State still further enriched by his labors in her behalf.

But he has gone, and we can only judge of what he might have been by what he was; and, viewing him in the light of the past, his future was full of promise. There all was bright, with no cloud to cast a shadow over the pathway he was seemingly to tread. But his life though short in years was long in achievement, and while we miss his presence and mourn with his bereaved family his untimely end, we feel that he has not lived in vain and that his deeds, like pebbles dropped into the sea, will send out waves of ever-widening influence for good over the vast expanse of life's boundless ocean.

He may have had faults, as it is said no one is perfect, but I knew not of them, and if he possessed them they were like—

The prints which feet
Have left on Tampa's desert strand;
Soon as the rising tide shall beat
All trace will vanish from the sand.

while his virtues and his merits were stamped in marble and are as lasting as the coral reefs which lie along the southern shores of his native State.

Mr. Speaker, there is something inexpressibly sad in the death of one so young and whose life was so full of promise. Sorrowful are we even when the hand of death is laid upon the aged and the infirm, whose course is run, when some one with a well-spent life, tottering upon the brink, is swallowed up by the grave. And this, too, is a mystery which we may not now solve. But sadder still and deeper yet the mystery when one well equipped for the toil of the day, eager for the work before him, is removed from the scene of his labors ere the morning is spent and while the shadows still point toward the west. Still we console ourselves with the thought, as best we may, that the ways of Providence are often veiled in darkness and that it is not given to the finite mind to unravel the mysteries that hang about them. Then, too, we are a Christian people and indulge the hope that some time, somewhere, the riddle will be solved and we will understand.

Not now, but in the coming years
It may be in the better land,
We'll read the meaning of our tears
And then some time we'll understand.

We'll know why clouds instead of sun
Were over many a cherished plan,
Why song has ceased when scarce begun;
'Tis then some time we'll understand.

Why, what we long for most of all
Eludes so oft our eager hand;
Why hopes are crushed and castles fall,
Some time, somewhere, we'll understand.

This, indeed, is our expectation; we believe in a future life. We can not conceive that the brilliant intellect, the garnered wisdom even of our friend's short life was buried in the grave. All nature's teachings are to the contrary. The seasons that come and go, the lights and shadows that chase each other across the landscape, the trees and shrubs that cast their foliage when autumn comes, to be clad again with leaf and flower when spring returns, all teach us that there is no death, and that what we call such is but a transition stage to

another life. Yes, this is our hope, and thus trusting, we leave him to rest near the waters of the beautiful river St. John, and close beside the city where so much of his life work was done.

Farewell departed friend, rest peacefully in thy Southern grave. Thy fame is secure and thy memory will ever be cherished in loving hearts.

Sleep until the shadows
Take their endless flight,
Until the morning break,
Good night! Good night:

The SPEAKER pro tempore. In accordance with the order heretofore made the House will now adjourn.

Accordingly (at 2 o'clock and 30 minutes p. m.) the House adjourned.

SENATE.

MONDAY, *May 4, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

BUILDINGS AND STRUCTURAL MATERIAL AT SAN FRANCISCO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President, and in response to a resolution of the 28th ultimo, a statement of the results of the investigations into the effects of the earthquake and fire at San Francisco upon buildings and structural materials, which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. PERKINS. I ask that 2,000 additional copies of the document be printed. I understand the cost will be less than $500, and the Department advises me that already applications for over a thousand copies have been received.

The VICE-PRESIDENT. Without objection, the request of the Senator from California is granted, and 2,000 additional copies will be printed.

TESTS OF FUELS AND STRUCTURAL MATERIALS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President, a statement of the purposes and results of the investigations and tests of the fuels and structural materials of the United States, showing the bearing of these investigations on the conservation of the mineral resources of the country, which, with the accompanying paper, was referred to the Committee on the Geological Survey and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, transmitted to the Senate resolutions commemorative of the life and public services of Hon. STEPHEN R. MALLORY and Hon. WILLIAM JAMES BRYAN, late Senators from the State of Florida.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17516. An act to increase the membership of the Philippine Commission by one member; and

H. J. Res. 173. Joint resolution for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana on April 24, 1908.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Union No. 52, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Kalamazoo, Mich., and a memorial of Local Union No. 69, International Brotherhood of Stationary Firemen, of Millinocket, Me., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Council of Jewish Women of New York City, N. Y., praying that an appropriation of $211,000 be made for the purchase, improvement, and maintenance of public playgrounds in the District of Columbia, which was ordered to lie on the table.

He also presented the petition of Charles McCamic, of Moundsville, W. Va., praying for the enactment of legislation to establish a probation and parole system for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Franklin, N. H., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry Chinese citizens of Honolulu, Territory of Hawaii, praying for consideration and support by the United States of the important rice industry fostered by Chinese toil in that Territory, and also for the admission of Chinese to that Territory under wise restrictions as to numbers, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Boston, Mass., tendering, on behalf of the Canadian-born citizens residing in New England, their thanks for the ratification of the treaty of arbitration between the United States and Great Britain, and also praying for the ratification of the treaties now pending between the United States and the Dominion of Canada and Newfoundland, which was referred to the Committee on Foreign Relations.

Mr. RICHARDSON presented petitions of sundry citizens of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of sundry citizens of Galesburg, Kewanee, Peoria, Danville, Bloomington, Collinsville, Duquoin, Equality, Coulterville, East St. Louis, Girard, and Harrisburg, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented petitions of sundry citizens and labor organizations of Denver, Colorado Springs, and Curtis, all in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of Niagara Falls Council, No. 247, Knights of Columbus, of Niagara Falls, N. Y., praying for the enactment of legislation making October 12 a national holiday, to be known as "Discovery Day," which was referred to the Committee on the Judiciary.

He also presented a memorial of the Lumen Bearing Company, of Buffalo, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Fulton Chamber of Commerce, of Fulton, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Cedarhurst, Far Rockaway, Inwood, and Lawrence, all in the State of New York, praying for the enactment of legislation to restrict the immigration of Asiatics into the United States, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Alden, Brooklyn, Buffalo, Cohoes, Jamaica, Olean, Plattsburg, Port Jervis, Rome, Troy, and Yonkers, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens and labor organizations of Alden, Cohoes, New York City, Yonkers, Port Jervis, Buffalo, Mount Morris, Albany, Brooklyn, Ithaca, and Plattsburg, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of Palmer Amalgamated Local Union, No. 7, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Palmer, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of Local Union No. 31, International Union of Carriage and Wagon Workers' Union of North America, of Franklin, N. H., and a petition of Local Union No. 75, International Union of Carriage and Wagon Workers' Union of North America, of Concord, N. H., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian

Temperance Union of Grand Rapids, Mich., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DILLINGHAM presented a petition of sundry citizens of Warren, Vt., and a petition of sundry citizens of Strafford, Vt., praying for the passage of the so-called "rural parcels-postal bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK of Wyoming presented sundry petitions of citizens of Evanston, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens of New Haven, Norwich, Bethel, New London, Meriden, Danbury, Torrington, and Bridgeport, all in the State of Connecticut, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SCOTT presented petitions of sundry citizens of Elkins, Morleston, and Fairmount, all in the State of West Virginia, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. McLAURIN presented petitions of sundry citizens of McComb, Hattiesburg, and Water Valley, all in the State of Mississippi, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Cheyenne and Evanston, in the State of Wyoming, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. McCREARY presented a petition of sundry citizens of Ludlow, Ky., and a petition of sundry citizens of Paducah, Ky., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CULLOM. I present a petition signed by sundry citizens of Boston, Mass., in behalf of several hundred thousand American citizens born in Canada and other parts of the British Empire, but now residing in New England, relative to the ratification of the arbitration treaty with Great Britain. I ask that the petition, with the names attached, be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, with the signatures, as follows:

His Excellency the President and the honorable the Senate of the United States:

The undersigned, on behalf of several hundred thousand American citizens born in Canada and in other parts of the British Empire, residing in New England, and far outnumbering all other citizens of foreign birth within this part of the United States, tender respectful and hearty thanks to His Excellency the President and to the honorable the Senate for the ratification of the arbitration treaty with Great Britain.

This action is to the signers an additional proof of the development of that cordial good feeling and that desire to promote the real interests of humanity which have of late years marked the relations between the two great countries which lead the world in the practical application of the principles of true democracy to the solution of national and international problems alike.

It is almost superfluous, therefore, to do more than allude to the statement lately made by some of our Irish-American fellow-citizens that the Government and people of the British Empire are unfriendly to this country. On the contrary, there exists among all Britons in every part of the world a warm and true friendship and admiration for the Government and the people of the United States, and this to an extent unmatched in any other nation. Abundant proof of this fact is furnished by the history of the relations between the United States and the British Empire within recent years, and the eager desire of Britons in every part of the world to welcome and salute the American fleet on its present historical cruise is sufficient to establish beyond the peradventure of a doubt the existence of this admirable state of feeling.

The signers of this memorial venture further to express the hope that His Excellency the President and the honorable the Senate will ratify the treaties now pending between this country on the one hand and the Dominion of Canada and Newfoundland on the other, convinced as the signers are that such ratification would be for the best interests of the countries concerned, and will tend greatly to cement and perpetuate the existing relations of amity and commerce between the United States and all other English-speaking communities throughout the civilized world.

April 30, 1908.

James H. Stark, 254 Savin Hill avenue, Boston, Mass.; Charles H. McIntyre, 11 Nottingham street, Boston, Mass.; John P. Masters, 903 Boylston street, Boston, Mass.; Henry B. Blackwell, 45 Boutwell avenue, Boston, Mass.; Robert H. Upham, 100 Boylston street, Boston, Mass.; Fred J. Macleod, 15 Beacon street, Boston, Mass.; John H. Bruty, 7 Water street, Boston, Mass.; Geo. Wm. Bentley, 192 State street, Boston, Mass.; Francis F. Flint, 46 Clinton street, Boston, Mass.; Willard McLeod, 117 Washington street, Boston, Mass.; Asa R. Minard, 34 Oliver street, Boston, Mass.; F. D. Sterritt, 640 Main street, Cambridge, Mass.; Henry W. Patterson, 52 Summer street, Boston, Mass.; Alexander M. Gough, 55 Tremont street, Boston, Mass.; Joseph Gridley, 2443 Washington street, Boston, Mass.; Wilfred E. Harris, 1010 Massachusetts avenue, Cambridge, Mass.; Wellington Fillmore, 24 Arlington, Cambridge, Mass.; John McGaw, 128 Washington street, North Boston, Mass.; Frederick L. Clements, 176 Atlantic avenue, Boston, Mass.; John W. Ude, 102–104 Chamber of Commerce Building, Boston, Mass.; Henry M. Potter, 128 Tremont street, Boston, Mass.; John Gordon, 173 Stratford street, Boston, Mass.; Percy W. Carver, 18 Tremont street, Boston, Mass.; A. G. McKenzie, 156 Charles street, Boston, Mass.

Mr. FORAKER presented petitions of sundry citizens of Cambridge, Portsmouth, Dayton, Shawnee, Fremont, New Straitsville, Zanesville, Alliance, Akron, Midland, Bellaire, Minerva, Tiffin, Massillon, Misco, Midvale, Middletown, Youngstown, Clyde, Springfield, Sandusky, Ashtabula, Cincinnati, Cleveland, Columbus, and East Liverpool, all in the State of Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented sundry memorials of citizens of East St. Louis., Ill., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

He also presented petitions of sundry citizens and labor organizations of Girard, Alton, Equality, Duquoin, Danville, Coulterville, Breese, Decatur, and Belleville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HALE presented sundry petitions of citizens of Rockland, Me., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PAYNTER presented sundry affidavits to accompany the bill (S. 5546) for the relief of the estate of Mrs. Prudence Hensley, deceased, which were referred to the Committee on Claims.

Mr. CURTIS presented a memorial of the Ministerial Union of Wichita, Kans., remonstrating against the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of Oak Grange, No. 665, Patrons of Husbandry, of Topeka, Kans., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens and labor organizations of Osawatomie, Weir, West Weir, Leavenworth, Lawrence, Kansas City, Topeka, Ottawa, Pittsburg, and Coffeyville, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by McCook Post, No. 51, Department of Kansas, Grand Army of the Republic, of Iola, Kans., extending thanks to the President and Congress of the United States for the passage and approval of the bill granting a pension of $12 per month to the widows of the soldiers of the civil war, which were referred to the Committee on Pensions.

Mr. RAYNER presented petitions of Butchers' Union No. 90, Bricklayers' Union No. 1, Beer Drivers' Union, Lithographers' Union No. 18, Bartenders' Local Union No. 532, all of Baltimore, in the State of Maryland, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. du PONT presented a petition of sundry citizens of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented petitions of sundry citizens of High Point, N. C., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

PELATIAH WEBSTER'S PLAN OF THE CONSTITUTION.

Mr. CARTER. Mr. President, I present a memorial for reference to the Committee on the Judiciary. The memorial is signed by the distinguished jurist, author, and statesman, Hon. Hannis Taylor, and relates to a historical document of great importance in connection with the constitutional history of this country. It embraces the researches of Mr. Taylor on

this subject, and is unquestionably a contribution of rare interest and value. I ask that the memorial be referred to the Committee on the Judiciary and, likewise, that it be printed in the RECORD and as a document.

Mr. GALLINGER. Will not the Senator couple his request with a request for some additional copies. I have just been glancing at it, and it is a very important document. I would suggest that a thousand extra copies be printed. It would not cost much.

Mr. CARTER. I will amend the request by asking that 1,000 additional copies of the document be printed.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed. One thousand additional copies were ordered to be printed, and the memorial was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

The purpose of this memorial is twofold: First, to place in the hands of Congress the data for a new and pivotal chapter in the history of the Constitution that will impress upon succeeding generations the all-important fact that every basic principle which differentiates our existing Federal system from all that have preceded it was a part of a single invention struck off at a given time by the brain and purpose of one man; second, to press upon Congress the long-neglected duty of honoring, by an appropriate monument, the memory of an American statesman and patriot who has made a larger personal contribution to the science of government than any other one individual in the history of mankind. From the data thus presented it clearly appears that among our national builders Pelatiah Webster stands second to Washington alone. All the world understands in a vague and general way that certain path-breaking principles entered into the structure of our second Federal Constitution of 1789 which differentiate it from all other systems of Federal Government that have preceded it. M. de Tocqueville gave formal expression to that understanding when he said: "This Constitution, which may at first be confounded with Federal constitutions that have preceded it, rests in truth upon a wholly novel theory which may be considered a great discovery in modern political science. In the confederations that preceded the American Constitution of 1789, the allied States, for a common object, agreed to obey the injunctions of a Federal Government; but they reserved to themselves the right of ordaining and enforcing the execution of the laws of the Union. The American States, which combined in 1789, agreed that the Federal Government should not only dictate, but should execute its own enactments. In both cases the right is the same, but the exercise of the right is different; and this difference produced the most momentous consequences." (Democracy in America, vol. 1, pp. 198, 199.) Mr. Gladstone simply reiterated that idea when he said: "As the British constitution is the most subtile organism which has proceeded from progressive history, so the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man." That master of the history of English institutions perfectly understood that as our State constitutions are mere reproductions, mere evolutions, from the English political system, so our second Federal Constitution is a new invention "struck off at a given time by the brain and purpose of man."

That invention of a new type of federal government, embodying, as Tocqueville said, "a wholly novel theory," is so unique that it can no more be confounded with any preceding federal government than a modern mogul engine can be confounded with an ancient stage coach. Did that wonderful invention, which has produced such momentous consequences, have a personal author, like all other inventions, or was it revealed at the same moment, and in some mysterious way, to a large number of persons, thinking and acting in isolation? Upon that humanly impossible or miraculous theory historians of our existing Constitution have attempted to explain the origin of the unique and prearranged plan of Federal Government presented to the Convention which sat at Philadelphia during the one hundred and twenty-five days that intervened between May 14 and September 17, 1787. After deducting recesses and holidays there could not have been more than ninety working days. No one has ever contended, or can ever contend, that the great invention in question was made after the Convention met, for the simple and conclusive reason that it was the basis of all the "plans" save one, carefully constructed beforehand, out of which the Constitution was evolved. Five and only five "plans," all prearranged, were submitted to the Convention, viz, the Virginia plan, the Charles Pinckney plan, the Connecticut plan, the Alexander Hamilton plan, and the New Jersey plan. As the last only proposed a revision of the Articles of Confederation, it may be dismissed from consideration. There were but four plans in which proposals for a new system of Federal Government were embodied, each resting upon the "wholly novel theory" which has produced "the most momentous consequences."

A distinguished specialist has well said that "the Virginia plan became the bedrock of the Constitution. (Meigs, The Growth of the Constitution in the Federal Convention of 1787, p. 17.) That plan, which embodied perfectly every phase of the great invention, was drafted by Madison, who began his preparation for the labors of the Convention at least a year before it met. (See Rives's Life and Times of Madison, vol. ii, p. 208, "Preparations of Madison for labors of Federal Convention.") In December, 1786, we find him in active correspondence with Jefferson, then at Paris, as to the Virginia plan. (See letter of Jefferson to Madison of December 16, 1786, in Jefferson's Correspondence, by T. J. Randolph, vol. ii, pp. 64, 65.) The marvel is that the historians who are supposed to have explored the sources have never taken the pains to ask this simple and inevitable question: From what common source did the draftsmen of the four plans draw the path-breaking invention which was the foundation of all of them? Let it be said to the honor of those draftsmen that no one of them ever claimed to be the author of that invention. Neither Madison, nor Charles Pinckney, nor Sherman, nor Ellsworth, nor Hamilton, nor any of their biographers, so far as the writer is informed, ever set up such a claim in behalf of any one of them. The answer to "the simple and inevitable question" just propounded is this: The common source from which the draftsmen of the four plans drew the path-breaking invention underlying them all was A Dissertation on the Political Union and Constitution of the Thirteen United States of North America, published at Philadelphia by Pelatiah Webster, February 16, 1783, and there republished by him, with copious notes, in 1791, and herein reproduced for the first time after the lapse of one hundred and sixteen years. In that immortal paper, whose lightest words are weighty, he gave to the world as his personal contribution to the science of government and as an entirety worked out in great detail the "whole novel theory" of Federal Government, upon which reposes the existing Constitution of the United States.

Prior to the date in question no single element of that theory had ever been propounded by anyone. In a note appended to the republication of 1791, the great inventor gives the following account of the circumstances under which the invention was made: "At the time when this dissertation was written (February 16, 1783) the defects and insufficiency of the old Federal Constitution were universally felt and acknowledged. It was manifest not only that the internal police, justice, security, and peace of the States could never be preserved under it, but the finances and public credit would necessarily become so embarrassed, precarious, and void of support that no public movement which depended on the revenue could be managed with any effectual certainty, but though the public mind was under full conviction of all these mischiefs and was contemplating a remedy, yet the public ideas were not at all concentrated, much less arranged into any new system or form of government which would obviate these evils. Under these circumstances I offered this dissertation to the public. How far the principles of it were adopted or rejected in the new Constitution, which was four years afterwards (September 17, 1787), formed by the general convention and since ratified by all the States, is obvious to everyone."

At the same time he added: "I was fully of opinion (though the sentiment at that time would not very well bear) that it would be ten times easier to form a new Constitution than to mend the old one. I therefore sat myself down to sketch out the leading principles of that political Constitution, which I thought necessary to the preservation and happiness of the United States of America, which are comprised in this dissertation. I hope the reader will please to consider that these are the original thoughts of a private individual, dictated by the nature of the subject only, long before the important theme became the great object of discussion in the most dignified and important assembly which ever sat or decided in America." The great inventor perfectly understood the merits of his own case which he thus stated with the lucidity of a Greek and the terseness of a Roman. As early as 1781 Pelatiah Webster was the first to propose to the people of the United States, in one of his financial essays published at Philadelphia in May of that year, the calling of "a Continental Convention" for the making of a new Constitution. (The fact that "Alexander Hamilton made the same suggestion in a private letter to James Duane, September 3, 1780," is of no importance. It was not a public act, not even a public declaration. See Gaillard Hunt's Life of James Madison, p. 108.) In bearing testimony to that fact Madison said that Pelatiah Webster, "after discussing the fiscal system of the United States, and suggesting, among other remedial provisions, one including a national bank, remarks, that 'the authority of Congress is very inadequate to the performance of their duties; and this indicates the necessity of their calling a Continental Convention for the express purpose of ascertaining, defining, enlarging, and limiting, the duties and powers of their Constitution.'" (The Madison Papers (1841), vol. ii, pp. 706–707.) Two years after he had thus sounded the tocsin for the States to assemble he made the invention and published to the world, in detail, the plan upon which the Constitution was to be formed. While the historian Bancroft (History of the Constitution of the United States, vol. i, p. 86) failed to appreciate the stupendous importance of his work, he frankly admits that he actually performed it when he says: "The public mind was ripening for a transition from a confederation to a real government. Just at this time Pelatiah Webster, a graduate of Yale College, in a dissertation published at Philadelphia, proposed for the legislature of the United States a Congress of two Houses which should have ample authority for making laws 'of general necessity and utility,' and enforcing them as well on individuals as on States. He further suggested not only heads of Executive Departments, but judges of law and chancery. The tract awakened so much attention that it was reprinted in Hartford, and called forth a reply." (It was replied to anonymously by Roger Sherman.) In both of the scanty and stingy biographical notices of him in the leading American encyclopedias the statement is made that his plan "is mentioned by James Madison as having an influence in directing the public mind to the necessity of a better form of government." Pelatiah Webster needs the admissions neither of Madison nor Bancroft to establish his title to the authorship of the "wholly novel theory" now embodied in the Constitution of the United States, because that title rests upon contemporary documentary evidence as clear and convincing as that upon which rests Jefferson's title to the authorship of the Declaration of Independence. If that be true, then he has made a larger personal contribution to the science of government than any other one individual in the history of mankind. Among our nation builders he stands second to Washington alone.

And yet among them all he only has been neglected and forgotten by his countrymen, not through any conscious omission, but because of a careless historical scholarship which has failed to present his great achievement in its true light. That conviction has impelled the undersigned, who has devoted more than thirty years to the special study of the origin and growth of our constitutional systems, State and Federal, to present to the Congress herein very briefly the historical data upon which Pelatiah Webster's right to immortality depends. He it was who first suggested the separate existence of the two Houses of Congress, when, in 1783, he said "that the Congress shall consist of two Chambers, an Upper and Lower House, or Senate and Commons, with the concurrence of both necessary to every act, and that every State send one or more Delegates to each House. This will subject every act to two discussions before two distinct Chambers of men equally qualified for the debate, equally masters of the subject, and of equal authority in the decision." Prior to that utterance no federal assembly, ancient or modern, had ever consisted of two chambers; no one had ever suggested such an idea. If after a careful examination of all the facts the Congress shall deem the architect of our Federal Constitution unworthy of a monument, the undersigned prays in his behalf that this humble memorial may be embodied in its records so that succeeding generations may determine for themselves whether or no his work has been justly judged.

I. *Federal governments prior to and including that of 1776.*

From the days of the Greek leagues down to the making of the second Constitution of the United States, all federal governments had been constructed on a single plan, at once clumsy and inefficient. The most perfect of the Greek leagues was the Achaian, of which the framers really knew nothing, as we learn from Madison, who tells us in the Federalist (xviii) that "could the interior structure and regular

operation of the Achaian League be ascertained it is probable that more light might be thrown by it on the science of federal government than by any like experiments with which we are acquainted." The coveted knowledge was not accessible because the historical scholars who have since passed beyond the Greece of Thucydides into the Greece of Polybios, who have passed beyond the period in which the independent city commonwealth was the dominant political idea into the later and less brilliant period of Hellenic freedom occupied by the history of Greek federalism, had not then completed their investigations, only fully worked out in very recent years. (The first volume (History of Greek Federations) of Edward A. Freeman's great History of Federal Government was not published until 1863.) Such scanty knowledge as the framers did possess of Greek federalism seems to have been chiefly drawn from the little work of the Abbé Mably, Observations sur l'Histoire de Grèce (Federalist, xviii). The only federal governments with whose internal organizations the builders of our Federal Republic were really familiar, and whose histories had any practical effect upon their work, were those that had grown up between the Low Dutch communities at the mouth of the Rhine, and between the High Dutch communities in the mountains of Switzerland and upon the plains of Germany (Federalist, xix, xx). Down to the making of the second Constitution of the United States the confederation of Swiss Cantons, the United Provinces of the Netherlands, and the German confederation really represented the total advance made by the modern world in the structure of federal governments.

Such advance was embodied in the idea of a Federal system made up of a union of States, cities, or districts, representatives from which composed a single Federal assembly whose limited powers could be brought to bear, not upon individual citizens, but only upon cities or States as such. The fundamental principle upon which all such fabrics rested was the requisition system, under which the Federal assembly was only endowed with the power to make requisitions for men and money upon the States or cities composing the league for Federal purposes, while the States, alone, in their corporate capacity possessed the power to execute them. The initial effort of the English colonies in America along the path of Federal union ended with the making of the first Constitution of the United States embodied in the Articles of Confederation. Up to that point nothing new had been achieved; the fruit of the first effort was simply a confederation, constructed upon a plan over two thousand years old, which could only deal through the requisition system with States as States. That Confederation possessed no power (1) to operate directly upon the individual citizen; (2) it had no independent power of taxation; (3) the Federal head was not divided into three departments, executive, legislative, and judicial; (4) the Federal assembly consisted of one chamber instead of two. (See Pelatiah Webster's masterful analysis of the first Constitution contained in his Notes published in 1791, infra, p. 48.) The lack of power to levy and collect for itself Federal or national taxes rendered our first Federal Government preeminently a failure as a financial system, dependent as it was upon the will of thirteen independent legislatures.

II. *Pelatiah Webster's invention and the second Federal Constitution of 1787.*

The most scientific writer upon finance during the Revolutionary war was Pelatiah Webster, whose essays on that subject fill a volume. (The second edition of 1791 was "printed and sold by Joseph Crukshank, No. 91 High street," Philadelphia.) He was born at Lebanon, Conn., in 1725 and graduated at Yale College in 1746. In 1755 he removed to Philadelphia, where he became a prosperous merchant, and in due time an ardent supporter of the patriot cause in the war of the Revolution, aiding with pen and purse. He was captured by the British, and, on account of his ardor, was imprisoned for four months. As early as October, 1776, he began to write on the currency, and in 1779 he commenced the publication at Philadelphia of a series of "Essays on free trade and finance." He was sufficiently important as a political economist to be consulted by the Continental Congress as to the resources of the country. His financial studies soon convinced him that no stable fiscal system could be established until the then existing Federal Government was wiped out and superseded by one endowed with independent taxing power. Therefore, as early as 1781, in one of his financial essays, he made the first public call for the "Continental Convention," referred to by Madison, to be armed with power to devise an adequate system of Federal Government. Having thus taken the first step, he set himself to work to formulate in advance such an adequate system as the convention should adopt, whenever it might meet. In the great tract published at Philadelphia February 16, 1783, we have photographed for us the workings of his mind as he moved along paths never trod before. He sounded the keynote when he declared: "They (the supreme power) must therefore of necessity be vested with a power of taxation. I know this is a most important and weighty truth, a dreadful engine of oppression, tyranny, and injury, when ill-used; yet, from the necessity of the case, it must be admitted.

"For to give a supreme authority a power of making contracts without any power of payment—of appointing officers, civil and military, without money to pay them; power to build ships without any money to do it with, a power of emitting money without any power to redeem it, or of borrowing money without any power to make payment, etc.—such solecisms in government are so nugatory and absurd that I really think to offer further argument on the subject would be to insult the understanding of my readers. To make all these payments dependent on the votes of thirteen popular assemblies, who will undertake to judge of the propriety of every contract and every occasion of money and grant or withhold supplies according to their opinion, while at the same time the operations of the whole may be stopped by the vote of a single one of them, is absurd." Thus Pelatiah Webster proposed the existing system of Federal taxation, then entirely new, to the world; thus he proposed that the ancient system of requisitions resting on the taxing power of the State should be superseded by a system of Federal or national taxation extending to every citizen, directly or indirectly. Instead of the lifeless system of absurdity embodied in the Articles of Confederation, he proposed to substitute a self-executing and self-sustaining national system, based on the following propositions, stated in his own language: "The supreme authority of any State must have power enough to effect the ends of its appointment, otherwise these ends can not be answered and effectually secured. * * * I begin with my first and great principle, viz, that the Constitution must vest powers in every department sufficient to secure and make effectual the ends of it. The supreme authority must have the power of making war and peace, of appointing armies and navies, of appointing officers both civil and military, of making contracts, of emitting, coining, and borrowing money, of regulating trade, of making treaties with foreign powers, of establishing post-offices, and, in short, of doing everything which the well-being of the Commonwealth may require and which is not compatible to any particular State, all of which require money and can not possibly be made effectual without it. * * * This tax can be laid by the supreme authority much more conveniently than by the particular assemblies, and would in no case be subject to their repeals or modifications; and of course the public credit would never be dependent on or liable to bankruptcy by the humors of any particular assembly. * * * The delegates which are to form that august body, which are to hold and exercise the supreme authority, ought to be appointed by the States in any manner they please." In formulating his conclusions as to the supremacy of Federal law acting directly on all citizens, he said: "(1) No laws of any State whatever which do not carry in them a force which extends to their effectual and final execution can afford a certain or sufficient security to the subject—this is too plain to need proof. (2) Laws or ordinances of any kind (especially of august bodies of high dignity and consequence) which fail of execution are much worse than none; they weaken the government; expose it to contempt. * * * A government which is but half executed or whose operations may all be stopped by a single vote, is the most dangerous of all institutions. * * *

"Further, I propose that if the execution of any act or order of the supreme authority shall be opposed by force in any of the States (which God forbid!) it shall be lawful for Congress to send into such State a sufficient force to suppress it. On the whole, I take it that the very existence and use of our Union effectually depends on the full energy and final effect of the laws made to support it; and therefore I sacrifice all other considerations to this energy and effect, and if our Union is not worth this purchase we must give it up—the nature of the thing does not admit any other alternative." In these ringing terms was announced the path-breaking invention of a supreme and self-executing Federal Government operating directly upon the citizen; an invention for which the world had been waiting for 2,000 years; an invention of which no trace or hint is to be found in the constitutions of any of the Teutonic leagues, in the Articles of Confederation, or in the prior utterance of any other man.

Having thus defined his fundamental concept of a Federal government operating directly on the citizen, the great one boldly accepted the inevitable corollary that such a government must be strictly organized and equipped with machinery adequate to its ends—with the usual branches, executive, legislative, and judicial; with its army, its navy, its civil service, and all the usual apparatus of a government, all bearing directly upon every citizen of the Union without any reference to the government of the several States. No such federal government, ancient or modern, had ever existed. As Montesquieu was the first to point out, the division of state powers into executive, legislative, and judicial, originated in that single State in Britain we call England. (Spirit of Laws, bk. xi, ch. 6.) From that single State the principle passed into the single States of the American Union. (Federalist, xlvi.) Pelatiah Webster was the first to conceive of the application of the principle of the division of powers to a federal state; he was the first to propose that the federal head should be divided and then organized as the particular ones are into legislative, executive, and judicial. More than three years later Jefferson indorsed that idea by commending it to Madison. (In the letter written from Paris, December 16, 1786, heretofore cited.) Having thus made his second great invention, Webster proceeded to explain how the three departments, executive, legislative, and judicial, should be organized. His idea was that the executive power should be vested in a council of ministers to be grouped around a President elected by Congress. On that subject he said: "These ministers will of course have the best information and most perfect knowledge of the state of the nation, as far as it relates to their several departments, and will of course be able to give the best information to Congress in what manner any bill proposed will affect the public interest in their several departments, which will nearly comprehend the whole. The financier manages the whole subject of the revenues and expenditures; the secretary of state takes knowledge of the general policy and internal government; the minister of war presides in the whole business of war and defense; and the minister of foreign affairs regards the whole state of the nation, as it stands related to or connected with all foreign powers. * * * I would further propose that the aforesaid great ministers of state shall compose a council of state, to whose number Congress may add three others, viz, one from New England, one from the Middle States, and one from the Southern States, one of which to be appointed President by Congress." To the organization of the legislative department Webster gave elaborate consideration. Just as no prior federal government had ever been divided into three departments, so no prior federal legislature had ever been divided into two houses.

The one-chamber body represented by the Continental Congress was the type of every other federal assembly that had ever preceded it. As stated heretofore the path breaker, looking to the English bicameral system as it had appeared in the several States, proposed "That the Congress shall consist of two chambers, an upper and lower house, or senate and commons, with the concurrence of both necessary to every act; and that every State send one or more delegates to each house; this will subject every act to two discussions before two distinct chambers of men equally qualified for the debate, equally masters of the subject, and of equal authority in the decision." Citizens of the United States, to whom such a division now seems a matter of course, should remember that when Webster proposed it, it was an unprecedented novelty in the history of the world, so far as federal legislatures are concerned. After an elaborate discussion of the qualifications of Members of Congress, in which he sharply assailed the then existing rule forbidding their reelection, he proceeded to define a part of the original jurisdiction of the Supreme Court of the United States by saying "That the supreme authority should be vested with powers to terminate and finally decide controversies arising between different States." He also said, "To these I would add judges of law and chancery." Thus the entire Federal judicial system was distinctly outlined. Above all, he was careful to define the reserved powers of the States. On that subject he said: "I propose further, that the powers of Congress, and all the other departments acting under them, shall all be restricted to such matters only of general necessity and utility to all the States as can not come within the jurisdiction of any particular State, or to which the authority of any particular State is not competent, so that each particular State shall enjoy all sovereignty and supreme authority to all intents and purposes, excepting only those high authorities and powers by them delegated to Congress for the purposes of the General Union." In that passage we have the first draft, and a very complete one, of the tenth amendment. It provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to

the people." So it is a matter of documentary evidence that every element that entered into the "wholly novel theory, which may be considered a great discovery in modern political science," and which differentiates our second Federal Constitution of 1789 from every other that preceded it, was the deliberate invention of Pelatiah Webster, who announced to the world that theory, as an entirety, in his epoch-making paper of February 16, 1783. Prior to that date no federal government had ever existed (1) that operated directly on the individual citizen; (2) no federal government had ever been divided into three departments—executive, legislative, and judicial; (3) no federal legislature had ever been divided into an upper and lower house. There is no record, there is not even a claim that, prior to that date, any human being had ever propounded any one of those principles in connection with a federal government. The great inventor was so conscious at the time of the magnitude of the undertaking that he exclaimed as he wrote:

"May Almighty wisdom direct my pen in this arduous discussion." In conclusion he said: "This vast subject lies with mighty weight on my mind, and I have bestowed on it my utmost attention, and here offer the public the best thoughts and sentiments I am master of. * * * I have not the vanity to imagine that my sentiments may be adopted; I shall have all the reward I wish or expect if my dissertation shall throw any light on the great subject, shall excite an emulation of inquiry, and animate some abler genius to form a plan of greater perfection, less objectionable, and more useful." In his republication of 1791 he described perfectly the circumstances under which the great invention of February 16, 1783, was made, when he said that "The public ideas were not at all concentrated, much less arranged into any new system or form of government, which would obviate these evils. Under these circumstanees I offered this dissertation to the public." In that dissertation Pelatiah Webster presented, as a free gift to the great country that has neglected and forgotten him, the "new system or form of government" which passed, through the four plans" (at a later time a grave controversy arose as to "the singularly minute coincidences between the draft of a Federal government communicated by Mr. Charles Pinckney, of South Carolina, to Mr. Adams, Secretary of State," the Virginia plan, and the Constitution as finally adopted. Every explanation was given of "the singularly minute coincides," except the plain and obvious one—the four plans out of which the Constitution arose were taken from a common source. For a statement of the controversy in question see Rives' Life and Times of Madison, vol. ii, pp. 353–357) offered in the Federal Convention of 1787, into the existing Constitution of the United States. Certainly no more "wonderful work was ever struck off at a given time by the brain and purpose of man." The outcome of that work was a novel and unique creation operating directly on the people, and not upon the States as corporations. The State governments are not subject to the central government. The people are subject to both governments. The new creation is in no respect Federal in its operation, although it is in some respects Federal in its organization. No one of the three basic principles constituting the great invention was seriously questioned in the convention. Its mighty and immortal task involved only their adaptation to very difficult and complex political conditions. The inventor of the plan stands to the members of the convention as an architect stands to master builders.

As an evidence of the highly practical temper of Pelatiah Webster the fact should be mentioned in conclusion that, having been a successful merchant, his pet hobby seems to have been to create a Department of Commerce in close touch with Congress. He said: "I therefore humbly propose, if the merchants in the several States are disposed to send delegates from their body, to meet and attend the sitting of Congress, that they shall be permitted to form a chamber of commerce, and their advice to Congress be demanded and admitted concerning all bills before Congress, as far as the same may affect the trade of the States." In his criticisms made in 1791 of the work of the Federal Convention he said that its failure to accept that suggestion was a great mistake. The very recent creation of a Department of Commerce and Labor has at last effectuated his idea. Only through the vista of receding years can such an epoch-making mind be viewed in all its grandeur. What signifies a century of neglect passed in the midst of the "momentous consequences" his mighty work was wrought. His time is at hand; his fame is as safe and as certain as the immortality of thought and the unerring justice of the tribunal of history. His abiding faith in the justice of that tribunal he clearly expressed when he said: "But if any of these questions should in future time become objects of discussion, neither the vast dignity of the convention, nor the low unnoticed state of myself, will be at all considered in the debates; the merits of the matter and the interests connected with or arising out of it will alone dictate the decision."

The humanly impossible and miraculous theory which has heretofore serenely assumed that the greatest and most unique of all political inventions had no inventor, can not survive a method of historical investigations, that undertakes to demonstrate that beneath every shell there is an animal, behind every document there is a man. The eminent French critic and historian, Ch. V. Langlais, has said: "History is studied from documents. Documents are the traces which have been left by the thoughts and actions of men of former times. There is no substitute for documents—no documents, no history." Strange, indeed, it is that the most important document connected with our constitutional history should now be presented to the jurists and statesmen of the United States as if it were a papyrus from Egypt or Herculaneum.

III. *The epoch-making document of February 16, 1783, in which is embodied the first draft of the existing Constitution of the United States: A dissertation on the political Union and Constitution of the thirteen United States of North America, which is necessary to their preservation and happiness, humbly offered to the public. (First published in Philadelphia, 1783.)*

I. The supreme authority of any state must have power enough to effect the ends of its appointment, otherwise these ends can not be answered and effectually secured; at best they are precarious. But at the same time,

II. The supreme authority ought to be so limited and checked, if possible, as to prevent the abuse of power or the exercise of powers that are not necessary to the ends of its appointment, but hurtful and oppressive to the subject; but to limit a supreme authority so far as to diminish its dignity, or lessen its power of doing good, would be to destroy or, at least, to corrupt it and render it ineffectual to its ends.

III. A number of sovereign states uniting into one commonwealth, and appointing a supreme power to manage the affairs of the union, do necessarily and unavoidably part with and transfer over to such supreme power so much of their own sovereignty as is necessary to render the ends of the union effectual; otherwise their confederation will be a union without bands of union, like a cask without hoops, that may and probably will fall to pieces as soon as it is put to any exercise which requires strength.

In like manner, every member of civil society parts with many of his natural rights, that he may enjoy the rest in greater security under the protection of society.

The Union of the Thirteen States of America is of mighty consequence to the security, sovereignty, and even liberty of each of them and of all the individuals who compose them; united under a natural, well-adjusted, and effectual Constitution, they are a strong, rich, growing power, with great resources and means of defense, which no foreign power will easily attempt to invade or insult; they may easily command respect.

As their exports are mostly either raw materials or provisions and their imports mostly finished goods, their trade becomes a capital object with every manufacturing nation of Europe and all the southern colonies of America; their friendship and trade will, of course, be courted, and each power in amity with them will contribute to their security.

Their union is of great moment in another respect; they thereby form a superintending power among themselves that can moderate and terminate disputes that may arise between different States, restrain intestine violence, and prevent any recourse to the dreadful decision of the sword.

I do not mean here to go into a detail of all the advantages of our union; they offer themselves on every view and are important enough to engage every honest, prudent mind, to secure and establish that union by every possible method, that we may enjoy the full benefit of it and be rendered happy and safe under the protection it affords.

This union, however important, can not be supported without a constitution founded on principles of natural truth, fitness, and utility. If there is one article wrong in such constitution, it will discover itself in practice by its baleful operation and destroy or at least injure the union.

Many nations have been ruined by the errors of their political constitutions. Such errors first introduce wrongs and injuries, which soon breed discontents, which gradually work up into mortal hatred and resentments; hence inveterate parties are formed, which, of course, make the whole community a house divided against itself, which soon falls either a prey to some enemies without, who watch to devour them, or else crumble into their original constituent parts and lose all respectability, strength, and security.

It is as physically impossible to secure to civil society good cement of union, duration, and security without a constitution founded on principles of natural fitness and right as to raise timbers into a strong, compact building which have not been framed upon true geometric principles; for if you cut one beam a foot too long or too short, not all the authority and all the force of all the carpenters can ever get it into its place and make it fit with proper symmetry there.

As the fate, then, of all governments depends much upon their political constitutions, they become an object of mighty moment to the happiness and well-being of society; and as the framing of such a constitution requires great knowledge of the rights of men and societies, as well as of the interests, circumstances, and even prejudices of the several parts of the community or commonwealth for which it is intended, it becomes a very complex subject, and of course requires great steadiness and comprehension of thought, as well as great knowledge of men and things, to do it properly. I shall, however, attempt it with my best abilities, and hope from the candor of the public to escape censure if I can not merit praise.

I begin with my first and great principle, viz: That the Constitution must vest powers in every department sufficient to secure and make effectual the ends of it. The supreme authority must have the power of making war and peace—of appointing armies and navies—of appointing officers both civil and military—of making contracts—of emitting, coining, and borrowing money—of regulating trade—of making treaties with foreign powers—of establishing post-offices, and in short of doing everything which the well-being of the Commonwealth may require, and which is not compatible to any particular State, all of which require money, and can not possibly be made effectual without it.

They must therefore of necessity be vested with a power of taxation. I know this is a most important and weighty truth, a dreadful engine of oppression, tyranny, and injury, when ill used; yet, from the necessity of the case, it must be admitted.

For to give a supreme authority a power of making contracts, without any power of payment; of appointing officers, civil and military, without money to pay them; a power to build ships, without any money to do it with; a power of emitting money, without any power to redeem it, or of borrowing money, without any power to make payments, etc.—such solecisms in government are so nugatory and absurd that I really think to offer further argument on the subject would be to insult the understanding of my readers.

To make all these payments dependent on the votes of thirteen popular assemblies, who will undertake to judge of the propriety of every contract and every occasion of money and grant or withhold supplies, according to their opinion, while at the same time the operations of the whole may be stopped by the vote of a single one of them, is absurd; for this renders all supplies so precarious and the public credit so extremely uncertain as must in its nature render all efforts of war and all regular administration in peace utterly impractical as well as most pointedly ridiculous. Is there a man to be found who would lend money or render personal services or make contracts on such precarious security? Of this we have a proof of fact, the strongest of all proofs, a fatal experience, the surest though severest of all demonstration, which renders all other proof or argument on this subject quite unnecessary.

The present broken state of our finances, public debts and bankruptcies, enormous and ridiculous depreciation of public securities, with the total annihilation of our public credit, prove beyond all contradiction the vanity of all recourse to the Federal assemblies of the States. The recent instance of the duty of 5 per cent on imported goods struck dead, and the bankruptcies which ensued on the single vote of Rhode Island, affords another proof of what it is certain may be done in like circumstances.

I have another reason why a power of taxation or of raising money ought to be vested in the supreme authority of our Commonwealth, viz, the moneys necessary for the public ought to be raised by a duty imposed on imported goods, not a bare 5 per cent or any other per cent on all imported goods indiscriminately, but a duty much heavier on all

articles of luxury or mere ornament and which are consumed principally by the rich or prodigal part of the community, such as silks of all sorts, muslins, cambrics, lawns, superfine cloths, spirits, wines, etc.

Such an impost would ease the husbandman, the mechanic, and the poor; would have all the practical effects of a sumptuary law; would mend the economy and increase the industry of the community; would be collected without the shocking circumstances of collectors and their warrants, and make the quantity of tax paid always depend on the choice of the person who pays it.

This tax can be laid by the supreme authority much more conveniently than by the particular assemblies and would in no case be subject to their repeals or modifications, and of course the public credit would never be dependent on or liable to bankruptcy by the humors of any particular assembly. In an essay on finance which I design soon to offer to the public this subject will be treated more fully. (See my Sixth Essay on Free Trade and Finance, p. 229.)

The delegates which are to form that august body, which are to hold and exercise the supreme authority, ought to be appointed by the States in any manner they please; in which they should not be limited by any restrictions; their own dignity and the weight they will hold in the great public councils will always depend on the abilities of the persons they appoint to represent them there, and if they are wise enough to choose men of sufficient abilities and respectable characters, men of sound sense, extensive knowledge, gravity, and integrity, they will reap the honor and advantage of such wisdom.

But if they are fools enough to appoint men of trifling or vile characters, of mean abilities, faulty morals, or despicable ignorance, they must reap the fruits of such folly and content themselves to have no weight, dignity, or esteem in the public councils; and, what is more to be lamented by the Commonwealth, to do no good there.

I have no objection to the States electing and recalling their delegates as often as they please, but think it hard and very injurious both to them and the Commonwealth that they should be obliged to discontinue them after three years' service, if they find them on that trial to be men of sufficient integrity and abilities; a man of that experience is certainly much more qualified to serve in the place than a new member of equal good character can be. Experience makes perfect in every kind of business. Old, experienced statesmen of tried and approved integrity and abilities are a great blessing to a state; they acquire great authority and esteem as well as wisdom, and very much contribute to keep the system of government in good and salutary order; and this furnishes the strongest reason why they should be continued in the service, on Plato's great maxim, that "the man best qualified to serve ought to be appointed."

I am sorry to see a contrary maxim adopted in our American counsels; to make the highest reason that can be given for continuing a man in the public administration, assigned as a constitutional and absolute reason for turning him out, seems to me to be a solecism of a piece with many other reforms, by which we set out to surprise the world with our wisdom.

If we should adopt this maxim in the common affairs of life, it would be found inconvenient, e. g., if we should make it a part of our Constitution that a man who has served a three years' apprenticeship to the trade of a tailor or shoemaker should be obliged to discontinue that business for the three successive years, I am of opinion the country would soon be cleared of good shoemakers and tailors. Men are no more born statesmen than shoemakers or tailors. Experience is equally necessary to perfection in both.

It seems to me that a man's inducement to qualify himself for a public employment and make himself master of it must be much discouraged by this consideration, that, let him take whatever pains to qualify himself in the best manner, he must be shortly turned out, and of course it would be of more consequence to him to turn his attention to some other business, which he might adopt when his present appointment should expire, and by this means the Commonwealth is in danger of losing the zeal, industry, and shining abilities, as well as services, of their most accomplished and valuable men.

I hear that the State of Georgia has improved on this blessed principle and limited the continuance of their governors to one year; the consequence is they have already the ghosts of departed governors stalking about in every part of their State and growing more plenty every year; and as the price of everything is reduced by its plenty, I can suppose governors will soon be very low there.

This doctrine of rotation was first proposed by some sprightly geniuses of brilliant politics with this cogent reason: That by introducing a rotation in the public offices we should have a great number of men trained up to public service; but it appears to me that it will be more likely to produce many jacks at all trades, but good at none.

I think that frequent elections are a sufficient security against the continuance of men in public office whose conduct is not approved, and there can be no reason for excluding those whose conduct is approved and who are allowed to be better qualified than any men who can be found to supply their places.

Another great object of government is the apportionment of burdens and benefits, for if a greater quota of burden or a less quota of benefits than is just and right be allotted to any State, this ill apportionment will be an everlasting source of uneasiness and discontent. In the first case, the overburdened State will complain; in the last case, all the States whose quota of benefit is underrated will be uneasy; and this is a case of such delicacy that it can not be safely trusted to the arbitrary opinion or judgment of any body of men, however august.

Some natural principles of confessed equity, and which can be reduced to a certainty, ought, if possible, to be found and adopted, for it is of the highest moment to the Commonwealth to obviate, and, if possible, wholly to take away, such a fruitful and common source of infinite disputes as that of apportionment of quotas has ever proved in all States of the earth.

The value of lands may be a good rule, but the ascertainment of that value is impracticable; no assessment can be made which will not be liable to exception and debate—to adopt a good rule in anything which is impracticable is absurd, for it is physically impossible that anything should be good for practice which can not be practiced at all; but if the value of lands was capable of certain assessment, yet to adopt that value as a rule of apportionment of quotas, and at the same time to except from valuation large tracts of sundry States of immense value which have all been defended by the joint arms of the whole Empire, and for the defense of which no additional quota of supply is to be demanded of those States to whom such lands are secured by such joint efforts of the States, is in its nature unreasonable and will open a door for great complaint.

It is plain without argument that such States ought either to make grants to the Commonwealth of such tracts of defended territory or sell as much of them as will pay their proper quota of defense and pay such sums into the Public Treasury; and this ought to be done, let what rule of quota forever be adopted with respect to the cultivated part of the United States, for no proposition of natural right and justice can be plainer than this, that every part of valuable property which is defended ought to contribute its quota of supply for that defense.

If, then, the value of cultivated lands is found to be an impracticable rule of apportionment of quotas, we have to seek for some other, equally just and less exceptionable.

It appears to me that the number of living souls or human persons of whatever age, sex, or condition, will afford us a rule or measure of apportionment which will forever increase and decrease with the real wealth of the States, and will, of course, be a perpetual rule, not capable of corruption by any circumstances of future time; which is of vast consideration in forming a constitution which is designed for perpetual duration, and which will in its nature be as just as to the inhabited parts of each State as that of the value of lands or any other that has or can be mentioned.

Land takes its value not merely from the goodness of its soil, but from innumerable other relative advantages, among which the population of the country may be considered as principal, as lands in a full-settled country will always (cæteris paribus) bring more than lands in thin settlements. On this principle when the inhabitants of Russia, Poland, etc., sell real estates they do not value them as we do, by the number of acres, but by the number of people who live on them.

Where any piece of land has many advantages many people will crowd there to obtain them, which will create many competitors for the purchase of it, which will, of course, raise the price. Where there are fewer advantages there will be fewer competitors and, of course, a less price; and these two things will forever be proportionate to each other, and, of course, the one will always be a sure index of the other.

The only considerable objection I have ever heard to this is that the quality of inhabitants differs in the different States, and it is not reasonable that the black slaves in the Southern States should be estimated on a par with the white freemen in the Northern States. To discuss this question fairly I think it will be just to estimate the neat value of the labor of both, and if it shall appear that the labor of the black person produces as much neat wealth to the Southern State as the labor of the white person does to the Northern State, I think it will follow plainly that they are equally useful inhabitants in point of wealth, and, therefore, in the case before us should be estimated alike.

And if the amazing profits which the Southern planters boast of receiving from the labor of their slaves on their plantations are real, the Southern people have greatly the advantage in this kind of estimation; and as this objection comes principally from the Southward, I should suppose that the gentlemen from that part would blush to urge it any further.

That the supreme authority should be vested with powers to terminate and finally decide controversies arising between different States, I take it, will be universally admitted, but I humbly apprehend that an appeal from the first instance of trial ought to be admitted in causes of great moment, on the same reasons that such appeals are admitted in all the states of Europe. It is well known to all men versed in courts that the first hearing of a cause rather gives an opening to that evidence and reason which ought to decide it than such a full examination and thorough discussion as should always precede a final judgment in causes of national consequence. A detail of reasons might be added, which I deem it unnecessary to enlarge on here.

The supreme authority ought to have a power of peace and war, and forming treaties and alliances with all foreign powers, which implies a necessity of their also having sufficient powers to enforce the obedience of all subjects of the United States to such treaties and alliances, with full powers to unite the force of the States and direct its operations in war and to punish all transgressors in all these respects; otherwise, by the imprudence of a few, the whole Commonwealth may be embroiled with foreign powers and the operations of war may be rendered useless or fail much of their due effect.

All these I conceive will be easily granted, especially the latter, as the power of Congress to appoint and direct the Army and Navy in war, with all departments thereto belonging, and punishing delinquents in them all, is already admitted into practice in the course of the present unhappy war, in which we have been long engaged.

II. But now the great and most difficult part of this weighty subject remains to be considered, viz, how these supreme powers are to be constituted in such manner that they may be able to exercise with full force and effect the vast authorities committed to them for the good and well-being of the United States, and yet be so checked and restrained from exercising them to the injury and ruin of the States that we may with safety trust them with a commission of such vast magnitude—and may Almighty wisdom direct my pen in this arduous discussion.

1. The men who compose this important council must be delegated from all the States; and of course the hope of approbation and continuance of honors will naturally stimulate them to act right and to please; the dread of censure and disgrace will naturally operate as a check to restrain them from improper behavior; but however natural and forcible these motives may be, we find by sad experience they are not always strong enough to produce the effects we expect and wish from them.

It is to be wished that none might be appointed that were not fit and adequate to this weighty business; but a little knowledge of human nature, and a little acquaintance with the political history of mankind, will soon teach us that this is not to be expected.

The representatives appointed by popular elections are commonly not only the legal, but real, substantial representatives of their electors, i. e., there will commonly be about the same proportion of grave, sound, well-qualified men, trifling, desultory men—wild or knavish schemers—and dull, ignorant fools in the delegated assembly as in the body of electors.

I know of no way to help this; such delegates must be admitted as the States are pleased to send; and all that can be done is, when they get together, to make the best of them.

We will suppose then they are all met in Congress, clothed with that vast authority which is necessary to the well-being and even existence of the Union that they should be vested with; how shall we empower them to do all necessary and effectual good and restrain them from doing hurt? To do this properly, I think we must recur to those natural motives of action, those feelings and apprehensions, which usually occur to the mind at the very time of action; for distant consequences, however weighty, are often too much disregarded.

Truth loves light and is vindicated by it. Wrong shrouds itself in darkness, and is supported by delusion. An honest, well-qualified man loves light, can bear close examination and critical inquiry, and is best pleased when he is most thoroughly understood; a man of corrupt design, or a fool of no design, hates close examination and critical in-

quiry; the knavery of the one, and the ignorance of the other, are discovered by it, and they both usually grow uneasy before the investigation is half done. I do not believe that there is a more natural truth in the world, than that divine one of our Saviour, "He that doth truth, cometh to the light." I would therefore recommend that mode of deliberation, which will naturally bring on the most thorough and critical discussion of the subject, previous to passing any act; and for that purpose humbly propose:

2. That the Congress shall consist of two chambers, an upper and a lower house, or senate and commons, with the concurrence of both necessary to every act; and that every State send one or more delegates to each house; this will subject every act to two discussions before two distinct chambers of men equally qualified for the debate, equally masters of the subject, and of equal authority in the decision.

These two houses will be governed by the same natural motives and interests, viz, the good of the Commonwealth and the approbation of the people, whilst at the same time the emulation naturally arising between them will induce a very critical and sharp-sighted inspection into the motions of each other. Their different opinions will bring on conferences between the two houses, in which the whole subject will be exhausted in arguments pro and con, and shame will be the portion of obstinate convicted error.

Under these circumstances a man of ignorance or evil design will be afraid to impose on the credulity, inattention, or confidence of his house by introducing any corrupt or undigested proposition, which he knows he must be called on to defend against the severe scrutiny and poignant objections of the other house. I do not believe the many hurtful and foolish legislative acts which first or last have injured all the states on earth have originated so much in corruption as indolence, ignorance, and a want of a full comprehension of the subject, which a full, prying, and emulous discussion would tend in a great measure to remove; this naturally rouses the lazy and idle, who hate the pain of close thinking, animates the ambitious to excel in policy and argument, and excites the whole to support the dignity of their house and vindicate their own propositions.

I am not of opinion that bodies of elective men, which usually compose parliaments, diets, assemblies, congresses, etc., are commonly dishonest; but I believe it rarely happens that there are not designing men among them; and I think it would be much more difficult for them to unite their partisans in two houses, and corrupt or deceive them both, than to carry on their designs where there is but one unalarmed, unapprehensive house to be managed; and as there is no hope of making these bad men good, the best policy is to embarrass them and make their work as difficult as possible.

In these assemblies are frequently to be found sanguine men, upright enough, indeed, but of strong, wild projection, whose brains are always teeming with Utopian, chimerical plans and political whims very destructive to society. I hardly know a greater evil than to have the supreme council of a nation played off on such men's wires; such baseless visions at best end in darkness; and the dance, though easy and merry enough at first, rarely fails to plunge the credulous, simple followers into sloughs and bogs at last.

Nothing can tend more effectually to obviate these evils and to mortify and cure such maggoty brains than to see the absurdity of their projects exposed by the several arguments and keen satire which a full, emulous, and spirited discussion of the subject will naturally produce. We have had enough of these geniuses in the short course of our politics, both in our national and provincial councils, and have felt enough of their evil effects to induce us to wish for any good method to keep ourselves clear of them in the future.

The consultations and decisions of national councils are so very important that the fate of millions depends on them; therefore no man ought to speak in such assemblies without considering that the fate of millions hangs on his tongue; and, of course, a man can have no right in such august councils to utter undigested sentiments or indulge himself in sudden, unexamined flights of thought. His most tried and improved abilities are due to the States, who have trusted him with their most important interests.

A man must therefore be most inexcusable who is either absent during such debates or sleeps or whispers or catches flies during the argument, and just rouses when the vote is called to give his yea or nay, to the weal or woe of a nation. Therefore it is manifestly proper that every natural motive that can operate on his understanding or his passions, to engage his attention and utmost efforts, should be put in practice, and that his present feelings should be raised by every motive of honor and shame to stimulate him to every practicable degree of diligence and exertion to be, as far as possible, useful in the great discussion.

I appeal to the feelings of every reader, if he would not, were he in either House, be much more strongly and naturally induced to exert his utmost abilities and attention to any question which was to pass through the ordeal of a spirited discussion of another House, than he would do, if the absolute decision depended on his own House, without any further inquiry or challenge on the subject.

As Congress will ever be composed of men delegated by the several States, it may well be supposed that they have the confidence of their several States and understand well the policy and present condition of them. It may also be supposed that they come with strong local attachments and habits of thinking limited to the interests of their particular States. It may therefore be supposed they will need much information in order to their gaining that enlargement of ideas and great comprehension of thought which will be necessary to enable them to think properly on that large scale which takes into view the interests of all the States.

The greatest care and wisdom is therefore requisite to give them the best and surest information and of that kind that may be the most safely relied on to prevent their being deluded or prejudiced by partial representations made by interested men who have particular views.

This information may perhaps be best made by the great ministers of state, who ought to be men of the greatest abilities and integrity; their business is confined to their several departments and their attention engaged strongly and constantly to all the several parts of the same, the whole arrangement, method, and order of which are formed, superintended, and managed in their offices, and all informations relative to their departments center there.

These ministers will, of course, have the best information and most perfect knowledge of the state of the nation, as far as it relates to their several departments, and will, of course, be able to give the best information to Congress in what manner any bill proposed will affect the public interest in their several departments, which will nearly comprehend the whole.

The financier manages the whole subject of revenues and expenditures; the secretary of state takes knowledge of the general policy and internal government; the minister of war presides in the whole business of war and defense, and the minister of foreign affairs regards the whole state of the nation, as it stands related to or connected with all foreign powers.

I mention a secretary of state, because all other nations have one, and I suppose we shall need one as much as they, and the multiplicity of affairs which naturally fall into his office will grow so fast that I imagine we shall soon be under the necessity of appointing one.

To these I would add judges of law and chancery, but I fear they will not be very soon appointed—the one supposes the existence of law, the other of equity—and when we shall be altogether convinced of the absolute necessity of the real and effectual existence of both these we shall probably appoint proper heads to preside in those departments. I would therefore propose—

3. That when any bill shall pass the second reading in the House in which it originates, and before it shall be finally enacted, copies of it shall be sent to each of the said ministers of state, in being at the time, who shall give said House, in writing, the fullest information in their power and their most explicit sentiments of the operation of the said bill on the public interest, as far as relates to their respective departments, which shall be received and read in said House and entered on their minutes before they finally pass the bill, and when they send the bill for concurrence to the other House they shall send therewith the said informations of the said ministers of state, which shall likewise be read in that House before their concurrence is finally passed.

I do not mean to give these great ministers of state a negative on Congress, but I mean to oblige Congress to receive their advices before they pass their bills, and that every act shall be void that is not passed with these forms; and I further propose that either House of Congress may, if they please, admit the said ministers to be present and assist in the debates of the House, but without any right of vote in the decision.

It appears to me that if every act shall pass so many different corps of discussion before it is completed, where each of them stake their characters on the advice or vote they give, there will be all the light thrown on the case which the nature and circumstances of it can admit, and any corrupt man will find it extremely difficult to foist in any erroneous clause whatever, and every ignorant or lazy man will find the strongest inducements to make himself master of the subject, that he may appear with some tolerable degree of character in it; and the whole will find themselves in a manner compelled diligently and sincerely to seek for the real state of the facts and the natural fitness and truth arising from them, i. e., the whole natural principles on which the subjects depend, and which alone can endure every test, to the end that they may have not only the inward satisfaction of acting properly and usefully for the States, but also the credit and character which is or ought ever to be annexed to such a conduct.

This bill will give the great laws of Congress the highest probability, presumption, and means of right, fitness, and truth that any laws whatever can have at their first enaction, and will of course afford the highest reason for the confidence and acquiescence of the States and all their subjects in them; and, being grounded in truth and natural fitness, their operations will be easy, salutary, and satisfactory.

If experience shall discover error in any law—for practice will certainly discover such errors, if there be any—the legislature will always be able to correct them by such repeals, amendments, or new laws as shall be found necessary; but as it is much easier to prevent mischiefs than to remedy them, all possible caution, prudence, and attention should be used to make the laws right at first.

4. There is another body of men among us whose business of life and whose full and extensive intelligence, foreign and domestic, naturally make them more perfectly acquainted with the sources of our wealth, and whose particular interests are more intimately and necessarily connected with the general prosperity of the country than any other order of men in the States. I mean the merchants, and I could wish that Congress might have the benefit of that extensive and important information which this body of men are very capable of laying before them.

Trade is of such essential importance to our interests and so intimately connected with all our staples, great and small, that no sources of our wealth can flourish and operate to the general benefit of the community without it. Our husbandry, that great staple of our country, can never exceed our home consumption without this—it is plain at first sight that the farmer will not toil and sweat through the year to raise great plenty of the produce of the soil if there is no market for his produce when he has it ready for sale, i. e., if there are no merchants to buy it.

In like manner, the manufacturer will not lay out his business on any large scale if there is no merchant to buy his fabrics when he has finished them; a vent is of the most essential importance to every manufacturing country; the merchants therefore become the natural negotiators of the wealth of the country, who take off the abundance and supply the wants of the inhabitants, and as this negotiation is the business of their lives and the source of their own wealth, they, of course, become better acquainted with both our abundance and wants and are more interested in finding and improving the best vent for the one and supply of the other than any other men among us, and they have a natural interest in making both the purchase and supply as convenient to their customers as possible, that they may secure their custom and thereby increase their own business.

It follows, then, that the merchants are not only qualified to give the fullest and most important information to our supreme legislature concerning the state of our trade—the abundance and wants—the wealth and poverty of our people—that is, their most important interests—but are also the most likely to do it fairly and truly, and to forward with their influence every measure which will operate to the convenience and benefit of our commerce, and oppose with their whole weight and superior knowledge of the subject any wild schemes which an ignorant or arbitrary legislature may attempt to introduce to the hurt and embarrassment of our intercourse, both with one another and with foreigners.

The States of Venice and Holland have ever been governed by merchants, or at least their policy has ever been under the great influence of that sort of men. No States have been better served, as appears by their great success, the ease and happiness of their citizens, as well as the strength and riches of their Commonwealths; the one is the oldest and the other the richest State in the world of equal number of people; the one has maintained sundry wars with the grand Turk, the other has withstood the power of Spain and France; and the capitals of both have long been the principal marts of the several parts of Europe in which they are situated; and the banks of both are the best supported and in the best credit of any banks in Europe, though their countries or territories are very small and their inhabitants but a handful when compared with the great States in their neighborhood.

Merchants must, from the nature of their business, certainly understand the interests and resources of their country the best of any men

in it; and I know not of any one reason why they should be deemed less upright or patriotic than any other rank of citizens whatever.

I therefore humbly propose, if the merchants in the several States are disposed to send delegates from their body to meet and attend the sitting of Congress, that they shall be permitted to form a chamber of commerce and their advice to Congress be demanded and admitted concerning all bills before Congress, as far as the same may affect the trade of the States.

I have no idea that the continent is made for Congress. I take them to be no more than the upper servants of the great political body, who are to find out things by study and inquiry, as other people do; and therefore I think it necessary to place them under the best possible advantages for information, and to require them to improve all those advantages, to qualify themselves in the best manner possible, for the wise and useful discharge of the vast trust and mighty authority reposed in them; and as I conceive the advice of the merchants to be one of the greatest sources of mercantile information which is anywhere placed within their reach, it ought by no means to be neglected, but so husbanded and improved that the greatest possible advantage may be derived from it.

Besides this, I have another reason why the merchants ought to be consulted. I take it to be very plain that the husbandry and manufactures of the country must be ruined if the present rate of taxes is continued on them much longer, and of course a very great part of our revenue must arise from imposts on merchandise, which will fall directly within the merchant's sphere of business, and of course their concurrence and advice will be of the utmost consequence, not only to direct the properest mode of levying those duties, but also to get them carried into quiet and peaceable execution.

No men are more conversant with the citizens, or more intimately connected with their interests, than the merchants, and therefore their weight and influence will have a mighty effect on the minds of the people. I do not recollect an instance in which the court of London ever rejected the remonstrances and advices of the merchants and did not suffer severely for their pride. We have some striking instances of this in the disregarded advices and remonstrances of very many English merchants against the American war, and their fears and apprehensions we see verified, almost like prophecies, by the event.

I know not why I should continue this argument any longer or indeed why I should have urged it so long, inasmuch as I can not conceive that Congress or anybody else will deem it below the dignity of the supreme power to consult so important an order of men, in matters of the first consequence, which fall immediately under their notice, and in which their experience, and of course their knowledge and advice, are preferable to those of any other order of men.

Besides the benefits which Congress may receive from this institution—a chamber of commerce, composed of members from all trading towns in the States—if properly instituted and conducted, will produce very many, I might almost say, innumerable advantages of singular utility to all the States. It will give dignity, uniformity, and safety to our trade; establish the credit of the bank; secure the confidence of foreign merchants; prove in very many instances a fruitful source of improvement of our staples and mutual intercourse; correct many abuses; pacify discontents; unite us in our interests, and thereby cement the general union of the whole Commonwealth; will relieve Congress from the pain and trouble of deciding many intricate questions of trade which they do not understand, by referring them over to this chamber, where they will be discussed by an order of men, the most competent to the business of any that can be found, and most likely to give a decision that shall be just, useful, and satisfactory.

It may be objected to all this, that the less complex and the more simple every constitution is the nearer it comes to perfection. This argument would be very good and afford a very forcible conclusion if the government of men was like that of the Almighty, always founded on wisdom, knowledge, and truth; but in the present imperfect state of human nature, where the best of men know but in part, and must recur to advice and information for the rest, it certainly becomes necessary to form a constitution on such principles as will secure that information and advice in the best and surest manner possible.

It may be further objected that the forms herein proposed will embarrass the business of Congress and make it at best slow and dilatory. As far as this form will prevent the hurrying a bill through the House without due examination, the objection itself becomes an advantage. At most these checks on the supreme authority can have no further effect than to delay or destroy a good bill, but can not pass a bad one; and I think it much better in the main to lose a good bill than to suffer a bad one to pass into a law. Besides it is not to be supposed that clear, plain cases will meet with embarrassment, and it is most safe that untried, doubtful, difficult matters should pass through the gravest and fullest discussion before the sanction of the law is given to them.

But what is to be done if the two Houses grow jealous and illnatured, and after all their information and advice grow out of humor and insincere and no concurrence can be obtained? I answer, sit still and do nothing until they get into a better humor. I think this is much better than to pass laws in such a temper and spirit as the objection supposes.

It is, however, an ill compliment to so many grave personages to suppose them capable of throwing aside their reason and giving themselves up like children to the control of their passions; or, if this should happen for a moment, that it should continue any length of time, is hardly to be presumed of a body of men placed in such high stations of dignity and importance, with the eyes of all the world upon them; but if they should, after all, be capable of this, I think it madness to set them to making laws, during such fits. It is best, when they are in no condition to do good to keep them from doing hurt, and if they do not grow wiser in reasonable time, I know of nothing better than to be ashamed of our old appointments and make new ones.

But what if the country is invaded, or some other exigency happens, so pressing that the safety of the State requires an immediate resolution? I answer, what would you do if such a case should happen, where there was but one house, unchecked, but equally divided, so that a legal vote could not be obtained? The matter is certainly equally difficult and embarrassed in both cases, but in the case proposed I know of no better way than that which the Romans adopted on the like occasion, viz, that both Houses meet in one Chamber and choose a dictator, who should have and exercise the whole power of both Houses till such time as they should be able to concur in displacing him, and that the whole power of the two Houses should be suspended in the meantime.

5. I further propose that no grant of money whatever shall be made, without an appropriation, and that rigid penalties—no matter how great, in my opinion, the halter would be mild enough—shall be inflicted on any person, however august his station, who should give order, or vote for the payment, or actually pay one shilling of such money to any other purpose than that of its appropriation, and that no order whatever of any superior in office shall justify such payment, but every order shall express what funds it is drawn upon, and what appropriation it is to be charged to or the order shall not be paid.

This kind of embezzlement is of so fatal a nature that no measures or bounds are to be observed in curing it; when ministers will set forth the most specious and necessary occasions for money and induce the people to pay it in full tale; and when they have gotten possession of it, to neglect the great objects for which it was given, and pay it, sometimes squander it away, for different purposes, oftentimes for useless, yea, hurtful ones, yea, often even to bribe and corrupt the very officers of government, to betray their trust, and contaminate the State, even in its public offices—to force people to buy their own destruction, and pay for it with their hard labor, the very sweat of their brow, is a crime of so high a nature that I know not any gibbet too cruel for such offenders.

6. I would further propose that the aforesaid great ministers of state shall compose a council of state, to whose number Congress may add three others, viz, one from New England, one from the Middle States, and one from the Southern States, one of which to be appointed president by Congress; to all of whom shall be committed the supreme executive authority of the States (all and singular of them ever accountable to Congress) who shall superintend all the executive departments, and appoint all executive officers, who shall ever be accountable to and removable for just cause by them or Congress, i. e., either of them.

7. I propose further that the powers of Congress, and all the other departments acting under them, shall all be restricted to such matters only of general necessity and utility to all the States as can not come within the jurisdiction of any particular State, or to which the authority of any particular State is not competent; so that each particular State shall enjoy all sovereignty and supreme authority, to all intents and purposes, excepting only those high authorities and power by them delegated to Congress for the purposes of the general union.

There remains one very important article still to be discussed, viz, what methods the Constitution shall point out to enforce the acts and requisitions of Congress through the several States; and how the States which refuse or delay obedience to such acts and requisitions shall be treated. This, I know, is a particular of the greatest delicacy, as well as of the utmost importance; and therefore, I think, ought to be decidedly settled by the Constitution, in our coolest hours, whilst no passions or prejudices exist, which may be excited by the great interests or strong circumstances of any particular case which may happen.

I know that supreme authorities are liable to err as well as subordinate ones. I know that courts may be in the wrong as well as the people; such is the imperfect state of human nature in all ranks and degrees of men; but we must take human nature as it is; it can not be mended; and we are compelled both by wisdom and necessity to adopt such methods as promise the greatest attainable good, though perhaps not the greatest possible, and such as are liable to the fewest inconveniences, though not altogether free of them.

This is a question of such magnitude that I think it necessary to premise the great natural principles on which its decision ought to depend. In the present state of human nature all human life is a life of chances; it is impossible to make any interest so certain but there will be a chance against it; and we are in all cases obliged to adopt a chance against us in order to bring ourselves within the benefit of a greater chance in our favor; and that calculation of chances which is grounded on the great natural principles of truth and fitness is of all others the most likely to come out right.

1. No laws of any State whatever which do not carry in them a force which extends to their effectual and final execution can afford a certain or sufficient security to the subject; this is too plain to need any proof.

2. Laws or ordinances of any kind (especially of august bodies of high dignity and consequence) which fail of execution are much worse than none; they weaken the government, expose it to contempt, destroy the confidence of all men, natives and foreigners, in it, and expose both aggregate bodies and individuals, who have placed confidence in it, to many ruinous disappointments which they would have escaped had no law or ordinance been made; therefore,

3. To appoint a Congress with powers to do all acts necessary for the support and uses of the Union, and at the same time to leave all the States at liberty to obey them or not with impunity, is, in every view, the grossest absurdity, worse than a state of nature without any supreme authority at all, and at best a ridiculous effort of childish nonsense; and of course,

4. Every State in the Union is under the highest obligation to obey the supreme authority of the whole, and in the highest degree amenable to it, and subject to the highest censure for disobedience—yet, all this notwithstanding, I think the soul that sins shall die, i. e., the censure of the great supreme power ought to be so directed, if possible, as to light on those persons who have betrayed their country and exposed it to dissolution, by opposing and rejecting that supreme authority, which is the band of our Union and from whence proceeds the principal strength and energy of our Government.

I therefore propose that every person whatever, whether in public or private character, who shall, by public vote or overt act, disobey the supreme authority shall be amenable to Congress, shall be summoned and compelled to appear before Congress, and, on due conviction, suffer such fine, imprisonment, or other punishment as the supreme authority shall judge requisite.

It may be objected here that this will make a member of assembly accountable to Congress for his vote in assembly; I answer, it does so in this only case, viz, when that vote is to disobey the supreme authority; no member of assembly can have right to give such a vote, and therefore ought to be punished for so doing. When the supreme authority is disobeyed, the Government must lose its energy and effect, and of course the empire must be shaken to its very foundation.

A government which is but half executed, or whose operations may all be stopped by a single vote, is the most dangerous of all institutions. See the present Poland and ancient Greece buried in ruins in consequence of this fatal error in their policy. A government which has not energy and effect can never afford protection or security to its subjects, i. e., must ever be ineffectual to its own ends.

I can not, therefore, admit that the great ends of our Union should lie at the mercy of a single State, or that the energy of our Government should be checked by a single disobedience, or that such disobedience should ever be sheltered from censure and punishment; the consequences are too capital, too fatal, to be admitted. Even though I know very well that a supreme authority, with all its dignity and im-

portance, is subject to passions like other lesser powers, that they may be and often are heated, violent, oppressive, and very tyrannical; yet I know also that perfection is not to be hoped for in this life, and we must take all institutions with their natural defects or reject them altogether; I will guard against these abuses of power as far as possible, but I can not give up all government, or destroy its necessary energy, for fear of these abuses.

But to fence them out as far as possible, and to give the States as great a check upon the supreme authority as can consist with its necessary energy and effect, I propose that any State may petition Congress to repeal any law or decision which they have made; and if more than half the States do this, the law or decision shall be repealed, let its nature or importance be however great, excepting only such acts as create funds for the public credit, which shall never be repealed till their end is effected, or other funds equally effectual are substituted in their place; but Congress shall not be obliged to repeal any of these acts so petitioned against till they have time to lay the reasons of such acts before such petitioning States and to receive their answer; because such petitions may arise from sudden heats, popular prejudices, or the publication of matters false in fact, and may require time and means of cool reflection and the fullest information before the final decision is made; but if after all more than half of the States persist in their demand of a repeal, it shall take place.

The reason is the uneasiness of a majority of States affords a strong presumption that the act is wrong, for uneasiness arises much more frequently from wrong than right; but if the act was good and right, it would still be better to repeal and lose it than to force the execution of it against the opinion of a major part of the States; and, lastly, if every act of Congress is subject to this repeal, Congress itself will have stronger inducement not only to examine well the several acts under their consideration, but also to communicate the reasons of them to the States, than they would have if their simple vote gave the final stamp of irrevocable authority to their acts.

Further, I propose that if the execution of any act or order of the supreme authority shall be opposed by force in any of the States (which God forbid), it shall be lawful for Congress to send into such State a sufficient force to suppress it.

On the whole, I take it that the very existence and use of our Union essentially depends on the full energy and final effect of the laws made to support it; and therefore I sacrifice all other considerations to this energy and effect; and if our Union is not worth this purchase, we must give it up—the nature of the thing does not admit of any other alternative.

I do contend that our Union is worth this purchase; with it every individual rests secure under its protection against foreign or domestic insult and oppression; without it we can have no security against the oppression, insult, and invasion of foreign powers, for no single State is of importance enough to be an object of treaty with them, nor, if it was, could it bear the expense of such treaties or support any character or respect in a dissevered state, but must lose all respectability among the nations abroad.

We have a very extensive trade, which can not be carried on with security and advantage without treaties of commerce and alliance with foreign nations.

We have an extensive western territory, which can not otherwise be defended against the invasion of foreign nations bordering on our frontiers, who will cover it with their own inhabitants and we shall lose it forever, and our extent of empire be thereby restrained, and, what is worse, their numerous posterity will in future time drive ours into the sea, as the Goths and Vandals formerly conquered the Romans in like circumstances, unless we have the force of the union to repel such invasions. We have, without the union, no security against the inroads and wars of one State upon another, by which our wealth and strength, as well as ease and comfort, will be devoured by enemies growing out of our own bowels.

I conclude, then, that our Union is not only of the most essential consequence to the well-being of the States in general, but that of every individual citizen of them, and, of course, ought to be supported and made as useful and safe as possible by a constitution which admits that full energy and final effect of government which alone can secure its great ends and uses.

In a dissertation of this sort, I would not wish to descend to minutiæ, yet there are some small matters which have important consequences, and therefore ought to be noticed. It is necessary that Congress should have all usual and necessary powers of self-preservation and order, e. g., to imprison for contempt, insult, or interruption, etc., and to expel their own Members for due causes, among which I would rank that of nonattendance on the House or partial attendance, without such excuse as shall satisfy the House.

Where there is such vast authority and trust devolved on Congress, and the grand and most important interests of the empire rest on their decisions, it appears to me highly unreasonable that we should suffer their august consultations to be suspended or their dignity, authority, and influence lessened by the idleness, neglect, and nonattendance of its Members, for we know the acts of a thin House do not usually carry with them the same degree of weight and respect as those of a full House.

Besides, I think when a man is deputed a Delegate in Congress and has undertaken the business, the whole empire becomes, of course, possessed of a right to his best and constant services, which if any Member refuses or neglects, the empire is injured and ought to resent the injury, at least so far as to expel and send him home, that so his place may be better supplied.

I have one argument in favor of my whole plan, viz, it is so formed that no men of dull intellects, or small knowledge, or of habits too idle for constant attendance or close and steady attention, can do the business with any tolerable degree of respectability, nor can they find either honor, profit, or satisfaction in being there, and, of course, I could wish that the choice of the electors might never fall on such a man, or, if it should, that he might have sense enough (of pain, at least, if not of shame) to decline his acceptance.

For, after all that can be done, I do not think that a good administration depends wholly on a good constitution and good laws, for insufficient or bad men will always make bad work and a bad administration, let the Constitution and laws be ever so good. The management of able, faithful, and upright men alone can cause an administration to brighten and the dignity and wisdom of an empire to rise into respect, make truth the line and measure of public decision, give weight and authority to the government, and security and peace to the subject.

We now hope that we are on the close of a war of mighty effort and great distress against the greatest power on earth, whetted into the most keen resentment and savage fierceness which can be excited by wounded pride, and which usually rises higher between brother and brother offended than between strangers in contest. Twelve of the thirteen United States have felt the actual and cruel invasions of the enemy, and eleven of our capitals have been under their power, first or last, during the dreadful conflict; but a good Providence, our own virtue and firmness, and the help of our friends have enabled us to rise superior to all the power of our adversaries and make them seek to be at peace with us.

During the extreme pressure of the war, indeed, many errors in our administration have been committed when we could not have experience and time for reflection to make us wise, but these will easily be excused, forgiven, and forgotten if we can now, while at leisure, find virtue, wisdom, and foresight enough to correct them and form such establishments as shall secure the great ends of our Union and give dignity, force, utility, and permanency to our empire.

It is a pity we should lose the honor and blessings which have cost us so dear for want of wisdom and firmness in measures which are essential to our preservation. It is now at our option, either to fall back into our original atoms or form such a union as shall command the respect of the world and give honor and security to our people.

This vast subject lies with mighty weight on my mind and I have bestowed on it my utmost attention, and here offer the public the best thoughts and sentiments I am master of. I have confined myself in this dissertation entirely to the nature, reason, and truth of my subject, without once adverting to the reception it might meet with from men of different prejudices or interests. To find the truth, not to carry a point, has been my object.

I have not the vanity to imagine that my sentiments may be adopted. I shall have all the reward I wish or expect if my dissertation shall throw any light on the great subject, shall excite an emulation of inquiry, and animate some abler genius to form a plan of greater perfection, less objectionable, and more useful.

Notes appended by Pelatiah Webster to the republication made at Philadelphia in 1791.

NOTE 1.

1. Forming a plan of confederation, or a system of general government of the United States, engrossed the attention of Congress from the Declaration of Independence, July 4, 1776, till the same was completed by Congress, July 9, 1778, and recommended to the several States for ratification, which finally took place March 1, 1781, from which time the said confederation was considered as the grand Constitution of the General Government and the whole administration was conformed to it.

And as it had stood the test of discussion in Congress for two years before they completed and adopted it and in all the States for three years more before it was finally ratified, one would have thought that it must have been a very finished and perfect plan of government.

But on trial of it in practice it was found to be extremely weak, defective, totally inefficient, and altogether inadequate to its great ends and purposes. For,

1. It blended the legislative and executive powers together in one body.
2. This body, viz, Congress, consisted of but one House, without any check upon their resolutions.
3. The powers of Congress in very few instances were definitive and final; in the most important articles of government they could do no more than recommend to the several States, the consent of every one of which was necessary to give legal sanction to any act so recommended.
4. They could assess and levy no taxes.
5. They could institute and execute no punishments, except in the military department.
6. They had no power of deciding or controlling the contentions and disputes of different States with each other.
7. They could not regulate the general trade; or,
8. Even make laws to secure either public treaties with foreign States, or the persons of public ambassadors, or to punish violations or injuries done to either of them.
9. They could institute no general judiciary powers.
10. They could regulate no public roads, canals, or inland navigation, etc.

And what caps all the rest was that (whilst under such an inefficient political constitution the only chance we had of any tolerable administration lay wholly in the prudence and wisdom of the men who happened to take the lead in our public councils) it was fatally provided by the absurd doctrine of rotation that if any Member of Congress by three years' experience and application had qualified himself to manage our public affairs with consistency and fitness that he should be constitutionally and absolutely rendered incapable of serving any longer till by three years' discontinuance he had pretty well lost the cue or train of the public councils and forgot the ideas and plans which made his service useful and important, and in the meantime his place should be supplied by a fresh man who had the whole matter to learn, and when he had learned it was to give place to another fresh man; and so on to the end of the chapter.

The sensible mind of the United States, by long experience of the fatal mischiefs of anarchy, or (which is about the same thing) of this ridiculous, inefficient form of government, began to apprehend that there was something wrong in our policy which ought to be redressed and mended; but nobody undertook to delineate the necessary amendments.

I was then pretty much at leisure, and was fully of opinion (though the sentiment at that time would not very well bear) that it would be ten times easier to form a new constitution than to mend the old one. I therefore sat myself down to sketch out the leading principles of that political constitution which I thought necessary to the preservation and happiness of the United States of America, which are comprised in this dissertation.

I hope the reader will please to consider that these are the original thoughts of a private individual, dictated by the nature of the subject only, long before the important theme became the great object of discussion in the most dignified and important assembly which ever sat or decided in America.

NOTE 2.

At the time when this dissertation was written (Feb. 16, 1783) the defects and insufficiency of the old Federal Constitution were universally felt and acknowledged; it was manifest not only that the internal police, justice, security, and peace of the States could never be preserved under it, but the finances and public credit would necessarily become so embarrassed, precarious, and void of support that

no public movement which depended on the revenue could be managed with any effectual certainty; but though the public mind was under full conviction of all these mischiefs and was contemplating a remedy, yet the public ideas were not at all concentrated, much less arranged into any new system or form of government which would obviate these evils. Under these circumstances I offered this dissertation to the public. How far the principles of it were adopted or rejected in the new Constitution which was four years afterwards (Sept. 17, 1787) formed by the general convention, and since ratified by all the States, is obvious to everyone.

I wish here to remark the great particulars of my plan which were rejected by the convention.

1. My plan was to keep the legislative and executive departments entirely distinct; the one to consist of the two Houses of Congress, the other to rest entirely in the grand council of state.

2. I proposed to introduce a chamber of commerce, to consist of merchants, who should be consulted by the legislature in all matters of trade and revenue, and which should have the conducting the revenue committed to them.

The first of these the convention qualified; the second they say nothing of—i. e., take no notice of it.

3. I proposed that the great officers of state should have the perusal of all bills before they were enacted into laws, and should be required to give their opinion of them, as far as they affected the public interest in their several departments; which report of them Congress should cause to be read in their respective Houses, and entered on their minutes. This is passed over without notice.

4. I proposed that all public officers appointed by the executive authority should be amenable both to them and to the legislative power, and removable for just cause by either of them. This is qualified by the convention.

And inasmuch as my sentiments in these respects were either qualified or totally neglected by the convention, I suppose they were wrong; however, the whole matter is submitted to the politicians of the present age and to our posterity in future.

In sundry other things the convention have gone into minutiæ—e. g., respecting elections of President, Senators, and Representatives in Congress, etc., which I proposed to leave at large to the wisdom and discretion of Congress and of the several States.

Great reasons may doubtless be assigned for their decision, and perhaps some little ones for mine. Time, the great arbiter of all human plans, may after a while give his decision; but neither the convention nor myself will probably live to feel either the exultation or mortification of his approbation or disapprobation of either of our plans.

But if any of these questions should in future time become objects of discussion, neither the vast dignity of the convention nor the low, unnoticed state of myself will be at all considered in the debates; the merits of the matter and the interests connected with or arising out of it will alone dictate the decision.

Humbly presented by HANNIS TAYLOR.

REPORTS OF COMMITTEES.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 6783) to establish a fish-cultural station in the State of Nevada, reported it without amendment, and submitted a report (No. 599) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the amendment submitted by himself on the 1st instant relative to fees of jurors and witnesses in the United States courts, including commissioners' courts, in the States of Wyoming, Montana, Washington, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

PUBLIC BUILDING AT NEW HAVEN, CONN.

Mr. HEYBURN. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6616) to authorize the extension, enlargement, and alteration of the public building in the city of New Haven, Conn., to report it favorably without amendment, and I submit a report (No. 600) thereon.

Mr. BRANDEGEE. This is a very short bill, and I ask for its present consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to cause the public building in the city of New Haven, Conn., now used for a post-office, and for other purposes, to be enlarged, extended, or remodeled at a cost to the United States of not to exceed $50,000, including all necessary changes in, additions thereto, alterations thereof, and repairs to the present building, and of the heating and plumbing systems therein, and drainage and approaches thereto, which may be incident to such extension and enlargement or remodeling of the building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 6942) to make Muskegon, in the State of Michigan, a subport of entry, and for other purposes, which was read twice by its title and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 6943) authorizing the Secretary of War to bestow a medal of honor upon Gen. Archie C. Fisk, United States Volunteers, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. STEPHENSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6944) granting an increase of pension to Stephen S. Joyce; and

A bill (S. 6945) granting an increase of pension to Robert B. Longstaff.

He also introduced a bill (S. 6946) providing for the adjustment of the claims of the Wisconsin band of Pottawatomie Indians for annuities and other moneys under treaty stipulations, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6947) to provide for the purchase of a site and the erection of a public building thereon at Milwaukee, Wis., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. PAYNTER introduced a bill (S. 6948) for the relief of the estate of Richard Pemberton, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BACON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6949) for the relief of the estate of Alfred Austell, deceased; and

A bill (S. 6950) for the relief of the estate of Edward W. Munday, deceased.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6951) to increase the pension of widows of soldiers and sailors of the late civil war, and to grant pensions to widows of such soldiers and sailors;

A bill (S. 6952) granting a pension to Catharine Madden; and

A bill (S. 6953) granting an increase of pension to Lewis Thomas.

He also introduced a bill (S. 6954) for the relief of Elizabeth Jane Bruce and others, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. CARTER introduced a bill (S. 6955) providing for the purchase of the land on which the Census Office is situated, in Washington, D. C., which was read twice by its title and, with the accompanying paper, which was ordered to be printed, referred to the Committee on the Census.

Mr. MARTIN introduced a bill (S. 6956) granting a pension to Claudia D. Blakeman, which was read twice by its title and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 6957) to repave Nineteenth street NW. from Pennsylvania avenue to N street, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. FRYE introduced a bill (S. 6958) to provide for private signals at sea, which was read twice by its title and referred to the Committee on Commerce.

Mr. LODGE introduced a bill (S. 6959) to provide for the purchase of building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy of the United States, which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. FORAKER introduced a bill (S. 6960) authorizing the President to appoint Rudolph Ullmer first lieutenant on the retired list, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6961) granting an increase of pension to Israel O. Gaskell;

A bill (S. 6962) granting an increase of pension to Joshua Dewees;

A bill (S. 6963) granting an increase of pension to Mary A. Hartshorn; and

A bill (S. 6964) granting an increase of pension to John P. Lacey.

Mr. NEWLANDS introduced a bill (S. 6965) granting a pension to Nathan F. Barrett, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FULTON submitted an amendment authorizing the Secretary of the Interior to advertise for and receive bids for the care and custody of persons legally adjudged insane in the District of Alaska, etc., intended to be proposed by him to the

sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $400,000 for the purchase of building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the United States embassy, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

He also submitted an amendment proposing to appropriate $250,000 for the purchase of a site and the erection of suitable buildings thereon for an immigrant station at Boston, Mass., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $2,000 to be paid to the estate of the late Julius Jacobs in satisfaction of the loss of an equal sum taken by parties unknown from the vaults of the subtreasury at San Francisco, Cal., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $227,950 for the erection of barracks, quarters, and other buildings necessary for the accommodation of Coast Artillery troops for the modern fortifications at Fort Winfield Scott, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULLOM submitted an amendment relative to the enlargement of the reservation at Fort Sheridan, Ill., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $345,230 for the erection of barracks, quarters, and other buildings necessary for the accommodation of Coast Artillery troops for the modern fortifications at Fort Crockett, Tex., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. LODGE submitted an amendment proposing to appropriate $400,000 for the purchase of building and grounds, or of a site and the erection of a building thereon, in the city of Paris, France, for the use of the United States embassy, etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. STEPHENSON submitted an amendment proposing to appropriate $5,000 for the construction of a stone facing for the east wall of the Government building at Green Bay, Wis., intended to be proposed by him to the omnibus public buildings bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. HALE submitted an amendment intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

Mr. LONG submitted an amendment intended to be proposed by him to the House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

On motion of Mr. GALLINGER, it was

Ordered, That 500 additional copies of Senate Document No. 338, Sixtieth Congress, first session, "Report of the schoolhouse commission upon a general plan for the consolidation of public schools in the District of Columbia," be printed for the use of the Commissioners of the District of Columbia.

RELIEF OF STORM SUFFERERS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 173) for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana on April 24, 1908, which was read the first time by its title.

Mr. MONEY. I ask unanimous consent for the present consideration of the joint resolution. It involves a matter of great urgency.

The VICE-PRESIDENT. The joint resolution will be read at length for the information of the Senate.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to procure, in open market or otherwise, subsistence and quartermaster supplies, medicines, and medical aid, in addition to such supplies belonging to the military establishment and available, and issue same to such destitute persons as have been rendered homeless or are in needy circumstances as the result of the cyclone which occurred April 24, 1908, in the States of Georgia, Alabama, Mississippi, and Louisiana, and in executing this joint resolution is directed to cooperate with the authorities of the said States.

SEC. 2. That to enable the Secretary of War to execute the provisions of this joint resolution and of the joint resolution on the same subject adopted April 27, 1908, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, to be expended under the direction and in the discretion of the Secretary of War.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. M. C. LATTA, one of his secretaries, announced that the President had, on May 2, approved and signed the following act:

S. 5126. An act to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The morning business is closed.

Mr. BULKELEY. In accordance with the notice which I gave several days ago I ask to have Senate bill 5729 laid before the Senate.

The VICE-PRESIDENT. The Senator from Connecticut asks for the present consideration of a bill, which will be read by title.

The SECRETARY. A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. BULKELEY. Mr. President, the duties imposed upon the Committee on Military Affairs under the terms of the resolution instructing that committee to investigate the affray at Brownsville, Tex., on the night of August 13–14, 1906, were of an exceptional character. The conclusions of such investigation involved not only the honor of the Army, but the good character, both as men and soldiers, of all the men of the battalion of the Twenty-fifth Infantry stationed at Fort Brown, Tex. (companies B, C, and D), but collaterally the four regiments of colored troops of the United States Army, of which those companies whose conduct is now in question have become the prominent representatives, and by whose conduct, in a measure, the future status of the colored soldier in the Army of the United States is to be determined.

The committee entered upon this investigation with a determination, if possible, to probe all the circumstances connected with the affray; to elicit all the facts so far as they could be ascertained; to obtain all the evidence, both direct and circumstantial, that would enable the committee to identify the guilty participants, whether soldiers or others possibly guilty, and have performed all these duties with which they were intrusted, and have gathered and reported all the evidence now obtainable. I am of the opinion that a visit by the committee to the scene of the affray and a personal inspection of the military post of Fort Brown, the city of Brownsville, and the surrounding country, an examination on the ground of all conditions there prevailing, both by day as well as by night, would have greatly aided the committee in drawing just and fair conclusions from the mass of evidence submitted for consideration. All the preliminary investigations upon which the order of the President dismissing the troops from the Army appear, from the records, to have been instituted on the theory that the men of the battalion stationed at Fort Brown were guilty participants in the affray. See orders General Garlington (p. 109, S. Doc. 155):

The President directs that you proceed to the places named in the accompanying letter and endeavor to secure information that will lead to the apprehension and punishment of the men of the Twenty-fifth In-

fantry believed to have participated in the riotous disturbance which occurred in Brownsville, Tex., on the night of the 13th of August, 1906. * * * And in this connection the President further authorizes you to make known to those concerned that unless such enlisted men of the Twenty-fifth Infantry as may have knowledge of the facts relating to the shooting, killing, and riotous conduct on the part of the men with the organizations serving at Fort Brown, Tex., on the night of August 13, 1906, report to you such facts and all the circumstances within their knowledge which will assist in apprehending the guilty parties, orders will be issued from the War Department discharging every man in Companies B, C, and D of the Twenty-fifth Infantry without honor, etc.

Mr. BURROWS. To whom was the order issued?

Mr. BULKELEY. To Major Blocksom. The investigation of the citizens' committee appointed the day after the affray in Brownsville from the inquiries instituted indicate the same thought; and I will read a question and answer that were propounded not only to one but to almost every witness who was called before the committee.

Investigation by citizens' committee, page 82, Senate Document No. 155:

Q. We are inquiring into the matter of last night, with a view to ascertaining who the guilty parties are. We know they were negro soldiers.

Page 85:

Q. You know the object of this meeting. We know that this outrage was committed by negro soldiers. We want any information that will lead to a discovery of whoever did it.

Page 110: Orders to Lieutenant-Colonel Lovering, September 24, 1906:

SIR: By direction of the division commander, I inclose you herewith the affidavits of * * * with reference to certain troubles which occurred at Brownsville, Tex., between soldiers of the Twenty-fifth Infantry and civilians.

Hearings, part 2, page 11: Report of Major Blocksom and M. D. Purdy, assistant to the Attorney-General:

1. Testimony with reference to the assembling of the soldiers, the shooting from the barracks behind the garrison wall, the climbing over the garrison wall, and the shooting into the houses on the Garrison road, etc.

Page 162, part 2: Affidavit of Major Blocksom:

* * * I am a major and inspector-general in the United States Army; that on the 22d day of December, 1906, I was duly authorized and directed by the Secretary of War, through the proper official channels, to go to Brownsville and other places in the State of Texas, for the purpose of investigating the shooting affray committed in the city of Brownsville on the night of the 13th of August, 1906, in which it was alleged that certain members of Companies B, C, and D of the Twenty-fifth Infantry were implicated, etc.

I have been particular to recall all the orders issued on which this order of dismissal was founded, including some extracts from the proceedings of the citizens' committee to verify my conclusions—that up to the commencement of the investigation by the Senate Committee on Military Affairs it was practically assumed by the military, executive, and civil authorities that the troops, or some of them, were guilty of the "shooting up of the town," notwithstanding their persistent denial on all occasions of participation in the affray or any knowledge of parties engaged in the murderous raid—such protestations of innocence and lack of knowledge were at once construed as sufficient evidence of an additional crime, "a conspiracy of silence" to shield the guilty ones, of whom, it was assumed, they must necessarily have knowledge. I have never had called to my attention, Mr. President, in view of the testimony submitted to your committee, a more relentless pursuit of men accused of crime without an opportunity to be heard in their own defense, except to protest their innocence, or guilty knowledge which was at once construed as I have before indicated. It seems to me, Mr. President, that up to the time of the investigation by your committee the elementary principle of the criminal law as laid down by the Supreme Court of the United States has been, unwittingly perhaps, violated. I venture, as a layman, to quote:

The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law. (156 U. S., 453.)

And in the same case:

A reasonable doubt, as that term is employed in the administration of the criminal law, is an honest, substantial misgiving, generated by the proof or the want of it. It is such a state of the proof as fails to convince your judgment and conscience and satisfy your reason of the guilt of the accused.

And in 155 United States, page 439, Justice Brewer says:

In a criminal trial the burden of proof is on the Government, and the defendant is entitled to the benefit of a reasonable doubt; and when testimony contradictory or explanatory is introduced by the defendant, it becomes a part of the burden resting upon the Government to make the case so clear that there is no reasonable doubt as to the inferences and presumptions claimed to flow from the evidence.

This prosecution up to this point, Mr. President, might more rightfully be called a "persecution," for up to the hour of their dismissal these troops had never been given the opportunity of a hearing, either in a civil or a military court, if I except the proceedings before the grand jury of Cameron County, in which they could not participate and which resulted in a failure to find an indictment against the soldiers under arrest and selected by Captain McDonald, of the Texas Rangers, as those most likely to have been participants in the affray. In fact, Mr. President, I am bound to say that in all these preliminary proceedings, and continued down through your committee's investigation, there seemed an earnest desire on the part of every department of the Government connected with the military establishment to establish the justness and integrity of the orders of dismissal, rather than to accord to these men the "presumption of innocence" or the benefit of "a reasonable doubt" of their guilt.

For nearly two years these soldiers of our Army, with otherwise an untarnished record, have borne the odium of accusation and the disgrace of dismissal from the Army without honor uncomplainingly, enduring all these months confinement to post, additional and onerous military duties, both by day and night, in an effort to extort an admission of guilt, satisfied that time would disclose the real perpetrators of the great crime with which they were charged; that their good character as soldiers, and in civil life since their forced retirement from the Army, would win for them that measure of justice to which they feel they are entitled.

At this point, Mr. President, in view of what I have already said and in reply to the earnest appeal and timely suggestion of the Senator from Idaho, in which I heartily concur, that—

It is our duty to say to the people of this country that the party which gave the colored man his freedom will also teach him that this Government can only be preserved by observing the law.

To this warning to the negro I would add that in the administration of the law by executive, judicial, or administrative authority the citizen and the soldier is equally entitled to its observance and protection. It seems to me proper before proceeding to a discussion of the evidence in this case to review for a moment the claimed authority of law on which the dismissal of the soldiers of the Twenty-fifth Infantry is founded:

The fourth article of war, regulating the separation of an enlisted man from the military service, reads as follows:

"ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge, in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial."

The authority for a discharge from the military service is vested in a field officer of a regiment to which the enlisted man belongs or by the commanding officer when no field officer is present, and this power is limited only to the case of an enlisted man discharged before his term of service has expired, when the discharge must be issued by the same officer, upon the approval or order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court-martial. It is evident from the wording of this fourth article that it was intended, and the practice and precedents in the Army would lead to the conclusion, that, in the case of individual enlisted men, the high reviewing officers named in article 4—the President, Secretary of War, or the commanding officer—were to decide finally on the propriety of the separation of the soldier from the service prior to the expiration of his enlistment, and on the approval of the officer named the usual official named in article 4 issued the discharge. It conferred no powers, except of final review and approval, upon the President, Secretary of War, or any other official, except that the sentence of the court-martial might terminate the service prior to the expiration of the term of service. For the protection of the soldier paragraph 146 of the Army Regulations provides:

146. The character given on a discharge will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier. If the soldier's service has been honest and faithful, he will be entitled to such character as will warrant his reenlistment—that is, to character at least "good." Where the company commender deems the service not honest and faithful, he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the commanding officer, who will in every such case convene a board of officers—three, if practicable—to determine whether the soldier's service has been honest and faithful. The soldier will in every case be given a hearing before the board.

If the company commander is the commanding officer, he will report the facts to the next higher commander, who will convene the board. The finding of the board, when approved by the convening authority, shall be final. Discharge without honor on account of "service not honest and faithful" will be given only on the approved finding of a board of officers, as herein prescribed.

When an honorable discharge is given, following the action of the board, the fact will be noted on the discharge and on the muster rolls.

The proceedings of boards convened under this paragraph, showing all the facts pertinent to the inquiry, will be forwarded by the reviewing authority direct to the military secretary of the Army.

In the case of these soldiers none of the precautions provided by this article of war appear to have been complied with. The provision of paragraph 146 of the Army Regulations—

The soldier will in every case be given a hearing before the board—

provided for in the article cited, and without whose approval no discharge without honor could be issued—

Discharge without honor on account of "service not honest and faithful" will be given only on the approved finding of a board of officers, as herein prescribed—

was most certainly disregarded; it is not claimed that any such action was taken or forwarded to The Military Secretary of the Army by the reviewing authority, as required. No court-martial was ever held to try these soldiers for the offense with which they were charged, and which, if committed by them at all, was certainly of the gravest and most serious character and subject to the cognizance of either military or civil authority, as described in the opinion of the Judge-Advocate-General addressed to the Secretary of War under date of November 23, 1906 (S. Doc. 155):

If a soldier commits an offense of so serious a character as to warrant his discharge by way of punishment, charges are preferred and the case is tried by a general court-martial.

These soldiers were never allowed the benefits of either a hearing before the board of review, provided, or a trial before a general court-martial, at which they could appear and be heard, before their enforced dismissal and separation from the Army.

It is true that charges were preferred under the sixty-second article of war against the men of the Twenty-fifth Infantry (twelve in all), selected by Captain McDonald, of the Texas Rangers. I quote the charge and specification in the case of Sergt. George Jackson, of which similar charges and specifications were filed against each of the twelve men:

Charge and specification preferred against Sergt. George Jackson, Company B, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war.

Specification.—In that Sergt. George Jackson, Company B, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,
First Lieutenant, Battalion Adjutant, Twenty-sixth Infantry, Officer Preferring Charge.

Witnesses: Sergt. James R. Reid, Company B; private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.

In confinement since August 25, 1906.

Rate of pay: $23 per month.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., *August 28, 1906.*

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,
Major, Twenty-sixth Infantry, Commanding.

And for whom warrants were issued by the civil authority—Judge Welch, one of the district court—but for what purpose? Avowedly and only as the sufficient answer to the demands of the sheriff of Cameron County for the surrender of these men to the civil authorities—that they were held to answer for a military offense, and for the further reason that authorities both at Washington and at Fort Brown did not believe that these men would receive fair treatment from citizens or authorities.

I quote now, for I think it is important as showing the situation there, from official documents, and all my quotations with a single exception during my discussion of this subject will be from the documents presented with the reports of your committee and now on the files of the Senate. I quote from the official record, Senate Document 155, page 46:

[Telegram.]

CAMP MABRY,
Austin, Tex., August 23, 1906.

MILITARY SECRETARY,
War Department, Washington, D. C.:

Following telegrams received from Brownsville this date:

ADJUTANT-GENERAL, CAMP MABRY,
Austin, Tex.:

Have placed 3 sergeants, 3 corporals, and 6 privates in confinement in guardhouse here on warrants issued by Judge Wells, of charge of murder, conspiring to murder, etc., to be kept in confinement until required by judge. I do not believe these men will have unbiased trial here. An effort, in my opinion, should be made to have them tried elsewhere. I also fear for their safety if turned over to civil authorities, in case of mob violence, although authorities assure absolute protection. Feeling here still very bitter. Request opinion on my action.

PENROSE, *Commanding.*

BROWNSVILLE, TEX., *August 23.*

CHIEF OF STAFF, CAMP MABRY,
Austin, Tex.:

Battalion Twenty-fifth will probably get away to-night. Warrants have been issued for murder, conspiracy to murder, etc., against 3 sergeants, 3 corporals, 6 privates, and 1 ex-soldier. They will be turned over to post commander—Captain Preston, Twenty-sixth Infantry—for safe-keeping, and placed in post guardhouse until required by district judge. Don't know when this will be; probably early part of next month; possibly earlier. Authorities pledge themselves able to keep prisoners from violence. Feeling here high.

BLOCKSOM, *Major.*

In view of the excited state of feeling among citizens at Brownsville, I recommend that the Department of Justice be asked to take immediate steps for proper defense of these men, and that a change of venue be secured to some locality not affected by local excitement. I do not believe that the lives of these men will be safe if they are turned over to the civil authorities at Brownsville, nor will their witnesses be safe if sent back to that place. In view of present feeling, action looking to the immediate transfer of these men to another place of confinement pending trial is urged.

MCCASKEY,
Brigadier-General, Commanding.

[Telegram.]

CAMP MABRY,
Austin, Tex., August 23, 1906.

MILITARY SECRETARY,
War Department, Washington, D. C.:

Following received:

BROWNSVILLE, *August 23.*

MILITARY SECRETARY, DEPARTMENT OF TEXAS:

One corporal, 2 privates, my company (D), ordered placed arrest and left here in connection shooting of August 13. I believe these men absolutely innocent, and do not believe will receive fair treatment from citizens and authorities. Request these men sent in arrest with company, to be tried before impartial tribunal, or that capable officer detained here care for their interests.

LYON.

MCCASKEY,
Brigadier-General, Commanding.

As I have before suggested, the reason why these charges were preferred under the sixty-second article of war are set forth in the letter of General Ainsworth, The Military Secretary here at Washington, now the Adjutant-General, under date of August 25.

Page 54:

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,
Washington, August 25, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS.
San Antonio, Tex.:

Confidential. After conference between Acting Attorney-General and Acting Judge-Advocate-General, it has been decided that enlisted men of battalion of Twenty-fifth Infantry en route to Fort Reno must be held without privileges and under strict surveillance as being in military custody either as offenders or witnesses in Brownsville case; also that if attempt is made by State authorities to serve additional process against individual soldiers of said battalion as offenders or witnesses the men must not be surrendered, but return to process must be made in each case to the effect that soldier is in military custody, and that as military jurisdiction has already attached compliance with process must be deferred. If you can reach battalion commander by wire, direct him to take this course should occasion arise, and act accordingly yourself, if necessary.

By order Acting Secretary of War:

AINSWORTH,
The Military Secretary.

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[Inclosure.—Telegram.]

THE MILITARY SECRETARY'S OFFICE,
Washington, August 27, 1906.

THE COMMANDING GENERAL, DEPARTMENT OF TEXAS,
San Antonio, Tex.:

The action of the State judge in vacating warrants already issued against accused soldiers of Twenty-fifth Infantry now detained at Fort Sam Houston, Tex., as reported in your telegram of August 26, leaves no charges pending against these soldiers. You will therefore cause military charges to be formally preferred against said soldiers under sixty-second article of war, alleging participation, either directly or by way of conspiracy, or both, in Brownsville disturbance. Orders for trial on said charges must not issue until investigation now under way is completed and acted upon here. Should new warrants issue by State authorities for said accused soldiers, or should they make demand upon you for the surrender of said soldiers for trial by State courts, make return thereto in each case that soldiers are now held in military custody for trial for the military offenses involved in their alleged participation in Brownsville disturbance and that compliance with State process must be deferred, and report your action to The Military Secretary.

Instruct commanding officer, Fort Reno, to hold all soldiers of the three companies of Twenty-fifth Infantry at his post as witnesses in military investigation now proceeding of Brownsville disturbance and in

military trials which may result therefrom; also to place in confinement such soldiers of these companies as there is reasonable evidence to believe implicated in said disturbance, either directly or by way of conspiracy, or both, and to prefer formal charges against said soldiers under the sixty-second article of war. Orders for trial on such charges must not issue until investigation now under way is completed and acted upon here. Should attempt be made by State authorities to serve additional warrants or subpœnas at Fort Reno, instruct commanding officer to make return thereto that the soldiers are held by military authorities for trial for military offenses involved in their alleged participation in Brownsville disturbance, or as witnesses in such trials, and that compliance with State process must for the present be deferred.

By order Acting Secretary of War:

AINSWORTH,
The Military Secretary.

(Copy to the Department of Justice, August 28, 1906.)

Page 51:

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,
Washington, August 24, 1906.

COMMANDING GENERAL, DEPARTMENT OF TEXAS,
Camp Mabry, Austin, Tex.:

Confidential. Following telegram just sent to commanding officer, Fort Brown, Tex., where battalion of Twenty-fifth Infantry has been held since morning:

Confidential. All men of Twenty-fifth Infantry who are now in custody of military authorities, including those for whom warrants have been issued by civil authorities, will be sent immediately with battalion to Fort Sam Houston and delivered to military authorities there. They will be held there until they can be turned over safely to civil authorities. Battalion will remain at Fort Sam Houston until sufficient white troops reach there to guard and protect prisoners. Battalion will then proceed immediately to Fort Reno. This movement of accused men should not be announced in advance, and should be made so as to avoid attracting attention or bringing on conflict with civil authorities. There is no intention of taking these men beyond jurisdiction of State of Texas or of withholding them from civil authorities a moment beyond time when they can be turned over safely. It is not believed safe to leave them at Fort Brown, as the one company to be left there is insufficient to do work of shipping property and supplies and at same time guard prisoners so as to prevent their escape or protect them if need be. You can make this explanation if it becomes necessary. The President himself directs the action herein ordered. You are authorized to make all necessary arrangements with railroad companies without referring matter to higher authority, and to arrange for holding train at San Antonio for reembarkation of battalion. Make movement quietly and discreetly. By all means avoid conflict if possible, but see that accused men and battalion are protected from violence during movement. Instructions have been wired to department commander, if possible, to have troops meet your train at San Antonio and relieve you of accused men, so that you can proceed direct to Fort Reno. Communicate with Department commander at Camp Mabry, if possible. Start your movement at earliest possible moment.

By order Acting Secretary of War:

AINSWORTH,
The Military Secretary.

Pages 95–96:

OFFICE OF UNITED STATES ATTORNEY,
SOUTHERN DISTRICT OF TEXAS,
Laredo, Tex., September 6, 1906.

Hon. WM. H. MOODY,
Attorney-General, Washington, D. C.

SIR: I beg leave to submit the following report covering my investigations in the matter of the negro soldiers at Brownsville, Tex.:

August 28, ultimo, I received a telegram from United States Attorney McLemore requesting me to go at once to Brownsville, Tex., "consult with military and civil authorities and report in detail situation and facts whether in your opinion accused soldiers can now get fair trial at Brownsville and be afforded protection by civil authorities against mob violence; if not whether civil authorities will consent to change of venue, * * * report to Attorney-General." I immediately started for Brownsville via Monterey and Matamoros, Mexico, being the quickest route. I was fortunate on my journey to encounter several prominent persons who had been in Brownsville the night of the trouble with the negroes and afterward. In order to arrive at an opinion of the feeling and conditions existing in Brownsville, I began a series of questions with them as well as others I met who could give me information on these points. After arrival in Brownsville I interrogated and consulted the military officer making an inspection for the War Department, Major Blastock [Blocksom], county judge, mayor of Brownsville, chairman of the Citizens' Protection Committee, ex-district judge, collector of customs, inspector of customs, and citizens generally, poor, rich, and indifferent races, endeavoring, as nearly as possible, to feel the pulse of the entire body corporate, and judge of the sentiment existing.

Mr. FORAKER. I ask the Senator if it is not true that in an official report made by Major Blocksom he also expressed the opinion that there could not be a fair trial in Brownsville?

Mr. BULKELEY. I think you will find that in the record. I do not happen to have it among my quotations, but I want to quote a few words from the assistant United States attorney, to whom this question was submited by the military authorities. Assistant United States Attorney Hamilton continues:

I found the officials, and with very few exceptions all the citizens, most frank and courteous in expressing their views and opinions on the matter, and I had no difficulty in determining that such a prejudice existed against the accused negro soldiers that a fair trial or any trial could not be obtained in Cameron County. In fact, some of the best citizens expressed the wish that the soldiers might not be returned to Brownsville even for a trial, as they feared that, although the citizens had acted with the greatest prudence hitherto and refrained from any violence toward the soldiers, some firebrand might start trouble, and, once commenced, no telling where it might end. I also consulted with the State district judge and district attorney. They agreed that it would be impossible to try the case in Cameron County, and the judge gave me to understand that the cases, if any indictment were found, would be transferred to some county free from prejudice, possibly Nueces. In going over the evidence with the officials we were impressed with the difficulty of identifying any of the culprits, and there is great likelihood that no indictments can be found. The governor of Texas has offered a reward of $500 for evidence leading to the conviction of the guilty ones, but it has produced no evidence thus far. My telegram to you from Brownsville covered this matter briefly. As to mob violence, I believe the hot-heads were governed by the prudence of the best counsel to refrain from any overt act, but that this was brought about mainly by the fact that there was a battalion of soldiers that would have to be overcome to reach the accused, I think, can be little doubted.

Were the accused to be taken back to Brownsville for trial, should indictments be found, and such trial result in an acquittal, I fear, unless the accused were well guarded, there might be trouble before they could reach a place of safety. The city of Brownsville, without doubt, has suffered a terrible and unreasonable attack by soldiers, who should have acted just the opposite in affording them protection, and they are righteously indignant. As my instructions did not include a finding of the facts concerning the attack and the crime committed, I presume it is not desired. If, however, details of the attack and facts connected are desired, they can readily be had from the War Department from Inspector-General, as Major Blastock [Blocksom] and I know that he was very careful in gathering an unbiased mass of information and facts.

The chances are that unless the soldiers clean up their own quarters or turn State's evidence no conviction can ever be had of the guilty who have caused the disturbance and trouble.

I trust that I have fully covered the information desired in this report, and have the honor of being,

Your obedient servant,

A. C. HAMILTON,
Assistant United States Attorney.

PRECEDENTS.

The records of the Regular Army fail to disclose any precedent for the discharge of a large body of enlisted men at one time, either prior to or at the end of their enlistment.

I quote from letter of The Military Secretary, General Ainsworth, under date of December 10, 1906, addressed to the Secretary of War:

No record of the summary discharge from the Regular Army, prior to the recent discharge of a battalion of the Twenty-fifth Infantry, of a considerable number of enlisted men at one time has been found.

Cases of the discharge of individual enlisted men without honor and without trial by court-martial are not infrequent. The official records show that during the fiscal year ended June 30, 1906, discharges without honor were ordered by the War Department, without trial by court-martial, in the cases of 352 enlisted men of the Regular Army. Of these 86 were discharged on account of "fraudulent enlistment," 113 on account of "desertion," 8 on account of "desertion and fraudulent enlistment," 107 on account of "imprisonment under sentence of civil court," and 38 on account of "having become disqualified for service through own misconduct."

I ask that the letter from which I have just quoted may be printed in full in the RECORD.

Pages 312–313, Senate Document 155:

MEMORANDUM FOR THE SECRETARY OF WAR.

The Secretary to the President, in a letter dated December 7, 1906, advises the Secretary of War that the President wishes him to "give him some instances, of which he knows there must be many, where the Department, the commanding generals of departments, or colonels of regiments have discharged men or mustered them out without honor in any other way without court-martial."

A memorandum, furnished by The Military Secretary to the Secretary of War and by him transmitted to the secretary to the President on the 5th instant, contained a list of a number of instances of the summary discharge from the volunteer service during the civil war of large numbers of men because of misconduct on their part.

No record of the summary discharge from the Regular Army, prior to the recent discharge of a battalion of the Twenty-fifth Infantry, of a considerable number of enlisted men at one time has been found.

Cases of the discharge of individual enlisted men without honor, and without trial by court-martial, are not infrequent. The official records show that during the fiscal year ended June 30, 1906, discharges without honor were ordered by the War Department, without trial by court-martial, in the cases of 352 enlisted men of the Regular Army. Of these, 86 were discharged on account of "fraudulent enlistment," 113 on account of "desertion," 8 on account of "desertion and fraudulent enlistment," 107 on account of "imprisonment under sentence of civil court," and 38 on account of "having become disqualified for service through own misconduct."

In addition to the discharges without honor ordered by the War Department, a considerable number of the discharges issued by subordinate military authorities must, under paragraph 148 (2–d), Army Regulations, have been discharges without honor. That paragraph requires the blank form for discharge without honor to be used when a soldier is discharged: "(*d*) Where the service has not been honest and faithful—that is, where the service does not warrant his reenlistment." The number of such discharges can not be ascertained without an examination of the record of each of the many enlisted men who were discharged during the year. Such an extended examination has not been made, because it is believed that the foregoing statement with regard to the discharges without honor ordered by the War Department is sufficient to show the general practice of the Department with regard to such discharges.

F. C. AINSWORTH,
The Military Secretary.

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
December 10, 1906.

This letter shows to what extent and for what reason, in individual cases only, the powers conferred on the President, Secretary of War, and so forth, by the fourth article of war have been exercised. The official records show that during the fiscal year ended June 30, 1906, discharges without honor were

ordered by the War Department, *without trial by court-martial*, in the cases of 352 enlisted men of the Regular Army. Of these there were discharged—

Eighty-six on account of "fraudulent enlistment."

One hundred and thirteen on account of "desertion."

Eight on account of "desertion and fraudulent enlistment."

One hundred and seven on account of "imprisonment under sentence of civil court."

Thirty-eight on account of "having become disqualified for service through own misconduct."

These are the causes for the discharge without honor of the individual enlisted men on the order of the President or of the Secretary of War, without a trial, during the year 1906.

And again, under date of December 5, General Ainsworth writes to the Secretary of War:

A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of three companies of the Twenty-fifth Infantry who were present on the night of the 13th of August, 1906, when an affray in the city of Brownsville took place.

In an effort to seek precedents an attempt is made to show that in the case of Company G, Eighth Infantry, United States Army, occurring in 1860, at that time a part of the command of Lieut. Col. Robert E. Lee, that a precedent can be found; but in that case the men of the offending company were not dismissed, but simply transferred to other companies of the same regiment and prohibited from reenlistment at the expiration of their respective terms, and the latter portion of the order was disregarded, if ever issued, as the Army records show. The Military Secretary adds:

In view of the foregoing statement it will be seen that the action taken in 1860, in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of the members of the Twenty-fifth Infantry.

Permit me, Mr. President, also to call attention and to have included in full in the RECORD as a part of my remarks, without reading that part from which I quote, Senate Document 155 and Appendix:

Pages 311–312:

Instances of the summary discharge of whole organizations for misconduct; also of the summary discharge, without honor, of individual enlisted men.

MEMORANDUM FOR THE SECRETARY OF WAR.

The Secretary to the President, in a letter dated December 1, 1906, advises the Secretary of War that the President would like to have him "look up any precedents (Lee's or others) for the action taken in discharging the battalion of the Twenty-fifth Infantry, and if there exist any such, send them to the President."

A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of three companies of the Twenty-fifth Infantry who were present on the night of August 13, 1906, when an affray in the city of Brownsville took place.

The case referred to as "Lee's" by the Secretary to the President is undoubtedly the case of Company G, Eighth Infantry, concerning which an interview with Mr. J. C. Hesse was recently published in the Washington Post. In that interview it was stated that, by order of Lieut. Col. Robert E. Lee, the members of Company G were transferred to other companies of the same regiment and prohibited from reenlisting on the expiration of the terms of enlistment under which they were then serving. A search for papers containing details of the occurrence has resulted in failure to find them, the original papers having been returned in 1860 to the Department of Texas, where they were undoubtedly lost or destroyed at the time of the surrender of the troops in that department to the Confederate military authorities.

The records show, however, that on March 18, 1860, members of Company G, Eighth Infantry, at Fort Davis, Tex., took from the guardhouse a citizen who was confined there and, without opposition from the guard, hanged him to a tree near by until he was dead. The records also show that by order of the regimental commander twenty-seven men of this company were detached from the company and attached to other companies of the regiment, "to restore their discipline," and that twelve other men of the company were transferred to other companies by order of the regimental commander without the cause of transfer being stated. The regimental orders are not on file, and it is impossible to state whether the reenlistment of these transferred men was or was not prohibited; but as the records show that some of the transferred men did reenlist, it is evident that if an order prohibiting their reenlistment was given it was not carried into effect.

In view of the foregoing statement it will be seen that the action taken in 1860 in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.

In the volunteer service during the civil war there occurred numerous instances of the summary discharge of large numbers of men because of misconduct on their part. Following are some of those instances:

The members of Company A, First Eastern Shore Maryland Infantry Volunteers, were mustered out of service August 16, 1862, by order of the general commanding the Eighth Army Corps because they refused to serve in Virginia.

The members of Company K, First Eastern Shore Maryland Infantry Volunteers were dishonorably discharged without trial, July 2, 1863, pursuant to the order of the general commanding the Eighth Army Corps, subject to the approval of the Secretary of War, for refusing to leave the section of the State in which it was claimed that they had enlisted to serve. The action was approved by the Secretary of War July 23, 1863.

The First Regiment, United States Reserve Corps (Missouri Infantry), was mustered out of service during September and October, 1862, pursuant to orders of the War Department, on account of the regiment being in a state bordering closely on mutiny as a result of alleged misunderstanding as to the terms of enlistment.

Companies H, I, and K, Fifth Missouri Cavalry, and Company G, Fourth Missouri Cavalry, were mustered out of the service of the United States without trial by court-martial, in pursuance of orders from headquarters District of Missouri, dated September 20, 1862, by reason of mutinous conduct and disaffection of the majority of the members of those companies.

Company C, Fremont Body Guard, was summarily discharged by order of Major-General Halleck, November 30, 1861, on account of the members resfusing to be consolidated with any other organization of Missouri volunteers.

The members of Company G, Tenth New Jersey Infantry Volunteers, were discharged without trial April 8, 1862, pursuant to orders from the War Department, because they refused to do duty as infantry, claiming that they were deceived into the belief that they were entering the cavalry branch when they enlisted.

The Eleventh Regiment, New York Infantry Volunteers (First Fire Zouaves), was mustered out of service June 2, 1862, pursuant to orders from the War Department, by reason of general demoralization, numerous desertions, and at the request of officers and enlisted men of the organization.

The Sixtieth Regiment, Ohio Infantry Volunteers, was summarily discharged November 10, 1862, pursuant to a telegram from the War Department, because the regiment was "disorganized, mutinous, and worthless."

F. C. AINSWORTH,
The Military Secretary.

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
December 5, 1906.

Pages 539–540:

APPENDIX 4.

THE MILITARY SECRETARY'S OFFICE,
WAR DEPARTMENT,
Washington, D. C., December 1, 1906.

MY DEAR MR. LOEB: Herewith I send you a clipping from the Washington Post of November 28, 1906, containing the article referred to in your note of this morning.

The "Captain" Hesse referred to in that article was Corpl. John C. Hesse, of Company G, Eighth Infantry, and he was clerk at regimental headquarters at the time of the occurrence. Subsequently, when the regiment was surrendered to the Confederates by General Twiggs, Corporal Hesse saved the regimental flags by wrapping them around his body, under his clothing, and brought them north in safety, receiving afterwards a medal of honor for his action.

Mr. Hesse has been a clerk in the War Department since 1861, and is now a chief of division in The Military Secretary's Office.

Very truly, yours,

F. C. AINSWORTH,
The Military Secretary.

Hon. WILLIAM LOEB, Jr.,
Secretary to the President, Washington, D. C.

[Inclosure.]

[From the Washington Post, Wednesday, November 28, 1906.]

LEE PUNISHED TROOPS—ENTIRE COMPANY DISBANDED BECAUSE OF LYNCHING—LIKE THE BROWNSVILLE CASE—CAPT. J. C. HESSE TELLS OF AFFAIR DOWN IN TEXAS JUST BEFORE THE CIVIL WAR WHICH IS A PARTIAL PRECEDENT FOR PRESIDENT ROOSEVELT'S NOW FAMOUS ORDER—SOME FEATURES IDENTICAL.

A case somewhat similar to the recent dismissal, by Presidential order, of the three companies of colored troops because of the trouble at Brownsville, Tex., is that of the discharge of Company G, of the Eighth Regiment, at Fort Davis, Tex., in the summer of 1860.

In the Brownsville incident, as a result of the alleged rioting of the soldiers, one man, a bartender, was killed. The victim in the Fort Davis affair also was a bartender, he having been lynched by unknown parties, supposed to be soldiers, after he had killed a member of the company by striking him with his fist. The soldiers at Brownsville were ordered dismissed without honor by the President, while the soldiers at Fort Davis were transferred to other companies and not dismissed until they had served out their terms of enlistment.

The latter incident occurred during the Administration of President Buchanan, but there is no record that the action in the case was taken by virtue of any order given by him. The responsibility for the order was assumed by Robert E. Lee, later the famous Confederate general, who was at that time in command of United States troops in Texas.

NO RECORD OF DISMISSAL.

Possibly on account of the civil war breaking out soon after the incident, or it might have been because of the destruction of the records in the case before they reached the War Department, it is thought no official record of the dismissal of the company is in existence. At least so says Capt. J. C. Hesse, who is probably the only surviving member of the company, now employed in the office of The Military Secretary of the Army.

Captain Hesse, in speaking of the occurrence yesterday, said he had often regretted he had kept no diary during his Army service, referring especially to the affair at Fort Davis, which he said he regarded as one of the most interesting of his career. Although he was transferred with the other sixty-five members of the company, and it was ordered that at the end of his enlistment he should not be allowed to reenlist, Captain Hesse, through a personal appeal to Colonel Lee, and on account of his previous record for integrity, was absolved from any blame in the matter and was given a clear record. He had been transferred to Company A of the Eighth Regiment, and at the end of his term he enlisted again and served with honor in the civil war. Before the end of the war he was transferred to Washington to take up work in the general service.

FLED FOR HIS LIFE.

"It happened on the night of St. Patrick's Day in 1860," said Captain Hesse. "After tattoo some of the soldiers went into a saloon, where, in the midst of a quarrel, the barkeeper struck one of the men on the neck, causing his death. The occurrence caused great excitement among the men, and the barkeeper fled for his life. Soon after he turned up at post headquarters and appealed that he be saved from the hands of the mob, which he said was pursuing him. He was ordered placed in the guardhouse and the guard was increased.

"The next night the corporal of the guard took four of the men for the purpose of making the 'grand rounds.' During the absence of the corporal and the men the guardhouse was forced open and the bar-

keeper taken away. The corporal, returning a half hour later, instituted a search, with the result that the barkeeper was found hanging to a tree dead, his body yet warm.

"The alarm was given immediately to the officer of the day, who ordered that an investigation be made of the quarters of the soldiers and of every other person at the fort. As a result it was found that every man was in his bunk, where all apparently had been asleep for several hours. The mystery has never been cleared up, so far as I know, to this day.

"However," continued Captain Hesse, "seven enlisted men were arrested on suspicion of being implicated in the lynching, and were taken to El Paso, 150 miles distant, in which town was located the nearest civil court at that time. There they were tried and acquitted.

LEE ORDERED DISBANDMENT.

"Col. Washington Seawell, who was the commanding officer of the fort, reported the affair to Colonel Lee, who was in command of the Department of Texas, with the result that an investigation was made in the manner prescribed by the Army Regulations. The inquiry, although rigid, failed to fasten the blame on any person, and at its conclusion Colonel Lee ordered the company to be disbanded and the members transferred to other companies to be discharged at the end of their enlistments without honor—that is, without the right to reenlist in the Army."

The precedents of the civil war cited as a justification for the discharge of the battalion at Brownsville seem to me, Mr. President, absolutely inapplicable to this case, and I quote likewise from Senate Document 155, page 312:

Memorandum furnished by The Military Secretary.

Members of Company A, First Eastern Shore Maryland Volunteers, mustered out of the service August 16, 1862 (presumably honorably discharged), because they refused to serve in Virginia.

Members of Company K, same regiment, were dishonorably discharged, without trial, July 2, 1863, for refusing to leave the section of the State in which it was claimed that they had enlisted to serve.

First Regiment, United States Reserve (Missouri Infantry), mustered out on account of the regiment being in a state bordering on mutiny on account of an alleged misunderstanding as to the terms of enlistment.

Company C, Fremont Body Guard, discharged on account of members refusing to be consolidated with any other organization of Missouri Volunteers.

Company G, Tenth New Jersey Infantry, because they refused to do duty as infantry, claiming that they were deceived into the belief that they were entering into the cavalry branch when enlisted.

These cases would seem sufficient to establish the conclusion that in no essential particular do they stand as a precedent for the action we are now considering in the case of the Twenty-fifth Infantry.

PREVIOUS AFFRAYS.

It is true, Mr. President, that previous affrays to that at Brownsville have occurred in the Army, at posts garrisoned by both white and colored soldiers of the Regular Army, notably, the one referred to by the distinguished Senator from Idaho as occurring at Fort Sturgis, Dak. T., and, to again quote from Senate Document 155, pages 328, 329, 331, 541, and 542:

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., November 10, 1885.

Respectfully returned to the Adjutant-General of the Army, through the headquarters of the Division of the Missouri.

The inclosed letter is, in the main, a just and temperate account of the occurrences at Sturgis City and Fort Meade, of which it speaks. I should take exception to but one of the statements which Mr. Caulfield makes. He states, as an ascertained fact, that "Doctor Lynch" was assassinated by a colored soldier. Doubtless he is fully convinced of the truth of this statement; but I submit that the inclosed copy of a report from Colonel Sturgis of the testimony given before the coroner's jury impaneled to determine the cause of Doctor Lynch's death, shows that while a case of grave suspicion was made out against the soldier, Hallon, the evidence was by no means conclusive. Of course since the brutal murder of Hallon by the mob of Sturgis City it has been impracticable to determine the question of his guilt or innocence. I inclose a copy of the proceedings of a board of officers convened by order of Colonel Sturgis to inquire into the facts connected with the killing of Bell. The conclusions of the board confirm the statements of Mr. Caulfield.

It is not probable that all the persons who were concerned in the murder of Bell will be detected and punished. Four men have been arrested, and if the evidence against them be sufficient to establish their guilt they will, without doubt, be confined and tried. In their cases the machinery of the law will act speedily.

I do not recommend the removal of the colored troops from Fort Meade. It is not alleged that they, as a body, have committed any crime or have been guilty of any disorder. Certain men belonging to one of the companies are accused of a most serious crime, but there is nothing to connect with it the other men of their company or any of the men of the other companies. There is no evidence to show that the peace of Sturgis City, in the future, is threatened by any of them. I do not believe that it is seriously threatened by them.

I have had much experience with colored troops, and I have always found them as well behaved and as amenable to discipline as any white troops that we have. The characteristic submissiveness of their race is manifested in the readiness with which they yield to military control.

They are much more temperate than our white troops, and crime and disorders resulting from intoxication are comparatively rare among them.

The situation at Fort Meade is an unfortunate one. It is very undesirable that a military post and a frontier town should stand in such close proximity to each other as Sturgis City and Fort Meade do; unfortunate possibly for the town, unquestionably unfortunate for the post. But the post was established before the town was founded, and I do not think that there would have been any town but for the post. Still the evils which result from this juxtaposition are not absolutely unavoidable.

The military authorities at the post will, I am sure, do their part to prevent the commission of crime, and if the civil authorities of the town will do theirs as well there will be no occasion whatever for apprehension.

I take it for granted that in the Territory of Dakota the keeping of houses of ill-fame is prohibited by law, but notwithstanding the law there are in the town two brothels which would appear to have been established for the express purpose of catering to the taste and pandering to the passions of the colored troops, for they are "stocked" with colored prostitutes—negresses and mulattoes.

They are, I am assured, places of the vilest character, and it was at one of them that the affray of September 19 occurred. Had no such place existed, it is most improbable that any affray would have occurred, and if the people of Sturgis City suffer such places to exist they must, I submit, expect the natural result of their existence—frequent broils, and from time to time the commission of the most serious crimes. And I submit further that until the people of the town shall have suppressed these dens, which equally debauch the troops of the post and threaten their own safety, they will not be in a position to ask the Government to change its garrison.

ALFRED H. TERRY,
Brigadier-General, Commanding.

It is sad to say that the conditions as expressed in this communication of General Terry exist too much in connection with almost all our Army posts and in their immediate vicinity; and it is not out of place to say that such conditions existed in the immediate vicinity of Fort Brown and had existed there for a great many years, as the testimony and the records of investigation by your committee show.

Mr. FORAKER. Mr. President, will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BULKELEY. Certainly.

Mr. FORAKER. I do not know whether the Senator calls attention or not to the fact, which I think ought to be noted at that point in his speech, that the company to which the men belonged who participated in the shooting affray upon which he is commenting was not one of the three companies that were at Brownsville; and, in the second place, there was no trouble whatever to ascertain who the men were and identify the men who were guilty of participating in that shooting affray. Another thing which should be noted is that that happened twenty-five years ago.

Mr. BULKELEY. In 1885.

Mr. FORAKER. And with one exception, there is no man in that battalion of the Twenty-fifth Infantry who was in the service and was in the battalion at that time.

Mr. BULKELEY. That was in 1885, as I have stated, and I am glad to have the Senator call my attention to the fact, because I wish to add that, in all the affrays that have occurred in the Army and in connection with colored troops in the Army, this particular battalion of the Twenty-fifth Infantry has never in the remotest way been connected with any of them.

I was about to read the indorsement of the War Department. This was during the Administration of a Democratic President and a Democratic Secretary of War, Mr. Endicott, and it is in reply to a letter addressed by a citizen of Dakota Territory, who had applied to have the troops removed.

WAR DEPARTMENT,
Washington, December 22, 1885.

SIR: In reply to your letter of the 27th of September last commenting upon the outrages committed at the town of Sturgis, Dak. Ter., by colored soldiers of the Twenty-fifth Infantry, stationed at Fort Meade, and suggesting the removal of the colored troops to some other post and the substitution of white soldiers in their place, I have the honor to invite attention to the inclosed copy of the report of Gen. A. H. Terry, commanding the Department of Dakota, to whom the matter was referred, and to say that both the Department and the Lieutenant-General of the Army concur in the views as expressed therein by General Terry.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. B. G. CAULFIELD,
Deadwood, Dak. T.

I want to say in this connection, because one of the charges against these men is a conspiracy of silence, that there was no difficulty at Fort Sturgis, where the affray to which I have alluded occurred, or at New Orleans, or where other affrays occurred, in obtaining the necessary evidence from their comrades, colored or white, when they believed them guilty of participation in any crime.

APPENDIX 5.

NEW ORLEANS, LA., *December 4, 1906.*

SIR: About six years ago Harry McDonald, a white United States soldier, of Fort St. Philip, La., while intoxicated, followed James Butler, a white citizen, at night to his home above Fort St. Philip and tried to force Butler to take him into his house. The latter refusing, McDonald shot and killed him. After McDonald's return to the fort, news of the homicide having spread, the latter was suspected, arrested, and searched; his revolver was carefully examined, its recent discharge discovered, and every soldier, from the commanding officer to the humblest

private, united then and there and at the trial in ferreting out all the evidence in their power about this crime. The accused was convicted of murder, and is now in the Louisiana Penitentiary for life.

Again, about four years ago, at the same fort, Harry Morgan, a private in one of the United States Artillery companies, was charged with killing John H. McCloskey in a drunken brawl at night in one of the groggeries which cause so many similar crimes in this country. Though his fellow-soldiers, believing Morgan was not guilty of this crime, raised a fund for his defense, every soldier and employee at that fort volunteered all they knew, both before and at the trial on the witness stand, about this case. Morgan was acquitted by a jury of white citizens in Plaquemines Parish.

Once since then, in my official capacity, I tried and convicted United States soldiers of a lesser offense—assault and battery—committed above Fort Jackson, on the west bank of the Mississippi River, and again the white comrades in arms of the accused told the whole story of the trouble. Each of these cases occurred out of hearing of the forts, and but for the evidence of their brother soldiers, either then with the accused or who subsequently identified them with the crimes, there would have been a failure of justice.

In my own district twenty-two years ago, after a dispute over race precedence at a liquor bar at Dedrick Wischusen's store, in the parish of Plaquemines, Charles Campbell, a colored man, drew a pistol there and shot Theodore Tripkovich, a splendid type of an Austrian, dead. A jury, drawn by Republican commissioners, largely composed of colored men, to their eternal credit, sent Campbell to the scaffold for this crime, and he was hung.

The true friends of the colored people will teach them, as you are doing, that crimes can not be condoned or concealed by them without its reacting terribly on the race.

Respectfully,

JAMES WILKINSON,
District Attorney, Twenty-ninth Judicial District.

Hon. THEODORE ROOSEVELT,
President of the United States.

These cases are all of record.

J. W.

This report of General Terry and its approval by Secretary Endicott, indicate the character of almost every affray in the Army whether by white or colored troops, for both classes are included as disclosed by Army records.

An effort has been made in accord with all these preliminary investigations, to construe the proceedings of the court and its rendered verdict, in the case of the court-martial of Major Penrose, commanding at Fort Brown on the night of the affray—and who was charged with "neglect of duty"—as a verdict rendered against the soldiers. I will ask here leave to insert without reading, the charges and specifications on which Major Penrose was both tried and acquitted, as taken from the records of the court (see pp. 4 and 1248):

[Extracts from proceedings of a general court-martial convened at Headquarters Department of Texas, San Antonio, Tex., February 4, 1907, in the case of Maj. Charles W. Penrose, Twenty-fifth United States Infantry.]

(Page 4): The accused was then arraigned upon the following charge and specifications:

"CHARGE.—Neglect of duty, to the prejudice of good order and military discipline, in violation of the sixty-second article of war.

"*Specification I.*—In that Maj. Charles W. Penrose, Twenty-fifth United States Infantry, commanding the post of Fort Brown, Tex., after being on the morning of August 14, 1906, between 1 and 2 a. m., duly informed by the mayor of Brownsville, Tex., one Doctor Combe, that soldiers of his command had shot and killed one civilian of the city of Brownsville, Tex., and badly wounded a lieutenant of police of that city, did immediately thereafter and until daylight wholly fail and neglect to take or order sufficient measures or action by prompt inspection of guns or pistols or otherwise, or any due exercise of discipline, to detect the men engaged in said attack and killing, or any of them, or to restrain or bring them to justice for said crime. This at Fort Brown, Tex., August 14, 1906.

"*Specification II.*—In that Maj. Charles W. Penrose, Twenty-fifth United States Infantry, being aware of the feeling of resentment in his command toward citizens of Brownsville, as a result of assaults upon certain individuals of the command, and having been notified by a Mr. Evans, of Brownsville, about 5 p. m. August 13, 1906, of an attack upon his wife by a soldier of the command, and knowing of the inflamed feeling existing in the town toward the soldiers as a result thereof, did nevertheless fail to give any orders to Capt. E. A. Macklin, Twenty-fifth Infantry, officer of the day, requiring special vigilance on his part or that of the guard or to make frequent inspections or any inspections during the night after 12 o'clock, and did wholly fail and neglect to take or order sufficient measures or precautions to hold at the post the men of his command, or in any manner to watch, restrain, or discipline said men; by reason of which failure certain men of his command, to the number of about twelve or more, were enabled to assemble, and did assemble, armed with rifles, and did proceed to the town of Brownsville, Tex., and did then and there shoot and wound and kill certain citizens thereof. This at Fort Brown and Brownsville, Tex., August 13 and 14, 1906."

To which the accused pleaded as follows:

To the first specification, Not guilty.

To the second specification, Not guilty.

To the charge, Not guilty.

The judge-advocate here addressed the court as follows:

After a long investigation, covering weeks, the court was closed, and the accused, Major Penrose, was acquitted of the charge of neglect of duty, but found guilty under an amended specification, on which he had not been tried. The court, however, acquitted him, and the verdict of the court was approved by the department commander, as appears from the following extract from the record:

Page 1248:

* * *. The court was closed, and finds the accused, Maj. Charles W. Penrose, Twenty-fifth United States Infantry—

"Of the first specification: 'Not guilty.'

"Of the second specification: 'Guilty, except the words "being aware of the feeling of resentment in his command toward citizens of Brownsville, as a result of assaults upon certain individuals of the command, and;" and the word "inflamed;" and the words "special vigilance on his part or that of the guard or to make;" and the words "and did wholly fail and neglect to take or order sufficient measures or precautions to hold at the post the men of his command or in any manner to watch, restrain, or discipline said men, by reason of which failure;" substituting for the words "by reason of which failure" the words "after which;" and except the words "to the number of twelve or more were enabled to assemble and;" and of the excepted words "not guilty;" and of the substituted word "guilty.'

"So that the second specification, as amended, shall read as follows:

"'Specification II: In that Maj. Charles W. Penrose, Twenty-fifth United States Infantry, having been notified by a Mr. Evans, of Brownsville, about 5 p. m. August 13, 1906, of an attack upon his wife by a soldier of the command, and knowing of the feeling existing in the town toward the soldiers as a result thereof, did nevertheless fail to give any orders to Capt. E. A. Macklin, Twenty-fifth Infantry, officer of the day, requiring frequent inspections, or any inspections, during the night after 12 o'clock, after which certain men of his command did assemble, armed with rifles, and did proceed to the town of Brownsville, Tex., and did then and there shoot and wound and kill certain citizens thereof. This at Fort Brown and Brownsville, Tex., August 13 and 14, 1906. And the court attaches no criminality thereto on his part.'"

"Of the charge: "'Not guilty.'"

"And the court does therefore acquit him, Maj. Charles W. Penrose, Twenty-fifth United States Infantry."

The judge-advocate was then recalled, and the court, at 7.05 p. m. adjourned sine die.

GEO. LE ROY BROWN,
Colonel Twenty-sixth Infantry, President.

CHAS. E. HAY, Jr.,
Captain, Acting Judge-Advocate, Judge-Advocate.

HEADQUARTERS DEPARTMENT OF TEXAS,
San Antonio, Tex., March 25, 1907.

In the foregoing case of Maj. Charles W. Penrose, Twenty-fifth United States Infantry, the proceedings, findings, and acquittal are approved.

WM. S. MCCASKEY,
Brigadier-General, U. S. Army, Commanding Department.

I submit, Mr. President, that the soldiers were neither directly nor indirectly parties to that trial; that they were never summoned nor appeared before the court, except possibly as witnesses, either in person or by counsel. I am not familiar with the powers or practice of a court-martial; but it looks strange to a layman that an indictment or, as in this case, charges and specifications, to which an accused officer has pleaded and submitted himself for trial can, after the evidence and arguments are concluded, be so amended and changed as to suit the whims of a court as to the character of the verdict they shall render. At all events, Major Penrose was acquitted of the charge of "neglect of duty," although found guilty under one of the amended specifications. If this finding can be construed as implicating the soldiers in this affray—that is, the acquittal of Major Penrose and a verdict of guilty against the soldiers—it might be likened, Mr. President, to frontier justice in the early days as some of us were accustomed to hear it, of the trial of an accused for murder and the conviction of his neighbor for horse stealing.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. FORAKER. I dislike to interrupt the Senator, and I will not do it if he has the slightest objection——

Mr. BULKELEY. I have no objection; it is a relief sometimes to be interrupted.

Mr. FORAKER. But it occurrrd to me that I ought to call attention there, for fear the Senator may not do it, to the fact that at the time when the Senator from Idaho [Mr. BORAH] insisted that these soldiers had been court-martialed and found guilty they were not soldiers at all, for as a result of their discharge without honor they were not in the Army and were not subject to court-martial. That is not extraordinary, though, measured by other circumstances and features of this most extraordinary case. Trying a neighbor for horse stealing when he was not charged with anything is not a circumstance to what has been done here.

Mr. BULKELEY. Before leaving the discussion of this part of the case, Mr. President, I desire to call to the attention of the Senators that, at one period, November 18, 1906—and in this I shall be obliged to disagree for a moment with my distinguished friend from Ohio in some portion of his remarks—in a moment of inspiration it occurred to the Secretary of War that a possible injustice had been done to these soldiers, that the procedure which led up to the suspending of the order dismissing the soldiers of the battalion might have been irregular from the standpoint of law, practice, or precedent, or that new and further evidence might be produced. What I want to call the attention of Senators to is the fact that there was a time when the Secretary of War seemed to disagree with the President.

I will read the order of November 18, 1906, when, as perhaps you will all remember, the President was absent on a trip to view the great canal being constructed on the Isthmus. Together with that I will read another order, under date of November 20, 1906, directing the discharge of the soldiers of the

Twenty-fifth Infantry to continue, Senate Document No. 155, pages 187 and 189:

[Telegram.]

WAR DEPARTMENT, *November 18, 1906.*

The COMMANDING GENERAL, DEPARTMENT OF TEXAS,
San Antonio, Tex.:

Secretary of War directs you suspend action under order for discharge men of Twenty-fifth Infantry until further orders from here. Telegraph acknowledgment of this.

AINSWORTH,
The Military Secretary.

Two days later, however, for some cause not disclosed by the official record, he issued another order, directing the discharge to proceed.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE,
Washington, November 20, 1906.

COMMANDING GENERAL DEPARTMENT OF TEXAS,
San Antonio:

Secretary War directs you proceed with discharge of members of Twenty-fifth Infantry as originally ordered. Telegraph acknowledgment receipt of this and subsequent action.

AINSWORTH,
The Military Secretary.

I have been unable to obtain from the records or from the office of the Adjutant-General the correspondence or telegrams that passed between the President and the Secretary of War. Under date of April 25, 1908, I wrote the Adjutant-General, and received his reply, dated April 27, 1908, as follows:

UNITED STATES SENATE,
Washington, April 25, 1908.

Maj. Gen. F. C. AINSWORTH, United States Army,
Adjutant-General, War Department, Washington, D. C.

MY DEAR GENERAL: It is shown by the official documents in regard to the discharge of the colored soldiers at Brownsville, as contained in Senate Document No. 155, that on November 18, 1906, the Secretary of War issued an order suspending the execution of the order for the dismissal of these soldiers; that on the 20th of November, 1906, the record shows that the Secretary of War directed the immediate execution of the President's original order.

I fail to find anything in the official record relative to the reasons for the suspension, and later for the renewing of the President's order of dismissal. Are there any records, documents, or otherwise showing that the President directed the carrying out of the original order?

I understand that the President, at the time when the orders of the Secretary of War were issued, was either on a voyage to or at Panama. If there be any such communications addressed to or received from the President, or other records relating to the suspension of and later the renewing of the President's order of dismissal I would respectfully ask, if you can properly do so, that I be furnished with a copy of the same.

Yours, truly,

M. G. BULKELEY.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 27, 1908.

Hon. M. G. BULKELEY,
United States Senate.

MY DEAR SENATOR: In response to your letter of the 25th instant relative to the suspension and subsequent renewal of the order for the discharge of certain colored soldiers, I beg leave to say that the printed record contains copies of absolutely all the documents relating to the matter that are on file in my office. Nothing has ever reached my office or come to my knowledge relative to the reasons for the suspension and subsequent renewal of the order for the discharge of these men.

Very respectfully,

F. C. AINSWORTH,
Adjutant-General.

I am therefore compelled to rely upon the press reports of that period for the information which I have sought from the official records of the War Department. Of course I can not vouch entirely for their accuracy, but I find no record anywhere of the denial of their truthfulness. I ask that the article from the Washington Post of November 21, 1906, from which I quote, may be printed in full as a part of my remarks. It is the best record I can obtain of the reason for the suspension of the order of the President and its renewal.

Mr. SMITH of Michigan. Is the article which the Senator is about to read from the Washington Post coincident with the order of the Secretary of War suspending proceedings against these soldiers?

Mr. BULKELEY. I will give the dates. The date of the suspension order is November 18; the date of its renewal November 20; and the article I quote is dated November 21, apparently written in view of all the circumstances which had transpired and which were transpiring during these two or three days.

[The Washington Post, November 21, 1906.]

TAFT'S BOLD STEP.

* * * * * * *

Is there danger that the suspension by Secretary Taft of the President's order dismissing the three colored companies of the Twenty-fifth Infantry, without honor, will cause friction between the President and the man who has been his chief lieutenant the past two years?

This is the question public men and Army officers are asking each other when they discuss this situation privately.

The situation is an embarrassing one for the President, whichever horn of the dilemma he may take. After reviewing the facts in this case, as submitted to him, the President issued the now famous order that put a whole battalion of men out of the service dishonorably, and then started for the Isthmus. Some comment has resulted because the order was not promulgated until after the election. The action of the President was supposed to be final, and if criticism followed it might be reasonably supposed that the incident in large measure would be forgotten before the President again reached Washington.

TAFT ASSUMES RESPONSIBILITY.

If this was the expectation, Secretary Taft succeeded admirably in reviving public interest and intensifying the criticism of the President's original order. Of course, the President could not be expected to know of the deluge of complaints and protests with which the Department was flooded after his departure, nor did he know that the New York Republican Club had condemned his action and called for fair play for these colored troops.

Secretary Taft did know these things, however, and he assumed the responsibility of suspending the Executive order until the President could be heard from. Now, with the matter afresh in the public mind, the President must add to the weight of these protests by compelling submission to his original order, if he overrides the Secretary, or admit that he may have acted hastily if he rescinds his order and reopens the case. Which he will do may be known to-day, by which time Secretary Taft hopes to be in communication with the President.

Meanwhile the War Secretary will say nothing. He refused yesterday to say more than "I can't discuss the case until to-morrow." This was interpreted to mean that the Secretary could say nothing until he had heard from the President and received his instructions. The Secretary also declined to say whether he had been in communication with the President by wireless.

CONFERS WITH OLIVER.

Secretary Taft arrived in Washington from New York yesterday afternoon and went at once to his office, where he summoned General Oliver, Assistant Secretary of War; Major-General Ainsworth, Military Secretary, and Brig. Gen. Thomas H. Barry, Chief of Staff, for a conference. This conference lasted more than an hour, and before it was concluded Mr. Loeb, Secretary to the President, also was summoned to the Department. Mr. Loeb was called into the conference presumably to give some information concerning the time when the President was expected to reach Porto Rico and the possibility of getting access to him over the cable, a much more satisfactory method of communication than by wireless.

It was suggested yesterday after the conference that Secretary Taft's reason for refusing to talk was his knowledge of the fact that the President would not rescind his order, and that it had been decided not to make this decision public until it was possible to accompany it with copies of the reports of Colonel Bixby and General Garlington. These reports have been in the hands of the Public Printer for several days, and it is expected that they will be ready for distribution to-day.

It is hoped by officials of the War Department that their publication will set at rest the agitation which the President's order has aroused, as they are regarded by the officials as showing clearly the necessity for the dismissal of the negro soldiers, and that the action taken by the President was the only thing that could be done under the circumstances.

This surmise, on the other hand, is discounted by the positive statement from a reliable source that officials here have not been in communication with the President since he left Colon, and that nothing has been heard from him on the subject of the dismissal of the troops.

DISPATCH FROM PRESIDENT.

A message from the President, however, had reached Gilchrist Stewart, of the Constitutional League, in New York City, in which the President declined to suspend his order discharging the colored troops unless the facts as known to him were shown to be false, but expressing his willingness to hear new facts bearing on that case.

Mr. Stewart cabled to President Roosevelt at Ancon, Panama, as follows:

"Republican county committee unanimously denounces discharge of colored soldiers. PARSONS, OLCOTT, BENNET, committee petitioning Department. Newspapers emphatic. Developments and new facts warrant. Ask immediate suspension order."

The President's reply contained the following:

"Unless facts as known to me are shown to be false, the order will under no circumstances be revoked, and I shall not for one moment consider suspending it on a simple allegation that there are new facts until these new facts are laid before me. Inform any persons having new facts to have them in shape to lay before me at once on my return, and I will then consider whether or not any further action by me is called for.

"THEODORE ROOSEVELT."

NO WIRELESS COMMUNICATION.

At the Department yesterday, it was explained that the reason the President was able to reply to Mr. Stewart's cablegram, was that Mr. Stewart's inquiry was sent early Saturday and reached Colon before the cable office closed, while Secretary Taft's message was not sent until Saturday night, and doubtless missed the President. Since the *Louisiana* left Colon, both Secretary Taft and Secretary Loeb have been out of communication with the President, although repeated efforts have been made to pick up the ship by wireless. A message from the President, given out at the White House Monday, evidently was sent by regular telegraph from Colon and not by wireless from the *Louisiana*.

Pains were taken to show that Secretary Taft had not attempted to go over the head of the President in his absence, but had merely directed that the execution of the order be suspended. He has acquiesced in the delay in putting it into operation in order to afford the President an opportunity to reconsider if he wishes to do so.

Some Army officers contend that if the President had knowledge of the sentiment which his action has created and the criticism which it has caused, he might reopen the case and give the men affected an opportunity to defend themselves. Being out of the country, he has not had an opportunity to know how a large portion of the public regards the drastic course he took. Officials of the War Department contend, however, that the public will be thoroughly enlightened and approve the course of the President as soon as the report of General Garlington is published.

The War Department had no advices yesterday confirming the press dispatches from Fort Reno that twenty-five members of the Twenty-fifth Infantry already have been discharged under the original order. So far as the Department knows, it was said, only seven members of the battalion alleged to be responsible for the riot at Brownsville have been dismissed, and these were soldiers who were arrested at San

Antonio and were dismissed from the service after the courts failed to substantiate charges that the men participated in the riot at Brownsville.

At this point I will end the discussion of that phase of the question, as to the propriety and the legality and the precedents for the dismissal of these troops, and I will talk for a few moments of Brownsville, its characteristics, and the surrounding country, and I shall quote during these remarks from no less authority than Texas citizens themselves and those who live in and are familiar, and have been for years, with that part of the country.

BROWNSVILLE AND ITS CHARACTERISTICS.

Fort Brown, Tex., is a military post established during the Mexican war, 1846, and is contiguous to the city of Brownsville, near the mouth of the Rio Grande River; it had a population in 1900 of 6,305, as given by the Bureau of the Census, whose authority I append:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, April 14, 1908.

Hon. MORGAN G. BULKELEY,
United States Senate, Washington, D. C.

DEAR SENATOR BULKELEY: In response to your telephonic request of to-day, I take pleasure in giving you below, the data specified in regard to Brownsville, Tex., with the exception of the number of naturalized citizens, which was not tabulated at the Twelfth Census for cities with less than 25,000 inhabitants:

Population, 1900.

Total, white, 6,287; negro, 18		6,305
Male	2,831	
Female	3,474	
Native born		3,843
Male	1,755	
Female	2,088	
Foreign born		2,462
Male	1,076	
Female	1,386	
Males 21 years of age and over		1,324
Native white	500	
Foreign white	819	
Negro	5	

Very respectfully,

W. S. ROSSITER, *Acting Director.*

It is, and always has been, necessarily a frontier post; it is separated from the business and residential portion of the city by a road, known as the Garrison road, and oftentimes called Fifteenth street; and it is in close proximity to this residential part that the affray occurred on the night of August 13–14, 1906. This post has been garrisoned since its establishment by both white and colored soldiers, commanded by distinguished and well-known officers of the Army, to the entire satisfaction of the citizens of Brownsville and without serious discrimination against the soldier, except that we find in the evidence that the police were more aggressive against the soldier for slight offenses, for the reason that the soldiers' fines, if inflicted, were always paid in cash. The Mexicans, if fined, were sent to the county jail or the workhouse.

Mr. HOPKINS. To work out the fine?

Mr. BULKELEY. To work out the fine. This is the testimony of Captain Kelly. He was a soldier of the civil war, in the Union army; settled at Brownsville at the close of the war, forty years ago and more; and is one of its most prominent and reputable citizens. He is president of a bank, and was the presiding officer of the investigating committee of the citizens of Brownsville immediately after this affray.

[Testimony of Captain Kelly, vol. 3, p. 2528.]

Q. Now, Captain, I will get you to state, during the entire time the Twenty-sixth was there, did you hear any complaints from the officers of any oppressive treatment whatever by the policemen of Brownsville against the soldiers?—A. I never heard an officer say so at all. I know there were two or three conflicts between drunken soldiers and Mexican policemen, and I have no doubt that the Mexican policemen when they got a man who was drunk did not treat him well.

Q. Whether he was a soldier or not?—A. Well, particularly if he were a soldier.

Q. Did not treat him well?—A. That is to say, I think they would strike a soldier harder and get him to the police station as fast as they could, for two reasons: First, when he was fined, he always managed to pay his fine. His comrades made it up. That appeared to be one of the reasons why they were very likely and very anxious to run a soldier in when they got a chance. I suppose there was some sort of divvy about the fines. I do not know that of my own knowledge. If they ran a Mexican in, he was simply sent to labor on the streets.

Q. He had no money to pay his fine?—A. No money to pay his fine.

By Senator FORAKER:

Q. What was the other reason?

Senator WARNER. He said one reason was that a soldier would pay his fine, and the other was that a Mexican did not.

These peaceful conditions seem to have been maintained in Brownsville, as between the citizens and the soldiers, up to the time of the order for the battalion of the Twenty-fifth Infantry to occupy the post.

The maintenance of this post, for the protection of the city of Brownsville and its people, both from foreign invasion and from the lawless inhabitants in the surrounding territory, was insisted upon when the question of its abandonment was being considered by a board of Army officers in 1901; I will quote the strong and urgent reasons urged by officials and civilians alike for the retention of this and other posts on the Rio Grande frontier:

[Extracts from the location and distribution of military posts. House Doc. No. 618, Fifty-seventh Congress, first session, pp. 380 to 389, inclusive.]

7. FORT BROWN, TEX.

* * * * * * *

[Telegram.]

DALLAS, TEX., *October 2, 1901.*

SECRETARY OF WAR, *Washington, D. C.:*

It is rumored that the Department contemplates abandoning Fort Brown, in this State. The importance of this post to effect the protection of the people of the lower Rio Grande frontier can not be overestimated, and I earnestly ask that the fort be maintained.

C. A. CULBERSON.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., October 10, 1901.

Hon. CHARLES A. CULBERSON, U. S. Seantor,
Dallas, Tex.

SIR: The Secretary of War directs me to acknowledge the receipt of your telegram of the 2d instant, in which you remark that it is rumored that the abandonment of Fort Brown, Tex., is contemplated, and stating that the importance of this post for the protection of the people of the lower Rio Grande frontier can not be overestimated, and asking that the fort be maintained; and replying thereto to inform you that your request will receive due consideration.

Very respectfully,

H. C. CORBIN,
Adjutant-General, Major-General, United States Army.

DALLAS, TEX, *October 1, 1901.*

The SECRETARY OF WAR, *Washington, D. C.*

SIR: I have just learned with astonishment that the War Department is contemplating the abandonment of Fort Brown, at the mouth of the Rio Grande, on the Mexican frontier of Texas. I do not understand how such a step could meet with a moment's favorable consideration by anyone familiar with the situation and necessities of that frontier, for there is no more important post in all the military establishment of the country from a strategic point of view. It is at the mouth of the principal river of our western border, commanding 1,700 miles of exposed frontier liable at any time to require prompt and effective military aid. The recent development of railroad facilities has rendered its support comparatively cheap, and there is every reason why it should be retained and strengthened instead of being abandoned. The importance of that post was demonstrated in the civil war of 1861–1865, and its great utility for international defense is appreciated to the fullest by Mexico, as that Government maintains its chief garrison just across the river at Matamoros. I wish to protest most vigorously against the discontinuance of Fort Brown as wholly unwarranted and in the nature of a public calamity to the people of Texas, if not of the entire Union.

In speaking thus emphatically, I do not do so from hearsay, for I am entirely familiar with the situation there, as I have traversed the region along the Rio Grande and at its mouth, in the vicinity of Brownsville, many times, and am thoroughly acquainted with the conditions and possibilities of that frontier.

The details and facts connected with the post will be presented to you by others more directly interested locally, but in the name of the people of the whole State I desire to enter my most earnest objection and protest to the proposed action of the Department in abandoning this critical and important military establishment.

I have the honor to be, with great respect,

Your obedient servant,

DUDLEY G. WOOTEN.

SENATE CHAMBER,
Austin, Tex., October 3, 1901.

Hon. ELIHU ROOT,
Secretary of War, Washington, D. C.

SIR: I have the honor to herewith transmit you copy of senate concurrent resolution No. 8, passed by the senate and house of representatives of the State of Texas October 1, 1901.

With continued high regards, I have the honor to remain, sir,

Yours, obediently,

W. B. O'QUINN,
Secretary Senate, State of Texas.

It was thought of enough importance for the legislature of the State of Texas to pass a series of resolutions of the same character, which I will ask to have included as a part of my remarks.

Senate concurrent resolution 8.

Whereas it has come to the knowledge of the Texas legislature that the Federal Government contemplates the early abandonment of Fort Brown, located in the town of Brownsville, Tex.; and

Whereas the abandonment of said fort would mean the removal of one of the most important Federal posts on the Mexican frontier, it being at the mouth of the Rio Grande, and guarding the frontier for more than 140 miles; and

Whereas the town of Brownsville and the town of Matamoros are important to the commercial world, and especially the town of Brownsville, which receives a goodly amount of ocean traffic; and

Whereas the Mexican Government considers the town of Matamoros and country tributary thereto as of sufficient commercial, military strategic importance to justify said government in maintaining at the said town of Matamoros a strong military post: Therefore be it

Resolved by the senate of the State of Texas (the house of representatives concurring), That we do hereby protest against the contemplated action of the Federal Government, and most earnestly request of the President of the United States and the Secretary of War to continue said post and all other military posts on the Rio Grande.

Be it further resolved, That our Senators and Representatives in Congress and the governor of this State be, and they are hereby, requested to take up this matter with the proper officials of the Federal Government and urge the continuation of the military post at Fort Brown; and

Resolved further, That the secretary of the senate be, and he is hereby, instructed to immediately mail a copy of this resolution to the President of the United States, the Secretary of War, each of our Senators and Representatives in Congress, and to the governor of this State.

THE STATE OF TEXAS, SENATE CHAMBER.

I, W. B. O'Quinn, secretary of the senate of the State of Texas, do hereby certify that the foregoing is a true and correct copy of senate concurrent resolution No. 8, as passed by the senate and house of representatives on October 1, 1901.

W. B. O'QUINN,
Secretary of the Senate.

I will also quote from a letter written by the governor of Texas:

EXECUTIVE OFFICE,
Austin, Tex., October 4, 1901.

SIR: I beg to herewith inclose you a copy of a resolution adopted by the legislature of Texas in reference to the contemplated abandonment of Fort Brown, and to earnestly request that the post be maintained. It is quite important that troops be held at the mouth of the Rio Grande River, in order to insure peace and order on that portion of our frontier. In my judgment, its location is such as makes it of exceeding importance, and I earnestly trust that the Department will retain it at its present strength.

I have the honor to be, yours, very respectfully,

JOSEPH D. SAYERS,
Governor of Texas.

The SECRETARY OF WAR,
Washington, D. C.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Beaumont, Tex., November 20, 1901.

Hon. SECRETARY OF WAR,
Washington, D. C.

DEAR SIR: A resolution of the Texas legislature protesting against the abandonment of Fort Brown, near Brownsville, Tex., has been forwarded to you. I beg hereby to join in this protest, and respectfully request that this fort be continued.

Very respectfully,

S. B. COOPER,
Member Congress, Texas.

HUNTSVILLE, TEX., *October 5, 1901.*

The SECRETARY OF WAR,
Washington, D. C.

DEAR SIR: Our people are very much stirred up over the prospective abandonment of Fort Brown as a military post.

Permit me to earnestly urge upon you the propriety of continuing the protection of the Rio Grande section by maintaining this fort.

Very truly, yours,

THOS. H. BALL, M. C.

SHERMAN, TEX., *October 4, 1901.*

Hon. ELIHU ROOT,
Secretary of War, Washington, D. C.

SIR: It has been called to my attention that the War Department has been contemplating the abandonment of Fort Brown, at Brownsville, Tex.

As one of the Representatives from Texas, feeling a deep interest in the welfare of her people, and being well aware of the exposure and difficulties our people on the Mexican border have been subjected to, I most earnestly urge the increase of the frontier protection, the continuance of Fort Brown, and the location of adequate military forces along the Rio Grande border to insure protection of American interests. I would respectfully suggest that the maintenance of forts and military garrisons along the Rio Grande would not be attended with any extraordinary expense, and that no part of the frontier of the United States is more in need of a constant, watchful guard than that bordering on the Republic of Mexico. I trust that a consideration of this matter will result in an increase, and not in a decrease of this protection. Although located myself in the northern part of Texas, I feel that the interests of the southwestern portion of the State, which is developing so rapidly, should not be discouraged, nor should American interests be allowed to suffer for want of adequate protection.

Very respectfully,

C. B. RANDELL, M. C.,
Fifth District of Texas.

GONZALES, *October 7, 1901.*

Hon. ELIHU ROOT,
Secretary of War, Washington, D. C.

MY DEAR SIR: My information is that your Department contemplates the abandonment of Fort Brown, at Brownsville, Tex., and I write you to earnestly protest against this action. I trust you will pardon me for saying that, in my judgment, a throrough investigation will convince you that such action will be both unwise and unjust. It is true that now our relations with Mexico are extremely friendly, on account of which we all rejoice; still, the situation is such that the maintenance of the fort will be an aid to continued security, and prevent any uprising of lawlessness along the border, which is so far from the seat of government of both countries.

From letters and telegrams I have received, it is evident that the people of the State in that section are much stirred up, and great dissatisfaction will result from the abandonment of the fort.

Doubtless my colleague, the Hon. Rud. Kleberg, who is now in Washington, will interview you in the matter. I heartily join him in his efforts in this matter.

Very respectfully, yours,

GEO. F. BURGESS.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., October 26, 1901.

The SECRETARY OF WAR,
War Department, Washington, D. C.

SIR: I beg to submit for your consideration the telegram I received some time ago, during your absence from the city, with reference to Fort Brown, at Brownsville, Tex., of which I spoke to you to-day. The gentlemen signing the message are all prominent citizens, and their statements are perfectly reliable. I trust that Fort Brown and the posts along the Rio Grande generally may be maintained, as I believe they are necessary both as strategic points as well as necessary protection against marauding bands on the border between the United States and the Republic of Mexico.

Very respectfully,

RUDOLPH KLEBERG,
Member of Congress.

I have quoted all these letters, or portions of them, not to show the character of the population of Brownsville but to show the character of the population that lives in the surrounding territory on both banks of the Rio Grande, both in Mexico and in the United States, and the opinion of the people of Texas themselves as to the necessity not only of protection from across the river, but from the lawless people who occupy this territory.

Mr. SMITH of Michigan. Mr. President, if it will not interrupt the Senator from Connecticut, I should like to ask him a question.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Connecticut yield to the Senator from Michigan?

Mr. BULKELEY. Certainly.

Mr. SMITH of Michigan. I should like to know whether it developed in the course of the hearing that the Mexicans came freely to Brownsville, the Mexican soldiers mingling with the American soldiers. Did that develop in the hearing?

Mr. BULKELEY. There is abundant testimony as to that. There was a ferry running in close proximity to Fort Brown, and it was a constant matter of visit from one place to the other by the soldiers.

Mr. SMITH of Michigan. Did it develop at all that the Mexicans came over at any time and rioted in the city of Brownsville?

Mr. BULKELEY. If the Senator will listen to the letter which I am going to read, I think he will be convinced that at one time the city of Brownsville had been in the hands of the lawless people who inhabit this territory for two or three days at a time, when it was almost impossible to secure help, and they even had to call on the Mexican Government to protect Brownsville.

Mr. SMITH of Michigan. I noticed in your statement a moment ago that the governor of Texas and other public men felt that this garrison should be strengthened. Of course that was not from fear of war, but probably from fear of rioting.

Mr. BULKELEY. It was merely for the protection of the people against raids from the other side and their own side of the river. I think the next letter will disclose the point.

Mr. FORAKER. "Marauding bands" is the expression.

Mr. SMITH of Michigan. "Marauding bands?"

Mr. FORAKER. That is the expression employed by one of the petitioners for the post to be continued—in order to protect the citizens of Brownsville against the marauding bands.

Mr. PILES. I should like to ask the Senator from Connecticut what is the color of the uniform of the Mexican soldiers.

Mr. BULKELEY. I do not think it is in the testimony, and I do not know that I can give it. But I shall not make any charge against the Mexican soldiers as marauders in this town. I have another theory which I will develop later. I do not think there is any occasion to lay this raid to Mexican soldiers.

Mr. HOPKINS. It is not material from your standpoint.

Mr. BULKELEY. I do not think there is any charge on the part of anybody against them, whatever their uniforms were. Some questions have been raised in regard to the character of the guns they used, and whether it was possible that the ammunition used in United States arms could be used in Mexican guns. But I do not recollect that any question was raised.

Mr. FORAKER rose.

Mr. BULKELEY. Possibly the Senator from Ohio can state.

Mr. FORAKER. My recollection is there is some testimony on that point; that the uniform of the Mexican soldiers is somewhat like ours, though not exactly the same shade of light color. There is a difference of shade. That is my recollection as to what the testimony is. As the Senator from Connecticut proceeds, I will try to find out.

Mr. BULKELEY. The letter I am about to read——

Mr. FORAKER. I want to join with the Senator in this connection in saying that no one means to suggest that this was done by Mexican soldiers. All I understand that the Senator is undertaking to do here is to show by these statements from Texas citizens as to why a garrison should be continued at Brownsville, that the people at that point needed the protection of a garrison as against the marauding bands which infested that locality. That was their own expression. That is the reason why I used it.

Mr. BULKELEY. I am about to read a letter from a member of the Texas legislature, written at that time. The question which was being considered by a board of Army officers was

the abandonment of undesirable and unnecessary Army posts, and Fort Brown was among the number. They were not confined to the frontier. They were all under consideration. It was a lengthy hearing. This [exhibiting] is only one volume of the report, and these letters that I am quoting from are all contained in this volume.

Mr. FORAKER. It was in 1901.

Mr. BULKELEY. 1901. I will read this letter, to which I invite the attention of Senators who have made inquiries of me.

Mr. HOPKINS. What is the date?

Mr. BULKELEY. December 2, 1901, written to the board of Army officers making the examination.

RIO GRANDE CITY, TEX.,
December 2, 1901.

Lieut. Gen. NELSON A. MILES,
Washington, D. C.

DEAR SIR:

* * * * * * *

Now, if a party of bandits, cattle thieves, or revolutionists cross from Mexico—and the river is no obstacle—the first thing they would do would be to cut the wire, and then they would have full sweep for a week or ten days, until word could be gotten to Laredo and troops sent on the long march here. We could doubtless oppose some resistance, especially to a small party, but remember that this frontier is inhabited almost entirely by Mexicans, few of whom, in the case of revolutionists coming over, would be inclined to take part with us, and some might even actively assist the revolutionists. Starr County (in which Fort Ringgold is situated) contains over 11,000 people, and of these less than 100 are Americans and negroes. The proportions are about the same in the adjoining counties of Zapata and Hidalgo, though in Cameron County (the site of Fort Brown) the proportion of Americans is slightly larger. All this was shown clearly at the time of the "Garza revolution" in 1891, when several troops of cavalry and companies of infantry of our Army, aided by State rangers and deputy sheriffs, found themselves for a long time unable to capture these few revolutionists on account of the nature of the country and the sympathy of many of the people with their cause. The history of Mexico shows that many of the revolutions that have distracted that country had their origin and found their strongest support on both sides of this frontier. I am informed that President Diaz himself started his revolution at, and was equipped from, Brownsville. If our neutrality laws and our obligations to a friendly nation are to be observed, troops must be maintained at one or two points between Laredo and the mouth of the Rio Grande, to cut off in the bud incipient revolutions starting up here.

I think that the time of the great cattle raids is over, but a period of disturbance, to be feared upon the death of Mexico's strong ruler, might cause their renewal. They were common on this frontier up to a few years ago. In 1859 the War Department withdrew all troops from the lower Rio Grande posts, and the consequence was the great Cortina raid from Mexico, when the robber general Cortina seized the city of Brownsville, killed the chief of police and a few other citizens, and held a carnival of robbery, outrage, and crime, until, at our urgent solicitation, the Mexican authorities of Matamoros sent over a company or two of troops to protect our people, and moved the rest of the regiment down to the river bank, ready to cross if needed. The War Department did what it could to remedy the original mistake, and hurried troops down (under command of Col. Robert E. Lee, if I remember aright), but the march was long, and they would not have arrived in time to prevent a general massacre but for the timely and illegal action of the Mexican authorities. That, sir, was a time—

And I wish Senators would pay particular attention, because this is from a Texas citizen—

That, sir, was a time not only of danger, but of abasement to our people, when they saw their town in possession of robbers, the American flag at the post filthily dishonored, their Government helpless to aid them, and the preservation of their lives and the honor of their women due only to the kindly but humiliating assistance of a friendly nation. Nor was it an easy task for our troops to overcome this band of robbers. The campaign lasted two or three months, and was conducted all up and down the river with varying fortunes, including one most inglorious defeat, before they were driven back crushed into Mexico. The archives of the War Department must contain a full account of this great raid, as well as of the many smaller ones, both before and since, that have plagued our people and demonstrated the usefulness of a standing army in time of peace.

As to riots and uprisings originating on this side of the river, they are no longer to be expected. Yet we can not forget the great riot here in 1888, when only the presence of the troops prevented a massacre. It will be remembered that on that occasion the wire was cut by the rioters (fortunately, just too late) and the town was in their hands, but Colonel Clendenning got out his Gatling guns, turned out his troops, and with a strong hand protected the refugees from the mob until the arrival of State Rangers and deputies from other counties restored order.

Mr. SMITH of Michigan. Who signed that letter?

Mr. BULKELEY. It was addressed to General Miles, and is signed by G. W. Seabury, representing the eighty-fifth legislative district.

But, apart from what the troops accomplish by their actions, their mere presence holds in check the lawless element always to be found on frontiers, and has been of the utmost value to this section and the country in general. Local protection is generally to be expected from local sources, but we stand here to protect not only ourselves, but the whole interior, from the lawlessness and crime of refugees from Mexican justice. As we suffer so much for the country, I think it not unreasonable for the country to aid us through United States troops and State Rangers.

I do not deny that the expense of these posts is great, but they are worth to the country at large vastly more than the amount expended on them. If there were no people here to protect, the enforcement of our laws and obligations of neutrality alone, not to speak of international complications, would imperatively demand their retention. * * *

Very truly, yours,

G. W. SEABURY,
Representative, Eighty-fifth Legislative District.

RIO GRANDE CITY, TEX., *December 5, 1901.*

President THEODORE ROOSEVELT,
Washington, D. C.

HONORABLE SIR: I understand that the United States troops are to be removed from the Texas frontier posts, Forts Ringgold and Brown. I trust I may be pardoned if I say that in the opinion of all here it would be a most unwise and detrimental move for the peace and quiet of the frontier, keeping the resident population in a constant state of fear and unrest, besides retarding progress in the way of immigration, which is just now for the first time beginning to come this way. We are now having peace, quiet, and progress from the fact that the United States troops are present, and it is only the knowledge of that fact that keeps the turbulent element (mostly Mexicans) down, saving us from raids, robberies, and loss of life. I know whereof I write, having lived on the frontier for over fifty-two years, having knowledge of and have experienced much of it. I will call your attention to the Cortina raid in 1859, just after the removal of the troops. In 1888 the presence of the garrison, during the Garsa-Seebre trouble, saved the lives and property of the Americans here, when if the Mexicans could have reached Seebre and Dillard, the two Americans connected with the affair, they would not have stayed their hands until every American in the place had been killed; but the two named above fled to the post for security, thus saving themselves and other American citizens. Also, during the Spanish-American war in 1898, we were threatened by raids ostensibly gotten up by Spaniards in Mexico, under the pretense of patriotism, but in reality for the purpose of plunder, only the presence of United States troops keeping them in abeyance.

Our position here is none too secure, conditions now being the same as ever. We hope and trust this step will be well considered in the interest of the law-abiding citizens and the Texas frontier.

AN AMERICAN CITIZEN.

Mr. PILES. I should like to inquire of the Senator whether these riots he speaks of were participated in by Mexican soldiers, according to the showing he has made?

Mr. BULKELEY. No. In that case the Mexican soldiers came across the river and helped to drive out the band of robbers who had Brownsville in their possession.

Mr. PILES. In the riots spoken of in this letter, were the participants confined altogether to members of robber bands?

Mr. BULKELEY. I think so; and cattle thieves.

Mr. PILES. Mexican cattle thieves?

Mr. NELSON. Revolutionists.

Mr. BULKELEY. Revolutionists who inhabited this territory.

Mr. PILES. As to any of the riots referred to by the Senator from Connecticut, I will ask if there is any showing that the participants shot up private houses in Brownsville, or whether it was confined to riots in the streets or even to raids on mercantile establishments and saloons. I wish to know whether any of the riots were carried so far as to make assaults on private residences?

Mr. BULKELEY. I have read all of the extracts that seemed to me pertinent. The town of Brownsville was for two or three days on one occasion in possession of these robbers, and that I thought should be distinctly understood. The robbers, not soldiers, took possession of the Government post and pulled down and trailed in the dirt the American flag; and it was not until the Mexican soldiers were appealed to to come and rescue the city from this lawless element that Mexican soldiers were sent over and finally drove them out before United States troops could reach the point.

I have quoted thus freely from these appeals from the people of the Texas frontier, in order to call attention to the character of the population and the dangers arising to the settled communities from the outlaws from both sides of the Rio Grande and contiguous to these communities. I regard these facts as important in view of previous raids into the settled towns as alluded to in the correspondence, and also in view of what we find more than once in the evidence before your committee, that on the night of the raid at Brownsville and shortly before the firing commenced, a party of horsemen, greater or less in number, were heard rapidly riding over the county road but a short distance outside the reservation and directly connecting with the Garrison road, or Fifteenth street, where the firing shortly after commenced.

I have in my remarks various affidavits and statements of the few persons and soldiers who were awake at the time the affray commenced. I will quote:

[S. Doc. No. 155, p. 512.]

Personally appeared before me, the undersigned authority, one William Harden, a private of Company B, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says, as follows:

"I was in the post hospital at Fort Brown, Tex., asleep on my bunk, on the night of August 13, 1906, when the shooting took place at that post. The shooting woke me up. I got up and came out on the front porch toward town with the hospital steward and the other patients. When I got out on the hospital porch I heard a bunch of mounted people galloping along the wire fence from east to west along the north boundary of the post. They were coming from the northeast corner of the wire fence. They opened up a fire near where the wire fence joins the wall, in rear of the first set of barracks.

That was in the neighborhood of this county road.

"They fired a few shots here, I don't know exactly how many, and then rode on along the wall to where most of the firing took place—in rear of B and C Company barracks. Firing ceased soon after call to arms sounded. Some six or seven bullets came over the hospital. We got

behind those big brick pillars. The bullets were lead bullets, because they had a coarse hum and did not sing like a steel bullet. It was too dark to see any persons. I knew nothing about any trouble.

"And further the deponent saith not.

"WILLIAM HARDEN,
"Company B, Twenty-fifth Infantry."

Sworn to and subscribed before me, at Fort Reno, Okla., this 25th day of September, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Summary Court.

[Testimony of William Harden, pp. 598–599.]

Q. That is the roadway inside of the reservation?—A. Yes, sir.

Q. There is a roadway outside of the reservation?—A. Yes, sir; there is a roadway outside. I heard these two rapid shots that way, outside, eastward from the hospital, and I jumps up and runs out on the porch, and I meets Nolan and Sanborn, and when I got out on the porch I heard a crowd of horses galloping; when I got out they had got pretty near the corner and had gotten about the corner of that fence. They had got about where the barbed-wire fence connected with the wall, and they opened up some shots, and then they galloped on down to the main gate and opened up—I don't know how many shots—I guess a hundred or more shots were fired there. Sanborn, being a first-class private in charge, he made myself and Nolan get behind the pillars in the old hospital building there. That is an old Spanish building, a big old building, and we got behind those pillars to keep from getting hit with stray bullets coming from the southeast over the hospital. He made us get behind there to keep from getting hit. And these was lead bullets.

Q. How many did you hear?—A. I heard some seven or eight bullets go over the hospital.

Q. What else did you hear that you can tell us about?—A. After he made us get behind these brick abutments, the call to arms went, and about three or four minutes after the call to arms went firing ceased. And the last shot that was fired was fired away downtown. It was an old musket or shotgun of some kind, fired away downtown. We all had formed on the porch there, and had talked there and wondered about the shooting, and he made us patients go to bed.

Pages 601–602:

Q. I think we understand that. Now, you got out (without going over all this), and you heard these horsemen galloping by?—A. When I got out I heard these horses galloping just before the road turns to go down to the barracks.

Q. You have been in the service how long?—A. Since 1905, the last time.

Q. How long before that?—A. I went out on a short-order furlough at Fort Logan. I went out in 1903 and I was out until 1905, when I reenlisted.

Q. From the sound of these men galloping by, how many men were there?—A. As nigh as I can get at it from my knowledge, I guess there was from twelve to fifteen. You know this—if I may ask the Senator a question.

* * * * * * *

Q. How do you know how many horsemen there were?—A. I don't know. I said from my knowledge it might have been twelve or fifteen horses.

Q. They were making no noise, of course?—A. They were making a lot of noise.

Q. They were not trying to keep it secret, at all? Are you certain they were making a noise?—A. They were galloping. I heard their hoofs against the ground, of course.

Q. Were the riders making any noise?—A. No, sir; the riders were not making any noise; only I heard their galloping.

Q. There was no hollering?—A. No, sir; no hollering.

Q. No shouting?—A. What is that?

Q. No shouting by the men on horseback?—A. No, sir; the men couldn't shout on horseback unless they were hollering.

Q. When the men were galloping, the firing was right toward the hospital?—A. Yes; but wait a minute.

Q. Yes; I will.—A. When the first shot was fired the horses galloped around, and when they got to the joining of the wall they opened up a fire again, and then when they got down to the gate then all this firing commenced. That is when the man made me and the other men get down behind the brick abutments.

[Testimony of Samuel Wheeler, pp. 642–643–645.]

Q. What was the conversation you had with General Garlington?—A. He asked me about the knowledge I had of this shooting.

Q. You told him?—A. Yes, sir; I told him, and when he explained it to me, then I went on to tell him that I thought that the people of Brownsville did this shooting, myself, and he said "Never mind about that; just answer such questions as are asked of you." So I quit. I was a soldier, and subject to orders, and didn't wish to give the General any insubordination; and so he said that would do.

Q. He asked you to tell all you knew of this shooting?—A. No, sir; he did not ask me to tell all I knew about the shooting.

Q. Did you understand that he wanted you to tell all you knew about it?—A. I might have.

Q. Were you ready to tell all you knew about it?—A. I have tried to always.

Q. Were you ready to tell all you knew if he had asked you to tell all you knew?—A. Yes, sir.

Q. Did he ask you to tell him about hearing those horses galloping by?—A. I hadn't gotten to that point.

Q. He never refused to let you tell him about that?—A. I was telling him about the shooting. I didn't know whether the horses had anything to do with the shooting; only I knew I heard some horses going very rapidly.

Q. Was that a horse or some horses?—A. I said "horses" in the first beginning, I think, sir. It wasn't one horse, I am sure.

Q. How many horses?

Senator FORAKER. He said three or four horses.

Senator WARNER. I did not hear the three or four. I did not hear the witness say that.

By Senator WARNER:

Q. Just approximate, as near as you can, how many horses you heard.—A. Well, sir, it seemed to me it might have been about four horses—three or four horses. I didn't see them; I only heard them.

* * * * * * *

Q. Then when you heard those horsemen going that way, the fusillade was over?—A. No, sir; that was during the fusillade, during the shooting, sir. That was right along during the shooting. It seemed as though he must have had an awful gun. I could hear the reports from it, it seemed like a mile, down through the town.

Q. But confining it to this other point, now, as to those horses galloping, when was that, in reference to the fusillade you heard?—A. Right along the latter part of it.

Q. So that if there was anyone upon those horses, they could have had nothing to do with the fusillade down in the direction of Elizabeth street?—A. They could have had a good deal to do with it. It might have been another party down there. They could have connected with it.

Q. Yes; another body. But that body you heard up there going out Adams street——A. I didn't say they were going out Adams street. I don't know what street they were going out.

* * * * * * *

Q. Well, whether one or more; did you think at the time that that had nothing to do with the shooting, and therefore did not make the statement?—A. That the horses passing by at that time——

Q. Yes; had nothing to do with the shooting?—A. Had nothing to do with the shooting.

Q. No, sir?—A. No, sir; I don't believe any horses would travel with that force that those horses were traveling with, unless something was forcing them along. It is not usual for horses to travel with the force that these horses were traveling with without somebody is driving them. The horses seemed to be traveling with great speed.

Q. And you thought those horses were mounted, then?—A. I thought they must have been mounted by some one, and the ones they were mounted by must have been connected with this shooting.

It was also in evidence before your committee (see testimony of custom officers and others) of the desperate encounters with smugglers and criminals; that this adjacent territory was infested with bandits and robbers, as well as deserters from the Army. One customs officer—and he is the one that committed the assault upon the soldier Newton—testified that during his term of service he had made more than 600 arrests. With this admitted criminal population constantly under the surveillance of the officers of the law, would it be, Mr. President, a wild stretch of one's imagination to locate, with reason, the so-called "conspiracy" to raid the city of Brownsville, and in connection with the lawless element located there to seek vengeance on the officers of the law, both local and national, who had so often brought them within the clutches of justice? And if, in their murderous raids against officials, they should disregard, endanger, or take the lives of unoffending citizens it would not be an unnatural conclusion.

Brownsville itself is essentially a town of Mexican characteristics; its population is largely of Mexicans or of Mexican or Spanish descent, and the predominating language used by all is the Spanish. Its police force is composed of Mexicans, who speak the English language indifferently or not at all. Its streets are poorly lighted, as was stated by the President in one of his messages, from which I quote:

> The streets are poorly lighted, and the night was very dark.

This statement is fully corroborated by Major Penrose and every one of his officers, who repeatedly testified—and their testimony is uncontradicted—that it was impossible in the open grounds of the post to distinguish or identify their own men, on account of the darkness, at a greater distance than from 5 to 10 feet.

On the map furnished by the Government as an exhibit and appended to Senate document 155 (the little map, which Senators will find on their desks, is a reduction of this map) the lights of the city are clearly indicated. I shall be glad to have Senators examine it, if they choose, for their own information.

Reference to this map furnished by the Government as an exhibit (S. Doc. No. 166), on which the street lamps are indicated, shows conclusively that on the route covered by the raid there were but four city lamps, including Elizabeth street; and on Garrison road, or Fifteenth street, extending the whole front of the reservation, not a single lamp is located, and the only light this whole distance on this road was a single lamp at the post gate used by pedestrians. The Senator from Missouri [Mr. WARNER] is mistaken when he locates two lamps over the main gate, as examination of photo Exhibit No. 5 clearly shows—as well as the testimony of Major Penrose on this point—that on Cowen alley, the location of the principal part of the shooting, there is not a single lamp, public or private, its entire length from Fifteenth street to Twelfth, and on Thirteenth street—the route taken by the raiders—there is a lamp located at the corner of Elizabeth, also one at the corner of Washington street, 300 feet apart.

Hearings, volume 3, pages 3021–3022:

By Senator BULKELEY:

Q. Where was the light at the gate?—A. Right on one of the posts, the post on the east side of the gate. There is a small gate. There is a large gate to the wagon road, and there is a small gate to the footpath, and it was on the post, or I think there was an iron rod that went over the gate, and it was suspended from that. I think that shows in one of the pictures.

Q. There was only one lamp there?—A. Only one lamp.

Q. And that was over the pedestrian gate?—A. Yes, sir.

Senator BULKELEY. Not three lights.

* * * * * * *

By Senator FORAKER:

Q. I show you the picture in the Purdy report.—A. No. 5.

Q. Does that correctly represent the lamp over the little gate?—A. Yes, sir; I think that lamp is right there. There is no lamp beyond that at all.

Q. There were no lamps that night over the big gatepost?—A. No, sir; there was no light over the big post. I don't think they are fixed for lights at all.

On Cowen alley, where the principal part of the shooting took place, there is not a single lamp, public or private, its entire length—from Fifteenth street to Twelfth—and on Thirteenth street, the route taken by the raiders, there is a lamp at the corner of Elizabeth; also one at the corner of Washington street. The lamps are 300 feet apart, and they are kerosene lamps of 8 candlepower only, as testified to by Lieutenant Leckie, who was sent to Brownsville for the purpose of an investigation of all the surroundings. Among other things, he investigated the location and the character of the lamps and their candlepower. All Senators know for themselves the amount of light furnished by an 8-candlepower kerosene lamp on a public street well shaded with trees.

Q. It has been suggested here by a question, I don't know whether you know or not, that the fort has been dismantled since, that it had been dismantled when these pictures were taken, and perhaps the lamps that had been over the post at the big gate had been removed. Have you a recollection whether there were any lamps over the post?—A. I think not, sir.

Q. Just the one lamp?—A. I think there was just that one lamp lighted.

Cowen alley is midway between these two lamps and about 120 feet from either. It is testified to by an Army officer that these lights are of but limited candlepower and that their reflection radius does not extend beyond a distance of 20 feet, which, taken in connection with the fact (see testimony of Mayor Combe) that these streets are fairly well covered with shade trees, would indicate that these few lights, located as I have indicated, would furnish little, if any, help in the identification of the raiders by people aroused from their slumbers at midnight looking out into the oblivion of midnight darkness. Major Blocksom, page 427, Senate Document No. 155, said:

None of the individual raiders were recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves.

These quotations, with the map exhibits of the street lighting, I believe to be unquestionable, and there is little, if any, conflict of testimony as to the darkness of the night, so that it seems unnecessary to quote further from the testimony to establish these points.

The soldiers of the Twenty-fifth Infantry were not welcome as a garrison for Fort Brown. Soon after the order was issued for their location at that post a remonstrance against such action was forwarded to the War Department. (See S. Doc. No. 155, p. 301.)

[Extract from the Annual Report of the Secretary of War for the year 1906.]

DISCIPLINE—THE BROWNSVILLE AFFRAY.

I am very sorry to record a most serious breach of discipline and the commission of a heinous crime by certain members of a battalion of the Twenty-fifth Infantry, Companies B, C, and D, on the night of the 13th and the morning of the 14th of August, at Fort Brown, Brownsville, Tex.

In June last objection was made to the stationing of this battalion at Fort Brown by a resident of Brownsville in a letter transmitted through Senator CULBERSON, to which the following answer was made:

It is proper to state at this point that the citizen of Brownsville who wrote this letter which was forwarded to the War Department and who had testified before your committee criticised one of the citizens of Brownsville in a public speech in the city, and the next morning he was ruthlessly shot on the streets of Brownsville by the son of the witness, showing that there is not an entire regard even in the city of Brownsville for the lives of their own white citizens.

WAR DEPARTMENT,
Washington, June 4, 1906.

Hon. C. A. CULBERSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have the honor to acknowledge receipt of your note of June 1, transmitting a letter from Mr. Sam P. Wreford, of Brownsville, Tex., stating certain objections to the stationing of negro troops at Fort Brown, and in reply to say that the matter of possible objections of this character was very carefully considered before the order was made, and I regret that I can not see my way clear to rescind it.

The fact is that a certain amount of race prejudice between white and black seems to have become almost universal throughout the country, and no matter where colored troops are sent there are always some who make objections to their coming. It is a fact, however, as shown by our records, that colored troops are quite as well disciplined and behaved as the average of other troops, and it does not seem logical to anticipate any greater trouble from them than from the rest. Friction occasionally arises with intemperate soldiers wherever they are stationed, but the records of the Army also tend to show that white soldiers average a greater degree of intemperance than colored ones. It has sometimes happened that communities which objected to the coming of colored soldiers have, on account of their good conduct, entirely changed their view and commended their good behavior to the War Department.

A change of station was necessary for these colored troops, and one-third of the regiment (a battalion) had already been sent to Fort Bliss, Tex., more than six months ago. Since that time no complaint concerning their conduct has reached the War Department, so far as I know. It was also necessary to send the entire regiment to the same locality, and to have sent it anywhere else would have involved two moves for the battalion now at Fort Bliss within about six months. This would have been an injustice to the troops concerned, and would, in addition, have entailed considerable extra expense upon the Government.

Trusting this explanation may be satisfactory to your constituents, I remain,

Very truly, yours,
WM. H. TAFT,
Secretary of War.

The battalion was accordingly sent to Fort Brown in command of Maj. C. W. Penrose, and arrived there July 28, 1906. Soon after its arrival unfortunate differences arose between the enlisted men and some townspeople. As is usual in such cases, there was contradictory evidence as to the cause for the troubles, though they were doubtless due primarily to the resentment of certain of the townspeople at the proximity of a negro battalion. The instances of friction were numerous and notorious enough to be the cause of much discussion in the barrack rooms of the three companies. The feeling of the enlisted men was also aroused by a discrimination insisted on in most of the saloons of the town, in which separate bars were provided for them. No serious injury was done to any of the colored soldiers, although one of them was knocked down by a Government official named Tate with a clubbed revolver for jostling his wife, as he charged, and another was pushed off a gang plank by a customs inspector into the mud of the Rio Grande, because drunk and disorderly, as it was claimed.

Under date of August 17, the following telegram was addressed to the Secretary of War (S. Doc. No. 155, p. 23):

[Telegram.]

DALLAS, TEX., *August 17, 1906.*

SECRETARY OF WAR, *Washington D. C.:*

Some time ago I called your attention to the danger of locating negro troops in Texas, especially at Brownsville. The recent outrageous conduct of such troops there fully justifies the fact of the people of that locality. Can not these troops be removed at once?

C. A. CULBERSON.

Lieut. Harry S. Grier (S. Doc. No. 155, pp. 115–116):

* * * * * * *

Q. Did you hear any of the people of Brownsville make any remarks about the colored soldiers?—A. I did.

Q. What did they say?—A. The very first day on our arrival in Brownsville I registered at the Miller Hotel, and in conversation with the clerk in regard to colored troops being sent to Texas he stated that the people were much opposed to their coming, and they mustn't take any undue liberties or there would be trouble.

Q. Do you know his name?—A. I do not, except he is night clerk in the Miller Hotel. On several occasions I have heard people explaining, not in a resentful way, what was customary for the colored people to do in that part of Texas, especially about drinking in bar with white men.

Q. Did you ever see any soldiers mistreated in Brownsville?—A. No, sir; I did not.

* * * * * * *

Major Blocksom reports, August 20, 1906 (S. Doc. No. 155, p. 71):

BROWNSVILLE, TEX.,
August 20, 1906.

THE MILITARY SECRETARY, UNITED STATES ARMY,
Washington, D. C.:

Causes of disturbance are racial. People did not desire colored troops here, and showed they thought them inferior socially by certain slights and denial of privileges at public bars, etc.

* * * * * * *

Page 65, under date of August 29:

* * * * * * *

I met many sterling people in Brownsville. The majority of good business men recognize the proper ethics of the situation, but many others of a somewhat lower class think the colored soldier should be treated like the negro laborer of the South. It must be confessed the colored soldier is much more aggressive in his attitude on the social equality question than he used to be.

Very respectfully,
A. P. BLOCKSOM,
Major, Inspector-General.

McCaskey, brigadier-general, commanding Southwestern Division and Department of Texas, August 17, 1906 (S. Doc. No. 155, p. 24):

[Telegram.]

CAMP MABRY, *Austin, Tex., August 17, 1906.*

MILITARY SECRETARY,
War Department, Washington, D. C.:

Unsatisfactory conditions at Fort Brown and Brownsville continue. Citizens appeal to State officials, on account of abject fear of women and children, to have present garrison removed. Commanding officer, Fort Brown, of even date, wires situation grave. One-third garrison guarding other two-thirds and preventing ingress to or egress from post. Remarkable and unmilitary situation. Citizens of Brownsville entertain race hatred to an extreme degree, making it necessary to divert competitors returning from Fort Sill. The provocation given soldiers not taken into account by civilians. Recommend temporary abandonment of Fort Brown as a military station and that troops now there be sent to Fort Reno, Okla.

MCCASKEY,
Brigadier-General, Commanding
Southwestern Division and Department of Texas.

Major Blocksom again reports, August 29 (Senate Doc. No. 155, p. 61):

1. The soldiers heard they were not to go to Camp Mabry because Texas troops had threatened to use ball cartridges against them in maneuvers. They knew Colonel Hoyt made a request that the Twenty-fifth be not sent to Texas.

2. The people did not desire the colored troops and thought they should not be sent here. I learned this *before* the rumored abandonment of Brown from prominent citizens, members of the committee of safety, etc. I think requests were sent to Senators, Congressmen, etc., to use their influence in the matter, but am not positive. If a fact, it is probably known at the War Department.

3. Soldiers of the Twenty-fifth were not allowed to drink with white people at the principal bars in town, though in some cases saloon keepers put up a separate bar for their use, this having an opposite effect to that intended. The bartender was killed in such a saloon.

Second Lieut. E. P. Thompson, Twenty-sixth Infantry, makes the following affidavit (S. Doc. No. 155, p. 514):

SAN ANTONIO, COUNTY OF BEXAR, *The State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Edwin P. Thompson, who, being sworn, deposes and says:

That he is a second lieutenant in the Army of the United States; that in such capacity he served at Fort Brown, Brownsville, Cameron County, State of Texas, from September 4, 1903, until August 13, 1906; that when it was known that a battalion of the Twenty-fifth United States Infantry was to garrison the post many derogatory remarks were made before its arrival by some citizens in reference to the colored soldiers in words as follows, or words to the like effect: "We don't want the damn niggers here;" "Niggers will always cause trouble;" "To hell with the colored soldiers; we want white men," and that he is unable to fix any one of such remarks upon any one citizen owing to the frequency with which like remarks were made and the period of time covered; that various minor clashes occurred between the individual citizens of the town and the soldiers; that one Teofilo Crixell, a saloonkeeper of Brownsville, Tex., told him that a row had occurred in the "White Elephant" Saloon, owned by one Vicente Crixell, in words to this effect, to wit: That one Bates, a Federal officer, was at the bar drinking when a colored soldier entered and asked for a drink; that the said Bates then turned to the soldier and said no nigger could drink at the same bar with him, and that upon the soldier remarking that he was as good as any white man said Bates drew his revolver and hit the soldier over the head; said Bates then going to the police headquarters and offering to pay his own fine.

Further deponent saith not.

E. P. THOMPSON,
Second Lieutenant, Twenty-sixth Infantry.

Sworn to and subscribed before me this 27th day of September, 1906.

L. M. PURCELL,
Second Lieutenant, Twenty-sixth Infantry, Judge-Advocate.

Testimony of this character might be multiplied from both officers and men, but I will not weary the Senate with further extracts from the record testimony. These few indicate the feeling on the part of at least many of the civilians of Brownsville and their opposition to the location of colored troops at Fort Brown.

IDENTIFICATION OF THE RAIDERS.

This involves one of the important questions of this investigation. The so-called "identification" of eyewitnesses is entitled to most careful consideration. I am satisfied from listening to and reviewing the testimony, taking into consideration the character of the night, the midnight hour at which the raid occurred, the dimly lighted and shaded streets on the greater part of the route followed by the raiders, and streets and alley not lighted at all, that such identifications as are testified to by numerous witnesses were absolutely impossible. I would not accuse all of these witnesses of untruthfulness. They were impressed with the fact that the town was being raided, and that whatever forms they saw in the darkness was necessarily a soldier—that consequently they must be negro soldiers, as they were the only ones located in that vicinity.

An additional fact adding another possible difficulty in distinguishing the character or identity of the raiders may be found in the testimony—uncontradicted—that the old clothing or uniforms of the troops were thrown away and appropriated by the Mexican scavengers, and that they were constantly seen upon the streets clad in these discarded uniforms. (See testimony of Sergeant Frazier, p. 62–93, vol. 1, Hearings; also affidavits of numbers of men to the same effect, S. Doc. 155, p. 232, 233):

Mr. SCOTT. Will the Senator from Connecticut allow me?

Mr. BULKELEY. Certainly.

Mr. SCOTT. If I remember rightly, the Senator from Idaho [Mr. BORAH] the other day said it was impossible for these uniforms to be worn unless people had stolen them. Was it not in evidence that the Twenty-sixth Regiment threw a great many of their khaki uniforms and old hats and caps away?

Mr. BULKELEY. Yes; I will come to that in a moment.

Mr. SCOTT. I thought it was a rather peculiar statement at the time the Senator from Idaho made it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. DICK in the chair). Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BULKELEY. Certainly.

Mr. BORAH. I think if the Senator from West Virginia will look over my remarks, he will find that I did not make the statement in the language that he quotes. But if it should occur that the uniforms were secured, I should like to have the Senator who is on the floor explain how these marauders from the outside got hold of them.

Mr. BULKELEY. I think I can do that to the Senator's entire satisfaction in a few moments.

Mr. SCOTT. There is no question about it.

Mr. BULKELEY. I will for the moment say they could have been readily secured from these discarded uniforms, both from the refuse left by the Twenty-sixth and from the discarded uniforms of the Twenty-fifth. I will present evidence showing that when they left Fort Brown the discarded uniforms were dumped upon the heap and taken by these scavengers, Mexican boys, and citizens.

Mr. SCOTT. And their hats and caps also.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield further to the Senator from Idaho?

Mr. BULKELEY. Certainly.

Mr. BORAH. Just for a question. Do I understand the Senator's contention to be that this raid was done by citizens of Brownsville, or by people who came into the town that night from the outside?

Mr. BULKELEY. I stated early in my remarks, I think quite clearly, that in my belief the raiding was done by the lawless element from outside of Brownsville, aided by the lawless element located therein.

Mr. BORAH. The contention, then, as I understand it, is that there were some people who came into Brownsville that night on horseback or otherwise and participated?

Mr. BULKELEY. The evidence so shows.

Mr. BORAH. And that the people within the town joined with those from the outside?

Mr. SCOTT. Certain people.

Mr. BULKELEY. I stated my theory that the lawless element—not the peaceful, well-behaved citizens of Brownsville, but the lawless element that resided within and without the city, smugglers and others, who were constantly under the surveillance and within the clutches of the officers of the law—connived at this conspiracy which I am trying to show. Here is an affidavit with thirty-six names attached thereto:

AFFIDAVIT T.—*General affidavit—relative to citizens wearing old caps, etc.*

TERRITORY OF OKLAHOMA, *County of Canadian, ss:*

Personally appeared before me the undersigned, duly authorized to administer oaths in and for the county and Territory aforesaid, the following-named persons, who certify that they were members of the Twenty-fifth United States Infantry, stationed at Fort Brown, Tex.:

Affiants allege that soon after arrival at said fort they discarded all their old uniform, such as caps and uniform, and threw the same out in the rear of the garrison, and that many boys and men soon thereafter were seen by us wearing the said uniform that had been discarded, and that it was a common sight to see the same, as herein alleged.

Affiants further allege that during their stay at Fort Brown they did not wear any caps, but all wore hats.

Thomas J. Green.
Temple Thornton, corporal Company D.
John R. Jones.
Barney Harris.
Henry W. Brown.
James Newton.
Winter Washington.
Alonzo Haley.
Joseph Shank.
Zachariah Sparks.
George W. Hall.
Joseph Jones.
Charles Dade.
Strowder Darnell.
Henry Borse.
William Van Houk.
Robert (his x mark) Williams (mark made by reason of afflicted right hand).
Edward Jordon
Jacob Frazer, first sergeant Company D.
Len Reeves.
John A. Jackson.
Elmer Peters.
Robert L. Rogan.
Dorsie Willis.
Elias Gant.
Albert Holand.
Richard Crooke.
George W. Newton.
John Slow.
Jerry E. Reeves, sergeant, Company D, Twenty-fifth Infantry.
Henry Robinson.
Walter Johnson.
James H. Ballard.
Luther T. Thornton, sergeant, Company D, Twenty-fifth Infantry.
William R. Jones.
Samuel Wheeler.

Sergt. Mingo Sanders—

Mr. SMITH of Michigan. Who signed this document?

Mr. BULKELEY. It is signed by about forty or fifty soldiers of the Twenty-fifth Infantry.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BULKELEY. Certainly.

Mr. FORAKER. There is no contradiction of the testimony on that point. The citizens of Brownsville, one and all, who testified on that point, said that the khaki clothing was commonly worn by Mexicans and by all kinds and classes of citizens; that you could go into any store and buy a suit of khaki made up, which in the nighttime 5 feet away from you could not be distinguished from the uniform which the soldiers wore. The policemen wore that kind of uniform.

Mr. BULKELEY. I think the testimony which I am about to read will fully justify the remarks which the Senator from Ohio [Mr. FORAKER] has so kindly made.

Sergt. Mingo Sanders was a soldier of twenty-five or thirty years' experience in the Army. All of his officers at that time, and all the officers that had been connected with the regiment during his long service, testified as to his standing as a soldier and as a man.

On page 339, volume 1, Hearings, Sergt. Mingo Sanders testifies:

* * * * * * *

Q. I want to ask you a question on another line. Do you know what kind of uniform the policemen of Brownsville wear?—A. They wore a khaki uniform.

Q. The same material as that of the uniforms of the soldiers?—A. Yes, sir; they were the same material, almost.

Q. Are they Americans or are they Mexicans, those policemen?—A. They are Mexicans.

Q. If you know?—A. They are Mexicans, so far as I seen; Mexican police.

On page 362, Q. M. Sergt. Thomas J. Green testifies:

* * * * * * *

Q. Did you, while you were at Brownsville, see any of the policemen of Brownsville?—A. Yes, sir.

Q. What kind of uniform do they wear?—A. Khaki.

Q. Similar to what the soldiers wear?—A. Yes, sir.

Q. What kind of hat did they have on?—A. The campaign hat.

Q. The campaign hat?—A. Yes, sir; only they had a gilded cord around it.

By Senator FORAKER:

Q. Did any of the citizens there wear khaki clothing?—A. Yes, sir.

By Senator TALIAFERRO:

Q. How many policemen did you see?—A. I couldn't tell you, sir.

Q. Just approximately.—A. I have seen a good many of them, from time to time.

Q. And you remember distinctly that they wore khaki uniforms?—A. The policemen—that is, those men that were told to me to be policemen—had khaki uniforms.

Q. And hats like yours, except with a different kind of cord?—A. Yes, sir.

By Senator FORAKER:

Q. I will ask if you saw Mexicans running around there with khaki clothing on, or not?—A. Yes, sir.

Q. Was that an unusual thing, to see citizens dressed in khaki?—A. Yes, sir; lots of citizens wore khaki.

Q. It was not unusual to see it?—A. No, sir.

By Senator OVERMAN:

Q. How many policemen were there in that town, do you know?—A. No, sir; I never was in the town ever three or four times the whole time I was down there.

Q. How many policemen did you see?—A. I have answered that question.

Q. You say every policeman you saw had on khaki. How many did you see?—A. I don't know. Every policeman I saw had on khaki uniform and a campaign hat.

Q. Was that the same man that you saw each time?—A. No, sir.

Q. How many did you see?—A. I couldn't say.

Q. Can't you give me an estimate?—A. No, sir; it would be just as impossible to tell you how many policemen there are in Brownsville as how many there are here in Washington.

To impeach the testimony of many if not the greater number of these eyewitnesses it only seems necessary to quote from the official utterances. Under date of January 12, 1907, the Secretary of War writes to the President (S. Doc. No. 155, part 2, p. 17):

There is a conflict as to the circumstances growing out of the evidence of the witnesses, which is entirely natural in respect to transactions during the daytime, and still more natural in respect to the transactions and the direction of sounds during the night, and there are some things about the evidence of McDonald, Mrs. Odin, and of Preciado, who testify with such detail as to seeing the negro soldiers—the one at garrison wall, the next at the alley of Miller's Hotel, and the third at the Tillman saloon—which, in view of previous statements, shake some the weight of what they say. Mrs. Odin's statements bear evidence of being affected by conversations with her husband, and there is a somewhat suspicious agreement as to exact details between their two statements.

Again, the Secretary of War addressed a communciation to the President in sending an additional affidavit in the case of Preciado, who, if anyone's testimony was good for anything, was in the best position of anybody that night to see and identify the soldiers if the raiders were soldiers. I call your attention to the statement of the Secretary of War.

Senate Document No. 155, part 2, page 19:

Letter of the Secretary of War to the President relative to additional testimony in the Brownsville case.

WAR DEPARTMENT,
Washington, January 14, 1907.

MY DEAR MR. PRESIDENT: In my letter transmitting the additional evidence in the Brownsville case, I had occasion to comment on the circumstances which impaired the weight to be given to the evidence of Paulino Preciado, in which he stated that he saw the four or five men who killed the barkeeper, and recognized them as negro soldiers, admitting on examination that he had not made such a statement before, explaining it by saying that he was not asked. Since sending you the evidence and my letter of transmittal, I have come across what purports to be, and what I believe to be, a copy of a report of Preciado's evidence before the grand jury, which expressly contradicts and impeaches his evidence upon this point. I ask that this be forwarded to the Senate with your message and the other papers.

Very respectfully,

WM. H. TAFT,
Secretary of War.

The PRESIDENT.

GRAND JURY ROOM, *September 10, 1906.*

Paulino Preciado, being duly sworn, deposes and says:

"I live in Brownsville, Tex.; on the night of the shooting I was in the Ruby Saloon, belonging to Mr. Tillman, near midnight. We, myself, Antonio Torres, Nicolas Sanchez Alanis, and Mr. Tillman, were sitting in the yard, when we heard some shots. Tillman got up at once and left us. We remained with the bartender, Frank Natus; the latter closed the doors toward the street; in the meantime the shooting became heavier. Then the bartender went to close the door toward the alley. He went about 20 feet toward the door, when a volley was fired. Natus exclaimed, 'Ay Dios,' and fell down; I saw him because I was looking in that direction when the shots were fired. I saw I was in danger and went to one side. I could not see anybody in the alley, as it was dark out there and I was in the light. I heard no word spoken. I hid in a corner where a brick wall protected me until the shooting was over, then I went to close the alley gate. While I was in the corner I received a slight flesh wound on the left hand, and another passed through my coat and vest, breaking my spectacles, which I carried in the left breast pocket of my coat, but did not hurt me. I think I received the shots at the time Frank Natus fell, but did not notice it at the time. When the shooting was over I went and opened the front door, and asked the crowd of people who were there if there was an officer amongst them. Mr. Victoriano Fernandez came forward, and I told him what had happened.

"PAULINO S. PRECIADO."

Sworn to and subscribed before me, this 10th day of September, 1906.

WM. VOLZ,
Foreman Grand Jury.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BULKELEY. I do.

Mr. FORAKER. If the Senator will allow me, I should like to interject there, for the benefit of Senators who are not familiar with this record, that this man Preciado, whom the Secretary of War thus disposes of, is the only man who, according to his testimony, claimed to have the benefit of artificial light to distinguish the men who were doing the firing.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Texas?

Mr. BULKELEY. I do.

Mr. CULBERSON. I will ask the Senator from Ohio if the gentleman who sat in the window of the hotel, the Miller House, did not declare that he saw them by the light in the street?

Mr. FORAKER. It was shown by the testimony that there was no light whatever in the street at that point.

Mr. CULBERSON. The Senator does not, I think, directly answer the question. Did not the gentleman—I have forgotten his name just for the moment——

Mr. BULKELEY. Odin.

Mr. CULBERSON. Who was in the Miller House, declare that he saw the soldiers by the light in the street?

Mr. FORAKER. I do not know the witness to whom the Senator refers, but I do know that the testimony shows that there was no light by which anyone could have seen any soldier in the street at the point where it was claimed he saw them.

Mr. CULBERSON. My recollection is——

Mr. FORAKER. One moment, if the Senator will allow me. One man claimed that he looked half a square away from the mouth of the alley, a distance of 160 feet, and recognized that a man was a soldier as he turned around the corner, because he went under a lamp, the light of which fell on his face as the man looked back. The testimony is conclusive that nobody turned that corner at that time in any such way. That is the testimony of a citizen who lived immediately opposite who was looking out of the window at the time and could have seen if anybody had turned the corner.

Mr. CULBERSON. My recollection is refreshed by Senators around me that the name of this witness is Odin, who testified that he witnessed this from the window of the Miller Hotel.

Mr. FORAKER. The testimony of Odin was that he looked out and saw a soldier fire up toward the window, that he recognized him by the flash of the gun, and saw that he had freckles on his face. [Laughter.] All that will receive due consideration at the proper time.

Mr. CULBERSON. Yes, Mr. President. My inquiry of the Senator from Ohio, who stated that a certain man was the only

witness who testified that he saw by the aid of artificial light, was whether or not this man Odin did not testify that he saw——

Mr. FORAKER. If I said he was the only man who testified that he had the benefit of artificial light, I want to correct it. I did not mean that. I mean he testified that he had had aid of artificial light, and that he is the only witness who, according to the testimony, could possibly have had the benefit of artificial light; and he shows by his own testimony that he did not see anything—I mean when giving testimony before the grand jury.

Mr. CULBERSON. My purpose was simply to have the Senator correct his statement——

Mr. FORAKER. Yes.

Mr. CULBERSON. That the only witness was the one named by him who did not have the aid of artificial light.

Mr. FORAKER. Still I do not understand that Mr. Odin claims that he had the benefit of artificial light except by the flash of a gun; and we are able to show by the testimony of officers of the Army, who made experiments, that it is utterly impossible to recognize anything by the flash of one of these modern rifles.

Mr. FRAZIER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BULKELEY. Certainly.

Mr. FRAZIER. I want to ask the Senator from Ohio, with the permission of the Senator from Connecticut, a question. I understood the Senator from Ohio to say that the witness to whom he refers is the only witness who testified that he had the advantage of artificial light to enable him to distinguish these raiders as soldiers. Do I understand the Senator to state that?

Mr. FORAKER. I think I probably did, from what the Senator from Texas [Mr. CULBERSON] has said; but I qualified that a moment ago, however, as the Senator from Tennessee must have heard. I think that this man is the only man who claims that he saw by the aid of artificial light, who was in a position to have had such help. Now, will the Senator give me the name of any other witness who so testified? We had so many of them that I can not recall all of them.

Mr. FRAZIER. Mr. President, Mr. Rendall, the witness who was occupying the position over the telegraph office, claimed distinctly that he saw the men on the inside of the wall by means of a light over the gate. The witness Amada Martinez, who was in the Cowen house at the time that these soldiers fired into the house, claims that she saw what was going on by the light of the lamp that was in the dining room, only a few feet from the window, where she went to close the blinds, and that she recognized the soldiers there. The witness Littlefield, who was at the mouth of Cowen alley and Thirteenth street, 120 feet away from the corner of Washington and Thirteenth streets, claimed distinctly that he saw and recognized the men as they ran under the lamp at the corner of Thirteenth and Washington streets as soldiers. So that I think the Senator can not, under this record, justify the statement that Preciado was the only man who claimed that he saw these men by reason of artificial light.

Mr. FORAKER. If the Senator will allow me, I do not recall the remark I made as it was quoted by the Senator from Texas [Mr. CULBERSON]. I certainly did not intend to put the statement in exactly the form in which he quoted it.

Mr. FRAZIER. Of course, if the Senator from Ohio did not intend to use that language, it is all right.

Mr. FORAKER. My statement was, or should have been, as I corrected it when my attention was called to it, that he was the only one of the witnesses who claimed to have seen by the aid of artificial light who was in a position where he could have seen by artificial light, and he has been contradicted by his own testimony and the testimony of others.

Mr. CULBERSON. With the permission of the Senator from Connecticut——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Texas?

Mr. BULKELEY. Certainly.

Mr. CULBERSON. Of course I would not undertake to say that the Senator from Ohio used a particular term. I caught his expression, I thought, to the effect that this witness was the only one who claimed to have or who could have had the aid of artificial light. The record, of course, of the stenographer will show exactly what the Senator from Ohio said.

Mr. FORAKER. Certainly; it will show exactly; and if it shows what the Senator quoted, it was an erroneous statement, and it should be corrected, or should be modified rather in the way I indicated, when the Senator called my attention to it, that he was the only one of the witnesses who testified to seeing by the aid of artificial light, who was in a situation where he really could see by artificial light, if he had been in the position which he placed himself; but as to that he is utterly and flatly contradicted by his own testimony.

Mr. BORAH. Mr. President, will the Senator from Connecticut yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BULKELEY. Certainly.

Mr. BORAH. I call attention to the testimony of the telegraph operator, who testified that he saw by artificial light. While there is some dispute about all these questions, yet it must be conceded, I think, that the light was there for him to see by if he was in that place.

Mr. FORAKER. I do not want to interfere with the Senator from Connecticut, who is delivering a very carefully prepared speech, but all these matters to which the Senator refers will receive due attention at the proper time in so far as they have not already received it. As to Rendall and his wife, I commented upon their testimony the other day when discussing this subject. Two minutes after the first shot was fired anybody could see people marching in any direction almost in the reservation. All were astir; all were aroused; all was excitement; and men could be seen going here, yonder, and everywhere. What people saw then amounted to nothing.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from West Virginia?

Mr. BULKELEY. Certainly.

Mr. SCOTT. Mr. President, as it is a question whether these soldiers were recognized on that night, and as it has been proven that it was rather a dark night, I will say that our friend, the Senator from Idaho [Mr. BORAH], made one of his strongest points, as I understood him—of course he is a learned lawyer, and I am only a layman—on the testimony of Mrs. Leahy, who said that she saw from her window back of barracks "B" and recognized soldiers as shooting from that porch and then springing over the wall and running down this particular alley. I asked this same lady, when she was on the witness stand, if these soldiers wore hats. She said they did. I asked her where she was standing. She said in an upstairs window. I asked her how near was the nearest light. It was proven that it was about 180 feet, and that it was a carbon oil lamp. I said, "You are sure they were soldiers, and negro soldiers?" She said: "Yes, sir; I recognized them. One of them was a ginger-cake nigger and had freckles on his face."

The Senator from Idaho the other day, as I understood, made his strongest point on the evidence of that lady. I will leave it to the Senate whether or not such testimony as that would be taken in a court in the Senator's State at home or whether the Senate should take such testimony.

Mr. BORAH. Mr. President, if the Senator will permit me just a moment——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BULKELEY. Certainly.

Mr. BORAH. So far as the darkness of that night is concerned, there is an abundance of testimony; and the great weight of the testimony is that it was not a dark night at all. There is no contention in this record upon the fact that it was a dark night. The witnesses all testified that it was a clear night, a starlit night, and while the moon was not shining, it was what was called an ordinarily light night. The only parties who testified that it was a dark night were the parties who were interested, after this charge was made, in having it appear that it was dark. The citizens, one and all, agree as to the kind of night it was.

Mr. SCOTT. Will the Senator from Connecticut yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Connecticut yield further to the Senator from West Virginia?

Mr. BULKELEY. Certainly.

Mr. SCOTT. Then I understand, Mr. President, that the Senator from Idaho is willing to rest his case on the testimony given by this lady, that she recognized these men absolutely as soldiers, because they wore hats, and she was in a second-story window looking down, and that one of them was "a ginger-cake nigger and had freckles on his face." The testimony of a witness of that kind of course carries great weight with him.

Mr. BORAH. Mr. President, I am not compelled to rest my case——

Mr. BULKELEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield further to the Senator from Idaho?

Mr. BULKELEY. I am willing to yield at all times to a question, and will be glad to reply to any question——

Mr. SCOTT. I beg the Senator's pardon.

Mr. BULKELEY. But I do not want to yield to an argument between other Senators as to what they think.

Mr. BORAH. Of course I will not interfere if the Senator does not want me to, but I was asked a question which I should like to answer.

Mr. BULKELEY. I have no objection to the Senator asking me any question or interfering with me, but when he gets up a discussion with another Senator as to what happened, I must decline——

Mr. BORAH. Do I understand the Senator declines to yield?

Mr. BULKELEY. Certainly; I——

The VICE-PRESIDENT. The Senator from Connecticut declines to yield.

Mr. WARREN. Will the Senator from Connecticut yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Wyoming?

Mr. BULKELEY. Certainly.

Mr. WARREN. I hope the Senator from Connecticut will be allowed to finish; and it is perhaps a selfish hope, because I want to get up an appropriation bill. Now, I understand if one Senator interrupts and alludes to the argument of another, that it is as necessary to yield to the second Senator as to the first; but I rather hope the Senator will be allowed to proceed now, as he wants to do, and finish his speech.

Mr. BULKELEY. Now, Mr. President, diverging from the remarks I have written, I want to reply for a moment to the question which was first interjected by the distinguished Senator from Texas [Mr. CULBERSON], as to the witness who was impeached to some extent—and the Secretary of War impeaches the testimony of his wife on account of collusion between the two as to the details of the testimony that they should present to this committee—the facts are, Mr. President, that there was no light whatever within 150 feet of the point where Odin testified he saw these colored soldiers by the aid of artificial light. One light was located on the corner of Washington and Thirteenth streets, and the other light at the corner of Thirteenth street and Elizabeth street—more than 300 feet apart, and it is testified that none of these city lamps was more than 8 candlepower. Mayor Combe, in his testimony, in answer to some inquiries which I made myself, testified that the streets were comparatively full of trees; and Lieutenant Leckie says that the reflective power of all these city lamps—"the reflective radius," as he expresses it—was not to exceed 20 feet. If that testimony is correct, I would ask the Senator from Texas, or any other Senator, what possible aid from those lamps could this man, sitting with his wife, and whose testimony has been equally impeached with that of his wife, secure from those small 8-candlepower lamps, with a reflective radius of 20 feet, when they were at least 150 feet away from the locality where this man Odin said he saw these troops?

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Michigan?

Mr. BULKELEY. I do.

Mr. SMITH of Michigan. According to the map that is upon Senators' desks, there seem to be but six street lamps within a radius of about that many blocks.

Mr. BULKELEY. There were only four.

Mr. SMITH of Michigan. Four, between Twelfth street and the fort?

Mr. BULKELEY. I think the Senator could not have been here when I explained the location of those lamps.

Mr. SMITH of Michigan. No.

Mr. BULKELEY. From Cowen alley from Fifteenth street to Twelfth street, which is the route taken by the raiders, as far as Thirteenth street there is not a single lamp, public or private. From Cowen alley to the corner of Thirteenth and Washington streets, which was the extreme point over which the raiders traveled, there is only the lamp at the corner of Thirteenth and Washington streets. So that on the direct route over which the raiders went there was not a single lamp from the fort to the corner of Thirteenth and Washington streets, where the first and only lamp was located. There was a light on Elizabeth street, 20 or 30 feet from Cowen alley, and there was another one on the corner of Washington and Thirteenth streets, which is an equal distance from the alley. Those are all the lights that were in all this territory.

The Secretary of War says the testimony of Mrs. Odin should be impeached because of the evident collusion with her husband as to the details of their testimony. That it corresponds so closely in its details is evidence of that fact. I make the claim, Mr. President, and I believe it is a fair one, that the evidence of Mr. Odin and Mrs. Odin, for the reasons stated by the Secretary of War, even if the facts which they state are true, is not entitled to any credence in this investigation.

The lieutenant of the police, Dominguez, who lost his arm in the raid, was another of this class of witnesses, but his opportunities to see the raiders were limited to two points (see testimony, vol. 3, p. 2114), as the soldiers crossed the alley at Fourteenth street and again as he rode across the alley at its intersection with Thirteenth street, when, as he testified:

I was riding fast on horseback.

Now, to contradict his testimony, I will state that Policeman Padron was stationed at the corner of Washington and Fourteenth streets, where the lieutenant testifies that he went, looking down Fourteenth street, and saw these soldiers crossing this alley by the flash of the guns.

The policeman, Padron, testifies on page 2145, volume 3, Senate hearings, as follows:

Q. But I want to know whether this firing that lighted up the faces of the men so you could tell their uniforms, whether that was over when the lieutenant arrived?—A. I returned from the corner of Fourteenth and Washington, along Washington, and there I met the lieutenant.

Q. Did not the lieutenant come to Fourteenth and Washington streets?—A. No; he came to about the middle of the square.

* * * * * * *

Q. Did the lieutenant go down with you to Fourteenth and Washington?—A. No; he did not reach that point.

* * * * * * *

Q. Did not go down to the corner at all?—A. No.

If this testimony of the policeman, Padron, is to be relied on, the lieutenant could not have seen the soldiers at Cowen alley and Fourteenth street, as he has testified; at the only other point of observation, Cowen alley and Thirteenth street, where he testifies he "was riding fast," I submit, Mr. President, that looking down into a dark and absolutely unlighted alley from a distance of 30 to 40 feet that any sort of identification would be impossible.

I now come to the poor Mexican woman who lived with the Cowen family, whose house was located at the corner of Fourteenth street and Cowen alley, facing Fourteenth street. She was evidently, if I could judge by her appearance upon the stand, an ignorant Mexican woman, unable to speak English, and very little qualified, so far as I could observe, to intelligently disclose, for many reasons, what she saw or thought she saw that night.

But I want to call the attention of Senators to the situation and surroundings of the house from which her observations were made. Here is a photograph [exhibiting] which shows the house. If any Senators are interested enough at any time to look at the exhibits which are in the files of the Senate, they will find this photograph is No. 12 in Senate Document No. 155.

I call your attention to the fact that it is located some feet back from the alley, not close to the alley, and is separated from the alley by a closed board fence several feet in height and, as the evidence shows, coming up about to the shoulders of an ordinary man. I say it would have been impossible, looking out from the low windows of this low house over this board fence, which was the height of an ordinary man's shoulders, for this woman, who was only at the window for a moment, while the firing was in progress, to be able to describe, with such completeness as she states, the dress of a man from head to foot—leggings—covered by a board fence—belt around the center of his body—covered by a closed board fence, and of a sufficient height to disclose only the firings that were over the fence.

So I conclude that her testimony is entitled to very little, if any, credence, because I can see, and I think any Senator who will give it thought for a moment will see, that standing as those men must have been on the ground, and a closed board fence between them and this low Mexican house, which this picture discloses, it was absolutely impossible for anybody, whatever their intelligence, looking out into the darkness, to be able, in the detail of leggings and belts, to describe from head to foot the clothing of anyone.

Now, another witness, and the one to which the Senator from West Virginia [Mr. SCOTT] referred, I could dismiss without a word of comment. I feel certain that, with all her fearlessness, because she asserted—and her appearance justified the assertion—that she did not stand in fear of any man—lightning was the only thing she was afraid of—with her appearance on the witness stand, her unfavorable impression on the other

members of the committee, that little, if any, reliance was given to her testimony. It was impossible in that midnight darkness and looking through the trees of the surrounding properties to see 300 feet away and distinguish with the distinctness which she described the appearance and form of soldiers on the porch of the barracks. The officers of that fort had great difficulty in the open in distinguishing each other and in distinguishing themselves at distances as described by these officers, times without number, of 5 or 10 feet.

These witnesses whom I have named—this woman, the lieutenant of police, Preciado, the two Odins, and McDonald—comprise almost the entire number of so-called "eyewitnesses" and "identifiers" of these raiders.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BULKELEY. Certainly.

Mr. FULTON. Will it interrupt the course of the Senator's argument if I ask him a question?

Mr. BULKELEY. No, sir; I shall be glad to yield.

Mr. FULTON. I was a member of the Committee on Military Affairs while this testimony was being taken, and heard considerable of it, and read it all very carefully. To my mind the testimony was overwhelming that some of the negro soldiers did the shooting. The Senator takes up the testimony of each individual who testified that he or she saw negro soldiers, identified them as soldiers, and points out some fact which, to his mind, tends to weaken the testimony of that individual.

While there is much truth in what the Senator says, and in the criticisms he makes on the individual testimony, there was this fact which appealed to me, and I ask the Senator how it affected his judgment: That immediately after the shooting the people assembled, as naturally they would, in crowds about the town, and there was but one voice from all of the people, and that was that the shooting had been done by the negro troops. There was no dissenting voice in any crowd, apparently. Everybody who at that time said he had seen the persons who did the shooting said it was the negro troops. Nobody seemed to make any other statement. There could have been no conspiracy extending throughout all the inhabitants of the town to cause them to come together and thus talk and thus designate the perpetrators of the outrage.

Mr. BULKELEY. There is no evidence whatever to substantiate even the suggestion that in this assembled crowd there was a single one of the so-called "eyewitnesses." There is every evidence to my mind that this assembled crowd to which the Senator has alluded embraced a very different class of men, to which I shall allude at a later period of my remarks.

Mr. FORAKER. I want to say one thing, if I may be permitted to interrupt the Senator to say it.

Mr. BULKELEY. Certainly.

Mr. FORAKER. It is in answer to the suggestion of the Senator from Oregon.

The testimony to which he refers did not appeal to me at all, because, without an exception, the men who merely heard the firing and who did not pretend to see anybody were convinced from the first shots, according to their own testimony, that it was the negroes and nobody else.

Take the case of Mr. Hammond, who was sitting at the Miller Hotel and heard the shots. He immediately announced "The negroes have broken out at the garrison and are shooting up the town." Nobody had told him anything. The state of mind was such that the citizens of that town seemed to jump to the conclusion, whether they saw something or did not see something, that the soldiers were doing the shooting.

Mr. FULTON. It would perhaps be quite natural that persons who did not see those who were actually engaged in the shooting, but who heard the shooting come from the direction where the troops were, should surmise it was the troops who were doing the shooting. But I think the Senator from Connecticut is mistaken when he says none of those who saw the shooting were in the crowds that assembled.

Mr. BULKELEY. Does the Senator from Oregon claim there is any evidence to show there was one man in the crowd who claimed to have seen the shooting?

Mr. FULTON. Yes. I have the evidence here.

Mr. BULKELEY. Except possibly the policeman.

Mr. FULTON. The policeman and some of the others; those who were around in saloons.

Mr. BULKELEY. I think if the Senator will wait until I reach that point, he will see the character of that crowd.

Mr. FULTON. But what I desired particularly to call the attention of the Senator from Connecticut to, and to ask him to explain, because it is a fact which has great influence in my mind, is that either the negroes did the shooting or somebody else did. The shooting was done.

Mr. BULKELEY. There is no doubt about that.

Mr. FULTON. Everybody among the citizens of the town, when they met the next morning and when they met immediately after the occurrence, said it was the negro troops. Some of those people——

Mr. BULKELEY. They naturally were not going to charge themselves with it.

Mr. FULTON. Some of those people had seen the parties who did the shooting, and they told others. Everybody who said it was the negro troops was not an eyewitness, but some of them had been. It is a most remarkable fact that not a single person in all that town pretended to have seen anybody else than negro soldiers.

Mr. BULKELEY. I will reach that at a later period in my discussion.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BULKELEY. Certainly.

Mr. FORAKER. I should like to ask the Senator from Oregon if he thinks that any more remarkable than that a body of ten or twenty men should march through the town shooting right and left, with every man in the town himself armed, with his bedroom full of rifles and pistols, and with armed policemen about, and that the marchers should suddenly disappear and no human being be able to tell in what direction they went?

Mr. FULTON. If the Senator from Connecticut will allow me——

Mr. BULKELEY. I do not want to yield for any discussion between Senators.

Mr. FORAKER. I only mention that to show how many remarkable things there are connected with this case.

Mr. FULTON. I do not want to intrench upon the time of the Senator from Connecticut——

Mr. BULKELEY. I am perfectly willing to answer any question; but if Senators want to discuss this question, I wish they would discuss it in their own time and not mine.

Mr. FORAKER. The Senator from Connecticut is quite right.

Mr. FULTON. I was only undertaking to answer the Senator from Ohio.

Mr. WARREN. Will the Senator from Connecticut yield to me for a moment?

Mr. BULKELEY. With pleasure.

Mr. WARREN. Of course I realize that any Senator who rises and is recognized can proceed, but I want to remind the Senate of one thing. This Brownsville matter is not up regularly, nor is there pending a motion to take it up. It is up on the courtesy of the Senate, extended always to a Senator who has a prepared speech. The Senator from Connecticut has shown an unwillingness to be interrupted in the general flow of his remarks. I hope he will be permitted to proceed, and I hope so, because I think we ought to get some of the appropriation bills into the hands of conferees. At least some of the members of the Senate are involved in a great many conferences, and some of the conferences are of a nature that will take a great deal of time.

Mr. FULTON. Mr. President, just a word.

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BULKELEY. Certainly.

Mr. FULTON. I was perhaps the offender in this instance, because I asked a question. I only want to say that while I recognize the importance of considering the appropriation bills, when the courtesy is extended to a Senator to make a speech I think we will have to insist upon our right to ask questions when there is something we want to have explained.

Mr. BULKELEY. I recognize fully the propriety, in order to meet the views of many Senators and others, of getting the appropriation bills through the Congress as rapidly as possible. But I believe that the questions involved in this discussion, involving justice to fellow-men and servants of the Republic, are of enough importance to postpone for a few minutes or for a few hours the discussion even of financial measures.

Mr. WARREN. Mr. President——

Mr. BULKELEY. I am not criticising the Senator from Wyoming.

Mr. WARREN. I agree perfectly with the Senator. Only I think that he will agree with me that when we enter into a general discussion of this question we ought to take it up with that understanding and go on with it. I think he is right about the importance of it, and I hope we will take plenty of time before we get through to thrash it out so that everybody will understand it.

Mr. BULKELEY. I have no doubt we will.

Mr. FORAKER. We will have plenty of time to discuss it thoroughly before the Congress adjourns.

Mr. WARREN. Of course we will. That is right. There will be no division of sentiment on that.

Mr. FORAKER. No.

Mr. BULKELEY. Now, these witnesses, whom I have named, whom the Government, even, through the Secretary of War, has discredited—and it needed no words of mine to discredit their testimony—with the policeman, comprise practically all the so-called eyewitnesses. So far as concerns policemen other than those already referred to—I think Dominguez, as the lieutenant, is the only one I have referred to—I shall content myself with quoting from the testimony of Captain Kelly, one of Brownsville's most prominent citizens, chairman of the citizens' committee which conducted the first investigation of this affray, as to their character for truth and veracity.

Testimony of Capt. William Kelly, page 2561:

Q. Mayor Combe has testified that Policeman Padron told him that he fired his revolver, down on Washington street, in that direction.—A. Yes. As to Policeman Padron, I am very much about that as I am about the negroes.

Q. You do not believe the policemen, either?—A. No, sir.

Q. Well, I don't either.

Senator TALIAFERRO. You agree on one point, anyway.

By Senator FRAZIER:

Q. You do not mean to say that Padron's evidence given here as detailing the facts of the shooting of Dominguez was not true?—A. I do not know; I have not read that. I do not know what he testified to. But I mean the Mexican of that class is very liable to lie, if he thinks he might lie.

By Senator OVERMAN:

Q. Is that the character of Dominguez?—A. Very much.

By Senator FORAKER:

Q. They are all that way, are they not?—A. Yes, sir. There are some of them——

Q. But these policemen, you think, are a very shiftless and unreliable lot?—A. They are not the best of the Mexicans, by a long ways.

Q. The way they acted would seem to indicate that.—A. Yes; that is one thing. I believe that the men Mrs. Leahy hid in her house, or wherever she put them, were not the only ones that sought similar shelter somewhere.

Q. Then, whatever they would say you would take with a good deal of allowance?—A. Yes.

Q. And be very careful about it?—A. I would certainly consider whether it was in accordance with the other facts.

By Senator WARNER:

Q. You have known Dominguez a good while?—A. Yes, sir.

Q. The lieutenant of police?—A. Yes, sir.

Q. He is an honest and truthful man?—A. Yes; an honest and truthful man, and a very courageous man.

By Senator TALIAFERRO:

Q. Then you did not understand Senator OVERMAN'S question a while ago, when he asked you if Dominguez was the kind of a Mexican that you were describing?—A. No, no. Dominguez is not like that. I am not very certain about it, but I think he is not a Mexican. I think his father was a Greek.

Pages 2552, 2553:

Q. The testimony shows that there were nine or ten policemen on duty that night.—A. Oh, they were on duty all over town, I judge. I do not know where they were. My belief is that most of the Mexican police were in hiding; that is my personal belief.

Q. We understand that two of them were.—A. That is my belief.

Q. You know Mrs. Leahy?—A. Yes, sir.

Q. She keeps a hotel?—A. Yes, sir.

Q. We understand that she took care of two of them.—A. I have heard that she secreted two of them in her house; yes.

Q. But that would leave seven or eight out in the town who could have followed those men.—A. I do not think they were really following those people.

Q. Do you think there was any trouble, when twenty or thirty of these men were marching through the streets and shooting up the town, for somebody to have shot and killed some of them? If they had done that, we would have had no trouble at all in knowing whether they were soldiers or not.—A. There were no citizens out, as I understand it, until those soldiers went back in the barracks.

With the impeachment of most of the witnesses by the Secretary of War in his communication to the President, the impeachment of the balance of them, almost every one, by the evidence of the chief citizen of the town, the chairman of the investigating committee, Captain Kelly; the surroundings of the night and its darkness; the poorly lighted streets of the city, mostly not lighted at all, the evidence is convincing to me that any attempted or supposed identification of the soldiers, if soldiers they were, was absolutely impossible.

An investigation of visual observations, or powers of vision at night under conditions similar to those in Brownsville, was conducted by Army officers at Fort McIntosh (Lieutenant Blyth, Lieutenant Harbold, Lieutenant Wiegenstein, and Colonel Stucke). Colonel Stucke was not an Army officer. He was an engineer who happened at that time to be located in the vicinity of Fort McIntosh.

As a result of such observations Lieutenant Blyth testifies, Hearings, volume 2, pages 1990–1993:

Q. Now, go ahead and describe what that experiment was.—A. He arranged to have the men go down there at night. We did not know how he was going to conduct it at all. After everything was ready we went out at about half past 8 in the evening and stood on the edge of an arroyo. The men were down underneath. When the first volley was fired Major O'Neil shouted to him and asked him which way the men were facing. We could not tell. Lieutenant Wiegenstein laughed and said that was a part of the test; that he did not care to say. He wanted us to find out for ourselves.

Then we moved down about 50 feet farther, I should say, along the edge of the arroyo. Two more volleys were fired, and some fired at will, but all we could see was the flash of the rifle. We could not see the rifle that fired it.

Q. Have you any memorandum that shows the distances at which you were making the observation?—A. Yes, sir.

Q. Please produce the memorandum and tell us how far the squad was away from you when the first firing which you have mentioned was done.—A. The first firing on the horizontal was 50 feet and 4 inches, and the vertical height was 21 feet and 2 inches.

Q. That was which firing, the second or the first?—A. It was the first.

Q. You were that far distant?—A. Yes, sir.

Q. And at that distance could you distinguish the men?—A. No, sir.

Q. Could you tell whether they were white men or negroes or Mexicans?—A. The light was not sufficient for us to tell which way they were facing even.

Q. You could not even tell that?—A. No, sir.

Q. Could you tell anything about the different articles of clothing they wore?—A. No, sir.

Q. Was there a further firing?—A. Yes, sir.

Q. Where did that take place? How far were you from them?—A. That was 24 feet on the horizontal and 20 feet 7 inches above them. The results were the same.

Q. Then there was another trial?—A. Yes, sir; we moved down then.

Q. You moved down or they moved down?—A. We moved down to another place. That was 69 feet 2 inches away and 20 feet 5 inches above them; and looking almost into their faces, when the volleys were fired, all we could see was the flash, that was all.

Q. You could not tell anything about their faces, you mean?—A. We could see nothing but the flash.

Q. And you could tell nothing about their clothes?—A. No, sir; we could not even see the rifles that were fired.

Q. You could not even see the rifles?—A. No, sir.

Q. Could not tell whether they were Krags or Springfields or Winchesters or what?—A. No, sir.

Q. Was there any other firing, still another test?—A. Yes, sir; after that they marched down one arroyo and came up another, almost directly underneath us, in single file, but we failed to distinguish anyone, could not tell who they were at all. They were halted then underneath us, at that time 20 feet and 5 inches below and 18 feet and 7 inches from us. Then the flash of the rifles would come, and the eye would involuntarily close. The closer it got, the more the noise of the report and the flash of the rifle attracted your eye. Before you could take your eye away to look for anything else, the light would disappear, so it was impossible to see anything.

Q. Did you make any further tests?—A. Yes, sir; we brought the men up——

By Senator FORAKER:

Q. After these firings in the arroyo, what happened next?—A. We brought the men up on the bank—took them up on the road. The road was about 8 feet wide. We divided ourselves into two parties, one party on each side of the road. The moon was shining, and it was a clear starlight night, so there was a good light. The men were marched past, in single file, between us, and we wanted to see if we could distinguish the features of the men. After they all passed by I asked Major O'Neil to have a number of white officers march past, so I could get the exact distance to us from them, to see if I would get the same impression that I did from the soldiers going by. Lieutenant Wiegenstein came back and laughed and said: "Then you don't know that there are white men in the line?" I said: "No; I did not know that." So the detail was halted and I went up and scanned each man's face. We were about 2 feet from them at that time. I peered right into their faces, and I myself picked out one man who was a little lighter colored than the remainder, and he turned out to be a Mexican. The other men I did not distinguish at all. After we had passed he told me that there was a white man in the center of the line, and also a man who, I believe, was an Italian.

Q. Did you have any further experiments?—A. That night, after the moon went down, we went out and had the same experiments.

Q. With the same results?—A. And with the same results. The only difference was that after the moon went down, and at a greater distance—we were 69 feet and 2 inches away—when the rifles were fired by volley what I saw was just a long line of legs with dark material. It seemed to be long trousers that the men had on, but after the experiment was over and they were brought up on the bank I found that they had on khaki breeches and leggings. So I received a false impression.

Q. And you observed as closely as you could?—A. Yes, sir; we cautioned one another to watch. Not only that, but after the first volley was fired we cautioned one another to watch where the faces should be.

Q. What interest had Colonel Stucke, if any, in that investigation?—A. None whatever; no interest at all. He was there as a guest of Major O'Neil to dinner and went out with us after dinner.

Q. He is not connected in any way with the command?—A. No, sir.

Q. Were you all of one mind as to the result of the investigation?—A. As far as it went. It was impossible to distinguish features by the flash of a rifle, or to distinguish color or complexion.

Q. After nightfall, when the firing was in the dark?—A. Yes, sir.

Q. Did you have any further experiments?—A. We had another one on the 11th of March at night. At that time Captain Lewis and Lieutenant Harbold and myself were the observers.

Q. Was that of this same general nature?—A. Of the same nature as in the arroyo. After the firing in the arroyo we came up and went into my house, and went upstairs and looked out of two windows, 3 feet away, down, and the men were marched past underneath the windows, and we failed to recognize any features or any complexion. We could distinguish from the light shining out from my window on the first floor that they had on shirts made of dark material of some kind, and lighter trousers, but what they were we could not tell.

Q. Yes.—A. Then they were moved around in front of the house and marched across the parade ground, and in rear of a light, and when they got about 60 feet away we were unable to see them. They disappeared entirely from view. They were brought back and marched between a street lamp and my porch—we were all sitting there—the distance being about 20 paces. We afterwards measured that. We did not recognize anyone. Then they were brought around, and right

along on the sidewalk in front of the house, which is only 5 paces away, and at that distance we failed to recognize Lieutenant Wiegenstein, who was in the center. We did not know he was there. He was the only white man in the lot.

Q. What was the character of the night? Was it an unusually dark night?—A. The stars were shining, and there was no moon.

Q. The stars were shining, and no moon?—A. Yes, sir; with a street lamp only 20 paces away.

Q. Now, if anyone were to say that looking out of a window of a dark night he or she saw a gun fired, and recognized by the flash of that gun, it being a high-power rifle such as you have in use, the face of a man as that of a negro, and was able to detect that he had freckles on his face, what would you think of that kind of a statement, from your observation and experience?—A. I would not believe it.

Q. You would not believe it?—A. No, sir.

Q. And what would you believe of a statement of similar character, to the effect that by the flashes of rifles it could be determined whether the hats worn by the men shooting the rifles were black hats or gray hats, or whether they had cords around them or not?—A. With our rifles the experiments showed that the flash of a rifle was not sufficient to show you anything.

Q. You could not tell what kind of a rifle it was, even?—A. No, sir; you could not even see the rifle that fired the shots.

The testimony of all the other officers engaged in this investigation was of the same general character and need not occupy the time of the Senate.

These statements would justify the conclusions, from the character of the testimony of at least one of the witnesses, that but little, if any, credence can be given to the record testimony as to any satisfactory identification of soldiers that night.

THE FIRST SHOT.

The testimony of the citizens of Brownsville, with exceptional cases, is, that the firing was down in the *direction of the fort*, and no attempt is made to locate it within the reservation. Mayor Combe, who was aroused by the early firing, testifies.

I was sleeping on the back porch. I dozed off and was not very sound asleep when I heard what I thought to be four or five pistol shots in a southerly direction from my home.

This would be, as he states later, in the direction of the barracks.

Captain Kelly says—and this testimony is somewhat in explanation of the character of the first firing—and shows to my mind conclusively that the firing heard by Mayor Combe, that heard by Captain Kelly and all citizens of Brownsville, was of such a character as to come from guns that were not in the hands of troops. Captain Kelly, pages 2528–2529, volume 3, Hearings, testifies:

Q. Did you hear the shooting?—A. Oh, yes; very distinctly. I was in my library reading. I got up and went to the front of the house and lighted a couple of gaslights there to see if I could see where it was, but I was unable to see anything. At first I thought the shots were some Mexican procession, possibly, passing. That is about the only shooting we ever have there.

Q. What is the character of that shooting?—A. Well, they carry with them fireworks that they make, that they call cuetas—a sort of imitation of Chinese firecrackers—and when they have a procession at night—they have a great many of them, frequently celebrating saints' days——

Q. A great many saints' days?—A. Yes, sir; quite a number; and quite a number of nonsaints' days. They have anniversaries there. They celebrate the birthday of Diaz and the battle of Pueblo, at which he made his first success, and all that sort of thing. The societies turn out, and they fire these cuetas.

Q. You did not go out of your house?—A. No; I did not go out at all.

Q. And you knew nothing as to who were charged with doing the shooting up until the next morning?—A. No; nothing at all. I did not know anything about it.

So that this shooting, with all its dangers, does not seem to have been the cause of great trouble to the better part certainly of the citizens of Brownsville. Most of these so-called "eyewitnesses," after the five or ten minutes during which this shooting was going on, retired quietly to their homes, as they have testified, and never went on the street to join with the lawless mob that was assembled there and only dispersed by the authorities.

Major Blocksom, notes, Senate Document No. 155, page 177:

Notes by Major Blocksom on affidavits taken before Captain Lyon (submitted in Colonel Lovering's report).

When at Fort Brown I found a number of men positive that shots were fired toward the post. Their statements were based on flashes from rifles and sounds of bullets only. I could find no evidence of bullets striking anywhere in the post and none has yet been given. My theory (p. 3[44] of my report), sustained by the general trend of evidence given by soldiers and citizens, is that first shots (especially those toward post) were fired high (for effect only upon the minds of men in the garrison). I heard nothing of the expression "black —— of ——," etc. It will be noticed that the affidavits containing them were made by C Company men a month or more after the occurrence. As far as known, the soldiers of that company were the only ones, with one exception, who had trouble in town before the 13th of August. Nobody in B Company seems to have heard the expression, though the quarters were much nearer the firing than C Company's.

A. P. BLOCKSOM,
Major, Inspector-General.

If Major Blocksom's theory is correct, it sustains and gives a reason why no marks of bullets were found in the barracks by Major Penrose or any other officer. They were fired high in the air for a purpose, Mr. President, in connection with the language that was used with respect to this firing and which Major Blocksom quotes in his report, and which I shall not venture to quote here even to sustain my remarks.

These comments of Major Blocksom conformed to the mass of evidence which might be culled from the testimony to the effect that the first shots from mixed arms, especially those toward the post, were fired high, for effect only upon the minds of the garrison. I shall content myself with inserting here but a limited amount of testimony upon this important point, which leads up to the conclusion that the raiders could be looked for elsewhere than among the men of the garrison. I firmly believe that these first shots and the language used in connection therewith was an effort to draw the men out of their quarters and into a personal altercation without arms, as it must have been well known that they were securely locked in the gun racks. It is hardly conceivable that soldiers would have entered into a conspiracy to shoot up the town and commence the execution by first arousing the garrison and its officers, as was the effect of this shooting, and then escape detection and punishment.

Lieut. Henry S. Grier, who was the adjutant of the post, testifies, Hearings, volume 2, page 1699:

Q. Did you hear any bullets at all that night that you remember?—A. I thought when I was coming across the parade ground to the east about up in front of the commanding officer's quarters I heard a scattering of shot on the ground, but I would not be positive about it. It might have been something else; some other noise.

Q. That it is the only thing you heard that sounded like bullets?—A. Yes, sir.

Senator WARNER. He has not said they sounded like bullets.

A. I said it sounded more like shot.

Q. Did you mean shot as though——A. Yes; like buckshot from a shotgun, or something of that kind.

Matias G. Tamayo, the scavenger, who went on duty every night about 11 o'clock, and who was in the best position of any one, for he was awake and performing his duties when the shooting commenced, testifies, Hearings, volume 2, pages 1206–1207:

Q. Got down on the ground and picked up a can and emptied it?—A. Yes, sir; and then I set it on the ground. I heard the first shot.

Q. Where was that fired from?—A. I think it was fired from right along this alley here [indicating on map].

Q. What did you do after that?—A. I heard a lot of shooting.

Q. Then what did you do?—A. I put my lantern out as soon as I heard the first two shots.

Q. Then what did you do?—A. I stood for a little while facing the place where the firing was going on.

Q. Yes.—A. And at the same time I could see the galleries, right here [indicating on map], and the place where the firing was taking place, right in front of me.

Q. What was taking place?—A. The firing taking place.

Q. You are not pointing to the town?—A. No, sir; I am not [pointing to the map].

Q. The firing was in town?—A. Yes, sir.

Q. Did you see any men moving about there before that first shot was fired?—A. No, sir.

Q. Did you see any lights about the barracks?—A. No, sir.

Q. Was there any noise about, anywhere?—A. No, sir; everything was quiet.

Q. Everything was quiet?—A. Yes, sir.

Q. Did you see any men moving about inside the wall near the sink of B Company?—A. No, sir.

He was within 25 feet of the point where this man Rendall testifies that, looking down Garrison road, unlighted, 150 feet, he saw a body of men jumping over the wall. This man Tamayo was performing his nightly service and standing between the point where Rendall was looking out of a window and within 20 or 30 feet of the point where Rendall saw the men jump over the wall, and he was in close proximity with the wall all the time, stationed between the barracks and the wall.

Q. Did you see anybody jump over the fence or the wall there in rear of B Company, opposite the mouth of Cowen alley?—A. No, sir.

Q. Or at any other place?—A. No, sir.

Q. If there had been any shots fired from the upper windows of B, C, and D barracks, were you in a situation to have seen them?—A. Yes, sir; I could very easily have seen them, because I could see the barracks here—around right here in front of me [indicating on map].

Q. Now, were any shots fired from the barracks?—A. Not while I was there; no, sir.

Q. How about the first shots?—A. I heard the first shots and then about twenty more shots, and then I drove off.

Q. When they commenced shooting, then you left immediately?—A. I went away immediately.

Q. With your cart?—A. Yes, sir. At the same time when I heard this first shot I heard a few bullets going into the post over the administration building.

Q. That is important. Which way were they going?—A. They went up into the air.

Q. Went up in the air?—A. Yes, sir.

Q. Could you tell which way?—A. Across that way [indicating on map].

Pages 1208–1209:

Senator FORAKER. Yes. Now, you have testified before in this case. I want to read you an affidavit that was made on the 14th day of August, 1906, found at page 75 of Senate Document No. 155.

(The affidavit referred to is as follows:)

FORT BROWN, *State of Texas:*

Personally appeared before me, the undersigned authority, one Matias G. Tamayo, scavenger at Fort Brown, Tex., who, being duly sworn according to law, deposes and says:

"That at about 12.10 a. m. on the morning of August 14, 1906, he was in rear of the quarters occupied by Company B, Twenty-fifth

Infantry; that about this time a shot was fired by some person unknown in the street just outside the wall dividing the military reservation from the town of Brownsville, Tex.; that he could hear the bullet and that it appeared to be going in the direction of the Rio Grande River, about parallel to the above-mentioned wall; that immediately following this one shot a number of other shots were fired, all outside the wall.

"Deponent further says that previous to the shooting he saw no soldiers anywhere in rear of the quarters occupied by the companies of the Twenty-fifth Infantry, and heard no talking or news of any kind; and that he saw and heard no shot or shots from any of the company barracks.

"MATIAS G. TAMAYO,
"Scavenger, Fort Brown, Tex."

Sworn to and subscribed before me this 14th day of August, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Summary Court.

A most rigid examination and cross-examination by almost every member of your committee failed to confuse this witness or shake the weight of his testimony. Of all the witnesses, he was the one that was awake and in a position to see what was going on immediately behind the wall of the reservation. He was a Brownsville boy, and had but little time to interest himself with the members of the battalion during their two weeks at Fort Brown.

James H. Howard, Senate Document No. 155, pages 74–75 and 169:

FORT BROWN, TEX, *August 14, 1906.*

FORT BROWN, *State of Texas:*

Personally appeared before me the undersigned authority, Private J. H. Howard, Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"I was a member of the post guard on the night of the 13th and 14th of August, 1906. I was posted as a sentinel on post No. 2, which extends around the barracks, keeping the buildings on my left, at 10.30 p. m., August 13. At about 12.10 on the morning of the 14th, when between C and D Company barracks, I heard a single shot, then five or six, and then a regular fusilade. The shots seemed to come from the street in the rear of the brick wall back of B Company's barracks. I thought they were shooting at me, and I looked in the direction of the sounds to see if I could see anybody, but I could not, and then I went to the front of the barracks and gave the alarm, by firing my piece three times and calling for the guard. I did not see anybody at all but the post scavenger, who was at the sinks in the rear of B Company's barracks. As soon as the shooting commenced he drove away with his cart.

"JOSEPH H. HOWARD,
"Private, Company D, Twenty-fifth Infantry."

Sworn to and subscribed before me this 20th day of August, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

FORT BROWN, *State of Texas, ss:*

Personally appeared before me, the undersigned authority, one Joseph H. Howard, private, of Company D, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says:

"About 12 midnight, Monday, August 13, 1906, I was a sentinel on guard on post No. 2, which extends completely around the four barracks. The first thing that occurred that was unusual was a shot fired in the road opposite where I was at the time, on my post opposite the interval between B and C Company quarters. Several other shots followed in quick succession, and after a short interval what sounded like a fusillade of shots. My first impression was that I was being fired upon. I shouted the alarm after I had looked in that direction and had been unable to see anything. Then I ran to the front of the barracks, passing between B and C Company quarters, and there stayed until the companies had formed, when I returned to that portion of my post. I did not see anyone cross my post except men going to and from the closets before taps. After the shooting men were stationed along the wall alongside of my post. At the time of the shooting the scavenger was at work at the closets along the wall. I do not know who did the shooting. The reports sounded like rifle shots to me. I should judge about fifty or more shots were fired.

"Further deponent saith not.

"JOSEPH H. HOWARD,
"Private, Company D, Twenty-fifth Infantry."

Subscribed and sworn to before me at Fort Brown, Tex., this 20th day of August, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Trial Officer, Summary Court.

Howard was the sentry and, when the shooting commenced, fired the alarm from his rifle and called for the corporal of the guard. All the flashes of guns which witnesses have testified as being within the walls of the reservation I think can readily be attributed to the firing of these signal guns in the air by the witness Howard, who was on guard at his post on his own beat at that hour and who performed his duty by discharging a signal of distress, recognized almost everywhere, and calling for the corporal of the guard.

Mingo Saunders, with a service in the Army of twenty-five years or thereabouts, testifies to the same effect. He was allowed, on account of his long service, to sleep out of quarters, but within the reservation, and he testifies that in proceeding toward the fort the bullets were whizzing over his head.

Sergt. J. R. Reid, Senate Document No. 155, page 75:

FORT BROWN, TEX., *August 23, 1906.*

Sergt. J. R. Reid, Company B, Twenty-fifth Infantry, stated to me that he did not have the call to arms sounded (he was sergeant of the guard on the night of the 13th of August) until the shots came so fast that he thought post was attacked. He stated also that he formed the guard before having the call sounded.

A. P. BLOCKSOM,
Major, Inspector-General.

Charles E. Rudy, Senate Document No. 155, page 164:

Personally appeared before me the undersigned authority, one Charles E. Rudy, an artificer of Company C, Twenty-fifth Infantry, who, being duly sworn according to law, deposes and says as follows:

"That he was asleep on the front porch of his company quarters at Fort Brown, Tex., on the night of August 13–14, 1906, when he was awakened about 12 o'clock by a shot. That this first shot seemed to come from the direction of Brownsville, and that right after that shot a number of shots were fired very rapidly near where the first shot was fired. That he got up and went into the quarters, and that by the time he got inside the quarters "call to arms" had sounded, and he went to the gun rack to get his gun, but he found the gun rack locked and went to the back door and looked out to see if he could see the shooting, and saw the flash of a number of guns which were being fired from along the wall which separates Fort Brown from Brownsville, and that it looked as though they were being fired on the outside of the wall. It was so dark that he could not see who was firing, but from the flashes it looked as though about twenty-five or thirty people were firing. From the direction of the flashes it looked as though the parties firing were firing in the direction of B Company's quarters, and high. That as the shooting continued he heard cursing and calls of 'Come out, you black —— of ——, and we will kill all of you,' from where the shooting was going on. That he left the door and went to get his rifle and fall in with the company outside of the quarters, and saw no more of the shooting. That he does not know who did this shooting.

"And further the deponent saith not.

"CHARLES E. RUDY,
"Company C, Twenty-fifth Infantry."

Sworn to and subscribed before me at Fort Reno, Okla., this 12th day of September, 1906.

SAMUEL P. LYON,
Captain, Twenty-fifth Infantry, Summary Court.

This quoted testimony and a volume more which would be merely cumulative form the basis of Major Blocksom's report.

The failure to get the troops outside of the reservation compelled the raiders to pursue their murderous work through the town if their plot to get rid of the soldiers was to prove successful. It is a remarkable fact that, with an armed police force scattered through the town, no concerted effort was made to interfere, pursue, or follow this band of outlaws. If I were to trace these outlaws to their hiding—and I call the attention of the Senator from Oregon [Mr. FULTON] to my statement now, because I think it answers his remark—I should seek them in the crowd of armed men that assembled with the police on Elizabeth street immediately the shooting ceased, looking for a leader to make a further attack on the fort, and were only dispersed by the earnest appeals of Mayor Combe.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BULKELEY. Certainly.

Mr. FULTON. If it be true that they were there looking for a leader, making an attack on the fort, the Senator can not certainly insist that they had previously organized and attacked the town, because they were disorganized, looking for a leader to attack the fort.

Why attack the fort if somebody in the fort had not attacked them, and why were they looking for a leader to do it?

Mr. BULKELEY. As a part of the conspiracy to drive this garrison away from Brownsville.

Mr. FULTON. If there had been a conspiracy, surely there would have been an organization, and with the organization there would have been leadership. The Senator says they were there looking for somebody to lead them.

Mr. BULKELEY. I have assumed that of the 250 or 200 men who assembled on Elizabeth street these raiders composed but a small part of that crowd. It is not claimed by anybody that they exceeded either ten or fifteen in number.

Mr. FULTON. Nevertheless, I submit if those people had previously organized and were in a conspiracy they had leaders, and had the mob desired a leader they would have led, because they were organized. I submit the Senator will have to find a better explanation than that to show that a mob had gathered there and they were those who had done the shooting.

Mr. LODGE. There is no evidence of it.

Mr. BULKELEY. There is no evidence, I admit. I said I would look for their hiding place among this crowd of men who were appealing for a leader to take them down and assail the fort. I refer to the testimony of the mayor on that point. He said, Hearings, volume 3, page 2386:

Everybody was clamoring and standing around there with these guns, and saying, "Let's go down to the post," and, "Let's go down and do those fellows up." I don't remember the exact language they used, in the excitement of the moment, and I saw that the excitement was getting intense, and Judge Parks was standing to my left, and I said, "Get me a box or something to stand on," and they brought me, I do not remember whether it was a box or a barrel, and I got up and I appealed to the people, first, as an ex-Army officer, and I told them, "I have served with those troops and I know them to be as efficient troops as there are in the world. They are splendidly armed, and if you go down there many a valuable life will be lost."

And I think that was true. Mayor Combe proceeds:

"Besides that, you are within the law. Remain so, and we will get justice." I spoke in that strain for a few minutes. Then I told them that as mayor of the city I would arrest any man that remained on the street. I then went to several of the most prominent citizens there, bank

cashiers and bank directors and county clerks, and so on, and I said, "Gentlemen, you will assist me in dispersing these people here;" and in groups we got them away; very reluctantly, but they got away. There remained on the streets the police officers and several of the citizens whom I requested to remain. I told them to arm themselves, if they were not armed.

This proposed attack upon the post by these citizens conforms entirely to my theory that the post was originally attacked for the purpose of drawing the troops out unarmed, and when that failed these desperadoes, as they had grown to be in their murderous career, were seeking to attack the post as the only remedy.

This is entirely in accord with the views of Major Penrose, who immediately assembled his command and placed his whole battalion in position to defend the post.

In this connection, I would say that the first gun, and the only gun, identified in the hands of a citizen, who was about to enter Crixell's saloon, was a Winchester, which the mayor found—as he advanced down Elizabeth street—in front of Crixell's saloon or gambling house. The mayor, evidently disturbed, exclaimed, "What are you doing with that gun?" and took it away from him and did not wait for any talk at all.

Hearings, volume 33, page 2384:

* * * A. * * * I went on down the street, and when I got opposite Crixell's saloon I saw a man about to go into the saloon with a gun in his hand. I afterwards found it to be an old Winchester rifle.

By Senator WARNER:

Q. The shooting was all over by this time?—A. The shooting was over; yes, sir. I halted him. I knew the man. His name was Jose Garza, or Tamayo, or something of the kind. I know him very well. He sometimes has acted as a special policeman. I halted him, and he stopped, and I said, "What are you doing with that gun?" And I took it away from him. I did not wait for any talk at all, and I said, "Get in there," and I put him in the saloon, and Mr. Crixell said, "That is my rifle." That is Crixell, the saloon keeper. So I gave the gun to him. They attempted to work the mechanism, and it would not work, while I was standing there, right in the saloon. As I walked into the saloon there was a chorus of remarks, such as "Mr. Mayor, the negroes are shooting on the town."

I can readily identify this party as one of the raiders seeking shelter in the saloon or gambling house where he would be welcome and from which the soldiers had been excluded. The possibilities are great that this gun was the one described by Mrs. Leahy, which seemed to her keen vision to be out of order when the firing was going on in the vicinity of Cowen alley and Fourteenth street. This gun was owned by Crixell, or claimed to be, and I fail to find any reason for its being on the street in the hands of another person.

The honorable Senator from Idaho [Mr. BORAH] has intimated that the love of the soldier for his "pass," and their deprivation of the same, was one of the causes that led up to the affray; but I submit, Mr. President, that during their two weeks' stay in Brownsville they had not been deprived of this highly esteemed convenience; it was not until after 5 o'clock of the afternoon of the 13th that any order was issued discontinuing or revoking passes, and this, at the earnest request of Mayor Combe, whose testimony on that point I quote. And this was on the afternoon before the "shooting up" of the town.

Mayor Combe testifies, volume 3, page 2382, Hearings:

I then said to him, in the presence of Mr. Evans, "Major Penrose, this is a terrible affair. The people in town are very much incensed and excited, and I protest against any of your officers or men"—I do not remember now whether I said "officers," but positively I said his men—"going into town to-night." Then I made use of one or the other of these expressions, "Major, if you allow these men to go into town to-night, I will not be responsible for their lives," or "Major, do not allow your men to go out of the post, because there is a great deal of danger in town." One or the other of these expressions I used—I am not sure which.

And again, in reply to an inquiry, Mayor Combe says, Hearings, volume 3, page 2387:

"The citizens are very much excited, and this is terrible," or something to that effect. He said, "Major Combe, I can not believe it. It has been reported to me that the citizens have fired on the post." I said, "No, sir; that is not so." We were in conversation some little while; I do not remember the details now. I said to him, "Major Penrose, you will have to keep your officers and men in the post. They can not come into town under any circumstances, and I hope that you will issue that order, because the people are very much excited and very much enraged, and if any of your men come in, why, it is dangerous"—or, I do not remember whether I used that expression—"I will not answer for their lives." At any rate, I impressed upon him strongly that it would be dangerous for his officers and men to go into the town. He said to me, "Major Combe, I shall certainly cooperate with you in this respect. I shall issue an order that none of my officers or men shall go into the town."

GUNS, CAP, SHELLS, ETC.

The articles picked up in the streets of Brownsville appear to have constituted, in connection with the so-called identification by eyewitnesses, the most incriminating evidence against the soldiers, and these two items of evidence appear to have been the basis of the changed opinion formed by Major Penrose, who, up to the time of the appearance of Mayor Combe with these exhibits, had persisted that the attack was made upon his command and the post, which I have before stated he prepared to defend.

It is claimed that these shells—almost universally exploded cartridges—were picked up in the streets of the city in the early morning after the affray, as well as clips, bandoliers, and a cap belonging to a member of the battalion, which cap, although bearing the initial of the soldier and thus readily traced to its owner, suddenly disappeared as a factor after the investigation by the citizens' committee, before whom it was produced. It was readily proved that this was of that class of articles that had been disposed of or thrown away and appropriated by the Mexican scavengers, as heretofore testified by large numbers of the soldiers. Its appearance on the streets at this opportune time and its early use as evidence, as well as its immediate elimination, are, to my mind, strong evidence of the well-conceived conspiracy, and a part of it, to compel the removal of the colored troops from that locality. I append here the testimony of Charles W. Askew, the reputed owner of the cap, and which was marked with his initials.

Hearings, volume 1, page 560:

Q. Captain McDonald?—A. Yes, sir.
Q. How do you know it was by his suggestion?—A. He sent me up there one day.
Q. How do you know it was by his suggestion?—A. He sent me up there one day, and I had some caps, and Captain Macklin sent me up there to the administration building, and he asked me how many caps I had drawn since I had been in the Twenty-fifth Infantry.
Q. How many caps you had drawn?—A. Yes, sir. I think they found a cap downtown with my initials in it.
Q. With C. W. A., isn't it?—A. Yes, sir.
Q. He found that down the street?—A. Yes, sir.
Q. And you think that is what led to your arrest?—A. Yes, sir.
Q. Tell us all about that cap. Tell us anything you may have to say about that.—A. I gave the first sergeant one of my old caps when I was at Fort Niobrara, and there was a box of old caps that was shipped down to Fort Brown, and when they got down there they opened that box of old caps, and some of those muchachos, I suppose, found them and got them and carried them away; and I think that is the way they got that cap.
Q. Do you know anything about the cap?—A. No, sir; I never saw the cap.

The shells and bandoliers still remain to be accounted for. It is in evidence, and unchallenged, that a box of exploded shells, etc., was brought down from Fort Niobrara and was deposited upon the back porch of the barracks of B Company, where they were open to the careful search and appropriation by anyone, as testified to by Sergt. Mingo Sanders.

It is uncontradicted that such a box was brought and opened and exposed, and finally a guard put on it to protect it from further depredation.

Hearings, volume 1, page 300-301:

Q. You had about 1,600 shells that you put in boxes?—A. Yes, sir.
Q. And took to Brownsville because they had not been decapped?—A. Yes, sir.
Q. And you put those out on the back porch after you got there?—A. Yes, sir.
Q. Did you see that box there?—A. Yes, sir.
Q. Was the box open?—A. Yes, sir; the box was open, on the back porch.
Q. And could anybody have taken shells out of that box?—A. Yes, sir; anybody that wanted to, because they were compelled—because the Mexicans was so bad down there, picking up clothing and everything that was on the porch, or anything else that was around there, until the commanding officer issued an order to put on that post—to not allow people to pick up and carry away things that didn't belong to them.
Q. That was the reason why that guard was put on there?—A. Yes, sir.
Q. And that was some days after your arrival?—A. Yes, sir.
Q. Because the Mexicans were running in and picking up everything they could?—A. Yes, sir.
Q. What did you see them pick up —A. Caps, clothing, shoes, and these arctic overshoes, and blouses, and trousers, and everything else. They would pick up everything, whether it was serviceable or not.
Q. All the old cans you would throw out and everything else—they would pick up?—A. Yes, sir.

* * * * * * *

Q. But you heard these balls going overhead—you have been in battle, have you?—A. Yes, sir; I have; a good deal.
Q. You were at El Caney?—A. Yes, sir.
Q. At Santiago?—A. Yes, sir.
Q. And in the Philippines?—A. Yes, sir.
Q. And you were in engagements in all those places?—A. Yes, sir.
Q. So you have heard a good deal of firing, and you have also heard a good deal of firing on the target range?—A. Yes, sir.
Q. Can you tell the committee whether that was what I will call mixed firing, with different arms, or whether the firing was all with the same kind of arm?—A. It was mixed arms. I suppose there were six-shooters and Winchesters and all calibers, and there may have been some Mausers in it, because it has a keen sound. A Winchester has a very broad sound, like something very loud.
Q. What kind of a noise did those balls make that went over your head while you were lying down?—A. They made a kind of flat noise. It is a kind of experience that a man must more or less have himself that has been under fire. The Krag bullet and the Mauser bullet, too, makes a kind of whiz. It goes "the-ee-ew,"—something of that kind [witness imitating sound].

Senator FORAKER. I am afraid the stenographer can not get that down.

By Senator FORAKER:

Q. It makes a keen sound?—A. Yes, sir; and you can't tell whether the gun is in a tree or on the ground, or close to you or far from you. But these other guns go "boo-oo," something like that [indicating sound], what we in our way of determining call a blunderbuss; and that's the way those guns sound—a loud noise.

Q. Did that firing sound to you like it was firing from a Springfield rifle, such as you had at that time?—A. No, sir.

The careful examination by Captain Macklin, detailed by Major Penrose to seek in the Garrison road and vicinity for any evidence to fix the guilt upon participants in the affray, disclosed this remarkable finding, and goes far to establish the distribution of exploded shells upon the streets—obtained in the way described by Sergeant Sanders—of the conspiracy to fix the shooting up of the town upon the garrison. I ask your close attention to the testimony of Captain Macklin in regard to the finding of the "bunch" of shells and clips, for the reason that it conforms absolutely to the theory that I have formed, that it would be impossible for cartridges fired from high-power guns by a body of moving troops, the exploded shells ejected from the magazine to fall in such a position as the captain found these shells and clips—seven clips, each ordinarily containing five shells, and but six exploded shells—which, after the rapid firing described by many witnesses, would hardly be a fair proportion of either class. It is also a remarkable coincidence that, so far as I recall the evidence or have been able to examine it, these shells and clips are all that have been reported as found between the Cowen house, at Fourteenth street, and the Garrison road, or Fifteenth street, where the first and a considerable part of the firing took place.

Without reading the testimony I will state in a general way that clips and shells, five or six of one and seven of the other, were found in a place about 10 inches in diameter. It is the testimony of Army officers who appeared before us, and it is the uncontradicted opinion of Army officers everywhere with whom I have been able to discuss these questions, that it is absolutely impossible that shells and clips fired from a high-power rifle and ejected therefrom, as they must be after each shell is fired, could have landed in any such position, and the only reasonable conclusion that can be reached is that that "bunch" of shells in that narrow space was placed there and never fired from any rifle whatever that night.

Mr. SMITH of Michigan. Were there any soldiers' caps found there?

Mr. BULKELEY. No; but I described one cap and I gave the information in regard to the cap. It was found and eliminated at once, because it was shown to be of that character of goods that had been thrown away by the soldiers and discarded by them, and when the soldier himself was brought by order of Captain McDonald before the committee, his testimony was credited and the cap and all disappeared.

Captain Macklin in his testimony says, in a few words, they were all in a "bunch" not over 10 or 12 inches in diameter.

Mr. PILES. Was the cap found in that bunch.

Mr. BULKELEY. No; the cap was found in another place on the Garrison road. It was found on the Garrison road in the neighborhood of Jefferson street.

Captain Macklin, Hearings, volume 2, pages 1776–1778:

Q. Light enough to inspect?—A. Yes, sir.

Q. State, now, whether or not before you started to inspect you made any investigations either inside or outside the wall of the reservation, to see what you could find, if anything at all, as a result of the firing.—A. Yes, sir; after I went on guard my station was at the main gate. I had there two noncommissioned officers and six men, and during the night I stayed there except the times that I went away to make inspections. Just as soon as the streak of dawn came I walked up and down inside of the wall, looking for shells. Then I went outside of the gate and went over as far as the telegraph office——

Q. Before you go outside, tell us whether or not you found any shells or anything else inside.—A. No, sir; I did not find anything inside. I went all along the line there inside and did not find anything. Then I went outside, over as far as the telegraph office, which is on the corner of Elizabeth street and right opposite the gate. I did not see anything at all, and then walked down outside of the wall toward the alley, which is directly in the rear, or almost directly in rear, of B Company quarters. Right there at the mouth of the alley I found six clips, I think it was, and seven shells, or approximately that.

Q. Six clips and seven shells?—A. Yes, sir.

Q. Were they exploded shells?—A. Yes, sir.

Q. They were the shells of cartridges that had been fired?—A. Yes, sir.

Q. And they were of the Springfield rifle?—A. Yes, sir; the Springfield rifle.

Q. And the clips were the same?—A. Yes, sir.

Q. You had no clips with the Krag-Jörgenson at all, had you?—A. No, sir.

Q. Now, you found six clips and seven shells?—A. Yes, sir; I think that is the number; I don't recollect.

Q. One clip accommodates how many cartridges or shells?—A. Five.

Q. They were hardly in proportion, then?—A. No, sir.

Q. Now, tell us in what position on the ground—you found these on the ground, did you?—A. Yes, sir.

Q. In what position did you find these clips and shells with reference to each other, and indicate on the map just as nearly as you can where you found them; the exact spot. You can see the alley indicated there.—A. Just about in that position [indicating].

Q. You point to the center of the alley on the town side of Fifteenth street.—A. I have forgotten the width of that alley, but I think it was 16 feet, and they were just about in the middle of the alley.

Q. And they were on the town side of the street that runs along parallel with the wall and outside of it?—A. Yes, sir.

By Senator OVERMAN:

Q. How far from the wall?—A. I should say about 6 or 8 feet—about 8 feet, about half way.

By Senator FORAKER:

Q. The road there is 30 feet wide, as I understand it?—A. Not that distance; no, sir; I think it is 16.

Q. No; the road is shown on the map to be 30 feet wide. It is marked an inch wide, and the map is drawn to a scale of 30 feet to the inch.—A. Very well.

Q. Did you find these shells in the mouth of the alley or did you find them in the road?—A. I found them right in the mouth of the alley, looking up the alley—you could see up the alley—and when I picked up the shells I stood over them, because there were a lot of people up the road and they were looking down toward the alley. There was a great crowd congregated about. I spread out my feet and stooped down over the shells and picked them up, and they were in a space not over that large [indicating]. They were all in a bunch.

Q. You indicate a space circular in form and about how large in diameter?—A. Well, not over 10 inches, sir; 10 or 12 inches in diameter.

Q. Ten inches in diameter. I notice that in your testimony before the court-martial you said a space with a radius of not more than 12 to 15 inches. Did you mean radius or did you mean diameter?—A. I meant diameter, sir.

Q. You want to correct that statement as you now make it?—A. Yes, sir.

Q. Would that be the natural position in which you would expect to find six or seven shells that had been fired out of one of these high-power Springfield rifles?—A. No, sir; it would be impossible to find them that way.

Q. It would be impossible?—A. Yes, sir.

Q. When one of these cartridges is fired out of a Springfield rifle such as you were equipped with there, how far would the shell be thrown ordinarily by the ejector?—A. Well, ejecting it rather quickly, I should think it would be thrown at least 8 or 10 feet.

Q. And then when the shell strikes what happens to it? Does it jump or bounce about on the ground?—A. It depends on the nature of the ground.

Q. That was in an alley—a roadway.—A. In that place it would stick. It was soft ground.

Q. In soft ground it might not bounce?—A. No, sir; it would not bounce at all.

Q. When a soldier or anyone else stands and fires one of these rifles, holding it in the same position, does each one of five or six shells fly the same distance and in exactly the same direction, or are they likely to be thrown in different directions?—A. They would be very much spread about. I do not think any two would drop in the same place.

Q. They would be scattered over perhaps how much ground?—A. Well, perhaps at least 4 feet—3 to 4 feet.

Q. Now, Captain, can you tell us whether anybody had preceded you there that morning or anybody been there ahead of you to see those shells?—A. I am satisfied no one was there, sir. I went away and made an inspection of my sentinels about 3.30 or 4 o'clock. When I returned the sergeant told me no one had been there.

Q. What sergeant was that?—A. That was Sergeant Carlisle. I took Sergeant Harley with me on my inspection of the sentinels.

Q. What kind of men are Sergeant Harley and Sergeant Carlisle? Have you known them well for all these years you have been commanding that company?—A. Yes, sir; you can depend on them anywhere.

Q. They are truthful, reliable men?—A. Yes, sir; anywhere. I would go anywhere with them.

Major Penrose testifies that he examined some of these shells picked up by Captain Macklin, and this is important in view of the fact that the shells found in the street in this "bunch" and the bullets found in the houses do not correspond or belong with each other. As I said, Major Penrose testifies (Hearings, vol. 3, p. 3016) that he examined some of the shells picked up by Captain Macklin; that they bore the marks and were the shells manufactured at the Frankford Arsenal—a Government arsenal. The bullets taken from the houses in the immediate vicinity of the firing, on analysis, showed that they were not of the composition of any bullet manufactured at that arsenal, but were of the composition of those made by the Union Metallic Cartridge Company for the Government under the contract to which I have heretofore referred, as well as for commercial sales; so that it was impossible that these shells found at the mouth of the alley where the firing has been located, or fired from the wall or porch of the barracks as is charged, could have been used in combination with the bullets found in the houses. I append here the analysis of cartridges manufactured at Frankford Arsenal and Union Metallic Cartridge Company, which analysis was made at the Sandy Hook Proving Grounds by the Government chemist stationed there. Also from Penrose court-martial, Senate Document No. 402, part 2, page 1160:

I don't know how many cartridges; I didn't count them.

Q. Were they cartridges or shells?—A. Shells; empty shells, fired shells. I examined two of them, took them from his hand; they were Frankford Arsenal shells.

Q. For what rifle?—A. For our Springfield rifle. I asked him where he had gotten them, and he said right at the mouth of the alley.

Hearings, volume 3, page 3389:

SANDY HOOK PROVING GROUND,
Fort Hancock, N. J., December 20, 1907.

REPORT FROM THE CHEMICAL LABORATORY.

(Examination of lead cores of caliber .30 ball cartridges, model 1903, Laboratory Nos. 4672 and 4673.)

Two caliber .30 ball cartridges, model of 1903, made by Frankfort Arsenal and two made by the Union Metallic Cartridge Company were

received from the Chief of Ordnance. As directed, quantitative analyses were made to determine the major constituents of the lead cores. These were found to be as follows:

	F. A. cartridge.	U. M. C. cartridge.
	Per cent.	*Per cent.*
Lead	96.21	95.60
Antimony	None.	1.95
Tin	3.10	1.45

The effect of the addition of tin to lead is to increase the toughness of the metal; the effect of the addition of antimony is to make the lead brittle. The differences in the composition of the lead cores of these bullets correspond to what are said to be the differences in the shop practice at Frankford Arsenal and the Union Metallic Cartridge Company's works by casting, for which process the presence of antimony is unobjectionable. The usual traces of copper and bismuth are present in both cases.

OSWIN W. WILLCOX,
Assistant Chemist.

Examined:
T. C. DICKSON,
Major, Ordnance Department, United States Army.

Also, analysis made at Frankford Arsenal of bullets manufactured there March 24, 1906.

Hearings, volume 3, page 3324:

FRANKFORD ARSENAL,
Philadelphia, Pa., December 12, 1907.

SIR: 1. Referring to first indorsement, O. O. 30803–135, December 10, 1907, on the subject of antimony in bullet cores, I have the honor to report that the quantitative analysis referred to in the last paragraph of that indorsement has been completed.

2. The composition of slugs taken from ball cartridges, model 1903, manufactured at Frankford Arsenal March 24, 1906, is as follows:

	Per cent.
Lead	96.85
Tin	2.89
Antimony	.26

3. The composition of slugs taken from ball cartridges, model 1903, manufactured at Frankford Arsenal December 26, 1905, is as follows:

	Per cent.
Lead	96.90
Tin	2.82
Antimony	.28

4. The proportions prescribed are 30 parts lead to 1 part tin, or lead 96.77 per cent and tin 3.23 per cent. Antimony is nearly always found in commercial lead and tin.

Very respectfully,
FRANK HEATH,
Colonel, Ordnance Department,
United States Army, Commanding.

The CHIEF OF ORDNANCE, UNITED STATES ARMY,
Washington, D. C.

Also, analysis of bullets manufactured by the Union Metallic Cartridge Company.

Hearings, volume 3, page 3321:

CARD ORDER C.—SAMPLE NO. 1948.

FRANKFORD ARSENAL,
Philadelphia, Pa., January 26, 1906.

SIR: The lead alloy made by the U. M. C. Company, submitted for analysis by Capt. S. Hof, contains—

	Per cent.
Lead	94.87
Antimony	3.29
Tin	1.68
Total	99.84

Respectfully,
W. J. WILLIAMS, F. I. C., *Chemist.*

The COMMANDING OFFICER, *Frankford Arsenal.*
(Through Capt. S. Hof, Ordnance Department.)

Also, another analysis made at the Frankford Arsenal of bullets from ammunition of the character issued to the Twenty-fifth Infantry at Fort Niobrara.

Hearings, volume 3, page 3328:

F. A. L. 8061—SAMPLES 2553 AND 2554.

FRANKFORD ARSENAL,
Philadelphia, Pa., December 17, 1907.

SIR: I have the honor to make the following report on the cores of two bullets received from the Ordnance Office, caliber 0.30, model of 1903:

	2553 (case marked "F. A. I. '06").	2554 ("U. M. C. 12. '05").
	Per cent.	*Per cent.*
Lead	96.58	95.46
Tin	3.26	3.35
Antimony	0.19	1.16

Respectfully,
W. J. WILLIAMS, F. I. C., *Chemist.*

The COMMANDING OFFICER, *Frankford Arsenal.*
(Through Maj. S. Hof, Ordnance Department.)

Now, no antimony except the usual trace of from ten one-hundredths to fifteen one-hundredths per cent found in commercial lead has ever been traced to a bullet made at the Frankford Arsenal.

I have included here numerous analyses of bullets manufactured at all these places by the Government experts. They were made by the Geological Survey or at the Frankford Arsenal, and they all attest the same fact and prove conclusively that the Frankford Arsenal shell exploded, picked up in the alley in the vicinity of the fort, did not belong with the Union Metallic bullet picked out of the house in the immediate vicinity. And in the entire block from Fifteenth street to Fourteenth street, on which a great part of the firing was done, no other shells have been shown in evidence anywhere than this "bunch" of shells picked up by Captain Macklin.

These several analyses made by the Government experts show conclusively that the bullets found in the Cowen, Yturria, and Garza houses, near which the bunch of Frankford Arsenal shells were found, did not belong to the Frankford Arsenal shells, and thus reveals more clearly that the scattered shells about the streets of Brownsville were fired at some other place, undoubtedly at Fort Niobrara, and were a part of and in furtherance of the conspiracy to get rid of the negro soldiers and to fix on them "the shooting up of the city."

I will not refer further to shells, and so forth, at this time, as I shall have occasion to discuss this subject in connection with the examination of the guns and shells by the Government experts at the Springfield Armory.

The bullets taken from the houses on the route followed by the raiders, and undoubtedly used during the raid, remain to be accounted for, but I think it the better course to take up the further discussion of shells and bullets in connection with the guns and their examination by the Government experts.

The Springfield rifles, model 1903, which it is charged were used by the raiders, were distributed to the battalion of the Twenty-fifth Infantry, Companies B, C, and D, at Fort Niobrara April, 1906, and were in use at that post both in target practice and company exercise during the remainder of their stay at that post—the latter part of July, 1906—when the command was moved to Fort Brown. During the stay at Fort Brown target practice was not engaged in—the range was at Point Isabel, some 20 or more miles away—and I find no evidence that ammunition of any character was expended after their arrival at this post, and there is abundant testimony that at least in one of the companies the ball-cartridge ammunition was taken up and guard cartridge, or limited-range ammunition, substituted. We need give but little consideration to the large number of guns in the hands of the soldiers. The experts at the Springfield Armory—Lieutenant Hawkins, of the Ordnance Department, and Mr. Spooner, inspector—have located the shell exhibits before the committee, thirty-nine in number, as having been fired from guns Nos. 41019, 45683, 42288, and 45624, all belonging or assigned to Company B, said company being the one that brought from Fort Niobrara the box of exploded cartridges, the case heretofore alluded to in the testimony of First Sergt. Mingo Sanders.

Gun numbered 41019 was assigned to Ernest English.
Gun numbered 42288 was assigned to Thomas Taylor.
Gun numbered 45624 was assigned to Joseph Wilson.
Gun numbered 45683 was assigned to William Blaney.

Hearings, volume 2, pages 1318–1319:

IV. The above cartridges and cartridge cases were all carefully examined under a powerful microscope and also under jewelers' eyeglasses of varying powers. This examination showed that some of these cartridges had been fired from the same rifles, viz:

Reference No.	
309, 312, 316, 321, 324, 326, 329, 331, 334, 336, 337	GROUP I.—Fired in rifle No. 41019, Company B, Twenty-fifth Infantry. Reference number of rifle and cartridge case from same, No. 95.
301?, 302?, 307?, 311, 317, 319, 320, 330	GROUP II.—Fired in rifle No. 45683, Company B, Twenty-fifth Infantry. Reference number of rifle and cartridge case from same, No. 81.
308, 310, 318, 322, 323, 325, 327, 328, 332, 333, 335	GROUP III.—Fired in rifle No. 42288, Company B, Twenty-fifth Infantry. Reference number of rifle and cartridge case from same, No. 135.
303?, 304, 306	GROUP IV.—Probably fired in rifle No. 46524, Company B, Twenty-fifth Infantry. Reference number of rifle and cartridge case from same, No. 126.

Reference No.

305, 313, 314, 315, 338, 339 } GROUP V.—These cartridges were *not fired*, and have insufficient gun marks to identify them with any particular rifle. Number 339 has a slight striker impact, but this imprint is so slight (due to the depressed primer) that it is of no use for purposes of identification.

All of these men belonged to Company B, all of these guns were distributed to that company, and a box of empty cartridges brought from Fort Niobrara was deposited on the back porch of this company's barracks when they reached Fort Brown. This examination seems to have located this firing—if it has located it at all—within the ranks of Company B; and these thirty-nine shells are the only exhibit furnished by Mayor Combe or the district attorney or the War Department or anybody else to your committee.

The three guns assigned to English, Taylor, and Wilson, if the testimony of the noncommissioned officers in charge is correct, were securely locked in the gun racks, which were not opened until after the firing ceased—the universal evidence of both officers and men—consequently no shells could have been fired from those guns in the streets of Brownsville that night, unless collusion between noncommissioned officers and men can be established, and of this there is not a particle of evidence to warrant.

Gun No. 45683 was assigned to Sergt. William Blaney at Fort Niobrara when first received and distributed to the men and remained in his possession, or as his gun, until the expiration of his term of enlistment. He reenlisted June 8, 1906, when he accepted a furlough and was absent from Fort Brown at the time of the affray. The night of his departure he turned over the keys of the storeroom to his successor, Sergt. Walker McCurdy, calling his attention to the fact that his rifle was there. McCurdy testified (p. 1658, vol. 3, Hearings) that he inserted in the chamber a slip of paper with "William Blaney" written upon it, to keep him from issuing it to anybody else; that the gun was in his charge until Blaney's return to the command at Fort Reno; that he placed said gun in the arm chest at Fort Niobrara; that it was in the arm chest on the night of August 13, 1906, and that when the gun was returned to Blaney at El Reno the slip of paper marked with his name still remained in the chamber.

Mr. SMITH of Michigan. Who testified about the paper being placed in the gun?

Mr. BULKELEY. The quartermaster's sergeant, who had charge of the guns after Blaney reenlisted and took a furlough and went away. The quartermaster's sergeant took the gun into the storeroom, inserted a piece of paper in the chamber, and then he delivered it over to Blaney at El Reno when he came back from his furlough, where the troops were sent after the affray, and he found this same slip of paper in the chamber of the gun.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BULKELEY. Certainly.

Mr. PILES. I want to ask the Senator from Connecticut whether this quartermaster's sergeant is a colored man?

Mr. BULKELEY. He was a member of the Twenty-fifth Infantry.

Mr. PILES. I was in doubt about it.

Mr. SMITH of Michigan. And he put the paper in the gun?

Mr. BULKELEY. Yes. He had served four or five enlistments; had been discharged at the close of each enlistment with a good character, such as to entitle him to reenlist again, and the Government was glad to retain him in its service. It was testified to by General Burt, retired, who had once commanded these troops, and by all his officers, that he was a man entitled to every confidence.

I can not refrain from repeating here what was said by an old Army officer, who for twenty years commanded the Twenty-fifth Infantry—and he said it with tears rolling down his cheeks—that he had intrusted, in his absence, his wife and family unattended to the care of these men while he was engaged in a march of four or five hundred miles over the plains and the desert.

Lieutenant Lawrason describes the condition of the arm chest when he inspected the same on the morning of the 14th, after the affray. I will here append, at length, his testimony, together with that of Sergeants Blaney and McCurdy.

Hearings, volume 2, page 1658 (McCurdy's testimony):

Q. Who had been quartermaster-sergeant prior to that date?—A. Sergt. William Blaney.

Q. What book is that in front of you there? See if you recognize it.—A. This is the company's property book, sir.

Q. The company property book of Company B?—A. Yes, sir.

Q. Will you turn to that and see what gun Sergeant Blaney had assigned to him, according to that book, when these new Springfield rifles were issued?—A. (Examining book.) I think it was 45683.

Q. 45683?—A. Yes, sir.

Q. Now, it has been testified to, I believe, that Sergeant Blaney was absent on furlough. When did he go away on furlough?—A. It was about the same time I was made quartermaster-sergeant—about the 9th or 10th of June.

Q. That is, you succeeded him when he went away on furlough?—A. Yes, sir.

Q. Had he returned while you were yet at Brownsville? When did he return?—A. He returned at El Reno.

Q. He was not with you at Fort Brown at all?—A. No, sir.

Q. What was done with his gun when he left to go on furlough the 9th of June, or whatever date it was?—A. He took it up and packed it away.

Q. He turned it in?—A. No, sir; he turned in his own rifle. He will tell you himself that when he returned there was a slip of paper put in the chamber to show whose rifle it was, to keep me from issuing it to anyone else.

Q. Who put that in there?—A. I put it in there myself.

Q. What was on that slip of paper?—A. "William Blaney."

Q. Now, when he returned, were you still with the company?—A. Yes, sir.

Q. At El Reno?—A. Yes, sir.

Q. And you were still quartermaster-sergeant?—A. Yes, sir.

Q. And did you continue as quartermaster-sergeant?—A. Until I was discharged, sir.

Q. Until you were discharged?—A. Yes, sir.

Q. Now, what was done in the matter of providing Sergeant Blaney with a gun?—A. I gave him his same rifle back.

Q. You gave him back that same rifle?—A. Yes, sir.

Hearings, vol. 2, pp. 1748–1749 (Blaney's testimony):

Q. Were you with the regiment at Fort Niobrara?—A. Yes, sir.

Q. Were you with the regiment at the time when the new Springfield rifles were issued to the regiment?—A. Yes, sir.

Q. What position in the company did you hold at that time?—A. I was company quartermaster-sergeant.

Q. You were familiar with the property book of Company B?—A. Yes, sir.

Q. Was a rifle issued to you at that time?—A. Yes, sir.

Q. You yourself were then the quartermaster-sergeant?—A. Yes, sir.

Q. Please look at the book I now hand you and tell me what it is.—A. It is B Company's property book.

Q. Turn to the account of the men with the rifles and tell me what that property book shows as to your own rifle.—A. For the present?

Q. Just tell me what it shows. Not as to the present, but as to the new Springfield rifle which was issued at Fort Niobrara in April, I believe it was, 1906. I want the number of your gun.—A. Yes; this book gives me one rifle, and it is numbered.

Q. What number?—A. 45683.

Q. Is that rifle receipted for by you?—A. Yes, sir.

Q. Was it issued to you as indicated there?—A. Yes; it was.

Q. Is that the rifle, now that you see the number, that you had while you were at Fort Niobrara?—A. Yes, sir.

Q. What time did you leave the company at Fort Niobrara to go on your furlough?—A. On the 8th of June.

Q. You left some time before the battalion went to Fort Brown?—A. Yes, sir.

Q. Did you keep that rifle in your possession until that time?—A. Yes, sir; I did.

Q. Did you or not use that rifle at Fort Niobrara on target range in target firing?—A. Yes; I used it on the 8th day of June—on the very day that I left.

Q. On the day that you left what did you do with your gun?—A. I took it in the storeroom after I got through firing and kept it in there.

Q. Who succeeded you as quartermaster-sergeant?—A. Walker McCurdy.

Q. Was he the quartermaster-sergeant and did you turn the gun over to him that night, or what did you do with it?—A. No; I took it in the storeroom myself. I had the keys, and I did not turn the keys over to him until that evening. I fired that morning, but I think it was in the evening when I turned the keys over to him.

Q. When did you next see that rifle? Did you call his attention to your own rifle or not before you left there as being turned into the storeroom?—A. Yes, sir.

Q. State whether or not your rifle was marked in any way, if you know, besides the number on it.—A. No, sir.

Q. I only want your recollection.—A. No; not as I know of.

Q. You turned it over to Sergeant McCurdy, or I mean you left it in the storeroom and McCurdy succeeded you as quartermaster-sergeant?—A. Yes, sir.

Q. And he came at once into possession of it?—A. Yes, sir.

Q. When did you next see your rifle?—A. At Fort Reno.

Q. You did not return to your company until it arrived at Fort Reno?—A. No.

Hearings, volume 2, pages 1581, 1582, 1583 (Lawrason's testimony):

Q. Who was in charge of the storehouse, or storeroom, whichever you call it?—A. Quartermaster-Sergeant Walker McCurdy.

Q. Was he, also, an old sergeant?—A. Yes, sir; he was an old sergeant of Company B.

Q. Was he or not a reliable and truthful man?—A. I always believed him to be such, sir.

Q. He had been in the service many years, had he not?—A. Yes, sir; he had.

Q. And had everybody's confidence as a good soldier and a faithful noncommissioned officer?—A. Yes, sir.

Q. He was the quartermaster-sergeant; as quartermaster-sergeant what was his duty with respect to the surplus rifles and surplus ammunition—I mean surplus in the sense that it was not in the hands of the men?—A. He was accountable for it, and it was his business to keep it locked up.

Q. You went to the storeroom after you locked up the rifles; who went with you to the storeroom?—A. The quartermaster-sergeant.

Q. Sergeant McCurdy?—A. Yes, sir.

Q. What did you do, and what did you tell him, and in what condition did you find the room; was it locked or unlocked when you went to it?—A. It was locked and he opened it. He took out a bunch of keys, as I recollect it, and fumbled around and got the right key and unlocked the door. The storeroom was very small, and we could not put all of our quartermaster property in there, and there was some confusion in the way in which the stuff was piled. We had to remove a lot of company property.

Q. I will come to that in a minute. What did you tell Sergeant McCurdy you wanted in the storeroom when you went there; did you tell him or not what you wanted to do until you got into the storeroom?—A. No, sir; when I got into the storeroom I told him that I wanted to see the rifles that he had in the storeroom.

Q. That is, rifles that he had in his possession?—A. Yes, sir.

Q. Did you know how many rifles he had in his possession at the time?—A. I did, by referring to the company property book which was kept there.

Q. We will speak about that presently. Now, go on and state what you did and what he did when you told him.—A. He told me that the rifles were locked up in the arm chests. I told him to open them, and he opened one full arm chest that contained ten rifles, and also opened another that, I believe, contained two or three rifles and several old company shotguns.

Q. Now, before you opened the arm chests, let me ask you whether or not they were easy to get at, or whether there was anything on top of them?—A. No, sir; they were not easy to get at. As I recollect, we removed considerable property before we got the arm chests out and got room to unscrew the lids.

Q. What kind of property was this?—A. Iron quartermaster bunks and, I believe, some iron uprights to hold mosquito bars—T-shaped things.

Q. They had been piled on top of these arm chests, had they?—A. Yes, sir; and were standing against the wall, between us and the arm chests.

Q. When had you last before that seen these arm chests, and where?—A. I had seen them at Fort Niobrara, Nebr., before shipment, and when they were unloaded from the wagons and placed in the storehouse at Fort Brown.

Q. Where were these extra guns placed in these arm chests, whether at Fort Niobrara or Fort Brown, or where?—A. They were placed in the arm chests at Fort Niobrara.

Q. Do you remember seeing the guns—rifles—put in the arm chests and the arm chests closed up for shipment at Fort Niobrara?—A. I do not believe I was present when the property was boxed up. It was boxed up sometime before our departure, and Captain Shattuck was in command of the company at that time.

Q. You have told us in what condition you found the chests as to other property being piled on top; this property was removed, was it, from the tops of the chests?—A. Yes, sir.

Q. And then were the chests opened, or not?—A. They were opened under my supervision and the arms counted.

Q. State in what condition you found the inside of those chests, as to the arms.—A. The arms were placed in the proper grooves for them, and they were battened down, or held down by cleats that fit in the boxes, to prevent their rattling around during shipment.

Q. They had been fixed that way before they had left Niobrara?—A. Yes, sir.

Q. And were they in that same condition when you opened them that night?—A. They were in the same condition, sir.

Q. Did you count the rifles when they were opened up?—A. Yes, sir; I counted them.

Q. I will ask you another question, whether or not, before these rifles were shipped from Fort Niobrara, they were coated with cosmoline oil or any other kind of oil?—A. I believe they were coated with cosmoline oil at the time I looked at them at Fort Brown.

Q. When you looked at them was there any indication that they had been disturbed in any way whatever since they had been boxed up at Fort Niobrara?—A. No, sir; there was not; I did not take out all the rifles; I could count them without taking them out of the boxes; I picked up one or two from the top.

Q. And you did count the rifles in both boxes?—A. Yes, sir.

Q. And you remember that the requisite number of rifles were there, added to the other rifles that you found in the racks, and that you counted as away from there, to make up the number of 70?—A. Yes, sir.

Q. There was not a rifle missing, was there?—A. No, sir.

Q. Now, can you tell us anything about what rifles were in those boxes—I mean whether any of those rifles had been assigned at any time previously to anybody, and if so, to whom, in the absence of the property book, or would you rather have the property book before you go into that?—A. I can state without the property book that quite a number of those rifles that were packed had been used in target firing at Fort Niobrara, Nebr.

Q. I wish that you would tell me, as nearly as you can, just what rifles, giving me the names of the men who carried them—we will get the numbers later—were in that box that had been used in target practice or in any way by men to whom they had been assigned before you left Fort Niobrara for Fort Brown.—A. Well, Sergeant Blaney had taken part in target practice, and his rifle was in the box.

Q. Tell me why he was not with you and why his rifle was in the box, before we pass that.—A. He was not with us because he was on furlough.

Q. How long a furlough did he have?—A. I believe he had two months, sir; I am not positive.

Q. Well, he had reenlisted, had he not? He had a furlough on that account?—A. Reenlisted on the expiration of term of enlistment and then been given a furlough.

Q. And before he left on furlough he turned his rifle in?—A. Yes, sir.

Q. And that was in the box?—A. Yes, sir.

Q. He had not returned from his furlough?—A. No, sir; he had not.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BULKELEY. Certainly.

Mr. PILES. I wish to inquire of the Senator from Connecticut whether it is charged that this gun bearing the name of William Blaney, in which the slip of paper was inserted, was one of the guns used on the night of this raid?

Mr. BULKELEY. It was claimed that it was identified as such by the experts of the Springfield Armory, who located eight or nine or ten shells as having been fired from this gun.

Mr. PILES. I just wanted to bring out that point.

Mr. BULKELEY. There is some claim that this gun, when examined at the Springfield Armory, bore marks of recent firing; at least it was dirty; but Blaney himself explained that. He said that on the morning he turned in his gun he had been to target practice on the local range in the fort with reduced ammunition, and, as he says, "I coated it with cosmoline oil."

Lieutenant Lawrason the morning after the affray, when he was ordered by Major Penrose to inspect and account for his rifles, first examined those in the gun rack and then went to the storeroom. I read from his testimony on pages 1585–1586:

Q. You made this examination, you and Sergeant McCurdy, your quartermaster-sergeant, and you thoroughly satisfied yourself, did you, that those boxes had not been opened since they left Niobrara?—A. Yes, sir.

Q. And that every gun was in there that was placed there before you left Niobrara?—A. I believe such to be the case, sir.

Q. And that not only from the counting of the guns, but from the general appearance, the undisturbed appearance, of the condition in which you found the guns?—A. Yes, sir.

Q. And if the boxes had been opened it would have involved the removal of all this baggage which you found on top of them. Before we leave that I will ask you another question. You saw the guns put in the racks and locked up. How many keys were there to the gun racks by which those gun racks might have been opened that night?—A. There was only one key, I believe, to each lock. I know that on the bunch of keys the key that would unlock rack No. 1, for instance, would not unlock rack No. 2.

A careful microscopic examination of the marks upon the shells made by the firing pins, when compared with the marks upon shells fired from the same guns—all the guns belonging to this battalion which they had had at Fort Niobrara, after they were sent to Fort Reno, were dispatched to the Springfield Armory for the purpose of these microscopic experiments—were found to be so exactly similar that the experts found little difficulty in locating the shells or exhibits from the committee in the four guns which I have just considered. The conclusions reached by the experts—Lieutenant Hawkins and Inspector Spooner—were so convincing that they were never questioned either by the committee or any parties interested; but instead of tending to show the guilt of the soldiers, these mute utterances of the marks upon the empty shells attested their absolute innocence—in view of the position of those guns the night of August 13, especially the fourth gun, which, beyond any question, could not have been in the hands of the soldiers. If these views are correct, the combination of the shells and bullets necessary to establish the finding of a majority of your committee, that these shells and bullets "in combination" could only have been fired from a Springfield rifle, model 1903, falls to the ground.

General Crozier, the chief of the Ordnance Department, has been interested in the subject, and through his orders all these examinations were made. General Crozier says, Hearings, volume 3, page 2854:

By Senator FORAKER:

Q. That is to say, these bullets are apparently just such bullets as you would expect to find fired out of Springfield cartridges?—A. Yes, sir.

Q. And assuming that these empty shells were the shells that held the bullets, then you would assume that it was a Springfield rifle from which they were fired?—A. Yes, sir.

I have already, I think, to the satisfaction of everyone, if the testimony is correct—and there is nothing to contradict it—separated absolutely the shells from the bullets. The shells came from the Frankford Arsenal and the bullets from the Union Metallic Cartridge Company, both of which make completed cartridges. A shell manufactured by the Frankford Arsenal, found in a house, would not, under any human probability, be associated with a bullet manufactured by the Union Metallic Cartridge Company. They do not do business that way. Continuing, General Crozier testified:

Q. But, aside from that premise, they might have been fired out of either a Krag or a Springfield?—A. Yes, sir.

Q. They might have been fired out of a Krag carbine, also?—A. Yes, sir.

Q. That is to say, the Krag carbine and the Krag rifle and the Springfield rifle all have the same number of lands?—A. Yes, sir; and the bullet is the same for each.

Q. Each has four lands, and the bullet is the same?—A. Yes, sir; and the bullet is the same.

By Senator OVERMAN:

Q. You are only speaking as to the bullet now?—A. Yes, sir.

In commenting upon the examination of the guns, shells, and bullets examined by the experts of the Ordnance Department at the Springfield Armory, the facts established and the conclusions reached, the General, in his annual report for the fiscal year ending June 30, 1907, page 36, in discussing these microscopic examinations, distinguishing marks, and the location of these shells in particular guns, says, and says truthfully and without bias:

The bearing of these facts upon the identity of the persons doing the firing and upon the time when the cases and bullets were fired in the guns is not a concern of this Department.

And they did not attempt to solve it. Under all the examinations of the Ordnance Department the evidence, putting all the circumstances of this investigation together, proves conclusively that these shells were, as these marks indicate beyond any man-

ner of question, fired upon the target grounds at Fort Niobrara. It is remarkable, in connection with this examination, that all the shells located were in the guns of Company B, who brought from Fort Niobrara the box of empty shells, or cases, heretofore referred to.

General Crozier testifies (p. 2854) that the bullets taken from the houses might have been fired from a Krag, a Krag carbine, or a Springfield, and if fired from any one of the three would bear the marks of the same number of *lands*—the Krag and the Krag carbine were not unknown guns in the locality of Brownsville.

The difficulty in identifying bullets used in different rifles is best illustrated by referring to the testimony of Captain Ely, Twenty-sixth Infantry, to whom was exhibited two perfect cartridges, and he was asked to tell which was the Krag and which was the Springfield. After a careful examination he selected the Krag for the Springfield bullet.

I append his testimony, Hearings, volume 3, pages 2696–2697:

A. (Continuing.) If I was going to judge which of the two was the more probable, I would say more probably the new Springfield, from what seems to me to be the more pointed nose of the bullets.

Q. Those three bullets when shown to you seemed to be Springfield bullets?—A. Yes, sir.

Q. And they were all the same size and all the same general appearance except as they were disfigured by meeting with obstructions?—A. Yes, sir.

Q. And they seemed to you to have a more pointed nose than the Krag bullets?—A. They seemed to, although I would not say that it was impossible that they should be Krags.

Q. Now, Captain, is there any difference whatever in the actual form and figure of the two bullets?—A. I believe so; yes, sir.

Q. You think there is?—A. Yes, sir; I have taken them and compared them. I have taken the cartridges and compared the two, and it seems to me that there is quite a little difference.

Q. Is that plainly preceptible?—A. No, sir; it is not plainly perceptible.

Q. It requires very close scrutiny when the bullets are in the cartridges, before they have been fired?—A. Yes, sir.

Q. To detect any difference between them?—A. Yes, sir; it does.

Q. And is it not next to impossible to detect any difference there may be after they have been fired, if they had gone through any obstruction?—A. Well, I would hardly say next to impossible, but it is difficult.

Q. Of the two bullets here which I show you, can you tell which is which? One is a Krag and the other is a Springfield.—A. I should say this was the Springfield.

Q. See if it is.—A. No, sir; it is not.

Q. That is the Krag, isn't it?—A. Yes, sir.

Q. That shows that you may be mistaken about it, doesn't it, as to the appearance?—A. Yes, sir.

It is hardly obligatory, Mr. President, in view of the conclusion I have reached in the matter of the shells and the bullets, but I think it proper, in view of the testimony in relation to the composition of the bullets, to state that up to the time of the discovery upon analysis by a Government expert of the Geological Survey it had been expressly claimed that no steel-jacketed bullet had been issued to the Army containing antimony. (See letter of General Crozier, Chief of Ordnance.)

Hearings, volume 3, page 3309:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, December 6, 1907.

Hon. JOS. B. FORAKER,
United States Senate.

SIR: You are informed that the history of jacketed bullets for .30 caliber small arms manufactured by this Department is as follows:

Various experimental compositions were tried, including some in which the core was composed of 97 parts lead and 3 parts antimony, but these were never issued to the service.

The first ammunition with jacketed bullets, issued to the service in 1894, had the core of the bullet composed of 7 parts lead and 1 part tin, and the jacket of German silver. In the same year bullets were also issued with a cupro nickeled steel jacket, and the same core composition as above.

In May, 1898, cupro nickel jackets were also used.

In the fall of 1900 cupro nickeled steel jackets were abandoned, and cupro nickel alone has since been used.

On December 16, 1902, the composition of the core of the bullet was changed to 27 parts lead to 1 of tin.

On March 11, 1903, it was changed to 20 parts lead to 1 part tin.

On October 24, 1904, it was changed to 16 parts lead to 1 of tin, and on March 18, 1905, it was changed to 36 parts lead to 1 of tin. The last mentioned has continued to be the composition to the present time.

The changes were made to keep the weight of the bullet constant, and were coincident with changes in the thickness of the jacket. It is, of course, possible that slight variations from prescribed proportions may have been obtained in manufacture.

The cupro nickel jacket is composed of 85 per cent copper and 15 per cent nickel.

The history of the bullet given above is for the Krag rifle ammunition up to March 11, 1903, since which date it applies to the bullets for both the Krag and the model of 1903 rifles, the same bullet being used in both.

2. The composition given for the guard cartridge in the handbook for the United States magazine rifle, model of 1903, caliber .30, page 46, is in error in giving the composition of the bullet, which should be 90 parts lead, 8.5 parts tin, and 1.5 parts antimony.

Very respectfully,

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance.

And the Union Metallic Cartridge Company, who had manufactured bullets for the Government, had likewise insisted that they had never used antimony (see the following letters):

Hearings, volume 3, pages 3336–3337:

THE UNION METALLIC CARTRIDGE COMPANY,
Bridgeport, Conn., June 13, 1907.

DEAR SIR: Replying to your letter of the 12th instant, making inquiry concerning the composition of the bullets furnished with the different cartridges, as enumerated, wish to advise as follows:

Springfield, model 1903 bullet—36 parts lead, 1 part tin.
Unjacketed guard cartridge bullet—9 parts lead, 1 part tin.
Krag metal-cased bullet—20 parts lead, 1 part antimony.

Trusting this information will be of service to you, we are,

Yours, truly,

THE UNION METALLIC CARTRIDGE CO.,
By J. ORCUTT, *Manager and Superintendent.*

Hon. JOSEPH B. FORAKER,
United States Senate, Washington, D. C.

THE UNION METALLIC CARTRIDGE COMPANY,
Bridgeport, Conn., December 6, 1907.

DEAR SIR: With reference to our telephone conversation of this morning, it is my understanding that you desire to ascertain what particular bullets are represented by the mixtures given, which were as follows:

	Lead.	Tin.	Antimony.
	Per cent.	*Per cent.*	*Per cent.*
No. 1	95.70	2.02	1.97
No. 2	95.59	2.11	1.98
No. 3	96.36	2.05	1.29

While these mixtures do not represent any bullet which we manufacture, they come the nearest to a .30 Government, model 1898, bullet.

We trust that this information may be of service to you, and remain,

Yours, truly,

THE UNION METALLIC CARTRIDGE CO.,
By JEROME ORCUTT,
Manager and Superintendent.

Hon. JOSEPH B. FORAKER,
United States Senate, Washington, D. C.

THE UNION METALLIC CARTRIDGE CO.,
Bridgeport, Conn., December 10, 1907.

DEAR SIR: Replying to your telephone communication of the 7th instant, with reference to the composition of the Springfield bullets, 1903 model, wish to advise that they were made in accordance with the specifications furnished by the Government.

We refer to blueprint B–582, last date of revision being March 27, 1905, describing "Ball cartridges, United States magazine rifle, model 1903," as follows:

"Bullet: Weight, 220 grains; core, 36 parts lead, 1 part tin (about)."

Yours, truly, THE UNION METALLIC CARTRIDGE CO.,
By J. ORCUTT, *Manager and Superintendent.*

Hon. JOSEPH B. FORAKER,
United States Senate, Washington, D. C.

The letters were all written, as testified by the superintendent, after a careful examination of the records at the factory. When it became necessary to connect the soldiers with the raid through the examination used, it also became necessary to prove the incorrectness of the reiterated statements of both the Ordnance Department and the contractors. After a visit to Washington and absorbing the breath of official atmosphere, the president and the inspector of the Union Metallic Cartridge Company had recalled to their recollection—without a record before them—that in filling one contract, and in violation of its provisions, they had manufactured a small part of the alloy of the composition as found by the chemical analysis; and it was also claimed that this particular lot of cartridges had, by chance, fallen into the hands of the Twenty-fifth Infantry at Fort Niobrara; but recollect, Senators, that the shells found by Captain Macklin at the mouth of the alley the morning after the firing, almost before daylight, did not belong with the bullets made by the Union Metallic Cartridge Company. The bullet taken from the post in front of Crixell's saloon did not prove to be a steel-jacketed bullet, such as were in use by the troops, neither was it a guard-cartridge bullet, which also were of different composition from that disclosed by the analysis.

COURSE OF BULLETS.

For the purpose of investigation, and to ascertain, if possible, the position from which the bullets found in the houses were fired, Lieutenant Leckie was detailed by General McCaskey, department commander, and visited Brownsville and made a critical and expert examination in the case of every house fired upon and reached the conclusion that all the shots fired into houses in the near vicinity of the reservation were fired from the street, and could not possibly have been fired from the wall of the reservation or from the porch of the barracks; but another officer sent for the like purpose reached an entirely different conclusion, and I have no doubt if we had continued to send officers there up to the present day each one looking through a gunshot hole, one or two in line, depending upon

his own height, possibly, or his own abilities, or the glance of his eye, could locate a bullet and its course in almost any direction that was wanted. So I am not going to waste any time on that part of it.

MAJOR PENROSE'S CHANGE OF OPINION.

After listening to the evidence given at the Penrose court-martial and reading the evidence presented to your committee, Major Penrose renewed his first impression that his command was not involved in the affray, as testified by him.

Hearings, volume 3, pages 3025–3026:

Q. I want to know fully what produced this change in your mind, in your opinion, as to who did that shooting?—A. I am trying to give it to you, Senator. There was another question or two asked of me, if you will remember.

Q. I want you to explain it fully in your own way.—A. Yes, sir. Well, as I say, the darkness of this night and the finding of those shells—my opinion commenced to change at that time. Then there was the testimony that was produced before this committee as to the experiment that was made at the Frankford Arsenal, where they found that eleven shells were fired from one gun.

Senator FORAKER. A Springfield?

A. One Springfield rifle that had been locked up in the arms chest at Fort Niobrara and was not opened until the morning of the 14th of August. They claim that eleven—I think it is eleven—of those shells, or eleven shells, fired from that gun, were found in the streets of Brownsville. Those shells were brought down from Fort Niobrara to Brownsville. They were open, on the back porch of B Company. They were open there several days, I don't remember how long. I can see no way in the world that those shells could have been fired in the streets of Brownsville. There is another thing: I think they were taken out there and put there. That is the reason that I have changed my opinion, sir.

By Senator LODGE:

Q. You think those shells were put all over the town in order to give the idea that the soldiers did the shooting?—A. I think certainly those eleven shells were, sir.

Q. Well, but it is in testimony and, I think, uncontradicted, that shells were picked up at a great many points?—A. Yes, sir; so I understand.

Q. Your idea is that they must have been put there, at all those points?—A. That is my idea of it, sir.

By Senator OVERMAN:

Q. Do you think those freshly fired shells that were found there at the mouth of the alley were brought down from Niobrara?—A. I think so now.

Q. And put there?—A. I believe they were, sir.

Q. Yet you say they were freshly fired?—A. They had the appearance to me. They had only been fired a month before.

By Senator TALIAFERRO:

Q. Who do you think brought them from Niobrara?—A. B Company brought them down.

Q. Who do you think distributed them in the streets?—A. I don't know, sir, unless some of the people of Brownsville.

Q. How did they get out of the custody of B Company?—A. They were open on the back porch of B Company, and were left there for several days, Senator—this box was. I think the testimony so shows here.

Q. They were at least more accessible to the members of B Company than they were to the public at large?—A. Yes, sir; that would be very possible—that they were.

Senator SCOTT. I should like to hear the answer to Senator Pettus's question, if I can get it.

By the CHAIRMAN:

Q. If you have anything further to say in answer to the question of the Senator from Alabama, you will, of course, proceed with it and make full answer.—A. I should state in connection with that that there was the behavior of the men before this shooting occurred. They had been an excellent lot of men. We had never had any trouble with them; they were well disciplined, well drilled, easy to handle. From the time that this shooting occurred none of them was permitted to leave Fort Brown at all. We took them up to Fort Reno, Okla., and there they were confined absolutely to the limits of the post—the post proper. They were not permitted to leave it under any circumstances. I gave them extra drills, extra guard, and had them working at fatigue whenever they were not drilling or on guard, the whole day long. Those men took all that without a murmur or a complaint of any kind. There were five of the men who disobeyed that order and went to town. They were each tried, dishonorably discharged, and sentenced to eighteen months' confinement at the military prison at Fort Leavenworth, Kans., and that was reduced by the reviewing authority to six months. Those five exceptions were the only ones that disobeyed any of the orders that were issued at all. Finally the order came for their discharge. They were discharged at that post, a half a company at a time. They were paid off. They had anywhere from fifty or sixty dollars to, some of them, twelve or thirteen hundred dollars. They went to this little town, which was full of temptations, and, as I stated before, there was not a single man found drunk, nor was there a disturbance of any kind or character reported of these men, and I talked with the chief of police over the telephone frequently. Now, taking into consideration the conduct of these men both before and afterwards, and what I have before stated, leads me to believe that the men did not do that shooting.

The Senator from Idaho has noted the absence of a number of men from the post that night, apparently unaccounted for (and my attention has been called to the fact), when apparently all of the men are reported present. There are some Senators in this Chamber who are familiar from their own experience with the usual report of a first sergeant after a roll call. They have heard the report made after a great battle, in which many were unaccounted for, except as they lay prone on the battlefield and could answer to but one call. The usual report of a first sergeant is, "All present or accounted for," and he accounts for the men who are absent either on a pass, as it is his duty to know, detailed for guard duty, or located elsewhere. And these men, the record shows, as I find it in the Senator's speech, reading from the RECORD:

I call attention to another matter in this affair. The record shows that—

Private Lee stayed the night at a house in the city. Was out that night. (S. Doc., p. 128.)

Private E. Johnson (p. 132) stayed that night in town with his wife.

Private G. Johnson (p. 120) was sleeping at the corral and knew nothing about the matter until he was told about it afterwards.

Private John Streater (p. 134) was asleep in the corral. Never knew anything about it.

Private G. Thomas (p. 117) was at a colored woman's house in Brownsville and did not return until the next morning.

Private Hardin (p. 131) was absent from the quarters, sleeping at Lieutenant Higgins's quarters, and did not appear until the next morning.

Private Turner (p. 135) was absent from the quarters, sleeping at Lieutenant Hayes's.

Private Kirkpatrick (p. 133) was in the hospital.

Private John Brown (p. 151) was asleep in the baker shop.

Private Elmer Brown (p. 151) was asleep in the corral.

Private Newton (p. 140) was asleep in the quarters of Lieutenant West.

Private Jones (p. 139) was asleep in Captain Lyon's quarters.

Private Mapp (p. 141) was asleep in the bake shop.

Private Halley (p. 144) was asleep in the corral.

Private John Henry (p. 144) was in the quartermaster's corral.

Private Charles W. Hawkins (p. 140) was in town on a pass.

In addition to these absentees there were absent on duty within the post at the guardhouse four noncommissioned officers.

Private Miller was out on a pass.

I have heard, and other Senators have heard, a thousand times the report of the first sergeant—"All present or accounted for." The Senator from Ohio [Mr. DICK] in his own way and in his own experience has heard it.

I know that I have already wearied the Senate, but I have felt compelled to quote freely from the record evidence and have drawn only from the testimony to sustain my conclusions and belief that each and every member of this battalion of the Twenty-fifth Infantry is absolutely innocent of the charge of shooting up the city of Brownsville and, consequently, all are guiltless of any "conspiracy of silence," for which reasons they were discharged without honor in November, 1906; and for these reasons I joined with my colleagues from West Virginia, Ohio, and Indiana in the minority report of your committee and the supplemental report attached thereto signed by the Senator from Ohio and myself.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. ELKINS. I ask that the unfinished business be laid aside temporarily.

The VICE-PRESIDENT. The Senator from West Virginia asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Connecticut will proceed.

Mr. BULKELEY. I should feel, Mr. President and Senators, that I had fallen short of my duty if I failed to record here the honorable record of the Twenty-fifth United States Infantry, as well as that of the Twenty-fourth, and the Ninth and Tenth Cavalry, for they all do honor to the United States Army, in which they appear not only as soldiers, but as worthy representatives of their race. I ask to include here, without reading, the official records as furnished me by the War Department:

OFFICIAL RECORD OF THE TWENTY-FIFTH REGIMENT, UNITED STATES INFANTRY.

The Twenty-fifth Regiment of Infantry was organized April 20, 1869, by the consolidation of the Thirty-ninth and Fortieth Regiments of Infantry, under the act approved March 3, 1869. From April, 1869, to May, 1870, the regiment served in Louisiana and Mississippi. From May, 1870, to May, 1880, it was stationed in Texas along the Rio Grande frontier. A part of the regiment was sent to the Indian Territory in 1872, serving there to May, 1880, when the entire regiment was sent to South Dakota. It garrisoned posts on the Missouri River to May, 1888, four companies being stationed at Fort Snelling, Minn., from November, 1882, to May, 1888, when the entire regiment was sent to Montana, serving there until April, 1898. It was stationed at Chickamauga Park, Ga., to May, 1898; at Tampa, Fla., to June, 1898; in Cuba, participating in the Santiago campaign, to August, 1898; in New York to September, 1898, and in Arizona and New Mexico, to June, 1899.

Four additional companies were organized at Fort Logan, Colo., in October, 1898, and served there to June, 1899, when the headquarters and eight companies left for the Philippine Islands, the remaining four companies being stationed in Arizona and Texas to September, 1900, when they were sent to the Philippine Islands.

The entire regiment returned to the United States in August, 1902, headquarters and eight companies being sent to Fort Niobrara, Nebr., and four companies to Fort Reno, Okla. Two companies were on temporary duty at Fort Des Moines, Iowa, from December, 1903, to April, 1904.

On July 23, 1906, headquarters and four companies were sent from Fort Reno, Okla., to Fort Bliss, Tex., where they are now stationed. Four companies left Fort Niobrara, Nebr., for Fort McIntosh, Tex., on

the same date, and are now stationed there. Companies B, C, and D of the regiment left Fort Niobrara, Nebr., July 23; arrived at Fort Brown, Tex., July 28, 1906, and left for Fort Reno, Okla., August 25, 1906. Company A was on temporary duty at Fort Washakie, Wyo., from April 1 to September 7, 1906, when it left for its present station, Fort Reno, Okla.

ACTIONS, ETC., IN WHICH THE REGIMENT OR PORTIONS THEREOF HAVE PARTICIPATED.

Melvin Station, Tex., May 21, 1871; Central Station, Tex., July 28, 1872; Eagle Springs, Tex., April 27, 1873; Central Station, Tex., October 1, 1873; Carrizo Mountains, Tex., May 18, 1874; Wichita Agency, Ind. T., August 22 and 23, 1874; Carrizo Mountains, Tex., February 18, 1876; Mackenzie's expedition into Mexico, June, 1878; near Salt Lake, Tex., July 25, 1879; Santiago campaign, June and July, 1898; El Caney, Cuba, July 1, 1898; San Juan Hill, Cuba, July 1–3, 1898; near San Mateo, P. I., August 12, 1899; near La Loma, P. I., October 9, 1899; O'Donnell, P. I., November 18, 1899; San Fernando de'Rivera, P. I., December 7, 1899; Botolon, P. I., December 8, 1899; Iba, P. I., December 9, 1899, and January 1, 1900; Comansi and Iba, P. I., January 5 and 6, 1900; Mabalacat, P. I., January 6, 1900; near Castillejos, P. I., January 29, 1900; Tawi Tawi Island, P. I., January 29, 1900; Subig, P. I., February 9, 1900; Botolon, P. I., February 18, 1900; near Botolon, P. I., February 22, 1900; Candelaria, P. I., May 6, 1900; Palauig, P. I., May 13, 1900; Cabangan, P. I., July 15, 1900; near San Antonio, P. I., September 18, 1900; Subig, P. I., September 18, 22, and 23, 1900; Castillejos, P. I., September 25, 1900; near Castillejos, P. I., October 25, 1900; near Subig, P. I., November 10, 1900; near Equia, P. I., February 24, 1901; near Botolon, P. I., July 2, 1901.

The regiment lost in Cuba—1 officer and 7 men killed and 3 officers and 27 men wounded; and in the Philippine Islands, 1 officer and 8 men killed and 22 men wounded.

OFFICIAL RECORD OF THE TWENTY-FOURTH REGIMENT UNITED STATES INFANTRY.

This regiment was organized November 11, 1869, by the consolidation of the Thirty-eighth and Forty-first regiments of Infantry, as provided for under the act of March 3, 1869.

It served in Texas from November, 1869, to December, 1880; in the Indian Territory to May, 1888; in New Mexico and Arizona to October, 1896; in Utah to April, 1898; in Florida to June, 1898; in Cuba to September, 1899; in Utah and Wyoming to May, 1899; in California to July, 1899; in the Philippine Islands to August, 1902 (four companies remained in Washington, Alaska, and Montana to August, 1902); in Montana from August, 1902, to January, 1906; in the Philippine Islands to February, 1908, and is now en route to the United States since February 15, 1908, and is to take station at posts in New York.

ACTIONS, ETC., IN WHICH THE REGIMENT OR PORTIONS THEREOF HAVE PARTICIPATED.

Scout on the Rio Grande and Pecos, Tex., January 3 to February 6, 1870; near Fort McKavett, Tex., July 31, 1871; near Fort McKavett, Tex., September 1, 1871; on the La Pendencia, Tex., May 20, 1872; near Rattlesnake Springs, Tex., August 6, 1880; Cedar Springs, Ariz., May 11, 1889; operations against Santiago, Cuba, June 22 to July 17, 1898; San Juan Hill, Cuba, July 1 to 3, 1898; San Mateo, P. I., August 12, 1899; near Mexico, P. I., September 27, 1899; Santa Ana, P. I., October 6, 1899; St. Augustin, P. I., October 7, 1899; Arayat, P. I., October 12, 1899; San Luis, P. I., December 3, 1899; Naguillian, P. I., December 7, 1899; Talavera road, P. I., December 28, 1899; Bongabong, P. I., December 29, 1899; near Allaga, P. I., Februray 11, 1900; near San Vincente, P. I., April 4, 1900; near San Quintan, P. I., May 5, 1900; near Lupao, P. I., July 3, 1900; Maniclin, P. I., July 4, 1900; near Talavera, P. I., July 31, 1900; near Manicling, P. I., September 13, 1900; near Buloc, P. I., October 10, 1900; Pinog, P. I., October 14, 1900; Tabontabon, P. I., July 24, 1906; Guelern Barrio, P. I., August 17, 1906; Anibongan, P. I., September 10, 1906; Mount Lobi, P. I., September 15, 1906.

OFFICIAL RECORD OF THE NINTH UNITED STATES CAVALRY.

Organized under the act of July 28, 1866, and was raised mainly in Louisiana and from recruits in Kentucky. It served in Louisiana to April, 1867; in Texas to December, 1875; in New Mexico to November, 1881; in Kansas, Indian Territory, and Texas to April, 1885; in Nebraska and Wyoming to April, 1898; in Florida and in Cuba to August, 1898; in New York to October, 1898; in Arizona and Utah to August, 1900; in Philippine Islands to October, 1902; in California and Washington to October, 1904; in Kansas and Missouri to March, 1907, and since then in the Philippine Islands.

ACTIONS, ETC., IN WHICH THE REGIMENT, OR PORTIONS THEREOF, HAVE PARTICIPATED.

Howards Well, Tex., October 1, 1867; Eagle Springs, Tex., December 5, 1867; near Fort Lancaster, Tex., December 26, 1867; Fort Quitman, Tex., January, 1868; Horse Head Hills, Tex., September 14, 1868; Mulberry Creek, Kans., January 29, 1869; Pecos and Johnson Rivers, Tex., June 7, 1869; Salt Fork of Brazos River, Tex., September 16, 1869; Brazos River, Tex., September 20 and 21, 1869; headwaters of Brazos River, Tex., October 28 and 29, 1869; headwaters of Llano River, Tex., November 24, 1869; Johnsons Mail Station, Tex., December 25, 1869; scout on Rio Grande and Pecos, Tex., January 3 to February 6, 1870; scout in Guadalupe Mountains, Tex., January 6 to February 10, 1870; Delaware Creek, Tex., January 20, 1870; San Martine Springs, Tex., April 3, 1870; Crow Springs, Tex., April 25, 1870; Kickapoo Springs, Tex., May 19 and 20, 1870; Bass Canyon, Tex., May 29, 1870; Staked Plains, Tex., June 30, 1871; headwaters of Concho River, Tex., July 22, 1871; near Fort McKavett, Tex., July 31, 1871; near Fort McKavett, Tex., September 1, 1871; Howards Well, Tex., April 20, 1872; on the La Pendencia, Tex., May 20, 1872; near Fort Sill, Ind. T., October 4, 1874; near Ringgold Barracks, Tex., January 26, 1875; near Ringgold Barracks, Tex., January 27, 1875; Florida Mountains, N. Mex., September 15, 1876; Florida Mountains, N. Mex., January 23, 1877; Sierra Bocas Grande, Mexico, January 28, 1877; Dog Canyon, N. Mex., August 5, 1878; Cormedos Mountains, N. Mex., January 15, 1879; Ojo Caliente, N. Mex., March 8, 1879; Black Range of Miembres Mountains, N. Mex., May 29, 1879; Ojo Caliente, N. Mex., September 4, 1879; Las Animas River, N. Mex., September 18, 1879; near Ojo Caliente, N. Mex., September 28, 1879; near Canada Alamosa, N. Mex., September 30, 1879; Cuchillo Negro Mountains, N. Mex., September 29 to October 1, 1879; Milk River, Colo., October 2 to 5, 1879; White River, Colo., October 10, 1879; San Guzman Mountains, Mexico, October 27, 1879; Rio Puerco, N. Mex., January 12, 1880; San Mateo Mountains, N. Mex., January 17, 1880; Cabello Mountains, N. Mex., January 30, 1880; San Andreas Mountains, N. Mex., February 3, 1880; Sacramento Mountains, N. Mex., February 28, 1880; San Andreas Mountains, N. Mex., April 5, 1880; San Andreas Mountains, N. Mex., April 6 to 9, 1880; camp near South Fork, N. Mex., April 16, 1880; Mescalero Agency, N. Mex., April 16, 1880; near Dog Canyon, N. Mex., April 17, 1880; Tularosa, N. Mex., May 14, 1880; Cooks Canyon, N. Mex., June 5, 1880; Aqua Chiquita, N. Mex., September 1, 1880; near Canada Alamosa, N. Mex., January 24, 1881; Candelaria Mountains, Mexico, February 5, 1881; Mexican line near Fort Cummings, N. Mex., April 29, 1881; Alamo Canyon, N. Mex., July 17, 1881; Arena Blanca, N. Mex., July 19, 1881; White Sands, N. Mex., July 25, 1881; San Andreas Mountains, N. Mex., July 26, 1881; Monica Springs, N. Mex., August 3, 1881; Carrizo Canyon, N. Mex., August 12, 1881; Rio Cuchillo Negro, N. Mex., August 16, 1881; near San Mateo Mountains, N. Mex., August 16, 1881; McEwer's Ranch, N. Mex., August 19, 1881; South Pass of Dragoon Mountains, Ariz., October 4, 1881; Crow Agency, Mont., November 5, 1887; near Pine Ridge Agency, S. Dak., December 30, 1890; Drexel or Catholic Mission, near White Clay Creek, S. Dak., December 30, 1890; operations against Santiago, Cuba, June 22 to July 17, 1898; San Juan Hill, Cuba, July 1 to 3, 1898; near Palanog, P. I., October 7, 1900; Tagilag, P. I., October 9, 1900; near Pasacao, P. I., October 11, 1900; Tagilag, P. I., October 11, 1900; Camalig, P. I., October 16, 1900; Camalig, P. I., October 18, 1900; Tagilag, P. I., October 19, 1900; near Tagitay, P. I., October 26, 1900; near Rurug, P. I., October 28, 1900; Tagilag, P. I., October 29, 1900; Camalig, P. I., November 2, 1900; near Libog, P. I., November 14, 1900; near Florista, P. I., November 24, 1900; Bantonan, P. I., November 24, 1900; Umban, P. I., November 26, 1900; Guinobatan, P. I., December 2, 1900; near Guinobatan, P. I., December 6, 1900; near Guinobatan, P. I., December 15, 1900; near Guinobatan, P. I., December 17, 1900; near Guinobatan, P. I., December 19, 1900; Ogson Barrio, P. I., December 27, 1900; near Camaligan, P. I., December 30, 1900; near Minalabac, P. I., January 2, 1901; near Baligan, P. I., January 4, 1901; near Bololo, P. I., January 7, 1901; near Bololo, P. I., January 22, 1901; near Sipocot, P. I., January 26, 1901; near San Isidro, P. I., January 27, 1901; near Bololo, P. I., January 31, 1901; San Fernando Mountains, P. I., February 9, 1901; Bubsoan, P. I., February 15, 1901; near Guinobatan, P. I., February 16, 1901; Tagitay, P. I., February 22, 1901; near Bulason, P. I., February 25, 1901; near Bonga, P. I., February 26, 1901; near Tinambag, P. I., March 18, 1901; near Tinambag, P. I., March 22, 1901; Bonga River, P. I., March 28, 1901; near Lumagan, P. I., May 9, 1901; near Ragay, P. I., May 12, 1901; near Lupi, P. I., May 13, 1901; Guinobatan, P. I., May 15, 1901; Tanarg, P. I., May 19, 1901; Mataray, P. I., May 22, 1901; near Alit, P. I., May 22, 1901; Ragay, P. I., May 27, 1901; near Catbalogan, P. I., May 27, 1901; Gandara River, P. I., May 30, 1901; near Ragay, P. I., May 31, 1901; near Donsol, P. I., June 4, 1901; River Bonga, P. I., June 27, 1901; Mutiong, P. I., July 16, 1901; near Mutiong, P. I., July 23, 1901; near Gapo, P. I., November 12, 1901; near San Luis, P. I., February 6, 1902.

OFFICIAL RECORD OF THE TENTH REGIMENT UNITED STATES CAVALRY.

Regiment was organized under the act of July 28, 1866. Headquarters of the regiment was established at Fort Leavenworth, Kans., in August, 1866, and regiment was mainly recruited in Kansas and in other adjoining States. The organization of the regiment was not fully completed until the spring and summer of 1867.

The regiment served in Kansas and Indian Territory from 1866 to May, 1873; in Texas and Indian Territory to April, 1885; in Arizona and New Mexico to May, 1892; in Dakota and Montana to April, 1898; in Georgia and Florida to June, 1898; in Cuba to August, 1898; in New York to October, 1898; in Alabama to January, 1899; in Texas to April, 1899; in Cuba to April, 1902 (four troops served in Philippine Islands from April, 1901, to August, 1902); in Nebraska and Wyoming to March, 1907, and since then in the Philippine Islands.

ACTIONS IN WHICH THE REGIMENT OR PORTIONS THEREOF HAVE PARTICIPATED.

Saline River, Kans., August 2, 1867; Prairie Dog Creek, Kans., August 21 to 22, 1867; Saline River, Kans., September 16, 1867; Big Sandy Creek, Colo., September 15, 1868; Beaver Creek, Kans., October 18, 1868; near Fort Dodge, Kans., November 19, 1868; near Clear Creek, Tex., April 6, 1870; near Camp Supply, Ind. T., June 9, 1870; Snake Creek, Ind. T., June 10, 1870; Camp Supply, Ind. T., June 11, 1870; Fort Sill, Ind. T., April 27, 1871; near Red River, Tex., May 12, 1871; Fort Sill, Ind. T., May 17, 1871; Foster Springs, Ind. T., September 19, 1871; Deep River, Ind. T., July 12, 1872; Otter Creek, Ind. T., July 22, 1872; near Pease River, Tex., August 31, 1873; Elm Creek, Tex., December 5, 1873; Home Creek, Tex., February 2, 1874; Double Mountain, Tex., February 5, 1874; between Red River and Big Wichita, Tex., May 2, 1874; Wichita Agency, Ind. T., August 22 to 23, 1874; expedition from Fort Sill, Ind. T., October 21 to November 8, 1874; North Fork of Canadian River, Ind. T., December 20, 1874; near Cheyenne Agency, Ind. T., April 6, 1875; Battle Point, Tex., May 5, 1875; near Pecos River, Tex., November 2, 1875; near Saragossa, Mexico, July 30, 1876; Lake Quemado, Tex., May 4, 1877; near Saragossa, Mexico, September 29, 1877; Sierra del Carmen, Mexico, November 29 to 30, 1877; near Salt Lake, Tex., July 25, 1879; Van Horn Mountains, Tex., September 16, 1879; near Pecos Falls, Tex., April 3, 1880; Shakehand Springs, Tex., April 9, 1880; Mescalero Agency, N. Mex., April 16, 1880; Sacramento Mountains, N. Mex., April 20, 1880; Rocky Ridge, Tex., July 30, 1880; Alamo Springs, Tex., August 3, 1880; Camp Safford, Tex., August 4, 1880; Guadalupe Mountains, Tex., August 6, 1880; near Rattlesnake Springs, Tex., August 6, 1880; Rattlesnake Canyon, Tex., August 6, 1880; Ojo Caliente, N. Mex., October 28, 1880; Penito Mountains, Mexico, May, 1880; Black River Mountains, Ariz., October 18, 1886; Rincon Mountains, Ariz., June 11, 1887; Cedar Springs, Ariz., May 11, 1889; near mouth of Cherry Creek, Ariz., March 7, 1890; operations against Santiago, Cuba, June 22 to July 17, 1898; Las Guasimas, Cuba, June 24, 1898; Tayabacoa, Cuba, June 30, 1898; San Juan Hill, Cuba, July 1 to 3, 1898; near Calbayog, P. I., May 27, 1901; near Masalacot, P. I., February 21, 1902; near Quinapundan, P. I., February 25, 1902; near Quinapundan, P. I., March 2, 1902; near Quinapundan, P. I., March 4, 1902; near Quinapundan, P. I., March 5, 1902; Mount Masalacat, P. I., March 14, 1902; Quinapundan, P. I., March 14, 1902; near Quinapundan, P. I., March 20, 1902.

Mr. BULKELEY. It is as honorable a record of service on the frontier, in Cuba, and in the Philippines as any soldiers of the Army possess. If character and good service are entitled to any consideration in the case of any accused, the good character of these men established by the evidence of their own officers, their long, faithful, and honorable service, both in war and in peace, entitle them to our consideration here.

The advent of the negro soldiers in the Arym, Mr. President, does not date in these late years; they were alike found in the ranks in colonial as well as modern times, and history records that in the Boston massacre, March 5, 1770, regarded as "the first act in the drama of the American Revolution," Crispus Attucks—not a soldier, as described by my distinguished friend, the Senator from Missouri, but a slave—was the first to fall. He was buried from Faneuil Hall with the other victims of that event. That event is celebrated down to this day, almost a hundred and forty years since; for a long time on the anniversary of the day it occurred, and after the close of the Revolution on the Fourth of July, as the more appropriate day to commemorate an event which really led up to dissolving the relations with the mother country.

At Bunker Hill the shot which laid low the British commander as he mounted the redoubt shouting, "The day is ours," was fired by Peter Salem, once a negro slave, fighting in the ranks with his white comrades. You will find them brave, patriotic, and heroic, both in victory and defeat, in the eight years' struggle for the new Republic from Bunker Hill to Yorktown.

In the war of 1812 negroes formed their full proportion of the crew of the fleet under Commodore Perry. A writer says:

Perry speaks highly of the bravery and good conduct of the negroes who formed a considerable part of his crew. They seemed absolutely insensible to danger.

Another, Commander Shaler, says:

The name of one of my poor fellows ought to be registered in the book of fame.

In the civil war negro troops could be found in both armies as they followed the flag of the contending hosts with loyalty until the surrender at Appomattox.

In the war with Spain the regiments of colored troops of the Regular Army were at the front in almost every engagement, and at the surrender the Twenty-fifth Infantry and the Tenth Cavalry were accorded an honorable position in the closing ceremonies of the war.

On the frontier of our own country and in the newly acquired possessions of the islands of the sea they have filled their places with credit and honor.

From the conclusion reached both as to the nonparticipation of the members of the battalion in the shooting up of Brownsville and the consequent injustice of their dismissal from the Army without honor, and the disabilities carried with such dismissal, I naturally turn to some proper means of relief and restoration. The President, in his last message on this question, states that Executive authority has lapsed by reason of the time limit and that legislative action is necessary to restore such authority. For many months applications for reenlistment in the Army, or for restoration, have been in the hands of the President or with the War Department, with the only proof the soldiers could furnish of their innocence—their own affidavits and certificates of good character and faithful service from their officers—but not one has been acted upon. The President has repeatedly called upon these soldiers to prove their innocence to his satisfaction—to a mind already confirmed in conviction of undoubted guilt—as a condition of restoration and so expressed over and over again. This requirement imposed the additional burden of removing this almost insurmountable bias.

The bill S. 6206, introduced by the Senator from Missouri, simply restores to the President the powers which have lapsed by reason of time and furnish no adequate relief to the soldier, but reenacts conditions with which it is absolutely impossible to comply.

The Congress has the power under the Constitution "to raise and support armies" and "to make rules for the government of the land and naval forces." At every session of the Congress it is exercising these powers in many ways, as in correcting military records of soldiers where an apparent injustice is discovered. I can see no reasons why like action can not properly be taken here, if the Congress is satisfied that the results of the long and patient investigations discloses the facts as I have reviewed and as disclosed in the testimony.

Mr. FULTON. Mr. President, will the Senator allow me just a word right here?

Mr. BULKELEY. Certainly.

Mr. FULTON. In view of the fact that I have taken issue with the Senator in his conclusions as to whether or not any of these soldiers participated in this shooting, I wish to say just a word at this time as to my views of what should be done.

Mr. BULKELEY. I will be through in a moment. I should like to close up. I do not care to be interrupted at this time.

Mr. FULTON. I do not wish to say anything if it will interrupt the Senator in the course of his speech.

Mr. BULKELEY. I will be through in about a moment.

Mr. FULTON. All right.

Mr. BULKELEY. The bill S. 5729, introduced by the Senator from Ohio, protects the Government in the conditions imposed for reenlistment if complied with and requires the only evidence outside of the records of the committee's investigation which the soldiers can possibly furnish. Such legislation, I believe, is within our power and I trust will be enacted before the close of this Congress.

Permit me, in closing, Mr. President and Senators, to recall the words of a former commander of the Army, commenting upon the efforts that were making in the Congress to correct an injustice to a high officer of the Army during the civil war.

It was during the efforts that were made to restore to the Army Gen. Fitz-John Porter, who had been removed by court-martial or by order, and General Schofield, a great soldier and great commander, said (Schofield's Forty Years in the Army, pp. 465–466):

It suggests the reflection that even a Senator of the United States might better form his own opinions rather than adopt those even of the highest authority, when the only question involved is one of justice and not one of public policy, in which latter case differences of opinion must of necessity be reconciled for the purpose of securing unity of action.

Mr. President, I do not ask for these soldiers either pardon or clemency, but vindication from the charge of crime for which they have been punished without a hearing or the semblance of a trial by a civil or military tribunal and of which I am convinced they are absolutely innocent, but rather relief from the stigma of dismissal from the Army without honor and restoration to the rights and privileges of which they have been deprived and which can only be restored to them by the consideration and action of the Congress.

Mr. FULTON. Mr. President, as I do not expect to make a speech on this subject, and in view of the fact that I took issue with the Senator from Connecticut [Mr. BULKELEY] in the conclusion he had reached touching the question whether or not any member of this battalion was guilty of this shooting, I feel I ought to say that I do agree with the Senator from Connecticut that the bill which has been proposed by the Senator from Ohio [Mr. FORAKER] is nevertheless the proper measure of relief, because while I became satisfied beyond any question in my own mind that this shooting was done by some few members of this organization, yet there is absolutely no proof whatever of the identification of any individual, and I can not bring my mind to consent to the proposition that because some few may have been guilty that all of these members, who were unquestionably innocent, should be made to suffer.

Nor do I believe that the burden of proof should be put on them. That is repugnant to all of the laws which we have looked upon as necessary for the protection of individual rights and the liberty of the individual. I think that where they purge themselves by making a proper affidavit, disclaiming any connection with the affray, they should be allowed to reenlist. I understand that in substance is what the Senator from Ohio has provided in his bill.

Mr. FORAKER. That is in substance the bill I have proposed. But it has also this very important provision in the second section of it, which I did not stop to comment upon the other day. There is a provision that nothing in the proposed act contained shall be construed to prevent the prosecution of these men, civilly or by court-martial, after they shall have been reenlisted, if at any time there shall be offered the slightest evidence tending to identify anybody as guilty. So that if they should all be reenlisted, as my measure contemplates, they will then be back in the Army, be under the command of their officers, where they can be kept under surveillance, if that be necessary, and in a situation where they can be ordered before a court-martial at any moment by the President or anybody else having authority to order a court-martial.

It seems to me, looking at it upon the theory that some of the men may be guilty, in which theory I do not believe at all, nevertheless the proposition embraced in my measure is the one that ought to be adopted.

PHILIPPINE COMMISSION.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 17516) to increase the membership of the Philippine Commission by one member.

Mr. LODGE. The bill is identical with the measure passed by the Senate a few weeks ago, and I ask that it may be now considered.

The bill was read the first time by its title and the second time at length, as follows:

Be it enacted etc., That the number of Commissioners constituting the Philippine Commission is hereby increased by one additional member, making the Commission consist of nine members. Said additional

member shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive the same salary and emoluments as is now, or may hereafter, be prescribed by law.

SEC. 2. That the President is hereby authorized in his discretion to create by Executive order, and name, a new executive department in the Philippine government, and to embrace therein such existing bureaus as he may designate in the order; and in his appointment of any commission member he shall specify in his message to the Senate the department, if any, of which the appointee shall be the secretary.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. CULLOM obtained the floor.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. CULLOM. I do.

Mr. OWEN. I ask that the "restrictions bill," so called, Calendar No. 588, be made a special order on the 8th instant, immediately after the morning business, and be disposed of, with its amendments, on that day.

Mr. LODGE. What bill is it?

Mr. OWEN. Calendar No. 588, the so-called "restrictions bill." It is a local bill for Oklahoma.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent that the following bill——

Mr. CULBERSON. I have no objection to that, but I do not know whether it is in order, inasmuch as Senate joint resolution 74 is now the unfinished business. If it can be done, I shall be glad to see it done.

Mr. WARREN. I wish to suggest that I shall object to any more special orders being made or special hours being given, except it may be, as this was formerly given, i. e., subject to appropriation bills. I shall have to object to any request unless it be coupled with a reservation for the consideration of appropriation bills.

Mr. OWEN. I ask for this order subject to appropriation bills.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. CULLOM. I do.

Mr. LODGE. We now have a unanimous-consent agreement, which is to be disposed of on Wednesday, and it seems to me at this stage of the session we ought not to mortgage our time ahead by special orders. The bill may be taken up, and we can agree on a time to vote, but this is a request for a special order, which would shut out everything else.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent that the bill (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, be taken up for consideration immediately after the close of the routine morning business on Friday, the 8th instant, and that pending amendments and amendments to be offered and the bill itself be voted upon before adjournment on that day.

Mr. WARREN. I call the attention of the Vice-President to the fact that he has failed to include "subject to appropriation bills."

The VICE-PRESIDENT. Not to interfere with appropriation bills. Is there objection?

Mr. TELLER. I will not object to the bill being made the special order, but I object to that part of the request which provides that the bill shall be disposed of on that day.

Mr. OWEN. I yield to the suggestion of the Senator from Colorado, Mr. President.

The VICE-PRESIDENT. The Senator from Oklahoma——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. CULLOM. Certainly.

Mr. FORAKER. I rise to say that I do not want for a moment to stand in the way of the bill of the Senator from Oklahoma [Mr. OWEN], but I do not want to see the Senate making special orders indefinitely for the future. I have a bill of my own which I want to get regularly before the Senate as soon as I can, and I am afraid that if we do not agree to vote on the bill of the Senator from Oklahoma on that day, but simply make it the special order, we may be indefinitely tied up with that measure as the unfinished business.

So I do not like to agree to the request, unless the Senator from Colorado will waive his objection to that part of it which provides that we shall vote on the bill that day.

Mr. CULLOM. Mr. President, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Illinois moves——

Mr. WARREN. Will the Senator from Illinois withhold the motion for a moment?

Mr. CULLOM. I yield to my colleague on the Committee on Appropriations.

Mr. WARREN. I wish to say that I shall endeavor to have the Senate take up the agricultural appropriation bill immediately after the morning business to-morrow.

Mr. FORAKER. I call the attention of the Senator from Wyoming to the fact that there is a notice on the Calendar that the Senator from Missouri [Mr. WARNER] is to speak in the morning on the Brownsville matter if he is able, and, if not, the Senator from Massachusetts [Mr. LODGE] is to read to the Senate his remarks. The reason why——

Mr. WARREN. I do not care to change the notice I have given, but I will say to the Senator that I have never so far had any difficulty, and I do not propose to have any hereafter with any Senator who wished to go on with a speech. I merely give the notice. I think there will be no misunderstanding and we will all agree.

Mr. FORAKER. I so understand. I was merely calling the attention of the Senator to the fact that such a notice had been given.

EXECUTIVE SESSION.

Mr. CULLOM. I insist upon my motion, Mr. President.

The VICE-PRESIDENT. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 5, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 4, 1908.

PROMOTIONS IN THE ARMY.

Coast Artillery Corps.

Lieut. Col. William B. Homer, Coast Artillery Corps, to be colonel from May 1, 1908, vice Morris, appointed brigadier-general.

Maj. Warren P. Newcomb, Coast Artillery Corps, to be lieutenant-colonel from May 1, 1908, vice Homer, promoted.

Capt. Clint C. Hearn, Coast Artillery Corps, to be major from May 1, 1908, vice Newcomb, promoted.

First Lieut. Rex Van Den Corput, Coast Artillery Corps, to be captain from May 1, 1908, vice Hearn, promoted.

Second Lieut. Chester J. Goodier, Coast Artillery Corps, to be first lieutenant from May 1, 1908, vice Corput, promoted.

PROMOTIONS IN THE NAVY.

Pay Inspector Thomas J. Cowie to be a pay director in the Navy from the 2d day of May, 1908, vice Pay Director Samuel R. Colhoun, retired.

POSTMASTER.

VIRGINIA.

Frank D. Lumpkin to be postmaster at Danville, Pittsylvania County, Va., in place of Champ T. Barksdale. Incumbent's commission expired June 25, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 4, 1908.

UNITED STATES ATTORNEY.

James W. Freeman, of Montana, to be United States attorney for the district of Montana.

CONSUL.

Carl F. Deichman, of Missouri, to be consul of the United States of class 7 at Tamsui, Formosa.

RECEIVER OF PUBLIC MONEYS.

Thomas R. Hamer, of Idaho, to be receiver of public moneys at Blackfoot, Idaho.

POSTMASTERS.

ILLINOIS.

Louie Taylor to be postmaster at Westville, Vermilion County, Ill.

NEW YORK.

Albert Weed to be postmaster at Ticonderoga, Essex County, N. Y.

WISCONSIN.

William Vanzile to be postmaster at Crandon, Forest County, Wis.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 4, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20345. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6891. An act for the relief of Maj. G. S. Bingham.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the deaths of the honorables STEPHEN R. MALLORY and WILLIAM JAMES BRYAN, late Senators from the State of Florida.

Resolved, That as a mark of respect to the memory of the deceased Senators the business of the Senate be now suspended to enable their associates to pay proper tribute to their high characters and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the families of the deceased Senators.

Resolved, That, as a further mark of respect to the memory of the deceased Senators, the Senate do now adjourn.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6891. An act for the relief of Maj. G. S. Bingham—to the Committee on Claims.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 21260, the sundry civil appropriation bill.

The question was taken.

Mr. CLARK of Missouri. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 275, nays 2, answered "present" 5, not voting 105, as follows:

YEAS—275.

Acheson	Cooper, Pa.	Gillett	Kimball
Adair	Cooper, Tex.	Gordon	Kinkaid
Adamson	Cooper, Wis.	Graff	Knapp
Aiken	Cousins	Graham	Knopf
Alexander, Mo.	Cox, Ind.	Granger	Knowland
Alexander, N. Y.	Craig	Greene	Küstermann
Allen	Cravens	Gregg	Lafean
Ames	Crawford	Griggs	Landis
Andrus	Crumpacker	Hackett	Laning
Ansberry	Cushman	Hackney	Lassiter
Ashbrook	Dalzell	Hale	Law
Bannon	Darragh	Hall	Lawrence
Barclay	Davenport	Hamilton, Iowa	Leake
Bartholdt	Davey, La.	Hamilton, Mich.	Lee
Bates	Davidson	Hamlin	Legare
Beale, Pa.	Davis, Minn.	Hammond	Lenahan
Beall, Tex.	Dawson	Harding	Lewis
Bede	De Armond	Hardwick	Littlefield
Bell, Ga.	Denby	Hardy	Lloyd
Bennet, N. Y.	Denver	Haskins	Longworth
Birdsall	Diekema	Haugen	Lowden
Bonynge	Dixon	Hawley	McCall
Booher	Douglas	Hay	McGavin
Bowers	Draper	Heflin	McGuire
Boyd	Driscoll	Helm	McHenry
Brantley	Dwight	Henry, Conn.	McKinley, Ill.
Brodhead	Edwards, Ga.	Henry, Tex.	McKinney
Brownlow	Ellis, Mo.	Higgins	McLachlan, Cal.
Brumm	Ellis, Oreg.	Hill, Miss.	McLain
Brundidge	Englebright	Hinshaw	McMorran
Burke	Esch	Hitchcock	Macon
Burleigh	Favrot	Holliday	Madden
Burleson	Ferris	Houston	Madison
Burnett	Fitzgerald	Howell, N. J.	Malby
Burton, Ohio	Flood	Howland	Mann
Byrd	Floyd	Hubbard, Iowa	Marshall
Caldwell	Foss	Hubbard, W. Va.	Maynard
Campbell	Foster, Ill.	Huff	Miller
Candler	Foster, Vt.	Hull, Iowa	Mondell
Capron	Foulkrod	Hull, Tenn.	Moon, Tenn.
Carter	Fowler	Humphrey, Wash.	Moore, Tex.
Caulfield	French	Humphreys, Miss.	Morse
Chaney	Fuller	James, Ollie M.	Mouser
Chapman	Gaines, Tenn.	Jenkins	Murdock
Clark, Mo.	Gardner, Mich.	Jones, Wash.	Murphy
Clayton	Garner	Keifer	Needham
Cole	Garrett	Keliher	Nelson
Conner	Gilhams	Kennedy, Iowa	Nicholls
Cook, Colo.	Gillespie	Kennedy, Ohio	Norris
Nye	Reid	Smith, Iowa	Thomas, N. C.
O'Connell	Reynolds	Smith, Mich.	Thomas, Ohio
Overstreet	Rhinock	Smith, Mo.	Tirrell
Padgett	Richardson	Smith, Tex.	Tou Velle
Page	Robinson	Southwick	Townsend
Parker, N. J.	Rodenberg	Sparkman	Underwood
Parker, S. Dak.	Rothermel	Sperry	Volstead
Parsons	Rucker	Spight	Waldo
Payne	Russell, Mo.	Stafford	Wanger
Pearre	Russell, Tex.	Steenerson	Washburn
Perkins	Sabath	Stephens, Tex.	Watson
Pollard	Scott	Sterling	Weems
Porter	Shackleford	Stevens, Minn.	Wheeler
Pratt	Sheppard	Sturgiss	Wilson, Ill.
Pray	Sherwood	Sulloway	Wilson, Pa.
Prince	Sims	Talbott	Wolf
Pujo	Slayden	Tawney	Wood
Rainey	Slemp	Taylor, Ala.	Woodyard
Rauch	Small	Taylor, Ohio	Young
Reeder	Smith, Cal.	Thistlewood	

NAYS.—2.

Harrison	Johnson, Ky.

ANSWERED "PRESENT"—5.

Boutell	Currier	Fassett	Goulden
Butler			

NOT VOTING—105.

Anthony	Fordney	Kahn	Patterson
Barchfeld	Fornes	Kipp	Peters
Bartlett, Ga.	Foster, Ind.	Kitchin, Claude	Pou
Bartlett, Nev.	Fulton	Kitchin, Wm. W.	Powers
Bennett, Ky.	Gaines, W. Va.	Lamar, Fla.	Randell, Tex.
Bingham	Gardner, Mass.	Lamar, Mo.	Ransdell, La.
Bradley	Gardner, N. J.	Lamb	Riordan
Broussard	Gill	Langley	Roberts
Burgess	Glass	Lever	Ryan
Burton, Del.	Godwin	Lilley	Saunders
Calder	Goebel	Lindbergh	Sherley
Calderhead	Goldfogle	Lindsay	Sherman
Carlin	Gronna	Livingston	Snapp
Cary	Haggott	Lorimer	Stanley
Clark, Fla.	Hamill	Loud	Sulzer
Cockran	Hayes	Loudenslager	Vreeland
Cocks, N. Y.	Hepburn	Lovering	Wallace
Cook, Pa.	Hill, Conn.	McCreary	Watkins
Coudrey	Hobson	McDermott	Webb
Dawes	Howard	McKinlay, Cal.	Weeks
Dunwell	Howell, Utah	McLaughlin, Mich.	Weisse
Durey	Hughes, N. J.	McMillan	Wiley
Edwards, Ky.	Hughes, W. Va.	Moon, Pa.	Willett
Ellerbe	Jackson	Moore, Pa.	Williams
Fairchild	James, Addison D.	Mudd	
Finley	Johnson, S. C.	Olcott	
Focht	Jones, Va.	Olmsted	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Mr. BRADLEY with Mr. GOULDEN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Until further notice:

Mr. VREELAND with Mr. WILLIAMS.

Mr. SNAPP with Mr. WILLETT.

Mr. MOON of Pennsylvania with Mr. WILEY.

Mr. MCMILLAN with Mr. WEBB.

Mr. MCLAUGHLIN of Michigan with Mr. SULZER.

Mr. LOVERING with Mr. STANLEY.

Mr. LOUDENSLAGER with Mr. SHERLEY.

Mr. LOUD with Mr. SAUNDERS.

Mr. LANGLEY with Mr. RANSDELL of Louisiana.

Mr. KAHN with Mr. RANDELL of Texas.

Mr. HOWELL of Utah with Mr. POU.

Mr. HAYES wtih Mr. PETERS.

Mr. GRONNA with Mr. PATTERSON.

Mr. GOEBEL with Mr. MCDERMOTT.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. GAINES of West Virginia with Mr. LEVER.

Mr. FOSTER of Indiana with Mr. LAMB.

Mr. FORDNEY with Mr. LAMAR of Missouri.

Mr. FOCHT with Mr. KIPP.

Mr. DUREY with Mr. JONES of Virginia.

Mr. DUNWELL with Mr. WATKINS.

Mr. COOK of Pennsylvania with Mr. HUGHES of New Jersey.

Mr. CALDERHEAD with Mr. HAMILL.

Mr. CALDER with Mr. GOLDFOGLE.

Mr. BURTON of Delaware with Mr. FORNES.

Mr. BENNETT of Kentucky with Mr. ELLERBE.

Mr. BARCHFELD with Mr. BURGESS.

Mr. ANTHONY with Mr. BARTLETT of Nevada.

Mr. LORIMER with Mr. LINDSAY.

Mr. HUGHES of West Virginia with Mr. CLAUDE KITCHIN.

Mr. HILL of Connecticut with Mr. GLASS.

Mr. MOORE of Pennsylvania with Mr. COCKRAN.

Mr. BINGHAM with Mr. LAMAR of Florida.

Mr. OLMSTED with Mr. WEISSE.

Mr. FAIRCHILD with Mr. GODWIN.

Mr. OLCOTT with Mr. CARLIN.

Mr. ROBERTS with Mr. BROUSSARD.
Mr. AMES with Mr. FULTON.
Mr. FASSETT with Mr. RYAN.
Mr. COUDREY with Mr. HOBSON.
Mr. MCCREARY with Mr. HOWARD.
Mr. MUDD with Mr. WALLACE.
Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.
For this day:
Mr. CARY with Mr. JOHNSON of South Carolina.
Until Tuesday:
Mr. COCKS of New York with Mr. GILL.

The result of the vote was then announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. By unanimous consent that portion of the bill relating to the Geological Survey was passed until to-day, to be taken up the first thing. The Clerk will read.

The Clerk proceeded to read the bill at page 76, line 17.

The Clerk read as follows:

For pay of skilled laborers and various temporary employees, $20,000.

Mr. NEEDHAM. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 77, after line 17, insert:
"For gauging the streams and determining the water supply, $200,000, to be immediately available."

Mr. TAWNEY. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. Does the gentleman make it or reserve it?

Mr. TAWNEY. Unless the gentleman wants to say something, I will make the point of order.

Mr. NEEDHAM. I desire to discuss the point of order for a moment.

Mr. TAWNEY. Then, Mr. Chairman, I make the point of order that it is not authorized by law.

Mr. NEEDHAM. Mr. Chairman, this amendment was discussed very elaborately in the two last sessions of Congress, and I desire to call the attention of the Chair to one feature of the pending bill that is different from the last bill as reported. On page 77, line 8, of the bill now under consideration appears this language:

Gauging streams and determining the water supply.

That is in this bill as reported from the committee. In former bills that language was omitted as they were reported from the committee to the House. This paragraph has been passed without objection, without amendment, and without any point of order being made against it. Consequently not only the Committee on Appropriations, but the Committee of the Whole House, has ratified by its action that language of the bill, and under all fair rules of pleading the committee should be bound by the language of the bill. My amendment simply seeks to perfect the subject-matter by making an appropriation in accordance with the bill as reported. Heretofore, on former bills, when the point of order was sustained, this language was not in the bill and the Chair held that such an amendment as I now propose would therefore not be in order. In addition to that, I desire to suggest to the Chair that, notwithstanding the fact that the bill when it originally passed the House made no provision for this work, yet when it finally passed the Congress it did make such a provision and this is therefore a work in progress. Therefore it seems to me that the point of order should be overruled.

Mr. STEPHENS of Texas. I would like to ask the gentleman a question. What would be the effect of the amendment now offered?

Mr. NEEDHAM. To appropriate $200,000 for the continuation of the investigations of the water resources and the measurement of streams.

Mr. STEPHENS of Texas. All over the United States?

Mr. NEEDHAM. All over the United States.

Mr. STEPHENS of Texas. What is the amount now appropriated?

Mr. NEEDHAM. I think it was $150,000 last year, as I recall it.

Mr. STEPHENS of Texas. How much of that was used?

Mr. NEEDHAM. I understand it was all used. The estimate is $200,000.

Mr. STEPHENS of Texas. What necessitates this large appropriation?

Mr. NEEDHAM. This is the estimate, as I understand it. It was not all completed last year. This is the estimate as it comes to Congress from the Department.

Mr. STEPHENS of Texas. I know they are doing very good work in my State.

Mr. NEEDHAM. I am not discussing the merits at this time, but simply discussing the point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from California whether or not he is aware that on line 8, page 77, the language of his amendment is already incorporated in the paragraph which has been passed?

Mr. NEEDHAM. I desire to call the attention of the Chair to the fact that that was not in the former bill.

The CHAIRMAN. But it is in this bill.

Mr. NEEDHAM. And that is the reason I contend that it is in order to make the appropriation. The committee having passed that language and agreed upon it, without a point of order, without amendment, under all fair rules of pleading it is now in order to make an appropriation to carry that out.

Mr. TAWNEY. Mr. Chairman, it is true that in the former paragraph the language "for gauging streams and determining the water supply" is included, but that language is not law. It never has been the law. There is, therefore, no authorization for the appropriation. The language was undoubtedly inadvertently included in this paragraph, but it does not constitute law. Congress has not authorized by law the gauging of streams, for the purpose of determining the water supply of the United States, and there is no statutory law, there is no authorization for an appropriation any more than there would be if this language was not in the preceding paragraph.

And I wish, Mr. Chairman, in addition to the point of order made against the proposed amendment, to make a point of order against the language on page 77, line 8, "gauging streams and determining the water supply." The paragraph is not concluded, and what follows here——

Mr. NEEDHAM. It is too late to make that point now.

Mr. TAWNEY. The paragraph has not been discussed at all——

Mr. UNDERWOOD. Mr. Chairman, I make the point of order it is too late after the discussion of an amendment offered to make the point of order.

Mr. SMITH of Iowa. If an amendment is offered before the completion of the reading of a paragraph, certainly that does not cut off the point of order. Now, if the Chair will examine this language, this is in the nature of a caption for certain purposes, namely, for pay of skilled laborers, and so forth, and each one of these items is a subdivision of that paragraph. They can not, by offering an amendment before the complete reading of the paragraph, head off a point of order of a portion of the paragraph.

Mr. THOMAS of North Carolina rose.

The CHAIRMAN. For what purpose does the gentleman from North Carolina rise?

Mr. THOMAS of North Carolina. For the purpose of discussing the point of order. Mr. Chairman, the point of order made by the gentleman from California is very clear to my mind. The gentleman from California contends that inasmuch as the paragraph has been passed which specifies the work of the Geological Survey, and no point of order made to the paragraph specifying the work of the Geological Survey, that his amendment is therefore in order. The paragraph which reads "For the pay of skilled laborers and various temporary employees, $20,000," has been passed as well as the preceding paragraph, or subdivision of the paragraph, whichever you choose to call it, and the gentleman from California contends that the point of order made by the gentleman from Minnesota [Mr. TAWNEY] is too late, and, therefore, his amendment is in order. The committee has passed the paragraph specifying the work to be done by the Geological Survey and that paragraph being passed over by the committee and no point of order being made thereto, it is now in order to amend the bill by making an appropriation for that part of the work specified and known as "the gauging of streams and investigation of water resources." That is all I wish to say.

Mr. SMITH of Iowa. Mr. Chairman, I desire to make the further point of order that the reading of the paragraph is not completed and is not therefore subject to amendment.

Mr. UNDERWOOD. This amendment is offered after line 17——

Mr. SMITH of Iowa. And upon this last point of order I desire to be heard but briefly, if the Chair will permit me. I am not depending wholly upon punctuation, realizing that punctuation is a bad guide, or at least a frail guide; but the punctuation is in accordance with my contention, and the

language used is evidently in accordance with my contention. "For general expenses of the Geological Survey: For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources," and so forth, enumerating the subjects—namely, "for pay of skilled laborers and various temporary employees, $20,000," all one sentence, all one paragraph, absolutely unintelligible except treated as a single paragraph. A fraction of the paragraph having been read the gentleman offers an amendment. That amendment is certainly not in order until the completion of the reading of the paragraph, and upon the reading of the paragraph I will ask recognition to make a point or order against the language, "gauging streams and determining the water supply," in the first portion of the paragraph.

Mr. DOUGLAS. If the gentleman will permit, where does the gentleman insist that the paragraph ends?

Mr. SMITH of Iowa. It ends with the appropriations under this heading.

Mr. DOUGLAS. Where in the text?

Mr. SMITH of Iowa. I have not the same text the gentleman has, and it is impossible for me to state without examiantion.

The CHAIRMAN. Where does the gentleman from Iowa contend the paragraph ends?

Mr. TAWNEY. Line 16, page 78.

Mr. SMITH of Iowa. It ends on line 16, page 78, in my judgment.

Mr. TAWNEY. It runs to line 16, page 78, where a new subject which is not included in the general caption begins—that is, for the investigation of structural material which is not specified in the preceding paragraph.

Mr. DOUGLAS. Mr. Chairman, that is obviously impossible.

Mr. ENGLEBRIGHT. Mr. Chairman——

The CHAIRMAN. The Chair did not undertand the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. I submit, if the Chairman please, that that paragraph ends where the gentleman has introduced his amendment, at the close of line 17 on page 77. It can not be said to end at line 16, page 78. At least it is obvious the printer did not expect that, for he ended it with a semicolon.

Mr. UNDERWOOD. Mr. Chairman, I think outside of any other construction that may be put on this question, the committee has construed where this paragraph ends and where it begins. In the reading of the paragraph the committee has construed the question as if each one of these sentences were a separate paragraph, and I make the point that it is too late now for the gentleman from Iowa [Mr. SMITH] to contend that this is an entire paragraph after the Chair and the committee have treated each one of these as separate paragraphs. More than that, Mr. Chairman, I think that the text itself shows that according to the custom of the House each one of these separate items is a separate paragraph. The purpose of reading under the five-minute rule is to bring each separate paragraph before the House for consideration and amendment. It is a matter of convenience in its consideration by the committee, and it is obvious that it is the usual custom and a convenient way in considering this proposition to consider the words "For pay of skilled laborers and various temporary employees, $20,000," as one paragraph, and "For topographical surveys in various portions of the United States, $300,000," as another paragraph, rather than consider each one of them as embraced in one paragraph and only subject to amendment as a whole. Therefore, I think that the gentleman's proposition comes entirely too late.

And as to the main proposition, whether it is existing law to provide for the gauging of streams and the determining of the water supply of the country, the Committee on Appropriations have provided in this bill for the consideration of that question by the Committee of the Whole, and the Committee of the Whole have enacted that provision into this bill by passing it without amendment, and therefore it is properly before the Committee of the Whole, and the Committee of the Whole can provide such appropriation as is sufficient to carry out the language of the provision.

The CHAIRMAN. Does the gentleman from Alabama [Mr. UNDERWOOD] contend that the mere fact that that has been read by a clerk in the Committee of the Whole makes a law of it?

Mr. UNDERWOOD. It does not make a law of it, but makes it a part of this bill. I undoubtedly contend, Mr. Chairman, that when the Clerk of this committee reads a paragraph and that paragraph is passed and another paragraph entered upon, immediately that we enter upon the second paragraph the paragraph that the Clerk has finished reading, by the enactment of this committee, under the rules of the committee, becomes a part of the bill.

The CHAIRMAN. Suppose that the paragraph read by the Clerk is contrary to the existing law. Does the gentleman claim that that repeals the statute?

Mr. UNDERWOOD. It is too late to raise the question after the paragraph is adopted. The Clerk reading the next paragraph adopts it.

The CHAIRMAN. You must raise the question when the question of appropriation is made. Does the gentleman contend that is an authorization of appropriation against direct statute?

Mr. UNDERWOOD. No; but when the Committee of the Whole has adopted into the bill a provision and there is no point of order raised against it, because it is the accepted ruling in this House that when a clause is once put in an appropriation bill, although it is contrary to existing law, and passed, it becomes a part of that bill.

The CHAIRMAN. Suppose it is against existing law, would that authorize an appropriation immediately after?

Mr. UNDERWOOD. I think it does if it is put in there and provided for without a point of order being made against it. I think clearly it does.

The CHAIRMAN. Then, according to the argument of the gentleman—and the Chair has no desire to argue the question, as it is the office of the Chair to decide and not to argue—according to the argument of the gentleman, the mere passing of this paragraph by the reading of the Clerk repeals all statutes contrary thereto.

Mr. UNDERWOOD. Not at all, Mr. Chairman.

The CHAIRMAN. It must of necessity if——

Mr. UNDERWOOD. It does not repeal all statutes. It does not repeal any law.

The CHAIRMAN. If the appropriation asked for is contrary to existing law, it makes law, and the consequence may be contrary to statute law; the mere fact that this itself does no authorize an appropriation does not make a law.

Mr. UNDERWOOD. I say the reading of the paragraph by the Clerk, without a point of order being made, has the same effect as if formally the House had voted upon it. I do not think the Chair will differ with me as to that. The question is whether the House adopts the provision as contrary to existing law if the point of order could be made; not that it changes existing law, but as to whether the point of order came too late. That is the question, and I say that all the precedents of the House of Representatives clearly point to the fact that whenever a paragraph has been adoped by the House, whether it is contrary to existing law or not, that it is too late then to make the point of order that it is contrary to existing law; and the effect of the point of order made against that appropriation carries the point of order to a paragraph that has already been adopted by the Committee of the Whole, and comes entirely too late to be made now.

Mr. FITZGERALD. Mr. Chairman, the rule that covers the question consists of two portions. It provides, first:

> That no provision changing existing law shall be in order on an appropriation bill.

That is one branch of the rule. Then it also provides:

> That no appropriation of money shall either be reported or be in order to an appropriation bill where the appropriation is not authorized by existing law.

These gentlemen who advocate the amendment can not take the two ends of the dilemma. They can not contend that this is a separate and distinct paragraph, so as to prevent the point of order being raised against them, and then insist at the same time that the items be considered as separate paragraphs, so as to authorize the amendment that they desire to make. Where both the new language and the appropriation carried are a change of law, if the provision were read without the point of order being raised, and then an attempt made to increase the appropriation, it clearly would be in order under the decisions. But that is not this case. It is true that a provision changing existing law has been read and passed, and then another paragraph has been read. The sole question before the Chair is whether, although a provision has been permitted to remain in the bill which will change existing law if finally enacted, there not having been a point of order made, if an item is in order which provides an appropriation which at present is not authorized by any law. I submit that the distinction made in Rule XXI applies to this case—the fact that there is no authority in law—it does not say "in the bill," but "in law," for this appropriation; and the appropriation can not be made if the point of order be raised, as it has been raised here.

Mr. ENGLEBRIGHT. Mr. Chairman, regarding this paragraph, I desire to call the attention of the Chair to the punctuation of the present bill and in the bill as it was passed last year. If you refer to the bill of last year, you will find that the first appropriation mentioned is an independent paragraph

with a large number of independent paragraphs thereafter. In this bill the punctuation mark after the word "namely" is a colon. The subdivisions of the bill are divided by semicolons and periods. You could not well connect the paragraph—

For pay of skilled laborers and various temporary employees, $20,000—

directly as part of the preceding paragraph, and then connect it with every paragraph that follows. I take the position that this committee having allowed the paragraph to be read where it appeared in the bill in exactly the same words as the bill was finally passed last year, that the House was satisfied that the paragraph for the gauging of streams is now a pertinent matter, that it is a work in progress, and not subject to the point of order.

Mr. WALDO. I want to call the attention of the Chair to the fact that it has been the practice in this House for the past two or three years to treat paragraphs of this kind as separate paragraphs and as subject to amendment, and not treat separate paragraphs as one subject. Now, here are four or five or ten or a dozen subjects in these paragraphs, and they have always been treated as separate paragraphs.

The CHAIRMAN. The Chair is informed there is no precedent as to what constitutes a paragraph in a general appropriation bill under consideration in the Committee of the Whole. Ordinarily it would occur to the Chair that the paragraph should contain one substantive proposition. But it occurs to the Chair that under the practice which exists as to printing bills it would be very bad practice to establish the precedent of determining the paragraph by the substantive proposition rather than by the printer's indention.

In the present instance, if the gentleman from Minnesota will examine the bill carefully he will observe that after the end of line 17 there is a period; at the end of line 20 there is a semicolon; after line 23 there is another semicolon; a semicolon after the word "dollars," in line 25; a period after the word "dollars," at the end of line 2, page 78, and so on, so that there is no regularity of punctuation as between the different parts of this substantive proposition.

The Chair is clearly of the opinion that a paragraph ends with the word "dollars," in line 17, on page 77, and that the point of order made by the gentleman from Minnesota comes too late, because the paragraph to which it refers has been passed; and that the amendment offered by the gentleman from California is in order, so far as place is concerned. The Chair has yet to decide the question as to whether it is in order so far as its object is concerned.

Mr. FITZGERALD. Has the Chair completed his decision?

The CHAIRMAN. The Chair has decided that the printer's indentations constitute the paragraphs.

Mr. FITZGERALD. I wish to make the point of order that this appropriation is not authorized by law.

Mr. TAWNEY. I have made that point already.

The CHAIRMAN. That point of order has been made.

Mr. FITZGERALD. Has the Chair decided that?

The CHAIRMAN. Not yet.

Mr. FITZGERALD. This amendment is not offered to the paragraph which changes existing law, but it is offered as a separate and independent paragraph, with a paragraph intervening, between it and the paragraph wherein reference is made to the subject, and if there is not some existing law for the appropriation it can not be in order. It occupies a different position from an amendment offered to a paragraph changing existing law. There is no law authorizing this particular work which he asks the appropriation for, and the mere fact that the subject is referred to in the bill does not change the situation so as to authorize the appropriation.

Mr. UNDERWOOD. Mr. Chairman, if the Chair will hear me just one moment in answer to what the gentleman has said, this question comes up in this way: Here is a provision for the general expenses of the Geological Survey. The House enacted into this bill a paragraph providing what shall constitute the work of the Geological Survey. That has been enacted by the House, notwithstanding it is contrary to existing law, because no point of order was made against it at the proper time. Therefore the House has already decided what it will appropriate for in reference to this Geological Survey. Now, the question is merely to determine how much we shall appropriate to carry out what the committee has already decided shall be in this bill, and therefore, I take it, it is too late for the gentleman to make the point of order that it is contrary to existing law.

Mr. FITZGERALD. I do not. I make the point of order that it is not authorized by existing law.

Mr. UNDERWOOD. Or the point that it is not authorized by existing law, because the proper place for the gentleman to have made the point of order that it was not authorized by existing law was when we had the preceding paragraph before the committee and were determining on what matters we would appropriate money for the Geological Survey. But that having already been decided by the House, it is too late now for the gentleman to raise the question, when it is merely a question of carrying out what the committee has already ordered to be done.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MANN. That portion of the bill from line 3 to line 15 does not appropriate any money.

Mr. UNDERWOOD. Certainly not.

Mr. MANN. Now, the inhibition in the rule is against the appropriation for an object not authorized by law. Does the gentleman contend that the next item, from line 18 to line 20, if it is not authorized by law, is not subject to a point of order?

Mr. UNDERWOOD. Certainly I do, because——

Mr. MANN. Upon what could you make a point of order then? You can not make a point of order upon lines 3 to 15, because there is no appropriation there, and it does not come within the inhibition of the rule.

Mr. UNDERWOOD. Yes; but it carries with it the idea of an appropriation. It fixes what shall be done.

Mr. MANN. Carrying with it the idea of an appropriation is something that is not in the rule. The rule provides that no appropriation shall be in order which is not authorized by law. Now, there is no appropriation in the paragraph to which the gentleman refers. He says you can not make a point of order there on account of that, and then you can not make a point of order on the other, because you have not made a point of order on the first one, and a point of order is not in order on the first one. Where would you land?

Mr. UNDERWOOD. But the point of order was in order on the first one.

Mr. MANN. There is no appropriation in the first one.

Mr. UNDERWOOD. It is in the portion of the bill that determines whether it is contrary to law; it is not a mere appropriation of money.

Mr. MANN. It is an appropriation of the money that comes within the inhibition of the rule.

Mr. UNDERWOOD. It is that portion of the bill that provides what shall be appropriated for that makes it contrary to existing law.

Mr. MANN. It is the part of the paragraph providing in such a case what the appropriation is for; the other is like the whereas, or a recital merely.

Mr. HOUSTON. Mr. Chairman, I would like to ask the gentleman from Illinois a question.

Mr. MANN. If I have the floor, I will yield to the gentleman.

Mr. HOUSTON. The question is whether or not lines 3 to 15 contain an authorization of an appropriation "for general expense of the Geological Survey" without designating the amount of each special item.

Mr. MANN. They can not authorize an appropriation, because that is not the law. A recital in an appropriation bill can not authorize an appropriation; the point becomes available when the appropriation comes to be made.

Mr. MONDELL. Mr. Chairman, it seems to me that the point made by the gentleman from Illinois is not well taken. It is the universal practice of the House to discuss the subject-matter of a paragraph in an appropriation bill—to discuss the different items before reaching the item of appropriation itself. If the Chair will recollect, a few days ago we discussed the paragraph relating to appropriations for forest reserves. At the end of that paragraph a lump-sum appropriation was provided for the various purposes indicated in the paragraph. Various points of order were made successively against provisions and authorizations contained in that paragraph on the ground that such provisions were not in accordance with existing law, though there was no appropriation made at any point in the bill for the particular or specific purpose indicated by certain language contained in the paragraph. Now, the House has passed this paragraph providing for certain investigations. It seems very clear to me, therefore, that while there is no specific appropriation for the purpose of carrying out the work provided for in the language referred to, the fact that the House has passed the item, has approved the language, clearly makes it in order to make a specific appropriation to carry out the object of the legislation, this amendment being simply a modification of this language, which is not now subject to a point of order.

I do not agree with the gentleman from Alabama [Mr. UNDERWOOD] that the provision with regard to gauging streams would have been subject to a point of order if the point of order had been raised. It provides—and I have discussed that ques-

tion on several occasions—for the investigation of water, a mineral resource; but it is unnecessary to discuss that question now, because the House has passed the paragraph, and we are now simply amending an item that has been passed and adopted, which we have a right to do.

The CHAIRMAN. The Chair will state that two years ago the present occupant of the chair, sitting as Chairman of the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill, in a decision of some length going into the precedents, decided that the proposition to continue the gauging of streams is not authorized as continuation of a public work and is not authorized by the legislation creating the Geological Survey.

The Chair is clearly of the opinion that the amendment proposed by the gentleman from California is subject to a point of order, because the appropriation is not authorized by existing law. It is the contention of the gentleman and those who have supported his claim that because the committee passed that portion of the paragraph having reference to gauging of streams, determining the water supply, without anybody having made a point of order against it, that therefore the appropriation is in order. The Chair thinks not. The gentleman from Alabama, in a statement which he made to the Chair, stated that the House had enacted that proposition because we had passed it without anybody having objected to it or having raised a point of order. The House alone can not enact legislation, the Committee of the Whole can not enact legislation, and if there be anything in the paragraph passed contrary to existing law and the point of order is afterwards raised on an appropriation for that item that it is contrary to existing law, the mere fact that we have passed it does not authorize the appropriation and does not change the law. In other words, it is very clear to the Chair, and it must be to everybody who thinks about it, that the mere fact that we passed an item does not authorize the appropriation or does not change existing law. The gentleman from California proposes an amendment for which there is no authority in law, and the Chair therefore thinks the mere fact that we passed the item makes no difference, and that it is subject to the point of order, and therefore sustains the point of order.

Mr. NEEDHAM. Does the Chair hold that this is not a work in progress? I made the point that it is a work in progress.

The CHAIRMAN. Yes. If the gentleman from California cares to dig into the musty tombs of the dead past and will hunt up the decision, about two pages long, made by the Chair on this same proposition two years ago, I think he will be satisfied. The Chair at least is satisfied with his previous decision and adheres to it.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SMITH of Michigan having taken the chair as Speaker pro tempore, a message from the Senate by Mr. CROCKETT, its reading clerk, announced that the Senate had passed, without amendment, joint resolution of the following title:

H. J. Res. 173. Joint resolution for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana on April 24, 1908.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For paleontologic researches relating to the geology of the United States, $10,000.

Mr. GAINES of Tennessee. Mr. Chairman, I listened the best I could amidst the confusion to the decision of the Chair, just rendered, but I missed some of it, I fear, and that I may not lose any of it, I desire to ask the Chair what the Chair decides as being a paragraph in the sense that we use that word.

The CHAIRMAN. The printer's indentation.

Mr. GAINES of Tennessee. Well, for instance, beginning with line 24 and ending with line 25 with the word "four" and ending with the word "dollars" would be a paragraph.

The CHAIRMAN. Yes.

Mr. GAINES of Tennessee. That is the way I thought I caught the Chair's decision, and I am glad to know that.

The Clerk read as follows:

For the preparation of the report of the mineral resources of the United States, which report shall hereafter be published in two octavo volumes and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report, $75,000.

Mr. NEEDHAM. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 78, line 11, insert, after the word "dollars:"
"And for the further examination of the mineral resources and products of the national domain, $200,000, to be immediately available."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that amendment.

Mr. MACON. Mr. Chairman, I make the point of order against the paragraph of the bill just read by the Clerk.

Mr. NEEDHAM. Mr. Chairman, the amendment was offered and read, and I think it is too late for the gentleman to make that point of order.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. NEEDHAM. Yes. This language is the language of the organic act, and it seems to me it can not be contended that this is subject to a point of order. It simply follows, as I say, the language of the organic act establishing the Geological Survey, and unless the gentleman can point out wherein the language is subject to a point of order, I do not care to take the time of the Chair longer.

The CHAIRMAN. The Chair first desires to state to the gentleman from Arkansas [Mr. MACON] that his point of order to the whole paragraph comes too late. It is the rule that a point of order against a proposition must be made before any amendment is offered to it. The amendment had been offered and read.

Mr. MACON. But the gentleman was recognized before I was.

The CHAIRMAN. Of course, but that does not alter the rule of the House, because the amendment had been offered.

Mr. MACON. The Chair could not very well recognize both at once. The gentleman was recognized for the purpose of offering an amendment. Just as soon as I had an opportunity of getting the floor, I did, even while the gentleman from Minnesota [Mr. TAWNEY] was on his feet. I then made the point of order.

The CHAIRMAN. Is it not a fact that the gentleman sat in his seat and listened to the reading of the amendment before he rose to his feet?

Mr. MACON. That is a fact; yes, sir.

The CHAIRMAN. The Chair thinks that the gentleman's point comes too late to the whole paragraph. The Chair will now hear the gentleman from California.

Mr. NEEDHAM. Mr. Chairman, I have simply to say that this is the language of the organic act, and I do not believe that a point of order will lie against it. Unless the gentleman making a point of order will point where it is obnoxious to the rules, I do not think it is incumbent upon me to argue the point. It seems to me very clear that it simply follows the language of the organic act and is certainly in order.

Mr. TAWNEY. Mr. Chairman, if it is authorized, then the amendment should be to increase the appropriation to $75,000 and not proposed as a new paragraph. It is true that the organic act creating the Geological Survey is as follows:

A Director of the Geological Survey. * * * To have the direction of the Geological Survey and the classification of public lands and the examination of the geological structure and mineral resources and products of the national domain.

It is under that authority that the appropriation has been made or that the appropriation of $75,000 is carried; and if this be added, then if the gentleman wants to increase the appropriation for that purpose, the gentleman should have offered his amendment increasing the appropriation to the amount specified and not propose a new paragraph which involves in effect what the Chair has just ruled out, namely, his amendment for $200,000 for the gauging of streams on the theory that water is a mineral.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. TAWNEY. That is the purpose of this separate paragraph, to whip the devil around the stump by securing an appropriation of $200,000 for the purpose of gauging streams on the theory that water is a mineral.

Mr. FITZGERALD. I suggest the gentleman argue also that it is not germane to this paragraph——

Mr. NEEDHAM. That is offered as a separate paragraph.

Mr. FITZGERALD. An appropriation for investigation is not germane to a paragraph for printing a report.

Mr. TAWNEY. I put that in as additional ground that the amendment is not germane to the paragraph.

Mr. THOMAS of North Carolina. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. THOMAS of North Carolina. For the purpose of discussing the point of order. Mr. Chairman, the amendment of the gentleman from California is not offered as an amendment to the preceding paragraph. The preceding paragraph carries $75,000 for preparation of a report of the mineral resources of the United States. The pending amendment was offered by the gentleman from California as a separate paragraph entirely, as is the custom under all appropriation bills of this character and as has been done time and time again. Now, this amend-

ment is certainly in order; it is bound to be in order. It is in the exact language of the organic act creating the Geological Survey, which I have before me. The language of the organic act is:

Provided, That this officer—

Meaning the Director of the Geological Survey—

shall have the direction of the Geological Survey, the classification of the public lands, and the examination of the geological structure, mineral sources—

Meaning examination of the mineral resources—

and products of the national domain.

Now, the preceding paragraph, to which the gentleman from Minnesota [Mr. TAWNEY] referred, carrying $75,000, is for a report of the mineral resources of the United States. This amendment offered by the gentleman from California is for an examination of the mineral resources and is in the exact language of the organic act, and whatever the purpose of it is, being in the exact language of the organic act, it is bound to be in order, and I can not see how the Chair can properly rule otherwise.

The CHAIRMAN. The Chair desires to ask the gentleman from California whether or not he proposes this as an amendment to the paragraph or as a separate paragraph?

Mr. NEEDHAM. I propose it as a separate paragraph. The word "and" should not have been in there. It should have been "for the further examination."

Mr. THOMAS of North Carolina. Mr. Chairman, the Clerk reported it as a separate paragraph; that is the understanding.

The CHAIRMAN. Does the gentleman from California desire to withdraw the amendment and offer it in a new form?

Mr. NEEDHAM. Yes, sir; I offer it as a separate paragraph and ask that the word "and" be stricken out.

The CHAIRMAN. Without objection, the amendment will be changed and considered as offered as changed.

There was no objection.

The Clerk read as follows:

Insert, page 78, line 11, after the word "dollars:"
"For the further examination of the mineral resources and products of the national domain, $200,000, to be immediately available."

Mr. TAWNEY. Mr. Chairman, I make the same point of order. This is a new amendment.

The CHAIRMAN. Yes; it is a new amendment.

Mr. TAWNEY. Then I make the same point of order against it.

Mr. BONYNGE. Will the gentleman state what his point of order is—on what ground does he base it?

Mr. TAWNEY. I make the point of order on the ground that it is not germane to the provision and is not authorized by law.

Mr. BONYNGE. The gentleman from California offers it as a separate amendment, if I understand it correctly. I desire to ask the gentleman from California if he has not offered it as a separate paragraph?

Mr. NEEDHAM. Yes; I have not offered it now as an amendment.

The CHAIRMAN. The Chair is ready to rule on the proposition. The organic act creating the Geological Survey contains this language, quoted by the Chair in a former decision on this proposition:

Provided, That this officer shall have the direction of the Geological Survey, the classification of the public lands, and the examination of the geological structure, mineral resources, and products of the national domain.

This amendment provides for a further examination of the mineral resources and products of the national domain, bringing it squarely within the statutory authorization, as the Chair thinks, and being exactly in line with what was held at least the last two years on this same subject, the Chair thinks that the amendment is not subject to the point of order, and therefore the Chair overrules the point of order.

Mr. NEEDHAM. Mr. Chairman, this subject was very elaborately discussed in the two last sessions of Congress, and it does not seem necessary to go into an elaborate discussion of the merits of the proposition at this time. I take it if this amendment is agreed to by the committee and is permitted to remain in the bill, that then it will be within the discretion of the Director of the Geological Survey to say how he shall expend this $200,000, and it is expected that an investigation of our water resources and the measurement of streams—both having gone on now for many years, until both have become of the highest value, and both so necessary, in fact, for the conservation of our national resources—will be continued.

Mr. DOUGLAS. Will the gentleman yield for a question? If $20,000 was adequate for the purpose when you made the other amendment, do not you think $200,000——

Mr. NEEDHAM. No; $100,000——

Mr. BUTLER. What was the appropriation last year?

Mr. NEEDHAM. The appropriation last year was $100,000.

Mr. BUTLER. What is the recommendation of the Department?

Mr. NEEDHAM. Two hundred thousand dollars.

Mr. TAWNEY. Let me say in reply to the gentleman from California [Mr. NEEDHAM], that there is no recommendation from the Department for a cent for this purpose.

Mr. NEEDHAM. I have understood that there is.

Mr. TAWNEY. Not one; no, sir. There has been no estimate at all for the proposition embodied in the amendment offered by the gentleman from California.

Mr. BONYNGE. Is there an estimate for the gauging of streams?

Mr. TAWNEY. Yes, sir. This is not the gauging of streams in the national domain. It does not say for the purpose of gauging streams. Now, while water may be a mineral it is not one of the mineral resources of the United States.

Mr. NEEDHAM. Mr. Chairman, I meant to say, of course, there was an estimate made for the gauging of streams and carrying on the investigation of the water resources of the amount which I suggested. Therefore, Mr. Chairman, it seems to me that it will be a matter of good administration for the Director of the Geological Survey to determine how this amount of money will be expended, and I take it that he will expend it in this direction. As I say, it seems to me that the House and the country are so overwhelmingly in favor of an appropriation of this kind that I will not take up the time of the House to further discuss it.

Mr. HUGHES of New Jersey. Mr. Chairman, I have not heard all the debate on this paragraph. Therefore I may not by what I say contribute anything new to the discussion. However, I know that this particular branch of the Geological Survey has been doing work in my section of the country, and it has been valuable work. It has been of great assistance to the State of New Jersey and a great assistance to the River and Harbor Committee and the other Departments of the National Government. Now, of course, I understand that it is no argument to stand here and say that they assisted the State; but, in doing work that is valuable to the National Government and the various Departments thereof, they have also placed valuable information within our reach. I know the representative of this Department has spent a great deal of time investigating the streams and the sources of water supply in the mountains of the State of New Jersey, and right in my district. They have placed within our reach information which is going to help us to prevent the terrific and disastrous floods that have been of periodic occurrence there in the last ten or fifteen years. The Government has published the result of its investigations, and those publications find their way into the hands of the various municipalities along the line of the streams that are fed by these water sources, and a great deal of good has been done in this way. The heads of these municipalities are in much better condition now to guard against floods by reason of the operations of this department than they ever were before, and it is hard for me to see how any State or municipality could have carried this work on properly. For instance, it was necessary to make these particular investigations in at least three States, and whatever might have been suggested would have had to meet with the consent and concurrence of those different States. But here the Federal officer comes in, having no particular interest except the general interest that the National Government has in the situation, investigates and reports what the situation is, not only in one locality but in other places, and shows how action in one place will affect the situation in other places, so that a common policy may be adopted by means of the operations of the men working for this department and along this particular line.

I do not know, of course, what the situation is in California or what has been done in other parts of this country, but I can say that so far as the activities of this Department along this line have come beneath my observation they have resulted in nothing but good. The appropriation asked for is a modest one; the money has always been honestly and efficiently spent, and this particular line of work has been carried on in a manner that is absolutely beyond criticism, so far as I know.

Mr. TAWNEY. The gentleman from New Jersey [Mr. HUGHES] is discussing the question of the gauging of streams?

Mr. HUGHES of New Jersey. I am.

Mr. TAWNEY. Will the gentleman state what application that provision has to the gauging of streams?

Mr. HUGHES of New Jersey. I gathered from the cross fire that went on a little while ago that it has something to do with it.

Mr. MONDELL. Mr. Chairman, I assume that if this amendment carries the Director of the Geological Survey will feel

justified in using it for the purpose of gauging streams and determining the water mineral resources of the United States.

Mr. FITZGERALD. Does the gentleman mean that if Congress makes an appropriation authorized by law that some official of the Government will be justified in using it for a purpose not authorized by law?

Mr. MONDELL. No, Mr. Chairman.

Mr. FITZGERALD. That is what the gentleman has said.

Mr. MONDELL. I do not mean anything of the sort. I mean that if Congress makes an appropriation the head of the bureau or Department charged with the administration of the law and disbursement of the appropriation will use the appropriation for the purpose authorized by law. And I think there can be no doubt in the mind of anyone who has given the matter any considerable amount of consideration that water is not only a mineral, but one of the most valuable mineral resources of the country, perhaps the most valuable of the mineral resources of the country.

It is used for irrigation, it is used for navigation, for domestic and municipal purposes; and the many and manifold uses of this valuable mineral are such that its study becomes one of the most important objects of study under the Survey. Mr. Chairman, it is very important indeed that this work should be carried on, and that it be carried on continuously and systematically in all portions of the country. Nothing is more important than that we shall have accurate information, running through a series of years, as to the flow of streams. It is important from the standpoint of irrigation, it is important from the standpoint of reclamation by drainage, it is important from the standpoint of the use of water power in manufacturing. It is important from the standpoint of water for municipal purposes, and we shall neglect a great public duty if we do not continue systematically and under a sufficient appropriation this most important work, to the end that we may have statistics available to all our citizens as to the amount, character, and the duration of the flow of streams.

Now, I believe the Director will be justified in using this appropriation for this purpose, and I assume that if the appropriation is made he will use it for this purpose, and the amount appropriated is none too great for the work. The hundred thousand dollars appropriated last year, I call to the attention of my friends from the East and Middle States, was largely used in the West, because the officers of the Geological Survey felt that their first duty under the appropriation was to determine the water supply upon the public lands; and unless the appropriation be increased, as it is proposed to increase it under this item, there will not be sufficient appropriation to distribute generally throughout the country and carry on this highly important work. Therefore, Mr. Chairman, I hope that the amendment will be adopted.

Mr. TAWNEY. Mr. Chairman, I hope that the amendment will not be adopted.

In the first place, Mr. Chairman, I believe in being honest with myself and with the House. I can not see how any man can justify the appropriation of $200,000 out of the Public Treasury, under the amendment as offered, when he knows that he is voting, not that it shall only be used for that purpose, but that the head of the Department will use this money for an entirely different purpose from that expressed in the amendment. Gentlemen get up here and talk about expending this money for gauging the streams in the States not in the national domain. Do they have any assurance now from the Geological Survey that the money is going to be expended in the State of New Jersey, in the State of New York, and in other states outside of the national domain? If it is proposed to continue the gauging of streams in the manner in which that work has been carried on heretofore, why are we not asked to make an appropriation for that express purpose?

Mr. NEEDHAM. Will not the gentleman make a point of order against such a provision?

Mr. TAWNEY. I will make the point of order, because it is not authorized by law, and because, as I have said formerly in regard to this expenditure, that more than one-half of it is expended entirely outside of governmental functions. It is expended in accordance with the statement made by the Director of the Survey when before the committee two years ago, primarily for the benefit of prospecting investors in water power. That was the reason, Mr. Chairman, why this appropriation was not reported two years ago and three years ago nor this year. You talk about the necessity of gauging streams in the semiarid and arid sections of the country. I trust no man on the floor of this House will be deceived by that argument. Under the irrigation law there are ample funds for the gauging of all streams connected with irrigation projects anywhere within the arid or semiarid sections of the country in the national domain. Why should you feel justified in expending this money for the gauging of streams on the idea that you would be investigating the mineral resources, even conceding water as one of the mineral resources of the country, which I do not admit.

Nobody denies the fact that water is a mineral, but I claim that no man can truthfully assert, or sustain the assertion, that it is one of the mineral resources of this country. Therefore you are limited to the national domain, and the gauging of streams in the national domain in connection with irrigation projects; and all of that stream gauging is provided for in the reclamation act, and is paid for, or ought to be paid for, out of the reclamation fund.

Now, Mr. Chairman, the statement of the gentleman from New Jersey illustrates why this amendment ought not to be adopted. He will not claim that the streams which have heretofore been gauged and are now being gauged in New Jersey are for the purpose of determining the mineral resources of the State of New Jersey. The streams that are being gauged in other States outside of the national domain are not being gauged for the purpose of determining the mineral resources of those States. The money is being expended for the purpose of determining the flow of various rivers, and also for the purpose of determining water pollution in connection with municipalities. That is what this money has been expended for before, and what it is being expended for this year, and it has no relation whatever to the investigation of the mineral resources of the United States.

But much has been said and doubtless will be said with regard to the advantage to navigation of this provision. When General Mackenzie was before the committee, who, as we all know, has for many years had charge of the river and harbor improvements of the United States, I asked him this question:

Is the gauging done on the rivers that are navigable, that come under the jurisdiction of the War Department?

General MACKENZIE. To tell you the truth, I do not know very well to what extent the gauging work of the Geological Survey is done. We make a great many gaugings in connection with our work.

The CHAIRMAN. You make systematic gaugings yourselves in connection with river and harbor improvements?

General MACKENZIE. Yes, sir; such as may be necessary and where the information is not at hand. Of course if it is in a published report we would avail ourselves of that.

Mr. SHERLEY. It is claimed by the advocate of the policy of governmental gauging of streams that by the gauging over a sufficient period of time, to accurately arrive at conclusions as to the volume of water, that you can determine in large measure the ability to make navigable streams that are supplied through the smaller tributaries. How far is that view shared by yourself as to the value of this information? For instance, take the gauging of the streams that are within the watershed of the Ohio River, and that determines, if carried out elaborately enough, the volume of water flowing into the Ohio River. How far would that information be of practical value in enabling the War Department to reach a conclusion as to the depth of water that might be maintained in the Ohio River by dams or otherwise?

General MACKENZIE. Such information might be of value in connection with plans contemplating the construction of reservoirs at headwaters of tributaries, but the information does not necessarily have much bearing on the plans which have been approved by Congress for the improvement of the Ohio and are being carried out by the Engineer Department, such plan being that of slackwatering the Ohio—building dams to hold up the water.

Mr. SHERLEY. I was not using the Ohio River because of any specific reason, but simply as an illustration. Would it be of value in other cases, or is its value more or less problematical?

General MACKENZIE. The value is more or less problematical. No general statement can be made as to what improvements the use of such class of information can be advantageously applied. You can never tell, in connection with these improvements, where that information would be valuable. Of course I can speak in connection with the upper Mississippi River, which I had in charge for seventeen years. We made originally a series of gaugings by which we determined the approximate discharge.

So all this manufactured argument for the purpose of trying to impress upon this House the importance of this subject by asserting upon this floor that these stream gaugings are made for the purposes of the Engineer Corps of the War Department, to aid them in carrying on their improvements, has absolutely no foundation in fact. But I want to impress upon the members of this committee that if this appropriation is for the gauging of streams, and not for the investigation of the mineral resources of the United States, then it should not be made, because on the face of it it expresses a lie, and there is no man on the floor of this House who will dare assert that any executive officer would be justified in expending a dollar of this money in the gauging of streams as heretofore upon the subterfuge that water being a mineral is therefore one of the mineral resources, for that reason they would be entitled to gauge streams for the purpose of determining the navigability of certain streams or the pollution of water in connection with municipalities.

Mr. GAINES of Tennessee. I am interested in the gentleman's speech, but I want to ask him this: Is not the Govern-

ment of the United States directly interested in the irrigation business, and therefore in finding water and the quantities and kinds of water?

Mr. TAWNEY. The Government of the United States is not only interested, but is engaged in the business of irrigating the arid and semiarid lands of the country, and for that purpose the irrigation act provides for the gauging of streams, and the expense of that work is paid out of the reclamation fund, from which it ought to be paid.

Mr. GAINES of Tennessee. I agree with the gentleman that the money for irrigation and gauging of water should be directly appropriated for that purpose, and that money should not be used by any kind of subterfuge.

Mr. TAWNEY. Well, I have answered the gentleman's question, and I call the gentleman's attention to the fact that the subject of irrigation does not need to concern the mind of any member of this committee in connection with this amendment, for the reason that the irrigation work of the United States is carried on under the reclamation act and paid for out of the reclamation fund.

Mr. MONDELL. Mr. Chairman, I ask that I may have two minutes to reply to one matter referred to by the gentleman from Minnesota.

Mr. TAWNEY. I will yield the two minutes to the gentleman from Wyoming.

The CHAIRMAN. The gentleman from Wyoming is recognized in his own right.

Mr. MONDELL. Mr. Chairman, I understood the gentleman from Minnesota to say that the irrigation law provided for gauging the streams upon which the Government is engaged in irrigation work. There is no provision whatever in the reclamation law for the gauging of streams or the determination of water resources, and that work can not be properly carried on by the Government under the reclamation law and by use of the reclamation funds, except that it may be carried on in connection with some project upon which the Government may be engaged or has in contemplation.

I desire to call the gentleman's attention to the fact that of the hundreds of streams in the arid region which are utilized for irrigation the Government is doing work on comparatively few of them; that a large amount of the irrigation development of the country is being done by private enterprise, and that even on those streams where the Government is engaged in the work of reclamation there is no authority for gauging or determining the water supply except as may be necessary for the determination of facts relating to the projects in which it is engaged.

Mr. TAWNEY. Will the gentleman permit an inquiry?

Mr. MONDELL. Certainly, I will yield to the gentleman.

Mr. TAWNEY. It is no use for me to ask the gentleman from Wyoming whether he is aware of the fact, because he is, that the gauging of streams and underground water for the purpose of ascertaining whether or not a certain area of land can be irrigated is an essential part of the project of the United States, and is not that an essential part authorized by law, and are they not doing it and paying for it out of the reclamation fund?

Mr. MONDELL. The gentleman well understands my views in regard to water being a mineral resource.

Mr. TAWNEY. Are they not now gauging the streams under the Reclamation Service and paying for the gauging out of the reclamation fund, and is not that an essential part of the reclamation project?

Mr. MONDELL. The Reclamation Service is engaged in gauging such streams as it is at work upon and so much as may be necessary in order to determine the water supply available for a particular project, but certainly the gentleman from Minnesota will not claim that the settlers upon Government irrigation projects in the arid regions should be compelled to pay for the general gauging of streams and determining the water supply throughout the whole Western country. The reclamation fund is a fund reimbursable; it must be repaid by the men who settle on the land, and these funds should not be used, and they are not used, and I assume that they will not be used, for the general purpose of stream gauging even in the arid regions. In that region much of the work is carried on by private enterprise, by the farmers themselves, and the Government in this stream-gauging work is only giving the assistance in development of these mineral resources that it ought to give in good conscience for the development of all the mineral resources of a newly developed and developing country.

Mr. SHERLEY. Mr. Chairman, I desire to offer an amendment to the amedment offered by the gentleman from California. I desire to strike out the word "two," in the second line of his amendment, and insert the word "one," so that it will read "$100,000."

The CHAIRMAN. The gentleman from Kentucky offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "two" and inserting the word "one," so that it will read "$100,000."

Mr. SHERLEY. Mr. Chairman, I shall not undertake to discuss the special importance of stream gauging at this time, but I shall address myself to the proper question of what sum, assuming that Congress is going to legislate for such purpose, should be appropriated. I consider that it is unfortunate that an appropriation will be carried in the language of the amendment, because it is always unfortunate when we give an administrative branch of the Government money to be expended under general terms, whatever may be the private understanding as to how it is to be expended. I regret that if Congress is to vote such a sum, it could not be voted in direct terms for the purpose.

The $200,000 asked as an estimate was asked on the supposition that the gauging of streams would not only be as extensive as they have been in the past, but would be further extended to the gauging of underground water in the Hawaiian Islands. Yet there has not been a speech made here to-day in advocacy of the amendment offered by the gentleman from California [Mr. NEEDHAM] that had any reference whatsoever to that fact, and to a large part of the membership of the House it was not a known fact. I do not believe that we propose at this time, without something more of reasons therefor than was given us, to undertake that project of gauging the underground waters of the Hawaiian Islands. Now, it may be interesting to the House, both as showing the funds needed and also showing the tremendous increase in appropriations that are going on, to read what has been expended for this purpose heretofore.

For the fiscal year 1895 there was expended $12,000. For the fiscal year 1896, $20,000. For the fiscal years 1897 to 1900, inclusive, three years, $50,000; for the fiscal years 1901–2, inclusive, $100,000. For the fiscal years 1903–1906, inclusive, three years, $200,000, and for the fiscal year 1907, $150,000. For the fiscal year 1908, $100,000. The committee will notice the very rapid increase, an increase in the course of some thirteen years from $12,000 to a maximum of $150,000 for the fiscal year 1907, and for the past year of $100,000. As an illustration of how we can expend money without necessity therefor, it is to be borne in mind that while in 1907 this Department had $150,000 for this purpose, for the present year it had only $100,000, and yet there was no complaint made by the Department that the fund was not sufficient. I submit to the committee in all candor that we ought not to permit the zeal of special advocates or of the men engaged in this work to carry us off our feet.

I have been a friend of the Geological Survey. I have fought for appropriations for it and I have helped to increase appropriations for it. I would do it again when I thought it was necessary, but I want to submit now that $200,000 for this purpose—and it is frankly admitted by the gentleman from California [Mr. NEEDHAM] that the form of his amendment is simply to get around the parliamentary status and that he expects this $200,000 to be used for this specific purpose—I submit to the committee now that $200,000 is altogether disproportionate to the sums we are expending for other purposes and that are equally as important as the gauging of streams.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NORRIS. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. NORRIS. I want to ask the gentleman if, as a member of the committee, he will not be willing, providing those offering this legislation are willing to accept $100,000, to let the amendment show that this $100,000 shall be used for the gauging of streams?

Mr. SHERLEY. I will say to the gentleman frankly that for my part I had infinitely rather legislate this money with an express statement as to the purpose than to beat the devil around the bush by a general statement, with an understanding that the Survey is going to use the money for this special purpose. And I would be more than willing, but the thing I want to impress upon the committee is that whether we appropriate in general form or in specific form, we ought not to be carried off our feet as to the amount of the appropriation. Two hundred thousand dollars is altogether disproportionate to the sums we are giving that Department to expend for other purposes, just as important and just as widespread in their influence. It can not be defended, and the fact that the committee left out

the appropriation ought not to make those advocates of it ask for a sum altogether beyond the bounds of reason. I trust that the committee if it determines to appropriate any sum will appropriate such sum as bears a proper proportion to the entire work of the Geological Survey.

Mr. SMITH of Iowa rose.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate by Mr. CROCKETT, its reading clerk, announced that the Senate had passed, without amendment, bill of the following title:

H. R. 17516. An act to increase the membership of the Philippine Commission by one member, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6616. An act to authorize the extension, enlargement, and alteration of the public building in the city of New Haven, Conn.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY. I will yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I was going to propose a substitute.

Mr. SHERLEY. If the gentleman will read it in my time, it may be that I will accept it in lieu of my amendment.

Mr. SMITH of Iowa. Mr. Chairman, believing that if this money is to be appropriated for gauging streams it ought to be fairly appropriated for this purpose, and believing that we ought not to encourage the Departments to construe language so as to permit them to use money for one purpose that is appropriated by law for another purpose, I desire to propose that by unanimous consent the committee substitute for both the pending amendment and the amendment thereto of the gentleman from Kentucky [Mr. SHERLEY] the exact language of last year's bill, viz:

For gauging streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $100,000.

I ask unanimous consent that that may be substituted for both the pending amendment and the amendment to that amendment offered by the gentleman from Kentucky.

Mr. SHERLEY. For my part, I will accept the amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment as a substitute, which the Clerk will report.

Mr. SMITH of Iowa. Mr. Chairman, I do not offer the substitute in the ordinary sense, but I ask unanimous consent that it be substituted for the pending amendment and the amendment thereto.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the substitute which he has read be substituted for the amendment and the amendment thereto. Is there objection?

Mr. NEEDHAM. Mr. Chairman, while I personally believe that the amount in this amendment should be larger, in the interest of good legislation, if no point of order is made against it, I shall not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the substitute.

The Clerk read as follows:

For gauging the streams and determining the water supply of the United States and for the investigation of underground currents and artesian wells and the preparation of reports upon the best methods of utilizing the water resources, $100,000.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Iowa.

The question was taken, and the substitute was agreed to.

The Clerk read as follows:

For the continuation of the investigation of the structural materials belonging to and for the use of the United States, such as stone, clays, cement, and so forth, under the supervision of the Director of the United States Geological Survey, to be immediately available, $50,000: *Provided*, That no part of this or of the following sum shall be paid as compensation or emolument to any person not regularly and continuously employed by, or whose entire time is not devoted to the service of, the United States, nor shall any part thereof be paid to any person who is in the employ of any State, county, municipality, or institution not under the control and direction of the United States Government.

Mr. NORRIS. Mr. Chairman, I move to amend by striking out the word "fifty," in line 21, page 78, and inserting in lieu thereof "one hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 78, line 21, strike out "fifty" and insert "one hundred," so as to read "$100,000."

Mr. NORRIS. Mr. Chairman, the amendment which I have proposed will place the bill in the same condition, so far as this item is concerned, in the amount at least, as last year's appropriation and the one preceding last year. This particular appropriation is very important in the United States, for three purposes. The United States Government is engaged in building a canal across the Isthmus of Panama; it is engaged in building public buildings all over the United States and spending therefor, on an average, about $20,000,000 every year. It is engaged in the Reclamation Service, a service the importance of which can not be overestimated and the importance of which is admitted by everybody. Anything that would have a tendency to assist the United States Government in the better performance of these various duties ought to have the earnest consideration and support of the Congress. I do not know that it is necessary to go over the ground again, because two years ago and last year we went over it, and we placed $100,000 in the bill at each time. It has been used to a great advantage and has been a great saving on the part of the Government in its own business of building buildings and in the construction of the canal and irrigation work. But beyond that, in my judgment, the greater benefit comes from the fact that all these experiments that are made by the Government in this work tend, when published and the results spread broadcast, to the benefit of all the people of the United States. The tests of cement and cement material and the proper method of mixing them to bring the best results have resulted, in the estimate of the Supervising Architect, in more than $2,000,000 of benefit to the United States within the last year. This benefit goes out and takes in everybody who is engaged in that business, every man who is engaged in the cement business, in the construction of material into which that enters as one of the elements, and every man who is engaged in the building of buildings of any kind. The people are all interested in having the greatest publicity given to anything that will have a tendency to cheapen and improve the building material of the United States. Especially is that true when the price of lumber has gone to and is maintained at the high place that it now is. There is not an item in the bill that appeals more directly to all the people of the United States than this particular item. Every man who builds a building, whether a cottage or a mansion, has a direct interest. I believe we ought by all means to increase the amount to $100,000.

Mr. HARDY. Will the gentleman yield for a question?

Mr. NORRIS. Yes.

Mr. HARDY. Would it not be a proper amendment, instead of limiting this appropriation to the investigation of structural material belonging to and for the use of the United States, to let it apply to the investigation of structural materials within the United States?

Mr. NORRIS. Well, I will say in answer to the gentleman——

Mr. HARDY. Just let me explain——

Mr. NORRIS. That this particular wording was the wording that was put into the bill two years ago on an amendment offered by myself after a point of order had been sustained to a different wording, and it was retained in this form in the bill, and it is necessary to so remain in order to avoid that point of order.

Mr. HARDY. It seems to me, if the gentleman will allow me, that the whole people of the United States will be chargeable with the expense of this investigation, and much of the land of the United States on which the investigation will be equally pertinent does not belong to the United States.

Mr. NORRIS. I agree with the gentleman fully.

Mr. HARDY. I think the amendment ought to go further, and let it apply to any and all.

Mr. NORRIS. It will be subject to a point of order then.

Mr. HARDY. Maybe it will be agreed to, if it be equitable, just as the last amendment was.

Mr. SHERLEY. The gentleman from Nebraska [Mr. NORRIS] stated that this money had been properly expended during the past year. Does the gentleman know how it was expended?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask that the gentleman from Nebraska [Mr. NORRIS] may have five minutes more.

Mr. NORRIS. There are various other gentlemen who want to discuss this question.

Mr. SHERLEY. I want to ask the gentleman a few questions.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] asks unanimous consent that the gentleman from Nebraska [Mr. NORRIS] may proceed for five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. Now, the gentleman contends that this money has been properly expended?

Mr. NORRIS. Yes, sir.

Mr. SHERLEY. There is a good deal of proof as to how it was expended, and I want to know if the gentleman is familiar

with how this money has been expended and who is receiving a good part of it?

Mr. NORRIS. I take it that the Committee on Appropriations is not satisfied with the way the money was expended.

Mr. SHERLEY. Of course, it is not a matter of special importance about the committee's view point, but it is important that the House should know.

Mr. NORRIS. I take it that the gentleman himself is expressing the views of the Committee on Appropriations, of which he happens to be a member.

Mr. SHERLEY. I believe it is a proper inquiry, inasmuch as the gentleman is taking exception to the committee's view and wants to double the amount, to find out if the gentleman is advised as to how the money has been expended. Does the gentleman know that a good deal of it has been expended in paying State officials and college professors in State institutions?

Mr. NORRIS. Yes, sir. I presume that will come up just as soon as this is disposed of, because I propose to offer an amendment to strike out the proviso which the committee has added here and which I presume was put in for the purpose of avoiding the expenditure that the gentleman suggests.

Mr. SHERLEY. Does the gentleman consider it is proper to expend the money that way?

Mr. NORRIS. I do; yes, sir.

Mr. SHERLEY. I simply wanted to find the view point of the proponent of the amendment.

Mr. NORRIS. I think it is proper to expend the money in the way that I understand it has been expended, and that means that this advisory board, consisting, some of them, of men who are not employees of the Government, but who are experts in this line.

Mr. SLAYDEN. You mean not regularly employed?

Mr. NORRIS. Not regular employees. I do not see anything wrong with employing those men occasionally when needed for the purpose of making tests or for the purpose of making scientific investigations along the line proposed by this appropriation.

Mr. SHERLEY. Does the gentleman know what work has been done at the Watertown Arsenal in the way of testing?

Mr. NORRIS. Somewhat. As a matter of fact, the work done there does not conflict with the work done under this particular appropriation.

Mr. SHERLEY. Does the gentleman know what the cost at the Watertown Arsenal is as compared with the work done by the Geological Survey?

Mr. NORRIS. I have a list here of the tests that have been made, and if I had sufficient time——

Mr. SHERLEY. That is not the question I asked——

Mr. NORRIS (continuing). I can give the gentleman the price of each item and the cost of each test, but, as a matter of fact, since the gentleman refers to the arsenal at Watertown, there never has been any real conflict between these two particular institutions in experimentation. The Watertown Arsenal is for a different purpose. It is a different kind of work entirely, but one that is important, one that I would not do away with, but it has nothing to do with building material—cement material—and could be of no assistance in the great operations that the Government has to undertake.

Mr. SHERLEY. I undertake to say to the gentleman that the gentleman is mistaken in regard to the amount of work that has been done and is being done at Watertown.

Mr. NORRIS. I admit "the gentleman" can possibly be mistaken; but I simply turn that round and say that, in my judgment, the gentleman from Kentucky is mistaken, although he may have had much better opportunity for investigation than I have.

Mr. SHERLEY. I will demonstrate the fact in a few minutes as to whether the gentleman is accurate as to what he says.

Mr. NORRIS. And I will do some demonstrating, too.

Mr. BARTHOLDT. I think I can answer the gentleman. At Watertown the machines are principally used in the testing of metal and brass.

Mr. SHERLEY. Why, does not the gentleman know that they are testing cement? I know, if the gentleman does not, because I saw a few months ago such work that was done there.

Mr. NORRIS. They test it in but a few instances. They tested a set of pillars.

Mr. SHERLEY. But I have seen the work that was done there.

Mr. NORRIS. They are not doing any work of that kind at Watertown now.

Mr. SHERLEY. No; because an advisory board, without any authority of law, gave it to the Geological Survey, where it is costing for the work a great deal more than at the Watertown Arsenal.

Mr. NORRIS. Exactly. The gentleman complains in one breath that this work should be done at Watertown and then he complains in the next because some of it is done there.

Mr. SHERLEY. The gentleman is not accurate at all. The gentleman has complained——

Mr. NORRIS. That is the effect of what he said.

Mr. SHERLEY. The reason for having these tests made elsewhere was the distinct lobbying of the Geological Survey for work that could be more economically done at another place in the country equipped for doing the work.

Mr. NORRIS. I concede the gentleman is earnest and honest in making the statement, but still I do not believe that he is right when he makes the statement.

Mr. SHERLEY. I make it from what I saw at Watertown myself.

Mr. NORRIS. They are to do entirely different kinds of work. The Watertown Arsenal makes experiments and tests for the Army.

Mr. SHERLEY. Does the gentleman contend that the only tests made there are for the Army itself?

Mr. NORRIS. Well, practically.

Mr. SHERLEY. If he does, he is mistaken.

Mr. NORRIS. Steel and other things of that kind.

Mr. SHERLEY. And cement.

Mr. NORRIS. They may have tested a few pillars in the past, but they are not prepared to do it to any extent.

Mr. SHERLEY. Why, the gentleman is mistaken about that.

Mr. NORRIS. They have not the proper machinery nor the men to do that kind of business.

Mr. SHERLEY. The gentleman is mistaken about that.

Mr. NORRIS. On the other hand, we are equipped for that at St. Louis, where they are making experiments under the last appropriation; and, as a matter of fact, have been in the past making experiments, not only there but elsewhere, that have been of the greatest assistance to the entire country and that can not be performed by the machinery and outfit at Watertown.

Mr. SHERLEY. But they could, by a consolidation of all these bureaus into a proper one, do the work cheaper and more of it.

Mr. NORRIS. Why, you have a Bureau of Standards existing here now for the making of these tests in regard to machines for weighing and things of that kind. But it is entirely different from the men who go out in the country and test the materials of which cements and building materials are made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOUGLAS. Mr. Chairman, I just want to say one word in reference to the amendment offered by the gentleman from Nebraska, and I do sincerely hope that the amendment will be adopted by the committee and the amount appropriated for this purpose be increased. Aside from the work that has been done by the Government at Watertown and elsewhere in the testing of cement, I know that in my own district under this appropriation a great deal of very valuable work has been done in testing a clay that is found in that part of the country——

Mr. GAINES of Tennessee. For whom was the test done?

Mr. DOUGLAS (continuing). And the tests have been exceedingly valuable, not only to the Government in the practical use of the material, but also in enlightening the people of the country generally with reference to the value of the clay and its qualities.

Mr. TAWNEY. Will the gentleman please explain who made the tests?

Mr. DOUGLAS. They were made, under the direction of the Geological Survey, by professors in the Ohio State University. While this is true the work was done under this appropriation by men of experience under the direction of the Geological Survey, and the results of their work were given to the country generally, and I do not see why the fact that this work was done under the Geological Survey by men who were not in the employ of the United States militates against the necessity for the appropriation or the advisability of it or the value of the work that was done.

Mr. FITZGERALD. Does not the gentleman think the men who own these clay beds would probably pay for these tests themselves, in order to advertise their value?

Mr. DOUGLAS. That is a general proposition which might be urged with reference to a large number of appropriations made by Congress.

Mr. TAWNEY rose.

Mr. GAINES of Tennessee. I see the chairman of the committee desires to speak on this subject, and I gladly yield to him. I want the gentleman in charge of the bill to explain to the country how this money is expended; if private individuals are employed, and who first employs them, and why,

they are employed, and why they examine the clays, and how soon after that the United States Government goes there and buys the product, if that is done at all.

Mr. TAWNEY. Mr. Chairman, I ask the attention of the committee for a few moments, because I consider this a very important general proposition, and I want to state frankly to the committee why the appropriation was reduced from $100,000 to $50,000.

In the first place, it was reduced because upon investigation we found that a large part of the money is being employed in making tests in private laboratories, making tests in various scientific schools, in State universities, and other educational institutions; that the money is being expended to pay professors who are in the employ of those institutions; that the tests are being made—not of materials belonging to and for the benefit of the United States as the law provides, and that, in the judgment of the committee, that fact alone justifies a reduction of the appropriation.

When the appropriation was made for the testing of structural materials belonging to and for the use of the United States, it was not contemplated by Congress that these tests should be made anywhere else except in the laboratory of the Geological Survey itself. It was not intended, and the law did not authorize the testing of any material not belonging to the United States, or not for the use of the United States. That is one reason why the committee felt that $50,000 would be ample to conduct the investigations during the next fiscal year, as the law contemplates these investigations shall be conducted.

Let me call your attention to the fact that the appropriation for this service in 1906 was only $7,500. Prior to 1906 we were testing building materials of all kinds. Prior to that time the Geological Survey had not entered upon this project or enterprise; but because they were connected with the fuel tests that had previously been authorized in St. Louis, and had machines loaned to them with which they were making tests during the exposition, they came back and secured from Congress an appropriation of $7,500, and the Geological Survey itself said, "If you will give us this $7,500, you may write in the law that the tests shall be completed July 1, 1906."

That was in 1905. This appropriation of $7,500 was made for the fiscal year 1906, and they willingly consented that if Congress would give them $7,500 to complete the work they would agree that the work should be completed at the end of that fiscal year 1906.

For the fiscal year 1907, instead of their completing the work, they came back to Congress and told Congress that they wanted $100,000 to continue the work, and after a very severe struggle the $100,000 was finally granted. Then again $100,000 was appropriated for the current fiscal year. Now, these two appropriations were for the purpose of providing the equipment for the testing of structural material. Assuming that they have supplied themselves with the necessary equipment, what is the necessity for continuing the appropriation of $100,000 for this purpose, when the Watertown Arsenal ever since 1888 has been making tests of building materials of all kinds in forty-four of the forty-six States of the Union, conducting these tests upon an appropriation of only $15,000 annually? What is the necessity for continuing this appropriation of $100,000, unless it is for the purpose of continuing on the pay roll of the Government the professors and other employees whom they have had during the current fiscal year and during the last fiscal year, paid out of these two appropriations for structural material and coal tests?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TAWNEY. Now, Mr. Chairman, there is another reason, and before I discuss that I want, in verification of the statement I have made, to read from a letter addressed to me by the Secretary of the Interior.

Mr. ADAIR. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. ADAIR. Out in my country we have a great many companies that do a stone-crushing business, and the first thing that is done is to send it to Columbus to have it examined and the expense is paid by the Government. These are private enterprises. The same thing is true for clay products for the manufacture of tile, and so forth. Now, is all this being done at the expense of the Government and out of this appropriation for private enterprises?

Mr. TAWNEY. Absolutely, and under language that prohibits it from being done. I addressed a letter to the Secretary of the Interior on the subject of the expenditure of these two appropriations—this one and the one which will follow—and I have here his letter giving complete detailed statements of the people that are employed and paid out of these two appropriations. They number a great many men. The letter is dated March 30, 1908. I will read only extracts that appear in the hearings that bear directly upon this point. I read from page 406 of the hearings:

The following were employed during the larger portion of their time on regular duties connected with college instruction, and were appointed in a consulting capacity to the Geological Survey and paid only for time devoted to such consultation, and the proportion of working time for which they were actually so employed in the service of the United States has been about one-third in each case, except as otherwise indicated.

Then follows:

Prof. R. H. Fernald, consulting engineer, gas-producer tests, is professor of mechanical engineering, Case School of Applied Science, Cleveland, Ohio, at about $3,000 per annum. His Survey compensation is $10 per day when actually employed.

He is allowed a stenographer at $2.50 per day when actually employed.

Prof. N. W. Lord, chief chemist, is professor of chemistry in the Ohio State University, Columbus, Ohio, at about $1,800 per annum. His Survey compensation at $10 per day when actually employed.

He is also allowed a stenographer at $2.50 per day when actually employed.

Prof. L. P. Breckenridge, consulting engineer, steam tests, is professor of mechanical engineering, University of Illinois, Urbana, Ill., at about $3,000 per annum. His Survey compensation is $10 per day when actually employed.

Edward E. Somermeier, assistant to chief chemist, is professor of chemistry in the Ohio State University, Columbus, Ohio, at about $1,200 per annum. His Survey compensation is $8 per day when actually employed, his working time in the service of the United States being about one-half.

Prof. Charles A. Davis, consulting expert, peat investigations, is professor of geology of the University of Michigan, at about $1,500 per annum. His Survey compensation is $7 per day when actually employed.

Then there are fifteen engineers, chemists, geologists, and collaborators named in this letter, who receive compensation from $5 to $10 per day when called in consultation.

Tests and laboratory analyses were conducted in the cities of Berkeley, Cal.; Pittsburg, Pa.; St. Louis, Mo.; Columbus, Ohio; Washington, D. C.; Denver, Colo., and Norfolk, Va., up to January 1, 1908, and such tests are now being conducted in the same cities, and in no case in buildings owned or rented by the United States, excepting in the offices of the Geological Survey in Washington, D. C.; one small building rented from February 1, 1906, to February 1, 1907, in St. Louis, at a total rental of $387, and a temporary washery and coking plant erected by the Survey at Denver, the land rental therefor being $5 per annum.

Then I asked the Secretary:

Under what authority are you conducting these tests in laboratories or other institutions wholly within the jurisdiction of the States?

Mr. GARFIELD. We are conducting those tests under the authority of employment of those individuals whose names you have read for the making of certain classes of tests. They have their own laboratories in the institutions named in the list you have read, and we pay them at the compensation given, $10 a day, or whatever the compensation is, and out of that they are to provide their own laboratories for doing the work, and the college authorities have consented to the use of their laboratories and their physical apparatus for that purpose.

So that this money is being expended in the laboratories in these institutions, and the authority claimed for it is they have employed certain individuals who are members or who belong to the educational institutions to do the work for the Government of the United States. Then I asked him this question:

The CHAIRMAN. What is the necessity of employing all of the laboratories and so many of the State employees, because these professors are employed by the States or by private institutions for the purpose of conducting tests in regard to structural materials "belonging to and for the use of the United States," and also analyzing and testing materials belonging to the United States? What is the necessity of going outside and covering the entire United States or using the laboratories in the various institutions of the various States for the purpose of making these tests, which are wholly of material "belonging to and for the use of the United States?"

Mr. GARFIELD. As to the first question, we have not those laboratories ourselves, and it would mean that we would have to supply the persons employed as scientific men with the necessary laboratories and physical apparatus.

Now, gentlemen, when they secured the first appropriation of $100,000 it was on the express statement of the representatives of the Geological Survey that that money was not necessary for making the tests, but all of it would be necessary for making tests and supplying the United States laboratory with its equipment for making those tests. And when the second appropriation of $100,000 was made it was with the understanding that that was to increase the equipment; that the work of the technical bureau of the Geological Survey was necessary in order to meet the necessities for the service and increase the equipment. As a matter of fact, they have not spent it for that purpose, but spent much of it in the employment of people outside of the Government service, who could not receive their compensation under the statutes of the

United States if the law or accounting officers of the Treasury Department of the Government properly performed their duty.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. SHERLEY. Mr. Chairman, I ask that the gentleman's time be extended ten minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Minnesota be extended ten minutes. Is there objection?

There was no objection.

Mr. CAULFIELD. Does the gentleman favor permanently employing these specialists or experts, or would he deprive the Department of the right to call in their services as needed?

Mr. TAWNEY. Mr. Chairman, in answer to the gentleman I would say that this question is a much broader question than most of us think it is. We must here and now draw a line between commercial tests and original scientific research tests. I have a list here of all of the laboratories of the United States, and gentlemen who desire to inform themselves as to the number of testing laboratories, if they will turn to the hearings, will find the names and locations of all of them. They are engaged in the work of making commercial tests. That work is entirely outside of and independent of governmental work. The Government of the United States, in the matter of making scientific tests, should limit the field of its activities to original scientific research work and let the commercial world take care of the commercial tests.

Mr. BARTHOLDT. Will the gentleman permit a question right there?

Mr. TAWNEY. In just a moment. All the tests referred to by the gentleman from Ohio [Mr. DOUGLAS] are commercial tests, and the test of the stone from the quarries in the State of the gentleman who interrupted me [Mr. ADAIR] are all commercial tests. This scientific research work, both commercial and original scientific work, has been going on here in our Government in a sort of haphazard way, until to-day every Department of the Government has a testing laboratory; every Department of the Government has a complete equipment; every Department of the Government is maintaining a force of men for the purpose of carrying on the same commercial and original scientific research work.

It is for that reason, Mr. Chairman, that the committee carries a provision in this bill calling upon the Academy of Sciences to investigate this whole subject of governmental scientific work and report to Congress its conclusion on the consolidation or some plan of consolidating this work whereby the scientific research work of the Government will be carried on in one Department, in one bureau, and in one only, and when the final result is obtained the people of the United States and the world will know where they can obtain the final result of these original scientific investigations. In that way we will also stop the duplication of scientific work that is now going on in all the Departments of the Government. It is for that reason that the committee has recommended this provision, and I want to say that under the law we are entitled to call upon the Academy of Sciences for just that sort of report. That institution was incorporated in 1872 by an act of Congress—and the character of that institution and its standing to-day in the scientific world is equal to that of any like organization in the world—and we reserved when we passed that act the right to do this very thing. I submit, in view of all the scientific work going on in all the different bureaus of the Government, that we can far better do this, and that we owe it to ourselves and to the people that some proper measure should be taken for a consolidation of this scientific work, both in the interests of higher and better results and also in the interest of economy. When that organization is created, I would say to the gentleman from Missouri, I would be in favor of the Government of the United States then employing the best scientific men that money can employ and equipping that bureau with the very best equipment for scientific work that can be obtained. That, in my judgment, is the practical, sensible way for us to do, and if that provision is adopted by the House, then there will be no necessity for a further extension of this work in private laboratories and in laboratories throughout the United States. The Government of the United States should do this work under its own supervision and not under the supervision of any private institution, I care not what reputation that institution may have. I now yield to the gentleman from Missouri.

Mr. BARTHOLDT. Mr. Chairman, I would like to ask my distinguished friend this question: If it is profitable for commerce to invest these large sums of money for these tests, whether it would not be profitable for the Government, as the owner and builder of public buildings to the amount of more than a billion of dollars, to invest in tests of this kind?

Mr. TAWNEY. I will say to the gentleman that I know his interest in public buildings, and that Government construction long before the Geological Survey testing plant was authorized was the most substantial of any building work in this country. The material for all the building was tested—and is to a great extent tested to-day—in the laboratory of the Supervising Architect. That argument is like the argument of the gentleman from Nebraska, who claimed that the Geological Survey is making tests for the Reclamation Service for the Isthmian Canal. There has been no test made for Isthmian Canal construction. If they have an agreement among the various Departments here whereby one bureau or one testing plant is to do this work and another testing plant that work, that may be; but I maintain, and I care not how careful the heads of the Departments may be to avoid duplication, that as long as we maintain the organization, as long as we maintain the equipment in all the Departments for scientific research work, so long will duplication continue, and you can not avoid it.

Now, let me read what Secretary Garfield said, and his suggestion is along the line of the position of the committee:

> I think that the scientific work of our Government ought to be brought together in some fashion, and I think it can be done if the suggestion which has been made, that the Executive be given authority to rearrange and redistribute this work, is followed. It was my idea when the Department of Commerce and Labor was organized that the act was broad enough to permit the President to do that, but we found that he could not remove the scientific work from the Treasury Department and that the hands of the Executive were tied; that he could not rearrange and redistribute that work. It should be done. If you gentlemen here in Congress can get the scientific work reorganized you will do a great work for economy and efficiency.

Now, in view of the Department itself taking that stand and making that recommendation, we felt that carrying out that suggestion was not only wise, but it was our duty to do it. There is no organization in this country, from the standpoint of the Government and from the standpoint of science, so capable of considering this question and reporting on the kind of organization that we should have for this original scientific research work as the Academy of Sciences. As I said before, it is a scientific organization that stands the peer of any scientific organization in the world. There are but forty active members, as I am informed, belonging to the organization, or its active membership is limited to that number. To become a member of that organization is the height of the ambition of every scientific man in this country. Now, following along that line, if we adopt that policy, then there is certainly no necessity of continuing further these large appropriations for scientific work in all the different branches of the Government.

Mr. BARTHOLDT. Mr. Chairman, the Committee on Public Buildings and Grounds, of which I am a member, is naturally very much interested in this question. Before stating the benefits accruing through this service to our Government in constructing public buildings, I will refer briefly to the arguments presented by the gentleman from Minnesota. His claims or contentions are that private tests have been made at public expense. I can answer that with one authoritative statement, namely, that 95 per cent of the money appropriated has been expended at the Government testing station at St. Louis, Mo., and not one single test has been made by them except upon the request of the Supervising Architect, the Reclamation Service, and other branches of the Government. That disposes of that.

Mr. TAWNEY. Will the gentleman permit?

Mr. BARTHOLDT. No; I am going to keep on for a little while, and then, when I have time, I will yield to the gentleman. The gentleman has had twenty minutes and I have had barely one. Furthermore, there is absolutely no objection, Mr. Chairman, on the part of those who understand this subject to a consolidation of this service. If the Committee on Appropriations had come in here with a bill to consolidate all these different testing plants to be superintended by the Academy of Science or by any officials of the Government, no objection would have been raised by us; but as long as that is not done, and as long as we have no such consolidation, I claim that it is to the highest interest of the United States Government to continue the tests which we have started. In the judgment of the Supervising Architect, who is a very conscientious and painstaking official, we are saving to-day as a result of these tests more than $2,000,000 a year upon the score of buildings which the Government erects annually, namely, 10 per cent on approximately $20,000,000 which the Government expends on an average for new buildings per annum.

Mr. SHERLEY. Is it going to bring the cost of Government buildings down to that of ordinary buildings, because Government buildings now cost more than ordinary buildings erected?

Mr. BARTHOLDT. The Government buildings cost more because they are not built for five, ten, twenty, or even fifty years, but they are erected to last for a hundred years and more.

Mr. SHERLEY. If the gentleman will look at the items they bring in for repairs to Government buildings, he might change his views upon that subject.

Mr. BARTHOLDT. There may be repairs, Mr. Chairman, because in many cases alterations come under the head of repairs, and Members of Congress are very skillful in designating an item as repairs when in reality it is an alteration. As to the durability of Government buildings, we only need refer to the San Francisco earthquake and the terrible conflagration following it, when the Government buildings almost alone resisted the power of the flames as well as the earthquake. Mr. Chairman, only in this morning's paper we read of two great conflagrations due to the fact that combustible material had been used in the construction of buildings. Is it not time for us to find material nearly as cheap as that which is now being used as a result of the governmental tests which will obviate and prevent such calamities in the future? The fact is that the fire losses in the United States to-day amount to more than twenty times more than in any other country.

Why? Either because we build more carelessly or we use material which is more combustible than the material used in other countries. I have the figures here, but I have not time to present them. If permitted, I will insert them in my argument. But that factor alone, Mr. Chairman, should induce this House to continue these tests, because they are for the purpose of developing material—cement and reconcentrated cement—which will resist the power of fire and consequently reduce to a minimum not only these tremendous financial losses, but also these terrible losses of life.

Mr. CAMPBELL. May I ask if after a test has once been made of a cement it is necessary to make another test of that same cement?

Mr. BARTHOLDT. Well, they are improving the cement and they are improving the way to make it. They are using new materials every day for the purpose of making cement.

Mr. DALZELL. Location has a good deal to do with it. Cement may be permanent in one place and not in another.

Mr. BARTHOLDT. We only started a few years ago. We are on the threshold of this great question; and if Government money is to be expended for any purpose whatsoever, it seems to me this is one of the most meritorious purposes that could be imagined.

Now, as to the machines used in the Watertown Arsenal. As I have said in reply to a statement made by the gentleman from Kentucky [Mr. SHERLEY], at least a majority of these machines are not powerful enough to make the tests necessary for construction. They are built especially to be applied to brass and other metals, but not to cement and reconstructed cement. Then a question has been raised about the number of machines used in private laboratories. Yes; they are used, Mr. Chairman, by professors for the purpose of instructing students. It is true some valuable tests have been made, but what kind? The material was furnished and the bricks were furnished by interested manufacturers, and naturally they sent their very best samples and not the kind which is generally used for building purposes. So that disposes of these private machines which are now in use. As to the Government tests carried on in St. Louis, the question has been asked what the money has been expended for. It has been spent for these purposes:

Tests of sand and gravel for use in concrete and reenforced concrete for the Isthmian Canal, the Reclamation Service, the Supervising Architect, and the assembling of this concrete and reenforced concrete into forms, and tests thereof, will cost about $30,000. Tests of clay and clay products, chiefly bricks and tiling, to determine their strength for use in public structures by above bureaus, are estimated to cost $10,000. Tests of building stone for use of the above, to determine the strength and durability of same, will cost $10,000. Tests of fire-resisting material to determine how structural material assembled into public buildings can be made more fireproof and more fire resisting, will cost $10,000. The inspection and testing of cement for the Isthmian Canal may cost $53,000. This was not previously estimated and provided in the appropriation.

Hence it will be noticed that the minimum estimates are in excess of the current appropriation. If the committee had taken into consideration all those useful purposes to which these tests are applied, they should have increased the appropriation over and above $100,000 instead of cutting it down to $50,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. BARTHOLDT. Now, as to these gentlemen, the so-called "national testing board," I want to read just one paragraph of a letter from the Supervising Architect, Mr. James Knox Taylor. He says:

> In this connection I want to take occasion to tell you of what immense benefit the work of the national testing board has been to our office. Through their efforts we are able in the majority of instances to secure materials such as clay products, gravel for concretes, stone for construction in the various localities, and so forth, that constitute a large saving in the direct cost of buildings to the Government, and I should feel extremely sorry if, through any failure of appropriation or peculiar wording of the act, this work should fail to be continued. It seems to me that when the Government can obtain at a very small cost and personal expenses, or a minimum salary at the most, the services of prominent engineers and scientists throughout the country, even though they may not be Government employees, it would be an immense loss to the Government not to secure such services, especially as if they were forced to pay for such advice the fees charged would probably be very large.

This means, Mr. Chairman, if we did not have this official testing plant, if we would not vote to maintain it and increase its usefulness by proper appropriations, we would expend for private services perhaps three, four, or five times the amount which this plant costs us to-day.

Now, Mr. Chairman, I referred in my introductory remarks to the losses by fire. I have the figures here now, and I might as well state them for the information of the House. In the United States in the last ten years, from 1897 to 1906, inclusive, the losses by fire were $2.70 per capita. The per capita fire loss in six of the leading European countries in the same time was only 33 cents per capita. Now, do not these figures alone satisfy the average Member of this House that we should look into the question of building materials, so that private enterprise might profit from the investigations carried on at the expense of the Government?

As I stated before, Uncle Sam himself is very largely interested, because we own more than $1,000,000,000 worth of public structures. We do not insure our public buildings. Why? Because we build usually with fireproof material. If we would insure and not build with fireproof material, the expenses would be ten times as large as the little appropriation asked for here for the continuation of these tests. [Applause.]

Mr. SHERLEY. It is a common parliamentary trick to put up a straw man and then destroy him.

With the major portion of the remarks of the gentleman from Missouri I not only take no exception, but heartily concur. There is no man at all informed who will question for one moment the value of accurate scientific information as to the strength of structural material. Certainly no American, living in a country that is famous for its advance in practical science, will ever question that proposition. But the condition that confronts the committee is not the condition suggested by gentleman, but a very practical one. It is simply how we propose to have work done and whether the Government shall confine its work to that sort of original research that naturally belongs to Government, and to governmental activities as beyond the range of private capacity, or whether it shall go into that broad, extensive field of making for the individual all of the ordinary tests that can be made by him, and in the absence of Government work will be made by him. Whether by a bureau properly organized and economically administered, or whether we shall continue to yield to the demands of the Geological Survey, many of which are made by a species of lobbying by no means commendable.

Mr. BARTHOLDT. Will the gentleman yield to me for one question?

Mr. SHERLEY. Certainly.

Mr. BARTHOLDT. Can the gentleman state any instance where tests have been made at Government expense for private individuals?

Mr. SHERLEY. Oh, I cite as an illustration, that many letters were sent to me by Louisville men, and I knew that they did not come by accident, and subsequently found they did not, that stated that $100,000 had been saved in regard to the use of certain sands in making cement in the vicinity of Louisville. Now, that material was examined, and I am not saying that in that instance it was not properly examined, but it was not material belonging to the Government, and not examined because it was going to be owned by the Government.

Mr. BARTHOLDT. They are used by the Government, are they not?

Mr. SHERLEY. The question is whether these tests were made for the benefit of the Government or a private individual. They were not for the benefit of the Government, because the Government did not own the material and did not expect to own any of it soon. The gentleman from Missouri may smile, but the proof shows, and it is not denied—the written proof—

that there were any number of cases at commercial centers where they made such tests, and they justify it on the theory that inasmuch as the Government will have activities there, or may have to buy materials there, in that sense it is governmental. But in the sense of the Government owning the material or expecting to own the material tested, it was not governmental.

Mr. BARTHOLDT. One more suggestion. Would the gentleman restrict the usefulness of such a Government plant because of the fact that the material is not to be confined to Government materials?

Mr. SHERLEY. No. The gentleman is putting up another straw man, and I have not time to discuss him. The point is this, the real point: Whether the investigation shall be an investigation that looks to determining certain fundamental facts, for the guidance not only of the Government, but for all the people of America, or whether the test shall go beyond that into the examination of every possible piece of material that may be brought. I wanted to show the difference between one kind of work and the other. The gentleman from Nebraska took exception to a statement of fact made by me as to the work done at Watertown. I repeat that Watertown, until an order issued by a board without authority, commissioned without authority of law, was continuing the examination not only of iron and steel, but cement, hemp, rope, and all manner of material subject to such tests; and during the entire history of that Bureau, extending over more than twenty-odd years, it has had a little over $300,000, and its annual appropriation for recent years has been $15,000.

Mr. CAULFIELD. Has its operation been quite as extensive as those conducted by the Survey?

Mr. SHERLEY. Oh, no; and properly not as extensive, because its operations were limited to proper governmental functions. Now, those functions are the doing of those things for the people that the people can not do for themselves properly. Whenever you undertake to have the Government go out into the domain of private enterprise, then there is no limit. Now, the history of the work of the Geological Survey in this branch is recent. It is within my memory as a legislator, which is not long. I remember when they came here asking an appropriation in connection with the St. Louis Exposition. I spoke for it, stood for it, worked for it. I had no hostility then, and I have none now, to a proper expenditure for governmental work along these lines; but finding, as the committee has found, work being done, not by Government officials in Government laboratories, on Government material, or on other material for the purpose of determining fundamental, scientific facts, but finding that the Department was using the money to hire professors in various universities, finding that they were doing a lot of work in regard to ordinary testing that is being done and can be done in hundreds of places in America, the committee thought that, pending a reference of the matter to the National Academy of Sciences we could afford to reduce this appropriation, and then, upon their report, make a proper establishment of a proper bureau.

Now, I want to show the committee the number of institutions in America where they can make structural tests of iron, steel, and concrete.

Mr. BARTHOLDT. Of what kind?

Mr. SHERLEY. They have machines with capacity running all the way up to 200,000 pounds. What is the size of the machine in St. Louis?

Mr. BARTHOLDT. Would the gentleman be willing, representing the Government of the United States, to profit by private enterprise?

Mr. SHERLEY. Why, of course "the gentleman" would.

Mr. BARTHOLDT. Or would he be in favor of having a testing plant of our own?

Mr. SHERLEY. Of course I would be in favor of taking advantage of any fact, developed by anybody, anywhere, on a scientific proposition. Does the gentleman think that the Government is to bind itself in swaddling clothes and to take advantage of no fact unless the fact is developed by it at its own expense? If individuals throughout the country are making tests, it is proof of the fact that it is not a governmental function, but a private individual function, and that they can continue it?

Mr. CAULFIELD. Would not the gentleman's remarks pertain largely to the work done by the Agricultural Department also? Is it not a fact that these tests made by the Agricultural Department are also made by the various States of the Union?

Mr. SHERLEY. No; it does not apply at all, and if the gentleman wants to get my position accurately, I will state it again. Of course there is a boundary line where men may be in doubt, but, generally speaking, the function of a government in regard to research is to do those things that relate to the fundamentals, and that by virtue of the cost are beyond the power of the individual to do, and not to do those things that simply relate to the ordinary work of commercial corporations and companies, and which they would naturally do without governmental aid.

Mr. CAULFIELD. What is the difference between testing soil for a farmer and testing material for a builder? What is the difference in principle?

Mr. SHERLEY. This is the difference, that the farmer is not and can not be in a position, without great expense, to do that testing.

Mr. CAULFIELD. Can the builder do it?

Mr. SHERLEY. Yes. The people who employ large quantities of building material are able to test it and do test it. I have not stated, and I do not now state, that the Government ought not to test structural materials, but I say that these tests ought to be for the purpose of finding out the fundamentals, and not simply for the purpose of determining, for anybody who may come along, whether certain sand in a certain locality is good or bad sand, or whether certain stone is of a certain grade or not. That can be done by private enterprise. Now, in regard to the structural strength, if the gentleman will get the hearings, and on pages 519 to 529—in very fine print—he will find a list of the places where testing machines of compression and tensile strength are in use for the United States.

Mr. BARTHOLDT. We know all that.

Mr. SHERLEY. The gentleman may know all that, but the gentleman gave the impression that the work had to be done by the Government or it would not be done at all.

Now, I want to read to the committee some of the testimony of the most efficient man in this connection that it has been my fortune to come in contact with, a man who knows more on this subject than almost any man in America, and that is Mr. Howard, who has had charge of the work at Watertown.

The CHAIRMAN. Now, I want to ask you something about the range of material tested in your laboratory and testing apparatus at Watertown. What is the range of material that has heretofore been tested there?

Mr. HOWARD. It has embraced all classes of constructive materials.

The CHAIRMAN. Is there any other department of the Government, in your judgment, equipped as well as the Watertown Arsenal for making tests of all kinds of constructive material?

Mr. HOWARD. No, sir. There is no other department so well equipped. The testing laboratory was organized for general testing. It will be noted that the first appropriation mentioned iron and steel, but that was taken in a general and broad sense, and work from 1880 down to a very recent period has comprised all classes of constructive material.

He states that in the past year he had only been at work on iron and steel work, and he was asked how that came about:

Mr. HOWARD. The programme of tests for the present fiscal year has been confined to tests of iron and steel, cutting out the test of cements, mortars, concretes, brick, and provisionally pig irons.

The CHAIRMAN. Have you cut out wood also?

Mr. HOWARD. Wood was qualifiedly cut out.

The CHAIRMAN. By whose authority was this done?

Mr. HOWARD. Our instructions came from the Ordnance Department.

The CHAIRMAN. The Ordnance Department of the War Department?

Mr. HOWARD. Of the War Department.

The CHAIRMAN. Do you know whether or not the instructions from the Ordnance Department sent to you were in accordance with an agreement among the heads of different Departments engaged in testing work, that your plant should be limited to iron and steel exclusively, and that, provisionally at least, the testing of pig iron and wood was taken from your jurisdiction?

Mr. HOWARD. I understood it was an agreement between the heads of Departments that the Watertown laboratory should be confined to tests of iron and steel, and that the tests of other materials of construction should be carried on by other parties of this agreement.

Mr. SHERLEY. How much work had you been doing in the way of testing materials other than iron and steel?

Mr. HOWARD. Of recent date, cements, concretes, plain and reenforced, had been given prominence, since the engineering advances were along the lines of reenforced concrete; the Watertown laboratory was endeavoring to meet the demands of current engineering practice by furnishing information along this prominent line of civil engineering; from 1900 or 1901 down to the present time, a period of six or seven years at least, a considerable part of the work had pertained to cements and concretes. There was also a series of tests on the strength of brick and brick piers, since so far as known there were no other places in the world in which the strength of brick piers was being determined.

Mr. SHERLEY. Were you able to do a sufficient quantity of work to meet the needs of the commercial world, speaking generally, for the information that you were furnishing?

Mr. HOWARD. I thought we were furnishing it quite rapidly, and that we should accomplish at a prompt date enough work of that kind to fully meet the demands of engineers.

Now, that is the testimony of a man more competent than any other man I know of to speak about this. The work that was done there was done at an insignificant cost compared to the cost of the work being done under the supervision of the Geological Survey, and it was the highest order of work, as evidenced by the fact that the reports of the work of the Watertown testing establishment are considered a standard and quoted by all the

scientific writers of the country, and have been so quoted for twenty years past.

Now, when the committee, having in view all these facts, comes in and asks Congress to go slow, pending a full inquiry by the most eminent scientists of America into the establishment of a permanent bureau, we are met with the argument that we have no appreciation of the magnitude and importance of the work done. No man questions that, but the effect at this time of giving the Geological Survey this appropriation is to encourage it in a species of lobbying that is more than reprehensible, and I hope it will not be done.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. SHERLEY. I will yield to the gentleman.

Mr. GAINES of Tennessee. I should like to ask the gentleman if he has found any cases where the Government of the United States has made examinations for private individuals, for private purposes, at the expense of the Government?

Mr. SHERLEY. I can answer the gentleman in this way, that there have been repeated tests made of material not then owned by nor in contemplation of purchase by the National Government, and it was so testified before the committee.

Mr. GAINES of Tennessee. The reason I asked the question is that I had this experience: I was at a certain watering place in the State of Kentucky, and there had been an excellent well discovered—a well of mineral water, owned by a poor man and an accommodating man. He wanted the Government to examine it. I wrote to Secretary Wilson and asked if he would examine it. I told the man that I did not believe he would. The Secretary wrote me back that he would not, that it was for a private purpose, and he had no authority to do so.

Mr. SHERLEY. I think that is true, although the gentleman will bear in mind that the original appropriation contemplated the furnishing by private parties of material for examination. I have no quarrel with the Department for having tested material that did not belong to it. My position is that there should be a distinction as to the character and purpose of the test. The Government should undertake tests of any material, not only for governmental purposes but for the purpose of determining fundamental scientific facts in connection with the subject; and if the Government should go beyond that line—which is more or less a narrow one—into the domain of examination of all manner of things, not to determine some fundamental scientific fact but to classify particular specimens, is, to my mind, a leaving of the Government function and going into that of private business. Now, the proposition is splendidly stated by Mr. Howard as to the purpose that should characterize an institution of this kind. He says:

> The tests have been chiefly of an investigative character, directed to the development of physical laws and constants, which may be made use of in the constructive arts and which tend to the safe and economic use of materials.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Then again I read:

> Mr. HOWARD. I think the work has been such. That is to say, the Watertown tests have been exhaustive, but within limits, of course. The whole field has not been covered. The tests have been fundamental, many of them, and designed to serve as a basis upon which subsequent work must rest, at the same time taking up tests which are of immediate, practical use for engineering purposes.

He very clearly brings out the distinction, and it is a fundamental distinction. What we are asked to do is to permit the Geological Survey to go along in an extravagant fashion, without any fundamental limit fixed to its work and without any real consideration by men capable of determining what should be the extent of its activity. What the committee has asked is not to stop this work short off, but, pending a report by this national society of scientists, that we may reduce the appropriation and have the Bureau proceed cautiously, slowly—a request founded, in my judgment, on common sense and justice.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the amendment be now closed.

Mr. UNDERWOOD. Mr. Chairman, I will ask the gentleman to withhold that for five minutes. I have some things that I wish to say.

The CHAIRMAN. The Chair will state that two gentlemen have applied to the Chair for time.

Mr. TAWNEY. I move that all debate close in ten minutes.

Mr. SMALL. Mr. Chairman, I would like to have five minutes.

Mr. CLARK of Missouri. Mr. Chairman, I suggest to the gentleman that he make it fifteen minutes, and then the gentleman from Alabama may have five and the gentleman from North Carolina have five minutes.

Mr. TAWNEY. Very well. I move that all debate close in fifteen minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that all debate close in fifteen minutes.

The question was taken, and the motion was agreed to.

Mr. SMALL. Mr. Chairman, I have no desire to unnecessarily prolong this discussion, but the suggestion has been made that there has been duplication of testings of structural material at the Watertown Arsenal. In addition to the information which was obtained in the hearings before the committee, I sought the Director of the Geological Survey and asked if he had any further information on that point. He submitted to me a letter from the Chief of Ordnance, General Crozier, dated April 28, addressed to the Director of the Geological Survey, which I will read. It is as follows:

> WAR DEPARTMENT,
> OFFICE OF THE CHIEF OF ORDNANCE,
> *Washington, April 28, 1908.*
>
> Hon. GEORGE OTIS SMITH,
> *Director United States Geological Survey, Washington, D. C.*
>
> DEAR SIR: In response to your inquiry I am glad to say that I have had no difficulty at the Watertown Arsenal in proceeding in accordance with the terms of the agreement which was reached in consultation with the national advisory board as to the division of testing work between the technological branch of the Survey and the testing laboratory at the Watertown Arsenal. Since the agreement no new work of testing structural masonry, or constituents thereof, has been taken up at the Watertown Arsenal, and I have had no information as to the tests of metals, especially those relating to mechanical engineering, which were agreed upon as being in the province of the Watertown Arsenal, having been taken up by the Geological Survey. The Watertown Arsenal has never concerned itself with the tests of fuels, so there is no question of covering the same ground with respect to them.
>
> Very respectfully,
>
> WILLIAM CROZIER,
> *Brigadier-General, Chief of Ordnance, United States Army.*

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. SMALL. Just a question.

Mr. TAWNEY. I want to know if the gentleman justifies any outside organization or any organization composed of representatives of bureaus of the Departments of the Government legislating so as to destroy the legislative functions of any governmental institution?

Mr. SMALL. I am not sure that I quite catch that academic question of the chairman.

Mr. TAWNEY. The facts are that this agreement referred to in the letter is an agreement between the various Departments of the Government who have scientific testing plants, and they propose under that agreement to limit the functions of these various Departments, not to those things that the law expressly authorizes, but to those that the board say they shall exercise.

Mr. SMALL. I think I understand the gentleman. In other words, the gentleman complains of the appropriation and criticises the Geological Survey because he says there is a duplication, and then he finds fault with the different Departments of the Government because they enter into an agreement to avoid duplication.

I submit that the gentleman is inconsistent, and that he is seeking to find something on which to base criticism against this appropriation. This letter distinctly settles the proposition that there has been no duplication at the Watertown Arsenal, and I wish in addition to that to submit another proposition. The distinguished gentleman from Kentucky [Mr. SHERLEY], who has just taken his seat, admitted that we ought to have these tests. The chairman of the committee said he would like to have a separate bureau established, in which the most distinguished experts of the country, regardless of compensation, could be employed to make these tests for the benefit of the people. But he says that there is a provision in this bill, as there is on page 175, for referring this whole matter to the National Academy of Sciences. Until that report has been made, until some tangible proposition has been submitted to this House, for a consolidation of the testing work to be carried on by the Government, it does not lie with the Committee on Appropriations to make any opprobrious criticism or condemnation of this work, which has been so long recognized, and for which appropriations have been made from year to year. Until we reach some method of more intelligent consolidation, until a bureau shall have been established, this work—which is admittedly of great value—ought to be prosecuted just as it has been heretofore. It should be continued. I do not understand that there is a single line in the hearings; I do not understand that there is a single line in the report of the committee; I do not understand that the chairman of the committee or any member of the committee deny that this work has been of great benefit to the Government. The objection, however, is made that there is duplication. Other objections are made, but I think that this appropriation ought to be continued because of its admitted value.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, I would not detain the committee at this time or ask the time, but one of the members of this Geological Survey has called my attention to certain figures and asked me to call the attention of the House to this fact. The main argument that has been made as to why this increase should not be granted has been on the proposition that experts outside of those employed by the Government have been paid these appropriations and that the appropriations have been used in that way and not for governmental purposes or governmental employees. Now, I am informed by one gentleman, in charge of one of the bureaus, who I am satisfied has examined the question and understands the facts, that the hearings before the committee show that 30 per cent of the appropriation for the last year were expended for the purchase of machinery to carry on these testings. That 40 per cent was spent for salaries for men employed by the Secretary, Government employees, and that only 5 per cent of last year's appropriation was used to pay for the services of men employed outside of the Government and outside of the bureau. Now, I think that disposes of the argument that this fund is being used to pay college professors outside of this bureau to do this work. Five per cent is a mere bagatelle. It may be that here and there it is necessary to draw in an employee or some scientific man who is not in the Government, but if that statement is correct—and I have it from one of the gentlemen in charge of this bureau who, I have no doubt, is absolutely correct in reference to it—5 per cent of the total fund is so small that it absolutely does away with the argument when it is shown that 95 per cent of the appropriation by Congress has absolutely been used along the lines of purchasing machinery and for general purposes. Now, aside from that, I wish to say this in reference to these experiments. Gentlemen contend that the Watertown Arsenal is all we need. Now, my understanding has always been that the Watertown Arsenal tests are strictly for the Government.

Mr. SHERLEY. If the gentleman will permit, he is misinformed. There have been quite a number of tests for private concerns at different times.

Mr. UNDERWOOD. Well, if there are, it is done along those lines that the private concerns make the argument to the Watertown people that it is necessary to investigate their private matters——

Mr. SHERLEY. The gentleman is again mistaken. The proof shows there have been any number of instances of direct application.

Mr. UNDERWOOD. I will state to my friend that the only thing I know about it—there may have been direct applications and the work may have been done; I can not say what has not been done—but on several occasions I have communicated in the last ten years with the Watertown Arsenal in reference to such matters, and I never could get them to consider the proposition.

Mr. SHERLEY. Have you offered to pay for the work?

Mr. UNDERWOOD. It never got to that proposition.

Mr. SHERLEY. That is one of the important points of the proposition.

Mr. UNDERWOOD. They said that they were doing governmental work, general work, and as far as I have been able to ascertain personally they have not gone into the general tests for the public at large, as I understand it. Now, it may be that they have gone into some of this work; I can not deny that; I have not been there and I do not know what they do, but I do know that it is in the interest of the public that they have governmental experts who shall investigate structural materials, who shall investigate fuel tests, who shall go into all these questions for the benefit of the people of the United States. If you have a great corporation like the United States Steel Company, that has millions of dollars at its command, there is no difficulty in the world of its obtaining scientific men to make all the investigations it wants, but when you come to the average citizen of the United States, he is not able to employ the time of scientific men along these lines when he wants to develop his resources and develop the property in his neighborhood, and it is to his interest and the interest of the people that there should be a bureau of the Government that can carry on this work.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. TAWNEY. Mr. Chairman, just a word in reply to the gentleman from Alabama. The gentleman is arguing in favor of the Government going into the business of making commercial tests. Now, if the Congress of the United States feels that it is justified in authorizing the carrrying on of commercial tests, then this $50,000 in additional to that recommended by the committee would only be a drop in the bucket. We have got to draw the line between commercial and original research work. Mr. Chairman, the gentleman made one other statement which confirms the correctness of the recommendation of the committee, namely, that $50,000 is all that is necessary to carry on this work during the fiscal year. He says of the appropriation 50 or 60 per cent, I do not know which——

Mr. UNDERWOOD. I said 30 per cent—here is a memorandum which was handed me—30 per cent was spent for purchase of machinery, 40 per cent for salary for governmental employees, and only 5 per cent for salaries outside of the Government.

Mr. TAWNEY. Then, Mr. Chairman, 30 per cent of this appropriation having been expended for equipment, what is the necessity of duplicating that equipment every year? Thirty per cent of $100,000 having been expended for equipment and only $40,000 for salaries outside of those who were employed outside of the Federal Government, there is absolutely no necessity for the additional $50,000, on the statement of the gentleman himself.

Mr. UNDERWOOD. They have got the machinery up now, and they are in better position to use more money for these testing purposes.

Mr. TAWNEY. They had the same expenditure years before, and we have the right to assume they have their equipment now and are prepared to carry on the investigations and the tests that they will be required to make in the next fiscal year.

Mr. NORRIS. Is it not true that examination on behalf of the Geological Survey before your committee has given you an estimate as to how they expect to divide this $100,000? A good deal of it is to be used for the purchase of additional machinery.

Mr. TAWNEY. I do not know that they have, but I do maintain that if we have got to renew this every year——

Mr. NORRIS. It is additional equipment.

Mr. TAWNEY. Even additional equipment. We have been having other tests made, plants that have been testing for all Departments of the Government. We have testing plants that are testing commercially when commercial interests pay for the tests, but I submit $50,000 is all that this Bureau will require for making the tests and utilizing the equipment which we have heretofore purchased out of appropriations made during the last two years. I sincerely hope that the amendment will not be agreed to. I now call for a vote.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. TAWNEY. Mr. Chairman, I ask for a division.

The committee divided, and there were—ayes 87, noes 37.

So the amendment was agreed to.

Mr. NORRIS. Mr. Chairman, I move another amendment to the paragraph. I amend by striking out lines 22, 23, 24, and 25, on page 78, and lines 1, 2, and 3, on page 79. That is the proviso.

The CHAIRMAN. The gentleman from Nebraska [Mr. NORRIS] moves to strike out the proviso.

Mr. SHERLEY. Mr. Chairman, I ask that the proviso be read.

Mr. TAWNEY. Let the proviso be read.

The CHAIRMAN. The gentleman from Nebraska [Mr. NORRIS] moves an amendment, which the Clerk will report.

The Clerk read as follows:

Page 78, beginning with line 22, strike out the following proviso: "*Provided*, That no part of this or of the following sum shall be paid as compensation or emolument to any person not regularly and continuously employed by or whose entire time is not devoted to the service of the United States, nor shall any part thereof be paid to any person who is in the employ of any State, county, municipality, or institution not under the control or direction of the United States Government."

Mr. NORRIS. Mr. Chairman, I do not care to take up very much time of the committee in discussing this proposition, because it has been somewhat discussed already, and there are others who desire to talk about it. As I understand the proviso, it is put in by the committee practically for the purpose of getting rid of the advisory board that it has been admitted is one of the means by which some of this money, although a small portion of it, has been expended in the past. Now, there is an advisory board of which the Supervising Architect is chairman, and I understand that they invite eminent engineers who are not "continually and continuously" in the employ of the Government to meet with them and go over some of the scientific propositions that are involved in the consideration of the subject. And, I believe, that since it is a scientific subject, it ought to be considered from scientific standpoints. We ought to be in a position to avail ourselves of the services of any man when he may be needed occasionally to carry out the real intent

of the law. And now, Mr. Chairman, in order that the House may understand how this question is viewed by those governmental employees who have the matter in hand, I want to read a portion of a letter from the Supervising Architect of the Treasury. He says:

In this connection I wish to take occasion to tell you of what immense benefit the work of the national testing board has been to our office.

Now, he is speaking from the standpoint of one who has charge of all the public buildings in the United States.

Through their efforts we are able, in the majority of instances, to secure materials, such as clay products, gravel for concrete, stone for construction in the various localities, etc., that constitute a large saving in the direct cost of buildings to the Government, and I should feel extremely sorry, if through any failure of appropriation or peculiar wording of the act, that this work should fail to be continued. It seems to me that when the Government can obtain, at a very small cost and personal expenses, or a minimum salary at the most, the services of prominent engineers and scientists throughout the country, even though they may not be Government employees, it would be an immense loss to the Government not to secure such services, especially as if they were forced to pay for such advice the fees charged would probably be very large.

In many instances, I understand, in the meetings of this board the Government pays only the expenses of the men whom it invites—a board, by the way, selected by the President of the United States—and it strikes me that the proper administration of office and the proper expenditure of this money, if we want to get results, ought to be the two things considered, and those who have it in charge ought not to be tied by restricting them to men who are in the employment of the Government all the time and continuously.

Mr. SHERLEY. Will the gentleman kindly tell the committee of the authority in law for the creation of this board?

Mr. NORRIS. Probably there is no authority; there may not be; but I say, so far as the board are concerned, they are working without any compensation to speak of.

Mr. TAWNEY. I beg the gentleman's pardon as to that.

Mr. NORRIS. There may be some who are paid.

Mr. TAWNEY. They are paid whenever they work.

Mr. NORRIS. They ought to be. Those who are employed by the Government of the United States are paid regularly.

Mr. TAWNEY. Thirty-three outside of the Government service are paid.

Mr. NORRIS. So far as I am concerned, if we had a hundred outside of the public service, I think it would be a good thing, if we got good results.

Mr. SHERLEY. Does the gentleman know that one of the most eminent scientific societies in the country is required by its charter to freely advise the Government in these matters?

Mr. NORRIS. That may be.

Mr. SHERLEY. Does not the gentleman think it would be better for it to be carried on under existing law?

Mr. NORRIS. My point is, when we want to get some scientific analysis, or some scientific subject considered scientifically, that we ought to be able to go out and get some men competent to consider it, whether they belong to the Government service or not; and if they work for the Government in that respect, then the Government ought to pay them for their services.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, if this amendment is agreed to and the proviso is stricken out, we might as well abdicate our legislative functions to the chiefs of the Departments of the Government in respect to the expenditure of all appropriations made for the public service. We have statutes to enforce the observance of the laws which Congress has heretofore enacted for the purpose of protecting expenditures of public money. In this case these laws have been violated. The limitation proposed to be stricken out is intended to prevent this. If you want to give unbridled authority to the executive department to expend this money, then adopt the amendment.

The attention of the Secretary of the Interior, when before the committee, was drawn to the fact that there was no authority for the appointment of the board—the supervising board of engineers. It may be, and is entirely proper, and I am not criticising the organization of a board composed of Government employees for the purpose of supervising any particular work or making a report to any particular Department; but when you take an organization composed of the heads of the various bureaus and add to that organization as many men outside of the Government service as have been appointed on this board, without authority of law, and then justify it by refusing to limit the appropriation as we propose in this instance to the Government service, there is absolutely no use, then, of further continuing the limitations heretofore enacted or enacting limitations hereafter for the purpose of restricting appropriations.

Now, I find on examining the hearings, that this board is made up of thirty-three scientists and engineers outside of Government employees, and they are wisely selected from the different States, not only for consultation in respect to Government work, but for use when the time comes for securing appropriations for the Geological Survey. The chief activity of every one of these men has recently been in writing to Members of Congress, not informing them that they were members of this board and part of a governmental institution created not by authority of law, but in violation of law.

Now, if you strike out this limitation, of course it will be notice to the Department that they are at liberty to expend the appropriation which we make as they see fit, regardless even of the existing limitation upon their rights to employ or expend appropriations for people outside of the Government service without express authority. I do sincerely hope that this House will in this instance at least, after having increased the appropriation to a hundred thousand dollars, limit the expenditure of that appropriation to the Government service and not aid in carrying on the various private institutions throughout the country that we are to-day supporting in part.

I have here an editorial from the Pittsburg Dispatch, of April 27. "A mistaken cut" is the title.

In the pruning of the sundry civil bill Mr. TAWNEY'S Committee on Appropriations has threatened the existence of the testing laboratory now temporarily located at Carnegie Technical School in this city.

Now, Mr. Chairman, why should the Government of the United States contribute toward the maintenance of the testing laboratory in the Carnegie Technical School in the city of Pittsburg?

Mr. DALZELL. The contribution is just exactly the other way. The contribution is by that institution to the Government work, and not by the Government to the institution.

Mr. TAWNEY. The testing that was referred to by Secretary Garfield in his hearings as being done at Pittsburg, Pa., is done in the testing laboratory of the Carnegie Technical School.

Mr. DALZELL. Without charge to the Government.

Mr. TAWNEY. I do not care whether it is without charge to the Government or not. From this editorial it would seem that the Government had been contributing from this appropriation; and from the testimony of Mr. Garfield it appears, too, that there has been some contribution to some institution at Pittsburg for that purpose.

Then, Mr. Chairman, if we are to embark upon this kind of service, why should we not limit the number of employees who may be employed outside of the Government service? There is not an accounting officer who, if his attention be called to the existence of this supervisory board, would or could under the existing statute, pass the account for the compensation of the members of this board.

Mr. NORRIS. Is it not true that in the last year there has only been paid out of this fund the sum of $565 on account of this board that you are objecting to?

Mr. TAWNEY. I do not know how much has been paid, and I do not care.

Mr. NORRIS. And that includes their expenses.

Mr. TAWNEY. If they have authority to pay out $500, they have authority to pay out $100,000. The lesser necessarily involves the greater. It is the principle of the thing that I object to. I believe that when the Congress appropriates for the Federal service the expenditure of that money should be to those who are employed in the Federal service, and not employed by the States or in outside institutions, and I hope the amendment will not be agreed to.

Mr. DALZELL. Mr. Chairman, I do not understand the situation at all as does the gentleman, the chairman of the Committee on Appropriations. Now I read this in a bulletin issued by the Geological Survey, as giving probably the origin and history of the existing system:

For a number of years investigations of structural materials have been carried on throughout the country, but without attempt at coordination, until a small appropriation was made to enable the United States Geological Survey to perform work of this kind. The Survey, recognizing the value of cooperation, at once invited technical societies to take part in the work; consequently a joint committee on concrete and reenforced concrete, composed of leading engineers and professors of engineering from the American Society of Civil Engineers, the American Society for Testing Materials, the American Engineering and Maintenance of Way Association, and the Association of American Portland Cement Manufacturers, was invited to assist in planning the work to be done by means of the appropriation. An advisory board, composed of leading engineers throughout the country, was created by President Roosevelt and this board has had general supervision of the work.

So that, so far as we have gone now, the contributions are made, not by the United States to private individuals or private institutions or for the benefit of private institutions or private individuals, but the contributions are made by those institutions and individuals to the work of the United States, and for the purpose of coordination and cooperation.

Now, let me read you a portion of a letter that I received from the president of the American Institute of Electrical En-

gineers, a gentleman who has no interest in the matter at all, save as he is interested in it from a purely scientific standpoint:

About three years ago President Roosevelt appointed a number of engineers members of the national advisory board to advise the technological department of the United States Geological Survey in reference to tests to be carried out on structural materials and fuels, the object being to develop new sources of supply and also to show the best use to which these natural resources, in the shape of fuels and structural materials, could be put. An enormous amount of work has been done by the Geological Survey technological department under the advice of this advisory board, the results of which are shown in the professional papers issued by the department. The national advisory board serve without any compensation whatever, and have merely been paid a nominal sum to cover any part of their traveling expenses, and nothing more. The amendments to the sundry civil appropriation bill now prohibit the Geological Survey technological department from accepting any advice and prohibit them from appropriating money to anyone excepting permanent employees. This, of course, attacks the foundation of the whole scheme by means of which the Government was able to receive the advise (gratis) of some thirty or forty of the most prominent engineers in the country. Just what the object of this movement on the part of Congress is, it is difficult to see. As a matter of fact, the Panama Commission has asked this department to test cements during the coming year for them to such an extent that if they do this work alone it will more than exceed the sum of $50,000 appropriated; so that it is quite evident that unless an immediate movement is made, this will practically kill the entire technological department of the United States Geological Survey. The Panama Commission also has requested this department to make tests on fuels, which will involve a very large expenditure, and this department makes tests on practically all the coal furnished to the Navy and the United States Government generally, as well as making the enormously valuable investigations into gas producers, boilers, and all kinds of fuels scattered all over the country.

In view of these facts, it seems too bad to stop the work when it is reaching a point where it is of the greatest service to the country at large.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. DALZELL. Certainly.

Mr. SMITH of Iowa. Does not the gentleman know that, notwithstanding the statement in that letter, there is no provision prohibiting the receiving of advice from these people? And does not the gentleman know that the only provision is that they can not receive any money, and that the statement is untrue? I assert from my knowledge that a number of his statements are equally inaccurate.

Mr. DALZELL. It is provided in this bill:

That no part of this or of the following sum shall be paid as compensation or emolument to any person not regularly and continuously employed by, or whose entire time is not devoted to the service of, the United States, nor shall any part thereof be paid to any person who is in the employ of any State, county, municipality, or institution not under the control and direction of the United States Government.

Mr. SMITH of Iowa. And there is not a syllable there prohibiting the receiving of their services or advice. Most of the gentleman's statements are about as accurate as that.

Mr. DALZELL. They receive their traveling expenses—a very insignificant amount of money.

Mr. SMITH of Iowa. The gentleman has read the statement that if this provision is adopted the Government will be prohibited from receiving the advice of these men. There is not a syllable of truth in that statement——

Mr. DALZELL. The practical effect of it is that.

Mr. SMITH of Iowa (continuing). And every other statement on the subject is just about as accurate as that.

Mr. TAWNEY. What is the name of the author of the letter?

Mr. DALZELL. He is president of the American Institute of Electrical Engineers, and his name is H. G. Stott.

Mr. TAWNEY. From what State?

Mr. DALZELL. He writes me from New York.

Mr. SMALL. Mr. Chairman, the committee reported a provision for the investigation of structural material, and recommends an appropriation of $50,000. The House in Committee of the Whole has increased it to $100,000. I understand the proviso involves the administration of the appropriation and seeks to control the manner in which it shall be expended, and that is all there is involved in the proviso which this amendment seeks to strike out. It has been stated and not denied that the purpose is to eliminate what is known as the "national advisory board."

Mr. SHERLEY. If the gentleman will permit me, while that may be the effect, it is by no means the chief purpose. The chief purpose is to prevent the employment of men who are paid salaries by State schools and colleges.

Mr. SMALL. If the gentleman had time and I had the time to yield to him, I venture to say that a reading of the hearings would make him qualify that statement.

Mr. SHERLEY. But the gentleman who helped to prepare the proviso knows something about the reasons for it, whatever the hearings may say.

Mr. SMALL. I have the hearings here.

Mr. SHERLEY. That has nothing to do with what actuated the committee.

Mr. SMALL. Oh, I can not go into what actuated the committee.

Mr. SHERLEY. But the gentleman has gone into it, and when he is corrected says that the hearings show something else.

Mr. SMALL. All the information the House has to go by is what is conveyed in the hearings. It may be important for the committee to know that the national advisory board was appointed, not by the Geological Survey, not by the Secretary of the Interior, but by the President of the United States.

Mr. TAWNEY. Under what authority?

Mr. SMALL. I am not discussing the question of authority. I say that it ought to commend itself to the gentleman from Minnesota to know that it was created by direct action of the President of the United States. Some members of the board have compensation and some have no compensation, but that does not enter as a material factor into the merits of this amendment. The President may not have been authorized to appoint a national advisory board, and yet the Secretary of the Interior, through the Director of the Geological Survey, had the right to employ temporarily and pay consulting experts.

I say it is a question of administration, and the question that we are called to pass upon is whether the Director of the Geological Survey and the President of the United States shall be confined to those who are continuously employed by the Government from day to day and by the year, or whether they may call upon experts scattered over and throughout the United States, experts and mechanical engineers, expert scientists, for their opinion in consultation in order to aid the Geological Survey in the administration of that Bureau.

Now, as a proposition, I think there can be but one answer upon its merits. If it will yield best results, if it will be for the benefit of the people of the United States in getting the best information as to structural materials, they ought not to be confined simply to the benefit of the advice and services of men who are constantly in the employ of the Government; but in an expert matter of this kind the Geological Survey ought to have the authority to call upon eminent engineers and scientists and get the benefit of their learning and experience in the fields in which they have achieved wide reputation.

Now, the object of the proviso inserted by the committee is to prevent the executive officers of the Government from getting the benefit of this expert advice; and if the employment of these experts has been a benefit to the people of the Government, it ought to be continued.

As I said a moment ago, nothing can be found in the hearings before the committee to justify the conclusion, and no gentleman from the committee will make the statement that the result of this investigation of structural materials has not been for the benefit of the people; and if that proposition is true, they ought to have an opportunity to make these investigations under the best expert advice obtainable, and to this end specialists and trained engineers and chemists should be consulted by the scientists in the regular employ of the Department. It is not a question whether the national advisory board was created by authority of law—we will assume that there is no authority, we will assume that it has no legal entity—that is not the proposition, but the question is whether in the expenditure of this money it shall be expended in the employment of trained scientists to enable the Director of the Geological Survey in the investigation of structural materials and in the investigation of fuels to get the best results for the people of the United States. [Applause.]

I append the following letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, April 28, 1908.

Hon. JOHN H. SMALL,
House of Representatives.

SIR: In reply to your letter of April 27, requesting report as to statements made by the chairman of the Appropriations Committee in respect to expenditures for the appropriations for testing structural materials and testing fuels under the supervision of the Director of the Geological Survey:

Your inquiry as to whether any part of these appropriations has been expended in compensation to the members of the national advisory board for their attendance in Washington, or elsewhere, for the purpose of influencing appropriations for the conduct of the investigation of structural materials and fuels, may have been made with particular reference to the statement of the chairman of the Appropriations Committee on page 407 of the hearings, as follows:

"I know of men whose names are in this letter who have been before Congress at this session urging certain legislation along the line of the investigations they have heretofore been making for the Government," and the proviso in the sundry civil appropriation bill, reported to the House on April 25, as follows:

"*Provided*, That no part of this or of the following sum shall be paid as compensation or emolument to any person not regularly and continuously employed by, or whose entire time is not devoted to the service of, the United States, nor shall any part thereof be paid to any person who is in the employ of any State, county, municipality, or institution not under the control and direction of the United States Government."

This proviso, taken in connection with the statement of the chairman of the committee, seems to be misleading and to create the inference that the appropriations for investigation of structural materials and testing fuels have been expended in the Geological Survey for the purpose of interfering with or influencing legislation.

I have investigated the matter and find that it can be stated, in direct reply to your inquiry, that no payment whatever has been made from the appropriations mentioned to any member of the national advisory board on fuels and structural materials, or to any person connected with the investigations of structural materials and fuels, or to any other persons for the purpose of having them urge legislation or appear before Congress or its committees or confer with Members of Congress in respect to legislation, or for any other purpose than such as directly appertains to the investigations and tests. Indeed, the definite understanding with the members of this branch has been that they shall not take any part in urging legislation relating to these tests.

The national advisory board on fuels and structural materials meets as a board once each year for the purpose of discussing the investigations and tests which have been conducted and of considering future operations. At this annual meeting the various investigations relating to structural materials and fuels being conducted by the Government under the supervision of the Director of the Geological Survey and in the other Government offices, such as the Forest Service, the Supervising Architect's Office, etc., are reported to this board, which considers the informal reports made with reference to the continuations of tests which have been begun and advises whether or not the investigations and tests have been carried sufficiently far, from an engineering point of view, to give the data necessary for the Government's use, and the board also proposes new lines of investigation which it may be desirable to inaugurate.

As stated in the hearings, this board is made up of representatives from the leading engineering and technical societies and associations and allied organizations of the country, and its advisory capacity has been invariably exercised in respect to technical features for the best interests of the Government.

The executive committee, composed of five members, meets at other times than the annual meeting referred to for the consideration of special matters in regard to the investigations, and from time to time some one of the members of the board is requested to conduct a special investigation, for which he is peculiarly qualified by reason of his wide experience and professional standing, for which he is reimbursed from the appropriation at the rate of $10 per day when actually employed, plus his necessary traveling expenses. I may add, incidentally, that the Government secures in this manner the best expert work obtainable at a very low amount of expenditure.

The members of this board were nominated by the organizations which they represent because, it is believed, of their peculiar fitness for advising the Government in relation to the investigations and tests. Every member is a well-known expert along certain lines, and it may be safely asserted that the Government is thus permitted to avail itself of their services on the board entirely on account of their professional interest in the determination of the various problems considered by them and their patriotic willingness to advise, practically free of cost to the Government, in the proper solution of these problems.

In the adoption of the detailed programme resulting from the board's deliberations the Government secures absolutely trustworthy data, and the reports of the operations of the structural-materials laboratories and the fuel-testing plant are received by the engineering profession and the public in general as authentic information. In this connection it may be stated that the demands for the published reports and bulletins relating to these investigations and tests are such as to exhaust the ordinary supply and the more important ones in a very short time, and in no case have I learned that the reports made of these investigations have been seriously criticised or the authenticity or reliability of the statements of results questioned. The constant effort, which meets with reasonable success, of the advisory board and the officers in charge of these investigations and tests is to make them not only of great benefit to the Government in its utilization of structural materials and fuels, but also to secure for them recognition as the standard of accuracy for the engineering world and the public in general. This accomplishment is very greatly attributable to the excellent advice of the national advisory board on fuels and structural materials.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Mr. BARTHOLDT. Mr. Chairman, just a word. I suppose there can be no two opinions on the question that the action of the President in appointing this advisory board deserves the highest commendation. There are, undoubtedly, officials in the Government who believe that in their respective branches they know it all and do not need any outside advice from anybody, and they would simply proceed to spend $100,000, or whatever the amount may be which Congress appropriates for their purposes, for the sole benefit of their own employees. But here, under the advice of the Director of that Bureau, the President appoints an advisory board, whose members give their time and their knowledge and their experience practically gratis to the Government of the United States. Who are the members of that advisory board? I do not think they have been stated. There is the Supervising Architect, the Director of the Reclamation Service, the Chief of Ordnance, officers of the Engineering Corps of the Army and of the Isthmian Canal Commission, and the most skilled engineers selected from the National Engineering Society. These gentlemen have given their time and their knowledge gratis, as I said before. I perhaps ought to modify it to the extent of saying that their traveling expenses amounted to about $500 last year. If it were a serious omission on the part of the Committee on Appropriations to leave out this proviso, as the chairman states, they are incriminating themselves, because it was not in the last bill nor was it in the bill two years ago. They now want us to stand before the country and take the position that we do not need the advice of anybody. We do not need the advice of these experts, who have made the tests of structural material a life avocation, they say. We simply take the stand that our own officials are thoroughly competent to do that work; but if those officials themselves find it necessary to consult experts, certainly Congress ought not to stand in their way of affording the country the knowledge which experts are willing to offer gratuitously.

Mr. SHERLEY. Mr. Chairman, the purpose of this provision is not simply to destroy this commission. I think that was least in the minds of the committee, but it was to prevent professors in various State colleges and other universities and establishments from being employed by the Government for doing the very work that in many instances they would be doing anyhow under their State or collegiate employment. A great deal has been said about wanting to tie the Department down to the knowledge contained within the Department. Well, if I had been quite as strenuous an advocate of the Geological Survey as some of the gentlemen, I would think that that knowledge was more than sufficient for all the purposes, but I am prepared to admit they need advice and I do not want in any way to interfere with their getting advice, and nothing that we have done does interfere with their getting advice. In the first place, there is now a body composed of the most eminent scientists in America, subject to call at any time, a body that has a standing in the scientific world infinitely beyond the standing of the men who have been chosen in this instance. Not only is that true, but I object and seriously object to a commission being appointed by the President or anybody else without warrant of law, and I object to the money of the United States being expended, whether it is $5 or $5,000,000, without warrant of law. When the gentleman seeks to justify it by the fact that the President has appointed a commission, he has but added to the gravity of the offense, rather than lessened it, and it is not a justification that the commission is appointed for a good purpose. All bad tendencies in government start by being undertaken from good motive and for a good purpose.

Mr. SMALL. Does the gentleman contend that the Director of the Geological Survey has not the power to employ an expert for a temporary purpose?

Mr. SHERLEY. No; "the gentleman" does not contend anything of the kind.

Mr. SMALL. Is not that all the Director has done?

Mr. SHERLEY. The gentleman does contend this, that there is not a line of law that authorizes the appointment of a commission for the purpose of advising the Geological Survey how it shall spend this money, and there is not a line of law, in my judgment, that warrants the payment of such a commission, which has no law for its existence. If the gentleman can show the law, I will withdraw any opposition that I have to the present programme; but if he can not, then he ought not to ask men who believe in government by law rather than government by men to justfy this departure from the law, simply because the President has done it and it was done for a good purpose. I do not deny that it was done for a good purpose and with right moive, but I do deny the warrant for doing it, and Congress ought not to countenance it. Congress ought not to countenance disregard of law.

Mr. STEPHENS of Texas. Does the gentleman not think it would be an advantage to the Government and promote this entire matter if we could go outside and get the benefit of the investigations made by the States and by various others?

Mr. SHERLEY. There is nothing on earth to prevent that in the proviso——

Mr. STEPHENS of Texas. The proviso prohibits the payment——

Mr. SHERLEY. It prohibits them employing in their work men who are in the employ of any State, county, municipality, or institution; but if the gentleman will permit me, I will again state to him that the greatest body of scientists in America are required by the law creating them to give to the Government of the United States information on these matters whenever it is asked for.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. TAWNEY. Mr. Chairman, I understand that the Chair has recognized the gentleman from Ohio [Mr. DOUGLAS] and the gentleman from New York [Mr. FITZGERALD], and I move that all debate on the paragraph and amendments thereto be closed in ten minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the paragraph and amendments thereto be closed in ten minutes.

The question was taken, and the motion was agreed to.

Mr. DOUGLAS. Mr. Chairman, I was not going to insist at all upon being heard upon this amendment, although it is true that I have taken great interest in the matters referred to in this section of this bill. Now, I am perfectly willing to

admit, as a general rule, that the contention of the chairman of the committee is an eminently wise one, and that perhaps it is, as he claims, a dangerous thing to allow the head of any Department or bureau, without any defined responsibility or limit, to employ men outside of the Government employees to do special work for the Government. But after all, when it is, as it is in this case, universally admitted by everybody, the gentleman from Kentucky and the gentleman from Minnesota neither of them denying that the results of this work on the part of the Government has been eminently satisfactory, then the question for which they contend, I submit, is almost wholly an academic question. Whether or not the President ought to have appointed this advisory board I am not saying. Whether it is, as a custom, wise to employ outside help I am not contending. But here is the fact: We have provided this appropriation, and its purposes are declared to be "for the investigation" of certain valuable truths in connection with the Government service. Then, I insist, why not permit the Government to go wherever it can get the best sort of information and the best sort of men for investigating these subjects? I do not believe there is any danger in the proposition, and it strikes me as an eminently practical and proper one.

Mr. FITZGERALD. Mr. Chairman, it is unfortunate that the character of this commission has been brought into this discussion. There is a provision of the statutes which prohibits the acceptance of voluntary personal services by any officer of the Government, so that unless some provisions were made to pay the members of this board the acceptance of their services would be in violation of the law. Section 3681 of the Revised Statutes provides:

No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriation shall have been made by law to pay such accounts and charges.

And this expenditure for this commission, or "board," as it is termed, is expressly prohibited by law.

Mr. GAINES of Tennessee. Will the gentleman yield to an interruption?

Mr. FITZGERALD. Yes.

Mr. GAINES of Tennessee. Right on that point, do you mean to say when it is impracticable for the Government here to go to my city or home or neighborhood to investigate a certain subject and there is a professor there in one of our great colleges who can do it, that there is no law empowering the Government to employ that man to do it who is already on the ground with the machinery to do the work?

Mr. FITZGERALD. I say, unless there is authority specifically given to which the gentleman can point that the official is prohibited by this statute from accepting the voluntary services or for paying for them out of any fund except specifically provided for that purpose. As I only have five minutes I hope to be permitted to continue. It is not conceded, as the gentleman from Ohio states, that the result of the work of this board is beneficial or wise.

I am one of those who believe that no money should be expended in payment of services of any person unless he is in the regular employment of the Government, and has taken the oath of office prescribed by law. What does this proviso do? It prohibits the payment from the appropriation to any person who is now employed by any State, county, or municipality, or by any institution that is not controlled by the Government of the United States.

Mr. DOUGLAS. Will you permit me to suggest that it also provides that nothing shall be paid to anybody who is not continuously employed by the Government?

Mr. FITZGERALD. Yes; and I am in favor of it. I am in favor of it because, in my opinion, that provision is proper.

The mere fact that somebody for a good purpose appoints a commission that is not authorized by law does not justify these expenditures. At no other time in our history has it been of so much importance that there should be kept separate and distinct the work of the Federal Government and the work of the various States, counties, and municipalities. There is a board created by Congress composed of eminent scientists which is compelled, under its organic act, to furnish just the information desired by various bureaus as is furnished by this board. Gentlemen say that these men are not paid compensation. Let me call their attention to the memorandum submitted by the Secretary of the Interior, on page 428 of the hearings, in which he states that they are paid five or ten dollars a day for their services, not for traveling expenses. Some of them have been appointed by the Director of the Geological Survey, and some of them as collaborators by the Chief of the Forestry Service. I hope the provision will remain in the bill. I hope this system of working up a lobby by retaining distinguished gentlemen in various parts of the country who are willing to accept even the trivial compensation provided and when the time comes for the appropriation write beseeching letters to every Member of Congress, whether acquainted with them or not, will be discontinued.

The CHAIRMAN. The gentleman's time has expired. All time has expired.

Mr. GAINES of Tennessee. I ask unanimous consent for one minute. I think I can elucidate this matter a little bit, for I have had some personal experience. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded. The Chair will state to the gentleman from Tennessee that the motion was made by the gentleman from Minnesota [Mr. TAWNEY] to close debate in ten minutes, was unanimously carried, and that time has expired.

The question is on the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. NORRIS. Division, Mr. Chairman.

The committee divided, and there were—ayes 50, noes 57.

Mr. GRAHAM. Mr. Chairman, I demand tellers.

Tellers were ordered, and the gentleman from Nebraska [Mr. NORRIS] and the gentleman from Minnesota [Mr. TAWNEY] took their places as tellers.

The committee again divided, and there were—ayes 54, noes 51.

So the amendment was agreed to.

The Clerk read as follows:

For the continuation of the analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to the United States, in order to determine their fuel value, and so forth, under the supervision of the Director of the United States Geological Survey, $150,000.

Mr. DALZELL. Mr. Chairman, I move to amend by striking out the word "one," in line 8, and inserting the word "two," so that it shall read "$250,000."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 79, line 8, strike out "one" and insert "two," so as to read "$250,000."

Mr. DALZELL. A very great portion of this day has already been spent in discussion of questions with which the committee is perfectly familiar. It seems to me useless that we should take up very much time in the discussion of this amendment. It relates to a matter with which the committee is thoroughly familiar and which was discussed a year ago and two years ago. The amount of the appropriation in 1906 was $202,000; in 1907 it was $250,000; in 1908 it was $250,000, and the purpose of this amendment is to secure this year an appropriation of exactly the same amount as was in the last appropriation bill.

In my judgment this is one of the most important matters in the whole bill. The United States is the greatest coal owner in the world, and I do not know but that it is the greatest coal consumer in the world. I think they say the United States has something like 50,000,000 acres of coal land, and that does not include, as I understand it, the deposits of coal in Alaska.

One of the most important questions in connection with this matter, that I do not now propose to discuss unless I am compelled to do so, is the question in which the whole country and the people of the country are intensely interested, to wit, ascertaining the causes for the explosions in mines which result in deaths appalling in number—more appalling when we compare the fatalities in this country with those abroad. As I say, I shall not go into that question, because it is not necessarily involved in this bill. It simply illustrates, however, what a comprehensive question this coal question is. I believe the committee is persuaded that the amendment ought to be agreed to, and for the present that is all I have to say.

Mr. GAINES of Tennessee. Before the gentleman takes his seat I want to ask him a question. I could not hear the gentleman very distinctly as there was so much elocution on this side. I want to know if this amendment will arm any Department with authority to investigate mine explosions?

Mr. DALZELL. I think the paragraph is broad enough to cover that, though it does not contemplate it. It is for a continuation of work. It is nothing new. It is a continuation of work already under way.

Mr. GAINES of Tennessee. How long have we had a similar law?

Mr. DALZELL. Why, the first appropriation was made in 1905.

Mr. GAINES of Tennessee. Have many mines been examined?

Mr. DALZELL. Oh, there has been a great deal of work done. The gentleman will find, if he refers——

Mr. GAINES of Tennessee. As to the cause of explosions and disasters?

Mr. DALZELL. If the gentleman will refer to the letter of the Chief of the Geological Survey to the Secretary of the Interior, which is published in pamphlet form, he will find what has been done and what remains to be done.

Mr. DRISCOLL. Mr. Chairman, I am in favor of this amendment. It should be adopted and this item increased to what it was last year, so that the Federal Government may help solve the peat-fuel problem. It is an important matter and would justify the expenditure of this sum. This is not a proposition which especially interests any State or section of the country. Peat deposits are scattered all over this land, in practically every State and Congressional district. There are perhaps 40,000,000 acres of those peat bogs, of more or less depth; and if it can be handled, dried, and briquetted to advantage, it will prove to be a very valuable asset. So far the handling of this material has not been a commercial business, for the reason that the problem of economical drying has not been solved.

During the last few years, and especially since the panic of 1903 and the high price of coal, companies have tried to turn those peat deposits into commercial profit and have failed. Their so-called "secret processes" have not turned out to be financial successes. In those enterprises and experiments considerable money has been lost by individuals in our State, and very likely in other parts of the country. How can it be most economically dried? That is the first question to be experimented with until it is solved, and the Federal Government should bear the burden and expense of that solution for many reasons. It is not an attractive proposition for private capital, for experiments and readjustments in perfecting machinery and appliances would be expensive, and the result, if successful, could not be kept a secret. Nor should it, for all should have the benefit of it. Those deposits are distributed over such a wide area, in comparatively small quantities, that they could not possibly be controlled by a trust.

Many of those peat bogs are close to cities, villages, and hamlets, and the introduction of this fuel would act as a competitor and keep down the price of coal. Peat could not be shipped any long distance at a profit, and its value would consist in its proximity to the consumers, so that the cost of transportation would be very light.

In the movement now being agitated for the preservation of our forests the wood lots on the farms throughout the eastern part of this country play an important part, and if peat could be substituted for wood the drain on the wood lots would be stayed and the problem of reforestization could be more easily solved.

Formerly wood was the only fuel, and is yet the only fuel in many country districts. It is consequently nearly exhausted. Coal is being consumed very rapidly, and because mines must be sunk deeper and thinner layers worked its production is from year to year becoming more expensive. Peat has been for years used in other countries for fuel, but in those countries labor has been and is much cheaper than here, and those peoples are disposed to put up with an inferior article. In this land of enterprise and invention we believe that by giving our experts and scientists a fair chance they will be able to invent a process for the preparation of peat which will make it both useful and profitable.

This may be paternalism, but there is no difference between $150,000 and $250,000 worth of paternalism. It is purely educational. The National Government is engaged in educational work along many lines. Practically all the money spent through the Department of Agriculture is for that purpose. Individuals can not be expected to undertake this work unless they are philanthropists and are willing to spend their money for the public good.

Mr. TAWNEY. Will the gentleman from New York permit an interruption?

Mr. DRISCOLL. Yes.

Mr. TAWNEY. Does the gentleman understand that this appropriation of $250,000 is for "analyzing and testing of the coals, lignites, and other material fuel substances belonging to the United States," and not a dollar of it can be expended for the investigation of the peat indusry in his district?

Mr. DRISCOLL. I do not claim it can. I simply say that the United States is the largest owner of peat bogs in this country, just as it is the largest owner of forest reserves and coal lands in this country; and since all the people are interested, and all the people will get the benefit if any process be developed which will be successful and profitable, then all the people should bear the burden of the experiments.

One hundred thousand dollars would be a large sum for any individual or corporation to risk in this experimental work, but the National Government will not feel it, and it will be borne equally by all the people throughout the land. This work by the Geological Survey should not be stopped or cramped. But it can not go on without this appropriation, and therefore the amendment should prevail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURPHY. Mr. Chairman, I hope this amendment will pass, and that the members of the committee will not oppose it. I consider this one of the most valuable investigations that can be made by the Government, and in the brief time that I have I will give attention to only one point—that of lignite coals. The Government of the United States owns great tracts of land to-day in the public domain in which there are enormous bodies of lignite coals and of algæ coals, to which the lignite coals belong. Within recent years it has been ascertained, partially by myself and by some others working in the same fields, that those lignite coals are sources from which very great value can be obtained by their use as gas producers. It has also been ascertained by work that is going on to-day in Oklahoma that those lignite coals may become the sources of great quantities of oil. The oil is being abstracted from them and sold as a commercial product. It is necessary that further investigations on that line be made, and they can not be made by individuals, but they can be made by the Government. There are great districts in the West that have no fuel supply unless we have it in these algæ coals and lignite coals.

We believe that utilizing the algæ coals and the lignite coals for the oil and the gas that they produce in such enormous quantities an immense source of power will be developed and put where it can be utilized for the purposes of the people of great districts of this country. That experimental work, purely theoretical and scientific work, can not be done by individuals. I have been engaged in that to some extent myself, and this work has reached the point where individuals can go no further. It is proper scientific work for the Government to undertake. We do not ask that it be done as commercial work, but simply that it be carried on for the purpose of investigating the value of lignite coals and these other coals for fuel and power purposes.

If this appropriation is cut down, as suggested by the committee here, I believe sufficient funds will not be on hand to do this work. I will say, further, that I have not been asked to make a suggestion here by any member of the Geological Survey Department. I am not even acquainted with the gentlemen of that Survey; but I make this statement because of my knowledge of the subject, gained through twenty years of study and investigation of it. [Applause.]

Mr. SLAYDEN. Mr. Chairman, the coal-testing work done by the Government at St. Louis has been of great practical value to the entire country. One of the commercial problems of the most serious nature that the business element of the country has had to consider for some time has been the probability of a comparatively early exhaustion of the fuel supply. The experiments made at St. Louis have demonstrated that there are economical ways of using one fuel supply, which if generally applied will arrest the waste that has indicated a disastrously early termination of the entire supply of fuel in the country.

The great State of Texas in its whole area has, I believe, according to the geologists who speak in terms of exactness, no true coal, but we do have vast stretches of land underlaid with lignite, which for years has been known to possess commercial value. The extent of that value was not comprehended until the experiments made at the St. Louis Exposition. The importance of that work was brought home to the people of Texas by its demonstrations of the possibilities of the economic use and the general economic value of such fuel supply as we have. For this reason I sincerely hope that the House will give its support to the amendment offered by the gentleman from Pennsylvania. [Cries of "Vote!" "Vote!"]

Mr. CAMPBELL. Mr. Chairman, it is claimed by the advocates of this amendment that the expenditures of the appropriation results in great good to the people of the country. How? What has been done for the benefit of the country by the expenditure of this money? It was intimated by the Secretary of the Interior in his testimony before the committee that there were probably $35,000 saved to the Government in the purchase of its coal. It developed that the saving was due in all probability to the establishment of improved engines in the Departments of the Government. The fact is that the expenditure of this money results only in advertising favorite,

established coal fields and in listing other coal fields with equally as good a fuel as unfit for uses to which it has been successfully applied. Most of this money has been spent in the old coal fields of Pennsylvania and West Virginia, Ohio, and Indiana.

Mr. DOUGLAS. Will the gentleman permit me?

Mr. CAMPBELL. I will.

Mr. DOUGLAS. Will the gentleman give us some authority for the statement he has just made that the money has been expended to exploit the coal fields in some of the old coal States?

Mr. CAMPBELL. Yes; it has been spent to exploit the old coal fields in West Virginia, Ohio, Indiana, Pennsylvania, and Kentucky.

Mr. BARTHOLDT. Will the gentleman allow a suggestion? If this statement is true, that it was merely expended in that way, then these testing plants should be located in the West for the purpose of testing the new coal.

Mr. CAMPBELL. They neglect to test the coal in the Middle West.

Mr. BONYNGE. Does not the gentleman know that there is a testing plant in St. Louis and one at Denver, and that at Denver they are testing the coal of the new fields in the Rocky Mountain region?

Mr. TAWNEY. And does the gentleman know how much that costs?

Mr. CAMPBELL. It does not cost $250,000.

Mr. Chairman, I say this in answer to all the arguments made, that this is for the purpose of getting a better fuel for the Government. The scheme was never dreamed of until there was a small appropriation provided for the establishment of an experimental plant at the St. Louis Exposition, and then it grew into these enormous proportions that now threaten the establishment of another expensive bureau in the Government.

Mr. DALZELL. The report is that during the last year forty-three different coals were examined—Wyoming, Utah, New Mexico, and Colorado—with a view to giving a coke coal for a low-grade coal?

Mr. CAMPBELL. Yes; and I still maintain that the most of the money was spent in the old-established coal fields of the country. Now, we got good coal in all parts of the country, and it was consumed by the people for every use to which fuel is put, by private individuals and concerns as well as by the Government, before these testing plants were ever dreamed of. These testing plants have not improved an ounce of coal. They have advertised certain coal fields and certain coke-bearing coal. And they have broken up certain enterprises by publishing the statement that they were not located in a region that contained coke-bearing coal.

Mr. BONYNGE. Will the gentleman yield? Will the gentleman state where that occurred?

Mr. CAMPBELL. I will. It was in Cherokee County, Kans., in my district.

Mr. BONYNGE. Were not those ovens closed down before that?

Mr. CAMPBELL. This Bureau published a bulletin stating that the coal surrounding these coke ovens was not coke-bearing coal.

Mr. BONYNGE. Is it not true that they closed down in 1903 and this bulletin was not published until 1904 or 1905?

Mr. CAMPBELL. They may have closed down temporarily on some other account, but they did not close permanently until after the publication of this bulletin.

Mr. BONYNGE. Were they not closed down and remained closed down before the bulletin was published at all?

Mr. CAMPBELL. No; they were not.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL. I would like five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HOLLIDAY. I would like to ask the gentleman if the fact stated in the bulletin was true—did the Department tell the truth about it?

Mr. CAMPBELL. It was not the truth. Coke was made in those ovens of coal mined in that field that was merchantable throughout that section of the country. The testing plant at St. Louis was offered coal by a producer a few miles from the coke ovens and they refused to take it. His offer was refused, but they took a carload of coal from a coal company 18 miles away from there, in the other end of the coal field, and made a test and upon that test published their bulletin.

It is told in the Department's annual report how some of this money has been spent. It says:

A detailed paleobotanical microscopic examination was made of samples of the oil shales which are associated with the lead and zinc deposits of southwestern Wisconsin, for the purpose of determining the causes of the localization of the hydrocarbons that seem to have influenced the distribution of the ores. As this investigation seems likely to offer a satisfactory explanation of the origin of the oil and gas in older Paleozoic rocks, plans have been made to continue it and extend it to some of the areas of Ordovician and Silurian oil and gas.

Now, that is all-fired important to the people of this country. [Laughter.] Most important.

The report continues:

As this investigation seems likely to offer a satisfactory explanation of the origin of the oil and gas in the older Paleozoic rocks, plans have been made to continue it and extend it to some of the areas of Ordovician and Silurian oil and gas.

Now, that is interesting, as well as important!

Mr. GRAHAM. Is the gentleman aware of the fact that 2,254 of these tests were of gasoline and alcohol, outside of the matter of coal entirely?

Mr. CAMPBELL. We do all those things for ourselves, and we have been doing those. The people were privately testing their coal and oil and gas, and they have tested their gasoline, and they found how it all worked long before this appropriation was ever dreamed of.

Mr. SMITH of Iowa. The gentleman is correct in thinking this Bureau has interpreted alcohol to be a mineral fuel.

Mr. CAMPBELL. I am not surprised at their finding anything. Mr. Chairman, we have been developing coal and oil and gas without the aid of the Geological Survey. We have been putting these products upon the market without the aid of the Geological Survey. We have discovered and are producing in my district six of the geological formations that they discuss in their annual report. They did not aid in the discovery or the development of a single one of these industries. They go on now and say that they are making a map of these fields, making some report of what they contain. Why, God bless them, the country knew what they contained before they ever went out there to make their maps and reports. This appropriation will result in saddling upon the Government another bureau, providing for another lot of officers who will become a continuous expense upon the people of the United States without contributing a corresponding benefit in return.

Mr. TAWNEY. Mr. Chairman, I just want to say a word in behalf of the recommendation of the committee for an appropriation of $150,000 for this service. In view of the disposition on the part of Members and their apparent desire to have the Federal Government take over the exercise of all functions belonging to private interests, I know that it is unnecessary to say anything, or that anything that I can say or that anybody can say can be said with the hope of defeating this amendment.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. TAWNEY. In just a moment. I have only five minutes. I want to call the attention of the committee to the fact that the appropriation of $250,000 carried in the current law was not for the doing of that which we propose in this act. Nobody has proposed to enlarge the scope of this work that would necessitate an increased appropriation. The current law, for which $250,000 was appropriated, covers the entire United States, covers investigations of any coal field that the Geological Survey may see fit to engage in, while the Appropriation Committee recommends $150,000 for analyzing and testing the coals and lignites and other fuels belonging to the United States. To that extent you can justify the appropriation of money from the Federal Treasury. Beyond that extent you can not justify it, and $150,000 will be ample for the testing of all the coals and all the lignites belonging to the United States. Under the current appropriation the authority exists for testing coal or fuels all over the United States, and the committee felt that in restricting this testing work to the fuels and lignites and coals belonging to the United States $150,000 would be ample for that service.

Mr. Chairman, I insist that there is no estimate of the amount necessary for carrying on the work provided under the language under which the proposed appropriation of $150,000 is made. If you intend to extend this service to the coal fields of Pennsylvania and West Virginia and Indiana and the other States and continue the work of investigating and inquiry into the relative heat units of the coal of different producers in these States, then you will have to enlarge the language under which your appropriation is made, for under the existing language in the bill you can not investigate anything but the coals belonging to the United States.

Mr. GAINES of Tennessee. The gentleman speaks about elaborating the language, and that is what I have in mind. Why can not this be inserted:

And the causes of explosions in mines located in public lands.

Then we will get some good out of it and save human life.

Mr. TAWNEY. Mr. Chairman, a proposition of that kind is pending now between the two Houses on the legislative appropriation bill, and this is not the time to consider embarking upon that new enterprise proposed by the gentleman from Tennessee. I simply want the committee to understand, when they are voting to increase this appropriation to $250,000 it is for the investigation of coals and fuels belonging to the United States, and this I do not think we are justified in doing. Do the Members of this House realize the fact that we are confronted to-day with a deficit of between fifty and sixty-five million dollars at the end of this fiscal year? That we will have a certain deficit of not less than $150,000,000 at the end of the next fiscal year? That in the meantime we absorb our entire surplus, and this will necessitate issuing, before the end of the next fiscal year, certificates of indebtedness to meet governmental expenditures? In view of those facts, I do not think we are justified in engaging in the business of investigating the coals and the lignites owned by the coal barons of this country. I hope the amendment will not be agreed to.

Mr. Chairman, I move that all debate on this paragraph and pending amendments thereto be now closed.

Mr. WILSON of Pennsylvania rose.

The CHAIRMAN. The Chair must put the motion made by the gentleman.

Mr. CLARK of Missouri. Mr. Chairman, I ask the gentleman from Minnesota to withhold his motion for five minutes.

Mr. TAWNEY. No; I can not do it.

Mr. CLARK of Missouri. All right; it will take more time than that.

The CHAIRMAN. The gentleman from Minnesota moves that all debate be now closed on this paragraph.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. CLARK of Missouri) there were—ayes 95, noes 59.

So the motion was agreed to.

The CHAIRMAN. The question now is on the amendment proposed by the gentleman from Pennsylvania.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. DALZELL) there were—ayes 66, noes 83.

Mr. DALZELL. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided, and the tellers (Mr. TAWNEY and Mr. DALZELL) reported that there were—ayes 81, noes 79.

So the amendment was agreed to. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. After the Clerk reports the amendment, so it will be pending.

The Clerk read as follows:

Insert after the word "substances," line 5, page 79, "and the causes of explosions in mines located in lands belonging to the United States."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The point of order is made.

Mr. GAINES of Tennessee. Mr. Chairman, I hope the gentleman from Minnesota will allow it to go over until to-morrow.

Mr. TAWNEY. Mr. Chairman, I will reserve the point of order. I move that the committee do now rise.

The question was taken, and the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21260, the sundry civil appropriation bill, and had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent reference of the bill (S. 6417) to amend sections 4467 and 4468 of the Revised Statutes, relating to lists of passengers on steam vessels, was changed from the Committee on Ways and Means to the Committee on the Merchant Marine and Fisheries.

LEAVE OF ABSENCE.

By unanimous consent Mr. BARTLETT of Georgia was granted leave of absence for ten days, on account of important business.

REPRINT OF BILL.

By unanimous consent (on request of Mr. PAYNE) a reprint was ordered of the bill (H. R. 21359) relating to injunctions.

SENATE BILL REFERRED.

Under clause 2, Rule XXIX, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6616. An act to authorize the extension, enlargement, and alteration of the public building in the city of New Haven, Conn.—to the Committee on Public Buildings and Grounds.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 173. Joint resolution for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana on April 24, 1908.

SUNDRY CIVIL BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21260, the sundry civil appropriation bill.

Mr. PAYNE. Mr. Speaker, pending that, I move that the House do now take a recess until 11.30 to-morrow morning.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 145, nays 81, answered "present" 6, not voting 155, as follows:

YEAS—145.

Acheson	Douglas	Hull, Iowa	Payne
Adair	Draper	Humphrey, Wash.	Perkins
Allen	Driscoll	Jenkins	Porter
Andrus	Dwight	Jones, Wash.	Pray
Bannon	Ellis, Oreg.	Kahn	Rainey
Barchfeld	Englebright	Keifer	Reeder
Barclay	Esch	Kennedy, Iowa	Reynolds
Bartholdt	Focht	Kennedy, Ohio	Rodenberg
Bates	Fordney	Kinkaid	Scott
Beale, Pa.	Foss	Knapp	Slemp
Bede	Foster, Ind.	Knopf	Smith, Cal.
Birdsall	Foster, Vt.	Knowland	Smith, Iowa
Bonynge	Foulkrod	Küstermann	Smith, Mich.
Boyd	Fowler	Lafean	Southwick
Brownlow	French	Laning	Sperry
Burke	Fuller	Longworth	Stafford
Burleigh	Gaines, W. Va.	Lorimer	Steenerson
Burton, Del.	Gardner, Mich.	Lowden	Sterling
Calder	Gilhams	McKinlay, Cal.	Sturgiss
Campbell	Gillett	McKinley, Ill.	Sulloway
Capron	Goebel	McKinney	Tawney
Caulfield	Graff	McMorran	Taylor, Ohio
Chaney	Graham	Madden	Thistlewood
Chapman	Greene	Madison	Thomas, Ohio
Cole	Gronna	Mann	Tirrell
Cook, Colo.	Hale	Miller	Volstead
Cooper, Pa.	Hall	Moore, Pa.	Waldo
Cousins	Hamilton, Mich.	Morse	Wanger
Cox, Ind.	Haugen	Mouser	Washburn
Crumpacker	Hawley	Murdock	Watson
Cushman	Hayes	Needham	Weeks
Dalzell	Higgins	Nelson	Wheeler
Darragh	Hinshaw	Norris	Wilson, Ill.
Davidson	Holliday	Nye	Woodyard
Dawson	Howell, Utah	Olmsted	
Denby	Howland	Overstreet	
Diekema	Hubbard, W. Va.	Parsons	

NAYS—81.

Adamson	Dixon	Hay	O'Connell
Aiken	Ellerbe	Helm	Page
Alexander, Mo.	Favrot	Henry, Tex.	Rauch
Ansberry	Ferris	Hill, Miss.	Richardson
Ashbrook	Fitzgerald	Houston	Robinson
Bartlett, Nev.	Flood	Hughes, N. J.	Russell, Mo.
Beall, Tex.	Floyd	Hull, Tenn.	Russell, Tex.
Bell, Ga.	Foster, Ill.	Humphreys, Miss.	Sabath
Booher	Fulton	Johnson, Ky.	Sheppard
Bowers	Gaines, Tenn.	Keliher	Sherley
Brantley	Garner	Kimball	Sims
Burleson	Garrett	Lassiter	Small
Burnett	Gillespie	Lee	Smith, Mo.
Byrd	Gordon	Legare	Stephens, Tex.
Candler	Granger	Lloyd	Thomas, N. C.
Clark, Mo.	Gregg	McLain	Tou Velle
Clayton	Hackett	Macon	Watkins
Cooper, Tex.	Hackney	Moon, Tenn.	Wilson, Pa.
Craig	Hamilton, Iowa	Moore, Tex.	
Cravens	Hardy	Murphy	
Denver	Harrison	Nicholls	

ANSWERED "PRESENT"—6.

Currier	Goulden	Hill, Conn.	Shackleford
De Armond	Griggs		

NOT VOTING—155.

Alexander, N. Y.	Fassett	Law	Pratt
Ames	Finley	Lawrence	Prince
Anthony	Fornes	Leake	Pujo
Bartlett, Ga.	Gardner, Mass.	Lenahan	Randell, Tex.
Bennet, N. Y.	Gardner, N. J.	Lever	Ransdell, La.
Bennett, Ky.	Gill	Lewis	Reid
Bingham	Glass	Lilley	Rhinock
Boutell	Godwin	Lindbergh	Riordan
Bradley	Goldfogle	Lindsay	Roberts
Brodhead	Haggott	Littlefield	Rothermel
Broussard	Hamill	Livingston	Rucker
Brumm	Hamlin	Loud	Ryan
Brundidge	Hammond	Loudenslager	Saunders
Burgess	Harding	Lovering	Sherman
Burton, Ohio	Hardwick	McCall	Sherwood
Butler	Haskins	McCreary	Slayden
Calderhead	Heflin	McDermott	Smith, Tex.
Caldwell	Henry, Conn.	McGavin	Snapp
Carlin	Hepburn	McGuire	Sparkman
Carter	Hitchcock	McHenry	Spight
Cary	Hobson	McLachlan, Cal.	Stanley
Clark, Fla.	Howard	McLaughlin, Mich.	Stevens, Minn.
Cockran	Howell, N. J.	McMillan	Sulzer
Cocks, N. Y.	Hubbard, Iowa	Malby	Talbott
Conner	Huff	Marshall	Taylor, Ala.
Cook, Pa.	Hughes, W. Va.	Maynard	Townsend
Cooper, Wis.	Jackson	Mondell	Underwood
Coudrey	James, Addison D.	Moon, Pa.	Vreeland
Crawford	James, Ollie M.	Mudd	Wallace
Davenport	Johnson, S. C.	Olcott	Webb
Davey, La.	Jones, Va.	Padgett	Weems
Davis, Minn.	Kipp	Parker, N. J.	Weisse
Dawes	Kitchin, Claude	Parker, S. Dak.	Wiley
Dunwell	Kitchin, Wm. W.	Patterson	Willett
Durey	Lamar, Fla.	Pearre	Williams
Edwards, Ga.	Lamar, Mo.	Peters	Wolf
Edwards, Ky.	Lamb	Pollard	Wood
Ellis, Mo.	Landis	Pou	Young
Fairchild	Langley	Powers	

So the motion to take a recess was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. PEARRE with Mr. WOLF.

Mr. BOUTELL with Mr. GRIGGS.

Mr. MCGUIRE with Mr. STANLEY.

For this day:

Mr. POWERS with Mr. PRATT.

For this vote:

Mr. PRINCE with Mr. TALBOTT.

Mr. COOPER of Wisconsin with Mr. WEISSE.

Mr. HOWELL of New Jersey with Mr. SLAYDEN.

Mr. HARDING with Mr. DAVENPORT.

Mr. AMES with Mr. RHINOCK.

Mr. HENRY of Connecticut with Mr. OLLIE M. JAMES.

Mr. ALEXANDER of New York with Mr. MCHENRY.

Mr. BRUMM with Mr. BRODHEAD.

Mr. BURTON of Ohio with Mr. BRUNDIDGE.

Mr. CONNER with Mr. CALDWELL.

Mr. DAVIS of Minnesota with Mr. CARTER.

Mr. DAWES with Mr. CRAWFORD.

Mr. ELLIS of Missouri with Mr. DAVEY of Louisiana.

Mr. HASKINS with Mr. EDWARDS of Georgia.

Mr. ADDISON D. JAMES with Mr. HAMMOND.

Mr. LAWRENCE with Mr. HARDWICK.

Mr. LAW with Mr. HEFLIN.

Mr. LANDIS with Mr. HITCHCOCK.

Mr. LILLEY with Mr. LEAKE.

Mr. LINDBERGH with Mr. JONES of Virginia.

Mr. LITTLEFIELD with Mr. LENAHAN.

Mr. MCCALL with Mr. LEWIS.

Mr. MCGAVIN with Mr. MAYNARD.

Mr. MALBY with Mr. PADGETT.

Mr. MARSHALL with Mr. PUJO.

Mr. PARKER of New Jersey with Mr. REID.

Mr. PARKER of South Dakota with Mr. ROTHERMEL.

Mr. POLLARD with Mr. RUCKER.

Mr. STEVENS of Minnesota with Mr. SAUNDERS.

Mr. TOWNSEND with Mr. SHACKLEFORD.

Mr. VREELAND with Mr. SHERWOOD.

Mr. DUNWELL with Mr. SMITH of Texas.

Mr. WEEMS with Mr. SPARKMAN.

Mr. WOOD with Mr. SPIGHT.

Mr. EDWARDS of Kentucky with Mr. TAYLOR of Alabama.

Mr. GARDNER of Massachusetts with Mr. UNDERWOOD.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House took a recess until 11.30 to-morrow morning.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce and Labor, transmitting a letter from the Commissioner of Corporations submitting a summary of Part I of his report on cotton exchanges (H. R. Doc. 912), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 20658) authorizing the issue of equipment of arms, ammunition, and such accouterment as accompany same, for target practice, to the Memorial University, Mason City, Iowa, reported the same without amendment, accompanied by a report (No. 1585), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17528) to establish a fish-cultural station in the State of Massachusetts, reported the same without amendment, accompanied by a report (No. 1586), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 89) to establish a fish hatchery and fish station in the State of Maryland, reported the same with amendments, accompanied by a report (No. 1587), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 483) to establish a fish-hatching and fish station in the State of Colorado, reported the same with amendments, accompanied by a report (No. 1588), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 4908) to establish a fish-hatching or fish-culture station in Greenup, Lewis, or Carter County, Ky., reported the same with amendments, accompanied by a report (No. 1589), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 6197) to establish a fish-cultural station in the State of Kentucky, reported the same without amendment accompanied by a report (No. 1590), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 6275) to establish a fish hatching and fish station on the bank of the Reservoir in Mercer or Auglaize County, State of Ohio, reported the same with amendments, accompanied by a report (No. 1591), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 21214) to establish a fish-cultural station in the Sixteenth Congressional District of Missouri, reported the same with amendments, accompanied by a report (No. 1592), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 12903) to establish a fish hatchery and biological station in the State of Oklahoma, reported the same with amendments, accompanied by a report (No. 1593), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from consideration of the bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 21500) granting a pension to Ernest Howard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21394) for the relief of Mary Hayden—Committee on Naval Affairs discharged, and referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALLACE: A bill (H. R. 21556) for the erection of mounds for the protection of human life and stock along the banks of the Mississippi River between the Government levees and the river—to the Committee on Appropriations.

By Mr. TOWNSEND: A bill (H. R. 21557) authorizing the construction of bridges across navigable waters, and to extend the time for the construction of bridges across navigable waters, and to legalize the construction of bridges across navigable waters—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 21558) to prohibit the receipt of money in payment of special taxes as dealers in intoxicating liquors by internal-revenue officials of the United States, except in certain cases, and to provide punishments for its violation—to the Committee on Ways and Means.

By Mr. BYRD: A bill (H. R. 21559) to refund to lawful claimants the cotton tax collected for the years 1863, 1864, 1865, 1866, 1867, and 1868—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 21560) to provide for circuit and district courts of the United States at Gadsden, Ala.—to the Committee on the Judiciary.

By Mr. HUBBARD of West Virginia: A bill (H. R. 21561) relating to certain contempts of court—to the Committee on the Judiciary.

By Mr. GREENE: A bill (H. R. 21562) to provide for private signals at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUBBARD of West Virginia: A bill (H. R. 21563) to provide for increasing the limit of cost of the public building authorized to be erected at Fairmont, W. Va.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21564) to provide for the purchase of a site and the erection of a public building thereon at Moundsville, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 21565) to make Muskegon, in the State of Michigan, a subport of entry, and for other purposes—to the Committee on Ways and Means.

By Mr. O'CONNELL: A bill (H. R. 21566) to provide compulsory saving of a part of the monthly salary of each enlisted man of the Army, Navy, and Marine Corps of the United States—to the Committee on Military Affairs.

By Mr. BYRD: A bill (H. R. 21585) to grant to the several States all the public lands therein for common school purposes when the same shall become less than 50,000 acres in such State—to the Committee on the Public Lands.

By Mr. CLAYTON: Resolution (H. Res. 404) for a memorial in behalf of Pelatiah Webster—to the Committee on the Library.

By Mr. KNOPF: Resolution (H. Res. 405) to pay Robert Williams a certain sum of money—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21567) granting a pension to Jefferson R. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21568) granting an increase of pension to Benjamin H. Isenhour—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 21569) for the relief of Mate Samuel Gee, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. CALDER: A bill (H. R. 21570) for the relief of Elizabeth G. Martin—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: A bill (H. R. 21571) for the relief of John T. Freeman—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 21572) referring to the Court of Claims the claim of William F. Smithey for supplies, etc., furnished the United States Government—to the Committee on War Claims.

By Mr. COOPER of Texas: A bill (H. R. 21573) for the relief of the legal representatives of Rosanna Dischinger, deceased—to the Committee on War Claims.

By Mr. CUSHMAN: A bill (H. R. 21574) granting an increase of pension to John M. Thomas—to the Committee on Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 21575) granting an increase of pension to John J. Hout—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 21576) granting an increase of pension to Richard Jones—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 21577) granting an increase of pension to Michael Daniel Kernan—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 21578) granting a pension to Oliver Lyman Hunting—to the Committee on Invalid Pensions.

By Mr. PARKER of New Jersey: A bill (H. R. 21579) for the relief of Robert S. Dame and others, and for other purposes—to the Committee on Military Affairs.

By Mr. PORTER: A bill (H. R. 21580) granting a pension to Mary E. Few—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 21581) granting a pension to Susan Dennison—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 21582) granting a pension to Louis Oehler—to the Committee on Pensions.

Also, a bill (H. R. 21583) granting an increase of pension to Arthur P. Gilman—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 21584) granting an increase of pension to James Kenney—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Parsons, Patterson & Campbell, of Beaver Falls, Pa., against repeal of canteen law—to the Committee on Military Affairs.

Also, petition of working people of New Castle and Washington, Pa., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. ALEXANDER of New York: Petition of Emil Hillebrandt, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BANNON: Petition of Carpenters' Union No. 437, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, joint resolution of legislature of State of Ohio, for creation of a national bureau of health—to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Petitions of Iron City Lodge, No. 1, Pennsylvania Amalgamated Association Iron and Steel Workers; Glass Bottle Blowers' Associations Nos. 1, 76, and 94; United Brewery Workers' Union of America No. 144; Core Makers' Union of North America, No. 443, of Pittsburg, Pa.; International Union of Steam Engineers, No. 66, of Sharpsburg, Pa.; United Mine Workers of America, No. 2168, of Bull Run, Allegheny County, Pa.; Sheet Metal Workers' Union No. 12; United Metal Workers of America, No. 524, of Carnegie, Pa.; Brotherhood of Locomotive Engineers, No. 452, of Bennett, Pa.; labor unions of Homestead, Munhall, Whitaker, Point Marion, Philadelphia, and Pittsburg; the Iron City Trades Council, composed of accredited delegates from 150 branches of the American Federation of Labor in the Pittsburg district, having a membership of over 100,000 men and women who earn their living by daily labor, for the amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and an eight-hour law—to the Committee on the Judiciary.

Also petitions of Allegheny Council, No. 285; McKeesport Council, No. 955; Duquesne Council, No. 264; Monongahela Council, No. 491; Sharpsburg Council, No. 972; Charleroi Council, No. 956; Chartiers Council, No. 875; Fort Pitt Assembly of the Knights of Columbus, Allegheny County, Pa., praying that October 12, the anniversary of the discovery of America by Christopher Columbus, be made a national holiday—to the Committee on the Judiciary.

Also, petition of Pittsburg Board of Trade, for passage of S. 1157 and S. 1168, providing pensions for the widows of Major Carroll and Doctor Lazear, who sacrificed their lives in the investigation of the yellow-fever germ in Cuba—to the Committee on Pensions.

By Mr. CALDER: Petitions of New York Lumber Trade Association and Association of Dealers in Masons' Building Materials, in opposition to any anti-injunction legislation whatever—to the Committee on the Judiciary.

Also, petition of the Texas Company of New York, favoring an embargo on Venezuelan asphalt—to the Committee on Ways and Means.

Also, petition of citizens of Brooklyn, N. Y., favoring remedial legislation excluding labor from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of citizens of New York City, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CAPRON: Petitions of citizens of Pawtucket, Central Falls, and Lonsdale, and of Bartenders' Local Union of Woonsocket, R. I., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of sundry churches and branches of the Women's Christian Temperance Union of Rhode Island, favoring the Sims prohibition bill—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of James F. Freeman—to the Committee on War Claims.

Also, paper to accompany bill for relief of Charles H. Caswell—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: Petitions of the Central Trades Federation, Iron Moulders' Union No. 10, and Carl Klingbeil and other citizens of St. Louis, Mo., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of citizens of Philadelphia, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Los Angeles Chamber of Commerce against statements relative to the water enterprise of the city of Los Angeles—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of Cigarmakers' Union, No. 333, of Kenosha, Wis., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of James R. Ewing and other citizens of Oregon, favoring resolutions of sympathy for people of Russia—to the Committee on Foreign Affairs.

Also, petition of Historical Reading Club, of Decatur, Ind., for the resolution of sympathy for the Russian people—to the Committee on Foreign Affairs.

Also, petitions of Minnie L. Skinner and other members of the Woman's Club of Cedar Rapids, Iowa, and members of the Monday Club, of Boone, Iowa, favoring resolution of sympathy with people of Russia—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of Leslie E. Ehrisman and other citizens of Davenport, Iowa, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. DRAPER: Petitions of organized labor and citizens of Troy, N. Y., for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of Fulton, N. Y., against repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of Local Union No. 243, Retail Clerks, of Syracuse, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of Fulton (N. Y.) Chamber of Commerce, against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Philip Harrison, representing New York Lubricating Oil Company, favoring the Burton bill (H. R. 20353)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Equal Suffrage League of Brooklyn, N. Y., for such legislation as shall enforce the fourteenth and fifteenth amendments of the Constitution—to the Committee on the Judiciary.

Also, petition of the Associated Press, for repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of the Royal Brewing Company against the Knox liquor bill (S. 6576)—to the Committee on the Judiciary.

By Mr. ELLIS of Oregon: Petition of the Woman's Club and others, of Portland, Oreg., favoring the Hopkins-Burnett resolution of sympathy for the Russian people—to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of John Dewar, favoring the Marshall bill (H. R. 20472) for honest labeling of all paints, oil, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Independent Traffic League, favoring H. R. 14934 and S. 4914, for uniform bills of lading—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wisconsin Consumers' League, favoring the bill to investigate and develop methods of treatment of tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: Petition of Oneonta Trade and Labor Union, for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FOSTER of Illinois: Petition of Local Union No. 67, United Mine Workers of America, of Breese, Ill., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petitions of labor unions of Rutland and Lyndonville, Vt., asking for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Independent Grange, No. 23, of Sheffield, Vt., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FULLER: Paper to accompany bill for relief of Richard Jones—to the Committee on Invalid Pensions.

Also, petition of Merchants' Association of New York, for the Fowler currency bill and for appointment of a commission to adjust the currency question—to the Committee on Banking and Currency.

Also, petition of L. D. Howe, of Streator, Ill., for the Marshall pure-paint bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fort Wayne Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of B. Eldridge, president National Sewing Machine Company, of Belvidere, Ill., against sections 8 and 11 of the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of citizens of Kangley, Ill., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Newport Central Labor Union, against extension of naturalization rights and for enactment of exclusion law against all Asiatics except students, merchants, travelers, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Newport (R. I.) Lodge, No. 119, International Association of Machinists, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petitions of J. Ireland, Edward Ottoman, and Adolph Ottoman, of South Haven, and R. J. Webster and other members of Bricklayers and Masons' Union No. 6, of South Haven, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HAYES: Petition of working people of Santa Clara, Cal., praying for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. HARRISON: Petition of National Board of Fire Underwriters of New York, urging passage of H. R. 21260 as recommended by the Geological Survey and Department of Agriculture, without reduction in amount of same—to the Committee on Appropriations.

Also, petition of citizens of New York City, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HEPBURN: Petition of J. E. Goddard and other citizens of Clarkdale, Iowa, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. HOLLIDAY: Petition of citizens of Clinton, Ind., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. HULL of Iowa: Petitions of Railway Helpers and Laborers' Union of Valley Junction and citizens of Des Moines, Iowa, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of citizens of Aberdeen, Wash., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. JENKINS: Petition of working people and their sympathizers of Superior, Wis., for exemption of labor unions from operations of the Sherman antitrust law, for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. KENNEDY of Ohio: Paper to accompany bill for relief of George B. Cock—to the Committee on Pensions.

By Mr. KNAPP: Petition of citizens of Fulton, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. KÜSTERMANN: Petition of International Association of Machinists, of South Kaukauna, Wis., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petitions of John M. Taylor, vice-president State Federation of Labor, of Brainerd, Minn., and Charles M. Cook, of Brainerd, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Division No. 44, Order of Railway Telegraphers, of New York, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of the Fulton (N. Y.) Chamber of Commerce, against repeal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. LONGWORTH: Petitions of Mechanics' Lodge, Molders' Union No. 4, organized labor, Brewers' Local Union No. 12, Boot and Shoe Workers' Union No. 210, and many other citizens of Cincinnati, Ohio, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour bill—to the Committee on the Judiciary.

By Mr. McMILLAN: Petition of Bricklayers and Masons' Union No. 44, Glass Blowers' Association of Poughkeepsie, N. Y., and citizens of New York City, for amendment to Sherman antitrust law and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of Local No. 30, International Longshoremen's Association, of Port Huron, Mich., and 3 citizens of Detroit, Mich., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MALBY: Petition of citizens of Plattsburg, N. Y., for H. R. 20584, amendment to the Sherman antitrust law and for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MARSHALL: Petition of F. D. Smith and other citizens of North Dakota, favoring the McCumber Federal inspection bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MAYNARD: Petition of citizens of Virginia, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584) and for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Petition of citizens of Acton Park, Tenn., and others, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOUSER: Petition of citizens of Sandusky, Ohio, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citizens of Bucyrus, Sandusky, and Clyde, Ohio, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. NYE: Petition of committee on organized labor of Minneapolis, Minn., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. O'CONNELL: Petitions of Boiler Makers' International Union, Central Labor Union of South Boston, and William O'Hearn, of 583 Fourth street, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of C. B. Campbell—to the Committee on War Claims.

By Mr. PERKINS: Petition of citizens of Rochester, N. Y., for amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PORTER: Petition of Niagara Falls Council, No. 247, Knights of Columbus, for making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of citizens of Lockport, N. Y., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. RIORDAN: Petitions of Labor Union No. 4, United Garment Workers of America, and other citizens of New York, for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petition of the Fulton (N. Y.) Chamber of Commerce, against repeal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. RODENBERG: Petitions of Local No. 4, Stove Mounters' International Union, of Belleville, Ill.; Local No. 7, Foundry Employees' Union, of Belleville, Ill.; Lodge No. 159, International Brotherhood of Bookbinders, of East St. Louis, Ill.; T. H. Proctor, of Alton, Ill.; G. P. Withnow, J. F. Anderson, and Henry Prentise, of East St. Louis, Ill.; Local Union No. 903, Carpenters and Joiners of America, of East St. Louis; Local No. 125, Amalgamated Association of Steam and Electric Railway Employees, of East St. Louis; Thomas J. McDowell, of Worden, Ill.; Coopers' Union of Alton, Ill.; United Brotherhood of Carpenters and Joiners, No. 903, of East St. Louis, Ill.; Local No. 780, United Mine Workers of America, of Dewey Station, Ill.; Local No. 2708, United Mine Workers of America, of French Village, Ill.; Local No. 87, Amalgamated Sheet Metal Workers' International Alliance, of Belleville, Ill.; Local No. 125, Amalgamated Association of Street Railway Employees of America, of East St. Louis, Ill.; Local No. 13, National Brotherhood of Steam Engineers, of Belleville, Ill.; United Mine Workers, No. 668, of Worden, Ill.; Brickmakers' Union No. 16, of Belleville, Ill.; United Mine Workers, No. 99, of Belleville, Ill.; Cigarmakers' Union, No. 25, of Belleville, Ill.; International Molders' Union, No. 182, of Belleville, Ill.; Local No. 859, of Belleville, Ill.; citizens of Alton, Ill.; Central Trades and Labor Assembly of East St. Louis, Ill; St. Clair Lodge, No. 353, of Belleville, Ill; United Mine Workers, No. 304, of Belleville, Ill.; Metal Polishers' Union, No. 138, of Belleville, Ill., and Local 78, Glass Bottle Blowers' Association of United States and Canada, of East St. Louis, Ill., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Baltimore Annual Conference of the Methodist Episcopal Church, favoring the proposed Sunday rest law—to the Committee on the District of Columbia.

By Mr. SOUTHWICK: Petitions of Charles Breman and other citizens of Cohoes, constituting the names of each local

forming the Central Federation of Labor; Retail Clerks' International Protective Association, Local 1122, of Cohoes, N. Y., and citizens of Schenectady, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio: Petitions of Plumbers' Local Union No. 189, Columbus Federation of Musicians, and hundreds of citizens of Columbus, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584) and for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petition of labor unions of Duquoin, Coulterville, Sparta, and Pinckneyville, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. WANGER: Petition of National Industrial Traffic League, favoring H. R. 14934 and S. 4914—to the Committee on Interstate and Foreign Commerce.

Also, petition of Dickerson Run (Pa.) Lodge, No. 632, Brotherhood of Railway Trainmen, favoring S. 6320 and H. R. 19795—to the Committee on Interstate and Foreign Commerce.

Also, petition of Freedom Lodge, No. 323, Brotherhood of Railway Trainmen, for an employers' liability act and a free-pass act—to the Committee on Interstate and Foreign Commerce.

Also, petition of Harry Mattis and 5 other residents of Royersford, Pa., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Arthur Lemmar, Joseph Powers, and M. S. McCarthy, of Philadelphia, Pa.; Benjamin Webster, of Horsham, Pa.; Frank C. Nash, of Willow Grove, Pa.; Robert H. Wooding, of La Mott, Pa., and Walter T. Shambough, president of Local Union No. 641, of Norristown, Pa., for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Northern Division, No. 457, Brotherhood of Railway Trainmen, for S. 6320 and H. R. 19795—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petitions of Central Labor Union, American Federation of Labor of Trenton, and Business Men's League of Atlantic City, N. J., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 5, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CREDENTIALS.

Mr. PAYNTER presented the credentials of William O. Bradley, chosen by the legislature of the State of Kentucky a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PATENTS TO OFFICERS AND EMPLOYEES OF THE GOVERNMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting pursuant to law, a report on the investigation of patents granted to officers and employees of the Government upon articles used by the Government, etc., which, with the accompanying papers, was referred to the Committee on Patents and ordered to be printed.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 173) for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana on April 24, 1908, and it was thereupon signed by the Vice-President.

VISITORS TO NAVAL ACADEMY.

The VICE-PRESIDENT appointed Mr. GALLINGER and Mr. SMITH of Maryland members of the Board of Visitors on the part of the Senate to attend the next annual examination of midshipmen at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the Manufacturers' Bureau of Indiana, of the Manufacturers' Association, of the Employers' Association, and of the Premier Motor Manufacturing Company, all of Indianapolis, in the State of Indiana, remonstrating against any change being made in the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Central Labor Council of Seattle, Wash., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented petitions of sundry citizens of Crested Butte, Las Animas, and Grand Junction, all in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Central Labor Union of Newport, R. I., and a petition of Central Labor Union of Woonsocket, R. I., praying for the enactment of legislation to prevent the immigration of Asiatics into the United States, which were referred to the Committee on Immigration.

He also presented petitions of the congregations of the First Free Baptist Church, the Tabernacle Methodist Episcopal Church, the Second Presbyterian Church, and the Broadway Baptist Church, all of Olneyville, in the State of Rhode Island, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of Bartenders' Local Union No. 157, of Woonsocket, R. I., and a petition of sundry citizens of Pawtucket, R. I., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented a memorial of the Merchant Bakers' Exchange of Syracuse, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Albany, Bath, Buffalo, New York City, Olean, Syracuse, Troy, and Watertown, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Lebanon, N. H., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of the Valley Methodist Episcopal Social Union, of Contoocook, N. H., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquor, which was ordered to lie on the table.

He also presented the petition of G. S. Luckett, of Washington, D. C., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Takoma Park, the Brightwood, the Brightwood Park, and the Petworth Citizens' associations of the District of Columbia, remonstrating against any change being made in the name of Brightwood avenue in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Baltimore Annual Conference of the Methodist Episcopal Church of Washington, D. C., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Hinckley, Cal., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. DEPEW presented resolutions adopted by the Chamber of Commerce of Buffalo, N. Y., expressing their appreciation of the results accomplished by the Second Hague Peace Conference, which were referred to the Committee on Foreign Relations.

He also presented petitions of Cigar Makers' Local Union No. 210, of Rome; of International Association of Bridge and Structural Iron Workers, Local Union No. 35, of Brooklyn; of the Journeymen Stonecutters' Association of Albion; of Niagara Falls Council, No. 247, Knights of Columbus, of Niagara Falls; of New York Division, No. 44, Order of Railroad Telegraphers, of Brooklyn; of Local Union No. 33, of Buffalo, and of sundry citizens of Bath, Troy, and Brooklyn, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Fulton, N. Y., praying for the enactment of legislation to repeal the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. DICK presented petitions of sundry citizens and labor organizations of East Palestine, Portsmouth, Steubenville, Coshocton, Bellaire, Clyde, Ashtabula, Sandusky, East Liverpool, Sebring, Norwalk, Cleveland, Columbus, Springfield, Wellsville, Cincinnati, Salem, Alliance, Piqua, and Mansfield, all in the State of Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Branch No. 27, Glass Bottle Blowers' Association, of Reading, Ohio, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented a petition of the National Child Labor Committee of New York City, N. Y., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Local Branch No. 1137, National Association of Letter Carriers, of Bellaire, Ohio, praying for the adoption of the so-called "Penrose amendment" to the post-office appropriation bill relating to the salaries of letter carriers, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Athens County, Ohio, praying for the passage of the so-called "rural parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ohio Federation of Women's Clubs, of Toledo, Ohio, and a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were ordered to lie on the table.

He also presented a petition of the legislature of the State of Ohio, praying for the enactment of legislation to establish a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Local Branch No. 1, Musicians' Protective Association, of Cincinnati, Ohio, praying for the enactment of legislation to prohibit Navy and Marine bands from entering into competition with civilian musicians, which was referred to the Committee on Naval Affairs.

He also presented a petition of District Lodge, No. 44, International Association of Machinists, of Washington, D. C., praying for the enactment of legislation requiring all work upon the construction of the proposed new battle ships and colliers to be done upon an eight-hour basis, which was ordered to lie on the table.

He also presented a petition of the United Trades and Labor Council of Cleveland, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of the Merchants' Association of the State of New York, praying for the passage of the so-called "Fowler currency bill," which was referred to the Committee on Finance.

Mr. CLARK of Wyoming presented a petition of sundry citizens of Cheyenne, Wyo., and a petition of sundry citizens of Diamondville, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. TAYLOR presented a memorial of sundry citizens of Watertown, Tenn., and a memorial of sundry citizens of Petersburg, Tenn., remonstrating against the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Memphis, Tenn., and a petition of sundry citizens of Chattanooga, Tenn., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Branch No. 92, Glass Bottle Blowers' Association of Chattanooga, Tenn., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens and labor organizations of Sparta, Ill., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of sundry citizens of Diamondville, Wyo., and petitions of sundry labor organizations of Dietz, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PILES presented petitions of sundry citizens and labor organizations of Aberdeen, Walla Walla, Seattle, Ravensdale, Tacoma, and Spokane, all in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented the memorial of Morgan Foley, of East St. Louis, Ill., remonstrating against the ratification of the arbitration treaty between the United States and Great Britain, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Murphysboro, Belleville, Danville, and Alton, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. CURTIS presented petitions of sundry citizens of Atchison, Osawatomie, Wichita, Topeka, Leavenworth, and Kansas City, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BORAH presented petitions of sundry citizens and labor organizations of Boise, Idaho, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of Fremont, Nebr., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented a memorial of Post F, Travelers' Protective Association of America, of Asheville, N. C., remonstrating against the enactment of legislation to permit the sale of leaf tobacco to the consumer without the payment of the internal-revenue tax, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens and labor organizations of High Point, Mount Airy, Walnut Cove, and Raleigh, all in the State of North Carolina, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of 2,559 members of the Presbyterian Church of the State of North Carolina, praying for the enactment of legislation requiring the closing of the gates on Sunday of the Alaska-Yukon-Pacific Exposition, which was referred to the Select Committee on Industrial Expositions.

Mr. McCREARY presented sundry papers to accompany the bill (S. 4997) for the relief of the estate of John R. Poplin, deceased, which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 6239) for the relief of Aaron D. Bright, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6764) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri (Report No. 601); and

A bill (S. 4435) for the relief of George Q. Allen (Report No. 602).

Mr. TELLER, from the Committee on Private Land Claims, to whom was referred the bill (S. 4726) for the relief of certain purchasers of lots in the Fort Crawford military tract at Prairie du Chien, State of Wisconsin, reported it without amendment, and submitted a report (No. 603) thereon.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (S. 6506) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," reported it without amendment, and submitted a report (No. 605) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions submitted a report (No. 606), accompanied by a bill (S. 6987) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 1218. Philip Liebrick.
S. 2525. William R. Tinker.
S. 2561. Frank M. Becker.
S. 3242. Flora A. Knight.
S. 3670. Abraham Walk.
S. 3790. Mattie Allen.
S. 3914. James Jones.
S. 4620. Herman Greager.
S. 4678. David H. Norris.
S. 5120. John W. Headington.
S. 5332. James B. How.
S. 5568. Thomas Kidd.
S. 5569. John L. Middleton.
S. 5759. Adam F. Broyles.
S. 6173. Charles Oliver Brown.
S. 6255. Theron W. Haight.
S. 6354. John G. Wheeler.
S. 6355. Michael A. Leahy.
S. 6403. Sarah A. Cooley.
S. 6444. Joseph Moore.
S. 6445. Edward B. Louderbough.
S. 6505. William H. Cable.
S. 6792. Susann D. Cross.
S. 6850. Junius A. Parmelee.
S. 6851. Wiliam J. Young.
S. 6854. William E. Dow.
S. 6856. George E. Garland.
S. 6869. Francis E. Wheeler.
S. 6884. Joseph Cook.
S. 6896. Edwin Morgan.
S. 6898. James Ritchie, jr.
S. 6939. Thomas Black.

WILLIAM KEYES.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 5999) to correct the military record of William Keyes, to report it favorably with an amendment, and I submit a report (No. 604) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the records of the War Department against the name of William Keyes, late private in Company B, One hundred and forty-second Regiment New York Infantry Volunteers, and to grant him an honorable discharge from said organization: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 6966) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr., which was read twice by its title and referred to the Committee on Commerce.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6967) for the relief of the trustees of the Tennessee Deaf and Dumb School, of Knoxville, Tenn.; and

A bill (S. 6968) for the relief of Benjamin F. Harris.

Mr. BANKHEAD introduced a bill (S. 6969) for the relief of the estate of Lewis Ransom Clark, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 6970) to offer compensation for discovery of a remedy that will exterminate the boll weevil, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. FORAKER introduced a bill (S. 6971) authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of Andersonville Prison Park, in the State of Georgia, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. du PONT introduced a bill (S. 6972) for the relief of Simon Bollinger, which was read twice by its title and referred to the Committee on Claims.

Mr. DEPEW introduced a bill (S. 6973) increasing the salaries paid to circuit and district court judges of the United States, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. DICK introduced a bill (S. 6974) to provide for additional names of officers and enlisted men to the Army Register, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 6975) to provide increased force and salaries in the United States Patent Office, which was read twice by its title and referred to the Committee on Patents.

Mr. GALLINGER introduced a bill (S. 6976) to amend sections 3, 8, and 13 of the act approved June 3, 1896, entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6977) granting an increase of pension to Reuben C. Philbrick, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6978) granting an increase of pension to William McCarren, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 6979) granting a pension to Eliza Custis, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their title and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6980) for the relief of the heirs of William Southworth, deceased; and

A bill (S. 6981) for the relief of heirs or estate of Thornton Martin, deceased.

Mr. LONG introduced a bill (S. 6982) for the relief of Charles A. Davidson and Charles M. Campbell, which was read twice by its title and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 6983) granting an increase of pension to Samuel D. Hurd, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6984) for the relief of William Warren Hearne; and

A bill (S. 6985) for the relief of Elizabeth Neal.

Mr. CLAPP introduced a bill (S. 6986) for the relief of registers and former registers of the United States land offices, which was read twice by its title and referred to the Committee on Claims.

Mr. DICK introduced a joint resolution (S. R. 81) relating to the issuing of campaign service medals, which was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. WETMORE submitted an amendment proposing to appropriate $150,000 for the purchase of the tract of land formerly known as Graceland Cemetery, in Washington, D. C., intended

to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FRAZIER submitted an amendment providing for the purchase of additional land adjacent to Fort Sheridan, Ill., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FULTON submitted an amendment proposing to appropriate $50,000 for the protection and improvement of the Crater Lake National Park, Oregon, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $5,000 for the purchase of lands and sheep for the San Juan Piute Indians and $10,500 for the support and civilization of the Kaibab Indians, in Utah, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $2,500 to pay C. G. Northrup for extra clerical services performed for a subcommittee of the Committee on Indian Affairs of the Senate, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $1,800,000 for the purchase of a site and the erection thereon of a post-office building in the city of Denver, Colo., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

IRRIGATION IN IMPERIAL VALLEY, CALIFORNIA.

On motion of Mr. FLINT, it was

Ordered, That 2,000 additional copies of Senate Document No. 246, Sixtieth Congress, first session, "Irrigation in Imperial Valley, California," etc., be printed for the use of the Senate document room.

DELAWARE FORCES IN THE REVOLUTION.

Mr. RICHARDSON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Librarian of Congress be directed to send to the Senate copies of all the accounts, papers, and documents relating to Henry Fisher, of Delaware, and the Revolutionary forces, an active patriot in that colony, which papers, and so forth, were transmitted by the Secretary of State to the Library of Congress in 1903.

RELATIONS WITH COLOMBIA.

Mr. BACON. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Whereas the President on January 18, 1904, transmitted to Congress for its information all correspondence not theretofore transmitted touching the relations of the United States with Colombia and Panama, which correspondence included the refusal of this Government to accede to the request of Colombia for arbitration: Therefore be it

Resolved, That the President is hereby requested, if not, in his judgment, incompatible with the interests of the public service, to communicate to the Senate all correspondence since January 18, 1904, relative to any further request by Colombia for arbitration, if such request was made, and any response of this Government thereto.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. FORAKER. I suggest to the Senator that from the reading of the resolution the impression upon my mind is that it would be more appropriate in executive session.

Mr. BACON. It is simply a request to the President, resting entirely in his discretion, if compatible, in his judgment, with the public interest.

Mr. HALE. Of course if any papers came in, they would be sent to executive session, I take it.

Mr. BACON. The President, undoubtedly, would do so if he desired. Everything is left in the control of the President.

Mr. FORAKER. Messages from the President are promptly laid before the Senate and read in open session, and until they are read, presumably, at least, we do not know anything about their contents.

Mr. BACON. The President always, when he desires to do so, sends a message as confidential, and if he sees proper he will do so in this instance, though in the former instance he did not. I hold in my hand what he transmitted before in response to exactly a similar resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PROTECTION OF GAME IN ALASKA.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 14789) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902. This bill, I will say, will cause no discussion whatever, and I have asked the consent of the Senator from Missouri [Mr. WARNER] and the Senator from Iowa [Mr. ALLISON].

Mr. HALE. The Senator from Missouri is here, ready to go on with his remarks. After this matter is disposed of, which I am assured will take no debate, I shall ask for the regular order.

The VICE-PRESIDENT. The Senator from Indiana asks for the present consideration of the bill indicated by him. The bill has been heretofore read. Is there objection to its consideration?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERNATIONAL PRISON CONGRESS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit for the information of Congress a report by the acting Secretary of State covering papers presented by Mr. Samuel J. Barrows, Commissioner for the United States on the International Prison Commission, setting forth the origin, history, scope, and object of the International Prison Congress and the programme of questions to be discussed at the next meeting of the congress, which, in pursuance of the invitation of the Congress of the United States, will take place at Washington in 1910.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *May 5, 1908.*

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. The Chair lays Senate bill 6206 before the Senate. It will be read by title.

The SECRETARY. A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. WARNER. With pleasure.

Mr. CLAPP. Desiring to place it in the RECORD in connection with the Senator's speech, if he will yield I should like to ask the junior Senator from Idaho [Mr. BORAH] one or two questions in reference to the matter.

Mr. WARNER. Certainly.

Mr. CLAPP. I should like to ask the junior Senator from Idaho, in view of his investigation of this subject, his best judgment as to the number of troops who actually participated in the affray at Brownsville, if he cares to state.

Mr. BORAH. When I made the investigation in reference to this matter I did not have in view the question of determining definitely the number whom I might conclude from the evidence participated in the affair, but in my opinion, from the view which I now take, there were twenty-five or thirty who were either actually engaged or were participants in it at that time in the way of knowing that it was going on. I should say, from the hurried examination which I have made of the matter since the Senator called it to my attention, that at least thirty were participants in it in the sense of having knowledge that it was going on, of whom some ten or fifteen were actually engaged in the affray.

Mr. CLAPP. I am much obliged to the Senator.

Mr. WARNER. Mr. President, the witness relied upon by the distinguished Senator from Ohio [Mr. FORAKER] to contradict the testimony of Mr. and Mrs. Rendall, Mr. Martinez, Mrs. Leahy, and Herbert Elkins as to the first firing being inside the reservation is the regimental scavenger, Matias Tamayo, a Mexican.

To understand the testimony of the scavenger it should be understood that between the barracks and the wall separating the reservation from Garrison road is a distance of 85 feet; that inside the garrison wall and between it and each of the barracks are three outbuildings—a woodshed, an oilhouse, and a sink; that these structures are within a few feet of the wall of Garrison road; that between them and the barracks is a roadway used exclusively for the benefit of the command occupying the fort; that on the night of the shooting the scavenger with his mule and iron cart was at or near the corner of B

Company barracks and between it and one of the outbuildings I have named. When firing began he was emptying an ash can into the bed of his iron wagon; that thereupon, as is inferable from the evidence, he became frightened and drove away at a Tam-o'-Shanter pace, although Tamayo swore that he drove away leisurely. On this point the sergeant-major of the regiment, who was sleeping in the Administration Building, 175 or 200 yards from the entrance to the reservation, testified:

Q. Now, right in that connection, you knew the scavenger?—A. Yes, sir.
Q. What was his name?—A. I think his name is Tamayo.
Q. Did you hear him or his cart that night?—A. I heard his cart.
Q. What attracted you to Tamayo's cart?—A. I thought it was artillery.
Q. That is, he was going so fast with that mule of his that you thought it was artillery?—A. Yes, sir; the shaking of the cart together.
Q. So that if that mule was walking, it was a pretty fast walk, was it not?—A. Yes, sir; that mule wasn't walking. That cart was being maneuvered very rapidly.
Senator FORAKER. It had an iron bed, hadn't it?
The WITNESS. Yes, sir; I think it had.
By Senator WARNER:
Q. It made enough noise for six or eight iron beds?—A. Yes, sir; it made a great racket.
Q. And did it not occur to you then to wonder, as you have stated somewhere, I believe—I may be wrong about that—if the people of Brownsville had a Gatling gun?—A. Yes, sir; the court required me to state exactly what my impression was at that time, and I told them what my impression was at that time.
Q. That you thought it was a Gatling gun?—A. Yes, sir.
Q. Now, when was that rushing over there of the scavenger, with reference to this voice that you heard saying, "I want all of you?" Was it about the same time?—A. They were very near together.
Q. Was the voice before you heard the rattling of the cart?—A. Well, I could not be positive about it, really. They were so close together I could not tell which was first or which was second, really. There was very little time between them, I know that.
Q. Did you not think, as to Tamayo, from the way his cart was going at the time, that it would be likely, if anybody shouted, that he would want them?—A. That he would want them?
Q. Yes; want the soldiers' assistance, the way he was frightened?—A. No, sir; I am quite certain that it wasn't Tamayo, because I have heard his voice and am familiar with it.
Q. You know his voice?—A. Yes, sir; this voice I heard, it was a deep guttural, a bass voice.
Q. And Tamayo has a tenor voice?—A. A lighter voice than that.
Q. This was a deep voice?—A. Yes, sir; a deep guttural.
Q. Now, what was the distance from the administration building, where you were, to the place where you heard this voice?—A. Probably it might be 175 yards.
Q. I think possibly in your testimony you may have stated it was 200 yards.—A. Possibly; I could not say definitely.
Q. And you have thought over this?—A. I would not be positive about this distance. It wasn't over 200 yards.

In addition to the fact that Tamayo was badly frightened, from his own statement, he put himself in a position where it would have been difficult for him to have seen the commencement of the shooting at the point from which it was testified it had occurred.

In his affidavit, given early in the morning of the 14th of August, 1906, Tamayo said: That about 12.10 a. m. on the morning of August 14, 1906, he was in the rear of the quarters occupied by B Company, Twenty-fifth Infantry; that about this time a shot was fired by some person unknown in the street *just outside* the wall dividing the military reservation from the town of Brownsville, Tex. It will be noted that he here first locates the shooting *just outside* of the garrison wall, and this affidavit, as the evidence shows, was taken within a few hours after the shooting, at the suggestion of Captain Lyon.

In his testimony before the committee, Tamayo said:

Q. You have spoken of the alley here between Elizabeth and Washington streets?—A. Oh, you were talking about this here. [Indicating.]
Q. What do you call this alley [indicating]?—A. The Cowen and Yturria alley.
Q. The Cowen and Yturria alley. That is between Washington and Elizabeth streets?—A. Yes, sir.
Q. With reference to that alley, where was that first shot fired from?—A. Right along here [indicating].
Q. Right along——A. Right here [indicating on map].
Q. You have marked a good many places there.—A. It was right here, the first shot, and then I heard the next one.
Q. That is, about half way from the barracks road to Fourteenth street?—A. Yes, sir.
Q. Right along there in the alley?—A. Yes, sir.
Q. In the alley?—A. Yes, sir; there is where I heard the first two shots.
* * * * * * *
Q. And there was a fusillade or a volley, was there?—A. Yes, sir.
Q. Now, which was it, a volley or a fusillade, or how?—A. It was a fusillade, I think—lots of shooting.
Q. Well, but was it shooting right along, quick?—A. Yes; a kind of skirmish.
Q. Skirmish; one right after another, "tap," "tap," "tap," "tap?"—A. Yes, sir; pretty hard.
Q. About how many persons would you think were in it, from the discharges, discharging their firearms?—A. I would think it must have been about 8 or 10.
Q. At least that?—A. At least; yes, sir.

Major Penrose in his testimony before the court-martial in reference to Tamayo, said:

I asked him what he had seen or heard and he told me, as near as I can recall it, that he was at the sink of B Company, and he first heard a shot or two and then a fusillade behind him, and he thought they were shooting at him or his mule, and he jumped into his cart and drove away.

I here quote further from the testimony of Tamayo, showing the position he was in at the time of the commencement of the shooting:

Q. Now, the wood shed was between you and the town?—A. Yes, sir; but the wood shed was pretty far from me, on the other side of the road.
Q. I know; but the wood shed was between you and the town?—A. Yes, sir.
Q. So that you were back of the wood shed?—A. Yes, sir; I had the wood shed right there in front of me; but I could see between the wood shed and the privy what was going on in town [indicating].
Q. Between the wood shed and the sink?—A. Yes, sir.
Q. And what is the distance between the wood shed and the sink?—A. About 8 feet.
Q. And you could see there, and see through where the shot was coming from?—A. Yes, sir.
Q. You could see the flash?—A. No, sir; I couldn't see it on account of those houses being so close there on the alley.
Q. And you were looking in that direction, then?—A. Yes, sir.
Q. You were not looking at the porches of the barracks at any time?—A. It wasn't any use for me to look at the porches——
Q. Wait a moment; let us not argue about this. Were you or were you not looking at the porches?—A. I could see both at the same time. I could see the town and I could see the porches. (Pp. 1224 and 1225.)
* * * * * * *
Q. Could you or not have told whether there was a shot fired from the barracks or not?—A. Yes, sir; from the back of the barracks; I could have seen it.
Q. You could have seen it?—A. Yes, sir.
Q. But suppose you were looking in the other direction?—A. No, sir; I could see both places.
Q. You still insist on that?—A. Yes, sir. (P. 1226.)

Before the Penrose court-martial the scavenger testified as follows:

Q. The first shooting you heard was apparently in the alley and near the Cowen house, was it?—A. Yes, sir.
Q. Are you sure about that?—A. I can not very well tell in front of which house it was taking place.
Q. But it was in that direction?—A. Yes, sir.
Q. And it seems to you that it was as far away as that, does it?—A. Yes, sir. (P. 831.)

It is submitted that the testimony of this witness can not be relied upon as to the location of the raiders at the time the firing began. If they were, as Tamayo located them, between Garrison road and Fourteenth street, on the Cowen alley, then Captain Macklin was mistaken in saying that he picked up exploded cartridges and clips near the mouth of the alley on Garrison road.

In connection with the question as to the commencement of the firing the testimony of Major Penrose is important. He, at the time the first shot was fired, was in his quarters across the parade ground, a distance of about 350 yards from the barracks. He had retired, but had not yet fallen asleep. His testimony on this point before the Penrose court-martial reads:

Q. What was the first thing you heard?—A. Two shots.
Q. Where were they?—A. Fired very close together. I thought they were between the guardhouse and that vacant set of quarters, farther over; it occurred to me that was the general direction.
Q. Farther over? What do you mean?—A. I mean farther over in the part of town in here. Might have been in here anywhere. I was sleeping in the back room in this set of quarters [indicating on map].
* * * * * * *
Q. What did you take those shots to be?—A. I took them to be pistol shots and firing black powder.
Q. What followed these?—A. That was followed almost immediately by six or seven shots; they were fired very rapidly, and I thought they were directly in rear of C Company, in that vicinity; back in that vicinity.
Q. What did you take those to be, Major?—A. They were undoubtedly high-power guns.
Q. You thought they were high-power guns?—A. Yes, sir; I thought that they were guns shooting smokeless powder, not black powder.
Q. What followed that?—A. That was followed by three very distinct shots. They stand out in my memory now more distinct than any others, and that was followed by a number of shots—a number of shots fired irregularly at first. In other words, they did not sound like volleys at first.
Q. Tell us a little more about those three shots that stood out so distinctly; where did you locate these?—A. In that general direction, I could not tell.
Q. Did they appear different from the others?—A. They were louder than the others and appeared more distinct.
Q. They were high-power guns?—A. Unquestionably.
Q. You said they were in that general direction; what do you mean by that?—A. I mean in that general direction of the town.
Q. Toward what?—A. I took it to be in rear of B Company, over in that direction, or possibly—C Company, I mean, or the east end of B Company.
Q. You located it somewhere near B or C Company?—A. In that part, in that particular——
Q. Let's commence with your movements, Major; what did you do?—A. The instant I heard these two shots I sprang from my bed. I thought it might possibly be fire, and my wife said to me, "What's that; fire?" and just instantly after that these several shots came, and I said, "I am afraid it is something worse than fire," and I sprang into my clothes—put on a pair of trousers over my pajamas; I slipped my bare feet into my shoes, did not lace them at all; I grabbed my blouse, ran downstairs as fast as I could, and picked up my hat and pistol in the hall as I rushed through. (C. M., 1152.)

Major Penrose, an old soldier, knew when he heard the high-power guns what it meant, and his remark to his wife, "I am

afraid it is something worse than fire," was natural and significant, and it is fairly inferable from this remark that he at that time suspected that the shooting which was going on was being done by men of his command.

His testimony before the Military Committee was substantially the same as that given before the court-martial, and in answer to the question,

Where did they seem to be firing from?

he replied:

They seemed to be in the rear of C Company or B Company barracks, in the direction of the town,

and the further question,

Could you tell from where you were whether they were outside or inside the reservation?

he did not answer directly, but said:

I took them to be outside the reservation.

He also testified that the sentinel, Howard, on duty on his beat, extending around the barracks at the time of the shooting, on being asked where the shooting was, replied:

It was directly over the wall.

Tamayo, the scavenger, is the only witness who attempts to locate the first firing up in the Cowen alley near the Cowen house. Arrayed against him on this point are Mr. and Mrs. Rendall, Jose Martinez, Mrs. Leahy, Herbert Elkins, and Major Penrose.

Captain Macklin in his testimony said:

It is possible that there were a few shots fired from the barracks or some of the quarters by the men in their fright.

Mr. President, if there is one fact established by the voluminous testimony in this case, that fact is that the firing from high-power guns commenced immediately in the rear of B or C Company barracks, and while there may be some question as to whether the firing was inside or outside the garrison wall, there is no question under the evidence that it commenced at the point I have stated. If the many eyewitnesses are to be credited, then it is proven in this case beyond a reasonable doubt that soldiers of Companies B, C, and D, of the Twenty-fifth Infantry, participated in the shooting up of the town of Brownsville on the night of August 13–14, 1906.

Mr. President, in addition to the eyewitnesses, the mute testimony of the bullet holes in the Yturria house, at the corner of Garrison road and Cowen alley are conclusive that the first firing was from an elevated point. Major Blocksom, Assistant Inspector-General of the United States Army, who had some nearly thirty years' active service, was ordered to Brownsville to make an examination into the affray and report, and I call the attention of the Senate to that part of his evidence with reference to the bullet holes in the Yturria house—this house being inclosed on the side opposite the barracks by a close board fence about 6 feet high. Of the bullet marks in that house, Major Blocksom testified (pp. 2585 and 2586):

By Senator WARNER:

Q. That is, his company?—A. The members of his company. In this connection I would like to state that I particularly impressed on Mr. Lawrason, who was commanding B Company at the time, the facts which I had found out regarding the firing of shots into the Yturria house.

Q. Just state what those facts were.—A. About the bullet holes I found?

Q. Just state that.—A. The statement of the Mexican boy who had been sleeping there at the night of the shooting?

Q. State, in that connection, just what you found out.—A. I think it was the next day after arriving there that I went to the Yturria house and saw a Mexican boy there, whose name I think was Teofilo Martinez. He told me that he had been sleeping on this porch the night of the shooting, and he was awakened by it, and that he heard the shots striking the house, and that he was very much frightened and went back into an outhouse and stayed there for some time. I asked him where the shots came from, and he said they came from over in the barracks, but he could not tell as to the location of them. I asked him to show me the bullet holes, and he showed me the marks, the bullet holes, of three bullets which struck on the outside of the house, and the mark of another one which he said must have gone through the roof and entered the ceiling of the dining room. He showed me where it came out in the dining room. These three bullet holes which I speak of indicated to me very plainly that the rifles firing them must have been on the porch of B Company barracks. One of them, especially, showed this to be true. It struck the lower edge of (I suppose you call it) the lintel of the porch, and made a groove along the lower side of the lintel. Where it first struck the lintel it made first a probably half-round hole. Where it left the lintel there was hardly any mark at all, just sufficient to show that the bullet had touched it as it left, making a groove along this lintel, the depth of which decreased from the place where it struck to the spot where it left it. I got up on the railing of the porch and measured along this groove. It struck the upper porch of B barracks, as I remember, between the fourth and fifth pillars, as I suppose you call them, of the porch. This shot went into the wall slightly lower than what would be the case if it went straight, as indicated by the groove, and the hole, as I remember it, was slightly enlarged from the size of the bullet—a small-caliber bullet, as I took it to be, from the others that I saw there—and the size of the groove where it first struck the lintel.

Q. What kind of a bullet did you say?—A. It was a small bullet; I can not say certainly whether it was a .30-caliber or not, but it was about that. It certainly was no larger. I sighted along this groove from the outside and looked at the bullet hole in the wall, and it was slightly lower than it would have been had it gone straight along the line of the groove, indicating, to my mind, that the bullet had tumbled slightly. This bullet went through the wall, and I think that it was this bullet that went through the back door of the kitchen; and I do not know whether I knew it at the time or not, but it was shown to me afterwards—the second time—when I was there, that it had struck the covering of the well in the back yard, and Mr. Garza, who was a clerk for Mr. Yturria, told me he picked it out of there, and he gave it to me.

Q. The range of the bullet was, then, downward?—A. The range of the bullet was downward all the time.

Q. Now, from your experience as a soldier and from your observations, you located that as being shot from what point, Major, substantially?—A. It was shot from the upper gallery of B barracks—the porch—I think, between the fourth and fifth pillars on the eastern end of that porch.

Q. You call the eastern end——A. Up that way [indicating].

Q. From the river?—A. Yes, sir.

Senator WARNER. That is the way that we have been calling it.

By Senator FRAZIER:

Q. Does the porch extend entirely around the barracks or does it stop at the eastern corner of the barracks?—A. It stops at the eastern corner of the barracks.

Q. And you think, from sighting the way you did, that the shot was fired from between the fourth and fifth pillars, extending west from the east corner?—A. Yes, sir; it was probably, I should say, one-third of the distance, or less, of the length of the barracks from the east end.

By Senator WARNER:

Q. Just state, if you will, what observation you made to determine the range of the bullet.—A. You mean the direction in which it went?

Q. Yes; and what observation you made towards ascertaining the point from which it was fired.—A. The bullet struck about there somewhere [indicating].

Q. That is, in the rear, or kitchen, part of the building?—A. Yes, sir; the kitchen. It struck, I suppose, about there, where it struck the lintel [indicating].

Q. That is, substantially, how many feet from the west end of the kitchen part?—A. Probably 20 feet, although that is mere guesswork on my part.

Q. Yes.—A. And, as I remember, the bullet went almost perpendicular to this line, although I think it was slightly that way [indicating]. My impression is that this map is incorrect so far as the location of the barracks is concerned with reference to that house.

That the shots fired into the Yturria house must have been fired from an elevation equal to that of the back porch of the barracks is established by the affidavits of E. B. Gore, Christ Miller, and J. B. Fugitt, which are as follows:

THE STATE OF TEXAS, *County of Cameron:*

Before me, the undersigned authority, on this day personally appeared Elbert B. Gore, who, after being by me duly sworn, on his oath deposes and says:

My name is Elbert B. Gore; I am 40 years of age; I am a civil engineer and have followed said profession since the year 1891. I made, for the first time, an examination of the shots into the Yturria residence, at corner of Washington and Fifteenth streets, in the city of Brownsville, Tex. There were three—that I saw—all of them came from direction of barracks B (or second barracks from the river), Fort Brown; the splintered sides all being on the opposite side from the barracks. The alignment of two of the shots indicate that they came from a point on the upper gallery of said barracks between the second and third windows from the east end of barracks. I could not state entirely as to third shot, because after entering the house it passed through a partition at an acute angle, and there might have been considerable deflection; but I do state that it is physically impossible that these bullets could have come from any other direction, and at least two of them from any other place than barracks B (or second barracks from river), Fort Brown.

E. B. GORE.

I, Elbert B. Gore, do solemnly swear that the facts contained in the above and foregoing affidavit are true, so help me God.

E. B. GORE.

Subscribed and sworn to before me by Elbert B. Gore, this 12th day of July, A. D. 1907.

[SEAL.] LOUIS KOWALSKI,
Clerk District Court, Cameron County, Tex.

THE STATE OF TEXAS, *County of Cameron:*

Before me, the undersigned authority, on this day personally appeared Christ Miller, who, after being by me duly sworn, on oath deposes and says:

My name is Christ Miller; I am 51 years of age; I am the caretaker of the military reservation at Fort Brown, Tex.; I served twenty-five years and four months in the Army of the United States, and retired from said service on the 1st day of June, A. D. 1906; I was at the date of my retirement first sergeant Company B, Twentieth U. S. Infantry. On this morning I made a careful examination of the south side of the residence of Mr. F. Yturria, situated on the corner of Washington and Fifteenth streets in the city of Brownsville, Tex. I found three marks on said south side (or side toward Fort Brown) of said house.

Counting from the river, the first bullet mark, in my opinion, was made by a shot fired from the upper porch of second barracks from the river, between second and third upper windows from east end of said barracks, or out of either of said windows. This shot cut a groove in the lintel of the Yturria porch and passed on into the south wall of the kitchen, 2 inches lower than where it struck the lintel, and lodged in the north wall of kitchen. The second bullet struck and went through lintel of same porch and entered south wall of kitchen 1 inch higher than where it went in lintel, passed through south wall of kitchen and on through north wall, entering north wall of kitchen 1 foot and 2 inches higher than it did south wall. Distance from porch lintel to north wall of kitchen is 20 feet. In my opinion this shot was fired from lower porch of second barracks from river, just below the point on upper porch from which first shot was fired. The third shot struck south wall of kitchen at an angle, passed into dining room (which immediately adjoins kitchen on the east), through wall between dining room and kitchen, going through a picture on dining-

room wall, and lodged in door on north side of dining room. This shot, in my opinion, was fired from upper porch of second barracks from river, about 10 feet nearer river than first shot described above. This examination was made by Sergt. J. B. Fugitt (who is assistant caretaker at Fort Brown) and myself. We together took the measurements and sighted along the course of the bullets and took the alignment of same. All this was done by us without the aid or suggestion of any outsider, and the opinion here expressed by me is formed from the facts as found by myself, to the best of my knowledge and belief.

CHRIST MILLER.

I, Christ Miller, do solemnly swear that the facts contained in the above and foregoing affidavit are true; so help me God.

CHRIST MILLER.

Subscribed and sworn to before me by Christ Miller this 12th day of July, A. D. 1907.

[SEAL.] LOUIS KOWALSKI,
Clerk District Court, Cameron County, Tex.

THE STATE OF TEXAS, *County of Cameron:*

Before me, the undersigned authority, on this day personally appeared J. B. Fugitt, who, after being by me duly sworn, on his oath deposes and says:

My name is J. B. Fugitt; I am 59 years of age; I am assistant caretaker of the military reservation at Fort Brown, Tex.; I served in the Army of the United States thirty years and two months, and retired from said service on the 16th day of December, A. D. 1893; I was, at the date of my retirement, ordnance-sergeant. On this morning I made a careful examination of the south side of the residence of Mr. F. Yturria, situated on the corner of Washington and Fifteenth streets, in the city of Brownsville, Tex. I found three bullet marks on said south side (or side toward Fort Brown) of said house.

Counting from the river, the first bullet mark, in my opinion, was made by a shot fired from the upper porch of second barracks from the river, between second and third upper windows from east end of said barracks, or out of either of said windows. This shot cut a groove in the lintel of the Yturria porch, and passed on into the south wall of the kitchen 2 inches lower than where it struck the lintel, and lodged in the north wall of the kitchen. The second bullet struck and went through lintel of same porch and entered south wall of kitchen 1 inch higher than where it went in lintel, passed through south wall of kitchen and on through north wall of kitchen, entering said north wall of kitchen 1 foot and 2 inches higher than it did south wall. Distance from porch lintel to north wall of kitchen is 20 feet. In my opinion this shot was fired from lower porch of second barracks from river, just below the point on upper porch from which first shot was fired. The third shot struck south wall of kitchen at an angle, passed into dining room (which immediately adjoins kitchen on the east), through wall between dining room and kitchen, going through a picture on dining room wall, and lodged in door on north side of dining room. This shot, in my opinion, was fired from upper porch of second barracks from river, about 10 feet nearer river than first shot described above. This examination was made by Sergt. Christ Miller (caretaker at Fort Brown) and myself. We, together, took the measurements and sighted along the course of the bullets, and took the alignment of same. All this was done by us without the aid or suggestion of any outsider, and the opinion here expressed by me is formed from the facts as found by myself, to the best of my knowledge and belief.

J. B. FUGITT.

I, J. B. Fugitt, do solemnly swear that the facts contained in the above and foregoing affidavit are true; so help me God.

J. B. FUGITT.

Subscribed and sworn to before me by J. B. Fugitt this 12th day of July, A. D. 1907.

[SEAL.] LOUIS KOWALSKI,
Clerk District Court, Cameron County, Tex.

Mr. BULKELEY. I do not want to interrupt the Senator, but I should like to ask a question. The two parties whom he has named were never before the committee, as I recollect.

Mr. WARNER. I have read their statements as affidavits. They were affidavits taken by Major Blocksom.

Mr. BULKELEY. After the committee had practically finished their investigation, if I remember correctly. Has the Senator the date of the affidavits?

Mr. WARNER. The 12th of July, 1907.

Mr. Ygnacio Garza testified before the Penrose court-martial, in regard to the shots in the Yturria House, as follows (pp. 399 and 400). As the Senator from Connecticut will remember, this fully corroborates the statement as to the location of the party during the shooting.

Mr. BULKELEY. I remember the statement.

Mr. WARNER. Mr. Garza testified as follows:

Q. In whose employ were you on the night of August 13?—A. F. Yturria's.

Q. What is Mr. Yturria's business?—A. He is a merchant.

Q. Did you ever have occasion to visit his house?—A. Yes, sir.

Q. Did you visit it upon the morning of August 14?—A. Yes, sir.

Q. Describe, if you know, anything unusual about its condition.—A. Yes, sir; I was notified by Teofilo Martinez, the man that was taking care of the house in Mr. Yturria's absence, and he told me there was some shots fired into the house the night of August 13.

Associate counsel for the accused:

"I object to the testimony on the ground that it is hearsay."

The judge-advocate:

"I have no reply to make. To save time I will caution the witness to confine himself to what he knows and not what people told him."

Q. Did you notice any injuries to the house upon that morning of the 14th of August.—A. Yes, sir.

Q. Describe them as nearly as you can.—A. I saw some holes into the kitchen and the dining room—I think three of them—three holes made, I supposed, by bullets.

Q. In whose presence did you examine these holes?—A. In the presence of Teofilo Martinez.

Q. Who was he?—A. He was a man employed by Mr. Yturria; he was a servant there at the house.

Q. On that day?—A. Yes, sir.

Q. Were these injuries in the house there prior to the night of August 13?—A. No, sir; I never seen them before and I used to go there every day.

Q. And they were not there on your last previous visit?—A. No, sir.

Q. Did you examine them carefully?—A. Yes, sir.

Q. In what way did you examine them?—A. Well, I examined them—I went up on the railing on the gallery and I saw very plain that those holes were made by shots—it seems to me they were shots fired from the barracks—from the upper gallery; come from that direction.

Q. How many of these what you call evidently bullet holes did you examine for the purpose of ascertaining their alignment?—A. Two of them.

Q. And did they both come from the same point apparently?—A. Not exactly from the same point; one come from one end of the barracks and the other from the other end; they were close together and anybody could see very plain that they were fired from different parts of the barracks.

These bullet holes in the Yturria House are conclusive evidence of the fact that it would have been impossible for the guns from which the bullets were discharged to have been fired by a person standing on the ground, and they corroborate the witnesses who testified to seeing firing from the second porch of the barracks.

Mr. President, in support of the witnesses who identified the raiders as soldiers, there are the ball cartridges, the cartridge shells, clips, and bandoleer, all part of the Springfield rifle ammunition, which were picked up in the streets of Brownsville at the points where the shooting occurred. These, together with the bullets extracted from the houses, are the strongest possible corroborative evidence. These cartridges, shells, bandoleer, and clips were picked up early in the morning of the shooting—in fact a part of them by Mayor Combe within two hours after the firing ceased. When at the mouth of the alley at the Miller Hotel he stepped, as he says, upon something—

that gave a metallic sound,

and on feeling down on the ground found—

one clip, one ball cartridge, and six or seven shells.

I quote from his testimony as follows:

Q. Right there, Doctor, when you say "one ball cartridge," what do you mean by that?—A. I mean a loaded cartridge.

Q. A loaded cartridge?—A. A loaded cartridge. That is a common expression.

Q. What did you do with those cartridges?—A. I went to the light to look at them, and saw, from what I had seen of these shells before, that they belonged to the Springfield rifle. I thought they did. I immediately came to that conclusion.

Q. And the clip, also?—A. Oh, yes. The cartridge fitted into the clip perfectly.

Q. Yes.—A. I put these in my pocket.

By Senator OVERMAN:

Q. Did you notice whether they had been freshly fired?—A. No, sir; that is one thing I neglected to do. It would have been a very easy thing, because if they had been fired only two hours before they would still have the sulphurous odor, you know, after you explode a cartridge. I think you could have still detected it.

Q. But you did not notice that?—A. I did not notice it. I was satisfied. As far as I was personally concerned, I felt that this had been done by soldiers.

By Senator WARNER:

Q. This was about what time, now?—A. This was very nearly—it must have been 2 or 3 in the morning.

Doctor Combe further testified that other people the morning of the shooting picked up shells around the intersection of the alley and the street near the Miller Hotel and back in the alley toward the post.

Mr. Fred Starck, a mounted inspector of customs, on the morning of the shooting between 5 and 6 o'clock, found nine empty shells in front of his residence; his house, it will be remembered, was one of the houses that were riddled by bullets. Mr. Starck testifies:

Q. You picked up those shells, you say, about what time in the morning?—A. A little after daylight, sir, as near as I can remember. Daylight then was about 5 o'clock.

Q. I wish you would explain to the committee, if you can, the condition of those shells—if they looked as though they were freshly shot.—A. Yes, sir; they were freshly shot; we examined them. Mayor Combe and the marshal and myself examined every shell we picked up. When the mayor got to my house he had a handful of shells, and one of the policemen had a handful of shells, and they had a bandolier. I didn't see them when they got that. They told me they found it in the alley of the Miller Hotel.

Mr. McCUMBER. Would it disturb the Senator right on that point to ask him just one simple little question, which possibly he can answer in one word?

Mr. WARNER. It will be no disturbance whatever.

Mr. McCUMBER. There was some testimony I understand about some six or seven shells and the cases in which the shells are kept found in a space about 10 inches in diameter. Was there any explanation given as to how so many of those shells were found in one little pile?

Mr. WARNER. None as I remember. As appeared before the court-martial proceeding, they were found in a space of some 10 to 15 inches. But I think I shall cover that part of it.

Mr. Starck continues:

When I got there they had these in their hands. The mayor of the city, the marshal, and myself examined these shells, and they were new shells—had just been recently fired.

Q. How do you know they had been recently fired?—A. I have fired many a cartridge myself, sir, and can tell.

Q. The shells had a fresh appearance?—A. Yes, sir; you could tell by the primer; the primer had just been struck—that is, the cap. And I can tell a shell that has been recently fired and one that has laid over to get cold.

Q. And those shells there were recently fired?—A. Yes, sir. (P. 2347.)

* * * * * * *

Captain Macklin shortly after daylight on the morning of August 14 picked up at the mouth of the Cowen alley approximately, as he says, six clips and seven shells which he recognized as ammunition of the Springfield rifle. This is his account of finding the shells and clips:

Q. You have no doubt of that, have you?—A. I feel satisfied in my own mind that they were Springfield shells; yes, sir. I have seen some shells, though, that looked very similar; just about the same kind of a shell, of another make.

Q. They were Springfield clips that you found there?—A. Yes, sir; the ones we used.

Q. So, as far as you could judge, they were shells and clips of the ammunition of the Springfield rifle?—A. As far as I could judge, yes, sir; I think it was.

Q. What did you do with those shells?—A. I showed them to Major Penrose first, and then took them to my quarters. He told me to keep them.

Q. What did Major Penrose say when you showed them to him?—A. He said it looked bad.

Q. What else?—A. I do not recall anything else, sir. (P. 1802.)

Here permit me to make a slight digression. Captain Macklin further says that some of his men told him that the first firing was toward the barracks. The following is his testimony on this point:

Q. I am not asking you that. We will come to that. I ask you what the men said to you, whether it was toward or over the barracks—the first shooting?—A. The men told me that the first shooting was toward the barracks.

Q. Where did they say the men were who did the shooting?—A. They said the first firing appeared to be directly in rear of B Company, about where the alley is.

Q. About where you found those shells?—A. Yes, sir; that is where the alley is; yes, sir.

Q. And they told you the men were there near the barracks, and shooting at the barracks?—A. Shooting toward the barracks.

Q. Did you make an inspection of the barracks to see if any shot had hit it?—A. I did; an investigation of my own. That is, I did not go on the roof. I went on the porches.

Q. Did you find any evidence?—A. No, sir.

Q. Did that strike you as being a little bit peculiar, Captain, that men standing off within a hundred feet, shooting at the barracks, would miss it?—A. Well, I don not see how anyone could miss it at that distance.

Q. Did it strike you as being singular?—A. Well, it did seem a little strange; yes, sir.

Q. Did you question the men further about it?—A. Yes, sir.

Q. What did you ask them?—A. I went into the thing in every way that I possibly could, and they have never changed.

Q. Still claim that they were shooting at the barracks?—A. Toward the barracks, sir.

Q. Toward the barracks?—A. Yes, sir.

Q. You say that they seemed to have the impression that the barracks was being attacked?—A. Did I say that, sir?

Q. That the men had that impression?—A. Oh, yes; the men had that impression. There are two or three men of my company who told me about the first part of the shooting, and they gave those remarks that were supposed to have been made outside of the wall; the language I don't think I should repeat here.

Q. We might just as well have it.—A. "Come out, you black ———

———.

Q. That is, shouting?—A. Yes, sir.

Q. And shooting toward the barracks?—A. Yes, sir.

Q. Did that strike you as a little singular, that the men would stand out there and shout that way, and shoot and not hit the barracks?—A. Well, I don't know, Senator; it did some way strike me as a little singular. (Pp. 1792–1793.)

This statement carries upon its face the evidence of its improbability, and suggests strongly the untold knowledge of the real facts possessed by the soldiers.

Returning to Captain Macklin's testimony upon the finding of the shells, he says:

Q. Did you tell Major Penrose about the circumstances of your finding those shells?—A. I told him when I found them.

Q. And where you found them?—A. Yes, sir.

Q. And how they were placed?—A. Yes, sir.

Q. And all about it?—A. Yes, sir; as near as I can recollect. He stood on the inside of the wall, right along there, looking down that alley—that is as near as I can recollect.

Q. Now, Captain Macklin, you made a statement, did you not, in this case when it was being investigated by Colonel Lovering?—A. I did make a statement before him; I think it was a very brief one. He asked me mostly about my men; about the trouble that my men had had, and that they had reported to me; that was the nature of his investigation.

Q. You knew that Colonel Lovering was trying to find out who it was did the shooting, whether it was the soldiers or the citizens, did you not?—A. Yes, sir.

Q. That was your understanding?—A. Yes, sir.

Q. And you were anxious, were you not, about giving him all the assistance you could?—A. Yes, sir; in every way.

Q. The fact is, Captain, that as an officer you were attached to your command, were you not?—A. I was very fond of them, Senator.

Q. And you were anxious that whatever there might be that would show that they were not guilty of this charge should be developed, were you not?—A. Yes, sir; I have worked to that end for the last eight months.

Q. And are still working at it?—A. Yes, sir.

Q. In your statement I find nothing about these shells—that is, in your statement to Colonel Lovering.—A. In that examination, Senator, I was not asked to make a statement. I was asked questions. They wanted mere facts. In going into an explanation of the details of things I was told that they did not want that, that facts were all they wanted.

Q. Was not that a fact, your finding those shells?—A. Oh, yes; but he told me to confine myself to the answers to the questions that he asked me.

Q. Did you attempt ever to tell him of those shells?—A. I do not recall that I did; I do not know, sir.

Q. Do you mean to say that Colonel Lovering prevented you from giving him any information?—A. No, sir; I don't want to imply that at all, sir; not in the least.

* * * * * * *

Again, in answer to Senator Overman, Captain Macklin said:

Q. Did you go out any farther than the garrison road?—A. By the garrison road, do you mean that alley?

Q. No; I mean the garrison road, right along by the wall.—A. I went in there just a little, toward the alley.

Q. Why didn't you continue up the road?—A. I found those, and I was satisfied.

Q. Satisfied of what?—A. I was satisfied I had found the shells—what I was looking for.

Q. You were looking for shells, and you found shells that, in your opinion, had been shot out of the Springfield rifle?—A. I thought so at that time; yes, sir.

Q. And that satisfied you; that was as far as you wanted to go?—A. Yes, sir.

Q. You were satisfied, then, that your men had done it?—A. I did not say that.

Q. Not your men, but the soldiers of the battalion?—A. Well, it looked that way; yes, sir.

* * * * * * *

Q. But, captain—it seems to be the thing to ask for opinions here—from these shells being found, and what you heard of other shells and ammunition, the shells and balls, and so forth, that were found, did you form any opinion as to whether it was some of the battalion who did the shooting?—A. You mean at the time?

Q. Yes.—A. At the time I thought it was some of the men of the battalion; yes, sir. That next morning I felt satisfied it was some men of the battalion.

* * * * * * *

There was nothing in the position in which the shells and clips were found that led Captain Macklin to doubt that the soldiers of the battalion did the shooting.

Major Penrose in his evidence before the committee, with reference to the shells picked up by Captain Macklin, testified (pp. 3034 to 3036):

Q. The next morning you got up about 5 o'clock?—A. Yes, sir; certainly as early as that.

Q. And the first thing that you did was to examine the barracks?—A. Yes, sir.

Q. You commenced with which barracks?—A. I commenced with C Company barracks.

Q. That is, on the east end of the barracks?—A. The east end.

Q. You examined downstairs and upstairs?—A. Yes, sir.

Q. As I understand from your testimony, you examined all except the roof?—A. Yes, sir.

Q. You examined B barracks thoroughly?—A. Yes, sir.

Q. You examined D barracks thoroughly?—A. Yes, sir.

Q. Both the upper and lower galleries?—A. Yes, sir.

Q. To see if there were any physical evidences of your post having been attacked?—A. Yes, sir.

Q. You found none?—A. No, sir.

Q. Did that make no impression upon you whatever?—A. Yes, sir; it did then.

Q. What impression did that make upon you, Major?—A. That impression—I commenced to think, then, that maybe Doctor Combe's report to me the night before might have been true, that my men did the firing.

Q. Notwithstanding that you had had the report of your commissioned officers and noncommissioned officers, the scavenger, and the guard the night before?—A. Yes, sir.

Q. And you heard their statements?—A. Yes, sir.

Q. And yet, with the character of your men before you, their discipline, and all of that, the physical fact presented to you the next morning led you to think—that is, from the examination of the barracks I am speaking of now———A. Yes, sir; I understand you.

Q. I want to get that first. There was nobody had said anything to you then as to the circumstances under which they had seen your men?—A. Simply what Mayor Combe had told me; nothing more than that, at that time.

Q. How long did it take you to make this inspection of the barracks?—A. Well, I presume it was half or three-quarters of an hour; I don't know exactly, sir.

Q. It was daylight, of course, or you could not have inspected them?—A. Yes, sir; I waited until it was daylight.

Q. Half or three-quarters of an hour—of course I do not expect you to know exactly.—A. Yes, sir; that is about it.

Q. You inspected those barracks, and you found no evidence at all?—A. None at all.

Q. Of any attack upon the fort?—A. Of any bullet marks.

Q. Well, of any attack on the fort? You found no evidence of any attack on the post?—A. No, sir; there were no scars, bullet scars, of any kind.

Q. Well, I do not care about scars, or anything else———A. And that was the only thing I was looking for.

Q. Major Penrose, I asked you a question; I do not care whether they were scars or anything else. Did you find from the physical examination any evidence whatever that the post had been attacked?—A. No, sir; not at all.

Q. It was then that you directed Captain Macklin to make an examination for shells?—A. Yes, sir.
Q. After you had gotten through the inspection of the barracks—that is correct?—A. That is correct.
Q. Where were you when you directed Captain Macklin to make this inspection?—A. I was right at the gate. I met him at the gate.
Q. Standing at the gate?—A. Yes, sir.
Q. And he went along by the wall?—A. Yes, sir.
Q. Which way did he go first? Did he go down by the river front first?—A. No; he went up toward the alley.
Q. He went up toward the alley, along the garrison wall?—A. The garrison road.
Q. And you stood there?—A. I stood there for a while.
Q. Right at the gate?—A. Just inside of the gate. I don't know that I was exactly at the gate. I think I was inside the gate. I don't think I went out.
Q. You would not undertake, of course, at this time, to tell where you were standing every minute?—A. No, sir; not at any time.
Q. But this was some time between 5 and 6 o'clock you were standing there?—A. Yes, sir; it was between 5 and a little after 6, I think, probably.
Q. You were there until after 6?—A. I think it was a little after 6; yes, sir.
Q. Now, Captain Macklin came back to you with certain shells and clips?—A. Yes, sir.
Q. Did you see him pick those shells and clips up?—A. No, sir; I did not. I do not recall seeing him pick them up at all.
Q. And when he showed you those shells and clips—this was after you had made the inspection of the barracks—and with all your attachment to the men and confidence in them, you said to Captain Macklin, "My men have done this shooting?"—A. Yes, sir; I said, "I believe my men have done this shooting."

Mr. President, it is an undisputed fact that every commissioned officer of the colored battalion, from Major Penrose down, on the morning of August 14, 1906, and within a few hours after the shooting, came to the conclusion that the raiders were soldiers of the colored battalion. These officers, after being with the colored battalion for weeks thereafter, with full knowledge of every step that had been taken to show, if possible, that the men were not connected with the shooting, remained of the opinion that some of the men were actively engaged in the affray.

Major Penrose, who had seen active service for more than a score of years, and of all men most interested in vindicating the soldiers of his command, did not commence to change his opinion as to the guilt of some of the soldiers, until, as he testified, at the close of the testimony for the prosecution in his trial before the court-martial. This was some eight months after the affray, every day of which time up to the time of their discharge he had been with the battalion. The reason for changing his mind, as stated by himself, is as follows:

Q. Major, that night you ordered an inspection of the ammunition, did you not?—A. That night?
Q. The night of the 13th.—A. Yes, sir; of the ammunition and the rifles.
Q. A count of the rifles?—A. Yes, sir.
Q. That is, a verification?—A. A verification of the rifles and ammunition.
Q. And a verification of the number of the men?—A. Yes, sir; I ordered a verification of the men. I ordered a roll call immediately after Doctor Combe came in.
Q. And you also ordered an inspection to be made in the morning of the rifles?—A. As soon as it was daylight—light enough to see.
Q. And, as you have stated, a report was made to you that all the ammunition was there and the men were all there excepting two, who were accounted for, I believe you said?—A. Yes, sir.
Q. The rifles had been inspected and found free from powder?—A. Yes, sir.
Q. All of this was reported to you on the morning of the 14th?—A. Yes, sir.
Q. And notwithstanding all of this, as commander of that battalion and having all these facts before you, you believed that some of the battalion—you did not know—had engaged in this shooting up of the town of Brownsville?—A. Yes, sir. If you will remember, Senator, I gave my reasons for it.
Q. I understand. You have given that on your direct examination, Major. I do not wish to take up the record with that, but I just wanted to get the fact.—A. Yes, sir.
Q. And you sent the telegram which was put in the record on yesterday, and then you made the report of the 15th of August?—A. Yes, sir.
Q. You had continued all day of the 14th, had you not, to investigate?—A. All the 14th; yes, sir.
Q. And also continued on the 15th?—A. On the 15th; yes, sir; and daily.
Q. And if I remember your testimony before the court-martial, upon looking at your carbon copy you found that that report of the 15th was written on the night of the 15th of August?—A. Yes, sir.
Q. That is correct, is it?—A. Yes, sir; that is correct.
Q. So that you had all of this time to get all of the evidence you could, and the reports from all of your officers, and up to that time you were satisfied that some of the men of your battalion were engaged in this shooting up of the town of Brownsville?—A. Yes, sir; I was.
Q. Now, Major, you continued on, as you assured these parties that you would continue, to make all the investigation you could to ascertain the guilty parties, did you not?—A. I did, sir.
Q. From day to day?—A. From day to day, up to the time the men were discharged.
Q. Yes. I find in Senate Document 155, at page 105, a report of yours made to the military secretary of the Department of Texas, dated September 20. You are familiar with that report?—A. Yes, sir. That is the one in which I made certain recommendations, is it not?
Q. Yes.—A. Yes, sir; I am perfectly familiar with it.
Q. I do not care about taking the time to read it all. That was more than a month after the shooting up of the town of Brownsville?—A. Yes, sir; that was more than a month; it was on the 20th.
Q. And you still continued of the opinion that some members of your battalion were connected with the shooting up of the town of Brownsville?—A. I did, sir, at that time. My letter, I think, shows that very plainly, sir.
Q. Yes. There will be no question, I take it, from your letter.—A. That is right, sir.
Q. And if I remember correctly from your testimony of yesterday, you remained of that opinion until your court-martial was on?—A. That is right, sir.
Q. And what was the date of the court-martial, so that we may have it in the record?—A. It commenced on February 4, sir.
Q. Did you modify or change your opinion on February 4 of this year?—A. No, sir; not on February 4 of this year.
Q. How late in the proceedings of your court-martial was it before you modified your opinion as to some members of your battalion being connected with this shooting up of the town of Brownsville?—A. I commenced to change my opinion very radically after the close of the prosecution.
Q. From evidence introduced there?—A. From evidence introduced by the prosecution.
Q. Major, in your own way, so that we will have the full benefit of it, what evidence that had been introduced was it that led you to modify or change your opinion?—A. Well, sir, there were very few that could state, to my satisfaction at all events, that they saw any soldiers that night. The distances which they gave—I am speaking of the witnesses generally——
Q. Yes.—A. (Continuing.) That they could see and distinguish the men as being negroes and soldiers, and dressed in uniform, I knew were such that it was absolutely impossible on that night.
Q. Yes. Was there anything else?—A. No, sir; I think that was the principal thing.
Q. What was the date of the close of the prosecution?—A. The prosecution closed on the 23d. I think it was the 23d of March.
Senator SCOTT. That would be Saturday, Major?
The WITNESS. Yes, sir; that is right. It was Saturday that they closed.

By Senator WARNER:

Q. Then up to that time you had not modified nor changed your opinion?—A. Not until the prosecution was closed; no, sir.
Q. I say up until that time?—A. Senator, if I might be permitted, I might change my answer to that.
Q. Certainly.—A. I would say that my mind was undergoing a process of changing all the time, but it became very decisive at the end of the prosecution.
Q. Did you ever make a report, after the report of September 20, 1906, to your superior officers, showing any change in your opinion?—A. No, sir.
Q. Your report of September 20 recommended very drastic measures, did it not?—A. Yes, sir; it did.
Q. You then believed, and continued to believe, until your mind began to change?—A. Yes, sir.
Q. (Continuing.) That those measures should be adopted?—A. I did, sir.
Q. And you were then of that opinion when the order for the discharge without honor of these men was issued?—A. I still was, sir.

By Senator SCOTT:

Q. If I may be allowed to interject one question here. Major, have you ever been able, since that shooting, to find out what motive these colored troops could have for shooting up the town?—A. Never, sir. I never could conceive any motive at all for it.
Q. Then, if you could not conceive a motive for them shooting up the town, why did you originally form an opinion that they had done it?—A. Because, sir, shells were brought to me that had been picked up in the streets of Brownsville on the morning of the 14th, and because of the absence of any bullet holes in the barracks.
Senator SCOTT. Yes. I believe that was your testimony of yesterday. That is all. Excuse me, Senator, for interrupting.

By Senator WARNER:

Q. Can you conceive of any motive for the citizens of Brownsville shooting up their own town?—A. No, sir; I can not. (P. 1952.)

On the 21st day of March, 1907, when a witness in his own behalf before the court-martial, on being questioned in regard to his letter of August 15, 1906, in which he had stated (C. M., p. 1183):

From testimony gathered by the citizens' committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some of them must have had a key to the gun rack, and, after checkroll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks. There is nothing to correct in that, I suppose?—A. Not as written on the 15th of August.

he testified:

Q. In connection with this letter of yours, just read, I will ask you if you have ever found any clew of any kind, or any evidence, that positively satisfies your mind that your men actually did that shooting.—A. No, sir. You ask if I found any evidence?
Q. Yes, sir.—A. No, sir.
Q. Well, do you know of any clew or information of any kind that satisfies your mind absolutely on this point?—A. That my men did not do the shooting?
Q. Did or did not.—A. No, sir; I have had testimony since then—I have heard testimony and read testimony that has changed my views somewhat from the first.
Q. That was your belief as expressed in that letter?—A. Yes, sir.
Q. On that particular point?—A. Yes, sir.

Even at that late date it will be seen that his belief as to the guilt of some of his soldiers had only been "somewhat" changed.

Mr. President, it is well known that there is no officer connected with troops whose opportunities to obtain information regarding the command are better than are those of the adjutant. In the first place, he is the right hand of the commanding officer, and is in daily contact with the line officers. This posi-

tion at Fort Brown was held by Lieutenant Grier. He it was who, in the absence of Captain Macklin, took command of C Company upon the call to arms. Lieutenant Grier testified (pp. 1722 to 1724):

Q. As I understand, the next morning after the shooting you were convinced that men of the battalion were engaged in the shooting up of the town of Brownsville?—A. In a manner similar to that in which he was. In other words, the circumstantial evidence was such that no reasonable man could think, hardly, but what some soldiers had been implicated in it.

Q. Yes.—A. Because civilians do not usually carry around bandoliers and Government ammunition——

Q. No.—A. (Continuing.) For one thing—that is, ordinarily.

Q. So that no reasonable man would come to any other conclusion.—A. At that time.

Q. And after coming to that conclusion, you remained of that opinion until the men were discharged without honor?—A. Yes, sir.

Q. When was that?—A. That was sometime late in November; I think from about the 20th to the 26th of the month it took to discharge those men.

Q. And you were continually endeavoring to find out all you could regarding this shooting, were you not?—A. I was.

Senator SCOTT. May I ask him one question right there, if it will not interrupt you?

Senator WARNER. Certainly.

By Senator SCOTT:

Q. You say you tried to find out who did the shooting?—A. Yes, sir.

Q. Were you trying to find out whether somebody else than the soldiers did it, or were you trying to fix the blame on the soldiers?—A. I was in a position, stationed at Fort Reno, where we could only get one side of the story. It would be impossible to get anything else. The soldiers never volunteered any information about the townspeople doing the shooting—never claimed so. They said they didn't know who did it, but they had not.

Q. But you did not try to find out whether somebody else did it but the soldiers. You were trying to fasten it on the soldiers?—A. Yes, sir; I was trying to find out something from the soldiers.

By Senator FORAKER:

Q. The question was asked you, and I do not want it to remain in that way, whether you were trying to fasten it on the soldiers?—A. No, sir; I was not trying to fasten it on the soldiers, but I was trying to find out from some of the old men of the regiment, who had been with the regiment before I was born, that I knew were good old men, and would tell the truth, something to clear them.

Q. That is, it is a fact, is it not, Lieutenant, that instead of trying to fasten it on the soldiers, you were attached to your command, as any other officer would be?—A. Yes, sir.

Q. And that you were trying to clear them?—A. Yes, sir; that was my idea, to clear them, and if it had been any of the soldiers, to punish the four or five who did it. I wanted to get hold of those who did it, to save the rest of them.

Q. To save the rest of the command?—A. Yes, sir.

By Senator WARNER:

Q. And so you remained of this opinion, that a bunch of the soldiers had done the shooting up of Brownsville, from the 13th of August until what day, was it?—A. About the 20th of November.

Q. The 20th of November?—A. Up until the time General Garlington came to the post and delivered the ultimatum to the troops.

Q. What was there about that ultimatum that changed your opinion? What fact was there there that could possibly change your opinion, Lieutenant?—A. It was not the ultimatum itself, but it was the effect of it. When these men did not come up and give up anybody—the names of anybody implicated in that raid—when they knew if they did not there was not any joke about it, but they would all go out of the service, and I knew old men like Sergeant Sanders, that I have seen personally handle the meanest kind of a soldier, and handle him mighty well, I began right then to think there was considerable doubt about it. You could not convince me that a bad crowd could keep them from telling what they knew.

Q. Then you came to the conclusion that Sergeant Sanders did not know it?—A. Yes, sir. (P. 1724.)

Q. Did that convince you that nobody in the command did it?—A. I say there was a number of old soldiers.

Q. How many old soldiers did you talk to?—A. I talked to 50 or 100 of them; almost every one I met.

Q. And none of them suggested that the citizens had done the shooting?—A. They never said so.

Q. Not one of them?—A. They said they didn't know who did it, but that they did not.

Q. Did Sergeant Sanders, in any talk that you had with him, ever give you any fact that would indicate that the shooting was done by citizens?—A. No, sir; he did not.

Q. Or by parties other than the soldiers?—A. No, sir; he did not.

Q. Major Penrose, to your knowledge, continued the investigation after your arrival at Fort Reno?—A. Yes, sir. (P. 1724.)

After giving his approval to the recommendation made by Major Penrose, that all restrictions should be removed from the men, and detectives placed among them, Lieutenant Grier further testified (p. 1725):

Q. You think if the first suggestion of Major Penrose had been adopted and the restrictions had been removed from the men and some detectives had been placed among them it would have had better results?—A. Yes, sir; and then, maybe, they would have gotten to talking.

Q. But when it was kept shoved up to them all the time, as you say——A. Kept constantly in front of them, in every shape and manner.

Q. That put them on their guard and had a tendency to prevent them from talking?—A. Yes, sir.

Q. That is your opinion?—A. Yes, sir.

Further on Lieutenant Grier said (pp. 1743 and 1744):

By Senator WARNER:

Q. Now, Lieutenant, one or two questions only. If I understand your testimony, you were anxious, exceedingly anxious, were you not, that the reputation of your command should be protected?—A. Yes, sir, I certainly was.

Q. And that the innocent men should be cleared, if possible, from this charge against them, that they had been guilty of shooting up the town of Brownsville?—A. Yes, sir; I was.

Q. And you were not conducting any examination for the purpose of showing that they were guilty, but you wanted to get at the facts, and were anxious, if possible, to show that they were not guilty, were you not?—A. Yes, sir; that was my idea.

Q. That is true; yes.

Senator FORAKER. But nevertheless he proceeded upon the assumption that they were guilty, after he saw the shells.

Senator WARNER. May I proceed with this witness?

Senator FORAKER. Excuse me. I thought you were through.

* * * * * * *

Q. I asked you about your examination and that of the other officers, that you were anxious, if possible, to get some evidence that would remove the charge against the battalion. That is a fact, is it not?—A. Yes, sir.

Q. Major Blocksom was there and made an examination?—A. Yes, sir.

Q. Do you want this committee to understand that he was unfair in his examination?—A. I have never even insinuated that he was.

Q. No; I do not understand that you did; nor that he assumed that the soldiers were guilty?—A. No, sir; I do not think he did.

Q. No; no assumption of that kind. Do you want the committee to understand that General Garlington was unfair?—A. No, sir.

Q. Or that he assumed that the soldiers were guilty?—A. No, sir. I give them credit for being honest, exactly the same way I was; that whatever evidence there was in existence was against the men.

Q. It was your desire to get hold of the guilty and clear the others?—A. Yes, sir.

Q. To segregate, possibly, some that were guilty?—A. Yes, sir; those who did it; to get the four or five that were guilty and to save the other soldiers who were not guilty.

Q. You had frequent talks with Major Blocksom when he was there?—A. Yes, sir.

Q. And with General Garlington?—A. No, sir; not with him.

Q. He was in Major Penrose's quarters?—A. Yes, sir.

Q. And he was consulting with him as to what was to be done?—A. Yes, sir.

Q. Freely?—A. Yes, sir.

Q. You were consulting among yourselves as to what was to be done?—A. Consulting among ourselves almost every time we met as to what the men had said. (P. 1744.)

I quote further from this officer's testimony (pp. 1747 and 1748):

By Senator SCOTT:

Q. I want to ask the lieutenant a question or two before he goes off the stand. Lieutenant, as I understand your testimony, after the shooting up and the finding of these clips and shells I understand that that made an impression upon your mind and upon the minds of the other officers that it had been done by the men of the battalion?—A. Yes, sir; that, with the fact—let me put in there—that all the bullet holes were on houses in town and we could not find any in the barracks, and that ammunition.

Q. After the shooting up, and the discussion and investigation, and your inability to find out from any of the soldiers in the battalion, as I understand you, you have changed your mind, and you do not believe that the shooting was done by any of the members of the three companies?

Senator WARNER. The witness has not said that.

A. No, sir; I do not state that.

Senator SCOTT. Now, I am a layman; just let me go along in my own way. I want to see what he thinks now, or what he thought afterwards.

I want to know what the witness thinks; I want his opinion about it.

The WITNESS. I stated yesterday that my mind was open on the question at the present time, and by that I mean that supposing that within the time between August 13th and November 20th certain men would be accused and tried as being implicated in that Brownsville affray, I would not at that time have felt competent to sit on the court, because I had prejudged the whole case against them, but now I could. I could sit on any court, and hear evidence for and against and make up my mind.

By Senator SCOTT:

Q. Did you, or any of the officers to your knowledge, follow any clue as to whether anybody other than the soldiers might have done that shooting?—A. We had none. They got us right out of Brownsville.

By Senator BULKELEY:

Q. As I understand it, what you mean to say at this time is that you do not fix the shooting up of Brownsville any more on the troops at present on your own mind than you do on anybody else?—A. No, sir; I do not know. (Pp. 1747 and 1748.)

Captain Lyon testified that upon the first report by Mayor Combe as to the shooting up of the town he did not believe that the soldiers were engaged in it because of his knowledge of the men and the reputation of the battalion, and because, in his opinion, there was a lack of motive for the men to raid the town; but he was equally frank in saying that he could see no motive upon the part of the citizens to shoot up the town. Following, in part, is his testimony (pp. 1871 and 1872):

Q. Could you see any motive for the citizens themselves to fire upon the town?

Senator FORAKER. Upon the barracks, you mean?

Senator WARNER. No; upon the town.

Senator FORAKER. Oh!

A. We had no proof then that the town had been fired into at all, except that this policeman had been wounded and this man Natus had been killed.

Q. But you had the statement of Mayor Combe, the mayor of the city?—A. Yes, sir.

Q. And you afterwards did learn, as a fact, that one man was killed, did you not—that is, it was so stated as a fact?—A. Yes, sir; so stated as a fact. (P. 1871.)

Q. And that one man was wounded, and lost an arm?—A. Yes, sir.

Q. And that a considerable number of houses had been fired into in the town?—A. Yes, sir.

Q. You heard all that, did you not?—A. Yes, sir.
Q. You did afterwards know an examination was made of the barracks and no evidence could be found upon either of them or anywhere about the fort of any shots being fired at or toward the barracks or the fort or over it, did you not?—A. Yes, sir.
Q. You knew that fact?—A. I beg your pardon?
Q. That is correct, I say?—A. Yes, sir; I know it was stated as a fact. I made no examination myself, and I know just what I heard about it.
Q. Did those facts make any impression upon you as to whom the parties were who did the shooting up of the town of Brownsville?—A. As I have stated, sir. After these shells were found and these clips, I was of the opinion that some of our men had done some shooting that night.
Q. When you came to that conclusion upon seeing those shells and when you learned afterwards, which seemed to be from reliable sources, that a man had been killed in town and another wounded and that the officer's horse had been shot and various buildings had been fired into, did that not strengthen your belief that some soldiers had been engaged in the shooting?—A. I retained that opinion about some of our men having done some of the shooting for a considerable period, as I stated in answer to a previous question here.
Q. Captain, you retained that opinion; notwithstanding that you had made the roll calls of which you speak and you had made the inspection of the guns of which you speak, and all of that in the intervening time, yet you retained that opinion?—A. That inspection and the roll calls made were made only, so far as I was concerned, in my own company.
Q. Well, you understood that similar roll calls had been made and inspections; you understood that?—A. I supposed they had; yes, sir.
Q. And notwithstanding all that you retained the opinion that some of the soldiers had been engaged in the shooting?—A. Yes, sir; for quite a considerable time. (P. 1872.)

Lieutenant Lawrason, who was in command of B Company on the night of the affray, after speaking of the fact that Captain Macklin exhibited to him the shells and clips picked up near the mouth of the Cowen alley, testified in part (p. 1633):

Q. Did those clips and cases make any impression on you as to who did the shooting?—A. Upon seeing those I became of the opinion that the soldiers had done the shooting.
Q. Did you communicate your impression to anyone?—A. Not that I recollect, sir, although it is quite possible that I did.
Q. Did you talk to your first sergeant about that, Mingo Sanders?—A. Yes, sir.
Q. What did he say?—A. I don't recollect that he expressed himself on the subject. I remember telling him that the evidence pointed to the soldiers having done the shooting, that clips and cartridges had been picked up in town.
Q. You afterwards saw other shells, did you not, that had been picked up?—A. No; those are the only shells I have ever seen.
Q. You have not seen any of the others?—A. No, sir. (P. 1633.)

* * * * * * *

Q. You stated that the next morning, after you saw these clips and shells, you came to the conclusion that the men had done this firing. State whether or not you have changed your belief.—A. It seems to me that during the time that has elapsed these men all having been discharged, by this time we should have heard something about who did it; but I know of no direct evidence that has come out to fix it on these men, and I think there is a question—there has certainly one begun to arise in my mind—as to whether the shooting was actually done by the soldiers.
Q. You begin to think now that they may not have been guilty at all, notwithstanding some of these clips and shells may have been picked up?—A. Yes, sir; a question has begun to arise in my mind.
Q. If it should be demonstrated to your satisfaction by the testimony taken before this committee that all the shells picked up that have been produced and examined were fired at some other place than at Brownsville, would not that change your mind entirely on that subject?—A. I would consider it a point in favor of the men, if it did not entirely change my mind.
Q. In that event, the clips and shells would be no evidence at all, would they, of their having participated in the firing?—A. No, sir; I believe that that would counteract that evidence. (P. 1651.)

Captain Macklin testified as follows:

Q. The fact is, Captain, that as an officer you were attached to your command, were you not?—A. I was very fond of them, Senator.
Q. And you were anxious that whatever there might be that would show that they were not guilty of this charge should be developed, were you not?—A. Yes, sir; I have worked to that end for the last eight months.
Q. And are still working at it?—A. Yes, sir. (P. 1803.)

* * * * * * *

By Senator OVERMAN:

Q. Did you go out any farther than the Garrison road?—A. By the Garrison road, do you mean that alley?
Q. No; I mean the Garrison road, right along by the wall.—A. I went in there just a little, toward the alley.
Q. Why didn't you continue up the road?—A. I found those, and I was satisfied.
Q. Satisfied of what?—A. I was satisfied I had found the shells—what I was looking for.
Q. You were looking for shells, and you found shells that, in your opinion, had been shot out of the Springfield rifle?—A. I thought so at that time; yes, sir.
Q. And that satisfied you; that was as far as you wanted to go?—A. Yes, sir.
Q. You were satisfied then, that your men had done it?—A. I did not say that.
Q. Not your men, but the soldiers of the battalion?—A. Well, it looked that way; yes, sir.
Q. Then you have satisfied yourself, by reading this testimony before the court-martial, that your men did not do it?—A. Yes, sir.
Q. The court-martial has found that your men did it upon that same testimony, isn't that so?—A. I can not give the finding of the court-martial, sir.
Q. I say, the same testimony that you have read, which has convinced you that your men did not do it, convinced the court-martial that they did do it—isn't that true?—A. I am told that that is the way it is.
Q. Isn't that true—you heard my question?—A. Yes, sir.
Senator OVERMAN. That is all. (P. 1805.)

* * * * * * *

By Senator WARNER:

Q. But, Captain—it seems to be the thing to ask for opinions here—from these shells being found, and what you heard of other shells and ammunition, the shells and balls, and so forth, that were found, did you form an opinion as to whether or not it was some of the battalion who did the shooting?—A. You mean at the time?
Q. Yes.—A. At the time I thought it was some of the men of the battalion; yes, sir. That next morning I felt satisfied it was some men of the battalion.
Q. And you remained satisfied how long?—A. I can't tell you how long, but there are a good many things that came up in the daily life of the men—my questioning them and being in close contact with them and seeing their discharge, and everything—that almost satisfied me that they did not know anything about it or had nothing to do with it.
Q. Just because they did not tell?—A. Well perhaps that did have something to do with it. (P. 1807.)

Mr. President, in connection with the change of opinion on the part of the officers there is one fact which, in my judgment, had an influence—if not a controlling influence—on them. That fact is the ordering of the court-martial to try Major Penrose and Captain Macklin on the charge of neglect of duty, in reference to the Brownsville affray.

The order convening the Penrose court-martial was issued December 20, 1906, and the order for the Macklin court-martial was issued on the 16th day of January, 1907. It is worthy of note that up to the time these orders were issued neither Major Penrose nor Captain Macklin had expressed a doubt, as far as the evidence shows, that soldiers of the colored battalion actively participated in the Brownsville affray.

That the court-martial of the commanding officers and Captain Macklin produced a change of feeling on the part of these officers, and that the esprit de corps of the regiment has affected the other officers so that all those officers look eagerly to any circumstance to exculpate the men of their command, there is no doubt. This is clearly shown by the testimony.

Mr. President, it is claimed that none of the soldiers could have done the shooting, because shortly after daylight the morning of the raid every gun of the battalion, on inspection, was found to be free from powder stains, and that between the time of the firing and the time of inspection there was no opportunity to clean the guns. As to the time required to clean a gun there was a wide difference of opinion—the enlisted men giving the time from ten minutes to an hour. In this testimony there is much conflict and exaggeration.

I do not regard the question of the time in which a gun could be cleaned of very great materiality in the case, for the reason that six hours elapsed between the time the guns were fired and the inspection by the officers; during all of this time the guns were under the control of the noncommissioned officers. The commissioned officers admitted on the witness stand, that if they had believed on the night of the raid that the firing had been done by some of the soldiers (which they did believe the next morning) they would not have left the keys to the arm racks and storerooms in charge of the noncommissioned officers, but would have taken possession of them themselves. This defense depends upon the proposition that no one of the noncommissioned officers either took part in the raid or was privy to it, or, after it occurred, was willing to aid the raiders in concealing their identity.

This assumption is not tenable; some of the noncommissioned officers were in a position to render it impossible for them to have been ignorant of the identity of the men who did the shooting, yet these men are the ones who had the keys to the arm racks and storerooms and a full opportunity to allow the cleaning of the guns in the interval between the time of the firing and the inspection in the morning.

The admission, Mr. President, of the commissioned officers that they would not have left the keys to the arm racks and storerooms in possession of the noncommissioned officers if they had believed that soldiers had been engaged in the affray, in itself an admission that the circumstance of finding all the guns free from powder stain so long after the shooting, is not persuasive that the guns were not used on the night of the affray.

The theory that those engaged in the shooting could not have cleaned their guns so as to remove all powder stain is thoroughly discredited by the fact that Major Penrose, Captains Lyon and Macklin, Lieutenants Grier and Lawrason, the next day after the firing were convinced that some of the soldiers of the battalion were engaged in the affray, although they then knew that an inspection showed the guns free from powder stain. And, Mr. President, these officers had themselves made the inspection. Major Penrose in his report of August 15, to which I have called attention, says:

> They (the soldiers) slipped out of quarters, did the shooting, returned while the companies were forming and at some time during the early hours of the morning cleaned their rifles; this was made possible by the fact that the shooting all occurred within two short blocks of the barracks.

At the time Major Penrose made his report he was not ignorant of the inspection that had been made of the guns and

the ammunition, for that inspection was made by his orders and under his immediate supervision, and its result had been reported to him. And, although he and the other commissioned officers have "had a change of heart" not one of them give as a reason for that change any doubt as to the opportunity of the soldiers to clean their guns or to secure surplus ammunition.

Mr. President, it is established by the evidence, that the Springfield cartridge powder stains caused by firing are much more easily removed within an hour or two after the discharge than when the gun is allowed to remain for a day or so. For the purpose of cleaning the barrel each Springfield rifle is provided with a cleaning outfit consisting of a thong or cleaning string with a brush wiper; at one end of the thong is a metal top in which a rag for cleaning purposes can be inserted; this cleaning out, together with a small bottle of oil, is carried in the butt of the gun. The enlisted men of the colored battalion, almost to a man, testified that this cleaning outfit was practically useless in cleaning the barrel of the gun. This testimony, I think, is an exaggeration as a reading of the evidence clearly shows. Lieutenant Grier (as to the usefulness of this thong and its attachments) testified:

Q. Is there a thong or cleaning string of any kind kept in the butt of the piece, together with the brush wiper?—A. Yes.

Q. Is that thong provided with a metal top in which a rag can be inserted?—A. Yes.

Q. And the rifle can be cleaned in that way effectively, in case one has a piece of rag?—A. Yes; it can be. I think it is a longer operation.

Q. It takes longer, doubtless, than it does with a ramrod; but in case a rifle is cleaned within a very short time after it has been fired, and particularly if only a dozen or fifteen shots have been fired from it, is it a very difficult operation to remove powder stains at that time?—A. Not particularly so; no.

Q. And even with this thong and a piece of oiled rag, how long would it take a man to clean a rifle so that the barrel would show no signs of powder for a number of hours at any rate after it was cleaned?—A. You mean just the barrel itself, not the whole gun?

Q. Just the barrel and the end of the breech bolt; not the whole gun.—A. It would take five to seven minutes, I should say, to clean it well.

Q. Do you wish to change that testimony any?—A. Well, it depends on the conditions. They specified there a certain number of shots, and the rifle cleaned within a few hours after the firing?

Q. Yes.—A. I am taking a gun that was fired, say, to-night, and cleaned to-morrow morning; and that makes a difference.

Q. Well, if it was fired at 12 o'clock and cleaned at 6 o'clock, it would be only a few hours, would it?—A. Yes, sir; that would be longer. The quicker you get at cleaning a gun after it is fired, the easier it is to clean it.

Q. So that with this appliance that you have spoken of here, if the soldier attempted to clean the gun within an hour or two after it was fired, it would be a relatively easy job compared with what it would be if it remained a number of hours?—A. Yes, sir; much easier.

Q. And if he attempted to clean it within two or three hours or such a matter after the firing, the testimony you gave before the court-martial as to the time for cleaning is correct, is it?—A. Yes, sir.

Q. And you still adhere to it?—A. Yes, sir; that was a fixed case they gave me there.

Q. Well, I am giving you a fixed case now; a gun cleaned within a few hours afterwards, within two or three hours?—A. I would like to have the stenographer read the Senator's question.

Q. Let me give it to you again. If the gun was cleaned within two or three hours, would that come within your definition before the court-martial?—A. Yes, sir; five to seven minutes.

By Senator BULKELEY:

Q. That is, to clean the barrel and the bolt head?—A. Yes, sir.

By Senator WARNER:

Q. That would remove all signs of powder?—A. Yes, sir; that would remove all signs of powder.

Q. Yes.—A. That is, if they can see to do it.

This testimony is supported by Captain Macklin, who said:

Q. You were asked something about cleaning a gun. You would not undertake to say that your men did not have opportunities of cleaning their guns?—A. Oh, no, sir; I would not say that.

Q. What?—A. I would not say so.

Q. No. What opportunities would they have, captain?—A. Well, a man on post on a dark night might run his brush wiper through the gun, but I do not think it would clean it out absolutely. (P. 1809.)

Q. Well, there is a place there for putting in a rag, is there not?—A. Yes, sir; he could unscrew this little brush and put a rag in there, if he had a rag. He could tear a piece off his shirt.

Q. There would be no trouble in doing that?—A. No, sir; I do not think there would.

Q. Now, you said something about the powder getting in the chamber, as I think you called it, or what else did you call it?—A. I may have said "magazine," and then I think I said "chamber."

Q. It is my recollection that you said "chamber." Now, Captain, when a gun is discharged is it not a fact that there is only one way that powder can get back into the chamber, and that is when the striker punctures the cap—the percussion cap—that is, the firing pin?—A. I think the Senator misunderstood my answer to that other question.

Q. I am asking you this question, now.—A. Yes, sir.

Q. That is the only way that it can get back in there?—A. I do not think it can get back in the chamber at all, Senator.

Q. The percussion part of the cartridge is in three pieces?—A. Yes, sir.

Q. The inner part you call the anvil?—A. Yes, sir.

Q. And then comes the fulminating powder?—A. Yes, sir.

Q. And outside of that is the copper piece, on the outside?—A. Yes, sir.

Q. And the striking pin striking the copper drives the fulminating powder up against the anvil, and then through a small aperture the spark is communicated to the powder in the shell?—A. Yes, sir. The firing pin does not usually make a hole in the cap.

Q. That is, it does not puncture it?—A. Yes, sir; that is very rare.

Q. And unless it does puncture it, no powder can get back into the chamber?—A. No, sir.

Q. That is correct, is it not?—A. Yes, sir.

Q. So that in order to clean a gun so as to remove powder stains, all that is necessary is to clean the bore of the gun?—A. No, sir.

Q. What do you say?—A. No, sir; we have to clean the breech, to clean out the breech.

Q. What do you mean by the breech?—A. I mean that part down in there where the clip goes in.

Q. How can powder possibly get back there?—A. Well, sir, it drops down off of the brush wiper, or the rag. I mean fragments off of the brush or the rag. I do not mean any residue thrown back when the gun is fired.

Q. You do not mean that it gets there from the discharge?—A. Not at all, no, sir; but from cleaning the gun.

Q. Wiping the gun?—A. Yes, sir; it naturally drops down, you know. Even if you take a rag, frequently little particles will drop off of the rag and drop in there.

Q. Now, we understand each other. You do not mean that it comes from the discharge?—A. No, sir; I do not mean to say that at all.

By Senator PETTUS:

Q. Could it not be cleaned from the breech as well as from the muzzle?—A. Yes, sir; it can be cleaned either way.

Q. Then there would not be this dropping?—A. No, sir. You could shove a rag from the breech in and then there might not be any. (P. 1810.)

Captain Ely, of the Twenty-sixth Infantry, an officer of a score of years of active service, testified:

By Senator FOSTER:

Q. Have you any knowledge or experience as to the men, the soldiers, cleaning their guns, and the time that it would take to clean a rifle? Take one of these new Springfield rifles, and suppose that it had been shot five or six or seven times, and it had been cleaned before it was shot, what length of time, in your judgment, would it take to clean that rifle so as to remove the powder stains caused by the shooting?—A. If cleaned at once, it could readily be done in two minutes; something like two minutes. If left for half an hour or an hour or so the powder residuum stays with a good deal of tenactiy in the bore, and it would probably take water to loosen it up, and then it would take probably five minutes or more, with access to water.

Q. Could the rifle be cleaned with a thong and brush and rag and oil within the time you state?—And if so, state how it could be done.—A. Yes, sir. In the butt of the rifle is a receptacle, a hole, in which is a carrier. On this metal carrier is a screw top. That top is screwed off, and from in there is taken a thong about as long as that [indicating]. At the end of this thong is a piece of brass, what you might call a sinker, with a hole in it like that [indicating]. This they drop through the bore from the muzzle of the piece and take hold of it at the other end, and at the opposite end of the thong is another piece of metal in which a rag is placed, and then you pull that through the bore of the rifle. You could do it in the dark.

Q. I was going to ask you about that. That could be done in the dark as well as in the light?—A. Yes, sir; you could do it with your eyes shut. It could be done in the dark by anybody that knew just where things were, very readily.

By the CHAIRMAN:

Q. Have you ever cleaned any of these rifles?—A. Yes, sir; I have been in a good many competitions, and between ranges they generally run it through the rifle to clean it for the next range.

By Senator TALIAFERRO:

Q. Are those rifles inspected under such circumstances before they go to the next range?—A. No, sir; a man does that of his own volition. That is entirely with the firer. It all rests with him whether he does it or not.

Q. Would that gun pass the ordinary inspection, after that cleaning?—A. Yes, sir; I think it would.

By Senator FOSTER:

Q. Now, about the chamber, would it require any length of time to clean the chamber of one of those Springfield rifles? I ask you if it requires it?—A. No, sir; the chamber does not get the residue of the powder, and while you might get a little dust in there, if you would run a rag in, that would take care of it. Probably there would not be any residue in there at all; there would not be any change in there. The chamber only goes in to there [indicating], and firing does not create any dirt or dust in there.

By Senator FRAZIER:

Q. You mean no powder is sent back into the chamber by the firing?—A. No, sir; none is sent back between this and the chamber. The shell prevents that.

Q. The explosion would not throw any powder back in the chamber, you think?—A. No, sir; it does not dirty it at all.

By Senator PETTUS:

Q. Captain, would there be any difficulty in an expert cleaning one of these rifles in the dark?—A. No, sir; I think not.

Private West, of the Twenty-sixth Infantry, in testifying, said:

Q. Mr. West, if a party should take your rifle and discharge it, say, three or four or five or six times, how long would it take you, with your thong brush, to clean the barrel of that rifle with kerosene so that it would pass inspection?—A. I think I could do it in fifteen minutes.

Q. Would it take fifteen minutes just to clean the barrel out?—A. Yes, sir.

Q. Now, is it not a fact that you and the rest of the soldiers had their own cleaning material with them in their quarters?—A. Yes, sir.

Q. Every man had his little box?—A. Supposed to; yes, sir.

Q. In which he was supposed to have his cleaning materials?—A. Kept it separate, to keep it from mixing up, so that they could find it readily.

Q. And he could clean his gun any time he felt like it, when he had his gun, could he not?—A. Yes, sir; certainly.

Q. That is the usual practice of soldiers, is it not?—A. Yes, sir; keep it ready. We don't know when we may be called out for inspection, at any time, or for guard duty.

Q. And you have those materials all at hand in your quarters?—A. Yes, sir. (P. 1168.)

Q. When you say they have the materials necessary for cleaning a gun on hand in the quarters, what do I understand?—A. Well, that brush, oil, and rags and brushes, and whatever other things are deemed necessary to use.

Q. What would you have for cleaning the barrel?—A. For cleaning the barrel and cleaning the outside, cleaning rags.

Q. And for the inside?—A. Clean it out with a brush, and then they have what we call a pull-through—put a cloth or something on the end and wipe the barrel out clean.

Q. They are the materials you would use in cleaning out your gun for inspection?—A. Yes, sir.

Q. Are those same materials used for cleaning out a gun for inspection after the gun has been fired?—A. I always used the same.

Q. Then, having those materials on hand in his quarters, it is not necessary for a soldier to go and get one of those rods or rags from anybody else to clean his gun?—A. Each one is supposed to have his own. There are lots of them that do not. There are lots of careless men in the Army that hardly have anything, but borrow.

Q. Well, good soldiers generally have them?—A. Good, careful soldiers; yes, sir.

* * * * * * *

By Senator WARNER:

Q. One other question, Mr. West. You said something about using this brush, and then, as I understood, a rag and a pull-through?—A. No; we have a pull-through besides that—a pull-through with a clean rag that fits tight, to wipe the oil all off.

Q. What is that pull-through?—A. Why, it is a strong cord with a metallic point to it with a slot in it like a needle.

Q. Like the eye of a needle; and you put the rag in?—A. Yes, sir.

Q. And that fits in the barrel, and you pull it through?—A. To wipe the barrel out.

Q. And that is supposed to do it thoroughly?—A. It is, after you have rubbed it thoroughly with the brush; loosened it up. That is what it is supposed to do. (P. 1169.)

Gen. William Crozier, Chief of Ordnance, United States Army, at the request of the Secretary of War and of the committee, caused to be made certain tests as to the time necessarily taken in cleaning the bore of a Springfield rifle so that it would appear bright and pass inspection. As a result of these tests, when the cleaning was done within a few hours after the gun had beeen fired, he found it would take less than three minutes; but when the test was made the next day after the discharge, it required a much greater time. In these experiments, in one case he used the brass cleaning rod and in the other the thong and brush. His testimony is as follows:

By Senator LODGE:

Q. General Crozier, there has been some conflicting testimony before this committee as to the length of time necessary to clean an army rifle after firing so that it will pass an inspection directed to discovering whether it has been recently fired. I should like to ask you if you have made any tests to determine that question.—A. Yes, sir.

Q. It is suggested, General, by a member of the committee that before you go on I should ask you what position you now hold. Of course we know.—A. I am Chief of Ordnance of the United States Army; and I have made or caused to be made some such experiments, in my presence, at the request of the Secretary of War and of members of this committee.

Q. Will you kindly state what tests you made, and how they were made?—A. I first had four rifles, which were clean, fired four rounds each over at Fort Myer, and sent immediately in to my office, which they reached within a few hours of the time when they were fired. These rifles I had cleaned in different ways, one of them by using a rag and the brass cleaning rod and the sal soda solution which is prescribed, one by using a rag wet with water alone, and one by using dry rags alone. One of them was left and not cleaned until the next day. In each case the cleaning was done in less than three minutes, except in the case of the one which was left until the next day. That then required very much greater time for cleaning it.

Q. That was the one where twenty-four hours elapsed?—A. Yes, sir; after twenty-four hours elapsed it required from fifteen minutes to half an hour to clean it, with a great deal of rubbing and scrubbing.

By Senator SCOTT:

Q. The experiments were on the new Springfield rifle?—A. Yes, sir.

Q. The one now in use?—A. Yes, sir. The second time, I had these rifles cleaned by using the thong and the brush which is furnished for the purpose. (P. 2848.)

Q. Before you pass from that, let me understand. I understood you had five rifles, or four?—A. Four rifles. They were fired five rounds each.

Q. They were fired five rounds each, four rifles; and in the second experiment you had the same number of rifles?—A. Yes, sir.

By Senator WARNER:

Q. And the same number of shots were fired?—A. They had been fired the same number of rounds, five rounds each, and they were sent to my office on the same day, so that they reached it a few hours after the firing. These I had cleaned by using the thong and brush, and afterwards by pulling a rag through by the thong instead of forcing it through by the cleaning rod, as I had done before. The brush pulled through easily, as of course it always does. There was some trouble in pulling through the rag. It stuck, and in one case we broke one of the thongs. These thongs, by the way, are not strong enough, and will be made stronger hereafter. In the case where we cleaned the rifle by pulling the brush through and pulling the rag through afterwards and the thong did not break, the whole thing occupied three minutes. In the case where the rag stuck and the thong broke, the rag had to be afterwards pushed out by the cleaning rod, and the time required was about double. The third case was the one in which two rifles were fired at Fort Myer, also five rounds each, and were brought to my office immediately afterwards. Of these rifles I had one cleaned in the darkness, in a room where the light was absolutely excluded, and it was cleaned by drawing the brush which is provided for the purpose, by means of the thong, five times through the barrel, and that is all that was done, and that occupied just one minute.

By Senator OVERMAN:

Q. Was that cleaned sufficiently to pass inspection?—A. Well, it is here, sir; the rifle is here.

Q. Yes; but I am not an inspector of rifles, and you are. Could not you tell me?—A. I will state this about it: In looking through the rifle it is difficult to see whether it has been fired, but I am of the opinion, without having tried it with this particular rifle, that if we were to draw a clean rag through the rifle we would get a little mark on it. It would not come through absolutely clean; but, as far as the appearance of it is concerned, I would not be able to say from looking through it that it had been fired.

By Senator LODGE:

Q. Who cleaned these rifles in your presence?—A. Captain Rice, of the Ordnance Department.

Q. He cleaned them all?—A. He cleaned these last ones I am speaking of, and an employee in my office, a man by the name of Palmer, cleaned the first ones.

Q. Was he a peculiarly expert man?—A. No, sir; he was not. He was not expert at all in this kind of work, except that he was more or less familiar with handling the arm; but he had not cleaned very many.

Q. And he was not as expert as the average soldier?—A. I should say not; no, sir.

In this connection the testimony of Capt. John H. Rice, of the Ordnance Department, who made the experiment referred to by General Crozier, is most instructive. He testified:

Q. Captain Rice, did you take any part in those tests which General Crozier made and testified to, in regard to the cleaning of the guns?—A. Yes, sir; I did.

Q. Were you a witness to all the tests that were made?—A. Yes, sir.

Q. Did you inspect the guns after the cleaning?—A. I did.

Q. Were the guns clean enough to have passed an inspection directed to telling whether the gun had been recently fired?—A. All those that were cleaned would have passed an inspection.

Q. Did you clean any of them yourself?—A. Yes, sir; I cleaned one of those that was cleaned in the dark, and I cleaned some of the others. I don't remember the exact number. There were quite a number altogether cleaned, and one other man and myself did the work. Sometimes he did it, and sometimes I did it.

Q. Mr. Palmer was the name of the other man?—A. Yes, sir.

Q. And those guns that you and Mr. Palmer cleaned you examined carefully after the cleaning?—A. Yes, sir.

Q. And in your judgment they would have passed an inspection directed to determining whether they had been recently fired?—A. Yes, sir.

Q. How long have you been here in the Ordnance Department?—A. In Washington, do you mean?

Q. In Washington.—A. Since a year ago last April.

Q. How long have you been in the Ordnance Department?—A. Since December, 1898.

Q. Before that you were where?—A. I was in the cavalry.

Q. And did you there inspect rifles at regular inspections?—A. I inspected carbines; yes, sir.

Q. They were the Krag carbine, were they?—A. Yes, sir.

Q. And you inspected those when inspections occurred?—A. Yes, sir; not always, but frequently.

Q. So that you are familiar with the work of inspecting a rifle, from having done it a great deal?—A. Yes, sir.

Q. You cleaned the gun that was cleaned in the dark?—A. Yes, sir.

Q. And what was the condition of that barrel when you examined it afterwards?—A. As far as you could tell by the eye it was perfectly clean. There was no examination made with a cloth at the time, but it was carefully examined by sighting through it and using a reflector to throw the light into the barrel.

Q. Do you mean something white?—A. Yes, sir; a white piece of paper.

Q. And at that time it appeared clean, without subjecting it to the test of a rag?—A. Yes, sir.

Q. Suppose that a gun cleaned in that rapid way were allowed to stand, would it, in your opinion, foul the gun?—A. It would.

Q. In the course of two or three days?—A. Certainly in the course of two or three days it would. In that connection I would state that I have not made that experiment myself, but that is a matter of general knowledge with anyone who has had experience with these guns. (Pp. 2347 and 2348.)

But, sir, it is not necessary to rely upon the assumption that the thong and its attachment were used in the cleaning of the guns, for it is an undisputed fact that each company was supplied with brass cleaning rods, rags, and oil. They had in their dormitory everything that was necessary for the cleaning of their guns, and between the firing and the inspection they had both the time and the opportunity to clean them.

But, sir, in addition to all this, Mrs. Leahy, in going from her hotel to her mother's house, a little after daylight the morning after the affray, as she turned into Garrison road from Cowen alley, saw soldiers on the second porch of B barracks in the act of cleaning guns.

She testified:

Q. When you went by the barracks this morning, did you see any of the soldiers? And if so, state what they were doing?—A. Yes, sir; I saw all along the garrison fence men posted, armed.

Q. Yes.—A. I also saw, I should presume—I am almost positive—five or six men sitting on the gallery upstairs cleaning guns.

Q. In which barracks was this, do you remember?—A. B barracks.

Q. B barracks. And what time in the morning was this?—A. Five-thirty. I was back to my own house after 6, to serve first breakfast.

On cross-examination Mrs. Leahy testified:

By Senator FORAKER:

Q. You saw five or six men on the back porch of one of these barracks buildings cleaning guns.—A. Yes, sir.

Q. Which one of the buildings?—A. B barracks.

Q. B barracks?—A. Yes, sir.

Q. Did you see anyone on either of the other barracks porches cleaning guns?—A. No, sir.

Q. You just saw five or six men?—A. Yes, sir.

Q. What were they doing?—A. They were polishing up the tops of the barrels and pulling rags through the barrels—some sticks, or something; I don't know what it was.

Q. This was 5.30 in the morning?—A. Yes, sir.
Q. Was this before sunrise or after?—A. After sunrise. It was daylight. I couldn't tell you whether the sun was up, but it was daylight already. (P. 2921.)

It is claimed that soldiers were not engaged in the shooting, because at inspection, had a few hours after the affray, each soldier had all the ammunition that had been issued to him.

The custom, Mr. President, prevailing among soldiers to accumulate extra cartridges with almost miserly greed is clearly established by the evidence. In explanation of this custom, I invite the attention of the Senate to the testimony of the following witnesses:

Capt. David Baker, of the Twenty-sixth Infantry, an officer of twenty-four years' service, testified (Mess., p. 173):

Q. Now, Captain Baker, I will ask you with respect to another matter. From your experience in charge of men at an army post, will you state whether or not it would be possible for enlisted men to obtain and retain in their possession, without the knowledge of their commanding officers, a dozen or so rounds of ammunition?—A. Each enlisted man is ordinarily supposed to have ten rounds. Most of the old soldiers accumulate a greater number in order to be able to produce the proper number at all times. The ten rounds, at least, are always in the personal possession of the enlisted man, the only requirement being that he produce them on inspection. In addition to the ten rounds, target practice, field service, and possibly the generosity of the quartermaster-sergeant or first sergeant give them an opportunity to accumulate more without specific knowledge on the part of their officers. After twenty years' experience as an officer, and having been many times during that period a company commander and in close contact with enlisted men, both in garrison and in the field, I believe that most enlisted men of any organization in service in any post really have in their possession at all times more ammunition than that which may have been issued to them and which they are required to produce on inspection, namely, ten rounds.
Q. Then, in your opinion, Captain Baker, it would not only be possible, but it is a very common thing, for the enlisted men to have in their possession a dozen or so rounds of cartridges each without it appearing from the records of the ammunition kept that he has in his possession such additional rounds?—A. The chances for getting this ammunition are so many that even with the greatest care on the part of the company officers it is impossible to break up the practice. It is as hard a thing to deal with as to prevent the feeding of other people by the cook in your kitchen. It is almost a similar case.
Q. Captain Baker, in conclusion, I want to call your attention particularly to the three clips that were turned over to me by the mayor of the city of Brownsville and by the sheriff of Cameron County as having been found in the streets of Brownsville on the morning after the shooting on the 13th of August, and ask you whether those clips are similar to the clips used in the new Springfield rifle?—A. I have in my hand a clip that has been issued by the Government for use in the new Springfield rifle. The three shown me by you I have compared with this. They are in every respect the same. I know of no such clip in use in this country in any other rifle, sporting or military, except the Springfield.

Lieutenant Lawrason, in testifying as to keeping account of the cartridges at the range shooting, said (p. 1625):

By Senator LODGE:

Q. Whoever dealt out the ammunition, did he keep a memorandum of the number of cartridges given to each man?—A. No; but he could see—understand, I stated that no one dealt out ammunition. The men took it.
Q. They helped themselves?—A. They took their two clips out of the bandolier and did their firing.
Q. Then didn't they return the exploded shells?—A. Yes; they are picked up by the man, I stated, who was detailed for that work.
Q. Then the men do not return the exploded shells themselves—each man does not?—A. They frequently do, to save time and keep this man who picks them up from crawling around the firing point.
Q. What I want to get at is this: Is there some responsible officer who gives out the cartridges and makes a memorandum of them, and then when the exploded shells are returned credits those to the men returning them, so that it shall be known exactly how many shells each man has fired, and that every cartridge is accounted for?—A. No; no one issues this ammunition or checks it up.

By Senator WARNER:

Q. The fact is, each man goes out and takes his ammunition out of the box?—A. Yes; his ammunition out of the box.
Q. He is supposed to take one or two or three clips, whatever it is?—A. Yes, sir.
Q. He can take more if he wants to, but it is simply a question of whether he will be detected or not?—A. Simply a question of whether he would be detected.
Q. That is all there is of that?—A. Yes, that is all.
Q. That is the practice in the Twenty-fifth Infantry?—A. Yes; I think that is the practice throughout the Army.

Captain Macklin, in connection with his testimony of reduced-range ammunition issued to his command, testified regarding the custom of soldiers to accumulate extra ammunition as follows (pp. 1798 and 1799):

Q. When you were issued the reduced-range ammunition you got ten rounds?—A. Yes, sir.
Q. You checked up the ammunition that you turned in, did you?—A. Yes, sir.
Q. The steel-jacketed ammunition?—A. I checked it up to the best of my ability; yes, sir.
Q. Did it check up?—A. Yes, sir; every man had twenty rounds.
Q. Then you knew that that was all turned in?—A. Yes, sir; and I had it put in an ammunition box.
Q. Why was it, then, you should have searched the lockers?—A. For any extra ammunition they might have.
Q. How would they have extra ammunition, Captain?—A. Soldiers accumulate that sometimes on the target range.
Q. How?—A. Well, in a skirmish run each man is given twenty rounds of ammunition. Sometimes he only fires nineteen, and if he only fires nineteen, if he is one short, he gets a penalty for it, and they will hide it, to the extent of sticking it in their mouths. Every time a skirmish run is completed the officers are required to go down the line and search the men, and I can not tell you how they do it exactly, but they have ways of accumulating the ammunition that I can not explain, and I do not believe any officer can.
Q. But you know they do accumulate it?—A. Oh, they do; yes, sir; undoubtedly. It is a hard thing to check on.
Q. And by way of secreting it they put it in their mouths?—A. I have heard of cases of that kind; yes, sir. I never found any that way, but I have heard of them.

Captain Ely, of the Twenty-sixth Infantry, an officer of twenty years' service, and an expert rifleman, before the Penrose court-martial, testified (C. M., 1205):

Q. To change the subject, Captain Ely. From your experience as an army officer, is it a difficult thing or not for individual men in companies to get ahead a dozen or two rounds of ammunition without being detected?—A. From my experience I would say it is comparatively easy for a man desiring to possess a few extra rounds of ammunition to obtain the same. I have been at several department, division, and army competitions and at the ordinary target practice, winter practice, subsequent season practice, post competitions, etc., and at almost all these practices and competitions the ammunition is left out where men can get it, sometimes checked and sometimes unchecked. It would be very easy for them to take more than they were to actually use and carry the same away with them. With the interchange of empty shells for loaded ammunition it is very easy for this ammunition to be unaccounted for, as only that which is actually received from arsenals is generally accounted for.

Captain Kilburn, of the Twenty-sixth Infantry, in his testimoney before the committee, said (pp. 1032 and 1033):

By Senator LODGE:

Q. Are the men apt to have odd cartridges in their possession?—A. A great many of them do. They pick them up different places. Sometimes they keep some cartridges—these men who, as we call it, buck for orderly. They keep them shined, one set, and they will have another set to use on rainy days, using the polished set for guard mount.

By Senator WARNER:

Q. Explain that—what is meant by "bucking for orderly?"—A. The cleanest man on guard when they mount guard in the morning is picked out by the adjutant for the commanding officer's orderly. He does not have to go on guard duty, and is only on duty practically from about 10 in the morning until about 12, and from 2 till about half past 4, and then he is allowed to go to his quarters. It is something that they all desire, and the men will clean up, and as the competition becomes closer and closer they get down to even quite small details, and the brass screw that is in the head of the bayonet, that will be polished, and they will get down to the point, some of these men, where they will even polish their cartridges. It takes quite a lot of work to keep those shined up, and they will sometimes have 10 extra cartridges which they will use for ordinary times, for drills, and keep these 10 nice ones that have already been polished up, keep them wrapped in canton flannel.
Q. That is, they use 10 cartridges for a rainy day and 10 for a sunshiny day?—A. Yes, sir.
Q. And have the extra cartridges around?—A. Yes, sir.

By Senator LODGE:

Q. The return of cartridges is never absolutely accurate, is it?—A. No, sir. We count all the loose ones, but you can not always be exact about that. You may have as many as 20,000 rounds on hand.
Q. They are usually returned in tens and hundreds, are they not?—A. No, sir; the chief of ordnance checks you up to the last one, but a man can always make some cartridges, because he is allowed so many to each man.

By Senator WARNER:

Q. What I was getting at, when he has his 10 cartridges for the sunshiny day, that is his regular allowance of 10?—A. Yes, sir.
Q. Then he would have 10 extra cartridges that he would pick up and accumulate, that would not be polished, for rainy days?—A. Yes, sir. I say there are men who do that. I don't think the whole company does it, but some men.
Q. But they do have an opportunity, so that they have extra cartridges?—A. Yes, sir. When the cartridges are issued they open up a box and each man takes 20 and shoots them—that is, when they are on target practice—and it is very easy for a man to pick up 5 or 10 if he wants to. It is just as easy as it is for anybody else to get them.

Rowland Osborne, who had held the position of post quartermaster-sergeant in the Army for twenty-two years and whose position peculiarly qualified him to testify regarding the custom of soldiers to accumulate surplus ammunition, testified (pp. 1091 and 1092):

Q. Now, going back in these places you have mentioned, did you see ammunition scattered around those other places?—A. Yes, sir; I have seen that.
Q. That is customary, too?—A. It is a customary thing.
Q. To find loose ammunition lying around?—A. Loose ammunition. As a rule it is accounted for as expended. When the boxes are broken it is expended.
Q. Just explain how it could be that the soldiers could have such an excess of ammunition.—A. It is very simple.
Q. Just explain it, please.—A. They go to target practice, and each man is issued a certain amount of ammunition to fire, and it frequently occurs that they do not fire them all and they retain the ammunition. Again, men go on hunting expeditions, and they are given so much for hunting purposes, and they do not use it all, and they retain it.
Q. But could they have any that they did not expend when they were out on the range firing?—A. Well, it is expended when it goes out, so much for target practice. That is the usual practice. The allowance is expended, and what is left over is thrown into the storeroom, providing they get hold of it and the men turn it in.
Q. Provided they get hold of it?—A. Yes, sir.
Q. What do you mean by that? We are not in the Army, and we do not understand.—A. For instance, 65 men are going out to participate in target practice and are issued a certain number of rounds of ammunition. It is turned over to them and expended in target practice. Maybe they are out on target practice for a month, and maybe only half of that is actually used. The rest comes back. It is not thrown away.

Q. So a man could keep it or return it?—A. Could keep it. Maybe he does not want to keep it and turns it in to the storeroom.
Q. If he wants to keep it he can keep it?—A. Yes, sir. Otherwise it is there for hunting purposes.
Q. So that if a man wants to go out on a hunting trip, he can get surplus cartridges without any trouble?—A. Without any difficulty.

Mr. Jebb, a veteran soldier of the Twenty-sixth Infantry, in his testimony before the committee on this point, said (pp. 1389 and 1390):

By Senator FRAZIER:

Q. I want to ask you about the surplus ammunition that you say you soldiers got on the target practice down at Point Ysobel. Now, each soldier would keep his own surplus and bring it back up to Brownsville with him, would he?—A. Yes, sir.
Q. And put it in his locker?—A. Yes, sir.
Q. From your twenty years' experience in the Army, you found out that soldiers as a rule nearly always have plenty of surplus ammunition in their lockers, don't they?—A. Always do.
Q. Always do—have no trouble about that at all?—A. No, sir. At Fort Sam Houston to-day I have surplus Springfield ammunition lying in my box.
Q. You don't know how much you have?—A. No, sir; I don't know how much I have, but I have a surplus. We are issued 10 rounds, and if we do not have that at the end of our enlistment he charges it up.
Q. But you get a surplus and you keep that, then, in your locker?—A. Yes, sir.
Q. Where do you keep the 10 rounds that are issued to you by the sergeant?—A. In the cartridge belt.
Q. In the cartridge box or in your belt?—A. Yes, sir.
Q. And this surplus you keep in your boxes or lockers or wherever you want to?—A. Yes, sir.
Q. And it is no trouble for you to pick it up in different ways?—A. No, sir; no trouble at all.
Q. And that custom prevails not only in the regiment you are now connected with, but in all regiments?—A. All regiments.
Q. That you have been connected with for the last twenty years in the Army?—A. Yes, sir.
Q. Twenty-two years?—A. Yes, sir.
Q. So that it is no trouble for a soldier to have plenty of surplus ammunition in his locker, and he generally does have, doesn't he?—A. He generally does.

Corporal Ryan, of the Twenty-sixth Infantry, a soldier of many years' experience, testified (p. 1405):

Q. Now, accumulating surplus ammunition in the range practice, which you have spoken of, how is that done?—A. That is a very easy matter, because the ammunition, as a rule, is carried out by the men who are to fire, and is never charged to each man. No man is issued any special number of rounds or any special amount. As a rule, the ammunition is carried out there in bandoliers and opened on the range, and a man could get any amount he wanted and it would never be missed.
Q. Would it be easier to get the new Springfield ammunition issued in bandoliers than to get the old Krag ammunition?—A. Not a bit, sir.
Q. About the same?—A. About the same.
Q. So there would be nothing to prevent a soldier having that?—A. No, sir.
Q. Could he sell it?—A. I do not know of anybody ever selling any of it.
Q. Could he give it away if he wanted to?—A. Yes; they often do. I have been all over the United States, and I have found ammunition in all parts of the United States, especially in barrooms and places of that kind, where men use. They go in and have, perhaps, three or four rounds of this ammunition and the barkeeper or somebody will say: "Let me have two or three of them just to keep on exhibition for souvenirs." I have seen them setting on sideboards.
Q. A soldier who accumulates surplus ammunition, where does he keep that—in his locker?—A. He usually keeps it in his locker or barrack bag, or almost any other place that he sees fit.
Q. Are you giving what you understand to be the practice since you have been in the service with the different organizations that you have been in?—A. Yes, sir; that is the way I have found it ever since I have been in the service.

The testimony of other witnesses might be cited in support of the contention that it was the universal custom of soldiers to accumulate surplus ammunition. The contention that the exploded shells found upon the streets of Brownsville on the morning of the shooting had been planted there by the raiders loses sight of the fact that the shells picked up by Captain Macklin were, in the language of Major Penrose (C. M., 1179), "apparently perfectly bright and new;" and that—

they showed no corrosion of any kind on them, which led me to believe that they had been fired recently,

and is not supported by the testimony of Major Penrose, who remarked to Captain Macklin:

Well, Macklin, I am afraid our men have done this shooting.

nor by the testimony of Mr. Starck, a man thoroughly familiar with the use of firearms, who testified that the eight or ten shells that he picked up in the street in front of his house between 5 and 6 o'clock on the morning of August 14, "had been recently fired."

Mr. President, in the views of the Senator from Ohio [Mr. FORAKER] and the Senator from Connecticut [Mr. BULKELEY], attached to the minority report, reference is made to the evidence that of thirteen of the exploded shells picked up on the streets of Brownsville three had double indentation, as though in a first attempt to fire, the gun had snapped, and nine had marks indicating double insertion in a rifle. Upon this evidence they base the claim that these shells were exploded on the target range at Fort Niobrara and not at Brownsville.

In support of this contention, evidence was introduced showing that when the new guns were issued to the soldiers at Fort Niobrara at first it was difficult to get the cosmoline oil in which they were packed out of the mechanism of the gun, and therefore for a time the guns misfired, and when on the target range it frequently happened that when the cartridges were inserted in the chamber ready for firing, came the command "cease firing;" in this case, as well as in the snapping of the gun, the unexploded cartridges were ejected and thrown upon the ground. And, as there had been no target practice at Fort Brown, the second insertion of these shells into the gun, it is claimed, must have been at Fort Niobrara. In further support of this contention evidence was introduced that Company B had shipped from Fort Niobrara to Fort Brown a box containing fifteen or sixteen hundred exploded cartridges. That upon the arrival of these cartridges at Fort Brown the box containing them was broken open and in that condition was left on the back porch of B Company barracks, where it was accessible to Mexicans and others coming into the fort, the theory of the distinguished Senators being that the exploded cartridges picked up on the streets of Brownsville had been filched from this box and by citizens placed along the trail of the raiders in the streets of Brownsville. This contention admits that these exploded shells were a part of the ammunition used in the Springfield rifles with which the Twenty-fifth Infantry was armed. It is further admitted by the contention of the distinguished Senators that these shells were brought from Fort Niobrara to Brownsville. But in contending that these shells had been exploded at Fort Niobrara and were planted by the conspirators in the streets of Brownsville, the distinguished Senators lose sight of the fact that the bullets extracted from the buildings in Brownsville were bullets such as could be fired from a Springfield rifle, and that the cartridges and bullets in combination could only be fired from the Springfield rifle with which the Twenty-fifth Infantry was armed. These bullets, as shown by measurement, weight, and analysis, were bullets used in the Springfield rifle.

That, in order to manufacture evidence against the colored soldiers, the raiders, or others, should pick out at random 13 exploded cartridges bearing double indentation or evidence of double insertion from a box containing from 1,500 to 1,600 cartridge shells, would, I submit, be a most improbable performance, especially in view of the thorough shaking and mixing to which this cartridge case must have been subjected in transit from Fort Niobrara to Fort Brown.

But, sir, the analysis of the bullets extracted from the houses in Brownsville is conclusive evidence that they were the bullets of the Springfield rifle, model 1903, with which the colored battalion was armed, the analysis showing that the composition of these bullets was lead, tin, and antimony, and the evidence is that only bullets manufactured for the Government containing these three metals were those made by the Union Metallic Cartridge Company under contract of June, 1905, and that no bullets made for sporting or commercial purposes contained these three metals, all other bullets having either lead and tin, or lead and antimony, none having the three metals—lead, tin, and antimony.

Mr. William M. Thomas, the ballistic engineer for the Union Metallic Cartridge Company, testified (p. 3378):

By Senator FRAZIER:

Q. As I understand you, none of those bullets made for commercial or sporting purposes have lead, tin, and antimony in them?—A. No, sir.
Q. They have either lead and tin or lead and antimony, but not all three?—A. No, sir; we would not make a bullet with all three, unless we had to, as in this Government case.

By Senator WARNER:

Q. Now, I was asking about the sporting guns, the rifles you make ammunition for, and I understand you to say that none of those bullets were made with the composition in them of lead, tin, and antimony, all three?—A. Yes, sir; that is correct. We have no record where the three metals were used together.
Q. Now, what gun is it, excepting the Springfield and the Krag, for which you make bullets that do contain antimony and lead?—A. The only one that I can recall was made for the model of 1903, under the contract of 1905.

Lieutenant Grier, of the Twenty-fifth Infantry, in testifying as to the guns missing fire when first received, and as to the marks or double insertion, or double indentation, on the cartridge shells, said (pp. 1705 and 1706):

Q. On the target range does it not happen every day, and many times a day, that a cartridge after it has been put in to be fired will have to be withdrawn because of the order to cease firing, or for some other reason?—A. I do not know that I can say it happens every day, but it does happen frequently, especially with recruits.
Q. How does it come to happen with them?—A. Well, they do not understand. The chief thing I have noticed with them is that they fail to close the bolt entirely when they load. I have seen company commanders fix the bolt, in fact, so that the rifle would not go off, to see if the man flinched when he shot. They would have him pull the trigger, anyway, and he would jump. They did that to see if he flinched, to cure him of flinching.

Q. If a cartridge has been inserted and the order to cease firing is given before the cartridge is fired, what is the soldier required to do?—A. To bring his rifle down to the position of "load" and open the chamber.

Q. And is the cartridge withdrawn or not?—A. My recollection is not clear on that. I believe it is, though.

Senator FORAKER. That is all.

By Senator FRAZIER:

Q. Lieutenant, when a cartridge is inserted in a gun in the manner which Senator FORAKER has asked you about and the order is given to cease firing, that cartridge would not have any marks or imprints on it at all, would it?—A. No, sir; it would not.

Q. It would not be marked at all? You could not tell afterwards in examining that cartridge whether it had ever been inserted into a gun?—A. No, sir.

Q. After a cartridge has been fired and certain imprints are made on it by the striker and by the explosion of the shell, if that shell should be again put in the gun for the purpose of testing or otherwise and then should be ejected, would that make a second imprint on it?—A. Well, I could not say exactly about that. I have never tried that. But it seems to me that the ejector itself would follow the same path that it did before. It always makes a circular cut on the face of the shell in ejecting.

Q. Suppose the shell should be put in another gun and ejected, that would make a different imprint, would it not, upon that shell?—A. Yes, sir; it seems to me it would.

Q. It would? You think that if it should be put back in the same gun and struck again and then thrown out, that would make possibly the same imprint.—A. Yes, sir.

Q. As that made the first time when the shell was exploded?—A. Yes, sir. In other words, there is a personal equation in every gun.

Q. But if it should be put into a different gun and ejected?—A. The chances are that the marks would not coincide.

Q. They would not coincide. So that a shell that had two or more different imprints on it would indicate rather that it had been put in and ejected from two different guns, would it not?—A. Yes, sir; it would give that possibility.

Mr. President, it is clear from the evidence that when an exploded cartridge shell shows marks of double insertion that the shell has been inserted into two different guns. It is only when the cartridge shell has been tried in or fired from a second gun that it shows the marks of double insertion. On this point Lieutenant Lawrason testified (p. 1598):

Q. I will call your attention now to another fact recited in this report. I have already read it. It says that quite a number of these cartridge cases—nine in all, giving the numbers, three in Group I, three in Group III, and three in Group IV—bear evidences on them of having been inserted into a service rifle more than once. I will ask you what that would indicate to you?—A. Either that it had been tried in one gun, and not having been fired in that had been tried in another, or that it had been thrown back in the cartridge box and later tried, some other time, on the range.

By the CHAIRMAN:

Q. After a cartridge has been fired what would be the effect of putting the shell in and going through the motions again; would that leave any marks upon the empty shell?—A. Yes, sir; that would probably have the same effect.

Q. Then a cartridge shell, after the cartridge had been fired, if it was put in a gun to try it, or for examination, would receive the same strokes, probably?—A. If it were put in the same gun I should think it would, sir. If it was tried in another gun you would probably get the effect mentioned here.

Q. One moment. If it was tried in another gun and the effect were different, then there would probably be two sets of marks on it?—A. Yes, sir; probably there would.

The marks of double insertion upon the nine exploded shells are accounted for by the testimony elicited by Mr. Purdy in examining Lieut. Col. Frank Baker of the ordnance department at Fort Sam Houston, on the 6th day of January, 1907. Mr. Purdy handed to the witness for inspection the thirty-two shells that were afterwards turned over to the committee and subjected to a microscopic examination by the Springfield Arsenal, and Colonel Baker, in order to satisfy himself regarding these exploded shells, made the experiment with some of them in a new Springfield rifle. This in itself would account for the marks of double insertion upon these shells, and they were the only shells introduced in evidence which bore the marks of double insertion. So, sir, I submit that the fact that certain of the exploded shells picked up on the streets of Brownsville bore the signs of double insertion does not even tend to show that they were not fired in that city on the night of the affray.

The contention, Mr. President, that none of the soldiers of B, C, and D companies were engaged in the affray, because at the roll call of the companies all the enlisted men were present or accounted for, finds no substantial support in the testimony. As to the accuracy of that roll call in determining whether any of the enlisted men participated in the shooting, Major Penrose, in his report to the military secretary of Texas, under date of August 15, 1906, to which I have heretofore called attention, said:

From testimony gathered by the citizens' committee, and given to me by Doctor Combe, I believe from 7 to 10 men were implicated in this matter. Some one of them must have had a key to the gun rack, and after check roll call was taken—for all were reported present at 11 p. m. roll call—*they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.* (Mess., p. 32.)

Further than this, sir, every commissioned officer of the battalion has testified that it would have been quite possible for men engaged in the shooting to have returned to the reservation and joined their respective companies in time to answer the roll call and this without detection. In this connection it should be remembered that the shooting from high-power guns lasted only from five to seven minutes.

Here, sir, upon the question whether men engaged in the shooting could have rejoined their companies before roll call, I invite the attention of the Senate to a significant piece of evidence in the statement of Corporal Miller, of Company C, who testified that on the night of the shooting he was out on pass, and that about 10 o'clock on the night of August 13 returned from Matamoros, which is just across the Rio Grande from Brownsville. Not having heard, as he testified, that passes had been revoked, upon his return to Brownsville he visited a relative in the farther part of the town and that finally he started for the reservation about 11 o'clock, and on his way stopped at a Mexican saloon on the corner of Adams and Eleventh streets, engaging in a game of monte. This saloon was fully two blocks farther from the reservation than the farthest point of firing by the raiders. Corporal Miller says that he heard the firing; that he got into a dispute with the saloon keeper as to whether it was being done by soldiers or not; that he waited in the saloon until all the firing had ceased, which must have included not only the firing from high-power guns, but also the desultory and scattering firing of citizens with revolvers and shotguns; that then he walked as rapidly as he could from Eleventh street down Adams street to the fort; that he climbed the garrison wall opposite Washington street and came into C Company barracks while that company was being formed.

Corporal Miller remained in the saloon five or six minutes after the firing commenced and until all the firing ceased. In answer to questions by the Senator from Ohio [Mr. FORAKER] he said:

Q. Then what did you do when the firing ceased?—A. I went to the quarters.

Q. How long was it after the firing ceased that you went to the quarters?—A. Oh, just as soon as it ceased.

Q. Just as soon as it ceased?—A. Yes, sir; I went out then to the quarters. (P. 860.)

Q. You went out onto the street?—A. Yes, sir.

Q. And from there, then, to the quarters?—A. Yes, sir.

Q. In what way did you go to the quarters, over what streets, if you can tell us?—A. I think I came down Adams street.

Q. Did you or not go the nearest way?—A. Yes, sir; I came right out. The saloon sat on a corner. If it was Twelfth street, if that was the cross street, it fronted on Twelfth and had a side door out on Adams. It had a door right at the corner, too, and I went right out that door and right down that street to the garrison.

Q. How did you go?—A. Well, I went in a hurry. I didn't run; I walked fast. I didn't run, but I walked pretty fast.

* * * * * *

Q. Did you get back to the post?—A. Yes, sir.

Q. How did you enter, and in what way?—A. I entered—there is a way we cross the fence.

Q. That is the empty barracks right under your hand there on the map.—A. It is right below the empty barracks [indicating].

Q. You came in there, did you?—A. Yes, sir.

Q. Then what did you do?—A. I went on to the quarters and reported to the first sergeant.

Q. Where did you find your company?—A. My company was just falling in in front of the barracks.

Q. Then what happened?—A. Well, he told me to get my gun and join the company, and I got my gun and went out under the command of Lieutenant Grier and laid along the wall. (P. 861.)

What stronger evidence, Mr. President, could be adduced in support of the theory that the raiders had time and opportunity after the cessation of the firing to reach their barracks undetected, join their companies, and answer the roll call, than this very accomplishment of Corporal Miller?

Mr. President, this soldier did what the Senator from Ohio [Mr. FORAKER] has throughout his exhaustive argument maintained could not be done, and upon the supposed lack of ability of the soldiers to accomplish this act he in part has based his opinion of their innocence.

This witness testified that when in the saloon he told the proprietor that he was out on pass, and thought it necessary to show the pass to the Mexican, at the same time saying to him—

If anything comes up about this, I want to show you this.

The Mexican, Miller testified, said he thought—

the soldiers were firing on the town;

to which Miller replied:

They wasn't soldier's guns that I heard, and I told him when the firing was going on, I says, "Do you hear that shot? That was out of a .45." (P. 860.)

Corporal Miller, an old soldier, serving the last year of his third enlistment, was not unfamiliar with the report of high-power guns. When he heard the shooting he divined its meaning and at once set to work to lay the foundation for an alibi, and, as he testified, said to the proprietor of the joint:

If soldiers have anything to do with it [the shooting] I might call on you some time as a witness, because I am out on pass, and I will call you if anything comes up about it. (P. 860.)

This is a significant piece of evidence. Its significance and weight I leave for your consideration. Sergeant-Major Talia-

ferro at the commencement of the shooting was asleep in his quarters in the Administration Building. He testified that he was awakened by the shooting and that he could not tell whether it was on the outside or the inside of the garrison wall, but thought that it was on the outside. That after hearing a number of shots he got up, dressed hurriedly, and ran to the quarters of Major Penrose to notify him of the disturbance, and not finding Major Penrose he went on to the guardhouse, some 1,260 feet from the Administration Building, looking for the commanding officer, and getting no information of him there, retraced his steps, finding Major Penrose in front of B Company barracks; he seemed to be, as Sergeant-Major Taliaferro testified, superintending the formation of that company. (P. 1495.)

Sergeant-Major Taliaferro, from the time he left the Administration Building until he found Major Penrose, traveled more than eight hundred yards, and when he found Major Penrose the men of the companies were still coming down out of the barracks. (P. 1538.)

He, like Corporal Miller, traveled a greater distance before reaching the barracks than any of the men engaged in the shooting would have had to travel in order to reenter the reservation.

As to his movements he testified:

Q. When you got to the quarters where the company was forming there was considerable confusion?—A. Yes, sir.

Q. What was being done with the companies when you got there, a roll call, or what was being done, or were they just forming preparatory to a roll call?—A. It seemed that some were forming and some calling the roll. I could not tell exactly what they were all doing, but they were coming out of the barracks and getting their arms. (P. 1537.)

Q. They were still coming down out of the barracks?—A. Still coming down out of the barracks and falling in.

Q. So that the company had not really been formed?—A. No, sir; they were being formed.

Q. You are quite clear about that?—A. Yes, sir.

Q. Now, when you first heard this shot, that caused you no annoyance, did it, that one shot?—A. No, sir; I didn't think it necessary to get up for one shot.

Q. Yes; I understood you that you did not think it was necessary to get up.—A. No, sir; I simply raised up and listened.

Q. You lay in bed there?—A. Yes, sir.

Q. And then you heard the call to arms, did you?—A. No, sir; the call to arms didn't go until after I heard quite a number of shots.

Q. You heard quite a number of shots, and then did you get up?—A. Then I got up, because I knew there was some serious trouble.

Q. And dressed yourself?—A. Yes, sir; and while I was dressing the call to arms sounded.

Q. You got up and dressed yourself?—A. Yes, sir.

Q. That took you a few minutes, did it?—A. Yes, sir.

Q. Then you went to Major Penrose's quarters?—A. Yes, sir.

Q. Because of being sergeant-major?—A. Yes, sir.

Q. You were subject to his orders, or rather his bodyguard, or with him?—A. Yes, sir.

Q. Then you went up to the guardhouse?—A. Yes, sir.

Q. And then you came from the guardhouse down to the barracks?—A. Yes, sir.

Q. And that is the time they were falling in?—A. Yes.

Q. Now, Sergeant, in going over there to the major's quarters, how did you go—ordinary time or what you call "double time?"—A. I ran as rapidly as I could.

Q. You stopped there a moment?—A. Well, I don't know, sir. It wasn't a minute; I don't think I stayed there a minute.

Q. You say a minute?—A. Just time enough to make sure that the major wasn't in his quarters.

Q. About how far is it from the administration building to Major Penrose's quarters that he occupied there?—A. Well, I should think it was about, probably, 300 yards.

Q. Three hundred yards?—A. Yes, sir.

Q. What is the distance from Major Penrose's quarters to the guardhouse?—A. I would place that at about 200.

Q. Two hundred?—A. Yes, sir. I am not certain about these distances; just estimating. I only stayed there a short while.

Q. I am just getting your best judgment.—A. Yes, sir.

Q. What would you say would be the distance from the guardhouse down to Barracks C, which was the nearest occupied barracks to the guardhouse?—A. Well, I would put that at about 350.

Q. So that we have distances, as near as you can estimate, of 300 yards to Major Penrose's?—A. Yes, sir.

Q. Two hundred yards from Major Penrose's to the guardhouse?—A. Yes, sir.

Q. And about 350 yards from the guardhouse back to Barracks C?—A. Yes, sir.

Q. That would make 850 yards; and when you got back to the barracks the companies were just falling in?—A. Yes, sir; the companies were just falling in.

Q. Coming down stairs with their guns?—A. Yes, sir.

Q. It took you several minutes to make that round, did it not?—A. I made it very rapidly. I don't know exactly. It could not have been very long.

Q. Eight hundred and fifty yards; that would be nearly half a mile?—A. Yes, sir; I could not tell exactly how many minutes it took. (P. 1539.)

But this witness traveled even a greater distance than 850 yards, as, to use his own language, he did considerable maneuvering. As to this he testified:

Q. So in maneuvering——A. In maneuvering I passed very considerably out of a straight line. I did not make a straight line.

Q. So the distance you traveled would be considerably greater than what you gave us yesterday as the distance in a straight line?—A. Considerably greater than a straight line. I gave the distance between Major Penrose's quarters and the guardhouse. I did not state that I went in a straight line across there.

Q. No; I understand; but the way you traveled would make you go considerably farther.—A. Would make it a great deal farther than a straight line; yes, sir. (P. 1543.)

Yet, upon reaching the barracks, after traveling nearly a half a mile, the men, as he said, were just coming down out of the barracks—the companies forming.

The testimony of the commanding officers of B, C, and D companies establishes beyond question the fact that the men engaged in the shooting had ample time to rejoin their respective companies before roll call, and to do so without detection by their officers. The officers were not at the time on the lookout for soldiers who were seeking to escape detection for complicity in the shooting which all of them then attributed to the townspeople.

Captain Lyon, commanding B Company, testified that the roll call of his company was not made until from five to eight minutes after *all* the firing had ceased. He said:

Q. And the roll call was completed from five to eight minutes after the last shots were fired?—A. I think that is correct; that is my impression of it.

Q. And the last shots were those scattering pistol shots that you heard?—A. The last shots were pistol shots out in the town. (P. 1865.)

This officer further testified that prior to this roll call he made no attempt whatever to count the men. (P. 1867.)

Here it is proper to remark in connection with the testimony of Captain Lyon that the roll call in his company was from five to eight minutes after *all* the firing ceased—that is, after the firing from high-power guns and the desultory revolver firing by frightened citizens. It was after this desultory firing had ceased that the roll call of Company D was made.

On this same point Lieutenant Lawrason, commanding Company B, testified that he was in his quarters asleep and was awakened by the firing which he described like "scattering volleys fired by a small number of men (p. 1570); that upon hearing the firing he hurriedly dressed and went rapidly across the parade ground, a distance of 750 feet (p. 3299), to B Company barracks; upon arriving there he found the company—that part of it that was down—in great confusion; that after he reached the company he heard "no more firing" (p. 1615); and that the firing he heard, from his best judgment, was from "possibly half a dozen to ten rifles" (p. 1615). He further testified that it would have been possible for enlisted men to have joined the company without his knowing whether they came from the sleeping apartments of the soldiers or from the outside. On this point he testified:

Q. The barracks has a hall through the center downstairs, has it not?—A. Why, there is a way of going through. It is not a straight hall, as I recollect it. It is one or two rooms opening into each other.

Q. There is what you call a back stairway and a front stairway leading up to the quarters occupied by the soldiers, is there not?—A. Yes, sir.

Q. And there is also a door leading out from the back of the barracks toward the wall back of the garrison?—A. Yes, sir.

Q. And a door nearly opposite the front of the barracks?—A. Yes, sir.

Q. So that persons could come in that back door and join the company, could they not?—A. It would be possible for them to do so; yes, sir.

Q. Possible? What do you mean by "possible?" Would it not be probable that they could do that—just as probable as though they had come down the back stairway and joined?

(At the request of the witness the preceding testimony was read by the stenographer, as follows:)

"Q. So that persons could come in that back door and join the company, could they not?—A. It would be possible for them to do so; yes, sir.

"Q. Possible? What do you mean by 'possible?' Would it not be probable that they could do that—just as probable as though they had come down the back stairway and joined?"

A. Well, sir, I don't know anything about the probabilities. There was a means of getting from the rear porch to the front porch on the lower floor and also on the upper floor.

Q. Nothing to prevent it?—A. Nothing to prevent it.

Q. And if they had come in there you would not have known whether they came from upstairs or came in the back door?—A. No, sir; I would not.

Q. Nor would you have known in that confusion whether they had come around, in the interval, between barracks B and C on the left?—A. No, sir; they might have done that without being detected by me. (P. 1615.)

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. ELKINS. I ask that the unfinished business be laid aside temporarily.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. WARNER. It is admitted, Mr. President, by the distinguished Senator from Ohio [Mr. FORAKER] in the minority report, that Company C was not formed "until five or ten minutes after the firing ceased," because of the confusion caused

by the refusal of the noncommissioned officer in charge of quarters to open the gun rack. I submit, sir, that the conduct of Sergeant Brawner, in charge of quarters, in refusing to open the gun rack, although he heard the firing and had been informed by Corporal O'Neil of his company that the call to arms had been sounded, justifies the belief that his refusal was for the purpose of adding to the confusion, thus giving additional time for the raiders to return undetected to their quarters.

Lieutenant Grier, who, in the absence of Captain Macklin, was placed in the command of Company C, testified that although he hurried across the parade ground, yet when he got to his company the firing from high-power guns had ceased.

Q. Before you got to your company the firing had ceased, as I understand you?—A. Just about the time I got over there.
Q. That is a little indefinite, Lieutenant. Was it before or after you got to the company that the firing ceased?—A. The firing was still going on when I reported to Major Penrose at B Company. By the firing I mean that promiscuous shooting from the houses in town—not the firing from high-power rifles, but the scattered fire that was going on uptown.
Q. Oh! And did you not know from the report made by Mayor Combe, not to you, but in your presence——A. Yes, sir.
Q. That when this high-power fire was through with citizens fired out of their houses, out of their windows?—A. Yes, sir; I know there was that sort of firing; there must have been.
Q. So that the high-power fire had ceased before you got to your company?—A. Yes, sir.
Q. When you speak of high-power rifles, Lieutenant, what do you mean?—A. Well, I mean a firearm such as the Winchester, Springfield, Krag, Mannlicher, and other rifles.

As to the soldiers being able after the shooting to rejoin their companies, Lieutenant Grier, in answer to the question,

In what different ways could they have gotten into the company?

said:

They could have come in the way I mentioned, jumped the wall and come up on the back porch and through the corridor to the front porch, and nobody could have told whether they came downstairs or from the dining room or kitchen; or, they could have come around on either side of the barracks, either between B and C barracks or between C and the vacant barracks; or, they might have run in right through the front of the barracks.

And in answer to the further question,

In either one of these several ways they might have joined the company?

he said:

Or another way—instead of coming through on the ground floor they could have run up the back stairs through the sleeping rooms and down the front stairs and joined the company.

and to the further question,

Now that is true of that company; is it not true of all the companies?

he answered,

Yes, sir; the arrangement of the barracks was all the same. (P. 1711.)

More than this, Mr. President, Major Penrose, Captain Lyon, Lieutenant Lawrason, and Lieutenant Grier all believed that the soldiers had done the shooting. They were present that night, heard the first shooting, were familiar with the interval between the shooting and the lining up of the troops against the wall, and the formation of the companies, and the means taken to verify the presence of the various members of each company in the formation, and not one of these officers seems to have found the interval of time a serious obstacle to his conviction that the firing was done by some of the soldiers.

I submit that this testimony is a complete answer to the contention that the soldiers did not have time to join their companies and answer to roll call after the cessation of the firing.

Mr. WARREN. I notice that my colleague on the committee is somewhat fatigued. I ask him whether he would like to go on and finish now or whether he is willing to give way and finish at another time?

Mr. WARNER. That is very kind of the Senator from Wyoming. I am a little fatigued, and I could go on with my remarks and finish them in the morning, perhaps in thirty minutes, if agreeable to the Senate.

Mr. WARREN. Then, I ask that the Senator from Missouri may be permitted to lay the matter aside until to-morrow.

The PRESIDING OFFICER (Mr. ANKENY in the chair). The Chair hears no objection, and leave is granted.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask that House bill 19158, the agricultural appropriation bill, be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

Mr. WARREN. Mr. President, on a former occasion when we had this bill up the acting chairman of the committee, while at his desk in the Senate, received a communication from the Secretary of Agriculture, calling attention to certain adulterations in seed that was being shipped into this country and offering suggestions to the end that we might exclude such seed grain as was filled with weed seed. He sent up two suggested amendments, either one of which we could use; they were made in the alternative.

Accompanying the communication from the Secretary of Agriculture was a letter from the chairman of the Committee on Agriculture and Forestry, the Senator from North Dakota [Mr. HANSBROUGH]. I asked at the time that both the letters and proposed forms of amendments might be printed in the RECORD, so that we might have the information for such use, if any, as we might desire to make of it later on.

I now have a later communication from the Secretary of Agriculture stating that in his belief, after an examination of the pure-food law, he will be able to take care of the matter without further legislation. I therefore shall not move the amendment which I placed before the Senate and had printed in the RECORD.

Mr. BACON. Mr. President, I do not think it is generally known by Senators that the Senator from Wyoming has called up the agricultural appropriation bill. There are some absent, I am sure, who would like to be present. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Depew	Gallinger	Perkins
Bacon	Dick	Gamble	Piles
Bankhead	Dillingham	Heyburn	Scott
Borah	Dixon	Hopkins	Smith, Md.
Brandegee	Dolliver	Johnston	Smoot
Brown	Elkins	Long	Stephenson
Burkett	Flint	McCumber	Stewart
Burnham	Foraker	Martin	Stone
Clark, Wyo.	Foster	Money	Sutherland
Cullom	Frazier	Nelson	Teller
Curtis	Frye	Newlands	Warner
Daniel	Fulton	Overman	Warren

The VICE-PRESIDENT. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. DICK. The Committee on Post-Offices and Post-Roads is in session, considering the annual appropriations for the postal service, and I ask that the members of that committee be excused from the session to-day.

The VICE-PRESIDENT. The Senator from Ohio states that the Committee on Post-Offices and Post-Roads is considering the general post-office appropriation bill, and asks that the members of the committee be excused from attendance upon the current session of the Senate. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARREN. We were about to take up the Forestry Service when the bill was laid aside the other day. In continuing the reading of the bill for amendment, I believe, the first amendment occurs on page 22, commencing at line 23.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill at page 22, line 18.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Forest Service," on page 22, line 23, after the words "United States," to insert "to advise the owners of woodlands as to the proper care of the same: *Provided*, That no part of this appropriation shall be used for the purposes named in Hawaii or the Philippine Islands," so as to read:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same: *Provided*, That no part of this appropriation shall be used for the purposes named in Hawaii or the Philippine Islands; to investigate and test American timber and timber trees and their uses and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings.

Mr. CLARK of Wyoming. Mr. President, I desire to interpose a point of order against the amendment, it being general legislation, and new legislation, on an appropriation bill.

Mr. WARREN. Mr. President, the amendment as it stands may appear as an amendment, but it is really existing law as to all the first part and up to the provisio. A large portion of what is now this amendment was in the bill when it left the floor of the House, but in some way in enrollment it seems to have been left out. I will find it in the RECORD in a moment.

Mr. CLARK of Wyoming. The Senator's statement is of course sufficient.

Mr. WARREN. I was going to tell the Senator where the first portion is found. I refer to the clause to advise the owners of woodlands as to the proper care of the same.

Mr. CLARK of Wyoming. That is the particular portion to which I made objection.

Mr. WARREN. If Senators will turn to the RECORD they will find that an amendment was offered striking out the words "to assist," and in some unaccountable way in the printing in the enrolled bill it was dropped out.

Mr. CLARK of Wyoming. I withdraw the point of order.

The VICE-PRESIDENT. The Senator from Wyoming withdraws the point of order.

Mr. FULTON. Mr. President, I renew the point of order. It is new legislation.

Mr. WARREN. Before the Chair rules upon the point of order perhaps I had better quote from the RECORD. An amendment was offered in the House by the chairman of the Committee on the Public Lands. I have the CONGRESSIONAL RECORD of March 30, page 4266, and I read as follows:

That is the language of the present law—

Referring to the amendment to strike out the word "assist"—

and clearly this is subject to the point of order and is very dangerous legislation. I insist on the point of order as to the word "and," at the end of line 13, and the word "assist," at the beginning of line 14, and the words "and lands," on line 14, and the words "within and adjacent to the national forests," in lines 14 and 15.

Those were the words that were stricken out, and would leave this with the law standing as it does, I think, in the shape we have it.

Mr. FULTON. Mr. President——

Mr. WARREN. If the Senator will pardon me, I will read from the existing law. My colleague will please notice the amendment. The existing law reads after a semicolon:

To advise the owners of woodlands as to the proper care of the same.

It is identical with the present law.

Mr. FULTON. May I ask the Senator, if that is the existing law, why should we reenact it?

Mr. WARREN. I will say to the Senator that while it is existing law, it is part of a clause that carries an appropriation, and it was thought by the House committee to be necessary to repeat it on that account. Inadvertently it was left out, and we wish to restore it as it stood.

Mr. CLARK of Wyoming. I suggest that this matter lie over for a moment. I am told that the bill as it came from the House——

Mr. WARREN. The Senator will find that in the enrolled bill as it came from the other House the language was left out, but the bill as it really passed the House had the language in, and the only explanation is that in making it up the clerk through error struck out the whole instead of a part of the sentence. The RECORD plainly shows that when the amendment was offered the House did not cut out the words referred to.

Mr. CLARK of Wyoming. But, Mr. President, I understand that we are acting upon the bill as it came from the other House, and if the bill which came from the other House did not contain the words on page 22, line 23, "to advise the owners of woodlands as to the proper care of the same," I do not care to withdraw my point of order.

The VICE-PRESIDENT. The Chair is of the opinion that if the part of the bill in italics were in the bill as it came from the other House, the point of order would not be well taken; but as it is not, the Chair is of the opinion that the proposed amendment is in the nature of general legislation and therefore sustains the point of order.

Mr. WARREN. I did not plainly hear the ruling of the Chair.

The VICE-PRESIDENT. The Chair is of the opinion that if the text of the bill as reported by the committee, which is challenged by the point of order, were in the bill as it came to the Senate from the other House, the point of order would not be well taken; but it was not in the bill as it came to the Senate. It is reported as an amendment by the committee; and as it proposes general legislation, the Chair rules that the point of order is well taken.

Mr. WARREN. Mr. President, in order that there may be no misunderstanding about it, I wish to say that this particular language not being in the text as the bill came from the House is acknowledged to have been omitted by an error over there. If it is sought to make a point of order against this language, notwithstanding it was clearly an error, while I submit that the Chair will have to sustain the point of order, yet I think it is due the Senate that it should know it was not intended that the bill should pass in that way in the other House and that it did not, as a matter of fact, pass in that way. These same words—this same phrase—has been in every agricultural bill since 1899.

The VICE-PRESIDENT. The Chair is governed by the text of the bill as reported by the committee and as it is before the Senate.

Mr. WARREN. Certainly.

Mr. SMOOT. Mr. President, I should like to say that the bill as it passed a year ago used exactly the same words "to advise the owners of woodlands as to the proper care of the same." The only difference between the proposed amendment to this bill and existing law is the proviso. Would it make any difference in the ruling of the Chair as to the point of order if the language is in existing law?

The VICE-PRESIDENT. The Chair has fully stated the ground of his ruling. It will appear from that that the Chair is governed by the text of the bill as reported by the committee. The Chair sustains the point of order.

Mr. MONEY. Mr. President, while the text of the bill as reported here does not include this language, yet it is in the law as it stands to-day; and there is nothing now here proposing new legislation. It is not introducing legislation, because it is already the law; and whether it is reported in the text of the bill in either House or not this Senate must take cognizance of the fact that it is the law. It is the law just as the Senator from Utah [Mr. SMOOT] has just read it.

Mr. TELLER. Then why put it in now?

Mr. MONEY. We put it in because in the printing of the bill as it passed the House it was left out by the printer, or by the clerk who arranged the matter for the printer—I do not know whose fault it was, but it is the law now, whether it is ruled out or not.

Mr. TELLER. Why did the House put it in, then?

Mr. MONEY. That has been explained by the acting chairman, who stated it was in a clause that carried an appropriation, and they thought it better to repeat it.

Mr. TELLER. The House thought undoubtedly that it had been in the law before, but it undoubtedly had ceased to be the law because it was part of an appropriation. I do not think it is the law now; and, if it is, I do not see why it should be.

Mr. WARREN. The Senator will hardly contend that it is not the law now.

Mr. TELLER. I do contend that it is not the law now.

Mr. WARREN. Here it is in the statute.

Mr. TELLER. It was a part of an appropriation, and it died with the appropriation.

Mr. WARREN. The appropriation has not died yet, for that matter. It is the law.

Mr. TELLER. But it will die.

Mr. WARREN. Here is the law, and it will certainly hold good until the 1st day of next July. But surely the contention that this is new legislation can not prevail, because it is the existing law, word for word, just as it is.

Mr. TELLER. I understand the Chair has ruled on it, and I do not want to discuss it. I should want to discuss the absurdity of the proposition if it were going to be left in the bill, but otherwise I do not care anything about it.

The VICE-PRESIDENT. The Chair has examined the bill as it was referred to the committee and as it has been reported from the committee. The Chair does not discover in the bill the language now found in italics in lines 23 and 24, of page 22, of the pending bill. The Chair will not go behind the text of the bill as it came from the other House and as reported to the Senate by the committee. The Chair adheres to his ruling on the point of order.

Mr. WARREN. Then, the Chair declines to take cognizance of existing law?

The VICE-PRESIDENT. The Chair thinks his language is not susceptible of any misinterpretation. The Secretary will resume the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 23, line 8, after the word "administer," to insert "and;" and in line 9, after the word "improve," to strike out the comma, so as to read:

Provided, That the cost of any building erected shall not exceed $500; to pay all expenses necessary to protect, administer, and improve the national forests; and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests, shall aid the other Federal Bureaus and Departments on request from them, in the performance of the duties imposed on them by law.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 23, line 9, after the word "forests" and before the word "and," it is proposed to insert the following:

And hereafter the Secretary of Agriculture may purchase lands or rights therein for roads, trails, bridges, fences, telephone lines, fire guards, driveways for stock, ranger stations, forest nurseries, or other administrative sites or public works within or adjacent to national forests and necessary for the protection, administration, or improvement thereof.

Mr. TELLER. I raise the point of order on that amendment; that it is general legislation of a vicious character.

Mr. SMOOT. Mr. President, for several years the Agricultural appropriation bill has read as follows:

To pay all the expenses necessary to protect, administer, improve, and extend the national forests—

The present bill eliminates the word "extend," but it does provide that these specific purchases may be made for the forest reserves and not extended other than as enumerated in the amendment proposed. I do not think there is any Senator here who will say that the items enumerated in the amendment are not wanted for the forest reserves.

Mr. TELLER. I will say so, Mr. President.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. TELLER. I am happy to say that I do not think it would help things at all.

Mr. SMOOT. The object, Mr. President, is this: If in a forest reserve there is a private holding, which often happens, and it is necessary to make a road through that holding, this bill simply provides that the Department may purchase, or have a right to purchase, that right of way through that private holding in the reserve; for instance, for the building of a telephone line and the making of arrangements for the building of the line through the private holding within the forest reserve. It is not for the purpose of purchasing land outside and to extend the forest reserve, but it is for the administrative purposes of the reserve. It seems to me, Mr. President, that no one should object to that amendment.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment proposes legislation in the nature of general legislation to an appropriation bill, and the Chair therefore sustains the point of order.

Mr. SMOOT. Then I offer another amendment, which I send to the desk in lieu of the amendment which I have just offered.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 23, line 8, it is proposed to strike out the word "and;" in line 9, after the word "improve" and before the word "the," to insert the words "and extend;" also, in line 9, after the word "forests," to insert the words "but no part of this appropriation shall be used for such extension except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement," so as to read:

To pay all expenses necessary to protect, administer, improve, and extend the national forests; but no part of this appropriation shall be used for such extension except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement.

Mr. FULTON. Mr. President, I make the point of order that that amendment proposes general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the amendment proposes general legislation, and therefore it is in contravention of paragraph 3 of Rule XVI. The Chair sustains the point of order.

Mr. NELSON. I move to strike out the portion of the bill commencing with line 24 on page 23 and ending with the word "ten," in line 4 on the next page. I make this motion at the instance of the Senator from South Dakota [Mr. KITTREDGE]. It will be observed that the bill, commencing in line 18, reads:

And hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska in which said forests are respectively situated.

Then comes the proviso which I seek to have stricken out. It is as follows:

Provided, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forest are practically checked, but in no case after July 1, 1910.

In the country around the Black Hills timber is very scarce, and the people object to having that timber exported out of the country. What is known as "dead and insect-infested timber," if it is cut and utilized immediately, is as good as green timber and as valuable. The people in the Black Hills and in the country immediately around there feel that they need all that timber, and they are utterly opposed to having it exported. I therefore move to strike out that proviso.

Mr. WARREN. Mr. President, as I understand the Senator from Minnesota, he proposes to strike out the proviso commencing on line 24, page 23, including the amendment proposed by the committee, and extending down to the semicolon in line 4, page 24. Is that right?

Mr. NELSON. Yes, sir.

Mr. WARREN. Now, Mr. President, I will explain the committee's action on that. With the understanding that it was entirely agreeable to the Senator from South Dakota [Mr. KITTREDGE], who was not present, after we had examined the matter, the committee proposed an amendment so as to have the period in which the timber could be sold end on July 1, 1910. That is my understanding of the matter.

There is diseased timber there, and it is perhaps in a way the source of contagion, if I may use that term. It is sought to cut out that which is diseased and protect the balance. We have heretofore had legislation providing for the sale of such timber. I think it was included two or three years ago, or perhaps longer ago than that, and the point was made that the right to sell the timber under that legislation would expire at the end of the present fiscal year. The Forestry Service claimed that it had not been able to entirely eradicate the disease, but it feels sure it can get it under control in the next year. So after ascertaining that the Senator from South Dakota objected to its going on indefinitely, he was communicated with, as I understand, and we amended the provision by adding the words "but in no case after July 1, 1910."

Mr. NELSON. I want to say to the Senator from Wyoming that I am advised by the Senator from South Dakota that he is utterly opposed to the provision, and it is at his instance and at his request that I make this motion. The objection does not go to the right of the Department to cut down and sell and dispose of dead and down timber, but the objection is to exporting it from the State. They want the dead and down timber that is cut and removed to be kept in the State and not exported outside. That is the objection that the Senator from South Dakota has to that provision.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. I am really occupying the time of the Senator from Wyoming.

Mr. WARREN. Mr. President, I will finish in a moment, so that the Senator from Utah can have the floor. The committee desired in this matter, so far as possible, to have an agreement between the people of South Dakota and the Forest Service. It believed they had that agreement. I notice that the other Senator from South Dakota [Mr. GAMBLE] is not present, and perhaps the Senator from Minnesota would let the amendment lie over until a later time, until it can be ascertained upon what we act, unless he has something direct from the Senator that comprehends this matter, including the amendment which was proposed by the committee.

Mr. NELSON. Before the Senator from South Dakota went away he brought me a copy of the bill and explained to me the objection to this paragraph in toto, and since then, after the bill was reported with this amendment, his secretary called my attention to the matter, and told me that he was still opposed to it, and wanted the paragraph stricken out.

Mr. WARREN. After the bill was reported to the Senate?

Mr. NELSON. Yes; after the amendment that the committee had reported to it. I am only acting in his behalf in this matter in his absence. I suggest that the paragraph be stricken out, and if it is found to be an error, it can be corrected in conference.

Mr. WARREN. I will say that our information came to the committee from the Senator's letter to Mr. Pinchot, the Forester, so that the Senate committee only acted on what it presumed to be correct. I will say that the amendment suggested by the committee was not satisfactory to the senior Senator from South Dakota [Mr. GAMBLE], who was present and wanted to leave it open entirely, so that the diseased timber might be cleaned out; but because of the known views of the junior Senator from South Dakota, the amendment was put in, notwithstanding. If we are in error now and can please neither one of those Senators, I would prefer at least to have the matter go over for the time being. It can be taken up before we dispose of the bill.

Mr. NELSON. Very well; let it go over.

The VICE-PRESIDENT. The amendment will be passed over at the request of the Senator from Wyoming. The Secretary will state the next amendment which was passed over.

The SECRETARY. On page 23, line 18, after the word "and," where it occurs the second time, it is proposed to insert the word "hereafter," so as to read:

And hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska in which said forests are respectively situated.

Mr. HEYBURN. Mr. President, in the Fifty-eighth Congress Idaho was included within the exception from the provisions of that section which permits the export of timber from the State. During the succeeding Congress when the agricultural appropriation bill, or the bill carrying this appropriation, was before Congress I was unavoidably absent because of illness, and through some oversight or inadvertence the provision excepting Idaho from the provision of that section was overlooked and it was dropped out. So Idaho was again restored as one of those States from which timber might be exported. Of course, I am perfectly satisfied that no one knowingly or intentionally restored Idaho to the provisions of the act permitting the exportation of timber with a knowledge of the fact that it had been excepted from the provisions of the bill upon my motion and that if I were present I would again ask that it be excepted. So, it seems to me, that it is entirely proper that I should request at this time that Idaho be restored to the States enumerated as exceptions to the rule permitting the exportation of timber. I therefore move to amend, on page 23, line 22, preceding the word "to," by inserting the words "and in the State of Idaho." It merely restores the provision of the bill enacted in the Fifty-eighth Congress after very thorough consideration.

The VICE-PRESIDENT. The Chair would suggest that as the proposed amendment is not an amendment to the amendment of the committee, it is not in order under the rules, except by unanimous consent, the agreement being that the committee amendments should be first considered.

Mr. HEYBURN. That is involved, Mr. President, in the committee amendment. The word "hereafter" has direct relation to this amendment, and I understand the committee is proposing to insert the word "hereafter" in line 18, after the word "and" where it appears the second time. That is the committee amendment, as I understand. It is in italics in the bill. Inasmuch as that word "hereafter" runs through the entire paragraph, providing that hereafter the Secretary may do certain things, and as it is one of those things that he is hereafter to be directed to do I am objecting to, it would seem to me that the amendment might be proper.

The VICE-PRESIDENT. If there be no objection, the amendment will be entertained.

Mr. WARREN. I should prefer that the Senator would withhold that amendment until I can see the legislation that it refers to. This applies merely here to the Black Hills forest. As that seems to be in the air now, and until we may settle about that and Alaska, I would prefer that we pass on further in the consideration of the bill until I can see about that.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I wish to ask the Senator in charge of the measure, the Senator from Wyoming [Mr. WARREN], for information what the law is at present in regard to the shipment from the State where timber is cut or lumber manufactured therefrom out of a forest reserve? I recall that we had the matter up in the last Congress and the Congress before and, as I recall, the power of the Secretary to restrict the shipment of lumber out of the State was limited only to certain States—Idaho, I know, was one—and the Black Hills. As I understand, to-day the Secretary is without any power to restrict the shipment of lumber manufactured from timber cut in a forest reserve out of the State, and in my judgment that is the way it should be. If I am mistaken, I should be glad to have the Senator correct me, as I have not looked up the law.

Mr. WARREN. Mr. President, as the question is directed to me, I will say that I understand the forest reserves belong to the United States, and they can sell the lumber and it can be exported from the States unless we, by some legislation, provide otherwise. There seems to be reason why this particular Black Hills timber reserve, which is a small reserve with an immense country around it without timber, and in order to identify this diseased timber and provide for it, this exception was put in. I do not recall the matter as to Idaho. I hope the Senator will send me the bill which contained that item.

Mr. FULTON. I am not speaking of that, Mr. President. I am speaking of the general provision in which the word "hereafter" is inserted by way of amendment, so that it reads:

And hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska in which said forests are respectively situated.

It has always been my conviction that there ought to be no restriction on what shall be done to this timber after it shall be cut. I am aware that the Senator from Idaho wants it restricted to the Idaho market, but I take a different view so far as the State I represent is concerned. I wish to move to strike this out.

Mr. HEYBURN. Mr. President, I should like to take up the consideration of my amendment at this time if it is agreeable to Senators.

This amendment is quite far-reaching in its effect and practically opens up for consideration all of the features of this bill. It involves the question of the right and the propriety of taking the timber in a new State under control of the General Government for the purpose of disposing of it without consulting the State of which it is a part. It involves the right of the Government to exclude the State from the possession and enjoyment of the possession of its own lands. It involves the question as to the character of the title which the Government holds to these lands. They are all involved in this question as to whether or not a sovereign State may object to the power being given to the Secretary of Agriculture to exercise his discretion and to substitute his discretion for the law of the land in regard to the rights of the States as against the United States. It is a question of more than passing importance. I shall consider in connection with it, and not at very great length, because I do not feel capable to-day of engaging in a protracted discussion of this question, the right of the Government to control the waters in a State and the relation which the Government bears to the waters of a State. I shall take as a text for convenient consideration a single State, because that which is true of a single State is probably true of every State in which forest reserves are located.

Mr. President, the Government can not acquire land by purchase except within the limitations of the Constitution itself. It is given power direct, by the provisions of that instrument, to purchase a tract of land 10 miles square for the purposes of Government, for the establishment of a capital. It is given permission in the same section to purchase land for docks, shipyards, and other necessary governmental purposes.

It is given no other authority under the Constitution to purchase land. It can not purchase land for the purpose of selling it again or condemn land in order that it may sell it to somebody else than the party against whom it condemned it. That is a large question, and one that is involved not only in the measure under consideration, but that has been and will be again involved in the consideration of important measures before the Congress of the United States.

It does not need an elaborate discussion, because the law is written in twelve lines in the Constitution, which is an instrument of limitations, and the scope of which Congress can not enlarge. It is a familiar provision.

I had intended, when the Senator from Utah suggested the amendment which was held to be in contravention of the rule, to raise the question against the amendment that it is not competent for Congress to authorize or for the Government to undertake to exercise the power to purchase property for anything except strictly governmental purposes within the provisions of the Constitution itself.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Certainly.

Mr. HALE. In some aspects the proposition of the Senator from Idaho is new and startling. Does the Senator raise any question as to the right of the General Government, not as a matter of policy as to what it shall do, but as to the control of what we have known as the public domain—the large areas of land in the Territories and afterwards when they become States? Does the Senator raise any point as to the right of the Government to control that public domain, to declare that it shall be given as subsidies to corporations, to homestead dwellers, or generally the purposes to which the public domain has been devoted heretofore? Does the Senator go beyond that with his general proposition that the General Government can not acquire property and lands except for certain purposes?

Mr. HEYBURN. No, Mr. President. The function of the Government in dealing with its public lands is to dispose of them rather than to acquire others. They belonged to the Government as a part of its possessions at its formation.

Mr. HALE. The Senator does not in any way controvert that proposition?

Mr. HEYBURN. Not at all.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. Does the Senator from Idaho contend that the Government had no right whatever to dispose of timber lands that are now in the public domain, even if they are within the boundaries of a State?

Mr. HEYBURN. I want to answer that question by itself. I was speaking of the Government's right to acquire property and not of its right to dispose of it. I will come to the question of its right to dispose of it in an orderly procedure in this argument.

Mr. SMOOT. I thought, of course, the Senator was speaking to his amendment, in relation to having Idaho placed in a position where the Government could not cut timber within the forest reserves of Idaho and export it from that State.

Mr. HEYBURN. I was not speaking as to that feature of the amendment. I stated when I took the floor that I desired to discuss some of the features of this bill, probably beyond the scope of the amendment, but still within its spirit.

Mr. NELSON. Will the Senator from Idaho yield to me for a moment?

Mr. HEYBURN. Certainly.

Mr. NELSON. I want to call the Senator's attention to the fact that in 1803, under the Administration of Thomas Jefferson, we acquired what is known as the Louisiana purchase. We acquired it by treaty and paid something like $15,000,000 for it. If it had not been for that purchase of Thomas Jefferson, most of our people in Minnesota would have been French instead of American citizens. Then there was the Gadsden purchase.

Mr. SMOOT. And the Alaska purchase.

Mr. NELSON. The Supreme Court of the United States has long ago decided that we have a right to acquire land by exploration or discovery, by conquest, through war, by purchase, and through treaty. The Louisiana territory we bought. We paid for it $15,000,000, and have been peddling it out ever since, selling it to railroads and actual settlers. We have not got rid of it all. I think the Senator's own State is considered a part of the Louisiana purchase.

Mr. HEYBURN. I did not think I would be misunderstood when I stated that the Government did not have the power under the Constitution to purchase property with a view of selling it again, as referring to the class of property which we take as a governmental function from some other government. I do not think it necessary to discuss the question as to the power of the Government to acquire the land that came to us by the Louisiana purchase or the Alaskan purchase or the Gadsden purchase, because I was referring to a different class of land entirely.

The Senator from Utah proposes by his amendment, to which I have already referred, to purchase rights of way; in other words, acquire by purchase or condemnation the property of private individuals; and I was addressing my remarks to that class of property and that class of acquisition; and I think the distinction is so clear that there can be no room for mistake. Hence I will not be, at this time at least, led into a consideration of the wider question of the right to acquire property through international agreement, call it purchase or call it what you will.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I desire to say that I fully agree with the Senator on that proposition, and I think the distinction is very plain. Merely to emphasize it, I wish to call his attention to the fact that the Constitution, while it makes no reference whatever to the acquisition of land from foreign governments and the acquisition of new territory—additional territory—does restrict the power of the General Government to acquire land over which it can exercise exclusive jurisdiction within its own boundaries.

Mr. HEYBURN. Yes; within its own boundaries.

Mr. President, this whole question brings up for consideration what is known as the forestry policy of the Government. On the wall before the Senate is a chart of prophecy that would conjure up the spirits of the prophets of old and which calls forth a degree of wisdom in the line of prophecy that none of them ever possessed. It is the boldest piece of prophecy ever presented to any people. Upon the face of that map, divided by varying colors, is written, "Will be exhausted in fifteen years." That applies to a stretch of country which is an empire in itself. Then "Will be exhausted in twenty years." Then again, "Will be exhausted in thirty years." And then again, "in forty years;" and so we have the prophecy—the prophecy, perhaps, of the Chief Forester of the United States—estimating the fate and the destiny of the timber lands of our country.

People who are accustomed to accepting statements as true without knowing whether or not the party making the statements has a sound basis upon which to make his prophecy may accept that with a degree of comfort which I am not capable of feeling under the circumstances. I for several years past have had opportunity to observe lumbering in timber that has grown within my recollection. There are States in this Union in which they are using in the general market timber that was planted by the present generation.

These prophets have left out of consideration entirely the fact that timber grows as well as dies; that the process of multiplication and renewal has been going on for untold centuries, and that the supply of timber upon the world's surface to-day is as great as it ever was at any time in the history of the world.

Mr. SMOOT. Does the Senator from Idaho claim that the supply of timber in the United States to-day is as great as it was a hundred years ago?

Mr. HEYBURN. Yes. In a hundred years there have been two generations of saw logs grown. I have seen one of them grown, and so have many other Senators in this body—grown from the ground up to commercial timber.

I can look out of my window at home and see an entire mountain, the face of which is as big as this city, covered with a growth of merchantable timber, and when I went there first, in this month in 1884, I walked through the ashes of the fires that had burned up the last remnant of the previous growth of timber. I saw that growth of timber start and grow until it is to-day commercial timber. That is one instance. I was told to-day by a member of this body that within his State they are cutting timber that was planted during his recollection. But that is only half; it is only the third of a hundred years. The growth estimated by those who are competent to estimate it of the timber in our Northwestern country is 10 per cent a year, and that process goes on day and night, year in and year out. That is the constant, accumulated volume of our timber supply.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. Does the Senator mean to say that the timber matures 10 per cent every year and that in ten years the stock of timber is matured?

Mr. HEYBURN. The Senator's mathematics are wrong. The word "mature" is an indefinite term. I said "growth." A tree grows for a hundred years, and I do not know at what period the Senator would consider it matured. One person might consider a tree matured at one period and another at another period. I mean to say that in our country and our climate the growth of the trees is 10 per cent a year, and it is so stated by authorities who are worthy of consideration.

Mr. TELLER. Will the Senator from Idaho yield to me for a moment?

Mr. HEYBURN. Certainly.

Mr. TELLER. Some years ago a committee came here from Texas and appeared before a committee of which I was a member. They stated to our committee that the pine timber of that country would grow from a seedling to profitably merchantable timber in fifty years. That is more than 10 per cent. Some of the committee said it would do it in thirty years.

Mr. HEYBURN. The use to which the timber is to be put determines whether it is considered merchantable timber or not. Timber is merchantable for some purposes at one condition of growth and for other purposes it is not. But in our country we use timber for mining purposes, for building purposes, for a great variety of purposes. For house logs timber is mature, and it is sufficient for the purpose, at ten years in many instances, or fifteen years. It depends upon the size of the house logs. For timber in mines, stulls, and other mining timber it is quite sufficient in growth at the end of fifteen years. So the term is what you may call a sliding one when you speak of mature timber. If you want it for great beams and girders for buildings, of course it must have more years within which to grow.

I have been diverted somewhat from the line of thought I intended to present. The whole cry behind this legislation is "Preserve the forests." There is no man on earth who is more sincerely desirous of preserving the forests than I. I want to

preserve the forests for the people. Now, bear that in mind, I want to protect the forests for the people—not from the people. They are the people's forests, and the great difficulty has grown out of the fact that some have unfortunately conceived the idea that it is their duty to protect the forests from the people instead of for the people. They are the same class of people who, if they succeed in getting an office, think it is their duty to govern the people. There is no man under the Constitution of the United States invested with the power to govern the people. The people govern themselves. I have seen men who, when they got a little gilt on their shoulders or a little cord or tape across their manly breasts, thought they governed the people. They felt as if they were the governors of the people until the people disabused their minds of that idea. Generally the people do it at the first election that comes around. Sometimes, unfortunately, it is deferred.

Let us start out from the right point of view in this matter. We have now something over 1,500 employees of the Government in the Forestry Service out in our country in the West who believe conscientiously that they are there to govern the people. I have talked with some of them. They think it is their duty to govern the people according to the rules and regulations which they and those above them have made. I believe we should disabuse their minds of that and teach them that they are there to do the will of the people, to serve the people according to the express will of the people, as written in the statute books and not elsewhere.

"Preserve the forests." Yes. A few days ago it was my pleasure to visit that section of the United States where I was born and spent my boyhood and where my father and grandfather and great-grandfather spent theirs, and I found it with as fine forests of oak and ash and hickory and chestnut and other merchantable timber as there is in the world, as fine to-day as it was when those people came from old England to those shores; and yet civilization has been there, but not the hand of the spoiler. Men have lived there who had a due appreciation of the relation which the timber of the country bears to its prosperity, and they have protected it, and the timber tracts are about the same in area and in boundaries that they were two hundred years ago on those old homesteads. They were American citizens of the same blood, of the same temper, and with the same purpose and the same honesty as are the American citizens who live in the State of Idaho or Montana or Oregon or any other of those great States on the Pacific coast—States in their swaddling clothes, perhaps, to-day, but which have made more growth in twenty years than these States have made in a hundred years, just as this country has made a greater growth and advancement in every respect in a hundred years than old England has made in a thousand years.

We must carry these thoughts and these ideas with us in estimating and determining what we will do as between the nation at large and these new States. When they are as old as Pennsylvania or New York, or Massachusetts, they will rival those States in population, in wealth and in greatness. They will be their peers truly; and you must bear it in mind. The only thing that can stand against that will be the cramping bands of iron that are sought to be placed upon those people and those States, and their ambitions and possibilities by such legislation as this, under the guise of protecting the forests. Protect them for the people—and those are the people If you want new forests in other sections of the United States, plant them. We are asked in this bill to appropriate thousands and thousands of dollars for the purpose of planting forests. Where would you go to plant them? Would you go into a State that is already 34.5 per cent forest reserves and plant more forests there and take up some more of the land that is not forest and make it into forests? Or would you go out into the open country, convenient to places lacking forests, where they need them, and plant them there? Are you going to depend always on hauling the lumber that you will need or think you need in the East and in the great Central West, from the Rocky Mountains, plus the freight, plus the labor, plus the time, plus all the items of expense? Why do you not create the product nearer home, where you need it? Do you need it in New England? Do you need it in the Eastern States?

New England had to hew her civilization out of the forests. The pioneers who have gone into the Western country do not differ much in aspect or mental caliber or physical endurance from those who went into the Bay of Massachusetts or the woods of Maine or the shores of Connecticut or elsewhere. They are of the same blood, the same temper, the same endurance that can hew out prosperity and make homes and raise families and cultivate intelligence and bring culture. They are the sons and grandsons of those upon whom we base our pride on the Atlantic coast. "Save the forests." Yes; every tree. In thirty years of life continuously in the forest I undertake to say that I have never seen as much as ten trees cut wantonly or without a purpose or that did not serve a necessary and a useful purpose when they were cut. Men do not go out in the morning with an ax and chop trees merely for exercise. They do it because they have a purpose in cutting the trees, and that purpose is one of the very first importance to the individual who cuts the tree.

From the Atlantic to the Pacific we have simply exchanged trees for civilization. We have exchanged trees for the timbers of our buildings, for houses and barns and fences and the conveniences of civilization. We have been doing it from the first day the first settler landed upon the Atlantic coast. It is safe to say that his first act was, with his ax, to make a shelter for himself and his family, first the cabin or the shelter of bark.

I have seen them made with the bark of trees to shelter from the rain. I have done it myself—stripped the bark from great white cedar trees, with the top resting upon a pole, and used it as a sufficient shelter until such a time as convenience and opportunity would enable me to do better. My experience is that of hundreds and thousands of men. The civilization of this country started from the rude shack, the humble cottage.

Two years ago, when we were considering a similar measure, there were brought in here as exhibits photographs taken in Idaho, just over the mountains from where I live, of poor, old cabins built in the haste incident to getting in out of the storm, all of them better than the cabin in which the immortal Lincoln was born and reared, all of them better than the cabins in which the majority of men who have held the destiny of this nation in their hands were reared. Yet they were held up here to be scoffed at; and I have in my desk here now photographs taken by the Department for the purpose of holding up to this body in derision the homes of those settlers. But if you pass around the corner and come back to-morrow, or a few to-morrows hence, you will find in place of those cabins substantial homes. Until the sawmill comes they must hew their homes out with the ax. I have lived in cabins made without a nail or without a saw, split and rived from the timber that was cut from the stump, made as nearly to conform to the necessities of building as possible, and I have lived as comfortably in them and performed as good and efficient service as a citizen of my country as though I lived in the marble halls that surround this capital.

Mr. President, let us preserve the forests for the people's use, not for the people's æsthetic admiration, not that we may gaze upon them with swelling hearts and pride in the spread of their branches and the strength of their trunks. I am a very tree worshiper by instinct, and for that reason I have lived among the trees. I would not live in a country where trees did not grow and water did not run in clear streams, and I want the earth piled up with some mountains about me.

I admire the trees as much as anybody can admire them, but I admire them not only for their beauty, because they are the link between savagery and the highest civilization. Civilization is marked to the extent that we have taken these things that nature has provided and used them. There will be no famine in your time or in the time of your grandchildren or great-grandchildren. The great God planned this world upon the principle of perpetuity forever, and no more will this supply of nature's attributes be exhausted than will the human family.

I think sometimes of a graphic description I once read of the impressions upon the mind of Adam the first time he saw the sun go down and did not know that it would ever rise again. That is the spirit in which the people who bring such prophecies as that spread upon the wall seem to regard this question. When a tree is gone they feel that desperate sense of loss that one feels over a loss which can never be replaced. They have lost sight of the fact that all nature is a process of death and life, of destruction and of reconstruction. We have traded forests for cities, we have traded forests for railroads, we have traded forests for homes and barns and fences; and which would you rather have?

Where would the civilization of this country be to-day had the forestry laws, that are now sought to be enforced upon us, existed when the Pilgrims were in Massachusetts, and the English at Jamestown, and the Quakers on the Delaware? Where would be the civilization of to-day if we had been barred from the use of those resources that the great God placed for our use, with a provision for their own renewal and perpetuity?

Mr. President, I trust that Senators will not allow themselves to be alarmed by these prophecies of evil nor be misled by the sentiment of saving the forests. Let us save not only the forests, but save the civilization of the age and the rights of man. And what are they?

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. BURKETT. I have been listening to the Senator's remarks, especially the one suggesting that he wants to save the forests for the people. I observe all the way through, as I understand him, he leaves out the words "all the people;" and if I gather aright from his language and from his amendment, he proposes to save the forests of Idaho for the people of Idaho alone.

Then I should like to ask him this question before I sit down: Suppose the Senator from every State that is marked green on the map upon the wall (for I understand that is pretty largely where the exports of timber will come from in the next four years) should rise and propose that his particular State should be excepted, what would he expect those of us to do who live down through that part of the country that was civilized without all of this timber that the Senator has been referring to? What are we going to do there?

I should like to ask the Senator if he would expect that the Senators from those States in the Mississippi Valley should sit here and permit the exception of one State after another to be written in here, so that in the end practically two-thirds of the territory of this country would be absolutely deprived of any lumber at all? And then, also, should we permit those from lumber States to put a tariff on lumber from Canada, so that we could not even get it from Canada? What should we do down in those States in the Mississippi Valley where we have been bringing in our lumber for thirty or forty years?

Mr. HEYBURN. Mr. President, I assume the Senator from Nebraska desires an answer to that question, and it is so brief and so obvious that it might have answered itself. My proposition is not to prevent the exportation of lumber from the State, but it is to prevent the Government of the United States from starting a lumber yard and entering into competitive relations with the individual enterprise of the country. I am going to devote a moment or two to that directly.

Nebraska has built her cities of lumber from other States very largely. Outside of a little tract of pine timber, principally black pine, and some yellow up in the northwestern corner of Nebraska, which I remember very well passing through and spending some days in just thirty years ago, there is no pine timber in Nebraska of which I have any knowledge. I think probably three-fourths of the lumber of which the towns and the farmhouses and the fences of Nebraska are constructed came from the mountain States, and it came on reasonable terms and fair conditions through the ordinary market, the competitive market of individual enterprise, and that is the condition I am speaking on behalf of to-day. I am opposing the idea that the Government of the United States shall launch forth in industrial enterprises in competition with individuals and combinations of individuals.

There is no more important question to be determined in legislation than as to how far the Government will engage in business enterprise. It involves not only the question of fairness and competition between the Government and the individual, but it involves a greater question—that of the right of the Government, consistent with the principles upon which it is founded, to engage in individual enterprise.

This Government was organized to carry the will of the people into effect as it might be expressed by them in their representative bodies. It was not intended as a business enterprise or a joint stock company for the purpose of engaging in any kind of business. Whenever this Government forgets that principle and gets far away from it, then it is more nearly in danger than it was in the darkest hour of any war that it ever had, because it is threatened with a character of destruction that can not be rebuilt by wise statesmanship, because the property interest will have gone beyond the grasp and the reach of individuals, of the lawmakers, if you please.

I want to sound a word of warning now. Every day in this body I hear through bills introduced and through messages received that threat at the door of this nation.

Mr. BURKETT. Now, Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. The Senator answers that by raising a question between the Government handling the supply and the individual.

Mr. HEYBURN. I really had not finished answering the question.

Mr. BURKETT. If the Senator will permit me, while I am on my feet, I will just add this, and then he can answer it altogether. It is true that Nebraska probably built her houses mostly from lumber from the mountain States. We had to do it, because we got to building houses just after Wisconsin and those Northern States there had exhausted their timber supply, and we had to look westward. Our freight rate would have been cheaper the other way. The Government did permit the individual to handle the timber supply in that section of the country which would have been most easily and most cheaply tributary to us had not the supply been exhausted. Now, the Senator insists that we shall permit those States in the West to handle their timber supply in the same way the Government permitted the timber supply in the Lake regions to be handled, and it is plain they have exhausted the supply there. In short, that system of perpetuating timber has been a failure.

Mr. HEYBURN. Mr. President, timber is no more sacred as a commodity than corn or tobacco or any other product of the earth. It is a business commodity, and the wisdom and the patriotism of the individual are just as safe a guardian for it in his individual capacity as in his aggregate capacity as a part of the Government. No one destroys timber for the purpose of destroying it.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. I do not think I caught the words of the Senator aright, but if I did I do not believe he will undertake to say it is true that the timber supply is not different from the grain supply. Is that the meaning of what the Senator said?

Mr. HEYBURN. I will answer the Senator. I did not say that the timber supply is not different from the grain supply. I was not comparing that class of differences. I was speaking of them by classification. They are commodities of commerce and trade entering into the business of the country. Now, of course——

Mr. SMOOT. Mr. President——

Mr. HEYBURN. The Senator will pardon me a minute. I am not so dense as to maintain that there is no difference between timber and corn or wheat, or between timber and potatoes. I was merely speaking of them as commodities by classes.

Now, Mr. President, States that were not blest with a natural supply of timber have of necessity drawn from States where timber grew. That is so obvious as to seem almost unnecessary to be stated. Nebraska and Iowa and Kansas and a part of Illinois happen to be what we call "prairie countries" in the main. Indiana was a timber country. When I first remember Indiana they were trying to get rid of it by girdling their big black walnut trees for the purpose of killing them and then rolling them into heaps and burning them up. They burnt up more of value in walnut timber in Indiana than they could produce there in a century.

But those are things of the past, and while we may gather some wisdom from it the past did not hold all the wisdom of the ages. We knew what they knew and we knew something more that we have learned since they conveyed the results of their knowledge to us. We must deal with this from to-day.

Mr. BURKETT. Now, right there, does not the Senator think it would have been a good idea if the Government had taken hold of those men who were girdling the black walnut trees to destroy them and said, "Here, you move on! You think this is the only place there is to live, but move on! Push out into the prairies of Illinois and Iowa and Nebraska and save this timber for future generations?"

Mr. HEYBURN. Who would say this?

Mr. BURKETT. The Government would say it.

Mr. HEYBURN. Who is the Government; what is the Government? What mouth would have spoken the word?

Mr. BURKETT. That would have been the Government.

Mr. HEYBURN. What does the Senator mean by Government?

Mr. BURKETT. The Government would have been all the people instead of a few people destroying the walnut trees.

Mr. HEYBURN. That sounds too much like the edict of a king. It sounds too much like the German or Austrian Emperor with regard to forests. They say to their subjects, "Do," and they do: "Do not," and they do not. I am speaking of the Government of which the Senator from Nebraska and every other man is a part. He is as much a part as any other man, and he is no more a part than any other man. There is nobody invested with the power under the Constitution to say, "You move on there!" It will be a bad day for this country when any man is invested with the power to say to another in this country, "You move on there!"

Mr. BURKETT. But if the Government had said that land shall not be owned privately, but shall be set apart as a timber reserve, the man would have said to himself that he should move on.

Mr. FULTON. Will the Senator permit me to answer?

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. The Senator from Idaho said that there was just as much timber in this country to-day as there ever was.

Mr. HEYBURN. Mr. President——

Mr. SMOOT. Wait just a moment.

Mr. HEYBURN. I will not wait. The Senator will pardon me, because that was about a half an hour ago. I am not going to backstitch on this floor in that way.

Mr. SMOOT. Why do thirty minutes make a difference?

Mr. HEYBURN. The Senator will have his own time to answer, or if I can get around to it all right; but to be taken back and back in that way destroys any argument that a man might make. It is not intended as a discourtesy to the Senator that I decline to be thus taken back, but it is in the ordinary orderly presentation of this kind of a question.

Mr. SMOOT. The only thing is I can not harmonize——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Utah?

Mr. HEYBURN. Yes; I yield.

Mr. SMOOT. I can not harmonize the statement made thirty minutes ago with the statement that is made now in relation to the girdling of great trees, cutting them down and rolling them up and burning them.

Mr. HEYBURN. Mr. President, I do not suppose the Senator from Utah will be able to harmonize a great many things that I shall say. It is just possible he will not, because he is in sympathy with the prophecy represented by that map upon the wall; and I expect that the map was put there for the convenience of the Senator from Utah when he comes to talk with that certainty and that spirit of prophecy which he doubtless possesses, but which I do not claim to possess.

Mr. SMOOT. Mr. President, I will not have to indulge in any spirit of prophecy, but I will indulge simply in figures. I can prove, not by prophecy, but by the absolute figures in relation to the timber of this country that it is being destroyed rapidly, and that there is not anywhere near the amount of timber in the country that there was twenty years ago or ten years ago.

Mr. HEYBURN. Mr. President, there are people who believe a great many things that others will not. For instance, I have in my mind a young man who has worked for me recently—and I say it without any disrespect to the State of Arkansas, from which he came—who believes in hoop snakes, and he thinks it is perfectly reasonable, and you could not argue it out of him.

Mr. SMOOT. I do not profess any knowledge in relation to hoop snakes, but I want to say to the Senator from Idaho that he believes a great many things in relation to timber in the United States that are just as absurd as the belief in hoop snakes.

Mr. HEYBURN. In starting out upon this career of legislation Congress gave away half of all the timber in our Western States. They gave every alternate section to the railroad companies, so that the railroads had 50 per cent of the original supply with which to do business. Then they allowed the railroad companies to select out that which was valueless to them for their purposes and create it into forest reserves, with a provision in the law for the creation of forest reserves that the railroad company might select in lieu of all the odd sections that fell within the forest reserves sections elsewhere in the public domain, and the companies proceeded to carry that out by selecting the finest timber lands in the world in lieu of the sections of their original grant that had no value.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. Now, if the Senator will permit me to finish a thought——

Mr. SMOOT. Just there I wish to say——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; I yield.

Mr. SMOOT. I do not think the Senator can charge that up to the Forestry Service, because that happened long before the Forestry Service was established.

Mr. HEYBURN. If the Forestry Service will wait until I attack it, it will probably be able to apply what I say to its case.

I was saying that owing to the railroad grant, which, of course, covered exactly half of all the forest lands through which the grant passed, the timber lands were divided in that way. Then, in order that the railroads might get a still larger share, they were permitted to "surrender"—that is the word that they used—the land to which their grant attached and upon which there was good timber. In many cases—and I say it without any fear of successful contradiction—they first cut the timber off the lands and then surrendered them or exchanged them for other timber lands. In that way, in the fair State of Idaho, the land grant extends practically over all of the timber in north Idaho. In that State they cleared thousands and hundreds of thousands of the best timber in the world, such white pine timber as those of you who have never been in that country have never dreamed would grow upon the earth. Then, when individuals who had settled in the farming regions around the edge of this timber conceived the idea that they would go in there and start their little custom mills and supply the outlying neighbors with the lumber for their fences and their barns and their ordinary domestic uses, and began to go in to share these forests that were owned largely by the railroads and by those who held by assignment from the railroads, some means had to be devised to shut out those little fellows, and how did they do it? They created a forest reserve.

So to-day you have your choice in that State and in many others similarly situated of buying first of the railroad company or its grantees, and its grantees are represented largely by what are known as the Weyerhauser syndicate. Your first choice is that you can buy of them, at their mills, at such price and on such terms as they choose to impose, or you may exercise another option; you may buy of the Government of the United States.

The Government sold last year two or three million dollars' worth of lumber in the United States. I will give the exact figures before I am through. The Government is in the lumber business. It has its clerks of various classes; it has its offices, one in my city, and you can go there and buy lumber as you would buy it at an ordinary lumber yard.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. Does not the Senator know that there can be no lumber sold out of a forest reserve unless bids are made upon the timber, and does he not also know that the purchase is made through the regular Government officers on the reservation?

Mr. HEYBURN. That would doubtless appeal to one who was raised under a Government other than ours, where the center of power was in an individual, and where there was the king's forester to dole out the right to gather sticks in the forest. But to one who is a cowner in these things, to one who is as much an owner as any other person of this property, that kind of an argument does not appeal, if he has the spirit of American manhood in him. This thing of getting the consent of some one to do that which it is your God-given right to do does not appeal to an American citizen. I want the consent of no man to do anything in this world——

Mr. SMOOT. Then, as I understand——

Mr. HEYBURN. Excuse me; I should like to finish one sentence. Whatever I do in this world I want to do because I have the right to do it or not to do it at all; and of course I do not include in that the personal courtesies that are passed from one man to another. I am speaking now of the exercise of the rights of property. I want no man to give me any property, and I want no property that I am required to obtain the consent of anybody to use. Neither does any other true American citizen. If he does, he is of a truckling race, of those people who are accustomed to live under tyrants and to own nothing except by the consent of tyrants.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. Mr. President, I take it from what the Senator from Idaho says that he thinks he, as well as everybody else in Idaho, ought to have a perfect right of going into a forest reserve and cutting what timber he wants. Is that the position the Senator takes?

Mr. HEYBURN. Yes.

Mr. SMOOT. Well, how long would the forests of Idaho last if that were done?

Mr. HEYBURN. They will last as long as the sun rises and sets, with the class of citizenship that we have in Idaho. They will last just as long as the forests have lasted where my ancestors lived, and they are there to-day.

Mr. SMOOT. They will last just as long as the forests of Wisconsin will last.

Mr. HEYBURN. The Senator is judging me by a standard of which I have very little comprehension—that of a vandal.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. BURKETT. Why should the people of Idaho have any greater right to go into the Government forests and cut trees than the people of Nebraska have to go into the Government forests and cut trees? Do I understand the Senator to say they have?

Mr. HEYBURN. They have the same right exactly, and the people of Nebraska have come up into Idaho very frequently and have exercised that right to my knowledge.

Mr. BURKETT. Why, then, does the Senator want to put this provision in the bill, that we can not do so?

Mr. HEYBURN. I think the Senator was not listening when the amendment was read.

Mr. BURKETT. I have it here. I copied it.

Mr. HEYBURN. The amendment is simply that the Government shall not export timber from Idaho. That means that the Government shall not export timber from any State. In my judgment the Government ought not to be in the business of cutting timber or shipping it or exporting it or doing anything with it, except to weave it into the necessities of the Government for its own immediate use. That is all.

Mr. President, I was only using Idaho as an illustration. What is true there is true of every other State. You can safely trust the people of Montana, or the people of California, or the people of Utah, or the people of any other State to exercise that discernment and good judgment and patriotic action of citizenship that would make them refrain from destroying the forests.

Mr. President, not only did they take possession of these forests, but they took our school lands. When the Senator from Vermont [Mr. STEWART] was a distinguished Member of the other House of Congress, in the generosity of that day and with the knowledge they had of the character of the citizenship of Idaho, they gave us a princely heritage of lands for educational purposes; they gave us every sixteenth and thirty-sixth section in the State; and, besides that, hundreds of thousands of acres of land to be selected for other public purposes. They did it because they believed that Idaho would be up to the grade of other States and protect and cherish that which was donated for this purpose. It was provided in the admission act that it should be used purely for educational purposes; that the principal should never be disturbed or diminished, and that the lands should not be sold for less than $10 an acre.

I am led to inquire, was it not then contemplated that the State should select these splendid timber lands for educational purposes when the minimum price was fixed at $10 per acre? Congress certainly did not have it in their minds that the State should select the barren, arid, or the sagebrush lands, because that would have been to spread before them a Barmecide feast. Mr. President, we thought we had those lands. We were dealing with them under the grant, which was absolute in its terms—not that there shall be granted to the State of Idaho, not that the State of Idaho may select this and that, but—

There is hereby granted to the State of Idaho sections 16 and 36 to be used for the purpose of maintaining the public schools of the State of Idaho; and no part of the principal shall ever be diverted from this purpose.

Those are the provisions of the act admitting Idaho.

We did not come, as most States have come to Congress, and ask to be permitted to form a government. We formed our government. We held our constitutional convention pursuant to an act of the legislature, and we met in constitutional convention on the 4th day of July, 1889. At the end of thirty days we had formed a constitution that will stand alongside that of any State in the Union for wisdom—conservative and sufficient wisdom. Then we submitted it to the people for their ratification, and they ratified it. Then we came to Congress, and Congress took up that constitution for investigation. I want to call your attention to what Congress said, because there are now present in this body men who were Members of Congress at that time. This is what Congress thought of the constitution of Idaho, and it is unusual, it is exceptional. This is what Congress said of it. After reciting that the convention was held—I will read the whole clause—

Whereas the people of the Territory of Idaho did, on the 4th day of July, 1889, by a convention of delegates called and assembled for that purpose, form for themselves a constitution, which constitution was ratified and adopted by the people of said Territory at an election held therefor on the first Tuesday in November, 1889, which constitution is republican in form and is in conformity with the Constitution of the United States; and

Whereas said convention and the people of said Territory have asked the admission of said Territory into the Union of States on an equal footing with the original States in all respects whatever: Therefore,

Be it enacted, etc., That the State of Idaho is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Idaho have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

That is an exceptional provision in the admission act of a State. But Congress had before it every provision in the constitution, and with a full knowledge of it it not only made the constitution of Idaho the supreme law of that State, but it enacted the provisions of the constitution of Idaho as an act of Congress, giving it the double sanction and the double strength of a law. It is irrepealable. Congress can not repeal a single provision of that constitution. When Congress gave the State the 16's and 36's for public school purposes by terms which in themselves constitute a grant in presenti, Congress can not come along ten or twenty years thereafter, set it aside as a forest reserve, and withdraw the control and dominion of those sections 16 and 36 from the State upon which they had conferred it.

That is what they have attempted to do. Many of the States in the Union did not take their 16's and 36's under these terms or by a legislative grant that was effective at the time of the grant. Many of the States have been admitted in language like this: For instance, in one case, there shall be granted to the State the 16's and 36's. That is not a grant in presenti; those are not words of a present grant. In other cases it is provided that the State shall have the 16's and the 36's. That is not a grant in presenti; those are not terms of a present grant. But in the case of the State of Idaho it said, "There is hereby granted to the State sections 16 and 36." That became a fixed grant; and when the bill admitting Idaho as a State was signed and became a law, that was the irrevocable law as between the United States and the State of Idaho, and it was not competent for Congress to give any power over those lands to any other person. Those were no longer public lands, and Congress could create forest reserves only upon public lands and not upon private lands.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. In a moment, when I finish this thought. Congress could not deal with those lands. Every decision of the Supreme Court of the United States sustains that doctrine; every decision of the Supreme Court of the United States that says the 16's and 36's did not attach until after they were surveyed or selected was based upon language different from any other than that contained in the admission act of Idaho, in that they were not words of express and present grant. Now, I will yield to the Senator from Montana.

Mr. DIXON. But has the Congress of the United States ever attempted in any way to interfere with the State of Idaho as to ousting her from the control or ownership of sections 16 and 36?

Mr. HEYBURN. Yes. I am glad the Senator asked me that question. I will call his attention to it right on the record. They are attempting, or assuming, to dole out to the States the proceeds of those lands. They have been selling some timber off the 16's and 36's in Idaho.

Mr. DIXON. Without the consent of the State of Idaho?

Mr. HEYBURN. Certainly. The State of Idaho has taken no legislative action on the subject. I have here its official action, and will call the attention of the Senate to it directly. They have taken possession of and placed these 16's and 36's under the dominion of the Forester; they have sold timber, and they notified us the other day officially that we have "nineteen thousand and some dollars to your credit, to the credit of your school fund and public roads." They have not only undertaken to exercise absolute dominion and control over these sections, but they have undertaken to say what the State of Idaho shall do with the money they have voluntarily turned over to the State.

Under the constitution of Idaho the proceeds of these lands can not be used for the purpose of public roads or anything else than the public schools, and notwithstanding the constitution and the admission act say that the proceeds of sections 16 and 36 can be used for no other purpose, can be transferred to no other fund, can be diverted in no way from the public schools of the State, yet, forsooth, the Forester—this great lord of the forests of America—assumes to say that you shall use part of the proceeds of 16's and 36's for public schools and you shall use a part of it for roads. Why? He says they want the roads for the convenience of the foresters to ride over; and they are asking us for $1,500,000 in this bill to enable them to extend and inaugurate a system of telephones, wagon roads, telegraph lines, and trails through this princely domain that they have taken from us and exclude the State from the enjoyment of.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. I think the Senator from Idaho is mistaken in relation to that $19,000 coming from sections 16 and 36. I think the Forester has complied with the law and granted unto Idaho 10 per cent of the proceeds that come from all of the forest reserves in Idaho. That is the $19,000 of which the Senator speaks, and it is not from sections 16 and 36.

Mr. HEYBURN. Well, Mr. President, there are something over 700,000 acres of public school lands included in the forest reserves of Idaho; then there are some 300,000 acres of other educational lands to which the same limitation is attached. By the act the proceeds of those lands can only be used for the purpose designated, not by the act of Congress or by the Forester or by the Secretary of Agriculture, but by the constitution of the State. The constitution of the State says how the proceeds of those lands shall be applied.

I am not mistaken, and I am not quibbling over $10 or 15 cents in this matter. It may be that of this $19,000, or whatever the sum is, some of it is the proceeds of lands other than the 16's and 36's, but certain it is that all they have taken from the 16's and 36's is included in that fund.

Mr. SMOOT. I want to say here——

Mr. HEYBURN. I am discussing a principle. I am not discussing any particular sections of lands; but I am discussing the principle. I have here the official statement, not a week old, right before me on the desk, and I can tell the Senator——

Mr. SMOOT. I can——

Mr. HEYBURN. Just pardon me. If I may be permitted——

The VICE-PRESIDENT. The Senator declines to yield.

Mr. HEYBURN. I will gladly yield to a question or to anything that is directed to the gaining of an elaboration or further information in regard to what I am saying, but when any Senator desires to make a speech upon this question, as obviously the Senator from Utah is going to do, he has only to preserve upon the tablets of his memory, or any other tablets, the points to which he desires to direct the attention of the Senate and take them up in his own time. Then I will be able to proceed with a more orderly presentation of this matter than if I am to be taken back and taken back and back again over the same old ground.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. If the Senator from Utah desires to make a speech——

Mr. SMOOT. Mr. President, I have no desire——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I desire not to yield at this time.

The VICE-PRESIDENT. The Senator from Idaho declines to yield.

Mr. HEYBURN. Now, Mr. President, I desire to say that I never refuse to yield to a Senator for a question or to obtain information, but to bring in answering arguments in the midst of mine is not my idea of debate in this body. I like the running fire of debate; I do not object to it at all; but the Senator wants me to go into a branch of the subject that I have passed. I will, however, give the Senator ample opportunity in about a minute.

Mr. SMOOT. I do not like to rest under that imputation.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; I yield.

Mr. SMOOT. I do not like to rest under that imputation. I do not think it is fair. I made a statement here that the $19,000, of which the Senator was speaking, was 10 per cent of the proceeds of all the reserves of Idaho, and I can substantiate it.

Mr. HEYBURN. Very well; I admit it.

Mr. SMOOT. His argument is based upon the proposition that this sum was from the 16's and the 36's.

Mr. HEYBURN. I decline to yield further. I admitted that; it is all right, but it has nothing whatever to do with the argument.

I was proceeding to give the official figures in regard to the school lands that are within the forest reserves of Idaho. I have them, and they are not ten days old, so that they are probably accurate. There are 787,520 acres of school lands that are within the forest reserves of Idaho that have been included within the dominion of the forest reserves. They are bounded by a line beyond which no man may pass, except pursuant to the rules and regulations of the forest reserve. Seven hundred and eighty-seven thousand five hundred and twenty acres, at a minimum price of $10 an acre (which is the least sum for which any school lands or public lands at all belonging to the State can be sold), would bring $7,875,200 at the minimum price of those lands. They are withdrawn from the use of the State; they are withdrawn from the control of the State; and the use of them is assumed by the Forester, not in harmony or cooperation with the State, but to the exclusion of the State.

Some of those lands have been withdrawn for four or five years and some of them for a longer period. The State is entitled to the benefit that would come to it by the growth incident to the settlement of those lands. It is entitled to the benefit that would come to it by those lands, that are now nonproductive, being made productive and contributing to the prosperity of the State through the medium of taxation and the prosperity and wealth of the citizenship of the State. Those lands belong to the State, and yet the State is being deprived of every use which she or those who claim under her might make of those lands. And why? Because Congress has said that the Chief Executive might proclaim a forest reserve.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes; I yield.

Mr. NELSON. In what manner can the State be deprived of the use of those lands from the mere fact that they are within the exterior boundaries of a forest reserve?

Mr. HEYBURN. Because they are leased by the Government of the United States of its own right.

Mr. NELSON. Not the school lands.

Mr. HEYBURN. I beg the Senator's pardon. He had better advise himself about that, because I speak whereof I know. These lands are leased in bulk. There is no controversy about this fact. The school lands are leased in bulk by the Forester's agents in the State of Idaho for grazing purposes. Timber is cut without regard to the lines between the lands of the State and those of the Government; timber is cut indiscriminently upon these lands, and the proceeds are paid into the Treasury of the United States. They are doled out to the State according to a rule, not of the legislature of the State, but according to a rule of Congress, that has no jurisdiction of it, or of the Forester.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I suppose the leases in Idaho for grazing are the same as in other States. They are per capita, are they not, as to the number of cattle and sheep; that is, they are not leased in bulk so far as acreage is concerned, but certain privileges of the forest are leased per capita, per head of sheep or cattle?

Mr. HEYBURN. Yes; but the sheep in our State have not reached that period of development where they know the line between the odd sections and the 36's and the 16's. The sheep do not know where the line is, and so they graze indiscriminately. [Laughter.]

Mr. WARREN. Does the Senator maintain that the school sections of Idaho are leased by the United States?

Mr. HEYBURN. Leased for grazing purposes?

Mr. WARREN. Leased for any purpose.

Mr. HEYBURN. Certainly they are. When I use the term "lease," I mean the privileges are granted them at a compensation of so much per head. John Jones may run 30,000 sheep in a certain valley for a certain length of time and may pay so much a head for doing it. I have contracts and leases here, which I can produce, that will show you how it is done; but it would make too long a story. I think every Senator who has made himself familiar with it knows that no distinction at all is observed between the 16's and 36's in allowing the sheep to range.

Mr. WARREN. The Senator will not insist that the Government leases the school lands.

Mr. HEYBURN. If the Senator is using the term "lease," technically speaking, it would be a question for the court to say. Whether or not one of these written privileges that give a man the right to use this land for a certain purpose for a certain compensation would be a lease is a matter that I do not care to determine; but I use the term "lease" because it is one of such general application as to be accepted and to express my meaning.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. SMOOT. If the Senator does not object, I should like to explain——

Mr. HEYBURN. I do not want an explanation. I will leave that to the Senator to do in his own time. I will answer any question the Senator may ask; I will yield cheerfully, and I hope always courteously, to a question, but I do not want any explanation of my speech injected into it, because the Senator is trying to make a speech of his own; I see it lying around. [Laughter.]

The VICE-PRESIDENT. The Senator from Idaho declines to yield.

Mr. WARREN. Mr. President, I am sure the Senator will yield to me for a question.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I will yield for a question at any time.

Mr. WARREN. I want to ask the Senator from Idaho if the State, then, does not have the right under legislation to select lieu lands, if it chooses, for these 16's and 36's?

Mr. HEYBURN. The State only has the right to select lieu lands for 16's and 36's that are defined in the act itself. It states exactly what 16's and 36's you may select lieu lands for. I have it right here.

Mr. WARREN. One more question, if it will not annoy the Senator.

Mr. HEYBURN. It will not.

Mr. WARREN. Have not other States very largely exchanged their 16's and 36's for other lands?

Mr. HEYBURN. Other States have not the same law that Idaho has; and that is the reason other States may have done so.

Mr. WARREN. Some of them have identically the same law.

Mr. HEYBURN. What States?

Mr. WARREN. Well, the admission acts of Idaho and Wyoming are almost identical.

Mr. HEYBURN. I think probably Wyoming has an absolute grant of its 16's and 36's.

Mr. WARREN. They have exchanged their lands. I want to find out what the difference is.

Mr. HEYBURN. Perhaps the exchange may be invalid.

Mr. WARREN. Possibly so; but I want to know whether Idaho is situated differently in that respect.

Mr. HEYBURN. I think so. Here is the provision of the enabling act for Idaho relative to sections 16 and 36:

SEC. 4. That sections Nos. 16 and 36 in every township of said State, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the legislature may provide, with the approval of the Secretary of the Interior.

So there is a limitation. Idaho can only take lieu lands for lands that at the time of the passage of the enabling act had been taken.

Mr. WARREN. Another question——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. That is precisely the language of the enabling act for Wyoming, and Wyoming has taken lieu lands. I want to ask the Senator if he considers that that was an unlawful act or was it authorized?

Mr. HEYBURN. You take no title. You can only take title to lands that you are authorized to take, and if you undertake to surrender lands the title of which passed to you by the admission act, in disregard of the fact that title passed to you absolutely, you would not accomplish the surrender; and if you undertake to select lieu lands for lands that you are not entitled to take lieu lands for, your selection of lieu lands would be invalid, and you would have simply complicated two sets of titles—those which you undertook to surrender, for which you had no authority, and those which you undertook to take, for which you had no authority.

Mr. WARREN. I am asking for information. I will say that the titles to those lands have passed to the State. The question the Senator raises is whether or not they are competent titles.

Mr. HEYBURN. The question was raised in my own State. At first glance they had failed to recognize the limitation of the lands for which they might take lieu lands. The serious question—and it is as applicable to other States as to Idaho—is that under this forestry policy they have inclosed and included the lands belonging to the State and assumed jurisdiction and control over them; they have done it in violation of the law; and we are asked here to-day to appropriate three and a half million dollars to carry this out and expand it. Not only that, but you have granted them in this bill $500,000 for the purpose of building trails and telephone lines over this land, of which they have and can have and should have no control or title. That is what you are asked to do; and if you vote for the provisions of this bill, you will be giving them $500,000 to furnish the house that they have entered upon without authority and to make their stay there the more luxurious.

I am not in favor of advancing money to enable the burglar who moves into my house to live more comfortably. That is what they are asking in this matter. I want to see whether or not Senators will vote here upon the blind sentiment of "preserve the forests," or whether they will give this subject that attention to which it is entitled as a matter of right between the States and the General Government.

What is the relation, what has always been held to be the relation, between the General Government and the State? Here is what the Supreme Court said about this class of lands in the days when the Supreme Court was sane and safe and sound, as it is now and always has been. There is no hysteria in that branch of the Government. There are no brain storms there. They were interpreting the relation between the State and the General Government respecting these public lands, and they were speaking through Mr. Justice Miller, who knew as much in that relation as any man who ever sat upon that bench, because he was bred and born, I think, on the frontier, or what was then the frontier, and he knew the relation that the frontiersman bore to the lands about him. He knew the quality of the tenure of those lands. He was discussing the question of the public commons. He was discussing the question of the right to use these public lands by one who claimed under no title except that in common with all the citizens of the country he had a right to share in their use. In the case of Bufort against Houtz, he said, in speaking of these lands:

We are of opinion that there is an implied license, growing out of the custom of nearly a hundred years, that the public lands of the United States, especially those in which the native grasses are adapted to the growth and fattening of domestic animals, shall be free to the people who seek to use them, where they are left open and uninclosed and no act of Government forbids this use. For many years past a very large proportion of the beef which has been used by the people of the United States is the meat of cattle thus raised upon the public lands, without charge, without let or hindrance or obstruction. The Government of the United States in all its branches has known of this use, has never forbidden it, nor taken any steps to arrest it. No doubt it may be safely stated that this has been done with the consent of all branches of the Government and, as we shall attempt to show, with its direct encouragement.

Mr. President, the law was not different in that day from what it is to-day. There has not been a statute, a line, or a word enacted diminishing the right or attempting to control that right upon the public domain that is thus outlined and expressed by the Supreme Court of the United States. The court continues:

The whole system of the control of the public lands of the United States as it had been conducted by the Government under the acts of Congress shows a liberality in regard to their use which has been uniform and remarkable. They have always been open to sale at very cheap prices. Laws have been enacted authorizing persons to settle upon them and to cultivate them before they acquire any title to them. While in the incipiency of the settlement of these lands by persons entering upon them the permission to do so was a tacit one, the exercise of this permission became so important that Congress, by a system of laws called the preemption laws, recognized this right so far as to confer a priority of the right of purchase on the persons who settled upon and cultivated any part of this public domain. During the time that the settler was perfecting his title by making the improvements which that statute required and paying, by installments or otherwise, the money necessary to purchase it both he and all other persons who desired to do so had full liberty to graze their stock upon the grasses of the prairies and upon other nutritious substances found upon the soil.

The value of this privilege grew as the population increased, and it became a custom for persons to make a business or pursuit of gathering herds of cattle or sheep and raising them and fattening them for market upon these uninclosed lands of the Government of the United States. Of course the instances became numerous in which persons purchasing land from the United States put only a small part of it in cultivation and permitted the balance to remain uninclosed and in no way separated from the lands owned by the United States.

The court goes on to say:

The universal understanding of all classes of the community, upon which they have acted by inclosing their crops and letting their cattle run at large, is entitled to no little consideration in determining what the law is, and we should feel inclined to hold, independent of any statutes upon the subject, on account of the inapplicability of the common-law rule to the condition and circumstances of our people, that it does not and never has prevailed in Illinois. But it is unnecessary to assume that ground in this case.

Then the court goes on and discusses the facts of the case. That is the kind of common sense we had from the Supreme Court.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. I should like to ask the Senator a question. What is the date of that decision?

Mr. HEYBURN. That case came up from Utah, but the court said it would make no difference whether it was in a State; that it was particularly applicable in a State, whether in a Territory or not.

Mr. BURKETT. I believe, though, that it appertained all the way through to the grazing privilege. I should like to ask the Senator if there is not a difference, and if there would not be a difference, between the use of land for grazing purposes and the right of cutting timber, which practically despoils the land?

Mr. HEYBURN. I had passed to the consideration of the grazing question, which is one of the questions involved, because it is admitted by the Forestry Service that in the State of Idaho one-third of the area of the forest reserves is not timber land at all. "Forest reserve" is a convenient name for the designation of this Government plain——

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. HEYBURN. Certainly.

Mr. BRANDEGEE. What is the title of that case?

Mr. HEYBURN. It is the case of Bufort *v.* Houtz, 133 United States, page 320.

Mr. BRANDEGEE. Do I understand the Senator to say that the court held in that case that the Government had no right to impose a charge for grazing?

Mr. HEYBURN. That question was not involved. The question there was as to the right to use and occupy. The question of the Government imposing a fee or charge for the use of these lands would be carried with the general principle that these being public commons it would not be appropriate to charge any one person for the use of them or to permit any one person to use them to the exclusion of others.

You can not recognize the right to charge without recognizing the right of exclusion or selection. They would go together. No one would contend that the Government might parcel out the land to favorites and charge nothing, or exclude some and admit others, or that the Government might sell it all to one man and exclude another. That would destroy its character as commons.

That was the condition in every State west of the original thirteen States. Illinois and Indiana and Iowa and Missouri and Michigan and Minnesota enjoyed the right of free public commons.

Mr. TELLER. Massachusetts and Connecticut both.

Mr. HEYBURN. Yes; Massachusetts and Connecticut; and those States brought over the old English rule of public commons. But all those States——

Mr. TELLER. While they brought over the English rule of commons, they did not bring the modern English rule, because they provided by statute, both in Massachusetts and in Connecticut, that a man should not complain of trespass if his fields were not fenced. The right of pasturage unless a man fenced his fields was recognized by all the States of the Union, I think, without exception, so far as I have examined, and I have examined a good many.

Mr. HEYBURN. Yes.

Mr. TELLER. It exists to-day in the State of Nebraska.

Mr. BURKETT. I will state that that is exactly what the Senator from Idaho is doing. He is complaining because sections 16 and 36 are not fenced, if I catch his argument.

Mr. HEYBURN. I have passed that question. I am on the grazing question.

Mr. BURKETT. He is complaining because the Government takes charge of sections 16 and 36.

Mr. TELLER. That is what we complain of in Colorado. The Government has excluded the State and has put the land in Government control.

Mr. BURKETT. That is only where the States have not taken possession of sections 16 and 36. They do not do it in Nebraska, I am certain, where they have taken control of the sections.

Mr. TELLER. You have a forest reserve in Nebraska that had not any timber on it, and that is the case in Idaho, the Senator from Idaho says, with a third of the reserves.

Mr. BURKETT. We are following the advice of the Senator. We are growing trees. We have a forest reserve, and have school lands inside of it. But our State has control of our school lands because it has taken charge of them.

Mr. HEYBURN. This is the dominion provided to be exercised over these lands by the statute, and it is the authority that is conferred upon the State by the Congress, both by the Constitution and the admission act. It is quite interesting. Article IX of the Constitution—and I commend this to the attention of the Senators—reads:

> The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho to establish and maintain a general, uniform, and thorough system of public free common schools.
>
> The general supervision of the public schools of the State shall be vested in a board of education, whose powers and duties shall be prescribed by law.

Then it gives some details, and goes to the public lands.

> The public school fund of the State shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the State by the General Government, known as school lands and those granted in lieu of such; lands acquired by gift or grant from any person or corporation under any law or grant of the General Government.

Then it describes other classes of land that shall belong to the State.

> Neither the legislature nor any county, city, town, township, school district, or other public corporation shall ever make any appropriation or pay from any public fund or moneys whatever anything in aid of any church—

And so forth. Then comes this provision:

> It shall be the duty of the State board of land commissioners—

Which has already been described—

> It shall be the duty of the State board of land commissioners to provide for the location, protection, sale, or rental of all the lands heretofore or which may hereafter be granted to the State by the General Government under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor: *Provided*, That no school lands shall be sold for less than $10 per acre.

That shows the class of land which was contemplated. It was these timber lands.

> No law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any such public lands, subsequent to the survey thereof by the General Government, by which the amount to be derived by the sale or other disposition of such lands shall be diminished, directly or indirectly. The legislature shall at the earliest practicable period provide by law that the general grants of land made by Congress to the State shall be judiciously located.

Those are the general grants, outside of sections 16 and 36. Those are the grants by area—200,000, 300,000, 400,000 acres. They are general grants. The specific grant was that of sections 16 and 36.

Now, the legislature shall provide for the selection of the general grants, the title to which does not pass to the State until they are selected according to the manner provided by the legislature.

Mr. BURKETT. If the Senator will permit me, I do not understand, and have not understood this afternoon, what particular value the Senator is attempting to attach to that part of the law which says the lands shall not be sold for less than $10 an acre. That certainly does not make the lands more or less valuable.

Mr. HEYBURN. Yes; it shows the intent—and I am in a position to speak of the intent—of the constitutional convention.

Mr. BURKETT. But sections 16 and 36 go over the mountains and valleys just as they come. They may be worth $10 an acre and they may not be worth 10 cents.

Mr. HEYBURN. That is right. But Congress gave sections 16 and 36 as a direct grant, and there is the selection of a very large quantity of public lands for other purposes. That question being discussed in the constitutional convention, and the minimum price at which the lands might be sold being under consideration, it was considered that the State would select these timber lands for school purposes, they being less adapted to home making perhaps than other more open land, and that the State would select them, and therefore $10 was a reasonable minimum to place upon them.

Here is what we are being deprived of also by the fact that the Forestry Service has taken possession of them. Here is a right given to the State by its constitution in regard to these lands:

> The legislature shall, at the earliest practicable period, provide by law that the general grants of land made by Congress to the State, shall be judiciously located and carefully preserved and held in trust, subject to disposal at public auction for the use and benefit of the respective objects for which said grants of land were made, and the legislature shall provide for the sale of said lands from time to time and for the sale of timber on all State lands and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

Then it provides a limitation that not to exceed twenty-five sections shall be sold in any one year. The State is being deprived of the right to do that. It is being deprived of the right to carry that into operation—that right to sell and to deliver the possession of the land, to lease the land. There is a provision here that the State may lease the school lands, and many of our lands are under lease, where we were fortunate enough to obtain possession and lease them before this cloud

of the Forest Service came over us. But we can not lease those in the forest reserves, because, in the first place, they are not attractive, being under restrictions that would make their use limited; and, in the second place, because they are in the possession now of the Forestry Service. So the State is being deprived of the income that it would derive from the use of those lands. It is being deprived of the right to sell them. It has the right in the abstract, but practically the right is not available. It is being deprived of the right to rent them. It is deprived of the right to grant grazing privileges upon them. That is the right of the State, and yet we sit here and in response to the cry, "Oh, protect the forests," we invade the rights of the States under the guise of protecting the forests.

It does not protect the forests. A tree cut by the forester or under his supervision or direction contains no more feet of lumber for building purposes than if cut by a private owner. A tree cut under the direction or with the permission of the forester is of no more value and contributes no more to the building of a house, fence, or barn than if cut by a private individual. Unless the Government is to go into the lumber business for the sake of making profit from the sale of lumber, then that right should be left to the citizen. The Government should sell its land to its citizens under such restrictions as may be wise for their preservation and the best interests of all the people. I am not speaking for the people of Idaho alone, as I said. I was merely using Idaho as a text. What is true of that State is true of others.

Mr. President, in Idaho the Government is paying $198,000 a year for salaries for forest employees. It is paying $1,620,000 for salaries to take care of these forests. To take care of them; to protect them—from the people; for fear the people will destroy them. The best guardians the forest has ever had against loss by fire or other destruction are the settlers whose homes and improvements are at stake. The safest guardian is always the one whose interests are most nearly wrapped up in the thing to be protected.

Mr. BURKETT. Where has that statement ever proved true, taking it from the Atlantic Ocean across the country, where the settler was the protector of the forest and what the Senator states has been the result?

Mr. HEYBURN. I am not surprised at that question from the Senator from the great State of Nebraska, which is practically without any timber, and I do not know but that the Senator has been surrounded all his life by similar conditions. But those of us who have lived a lifetime in the forests know the facts. Since I last discussed a similar bill, I stood on the streets of Wallace and saw a fire commence off on a mountain side that had been started by some mischievous boys. I saw it begin to spread and spread, and there was not a forest ranger, so far as we ever learned, within a hundred miles of it. Certainly none ever came there.

But a group of citizens who saw the fire start got together, themselves and others, and purchased implements appropriate for putting out the fire, and went out there and worked that night and until the next and extinguished the fire. That is the way fires are put out. I have seen that instance multiplied so often in the many years that I have lived in the forest that I would not attempt to put it in figures—where the town would awake at midnight because some careless traveler, perhaps, or maybe lightning or some cause often undiscoverable had started a fire in the mountains—and I have seen the town turn out and seen men work amid the smut and grime of that struggle who never did work at any other time. I have seen them work all day and all night, as the necessities required, to put out those fires.

I have seen great areas of country saved from devastation, and to-day, if the forester is to do the work in our country he must call upon the whole body of the citizenship to assist him, because there are not enough foresters in any one section of the country to be of very much use in case of a big fire. They are always put out by the citizenship. Our State makes a large appropriation every year for the purpose of extinguishing fires in the forests, and we have rules and regulations and forest riders during the season when fires are apt to occur. They go out and cooperate, and I am in favor of the Government assisting in the protection of the public lands and of the lands surrounding the public lands or adjacent to them, just as any other neighbor would assist.

I believe in the Government performing the duties that would devolve upon a citizen if a citizen owned the land. That is the rule and the limit and the gospel of the whole situation. If the Government will step in there and perform the duties of good citizenship, its rights will be protected in common with the rights of the people.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. BURKETT. Not doubting what the Senator has stated with reference to that point, I should like to suggest that fire is not the only thing which destroys forests. I call attention of the Senator to the forests of Wisconsin, the forests of New England, the forests of Indiana, that were referred to a while ago by him, and I want to ask where, in any of those instances where the forests have been turned over to the settlers, the forests have been preserved by the settlers?

Mr. HEYBURN. I will tell the Senator where the forests are in part. They were traded off for the cities of Chicago and Milwaukee and St. Paul and Minneapolis. They traded trees for houses and they traded trees for the comforts of the winter fire and for domestic purposes, and they will continue to trade them. That is what they are for in the main.

Mr. BURKETT. No, Mr. President; the Senator said they girdled the trees and piled them up and burned them so as to get them out of the way. That is what destroyed the forests.

Mr. HEYBURN. To undertake to be responsible for the mistakes of the generations that have gone would be a pretty big undertaking, and we are not called upon to do it.

Mr. BURKETT. But we are trying to guard the future.

Mr. TELLER. May I make a suggestion?

Mr. HEYBURN. Certainly.

Mr. TELLER. They did that not only there, but all the way from the Atlantic coast to western Ohio. What did they do it for? To make homes. They made homes. Are not those homes better than the forests, even if the forests were composed of walnut trees?

Mr. President, the entire settlement of the States of New York, Pennsylvania, and a good part of Ohio required that the forests should be destroyed before the people could settle there. I was brought up in a timber country—in New York—where there were no prairies. There were no settlements. There could be none until the forests were destroyed to the extent that they did destroy them, and I can say I have seen exactly what the Senator from Idaho says he has seen. We did not have any Government agents putting out fires. We preserved the forests with the diligence and interest that the people had in putting out the fires.

Mr. BURKETT. I should like to ask the Senator if it is not a fact, though, that those same localities, or some of them, to say the least, where the forests were turned over to the settler and he transformed a portion of them into a place for a home, are now coming in and asking the Government to take those lands back and reforest them?

Mr. TELLER. No, Mr. President; it is not. I do not know of any such case.

Mr. BURKETT. There are one or two bills asking the Government to appropriate vast sums of money to reforest certain sections.

Mr. TELLER. I know how that is done. I am going to speak about that if I have an opportunity. I know how these demands come here from certain people who have land that would not raise a crop, and, having cut the timber from it, they want the Government to buy the land.

Mr. HEYBURN. Mr. President, at every recurring session of Congress the demands are something beyond those of the preceding Congress. Since I came to the Senate the demands of this Department of the Government for forests have grown from, I think, about $67,000 to about $3,500,000, and that has not been a very long period. They are growing and growing.

Now, if the Government is going to be tested as to its ability to conduct business enterprises by its experience in the lumber business, the showing is not favorable to the Government. They are running behind, and whenever they accumulate an additional fund they invent some new method of using it. Consider the idea of building telegraph and telephone lines through the forests for the use of the forest rangers. Why, they have bought steam launches for them on the lakes in Idaho. They have bought splendid steam launches for the use of these foresters that in an imaginary conflagration they may speed from one imaginary fire to another quickly across the lake. I have seen them lolling at the hotels around at the watering places on our lake, dressed in green, with a cock feather in their hats, emulating in appearance and manner the foresters of the Black Forest of Germany.

Of course the Department says it was an accident, but one of them met a member of the legislature of Idaho driving a carriage with his family on the public road to his home in Wallace. The ranger was on horseback, and he refused to give way for the carriage, and when the hub of the wheel of

the carriage brushed him he drew his gun and shot the member of the legislature. When he was arrested and brought into court the next day, he gave as a pompous excuse, "I am a forester of the United States. I have the right of way. I do not have to get out of the road for anybody." Of course his mind was disabused of that rapidly. He was fined, and put up his horse to make good the fine, so that he might go home. He was not able to redeem his horse, and inasmuch as a forester has to have a horse to hold his job he lost his place.

Now, that is a ridiculous sort of a thing. Yet it illustrates the character of men that this brings together—many of them good men, splendid fellows. I have no doubt of that at all—but the service is drifting toward a condition that might be tolerated abroad because you must bear it, but that will not be tolerated in the United States by any citizenship of which I have any knowledge.

Now, that is what we are drifting to—uniformed foresters, pale green suits, all of them, so that they can not be readily distinguished as they flit about among the umbrageous forests. They might be mistaken for an elk or an animal as they slip up on the trespasser who is about to destroy these forests, these great gigantic trees. Some puny man is going in there to destroy them, and we must have a forester to protect them.

Mr. NELSON. Mr. President——

Mr. HEYBURN. The whole thing has become ridiculous.

The VICE-PRESIDNT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. NELSON. Is it not an advantage to the people that these men have green uniforms so that they can distinguish them?

Mr. HEYBURN. A few days ago a suggestion was made that these men should be more emphatically uniformed, and that they might form a reserve corps for the Army, to be used in case of war. I undertook to talk to one of them out there last summer, but his mastery of the English language or my understanding of it, one or the other, was so deficient that I could not tell whether he was a German ambassador or an officer of the German army.

Mr. NELSON. I should judge from the Senator's statement that evidently the English of the ranger was at fault.

Mr. HEYBURN. I think that is true. I will leave it that way.

Now, Mr. President, I notice a very live interest in this question on the part of Senators who represent depleted and destroyed timber countries. They have committed all of the sins in the category against timber; they are now living in the splendid cities and amid the surroundings of luxury and wealth that came from the use of this timber; and they look with a very critical eye upon other communities that stand today where they stood forty years ago. They would stay these new communities. Is it because you do not want to see other cities grow up to rival your own?

Mr. President, these solitudes are lying there—20,000,000 acres, let me say. I will presently give those figures accurately. I have them here. There are about 20,000,000 acres of forest reserves lying there in Idaho, and there are about 130,000,000 acres, I think, in the United States. It is a solitude. No cities are building there, nor towns, nor villages, nor farms, nor schools, nor churches. There is a solitude, and there are rangers and students. There are items in this year's expense account to which I will call attention. This is what you are doing among other things. I think this will interest you. On this appropriation bill there are these items; they are found on page 241 of the report:

Students' salaries, $3,515.85.
Traveling expenses, $2,488.11.

So we are maintaining students of forestry, and many other luxuries of that kind.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. BURKETT. I can tell the Senator where some of them are. Some of them are at the forest reserve in Nebraska, where we are trying to do what the Senator suggested—to raise forests. During the summer season we do bring from the schools of forestry several students for about a month and a half to three months to plant and grow trees. That is what some of that money goes for.

Mr. HEYBURN. Mr. President, I think that money spent for education of almost any kind is generally well spent. I merely call attention to the fact because it is rather incongruous. I do not know of any other branch of the Government where we are educating students and paying their traveling expenses to the extent of about $4,000 a year.

Mr. BURKETT. We are paying more than that in the Interior Department. We are paying surveyors out of schools, and I have no doubt the Senator has placed some young students with surveying parties.

Mr. HEYBURN. Not students in that sense. These men are not merely classified as students; they are employed as students. They are employed to study there; they are not students from other institutions.

Mr. BURKETT. I think certainly they are. I know some of them personally, and I know exactly what they are doing. I have been with them in their work and I know what some of them are doing. I do not know if that includes all of them.

Mr. HEYBURN. I am very glad to have some light on the subject, because it may be that down in Nebraska they are studying this forestry question, and they are probably going to learn something from the past.

Mr. BURKETT. That is what we are trying to do, to teach everybody something from the past.

Mr. HEYBURN. I remember the first lessons they were instituting. I looked on with a great deal of interest. I saw a man with an ax chop a hole in the ground and put in a little cottonwood slip about a foot long that he had bought from the Indians for 10 cents a bunch. They pull them up down on the bottoms of the Platte River at a certain season of the year, where they spring from seed, and tie them up in bunches and then go out among those farmers and sell them. That was done especially in the days when the timber-culture law was still in force. The farmer goes along and takes an ax and hooks it into the ground, and puts in this little cottonwood sprout and stamps on it. I saw that going on in Nebraska.

Mr. BURKETT. That is not what I referred to as student work.

Mr. HEYBURN. I was going to say I have no doubt at all that they have realized that that was not a very successful timber culture and they are trying to learn how to grow trees in a better way. God bless them! I hope they will; and I would not begrudge the cost of a student or two to teach them, although they might have known that themselves.

You will notice in this report, at page 235, that those are salaries paid out of the lump fund. It is the lump fund I am now discussing, the fund you are going to place at the disposal of the Secretary to do as he pleases with. That is what it amounts to, and this is the class of items that were paid out of it. Here are several pages of them. I will give you a few samples.

Here is Eugene S. Bruce, in Washington. It says "expert lumberman, at $3,000" a year. Amount paid for salary, $3,000; amount paid for travel and station and field expenses, $1,082.29. Mr. Bruce was evidently a traveled man.

Now, I take another. Here is a man with a salary of $500 a year, and his traveling expenses are $1,279.13.

Mr. DIXON. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Yes.

Mr. DIXON. I took occasion to look up some of those items and to ascertain the apparent discrepancy, and I think in a spirit of fairness the Senator from Idaho ought to make a little further explanation than appears in one line of print. I notice in the case of the man who had drawn $500 salary and $1,000 expenses, as a matter of fact he was employed in two or three departments of the Bureau.

Mr. HEYBURN. Drawing two or three different salaries?

Mr. DIXON. No; not drawing two or three different salaries, but paid from one fund for a part of the year. For a man who was inspecting forest reserves all over the West, $4 per diem would amount to $1,200 a year. The expenses of every field agent of the General Land Office amount to from $1,800 to $2,000. This $500 item does not represent a $500 man, but an inspector or superintendent who has been transferred once or twice during the year. I think, in all fairness to the Forestry Bureau, these items should not go in as cold facts without some explanation.

Mr. HEYBURN. I did not bring them in. I have them here, for instance——

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. If the Senator wants really to know what those items were and will give me the name of the man, I will tell him what the amount is and what it was for.

Mr. CLARK of Wyoming. May I be allowed to ask the Senator from Utah, who seems to be the spokesman for the Forest Service, why it is this information does not appear in the report which was sent to us upon request?

Mr. SMOOT. The information as a lump appears in the report and the Senator from Idaho is quoting it. The Senator from Wyoming and the Senator from Idaho could have found out exactly what it consisted of if they had gone to the Department and asked for it.

Mr. CLARK of Wyoming. The Congress of the United States asked the Department to send here that information. They have declined to do so.

Mr. SMOOT. They have sent the information, Mr. President.

Mr. HEYBURN. They may have sent it to the Senator from Utah. They did not comply with the provisions of the last appropriation act, in which we required that they should advise us of these matters.

Mr. SMOOT. The Forest Service——

Mr. HEYBURN. I desire to finish one sentence. I would say it is rather singular that the Senator from Utah should undertake to answer questions for the Department that Congress has required the Department to answer to it. I am reading from the report which they made—and I am reading the item—and there is no other statement than the one I read pertaining to that item.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I do.

Mr. SMOOT. I want to say to the Senator from Idaho that as far as the Forestry Service is concerned they did make a report, as the law provided they should do, and when I examined the report and noticed a lump sum of $1,591.83 for a certain man's expenses, and that he was paid a salary of a less amount, I tried to find out how it happened. So I went to the Department, and I have here the exact amount. It is not his own expenses for a great many times. It is money paid out to men whom he employed for fighting fires—the very thing that the Senator said the Forest Reserve had not done very much of.

Mr. HEYBURN. This man is employed here in Washington. It says here "employed in Washington."

Mr. SMOOT. Yes; as far as that amount of salary was concerned, but he was out in the field.

Mr. HEYBURN. It does not say so in the report.

Mr. SMOOT. If the Senator will give me the name of any man on the list I will tell him what the sum was paid for.

Mr. HEYBURN. I do not intend to recognize the Senator from Utah as the substitute for the Department of Agriculture, which is under the direction and control of this body. We did not call upon any Senator to furnish this information. We called upon the Department to do it.

Mr. SMOOT. I thought the Senator from Idaho would at least want the information.

Mr. HEYBURN. I could get it, I assume, as well as the Senator, and perhaps I am quite as well advised of the fact that I could get it. But I am speaking of the facts stated in the report. This is Document No. 425, which was printed upon my own motion, and which I found as a typewriten document that had not been printed at all. I got this information from it. There has been no report made in accordance with the provisions of the last appropriation act.

Mr. SMOOT. But the Senator from Idaho was complaining of the fact that there were employees in the Forestry Service paid a smaller salary than the amount of their traveling expenses.

Mr. HEYBURN. I am not complaining of anything. I am here to try to throw some light upon the situation confronting us in considering the wisdom of the appropriation of $500,000 or of $1,500,000, as it may be, for what is called a lump sum, to be disposed of without any limitation.

Mr. President, I only cited these instances to show how inadequate was this report. I could cite them by the column here. I do not know how I got this report except that I got it from the clerk of one of the committees who happened to have it in his possession. Then I asked to have it printed, and the Senate ordered it to be printed. I have it in my hand. The proof was corrected, I am advised, by the Department. So I assume that it is correct.

Now, I just want for a moment to speak of these aggregates and pass that. I do not expect to exhaust the consideration of every question connected with the Forestry Service in the remarks which I am making, and I have extended them much beyond what I intended.

The lump-fund salaries paid out in Washington were $259,657, and outside of Washington $817,190. Those are salaries paid out of the lump fund. Now, they want us to equip them for another year of that kind of work.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Just a moment, until I finish these items. I have the items before me. The traveling, station, and field expenses were $183,802. These items begin to sound like some item of the sundry civil appropriation bill or the Army and Navy bill. It will be only a very short time before this Forestry Service will represent an annual expense greater than that of the Army or the Navy. The income from the entire Forestry Service I should like to put in in this connection.

Mr. SMOOT. If the Senator will state the year, I have it here.

Mr. HEYBURN. I am talking about this year. I will insert those figures later.

Mr. President, it is perfectly proper in considering these appropriations to consider what we are getting for them, the kind of service, what the people think of it to whom these laws are applied. As an instance, I will tell you what the legislature of Idaho thinks about it. I have here joint resolution No. 7, passed by the legislature of Idaho at its last session, and this is what they think about it:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint resolution No. 7. [By Gleason.]

A resolution relative to the matter of forest reserves in the State of Idaho, which was filed in this office the 5th day of March A. D. 1907, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 13th day of November, A. D. 1907.

[SEAL.]

ROBERT LANSDON,
Secretary of State.

House joint resolution 7. [By Gleason.]

A resolution relative to the matter of forest reserves in the State of Idaho.

Be it resolved by the legislature of the State of Idaho, That the forest reserve policy of the General Government as administered is detrimental to the interests of the State of Idaho in that it has resulted in a practical transfer of jurisdiction over more than one-third of the State to a bureau of the General Government which has substituted rules and regulations inconsistent with the legal rights of the citizens of the State, under the general laws by which the State is presumed to be governed.

That it has included within its boundaries more than 1,000,000 acres of land belonging absolutely to the State of Idaho, granted to the State by Congress under the admission act, which said act and the constitution of the State provides the sole means of disposal; that the grant of sections 16 and 36 was for the exclusive use of public schools; that while Congress has provided for homestead entries within the forest reserves under burdensome and impractical conditions, the State can not hope for a substitute growth under such conditions, as no people would care to make their homes in a section of the country subject to such limitations and restrictions as will naturally prevent the growth of communities large enough to bring schools, churches, and other institutions incident to community life; that contrary to the best interests of the State and people, the mineral lands are included within the forest reserves, and while theoretically they are open to prospecting, the limitations of forest reserve rules are such as to render it practically impossible to secure an investment of sufficient capital to develop mining claims after the prospector has found them, and capital will not, except in rare cases, invest in mining claims or locations within the forest reserves as they prefer to operate under well-defined legal rights rather than permissions and privileges dependent upon the pleasure of departmental forces.

That we favor the creation of forest reserves, properly located and administered, where they will best serve the purpose of future propagation of timber and conservation of a water supply where such conservation is necessary; but that we sincerely regret that the present location and administration of forest reserves retard the growth and development of Idaho far beyond any possible benefit that can ever accrue from them to the State or General Government.

That we favor the amendment of laws where they are found to be defective rather than a suspension of them, which causes people's rights to be suspended at the will and pleasure of a departmental agent, and that a copy of these resolutions be sent to our Senators and Representatives in Congress.

This house joint resolution No. 7 passed the house of representatives on the 18th day of February, 1907.

J. FRANK HUNT,
Speaker of the House of Representatives.

This house joint resolution No. 7 passed the senate on the 28th day of February, 1907.

E. A. BURRELL,
President of the Senate.

This house joint resolution No. 7 was received by the governor on the 4th day of March, 1907, at 12 m. o'clock Mountain meridian, and approved on the 5th day of March, 1907, at 3 o'clock p. m.

———,
Governor.

I hereby certify that the within house joint resolution No. 7 originated in the house of representatives of the legislature of the State of Idaho during the ninth session.

AVERY C. MOORE,
Chief Clerk of the House of Representatives.

That is what the legislature of Idaho thought at its last meeting of the forestry policy as it is administered in the State of Idaho.

In connection with my remarks I will present this resolution and let it take the usual course.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Agriculture and Forestry.

Mr. HEYBURN. Now, Mr. President, I will put these figures in the RECORD. The total area of Idaho is 53,262,585 acres, and of that there are in forest reserves 20,336,427 acres, or something over 34 per cent of the entire State is in forest reserves. In other words, they just put their hand on it as they found it and said "You shall not go any farther. You shall grow no more except upon your own territory;" and that is where they stopped us.

The table referred to is as follows:

Table showing area of forest reserves, etc., in Idaho December 1, 1907.

County.	Surveyed.	Unsurveyed.	Total.	Military reservation.	Indian reservation.	Forest reservation.	Lake area.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ada	537,728.32	192,398.40	730,126.72	639		570,748.00	7,733.00
Bannock	1,475,053.54	546,876.46	2,021,930.00		154,628.20	169,600.00	44,720.00
Bear Lake	416,912.46	227,777.54	644,690.00			484,120.00	18,000.00
Bingham	975,116.69	1,680,693.31	2,655,810.00			1,180,800.00	
Blaine	1,233,033.29	2,643,386.71	3,876,420.00			1,368,820.00	
Boise	1,210,889.81	1,033,450.19	2,244,340.00			1,691,222.00	108,000.00
Bonner	1,468,282.99	578,982.34	2,047,265.33			443,204.00	
Canyon	772,969.19	55,030.81	828,000.00			1,776,780.00	2,150.00
Cassia	1,195,688.55	583,741.45	1,779,430.00			622,080.00	
Custer	295,081.26	2,656,048.74	2,951,130.00			1,128,960.00	
Elmore	1,082,742.01	630,987.99	1,713,730.00			5,036,480.00	
Fremont	2,176,597.43	1,716,842.57	3,893,440.00		439,300.00	357,739.36	27,700.00
Idaho	911,165.88	6,302,324.12	7,213,490.00			118,264.64	
Kootenai	1,147,326.54	135,815.19	1,283,141.73			2,203,180.00	
Latah	688,698.80	3,592.56	692,291.36		106,950.00		
Lemhi	343,484.52	2,749,555.48	3,093,040.00			820,480.00	
Lincoln	1,105,561.53	994,108.47	2,099,670.00			274,560.00	
Nez Perce	1,574,515.41	888,324.59	2,462,840.00		160,880.69		
Oneida	1,033,276.63	653,543.37	1,686,820.00		128,800.00		
Owyhee	1,494,329.15	3,427,900.85	4,922,230.00			1,174,160.00	
Shoshone	606,467.06	878,412.94	1,484,880.00			103,680.00	
Twin Falls	714,098.01	398,031.99	1,112,130.00			784,669.00	
Washington	1,407,727.02	418,012.98	1,825,740.00				
Total	23,866,746.09	29,395,839.05	53,262,585.14	639	990,558.89	20,336,427.00	208,363.00

Now, it is proposed to make the dwelling of this Department permanent by giving them telegraph offices and telephone lines and let them build roads to the extent of $1,500,000 a year. I suppose that will eventually mean, after a few more experiments with Congress, that we shall build them bath houses and provide fine mansions for their rangers, horses for them to ride, and a regular arrangement for new uniforms.

Mr. President, the people who are taking most interest in these forests live farthest away from them. Some of them, however, are very closely identified with them. I have here a document entitled "The American Forestry Association, President, Hon. James Wilson, Secretary of Agriculture." The name would indicate a useful purpose, and the man at its head we know to be a citizen of the highest order. They set forth in stereotyped phrase the needs of this legislation; but the officers of the American Forestry Association are: President, James Wilson, Secretary of Agriculture; vice-presidents at large, Dr. Edward Everett Hale and Mr. F. E. Weyerhauser. I know Mr. Weyerhauser. He is a very nice old gentleman; but he owns, or claims to own, more timber land and timber which has been unlawfully obtained than any other man on earth. His name in the West is synonymous for timber-holdings on an immense scale. There is scarcely a limit to them. He is of the very most pronounced type; and yet he is second vice-president of this American Forestry Association that has flooded the mail every few days with literature—specious statements. Why, they carry you off your feet because they all start with the expression that we are for the forests, for the preservation of the forests.

Well, it reminds me of Disraeli's battle cry of 1844. When the committee waited on him and asked "What is going to be our battle cry in this great campaign?" he said, "Corn." "Yes; but what about corn?" "Why, nothing about corn; corn is a catchy word with an Englishman—just corn is our battle cry." And they went in on that fight. So it is with these enthusiastic believers in the forestry policy. Will not the American people ever learn that this is not a Government of policy, but one of law? Will they not ever learn that the most dangerous expression that we can take to ourselves in the consideration of public questions is to talk about this man's policy and that man's policy? The policy of this country is the policy of the people, and it is found only in the written law of the land. When you find it anywhere else, it is fictitious and spurious. The people know how to stamp their policy upon public affairs, and where to put it; and they put it in the statute books.

They talk to us about the forestry policy; and then they always start out with the statement that "the forestry policy has come to stay." Well, we will know more about that when we have thought and talked more about it, when we have gotten a little closer to it and robbed it of this sentiment, that it is somebody's policy. It is a question of the rights of American citizens—a simple, ordinary question of their rights and the relation which they bear to the Government and that which the Government bears to them.

Mr. President, that [exhibiting] is the kind of thing that is going all over this country. Thousands of dollars in this appropriation bill are for editing such documents. Did you read the letter the Secretary of Agriculture sent in response to the resolution which the Senate adopted a few days ago, in which I asked that Congress be advised as to the number of men and the number of dollars that had been expended in attending conventions and butting into the consideration of affairs by others?

Instead of sending the names of the men and the amount of money paid on their account for traveling to Denver and other places, the Secretary says that a part of the policy of the Administration is to educate the American people up to their standard of belief on the forestry question, in order that the American people may sustain them in whatever they do. I am not attempting to give his words, but I am giving the spirit of his letter, which is on the desk of every Senator.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I do not know, but I presume the letter to which the Senator refers is the one which I have read. Does not the letter state in terms that the figures as asked for will be furnished hereafter?

Mr. HEYBURN. I presume they will, about the time of that adjournment I have heard so much about.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. Does not the letter specifically state that the Secretary had sent out 123 telegrams, that it is impossible to comply with the Senator's request short of ten days, and that he thinks that within ten days the information will be furnished?

Mr. HEYBURN. I was just going to make some comments on that. When we call for information that should be found in the accounts of moneys expended, found here in Washington, known to a certainty by reference to properly kept accounts, we are told that the Government can only get information as to how they expended this lump sum of money which we gave them by sending out 127 or some other number of tele-

grams to a great many places. I now have that letter before me.

Mr. SMOOT. The only reason why they had to send so many telegrams was that the Senator's resolution was so sweeping that it required information covering every ranger, as to whether he had attended a convention or a meeting of any kind. It was impossible to say; and the only way they could get the information was to send by wire to the rangers themselves.

Mr. HEYBURN. Mr. President, I presume there will be an able and an enthusiastic defense made of this administration of public office; and I think I will defer any further explanation of the matter to that time, and only say that Senate Document No. 449 is the one to which I refer. I have it in my hand, and if it were not for the hour and for my condition of fatigue I would read it; but Senators can read it for themselves. I will ask that it be inserted in the RECORD at this point as a part of my remarks, to show the kind of response that the resolution brought to the Senate. I will ask unanimous consent that it be inserted in my remarks without reading.

The VICE-PRESIDENT. Without objection, it is so ordered.

The document referred to is as follows:

[Senate Document No. 449, Sixtieth Congress, first session.]

ATTENDANCE OF MEMBERS OF FOREST SERVICE AT MEETINGS AND CONVENTIONS DURING 1907.

Letter from the Secretary of Agriculture, transmitting, by direction of the President and in response to Senate resolution No. 157, information in regard to the attendance of members of the Forest Service at meetings and conventions during the year 1907, etc., and showing that a statement with full details as called for by the resolution is being prepared. April 28, 1908, referred to the Committee on Agriculture and Forestry and ordered to be printed.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, April 27, 1908.

To the Senate:

By direction of the President, in pursuance of Senate resolution No. 157, I have the honor to say that a statement showing in full the attendance of members of the Forest Service at meetings and conventions during the year 1907, with full details as called for by the resolution, is being prepared as rapidly as possible.

It is customary for users of the national forests, both stockmen and others, to request the attendance of forest officers at their gatherings, in order that questions concerning the methods of regulating the use of the forests may be adjusted with the least possible friction, in a spirit of friendly cooperation, and with reference to the best interests of all concerned. It is also customary for forest supervisors to hold meetings with local stockmen as the most expeditious and satisfactory means of arranging allotments of range and settling range disputes. By far the greater number of these meetings and conventions are attended only by local officers, so that to present the information called for by the resolution it is necessary to receive special reports from all chief inspectors and forest supervisors. These have been called for by telegrams sent to 123 forest officers. It will also be necessary, in order to ascertain the expense involved, to gather the data from large numbers of vouchers in the Treasury. The work will be pushed with all possible diligence, and a final report should be ready in about ten days.

Since the specific and detailed information called for by the resolution necessarily involves so much labor that it can not be completed at once, I gladly take the present opportunity to outline briefly but comprehensively the objects and methods of the Forest Service as to attendance upon meetings and conventions of all kinds.

Members of the Forest Service attend meetings, official or unofficial, for three purposes:

(1) Improvement of the efficiency of the national forest administration through instruction of forest officers in their duties and conference with each other concerning their work.

These are official meetings of the Forest Service. They are schools of instruction or institutes, at which practical difficulties of administration are discussed, in the light of actual experience, to the end that the methods which have been found most desirable may be brought out, judgment trained, standards raised, and practice made uniform along the best lines. These meetings have immensely increased the efficiency of forest officers and the practical usefulness of the national forests. Ranger meetings are arranged by each supervisor at such times as the men can be brought together most advantageously, and it is now planned that every supervisor shall hold one such meeting each year. Other meetings bring together supervisors; others again inspectors.

When possible instruction is given by superior officers from the six inspection district headquarters or from Washington. Such officers either attend a considerable series of different meetings, with dates so arranged as to permit of a regular tour of instruction, or make their attendance incidental to the transaction of other public business. In certain cases such meetings are called with special reference to the convenience of the forester or other administrative officers at some point where the presence of one of these officers is required by other business, as, for example, when they are invited to attend some convention interested in national forest administration. Many meetings, however, are arranged without involving a permanent record in Washington. Until, therefore, the reports from forest supervisors, which I have called for by telegrams, can be received, no detailed statement concerning these meetings can be made. Presumably about fifty such meetings were held during 1907.

(2) Forest officers attend meetings of users of the national forests to learn their views, discuss their needs, and explain the objects and methods of the Government.

Such meetings include local informal gatherings, meetings of regularly organized associations, local, State, or national, and conventions representing interests affected by the national forests. To refuse such opportunities for mutual conference, for the removal of misunderstandings, and for the promotion of action along lines approved, supported, and modified by public sentiment I should consider a serious mistake in judgment. The frequent result of such conferences has been to remove misunderstanding or opposition on the part of users of the forests, either through recognition that they had just cause of complaint and removal of the cause, or through recognition on the part of the users themselves that their demands were inconsistent with the greatest good to the greatest number. So commonly at these conferences has dissatisfaction been replaced by approval of the course of the Forest Service that it has been assumed at times that the result was due to some form of coercion or manipulation.

To the best of my knowledge and belief such a charge is altogether without foundation, nor have any facts to establish such a charge, beyond the unsupported assertion of a belief that the charge was true, ever reached my attention. If any facts exist tending to show the stifling of public opinion by acts of forest officers, I earnestly hope that they will be brought forward. This matter was investigated by the Committee on Expenditures in the Department of Agriculture, upon the basis of charges made during the second session of the Fifty-ninth Congress. The findings of the committee were presented on March 1, 1907, in House Report No. 8147, second session, Fifty-ninth Congress, pages 22–27.

Many of these meetings are of so local a character that no official record of them is preserved in the Washington office. The stockmen of a county, the sawmill owners of a valley, or some similar body of citizens hold a meeting to discuss their joint interests and invite the forest supervisor to be present. Naturally his attendance is incidental to his duty of administering his forest in the best interest of the public. If, however, the meeting is that of a large body of forest users, invitations to be present are generally received by one or more of the chief administrative officers and experts of the Service. So far as possible it has been my policy that such invitations should be accepted, and in the absence of occasion for changing the practice it is emphatically my purpose to continue it. If it were necessary to do so, I should consider it wise for representatives of the Forest Service to seek such opportunities to come into direct touch with those with whom it has business dealings or those whose interests the forests serve. In point of fact, however, it is not necessary to seek the opportunity; on the contrary, it is impossible with the present force available to accept more than a fraction of the invitations received.

As a result of its business dealings with users of the forests, the Government received last year over $1,570,000. From the standpoint of ordinary business practice it would be a most short-sighted economy to begrudge the relatively small expense incurred in coming to the best possible understanding with these users. From the broader standpoint of serving the public by making the forests useful to the general prosperity and upbuilding of the country such an attitude would be utterly wrong.

(3) Members of the Forest Service also attend and address meetings to promote education of the general public concerning forestry, in accordance with the duty laid by law upon the Department to diffuse the useful information which it gathers.

These educational addresses are demanded from the Forest Service in far greater numbers than it is possible for the Service to supply. Requests for them come from associations of lumbermen and other trade associations directly interested in the supply of forest products, chambers of commerce, boards of trade, commercial clubs, farmers' clubs, colleges, schools, professional bodies, and a great variety of public associations and assemblages Most of the persons who make these addresses do so incidentally to the performance of other duties.

In certain cases the opportunity of instruction offered and the inability of the administrative force to meet it has justified the assignment for a longer or shorter time of some person specially qualified to take up this work. As nearly as can be stated at the present time the total number of invitations to address such meetings which were accepted during the past year was about 500. A more exact statement must await the completion of the work now under way to prepare all the information called for by the Senate resolution.

Educational addresses have always been one of the important forms of activity, not merely of the Forest Service, but of the entire Department. Along with the publications of the Department, they have served the primary purpose for which the Department was created—namely, to add to the general well-being through the spread of the best knowledge obtainable as to how to make our land most productive. In the Forest Service this educational work, through publications and addresses, goes hand in hand with practical demonstrations of the methods of forestry on the ground. Previous to February 1, 1905, it formed the main part of the work of the Service. This work in its entirety has been approved by successive Congresses through annual appropriations for its support. It is most important because it constitutes the means by which the Department is able, in the interests of the entire country, to promote the practice of forestry among the private owners of forest lands, whose holdings comprise more than three-fourths of the forests of the country. While the appropriations for this work are altogether inadequate to meet the opportunity created by the public demand for information, I consider it of the utmost importance to spread the knowledge of forestry as widely as possible.

In a word, the work concerning which information is sought by the Senate resolution is, in my judgment, of great public value. Its purposes are to improve the administration of the national forests, to make them more useful to the men who depend on them, and to improve the methods which, as a nation, we apply to the forest, which is one of our most fundamental sources of economic strength.

Very respectfully,

JAMES WILSON, *Secretary.*

Mr. WARREN. If the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I know the Senator wants to be right, and wants the record right.

Mr. HEYBURN. Of course.

Mr. WARREN. In the first place, the regular report from the Agricultural Department sets forth all the expenses and expenditures of the Agricultural Department. That was made in due time and is here, printed in due form. But a few days ago the Senator from Idaho wished a more particular itemization, and introduced a resolution, which went to the Secretary of Agriculture and was immediately replied to in a letter which the Senator has asked permission to put in the RECORD. In that

statement the Secretary promised to follow it at the earliest moment with the particular items that the Senator has inquired about, but they are already covered in another manner in the general report regularly made at the end of the year.

Mr. HEYBURN. Mr. President, I am not intending any personal attack on Secretary Wilson or any other officer of the Government. I am here in a forum where I must speak plainly of public matters, regardless of how it may appeal to the individuals referred to. I have the very highest regard for the Secretary of Agriculture personally, but I have a perfect and absolute right to criticise the official act of any public officer.

Now, what called forth that resolution on my part was a communication which I am now going to read. It is from a man whom I know very well, and is as follows:

THE SHOSHONE JOURNAL,
Shoshone, Idaho, February 12, 1908.

Mr. F. W. GOODING,
Shoshone, Idaho.

DEAR SIR: During the month of January, 1907, I was employed as a reporter on a daily paper in the city of Boise, Idaho. A part of my duty was to collect news from the Federal building in that city.

I was well acquainted with all of the Federal officers and most of the employees about the building. I was also acquainted with most of the rangers of the Sawtooth and Payette reserves, as I frequently met them in the office of the supervisor.

One day about the middle of the month of January of 1907, a few days before the date of the meeting of the National Wool Growers' Association, which was to meet at Salt Lake City, I entered the office of the forest supervisor for the Sawtooth Reserve and met Henry Berg. Henry Berg I knew to be a ranger of the Sawtooth Reserve. I also knew that he must be in Boise on some special mission at that time, so I asked him why he was in town. He showed me a letter from the officer who had charge of the matter instructing him to report at Boise and proceed to Salt Lake City to look after the interests of the Forest Service at the National Wool Growers' convention, which was to meet there within a few days. The letter also instructed him to charge his expense on the trip to the hay and grain account of the Service. Several others were in the office at the time, and all were joking Berg by asking him if he intended to charge himself up as a sack of oats or a bale of hay.

I hereby swear that the above statement of facts is correct and true.

EDW. T. BARBER.

Subscribed and sworn to before me, in my office in Shoshone, Idaho, this 12th day of February, 1908.

[SEAL.] FRANK T. DISNEY,
Notary Public.

My commission expires December 20, 1908.

That communication coming to me, as it did—of course I am not going to undertake to hold the Forestry Service in Washington or the Department of Agriculture responsible for individual weaknesses or mistakes, or even for individual corruption; but I merely felt that a matter like that ought to come to the attention of Congress as indicative of the spirit pervading those officers when they are going to attend national conventions called for purposes that are not their business. The meeting of the National Wool Growers' Association or the meeting of the governors of States, called for the purpose of considering State matters, is not an occasion which calls for the presence of forestry officers.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. This, I think, is a very serious charge, Mr. President, and, if it were true, I think it ought to be discountenanced in the strongest terms; but I want to say to the Senate of the United States that there is not a solitary word of truth in it. I have here the letter addressed to Mr. Berg; I have here the account charged by Mr. Berg for his trip to Salt Lake City, and there is nothing in the letter about charging the expense to the "hay and grain" account. If the Senator wants me to produce the account now, I am ready to produce it; and not only Mr. Berg's account, but the account of every man who attended the Salt Lake City convention. There is no word of truth in it, and I want the Senate to understand it. I will read the letter if the Senator requires it.

Mr. HEYBURN. I think I will allow the Senator to make his remarks of a general character in his own time. He undoubtedly will reply with some spirit and at length, but I am not making this charge. I am reading a sworn statement. I do not know whether it is true, and I might almost say that for my own purposes it is utterly immaterial to me whether it is true or not. I am simply giving something of the atmosphere pervading these affairs generally.

Mr. SMOOT. Mr. President, this just shows what I have always contended. If the Senator from Idaho had gone to the Department he could have learned the facts very easily.

Mr. HEYBURN. Mr. President, I am not running to the Departments every few minutes. I am no part of the Departments, and they have nothing to do with my performance of duty. They are simply the handmaidens of the President of the United States, and they are there to carry out our will.

Mr. HALE. Did this man go to the convention?

Mr. HEYBURN. I do not know.

Mr. SMOOT. He went to the convention.

Mr. HALE. Why should he?

Mr. SMOOT. He went there, Mr. President, for the purpose of meeting with other supervisors and other rangers from all over the Western country; to meet Mr. Pinchot, who was to speak at that convention, and for the purpose of receiving instructions from Mr. Pinchot, and not to attend the convention.

Mr. WARREN. Mr. President, will the Senator permit me a word just there?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. I want to say to the Senator from Wyoming——

Mr. HALE. The ranger had no business there.

Mr. WARREN. Possibly the Senator from Maine is right in that declaration; but I want to say that I was besought, through letters from the secretary of the Woolgrowers' Association, to see that certain men representing the Department of Agriculture and the Forestry Service might be there. The woolgrowers had invited them, and they wished me to use my influence to insure their attendance. They desired the presence of the Secretary of Agriculture, and they also wanted particularly to have the Forester, Mr. Pinchot, there. As my letter books will show, I have both received and written numerous letters along that line. I answered finally by advising that the Secretary and Forester would not be able to go, but that, if the woolgrowers wished, other representatives of the Department would be sent. As to this particular case, I know nothing; but I wish to say that much with reference to the appearance at such places of representatives of the Forestry Service.

Mr. HEYBURN. Well, Mr. President, I did not intend and do not intend to go at length into the wisdom or right of these men to attend these conventions. I, however, desired to call the matter to the attention of the Senate. I do not intend to pass upon the wisdom of their going or not going, but I have my own opinion about it, and the Senate may have its opinion about it.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. The Senator from Utah [Mr. SMOOT] says that Mr. Pinchot was to speak there, and the rangers and others were to be there, and I inferred from his remarks that the man referred to went there to hear Mr. Pinchot speak. Now, the Senator from Idaho would not undertake to say that that was not a perfectly proper and worthy service in which those men were engaged, would he?

Mr. HEYBURN. No; I will leave that to the Senator. I desire to call attention now to a mining matter.

Mr. WARREN. Mr. President, will the Senator permit me one moment?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I do not wish to distract the Senator, but in order that the matter may appear connectedly I will say that this gathering together of foresters is exactly the same as is done in the other bureaus of the Department. For instance, in the meat-inspection service they call those men together occasionally for advice and for interchange of ideas. Here in my hand is an account regarding 140 of the meat inspectors being called together at some central point, and I assume that the foresters have been called together at some given point, or at several central points, at different times.

Mr. HEYBURN. Mr. President, the wisdom of thus calling these subordinates together is a matter that I do not care to discuss at great length at this time. It will doubtless receive further consideration before this matter is disposed of.

Now, here is a mining proposition. I read from a letter addressed to me:

BLUE JACKET MINE,
Lucile, Idaho, January 20, 1908.

Hon. W. B. HEYBURN,
Washington, D. C.

MY DEAR SENATOR: Can we look for any relief, from at least a few, of the many obnoxious features of this national forest monstrosity this session of Congress? It becomes more and more oppressive as time goes on, and these hirelings called "Rangers" are getting to be real czars over their respective domain.

I have charge of the development of a large copper property for a Baltimore company. We are driving a tunnel to develop a group of claims, or rather a vein which is covered by a group of several claims; the claim in which the tunnel is being driven has no timber on it, so we have been using timber off of one of the other claims, but now all the timber we have cut has been seized by the range rider, who says

it must all be paid for, and hereafter all timber used from other claims must be paid for the same as if it came from the reserve. Is this just? And is it the law?

I should like also to call your attention to the fact that the Snake River has been made the west boundary line of the Weiser Reserve, in spite of the fact that there is no timber within two or three miles of the river on either side, but all the land comprising the benches and bars along either side is strictly arid or desert lands. They will never be homesteaded because of the expense to put water on them, though they would be taken up under the desert act by people who could afford to irrigate them if they were not in the reserve. Then there is a railroad building down the river, and if this territory is not withdrawn from the reserve it is going to hold back settlement and the development of the country. Is there anything that the people can do to get this strip of country released from the tyrannies of the forest rules?

Another impractical, obnoxious, and ridiculous ruling is that which requires all mining properties upon which patents have been applied for, to be examined and reported on as to their value for mining purposes by an ignorant ranger who has, in a great many instances, been a sheep herder. There has been a great many cases where patents have been held up or rejected upon the strength of one of their reports.

I hope that the law will be so modified that one can live within or near one of these reserves and feel that they are a free-born American citizen.

If there is anything we can do to help, let me know.

Very truly, yours,

FRANK E. JOHNESSE.

I can vouch for Mr. Johnesse's standing. He is a man whose standing is beyond all question. He is a little bit rabid in some of his remarks, but he probably felt that he had some cause to be a little bit radical.

Mr. President, the hour is getting late, and it is not my intention to tax the patience of the Senate at this time much longer. I have here a letter from a woman—a widow. Her husband, Joseph Guay, sr., made a homestead filing in the land office at Boise of the land described in this letter on August 1, 1902, and lived there all the time after that until he died on February 1, 1907, except the time that he was in the hospital. That was the only time he was absent. When he died he was 74 years old and his widow was 68 years old. He was a veteran of the civil war, enlisting for three years in the Sixth Michigan Cavalry, and being discharged by reason of disability occasioned by wounds received in battle.

When we first settled on the land—

Quoting from the letter—

we built a log house 16 by 30 feet, well finished, such house being burned January 1, 1906, while we were occupying it. We then built a smaller house, 12 by 16, which is now on the land. In addition, we have a barn, a root house, about one mile of fencing, 5 acres cleared, about three or four acres which we cultivate. All of these improvements I assisted my husband in placing upon the land, aiding him in building the houses and other buildings and helping in the construction of the fence and in the clearing and cultivation of the land.

I will insert, with the permission of the Senate, this entire letter in the RECORD. I have here certain photographs of these homes that I think would interest Senators.

Mr. LODGE. I have seen them.

Mr. HEYBURN. Yes; I showed them to the Senator from Massachusetts. They are homes far above the ordinary frontiersmen's homes.

Mr. LODGE. Comfortable homes.

Mr. HEYBURN. Yes; comfortable homes.

Mr. DIXON. What is the complaint in this case?

Mr. HEYBURN. The complaint is—I will read from the letter:

I now understand that the Forestry Service has demanded the suspension of my homestead, such demand being made after I had met all the requirements made by the General Land Office. There are a number of other settlers in the same locality. We have for several years been annoyed and threatened in various ways by representatives of lumber companies and by forest rangers and representatives of the Forestry Service, who have represented to us that we could not get title to our homes, because there was timber on the lands which the lumber companies wanted.

Mr. SMOOT. Will the Senator give me the date of the entry?

Mr. HEYBURN. I am going to have the entire letter printed in the RECORD.

Mr. SMOOT. The letter may be printed with your speech, but your speech may not be in the RECORD to-morrow, and I should like to look the matter up.

Mr. HEYBURN. April 16, 1908, is the date of the letter.

Mr. SMOOT. I mean the homestead date.

Mr. HEYBURN. The letter says:

We settled on the land August 1, 1902.

Of course that was long prior to the location of the forest reserve.

Mr. SMOOT. Prior to this particular forest reserve?

Mr. HEYBURN. Certainly; that is the only one that would be affected by it. This document is for examination, and I am going to ask that it be put into the RECORD entire.

The VICE-PRESIDENT. Without objection, permission is granted.

The letter referred to is as follows:

BOISE, IDAHO, *April 16, 1908.*

Senator W. B. HEYBURN,
Washington, D. C.

DEAR SIR: I write to ask you to assist me to get my homestead entry allowed and patent issued. The homestead was made by my husband, who died February 1, 1907. I understand that my case is being held up by the Forestry Service, and that the General Land Office is stopped by the Forestry Service from issuing me the patent.

My husband, who was Joseph Guay, sr., made H. E. No. 9116 at the Land Office at Boise, Idaho, for SE. ¼ NW. ¼ W. ½ NE. ¼, and lot 2, of section 19, T. 2 N., R. 9 E., Boise meridian. We settled on the land August 1, 1902, and he and I lived there all the time after that until he died, February 1, 1907, except the time he was in the hospital shortly before his death. When he died he was 74 years old; I am 68 years old. He was a veteran of the civil war, enlisting for three years in the Sixth Michigan Cavalry, and being discharged by reason of disability occasioned by wounds received in battle. When we first settled on the land we built a log house 16 by 30 feet, well finished, such house being burned January 1, 1906, while we were occupying it. We then built a smaller house, 12 by 16 feet, which is now on the land; in addition we have a barn, a root house, about 1 mile of fencing, 5 acres cleared, about 3 or 4 acres which we cultivate.

All of these improvements I assisted my husband in placing upon the land, aiding him in building the houses and other buildings, and helping him in the construction of the fence and in the clearing and cultivation of the land. Every year we cultivated the land, raising vegetables for our own use, and some hay. This was our only home and the only property we had, and is all the home I have, and I have no other property whatever.

Mr. Guay offered final five-year proof for the land on July 16, 1906, at which time the local land office approved the same and receiver's final receipt was given Mr. Guay. We were at that time living on the land, and lived there up to the time of his death. In the summer of 1907 I received notice from the General Land Office that the evidence of citizenship of Mr. Guay was defective, and as the original records of his naturalization were destroyed, it was necessary for me to secure naturalization papers for myself. This I did, completing the same in March last, such evidence being sent to the General Land Office on March 12, 1908. I now understand that the Forestry Service has demanded the suspension of my homestead, such demand being made after I had met all the requirements made by the General Land Office. There are a number of other settlers in the same locality. We have for several years been annoyed and threatened in various ways by representatives of lumber companies and forest rangers and representatives of the Forestry Service, who have represented to us that we couldn't get title to our homes because there was timber on the land which the lumber companies wanted.

The settlers believe that you are not influenced by the timber interests, and I am writing you in the hope that you may see that justice is done us and that our homes may not be taken away from us. There are a number of settlers with large families, and all they have is represented in their homes there, just as is my case.

Very respectfully,

Mrs. AMELIA GUAY.

Mr. HEYBURN. Now, I wish to call attention to something that I think will be equally interesting. I know I am taxing the patience of the Senate, but this is a question of more than ordinary importance.

I have here a statement as to homesteads running back, all of them, to 1902 and 1903, all of them before the creation of the forest reserves, with a description of the buildings and the improvements and the land under improvement in each case, which are held up by the Forestry Service. I will ask leave to file it. I had it prepared so that it can go conveniently into the RECORD.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I should like to inquire of the Senator on what ground the Department has prevented the issuance of patents?

Mr. HEYBURN. The Forestry Service declines to approve of these applications for patents.

Mr. FULTON. On the ground that the land is more valuable for timber than for homesteads?

Mr. HEYBURN. I presume in some cases because of that fact.

Mr. FULTON. But the land was entered before the forest reserves were created?

Mr. HEYBURN. Yes. The land was entered before the forest reserves were created, and the people were living there.

For instance—

7. Swan J. Swanson, NW. ¼ NW. ¼ sec. 28; N. ½ NE. ¼ and NE. ¼ NW. ¼ sec. 29; September 1, 1902; claimant away working in hayfields near Pine. Wife at home. Says they reside on claim during working season and spend winter in California, leaving father, Peter J. Swanson (see No. 11), to reside on claim during each absence. Log cabin, garden, 5 acres broken. Planning to irrigate few acres. Tract good grazing. Forty acres can be farmed when cleared. Average stand of timber.

That is the way homes have been carved out from ocean to ocean. That is one of the most unfavorable of them. I shall put the list at the disposal of all, by putting it in the RECORD, with the consent of the Senate.

The VICE-PRESIDENT. Without objection, the matter will be inserted in the RECORD.

The matter referred to is as follows:

[Status of settlement, August, 1905. Included in forest reserve, November 11, 1906.]

List of filings in township 2 north, range 9 east, B. M.

1. William H. Jackson, E. ½ NE. ¼ sec. 20, W. ½ NW. ¼ sec. 21; October 27, 1902; continuous residence from October, 1907. Log cabin, root house, garden fenced in. Irrigation ditch ¼ mile. About 2 acres plowed. Six or 7 acres cleared ready to plow. Fence posts set for 1 mile fence. Greater part of tract can be farmed when cleared. All good grazing. Average stand of pine and fir timber. On way to Boise when called.

7. Swan J. Swanson, NW. ¼ NW. ¼ sec. 28, N. ½ NE. ¼ and NE. ¼ NW. ¼ sec. 29; September 1, 1902; claimant away working in hay fields near Pine. Wife at home. Says they reside on claim during working season and spend winter in California, leaving father, Peter J. Swanson (see No. 11), to reside on claim during each absence. Log cabin, garden, 5 acres broken. Planning to irrigate few acres. Tract good grazing. Forty acres can be farmed when cleared. Average stand of timber.

9. Mark M. Shields, N. ½ NE. ¼, SE. ¼ NE. ¼ NE. ¼ SE. ¼ sec. 28; August 18, 1903; not at home; working in hay fields on Smith's Prairie; log cabin with bedding, cooking utensils, etc.; 3 acres plowed, one-half acre vegetable garden; small irrigation ditch; 40 acres could be farmed if cleared; most of tract good for grazing; average stand of pine and fir timber; said to reside on claim except when working for living, about half the time.

10. Dr. E. Watson, NW. ¼ SW. ¼ sec. 21, N. ½ SE. ¼, and NE. ¼ SW. ¼ sec. 29; August 17, 1903; absent only few days since August, 1903; log cabin, garden, irrigation ditch from creek; 80 acres could be cultivated if timber and brush removed; good for grazing almost entire tract; average stand of timber.

12. Marion B. Watson, S. ½ SW. ¼ sec. 21, S. ½ SE. ¼ sec. 20; August 17, 1903; widower; settlement August, 1903; works out nearly half of time; log cabin; 3½ acres cleared; one-half acre garden fenced in; bridge over creek; one-fourth mile irrigation ditch; says can irrigate 40 acres; most of it good for grazing or culture if timber removed; average stand of timber.

13. Joseph Guay, sr., SE. ¼ NW. ¼, lot 2, W. ½ NE. ¼ sec. 19; August 1, 1902; settlement in August, 1902. Absent following winter. Returned with wife spring of 1903. Continuous residence since. Log cabin 12 by 12, addition 12 by 16, addition 12 by 14. Root house and other outbuildings. Five acres cleared and cultivated. Good garden and crop small grain. Considerable land cleared and fenced. Forty acres can be irrigated from creek running through. Most can be grazed or cultivated. Good timber.

15. Josephine Pierce, NE. ¼ SE. ¼, NW. ¼ SE. ¼, NE. ¼ SW. ¼, lot 3, sec. 19; July 27, 1903; continuous residence since July, 1903. Log cabin, wood shed, 1 acre plowed and in garden. Small portion cleared and some fencing. Land suitable for farming and grazing when cleared. Considerable could be irrigated. Below the average amount of pine and fir timber.

16. Peter J. Swanson, E. ½ NW. ¼ sec. 21; October 20, 1903; log cabin, 12 by 12, locked; no floor, no bedding, or eatables. No evidence of habitation. Small garden, planted by son. No clearing found and no path to house. Said to be in Michigan. When in neighborhood resided on son's place (see No. 7). Part of land could be farmed and most of it grazed. Good timber.

18. Frank I. Staveley, E. ½ SW. ¼ and lots 3 and 4, sec. 18; October 20, 1903; not at home. Said to work out most of time. Now employed by P. J. Smith, Highland Power Company. Log cabin; 3 acres plowed and in timothy; 250 yards of ditch and dam. Land rough and hilly, with good timber. Of little value for farming, but can be grazed.

19. McClellan E. Rinebold, N. ½ NE. ¼ sec. 33; SW. ¼ SW. ¼ sec. 27, SE. ¼ SE. ¼ sec. 28; July 15, 1902; log cabin. Six acres plowed; garden fenced; rails cut for 50 rods fence. Land all good for grazing and considerable farmed when cleared. Fair stand of timber. Has resided on tract continuously since June, 1903 (not 1902, as shown on sheet).

20. Durland L. Hill, W. ½ NW. ¼, NW. ¼ SW. ¼ sec. 29; SE. ¼ NE. ¼ sec. 30; January 28, 1905; not at home; working at Pine, Idaho. Log cabin 12 by 15; no floor; some provisions and bedding in cabin. Said to work away most of time. One acre plowed; no growing crop. Land good for either grazing or timber, but most of it too rough for cultivation.

21. Charles O'Keefe, SE. ¼ NW. ¼, NW. ¼ SW. ¼ sec. 29, SE ¼ NE. ¼ sec. 30; May 11, 1903; not at home. Employee of Baker and Anderson. Said to be absent most of time. About ¼ acre garden, 1½ acres plowed, and 1½ additional cleared. Log cabin, with bedding, and a few other articles. About 20 acres could be cultivated, part of it could be irrigated, and balance of tract good for grazing. Now known that he resides on claim.

22. Leighton B. Knox, N. ½ SW. ¼, SE. ¼ SW. ¼, NW. ¼ SE. ¼ sec. 32; April 26, 1904; not at home; works for Baker & Anderson; cabin 12 by 12, built by former settler; no floor, some bedding and few dishes in cabin; one-half acre plowed; about 10 acres subject to culture, if cleared; good stand of timber and good grazing. Not known that he resides on claim.

23. Archie Jordan, W. ½ SW. ¼ sec. 28, NW. ¼ NW. ¼ sec. 33, SE. ¼ SE. ¼ sec. 29; not at home; employed by Baker & Anderson; board cabin, 12 by 12; no other improvements; windows covered, could not see inside; stack of logs near house seized by United States; not known to reside on claim; land good for grazing and small part could be cultivated if cleared; considerable timber.

24. Fred G. Toler, SW. ¼ NW. ¼ sec. 28, S. ½ NE. ¼ SE. ¼ NW. ¼ sec. 29; August 19, 1903. Not at home. Employee of Baker & Anderson. Said to be in Boise for treatment for leg hurt in timber. Small stove and few tin dishes in log cabin. No bedding. No land cultivated. Few acres could be cleared and cultivated or greater part grazed. Timber evidently chief value. Land rough and hilly. Not known to reside on tract.

25. William Harpt, E. ½ SW. ¼ and lot 6, sec. 6; NE. ¼ NW. ¼ sec. 7; May 23, 1904; not at home. Works for Page & Mott Company. Log cabin 14 by 18. No other buildings. No cultivated land. About 2 acres cleared in SE. ¼ SW. ¼ sec. 6. Cabin one-half mile away, near waterfall. Works out most of time, but on claim for short periods. Good grazing. Fair timber. About 20 acres in small, scattered tracts could be cultivated.

26. Martin W. Bannister, S. ½ NW. ¼, E. ½ SW. ¼, sec. 17; May 24, 1902; continuous residence from May, 1902, to present time. Log cabin, barn, and outbuildings. Most of tract fenced; garden, 2 acres plowed. Considerable portion can be irrigated. Water right secured for irrigation from Fall Creek. Good grazing or culture when cleared. Some timber.

27. Joseph Guay, jr., SE. ¼ sec. 17; May 26, 1902; continuous residence of claimant and family since 1902. Seven acres in crop, 2 acres additional cleared. Most of tract could be cultivated if timber removed. Value of improvements, $800; good grazing and average growth of timber.

28. Joseph M. Anderson, NE. ¼ sec. 17; July 17, 1902; member firm of Anderson & Baker. Two years' residence on tract. Cabin, 18 by 24; addition, 14 by 16; cellar, chicken house, one-half acre cultivated. Good grazing. Average stand of timber. Part can be farmed if timber removed.

29. Otto Anderson, SE. ¼ SW. ¼; lot 4, sec. 7, NE. ¼ NW. ¼, lot 1, sec. 18; May 20, 1904; log cabin 12 by 16; 2½ acres plowed, good garden, 3 acres more cleared; considerable fencing, about 25 acres can be cleared and cultivated; can irrigate 20 or more acres; good grazing land and average growth of timber. Known to reside all summer on claim.

30. Andrew J. Herring, NW. ¼ SE. ¼, SW. ¼ NE. ¼ E. ½ NW. ¼, sec. 28; June 2, 1902; log cabin with addition and cellar; barn for horses and hay; wood house; 5 acres plowed, part in crop; now cutting hay; 3 miles of wire fences, 400 yards irrigation ditch; most of tract can be cultivated or grazed if cleared and small part irrigated; average growth of timber; claims residence from June, 1903. (Not 1902 as shown on sheet.)

31. Lee L. Hill, SW. ¼ SW. ¼ sec. 33, S. ½ SE. ¼ sec. 32; January 25, 1905; not at home; works for Baker & Anderson; wife at home; residence on claim since January 25, 1905; log cabin 12 by 12, addition, 14 by 16; one-half acre garden; most of land good grazing and good timber; few acres fit for cultivation.

32. David M. Noland, W. ½ SW. ¼ sec. 17; September 20, 1903; continuous residence since spring of 1904 to present time; postmaster since July, 1904; good log house; outbuildings; 2 acres plowed; well; good grazing; over half can be cultivated if timber removed; considerable irrigated.

33. George Guay, S. ½, NE. ¼, SE. ¼, NW. ¼, lot 2, section 12; May 10, 1903; residence with family continuous since May, 1903. Log cabin, three rooms, other outbuildings. Five acres cleared, 1 acre plowed, garden. Most of tract can be farmed or grazed. Average growth of timber. One-half mile fence. Two creeks from which considerable could be irrigated.

35. Edward F. Roberts, E. ½, SW. ¼, SW. ¼, SE. ¼, section 28; NE. ¼, NW. ¼, section 33; May 14, 1903; log cabin 14 by 14. Other buildings 10 by 12, 15 by 23, 22 by 26, 16 by 20. Six acres plowed, 4 acres small grain, etc., raised. Sixty or more acres can be cultivated by clearing. Good grazing. Fair stand of timber. Established residence May, 1903. Absent part of following winter. Since then continuous.

35. Bengt August Sahlmann, SE. ¼ sec. 18; June 14, 1902. Wife and several children on claim. Applicant works on streets of Boise grinding knives, scissors, etc. Log house, two rooms, shed and other outbuildings; garden; several acres cleared, water wheel and ditch. Residence of family continuous since 1902. Some fencing. Good grazing. 40 acres could be cultivated; average growth of timber.

37. William R. Guay, NE. ¼ NE. ¼ sec. 19, N. ½ NW. ¼ and NW. ¼ rooms; root house; three-fourths mile fence; 5 or 6 acres cleared; 1 time since 1902. Wife since married one year ago. Log cabin, three rooms; root house; three-fourths mile fence; 5 or 6 acres cleared; 1 acre garden; 5 acres hay; 12 acres can be farmed; all good grazing; some timber.

38. John Guay, SW. ¼ SE. ¼, sec. 7, N. ½ NE. ¼, sec. 18, NW. ¼ NW. ¼, sec. 17; October 10, 1902; applicant and family resident on tract most of time since October, 1902. Log cabin, barn for horses, barn for hay, and other buildings, 4 acres plowed in crop, 4 acres cleared, 80 to 100 rods irrigation ditch; most of tract can be cultivated if cleared; good grazing; average stand of timber.

39. John Orville Baker, W. ½ SW. ¼, NE. ¼ SW. ¼, SE. ¼ NW. ¼, sec. 16; July 17, 1902; member of firm of Anderson & Baker. Wife at home; claim residence since 1902. Log house, barn, cellar, three-fourths mile irrigating ditch, some fencing and plowing, good grazing, good timber, and considerable could be cultivated if cleared.

GENERAL REMARKS.

Greater part of timber tract is good soil. Timber, pine and fir. Estimated average of 10,000 feet to acre. Fair crops can be raised without irrigation. Heavy dew at night during most of time. I camped there. Nearly all of tract has grass sufficient to make good grazing.

W. J. M.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. Do I understand the Senator to complain that the Forestry Service claims the right, wherever there was a homestead entry made upon the public domain before a forest reserve was created, to cancel that homestead?

Mr. HALE. Obstruct it.

Mr. HEYBURN. They have not reached the point of canceling. They are tying up these people who want to get title so that they may have their property available as other property is available to the owners of it.

Mr. HALE. Obstruct it.

Mr. HEYBURN. Yes; obstruct the title. The Senator can examine them at his leisure.

I desire now, in a few general words, to conclude my remarks, and I do not know that I shall have occasion to reopen them.

I have attempted to point out some of the characteristics of this policy—the "forestry policy," as it is called—that is growing to be one of the most expensive departments in the Government. I merely want Senators to be on guard and not take for granted the romance connected with the general language that surrounds this question. I want Senators to be on inquiry here, so that when they vote responsibly in this matter they will do it with such information as they should have and as I can help make available to them.

I have a great deal of data here from settlers, actual facts and experience that ought not to be passed by. Here is a man by the name of Parker, who lives in Cassia County. They made a forest reserve over him. They took him in. He writes me a long account of it, which is undoubtedly true, because I know him to be a man of veracity and character. I ask leave to publish this communication.

Mr. SMOOT. What is his name?

Mr. HEYBURN. J. A. Parker. The first letter is dated September 25, 1907. I endeavored to get a more reasonable consideration of his case and took it up with the Department, but there seems to be no hope for Mr. Parker. I feel myself impelled to collect the facts as to Mr. Parker and put them in the RECORD.

Mr. LODGE. Put in the whole letter.

Mr. HEYBURN. I will put in the whole letter. This is a very serious case. He is an old soldier, and it is the last homestead that he ever expects to be able to take. He has lived there for some years, thinking he was safe, when a forest ranger said, "It is too arid, cold, and bleak to be an attractive homestead," and that the conditions Mr. Parker is willing to subject himself to and that he voluntarily selected should not be allowed. I will put the letter in the RECORD. I think Senators will find when they come to read it that it is about as pathetic a case of an old man being deprived of his home as one can imagine.

Mr. WARREN. Will the Senator probably get the list in the RECORD in the morning?

Mr. HEYBURN. Yes; there is no reason why it should not appear.

Mr. WARREN. We will get it in the RECORD in the morning?

Mr. HEYBURN. Yes.

Mr. WARREN. I shall be very glad to have it.

The matter referred to is as follows:

CASSIA COUNTY FOREST RESERVE,
Via Twin Falls, Idaho, September 25, 1907.

To the Hon. W. B. HEYBURN,
United States Senate, Washington, D. C.

HONORED SIR: You will, I hope, pardon me for the liberty that I take in addressing this letter to you, but I have got into some trouble here on this the Cassia County Forest Reserve, and I wish to make my grievances known to a little higher authority than an ordinary forest-range rider. Two years ago about this time in 1905 I settled here on Shoshone Creek by laying a foundation for a house, posting a notice of a homestead location, and taking possession of the same according to the usual custom of settlement in an unsurveyed country, I being the only man to ever really locate in this valley outside of the Shoe Sole Cattle Company (Sparks & Herald). I had a map of the Cassia County Forest Reserve, and according to that I figured that I was on United States land and not on the forest reserve. I could not find any corner stones in the dense sagebrush, so I hired an independent surveyor and went back 12 miles to a surveyed line, where I knew there was a corner stone and took up that line and ran in here across an unsurveyed country and found a corner stone, and when I came to run out the land I had chosen I found that I was just across the line on the forest reserve. In the meantime the cowboys had thrown the foundation of my house into the creek. I then went to Range Rider Back, who had been sent in here by Superintendent Peter Wrenstead, of Pocatello, and asked him for a permit to cut some more house logs and some wood, and he told me he could not issue me a permit then, as he had no blanks, but that I could go ahead and cut my timber and leave it on the ground where I cut it and he would stamp it later on when he came in here again. He never came to stamp it that fall, and before he did come in the next spring some one else hauled off the timber I cut.

In the meantime the act of June 11, 1906, was passed, allowing a homestead on a forest reserve. I then applied to the United States land office at Hailey, Idaho, and tried to enter the land under that act, but was told there by them that they had no instructions as yet to grant any papers on the land. They advised me to take possession of the land as a squatter, as in all cases of unsurveyed land. I then went to Maj. F. A. Fenn, United States forester at Boise, and had him apply to the Department for me. I then went to Fenn, as he was an old acquaintance of mine, we having served together in the Nez Percé war in 1877. In due time I received a permit from the Department at Washington acknowledging my application, but stating that I might expect some necessary delay in getting the land inspected by the forest inspectors. I then went on and built me a shack, and moved into it with my family, and began the improvement of the place. While I was building this shack, Forest Rider Ruchfield, under Wrenstead, came in here and came to the shack and saw me. I had two other men helping me. I showed him my permit that Fenn had secured for me, and he gave me no further instructions whatever. This spring as soon as the logs would peel good, I began cutting me some more logs on the land that I claimed—as meantime I had surveyed the land, as it adjoined a surveyed township—to build me a better house. I also wrote to Major Fenn and told him of my intentions. I cut about fifty logs and peeled them, and while I was cutting these logs Forest Rider George Crockett was at my house nearly every day and saw me. I showed him the logs and told him what I was cutting them for, and he made no objections to my cutting them, as they were all cut on the 160 acres that I claimed, and I showed him the lines. As there are about 10 or 15 acres of timber on the 160 that I claim, and every foot of the land is agricultural and tillable land, which is the SW. ¼ of sec. 24, T. 14, S. R. 17, E. B. M., all went well until about three weeks ago. One day, while I was away from home, Forest Supervisor Wrenstead came to my shack and posted a notice of it, confiscating it and all of my outbuildings, and ordering me to vacate the place, my home.

Now, he proposes to arrest me for cutting timber on the land to build me a house without special permit from him (Wrenstead). Now, I would say that I was the first settler in this valley and the means of getting it settled up, and since I settled here there have been probably 100 located here, and I located nearly all of them by showing them corner stones and giving them the dimensions of their land. Now, all the good land is taken up and the Forest Department proposes to drive me from my home because I am guilty of the crime of digging out the sagebrush and trying to redeem the worthless domain and making myself and family a home. Now, in conclusion I would say that I first came to this country here in the West thirty-nine years ago, and for fifteen years I stood between the frontier settlers and the hostile Indians and took part in every Indian war from the Rio Grande in Texas to our northern border, and from the Missouri River to our Pacific coast, as scout, guide, interpreter, etc., and I am a veteran of the civil war. Now, this great and rich nation will not allow me a home as a last resting place in the land that I redeemed for her from a savage foe, when such men as now run the Forest Service dared not to cross the Missouri River at Omaha, and I dare to say that I have done more for the West and this nation than any other man living in it to-day and got less pay for my services.

Hoping that I have not troubled you too much in writing you such a long letter, I am,

Yours, very truly, J. A. PARKER.

P. O. Box 931, Twin Falls, Idaho.

P. S.—I have a book called the Use Book, which F. A. Fenn sent me, and that states that if a forest rider sees anyone cutting timber illegally he must notify such settler to stop such cutting, in the presence of one or more witnesses. The forest riders here knew that I was cutting those logs from the time I cut the first log. I would never have taken the land in the first place if I had known it was on a forest reserve, and I would gladly abandon it now if there was any more good land to locate—even now, after two years' lost time—rather than to live on a forest reserve and endure so much red-tape business.

TWIN FALLS, *December 15, 1907.*

To the Hon. WELDON B. HEYBURN,
United States Senate, Washington, D. C.

DEAR SIR: I am in receipt of your favor of November 26, 1907, and wish to thank you very much for the interest you have taken in this matter, and I shall not forget you should you ever need my support. I now wish to say that since I received your favor I have received a letter from the United States Forester, of Washington, D. C., in which he states that Supervisor Peter Wrenstead states that the land that I have selected, the SW. ¼ of sec. 25, T. 14 S., R. 17 E., B. M., *is rocky and is subject to killing frosts every month in the year.* Now, I wish to say that this quarter section has not got one-eighth of an acre of rocks on it, and if crops can not be grown on this piece of land, then there is at least 100 ranchmen in Idaho who are terribly out of luck or terribly big fools, as there are probably that number of people who have taken up land under the homestead and desert acts in the same valley that is neither higher or lower than the land that I had selected, and they are building on them, grubbing out the sagebrush and making homes on the same. It may be that Supervisor Wrenstead, of Pocatello, thinks they are all doing this work for their health, but as I know the major part of them personally, and they seem to be a pretty healthy lot of men, I hardly think so.

The Forester at Washington sends me a blank application and requests me to select another location, but if Superintendent Wrenstead's statement is correct, what would be the use for me to select another location if this land is unfit for cultivation, as I could not get any land that is of a lower altitude on the Cassia County Forest Reserve, as this land is the very lowest land down the valley that is on the forest reserve; and if I get out of this scrape of locating land on a forest reserve, why should I go back into another of the same kind, by locating more land under the jurisdiction of the same supervisor, who overruled the judgment of 100 Idaho ranchmen who are spending their time and money making homes for themselves on exactly the same land, where there is no more difference to their land and mine than there is in the two sides of the streets of Boise City. I only ask that the Department of Agriculture allow me to take off the improvements that I have put on this land, and I am ready to play quits with all forest reserves, where it is possible for supervisors to be ruled by stock associations, and locate a home elsewhere, where I shall be allowed to use my own judgment and my fellow-ranchmen's judgment, whether I can raise crops on it before I spend my time and money in improving the land for a home, or I can go to the Canadian Northwest, as hundreds and thousands of the best citizens of this country are doing, where there is no forest reserves, while good lands are held on this side of the line as forest reserves for stock associations to graze their herds on, and thus cut out the best citizens that ever inhabited any country in the world. I am only speaking the opinion of every man in this valley.

Yours, very truly, J. A. PARKER.

APRIL 2, 1908.

Hon. GIFFORD PINCHOT,
Chief Forester, Washington, D. C.

DEAR SIR: Referring to your letter of the 28th ultimo, in which you advise me that the application of Mr. J. A. Parker, filed November 27, 1906, under the act of July 11, 1906, for the SE. ¼ sec. 25, T. 14 S., R. 17 E., has been rejected, you are respectfully requested to advise me the reasons for adverse action on his application.

Mr. Parker advises me that he settled on the land in 1905.

Very truly, years,

W. B. HEYBURN.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, April 6, 1908.

Hon. W. B. HEYBURN,
United States Senate.

MY DEAR SENATOR: Your letter of April 2 is received. Mr. J. A. Parker's original application was for the SE. ¼ sec. 25, T. 14 S., R. 17 E., B. M., in the Cassia National Forest. It was denied for the reason that the land was found to be very rough and rocky, with a steep slope to the west, and absolutely worthless for agricultural purposes. The

report shows that directly west of the area applied for, on the A. D. Norton estate, is a good body of timber in which the applicant erected a cabin in 1907, not 1905 as stated in his letter.

The section lines have not been established, and Mr. Parker was under the impression that he was settling in the SE. ¼ sec. 25. It is apparent that what he really desired was the land which supports this body of timber.

Subsequent to his application being rejected, he applied for permission to remove the improvements which he made, which could not be granted for the reason that the material used was taken in trespass from the Norton estate.

As you were informed March 28, Mr. Parker's amended application was for land which had already been listed upon the application of Mrs. M. L. Maxon, and therefore could not be accepted.

Very sincerely, yours,

GIFFORD PINCHOT, *Forester.*

Mr. HEYBURN. I desire to say in this connection that I am not undertaking to say that in all these cases these men are right. I am not undertaking to defend these homesteads. I am showing these matters more particularly for the purpose of demonstrating the unrest, the unquiet conditions that are brought about by this interference in community affairs by strangers to the community. The thing of paramount importance to the Government is that it should have citizens and that the citizens should have homes. That is the foundation of our Government. These lands and valleys and mountains and rivers were here before man was. They were here when "the morning stars sang together," and yet they counted nothing for civilization, nothing for government, nothing for that which we represent in this legislative body and for which this country and this flag stand. It is the men and the men with homes that count for a nation and make and constitute the nation; and when they settle, some with one degree of capacity and some with another, that they should have these disturbing agencies interjected into the community is not in the interest of good government, nor is it right and just and fair. They are entitled to live up to the highest measure of the individual capacity and to be left alone as much as possible to work out that foundation upon which the next generation and the next and the next shall rise to build the succeeding higher standards of civilization and government. That is our duty—to make that road as clear and smooth and firm as possible for those people.

Mr. President, shall we leave this vast country in solitude, with no promise except the statement that this Service has come to stay? It has not come to stay, as long as I am in a position to speak and controvert it. It has not come to stay, I believe, as long as there is in the legislative bodies of this country a proper spirit of understanding and appreciation of the purposes for which the Government is created. If the rights of our forefathers had been hampered and pestered as these pioneers are, they never would have reached the Mississippi River. There would have been no Louisiana purchase, I will say to the Senator from Minnesota. There would have been a stagnant band of struggling, pestered immigrants upon this shore. The same blood that made them rise up and gain their freedom is the blood that is struggling for the same rights in that country to-day.

The idea of taking a State and putting nearly one-half of it in a forest reserve! Aside from the question of depriving the State of its rights, a community that made the best record for growth in the last decade of any State in the Union, both in property and in increased citizenship, think of drawing a line right in front of the forwarding, stepping foot and staying it, and saying, "You shall never finish the step. Stand there. Do the best you can. If you can make a living or maintain a State, do it. But that solitude is owned by your neighbor, who was supposed to be your friend, ready to join you in the development and growth of this country, but has announced all at once, 'I will take no further part; I contribute nothing by taxation. I will allow no one to come in here and occupy this land. You shall build no cities, no communities. You shall make no market for the products of that part of the State owned by the citizenship. You shall do none of these things that tend to the greatness of the Government and the State and the highest development of man.'"

Now, are you going to give them a million and a half in a lump fund to emphasize this and furnish the house of the burglar? Are you going to give them $500,000 to string wires and more firmly intrench themselves behind this great error of Government? I trust not. I do not want to see this Department of the Government grow as it is growing.

I am in favor of planting forests. I would plant them in Nebraska and Kansas and Iowa and everywhere else—great forests—and I would contribute to it out of the Public Treasury if necessary. But I would not go in and seek to plant forests in a State that is already more than a third forests. I will stand for anything that tends to protect the forests from destruction and devastation, but I will not be hoodwinked by poetry or romance or high-sounding phrase. I know what tends for civilization and growth in these frontier countries. The woodman's ax precedes the builder's trowel, and the mansion of pretension and dimensions follows the settler's hut. The settler's hut represents just as much the civilization of the country as does the grandest mansion that is to follow it.

Mr. LODGE. I understand the Senator from Wyoming does not expect to go on further with the bill to-night.

Mr. WARREN. Unless some Senator desires to speak upon the bill, I ask that it be laid aside for the day.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the pending bill be temporarily laid aside. Without objection, it is so ordered.

ALBERT S. AUSTIN.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 6826) to correct the military record of Albert S. Austin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to add at the end of the bill the following:

Provided, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to review and revoke General Court-Martial Orders, No. 9, Headquarters Army of the Potomac, April 1, 1864, approving the proceedings and sentence in the case of Albert S. Austin, captain and commissary of subsistence of volunteers, assigned to duty as chief commissary of subsistence, cavalry corps, with rank of lieutenant-colonel, and to disapprove of the same, and to issue to him an honorable discharge as of date April 1, 1864: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF RESTRICTIONS ON LANDS OF FIVE CIVILIZED TRIBES.

Mr. OWEN. I ask unanimous consent that Calendar No. 588, the so-called "restrictions bill," be made the special order for Friday, May 8, after the routine morning business, subject to appropriation bills.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent that the bill (H. R. 15641) for the removal of restrictions from part of the land of allottees of the Five Civilized Tribes, and for other purposes, be made the special order for Friday, May 8, after the routine morning business, subject to appropriation bills. Is there objection?

Mr. HALE. In view of the nearness of the time when we all hope to adjourn, I do not think any assignment should be made especially of any particular bill, and as at present advised, I must object to such assignment. The essential thing that we ought to do—and we will never get off if we do not do it—is to push the appropriation bills. In rather an unadvised way, I think, the Senate agreed to mortgage the entire day to-morrow. It ought to be devoted to finishing the present appropriation bill. Then we ought to take up the other bills and pass them; and therefore I gave notice the other day that for the present I should object to any assignment of any bill for any day.

The VICE-PRESIDENT. Objection is made.

THE MASONIC MUTUAL LIFE ASSOCIATION.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6358) to amend an act entitled "An act to incorporate The Masonic Mutual Relief Association of the District of Columbia."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act referred to by striking out the word "Relief" and substituting therefor the word "Life" in the name of the association, so that as amended it shall read: "The Masonic Mutual Life Association of the District of Columbia."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 6, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 5, 1908.*

[*Continuation of the legislative day of Monday, May 4, 1908.*]

The recess having expired, at 11.30 o'clock a. m. the House was called to order by the Speaker.

QUESTION OF PERSONAL PRIVILEGE.

Mr. SMITH of California. Mr. Speaker, I desire to rise to a question of personal privilege. There have been circulated through the mail to each Member of the House certain criticisms of my personal conduct and official action by the Chamber of Commerce of the City of Los Angeles, which I send to the Clerk's desk and ask to have read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

LOS ANGELES CHAMBER OF COMMERCE,
Los Angeles, Cal.

Copy of resolutions in re Sierra Forest Reserve and Congressman Smith.

Whereas Congressman SMITH, of this State, in a recent speech in the National House of Representatives, relating to a proposed extension of the Sierra Forest Reserve, attacked the administration of the Forestry Bureau, presided over by the Hon. Gifford Pinchot, because of its favorable attitude toward such extension; and

Whereas the statements of said SMITH, on the occasion referred to, were, in several important particulars grossly unfair, misleading, and false, and were calculated to deceive Members of Congress and other persons not acquainted with the facts, to the prejudice of the Forestry Bureau and to the injury of the city of Los Angeles in connection with its project for obtaining a water supply from the Owens River Valley, as appears from the following specifications, based on the CONGRESSIONAL RECORD, to-wit:

First. Said SMITH charged said Forestry Bureau with seeking to have such forestry extension made in order to obtain control of water rights in the Owens Valley in the interest of "one party" favored by that Bureau, who desired to secure said rights to the exclusion of other claimants having earlier appropriations, thus conveying to the House the impression that such favored party was a private individual or corporation. That said SMITH having made such charge, persistently evaded questions by other Members of Congress, which, if candidly answered, would have disclosed the fact that the party referred to by him was not a private individual or corporation, but the city of Los Angeles, and that the Chief Forester, desiring to aid that city in carrying out its project, had refused to approve certain private power and water schemes conflicting therewith, and it was only when compelled by the pointed inquiries of other Members of Congress that said SMITH finally stated, "I think, perhaps, in justice to the House I should throw one side light on this question. The party that I have referred to as desiring to obtain this monopoly of the water in the valley is the city of Los Angeles."

Second. Said SMITH, having been forced to disclose that the real ground of his complaint against the Forestry Bureau was that it had seen fit to encourage and help a public enterprise as against certain adverse private projects, then endeavored to avoid the effect of his admission by asserting that the city of Los Angeles "is proposing to construct an irrigation system," and that it did not want or intend to use the waters in question for municipal purposes, but desired to secure control of the same for the irrigation of lands adjacent to Los Angeles. This assertion was false, as said SMITH well knew. The sole purpose of the city of Los Angeles in going to the Owens Valley for water is to obtain a supply for municipal purposes sufficient for its present and its future needs. As a matter of course, under a wise provision, there should be a considerable quantity of water in excess of the city's needs for many years to come, and while this excess supply may be used for other purposes, including irrigation, until all of it shall be required for use within the city, it will merely constitute a reserve supply, which ultimately will be devoted exclusively to municipal uses.

Third. Said SMITH also endeavored, in his speech, to discredit and injure the city's water project by asserting that nothing has been done toward carrying it out, "except some surveys and some efforts to finance that undertaking." This assertion also was false, as said SMITH well knew, or might easily have ascertained had he desired to make a candid and truthful statement on the subject.

The Owens River project of the city of Los Angeles was initiated in the spring of 1905. The city has voted bonds in the amount of $24,500,000 for the purpose of carrying out this enterprise, and a force of more than 700 men is now employed in connection with the construction of the necessary works. Of these bonds, $1,500,000 were sold prior to the passage by Congress, in June, 1906, of the right of way bill in aid of such project, and $1,020,000 have been sold since that date. Out of the funds thus raised, expenditures have been made or contracted substantially as follows:

For lands and water rights	$1,300,000
For machinery, surveys, and general construction expenses	900,000
Total	2,200,000

The chamber of commerce recognizes as true one statement made by Mr. SMITH, namely:

"I have been resisting it (the extension by the Forest Reserve) in season and out of season for nearly a year. I have been doing all that I could to block the progress of the movement from the time it began;" and the chamber finds, in the mental attitude thus revealed, the reason and the animus which prompted Mr. SMITH in making the misrepresentations and misstatements of which his argument in the House is chiefly composed: Therefore be it

Resolved, That the Los Angeles Chamber of Commerce denounces S. C. SMITH, Representative in Congress from the Eighth District of this State, for his unfair and untruthful statements in Congress concerning the water enterprise of the city of Los Angeles, the most important and extensive work of its kind ever undertaken in the West, and for his hostile and malicious opposition to the Forestry Bureau, which, under the administration of the Hon. Gifford Pinchot, has been conducted upon the wise and just principle that the remaining natural resources of this country should be conserved for the use and benefit of the people.

I hereby certify that the above is a true and correct copy of resolutions adopted by the directors of the Los Angeles Chamber of Commerce at their regular meeting held April 22, 1908.

GEO. H. STEWART, *President.*

Attest:
FRANK WIGGINS, *Secretary.*

Mr. SMITH of California. Mr. Speaker, it looks as though a commercial organization representing a city like Los Angeles and a Representative in Congress ought to be able to discuss a matter of business difference and a question of public policy without either calling the other hard names. There are some people, however, who feel that they have not quite made an argument complete until they have indulged in some personal vituperation.

Now, my position in this matter does not interfere with the city of Los Angeles acquiring a water supply, which I admit that she needs, and I have not been at all secret in my offerts in behalf of my constituents. Perhaps you understand by this time that Los Angeles is not in my district, but it is going into my district for a water supply, and I have been endeavoring to protect the valid water rights which are held by some farmers in that valley from confiscation for the city of Los Angeles. And I read in this communication that has just been presented that they acknowledge that the question at issue is one as to whether the Government shall destroy these water rights held by the farmers in that valley, by denying them a right of way for their use, so that Los Angeles may carry off the water to the vicinity of her gates and devote it to irrigation there for an unknown number of years to come.

I send to the Clerk's desk and ask to have read a communication which I filed with the President of the United States in opposition to the extension of the forest reserve over that valley.

The Clerk read as follows:

APRIL 16, 1908.

SIR: I have the honor to submit the following protest against extending the boundary of the Sierra Forest Reserve so as to include a portion of Owens River Valley in Inyo County, Cal.

(1) The act of June 4, 1897 (30 Stat., 11) defines what lands may be included in a forest reserve in the following language:

"No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States."

Then, as if to make the provision more emphatic, the same section proceeds to say:

"but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes."

It is not claimed by anyone that the portion of Owens River Valley referred to is in any sense such land as the law says may be included in a reserve, but, on the contrary, it is admitted by all that it is not forestry land, but is rich bottom, timberless land, suited in the highest degree for agriculture, and it being only the lower course of the river that is to be added—the watershed of the river is already in this reserve—it can not be and is not claimed to be a matter of water conservation, is not "for the purpose of securing favorable conditions of water flows," as permitted by the statute. And, for the same reasons, it can not prevent the contamination of a city's water supply.

2. It is admitted that the proposition to include this valley in the reserve originated with the city of Los Angeles, and the object which she has in view is to have the Forestry Bureau deny the right of way for certain irrigating canals that are projected for the irrigation of lands in this valley, the ultimate purpose being to defeat certain valid water rights (by depriving the owners of a right of way), and thus perfect a certain later claim to the waters of that river held by that city. To understand this proposition, it seems necessary to review briefly the history of recent events in that valley.

Following the passage of the reclamation act, the public lands of this valley (constituting a large part of the valley) were withdrawn from entry, and all of the unused waters of the river and its tributaries were filed upon by J. B. Lippincott, reclamation engineer, for and in behalf of the Reclamation Service. Two reports on reclamation work were subsequently made. One, by Mr. Lippincott, indicated that 150,000 acres of rich bottom land, and largely public land available for homesteaders, could be irrigated at a cost of about $20 per acre. The second report was made by Reclamation Engineer Taylor on a smaller project and indicated that from 50,000 to 75,000 acres could be irrigated at a cost of $4 to $6 per acre.

While these events were transpiring, the city of Los Angeles began to look about for an additional water supply, and deciding to look to Owens River for it, agents were sent into that valley in the early part of 1905 and began to secure options on private water rights. Subsequently these options were taken up by that city, and she claims to have secured for her perpetual use about 10,000 miner's inches of water.

Incidentally it may be mentioned that the city of Los Angeles claims a population of about 260,000 to 280,000 people, and her present water supply is about 2,400 miner's inches. Thus it will appear that she has secured water sufficient for fully 1,500,000 of people—enough for many decades.

I wish to state at this point, and state it most emphatically, that there is no contest or controversy whatsoever affecting the 10,000 inches of water which Los Angeles has secured as above stated. The people of Owens River Valley regret to see farms laid waste and the water taken out of its natural basin, but realize that the city has acquired it honestly and is entitled to do with it as she pleases.

Los Angeles publicly announced her plans as above outlined in July, 1905. The citizens of the valley, seeing the activity of Mr. Lippincott in the affairs of Los Angeles, had fears that there might happen just what did subsequently happen, namely, the abandonment of the reclamation project by the Government. They therefore made certain filings

on the waters of the river, that irrigation development might proceed if the Government retired from the valley. These filings were made about August, 1905. Later in the year Los Angeles's plans had grown upon her until they included a vast scheme of irrigation near her gates, 240 miles from her intake on the river. She then proposed to take out of the valley 30,000 inches of water, and in October, 1905, filed her claim to additional water of the river—the same water covered by the farmers' claims. Here is the whole point of difference. The people in the valley want this unused water in the river used to fertilize their valley where it will make homes on Government lands at $4 to $6 per acre; Los Angeles wants to take it 240 miles away, through 20 miles of tunnels, into another watershed and apply it to private lands, the cost being $400 to $500 per acre.

Now, as stated above, the object sought in having the forest boundary extended is to put the Forestry Bureau in a position where it may defeat the water rights of the farmers and turn over to Los Angeles water privileges which she does not rightfully own.

(3) It sems hardly necessary to anticipate the needs of Los Angeles as a city beyond the 10,000 inches of water which she has secured; but it may be in order to point out the fact that if she should in the remote future need more water, she can take it away from the farms in Owens Valley by purchase, or if need be by condemnation. The law of California, with reference to the right of eminent domain, is as follows:

"1240. The private property which may be taken under this title includes * * * property appropriated to a public use; but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated."

Owens Valley contains eight or ten villages and towns with schools, churches, and all other features of good society. The people are enterprising, of a high type of citizenship, and all the hopes of the valley are bound up in the spread of irrigation there. They ask only for a square deal, and confidently expect it from this Administration. They ask merely to be allowed to work out their own destiny with the opportunities which nature has given them, without interference from any arm of the National Government. The Government has declined to aid in the development of the valley, and we think that it should not obstruct that work.

Believing that the Forestry Bureau has no proper function to perform in Owens Valley, and hoping the boundaries will not be extended over it, I have the honor to subscribe myself,

Your obedient servant,

S. C. SMITH, *Member of Congress.*

The PRESIDENT,
The White House, Washington, D. C.

Mr. SMITH of California. Mr. Speaker, there is very little more that I care to say in connection with this matter. I thought it was due myself to place the matter before the House in order that it might not think I was undertaking to interfere with a city securing an adequate water supply. In the communication that I filed with the President I made it as plain as I knew how to make it that I was merely endeavoring to save to the people of the valley in my district the water rights which they have honestly acquired under the law of California. It will be observed that the communication from the Chamber of Commerce admits that an act of confiscation if performed in behalf of an individual would be wrong, but when performed in behalf of a city it seems to take on a different color. I shall not argue to this House that in this great Christian nation there is one rule of morality for transactions between individuals and another rule applicable where a farming community is on one side and a municipality on the other. Such an argument, I think, would not be appreciated by the authors of the communication that has been sent to the Members, and I know it is not needed by the Members of this House.

I desire to express my appreciation for the many expressions of confidence in the correctness of my position that have come to me from individual Members of the House since the communication arrived yesterday, and I apologize to the House for taking its time this morning with this personal matter. [Applause.]

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa [Mr. SMITH] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21260), the sundry civil appropriation bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 264, nays 2, answered "present" 7, not voting 114, as follows:

YEAS—264.

Acheson	Bede	Burleson	Cockran
Adair	Bell, Ga.	Burnett	Cooper, Pa.
Adamson	Birdsall	Burton, Del.	Cooper, Tex.
Aiken	Bonynge	Byrd	Cooper, Wis.
Alexander, Mo.	Booher	Calder	Cousins
Allen	Bowers	Caldwell	Cox, Ind.
Anthony	Boyd	Candler	Craig
Ashbrook	Bradley	Capron	Cravens
Bannon	Brantley	Carlin	Crumpacker
Barclay	Brodhead	Caulfield	Cushman
Bartholdt	Brownlow	Chaney	Dalzell
Bartlett, Nev.	Brundidge	Chapman	Darragh
Bates	Burgess	Clark, Fla.	Davenport
Beale, Pa.	Burke	Clark, Mo.	Dawson
Beall, Tex.	Burleigh	Clayton	De Armond
Denby	Hamlin	Lewis	Robinson
Denver	Harding	Lloyd	Rodenberg
Diekema	Hardwick	Lowden	Rothermel
Dixon	Hardy	McCall	Russell, Mo.
Douglas	Haskins	McDermott	Russell, Tex.
Draper	Haugen	McGavin	Sabath
Driscoll	Hawley	McHenry	Saunders
Dwight	Hay	McKinley, Ill.	Shackleford
Edwards, Ga.	Hayes	McKinney	Sheppard
Ellerbe	Heflin	McLachlan, Cal.	Sherley
Ellis, Oreg.	Helm	McLain	Sims
Englebright	Henry, Tex.	McMillan	Slayden
Esch	Higgins	Macon	Slemp
Favrot	Hill, Miss.	Madden	Small
Ferris	Hinshaw	Madison	Smith, Cal.
Fitzgerald	Hitchcock	Malby	Smith, Iowa
Flood	Holliday	Mann	Smith, Mich.
Floyd	Houston	Marshall	Smith, Tex.
Focht	Howell, Utah	Maynard	Snapp
Fordney	Howland	Miller	Southwick
Foss	Hubbard, Iowa	Mondell	Sparkman
Foster, Ill.	Hubbard, W. Va.	Moon, Pa.	Sperry
Foster, Ind.	Hughes, N. J.	Moon, Tenn.	Spight
Foster, Vt.	Hull, Iowa	Moore, Tex.	Stafford
Foulkrod	Hull, Tenn.	Morse	Steenerson
French	Humphrey, Wash.	Murdock	Stephens, Tex.
Fuller	Humphreys, Miss.	Murphy	Sterling
Fulton	James, Ollie M.	Needham	Stevens, Minn.
Gaines, Tenn.	Jenkins	Nelson	Sturgiss
Gaines, W. Va.	Jones, Wash.	Nicholls	Sulloway
Gardner, Mich.	Kahn	Norris	Talbott
Garner	Keifer	Nye	Tawney
Garrett	Keliher	O'Connell	Taylor, Ala.
Gilhams	Kennedy, Iowa	Olcott	Taylor, Ohio
Gillespie	Kennedy, Ohio	Olmsted	Thistlewood
Gillett	Kimball	Overstreet	Thomas, Ohio
Goebel	Kinkaid	Padgett	Tirrell
Gordon	Kipp	Page	Tou Velle
Goulden	Knapp	Parker, S. Dak.	Townsend
Graff	Knopf	Parsons	Underwood
Graham	Knowland	Payne	Volstead
Granger	Kustermann	Perkins	Vreeland
Greene	Lafean	Porter	Waldo
Gregg	Lamar, Mo.	Pray	Wanger
Griggs	Landis	Rainey	Washburn
Gronna	Laning	Randell, Tex.	Watkins
Hackett	Lassiter	Rauch	Watson
Hackney	Lawrence	Reeder	Wheeler
Hale	Lee	Reynolds	Wilson, Ill.
Hall	Legare	Rhinock	Wilson, Pa.
Hamilton, Iowa	Lenahan	Richardson	Woodyard

NAYS—2.

Harrison	Johnson, Ky.

ANSWERED "PRESENT"—7.

Bennet, N. Y.	Butler	Currier	Sherman
Boutell	Cary	Haggott	

NOT VOTING—114.

Alexander, N. Y.	Fairchild	Lamb	Powers
Ames	Fassett	Langley	Pratt
Andrus	Finley	Law	Prince
Ansberry	Fornes	Leake	Pujo
Barchfeld	Fowler	Lever	Ransdell, La.
Bartlett, Ga.	Gardner, Mass.	Lilley	Reid
Bennett, Ky.	Gardner, N. J.	Lindbergh	Riordan
Bingham	Gill	Lindsay	Roberts
Broussard	Glass	Littlefield	Rucker
Brumm	Godwin	Livingston	Ryan
Burton, Ohio	Goldfogle	Longworth	Scott
Calderhead	Hamill	Lorimer	Sherwood
Campbell	Hamilton, Mich.	Loud	Smith, Mo.
Carter	Hammond	Loudenslager	Stanley
Cocks, N. Y.	Henry, Conn.	Lovering	Sulzer
Cole	Hepburn	McCreary	Thomas, N. C.
Conner	Hill, Conn.	McGuire	Wallace
Cook, Colo.	Hobson	McKinlay, Cal.	Webb
Cook, Pa.	Howard	McLaughlin, Mich.	Weeks
Coudrey	Howell, N. J.	McMorran	Weems
Crawford	Huff	Moore, Pa.	Weisse
Davey, La.	Hughes, W. Va.	Mouser	Wiley
Davidson	Jackson	Mudd	Willett
Davis, Minn.	James, Addison D.	Parker, N. J.	Williams
Dawes	Johnson, S. C.	Patterson	Wolf
Dunwell	Jones, Va.	Pearre	Wood
Durey	Kitchin, Claude	Peters	Young
Edwards, Ky.	Kitchin, Wm. W.	Pollard	
Ellis, Mo.	Lamar, Fla.	Pou	

So the motion was agreed to.

The following additional pairs were announced:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Until further notice:

Mr. SCOTT with Mr. WILLIAMS.

Mr. PRINCE with Mr. WEISSE.

Mr. DAVIS of Minnesota with Mr. WOLF.

Mr. PEARRE with Mr. THOMAS of North Carolina.

Mr. MOORE of Pennsylvania with Mr. SMITH of Missouri.

Mr. MCKINLAY of California with Mr. SHERWOOD.

Mr. LOVERING with Mr. RUCKER.

Mr. LOUDENSLAGER with Mr. REID.

Mr. LONGWORTH with Mr. RANSDELL of Louisiana.

Mr. LAW with Mr. PUJO.

Mr. LANGLEY with Mr. POU.

Mr. HUFF with Mr. PETERS.
Mr. HOWELL of New Jersey with Mr. PATTERSON.
Mr. HENRY of Connecticut with Mr. LEVER.
Mr. HAMILTON of Michigan with Mr. LEAKE.
Mr. ELLIS of Missouri with Mr. LAMB.
Mr. DAVIDSON with Mr. JONES of Virginia.
Mr. COOK of Pennsylvania with Mr. HAMMOND.
Mr. CONNER with Mr. HAMILL.
Mr. CAMPBELL with Mr. GOLDFOGLE.
Mr. CALDERHEAD with Mr. DAVEY of Louisiana.
Mr. BENNET of New York with Mr. FORNES.
Mr. BARCHFELD with Mr. CARTER.
Mr. ALEXANDER of New York with Mr. ANSBERRY.
Mr. AMES with Mr. CRAWFORD.
Mr. SNAPP with Mr. WILLETT.
Mr. MCMILLAN with Mr. WEBB.
Mr. MCLAUGHLIN of Michigan with Mr. SULZER.
Mr. HEPBURN with Mr. LIVINGSTON.
Mr. DUNWELL with Mr. WATKINS.
Mr. LORIMER with Mr. LINDSAY.
Mr. HUGHES of West Virginia with Mr. CLAUDE KITCHIN.
Mr. HILL of Connecticut with Mr. GLASS.
Mr. BINGHAM with Mr. LAMAR of Florida.
Mr. FAIRCHILD with Mr. GODWIN.
Mr. ROBERTS with Mr. BROUSSARD.
Mr. FASSETT with Mr. RYAN.
Mr. COUDREY with Mr. HOBSON.
Mr. MCCREARY with Mr. HOWARD.
Mr. MUDD with Mr. WALLACE.
Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.
Mr. POWERS with Mr. PRATT.
Mr. MCGUIRE with Mr. STANLEY.
Mr. ANDRUS with Mr. WILEY.
For the balance of the day:
Mr. MOON of Pennsylvania with Mr. GILL.
Mr. CARY with Mr. JOHNSON of South Carolina.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. The amendment of the gentleman from Tennessee [Mr. GAINES] is pending, which, without objection, the Clerk will report.

The Clerk read as follows:

Insert after the word "substance," line 5, page 79, "and the causes of explosions in mines located in lands," so as to read: "For the continuance of the analyzing and testing of the coals, lignites, and other mineral fuel substances, and the causes of explosions of mines located in lands belonging to the United States," etc.

The CHAIRMAN. On this amendment the gentleman from Minnesota had reserved the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, as there are no public lands in my State, my utter unselfishness in the matter must be confessed at once. I want to cover the evil that grows out of mine explosions. I want to cover it where the United States has jurisdiction; hence the broad language I use. For instance, we can go into the Territories, wherever they are; but recently we have turned the Indian Territory and Oklahoma Territory into a State. There are large coal lands that are being worked there over which the United States has jurisdiction, because they belong to the United States, and are worked by private parties. I was so informed this morning at the Geological Survey. I hold in my hand a letter, which I asked for this morning. It is signed by the Director of the Geological Survey, in which he states that in December, 1907, there was an awful mine explosion in New Mexico, a Territory, of course, where eleven persons were killed in the Bernal mines by an explosion of coal dust. By this investigation they found that such explosions occurred.

Mr. BONYNGE. Was that on public land or was not that land that had been taken?

Mr. GAINES of Tennessee. In a Territory, where we have jurisdiction.

Mr. BONYNGE. Some citizen may have taken up the property under the public-land laws and segregated it from the public lands.

Mr. GAINES of Tennessee. That is all right. It does not make any difference, because, being in a Territory, Congress has constitutional powers to act.

Mr. BONYNGE. Oh, yes.

Mr. GAINES of Tennessee. In a Territory we have jurisdiction to pass laws relating to mine inspection.

Mr. BONYNGE. That is true if it is in a Territory.

Mr. GAINES of Tennessee. That is my point. In Oklahoma, which is now a State, there are coal lands that were formerly in that Territory, and they are owned by the Government of the United States—some of them—and some of them are held in trust for the Indians. Those coal lands are being worked, and explosions and troubles of that character have occurred there or may occur. At all events, it being completely within the constitutional power of the Government to go into Oklahoma to look after these lands of the United States, the amendment that I propose is so broad that you can not only go into a Territory, but you can go into a State like Oklahoma and other States and examine mines in public lands.

Mr. CAMPBELL. Would it not be better to have a comprehensive bill, enabling the Government to make inspection of all coal that enters into interstate commerce, or mines that produce coal which enters into interstate commerce, and get at the question in that way?

Mr. GAINES of Tennessee. That might be better.

Mr. CAMPBELL. That would enable the Government to investigate the explosion that occurred in Pennsylvania last year.

Mr. GAINES of Tennessee. I think that would be better, but we have not done that.

Mr. CAMPBELL. I understand there is a measure under consideration for that purpose.

Mr. GAINES of Tennessee. That may be true. The trouble is, there have been too many measures under consideration and not enough that have been made into law on this subject.

Mr. CAMPBELL. I am hoping this measure will come out and be made a law.

Mr. GAINES of Tennessee. I hope so, too; but here is a provision that has already come out where you can make a law of it by putting in a few words, or you can amend it if you want to. I care nothing about the question of authorship. Now, I have a paper in my hand showing the immense amount of coal mined in New Mexico. In 1897 it was only 716 tons. In 1907 it was 2,300,000 tons. In Indian Territory it was 3,400,000 tons. The men killed per thousand in the Indian Territory in 1905 were five; in 1907, four. In New Mexico in 1905 the number of men killed per thousand were two, and in 1907, ten, thirty-four being killed in that year.

Now, gentlemen, we have the power to go into the Territories. We have the power to go into our public lands wherever they are. We have the money. We have these men losing their lives. Why, human flesh in these mines is getting to be very cheap—almost as cheap as Swift's beef. Think of the widows and orphans who have been made desolate by these explosions. I join in the appeal that the gentleman from Pennsylvania [Mr. WILSON] has so well and eloquently made time and again—that Congress do something to prevent these disasters in the future.

Mr. NICHOLLS. Mr. Chairman, I agree with the gentleman who has just spoken as to the purpose of investigating the cause of mine accidents, but I fear that there is going to be confusion in the House because of trying to have more than one Department or bureau attend to the same thing.

Mr. GAINES of Tennessee. The superintendent, Mr. Smith, told me this morning that he would have the execution of the law as to this matter that we are now passing, and that, under the Secretary of the Interior, he would have to execute the provisions on this subject contained in the legislative, executive, and judicial appropriation bill. So regardless of which bill we put this provision into he will have to execute the law.

Mr. NICHOLLS. I should like to state that there is evidently some error in connection with this last statement, for the bill that has been reported by the Committee on Mines and Mining provides for a Bureau of Mines, and it would not be under the control of the Geological Survey. It would be in the Department of the Interior, but under the separate supervision of a chief of the Bureau of Mines. I think that to adopt the amendment offered would only result in confusion, and at best would only be a partial attempt to improve what really demands improvement from the hands of Congress, and that is something that will lessen the great mine disasters in our country that result in such great loss of life. Because the committee has reported a bill providing for the establishment of a Bureau of Mines and Mining, with power to investigate and report upon the causes of mine accidents, throughout the entire country, I beg to oppose the amendment, and hope that it will be defeated.

I want at once to say that I understand full well the gentleman from Tennessee is doing what he is with the very best of motives and with a view to helping the miners, but I want to point out that I fear it would only defeat a much larger and more beneficial measure in their behalf.

Mr. GAINES of Tennessee. The gentleman alludes to the legislative, executive, and judicial appropriation bill?

Mr. NICHOLLS. No; I allude to a separate bill.

Mr. GAINES of Tennessee. Are you going to get it reported out?

Mr. NICHOLLS. Yes; it has been reported.

Mr. GAINES of Tennessee. Are you going to get it passed?

Mr. NICHOLLS. If the Speaker——

Mr. GAINES of Tennessee. Oh, "if the Speaker," "if the Speaker!" [Laughter.] Mr. Chairman, I am not a miner. [Laughter.] I want to say that the proposition which is in the legislative, executive, and judicial appropriation bill does not us the words "public lands" a single time. It says "Territory and Alaska." The public lands of Oklahoma and other States can not be reached under that provision because it says "Territory and Alaska." The amendment I put in this bill says "public lands," and so you could go to Oklahoma, Kentucky, Iowa, Tennessee, or wherever the public lands are, and send a man down in the mines and compel the man who is mining to submit to a complete inspection, because we have the constitutional power behind it and the sinews of war put in the inspector's hands to compel the miner to surrender to the investigation.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. [Laughter.]

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania be given five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Pennsylvania may have five minutes more. Is there objection?

There was no objection.

Mr. UNDERWOOD. I would like to inquire whether the gentleman from Tennessee is to use the time or the gentleman from Pennsylvania?

The CHAIRMAN. The Chair put the request that the gentleman from Pennsylvania should have the time.

There was no objection.

Mr. NICHOLLS. Mr. Chairman, I do not desire to make any extended remarks on this question, but I will say in answer to the gentleman from Tennessee that the bill reported by the Committee on Mines and Mining provides for an investigation in every State and every Territory, and if need be in all of the mines, for the purpose of finding out the cause of these disasters. It is not necessary that a complete inspection of the mine be made as it is done regularly by mine inspectors, but that certain very important points be taken up and the mystery connected therewith solved. For instance, there is a great deal of difference of opinion as to the cause of many of our disasters. Experts differ and miners differ very much as to these causes, but whatever the causes may be, they result annually in the death of thousands of miners.

Mr. ADAIR. Will the gentleman yield?

Mr. NICHOLLS. I will yield to the gentleman.

Mr. ADAIR. The gentleman is very familiar with the difficulty in getting bills passed through this House. Does the gentleman from Pennsylvania have any assurance from the Speaker, or from those who are apparently in control of the legislation of the House, that the bill of which he speaks and which has been reported by the committee will be passed by the House, or will be given an opportunity for passage in the House?

Mr. NICHOLLS. I have no assurance.

Mr. DOUGLAS. I can answer the gentleman that we have that assurance.

Mr. NICHOLLS. The committee has reported the bill unanimously, and I hope that the Speaker will consider it of sufficient importance for him to recognize somebody to move the passage of the bill.

Mr. ADAIR. Does not the gentleman think that in view of the past experiences, it would be better to take the present opportunity of getting this legislation in the interest of the miners than to take the chances of the passage of the bill to which he refers?

Mr. NICHOLLS. I would say not, for the reason that we already have inspection in most of the mines, and this would limit the investigation provided for to mines on Government lands. A great deal of the mining is done in various States of the Union, and this would hardly make a scratch in the problem itself.

Mr. ADAIR. I am in favor of the gentleman's bill, but I do not want to lose the opportunity of getting some legislation.

Mr. NICHOLLS. This would be giving them something—I was going to say in name, but not in substance—but it would give them something that would only go a very small way toward meeting the real necessities of the case.

Mr. ADAIR. Would there be any objection to allowing this amendment to be passed and let this go in the bill and then follow later with the passage of the bill to which the gentleman refers?

Mr. NICHOLLS. First of all, it would be duplicating authority.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TAWNEY. Mr. Chairman, I will have to insist on the point of order.

The CHAIRMAN. The gentleman from Minnesota makes the point of order.

Mr. GAINES of Tennessee. Does the gentleman think that it is subject to a point of order?

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. Is it not a continuation of work already in progress?

Mr. TAWNEY. The work which is authorized in the paragraph, which now carries an appropriation of $250,000, is included and authorized in the organic act creating the Geological Survey. There is nothing in the organic act creating the Geological Survey which would authorize mine inspection or investigation of mines.

The CHAIRMAN. The Chair desires to ask the gentleman from Tennessee whether he knows any law authorizing this?

Mr. GAINES of Tennessee. Only the general law authorizing the Geological Survey and the proposition that is in the bill for the investigation of coal, lignites, gases, and so forth: and, in fact, I believe the words "and so forth" are used in the paragraph. Surely that is broad enough to let in this proposition. In addition to that the gentleman from Pennsylvania [Mr. DALZELL] said in reply to my inquiry yesterday to that, this:

Mr. GAINES of Tennessee. Before the gentleman takes his seat, I want to ask him a question. I could not hear the gentleman very distinctly, as there was so much elocution on this side. I want to know if this amendment will arm any Department with authority to investigate mine explosions.

The reply of the gentleman from Pennsylvania was as follows:

Mr. DALZELL. I think the paragraph is broad enough to cover that, though it does not contemplate it. It is for a continuation of work. It is nothing new; it is a continuation of work already under way.

Just as I said now, work already begun. It is a continuation of work already begun and has been since 1905. I asked him another question, and he stated that a great deal of work had been done.

Mr. Chairman, I do not know of any better authority than to quote from the leader of the Committee on Rules, and from the general law on the subject, and I want to say, Mr. Chairman, that I am doing all I can to help the miners in their troubles, and I shall vote for any bill at any time that comes along, if it is within the limits of the constitutional power of Congress to help them. I think it is very clear that it is a continuation of public work already done.

The CHAIRMAN. The Chair is of the opinion that the amendment proposed by the gentleman from Tennessee is not in order. The Chair does not think that it is necessary to render an opinion on the point. The Chair sustains the point of order.

Mr. CHANEY. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Add as a new paragraph after line 9, page 79:

"For continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories in the District of Alaska, and in public and Indian lands wheresoever situated, and for conducting such investigations as will increase safety and efficiency in mining, to be immediately available, $195,000: *Provided*, That the Secretary of the Interior is hereby authorized to accept for use in the investigations named above any site, buildings, equipment, or fund which in his judgment it may be proper to accept; such acceptance shall be reported to Congress, and shall not be considered as binding the Government of the United States beyond the appropriation made by Congress in any one year."

Mr. TAWNEY. Mr. Chairman, I make the point of order against the amendment. If the gentleman desires five minutes, to discuss the merits of the proposition, I will withhold it.

Mr. CHANEY. I would be obliged to the gentleman.

Mr. TAWNEY. I reserve the point of order.

Mr. CHANEY. Mr. Chairman, the appalling loss of life in the coal-mining industries of the country has called very emphatic attention to the necessity for discovering the causes of these great catastrophes. Over here in West Virginia, only a short time ago, 350 lives were snuffed out in a very few minutes on account of an explosion which occurred there, and the persons operating the mine and those superintending the mine were absolutely unable to discover what was the actual cause of the explosion. Only recently a disaster occurred, as has been referred to by the gentleman from Tennessee [Mr. GAINES], and there it was not known what was the reason of the explosion which occurred. Human life is being sacrificed every little

while because of the inability of men who manage these various enterprises to know what is the reason. No one seems to know how it is that gases explode, or that gases in combination with dust explode, and cause these losses of life. Recently the Committee on Mines and Mining investigated the question, and recommended a bill for the establishment of a Bureau of Mines and Mining in the Interior Department, in connection with the Geological Survey, for the making of scientific study of the causes of these various disasters, and the hearings, if bound together in one volume, would make a very large book. In the report that is made by the Committee on Mines and Mining with reference to this particular thing, this is said:

The great growth of the mining industry of the United States in recent years has been attended with a disproportionate and appalling loss of life, due to accidents and explosions in mines. The horror and sadness of some of these are still fresh in our memories. It is inconceivable that such accidents might not be prevented. The cause or causes of them are obscure, as was shown at our hearings, but the danger, whether gas or dust or both commingled, or whatever the cause, must disclose itself to adequate scientific investigation. When we recall that these accidents in 1906 sacrificed the lives of more than 1,500 persons, who in darkness and danger were courageously pursuing their vocations, the appeal in this regard becomes well-nigh imperative.

And in a report made by an expert of the Geological Survey it is found that in 1906 there were 2,061 men killed in American coal mines and 4,800 injured. Since 1890 our total death record has been 22,840. There ought to be no delay in pursuing some investigation by which this loss of life may be prevented. When a coal miner goes down into the bowels of the earth he takes his life in his own hands anyhow. There ought to be some way by which people may be able to avoid these terrible accidents, and it is testified by the men who appeared before the Committee on Mines and Mining that the only way that it can be done is to enter into a scientific investigation of the subject, and to engage such experts who may be able to give it or discover what the trouble is. Only by some such means as that proposed in the bill, which has been reported by the Committee on Mines and Mining, will we relieve that situation, and in order that we might not fail in getting at this as quickly as possible, and for fear there may not be opportunity to pass that bill that is reported favorably by the Committee on Mines and Mining, we ought to proceed to an investigation of this subject now, and we ought to appropriate the money by which it may be done.

Mr. GAINES of Tennessee. Will the gentleman yield for a question? When was that bill reported?

Mr. CHANEY. It was reported on the 6th day of April, 1908.

Mr. GAINES of Tennessee. And this is the 5th of May, and we have not had that bill passed yet.

Mr. NICHOLLS. May I ask the gentleman whether, in his opinion, the passage of this amendment would prejudice the passage of the bill providing for a Bureau of Mines and Mining?

Mr. CHANEY. It would not prejudice that bill; it only helps it along. It can be provided in connection with it.

Mr. TAWNEY. Mr. Chairman, I withhold the point of order for a few minutes to allow Mr. CAMPBELL to address the committee.

Mr. CAMPBELL. Mr. Chairman, the appalling mine disasters that have occurred in this country within a few years have appealed to the whole country, and it seems to me that it is highly important that the most scientific investigations that can possibly be made shall be made as to the cause of these great disasters. The question as to whether they are gas explosions or dust explosions or whether caused by one condition or another ought to be made the subject of the most searching scientific investigation of which this country is capable. Now, it is said, why not have this done by the States where the mines are located and where the States alone have jurisdiction wholly over the mines? This is upon a broader question and goes beyond State lines. We have been legislating here for the general welfare. We have taken up questions and legislated upon them where the conditions appealed to the whole country and arose above localities and State lines, as I am sure these appalling disasters do. If there is a way to find out what the real causes of the disasters are, it should be done, in order to apply a remedy for them. There ought to be no pains spared or expenditure withheld that would bring to the country the information and the results so greatly desired. I am therefore hoping that the amendment offered by the gentleman from Indiana [Mr. CHANEY] may be adopted.

Mr. TAWNEY. Mr. Chairman, I am obliged to insist upon the point of order, but I want to say first that there is——

Mr. WILSON of Pennsylvania. Will the gentleman withhold——

The CHAIRMAN. Does the gentleman yield to the gentleman from Pennsylvania?

Mr. GAINES of Tennessee. I hope the gentleman will withhold his point of order.

Mr. TAWNEY. The gentleman from Pennsylvania has spoken twice on this proposition, and I desire to get along with the reading of this bill if possible.

Mr. GAINES of Tennessee. I hope the gentleman will not do that. The gentleman from Pennsylvania last night wanted to address the House on this point.

Mr. TAWNEY. He addressed the committee in general debate.

Mr. GAINES of Tennessee. It was not, I think, on this point, and he was shut off yesterday afternoon. I hope the gentleman will hold his point for five minutes and let the gentleman explain his propostion.

Mr. TAWNEY. If I continue to withhold the point of order until all gentlemen have spoken on this proposition who desire to speak, we will make no progress whatever with the reading of the bill.

Mr. FITZGERALD. I would suggest to the gentleman from Minnesota to let one speech be made on this side. Three have been made on that side.

Mr. TAWNEY. I will withhold it for the gentleman from Pennsylvania [Mr. WILSON] for five minutes, and I give notice I shall make the point of order then.

Mr. WILSON of Pennsylvania. The amendment offered by the gentleman from Indiana [Mr. CHANEY] is of vital importance to the mining industry of the United States. The number of men that are annually slaughtered in the mines require that immediate action shall be taken by Congress. If we do not do something in the present Congress, it means a year's delay at the very least. While that delay is taking place, thousands of lives are being lost. Over 3,500 lives were lost in the mines of the United States in 1907. Some 9,000 men were killed and injured. And yet with that enormous loss of life in the mines there seems to be hesitation on the part of the Members of this House to give an appropriation to investigate into the causes of those disasters and their loss of life. There are many things that are unknown to even those who are skilled in mining affairs in connection with mining. In many of them great explosions have taken place in recent years, and expert men who have given their entire lifetime to a study of the question have been unable to determine the cause.

The operators of coal mines and the coal miners themselves are a unit in asking that legislation of this kind be enacted, so that a systematic investigation can be proceeded with to determine what are the causes, to the end that the lives of miners may be protected and the property of the employers as well. There is no man who has the management of a mine who desires a condition of affairs to exist wherein the lives of the miners are continually endangered through causes over which he has no control or through causes that he has no means of knowing how to control. I hope, Mr. Chairman, that the gentleman from Minnesota [Mr. TAWNEY] will withdraw his point of order and allow this proposition to be enacted by the House.

Mr. NICHOLLS. Is it not a fact that the difference between this amendment and the one offered lately by the gentleman from Tennessee [Mr. GAINES] is in the fact that the first amendment provided that the Bureau of the Geological Survey should have the money for its use, and that this provides that the Secretary of the Interior, in whose Department it is provided for in the bill to have the Bureau of Mines, should have the use of the money under this amendment in the Department of Mines bill?

Mr. WILSON of Pennsylvania. As to whether or not that construction can be placed upon it, I am not sure, but whether the appropriation is to be made for the use of the Geological Survey or for the use of the Bureau of Mines, I care not. What I want is to see an appropriation made that will cause an investigation to be commenced immediately and conducted systematically.

Mr. TAWNEY. Will the gentleman from Pennsylvania permit an interruption?

Mr. WILSON of Pennsylvania. Certainly.

Mr. TAWNEY. Have you or your organization ever appealed to your own State for an appropriation to make this investigation in the State for the purpose of protecting the lives of citizens of the State of Pennsylvania?

Mr. WILSON of Pennsylvania. I do not know of any appeal that has been made to the State of Pennsylvania or to any other State to have this investigation made. But, as a matter of fact, if we did appeal to the various States for the means to conduct

these investigations, it would mean a multitude of different investigations and that much additional expense, every State investigating in its own particular way, while one general investigation is all that is necessary.

Mr. GAINES of West Virginia. I would like to ask the gentleman from Pennsylvania [Mr. WILSON] whether the same question might not be asked as to every agricultural investigation and every other investigation that is made by the General Government? As the gentleman from Pennsylvania says, it seems to me it would be bad business to have a number of small investigations rather than one sufficient for the whole purpose.

Mr. WILSON of Pennsylvania. The same question might be asked with regard to every scientific investigation undertaken by the Federal Government, no matter in what line of industry or in what walk of life. I hope this proposition will be allowed to come to a vote.

Mr. STANLEY. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman——

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. STANLEY. I would like to ask a question of the gentleman from Minnesota [Mr. TAWNEY]. I had no idea of saying anything on this subject, but since the gentleman from Minnesota has asked the gentleman from Pennsylvania [Mr. WILSON] a question with reference to the appropriation of the various States toward the discovery of gases and other scientific investigations for the protection of life, I would appreciate it very much if the gentleman from Pennsylvania would allow me three or four minutes in which to answer that question.

Mr. TAWNEY. Well, Mr. Chairman, the gentleman from Pennsylvania has not explained that amendment to my satisfaction and perhaps not to the satisfaction of the gentleman from Kentucky. I do not know whether the gentleman from Pennsylvania can do so.

Mr. STANLEY. I did not mean it that way. I meant to address myself to it.

Mr. TAWNEY. We have consumed more than enough time in the consideration of the merits of a proposition which is, in my judgment, entirely obnoxious to the rules of the House. Aside from the investigation for which it provides, in the language of the proviso carried by the amendment offered by the gentleman from Indiana is not only the most novel but, in my judgment, the most vicious piece of legislation ever proposed in Congress. That proviso authorizes the head of the Executive Department to accept any site, any building, any equipment, or any funds that may be contributed by any individual, by any corporation, by any State, or by any institution of any State, a proposition that has never before been made in any legislation either State or national.

Now you propose to authorize the Federal Government to enter into a copartnership with any or all of these and give to the head of an Executive Department authority to accept money to be expended for a Government service in his discretion. This is going a much greater distance in the direction of absolute paternalism and copartnership between the Government of the United States, individuals, and corporations, and what not than has ever before been dreamed of. There is no authority of law for the proviso, and no authority of law for the investigation proposed.

Mr. CAMPBELL. Is there any more paternalism in this than a soil survey in Cherokee County, Kans.?

Mr. TAWNEY. Well, a soil survey in Cherokee County, Kans., may be necessary for the purpose of determining the character of the soil and the products of the State of Kansas.

Mr. CAMPBELL. Is that any more paternalistic than to ascertain what is the cause of mine explosions?

Mr. TAWNEY. Authority is not given the Secretary of Agriculture to go out and accept land from the people of Cherokee County, Kans., for the purpose of investigating the soil. Authority is not given, and has never been given, to an executive officer of the Government to accept money from a private individual or a corporation to be expended for carrying on Government work, and expended within the discretion of the head of that Department or the head of any Executive Department. There is absolutely no law authorizing either the original proposition or the authority contained in the proviso which the gentleman has offered.

Mr. CAMPBELL. Would you have any doubt of the authority of Congress in coal mines on public lands located within a State?

Mr. TAWNEY. I have no doubt about the authority of Congress to investigate coal lands belonging to the United States, but when we go out of the public domain and enter upon the jurisdiction of the States the duty to protect the lives of the citizens of the State rests upon the State, and not upon the Federal Government, and the Federal Government has no constitutional power to regulate or control the operation of mines or the domestic affairs of the people in any respect whatever.

But aside from the question of investigating, I repeat the authority in the proviso is absolutely unauthorized by law, and of course renders the proviso obnoxious to the rules of the House. I insist upon the point of order.

Mr. GAINES of Tennessee. If the Chair will permit me, I will state that this morning I was at the Geological Survey and talked with Mr. Smith, the Director, and he told me of a report that had just been compiled and not yet printed, with reference to a mine disaster in New Mexico that had been investigated and reported upon, which is alluded to in the letter which he sent me this morning. I think you will find the law books on your desk there. Now, here is an actual, physical examination in the Indian Territory or New Mexico, under that law, and they found and reported that a coal-dust explosion has caused the disaster, and was done under existing law.

Mr. CHANEY. I want one moment on the point of order. Down to the proviso there is scarcely any question that a point of order does not lie. As to the proviso, it was an entirely innocent proposition in putting in the proviso, so that the Government might avail itself of any assistance that may be offered upon the part of any States that have already undertaken to discover the causes of these disasters, who would be perfectly willing to allow the Government to use everything they have in apparatus, buildings, or anything else. It was not the idea that there was to be anything of particular value given to the Government. It was for the purpose of obtaining that much of the experimental work which has been done by the States. Now, I care very little about the proviso.

Mr. TAWNEY. That may be the purpose of the gentleman from Indiana, but it is not the purpose of the men who originally formulated this proposition, I will say to the gentleman from Indiana.

Mr. CHANEY. That may be possible.

Mr. TAWNEY. The purpose that is back of the proviso is well known to those who have investigated it, and in the editorial that I called attention to yesterday, I might say, there is the very language, which indicates clearly what the real purpose is:

It would be a serious error to discontinue or to cripple the laboratory at this juncture—

That is, at the Carnegie Technical School—

The proposed Bureau of Mines, provided for by the pending legislation, will need the services of the laboratory—

That is this laboratory at the Carnegie School in Pittsburg—

and it should really be enlarged for that purpose, instead of being put out of business. The laboratory has not been conducted extravagantly, and it has produced results of immense value to American industry. It has just reached a point where, in the natural course of events, its usefulness will be greatly enhanced.

Referring to the legislation that is now pending, referring to the provision which the gentleman from Indiana has offered, and which is carried on another appropriation bill.

Mr. CHANEY. But the gentleman will not undertake——

Mr. TAWNEY. But that is neither here nor there. There is no authority in law, and I hope no authority will ever be given by Congress to any executive officer of this Government to accept money from private individuals, corporations, States, or institutions for the purpose of carrying on a governmental service. If the Federal Government is compelled to make these investigations on the ground that it is more capable of performing that service than the States, then let the Federal Government control the service and appropriate all the money that is necessary. Then we will know what it costs and will have the right at all times to supervise and control the service. But I submit that when we establish the precedent of going into partnership with States, with educational institutions, with corporations, or with private individuals, we are going beyond the limit of what has ever been contemplated in organized government here or elsewhere.

Mr. GAINES of Tennessee. Will the gentleman yield?

The CHAIRMAN. The Chair is ready to rule.

Mr. GAINES of Tennessee. I want to make an inquiry.

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. TAWNEY. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. I want to know if there is any provision in any pending bill requiring investigations of these accidents or explosions on the public lands or in any Territory?

Mr. TAWNEY. I will say to the gentleman that there is nothing in the bill that gives express authority for that investigation, but I agree with the gentleman from Pennsylvania [Mr. DALZELL] and other gentlemen, who, in discussing the paragraph yesterday which it is now proposed to amend, said that there

would be implied authority under that paragraph for the Geological Survey to make the investigation of mines or the cause of mine disasters, and under that implied authority the Geological Survey is now making this investigation.

Mr. GAINES of Tennessee. The gentleman [Mr. DALZELL] stated to me yesterday, as the RECORD shows, that it was implied, but not contemplated. Now, why do you not put it literally there? Surely the gentleman does not want a great Department to work upon a mere matter of implication, where thousands and thousands of lives are lost. My heavens, let us put it into black and white, to compel investigation of accidents in mines which are situated upon public lands and in the Territories. Why leave it open to implication or construction? Why not enact it literally and compel it, and if that is not sufficient, then let us enact a criminal law and bring them up before a jury and a court and punish them for their failure to act? I tell you, gentlemen, as I said a few minutes ago, human life is getting to be almost as cheap as Swift's beef.

Mr. HOLLIDAY. I move to amend the amendment by striking out the proviso.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that it is not in order to offer an amendment before the ruling is made, because if it goes out it can not be amended. If it stays in, it can then be amended.

Mr. HOLLIDAY. I think the amendment is obnoxious to the point of order, but I think the original proposition is not.

The CHAIRMAN. The Chair is clearly of the opinion that the amendment proposed by the gentleman from Indiana is obnoxious to the rule and therefore sustains the point of order.

Mr. CHANEY. I now offer the amendment without the proviso.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph after line 9, page 79:

"For continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories, in the district of Alaska, and in public and Indian lands wheresoever situated, and for conducting such investigation as will increase safety and efficiency in mining, to be immediately available, $195,000."

Mr. TAWNEY. I reserve the point of order on that amendment.

The CHAIRMAN. Before the discussion begins, the Chair would like to ask the gentleman from Minnesota a question. Section 18 of the act of March, 1891, provides that the mining inspectors provided for in this act shall receive a salary of $2,000 per annum, and their actual traveling expenses when engaged in their duties. The Chair would like to ask the gentleman from Minnesota whether or not his bill appropriates the salaries for these inspectors?

Mr. TAWNEY. This bill does not, but the legislative bill does and always has.

The CHAIRMAN. Does the legislative bill carry that item?

Mr. TAWNEY. The legislative bill carries that item this year, and there is no disagreement between the two Houses on the proposition. That act was passed in 1888. It does not include Alaska, nor does it include Indian lands, as the Chair will see by reading the act, nor is it operative in Territories that have enacted laws governing this whole subject of mining. And all the remaining Territories of the Union have adopted mining laws, and therefore this act is inoperative except for the purpose of inspection, which is authorized and appropriated for in the legislative bill.

Mr. HOLLIDAY. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. HOLLIDAY. I desire to ask the gentleman in charge of the bill whether any provision has been made in any bill now before the House or likely to come before the House which reaches this purpose? If there is any better plan, I would be in favor of it; but if there is no plan, I think we ought to adopt this.

Mr. TAWNEY. Numerous provisions are pending in both Houses on the subject. I understand there is one reported from the Committee on Mines and Mining creating a new department of government for having jurisdiction and control over mines all over the United States regardless of whether they are within the jurisdiction of the States or of the Federal Government. What prospects there are of this bill being enacted into law at this session the gentleman is as well informed as I am. I can not give him any information.

I would like to ask the gentleman from Indiana upon what basis he fixes the amount necessary to conduct these investigations? No bureau of the Government has been organized to carry them on. It will take three months before they can begin, and it will be a physical impossibility for a bureau to expend $195,000 during the coming fiscal year, or until Congress convenes next session. I submit that if he is going to insist on this amendment, we ought to pay some attention to the actual necessities for the investigation, and not appropriate three times as much money as is necessary for that purpose. I confess that I can not see how it will be possible for any bureau to spend $195,000 before Congress will meet again, when the bureau will be able to give Congress a careful estimate of what the probable cost will be during the next fiscal year. I have no doubt that if we once begin this investigation, it will continue over a series of years, and possibly we shall never see the end of it. If the gentleman has any information as to the necessity for this large sum of money, I would like to have him state it.

In view of the increase that the committee made yesterday for investigation of fuel, in view of the fact that a part of that appropriation would be available, I fail to see the necessity of this large appropriation. When we come to realize that no division is yet constituted for this purpose, when you realize that one will have to be created and organized, and that it will take time to do this, it seems to me that this appropriaion is exorbitant. If the gentleman will modify his amendment so as to carry a sufficient amount to initiate the work, so that the Department, as well as Congress, may have an opportunity of ascertaining and determining what will be necessary for the investigation for the next fiscal year——

Mr. CHANEY. I will say for the benefit of the chairman of the committee that the investigations were made in regard to the amount of money to be required, and took into account all the necessary laboratory work and the pay of the experts and all those who would be required to go into investigation on the subject.

Mr. TAWNEY. But they will have to first get the men.

Mr. CHANEY. The gentleman makes a correct point when he says that it is possible, if we fail to get the bureau organized right away, there will be more money carried in the appropriation than is necessary before the next session of Congress. I have no desire to have a greater sum of money than is necessary.

Mr. TAWNEY. Does not the gentleman think that $50,000 would be ample, and more than ample, to pay the expense of organizing for this work and carrying it on until Congress meets again?

Mr. CHANEY. Yes; for mere organization.

Mr. TAWNEY. If the gentleman will reduce the amount to $50,000, I will withdraw the point of order.

Mr. CHANEY. Mr. Chairman, I will accept the amendment.

The CHAIRMAN. If there be no objection, the amendment will be modified in accordance with the statement of the gentleman from Indiana, who offered it.

Mr. GAINES of West Virginia. What is the proposition, Mr. Chairman.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

For continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories, in the District of Alaska, and in the public and Indian lands wheresoever situated, and for conducting such investigations as will increase safety and efficiency in mining, to be immediately available, $50,000.

Mr. GAINES of West Virginia and Mr. FITZGERALD reserved points of order.

Mr. GAINES of West Virginia. Mr. Chairman, I shall oppose that, and shall do it for this reason: I understand that there is pending on another appropriation bill, having been placed there as an amendment in the Senate, substantially the proposition offered by the gentleman from Indiana. In other words, there will come before this House in a short time a proposition to make a proper expenditure of an appropriation for the investigation of explosions in mines. I myself asked the chairman of the Committee on Appropriations to permit such a provision to go on in the House, and did think that in a matter of this sort the committee might have had regard, in view of the different rules of the two bodies, to the desire of Members of the House on that subject. The amount now proposed is too small to carry on the investigation. There can be no doubt, Mr. Chairman, of the necessity of such an investigation, and there can be no doubt that it is quite as proper to be undertaken by the Federal Government as any other of the investigations which the Federal Government is now conducting.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. GAINES of West Virginia. Certainly.

Mr. TAWNEY. On what does the gentleman base his statement that $50,000 would be inadequate to inaugurate this service and carry it on until Congress convenes, when we will all know how much will be required?

Mr. GAINES of West Virginia. I base the statement upon this, Mr. Chairman: In the first place, the amount contained in the amendment first offered, not the last one, by the gentleman from Indiana [Mr. CHANEY] is about the amount which is estimated by the Government experts as necessary, and in the next place, I know something about the coal-mining business, and I know something about these explosions. It ought to be said to this House that the explosions in coal mines are a development of modern mining and an unfortunate and unexpected incident of what were deemed improvements in the methods of mining. In other words, years ago the miner used to work in bad air. Mining laws were passed which aimed to give him a safer place to work, in better air, a more healthful condition in which to work; but it so happened that as those improvements were made in mining we found that somehow or other they contributed toward the probability of explosions; and the frightful explosions which have occurred in the last two or three years in this country have been, remarkable as the statement may seem, in seams of coal which were opened years ago and had no explosions, proving therefore that they were not gaseous in their nature, and they have occurred in the mines which were best equipped and best conducted.

There is, I believe, no doubt anywhere that one of the best equipped mines in the United States, in the world, in fact, was the Monongha mine in the second district of West Virginia. In other words, to make it brief, this is the fact, recognized and known by everybody acquainted with coal mining, that the causes of these explosions are mysterious; that they have developed not through neglect, but as an incident to what was supposed to be an improvement in mining methods. There is no investigation conducted by the Government of a more primary nature, and there is none which would have a more general beneficial effect in its character that the one proposed now to be conducted. I am opposed to a small appropriation. Therefore I want the Members of this House who favor appropriating money for the purpose of investigating explosions in mines to support the Senate amendment when it comes to this House on the legislative, executive, and judicial appropriation bill, and in that way accomplish all that the gentleman from Indiana [Mr. CHANEY] hopes to accomplish—not a mere part of it, as would be the result, it seems to me, of accepting the last amendment proposed.

Mr. MANN. Will the gentleman yield for a question?

Mr. GAINES of West Virginia. Certainly.

Mr. MANN. Does the gentleman believe that if the National Government undertakes the work of developing the reasons or causes of explosions in mines that the different States will continue with the same activity seeking for the same information?

Mr. GAINES of West Virginia. Mr. Chairman, I answer that by saying this, that if the Government of the United States shall make this appropriation, the State of West Virginia will not only continue her efforts to have safe mining laws, but will be inspired and aided by the Government efforts to still more active investigations in the same direction. And even if I were compelled to answer that the State of West Virginia would not continue to investigate, yet it would leave the gentleman from Illinois no comfort in this discussion, for why should the State of West Virginia investigate for the State of Pennsylvania? Why should the State of Pennsylvania investigate for Illinois? Why should Illinois investigate for the Government lands and for the other States? This is a matter that is general in its nature and concerns the whole country, concerns the development of the natural resources of the country, and concerns the lives and safety of very many people. It is general and governmental in its nature, in my opinion.

The CHAIRMAN. The time of the gentleman has expired. The Chair supposed that there was a discussion of a point of order in progress.

Mr. MANN. Mr. Chairman, I reserved the point of order.

The CHAIRMAN. The Chair thought it was made.

Mr. TAWNEY. Mr. Chairman, I made the point of order and withdrew it on the condition that the amendment offered by the gentleman from Indiana would be accepted, appropriating $50,000 instead of $195,000. I do not think there is any use of our becoming hysterical about this proposition at all. If we enter upon this investigation, the gentleman from West Virginia [Mr. GAINES] knows very well that the investigation will not be completed in the next six months. He knows very well that there is not a man to-day, either in or out of the Government service, who can make any approximate estimate of what the cost of this investigation will be.

Now, if we go at it in a reasonable, practical, sensible way, and provide a sufficient amount of money to enable the Bureau to effect its organization, initiate the work, and carry it on until Congress convenes next December, those carrying on the investigations will be able to make a reasonable estimate of what the cost and expenses of the investigation will be for the next fiscal year.

Mr. MANN. Is the gentleman aware of the fact that the Government is now making this investigation?

Mr. TAWNEY. The Geological Survey is engaged in making or has instituted this investigation, but the extent to which they have gone I do not know.

Mr. MANN. The investigation will undertake to determine the cause of explosions in mines.

Mr. GAINES of West Virginia. They are not making and can not make them, if the gentleman will permit, without an appropriation. To make these investigations require expensive and delicate apparatus.

Mr. MANN. If the gentleman will permit me, one of the best young geologists in this country anywhere who can be found has been engaged in this work, and the Geological Survey for a considerable length of time has been conducting an investigation of the causes of explosions in mines.

Mr. GAINES of West Virginia. Under what law?

Mr. MANN. I do not know; I know the fact; I do not know the law.

Mr. GAINES of West Virginia. I only wish to make the statement——

Mr. MANN. I know the individual.

Mr. GAINES of West Virginia. If it is a continuation of existing work, perhaps the Chair will desire to change his ruling with reference to the question of the point of order to the amendment first offered by the gentleman from Indiana and we can come to a vote on the main proposition.

Mr. MANN. That will not affect the point of order at all, as the gentleman from West Virginia well knows. The point I want to ascertain from the gentleman from West Virginia is, he says the State of West Virginia will continue to make these investigations. Is he proposing, then, to have the General Government conduct one investigation, the State of West Virginia conduct another investigation, the State of Pennsylvania another investigation, the State of Illinois another investigation, and each State conduct an investigation along precisely the same lines?

Mr. GAINES of West Virginia. I can answer that it is not proposed to have them do the same work, but the State of West Virginia would not, because the General Government was making a general investigation, cease to make special investigation as to particular conditions there existing, nor would the State of West Virginia ever undertake to make any more of an investigation than that which concerned the State of West Virginia, so there is general work to be done by the General Government, and special work to be done which the State of West Virginia, at least, will not neglect.

Mr. MANN. The State of West Virginia can not make an investigation of the causes of explosions in coal mines without that investigation being of value to everybody engaged in the mining business.

Mr. GAINES of West Virginia. Of course.

Mr. MANN. The general proposition, in fact, will be this: The General Government shall appropriate this, and every State will instantly cease its investigation to any extent, because they will say, as they have on every other thing where the General Government undertakes an investigation, "Oh, the General Government is doing that; let them carry on the investigation;" and instead of having two investigations being carried, we will have only one.

Mr. GAINES of West Virginia. Now, if the gentleman will permit me——

Mr. HOLLIDAY. I want to ask the gentleman if he does not believe it to be the duty of the General Government to protect the lives and health of the people of this country?

Mr. MANN. I do not believe it is the duty of the General Government to protect the lives of people in Indiana, however, as much as it is the duty of the State of Indiana. Since when does the gentleman desire the General Government to walk into the homes of the people of Indiana? For goodness sake, what is the State of Indiana in existence for?

Mr. HOLLIDAY. If the people of the United States can do it better than the people of Indiana, then the people of the United States ought to do it.

Mr. MANN. Well, I think the people of the United States can do a good many things better than the people of Indiana do them——

Mr. HOLLIDAY. Then the people of the United States ought to do it.

Mr. MANN. And better than the government of Indiana itself does them, but I am not in favor of wiping out the government of Indiana on that account, because I have hopes that

it will be improved when the present Chairman of the committee gets in the governor's mansion. [Applause.]

Mr. GAINES of West Virginia. Now, will the gentleman permit me?

Mr. TAWNEY. Mr. Chairman, I take the floor for the purpose of asking the gentleman from West Virginia [Mr. GAINES] the practical question. At the beginning of this session of Congress it was his deliberate judgment that $25,000 would be sufficient to conduct this investigation—at least to begin it—and he was asking the Committee on Appropriations for a recommendation for an appropriation of $25,000 for that purpose. Now, I submit, Mr. Chairman, that if we appropriate $50,000 now it will be ample to begin the work or to continue the work if it has already been begun under existing appropriations made for the Geological Survey. But I think, and this is my only reason for making this suggestion, as I said the other day, when we begin a new service it is incumbent upon Congress to begin with the smallest possible amount and make the service as efficient as is necessary for the purpose to be accomplished.

Mr. GAINES of West Virginia. Will the gentleman permit me?

Mr. TAWNEY. Just a minute.

Mr. GAINES of West Virginia. Your statement of facts I want to correct.

Mr. TAWNEY. You can state it.

Mr. GAINES of West Virginia. I am sure I had in mind at the time I approached the chairman of the committee the sum of $180,000. I asked him whether there was any chance whatever that he would not make the point of order upon an appropriation. He smiled in a way that was a sufficient answer, with that genial smile with which he always lets us see that these things are hopeless, and I did not discuss it in detail. I do not know what amount I mentioned to him, but I never got the chance to talk seriously with the gentleman from Minnesota [Mr. TAWNEY] on this subject, but any persiflage, or what not, that left upon his mind $25,000 was certainly no impression I intended to create. I never had such an amount in mind in my life.

Mr. TAWNEY. It is not material, Mr. Chairman, whether the gentleman was in earnest or in fun when he suggested the appropriation of $25,000 on the urgent deficiency appropriation bill. The practical question now is whether he is willing to accept a reasonable appropriation for the purpose of inaugurating this service and leaving to the future—the next six months, we will say—to develop the extent of this investigation and the probable cost in order to carry it on for another fiscal year.

They will have to come back here year after year with their estimates for this service if we once inaugurate it. I do not think we are justified in appropriating for the next fiscal year more than it will be physically possible for them to spend, and thereby laying the foundation for future estimates for this particular service.

Mr. GAINES of Tennessee. Will the gentleman yield? I personally know, because I am just from the office; that the Government is now making the investigations; that right now lying on the desk of Mr. Smith, the Director, is a report on an explosion out in New Mexico which killed eleven miners, and they have found it was a coal dust explosion. They have reported that. As to how much money it has taken to do that I do not know, or how much was needed I do not know, but as a matter of fact the Government is now making that kind of investigation, and there is not any law, so far as I know or can find, that directs an investigation. I do not know of any law that literally gives the Department that power.

Mr. TAWNEY. If the gentleman or the committee will accept the amendment offered by the gentleman from Indiana [Mr. CHANEY] reducing the appropriation proposed from $195,000 to $50,000, there will be a law for the investigation if the committee agrees to the amendment.

Mr. HOLLIDAY. I would like to make a parliamentary inquiry. Can the committee vote upon the last amendment offered by the gentleman from Indiana [Mr. CHANEY] pending the question of the point of order? If not, why does not the gentleman from Minnesota [Mr. TAWNEY] withdraw the point of order?

The CHAIRMAN. The Chair understands the parliamentary status to be this: The gentleman from Indiana [Mr. CHANEY] offered an amendment, and the gentleman from Minnesota [Mr. TAWNEY] stated that if the sum provided for in that amendment were reduced he would withdraw the point of order. Therefore the gentleman from Indiana [Mr. CHANEY] offered to make the reduction or the change in the amendment, which can not be done without unanimous consent. Unanimous consent thereto having been refused by various Members objecting, the original amendment proposed by the gentleman from Indiana is now pending, and upon that the gentleman from Illinois [Mr. MANN] reserved a point of order. That is the status. Debate will proceed, therefore, until somebody asks to have it closed, and asks to have a decision made on the point of order.

Mr. BARTHOLDT. I rise to ask the chairman of the committee a question or two.

Mr. SHERLEY. Mr. Chairman, I want to be heard on the point of order, if nobody else does.

Mr. BARTHOLDT. I want to ask the chairman of the committee a question or two.

Mr. SHERLEY. I have no objection to that.

Mr. BARTHOLDT. Early in the session, Mr. Chairman, I introduced a bill providing for this investigation. While I have not a single miner in the district which I have the honor to represent, yet, impelled by the reports of these great disasters in West Virginia and other States, I took it upon myself to introduce that bill. It was referred to the Committee on Labor; first to a subcommittee and reported favorably; then to the whole committee, and reported favorably.

Mr. TAWNEY. What is the gentleman's question?

Mr. BARTHOLDT (continuing). And that bill has been upon the Calendar of the House since that time. I have been informed that in the legislative bill there is carried an item which provides for exactly that kind of investigation and work by the creation of that bureau of mines; and as a result of that action, Mr. Chairman, I did not press the joint resolution which I had introduced. Now, I would like to ask the chairman of the committee whether this item carried in the legislative appropriation bill will cover this investigation?

Mr. TAWNEY. The provision in the legislative bill, I will say for the information of the gentleman from Missouri, does not authorize the creation of the bureau of mines specifically. It authorizes almost everything that this amendment authorizes but the proviso, which authorizes a copartnership between the Federal Government and any individual or corporation or a State or institution that may institute in a State any of these investigations. It did not specifically provide for a bureau of mines and mining.

I will say further, and I will say this to the committee, that the legislative bill is not the bill to carry an appropriation for this service. The legislative bill provides for the servce of the executive, legislative, and judicial departments of the Government here at the seat of government. The sundry civil bill, to which this amendment has been offered, is the bill upon which provisions of this kind should be carried; and if this amendment of the gentleman from Indiana goes in, it authorizes the inauguration of this investigation. The only question is whether we should appropriate more money, an amount of money which every man here knows can not be expended during the next fiscal year, or whether we will appropriate enough to enable them to organize this service, institute an investigation, carry it on until Congress meets next December, when we will all know a great deal more about the necessities of the service than we do now. That is a proposition which is, I think, entirely reasonable, and for one, I contend that we are not justified at this time in appropriating more money than is absolutely necessary.

Mr. BARTHOLDT. What I want to know is this: Whether if this amendment in the legislative bill becomes law, is enacted, it will not obviate the necessity of any further action at this time on this same subject. That is what I want to know.

Mr. TAWNEY. That proposition carried in the legislative bill is the identical proposition carried here, except that it is a little broader with reference to Indian lands and lands under the control of the Government of the United States. The proposition here is one which authorizes a copartnership between the Government and State institutions for the purpose of carrying on Government service. That is the only difference. If the committee does not see fit to accept the proposition I offered, I will have to insist upon the point of order.

Mr. BONYNGE. I would like to ask the chairman of the committee if the amendment made to the legislative, executive, and judicial bill is adopted, is it not confined to work in Alaska and the Territories?

Mr. TAWNEY. Oh, no. It was amended in the Senate so as to cover the whole territory, and that is what this bill does. It is the identical same language.

Mr. STANLEY. I move to strike out the last word.

The CHAIRMAN. That motion is not in order. The Chair understands the gentleman from Minnesota insists upon a decision.

Mr. TAWNEY. That was the condition, Mr. Chairman, upon which I said I would withdraw the point of order if the amendment of the gentleman from Indiana was accepted.

The CHAIRMAN. Is there objection?

Mr. GAINES of West Virginia. I object.

Mr. SHERLEY. I demand the regular order.

The CHAIRMAN. The gentleman from Kentucky demands the regular order, which is a decision by the Chair.

Mr. STANLEY. I hope my colleague will not insist upon a demand for the regular order. I wish to call the attention of the gentleman from Minnesota to the matter of appropriations by the Federal Government.

Mr. TAWNEY. Will the gentleman from Kentucky, my colleague on the committee, withhold his demand for the regular order until the Chair can again submit the request for unanimous consent?

Mr. STANLEY. If my colleague insists upon the demand for the regular order, I have nothing further to say.

Mr. SHERLEY. I have no desire to stop anybody, but we have been discussing this matter in an academic way for an hour.

Mr. STANLEY. If my colleague insists, I have nothing further to say.

Mr. SHERLEY. I am going to insist on having a ruling on the point of order. There has been ample opportunity for discussion. I do not want to take any more time of the committee than necessary.

Mr. TAWNEY. Will the gentleman from Kentucky yield to the Chair to submit the request for unanimous consent?

Mr. SHERLEY. Oh, certainly.

Mr. TAWNEY. If that is agreed to, the proposition will be on the amendment.

Mr. GAINES of West Virginia. I shall renew my objection.

Mr. TAWNEY. Very well; I insist upon the point of order.

The CHAIRMAN. The gentleman from Minnesota insists upon the point of order. The Chair is ready to rule.

The Chair is of the opinion that the amendment offered by the gentleman from Indiana is subject to the point of order. The act of March 3, 1891, is a specific act, and provides for a specific purpose. It provides certain definite, fixed machinery to carry that purpose into execution. It also provides for appropriations for that machinery, by providing for nine inspectors and other officials to carry into execution the purpose set forth in that act.

The Chair is informed that appropriations for that purpose are made in other appropriation bills passed through this House. The amendment proposed by the gentleman from Indiana provides for continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in Territories, and for conducting such investigations, and so forth, going outside of the provisions of the original act, and asking to have provision made for other things which were not set forth in the original act or provided for by the original act. Therefore the Chair thinks that the amendment proposed by the gentleman from Indiana is not authorized by law, and is subject to the point of order, and the Chair sustains the point made by the gentleman from Illinois.

Mr. HOLLIDAY. I ask unanimous consent that the amendment offered by my colleague be amended to make the amount $50,000.

The CHAIRMAN. The amendment having been declared out of order, the gentleman may offer another amendment if he sees fit to do so. The gentleman offers an amendment which the Clerk will report.

The Clerk read as follows:

After line 9, page 79, insert as a new paragraph:

"For continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories, the District of Alaska, and in public and Indian lands wheresoever situated, and for conducting such investigations as will increase safety and efficiency in mining, to be immediately available, $50,000."

Mr. UNDERWOOD. Mr. Chairman, I desire to speak to the amendment.

Mr. SMITH of Iowa. I thought this was a request for unanimous consent.

Mr. HOLLIDAY. I ask unanimous consent for the adoption of the amendment.

Mr. SMITH of Iowa. If that consent is given, well and good; if not, we shall make a point of order.

The CHAIRMAN. Does the gentleman ask unanimous consent for the adoption of the amendment?

Mr. HOLLIDAY. Yes.

Mr. SMITH of Iowa. That is all that is proposed.

Mr. HOLLIDAY. To obviate the question raised on the point of order, I ask unanimous consent that the amendment be adopted.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the point of order be waived, and that the amendment proposed by his colleague be adopted. Is there objection?

Mr. HACKNEY. Reserving the right to object, I want to state here that I do not believe $50,000 is at all adequate. I do not believe we ought to start in by piecemeal. I think we ought to face this matter fairly and squarely and stand for the appropriation of $195,000 as originally intended.

Mr. PAYNE. Does not the gentleman see that the point of order will destroy the whole thing?

Mr. HACKNEY. With a view that this will open up the matter and bring to the eyes of the House what we ought to do, I shall not object, although the amount is inadequate.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word of the last paragraph.

Mr. SMITH of Iowa. This is a request for unanimous consent, and I insist that it be put.

The CHAIRMAN. Unanimous consent is asked. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I object to the request.

Mr. NICHOLLS. I object.

Mr. UNDERWOOD. I move to strike out the last word.

The CHAIRMAN. Objection is made by two gentlemen, and the gentleman from Alabama moves to strike out the last word. The gentleman is recognized.

Mr. HOLLIDAY. I make the point of order that there is no last word. The amendment has gone out, and we have already passed the last paragraph.

The CHAIRMAN. The point of order is well taken. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

For continuation of the topographical surveys of the public lands that have been or may hereafter be designated as forest reserves, $75,000, to be immediately available.

Mr. UNDERWOOD. I now move to strike out the last word. I wish to state that the reason why I objected to the unanimous-consent proposition that the gentlemen of the Appropriations Committee tried to force through this House without an opportunity for the House to vote on it was this: I do not think there is any more important question——

Mr. HOLLIDAY. I make the point of order that the gentleman is not speaking to his amendment.

The CHAIRMAN. The Chair thinks the gentleman is in order.

Mr. UNDERWOOD. I do not care to try to dodge the proposition. If the gentleman from Indiana wishes to insist on his point of order and prevent me from stating why I made the objection I will sit down, and at some future time I will tell the House why I think it was necessary to insist on my objection. I would like to ask the gentleman from Indiana if he desires to continue his objection to my making an explanation.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama may proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Alabama may continue for five minutes. Is there objection?

There was no objection.

Mr. HOLLIDAY. Before the gentleman from Alabama proceeds, I would like to ask the parliamentary status of the amendment.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last word and has the consent of the committee to proceed for five minutes.

Mr. UNDERWOOD. Mr. Chairman, my object in objecting to the unanimous consideration and passage at the same time of the resolution offered by the gentleman from Indiana was this: I consider this proposition to investigate the mines in this country one of the most important propositions now pending before Congress. It involves human life; it is a proposition that the sovereign States can not thoroughly investigate. What may occur in a mine in Pennsylvania may be of great value in the future in Alabama, or what may occur now in Wyoming may prevent great disasters in Wisconsin; but if the State of Wyoming makes its investigations solely and alone, the other States may not receive the full benefit of the investigation, nor would it get the value of other original investigations in other States, and therefore I think it proper for Congress to enter upon this investigation and thoroughly investigate the question, and I am satisfied that $50,000 will not begin this investigation, and it would be a mere subterfuge to accept that amount.

The gentleman from Minnesota stated a few minutes ago that $50,000 would be sufficient to organize the bureau until next winter; but the gentleman from Minnesota knows better than any other Member of this House that this appropriation bill and the items going into it are available for the next fiscal year, and if it is agreed to we will get no more for a year. This

bill carries appropriations for the fiscal year 1908 and 1909; and if you only appropriate $50,000, you would have to wait until next year before you could get any more unless it was brought in in a deficiency bill.

Mr. TAWNEY. The gentleman from Alabama does not mean exactly what he says. He knows better, if he will stop to think, because he was once a member of the Committee on Appropriations, and he knows that the sundry civil appropriation bill carries appropriations that are immediately available. The appropriations in the sundry civil bill are not subject to the same rule that pertains to other appropriation bills.

Mr. UNDERWOOD. I did not say that it was not immediately available.

Mr. TAWNEY. If carried in the appropriation bill, it would be available not later than the 4th of March, or, if necessary, it could be provided for in a deficiency appropriation bill. My only reason for asking the committee to delay further appropriations beyond the $50,000 is because nobody knows to-day what is necessary, and $50,000 will supply them until they can submit a detailed estimate, and then we will have full information. If that is not a practical and sensible way of proceeding, I do not know one.

Mr. UNDERWOOD. I know that the appropriations in the sundry civil bill are immediately available, but if we make an appropriation now, we get no more money until another bill comes in, and it would not be until the spring of 1909. Here is my objection to it. To-day this proposition is pending on the legislative appropriation bill. The Senate has adopted an amendment carrying out this idea in full, appropriating $190,000 for the equipment of this Bureau and carrying out this proposition. And I am not willing to compromise here. I want a square and fair vote on the Senate proposition.

Mr. TAWNEY. The legislative bill carries $190,000 for a complete investigation. It is not proposed here to appropriate all that is necessary for a complete investigation, because we know that the investigation can not be completed within the next year.

Mr. UNDERWOOD. The legislative bill, as I understand, carries this appropriation for the purpose of this investigation. Now, that will enable these men to organize for the full scope of the investigation. If you only give them $50,000 now and tell them to go out and organize, they can not organize a bureau because they will not know along what lines to develop their organization or how far they can go on with it.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOLLIDAY. I ask unanimous consent that the gentleman may have five minutes more. I would like to ask him a question.

Mr. TAWNEY. Mr. Chairman, I shall have to object to the further continuation of the debate on this subject. If we are not going to accept the proposition, there is no use in debating it any further. The gentleman from Alabama has explained why he objected, and that is all he asked for. We have not read a line of this bill to-day.

Mr. HITCHCOCK. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HITCHCOCK. I desire to speak to the pro forma amendment of the gentleman from Alabama [Mr. UNDERWOOD.]

Mr. TAWNEY. Mr. Chairman, I make the point that the gentleman from Alabama has made no amendment. He had the unanimous consent of the committee to speak for five minutes.

Mr. HITCHCOCK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. HITCHCOCK. Mr. Chairman, I take this opportunity because I desire to call the attention of the House to a matter which has recently come to my knowledge, and which relates to this paragraph in question. It involves the preservation of the American forests. This House ought to know that for many years there has been in the Department of the Interior a gross misinterpretation of an act of this Congress, under which many million dollars' worth of public timber has been practically thrown away. The act known as the "timber and stone act" of 1878 provided that land in certain States, unfit for agricultural purposes and valuable chiefly for its timber, should be sold under certain restrictions at a minimum price of $2.50 per acre. The use of the word "minimum" obviously meant that higher prices should be charged for the more valuable land. This has, however, never been done. A recent effort on the part of a few members of this House to devise a bill whereby a higher price might be obtained for timber of greater value——

Mr. TAWNEY. Mr. Chairman, I regret to say that the gentleman is not talking to the paragraph that has been read. I make the point of order on that ground. We will have to get on with this bill.

Mr. HITCHCOCK. Mr. Chairman, I think I am in order in talking on this paragraph, which relates to the forest reserves of the United States. I believe I have the right to explain to the House how our great forest lands have been despoiled.

Mr. TAWNEY. The paragraph relates to topographic surveys.

The CHAIRMAN. The subject of the paragraph is topographic surveys.

Mr. HITCHCOCK. And these topographic surveys relate to the public domains, to the forest reserves, and I am endeavoring to say at this time to this House that nearly 8,000,000 acres of those valuable public forests during the last seven years, under this Administration, have been sold at $2.50 an acre. That price yielded the Government less than $18,000,000, whereas the Department of the Interior admits now, in writing, that the real value of the lands was over $80,000,000. It seems to me that this House ought to know, whether the subject be exactly germane to this particular paragraph or not, that after it had passed an act providing that these forest lands should be sold at not less than $2.50 an acre the Department has disregarded the limitation and proceeded to sell all forest lands, however valuable they were, at $2.50 an acre, and in no case has a higher price been demanded. Mr. Chairman, I am not talking here without information. I have before me the law passed in 1878, providing a minimum price. I have the admission of one of the legal advisers of the Department of the Interior that the Department has just discovered that there is the word "minimum" in the law, and that hereafter it proposes to change its policy and require of purchasers under the timber and stone act a higher price than $2.50 an acre when the value is greater. It seems to me, however, that the fact ought to be made known to this House and to the country that during the last seven years of this Administration nearly 8,000,000 acres of timber lands have been sold by misconstruing the law at something like $18,000,000, while the Department in all its branches has admitted, and admitted in writing, that the actual value of that land was at least $77,000,000, which represents a loss of at least $60,000,000.

Mr. SMITH of Arizona. Does the gentleman mean the lands were sold or the timber on the lands?

Mr. HITCHCOCK. I mean that under the timber and stone act a purchaser got a patent to 160 acres of land for $2.50 an acre, whereas in many cases the 160 acres he got at that nominal price actually contained $10,000 worth of timber. This is well known in the Department, and yet year after year the Secretary of the Interior under this Administration has been selling these timber lands of great value on the Pacific coast, containing great forests of timber, for a mere pittance, and allowing them to pass into the hands of the lumber trust, which has been selling its lumber to the people of the United States at an advance of 70 per cent in the last ten years. Mr. Chairman, it seems to me that it is a scandal that our valuable timber lands in the Pacific coast States have been sold at this lowest price, when Congress intended to provide that they should be sold somewhere near their actual value. This the Department now admits.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. I think it is somewhat doubtful as to whether the word "minimum" as used in the timber and stone act is subject to the interpretation which the gentleman from Nebraska [Mr. HITCHCOCK] informs us the Department is now inclined to place upon it. It is my opinion that Congress intended just what the Department has held all these years; it intended that these lands should be sold for $2.50 per acre. If the Department now attempts to place a new interpretation on the language and charge more than $2.50 per acre, all of the best lands will be homesteaded and the poor lands remain unsold. But, Mr. Chairman, whether that be true or not, what the gentleman has said on the authority of Department officials as to the value of lands sold under this law illustrates the reckless extravagance of statement which has been indulged in in regard to the sale of lands under this law.

It is barely possible that somewhere, some time, there may have been a tract of land sold that at some later time—ten, twenty, or thirty years after, may have been worth $10,000. It is barely possible that that is true. That any land that was ever sold under the timber and stone act was worth any such price as that when sold is certainly not true. Had that been the case, it would have been sold immediately upon the passage

of this act, and not long thereafter. Now, the fact is, Mr. Chairman, that 90 per cent at least of the lands that have been sold under the timber and stone act were worth at the time they were sold but little more than $2.50 an acre. I have personal knowledge of the fact that many tracts of land have been sold and are now being sold at $2.50 an acre under the timber and stone act that are not really worth $2.50 an acre. The homesteader with a farm in a valley with a little rough land lying adjacent to him containing small shrub timber buys it for a wood lot and an additional pasture, and he pays more, in the intermountain States at least, for such lands than he could sell them for in the majority of cases after he purchased them—certainly more than they are worth except as an adjunct to the farm.

Now, we unquestionably did sell some valuable lands on the Pacific coast for $2.50 an acre. I think that is true. Ordinarily, however, when sold they were far distant from market, and only the construction of expensive lines of railway made them valuable.

Mr. HITCHCOCK. Mr. Chairman, will the gentleman permit a question?

Mr. MONDELL. I will be glad to do so.

Mr. HITCHCOCK. I think there have been many miles of railroad lines constructed to these lands, but does the gentleman claim that these railroad lines have been constructed for the "poor little settler" whom he has pictured here as acquiring these valuable lands for a song? Have not these lines been constructed to accommodate great lumber companies which have in seven years acquired most of these 8,000,000 acres represented in these 50,000 timber claims? Is not that the fact? Is it not a fact that these 50,000 timber claims have passed very largely into the hands of great lumber companies which have been exploiting the public domain?

Mr. MONDELL. Oh, I think that land sold under the timber and stone act and lands that have been acquired under other acts have undoubtedly, in many instances, been gathered in considerable holdings, but I think any gentleman who knows anything about the lumber industry understands that it is absolutely essential to the carrying on of the industry to have a considerable holding; that you can not set up a sawmill for the sawing of timber on every 80-acre tract in the country, or every 160-acre tract.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Now, I did not rise for the purpose of claiming that we did not sell some lands under the timber and stone act for much less than they were worth when——

Mr. HITCHCOCK. Mr. Chairman, does the gentleman dispute that the Department of the Interior is in a position to judge the value of these lands?

Mr. MONDELL. I will say to the gentleman that, while there are no doubt men in the Department of the Interior that are in a position to judge of the value of some of the lands sold under this act, it is also true that some officials of that Department have uttered the most exaggerated statements in regard to this, as they have in regard to many other public-land matters, and that men who are competent to judge know that many statements made are very greatly exaggerated, and it was for the purpose of calling attention to that exaggeration, which I believe does no good, that I rose. Now, we did sell, it is true, and have sold in the past, some very good timber land for $2.50 an acre. These lands, some of them, became very valuable later. I think in the main the lands when sold were not worth a great deal above the Government price. In many instances they were entered by men who immediately sold to parties who desired to use them for lumber purposes. I am not defending the operations of the law in all cases, but I think if gentlemen of the House, from hearing the statement of the gentleman, have the opinion that in the main these lands which have been sold are very valuable, it is an altogether erroneous opinion. So far as the present condition is concerned, practically all of the valuable timber lands are in forest reserves, or if they are not in forest reserves they ought to be. There are millions of acres of land that do not contain any timber worth mentioning in forest reserves. There are millions of acres of other lands containing but very little timber in forest reserves, and surely those lands that do contain valuable timber ought to be in the reserves and, in my opinion, they are at this time in reserves.

So that whatever may be said as to the workings of the timber and stone act in the past, it is at this time an act which enables the settler, and it is taken advantage of in nine cases out of ten by the settler, to acquire a tract of rough, broken land lying adjacent to his farm, which, in the majority of cases, is not actually worth $2.50 an acre on the market.

Mr. HITCHCOCK. Against the gentleman's statement is the official statement of the Assistant Secretary of the Interior, who admits that the value of these 50,000 claims which have been taken up during the present Administration, within seven years, equals $77,000,000, for which the Government only received $17,000,000. Now, it seems to me the gentleman ought not to dispute the fact that the Department is in a position to have accurate knowledge of the value of the land. The gentleman from Wyoming must have a knowledge of all the enormous lumber shipments that have come from that region of the United States. He must know of those that are now coming from that region of the United States. How, then, can he claim that there are no timber lands there except those preserved in the Government reserves? The fact is that lumber claims have been taken up in enormous quantities lately and have passed into the hands of lumber companies.

Mr. MONDELL. Mr. Chairman, I object to the gentleman making a speech in my time. He is taking all my time. I have not said that there was not any timber land in private ownership. There are very large areas of timber land in private ownership, acquired under all sorts and kinds of laws, but the amount of such land taken under the timber and stone act is infinitesimal compared with the amount acquired by railway land grants, as school lands, under the forest-reserve lieu-land law, by soldiers' additional entries under the homestead law, and other forms of entry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. The timber and stone act now applies almost exclusively to sparsely timbered lands. Surely, whatever may be the present view of the Department, I hope and trust that as to the few acres of broken, rocky, scrub timber land remaining outside of forest reserves the Department does not propose at this late day to raise the price. If they do, it means simply perpetual Federal ownership of every piece of scrub timber and every rocky hillside throughout the entire public domain, the perpetual retention of those lands in public ownership, paying and contributing nothing to the support of the communities in which they lie and necessarily constantly open to depredation by all comers.

The proper procedure is to continue to sell these lands at the price named in the law, and in the main they have been sold at what was a fair and reasonable price, although it is true that in some instances quite valuable and very valuable lands have been obtained under this law. But that has been the exception and not the rule, and I have no hesitancy in saying, with some knowledge of the situation, that he knows that the land entered during the period referred to, under the timber and stone law, had no such value or anything like any such value as suggested from the official source to which the gentleman has referred at the time the entries were made.

Mr. GRONNA. Is it not true that the Department will have the right to put these timbered lands that the gentleman has spoken of in the forest reserves?

Mr. MONDELL. Certainly.

Even though the law were subject to the interpretation which the gentleman from Nebraska understands the Interior Department now proposes to place upon it, it would not have been wise, even when there were lands of considerable value subject to entry under it, to have materially raised the price, because that would have simply resulted in the lands being taken under the homestead law, the lieu-land law, or some form of scrip.

If the price were now to be raised, the really valuable timber lands, if such there be, would be homesteaded rather than purchased, so that the Government would be making a spectacle of itself by giving away lands under the homestead law for nothing, or under the commutation clause of the homestead law at $1.25 an acre, which were not adapted to cultivation, but which were intended to be sold at $2.50 an acre.

Certainly, the gentlemen of the Department do not imagine that with the present homestead law on the statute books they could get any considerable price for the remaining timber lands on the public domain if there were any of any considerable value.

Committees of Congress have discussed this matter many times and declined to favor changes in the law. The use of the word "minimum" has also been noted, but no one, so far as I

know, has ever suggested that the law intended anything different from what it says, to wit, timber and stone lands shall be sold at the minimum price of $2.50 per acre; in other words, at $2.50 an acre.

The CHAIRMAN. The time of the gentleman has expired. The Clerk wil read.

Mr. BARTHOLDT. Mr. Chairman, before the Clerk proceeds to read I should like to ask unanimous consent to return to the section in relation to the investigation of mining disasters.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. I understand the objection to the adoption of the amendment offered by the gentleman from Indiana [Mr. CHANEY] making an appropriation of $50,000 has been withdrawn and, adopting the language of that amendment, I should like to reoffer it, and I ask unanimous consent for that purpose.

Mr. HACKNEY. I think the gentleman is mistaken as to the objection being withdrawn. Until the other gentlemen who are interested in that matter are here I shall have to object. I will say to the gentleman from Missouri [Mr. BARTHOLDT] if certain other gentlemen come in, I will try to confer with them. At this time I will have to object myself.

Mr. BARTHOLDT. I submit to the gentleman that the objector has withdrawn his objection.

Mr. GRONNA. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Missouri asked unanimous consent to return to this paragraph. The Chair put the question, and no objection was heard. The question now is upon the amendment which the gentleman from Missouri offered, and which the Clerk will report.

Mr. BARTHOLDT. The amendment offered by the gentleman from Indiana [Mr. CHANEY]. I adopt that language, and ask that it be reported.

Mr. HACKNEY. I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Missouri makes the point of order against the amendment.

Mr. HACKNEY. I will state to the gentleman that if he will wait until the other parties interested in this matter are upon the floor, we might be able to make an agreement.

Mr. TAWNEY. Unanimous consent having been given to return to the paragraph to offer the amendment, I suggest that we read, and we will recur to the paragraph hereafter.

The CHAIRMAN. Unless objection is heard, the amendment will be considered as pending, subject to the point of order.

Mr. SMITH of Iowa. With the point of order reserved.

The Clerk read as follows:

In all, for the United States Geological Survey, $1,085,520.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, changing the total, to conform with the amendments which have been adopted.

The Clerk read as follows:

Amend page 79, line 15, by striking out "eighty-five" and inserting "three hundred and thirty-five."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Bringing home the remains of officers and soldiers who die abroad: To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action, or who die in the field or hospital in Alaska, and at places outside of the limits of the United States, or who die while on voyage at sea, $25,000.

Mr. DRISCOLL. I move to strike out the last word. I would like to ask the chairman whether this is in pursuance of law or not?

Mr. TAWNEY. That is, the paragraph in regard to bringing home the remains of officers and soldiers? No; there is no statute under which it is authorized.

Mr. DRISCOLL. I reserve the point of order on the paragraph.

Mr. TAWNEY. It has been the practice for a great many years.

Mr. DRISCOLL. I want to ask a question about it. What does it mean by saying, "To enable the Secretary of War, in his discretion." Is it entirely discretionary with the Secretary of War whether or not he will provide for bringing home the remains of officers and soldiers?

Mr. TAWNEY. Yes. That was put in for the purpose of enabling the Secretary of War to decline where the officers or persons have sufficient means or left sufficient means to convey his remains from the place of death to his home.

Mr. DRISCOLL. Does not the War Department, for instance, bring home, or cause to be brought home, the remains of any enlisted man who dies abroad in the Government service? Is there any exception to the rule?

Mr. TAWNEY. We have also appropriated for bringing home civilian employees from the Philippine Islands and also those in the military service.

Mr. DRISCOLL. Is that also discretionary—in the discretion of somebody?

Mr. TAWNEY. It seems to be.

Mr. DRISCOLL. Why should it be in the discretion of anybody—the Secretary of War, or anybody else—to say whether or not he will have the remains of a soldier who died in the Philippines or in Alaska or anywhere else outside of the United States brought home?

Mr. HOLLIDAY. I would say to the gentleman that there are instances where the Government is under no moral obligation to bring his remains home. The man may have met with death dishonorably, or under such circumstances as would not entitle him to the same consideration as other soldiers should receive. Some discretion has to be left with the Secretary of War—a discretion which I know, on examination, is not often exercised.

Mr. TAWNEY. The man may be excluded from that benefit of the provision in consequence of his having committed crime, and his friends may not, perhaps, want his remains brought home. Of course the Secretary would have power to exercise discretion.

Mr. DRISCOLL. It seems to me a queer discretion to place in the hands of anybody. But I want to ask a further question. Has the Secretary any discretion by this paragraph to pay the expenses of burying?

Mr. TAWNEY. I do not think he has; I do not think the money has been expended in burial, except where the burial takes place in a national cemetery.

Mr. GAINES of Tennessee. I think the gentleman is mistaken about that, because I had one of my constituents die in the line of service in the Philippine Islands, and he was brought home from the Philippine Islands and buried at his father's residence, some 5 or 6 miles south of Nashville, near my old home.

Mr. TAWNEY. The question is not as to the expenses of bringing his remains home, but as to paying the expenses of the actual burial.

Mr. GAINES of Tennessee. Well, of course, I can not testify about that; but they brought him home, and they paid all the expenses.

Mr. TAWNEY. There is one class of people whose burial expenses are borne by the Government, and that is the surviving soldiers of the civil war or the Navy who die in the city or District.

Mr. DRISCOLL. I have been interested in a case where a man died in the Spanish war, and his remains were brought home and buried, and his father has never been remunerated by the Government. I withdraw the point of order.

Mr. GAINES of Tennessee. Well, then, I move to strike out the last word. I want to ask, is it the idea of the gentleman from New York that when a soldier dies, say, in the Philippine Islands that it shall not be left to the discretion of the Secretary of War as to whether he will allow his remains to be brought back at the expense of the Government, or if it should be made compulsory?

Mr. DRISCOLL. Well, it seems to me that in every instance in the case of an enlisted man that his remains should be sent home for burial.

Mr. GAINES of Tennessee. Well, of course, it ought; because he goes off under the country's flag, and the presumption is that he shall come back under the flag; and if he dies in line of duty or dies of disease or wounds, he should be brought back under that flag.

Mr. DRISCOLL. I can hardly imagine an instance where the Secretary of War should exercise a discretion against bringing home the remains of a soldier who died abroad.

Mr. GAINES of Tennessee. It is hard enough now, I am told, to get volunteers to go into the Army, because they have got to go to the Philippine Islands, and if you get it into their heads that if they die of disease or by wounds there, that their remains will not be brought back, you will have very great difficulty in getting any to enlist.

Mr. HOLLIDAY. I would like to say to the gentleman, if he will yield, that no such condition ever arises. This discretion is lodged in the Secretary of War, so that he will not be compelled to bring home the bodies of persons who die of contagious diseases, which might infect a whole shipload, or, in other cases, as, for example, where a man might be shot for desertion in the islands, or suppose he should die while in prison, serving out a sentence for being a thief, or cases of that

kind. Where a man has an honorable record and dies in the service, there are no instances where the Government has refused to bring men home.

Mr. ADAIR. Does the gentleman believe that the soldier himself really cares as much about it as his relatives and friends do back in this country? And does not the gentleman believe that it does not make any difference with what disease he dies or how he loses his life, that he should be brought back to this country for the satisfaction it will give to his friends and relatives?

Mr. HOLLIDAY. I think I may say it is always done where it is practicable to do it. The Department have construed this law very generously. There are a few isolated cases in which it would be impracticable to bring them back, and some discretion must necessarily be lodged in the Secretary, but this discretion has never been abused in the past.

Mr. ADAIR. I doubt if the fear of not being brought back would result in keeping anybody out of the service.

Mr. DRISCOLL. Was this drawn in this way in order to give the Secretary of War discretion to refuse to bring back the remains of soldiers who died of contagious disease, or for some such reason as that?

Mr. HOLLIDAY. I do not know what induced the drawing of this paragraph in this way.

Mr. DRISCOLL. Is it not an unusual provision?

Mr. TAWNEY. No; it has been carried for a great many years.

Mr. GAINES of Tennessee. If gentlemen on the other side have used all of my time that they desire, I will use the remainder of it myself. Even when a soldier dies of some contagious disease, it is pretty hard on his people at home to leave his remains in that wilderness.

Mr. TAWNEY. There is nobody who knows of any instance of that kind. The gentleman from Indiana only stated that as a possible case where the discretion in the Secretary might be exercised.

Mr. GAINES of Tennessee. Is this the usual language—"in his discretion?"

Mr. TAWNEY. It has always been.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn, and the Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BOUTELL having taken the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On May 2, 1908:

H. R. 16515. An act authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal.

On May 4, 1908:

H. J. Res. 155. Joint resolution authorizing the Secretary of War to loan certain tents for use at the national convention of the Benevolent and Protective Order of Elks to be held at Dallas, Tex., in July, 1908.

On May 5, 1908:

H. R. 19463. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Bringing home the remains of civil employees of the Army who die abroad and soldiers who die on transports: To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army who have died or may hereafter die while in the employ of the War Department in Cuba, Porto Rico, Hawaii, China, Alaska, and the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transport, and who die while on said transport, $2,500.

Mr. GAINES of Tennessee. Mr. Chairman, just a moment. I notice here, in line 23, page 111, they use the words "who die abroad." Why are those words put in there? If they die in the Philippines, that is not considered abroad.

Mr. TAWNEY. We have soldiers who are abroad, and we have civilians who are abroad, who die there and they are brought home.

Mr. GAINES of Tennessee. I understand they might die in a foreign country, but the Philippine Islands are not a foreign country and they are not "abroad." Will this cover civilian employees dying in the Philippine Islands?

Mr. HAY. If the gentleman will read the wording of the paragraph, he will see that it is very specific in its terms, and it includes Cuba, Porto Rico, Hawaii, China, Alaska, and the Philippines.

Mr. GAINES of Tennessee. Oh, yes; I see. That is all right.

The Clerk read as follows:

Lincoln's Gettysburg Address: For placing iron tablets containing the address of President Lincoln delivered at Gettysburg, in seventy-seven national cemeteries, $3,000.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I do this, Mr. Chairman, for the purpose of making a request I have never before made during the sixteen years I have served in this House.

The paragraph just read authorizes the placing of iron tablets in the national cemeteries in the United States containing that remarkable and memorable address by President Lincoln delivered on the battlefield of Gettysburg upon the dedication of that portion of the battlefield now known as the "Gettysburg National Cemetery." It was my great privilege at the age of 8½ years to listen to Mr. Lincoln as he delivered that address, and it has been my privilege, as chairman of the Committee on Appropriations, to recommend the authorization and the appropriation for the publication of that address as provided in the foregoing paragraph.

Almost forty-four years thereafter, on the 30th of last May, from the spot where that address was delivered, I had the honor of delivering the memorial address in the Gettysburg National Cemetery.

I ask unanimous consent, Mr. Chairman, that I may print in the RECORD the address which I delivered upon that occasion. [Applause.]

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The address referred to is as follows:

I do not plead for States rights. I plead for the right and the duty of the Federal Government to protect itself and its Treasury against the encroachments of the States and private interests upon its powers, its duties, and its revenues.

MEMORIAL ADDRESS OF JAMES A. TAWNEY.

FRIENDS AND NEIGHBORS OF GETTYSBURG AND ADAMS COUNTY: You can but imperfectly understand, and words are inadequate to express, the emotions with which I visit this spot and address you upon this occasion of momentous interest. Yonder beyond Wolf's Hill, on the old Low Dutch road connecting the York and Baltimore pikes, stands the house where I was born. From its attic window, with my brother, on the afternoon of the third day of this memorable battle I witnessed the fearless but modest Gregg and the gallant Custer repulse and drive back the cavalry of Stuart and Fitzhugh Lee. The roads which radiate from the center of this town like spokes from the hub of a wheel, the farms, the schoolhouses, and the churches were once as familiar to me as its bed is to a brook, and their names will ever retain a precious old-world charm. Whenever in imagination I linger over these scenes a host of memories come trooping forth from every hill and woodland.

On the morning of the opening day of the battle I was picking cherries for my mother, high up in a big black cherry tree on the farm then owned by "old" John Snyder. Well do I remember the haste with which I climbed down out of that tree and ran home with my cherries while the first thundering tones of the battle rolled over Gettysburg and the surrounding country. I remember, too, that our house was used as a hospital for the wounded; that the enemy began shelling it on the third day and that it was saved by the act of a Union soldier, who unfurled my sister's red flannel petticoat, with my fishing pole as a flagstaff, from the top of the highest chimney on the house. On Tuesday following the battle I rode over the field with my grandfather, and there on the north side of Culp's Hill I saw the bodies of some sixty soldiers lying in one uncovered grave. And all over this countryside, in every wood and valley, I can at will hear the voices and see the fancy-painted faces of long ago.

It seems but yesterday that I listened to those words from the lips of the immortal Lincoln uttered upon the dedication of this ground as a national cemetery, almost from the spot where I now stand. "Here let us highly resolve that these dead shall not have died in vain." The American people made this resolve and they have kept it. The marvelous development of our united country, the universal prosperity of its people, the entire obliteration of sectional hate, and our rapid growth in international prestige and power in the forty-four years since that resolve was suggested by Lincoln, show how well we

have kept it. To-day we occupy the first rank among the nations of the world. All this goes to prove that these dead have not died in vain.

It is therefore with peculiar emotions and a profound sense of the honor you have bestowed upon me that I address you to-day. And yet let the truth be said that neither my personal associations with this battlefield nor the great honor you have conferred upon me weigh anything in comparison with the vast political significance which this day, in this place, has for me, and must have for us all and for the nation at large.

Year by year we gather on this hallowed field to honor those who died that the nation might live. We pause in our accustomed ways; we turn aside from our usual occupations; we here commune with each other on the themes which these recurring occasions suggest; and beneath the bright blue sky, in the presence of a renewed nature, clothed in her divinely beautiful green robes of spring, we gather up those wondrous expressions of the Creator's kindest thoughts—the flowers—and tenderly strew them upon the graves of our departed heroes.

But is this all? Our coming here has about it some of the sadness of a requiem; it has about it some of the solemn reverence of prayer. Beneath these skies and upon this great occasion our country becomes a sanctuary; this battlefield an altar; these dead our sacrifice, and our love and reverence for the nation a kind of religious worship. Yet this is not all. In memory these brave dead have become sceptered sovereigns, whose spirits rule us from their graves. We all strive—we must strive—to realize the ideals for which they died.

Year by year your invited orators here seek to utter words whose sincerity and truth shall measure up to the sincerity and truth of those awful days in July, 1863—words as sincere as those silent graves yonder, words as true as the hearts of men—our fathers and brothers—who here faced shot and shell in the cause of our national life. No man can hope to speak words as full of meaning as were their actions upon this field. In my mind's eye I can see them now—the alert, intrepid Buford, with his cavalry, sighting the foe near Willoughby Run, on the Chambersburg pike; the hurried preparations for battle to hold Lee's army in check until Meade could arrive; the deadly clatter of the musketry, in which thousands fall, and Reynolds's fearless and masterful disposition of his infantry. I can see the fall of Reynolds in the dust and blood and heat. I can see the fearful slaughter of that first day, until some 50, aye, 60, per cent of all who fought fell hors de combat. I can see the temporary defeat of the Union forces, and their hasty retreat through the town in the face of enormously superior numbers, but finally holding the Confederate army in check until their end was attained and our victory of the first day was won. And then Lee's terrific attack upon Sickles's corps; the frightful slaughter in yonder wheat field and at the foot of Little Round Top and in Sherfy's peach orchard; and then Hancock's stubborn resistance, made successful by the valor and heroism of the gallant First Minnesota; and there that night, beside their dead and dying, comrades of the second day's battle, I can see the men sleeping upon their arms. Then the ominous silence that preceded the thundering roar of the cannonade and fearful decimation of the enemy's forces, which was quickly followed by the final act—Pickett's brave but desperate charge across these fields, up the slope to the point now known in history as the "high-water mark" of the rebellion—and then the retreat of the enemy under the cover of night through the gaps of yonder mountain, leaving the Army of the Potomac in complete possession of the field.

What words can even approximate a description of the awful scenes of those three days; what heart, how large soe'er it be, can adequately appreciate the valor and enormous cost of that fight for the nation's life! It is for us rather to think over these scenes than to attempt to describe them, and to try to understand and appreciate the heritage of glory into which we have come. In silence, beneath these skies, where every man may be alone with his God, it is fitting that we should, each for himself, take to heart the lessons of these graves, these hills, and these fields.

Most of the battles of the world have been fought in the name of religion, and religious wars have ever been the most cruel and relentless of all. Many others have been fought for the purpose of individual or national aggrandizement; while others have been fought to satisfy the pride or satiate the ambition of a few worldy kings, rulers, and princes. But the battle of Gettysburg, like those of Marston Moor and Runnymede and Bunker Hill, was fought to determine the proper bounds of civil and political liberty. It was fought to settle a purely political issue.

There is but one great problem in politics and that is the adjustment of the central power of the State or nation to the local self-government of the people. Our whole political life vibrates back and forth across that invisible boundary at which the liberty of the individual or the community ceases and the authority of the central government begins. Principally all of the really political battles of the world have grown out of the opposition and clash of these two great conflicting forces. They might be called the centrifugal and the centripetal forces of government. If you swing about your head a stone tied to the end of a string, two forces will operate to determine the path of the stone—the centrifugal force, on account of which the stone tends to fly off in a straight line at right angles with the line of the string, and the centripetal force of the string itself holding the stone in its circular path. Just so in politics. There is always the centrifugal tendency of the individual and the locality to fly off and pursue a path of its own in conflict with the rest of the body politic, and there is the strong centripetal power of the government tending to draw and hold us closer together.

This was the issue when good English yeomen wrested Magna Charta and the right of trial by jury from King John; this was the issue when they forced the king to grant them representation in the Government of England and the privilege of voting their own taxes; this was the issue when the cry, "no taxation without representation" arose in Boston Harbor and the war of the Revolution began; and this was the issue at Bull Run, at Shiloh, at Vicksburg, and at Gettysburg where brother fought against brother and this fair field was drenched with fraternal blood.

Has the individual State the right and should it manage and control its affairs without regard to the other States in the Union, or are we essentially one people, bound in all we do as individual States to respect the institutions and conserve the welfare of all? This, my friends, is for us the one great problem of government. In one form or another it returns again and again in our political life. Here on this battlefield it took the form of the doctrines of "secession" and "States rights." To-day it faces the American people in a more subtle form, of which I wish briefly to speak.

Permit me to remind you that no great problem of government can be solved once for all and so solved that it will not rise again. The opposite forces of government are always present and operative, and their adjustment to each other is always changing with the changing problems and circumstances of our industrial and political life.

The conditions under which our Government arose were peculiar, and in many respects they remain unparalleled in the history of the world. At the close of the American Revolution the colonies were just so many separate and independent nations or governments; they had risen by charter in entire independence of each other. They differed materially from each other in type of government and in social institutions. The colonies had but little in common except the dangers and exigencies of their pioneer life. Their first attempt to unite in a common government was under the Articles of Confederation, but there was no central power or authority to act for the people as a whole. Foreign nations could neither recognize us as a nation nor enter into treaty relations with us. It was therefore necessary that the States organize themselves into a single, comprehensive government—one that would include the whole country, with full power to act in all matters affecting what was then considered the common interests of the whole people. Owing to differences of opinion as to what constituted the common interests of the whole country and the jealous regard of the States for their right of local self-government, there was great danger that they could never come together in a single government. Everyone knows the story of how our present Constitution was constructed; how difficult it was to secure its ratification by even a bare majority of the States, and how, after much criticism, discussion, and amendment, it was slowly adopted by all. The doctrines of "States rights" and "secession" were nothing more than survivals, in the political traditions of the country, of an idea which, historically speaking, underlay and molded our Government. It was by the consent of the several States that they were finally united into a nation, and it was natural to hold that relations thus established by agreement in severalty could be dissolved at will.

But since the early days of the nation, and partially as one of the results of the rebellion that received its crushing blow upon this memorable field, the thought of the people about their Government has changed much. By a series of subtle transformations no less than marvelous we have come to possess, in effect, a new Government.

The necessity of the colonies entering into treaty relations with other nations was the first great interest tending to bring

them together. To secure recognition and standing as a government, they must unite. This was the first step toward those economical and political relations with other powers and peoples which have since come to be the pride and glory of our common country. Since that time how vast have become the common interests binding the States in the unity of one Federal Government! All our interstate and foreign commerce, all our diplomatic relations with foreign powers, all our wars, our armies, our navies, our island possessions, our history, and our future, all these impress us with the great importance and necessity of our constitutional federation of the States.

Furthermore, there is another reason why the public thought about the Government was changed. The colonies had no railroads, few newspapers, no telegraph, and no telephone, while to-day lightning leaps responsive to the voice and touch of man, and the steel rail and the iron horse afford the means of quick communication and the rapid transportation of products, keeping the States in intimate contact and close acquaintance with each other. We have come to be great readers and great travelers. What happens in San Francisco vitally concerns those living on the Eastern seaboard; what transpires in the South is of material interest to those who live in the North. Where formerly each State produced its own raw materials and manufactured them into food and clothing for home consumption to-day nearly every city and town in the land is at some season of the year dependent upon the whole country for the necessities of life. For these reasons, and partly as the result of the civil war, there has grown up in this country an intense national sentiment. We are inclined to boast of our American citizenship before we even mention our State citizenship. National laws are scrupulously observed while State enactments are but little respected.

In the early part of the nineteenth century there was fear and danger that the Union of the States was as a rope of sand and would fall apart. To-day there is more reason to fear that the several States and the local self-government which they represent will, for all practical purposes, disappear from our politics as distinct entities and be swallowed up in one all-embracing Federal power. The States not only seem inclined to allow, but in many instances are anxious voluntarily to surrender, to the Federal Government the discharge of duties and the exercise of powers and privileges reserved to them by the Constitution, especially when the exercise of those powers involves the expenditure of money. They are also to-day either soliciting or acquiescing in a degree of Federal supervision over their domestic affairs that less than half a century ago would have led to revolution had the Federal Government attempted to force such supervision upon them.

Much of the Federal legislation now being enacted, especially that creating new services in respect to the local affairs of the people, would not twenty-five years ago have been tolerated by the States at whose instance, through their Representatives in both Houses of Congress, such legislation is now demanded. Even private interests, interests entirely outside of State and Federal governmental functions, are, through the activities of the Federal bureau chiefs, aided by the people of the States, seeking Federal legislative authority and Federal appropriations with which to develop local industries for the benefit of private enterprise.

The recent surrender by the Southern States of the exercise of the right reserved to them by the Constitution to maintain control, and regulate local quarantine, primarily because of the expense incident to the maintenance of an efficient State quarantine; the practical surrender to the Federal Government recently made by the State of Maryland of sovereignty over her oyster beds, that the State might be relieved of the cost of an accurate and necessary survey; the Federal inspection of the products of private manufacturing establishments and the sanitary inspection and control of the establishments themselves; the Federal inquiry into the physical, mental, and social conditions surrounding women and child labor in all local industrial occupations, with a view ultimately to securing national legislation to regulate domestic occupation; the inspection of cattle, of insects, and of all agricultural products; the investigation of soils, in which the Federal Government has no interest; the care and disposition of timber on State lands set aside by the States as forest reserves; the actual breeding of horses and cattle, primarily for the benefit of the few fancy stock raisers of the country; the making of topographic and geological surveys of States in which the Government does not own a foot of unoccupied mineral or agricultural land; the making of topographic surveys of cities and counties, primarily for the benefit of municipalities, private owners of waterworks, and interurban and other electric railways; the free testing of coal by the Federal Government for the benefit of private owners of coal mines to determine its quality in heat units and the best and most economical utilization of the by-products; the free testing of building materials for the benefit of private individuals, contractors, and consulting engineers; the work of gauging streams that are nonnavigable in States where the Federal Government owns no land and therefore has no jurisdiction or control over the streams gauged, a work which, as testified to by the former Director of the Geological Survey, is performed for the benefit of municipalities and "primarily for the benefit of prospective investors in water powers." These and many other undertakings which belong exclusively to the States or private interests to do and to pay for, but which have been authorized by Congress and must be paid for from appropriations made from the Federal Treasury, exceed the legitimate functions of the Federal Government as conceived by the founders of our political institutions and as declared by them in the Constitution of the United States.

To illustrate the unprecedented growth of Federal supervision and control over the local affairs of the people at the solicitation or with the consent of the States, I will call your attention to the extent of the special agent and inspection service ten years ago and at the present time. It is through this service that supervision and control over the domestic affairs of the people is exercised by the Federal Government. In 1896 the inspectors and special agents, including those employed in the Treasury, the Post-Office, and the Interior Departments, where that service is legitimately employed in protecting the revenue, the mails, and the public domain, numbered, all told, 160, and this service cost the Government in 1896, in round numbers, $1,300,000. In 1907 we are employing an army of three full regiments of inspectors and special agents—3,000 men—and this service is now costing the American people about $9,000,000, while the full quota heretofore authorized has not yet been appointed or appropriated for. The number of men employed in this service in 1907 is therefore more than eighteen times greater than in 1896, and the cost has increased about 700 per cent in ten years.

We hear it said by some that whatever enters into or concerns interstate commerce and whatever affects the welfare of the people of more than one State logically falls within the provisions of the National Government, and this is made the apology for such authorizations and expenditures as I have referred to and for many other demands upon the Federal Treasury which the Congress has not yet seen fit to grant. But can you name a single important matter which does not affect the people of more than one State? Is there any phase of any great industry which does not come within the scope of interstate commerce? In short, is there any important private undertaking these days which can not upon some such pretext be brought within control of the Federal power? And yet, my friends, this is the tendency of the times, the growth of which during the last decade can be comprehended only by a careful analysis of national legislation and the aggregate annual expenditures of the Federal Government. If this tendency is not checked and the States continue to surrender the exercise of their reserved powers, or fail to exercise them in harmony with the interests of their sister States, then the Federal Government, as a dernier resort, may be compelled to assume practical control over the States and the affairs of their people. In that case, with the vast and varied local and national interests of a hundred or a hundred and fifty millions of people, how long would it be before the task of government would become so complex and the financial burden so stupendous that of its own weight our splendid system of government would fail?

I grant you that it is more difficult now than formerly to draw a line between Federal and State authority, and between Federal and State expenditures; but it is not an insurmountable obstacle to the continuance of our dual system of government, nor should this difficulty be made the pretext for the Federal absorption of the functions of the States in respect to local self-government. But I would call your attention to the fact, and endeavor to impress upon you the direction in which all this is tending. The inclination on the part of the States to let the Federal Government exercise the rights reserved to them is greatly weakening the powers of the States. What is infinitely worse, it is weakening the respect of the people for the authority of the States. It is also causing the people to ignore and forget all those wise considerations which led the founders of our Government to provide for local self-government by reserving to the State all governmental powers not expressly conferred by the Constitution upon the Federal Government.

It has been suggested that the reason for this practical change in our system of government is to be sought in the imperialistic aggressiveness of the party now in control of the National Government. But, my friends, let us not deceive our-

selves with shallow reflections. The real reason lies deeper than this. The tendency on the part of the States to surrender the exercise of powers belonging to them and the willingness of the Federal Government to assume such exercise, together with the burdens incident thereto, is not peculiar to any political party nor to any particular section of our country. It exists in all parties and in every section of our fair land. Let him who doubts this statement examine the record of the vote of the representatives of the people in the House and the record of the vote of the representatives of the States in the Senate. He will find that when there is a demand, either from the people or from the States, for the authorization of a new Federal service, a service which belongs to the States or to private interests to do, and an appropriation from the Federal Treasury to pay for the same, there will almost always be found in both Houses of Congress a majority composed of men of all parties and from all sections of the country who do not even pause to inquire whether the proposed authorization and expenditure falls within the legitimate function of the Federal Government. Their *only* concern is whether the revenues will be equal to the consequent increased appropriations; and even this consideration has but little weight, especially if their State or any of their people are to be the beneficiaries.

The true reason, my friends, why the people are willing to let the National Government perform and pay for so many things which properly fall within the obligations of the States is found in the fact that they do not realize that they are themselves paying for the things which the National Government pays for. The Federal revenue is secured by indirect taxation, while the money in the treasuries of the several States is secured by direct taxation upon the property of the people.

When any State increases its appropriations for any purpose, every legislator knows that that means an increase in the direct tax upon the people. Moreover, he knows that the people know this and that they watch with zealous care the tax rate which they must pay in cash from their own pockets. The legislator is slow to expose himself needlessly to the criticism and disapprobation of his constituents. Therefore needed legislation is postponed because of the expense it involves, and the Federal Government is appealed to, whenever possible, through the President, through the people's representatives in Congress, and through the various Departments and bureaus of the Government. From my experience I can say that the Departments and bureaus of the Federal Government are at all times eager to enlarge the sphere of their activities and powers by taking on new services and securing increased appropriations. When popular demands are strong enough and it has become obvious that the States will not severally or jointly undertake obligations belonging to them, though seriously needed, the experience of the last ten years shows that the Federal Government, through its legislative and executive departments, is only too willing to undertake such responsibilities and relieve the States of the burdens they involve.

My friends, our dual system of government is threatened today by the tendency of the States thus to put upon the National Government the burden of administering their local affairs, and this tendency is constantly increasing as the result of the failure on the part of the States to perform their functions of local self-government, and in this failure they are encouraged by a sentiment created by the press of the country, teaching the people to believe that if the State legislatures do not act, "the question as to whether such legislation belongs in the field of the Federal Government will sink to a purely academic question."

I do not plead for States rights. I plead for the right and the duty of the Federal Government to protect itself and its Treasury against the encroachments of the States and private interests upon its powers, its duties, and its revenues. Where will this tendency end? To what result, think you, does it naturally and inevitably lead? Whither are we going in this centralization of Federal power and mutilation of local self-government? I lay no claim to prophetic powers, but I bring to you the thought of many of the ablest men in the public service to-day, when I say that we are unconsciously drifting toward a highly organized, bureaucratic form of Federal Government, such as has become the bane of most of the Old World governments of Europe. We are, either consciously or unconsciously, being drawn away from the simple and sublime ideals of local self-government, which not only gave shape to, but enabled us to adopt, the Constitution and have given unique significance to our political history up to the present time.

The remedy for this tendency, which we can not much longer look upon with indifference, lies in the simple application of the golden rule by each State to itself.

The only possible remedy lies in each State taking upon itself the burden of enacting all needful legislation and administering its own affairs within the rights and powers which it possesses, and in each State so legislating and administering its affairs that other States may do likewise without injury to any. The individual State should not only rise to the legislative needs of its own people in respect to local self-government, but should also consider what is deemed needful for the people of other States and act accordingly. Unless this is done, unless the States can thus join hands in the wise discharge of all the obligations devolving upon them under our dual form of government, it is inevitable that some of the fundamental features of our present system of government must sooner or later be abandoned. For it is certain that a people, believing as we do in self-government, will not long tolerate a condition of affairs in which the States fail either to exercise the rights reserved to them for the benefit of their own people or to exercise these rights in harmony with each other and for the best interests of all.

It has been said by a member of the Senate of the United States that such unity and harmony between the States is not possible; that it can not be attained without the interference of the Federal Government. This may be true; but, my friends, no such doubt entered the minds of the makers of our Constitution, or was ever expressed by them or by anyone else until within the last decade. They had supreme confidence in the power of the States to legislate in harmony with and for the best interests of the country as a whole. If their confidence was unfounded, if we must, with the further development of our industries, our commerce, and our political institutions, fall back upon the strong arm of the Federal Government to support and sustain us, then must the political significance and importance of our State boundaries become less with time and the splendid conception of local self-government, which has guided and restrained our lawmakers heretofore, be proven a failure.

The vital question, therefore, which confronts the American people to-day is, whether our dual system of government, in the form conceived and established by its founders, is ultimately to be wrecked upon the rock of a highly centralized bureaucratic Federal authority, or whether it can endure in the form originally created as the nation moves on to greater heights of development in industry, in wealth, in power, and in international influence.

Here, then, let us renew that high resolve, uttered upon this spot forty-four years ago by the immortal Lincoln, that this Government "of the people, by the people, and for the people," in the form in which it was conceived by the founders of the Republic, in the form that has made us superior to all governments in the past, in the form for which brave men laid down their lives upon this and many other historic battlefields, shall not perish from the earth.

The Clerk read as follows:

National Cemetery, City of Mexico, Mexico: For making repairs and improvements to the United States national cemetery located in the City of Mexico, Mexico, $15,000.

Mr. TAWNEY. Mr. Chairman, the national cemetery at the City of Mexico was established in 1850, when the first appropriation was made. Two years later an appropriation of $1,480.34 additional was made. Since that time there has been no appropriation whatever for the maintenance of this national cemetery near the City of Mexico. This appropriation is for the purpose of renovating the lodge, repairing the walls, and putting the cemetery in proper condition and making it conform to the surroundings and conditions of other cemeteries in that vicinity. The area of this cemetery is 2 acres; there are 1,515 bodies buried there—765 unknown and 750 known.

The Clerk read as follows:

Military posts: For the construction and enlargement at military posts of such buildings as, in the judgment of the Secretary of War, may be necessary, $800,000; but no part of the money appropriated for military posts shall be used for the purchase of any land nor for the establishment of any military prison.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 113, at the end of line 18, insert:

"*Provided*, That no part of this sum or the following sum shall be expended for the construction of quarters of officers of the Army, the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer, the sum of $15,000, of a colonel or officer above the rank of captain $12,000, and of an officer of and below the rank of captain, $9,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Drill ground, Fort Des Moines, Iowa: For the purchase of 239 acres of land adjoining the military reservation of Fort Des Moines, Iowa, required for use as a drill ground for the garrison, $50,600.

Mr. HOLLIDAY. Mr. Chairman, I make a point of order on that paragraph. Mr. Chairman, I assume that it will not be contended that there is any authorization for this appropriation, and in my judgment it could not be regarded as the continuance of a work already begun.

I find in the Digest this syllabus:

The purchase of adjoining land for a work already established was held to be a continuation of the public work; but an amendment for acquiring a new site was ruled out.

A further syllabus says:

A proposition to purchase a separate and detached lot of land for an Army target range was held not to be in continuation of a public work.

The CHAIRMAN. From what page is the gentleman reading?

Mr. HOLLIDAY. Page 351 of the Digest. Mr. Chairman, I have not before me the full text of these rulings, and I do not know how far they go, but it seems to me as if this was legislating upon an appropriation bill, and it seems to me to go further than almost any piece of legislation that has ever been attempted. The very able gentlemen who compose that committee are always very zealous in keeping out any legislation from other appropriation bills. In my judgment, an appropriation for buying land for any purpose ought to be submitted to the appropriate committee, and in this case it is the Committee on Military Affairs, and should have an examination and consideration on its merits, and the appropriation should not be made until it is authorized by law.

I have no objection to this particular item and have no objection to an appropriation being made for it if made in the proper manner, but I want to fix the responsibility somewhere. I may say that there are numerous bills before the Committee on Military Affairs providing for the purchase of independent tracts of land and other tracts adjacent to property now owned by the Government. I am anxious to know what committee has jurisdiction of this class of legislation. If the Committee on Appropriations has jurisdiction to buy land wherever they choose, to any extent they choose, then of course that relieves the Committee on Military Affairs from giving it any consideration. If this committee can buy 100 acres of land, they can buy 1,000 acres, or a whole State. I think it is a dangerous innovation, and I think it ought to be stopped right here and now.

Mr. SMITH of Iowa. Mr. Chairman, I do not think this is subject to a point of order. The ground proposed to be bought at Fort Des Moines simply squares out a tract now owned by the Government and gives about 1 section of ground, all told. It is immediately contiguous to the present property owned by the Government and is, in part, as I understand, partially surrounded by the land now owned by the Government. I may state that this matter was brought to the attention of the committee not only by the War Department, but by the chairman of the Committee on Military Affairs, who thought that the jurisdiction was with the Committee on Appropriations.

Some years ago the Government acquired about 400 acres of land south of the city of Des Moines and has established thereon a military post. I know that this is absolutely contiguous ground to the ground now owned by the Government and feel sure that within the ruling for the mere enlargement of existing reservations the point of order ought to be overruled.

The CHAIRMAN. Was there a limit of cost originally placed on the site?

Mr. SMITH of Iowa. There never was. The site was given to the Government of the United States on which the post now stands, as I understand the facts.

Mr. ADAIR. Will the gentleman yield?

Mr. SMITH of Iowa. I will yield to the gentleman.

Mr. ADAIR. Will the gentleman state when the post was built?

Mr. SMITH of Iowa. I could only give it roughly. It is six or eight years ago.

Mr. ADAIR. It has been occupied and used during all this time?

Mr. SMITH of Iowa. It has been growing all this time, and every year some work has been done on it. I have not been there all the time.

Mr. ADAIR. What land has been used for drilling purposes?

Mr. SMITH of Iowa. I confess my lack of knowledge upon this subject, but the only ground I am familiar with is the ground surrounded by the quarters.

Mr. ADAIR. No other ground has been rented or used for drilling purposes except that now owned by the Government?

Mr. SMITH of Iowa. I am not prepared to say as to that.

Mr. ADAIR. The gentleman does not know whether this land is really necessary for the use of the Government or not.

Mr. SMITH of Iowa. Oh, yes; I do know that it is really necessary.

Mr. ADAIR. But the gentleman says that he does not know whether any of the land has been used and whether it is necessary.

Mr. SMITH of Iowa. Ah, but the gentleman ignores the fact that I said to him that this post had been steadily growing and is being built now.

Mr. ADAIR. And the gentleman is figuring that this post will grow sufficiently large to warrant it.

Mr. SMITH of Iowa. No, no; I say this post now is a very considerable post, and this land will give it a single section of land, which is a very inferior quantity of land for a military post.

Mr. ADAIR. The gentleman says he does not know whether the land now owned by the Government has been used for drilling, and whether it is sufficient, and whether any other land has been used for that purpose.

Mr. SMITH of Iowa. The gentleman misquotes me. I did say I did not know whether the Government had occupied any other land or not, but I do know in the present state of the development of the post the amount of land owned by the Government is inadequate.

Mr. ADAIR. Does the gentleman know how many soldiers are kept and stationed there?

Mr. SMITH of Iowa. I do not know. It is a regimental post.

Mr. ADAIR. The gentleman believes the purchase of this land is necessary for the use of the Government?

Mr. SMITH of Iowa. That is my judgment. It is the smallest post I know anything about.

Mr. ADAIR. And the fact is the gentleman has not as much information as we really need upon the subject.

Mr. SMITH of Iowa. Why, I think so; not perhaps as much as will satisfy the gentleman, but I think as much as the gentleman needs.

Mr. ADAIR. I am in favor of the purchase of this land if the gentlemen of the committee can convince me that the land is needed for the use of the Government; but when the gentleman says he does not know whether any other land has been used by the Government for drilling purposes, the evidence is hardly sufficient to warrant me in supporting the proposition.

Mr. SMITH of Iowa. I am not urging the proposition. It is a matter of no earthly concern to me. I was discussing a point of order, but when the gentleman says that because I stated I did not know that the Government has used other land for a growing post, and that that indicates that the land is not needed, I think he is in error. This is a very small tract of land for an Army post, with this added. The War Department has urged the purchase of it to this committee.

Mr. ADAIR. The War Department has urged the purchase of it?

Mr. SMITH of Iowa. Why, certainly; or we would not dream of putting it in the bill.

Mr. ADAIR. Well, that is the information that we want.

Mr. PERKINS. How far is this land from Des Moines?

Mr. SMITH of Iowa. In my judgment, it is 4 or 5 miles out of Des Moines.

Mr. PERKINS. Is it farming land?

Mr. SMITH of Iowa. Yes; it could be said to be, in a sense, farming land, as such land would be, near a large city of nearly 100,000 people.

Mr. PERKINS. Does the gentleman not think that $200 an acre is a pretty good price for farming lands?

Mr. SMITH of Iowa. Farming land in Iowa of best quality and small improvement, without being adjacent to a large city, would well be worth $125 to $140 an acre.

Mr. PERKINS. But there is a very large portion of the State of Iowa that is not worth any such sum.

Mr. SMITH of Iowa. Certainly; but it is not the best.

Mr. PERKINS. Is this good land?

Mr. SMITH of Iowa. This is regarded as a good part of the State.

Mr. PERKINS. The price here looks like a very large price.

Mr. SMITH of Iowa. It was the price that the Government was able to get option on the land for and at which the War Department recommends its purchase. Personally I know nothing about it.

Mr. HOLLIDAY. Will the gentleman yield for a question? I would ask the gentleman if this is a work already established within the meaning of the decision rendered?

Mr. SMITH of Iowa. If the gentleman asks me for my opinion on the question of parliamentary law, I think this is a work in progress within the meaning of the rules of the House.

Mr. CRUMPACKER. Will the gentleman yield for a question or two? A military post has already been established or is established at Fort Des Moines, and drilling ground is a necessary incident to a military post, and additional ground is needed for the purpose of drilling. It impresses me—I asked the question, but I will answer it—that this provision is in order.

Mr. SMITH of Iowa. I think it is in order.

Mr. CRUMPACKER. It is merely enlarging an establishment that has already been created and is in operation.

Mr. BUTLER. Whose district is it in?

Mr. SMITH of Iowa. I can not see that that bears upon the question of a parliamentary law at all, but it is in the district represented by the chairman of the Committee on Military Affairs.

Mr. CRUMPACKER. I would like to say to the gentleman from Pennsylvania there is a small provision in the bill a few paragraphs further on for Fort Benjamin Harrison, Ind.—not in my district, but in my State.

Mr. MACON. Mr. Chairman, upon the point of order I desire to make a simple statement or two in reply to what the gentleman from Iowa says about this land being contiguous to that part of the land now owned by the Government being one of the reasons why this ought not to be subject to the point of order. That has no bearing upon the question whatever, and it strikes me the gentleman is most desperate in that statement, because if it were within the rule that it could be purchased in this way because of its being contiguous to the other part, then a whole county or the whole State of Iowa could be purchased unless divided by streams or other separating obstructions. And again I desire to state that during the Fifty-ninth Congress there was a provision being carried on an appropriation bill for the purchase of some adjoining land to the St. Elizabeth Insane Asylum. The point of order was raised against that appropriation for that purpose and the then occupant of the chair decided that it was contrary to existing law and sustained the point of order. It strikes me, sir, as the gentleman from Indiana has said, that it is entirely improper for us to legislate in this way to purchase land in any number of acres. If we can purchase 239 acres we can purchase 239,000 acres or we can purchase 239,000,000 acres. If we can appropriate $50,000 to buy it with, then we could appropriate $50,000,000 just as easily. Therefore, it strikes me that it is wrong for the Congress, without due consideration by the proper committee, to carry an appropriation for the purchase of land when no investigation has been made whatever concerning the matter. I believe, sir, it is subject to the point of order, and in the wisdom of the Chair I think he will sustain the point made by the gentleman from Indiana.

The CHAIRMAN. The point of order is made to the paragraph beginning with line 3, on page 114, and ending with line 7. The paragraph recites that—

> For the purchase of 239 acres of land adjoining the military reservation of Fort Des Moines, Iowa, required for use as a drill ground for the garrison.

In the opinion of the Chair the decisions are very clear. There is a uniformity of decisions on this proposition, the Chair finding as many as six or eight running through the last three Congresses, clearly declaring that the purchase of adjoining land for a work already established is a continuation of a public work. Of course the fort is already established and this is for the purchase of land adjoining. The point raised by the gentleman from Indiana [Mr. CRUMPACKER] as to whether or not it is required for use as a drill ground was not clear to the Chair as being of great weight under the circumstances. The Chair thinks that it was not necessary to have inserted the words "required for use as a drill ground for the garrison," but that is simply explanatory and does not render the whole paragraph subject to the point of order. The Chair thinks that it is a continuation of a public work, and therefore overrules the point of order.

The Clerk read as follows:

> Target range, Sparta, Wis.: For the purchase of 7,600 acres of land, more or less, near Sparta, Monroe County, Wis., as a site for a target range, the sum of $150,000, appropriated by act of June 30, 1906, for target range, Camp Douglas, Wis., or so much thereof as may be necessary, is hereby made available.

Mr. CRUMPACKER. Mr. Chairman, I reserve the point of order to that paragraph for the purpose of getting some information in reference to it. In the first place I would like to know whether the purchase of this target range has been authorized by law.

Mr. TAWNEY. Mr. Chairman, I will state the facts are these, for the information of the gentleman from Indiana: In the last Congress we authorized the purchase of a target range at Camp Douglas, Wis. We not only authorized the purchase but appropriated the money, $150,000, for that purpose.

Now, the purchase can be made under that authorization at the limit of cost or for the amount appropriated, but after further investigation the War Department found that there was a far better tract of land lying in the vicinity of Camp Douglas, or lying west of Camp Douglas, near Sparta, which was far better adapted for target practice, and the area was very much larger. I know something about the land, as I have passed through it on the railroad, and the War Department has earnestly recommended that this appropriation be made available for the purchase of this land, rather than the purchase of that which has heretofore been authorized.

Mr. CRUMPACKER. How far from Camp Douglas is this tract of land?

Mr. ESCH. I will say to the gentleman it is only about 15 miles west of the Camp Douglas site.

Mr. CRUMPACKER. What means of communication are there between the camp and the target range?

Mr. ESCH. Two trunk lines of road pass near this new tract, one of them being the Milwaukee line and the other being the Chicago and Northwestern. It has better topographical features, is better adapted to the use of artillery, which is the main purpose of the original appropriation, and has better drinking water and a better range, both for rifle and artillery.

Mr. CRUMPACKER. Now, will this provision be followed by a proposition to remove Camp Douglas over to the target range as a matter of convenience?

Mr. TAWNEY. Camp Douglas, I will say, is a State reservation.

Mr. CRUMPACKER. It is a military camp, I understand.

Mr. ESCH. It is a State reservation.

Mr. TAWNEY. It is a State reservation, and where the State troops hold their encampment each year.

Mr. CRUMPACKER. This is a target range for the militia?

Mr. TAWNEY. No; it is for the United States Army. The original proposition was this: The committee thought inasmuch as this land which it was proposed to purchase for the Army for a target range lay in close proximity to the State reservation known as Camp Douglas, where the State troops meet every year; that if we could get the consent of the legislature of the State of Wisconsin to use their buildings we would purchase this land adjacent to Camp Douglas.

Mr. CRUMPACKER. How far from any military post is it?

Mr. TAWNEY. There are Fort Sheridan, Fort Snelling, at St. Paul, and——

Mr. CRUMPACKER. How far is Fort Snelling?

Mr. TAWNEY. About 175 miles.

Mr. CRUMPACKER. Is that in sufficient proximity to these military posts to be available for target practice?

Mr. TAWNEY. They are using this ground now. The artillery at Fort Snelling come there every year—march down and encamp there for artillery target practice.

Mr. CRUMPACKER. There is no limitation apparently on the cost of the purchase in this provision here.

Mr. TAWNEY. This is simply making the $150,000 available that was heretofore appropriated for the purchase of the other site.

Mr. CRUMPACKER. If it costs more than that——

Mr. TAWNEY. The War Department has informed the committee that they have got the option on the land and it will not cost more than the amount asked for.

Mr. CRUMPACKER. I have no doubt the gentleman thinks this is necessary, at least, and proper——

Mr. TAWNEY. It is so located that the artillery and the regiments of the Army that are located at three posts can congregate or assemble there for target practice, both artillery and rifle.

Mr. CRUMPACKER. Is there any other target range in that part of the country?

Mr. TAWNEY. Those three posts—Fort Snelling, at St. Paul, Fort Des Moines, of Iowa, and Fort Sheridan, of Illinois——

Mr. CRUMPACKER. What do they do now for target practice?

Mr. TAWNEY. They have none. Fort Snelling has been using a part of this ground by the consent of the State of Wisconsin and the consent of the private owners. There are no buildings on this land at all.

Mr. BUTLER. Is that an artillery range?

Mr. TAWNEY. Artillery and rifle.

Mr. ESCH. An artillery range requires 3½ miles with our new model artillery piece.

Mr. BUTLER. I am not criticising the proposed appropriation. I am looking for information. How wide is this strip?

Mr. ESCH. It is a range 4 miles, I think, in one direction and possibly 3 in another.

Mr. BUTLER. You do not need a strip 4 miles wide to shoot a cannon ball through.

Mr. ESCH. That artillery piece will carry 4 miles.

Mr. CRUMPACKER. I will withdraw the point of order.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. The New York Tribune of this date—May 5—has this to say of currency legislation, which I desire to read to the House——

Mr. MOON of Tennessee. To what section is the gentleman making objection?

Mr. FOWLER. To the last section read. I move to strike out the last word. [Reading:]

CURRENCY LEGISLATION.

Three or four new amendments to the Vreeland currency bill are announced, and it is expected that several more will result from the Republican conference. Apparently it will be altered to suit any group of Members who will promise their votes for it in consideration of such amendments. That may be the way to get the bill through the House, but it is not the way to reform the currency. The process makes it look as if the House leaders cared not what sort of measure they finally passed, provided only that something gets through, because they do not expect the bill which will finally come out of the joint conference committee to bear the slightest resemblance to the bill passed by the House. The apparent intention is to put some proposition through, so that the Senate and House can come together and agree on a measure acceptable to both branches.

That is at present the real danger to currency reform. The Senate has already voted for a bond-secured currency, and it is expected that whatever form the Vreeland bill finally assumes in the House the Senate will practically substitute the Aldrich bill. Then, when it comes to a conference, with the Senate conferees standing firmly for a bond-secured currency, and the House conferees indifferent as to what kind of currency is provided for, the Aldrich bill will finally get upon the statute books. If that is the result of the present efforts of the House leaders to enact some sort of currency legislation to stand before the country on, they will probably have cause to regret it, for they will have to apologize all through the campaign for providing something which hardly anybody wants and almost everybody distrusts.

As for the Vreeland bill itself, the best that may be said in its behalf is that while there is no evidence of any demand for it, there is also no evidence of any strong hostility. No banking or business organizations are urging its passage, but it has not encountered such general and outspoken opposition as has the Aldrich bill. It can not be said to be in the interests of Wall street or of any group of bond speculators, nor can it be said to be distinctly unfriendly to any section or to any class of banks, unless it turns out that the clearing-house provision is unworkable for banks in small communities. Unless the Aldrich bill should be grafted upon it in the end, it probably would not prove to be a dangerous measure in a campaign.

Leaving out of consideration the crudities in which it abounds, and which its author recognizes—for he had hardly introduced the bill before he began offering amendments—it provides no satisfactory measure of currency reform. To go to its fundamental faults, it follows no tried system for the issue of bank circulation. Two methods have been used in other countries with success, and the Vreeland bill, instead of accepting one of these, introduces a new and untried plan. One method is to let the individual banks of the country take out circulation based upon their general assets. The other way is to have a central national bank to rediscount the choice commercial paper of the individual banks, the central bank issuing its notes based on its general assets composed of this rediscounted commercial paper. The Vreeland bill follows neither of these plans, but provides for clearing houses to "segregate" the assets underlying note issues. No one knows how this would work, and no one can see why in so delicate a matter as the currency the lessons of experience should not be followed. Other nations have found it necessary, moreover, to provide machinery for the redemption of bank circulation. The Vreeland bill here again neglects to profit by the experience of other countries and leaves redemption to the United States Treasury, a system which is working badly with the present national-bank notes.

It is confessedly an "emergency" measure of a temporary character, and if it is passed the country will not long be satisfied with it. It will not give to the United States such an elastic currency system as foreign nations have, and the business interests of the United States will not be content until they are as well provided for as are rival interests abroad. Whether the Vreeland bill passes or not, there should be a provision for the creation of a thoroughly representative currency commission, not one that would be obviously controlled by Congressional leaders against real currency reform, but one which the country would accept as promising a broad-minded solution of the problem.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Just one moment more.

Mr. MADDEN. I object to a further extension.

Mr. FOWLER. I ask that I may be allowed to read this article.

Mr. TAWNEY. Include with that the name of the paper and the name of the author.

Mr. FOWLER. I ask consent to print two additional editorials.

[Journal of Commerce, Tuesday, May 5, 1908.]

BEWARE THE VREELAND SNARE.

There is to be a "conference" of Republican members of the House to-night, and Speaker CANNON and the minions who do his bidding are credited with the purpose of forcing through the Vreeland bill as the basis of a scheme for an emergency currency to be finally cooked up in a conference committee named by the leaders in the plot. There is an attempt to catch those who realized the dangers of the Aldrich bill with the snare of the Vreeland bill, which, if there were any chance of its enactment, would be still more dangerous, but we are convinced that there is no expectation or intention of securing the final enactment of the Vreeland bill. That is not what it is for. It has been contrived to catch those unwary persons who had been brought to understand the Aldrich scheme, but who may be taken with the plausible pretense of organizing clearing houses to obtain additional circulation in case of emergency on security of commercial paper, without realizing what the actual effect of the plan as embodied in the bill would be. When introduced it included the main features of the Aldrich bill, but these have been eliminated, and now it is only the Vreeland clearing-house association contrivance.

Is anyone simple enough to suppose that this is going to be carried through the Senate if it passes the House? All pretenses of that kind are "springes to catch woodcock." Its purpose is merely to get something from the House to the Senate wherewith to restore the essential provisions of the Aldrich bill in conference committee and face both Houses with a common report in its favor and compel them by all the force of party authority and discipline to take the dose.

The design is too transparent to deceive any intelligent Member of the majority and too unscrupulous to be submitted to by any self-respecting Member. But why should anybody be fooled by the Vreeland bill, even supposing there was an honest intention of having it enacted or any prospect that it could be enacted? On its own merits it is worse than the Aldrich bill. What does it propose to do with the clearing house associations, which would be nothing that the name implies, but only combinations of ten or more banks having a capital and surplus of $5,000,000 or more, organized for the sole purpose of issuing additional circulation? Their object would be to "render available as a basis of additional circulation any securities, including commercial paper, held by a national banking association.

The ten or more banks could get from the Treasury Department ready-made "additional notes" on the application of their own "executive board" on any kind of securities they had on hand or chose to buy or borrow that the same executive board of their own choosing would accept. This would go far beyond the State, county, city, town, village, and school-district bonds of the Aldrich bill, and take in any "cats and dogs" of promoters and syndicates in which the banks might be interested, provided their own executive board would accept them. If they had 50 per cent of their capital already tied up in notes secured by Government bonds, they could get additional notes up to the full limit of capital and surplus and to 75 per cent of the security deposited with their own association. It would in effect be an indirect loan of the association to its members on this kind of collateral, in notes supplied and guaranteed by the Government.

What about redemption of these notes? This is reduced to an absolute farce. The supervision of these issues and of the necessity and distribution of them by the Treasury, with over 6,700 banks scattered all over the country, could never be exercised with effect. With the force of employees increased tenfold, it could not be done except in a haphazard way. In any case the Department must prepare plates for different denominations of these notes for all the banks and print and keep on hand for them an amount equal to 50 per cent of their capital, ready to be issued "in an emergency," which would mean whenever they wanted them badly enough to pay the tax. There would be the possibility of inflating the currency with $750,000,000 of them, and they would spread like quicksilver through the channels of circulation. They would be "used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds," and be "subject to all the provisions of law affecting such notes."

They could only be got rid of under the present system of redemption by being gathered up and sent to the Redemption Bureau at Washington to be exchanged for "lawful money of the United States." The Bureau has been overworked for three months in dealing with the redundant volume of notes issued to meet an emergency in the previous three months in the regular form, and the lawful money in the Treasury has been depleted while the public funds are congested with bank notes. What would be the effect of this "additional" flood every now and then?

But this kind of redemption, the only kind that currently goes on, is not retirement of the notes, and consequently not real redemption. They are sent back to the banks of issue and kept out until the banks choose to retire them by depositing lawful money and taking up the security. How would that work with these Vreeland "additional notes?"

There is a special provision that they may, without the monthly limitation, "make such withdrawal at any time by the deposit of lawful money or national-bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the securities so deposited may be withdrawn." "Or national-bank notes!" What kind of final redemption is that of one lot of bank notes with another lot? These "additional notes" would be "national-bank notes," to be "used, held, and treated" like any other, and the notes of one bank or a thousand banks could be used to retire the notes of another. The mix-up of this kind of inflation, based upon no extra reserve of coin, but merely upon miscellaneous collateral securities, would be something frightful.

At the bottom of such schemes can only be crass ignorance and intellectual incapacity or an utterly reckless dishonesty. The plea that something of this kind must be accepted or nothing can be done should evoke a devout prayer from the whole country that nothing be done until reason can resume its sway and common sense and common honesty can be admitted to the councils of the nation in dealing with a subject that so concerns the well-being of the people and the safety of all their affairs. There is no safety now except in the death of all these stupid makeshifts.

[New York Times, May 5.]

THE VREELAND BILL.

Nothing could be more admirable than Mr. VREELAND'S industry, unless it is his readiness to oblige. Day after day he produces fresh versions of his bill. Mr. VREELAND, of the Salamanca Trust Company, Cattaraugus County, wastes no time over objections. He simply offers a new bill.

Praise of Mr. VREELAND, however, is something different from praise of the bill, which he himself prefers to alter and amend rather than defend. According to our Washington advices, he is "willing to submit his bill to any changes" to-day's conference may suggest. Obviously, therefore, nobody knows what the bill will be to-morrow, or even what it is to-day, for that matter, since it exists as yet only in Mr. VREELAND'S mind. Only two things are sure—it will not be the Vreeland bill unless it provides for the issue of some large part of a billion dollars of emergency currency, or if it does provide for any method of getting in the currency after it is put out.

The omission of adequate methods of redemption is quite as characteristic of the bill as its ample, not to say excessive, provision for issue. Neither of these basic characteristics is among those details which either Mr. VREELAND or the conference can alter at this stage of the game.

Yet these points are well worth consideration, for the redemption of the existing volume of bank notes which Mr. VREELAND intends to double is at the present time embarrassing the Treasury to an extent few realize. As Representative FOWLER said on the floor of the House, and as other Congressmen are remarking privately among themselves, the Treasury has now suspended gold payments except upon specific demand. A year ago the Treasury held $146,000,000 of free gold and now it has less than $40,000,000. The Treasury is obliged to receive bank notes for redemption and in payment of dues to the United States, and it is obliged to disburse lawful money for redemption of notes and to meet an excess of expenditures.

The Treasury relies upon the banks, the banks rely upon the Treasury, and Mr. VREELAND proposes to lay a double strain upon the mutual reliance without providing any increased strength to either. It is rather a bill to create than to cure an emergency.

With justice did Mr. Vanderlip in the Sunday Times express the foreign opinion that the wonder was not that we experienced emergencies, but that we escaped them. As a permanent provision for the evils it designs to remedy the bill is worse than we deserve as a punishment for the manner in which we palter with the subject. It is only defensible as a temporary concession to the political necessities of the moment, and all that is possible to commend in it is contained in the reported limitation of it to a two-year period.

Mr. FITZGERALD. Is there any objection to the gentleman's continuing?

The CHAIRMAN. Objection is made.

Mr. FITZGERALD. Do you want any more time?

Mr. BUTLER. Mr. Chairman, because of my liking for the gentleman from New Jersey, I ask that he may have five minutes' additional.

Mr. DALZELL. I shall object.

The CHAIRMAN. Objection has been made, and the gentleman from Tennessee is recognized.

Mr. FITZGERALD. What time is this conference to commence, Mr. Chairman? [Laughter.]

The CHAIRMAN. The gentleman from Tennessee has been recognized to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amend as follows:

"After line 14, page 114, insert: 'Target range, Fort Oglethorpe, Ga.: For the purchase of 924 acres of land adjoining the Caloosa Springs tract, now the target range, Fort Oglethorpe, Ga., $18,500.'"

Mr. MOON of Tennessee. Mr. Chairman, an estimate of $18,500 is made by the War Department for the purchase of this tract of land adjoining the present target range for the completion of that range. It was sent to the Committee on Appropriations. It happened that no hearing was had upon that question, and no action was taken by the committee. I assume when the House ascertains the facts, as they appear from the statement of General Aleshire, which I have in my hand, there will be no objection to the adoption of this amendment.

Some four years ago, by act of Congress, at Fort Oglethorpe, a target range was ordered to be established. It was found by the War Department that part of the land, the 924 acres, the taking of which they now seek to make legal by this act of acquisition, was, as a matter of fact, forcibly taken and that it is being used by the Government and unpaid for. The Government wants the balance of these tracts. A board of officers of the War Department says that it is necessary. The farmers—owners of part of the land—are not able to live in their houses, or upon the land in order to cultivate their fields, by reason of the fact that the soldiers in practice shoot over the fields, making it unsafe for them to use them. The Government has for two years and more had actual use and occupation of these lands. The price is fixed at not a very large figure, much lower than some of those we have passed upon, and I take it as a matter of common justice the Government will pay for the land it has used and is still using.

Mr. TAWNEY. Mr. Chairman, I want to say I can not possibly consent to favor this amendment, and I can not see how the House or committee can agree to it. An estimate was made for the purchase of this land two years ago, a year ago, and again at this session of Congress. Now, the Committee on Appropriations rejected the estimate two years ago and also a year ago, when the condition of our Treasury was such as to justify the purchase if it was deemed absolutely necessary for the use of the Army. Now, I want to call the attention of the committee to this fact, that this contract for the purchase of this target range was made by the War Department without any authority for that purpose. There was no appropriation made, and without any appropriation, without any authorization, the War Department proceeded to enter into a contract for the purchase of this large tract of land to be used in connection with the target range of the Government. Now, I do not feel justified in acquiescing in the conduct of any Department that will proceed to create an obligation and try to bind the legislative department by a solemn contract with an individual or anybody else, and then come to Congress and get authority for making the contract and an appropriation to execute it.

Mr. MOON of Tennessee. Mr. Chairman, the gentleman from Minnesota is wrong in reference to this. Congress authorized the establishment of a target range there by law some four years ago, and part of the land in the range was used but unpaid for by the Government. The Government encroaches upon the land controlled by the citizens to the extent of 924 acres of land, so that it can not be used by the people, the owners, on account of the target practice, making the balance of the land unavailable by reason of the fact that the soldiers shooting over that tract make it unsafe for the people to live on their land.

Now, the Department, ascertaining these facts, on complaints from the people there, which complaints I hold in my hand, sent a board to investigate the situation. That board of officers reported that these 924 acres of land were absolutely necessary for the purposes of a target range which has been authorized by law. They report further that the people owning the land can not live upon it, by reason of the fact that the Government, occupying and controlling a part of it adversely, uses the balance of it in such a way for the target range as to make it not habitable.

Mr. TAWNEY. How much of the time during the year does the Government occupy, even under its contract, the land it is proposed to purchase?

Mr. MOON of Tennessee. About once a week, I think.

Mr. TAWNEY. How far removed from the troops that use it is this range?

Mr. MOON of Tennessee. Eight or 10 miles, I think.

Mr. TAWNEY. What is the size of the range they now have there?

Mr. MOON of Tennessee. It is only a few hundred acres. I will say to the gentleman that this is a meritorious case. We are not asking you to buy anything more. We are asking you to pay for what you have taken by use or made valueless by the act of the Government.

Mr. TAWNEY. No; you are asking us to confirm the unauthorized act of the War Department.

Mr. MOON of Tennessee. The War Department has not this particular piece of land.

Mr. TAWNEY. I understood the gentleman to say that they have a contract.

Mr. MOON of Tennessee. They have taken by law part of another piece of land and they have taken by force this piece of land and rendered it valueless. I am surprised at the gentleman from Minnesota. He has just agreed to the passage of a large number of these matters, several of them out in the West. Why can not this be done at Fort Oglethorpe? Why will not the Government pay for that which it has taken at Fort Oglethorpe? It is not a matter of grace; it is a matter of common decency and honesty that this House should pay for that which the Government has appropriated, which it is using this very minute. The board of officers making the report have reported substantially according to the statement I have made, which I have now in my hand, giving the names of the men who are inconvenienced by this conduct on the part of the Government. It is a matter of common justice. We are asking no favors for our people.

Mr. FITZGERALD. Mr. Chairman, my objection is not particularly to acquiring this land at Fort Oglethorpe. I am opposed to acquiring most of the sites for additional land contained in this bill. I was amazed to hear the chairman of the Committee on Appropriations [Mr. TAWNEY] urge as one objection to this amendment the fact that the War Department has entered into a contract without authority to acquire this land, depending only upon the appropriations to be made by Congress.

Mr. MOON of Tennessee. The gentleman is mistaken.

Mr. FITZGERALD. I am taking the statement of the chairman of the committee.

Mr. MOON of Tennessee. He is mistaken himself.

Mr. FITZGERALD. When the committee reaches the item for the military post at Manila, to expend $180,204 to acquire more than 6,000 acres additional, I hope the chairman of the committee will recollect that a contract has been made for the purchase of that land, without authority of law, depending only upon an appropriation being made by Congress.

Mr. TAWNEY. I will call the attention of my colleague on the committee that that was not a contract for the purchase. It was an option obtained to purchase within a given time at a fixed price. In this case they do not assume to go on and purchase the land or contract for the purchase of the land and go into the possession of the land, as they have done in the case referred to by the gentleman from Tennessee.

Mr. MOON of Tennessee. I want to object just once more to the statement of the gentleman——

Mr. FITZGERALD. General Ayleshire, the Quartermaster-General, says:

A copy of a contract for a deed of such land to the United States, providing Congress shall appropriate the necessary funds before the 30th of June, 1908, has also been received.

I undertake to say, Mr. Chairman, that you can not distinguish between those contracts by calling one an option and the other a contract. They are both dependent upon an appropriation being made for the purchase by Congress.

There is in this bill $489,000 for the acquisition of additional land to Army posts. Four hundred and eighty-nine thousand dollars, although, as the chairman has pointed out, this year we face a deficit of $60,000,000 and next year the unprecedented deficit of $150,000,000.

To show the effect these extravagant expenditures are having on the country, and the way the country is looking at them, I shall ask the Clerk to read the following extract from the Indianapolis News, a stanch Republican paper, at least during campaign times, however independent its proclivities may be outside of campaign time.

Mr. OVERSTREET. If the gentleman from New York will allow me, I am glad to have his authority for the stanch Republicanism of the Indianapolis News. It is one of the most independent papers ever published in the United States.

Mr. FITZGERALD. Will the gentleman state one occasion during the past ten years when it has supported the Democratic ticket in the State of Indiana?

Mr. OVERSTREET. It supported Cleveland in his last campaign.

Mr. FITZGERALD. But that was sixteen years ago.

Mr. OVERSTREET. There has not been a Democratic candidate whom an independent paper could support since. [Laughter.]

Mr. FITZGERALD. This paper is like a number of other so-called "independent" papers, claiming to be independent and invariably supporting the Republican candidate during the campaign, however much it may criticise them outside the campaign.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask for five minutes more in order to have this illuminating Republican document read.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. As I was saying, I want this illuminating Republican document read from a Republican paper that masquerades as an independent. I know that in the State of Indiana, just as in the State of New York, there are a number of innocent persons who are deluded and misled by journals of the character of this one, but I hope that that side of the House, at least, will listen attentively to this article in the Indianapolis News, which has not supported a Democratic candidate since 1892.

The Clerk read as follows:

[From the Indianapolis News.]

OUR HAPHAZARD FINANCES—INCREASING EXPENDITURES IN FACE OF A DECLINING REVENUE.

Probably ours is the only Government in the world, certainly the only civilized government, that would deliberately increase expenditures in the face of an obviously declining revenue. We have spent $66,000,000 more this year than last. And there is no suggestion from any responsible source that we ought to economize in any direction. On the contrary, there was an insistent demand from the President that we spend $40,000,000 at the very least for four great battle ships, an amount almost one-third as large as our present total naval expenditures, even on the present inflated basis. Of course it is true that, under our present system, no one knows, or can know, much of what is going on. In a recent utterance Mr. Cortelyou, Secretary of the Treasury, expressed regret that the law compelled him to make estimates, which, he said, "are, for the most part, problematical." How problematical they were in this case will be clear, when we remember that Mr. Cortelyou figured that there would be a surplus for this year, the year ending with June, of $42,000,000. As we now see, the deficit is likely to be considerably in excess of $60,000,000. As most of our revenue is derived from taxes on consumption, and as consumption depends on the condition of business, it is manifest that any estimates of the Secretary of the Treasury must be "largely problematical." No private business that was conducted in accordance with such principles could hope to avoid bankruptcy.

Mr. FITZGERALD. Let me add that no public business conducted in accordance with such principles can hope to avoid bankruptcy. For these reasons, Mr. Chairman, I consider that the acquisition of additional land for the enlargement of Army posts at this time is the most foolhardy thing for which money can be expended. I would be glad to see every item in this bill carrying money for additional land go out. I shall point out when we come to the item appropriating for additional land for Fort William McKinley, in the Philippine Islands, that some men have almost gone daft on the question of enlarging military posts, as will appear from different parts of the bill where these absurd and ridiculous estimates are submitted.

The article just read makes one mistake; it says that there has been no warning from any responsible source. I undertake to say that unless that side of the House heeds the warning given by the chairman of the Committee on Appropriations, who has established a reputation for accuracy in foretelling the condition of the Treasury, that that side will be overwhelmed in the enormous deficit that the country will face in the approaching campaign. I say, God speed it, and as the deficit increases may the vote cast against the Republican party grow. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Tennessee [Mr. MOON].

The question was taken, and on a division (demanded by Mr. MOON of Tennessee) there were—ayes 19, noes 46.

So the amendment was lost.

The Clerk read as follows:

Fort Benjamin Harrison, Ind.: For the purchase for military purposes of land adjoining the military reservation, Fort Benjamin Harrison, Ind., $100,000.

Mr. HAY. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee how much land is proposed to be bought?

Mr. TAWNEY. About 300 acres. I will say that there is a triangular piece lying between the railroad and the line of the military reservation, and that is what, I understand, is to be purchased.

Mr. HAY. Is it not a fact that the Department estimated for 6,250 acres, at $750,000?

Mr. TAWNEY. That is what the Department estimated, but the only purchase we authorized is within the limits of the $100,000.

Mr. HAY. Is it not the purpose, however, to continue the appropriation from year to year until the $750,000 is expended?

Mr. TAWNEY. I will say to the gentleman that it is just the opposite. As was stated by the gentlemen who are interested—not the Department, but Representatives of that State who appeared before the committee in behalf of this estimate—the purchase is for this particular tract of land, and when that is completed the further extension of the post will not be asked for. At least this was the statement of the Members who appeared before the committee.

Mr. HAY. In view of the statement that the chairman of the committee, the gentleman from Minnesota, has made as to the finances of the country, does he think it is absolutely necessary at this time for military purposes to expend this $100,000?

Mr. TAWNEY. I will state frankly to the gentleman from Virginia [Mr. HAY] that what actuated the committee in making this recommendation was this: This triangular piece of land lying between the railroad and the military reservation is becoming very valuable, parts of it is now being disposed of for saloons and for other kinds of objectionable business. If we delay the purchase the necessity for our owning that land and controlling it will constantly increase, and the price of the land will likewise increase. It was considered a matter of economy, as well as protection to the enlisted men of the Army, to own the land as soon as possible.

Mr. HAY. Mr. Chairman, I withdraw the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5999. An act to correct the military record of William Keyes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 14789. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Military post, Manila, P. I.: For the purchase of approximately 2,574.35 hectares of land for an addition to the Fort William McKinley Military Reservation, to be immediately available, $180,204.50.

Mr. HAY. Mr. Chairman, I move to strike out the paragraph. Mr. Chairman, as I understand this proposition, it is to add 7,000 acres to the post at Fort William McKinley. There are

now 1,800 acres at this post. In the Army appropriation bill there is appropriated for barracks and quarters in the Philippine Islands $731,000, and of that $731,000, $211,000 was set aside for the purchase of land in the province of Luzon. I do not know of any other Army post in the province of Luzon that would or ought to take up any very large part of the $211,000 set apart for the purpose of purchasing land. It does seem to me that in the present condition of the Treasury, in the present attitude of the Government toward the Philippine Islands, with no well-defined policy toward those islands, it is bad policy to purchase large tracts of land in the Philippine Islands, particularly at a post where they have land enough to drill all the forces that are now in the Philippine Islands, or which at any other future time may be carried there. A very small proportion of the forces in the Philippine Islands are kept at Fort William McKinley. They are scattered all over those islands, and there can be no urgent military necessity for the purchase of this very large tract of land at a cost of $180,000. It is stated that unless the Government buys this land or authorizes it to be purchased now the option which the Government has upon it will expire on the 1st of July, and the Government will lose the opportunity of buying the land.

I think it would be a very fortunate thing if the Government should have that option expire before the appropriation was made and before the land was bought. If this appropriation were made, there would be in the neighborhood of $400,000 appropriated for the purchase of land for military purposes in Luzon alone. It seems to me, with the warning of the chairman of the Committee on Appropriations ringing in our ears, when it is not necessary from a military standpoint, when it is not necessary from any standpoint, that for the Government to expend this large sum of money is poor policy, and the committee ought to strike this appropriation from the bill.

Mr. SHERLEY. The gentleman, I believe, stated that some $200,000 had been appropriated in the bill coming from this committee.

Mr. HAY. Seven hundred and thirty-one thousand dollars in all, and $211,000 for the province of Luzon.

Mr. SHERLEY. Was there any testimony before the committee as to what this $211,000 was to be expended for?

Mr. HAY. There was not. It was a statement made by the Quartermaster-General, sent in after his examination was made, and he was not questioned directly upon what land he proposed to buy with the $211,000.

Mr. SHERLEY. Can the gentleman tell us where the other money was to be expended?

Mr. HAY. The $211,000?

Mr. SHERLEY. No; I understood the gentleman to speak of $731,000.

Mr. HAY. Yes; I hand the gentleman a copy of the hearings on the military appropriation bill. The table therein shows where all that is to be expended.

Mr. SLAYDEN. Mr. Chairman, in a humble way I have been endeavoring to cooperate with the distinguished gentleman from Minnesota [Mr. TAWNEY], the chairman of the committee, in his very commendable effort to prevent a raid upon the Treasury that will exhaust the cash resources of the United States. I have felt it to be my duty to indicate where these savings might be made without impairing the efficiency of administration. We are confronted right now in the consideration of this bill with an item where we can save a large sum of money and certainly do the Government no harm. It is urged that we ought to hasten to purchase these 6,000 and odd acres of land that the Government holds an option on, because the price may advance. On the other hand, we are told by the Secretary of War and by other gentlemen who are interested in the Philippine Islands, politically or commercially, that unless the methods of this Government are changed, unless we amend and liberalize our laws for the benefit of the trade of the Philippine Islands, that the depression which now exists in those islands will go on until the people are driven into revolt by an absolute subsidence of all profitable trade and a marked decline in all values.

We can save in this paragraph alone the sum of $180,204, not a great amount, Mr. Chairman, but enough to postpone by some little degree the evil day when the cash balance, that has been so much the object of pride with many gentlemen in this House, will have finally disappeared.

The morning papers report that my few observations here the other day on the extravagances of Congress had fallen under the observation of some of the leaders of the opposition party, and that it was not unlikely that they would do me the honor of copying the speech and sending it broadcast through the country as a campaign document. I shall be grateful to those gentlemen if they will carry that threat into execution, provided they will be reasonably honest and print the whole of it. I particularly called attention to the fact that no work of a public character, no appropriation tending to develop the commerce of the country, no appropriation for rivers and harbors, intended to promote the means of transportation and to multiply the facilities of commerce, need be impaired, and that the appropriations need not be lessened, but I thought a great saving, $75,000,000, certainly, and perhaps $150,000,000 to $200,000,000 more, might be made by curbing exepnses in the very island for which this $180,000 is to be appropriated.

I hope that when they do me the honor of copying that speech they will not fail to include the concluding paragraphs, in which I indicate that if we would but restrict the appropriations for military matters, and if we would but curb our ambition to become the great naval power of the world, we could save enough money to promote all commercial legislative work and not exhaust the Treasury at the same time. Mr. Chairman, here is an opportunity for gentlemen who are disposed to be economical, here is an opportunity for gentlemen who want to see rivers improved and harbors deepened and public buildings erected, to vote as they would like to do and not as may be dictated by a policy of the dominant party. Let the majority abandon the Philippine schemes, let the majority give up the un-American colonial enterprises in which they are engaged, and devote the American dollars, collected by taxation from our people, to the development of our own continent, and there will be no word of criticism from me and no vote of disapproval from the people. [Applause on the Democratic side.]

Mr. SMITH of Iowa. Mr. Chairman, the land in question is now and has for a long time been in the actual use and occupancy of the United States as a part of this military post. It has been leased by the Government of the United States, and that lease gives to the Government the option of buying the property at any time before the 1st day of next July. At that time this option becomes forfeited. I see my friend from New York [Mr. FITZGERALD] shakes his head, but I think that he will find that I am correct, that the property is actually used and occupied by the Government now, and has been for a considerable time past, under a lease from the owners of it. This is a brigade post, at which it is essential to carry on artillery practice.

Mr. SLAYDEN. Will the gentleman permit an interruption?

Mr. SMITH of Iowa. Oh, certainly.

Mr. SLAYDEN. I would like to ask the gentleman if it was not equally true when the original purchase was made, according to the testimony and the recommendation of General Chaffee, at that time in command, that 1,800 acres was deemed entirely adequate?

Mr. SMITH of Iowa. Eighteen hundred acres was entirely adequate so long as the property of others could be used for drilling purposes and for target practice.

Mr. SLAYDEN. How many troops have we at Fort McKinley?

Mr. SMITH of Iowa. Well, I can not give the exact number of troops, but we have two regiments of infantry, two squadrons of cavalry, one battery of artillery, and one company of engineers.

Mr. SLAYDEN. In the island of Luzon?

Mr. SMITH of Iowa. At this one post. Now, Mr. Chairman, I will send to the Clerk's desk and ask to have read a letter from the Secretary of War on this subject.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, January 28, 1908.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

SIR: I have the honor to urge the particular attention of your committee and of the subcommittee having in charge the sundry civil bill to an item in the current estimates of $180,000 for the purchase of a tract of land adjacent to the Fort William McKinley Reservation near Manila, P. I.

The necessity for this purchase and the reason why prompt action is important are both clearly explained in a recent report of Maj. Gen. Leonard Wood, commanding in the Philippines, as follows:

PROPERTY OUTSIDE OF MANILA.

(g) Addition to the McKinley Military Reservation: Fort William McKinley was built on a very small reservation and the buildings spread about to such an extent that very little ground was left for drills or formations other than the very limited space within the circles of buildings. As the country about McKinley is rapidly building up and much of it is under cultivation, the garrison is without any suitable ground for instruction. A tract of land of about 6,000 acres immediately adjoining the reservation has been leased; this land is excellent for the instruction of troops. It furnishes ample range for artillery fire. The lease was coupled with the right to purchase all this tract at the rate of about $30 per acre. This lease and option expire June 30, 1908. Since the option was secured the electric railroad has been completed from Manila to Fort McKinley and values have increased enormously. Unless we secure it under the present option it will be impossible to secure it except at a greatly increased valuation—probably two or three times the present figure. The War Department

has approved the purchase and stated that appropriation would be asked for this purpose. It should be remembered that the appropriation must be made available between now and June 30, 1908.

We have expended large sums in building a permanent post at this site, near Manila, and it may be regarded as the garrison of Manila, and Manila itself is the most important post for us to hold in all the islands.

Therefore it will require, as long as we hold the Philippines, a large garrison of mixed troops, and the importance of sufficient ground to be used as a target range and for other forms of training becomes apparent.

I desire to especially urge, in view of these considerations, the incorporation of this item in the sundry civil bill, with a provision that the sum appropriated shall be immediately available.

I am sending a letter of like tenor to the chairman of the Senate Committee on Appropriations.

Very respectfully, WM. H. TAFT,
Secretary of War.

Mr. SMITH of Iowa. Mr. Chairman, it appears from this letter as well as from other information in the possession of the committee that the question is not whether Fort William McKinley is to be enlarged or not, but a question of whether it is to be contracted or not. The Government has been using——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SMITH of Iowa. I ask unanimous consent to have five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. The Government has already been in possession of this identical land under lease and has been using it for the same purpose for which it is now proposed to use it.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. SMITH of Iowa. Oh, certainly.

Mr. FITZGERALD. Does the gentleman know how long the land has been leased?

Mr. SMITH of Iowa. I can not give you the exact date, but will say that it is stated in the report of the Secretary of War and the report of General Wood that it has been leased and occupied.

Mr. MOON of Tennessee. Will the gentleman from Iowa [Mr. SMITH] permit an interruption?

Mr. SMITH of Iowa. Certainly.

Mr. MOON of Tennessee. You say the Government has had the use and occupation of this land?

Mr. SMITH of Iowa. Under lease, with option to buy. The lease and option expire next month.

Mr. MOON of Tennessee. I will ask the gentleman if a while ago he did not vote against the payment of $18,000 for some land that the Government is using to-day for target purposes and appropriating without the consent of the people?

Mr. SMITH of Iowa. I will state that is not at all a similar proposition.

Mr. MOON of Tennessee. It looks very much like it.

Mr. SMITH of Iowa. It may look like it to the gentleman, but this is the proposition that is before the House now, and I will show you that there is no resemblance at all between them. It is stated here by the Secretary of War and by everybody familiar with this case that, owing to the building of this new trolley line up to the vicinity of Fort William McKinley, and to the settlements growing about Fort William McKinley, every acre of this land is now worth three times as much as the contract price, and the question is whether you are going to let this option run out on the 30th day of next month, and then buy as much of this land as you want to at three times the price submitted in the contract, or whether you are going to take advantage of your option and buy the land now. I submit that there is no similarity between that proposition and the proposition of the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. Here is some land offered for $10 an acre and $20 an acre, that you got possession of and use and refuse to pay for, and which if you will get off of our people will get $40 an acre for.

Mr. SMITH of Iowa. Very well, put us off. We are apt to be put off the land in the Philippines. Our lease and option are about to expire. The land is worth about three times as much as we will have to pay for it, if any credence can be put in the testimony of the Secretary of War and the Quartermaster-General. The option and the lease on this land give us the right to buy it at a time when the land is worth three times as much as we could buy it for at this hour if the option did not exist. If we need any of this land we ought to buy it immediately under the contract and option that we have got.

Mr. SHERLEY. Will the gentleman tell us what evidence there was that this land was worth three times the sum?

Mr. SMITH of Iowa. The statement contained in the report of the Army officers was that it was worth three times the amount.

Mr. SHERLEY. Where and when? I do not recall any such data as having been before the committee.

Mr. SMITH of Iowa. I will read to the gentleman from the report of General Aleshire, the Quartermaster-General, as follows:

The price of $70 gold per hectare is much lower than the Government can obtain again, and is very much lower than the adjoining land is now held, some of which is as high as $400 and $500 per hectare. Since the construction of the new electric railway and the proposed construction of other lines, all land in the vicinity is rapidly going up in price.

And I again call attention to the letter of the Secretary of War, in which it is said it would cost two or three times as much to buy it if the option expired.

Mr. SHERLEY. If the gentleman will permit, is it not a fact that the last time the proposition was up before the committee to buy this land they wanted more money than now?

Mr. SMITH of Iowa. There never was a proposition to buy exactly this same land. It is true that when they proposed to buy over 7,000 acres of land they wanted more money than they want to buy the 6,000 acres of land.

Mr. SHERLEY. Will the gentleman tell the committee what is going to be done with the $200,000 that have already been appropriated for the purchase of land in Luzon?

Mr. SMITH of Iowa. I did not understand the gentleman to state it was $200,000.

Mr. SHERLEY. It is $211,000. That is, that is already carried for the purchase of land in the department of Luzon.

Mr. SMITH of Iowa. The gentleman from Virginia [Mr. HAY], as I remember, is a member of the committee that reported that bill, and I trust he knows what land they were providing for. This committee, at least, knows what land it is providing for. If the gentleman says that the land his committee provided for is this same land, then I am done.

Mr. SHERLEY. Is it not also true, though, that the Committee on Appropriations had no intimation of it and it was not brought to its attention at all, that there was this item of $211,000 for the purchase of land in Luzon?

Mr. SMITH of Iowa. It is true that the committee had no knowledge of this until to-day, but there is nothing to indicate here that the land there referred to is the land at Fort William McKinley.

Mr. SHERLEY. Nothing to the contrary.

Mr. SMITH of Iowa. Well, of course, nothing to the contrary.

Mr. FITZGERALD. Mr. Chairman, the gentleman's position is the most remarkable that he has ever occupied in this House. He contends that a proposition to purchase land is not to increase a post, but that to oppose it is to favor contracting the post. This lease was never heard of by anybody in the House until the letter sent to the Committee on Appropriations in January. At the last session of Congress the Secretary of War asked $265,000 to purchase 7,530 acres of land to enlarge a military post consisting of 1,800 acres of land. This addition would have made the post consist of 9,336 acres. I was somewhat instrumental in preventing that sale. This year, after one year's delay, they are able to purchase 6,437 acres of the same land for $180,000.

I have been informed that upon 1,000 acres of land it is possible effectively to drill all the troops now in the Philippine Islands. This military post consists of 1,800 acres, three square miles. The recommendation for its purchase was made by Doctor Wood, now the commanding general in the Philippine Islands. I will read two extracts from his reports to demonstrate the accuracy of the statement I shall make in a moment concerning him. He says:

At the present time this post (Fort William McKinley) is without any available reservation for movements larger than those of simple formation and close-order drills.

Mr. Chairman, this somewhat distinguished physician recommended the purchase of 17,400 acres of land at Camp Keithley Reservation, in the Philippine Islands, to enlarge a post now consisting of more than 17,000 acres of land. There is stationed at that post to-day one regiment of infantry and one mountain battery, and Doctor Wood states that the present reservation has been insufficient for the purposes of drilling and for artillery practice. Upon 17,000 acres of land he believes it impossible to drill one regiment and one battery. I undertake to say, Mr. Chairman, from this statement of Doctor Wood, that he would find it utterly impossible to drill a single regiment of the Army if he had the entire United States at his disposal. [Laughter and applause.] Just think of it! Asking Congress to buy 17,000 acres of land to increase a reservation now consisting of 17,000 acres of land because there is insufficient room to drill one regiment of infantry and one battery of mountain artillery! I think I see that old warrior [Mr. KEIFER], a mem-

ber of the Committee on Appropriations, made speechless by the statement which is contained in Doctor Wood's report. [Laughter.]

We have at Fort William McKinley a reservation containing 1,800 acres of land. A lease has been made—I suppose, under authority of law. I know of no general statute authorizing the leasing of land unless specific authority be given. Under this lease it appears some unauthorized contract, similar to the one made at Fort Oglethorpe, has been made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The same kind of unauthorized contract was made. The gentleman from Minnesota condemns the making of a contract for the purpose of acquiring land in this country, but approves it as wise business, proper business conduct, if it be to acquire 6,000 acres unnecessarily in the Philippine Islands. When are we to stop buying lands in the Philippine Islands, or how much are we to expend there? The Army bill carried over $700,000. This bill carries nearly $200,000. The committee rejected an item of $1,100,000 for the building of warehouses and $17,000 to enlarge the reservation at Fort Keithley, where Doctor Wood can not drill one regiment on 17,000 acres of land. How many other items are to come in the near future nobody knows. I submit, Mr. Chairman, that the time has arrived when such influential positions with this Administration held by these distinguished doctors should cease. With doctors in command of the Army, doctors in command of our naval vessels, doctors tucked away in every conceivable position where the information they have unfits them for the duties to which they are assigned, it is time that some of these distinguished doctors should be permitted to practice medicine for a while, even if to the injury of the people of the United States. [Laughter.] This recommendation for 6,000 acres of land on which to permit a doctor to try to drill the Army, or a part of the Army, or a few troops, is preposterous. Why not take him and send him out to the public lands? They have already exiled one officer of the Army to an obsolete post because he thought differently from somebody else. Why not put this distinguished doctor out on some broad expanse of the public lands with a few troops, and after some practice, not in the clubs or in the royal palaces which he is permitted to occupy, but on the broad plains, with soldiers, perhaps he would be able to drill one battery and one regiment of infantry on something less than 17,000 acres of land.

I submit that it is time a halt should be called. This is a good time to practice the economy that is preached. This is a good time to stop these extravagant and unjustifiable expenditures. If we wish to buy a summer resort in the Philippine Islands, why not be frank about it? Why not say, "For one summer resort on the top of a mountain with an unpronounceable name, for the benefit of the physicians assigned to the command of the Army, $180,000?" Then we would be honest with the doctors and honest with ourselves. I hope the motion will prevail.

Mr. BUTLER. Mr. Chairman, the gentleman's speech does not persuade me, but the item in the bill surprises me and should be well considered before adoption. It is here proposed to purchase land to the extent of 6,360 acres, or almost a township in extent. I would not criticise the item reported because the commander in chief of the Army happens to be a medical doctor. His opinion upon the price of land may be good, but I would be apprehensive of the wisdom of such an appropriation, which to my mind, on the information which I now have, would involve the most outrageously extravagant expenditure of public money that I have seen since I have been a Member of this House. [Applause.] I can not vote because I am paired. Therefore, I propose to make my speech against this proposed appropriation. I am informed by men who have visited this post that it is not only elegant, but that it is almost extravagant in many of its appointments.

I am not disposed to criticise people who desire the luxuries of life and great comforts, but I would be disposed to criticise members of this Government and Government officials who insist upon taking money from the Treasury—which, in my judgment, they should not take—for such purpose as this. Six thousand three hundred acres of land to drill a few regiments of soldiers upon! Gentlemen who are capable of making quick calculations can tell me how many square miles of land that amounts to.

Several MEMBERS. Ten.

Mr. BUTLER. The mathematicians answer 10 square miles of ground. A cannon ball could hardly be fired across it in the direction of its greatest length. Why should we comply with a request for this unusual and unnecessary outlay for a drill ground for the Army post at Manila? When we need money so badly for urgent and necessary purposes that press hard upon us Congress ought to withhold its consent from demands that appear useless and extravagant of this kind. We ask for information and receive the answer that the appropriation is recommended by the commander in chief of the American Army at that point. This reason does not satisfy me. [Applause.]

Mr. KEIFER. Mr. Chairman, I am confused somewhat between the two speeches just made in opposition to this appropriation. The gentleman from New York [Mr. FITZGERALD] seems to be possessed of the idea that he is talking against an appropriation for the purpose of obtaining something over 17,000 acres of land for military purposes in the Philippines. The gentleman from Pennsylvania [Mr. BUTLER] comes more nearly to the real proposition, which is 6,400 acres. I do not differ very much with the latter gentleman as to the amount of acres proposed by the paragraph to be purchased. To be exact, the proposition is to buy 2,574.35 hectares.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. KEIFER. Yes; but I do not want all my time taken up.

Mr. FITZGERALD. I merely wish to correct the gentleman's impression. I did not state that this was to purchase 17,000 acres of land. I said the recommendation to purchase it is made by the same officer who recommends the purchase of 17,000 acres of land in another place, because the 17,000 acres that there is is insufficient to drill one battery and one regiment of troops.

Mr. KEIFER. Then I understand the gentleman to say that in his opposition to an appropriation to purchase 6,400 acres of land he chose to talk about something else, and some other proposition at some other time, and urged it as a reason why this appropriation should not be made. I can quite understand his explanation, but I do not understand exactly why the distinguished gentleman from New York sets himself up as a military critic. I do not know his life and occupation. I do not know how much he knows about the area that it would take to drill an army upon.

Mr. BENNET of New York. I want to suggest that my colleague has had military experience, for he attended the last Democratic State convention in New York. [Laughter.]

Mr. KEIFER. Mr. Chairman, I accept the suggestion and take it as the best evidence that has been furnished to me that the gentleman is qualified to criticise a man who has spent all his mature life in the Army. He is qualified to tell us here on this floor how much ground it takes to drill the small army that we have now in the Philippines, and also to tell just how much area is necessary for the purposes of a regiment of infantry, and so forth.

Mr. FITZGERALD. Did not the gentleman from Ohio inform me that 1,000 acres of land was ample to drill the troops that we had in the Philippine Islands?

Mr. KEIFER. No.

Mr. FITZGERALD. The gentleman did, and I based my opinion largely on the information furnished by the gentleman from Ohio.

Mr. KEIFER. I said that you could put the troops on a section of land, but when you come to drill them, that is another matter.

Mr. FITZGERALD. The gentleman stated positively that all the troops could be drilled on 1,000 acres of land.

Mr. KEIFER. The gentleman from New York is mistaken, not purposely at all; but what I mean to say is that we are expecting to have, from time to time, on the tract of land that is proposed to be purchased, all of the troops; they may not be all kept there. They can not be camped there and their camp changed from time time, policed, and all that without occupying a very considerable part of it. Experience shows that a small army needs a great deal of ground to camp upon, to have all the necessary police regulations about it, to have quarters for officers, to have barracks for soldiers, to have camps for the artillery, to have camps for the cavalry, and when you have taken up all the ground required for these uses, then you have the balance left for drill, maneuvers, target practice, and other purposes.

Parade and drill grounds may be large or small, but should be adequate. If you are going to drill by modern methods a regiment of twelve companies, three battalions, move them by battalion or by brigade or by divisions, you need a large tract of land, and especially if you have mixed troops, such as we are expecting to have here in drilling these troops and taking care of them and preserving their health.

Mr. SLAYDEN. Will the gentleman yield?

Mr. KEIFER. I will yield to the gentleman.

Mr. SLAYDEN. Does the gentleman expect to see such a condition in the Philippine Islands as will require the assembling of an army division?

Mr. KEIFER. We have enough for a division there now. I do not say that they are all centered in this one place.

Mr. SLAYDEN. How many islands are they on?

Mr. KEIFER. I can not give the gentleman the information.

Mr. SHERLEY. Mr. Chairman, there is a very good reason, in my judgment, why the motion made by the gentleman from Virginia should prevail, in addition to those already stated. I am quite sure that the Committee on Appropriations did not know—certainly I, as a member of that committee, did not know—that we have just carried in the Army appropriation bill an item of $731,000 for barracks and quarters in the Philippine Islands, and of that sum it is proposed to expend $211,807 in the Department of Luzon. Now, if just outside of Manila you can buy 6,000 acres of land for $180,000, I ask some one to tell me what is going to be done with the $211,807 that they have already got? How in the name of common sense this committee can afford, in addition to that sum, to appropriate $180,000 for the purchase of land on the Island of Luzon, I do not see. I am quite sure that had this fact been known this item would not have appeared in the bill now.

I am equally sure that we can not afford to preach economy about the expenditures at home and stand for such an appropriation as this. Why, we spent the whole of yesterday fighting up and down over items in order to save a sum total of $250,000. I fought against these increases, because I accepted the statement of the gentleman from Minnesota that we needed to go slow in appropriations. But if we can afford to give not only $211,000 to buy land at Luzon, but in addition to that $180,000, what is the use of bothering about a few little items expended by the Geological Survey? Why not just throw off the bridle and appropriate ad libitum for all sorts of things?

I am not a military expert, and I do not know how much land is needed to drill troops on, but I do know that there is not needed 6,000 acres of land there. I have seen something of this post. One of the reasons why it is to be made a great post is because it is near the city of Manila, not only on account of the importance of Manila, but for the convenience of the post. You will always find that Army posts of size are located where it is convenient for people to be, not only from military convenience, but from a social standpoint. And so there is a constant tendency to magnify the post, and I do not believe, without an explanation of what is to be done with the $211,000, we ought to appropriate this sum. There is not a line in the Army bill that restricts the expenditure of the $731,000. It reads as follows:

> For continuing the work of providing for proper shelter and protection for the officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including policing, rent, and acquisition of titles and building sites and such additions to existing military reservations as may be necessary, including shelter for the animals and supplies and all other buildings necessary for the post administration, $731,022.

Mr. SMITH of Iowa. I want to state to the gentleman that the Senate has receded from that amendment.

Mr. SHERLEY. Yes, I understand; and I am coming to that in a moment.

The words "and such additions to existing military reservations" are in italics in the bill as it passed the Senate, and I understand in conference that they have been eliminated. But there is nothing that limits this appropriation and prevents it being expended for that purpose, and the justification for the appropriation before the Committee on Military Affairs was a statement prepared and sent by General Wood, which contains a statement—

> For purchase of land, Department of Luzon, $211,807.

Now, in the absence of any statement by anybody to the effect that this money will not be expended for that purpose, I want to know how we can afford to authorize the expenditure of $181,000 more.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEIFER. I want to ask the gentleman whether he knows where the land in Luzon is to be purchased by that appropriation which he just spoke of?

Mr. SHERLEY. I do not, and that is the sad part of the whole situation. Here we have a divided jurisdiction, the Committee on Military Affairs having a certain jurisdiction and the Committee on Appropriations having a certain jurisdiction, and those jurisdictions overlapping, and instead of having that detailed knowledge that we ought to have we find here a statement that $211,807 is carried for the purchase of land in the Department of Luzon. Now, I again ask, Where will this land be purchased if it is not this same land that we are asked to appropriate this money for, or land adjoining it? There is no land in Luzon more expensive outside of a city than this land by Fort McKinley.

Mr. KEIFER. I agree with the gentleman that if this is the same thing this ought to be stricken out.

Mr. SMITH of Iowa. If the gentleman will wait for a moment, I think I can dispose of this matter to the satisfaction of all of us.

Mr. KEIFER. I would agree with him in those circumstances—that it should go out.

Mr. SHERLEY. Mr. Chairman, I am happy to hear the suggestion of the gentleman from Iowa [Mr. SMITH]. I would like to have heard the clarion notes of the gentleman from Minnesota [Mr. TAWNEY]. I fear that if this appropriation goes through that some unkind friend might suggest—

> Where, where, was Roderick then?
> One blast upon his bugle horn were worth a thousand men.

We remember his eloquent plea of yesterday, and it has pained me to see the distinguished chairman of my committee sit silent while this appropriation was being carried in the bill. Now, if the gentleman from Iowa assures me it is going to go out, I have nothing further to say.

Mr. SMITH of Iowa. Mr. Chairman, I ask that I be recognized for five minutes in which to explain some matters discovered concerning this matter since I spoke before.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. SMITH of Iowa. Mr. Chairman, immediately upon its being suggested by the gentleman from Virginia [Mr. HAY] that this $211,000 was intended for the purchase of this identical land covered by the bill before the committee, I caused a telephone message to be sent to the War Department and am advised that this $211,000 carried in the Army bill does include the money proposed to be carried here. I may say that I do not think that it can be expended for that purpose under the language in the Army bill. That is, I think they got the money, but failed to get the proper language. It will be observed that the language in the Army bill, as finally adopted, is:

> Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including payment of rents, the acquisition of title to buildings and sites, and including, also, shelter for the animals and supplies.

And so forth.

The only authority in the language of the Army bill is to acquire building sites, and I do not think that confers authority to buy 6,000 acres of land for an artillery target range. They have got the money in that bill, but they have not got the language.

Mr. SHERLEY. That is a good solution.

Mr. SMITH of Iowa. And now they will spend that money, in my judgment, having obtained it, for barracks and quarters not contemplated by Congress.

Mr. SLAYDEN. The bill is not yet a law.

Mr. SMITH of Iowa. That section has been concurred in by both bodies in the same language. It has passed both Houses in the same language. It passed the House and was amended in the Senate, and the Senate has receded from its amendment.

Mr. CLARK of Missouri. Having come to some kind of an understanding about the money, what is the reason the language of the other bill can not be fixed?

Mr. KEIFER. It is too late.

Mr. SMITH of Iowa. The Military Committee had no right in the first place to carry this item at all.

Mr. CLARK of Missouri. What is the reason we can not beat it in the House?

Mr. SMITH of Iowa. But when a matter has passed both Houses and in the same language the conferees can not change it.

Mr. CLARK of Missouri. But suppose we beat that conference report, then what will happen?

Mr. SMITH of Iowa. Then it will be for the conferees again to adjust the matter, and I think now that possibly the best thing that can be done will be to have the House recede and adopt the Senate language, with the understanding that this money was given in that bill. I am not abating a particle of my contention that this option ought to be exercised by the Government for the purchase of this land before the 1st day of next July, but I will be no party to the War Department getting this money twice, once in the military bill and once in

the sundry civil bill, and I hope that this amendment, therefore, will carry and it be stricken out. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Virginia to strike out the paragraph.

The question was taken, and the amendment was agreed to.

Mr. GORDON. Mr. Chairman, I have an amendment which I will ask to have read at the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert on page 115, between lines 12 and 13, in said bill:

"Fort Sheridan, Ill.: For the purchase for military purposes of a triangular tract of land lying adjacent to and adjoining the military post at Fort Sheridan, Ill., and containing 11⅝ acres, more or less, said tract of land having a frontage on the west shore of Lake Michigan, in the county of Lake, State of Illinois, the sum of $36,707.50: *Provided*, That the purchase price to be paid for said tract shall include a settlement in full of all claims for damages to said tract and to all other property belonging to the same owner and adjacent thereto."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that amendment; I reserve it.

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. GORDON. Mr. Chairman, the amendment just read embraces the essentials and the purpose of a bill which was introduced in the Senate at this session of Congress by Senator CULLOM, of Illinois. The bill passed that body, came to this House, and was referred to the Committee on Military Affairs, and that committee reported unanimously in favor of the bill. That is now the situation. I am advised by the distinguished gentleman, Senator CULLOM, to offer the substance of that bill as an amendment to the bill now pending before this House. I do not know that I can make it briefer or clearer in the presentation of this matter than by reading the several official reports that have been made in relation thereto. The paper which I have contains several reports, and I will read them in their order:

Mr. HULL of Iowa, from the Committee on Military Affairs, submitted the following report, to accompany S. 5665:

The Committee on Military Affairs, to whom was referred the bill (S. 5665) for the purchase of land for the use of the military post at Fort Sheridan, Ill., report the same back to the House with the recommendation that it do pass.

This measure passed the Senate on March 19, and as a very full report was made in the Senate, the same is hereto attached and made a part of this report.

[Senate Report No. 377, Sixtieth Congress, first session.]

The Committee on Military Affairs, to which was referred the bill (S. 5665) for the purchase of land for the use of the military post at Fort Sheridan, Ill., makes a favorable report thereon to the Senate and recommends the passage of the bill with the following amendments:

In line 4 strike out the words "an 11-acre."

In line 6, after "Illinois," insert "and containing 11.5 acres, more or less."

After the word "land," in line 11, insert the following:

"*Provided*, That the purchase price to be paid for said tract shall include a settlement in full of all claims for damage to said tract and to all other property belonging to the same owner and adjacent thereto."

The matter of the purchase of this property has been pending in the War Department for a number of years, and has been given most careful consideration. Your committee concurs in the favorable recommendations made by the Quartermaster-General and the Secretary of War in the following indorsements:

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, February 28, 1908.

Respectfully returned to the Secretary of War.

The object of this bill is to carry out the proposition of the War Department to purchase a triangular tract of land on the northeast corner of the Fort Sheridan Reservation, bordering on the lake and understood to contain 11.5 acres, more or less. The amount herein named is that agreed upon by the Secretary of War and the owner of the land as a proper price to be paid for the land.

It is suggested that the bill be amended so as to provide for the purchase of 11.5 acres, more or less, instead of 11 acres, and as thus amended it is recommended for favorable consideration.

J. B. ALESHIRE,
Quartermaster-General, United States Army.

[Third indorsement.]

WAR DEPARTMENT, *March 2, 1908.*

Respectfully returned to the chairman, Committee on Military Affairs, United States Senate, inviting attention to the foregoing report of the Quartermaster-General of the Army, which states the facts in the case.

This matter is one which has been pending before the Department for a number of years, and to which the most careful consideration has been given by the military authorities.

The price for the property was determined by me after making a personal inspection of the property and securing what is believed to be competent and disinterested expert advice. It is considerably less than the value heretofore placed upon the property by the owner.

I inclose a copy of the bill amended as suggested by the Quartermaster-General and also amended to include in the purchase price the satisfaction of all claims for damages to this tract and remainder of the 31-acre lot belonging to the same owner and of which this triangular tract is a part, by reason of the proximity of the Fort Sheridan target range.

I recommend the measure as thus amended to the favorable consideration of Congress.

WM. H. TAFT, *Secretary of War.*

[Inclosure.—Amended bill.]

A bill for the purchase of land for the use of the military post at Fort Sheridan, Ill.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to enter into negotiations for and purchase of a triangular tract of land lying adjacent to and adjoining the military post at Fort Sheridan, Ill., and containing 11.5 acres, more or less, said tract of land having a frontage on the west shore of Lake Michigan, in the county of Lake, State of Illinois. The sum of $36,707.50 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment of said tract of land: *Provided*, That the purchase price to be paid for said tract shall include a settlement in full of all claims for damage to said tract and to all other property belonging to the same owner and adjacent thereto.

[The time of the gentleman from Tennessee expired during the reading of the above, but was extended for five minutes.]

Mr. GORDON. Mr. Chairman, I just want to say a word or two. I wish to say that the bill passed the last session of Congress for the purchase of this property, but it resulted that the fund out of which it was to be paid for was not sufficient, and therefore it was reintroduced at this session, and I hope it will be accepted as an amendment to this bill.

Mr. MADDEN. Mr. Chairman, I make the point of order that this is legislative.

The CHAIRMAN (Mr. LAWRENCE). The Chair understands that the gentleman from Illinois makes the point of order?

Mr. MADDEN. Yes, sir; I made it.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Tennessee contains the following proviso:

Provided, That the purchase price to be paid for said tract shall include a settlement in full of all claims for damages to said tract and to all other property belonging to the same owner and adjacent thereto.

That proviso is not in the form of a limitation, but is affirmative legislation and so repugnant to our rules that the Chair sustains the point of order.

Mr. MOON of Tennessee. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 12, page 115, amend by inserting the following:

"Target range Fort Oglethorpe, Ga.: For the purchase of 924 acres of land adjoining the Catoosa tract and target range, Fort Oglethorpe, Ga., $16,500."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Tennessee [Mr. MOON].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. TAWNEY. Division, Mr. Chairman.

The committee divided, and there were—ayes, 46; noes, 43.

So the amendment was agreed to.

The Clerk read as follows:

Military prison, Fort Leavenworth, Kans.: For the reconstruction, upon land owned by the United States, of the military prison at Fort Leavenworth, Kans., the cost of which when completed shall not exceed $583,000, this amount to be expended so as to give the maximum amount of employment to the inmates of the prison, $100,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 115, in line 19, after the word "hundred" insert "and fifty."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the reconstruction at the United States military prison, Fort Leavenworth, Kans., on land owned by the United States, of a heating, ventilating, refrigerating, and power plant, the cost of which when completed shall not exceed $60,000, this amount to be expended so as to give the maximum amount of employment to the inmates of the prison, $10,000.

Mr. ANTHONY. Mr. Chairman, I desire to offer an amendment to that paragraph.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 115, in line 2, strike out the word "ten" and insert "sixty."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Hereafter the location of mining claims under the mineral-land laws of the United States is prohibited within the area of the Mount Rainier National Park, in the State of Washington: *Provided, however*, That this provision shall not affect existing rights heretofore acquired in good faith under the mineral-land laws of the United States to any mining location or locations in said Mount Rainier National Park.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word. I do this simply to say that this park was established in 1899. At the time of its establishment it was thought that the right to mine within it should be reserved, because there is quite an extensive mining territory in this region, and the provision was made authorizing the location of mines within the limits of this national park. Since that time, however, as I understand, there have been very few, if any, mineral claims established in the park. The Government is building a road into it at a large expense, and appropriations are being made for the purpose of improving it. Within the park is some of the finest scenery in the United States, and there seems to be no good reason why mining should not be prohibited within the park, and I am glad to see this provision inserted in the bill.

I withdraw my amendment.

The CHAIRMAN. The gentleman from Washington [Mr. JONES] withdraws the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners and the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps, surveys; roads, bridges, restoration of earthworks, purchase of lands, purchase and transportation of supplies and materials; competitive designs, to cost not to exceed $10,000, and selection of site (including all necessary expenses connected therewith) for a Navy memorial in the Vicksburg National Military Park, to cost not to exceed $200,000, commemorative of the services of the Union Navy in the operations of the Vicksburg campaign and siege, March 29 to July 4, 1863, and other necessary expenses, $100,000.

Mr. PERKINS. Mr. Chairman, I wish to make a point of order to the words "and historian," on line 20, page 120. There is no one of these various institutions of which I know that has found it necessary to have a historian as a permanent official under salary. And there is no authority of law for it.

Mr. TAWNEY. On what authority does the gentleman make the statement that there is no authority of law for this historian?

Mr. PERKINS. Well, I do not find any authority of law. It was carried in the last appropriation bill, not by any provision creating the office, but paying this gentleman now for the second year, and, for all I know, more years than that, this salary. I venture to say the gentleman can produce no statute of the United States which creates the office of historian to one of these parks.

Mr. TAWNEY. This has been carried for a great many years, and therefore the presumption is in favor of the existence of statutory authority.

Mr. PERKINS. Oh, no; not at all, Mr. Chairman.

Mr. TAWNEY. In view of the gentleman not being able to cite or prove to the contrary, I submit the presumption is in favor of the statutory authority.

Mr. PERKINS. My friend from Minnesota, I remember, once before made precisely the same point, that there was a presumption that law existed unless one could prove the negative, but he was not sustained by the chairman of the committee.

The CHAIRMAN. The Chair will state that in this case the burden of proof falls upon the committee, and unless the committee can produce something to justify the word "historian" the Chair will sustain the point of order.

The Clerk read as follows:

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, to be disbursed under the direction of the Secretary of War, $400,000.

Mr. MACON. I move to strike out the last word, for the purpose of asking the chairman of the committee for a little information.

I notice this appropriation for artificial limbs is $280 in excess of the last appropriation. Will the chairman please explain why that is necessary?

Mr. TAWNEY. You mean $280,000 in excess of the last appropriation?

Mr. MACON. Yes, sir.

Mr. TAWNEY. What information does the gentleman want?

Mr. MACON. Why is it necessary to increase this appropriation at this time?

Mr. TAWNEY. For the reason that they are allowed every three years either a new limb or the price of a new limb, and this is the year in which they are authorized to have the new limb or the price. Every three years there is a larger appropriation.

Mr. MACON. Three years ago the bill carried $400,000.

Mr. TAWNEY. It carried more than that. A number of them have since died.

Mr. MACON. I just wanted information. I withdraw the pro forma amendment.

The Clerk read as follows:

So much of section 1178 of the Revised Statutes of the United States as makes a permanent indefinite appropriation to purchase trusses for soldiers is repealed, to take effect after June 30, 1909, and estimates of sufficient sums for the purchase of such trusses shall be submitted to Congress for the fiscal year 1910, and annually thereafter, in the regular Book of Estimates.

Mr. CRUMPACKER. I reserve a point of order against the paragraph, with the view of finding out the extent to which it goes. I assume by a casual reading of the paragraph that it only undertakes to repeal the portion of section 1178 of the Revised Statutes that makes a permanent appropriation; but I had some apprehension that it might be construed to repeal also that part of the section that authorizes the purchase of trusses for soldiers.

Mr. SMITH of Iowa. Why, it requires an annual estimate in the same section. It does not mean to repeal the provision.

Mr. CRUMPACKER. I notice that; but sometimes we get very inconsistent provisions in the same paragraph of a bill.

Mr. TAWNEY. It was not until here at this session that the committee learned of the existence of the appropriation out of which these trusses were purchased. In fact the officer of the War Department who was before us at the time the inquiry was made was under the impression that the trusses were purchased out of the annual appropriation for furnishing artificial limbs and apparatus or the commutation therefor.

Subsequent to that time the Department made an investigation and found that there was a permanent indefinite appropriation. Upon that information the committee concluded to repeal the permanent indefinite appropriation, so that we would know hereafter how much we were expending annually for this purpose, and require them to submit their estimates at the beginning of each session of Congress.

Mr. CRUMPACKER. Well, I think it is important that the purpose of Congress in embodying this paragraph in the bill should be stated, and should appear in the RECORD.

Mr. TAWNEY. Does the gentleman fear that there would hereafter be no authority for an appropriation for this purpose?

Mr. CRUMPACKER. That is the question I had in mind; and were it not for the latter portion of the paragraph, requiring annual estimates, there would be very serious doubts whether it would or not; and even in that connection there is some doubt that might arise.

But with this expression on the part of the Committee on Appropriations in the Committee of the Whole House, that it is the sole object of the paragraph to repeal that portion of the section that makes a permanent indefinite appropriation, and not to repeal the part that authorizes the purchase of trusses, I withdraw the point of order.

Mr. TAWNEY. The gentleman will notice that the language in the beginning of the paragraph says that only "so much of section 1178 of the Revised Statutes of the United States as makes a permanent indefinite appropriation" is repealed. Now, the section goes on and specifies the trusses that soldiers are entitled to under the law.

Mr. CRUMPACKER. Well, I am satisfied. I do not believe in permanent indefinite appropriations when we can make annual appropriations. I withdraw the point of order.

The Clerk read as follows:

For the building of a retaining wall from Florida avenue to north line of hospital grounds on each side of Eleventh street; for macadamized driveways to replace gravel ones, repairing macadamized driveways, and repaving of gutters; for new cement walks to replace wooden ones; for installing fire plugs on ground, and for services of engineer to supervise all said work, $19,430, to be immediately available and to be expended under the direction of the board of trustees of the hospital, one half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, to correct a verbal error.

The Clerk read as follows:

Page 123, line 4, strike out the word "each" and insert in lieu thereof the word "east."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

California Débris Commission: For defraying the expenses of the Commission in carrying on the work authorized by the act of Congress approved March 1, 1893, $15,000.

Mr. PERKINS. I desire to ask the gentleman from Minnesota what this appropriation for the California Débris Commission is for?

Mr. TAWNEY. A commission was created by law a number of years ago for the purpose of regulating hydraulic mining and the disposal of the débris coming therefrom on the Sacramento and one other river.

Mr. KAHN. If the gentleman will yield to me, I can explain it.

Mr. TAWNEY. The gentleman from California is more familiar with this than I am, but there are two rivers in California that are navigable into which débris flowed, and this Commission is appointed for the purpose of seeing that the débris is kept from going into those rivers.

Mr. KAHN. In the development of the hydraulic mines in California the débris was allowed to flow into the San Joaquin and Sacramento rivers and their tributaries. In 1893 this Commission was created by act of Congress. Under the terms of the act the State of California pays one-half of the expense, and the Government of the United States pays one-half of the expense. The Commission consists of Army engineers and engineers of the State of California.

Mr. PERKINS. Do I understand that the pay of the Commission is for work they have done in clearing out the débris?

Mr. KAHN. No; not in clearing it out; but the work that is done is to prevent the navigable streams being filled up by the debris. When a hydraulic mine is located the engineers go there and find out whether the débris from that mine would interfere with the navigation of the river. They pass upon the location; and if it is found that the débris will interfere with the navigation of the river, permission is denied or an impounding dam is constructed at some place that will retain the débris or divert it and prevent it from flowing into the river.

Mr. PERKINS. Is this $15,000 a year paid to the Commission for salaries or is it the expenses that they are put to?

Mr. KAHN. The expenses that they are put to, and possibly a portion of it for salaries, but the State of California pays a like amount, and I believe it is principally for expenses.

Mr. TAWNEY. I will say to the gentleman from New York that when before the committee General Mackenzie stated that the rivers are the Sacramento, the Feather, the Yuba, and the American. He also stated that the same gentlemen constitute a board in connection with the improvement of the rivers, working in connection with the State of California.

Mr. BONYNGE. I offer the amendment which I send to the Clerk's desk as an additional paragraph.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Fort Logan, Colo.: For the purchase of 340 acres of land adjoining the military post at Fort Logan, Colo., required for use as additional parade ground and additional reservoir site, $110,100.

Mr. TAWNEY. I reserve a point of order on that.

The CHAIRMAN. The gentleman from Minnesota reserves a point of order.

Mr. BONYNGE. If the gentleman intends to make a point of order, I do not care to discuss the proposition. I want to know what the point of order is.

Mr. TAWNEY. I have reserved a point of order in order to ascertain whether it is authorized by law. I do not know, and I make the point of order on that ground.

Mr. BONYNGE. There was a ruling by the Chair only a short time ago that the purchase of additional ground for an authorized post, contiguous to the post, is in order.

Mr. TAWNEY. Adjoining.

Mr. BONYNGE. This is adjoining the Fort Logan post.

Mr. TAWNEY. Does the gentleman's amendment in describing the land say that it is adjoining the fort?

Mr. BONYNGE. Yes.

Mr. HULL of Iowa. I should like to reserve a point of order until I hear the amendment read again. I understood it to be for a maneuver ground.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The Clerk again read the amendment.

Mr. HULL of Iowa. I make no point of order on that.

The CHAIRMAN. Does the gentleman from Minnesota make any point of order?

Mr. TAWNEY. No, sir.

Mr. FITZGERALD. I reserve a point of order.

Mr. BONYNGE. If the gentleman from New York has any point of order to be made, I desire to have it disposed of before the merits of the proposition are discussed.

Mr. FITZGERALD. My point of order is that it is not germane to this portion of the bill, which relates to a national park.

Mr. BONYNGE. Mr. Chairman, it is offered as a separate paragraph. We are considering the section of the bill relating to the War Department. The whole subject is still under the subdivision of the bill making appropriations for the War Department, and this is germane to that general subject of the bill.

Mr. TAWNEY. I would ask the gentleman from Colorado if the Department submitted an estimate for the purchase of this land.

Mr. BONYNGE. The Department has recommended its purchase for this specific amount, and made an investigation——

Mr. TAWNEY. When?

Mr. BONYNGE. The report was made to the Senate. The Senate bill is now pending before the Committee on Military Affairs, and I have a report from the Assistant Secretary, and a letter from Mr. Secretary Taft to one of the Senators, which is published in their report; also the report of General Bell, in which he says that he does not know of any post——

Mr. TAWNEY. As a matter of fact, the Department, upon its own initiative, has never estimated for the purchase of this land?

Mr. BONYNGE. Has never estimated for the purchase of the land; but this specific proposition for the purchase of the land was presented to them.

Mr. TAWNEY. Oh, the War Department will make a recommendation on any old thing that is sent down there with a request for a recommendation.

Mr. BONYNGE. I will wait until the Chair rules on the point of order. Then I will reply to the point of the gentleman from Minnesota. First, I desire to dispose of the point of order.

Mr. FITZGERALD. Mr. Chairman, an amendment germane to the bill as a whole must be offered in the appropriate place. There is a ruling that where a bill is considered under exceptional circumstances and the amendment is germane to the bill as a whole, it may be offered even where it is not germane to the subject-matter just read. The committee has passed that portion of the bill providing for the enlargement of military posts and is now considering provisions relating to the national parks. The provision relating to the enlargement of military posts has been passed.

Mr. BONYNGE. Mr. Chairman, in answer to what the gentleman from New York has said, I call attention to the fact that on page 87 of the bill is a subdivision of the War Department—"Armories and arsenals"—and that continues until we come to page 141—all provisions relating to the War Department and all under the head of the War Department.

At page 141 we commence a new subdivision, entitled "Under the Department of Justice." It would be no more germane to offer my amendment as a separate paragraph after Fort Leavenworth than it would be after the particular paragraph where I have offered it. It has no more reference to Fort Leavenworth than it has to the national park. There is no authority cited by the gentleman from New York to sustain the point of order he has made that the amendment is not germane to the bill or to the provisions of the bill that are now under consideration. The subject of the amendment relates to the specific department that is provided for by the provisions of the bill now under consideration and for which appropriations are being made. It is, therefore, I submit, in order at this point and in this part of the bill.

The CHAIRMAN. The Chair is of opinion that the point made by the gentleman from New York is well taken. An examination of the bill discloses that various subjects for appropriation are taken up in order. First comes the "Treasury Department," and then comes the "Interior Department," and finally comes the "War Department," and under the War Department there are various subdivisions, first starting out with "arsenals," and finally coming to "military posts," "forts," and pages 114, 115, and 116, and other pages all have reference to "forts." It occurs to the Chair that when an amendment is offered it should be germane to that part of the bill to which it is offered. The question as to the germaneness of a proposition at any given portion of the bill has not been decided in exact terms. However, many decisions have been made which point in that direction, and while decisions have not been uniform, those most recently made have held that an amendment must be germane to the particular paragraph under consideration, rather than to the general provisions of the bill. However, an amendment germane to the bill as a whole, and hardly germane to any one section, may be offered at an appropriate place. Now, the question is, What is an appropriate place? Evidently that part of the bill at which the particular thing is being considered and dealt with by the amendment offered.

Mr. BONYNGE. Will the Chair pardon me?

The CHAIRMAN. Certainly.

Mr. BONYNGE. If the Chair will turn to page 109 of the bill he will find a subdivision entitled "National cemeteries," and he will see that there is no such order in the bill as the Chair has referred to. Let me call the Chairman's attention to the fact that under "National cemeteries" provision is made for these various military posts. So that the military posts are

provided for under separate paragraphs under the subdivision "National cemeteries." Many of these paragraphs have nothing to do with "national cemeteries;" for instance, the paragraph entitled "Military posts," on page 113, or "Fort Benjamin Harrison" post, in Indiana, at page 115. Consequently, as the committee has not seen fit to make any such order in the bill as the Chair has based his ruling upon, I submit that the ruling ought not to be sustained.

The various paragraphs are presented in this bill promiscuously under the subdivision of "National cemeteries," and the committee itself having selected that manner, I submit that my amendment is in order.

The CHAIRMAN. The Chair thinks the gentleman from Colorado is mistaken in the statement he has made. Page 109 contains a heading or division of "National cemeteries," and "For national cemeteries" is a subhead, and "For superintendents of national cemeteries;" "Headstones for graves of soldiers," "Repairing roadways to national cemeteries," and so on, on pages 110 and 111 the same subject-matter; page 112 the same subject-matter; page 113 the same subject-matter, down to a new head, "Military posts."

Mr. BONYNGE. Not as a separate subdivision, but a separate paragraph.

The CHAIRMAN. It follows continuously for military posts and nothing else.

So that the mere fact that the Committee on Appropriations did not make a new head there does not change the order in the bill. The order preceding military posts was wholly national cemeteries. The order following military posts is wholly military posts. Therefore, the Chair thinks the gentleman's amendment is not germane to this portion of the bill, and sustains the point of order.

The Clerk read as follows:

For clothing for all the Branches, namely: Expenditures for clothing, underclothing, hats caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed, and for use in the tailor shops, knitting shops, and shoe shops, or other Home shops in which any kind of clothing is made or repaired, $300,000.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that the committee do now rise.

The question was taken, and on a division (demanded by Mr. TAWNEY) there were—ayes 67, noes 50.

So the motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. WATSON, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21260), the sundry civil appropriation bill, and had come to no resolution thereon.

INTERNATIONAL PRISON CONGRESS.

The Speaker laid before the House the following message from the President of the United States, which, together with the accompanying papers, was referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

I transmit for the information of Congress a report by the acting Secretary of State covering papers presented by Mr. Samuel J. Barrows, Commissioner for the United States on the International Prison Commission, setting forth the origin, history, scope, and object of the International Prison Congress and the programme of questions to be discussed at the next meeting of the congress, which, in pursuance of the invitation of the Congress of the United States, will take place at Washington in 1910.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *May 5, 1908.*

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17516. An act to increase the membership of the Philippine Commission by one member, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5999. An act to correct the military record of William Keyes—to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. HAWLEY to withdraw from the files of the House, without leaving copies, the papers in the case of Albert W. Kelley (H. R. 18837), Sixtieth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. MUDD, indefinitely, on account of sickness.

Mr. BYRD, for fifteen days, on account of important business.

FREE ADMISSION OF MANGANIFEROUS IRON ORE.

Mr. BONYNGE. Mr. Speaker, I present herewith a privileged report from the Committee on Ways and Means.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolution No. 363.

The SPEAKER. It will be referred to the House Calendar.

Mr. FITZGERALD. But, Mr. Speaker, the House is entitled to know whether this is a privileged report. It must know by the statement of what the resolution is.

The SPEAKER. The Chair is of opinion that the Committee on Ways and Means——

Mr. FITZGERALD. The Committee on Ways and Means has the right to report certain subjects as privileged matter, and not otherwise. No committee has a right to present a report in this way as privileged, unless it comes under the rule.

The SPEAKER. That is correct, and the Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to send to the House of Representatives such reports and documents as will show by what authority of law 207,068 tons of "manganese" ore (or manganiferous iron ore) were admitted free of duty at the ports of entry, New York, Baltimore, Boston, Newark (N. J.), Philadelphia, New Orleans, San Francisco, Chicago, and Cincinnati for the fiscal year ended June 30, 1907.

With the following amendments:

"On line 5, after the word "of," to strike out the words "manganese ore (or manganiferous iron ore)" and insert the words "manganiferous iron ore."

"On line 10, after the word "seven," insert the words "under the designation of manganese ore."

The SPEAKER. The resolution is referred to the House Calendar.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21261, the sundry civil appropriation bill.

Mr. PAYNE. Mr. Speaker, pending that, I move that the House do take a recess until 11.30 to-morrow morning.

The SPEAKER. The question is on the motion of the gentleman from New York that the House do take a recess until 11.30 o'clock to-morrow morning.

The question was taken.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 74, nays 154, answered "present" 11, not voting 148, as follows:

YEAS—74.

Adair	Goebel	Laning	Porter
Allen	Greene	Lorimer	Reeder
Bannon	Hall	McCall	Sabath
Barchfeld	Hamilton, Iowa	Macon	Scott
Barclay	Hamilton, Mich.	Madison	Shackleford
Bartholdt	Hammond	Malby	Slemp
Bates	Harding	Mann	Smith, Cal.
Birdsall	Haskins	Miller	Smith, Iowa
Brumm	Haugen	Moon, Tenn.	Southwick
Calderhead	Hayes	Mouser	Stafford
Caulfield	Howell, Utah	Murphy	Steenerson
Cooper, Wis.	Hubbard, Iowa	Needham	Sturgiss
Dalzell	Huff	Nelson	Tawney
Davis, Minn.	Hull, Iowa.	Nicholls	Tirrell
Draper	Jenkins	Nye	Volstead
Esch	Kennedy, Iowa	Olmsted	Vreeland
Foss	Kinkaid	Overstreet	Weeks
Gardner, Mich.	Küstermann	Payne	
Gilhams	Landis	Perkins	

NAYS—154.

Acheson	Candler	Dixon	Garrett
Adamson	Capron	Dwight	Gillespie
Aiken	Carlin	Edwards, Ga.	Gordon
Alexander, Mo.	Carter	Ellerbe	Graff
Alexander, N. Y.	Chaney	Ellis, Mo.	Graham
Ashbrook	Chapman	Ellis, Oreg.	Granger
Bartlett, Nev.	Clark, Mo.	Englebright	Gregg
Beall, Tex.	Clayton	Ferris	Gronna
Bede	Cocks, N. Y.	Fitzgerald	Hackett
Bell, Ga.	Cole	Floyd	Hackney
Bennet, N. Y.	Cook, Colo.	Focht	Hamill
Bonynge	Cooper, Pa.	Fornes	Hardy
Booher	Cox, Ind.	Foster, Ill.	Harrison
Bowers	Craig	Foster, Ind.	Hawley
Boyd	Crumpacker	Foster, Vt.	Hay
Brantley	Cushman	Foulkrod	Heflin
Burke	Davenport	French	Helm
Burnett	Davidson	Fulton	Henry, Tex.
Burton, Del.	Denby	Gaines, Tenn.	Higgins
Calder	Denver	Gaines, W. Va.	Hill, Miss.
Campbell	Diekema	Garner	Hinshaw

Hitchcock	Lloyd	Pray	Spight
Holliday	Longworth	Rainey	Stephens, Tex.
Houston	Lowden	Randell, Tex.	Sterling
Howland	McGavin	Rauch	Sullowav
Hubbard, W. Va.	McKinley, Ill.	Reid	Taylor, Ohio
Hughes, N. J.	McKinney	Reynolds	Thomas, N. C.
Hull, Tenn.	McLachlan, Cal.	Richardson	Tou Velle
Johnson, Ky.	McLaughlin, Mich.	Robinson	Underwood
Jones, Wash.	Madden	Rodenberg	Waldo
Kahn	Maynard	Rothermel	Wanger
Kelliher	Moore, Tex.	Russell, Mo.	Washburn
Knapp	Norris	Russell, Tex.	Watkins
Knopf	O'Connell	Sheppard	Watson
Knowland	Olcott	Sherley	Weems
Lafean	Padgett	Sims	Wilson, Pa.
Lawrence	Page	Smith, Mich.	Woodyard
Lee	Parsons	Smith, Mo.	
Legare	Pollard	Smith, Tex.	

ANSWERED "PRESENT"—11.

Butler	Fassett	Humphreys, Miss.	Sherman
Currier	Goulden	Keifer	Stanley
De Armond	Hill, Conn.	McMorran	

NOT VOTING—148.

Ames	Durey	Kitchin, Wm. W.	Peters
Andrus	Edwards, Ky.	Lamar, Fla.	Pou
Ansberry	Fairchild	Lamar, Mo.	Powers
Anthony	Favrot	Lamb	Pratt
Bartlett, Ga.	Finley	Langley	Prince
Beale, Pa.	Flood	Lassiter	Pujo
Bennett, Ky.	Fordney	Law	Ransdell, La.
Bingham	Fowler	Leake	Rhinock
Boutell	Fuller	Lenahan	Riordan
Bradley	Gardner, Mass.	Lever	Roberts
Brodhead	Gardner, N. J.	Lewis	Rucker
Broussard	Gill	Lilley	Ryan
Brownlow	Gillett	Lindbergh	Saunders
Brundidge	Glass	Lindsay	Sherwood
Burgess	Godwin	Littlefield	Slayden
Burleigh	Goldfogle	Livingston	Small
Burleson	Griggs	Loud	Snapp
Burton, Ohio	Haggott	Loudenslager	Sparkman
Byrd	Hale	Lovering	Sperry
Caldwell	Hamlin	McCreary	Stevens, Minn.
Cary	Hardwick	McDermott	Sulzer
Clark, Fla.	Henry, Conn.	McGuire	Talbott
Cockran	Hepburn	McHenry	Taylor, Ala.
Conner	Hobson	McKinlay, Cal.	Thistlewood
Cook, Pa.	Howard	McLain	Thomas, Ohio
Cooper, Tex.	Howell, N. J.	McMillan	Townsend
Coudry	Hughes, W. Va.	Marshall	Wallace
Cousins	Humphrey, Wash.	Mondell	Webb
Cravens	Jackson	Moon, Pa.	Weisse
Crawford	James, Addison D.	Moore, Pa.	Wheeler
Darragh	James, Ollie M.	Morse	Wiley
Davey, La.	Johnson, S. C.	Mudd	Willett
Dawes	Jones, Va.	Murdock	Williams
Dawson	Kennedy, Ohio	Parker, N. J.	Wilson, Ill.
Douglas	Kimball	Parker, S. Dak.	Wolf
Driscoll	Kipp	Patterson	Wood
Dunwell	Kitchin, Claude	Pearre	Young

So the motion to take a recess was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. DAWSON with Mr. COOPER of Texas.

Mr. ANTHONY with Mr. SLAYDEN.

Until further notice:

Mr. FULLER with Mr. BYRD.

Mr. MUDD with Mr. TALBOTT.

Mr. BENNETT of Kentucky with Mr. BRODHEAD.

Mr. BEALE of Pennsylvania with Mr. BRUNDIDGE.

Mr. BROWNLOW with Mr. BURGESS.

Mr. BURLEIGH with Mr. BURLESON.

Mr. BURTON of Ohio with Mr. CALDWELL.

Mr. DARRAGH with Mr. CLARK of Florida.

Mr. DAWES with Mr. COCKRAN.

Mr. DOUGLAS with Mr. CRAVENS.

Mr. DRISCOLL with Mr. FAVROT.

Mr. DUREY with Mr. LINDSAY.

Mr. FORDNEY with Mr. HAMLIN.

Mr. EDWARDS of Kentucky with Mr. HARDWICK.

Mr. FOWLER with Mr. HUMPHREYS of Mississippi.

Mr. GARDNER of Massachusetts with Mr. OLLIE M. JAMES.

Mr. GARDNER of New Jersey with Mr. KIMBALL.

Mr. GILLETT with Mr. KIPP.

Mr. HUMPHREY of Washington with Mr. LAMAR of Missouri.

Mr. ADDISON D. JAMES with Mr. LASSITER.

Mr. KENNEDY of Ohio with Mr. LENAHAN.

Mr. LINDBERGH with Mr. LEWIS.

Mr. LOUDENSLAGER with Mr. MCDERMOTT.

Mr. MARSHALL with Mr. MCHENRY.

Mr. MONDELL with Mr. MCLAIN.

Mr. MOON of Pennsylvania with Mr. SAUNDERS.

Mr. MURDOCK with Mr. RHINOCK.

Mr. STEVENS of Minnesota with Mr. SMALL.

Mr. THOMAS of Ohio with Mr. SPARKMAN.

Mr. TOWNSEND with Mr. TAYLOR of Alabama.

Mr. WILSON of Illinois with Mr. WALLACE.

Mr. PARKER of New Jersey with Mr. WOLF.

For the session:

Mr. BOUTELL with Mr. GRIGGS.

Mr. COUSINS with Mr. FLOOD.

The result of the vote was announced as above recorded.

ORDER OF BUSINESS.

Mr. CLARK of Missouri. Regular order, Mr. Speaker.

The SPEAKER. The regular order is that the Chair recognizes the gentleman from Indiana [Mr. FOSTER] to a highly privileged motion.

Mr. CLARK of Missouri. There is a motion pending to go into the Committee of the Whole House on the state of the Union.

The SPEAKER. This is more highly privileged than even a motion to adjourn under the rules. It is a conference report.

Mr. CLARK of Missouri. I want to see what it is.

TUBERCULOSIS IN DISTRICT OF COLUMBIA.

Mr. FOSTER of Indiana. Mr. Speaker, I call up the conference report on the bill S. 29, an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Page 3, line 6, strike out the words "owner, lessee, tenant;" and the House agree to the same.

That the House recede from its amendments numbered 2 and 3.

J. VAN VECHTEN OLCOTT,
E. L. TAYLOR, Jr.,
J. W. MURPHY,
Managers on the part of the House.
J. H. GALLINGER,
W. P. DILLINGHAM,
T. H. PAYNTER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 29) "An act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District," submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

On amendment numbered 1: Strikes out provision proposed by the Senate requiring reports of physicians to be made within one week after the disease is "suspected," and provides for the submission of such reports after the disease is "recognized." and also provides that the occupant or other person in charge of the premises shall notify the health officer of deaths or removals.

On amendments numbered 2 and 3: The House recedes, leaving the bill, in so far as these amendments are concerned, in the form in which it passed the Senate.

J. V. V. OLCOTT,
E. L. TAYLOR, Jr.,
J. W. MURPHY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. The gentleman from Indiana [Mr. FOSTER] has the floor.

Mr. FITZGERALD. If the gentleman does not wish to occupy it, I would like to be recognized.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. The gentleman from Indiana [Mr. FOSTER] has the floor.

Mr. FITZGERALD. The gentleman can not stand there like a post. [Laughter.]

The SPEAKER. The gentleman from Indiana [Mr. FOSTER] has not yielded the floor.

Mr. FITZGERALD. He can not stand there and not yield and not say anything.

Mr. FOSTER of Indiana. I do not understand that the gentleman has asked for any time.

Mr. FITZGERALD. I have not asked the gentleman from Indiana. I was addressing the Chair.

Mr. FOSTER of Indiana. Then, Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Indiana [Mr. FOSTER] moves the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 110, nays 85, answered "present" 13, not voting 179, as follows:

YEAS—110.

Acheson	Diekema	Jones, Wash.	Olcott
Alexander, N. Y.	Dwight	Kahn	Overstreet
Allen	Ellis, Mo.	Kennedy, Iowa	Parsons
Barchfeld	Ellis, Oreg.	Kinkaid	Payne
Bates	Englebright	Knapp	Pollard
Birdsall	Focht	Knopf	Pray
Bonynge	Foster, Ind.	Knowland	Reynolds
Boyd	Foster, Vt.	Küstermann	Rodenberg
Brownlow	Foulkrod	Lafean	Smith, Cal.
Calder	French	Landis	Smith, Iowa
Calderhead	Gilhams	Laning	Southwick
Campbell	Goebel	Lawrence	Stafford
Capron	Greene	Longworth	Steenerson
Caulfield	Gronna	Lorimer	Sterling
Chapman	Hall	Lowden	Sturgiss
Cocks, N. Y.	Hamilton, Iowa	McGavin	Sulloway
Cole	Hamilton, Mich.	McGuire	Tawney
Cook, Colo.	Harding	McKinley, Ill.	Taylor, Ohio
Cooper, Pa.	Haskins	McKinney	Tirrell
Cooper, Wis.	Haugen	McLachlan, Cal.	Volstead
Crumpacker	Hawley	Mann	Wanger
Cushman	Hayes	Miller	Washburn
Dalzell	Higgins	Moore, Pa.	Watson
Darragh	Hinshaw	Mouser	Weems
Davidson	Howell, Utah	Murdock	Wheeler
Davis, Minn.	Howland	Nelson	Woodyard
De Armond	Hubbard, W. Va.	Norris	
Denby	Huff	Nye	

NAYS—85.

Adair	Fitzgerald	Hill, Miss.	Randell, Tex.
Adamson	Floyd	Hitchcock	Ransdell, La.
Aiken	Foster, Ill.	Houston	Rauch
Ashbrook	Fulton	Hughes, N. J.	Reid
Bartlett, Nev.	Gaines, Tenn.	Hull, Tenn.	Richardson
Beall, Tex.	Garner	Johnson, Ky.	Robinson
Bell, Ga.	Garrett	Keliher	Rothermel
Booher	Gillespie	Kitchin, Claude	Russell, Mo.
Bowers	Gordon	Legare	Russell, Tex.
Brantley	Granger	Lloyd	Sabath
Burnett	Gregg	McHenry	Sheppard
Candler	Griggs	Macon	Sherley
Carlin	Hackett	Maynard	Small
Carter	Hackney	Moon, Tenn.	Smith, Mo.
Clark, Mo.	Hamill	Moore, Tex.	Smith, Tex.
Clayton	Hardy	Murphy	Stephens, Tex.
Craig	Harrison	Nicholls	Thomas, N. C.
Davenport	Hay	O'Connell	Tou Velle
Denver	Heflin	Padgett	Underwood
Dixon	Helm	Page	Watkins
Edwards, Ga.	Henry, Tex.	Rainey	Wilson, Pa.
Ellerbe			

ANSWERED "PRESENT"—13.

Bennet, N. Y.	Haggott	Madden	Vreeland
Currier	Hill, Conn.	Porter	
Fassett	Humphreys, Miss.	Sherman	
Goulden	McMorran	Stanley	

NOT VOTING—179.

Alexander, Mo.	Byrd	Ferris	Holliday
Ames	Caldwell	Finley	Howard
Andrus	Cary	Flood	Howell, N. J.
Ansberry	Chaney	Fordney	Hubbard, Iowa
Anthony	Clark, Fla.	Fornes	Hughes, W. Va.
Bannon	Cockran	Foss	Hull, Iowa
Barclay	Conner	Fowler	Humphrey, Wash.
Bartholdt	Cook, Pa.	Fuller	Jackson
Bartlett, Ga.	Cooper, Tex.	Gaines, W.Va.	James, Addison D.
Beale, Pa.	Coudrey	Gardner, Mass.	James, Ollie M.
Bede	Cousins	Gardner, Mich.	Jenkins
Bennett, Ky.	Cox, Ind.	Gardner, N. J.	Johnson, S. C.
Bingham	Cravens	Gill	Jones, Va.
Boutell	Crawford	Gillett	Keifer
Bradley	Davey, La.	Glass	Kennedy, Ohio
Brodhead	Dawes	Godwin	Kimball
Broussard	Dawson	Goldfogle	Kipp
Brumm	Douglas	Graff	Kitchin, Wm. W.
Brundidge	Draper	Graham	Lamar, Fla.
Burgess	Driscoll	Hale	Lamar, Mo.
Burke	Dunwell	Hamlin	Lamb
Burleigh	Durey	Hammond	Langley
Burleson	Edwards, Ky.	Hardwick	Lassiter
Burton, Del.	Esch	Henry, Conn.	Law
Burton, Ohio	Fairchild	Hepburn	Leake
Butler	Favrot	Hobson	Lee
Lenahan	Malby	Reeder	Sulzer
Lever	Marshall	Rhinock	Talbott
Lewis	Mondell	Riordan	Taylor, Ala.
Lilley	Moon, Pa.	Roberts	Thistlewood
Lindbergh	Morse	Rucker	Thomas, Ohio
Lindsay	Mudd	Ryan	Townsend
Littlefield	Needham	Saunders	Waldo
Livingston	Olmsted	Scott	Wallace
Loud	Parker, N. J.	Shackleford	Webb
Loudenslager	Parker, S. Dak.	Sherwood	Weeks
Lovering	Patterson	Sims	Weisse
McCall	Pearre	Slayden	Wiley
McCreary	Perkins	Slemp	Willett
McDermott	Peters	Smith, Mich.	Williams
McKinlay, Cal.	Pou	Snapp	Wilson, Ill.
McLain	Powers	Sparkman	Wolf
McLaughlin, Mich.	Pratt	Sperry	Wood
McMillan	Prince	Spight	Young
Madison	Pujo	Stevens, Minn.	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MADDEN with Mr. SIMS.

Mr. GARDNER of Michigan with Mr. ALEXANDER of Missouri.

Mr. SMITH of Michigan with Mr. SHACKLEFORD.

Mr. BOUTELL with Mr. SPIGHT.

Mr. DRAPER with Mr. COX of Indiana.

Mr. GRAFF with Mr. FERRIS.

Mr. HUGHES of West Virginia with Mr. LEE.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 174, nays 3, answered "present" 10, not voting 201, as follows:

YEAS—174.

Acheson	Ellerbe	Huff	Payne
Adair	Ellis, Mo.	Hughes, N. J.	Rainey
Adamson	Ellis, Oreg.	Hull, Tenn.	Randell, Tex.
Aiken	Englebright	Johnson, Ky.	Rauch
Alexander, N. Y.	Fitzgerald	Jones, Wash.	Reeder
Allen	Floyd	Kahn	Reid
Barchfeld	Focht	Keliher	Reynolds
Bartlett, Nev.	Foster, Ill.	Kennedy, Iowa	Richardson
Beall, Tex.	Foster, Ind.	Kitchin, Claude	Robinson
Bell, Ga.	Foulkrod	Knapp	Rodenberg
Bennet, N. Y.	Fowler	Knopf	Rothermel
Birdsall	French	Knowland	Russell, Mo.
Bonynge	Fulton	Küstermann	Sabath
Booher	Gaines, Tenn.	Lafean	Saunders
Bowers	Garner	Landis	Sheppard
Boyd	Gilhams	Lawrence	Sherley
Brownlow	Gillespie	Lee	Small
Burke	Goebel	Legare	Smith, Iowa
Burnett	Gordon	Lloyd	Smith, Mo.
Campbell	Granger	Longworth	Smith, Tex.
Capron	Greene	Lorimer	Southwick
Carter	Griggs	Loud	Spight
Caulfield	Hackett	McGavin	Stafford
Chaney	Hackney	McHenry	Sturgiss
Chapman	Hall	McKinley, Ill.	Sulloway
Clark, Mo.	Hamilton, Iowa	McKinney	Tawney
Clayton	Hamilton, Mich.	McLachlan, Cal.	Taylor, Ohio
Cocks, N. Y.	Hardy	Macon	Thomas, N. C.
Cole	Haugen	Malby	Tirrell
Cook, Colo.	Hawley	Mann	Tou Velle
Cooper, Pa.	Hay	Maynard	Underwood
Cooper, Wis.	Hayes	Miller	Volstead
Craig	Heflin	Moon, Tenn.	Vreeland
Crumpacker	Henry, Tex.	Moore, Pa.	Waldo
Cushman	Higgins	Moore, Tex.	Wanger
Dalzell	Hill, Miss.	Murphy	Watkins
Darragh	Hinshaw	Nicholls	Watson
Davidson	Hitchcock	Nye	Wheeler
De Armond	Holliday	O'Connell	Wilson, Ill.
Denby	Houston	Olcott	Wilson, Pa.
Denver	Howell, Utah	Overstreet	Woodyard
Diekema	Howland	Padgett	The Speaker
Dixon	Hubbard, Iowa	Page	
Edwards, Ga.	Hubbard, W. Va.	Parsons	

NAYS—3.

Harrison	Helm	Stephens, Tex.

ANSWERED "PRESENT"—10.

Carlin	Goulden	McMorran	Stanley
Fassett	Haggott	Madden	
Gardner, Mich.	Humphreys, Miss.	Sherman	

NOT VOTING—201.

Alexander, Mo.	Bradley	Candler	Dawes
Ames	Brantley	Cary	Dawson
Andrus	Brodhead	Clark, Fla.	Douglas
Ansberry	Broussard	Cockran	Draper
Anthony	Brumm	Conner	Driscoll
Ashbrook	Brundidge	Cook, Pa.	Dunwell
Bannon	Burgess	Cooper, Tex.	Durey
Barclay	Burleigh	Coudrey	Dwight
Bartholdt	Burleson	Cousins	Edwards, Ky.
Bartlett, Ga.	Burton, Del.	Cox, Ind.	Esch
Bates	Burton, Ohio	Cravens	Fairchild
Beale, Pa.	Butler	Crawford	Favrot
Bede	Byrd	Currier	Ferris
Bennett, Ky.	Calder	Davenport	Finley
Bingham	Calderhead	Davey, La.	Flood
Boutell	Caldwell	Davis, Minn.	Fordney

Fornes	James, Ollie M.	McLaughlin, Mich.	Scott
Foss	Jenkins	McMillan	Shackleford
Foster, Vt.	Johnson, S. C.	Madison	Sherwood
Fuller	Jones, Va.	Marshall	Sims
Gaines, W. Va.	Keifer	Mondell	Slayden
Gardner, Mass.	Kennedy, Ohio	Moon, Pa.	Slemp
Gardner, N. J.	Kimball	Morse	Smith, Cal.
Garrett	Kinkaid	Mouser	Smith, Mich.
Gill	Kipp	Mudd	Snapp
Gillett	Kitchin, Wm. W.	Murdock	Sparkman
Glass	Lamar, Fla.	Needham	Sperry
Godwin	Lamar, Mo.	Nelson	Steenerson
Goldfogle	Lamb	Norris	Sterling
Graff	Langley	Olmsted	Stevens, Minn.
Graham	Laning	Parker, N. J.	Sulzer
Gregg	Lassiter	Parker, S. Dak.	Talbott
Gronna	Law	Patterson	Taylor, Ala.
Hale	Leake	Pearre	Thistlewood
Hamill	Lenahan	Perkins	Thomas, Ohio
Hamlin	Lever	Peters	Townsend
Hammond	Lewis	Pollard	Wallace
Harding	Lilley	Porter	Washburn
Hardwick	Lindbergh	Pou	Webb
Haskins	Lindsay	Powers	Weeks
Henry, Conn.	Littlefield	Pratt	Weems
Hepburn	Livingston	Pray	Weisse
Hill, Conn.	Loudenslager	Prince	Wiley
Hobson	Lovering	Pujo	Willett
Howard	Lowden	Ransdell, La.	Williams
Howell, N. J.	McCall	Rhinock	Wolf
Hughes, W. Va.	McCreary	Riordan	Wood
Hull, Iowa	McDermott	Roberts	Young
Humphrey, Wash.	McGuire	Rucker	
Jackson	McKinlay, Cal.	Russell, Tex.	
James, Addison D.	McLain	Ryan	

The following additional pairs were announced:

For the balance of the day:

Mr. MURDOCK with Mr. GARRETT.

Mr. BURTON of Ohio with Mr. RANSDELL of Louisiana.

Until further notice:

Mr. BANNON with Mr. ASHBROOK.

Mr. DWIGHT with Mr. BRANTLEY.

Mr. HARDING with Mr. CANDLER.

Mr. HULL of Iowa with Mr. CARLIN.

Mr. JENKINS with Mr. DAVENPORT.

Mr. LOWDEN with Mr. HAMILL.

Mr. OLMSTED with Mr. RUSSELL of Texas.

Mr. FOSTER of Vermont with Mr. POU.

Mr. DAVIS of Minnesota with Mr. GREGG.

The SPEAKER. On this question the yeas are 174, the nays 3; present 10; not a quorum. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; the Clerk will call the roll on the pending question. As many as are in favor of agreeing to the conference report will, as their names are called, answer "yea;" as many as are opposed will answer "nay;" and those present and not voting will answer "present;" and the Clerk will call the roll.

The question was taken, and there were—yeas 182, nays 2, answered "present" 16, not voting 188, as follows:

YEAS—182.

Acheson	Dwight	Jones, Wash.	Randell, Tex.
Adair	Edwards, Ga.	Kahn	Rauch
Adamson	Ellerbe	Keliher	Reeder
Aiken	Ellis, Mo.	Kennedy, Iowa	Reid
Alexander, N. Y.	Englebright	Kitchin, Claude	Reynolds
Allen	Esch	Knapp	Robinson
Ashbrook	Ferris	Knopf	Rodenberg
Barchfeld	Fitzgerald	Knowland	Rothermel
Bartholdt	Floyd	Küstermann	Rucker
Bartlett, Nev.	Focht	Lafean	Russell, Mo.
Beall, Tex.	Foster, Ill.	Landis	Russell, Tex.
Bell, Ga.	Foster, Ind.	Laning	Sabath
Birdsall	Foulkrod	Lee	Saunders
Bonynge	French	Legare	Scott
Bowers	Fulton	Lenahan	Shackleford
Boyd	Gaines, Tenn.	Lever	Sheppard
Brownlow	Garner	Lloyd	Smith, Cal.
Burgess	Gillespie	Longworth	Smith, Iowa
Burke	Goebel	Lorimer	Smith, Tex.
Burnett	Gordon	Loud	Southwick
Calderhead	Granger	Lowden	Spight
Campbell	Greene	McGavin	Stephens, Tex.
Candler	Griggs	McHenry	Sterling
Capron	Gronna	McKinley, Ill.	Sturgiss
Caulfield	Hackett	McKinney	Sulloway
Chaney	Hackney	McLachlan, Cal.	Tawney
Chapman	Hall	Macon	Taylor, Ohio
Clark, Mo.	Hamilton, Iowa	Malby	Thistlewood
Clayton	Hamilton, Mich.	Mann	Thomas, N. C.
Cocks, N. Y.	Hawley	Miller	Thomas, Ohio
Cole	Hay	Mondell	Tirrell
Cook, Colo.	Hayes	Moon, Tenn.	Tou Velle
Cooper, Pa.	Heflin	Moore, Tex.	Townsend
Cooper, Tex.	Henry, Tex.	Murphy	Underwood
Cooper, Wis.	Higgins	Nicholls	Volstead
Crumpacker	Hinshaw	Norris	Vreeland
Cushman	Holliday	Nye	Wanger
Dalzell	Howell, Utah	O'Connell	Watkins
Darragh	Howland	Olcott	Watson
Davenport	Hubbard, Iowa	Overstreet	Wheeler
De Armond	Hubbard, W. Va.	Page	Wilson, Ill.
Denby	Huff	Parsons	Wilson, Pa.
Denver	Hughes, N. J.	Payne	Woodyard
Diekema	Hull, Tenn.	Pollard	The Speaker
Dixon	Humphreys, Miss.	Pray	
Draper	Jenkins	Rainey	

NAYS—2.

Harrison	Helm

ANSWERED "PRESENT"—16.

Bennet, N. Y.	Fassett	Haggott	Marshall
Carlin	Garrett	Hamlin	Moore, Pa.
Craig	Gilhams	McMorran	Sherman
Currier	Goulden	Madden	Stanley

NOT VOTING—188.

Alexander, Mo.	Dunwell	James, Addison D.	Parker, S. Dak.
Ames	Durey	James, Ollie M.	Patterson
Andrus	Edwards, Ky.	Johnson, Ky.	Pearre
Ansberry	Ellis, Oreg.	Johnson, S. C.	Perkins
Anthony	Fairchild	Jones, Va.	Peters
Bannon	Favrot	Keifer	Porter
Barclay	Finley	Kennedy, Ohio	Pou
Bartlett, Ga.	Flood	Kimball	Powers
Bates	Fordney	Kinkaid	Pratt
Beale, Pa.	Fornes	Kipp	Prince
Bede	Foss	Kitchin, Wm. W.	Pujo
Bennett, Ky.	Foster, Vt.	Lamar, Fla.	Ransdell, La.
Bingham	Fowler	Lamar, Mo.	Rhinock
Booher	Fuller	Lamb	Richardson
Boutell	Gaines, W. Va.	Langley	Riordan
Bradley	Gardner, Mass.	Lassiter	Roberts
Brantley	Gardner, Mich.	Law	Ryan
Brodhead	Gardner, N. J.	Lawrence	Sherley
Broussard	Gill	Leake	Sherwood
Brumm	Gillett	Lewis	Sims
Brundidge	Glass	Lilley	Slayden
Burleigh	Godwin	Lindbergh	Slemp
Burleson	Goldfogle	Lindsay	Small
Burton, Del.	Graff	Littlefield	Smith, Mich.
Burton, Ohio	Graham	Livingston	Smith, Mo.
Butler	Gregg	Loudenslager	Snapp
Byrd	Hale	Lovering	Sparkman
Calder	Hamill	McCall	Sperry
Caldwell	Hammond	McCreary	Stafford
Carter	Harding	McDermott	Steenerson
Cary	Hardwick	McGuire	Stevens, Minn.
Clark, Fla.	Hardy	McKinlay, Cal.	Sulzer
Cockran	Haskins	McLain	Talbott
Conner	Haugen	McLaughlin, Mich.	Taylor, Ala.
Cook, Pa.	Henry, Conn.	McMillan	Waldo
Coudrey	Hepburn	Madison	Wallace
Cousins	Hill, Conn.	Maynard	Washburn
Cox, Ind.	Hill, Miss.	Moon, Pa.	Webb
Cravens	Hitchcock	Morse	Weeks
Crawford	Hobson	Mouser	Weems
Davey, La.	Houston	Mudd	Weisse
Davidson	Howard	Murdock	Wiley
Davis, Minn.	Howell, N. J.	Needham	Willett
Dawes	Hughes, W. Va.	Nelson	Williams
Dawson	Hull, Iowa	Olmsted	Wolf
Douglas	Humphrey, Wash.	Padgett	Wood
Driscoll	Jackson	Parker, N. J.	Young

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. PARKER of South Dakota with Mr. PADGETT.

Mr. HASKINS with Mr. SMITH of Missouri.

Mr. SLEMP with Mr. SHERLEY.

Mr. WASHBURN with Mr. MAYNARD.

Mr. WEEMS with Mr. JOHNSON of Kentucky.

Mr. YOUNG with Mr. HOUSTON.

Mr. KINKAID with Mr. HITCHCOCK.

Mr. GAINES of West Virginia with Mr. HILL of Mississippi.

Mr. FOSS with Mr. HARDY.

Mr. ELLIS of Oregon with Mr. CARTER.

Mr. HENRY of Connecticut with Mr. BOOHER.

For the balance of this day:

Mr. GILHAMS with Mr. CRAIG.

Mr. MOORE of Pennsylvania with Mr. RICHARDSON.

The SPEAKER pro tempore. Upon this question the yeas are 182, noes 2, answering "present" 15, a quorum. The Doorkeeper will open the doors. The yeas have it, and the conference report is agreed to.

The SPEAKER took the chair.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. CLARK of Missouri. I move that the House take a recess until 11.55 o'clock to-morrow.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. FITZGERALD. The yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The Chair will count.

Mr. UNDERWOOD. I make the point of order that that is dilatory. The last roll call has just disclosed a quorum under a call of the House.

The SPEAKER. One hundred and sixty-one gentlemen present. While the call of the House showed a quorum, the Chair takes notice that gentlemen have disappeared, and the Chair has counted. Not a quorum. The Doorkeeper will close the doors, and the Sergeant-at-Arms will notify absent Members. As many as favor the motion that the House take a recess until 11.55 o'clock to-morrow will, as their names are called, answer "aye;" those who are opposed will answer "no;" those who

are present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were yeas—110, nays 65, answered "present" 23, not voting 189, as follows:

YEAS—110.

Acheson	Draper	Kennedy, Iowa	Pollard
Adair	Dwight	Kennedy, Ohio	Pray
Aiken	Englebright	Kinkaid	Reeder
Allen	Esch	Knapp	Rodenberg
Birdsall	Focht	Knopf	Scott
Bonynge	Foulkrod	Knowland	Smith, Cal.
Boyd	Fowler	Küstermann	Smith, Mich.
Bradley	French	Lafean	Southwick
Brownlow	Goebel	Landis	Steenerson
Burke	Graff	Littlefield	Sterling
Burton, Ohio	Graham	Longworth	Sturgiss
Calder	Greene	Lorimer	Sulloway
Calderhead	Gronna	Loud	Tawney
Caulfield	Hall	Lowden	Taylor, Ohio
Chaney	Hamilton, Mich.	McGavin	Thistlewood
Chapman	Haugen	McKinley, Ill.	Thomas, Ohio
Cocks, N. Y.	Hawley	McKinney	Tirrell
Conner	Hayes	McLachlan, Cal.	Townsend
Cook, Colo.	Hinshaw	Malby	Volstead
Cooper, Pa.	Holliday	Mann	Vreeland
Cooper, Tex.	Howell, Utah	Miller	Waldo
Crumpacker	Howland	Nelson	Watson
Cushman	Hubbard, W. Va.	Norris	Wheeler
Dalzell	Huff	Nye	Wilson, Ill.
Davenport	Humphreys, Miss.	Olcott	Woodyard
De Armond	Jenkins	Overstreet	Young
Denby	Jones, Wash.	Parsons	
Diekema	Kahn	Payne	

NAYS—65.

Bartlett, Nev.	Garner	Legare	Robinson
Beall, Tex.	Gillespie	Lenahan	Rothermel
Bell, Ga.	Gordon	Lever	Rucker
Booher	Granger	Lloyd	Russell, Mo.
Bowers	Griggs	McHenry	Russell, Tex.
Burgess	Hackett	McLain	Sabath
Carlin	Hackney	Macon	Sheppard
Clark, Mo.	Hamilton, Iowa	Moon, Tenn.	Sherley
Denver	Harrison	Moore, Tex.	Smith, Tex.
Dixon	Hay	Murphy	Spight
Ellerbe	Helm	Nicholls	Thomas, N. C.
Ferris	Henry, Tex.	O'Connell	Tou Velle
Fitzgerald	Houston	Page	Underwood
Floyd	Hughes, N. J.	Pou	Wilson, Pa.
Foster, Ill.	Hull, Tenn.	Rainey	
Fulton	Keliher	Randell, Tex.	
Gaines, Tenn.	Kitchin, Claude	Rauch	

ANSWERED "PRESENT"—23.

Barchfeld	Garrett	Johnson, S. C.	Shackleford
Bennet, N. Y.	Gilhams	McMorran	Sherman
Brundidge	Haggott	Madden	Stanley
Craig	Hamlin	Marshall	Wanger
Currier	Hill, Conn.	Moore, Pa.	Watkins
Flood	Hill, Miss.	Reid	

NOT VOTING—189.

Adamson	Davis, Minn.	Hughes, W. Va.	Parker, S. Dak.
Alexander, Mo.	Dawes	Hull, Iowa	Patterson
Alexander, N. Y.	Dawson	Humphrey, Wash.	Pearre
Ames	Douglas	Jackson	Perkins
Andrus	Driscoll	James, Addison D.	Peters
Ansberry	Dunwell	James, Ollie M.	Porter
Anthony	Durey	Johnson, Ky.	Powers
Ashbrook	Edwards, Ga.	Jones, Va.	Pratt
Bannon	Edwards, Ky.	Keifer	Prince
Barclay	Ellis, Mo.	Kimball	Pujo
Bartholdt	Ellis, Oreg.	Kipp	Ransdell, La.
Bartlett, Ga.	Fairchild	Kitchin, Wm. W.	Reynolds
Bates	Fassett	Lamar, Fla.	Rhinock
Beale, Pa.	Favrot	Lamar, Mo.	Richardson
Bede	Finley	Lamb	Riordan
Bennett, Ky.	Fordney	Langley	Roberts
Bingham	Fornes	Laning	Ryan
Boutell	Foss	Lassiter	Saunders
Brantley	Foster, Ind.	Law	Sherwood
Brodhead	Foster, Vt.	Lawrence	Sims
Broussard	Fuller	Leake	Slayden
Brumm	Gaines, W. Va.	Lee	Slemp
Burleigh	Gardner, Mass.	Lewis	Small
Burleson	Gardner, Mich.	Lilley	Smith, Iowa
Burnett	Gardner, N. J.	Lindbergh	Smith, Mo.
Burton, Del.	Gill	Lindsay	Snapp
Butler	Gillett	Livingston	Sparkman
Byrd	Glass	Loudenslager	Sperry
Caldwell	Godwin	Lovering	Stafford
Campbell	Goldfogle	McCall	Stephens, Tex.
Candler	Goulden	McCreary	Stevens, Minn.
Capron	Gregg	McDermott	Sulzer
Carter	Hale	McGuire	Talbott
Cary	Hamill	McKinlay, Cal.	Taylor, Ala.
Clark, Fla.	Hammond	McLaughlin, Mich.	Wallace
Clayton	Harding	McMillan	Washburn
Cockran	Hardwick	Madison	Webb
Cole	Hardy	Maynard	Weeks
Cook, Pa.	Haskins	Mondell	Weems
Cooper, Wis.	Heflin	Moon, Pa.	Weisse
Coudrey	Henry, Conn.	Morse	Wiley
Cousins	Hepburn	Mouser	Willett
Cox, Ind.	Higgins	Mudd	Williams
Cravens	Hitchcock	Murdock	Wolf
Crawford	Hobson	Needham	Wood
Darragh	Howard	Olmsted	
Davey, La.	Howell, N. J.	Padgett	
Davidson	Hubbard, Iowa	Parker, N. J.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. LANING with Mr. ASHBROOK.

For the balance of the day:

Mr. MONDELL with Mr. CLAYTON.

Mr. BARCHFELD with Mr. HEFLIN.

On this vote:

Mr. CAPRON with Mr. RANSDELL of Louisiana.

Mr. HIGGINS with Mr. STEPHENS of Texas.

Mr. MCCALL with Mr. EDWARDS of Georgia.

Mr. STAFFORD with Mr. CANDLER.

The result of the vote was then announced as above recorded.

Accordingly (at 7 o'clock and 47 minutes p. m.) the House took a recess until 11.55 o'clock to-morrow morning.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a statement of documents received and distributed by the Department during the calendar year 1907 (H. Doc. 913)—to the Committee on Printing and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report of patents granted to officers and employees of the Government upon articles used by the Government (H. Doc. 914)—to the Committee on Patents and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 387) to establish a fish-culture station at the city of Fargo, in the State of North Dakota, reported the same without amendment, accompanied by a report (No. 1595), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 21010) authorizing the Secretary of the Interior to grant easements on certain lands in the Cœur d'Alene Indian Reservation, in Idaho, reported the same without amendment, accompanied by a report (No. 1596), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6189) granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California, reported the same without amendment, accompanied by a report (No. 1601), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GAINES of Tennessee, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1036) for the relief of patentees and locators of military bounty land warrants, agricultural college land scrip, and surveyor-general's certificates, reported the same with amendments, accompanied by a report (No. 1602), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3932) authorizing the Secretary of the Interior to convey to the State of Minnesota certain lands in the county of Carlton, Minn., and for other purposes, reported the same with amendments, accompanied by a report (No. 1603), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 178) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 1605), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16696) for the relief of the estate of Peter McEnery, deceased, reported the same without amendment, accompanied by a report (No. 1594), which said bill and report were referred to the Private Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10752) to complete the military record of Adolphus Erwin Wells, reported the same without amendment, accompanied by a report (No. 1598), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13244) to place upon the muster-in rolls the name of John O. Kinney, reported the same with amendment, accompanied by a report (No. 1599), which said bill and report were referred to the Private Calendar.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 21058) for the relief of R. J. Warren, reported the same with amendment, accompanied by a report (No. 1600), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6621) to remove the charge of desertion from the military record of George F. Harter, reported the same adversely, accompanied by a report (No. 1597), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MACON: A bill (H. R. 21586) to provide for the annual maintenance of Black Fish Bayou, in St. Francis County, Ark., from its mouth to Fifteen-Mile Bayou, for purposes of navigation—to the Committee on Rivers and Harbors.

By Mr. BOUTELL: A bill (H. R. 21587) to amend section 3364, Revised Statutes of the United States, as amended by section 5, act of March 3, 1883—to the Committee on Ways and Means.

By Mr. HENRY of Texas: A bill (H. R. 21588) to prohibit dealing in future contracts on agricultural products by forbidding the use of mail and interstate-commerce facilities—to the Committee on Interstate and Foreign Commerce.

By Mr. BRANTLEY: A bill (H. R. 21589) to repeal section 802 of the Revised Statutes, and to provide for the return of jurors to serve in the courts of the United States—to the Committee on the Judiciary.

By Mr. BURTON of Ohio (by request): A bill (H. R. 21590) providing for the establishment of a central bank of issue of the United States, and for the creation of bank-district associations, and for the issuance and redemption of credit notes guaranteed by the United States—to the Committee on Banking and Currency.

By Mr. McGUIRE: A bill (H. R. 21591) regulating salaries of district attorneys and United States marshals in Oklahoma—to the Committee on the Judiciary.

By Mr. WASHBURN: A bill (H. R. 21592) to amend and consolidate the acts respecting copyright—to the Committee on Patents.

By Mr. CARTER (by request): A bill (H. R. 21593) creating a commission with authority to sell the segregated coal and asphalt lands in Oklahoma, and for other purposes—to the Committee on the Public Lands.

By Mr. HULL of Iowa, from the Committee on Military Affairs: Joint resolution (H. J. Res. 178) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers—to the House Calendar.

By Mr. SLEMP: Resolution (H. Res. 406) authorizing payment for reporting committee hearings—to the Committee on Accounts.

By Mr. CRUMPACKER: Resolution (H. Res. 407) to pay Ralph W. Gaylor a certain sum of money—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 21594) granting an increase of pension to Newton T. Burge—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 21595) for the relief of Joseph B. Tucker—to the Committee on War Claims.

Also, a bill (H. R. 21596) for the relief of Mrs. Margaret Tucker—to the Committee on War Claims.

Also, a bill (H. R. 21597) providing for payment of services rendered by Dr. G. W. Harkins in suppressing the smallpox in Indian Territory from April 8 to August 8, 1901—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 21598) granting an increase of pension to James M. Hislip—to the Committee on Invalid Pensions.

By Mr. COOK of Colorado. A bill (H. R. 21599) granting an increase of pension to Isaac W. Chatfield—to the Committee on Invalid Pensions.

By Mr. CRAWFORD: A bill (H. R. 21600) to correct the military record of Moses F. Reese—to the Committee on Military Affairs.

By Mr. ELLIS of Missouri: A bill (H. R. 21601) granting an increase of pension to Jesse N. Mapes—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 21602) granting an increase of pension to P. A. Cashon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21603) granting an increase of pension to Aaraon G. Allmond—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 21604) granting an increase of pension to Theodore F. Upson—to the Committee on Invalid Pensions.

By Mr. HACKETT: A bill (H. R. 21605) granting an increase of pension to Jacob Apgar—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 21606) granting an increase of pension to Charles Henry—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 21607) for the relief of the estate of Richard Pemberton, deceased—to the Committee on War Claims.

By Mr. KIMBALL: A bill (H. R. 21608) for the relief of William Warren Hearne—to the Committee on War Claims.

Also, a bill (H. R. 21609) for the relief of Elizabeth Neal—to the Committee on War Claims.

By Mr. LAFEAN: A bill (H. R. 21610) for the relief of the legal representatives of Joseph Sherfy, deceased—to the Committee on War Claims.

By Mr. LANDIS: A bill (H. R. 21611) granting a pension to Horace Stambaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21612) granting an increase of pension to Peter Harmon—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21613) for the relief of John E. Groves—to the Committee on War Claims.

Also, a bill (H. R. 21614) granting a pension to Jasper Jenkins—to the Committee on Pensions.

By Mr. LOWDEN: A bill (H. R. 21615) granting an increase of pension to James C. Burwell—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 21616) granting an increase of pension to Albert G. Kesler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21617) granting an increase of pension to William McClain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21618) to remove the charge of desertion from the military record of George G. Banks—to the Committee on Military Affairs.

By Mr. ROBINSON: A bill (H. R. 21619) granting an increase of pension to J. H. Cobum—to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 21620) granting a pension to John Harrington—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 21621) granting an increase of pension to Charles L. Randall—to the Committee on Pensions.

By Mr. WALLACE: A bill (H. R. 21622) granting an increase of pension Fannie E. Furlow—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 21623) granting an increase of pension to Lucy Tyler Tuffs—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 21624) granting a pension to Isabella Herrick—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 21625) granting an increase of pension to Granville W. Moulton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21626) granting an increase of pension to John D. Abell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21627) granting an increase of pension to Martin V. B. Hurd—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Metal Polishers' Union No. 17, of Buffalo, N. Y.; James Price, C. A. Lackwell, Dennis J. McCarthy, J. F. Patrickus, and George F. Sturm, for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. BOYD: Petition of working people of Nebraska, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BURKE: Petition of organized working people of Pittsburg, Pa., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petitions of Charleroi Council, No. 956, Knights of Columbus, and Sharpsburg Council, Knights of Columbus, favoring October 12 for a holiday—to the Committee on the Judiciary.

Also, petition of A. M. Karpanty, favoring resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of Builders' Exchange League, against any legislation contrary to policy laid down in Bill of Rights of our National Government—to the Committee on the Judiciary.

Also, petition of Trades League of Philadelphia, Pa., for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BURNETT: Petition of citizens of St. Clair County, Ala., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. BYRD: Petition of working people and their sympathizers, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CALDER: Petitions of Order of Railway Telegraphers, New York Division, No. 44, of Jamaica, N. Y., and James McAdam and Peter J. Gannon, of Brooklyn, N. Y., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of R. G. Humphrey and other citizens of Florida, for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of W. K. Piner and numerous other citizens of Florida, for national prohibition of the traffic in intoxicating liquors—to the Committee on the Judiciary.

Also, petition of W. W. Brockhaus and other citizens of Florida, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of Board of Trade of Jacksonville, Fla., favoring passage of S. 6350, granting pensions for families of the two doctors who lost their lives testing yellow-fever cure—to the Committee on Pensions.

Also, petition of Presbyterian Brotherhood of Jacksonville, Fla., asking for enactment of child-labor law in the District of Columbia (S. 4812)—to the Committee on the District of Columbia.

By Mr. CLAYTON: Memorial of Hannis Taylor, in behalf of the architect of our Federal Constitution—to the Committee on the Library.

By Mr. COUSINS: Petitions of Mrs. W. J. Rapsen and other citizens of Grinnell, Iowa, and Monday Club of Decorah, Iowa, favoring resolution of sympathy for the Russian people—to the Committee on Foreign Affairs.

Also, petition of working people and their sympathizers of Cedar Rapids, Iowa, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. DAWES: Petition of citizens of Zanesville, Ohio, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of citizens of Zanesville, Ohio, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Henry Hendrickson and other citizens of Davenport, Iowa, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of Local Union No. 134, of Troy, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. DRISCOLL: Petitions of Retail Clerks' Union, No. 243, of Syracuse, N. Y., and painters' union of Syracuse, N. Y., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of estate of Joseph M. Wade—to the Committee on War Claims.

By Mr. ESCH: Petition of citizens of Redlands, Cal., for enactment of a law requiring all railway companies to equip their lines with an adequate block-signal system—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petitions of Music Engravers' Union of Brooklyn, United Brotherhood of Carpenters and Joiners of America. Order of Railway Telegraphers, and citizens of New York and Brooklyn, favoring amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FLOYD: Petitions of United Metal Workers of America, of Coal Hill, Ark.; J. W. Whitecotton and others, of Coal Hill, Ark.; B. F. Hurr and others, of Coal Hill, Ark; Workmen's Association of Little Rock, Ark., and J. A. Jones and others, of Spadra, Ark., for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584); for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FRENCH: Petition of Brotherhood of Carpenters and Structural Building Trades Alliance of Boise, Idaho, praying for legislation to modify the antitrust law, to regulate and limit the issuance of injunctions, for employers' liability, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, petition of citizens of Boise, Idaho, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Rockford (Ill.) Snuff and Tobacco Company, against H. R. 17250, concerning duty on tobacco, etc.—to the Committee on Ways and Means.

Also, petition of Chicago Association of Commerce, favoring the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of Hubert C. Duce, manager of Garrick Theater, Chicago, Ill., for the Barchfeld copyright bill (H. R. 11794)—to the Committee on Patents.

Also, petition of Abner-Drury Brewing Company, against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULTON: Memorial of State legislature of Oklahoma, for appropriation to secure an exhibit of the United States Government at the International Mining Exposition to be held at Madison Square Garden, city of New York, from May 25 to June 20, 1908—to the Committee on Mines and Mining.

Also, memorial of State legislature of Oklahoma, for the State's fair share of the reclamation fund—to the Committee on Irrigation of Arid Lands.

By Mr. GARRETT: Papers to accompany bills for relief of Aaron G. Allmond and Dr. P. R. Pashon—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of Pittsburg Association of Credit Men, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of James W. Houston Company, favoring S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Phillips Mine and Mill Supply Company, favoring S. 6159, for bison range on the Flathead Indian Reservation—to the Committee on Indian Affairs.

Also, petition of Builders' Exchange League of Pittsburg, Pa., against legislation contrary to the policy as laid down in the Bill of Rights of our National Government—to the Committee on the Judiciary.

Also, petition of Trades League of Philadelphia, Pa., for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Bank of Pittsburg, Pa., against any of the proposed financial legislation submitting the whole question to a competent commission—to the Committee on Banking and Currency.

By Mr. GRANGER: Petition of B. A. Ballou Company, of Providence, R. I., against anti-injunction bill and against the Hepburn bill amending Sherman antitrust act (H. R. 19745)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Northeast Manufacturing Jewelers and Silversmiths' Association, for repeal of the so-called "German customs agreement"—to the Committee on Ways and Means.

By Mr. HOLLIDAY: Petition of citizens of Terra Haute, Ind., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of Union Grange, No. 351, of West Hartford, Vt., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. HUBBARD of Iowa: Petition of William Kurthoff, C. J. Lee, H. M. Lee, Oley Johnson, C. Meeks, Olle Harlow, John Oleson, A. Abel, Iver Molden, J. M. Percy, jr., Fred Webb, William Fredrickson, N. C. F. Nebson, Bert Saxton, and F. W. Newton, of Iowa, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HUMPHREYS of Mississippi: Paper to accompany bill for relief of Charles Henry—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Petition of working people of Walla Walla, Wash., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Mountainside Grange, No. 190, favoring a parcels-post law and postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. KENNEDY of Iowa: Petition of trades unions at Fairfield, Iowa, and trades and labor unions at Keokuk, Iowa, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. KIMBALL: Paper to accompany bill for relief of estate of Prudence Hensley—to the Committee on War Claims.

Also, paper to accompany bill for relief of William Warren Hearne—to the Committee on War Claims.

By Mr. KNAPP: Petition of Thousand Island Grange, No. 593, of New York, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, memorial of various meetings of the citizens of Oswego County, N. Y., and by citizens of Watertown, N. Y., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LAFEAN: Paper to accompany bill for relief of estate of Peter Myers—to the Committee on Military Affairs.

Also, petitions of citizens of Philadelphia, Pa.; citizens of Centennial, Pa.; citizens of New Oxford, Pa.; Cigar Makers' Union No. 242, of York, Pa.; citizens of Wrightville, Pa.; citizens of McSherrytown, Pa.; citizens of Hanover, Pa.; and citizens of York, Pa., asking for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of citizens of the Twentieth Pennsylvania Congressional District, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LANDIS: Petitions of citizens of Kokomo, Ind., and citizens of Attica, Ind., for the enactment of the bill (H. R. 20584) amending the Sherman antitrust law (H. R. 94), to define the injunction power and restrain its abuse; for the enactment of an employers' liability law, and for the extension of the provisions of the eight-hour law—to the Committee on the Judiciary.

By Mr. LAW: Petition of citizens of Brooklyn, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of St. Stanislaus Church, parish of Swan River, and Rev. John Belzowski, for H. R. 214, by Mr. BATES, expressing sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of Axel Holm, of Brainerd, Minn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of working people and their sympathizers of Brooklyn, N. Y., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Los Angeles (Cal.) Chamber of Commerce, against statements of Congressman SMITH relative to Sierra Forest Reserve—to the Committee on Agriculture.

By Mr. LONGWORTH: Petitions of citizens of Cincinnati, Ohio; machinists of Cincinnati, Ohio, and Beer Drivers' Union No. 170, of Cincinnati, Ohio, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. McMILLAN: Petition of Frederick Northroup and others, of Poughkeepsie, N. Y., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. NICHOLLS: Petition of citizens of Scranton, Pa., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PRAY: Petition of sundry citizens of Montana, against enactment of S. 1518, revising section 3893 of Revised Statutes of United States—to the Committee on the Post-Office and Post-Roads.

Also, petition of Local Union No. 60, of the Butte Stereotypers and Electrotypers, for removal of duty on wood pulp and print paper—to the Committee on Ways and Means.

Also, petitions of O. M. Lanstrum, Anaconda Standard, Billings Gazette, and Butte Miner, favoring repeal of duty on white paper and wood pulp, etc.—to the Committee on Ways and Means.

Also, petition of citizens of Montana, against S. 1518, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Memorial of citizens of Philadelphia at meeting held at 921 Girard avenue, Philadelphia, Pa., for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. SABATH: Petition of Los Angeles Chamber of Commerce, against statements of Congressman SMITH relative to the Sierra Forest Reserve—to the Committee on Agriculture.

Also, petition of Civic Federation of Chicago, against abandonment of tunnel system for transporting of mails in Chicago—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Memorials adopted at meeting of citizens of Rome, N. Y., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petitions of labor unions of Murphysboro, Sparta, and Percy, Ill., for amendment to Sherman

antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. WASHBURN: Petition of sundry citizens of Massachusetts, for the resolution of sympathy for the Russian people—to the Committee on Foreign Affairs.

By Mr. WEEMS: Petitions of Belmont Trades and Labor Assembly, Harry Cook and others, Bellaire Local Union No. 68, J. H. Russel and others, Bellaire Bottle Blowers' Union, and citizens of Steubenville, Ohio, for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *May 6, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PROVIDENCE-WASHINGTON INSURANCE COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 22d ultimo, a statement with reference to the amount twice paid by the Providence-Washington Insurance Company, of Providence, R. I., as taxes on the same identical income or profits, etc., which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of two Houses on the amendments of the House to the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill H. R. 17516, an act to increase the membership of the Philippine Commission by one member, and for other purposes, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial from Joseph J. O'Brien, of Washington, D. C., relative to a project for the more economical construction of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. CLAPP presented petitions of sundry citizens and labor organizations of Winona, St. Paul, Mankato, Minneapolis, and Duluth, all in the State of Minnesota, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. McLAURIN presented sundry petitions of citizens and labor organizations of Gulfport, Miss., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relative to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented petitions of sundry citizens and labor organizations of Providence and Newport, in the State of Rhode Island, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented memorials of Harvey Andrews Patterson, the Milton Piano Company, the R. S. Howard Company, the Auto-Piano Company, Kohler & Campbell, of New York City; the Engelberg Huller Company, the H. H. Babcock Company, and the Dexter Sulphite and Pulp Paper Company, of Watertown, all in the State of New York, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Albany, Brooklyn, Buffalo, Glens Falls, Kingston, Lancaster, Plattsburg, Poughkeepsie, Troy, and Yonkers, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of sundry citizens of Big Muddy, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. BROWN presented sundry petitions of citizens of Fremont, Nebr., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens and labor organizations of Aurora, Greenridge, Chicago, Moline, Mattoon, and Danville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Mattoon, Ill., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

He also presented sundry memorials of citizens of East St. Louis, Ill., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

Mr. LONG presented petitions of sundry labor organizations of Atchison, Cherokee, Coffeyville, Harris, Kansas City, Lawrence, Leavenworth, Osawatomie, Ottawa, Pittsburg, Scammon, Topeka, Weir, and Wichita, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of Hope Grange, No. 155, Patrons of Husbandry, of Winlock, Wash., praying for the enactment of legislation to establish postal savings banks and also for the passage of the so-called "rural parcels-post bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Eveline, Wash., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Irish-American Club of Georgetown, Wash., remonstrating against the ratification of any treaty between the United States and Great Britain that will in any way hamper or restrain the absolute freedom of action on the part of the United States in matters concerning Irish affairs, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of sundry citizens and labor organizations of Berlin, N. H., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of the New Hampshire Retail Grocers and General Merchants' Association, of Laconia, N. H., remonstrating against the passage of the so-called "rural parcels-post bill" and praying for the enactment of legislation to establish the minimum amount of indebtedness for which a debtor may be adjudged a bankrupt at not less than $500, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GORE presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

House concurrent memorial.

To the honorable the Senate and House of Representatives in Congress:

Your memorialists respectfully memorialize your honorable Congress and show:

Whereas great advantage to the mining industry of the United States and throughout the world can be attained by holding an international mining exposition, wherein all minerals of whatever commercial value, and all processes of metal extraction, and all mining appliances from any part of the world shall be eligible for exhibition; and

Whereas it is proposed to hold an international mining exposition from May 25 to June 20, 1908, at Madison Square Garden, in the city of New York; and

Whereas great progress will be gained for the various mining interests by the interchange of ideas from the different sections of the world: Therefore

The house of representatives (the senate concurring) of the Oklahoma State legislature in session assembled do memorialize the Congress of the United States to take such action as will secure from the

Secretary of the Interior, through the Director of the Geological Survey, an exhibit of the United States Government for such international mining exposition;

And we do further memorialize your honorable Congress to request the President to invite the various nations of the earth to participate in such exposition on behalf of their respective countries.

Passed house of representatives on the 15th day of December, 1907.

WM. H. MURRAY,
Speaker of the House.

Passed the senate May 1, 1908.

GEO. W. BELLAMY,
President of the Senate.

Mr. GORE presented a concurrent resolution of the legislature of Oklahoma, which was referred to the Committee on Irrigation and ordered to be printed in the RECORD, as follows:

House concurrent resolution 34. [By Frank L. Casteel.]

Whereas the necessities of life for the maintenance and happiness of thousands of people in the arid and semiarid regions of the Southwest would be greatly enhanced by proper utilization of the available waters in our rivers and streams under a proper system of application and irrigation, which water must otherwise go to waste; and

Whereas there are great areas of land in the western portion of our beloved Commonwealth that can be successfully irrigated if the waters in our streams are impounded, preserved, and utilized; and

Whereas Oklahoma has entered the galaxy of that beloved constellation of sister States, the United States of America, and is entitled to all the rights and privileges of a great Commonwealth; and

Whereas Oklahoma has a quota, an interest, a share not yet apportioned to her in the Federal reclamation fund for arid and semiarid lands, by the right use of which thousands of acres of now unproductive land may be easily irrigated and quickly placed in a high state of productivity under a system of irrigation; and

Whereas the results of farming are uncertain in some of the counties of Oklahoma during most years on account of scarcity of rain, though the soil is deep and rich; and

Whereas other States have received great appropriations for the reclamation of the arid and semiarid lands located within their borders, which reclamation work has resulted in a state of prosperity, peace, happiness, safety, and civilization for thousands of families who have settled within those States; and

Whereas Oklahoma is adapted to nearly all varieties of agricultural products that can be grown from Canada to the Gulf of Mexico; and

Whereas this State is possessed of very rich, deep, and fertile soil in the western portion, and the soil in the semiarid region of Oklahoma has proved ideally suited to sugar-beet culture and to the production of cantaloupes, melons, onions, potatoes, and other garden products, as well as corn, small grains, and other valuable products of the soil where irrigation has been practiced by individuals, unassisted by the Government: Therefore, be it

Resolved by the house of representatives (the senate concurring) of the legislature of the State of Oklahoma, That we do hereby pray and memorialize Congress now assembled, and urge the Oklahoma delegation in the Congress of the United States and our Senators now in Washington, to give attention to Oklahoma's just claims, and we do beg the esteemed consideration of the Oklahoma delegation and do memorialize you to secure and provide from our great American Congress our full quota of the reclamation fund due and that may be expended in the interest of the State of Oklahoma by the act of the Federal Congress creating the reclamation fund for use in the several States.

We memorialize individually and collectively each Member of Congress from Oklahoma and our Senators now in Washington that they use their united energy and influence to secure at once our due and proper portion of the expenditure of the Federal reclamation fund for the reasons herein set forth, and to them each we do send a copy of this memorial.

We also memorialize our Chief Executive, Theodore Roosevelt, President of the United States of America, who has done so much for the advancement of the agricultural interests in the arid and semiarid portions of the United States, that he use his influence to bring about such action as will secure the coveted necessity—water for the production of crops in the western portion of our State, where during many years it is so much needed.

Passed house of representatives this April 20, 1908.

C. H. PITTMAN, *Chief Clerk.*

Passed senate by unanimous vote May 1, 1908.

J. I. HOWARD, *Secretary.*

Mr. GORE presented a memorial of the United Irish League of America, of Boston, Mass., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

ARMY APPROPRIATION BILL.

Mr. WARREN. Mr. President, I present the conference report on the Army appropriation bill.

I desire to state before sending it to the desk that the bill as passed by the Senate carried $98,840,409.12, and there have been deductions made in conference amounting to $3,463,162.51, so that the bill as reported from the conference stands at $95,382,246.61. It is hoped we may next year have no deficiencies, but I fear there may be a shortage in pay of the Army, notwithstanding we have in conference very considerably reduced the proposed raise of pay for both officers and enlisted men.

Mr. HALE. Is this a final agreement?

Mr. WARREN. It is a complete and final agreement upon the bill.

Mr. HALE. It is all disposed of?

Mr. WARREN. It will be disposed of when acted upon by the Senate and House. I report it here first, as the House requested the conference.

The VICE-PRESIDENT. The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, 28, 31, 40, 41, 60, 73, 74, 77, 78, 79, 80, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 35, 36, 37, 38, 42, 43, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 75, 76, 82, 84, 85, and 86, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of said amendment, strike out "thirty-five" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of Senate numbered 5, and agree to the same with an amendment as follows: In line 4 of said amendment, strike out "thirty-five" and insert "twenty;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"That hereafter the annual pay of officers of the Army of the several grades herein mentioned shall be as follows: Major-general, eight thousand dollars; brigadier-general, six thousand dollars; colonel, four thousand dollars; lieutenant-colonel, three thousand five hundred dollars; major, three thousand dollars; captain, two thousand four hundred dollars; first lieutenant, two thousand dollars; second lieutenant, one thousand seven hundred dollars. And the pay of cadets at the Military Academy shall hereafter be six hundred dollars a year. That hereafter the United States shall furnish mounts and horse equipments for all officers of the Army below the grade of major required to be mounted, but in case any officer below the grade of major required to be mounted provides himself with suitable mounts at his own expense, he shall receive an addition to his pay of one hundred and fifty dollars per annum if he provides one mount, and two hundred dollars per annum if he provides two mounts. Section twelve hundred and sixty-seven of the Revised Statutes of the United States is hereby amended to read as follows: 'In no case shall the pay of a colonel exceed five thousand dollars a year; the pay of a lieutenant-colonel exceed four thousand five hundred dollars a year, or the pay of a major exceed four thousand dollars a year:' *Provided*, That nothing in this section is intended to increase or change or shall be construed as increasing or changing the present pay or allowances of any officer in the United States Navy; and section thirteen of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March third, eighteen hundred and ninety-nine, shall not be construed as changing the pay of any naval officer by reason of the provisions of this act.

"That hereafter immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.

"That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, seventy-five dollars; engineers, sixty-five dollars; sergeants first class Hospital Corps, fifty dollars; regimental sergeants-major, regimental

quartermaster-sergeants, regimental commissary-sergeants, sergeants-major senior grade Coast Artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance-sergeants, battalion quartermaster-sergeants of engineers, electrician-sergeants first class, sergeants first class Signal Corps, and first sergeants, forty-five dollars; battalion sergeants-major of infantry and field artillery, squadron sergeants-major, sergeants-major junior grade Coast Artillery, battalion quartermaster-sergeants, field artillery, and master gunners, forty dollars; electrician-sergeants second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color-sergeants, thirty-six dollars; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, stable-sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, thirty dollars: *Provided*, That mess sergeants shall receive six dollars per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics, Coast Artillery, twenty-four dollars; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, twenty-one dollars: *Provided*, That not to exceed one blacksmith and farrier in each troop of cavalry and one mechanic in each battery of field artillery shall receive nine dollars per month additional for performing the duty of horseshoer; privates first class of engineers, ordnance, Signal Corps, and Hospital Corps, eighteen dollars; privates, Hospital Corps, sixteen dollars; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance, fifteen dollars.

"That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: For those whose initial pay as provided herein is thirty-six dollars or more an increase of four dollars monthly pay for and during the second enlistment, and a further increase of four dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is eighteen, twenty-one, twenty-four, or thirty dollars, an increase of three dollars monthly pay for and during the second enlistment, and a further increase of three dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is fifteen and sixteen dollars an increase of three dollars monthly pay for and during the second and third enlistments each, and a further increase of one dollar for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government, after having served more than half of his enlistment, shall be considered as having served an enlistment period within the meaning of this act; that the present enlistment period of men now in service shall be determined by the number of years continuous service they have had at the date of approval of this act, under existing laws, counting three years to an enlistment, and the former service entitling an enlisted man to reenlisted pay under existing laws shall be counted as one enlistment period: *And provided further*, That hereafter any private soldier, musician, or trumpeter honorably discharged at the termination of his first enlistment period who reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

"That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive two dollars per month; as sharpshooters, three dollars per month; as expert riflemen, five dollars per month; as second-class gunners, two dollars per month; as first-class gunners, three dollars per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, seven dollars per month; as plotters, observers first class, and casemate electricians, nine dollars per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

"That increase of pay for service beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be as now provided by law.

"That hereafter the monthly pay during the first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

"Chief musicians, seventy-five dollars; principal musicians and chief trumpeters, forty dollars; sergeants and drum majors, thirty-six dollars; corporals, thirty dollars; and privates, twenty-four dollars; and the continuous-service pay of all grades shall be as provided in this act: *Provided*, That Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

"That sections 1280, 1281, and 1284 of the Revised Statutes be, and are hereby, repealed, and so much of section 4819 as pertains to the deduction of 12½ cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

"That section 6 of the act entitled 'An act for the better organization of the line of the Army of the United States,' approved April 26, 1898, be amended so as to read as follows:

"'SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.'

"That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"The specific appropriations hereinbefore made for officers and enlisted men in the line of the Army and in the several staff corps and departments, enlisted men in the Hospital Corps, officers and enlisted men in the Porto Rico Provisional Regiment of Infantry, and officers in the Philippine Scouts, being based upon former rates of pay, said specific appropriations are hereby increased to the amounts necessary for payment of such increase of pay at the rates established in this act: *Provided*, That the sum of seven million dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to provide for such increases in the said specific appropriations, and for the purpose of paying officers and enlisted men, including enlisted men of the Hospital Corps, at the rates provided for in this act," and change the location of the amendment so that it will precede the paragraph which it now follows, viz: The paragraph reading "All the money hereinbefore appropriated," etc.

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three hundred thousand dollars" (making the total for Regular Supplies, Quartermaster's Department, $9,300,000); and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three million seven hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "including the cost of packing and crating; for transportation;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and

agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eleven million two hundred and fifty-thousand dollars;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert "*Provided*, That the trophy and medals herein authorized shall be contested for only by officers below the rank of major and by enlisted men of the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia;" and the Senate agree to the same.

F. E. WARREN,
H. C. LODGE,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.
J. A. T. HULL,
RICHARD WAYNE PARKER,
Managers on the part of the House.

STATEMENT.

The managers on the part of the Senate, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amount of bill as reported to Senate		$98, 820, 409. 12
Added during consideration of bill by Senate:		
Water supply for Fort William Henry Harrison, Mont		20, 000. 00
Amount of bill as it passed Senate		98, 840, 409. 12
Amounts dropped in conference:		
Contingent expenses at military posts	$5, 000. 00	
Telephone systems at interior posts	20, 000. 00	
Telephone systems at coast artillery posts	15, 000. 00	
Pay of officers of the line	168, 500. 00	
Pay of enlisted men	907, 078. 25	
Extra-duty pay to enlisted men employed as switchboard operators at interior posts	1, 200. 00	
Regular supplies, Quartermaster's Department	637, 156. 10	
Incidental expenses, Quartermaster's Department	278, 237. 76	
Barracks and quarters	750, 000. 00	
Transportation of the Army and its supplies	36, 612. 40	
Roads, walks, wharves, and drainage	94, 378. 00	
Field artillery for organized militia	250, 000. 00	
Manufacture of arms	300, 000. 00	
		3, 463, 162. 51
		95, 377, 246. 61
Amount restored in conference:		
Library, Surgeon-General's Office		5, 000. 00
Amount of bill as reported by conferees		95, 382, 246. 61

F. E. WARREN.
H. C. LODGE.
JAMES P. TALIAFERRO.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (S. 6959) to provide for the purchase of building and grounds or a site and the erection of a building thereon, in the city of Paris, France, for the use of the embassy of the United States, reported it without amendment and submitted a report (No. 607) thereon.

He also, from the Committee on Foreign Relations, to whom was referred the message from the President of the United States transmitting a letter from the Secretary of State on the subject of the repayment to the contributors of the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, reported an amendment proposing to appropriate $66,000 to enable the Secretary of State to return to the contributors the money raised to pay the ransom for her release, etc., intended to be proposed to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 4th instant, proposing to appropriate $400,000 for the purchase of building and grounds, or of a site and the erection of a building thereon, at Paris, France, for the use of the United States embassy, intended to be proposed to the omnibus public buildings bill, reported favorably thereon and moved that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 4th instant, proposing to appropriate $400,000 for the purchase of building and grounds, or of a site and the erection of a building thereon, at Paris, Franee, for the use of the United States embassy, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 608) accompanied by a bill (S. 6988) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 1214. George Evans.
S. 5339. B. H. Randall.
S. 6439. Miami L. Perveil.
S. 6507. La Salle Corbell Pickett.
S. 6731. Vincent A. Witcher.
S. 6791. Joseph L. Cooper.
S. 6820. Julia M. Tisdale.
S. 6855. Willie C. Wilmot.
S. 6886. Margaret F. Jewell.

Mr. DANIEL, from the Committee on Public Health and National Quarantine, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 6102. A bill to further protect the public health, and imposing additional duties upon the Public Health and Marine-Hospital Service (Report No. 609); and

S. 6101. A bill to promote the efficiency of the Public Health and Marine-Hospital Service (Report No. 610).

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 6989) granting a pension to Catherine Mastick, which was read twice by its title and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 6990) concerning licensed officers of steam and sail vessels, which was read twice by its title and referred to the Committee on Commerce.

Mr. ANKENY introduced a bill (S. 6991) to correct the military record of Alexander McNeill, which was read twice by its title and referred to the Committee on Miltary Affairs.

Mr. STEPHENSON (for Mr. LA FOLLETTE) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6992) granting an increase of pension to James R. Rundlett; and

A bill (S. 6993) granting an increase of pension to Oscar C. Stevens.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6994) granting a pension to Mary Guinn; and

A bill (S. 6995) granting an increase of pension to John H. Lennon.

Mr. BANKHEAD introduced a bill (S. 6996) to amend an act authorizing the construction of dams and power stations on the Coosa River, at Lock 2, Alabama, which was read twice by its title and referred to the Committee on Commerce.

Mr. WARNER introduced a bill (S. 6997) for the relief of Faxon, Horton, and Gallagher, and others, which was read twice by its title and referred to the Committee on Claims.

Mr. SMITH of Michigan introduced a bill (S. 6998) for the relief of Sophie M. Guard, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6999) granting an increase of pension to Benjamin Morse, which was read twice by its title and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 7000) for relief of the Masonic Hall Company, of Atlanta, Ga., which was read twice by its title and referred to the Committee on Claims.

Mr. DANIEL introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7001) for the relief of the infant heirs of William Francis Gill, deceased, of Chesterfield County, Va.;

A bill (S. 7002) for the relief of George C. Wedderburn; and

A bill (S. 7003) for the relief of Lucy A. Monroe.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CLAPP submitted an amendment proposing to appropriate $2,200 for custodian of the public buildings in St. Paul, Minn., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ANKENY submitted an amendment proposing to appropriate $24,000 for the construction of a wharf and storehouses at Waaddah Island, Neah Bay, Washington, for the use of the Revenue-Cutter Service, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $275,000 to continue the necessary work on the Harbor of Refuge, Harbor Beach, Mich., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, refered to the Committee on Appropriations.

INDIAN APPROPRIATION ACT.

On motion of Mr. CLAPP, it was

Ordered, That public act No. 104, being an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, be reprinted.

EMPLOYMENT OF STENOGRAPHER.

Mr. HEYBURN submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

TUBERCULOSIS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Page 3, line 6, strike out the words "owner, lessee, tenant;" and the House agree to the same.

That the House recede from its amendments numbered 2 and 3.

J. H. GALLINGER,
W. P. DILLINGHAM,
T. H. PAYNTER,
Managers on the part of the Senate.

J. VAN VECHTEN OLCOTT,
E. L. TAYLOR, Jr.,
J. W. MURPHY,
Managers on the part of the House.

The report was agreed to.

COMMODITY CLAUSE OF INTERSTATE-COMMERCE LAW.

Mr. FORAKER. I offer a Senate resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, directed to inform the Senate whether the railroads engaged in interstate commerce have, since the 1st day of May, 1908, complied with paragraph 5 of section 1 of the act to regulate commerce, approved February 4, 1887, as amended, popularly spoken of as the "commodity clause," and if there has not been such compliance with said provision, the Commission is hereby directed to inform the Senate whether such noncompliance is due to any agreement, arrangement, or understanding, of which it has knowledge, between the railroad companies and the authorities charged with the duty of enforcing said provision, that said companies shall have immunity from punishment for such violation of said provision, and if so, to inform the Senate fully with respect to the same. The Interstate Commerce Commission is hereby further directed to report specifically whether the Western Maryland Railroad, now being operated by a receiver, has complied with said provision since it went into effect on the 1st day of May, 1908, and if not, what reason, if any, there is for such noncompliance.

Mr. CULBERSON. Is the present consideration of the resolution requested?

The VICE-PRESIDENT. It has been read for the information of the Senate. The Senator from Ohio asks for its present consideration. Is there objection?

Mr. CULBERSON. I did not hear the first part of it. I ask that it be read again.

Mr. FORAKER. I have no objection to the resolution going over until to-morrow.

Mr. CULBERSON. I do not object to it, but I want to hear it.

The VICE-PRESIDENT. The resolution will again be read.

The Secretary again read the resolution, and the Senate, by unanimous consent, proceeded to its consideration.

Mr. CULBERSON. I ask the Senator from Ohio if he would consent to an addition in the form of an amendment, requesting the Commission to state the reason upon which they recommended the other day an extension of time for two years of this commodity clause?

Mr. FORAKER. I have no objection to that being added, if the Senator desires to add it, and will put it in such form as may suit his idea about it.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment, which will be stated.

Mr. CULBERSON. It is to add:

And said Commission is also further directed to state the facts and reason or reasons upon which it recently recommended, in a letter to the chairman of the Senate Committee on Interstate Commerce, the passage of Senate joint resolution No. 74.

Mr. FORAKER. I have no objection to that being added.

Mr. ELKINS. There is one clause in the resolution which I do not think the Interstate Commerce Commission could report upon as well as the Department of Justice—that about immunity. They would have nothing to do with any immunity that might be granted the railroads. That does not belong to the Commission at all, and I do not think it is proper to refer that part of it to the Commission.

Mr. FORAKER. My idea about that was this: The Interstate Commerce Commission is charged, under the law, with the general supervision of railroads and with the enforcement of the statutes which Congress has enacted in that behalf. So if any part of any statute is not being complied with the Interstate Commerce Commission ought to be able to tell us, as the supervisory power, of that. All I ask for in the resolution is that they will report what, if any, agreement or understanding has been arrived at as a result of which the railroads are not complying with the law.

I ask for this information, Mr. President, only because it is necessary to an intelligent discussion of Senate joint resolution No. 74, which the Senator from West Virginia has introduced and which he is anxious to take up for discussion.

Mr. BACON. There is so much confusion in the Chamber I am not sure that I correctly understood the Senator from Ohio, and I should like to ask him——

The VICE-PRESIDENT. The Senator from Georgia will suspend until the Senate is in order.

Mr. BACON. I simply desire to inquire of the Senator from Ohio if I understood him correctly to say that there was an arrangement under which the execution of a law is being suspended?

Mr. FORAKER. Mr. President, I have asked in the resolution a report from the Interstate Commerce Commission as to whether or not there is any such understanding or arrangement or agreement; but the resolution does not recite that there is, and I do not state that there is. I have no knowledge whatever. I am simply inquiring for knowledge, and I am making the inquiry because of stories I have heard. I do not know whether there is any truth in them or not. I want to get the truth. Therefore I have asked the authority that I think can give us a true statement about it to furnish us necessary information, so that when the Senator from West Virginia calls up Senate joint resolution 74 for discussion we may debate it intelligently.

Mr. BACON. I made the inquiry because I heard imperfectly, and I was startled by the suggestion even that there was any

power in this country outside of the lawmaking power by which the operation of a law could be suspended. I thought that was a matter exclusively within the province of the lawmaking power.

Mr. FORAKER. I am not startled by anything any more. I take things as they come.

Mr. ELKINS. I ask that the resolution be read again.

The Secretary again read the resolution.

Mr. ELKINS. I think that part about the immunity should be stricken out. It asks for the reasons why, and let the Commission reply, so far as it is informed, as to the reasons why. I am like the Senator from Georgia. I do not know who has the right to suspend the operation of a law or agree to immunity. I am sure that the Interstate Commerce Commission has not, but it will be the Department of Justice, if there is anything of that kind. I only object to those words, and I am quite willing to agree to the resolution except so far as those words are concerned.

Mr. FORAKER. The resolution calls for only such information from the Interstate Commerce Commission as that Commission may be able to give us.

Mr. ELKINS. Stop it right there, then.

Mr. FORAKER. I do not know whether they know or not. If they say they do not know, then we can ask the Department of Justice for information.

On that point I have no objection to preparing a resolution directing the Attorney-General also to inform us.

But this is a matter about which I agree with the Senator from West Virginia in his statement that nobody has any authority in this country except only Congress to stop the operation of a law, and I can not believe it possible that anybody has undertaken to stop the operation of a statute duly enacted by the Congress of the United States. I think, in view of what is being bruited about, the Congress of the United States ought to be officially advised as to whether or not there is any foundation for any such stories as are being circulated to that effect.

I think, as I said a while ago, it is necessary to have this information in order that we may intelligently discuss the proposed modification of the commodity clause that the Senator from West Virginia has introduced, and which, I understand, he intends to call up for discussion to-day or to-morrow, or as soon as he can be heard.

The VICE-PRESIDENT. The Senator from Texas proposes an amendment to the resolution which will be read.

The SECRETARY. It is proposed to add to the resolution the following:

And said Commission is also further directed to state the facts and reason or reasons upon which it recently recommended, in a letter to the chairman of the Senate Committee on Interstate Commerce, the passage of Senate joint resolution No. 74.

The VICE-PRESIDENT. The Senator from Ohio accepts the amendment, the Chair understands.

Mr. FORAKER. I accept the amendment offered by the Senator from Texas, and upon the suggestion of the Senator from West Virginia I will prepare a similar resolution for the Department of Justice, also.

The VICE-PRESIDENT. The question is upon agreeing to the resolution as modified.

Mr. DANIEL. Mr. President, I propose an amendment. I move to add, at the end of the resolution, "and said Commission is also directed to inform the Senate what railroads have and what railroads have not complied with the law, as aforesaid."

This law, Mr. President, known as the "commodity clause," if I recollect aright, was originally proposed by me and an amendment was added by the Senator from West Virginia [Mr. ELKINS], so that it was decided by the Senate to allow the railroads——

Mr. TELLER. We do not hear the Senator from Virginia at all back here.

Mr. DANIEL. I was about to say, Mr. President, this commodity clause was originally proposed by me and an amendment was added to it, I think, upon the motion of the Senator from West Virginia, to the effect that the railroads should have two years to make arrangements with a view to conforming to the law. This was on account of the fact that according to State charters the railroads were allowed, in so many words, to ship coal and other commodities belonging to or mined by them.

As I have been informed, and as I think it has been stated upon this floor, many of the railroads have been unable to make those changes which are essential to conveniently or without loss execute the law. It may be that when we know these facts the Senate may conclude that it should give them a longer time; but there has been no full and clear statement as to the railroads involved as to the amount of property concerned or with respect to any details of the situation with which we have to deal.

I think, therefore, the resolution offered is an eminently proper one, not only upon the point emphasized, whether or not anybody has undertaken to suspend or vitiate a law enacted by Congress. We do not know at this stage sufficiently the facts to express or vote an intelligent opinion on the subject-matter, and as we are searching for this information it seems to me we should get it as fully as we can from the source applied to.

It might be better to enlarge the inquiry and ascertain what amounts of property, what difficulties there are to the execution of the law, but it is to be supposed that under as broad an inquiry as the resolution would now carry the Interstate Commerce Commission would lay before the Senate a pretty full statement, and it might not be necessary to inquire further.

Mr. MONEY. Mr. President, I propose an amendment which I hope the Senator will accept. It is that the Commission be instructed to report forthwith.

The VICE-PRESIDENT. The question will be first upon the amendment proposed by the Senator from Virginia, which will be stated by the Secretary.

The SECRETARY. It is proposed to add to the resolution the following:

And said Commission is also directed to inform the Senate what railroads have and what railroads have not complied with the law, as aforesaid.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

The Senator from Mississippi offers an amendment, which will be stated.

Mr. FORAKER. I accept the amendment suggested by the Senator from Mississippi. I understand it is simply that the Commission shall report forthwith.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add after the word "directed" the word "forthwith."

The VICE-PRESIDENT. Without objection, the amendment is agreed to. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to, as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, directed forthwith to inform the Senate whether the railroads engaged in interstate commerce have, since the 1st day of May, 1908, complied with paragraph 5 of section 1 of the act to regulate commerce, approved February 4, 1887, as amended, popularly spoken of as the "commodity clause;" and if there has not been such compliance with said provision, the Commission is hereby directed to inform the Senate whether such noncompliance is due to any agreement, arrangement, or understanding, of which it has knowledge, between the railroad companies and the authorities charged with the duty of enforcing said provision, that said companies shall have immunity from punishment for such violation of said provision; and, if so, to inform the Senate fully with respect to the same. The Interstate Commerce Commission is hereby further directed to report specifically whether the Western Maryland Railroad, now being operated by a receiver, has complied with said provision since it went into effect on the 1st day of May, 1908, and if not, what reason, if any, there is for such noncompliance. And said Commission is also further directed to state the facts and reason or reasons upon which it recently recommended, in a letter to the chairman of the Senate Committee on Interstate Commerce, the passage of Senate joint resolution No. 74; and said Commission is also directed forthwith to inform the Senate what railroads have and what railroads have not complied with the law, as aforesaid.

OMNIBUS CLAIMS BILL.

Mr. FULTON. Mr. President, I desire to give notice that immediately on the conclusion of the consideration of the bill making appropriations for the Department of Agriculture I will move to take up and proceed with the consideration of House bill 15372, commonly known as the "omnibus claims bill."

COMMITTEE SERVICE.

Mr. NEWLANDS was, on his own motion, excused from further service upon the Committee on the District of Columbia.

On motion of Mr. CULBERSON, and by unanimous consent, Mr. SMITH of Maryland was assigned to the vacancy upon the Committee on the District of Columbia.

EMPLOYMENT OF CHILD LABOR.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate the bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

Mr. GALLINGER. The Senator from Missouri [Mr. WARNER] has asked me that he might be allowed to conclude his remarks, which he says will occupy about thirty minutes, and, if no other Senator objects, I ask unanimous consent that the special order be laid aside until the Senator from Missouri concludes his remarks.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the pending bill be laid aside

until the Senator from Missouri concludes his remarks. Without objection, it is so ordered.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. WARNER. Mr. President, at the outset I desire to thank the Senator from New Hampshire for his courtesy.

The VICE-PRESIDENT. The Chair lays Senate bill 6206 before the Senate. It will be read by its title.

The SECRETARY. A bill (S. 6206) for the relief of former members of the Twenty-fifth Regiment of United States Infantry.

Mr. WARNER. Mr. President, I now come to the microscopic test of the guns of the Twenty-fifth Infantry, made at Springfield Arsenal, by Captain Hawkins, of the United States Army. This test is novel, its accuracy depending upon the assumption that the firing pin of each rifle coming in contact in firing with the primer of the cartridge makes its distinctive mark, which mark, by the aid of a powerful microscope, is distinguishable from all marks made by other firing pins, this although the firing pins are made as nearly alike as it is possible to make them with the most improved machinery.

Thirty-three of the exploded shells placed in evidence before the committee were subject to this microscopic test and were reported by Captain Hawkins to have been fired from five guns of B Company. In making the test Captain Hawkins fired two cartridges from each of the guns of the Twenty-fifth Infantry, and reached the conclusion stated by a comparison of the marks of the firing pins on the heads of each of the thirty-three cartridges with those on the heads of the cartridge shells he had discharged. Eight of the thirty-three exploded shells Captain Hawkins reported had been fired from rifle No. 45683, this rifle being charged on the property book of B Company to Sergt. William Blaney. The Blaney rifle was turned in by him to the quartermaster of B Company at Fort Niobrara on the 8th day of June, 1906, and was then, as Sergeant McCurdy testified, placed in an arm chest, where it remained until after the firing at Brownsville.

It is admitted that the four guns from which Captain Hawkins reported twenty-five of the exploded shells had been fired were in the possession of members of B Company on the night of the shooting, and that the Blaney gun was in B Company barracks on that night; but it is claimed that it was in the arm chest of B Company storeroom, and therefore could not have been used. From this it is contended that the eight exploded shells reported to have been fired from rifle No. 45683 were not fired at Brownsville, but were fired at some other place, presumably Fort Niobrara, where the Blaney gun was last used, and that the raiders or their confederates in some manner got these shells from the box of exploded shells, of which I have spoken, and placed them on the streets of Brownsville for the purpose of fastening the crime upon the soldiers. The 1,500 or 1,600 exploded shells in that box had been fired on the target range at Fort Niobrara from some sixty guns; yet, Mr. President, we are asked to believe that these Brownsville conspirators were so discriminating as to select from the box containing some 1,600 shells fired from 60 guns 33 shells that had been fired from only 5 guns. This is carrying the doctrine of chance to its limit.

The reason for B Company shipping this box of exploded shells from Fort Niobrara to Fort Brown, as given by Sergeant McCurdy, was that about the close of the target practice at Fort Niobrara the instrument with which his company decapped shells became broken and unfit for use, and hence the accumulation of these exploded shells. The target practice at Fort Niobrara continued to the last of June, according to the testimony of Captain Macklin, during which time B Company expended 17,500 cartridges. That on each day of the target practice the exploded shells were gathered up, decapped, washed, and dried preparatory to their shipment to the arsenal. The company received for each 1,000 a certain number of cartridges. During target season B Company shipped to the arsenal from 16,000 to 18,000 exploded shells. From 300 to 500 exploded shells were gathered up each day of the target practice, and therefore the box of 1,500 or 1,600 would have accumulated in four or five days at most; and as the Blaney gun, if the testimony of Sergeant McCurdy is to be believed, from the 8th day of June to the end of the target practice, was in the arm chest, these shells could not have been fired from that gun at Fort Niobrara, for that gun, as I have said, was turned in to the quartermaster on the 8th day of June, and the target practice did not terminate until the last of June.

Again, if the exploded shells were not cleaned soon after they were fired, the inside, from the remains of the powder in the shell, would become corroded, and a glance at such shells would indicate, even to the nonexpert, that they had not been recently fired.

The shells picked up by Captain Macklin at the mouth of the Cowen alley a few hours after the shooting, at least forty-five days after the target practice at Fort Niobrara and sixty-five days after the Blainey gun was turned in, showed no signs of corrosion. They could not have been fired on the target range there. Major Penrose, when he examined these shells, saw that they were clean and having the appearance of being freshly fired. This fact caused him to remark, "Macklin, this looks bad for our men."

The nine shells picked up in front of the Starke house a little after daylight on the morning of the affray, Mr. Starke, an expert in the use of firearms, testified had been freshly fired. They showed no signs of corrosion; they certainly could not have been fired at Fort Niobrara six weeks prior to the night of the shooting.

Mayor Combe, at about 10 a. m., on the morning of the shooting, called on Major Penrose and then informed that officer that there had been picked up on the streets of Brownsville some 75 to 100 exploded shells—used clips, as well as a few cartridges that had been fired. "Some of these," said Major Penrose, in his official report, "I examined and there is no doubt they are those manufactured by our Ordnance Department and issued to the troops." He then adds: "Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so plainly before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand." If these empty shells exhibited to Major Penrose by Mayor Combe failed to show that they had been freshly fired, certain it is, Mr. President, the skilled eye of Major Penrose would have been quick to have detected signs of their being stale shells, for, if stale shells, instead of being, in the language of Major Penrose, "damaging evidence" against the soldiers, they would have been exculpating evidence in their favor.

The undisputed evidence is that the main shooting on that fatal night of August 13 and 14 was from high-power guns. The cartridge of a high-power gun consists of the shell, the powder, and the bullet; yet the exploded shell of no high-power gun, excepting that of the Springfield rifle with which the colored troops were armed, was found upon the streets of Brownsville. We are asked to believe that the midnight raiders gathered up the exploded shells of the cartridges they fired while they strewed their path of crime with the exploded shells of the Springfield rifle, shells that had been filched from the box on the back porch of B Company. And here again let me remark that there is no known high-power gun from which the bullets extracted from the houses in Brownsville having the mark of four lands, in combination with the cartridges picked up in the street, could have been fired, except the Springfield rifle, and, as far as known, there was not, either at Brownsville or in that vicinity, a Springfield rifle in the hands of anyone excepting the soldiers.

The claim, Mr. President, that citizens of Brownsville did the shooting for the purpose of getting rid of the negro soldiers, either because they did not patronize the saloons and gambling houses or because their presence was distasteful, finds no reasonable support in the testimony. In the thousands of pages of evidence before us no proven or admitted fact considered alone or in connection with any other part of the testimony supports such a theory—a theory at once ingenious and inconceivable—inconceivable unless all of our knowledge relating to human friendships existing in the small towns and villages of our country, and, indeed, to human character the world over, is false. Such a theory requires us to believe that citizens of Brownsville entered into a conspiracy to terrorize, maim, and kill their unsuspecting friends and to accomplish these acts in such a manner that the terrorizing, maiming, and killing would be charged to the soldiers; that in carrying this conspiracy into execution, a handful of men, at the hour of midnight, clad in the khaki uniform of soldiers, armed with high-power guns and ammunition such as the negroes were armed with, met immediately in the rear of the barracks of the soldiers, either inside or outside of the garrison wall, and opened fire, so aiming their guns as not to scar the barracks or endanger the life or limb of the soldiers; that they then proceeded into the town, shooting into the dwelling houses and business places of those, who, like themselves, desired a riddance of the negro soldiers; that, in order that the evidence should point to the guilt of the soldiers, and to their guilt alone, these conspirators gathered up carefully the exploded shells of the ammunition which they had used and strewed their trail with exploded shells of the Springfield rifle, with which the colored battalion was armed, and then, that their crime might be fastened upon the negro soldiers beyond the peradventure of a doubt, this band of raiders marched to the saloon of one of the men who had been loud in demanding the removal of the negro

troops and there shot down the barkeeper, Frank Natus, and on their way wounded the lieutenant of police (an officer without an enemy in the city), whose only offense on the fatal night was that, on seeing the raiders shooting into the houses, especially those which had lights, he, realizing that the lives of men, women, and children were imperiled, without counting the danger to himself, rode, amid a shower of bullets, through the street, shouting, "Put out your lights!" "Put out your lights!"

Mr. President, the proponents of this theory have not yet taxed our credulity to its limit. They show us the Yturria House, penetrated by three bullets, whose points of entrance, course, and direction furnish conclusive evidence that they were fired from the second porch of B Company barracks, and they require us to believe that these shots were fired by the conspiring citizens of Brownsville. That these shots were fired on the night of the raid there is no question; that they were fired from the second porch of B Company barracks is by the evidence put equally beyond question; and that these barracks were, at the time of the firing, occupied by negro soldiers, with a sentinel on guard, is also true. Who fired these shots from that point, Mr. President? The soldiers or the conspiring citizens of Brownsville? Did the genius of these conspirators take into consideration, in the arrangement of their plans, the question of marshaling this incriminating evidence, within the barracks and at the very doors of the sleeping soldiers, that the crime to be committed might be charged to the soldiers and to them alone? We marvel, Mr. President, at the deliberation of these conspirators, at their audacity, at their escape, and at their success, if such a plan formed a part of their enterprise.

I pass now, Mr. President, to a consideration of S. 6206, which I introduced on March 19, for the relief of certain former members of the Twenty-fifth Regiment. The bill reads:

Be it enacted, etc., That if at any time within one year after the approval of this act the President shall be satisfied that any former enlisted man of the Twenty-fifth Regiment of United States Infantry who was discharged from the military service as a member of said regiment under the provisions of a Special Order No. 266, and dated at the War Department on the 9th day of November, 1906, had no participation in the affray or guilty knowledge of the persons engaged in said affray that took place at Brownsville, Tex., on the night of August 13–14, 1906, the President may authorize the enlistment of said man; and any man who shall enlist in the military service under authority so given by the President shall be held and considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive from said date of discharge if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

The conclusion which I have indicated to-day, together with those set forth in the report of the Committee on Military Affairs, will, I take it, indicate clearly the theory underlying this bill.

Permit me to add, Mr. President, that I offer this bill with my mind free from doubt that the assault upon Brownsville was preconcerted, deliberately planned, and executed by soldiers of the Twenty-fifth Infantry, and that soldiers other than those who actually participated in the raid must have known what was taking place, and hence were aiders and abettors thereof either before or after the fact.

Entertaining these views upon the facts, I am clearly of the opinion that the public interest demanded the termination of the contracts of enlistment of the men composing the Twenty-fifth Infantry present at Fort Brown on the night of the affray, and that the action of the President in discharging those soldiers, if I may be permitted to change the verbiage, as this in no sense changes the meaning of the resolution submitted by the Senator from Ohio [Mr. FORAKER] on the 21st day of January, 1907, and adopted by the Senate, was legal and just.

The President, at the time of promulgating the order discharging these men, had before him, as shown by his message of December 19, 1906, substantially the evidence which is now before the Senate for its consideration. Charged by the Constitution with the execution of the laws of the land, it became his solemn and sworn duty as Commander in Chief of the United States Army, when informed that an assault had been committed upon the homes and people of Brownsville, charged to United States soldiers stationed at Fort Brown, to investigate the connection of those soldiers with that assault. Did the President discharge this duty? We will search the records in vain, Mr. President, for an instance showing the evasion of the discharge of a public duty by the present President of the United States. Did he discharge it in an orderly way? Fifty-seven days were consumed in investigating the facts. Official letters, telegrams, reports, orders, and so forth, copies of all of which have been laid before the Senate, will speak the fact as to the thoroughness with which that investigation was made, and will disclose the earnest endeavor which the President made to obtain every fact material to a complete understanding of the situation.

With the evidence before him, with the case made, the further discharge of his duty required that he pass upon the question of the guilt or innocence of the soldiers. This he did, finding the fact to be that the assault was committed by unidentified soldiers of the Twenty-fifth United States Infantry, and that soldiers other than those who actually participated in the raid were accessories either before or after the fact.

The President's report of his finding is to be found in his message to the Senate of date December 19, 1906, in which he said:

In short, the evidence proves conclusively that a number of the soldiers engaged in a deliberate and concerted attack as cold-blooded as it was cowardly, the purpose being to terrorize the community and to kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question and when detection by identification of the criminals in the United States uniform was well-nigh impossible. So much for the original crime. A blacker never stained the annals of our Army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder.

The President having made this finding, what action was he to take upon it, Mr. President? Was he to sit supinely and express to his countrymen a regret that the evidence was insufficient to identify the individual soldiers who actually participated in the assault and the other soldiers who shielded these and decline to take action of any character because the evidence did not identify the guilty individuals, and because of the further fact that there were still other soldiers in the regiment wholly innocent, notwithstanding his mind was free from doubt that the assault had been committed by soldiers of the regiment? Would such a policy satisfy the conscience of any man who would hold up his hand before God and the American people and swear that he would execute the laws of our land? What are the considerations, Mr. President, which should influence the judgment of any man whose official duty would require him to act upon such a situation? Would he not reflect upon the consequences of his action to our Government, to our Army in respect to its discipline and morale, and to the rights of the individual soldiers whose interests were at stake? And I take it to be fundamental that the rights of the individual soldiers must, if necessary, give way before general policies affecting the maintenance of the Government and the effectiveness of the Army. Such, I take it, were the considerations which moved the President to make the order which he made in this case, for in his annual report for the year 1906, a report which reflects the great ability of its author, the Secretary of War, in discussing this point, says:

Instead of giving to their officers, or to the military inspectors who were directed to make the examination, the benefit of anything which they knew tending to lead to a conviction of the guilty persons, there was a conspiracy of silence on the part of the many who must have known something of importance in this regard. Thus the murderers were taken back into the battalion and protected entirely from punishment.

Under these circumstances the question arises, Is the Government helpless? Must it continue in its service a battalion many of the members of which show their willingness to condone a crime of a capital character committed by from ten to twenty of its members, and put on a front of silence and ignorance which enables the criminals to escape just punishment? These enlisted men took the oath of allegiance to the Government, and were to be used under the law to maintain its supremacy. Can the Government properly therefore keep in its employ for the purpose of maintaining law and order any longer a body of men, from 5 to 10 per cent of whom can plan and commit murder, and rely upon the silence of a number of their companions to escape detection?

It may be that in the battalion are a number of men wholly innocent, who know neither who the guilty men are, nor any circumstances which will aid in their detection, though this can not be true of many. Because there may be innocent men in the battalion, must the Government continue to use it to guard communities of men, women, and children when it contains so dangerous an element impossible of detection? Certainly not. When a man enlists in the Army he knows that, for the very purpose of protecting itself, the Government reserves to itself the absolute right of discharge, not as a punishment, but for the public safety or interest. In such a case as this, the inconvenience and hardship to those innocent of participation or knowledge, arising from arbitrarily terminating the contract of enlistment in accordance with the right which the Government by statute reserves, must be borne by them in the public interest.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. SMITH of Michigan. The Senator from Missouri has spoken of the conspiracy of silence in a very effective manner and is making a very strong argument on that point.

Mr. WARNER. If the Senator will pardon me, I am still reading from the report of the Secretary of War.

Mr. SMITH of Michigan. Would the Senator object to a question?

Mr. WARNER. If the Senator will pardon me until I finish the reading of this quotation, I shall be pleased to answer him. The Secretary of War continues:

It goes without saying that if the guilty could be ascertained they should and would be punished, but the guilty can not be ascertained,

and the very impossibility of determining who are the guilty makes the whole battalion useless to the Government as an instrument for maintaining law and order. The only means of ridding the military service of a band of would-be murderers of women and children, and actual murderers of one man, is the discharge of the entire battalion.

Might not any community into which the War Department should send this battalion, in which it is known that there are from nine to twenty murderers, justly complain that the battalion is not a proper instrument for maintaining the supremacy of the law? Could we properly send such a battalion to the Philippines or Cuba to maintain peace or furnish an example of orderly conduct? If a similar outbreak were there to occur, could we relieve ourselves from responsibility for it on the theory that we could not detect the particular ten or twenty who were guilty of the first murder?

Suppose a dozen men of the battalion stationed at Fort Brown in time of a war with Mexico carried plans and ammunition to the enemy on the other side of the Rio Grande River, and then returned under circumstances which made it clear that a large number of men in the battalion must have known who they were, but that every man in the battalion denied all knowledge of it, and thus all means of detecting the guilty were lacking. Would a competent general for one moment hesitate, in the interest of the public, to disband the entire battalion and discharge it from the service in order to avoid a repetition of the danger?

Can a real and logical distinction be made between the crime of treason, under the circumstances supposed, and the crime of murder in this case? Both are capital offenses, one perhaps more heinous that the other, and more dangerous to the Government itself, but in both cases it seems to me clear that the Government must protect itself and the community to which it is responsible from a recurrence of such offenses, not by punishing guilty and innocent alike, but by separating both the guilty and innocent from the service, so as to deprive the guilty of a second opportunity for such a crime, even though this may result in inconvenience and perhaps hardship to the innocent.

Now, I will say to the Senator from Michigan that I will yield to him, although I am speaking in borrowed time this morning.

Mr. SMITH of Michigan. I will not take much time; but the Senator's reference to the conspiracy of silence has interested me. I think it has been referred to before; and I want to ask the Senator if the conspiracy of silence, so denominated, may not be as consistent with the theory of innocence as of guilt? What would a man say if he were innocent? Nothing; absolutely nothing, except to protest his innocence; and if his life record is clear, his service in the Army without flaw, why should he not be believed, especially when no direct evidence connects him with crime?

Mr. WARNER. I wish to yield only to questions, because, as I say, I am speaking in borrowed time; but I think I catch the drift of the Senator's question, and I will try to answer him. If the men were innocent, then they could have had nothing to tell of the commission of the crime. If there were men in that command, eight, ten, or more, who were guilty, then there did exist a conspiracy of silence from the circumstance that not one of them disclosed a fact in relation to it. But whether their attitude of silence is as consistent with innocence as it is with guilt, I leave to the Senator under the evidence.

Mr. President, moved by these considerations and guided by the only rule which would prevent the Government from becoming helpless in its control of the Army, the President discharged "without honor" the soldiers of the Twenty-fifth Infantry present at Fort Brown on the night of the affray, and he has taken this action in pursuance to the authority of law vesting in him a discretion to annul enlistment contracts whenever, in his opinion, that course is dictated by the public interest, and it is pleasing to reflect that the legality and justice of his action in this case is unquestioned by the resolution submitted by the Senator from Ohio on the 21st day of January, 1907, and adopted by the Senate.

That the purpose of the order discharging these men was not to punish them is put beyond doubt by the policy which caused its promulgation. The Secretary of War says in his report for the year 1906:

> It is a mistake to suppose that this order is in itself a punishment either of the innocent or of the guilty. A discharge would be an utterly inadequate punishment for those who are guilty, whether of committing the murder or of withholding or suppressing evidence which would disclose the perpetrators of such a crime.

And the President in his message of December 19, 1906, says:

> People have spoken as if this discharge from the service was a punishment. I deny emphatically that such is the case, because as punishment it is utterly inadequate. The punishment meet for mutineers and murderers such as those guilty of the Brownsville assault is death, and a punishment only less severe ought to be meted out to those who have aided and abetted mutiny and murder and treason by refusing to help in their detection. I would that it were possible for me to have punished the guilty men. I regret most keenly that I have not been able to do so.

No, Mr. President, the President's course was dictated by the clearest public interest. He discharged these men not as a punishment, but for the "good of the service."

It has been charged, too, that the President's language which I have quoted in this connection was harsh and undeserved by the men to whose actions it was applied. But I submit that such criticism must fail of conviction unless an instinctive feeling of horror and indignation should not be aroused in the breast of every good man by the midnight assault which had death for its object and terror for its plaything, for let it not be forgotten that his language to which exception is taken in every instance characterizes the actions of the guilty, and the guilty only. Idiomatic English, however strong, can never slander the crime of murder, the man who committed it, nor the man who hides the murderer from the law.

From these considerations, Mr. President, it follows that S. 6206, which I introduced for the relief of certain former members of the Twenty-fifth Regiment, is not founded upon the theory that the President's action in discharging these soldiers "without honor" was either illegal or unjust, for I believe no such thing. I believe that their discharge was orderly and proper and legal and called for by the soundest public policy. But that there are men who came within this order who were neither principals nor accessories before or after the fact I have not the slightest doubt, and I am anxious for Congress to restore them to the Army and give them such other relief as may be proper. Hence the introduction of this bill.

From these suggestions it is apparent, Mr. President, that the theory upon which this bill is founded is fundamentally different from that upon which S. 5729, the bill introduced by the Senator from Ohio [Mr. FORAKER], is drawn. The latter proceeds upon the theory that the men of the Twenty-fifth Infantry were innocent, and that they were unjustly discharged, and hence that they come to Congress demanding as of right their complete and full restoration to the Army. I was under the impression that the divergence of theory upon which these bills were drawn gave rise to the objections which the distinguished Senator found to the bill which I introduced when he declared that its provisions conferring upon the President the authority to authorize the enlistment of any former enlisted man of the regiment, upon being satisfied that such man had no participation in the affray, reverses the rule of evidence that obtains in every civilized country by requiring a man to prove his innocence, until I had examined with greater care the Senator's bill. I am now convinced that I have not outraged justice in this respect and that I am not entitled to the honor of having offered a bill founded upon a rule of evidence which, in the language of the Senator, is "without a precedent in all the history of the liberty-loving, English-speaking nations of the earth," for my examination of the bill introduced by the Senator discloses the following situation:

Before giving eligibility to a noncommissioned officer or enlisted man belonging to Company B, C, or D to reenlist, this bill provides that such noncommissioned officer or enlisted man shall make oath before a duly authorized enlisting officer of the United States Army or Navy—

1. That he did not participate in the affray.

2. That he does not know of any soldier belonging to any of the companies who did participate in the affray.

3. That he had not at any time heretofore, and does not now, withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participator in said shooting affray or any accessory thereto, either before or after the fact.

4. That he has answered fully to the best of his knowledge and ability all questions that have been lawfully put to him by his officers or others in connection therewith.

Why, Mr. President, if these men are innocent, and the Senator from Ohio [Mr. FORAKER] says he believes they are, and he states that he has offered his bill upon this theory, why, I ask, should the Senator make their eligibility depend upon their making oath that they did not participate in the affray? Why should the Senator require them, if they are innocent, to make the further statement that they do not know of any soldier belonging to any of the companies who did participate in the same?

Mr. FORAKER. Mr. President, if the Senator does not object to my interrupting him, I will tell him why.

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. WARNER. Yes.

Mr. FORAKER. I myself think they are absolutely innocent. There are others who think that although some of them may have been guilty of participation in the shooting or in the conspiracy of silence, yet a great many of them are absolutely innocent; and the putting in of that clause requiring them to again purge themselves was to satisfy some people who did not believe in their innocence to the full, unqualified extent that I do.

Mr. WARNER. The explanation of the Senator, of course, must be accepted; but certain it is, in the presentation of his bill to the Senate and the grounds upon which it was founded, I heard no intimation as to any doubt as to the innocence of these men——

Mr. FORAKER. Mr. President, there is none whatever on my part.

Mr. WARNER. And none has been given up to this time.

Mr. FORAKER. But if the Senator will be better satisfied with my bill, or the Senate will be better satisfied with it, I will be glad to strike that requirement out. If everybody believed about it as I do, it would certainly be quite illogical and out of place.

Mr. WARNER. But I think there was a purpose in it, if the Senator will pardon me—not a covert purpose, but simply a purpose as to its legal effect, I will say, for why should the Senator require them, if they are innocent, to purge themselves?

Mr. FORAKER. The Senator may know more about my purpose than I do, but I had no purpose except the one I have explained.

Mr. WARNER. I refer to the legal effect.

This is not the usual and ordinary test of eligibility applied to an applicant for enlistment or reenlistment in the Army; or why should the Senator require them to make the further statement that they have not at any time heretofore and do not now withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participator in said shooting affray or any accessory thereto either before or after the fact, or the still further statement that they have answered fully to the best of their knowledge and ability all questions that have been lawfully put to them by their officers or others in connection therewith?

In short, Mr. President, if these men are innocent and are basing their claims for relief upon their innocence, and hence upon the injustice of their discharge, why should the bill introduced by the Senator provide that their eligibility to reenlist shall depend upon their purging themselves by making any oath in denial of their guilt or guilty knowledge in respect to the affray? Why, Mr. President, should it impose upon them the burden of introducing evidence of any character touching their connection with that affray?

In requiring these men to purge themselves of the guilt of participants in the affray or of guilty knowledge touching it, the Senator recognizes that the rule of presumption of eligibility to enlistment obtaining in ordinary cases is in this case correctly and justly inapplicable.

To the suggestion that the eligibility of these men to reenlist in the Army should not be referred to the President, I reply that my examination of the records and testimony upon which the order of discharge was based has satisfied me that the President has exercised the discretion vested in him wisely for the nation and for the Army and with proper and legal regard for the discharged soldiers. I find no fault with the President, and, convinced as I am that his action in this case has been inspired by the highest motives of patriotism, I am all the stronger of the opinion that the Congress should remit to him the matter of doing justice to the individual soldiers of the colored battalion who may apply for reenlistment. Moreover, Mr. President, any legislation that implies a want of confidence in the President will not receive the approval of the American people.

I thank the Senate for the kind indulgence it has shown me and also the Senator from New Hampshire [Mr. GALLINGER] for yielding to me to proceed and conclude this morning.

Mr. STEWART. Mr. President, before my friend takes his seat I should like to get his personal views on the subject of the restoration of these men to the Army. I understand his bill provides that the question of the guilt or innocence of these parties, which is the crucial question upon which their right of restoration must turn, if I rightly understand the bill, is referred to the pleasure of the President.

Mr. WARNER. It is referred to the President.

Mr. STEWART. Now, I want my friend's views as a lawyer upon the proposition that such a question as that should be referred to one who has already prejudged the case, who has said in terms that are unmistakable, if I read his messages aright, that there can be no doubt of the guilt of these men. What is my friend's view as a lawyer, and an eminent lawyer, on that proposition?

Mr. WARNER. I thank the distinguished Senator for the compliment. I am one of those who believe that the President of the United States has a clear vision of the rights of the individual citizen; that he is intellectually honest and has the courage to act upon his convictions of right at all times and in all places, and I should regret to think that the day ever would come, or has now come, in my country when the Chief Magistrate of the nation, the Commander in Chief of the Army and Navy of the United States, could not be trusted to pass upon the question of the restoration of these men to the Army.

Mr. STEWART. I ask my friend if the same reasoning would not apply with just as much force to a judge of the Supreme Court of the United States? The Senator would have the same confidence in the intelligence and integrity of the court, but as a lawyer——

Mr. WARNER. I should have entire confidence in the Chief Justice or a justice of the Supreme Court, even though he had decided the question, if other facts could be brought to his attention to get a just ruling and decision. If I could not, I think the court certainly——

Mr. STEWART. My friend is aware that the first question put to a venire man in selecting a jury in the trial of a case is, "Have you formed or expressed an opinion on this matter?"

Mr. WARNER. We will not differ on that point; but that is not this case; but the Senator will pardon me now, as I desire to yield the floor.

Mr. FULTON. Mr. President, I know the Senator from Missouri is feeling poorly. I was going to ask him his views on a certain phase of the case, but I understand he does not desire to speak further now, and therefore I shall not press the inquiry.

Mr. FORAKER obtained the floor.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. FORAKER. Certainly.

Mr. GALLINGER. I was about to ask that the bill which was laid aside be placed before the Senate, but if the Senator from Ohio desires to speak briefly, I will yield to him.

Mr. FORAKER. I will be brief. If some one were to bring in a bill here providing that the question of the guilt or innocence of these men should be submitted to me, I would think it very absurd; and I would refuse to act under any such a bill, because I have expressed an opinion; I have a clear conviction about it; and I have stated it openly and publicly repeatedly. I would be an unfit judge. I do not think any different rule should be applied to anyone else who is suggested to act as judge where the question of guilt is involved; and therefore it was that when I made some remarks to the Senate the other day I took exception to that portion of the bill of the Senator from Missouri [Mr. WARNER] which provides that these men shall establish their innocence to the satisfaction of the President. I pointed out how repeatedly the President had expressed himself as of the opinion that many, if not all, of these men are guilty, either of participation in the affray or of the conspiracy of silence in refusing to tell about participation and not helping to identify those who did participate.

I said in those remarks that I had no evidence that the President had changed his mind from what it was when he expressed himself as I quoted from his different messages. Since then I have read in a newspaper, the Times-Star, of Cincinnati, Ohio, what purports to be a dispatch from Washington to the effect that the President has written a letter to a member of this body, and—although it is a delicate subject to discuss in public or even to allude to in public—I think, in view of the fact that the fitness of the President, notwithstanding that former state of mind, is urged upon us, that we should have a right to show that the President's unfit state of mind continues. I do not say it in disparagement of him as a man. No one knows better than I do what great intellectual power he has. No one will ascribe to him more cordially than I will the possession of many attributes that we must all admire. But, Mr. President, this is a serious matter, affecting the rights of men with respect to the question of a crime, and I protest against their case being judged by one who has already prejudged it in hostility to them.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. Certainly.

Mr. WARREN. The Senator objects to the President on the ground that he is prejudiced for or against. He admits that he himself would not ask to pass upon it.

Mr. FORAKER. I would not.

Mr. WARREN. Does not the bill which the Senator has presented and which represents his views pass judgment, so far as he is concerned, upon the matter?

Mr. FORAKER. No; Mr. President. My bill expresses my opinion as to what Congress should do, and my bill provides that when these men are permitted to reenlist and shall have reenlisted they shall be subject to trial by court-martial or otherwise for any crime which any man may be able to establish against them by testimony.

Mr. FRAZIER. Mr. President——

Mr. FORAKER. Before I pass from that, if the Senator from Tennessee will pardon me for a moment, I want to finish the reference to the newspaper article.

Mr. FRAZIER. I wish to ask the Senator one question before he presents the newspaper article.

Mr. FORAKER. Certainly.

Mr. FRAZIER. The Senator objects to the President passing upon the question of the guilt or innocence of these men. I will ask the Senator if his bill does not leave the question to be passed upon by the men themselves?

Mr. FORAKER. I think not. More than eighteen months have passed since this affray occurred, and down to this moment, although, as the Senator from Connecticut [Mr. BULKELEY] well said, all the machinery and influence and power of the Government which could be utilized for that purpose have been brought to bear to show their guilt, not one iota of testimony has been produced to identify any man as guilty. The statement was made by the Senator from Idaho [Mr. BORAH], when interrogated in this Chamber yesterday, that, in his opinion, thirty of these men knew all about the affray.

The idea that thirty such men or thirty men of any class or kind could conceal all evidence of guilt during all this time, when everyone has been under surveillance, is a preposterous absurdity and an utter impossibility, to my mind. Therefore, I say, looking at this as a practical man, wanting to do what is right and just, I prepared a bill which allows these men to purge themselves. I put in that provision out of respect to those who agree with me that there should be legislation, but who do not go as far as I believe, that these men are absolutely innocent—every one of them; just as innocent as the President of the United States is innocent of this crime.

Mr. SCOTT. Will the Senator from Ohio yield to me for a moment?

Mr. FORAKER. Yes.

Mr. SCOTT. I should like the Senator to refer to the evidence of General Burt, who commanded this regiment for eleven years, and indirectly for sixteen years, and what he says in regard to their truth and veracity and honor.

Mr. FORAKER. General Burt said, in terms of the highest compliment, that they were a truthful, reliable set of men, and that he would believe their statements in a court-martial proceeding where they were themselves the defendants.

Mr. WARREN. May I ask the Senator a question? How long is it since General Burt commanded that regiment?

Mr. FORAKER. General Burt spoke of the older men of the regiment, whom he knew in person and to whom his attention was directed, and that is what he said of them.

Mr. WARREN. Does the Senator know how many years it is since he commanded that regiment?

Mr. FORAKER. No; but I do know that the President of the United States, in his communication to this body, has told us that in his opinion the guiltiest of these men are the old men, and especially the noncommissioned officers who were a long time in the service.

Mr. WARREN. I desire to say——

Mr. FORAKER. General Burt commanded it until he retired. I can not tell the year.

Mr. WARREN. General Burt did not, I think, command the regiment until the day he retired, because he was made a general officer soon after the Spanish-American war, and could not have commanded that regiment as colonel after his promotion to brigadier-general.

Mr. SCOTT. Will the Senator allow me to call his attention to General Burt's testimony, in which he referred to one sergeant in the Spanish-American war who was taken to Chattanooga and objected to being put in separate cars? He must have commanded the regiment until after the Spanish war, if the Senator will allow me.

Mr. WARREN. The record will show whether he was a colonel and commanded the regiment. He was made, as I say, a brigadier-general, but I am not quite certain of the date. General Burt has been on the retired list for from five to eight years.

Mr. SCOTT. They were under him.

Mr. WARREN. It is possible the regiment might have been under him in a brigade. Notwithstanding the handful of men still in the regiment who were in it when he was a colonel some years ago, he could hardly speak for the entire enlistment of the later date, because the majority of the men in the regiment would be those who enlisted after he relinquished command.

Mr. SCOTT. He did.

Mr. WARREN. General Burt is an excellent officer and entitled to great respect and confidence.

Mr. FORAKER. All that is quite true, and I will not say when he ceased to command the regiment. I thought he commanded until he retired. Of course the Senator from Wyoming may be more familiar with his record than I am. I do not claim to be familiar with it.

Mr. GALLINGER. Mr. President——

Mr. FORAKER. Will the Senator from New Hampshire bear with me for a moment? I would have been through before this if I had not been interrupted.

Mr. GALLINGER. I will, if the Senator proceeds without interruption.

Mr. FORAKER. I am much obliged to the Senator from New Hampshire.

I started to say that I hold in my hand what purports to be a telegraphic communication from Washington to the Times-Star of Cincinnati. I will not stop to read it, although I was intending to do so. It states that the President of the United States, since I spoke in this Chamber expressing doubt about his fitness to act as judge, has written a letter to a member of this body, the junior Senator from Michigan, Mr. WILLIAM ALDEN SMITH. I beg his pardon for mentioning his name. I would not do it or refer to this matter if my sense of duty and justice to these men did not require me to do it. In that letter, according to this newspaper article, he is reported as still continuing to entertain the opinion with respect to the guilt of these men that he expressed in the messages which I quoted. Inasmuch as those messages were a year or more ago and this is a very recent communication, if it be true that there is such a communication expressing his opinion on that subject, I take the liberty of asking the Senator from Michigan if he is at liberty to tell us whether or not such a letter has been received by him from the President of the United States; and if so, whether or not he is at liberty to put it into the RECORD, so that we may know, with respect to this matter, what I think we ought to know?

Mr. SMITH of Michigan. Mr. President, the source of the Senator's information is given as the Cincinnati Times-Star. During the fourteen years of my public service I have frequently been in correspondence with the Chief Executive at various times and have taken the liberty from time to time of asking for information from him. But during all that time, Mr. President, never to my knowledge have I given public utterance to his expressions to me, whether it be the present occupant of the White House or any of his predecessors; and the information upon which the article referred to by the Senator from Ohio is based did not come from me. I have had no communication or intercourse with any representative of any newspaper regarding this matter, and I do not feel at liberty to make public the communication of the President. If its publicity is desired, it seems to me it may come with greater propriety from him than from me.

The inquiry which I made of the Executive was perfectly proper to make and referred to a publication which had come to my notice. But I do not feel at liberty to give the substance of or to publish the letter from the President. I am, however, perfecly willing that it should come from him; but so far as any attempt is made by others to quote it they must rely on their own information. I would not consider it proper to publish any correspondence with the President containing his views upon any public question.

Mr. FORAKER. The Senator from Michigan has answered in a very manly way, as everyone of course expected he would answer, knowing him as all of us do. He did not give this letter to the press. I did not know whether he had or not. There are only two parties to a letter ordinarily—the writer and the person to whom it is addressed. If the Senator has not given this out to the press and has not communicated with anybody in regard to its contents, I suppose it has come from the White House.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. FORAKER. That is only a surmise.

Mr. SMITH of Michigan. It will not be inappropriate for me to say that the communication is not marked "private" or "personal." The reason why I would not care to give out the letter is the one which I have adopted all through my public life—never to attempt to quote the Executive upon any written or oral relation that I may have with him.

Mr. WARREN. May I ask one question?

Mr. FORAKER. Certainly.

Mr. WARREN. Is the Senator from Ohio prepared to believe and to substantiate a statement that the letter to which he has referred is correctly quoted in the publication?

Mr. FORAKER. I have only this newspaper article.

Mr. WARREN. I did not know but that the Senator had other information.

Mr. FORAKER. The article does not purport to quote the letter in full, and I hesitate whether I should read what is here, which may be more or less garbled, or await developments. It may be, now that this matter has been brought to the atten-

tion of the Senate and the public, that the President will favor us with a copy of this correspondence. I think I will withhold quoting this until there is opportunity for him to do so, only stopping to say—as I have already in effect said—that the letter, if it be of the character this article describes it to be, shows what I contended for in the remarks I made here, that the mind of the President is made up on this matter, and to talk about submitting it to him as a judge is the utmost nonsense, just as much nonsense as it would be to submit it to me or any other man who has expressed his opinion over and over again and who has implicit confidence in the correctness of that opinion.

I have not any doubt that the President is of this opinion. I am not arraigning him for having that opinion. But that is another matter. I have undertaken to combat these ideas in my argument here. I am only seeking in this connection to put this into the RECORD—and I want it to follow immediately after what the Senator from Missouri said about the reasonableness of his bill—as a reason why the bill should not be passed, at least not until amended by the substitution of some other judge.

I think I shall suspend here and await developments.

Mr. FULTON. Mr. President——

Mr. GALLINGER. I ask the Chair to lay before the body Senate bill 4812.

Mr. FULTON. I wish the Senator from New Hampshire would allow me to say a word.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. GALLINGER. I will yield for a question.

Mr. FULTON. It is not exactly a question. It is a statement I wish to make.

Mr. GALLINGER. I prefer to go on with the bill.

Mr. FULTON. Of course I can make the statement during the consideration of the bill, and, if necessary, I will do so.

The VICE-PRESIDENT. In pursuance of the unanimous-consent agreement——

Mr. GALLINGER. Just at this point I want to remind the Senator from Oregon of the fact that this bill was laid aside with the distinct understanding that the Senator from Missouri [Mr. WARNER] should be given thirty minutes. It has been an hour and fifteen minutes now, but of course if the Senator from Oregon wants to occupy the floor for a few minutes——

Mr. FULTON. For just a few minutes.

Mr. GALLINGER. I will allow him to proceed.

The VICE-PRESIDENT. The Senator from New Hampshire yields to the Senator from Oregon.

Mr. FULTON. Mr. President, I want to make a suggestion at this time, because it is in connection with what the Senator from Ohio [Mr. FORAKER] has said and in connection with the question I asked the Senator from Missouri [Mr. WARNER], which was for the purpose of developing a thought I have in my mind.

While I have reached the conclusion, and the investigation I have given the subject has been a very careful one, that some few of these men were participants in the shooting, indeed were the ones that did the shooting, yet I have also reached the conclusion, as I think everyone must have who has carefully investigated the subject, that a very large proportion were absolutely innocent of any participation whatever in the shooting. The Senator from Ohio [Mr. FORAKER] has provided in his bill that upon taking an oath purging themselves of all participation in or knowledge of the shooting, the soldiers shall be entitled to reenlist, whereas the Senator from Missouri proposes that all these men shall have the burden upon them of establishing absolutely to the satisfaction of the President their innocence of any participation.

The Senator from Ohio says that one reason why he objects to the provisions of the bill of the Senator from Missouri is that the President has already committed himself on the subject. I do not put my objection to the bill of the Senator from Missouri on that ground. I put it upon the broader ground, which it seems to me must appeal to every man who loves justice and would protect liberty, and that is that the burden of proving his innocence ought not to be imposed on any man.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. FULTON. Certainly.

Mr. FORAKER. The Senator was not here when I made the remarks to which I refer. If he had been he would have learned from listening to me that I had the same objection.

Mr. FULTON. I understand that.

Mr. FORAKER. This is only another objection I am urging.

Mr. FULTON. I understand that.

Now, I wish to say that I do not believe there were thirty persons engaged in that shooting. There may have been a dozen engaged in actually doing the shooting. There may have been a half dozen more who knew something about it. Beyond that I do not believe that these troops had anything to do with that shooting. Now, here is a great body of men who are unquestionably innocent, and simply because there are a few who probably were guilty, and because no one can point out or identify the parties guilty, it is proposed to impose on the innocent, as well, the burden of proving their innocence. How can they prove it? What are they to do to establish it? The Senator from Ohio proposes that they shall all take an oath purging themselves of any participation in it. What more can you do than put them on oath, make them liable for perjury, if guilty and if hereafter the facts establishing that shall come to light? This gives the innocent men an opportunity to purge themselves and then to be restored.

Otherwise, I ask the Senator from Missouri what he proposes to do? How are these men going to prove their innocence? What evidence are they to bring to show that they are innocent? How can a man prove a negative? How can he prove his innocence? If a specific act be charged against him, he can meet the proof offered in support of it, but how can he take up the burden of establishing his innocence?

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. FULTON. Certainly.

Mr. WARREN. I desire to ask the Senator from Oregon a question. The Senator from Oregon explains that he believes that certain of these colored soldiers are guilty of having participated in the raid and shooting up of the town. Have not all of those soldiers already taken an oath that they were not concerned in the raid, and if they committed perjury in making that oath in that regard, would they not do it again just as freely when they reenlisted as they did before?

Mr. FULTON. Quite likely. A man who would be guilty of the crime of shooting up a town would be equally liable to commit perjury, and no doubt would willingly do so. But because men are willing to commit crime, are we going to subject all men to injustice? I suppose there are men in this town who have committed burglary. Are we, therefore, to put every innocent man under the ban? Are we going to impose injustice on him in order that he may impose some penalty on the unknown guilty? By what reason or analogy, upon what principle, I ask, do you propose to impose on the great number of these men who are admittedly innocent the onerous duty, the difficult one, of proving to the satisfaction of some official their innocence? I say it is in violation of every principle of law which we have believed heretofore to be necessary for the protection of individual rights and individual liberty.

Mr. WARREN. May I ask the Senator a question?

Mr. FULTON. Certainly.

Mr. WARREN. The Senator believes, and he admits he does, that certain of these soldiers are guilty, and that they will commit perjury when they take the proposed or prescribed oath. Then, why put them to that extra crime? Why have them take the oath at all? Why not let them go into the Army without an oath? Why put before them the necessity of again taking the oath and a certain number of them again perjuring themselves?

Mr. FULTON. The Senator knows very well while it may not be an effective remedy, one which will entirely prevent guilty ones from coming in, nevertheless it may operate in some degree as a bar to exclude them, because a man having a knowledge of his guilt will be a little slow to come up and take that oath and put himself under the control of those who will be constantly watching him, constantly seeking to discover some evidence of his guilt, and who will have him in a position where they can immediately arrest him if they do secure evidence of his guilt.

Mr. FORAKER. And not only amenable to prosecution for perjury, but to court-martial proceedings.

Mr. FULTON. Certainly.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Florida?

Mr. FULTON. Certainly.

Mr. TALIAFERRO. Does the Senator from Oregon think that Congress should adopt a law that will restore perjurers and murderers to the United States Army?

Mr. FULTON. I ask the Senator if he knows of any individual who has committed perjury or murder?

Mr. TALIAFERRO. I understood the Senator to say that he believed that they had done both.

Mr. FULTON. I believe, not that they—no, Mr. President——

Mr. TALIAFERRO. I refer to members of the battalion which was discharged by the President.

Mr. FULTON. I say I believe some few of them are guilty. But does the Senator know what ones? Does anyone know what ones? The Senator knows that many of them were not guilty; he must know it. Does he propose to punish the innocent simply because he can not discover the guilty? Have we ever in our history adopted that character of rule in our jurisprudence, or in our legislation, the rule that simply because we are unable to discover the guilty we will punish the innocent?

EMPLOYMENT OF CHILD LABOR.

The VICE-PRESIDENT laid before the Senate the bill (S. 4812) to regulate the employment of child labor in the District of Columbia, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

Mr. NELSON. Is the bill being read for amendments?

Mr. GALLINGER. Let the bill first be read in full.

The VICE-PRESIDENT. The bill is being read in its entirety.

The Secretary resumed and concluded the reading of the bill.

Mr. GALLINGER. Mr. President, while I introduced the pending bill, it having come from the Commissioners of the District of Columbia with their indorsement, I thought the bill properly belonged to the Committee on Education and Labor rather than the Committee on the District of Columbia, and I moved that reference. The Senator from Iowa [Mr. DOLLIVER], the chairman of the Committee on Education and Labor, made the report, and I am very happy to pass the bill over to him for management.

Mr. DOLLIVER. Mr. President, before I begin the statement which I desire to make in respect to the terms and provisions of the bill, I desire to make a brief statement in reference to the general situation of proposed labor legislation in Congress on the subject of the employment of children.

A bill was introduced by the Senator from Indiana [Mr. BEVERIDGE], undertaking to deal in a national way with the evils of child labor. That bill also is pending. Having been referred to the Committee on Education and Labor it is pending before that committee. The present session has been one of unusual labor for the Committee on Education and Labor; hearings have occupied a good many days of their time; members of the committee have been engrossed with other occupations incident to their service on other committees; and I regret to state to the Senate that the committee has had practically no opportunity to take up or hear or come to an opinion in respect to the bill introduced by my honored friend from Indiana.

Grave questions are involved in that bill, questions of constitutional interpretation and practical questions arising out of the nature of the subject. A good many people have advanced the opinion that it is of doubtful constitutionality for Congress to undertake to deal with domestic questions arising in the various States of the Union, and that the power granted to Congress to regulate interstate commerce will have to be strained, if not entirely overstepped, should we undertake to deal with that subject in that way.

Others of the committee maintain that this question is essentially a question for each State. They assert that thirty-five or thirty-six States of the Union have already dealt with it more or less effectively, and they doubt the wisdom of transferring to the arena of national legislation a question which appears to be peculiarly suitable to the legislative discretion vested in the lawmaking power of the several States.

I do not at this time state my own views, because they have not altogether ripened into mature opinions in respect to these matters, but I will state to the Senate, and especially to my friend from Indiana, that it is the purpose of the Committee on Education and Labor, as soon as possible, certainly within the earlier days of the next session of Congress, to take up the questions involved in his bill and endeavor, if possible, to reach a conclusion and place that conclusion in the form of a report upon the Calendar of the Senate. I therefore have indulged the hope that we might now deal with the questions about which we have undoubted jurisdiction and in respect to which we are the sole legislative authority.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. Mr. President, I rise at this point, at the conclusion of that part of the Senator's remarks which were made after conferences with the Senator from Iowa [Mr. DOLLIVER] as chairman of the Committee on Education and Labor, which has the national child-labor bill in charge, and also with various Senators, to say that, in view of the Senator's assurance that the Committee on Education and Labor will soon take up the bill to which the Senator has referred, looking to an early report of the bill, so that the matter may be considered on the floor of the Senate at an early day next session, I shall not at this time offer that bill or any part of it as an amendment to the pending bill.

I had thought possibly that I might do that, but in view of the understanding that the bill will soon be reported and that surely next session we shall consider it, and also with that understanding, in deference to the desires of a good many Senators on both sides of the Chamber who have spoken to me personally about it, who do not desire at this juncture and in this connection to consider the matter in the form of a vote at this time, I defer offering any amendment to the bill now. I do that, as I said, in deference to the desire of Senators and upon the assurance which the Senator from Iowa has just given.

I want to say, if the Senator will pardon me just a moment more, that I shall expect a reasonably early report upon the bill, and I have been assured by practically all of the members of the committee on both sides, the senior Democratic Senator on that committee, the Senator from Maryland [Mr. RAYNER], and practically all of them, that that would be the disposition of every member upon both sides. I shall therefore expect a reasonably early report, and that not later than at some early time at the following session we shall consider the bill and vote upon it. The Senator from Maryland can bear me out in that statement.

Mr. RAYNER. As far as I am able—of course I am only a single member of the committee—I accede to that. I am opposed to the bill, but I certainly think it is deserving of discussion. I think it is one of the most important bills we have ever had before us, and I will agree to fixing any day for its consideration.

Mr. BEVERIDGE. Now, just one word more and I am through, if the Senator from Iowa will bear with me.

I wish to say, further, so that it may go on record, that the bill was before the committee for all of the last session, which was three months. It has been before the committee again for all of this session, which is five months. I make no complaint whatever of the committee for not earlier acting; but now that the subject is up and this agreement has been reached, perhaps a further suggestion might be made, and it is drawn out by the statement about the legislation in various States.

As I showed last year upon sworn testimony, this is an evil which is of a peculiarly shameful nature. All the time that we have been waiting and delaying this bill hundreds of thousands of American children are being permanently ruined every year, and not less than 10,000 are being killed every year by this thing.

Now, as to the constitutionality of the bill, there has been an argument presented to the Senate last year showing its entire constitutionality, which the Senator from Maryland [Mr. RAYNER] the other day referred to in too partial words, which I appreciate and for which I thank him, and that argument no man has answered or tried to answer. I was prepared to-day, except for this understanding, to go on with it. This agreement is the only reason I do not go on with it now. I merely call attention at this time to the fact that in the more than a hundred years of the existence of the Supreme Court it has never yet in one single instance failed to sustain any law brought before it prohibiting any article from interstate commerce, and to the further fact that there are now on our statute books about a score of laws prohibiting various articles from interstate commerce, some of them absolutely harmless in themselves and some of them involving manufacture. Now, that is all I desire to say. The statement of the Senator is satisfactory. Accordingly, I shall expect an early report of the bill, and at the beginning of the next session a consideration of it and a final disposition of the bill early in the session.

Mr. DOLLIVER. Mr. President, I do not intend to detain the Senate very many minutes. This bill was rather thoroughly debated at a former session of Congress. It comes before the Senate to-day, I think, in a form materially improved as com-

pared with its previous form, and I express the hope that it may be found upon examination to be satisfactory to those interested in the question.

I have been derided somewhat in the newspapers for having emphasized the importance of this bill and of legislation kindred to it applicable to the same subject. I have no apologies to make for the interest I have taken in child-labor legislation. I confess that I have been influenced largely by the opinions of educated and high-minded women all over the United States, who have, in the nature of the case, not only a peculiar interest in the subject, but a peculiar ability to understand it and a peculiar right to press their opinions upon the attention of Congress. They do not come to Congress very often with their views or their opinions; they are absent as an element in the opinions which we are forced to consider in respect to practically all of the economic questions with which the Government has to deal; but here is a question relating to the fireside and the home life of the American people, and there could be no better tribunal before which to submit such a question than the trained and skilled opinion of the women of the United States.

I therefore make no apology for the importance which I have attached to this legislation. I have been led to give it an additional importance in my own mind from the fact that we are in the District of Columbia behind nearly every well-ordered American community in respect to the provisions of our law covering questions of child labor. Nearly every great American State has seen and recognized the importance of legislation of this character. The District of Columbia almost alone among our American communities has apparently given no attention to it; its conditions have received no attention from the only lawmaking authority which exercises jurisdiction over it. I hold that that is to the discredit, in a certain sense, of the Congress of the United States, because we have here a great city, one of the great cities of the United States, and in the future, in my humble opinion, a city that will rank in population and in wealth with the great centers of population in our country.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate commerce law.

Mr. KEAN. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Jersey asks that the unfinished business be temporarily laid aside. The Chair hears no objection, and it is so ordered. The Senator from Iowa will proceed.

Mr. DOLLIVER. I have therefore been impressed with the importance of Congress giving attention at this session to the child-labor question in the District of Columbia, not only by reason of the demand for it arising from the nature of our situation here, but owing to the additional fact that other States are finding their way, slowly, it is true, to a solution of their child-labor problems, and it can not be without a high moral influence in these communities now engaged in the study of these questions that the District of Columbia has taken this forward step and has done it along the lines of the best models of legislation which have been afforded by the study of other communities.

I am not one of those inclined to speak harshly of those sections of our country which have omitted legislation of this character. We come of a hard-working race of men. We come, most of us, out of households where the labor of children was not only encouraged, but insisted upon, and there are some of us who are hereditarily old fashioned in our opinions as to what ought to be done in respect to the labor of children.

There are many occupations in which child labor is not only harmless but helpful in the highest degree. I will confess for one that if I had to choose between the idleness of children and their employment in some useful occupation, it would require a very strong argument to draw me toward legislation giving them an enforced condition of idleness.

But modern industrial and commercial conditions in the United States have practically made obsolete all our old views in respect to the work children ought to do. Those of us who have worked on a farm in our boyhood do not have the point of view which modern society requires us to take in respect to the rights of the children of this day and of this age. In the factories, in the mines, even in the saloons and theaters and places of evil resort in this District and all over the United States, indeed, children are employed; and the question is not only one of their occupation, but one of their moral character and their preparation for the business and for the duties of American citizenship.

So this legislation has arisen in these later years, not only in our own country, but in the great industrial countries of the world, not for the purpose of producing idleness among the children of the community, but for the purpose of giving them an opportunity for that intellectual culture and training without which their position in our life must necessarily be small and meager.

We have in the District of Columbia a great system of public education. It is compulsory in character, and we expend upon it annually the vast sum of $4,000,000. And yet we have year after year permitted hundreds—I may even say thousands—of children in this community to walk right past the doors of the schoolhouses, and through truancy or through the avarice of parents or guardians neglect the business of education that they may make a few paltry dollars for their own support and for the support of their families.

My position is that modern society owes to its children that leisure and that freedom from pressing occupation which, at least, is required to complete the education which the law gives freely to every boy and every girl in the United States. It is from that standpoint that a statute such as is proposed here makes especially its appeal to me.

Besides that, in the District of Columbia, from my own personal observation, from the testimony of intelligent men upon the police force, and from consultation with those who have, with a philanthropic interest, devoted some of their attention to the welfare of others and especially to the welfare of these little ones, I have reached a conclusion, and I think it is fully warranted by the facts, that hundreds of our children in this District have been allowed to drift into occupations which not only take away from them the privileges of education, but lay the foundation for that corruption of their character which no subsequent experience of their life can completely correct.

Therefore, in my judgment, it becomes a moral duty of significant influence and of tremendous pressure upon our consciences to put this District at least abreast of those communities which have successfully dealt with this question. This bill does that. I am aware that it is without any claim to being perfect, and I will consider very fully and ask the Senate to consider every suggestion that is made from either side of the Chamber toward correcting its imperfections—that is, making it more applicable and efficient for the business in hand. But when we get through with it, I want to be able to say on behalf of the Senate and of this Congress that we have done within our unquestioned jurisdiction a little, at least, to take these children out of dangerous and unnecessary employments and get them in the daytime in the public schools of the District and into their little beds at night. And with that I desire to add nothing further.

Mr. GALLINGER. Mr. President, I have three or four amendments that I should like to offer to the bill. In line 6, page 1, after the word "restaurant" I move to insert the word "saloon."

Mr. NELSON. Does the Senator intend to offer his amendments now?

Mr. GALLINGER. Yes; the bill has been read and it is now open to amendment.

Mr. NELSON. Before you go into that I should like to say a few words on the general subject.

Mr. GALLINGER. I will yield for that purpose.

Mr. NELSON. If that will be agreeable to the Senator.

Mr. GALLINGER. It will be very agreeable indeed. I yield for that purpose.

Mr. NELSON. Mr. President, I do not intend to enter into any extended discussion of this measure. I want to say in the first instance that I regard this bill with all its imperfections as a great improvement on former bills, and especially am I glad of the fact that it has given a species of immunity to newspaper boys.

I think in this matter of child labor there is a tendency to run to extremes. There is a tendency in our modern system of education to educate children away from work. I think one of the most essential parts of the education of a child is to bring that child up to work and to know how to work. It is just as important to accustom the child to labor to earn his living by the sweat of his brow and the toil of his hands as it is for the child to have a limited amount of book learning. I can not conceive of any greater calamity that can befall young boys than when there is no school where they can attend, when the school is not in session, when there is a vacation, to commit those children to absolute idleness.

In the country we know the boys and girls always find something to do on the farm. We know, as a rule, that when the children of farmers grow up they come to be the very best citizens in all this country. In fact, Mr. President, the intellectual and moral life in the large cities of the country would deteriorate in the course of a few generations were it not for the steady stream of fresh blood, fresh brains, and fresh vitality that is poured into them from the country.

Now, what does the bill propose to do in some of its features? It practically proposes to exclude all boys under 14 years of age from all possible employments in the District of Columbia. The range of employment in a town of this kind is more limited than it is in other localities or in rural communities. The bill proposes that no child under 14 years of age shall be permitted or suffered to work in the District of Columbia in any mercantile establishment, any store, any business office, any telegraph office, any hotel or apartment house, or in the distribution or transmission of merchandise or messages.

If we applied this legislation to our own body here, we would have to turn out most of the pages here. I called up one of these little boys a moment ago and asked him, "How old are you?" "I am 11 years old," he said. I called up another, and he said "I am 12 years old;" I venture to say that most of the bright boys that we have here in service every day are under 14 years of age.

Now, is it not an act of injustice and cruelty for you to commit these boys to a life of idleness when there is no school in session? Is it not as much a part of their education to teach those boys how to work and to earn their own living while they are growing up as it is to send them to school to learn a bit of grammar and a bit of geography and arithmetic?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. I am interested in what the Senator is saying about the lads not only employed here, but in the House of Representatives. I think it is the best school they can possibly find. It is interesting to state the fact that these boys are not neglecting their studies by any means. They have their schoolbooks here and many of them go to night schools. I will say to the Senator that I had been intending, unless he offers it, to submit an amendment to the bill exempting these boys from the provisions of the proposed law.

Mr. NELSON. That would be very kind. But why do you discriminate against the other boys? There are only a few who can get these favored places here in the two bodies of Congress.

Mr. GALLINGER. The other boys, of course, would include all other boys, and if we did that we would not have any law.

Mr. DOLLIVER. If the Senator from Minnesota will permit me, I would say that I shall offer no objection to his amendment exempting from the operation of this statute the children who are employed as pages and attendants in the Chamber of the Senate and of the House of Representatives. The two things that I have in mind—the moral and mental training of children—are not disturbed, I think, by their presence in the Senate; at least, I will not be one to admit that it is so.

Mr. NELSON. There are people outside of this Chamber who may differ with the Senator on that point.

I speak from my own experience, Mr. President. From the time I was 11 years old I was obliged to work for my living. When I was 12 years old I walked behind a plow and yoke of cattle and held the plow, and I want to say to Senators it was the proudest moment of my life when I was able to guide that plow and drive those oxen. I have always felt that whatever success I have had in life is owing to the fact that from the time I was a little boy I was obliged to work for my living; and I have always felt that the best part of my education was the education that taught me how to work and labor and earn my own living in my younger days.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. The Senator's experience in working as a boy, which many others on this floor have shared, was in the open air, as I understand it.

Mr. NELSON. Sometimes.

Mr. BEVERIDGE. At all events——

Mr. NELSON. I worked in a store.

Mr. BEVERIDGE. But at all events——

Mr. NELSON. I worked in a blacksmith shop. I worked in a paint shop. In other words, I boxed the compass when I was a boy in the way of employment.

Mr. BEVERIDGE. But the Senator's youth was not spent in cotton mills, sweatshops, nor coal mines, I take it.

Mr. NELSON. That is not involved in this bill. It is involved in the Senator's bill.

Mr. BEVERIDGE. Yes; that is the very point I was making. I agree very heartily with most of what the Senator is saying. The early employment of children in the open air at labor not beyond their strength undoubtedly helps to an upbuilding not only of their physical constitution, but to the formation of a self-reliant and independent character. I think that no human being who has studied this question seriously would object to that kind of employment. I am aware that the question that I asked is not covered by this bill.

But I want right at that point to emphasize a fact that I know the Senator from Minnesota heartily agrees with me upon, that such labor as he described, and which all of us agree to be useful—and all who have studied the question must so agree—is not the criminal, ruinous, and murderous employment of children in the mills, mines, and sweat shops of the country, which is the great evil which we must soon attack. It was merely for that purpose that I arose. I am much obliged to the Senator for yielding to me.

Mr. NELSON. Mr. President, the observations of the Senator from Indiana not being germane to this bill, of course, the Senator will excuse me for not replying to them at this time.

I desire to add that I think some of these reformers, while their intentions are good, are utterly mistaken. Their theory is that up to a certain age the child should be kept away practically from all kinds of work and kept in school when there is school; and when there is no school, kept in a state of idleness. They seem to believe that the whole education and development of a child consists in his attending school. I know of what I speak from my own experience—and I will give a little more of it—and I think experience is the best school. I attended one college for some three years, and after that I went into another college. I then enlisted as a private soldier in the United States Army in the civil war and served as a private and noncommissioned officer for over three years in that Army; I carried a knapsack and a gun; and I want to say to Senators that—of all the education and of all the training—the best training I ever had in my life was my three years and two months' experience in the Army of the United States. I learned lessons there that I never could have learned in any school. It not only improved me intellectually, but it improved me physically. I was trained to love and venerate this country and the flag of this country as I could not have been under any other circumstances and conditions.

While I am in favor of giving children a reasonable amount of education—that is, a reasonable amount of book learning—I do not want that part of their education which is essential to their development and well-being, to wit, that part of their education which involves their ability to earn a livelihood, to be repressed and checked. To my mind, it is as essential for a young boy growing up to learn how to work and to earn his own living as it is to go to school and learn what is laid down in the books.

Mr. President, I have often thought that in recent times in this matter of education we are running to excess. I mean by that not that every boy and girl ought not to have a good, fair education, but I think we are overdoing it to this extent: We are seeking to overeducate our people, and to educate them away from work. To my mind a boy or a girl, I repeat, ought to have a fair education, yet they never ought to be educated in such a manner that when they grow up to manhood or womanhood they feel above good, honest, hard work. We never know until we come to the end of our life's journey what may befall us, and that boy who is able to turn his hand to any kind of work and that girl who is able to turn her hand to any kind of proper work will be more successful and get through the journey of life more happily and comfortably than those who are brought up in idleness. The most helpless beings under the sun are some of the overeducated boys and girls who leave our colleges and go outside and hang around waiting for some genteel, kid-gloved employment; and if that is not at hand, they gravitate to a life of absolute idleness. Give me a boy or a girl who is not only ready to learn what is in the books at school, but is also ready to take up the tasks of life with all of life's burdens, whether they be manual labor or some lighter and more genteel work.

Now, take the bill which is under consideration. It proposes to absolutely commit every boy in this District, when there is no school in session, to a life of absolute idleness if he is under 14 years of age. What other employments than those named in the bill can a boy find in this District to engage in? He is excluded from the factory and the workshop, and it is all right to exclude him from them; but he is also excluded from mer-

cantile establishments, stores, business offices, telegraph offices, restaurants, hotels, apartment houses, theaters, bowling alleys, and the distribution or transmission of merchandise or messages. Why, he can not even carry a package from a store to a Senator's house. If the Senator from Iowa [Mr. DOLLIVER] were to go down and buy a silk hat at one of the stores here and would not want to carry it home, a boy, unless he was 14 years of age, would not have the right to take that hat up to his house.

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. DOLLIVER. I do not know whether the Senator from Minnesota is aware of it, but he has touched one of the most offensive features of child employment in the District of Columbia. Last night a lieutenant of police told me that, raining as it was, there were dozens of little fellows scurrying about this town, often in its lowest and least desirable sections, amid the haunts of vice and crime, carrying messages and packages. He also told me that nearly all the juvenile crime in the District of Columbia arose from the fact that scores of children are spoiling their moral character by this association with thieves and evil-minded persons in the lowest sections of this city, acting as messengers for merchants, for telegraph companies, and for others.

Mr. NELSON. But that is not all of the city of Washington. There is a good deal of the city of Washington that is respectable, where it is perfectly safe for boys to go. If this bill limited the boys to serving the respectable classes and in the respectable sections of the city, I think it would be all right.

Mr. DOLLIVER. That is not a practicable division of the city. You can not expect a telegraph company to discriminate——

Mr. NELSON. I want to remind the Senator from Iowa, in this connection, that there are adults who do not always keep away from those sections of the city.

Mr. DOLLIVER. That is true; but they are already spoiled.

Mr. NELSON. Unless the Senator from New Hampshire [Mr. GALLINGER] offers such an amendment, I shall move, in line 3, page 1, to strike out the word "fourteen" and to insert the word "twelve;" in lines 5 and 6 to strike out the words "mercantile establishment, store, business office, telegraph office;" in the same line, after the word "restaurant," to strike out "hotel, apartment house;" and in line 7 to strike out "or in the distribution or transmission of merchandise or messages." If the Senator from Iowa wants a limitation on that paragraph as to where these boys can deliver messages or carry merchandise in the city, I have no objection.

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. DOLLIVER. I have no dogmatic views about it; but I should like to see the District of Columbia at least present as fair an appearance to the world as does the State of Minnesota. Why should the Senator from Minnesota desire twelve years to be the minimum here, when his own State makes the minimum fourteen years?

Mr. NELSON. That is as to factories and shops. It does not include everything that this bill does.

Mr. DOLLIVER. I intend to examine it with a little more care; but I should like the District to be at least on a par with the great State of Minnesota.

Mr. NELSON. It is on a par. We do not limit the employment as it is limited in this bill. The State law of Minnesota relates to shops, mines, and factories. But I should like to ask the Senator from Iowa or the other friends of the bill to point out, after you exclude boys from all the kinds of work named in the bill, what other kind they would find to do here in the District of Columbia? Would they not have to lead a life of idleness?

Mr. DOLLIVER. Not at all.

Mr. NELSON. What could they do?

Mr. DOLLIVER. There are always household occupations; there is gardening; and, following the example of my honored friend, they might retire to the rural districts occasionally to some good farm.

Mr. NELSON. That is, the Senator thinks these boys are like Senators, and when there is no school in the city they can retire to the country.

Mr. DOLLIVER. That is the way I did; and that is the argument the Senator has made very respectable.

Mr. NELSON. I think the Senator would find that most of the boys in the city would want means to go out to the country to get employment there, and that they would be actually committed to a life of idleness.

As I have said—and I do not want to delay the passage of this bill—I am in favor of reasonable regulation, but I think it is a mistaken idea to put the limit which has been put into this bill. I think that boys, such as the messenger boys whom I see before me here, when there is no school to attend during vacation—and there have been times in the past here in this city when the schools could not accommodate all the pupils—I think during those times they ought to have an opportunity to engage in proper light employment, such employment as they could find in the city of Washington.

Most of the boys and girls are the children of poor parents, who need their help. If they are idle they are a burden to their families. Oftentimes these young boys can be of great assistance in helping their fathers and mothers to eke out a scanty living, and while they are doing that they are educating themselves and developing themselves for the harsher and rougher duties of life that they will have to meet in the future. To leave them utterly unacquainted with labor, to bring them up to a life of idleness, and to give them simply a book education, is, to my mind, a grave mistake, and it is an injustice to the boys.

Mr. GALLINGER. Mr. President, I do not care to take the time of the Senate in the discussion of the general features of this bill. If I had drafted it, I should have drafted it somewhat differently from what I find it, but, on the whole, it is a very good bill, and I am going to vote for it after I have succeeded, as I trust I may, in inserting a few and possibly inconsequential amendments in the body of the bill.

I move to insert after the word "restaurant," in line 6, on page 1, the word "saloon."

The amendment was agreed to.

Mr. GALLINGER. In line 7, before the word "theater," I move to insert the word "pool room."

The amendment was agreed to.

Mr. GALLINGER. In line 7, after the word "theater," I move to insert the word "or."

The amendment was agreed to.

Mr. GALLINGER. In line 7, after the word "alley," I move to strike out the word "or," and insert the words "nor during school hours."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 7, after the word "alley," it is proposed to strike out the word "or" and insert the words "nor during school hours."

Mr. CLAY. Mr. President, will the Senator allow me to ask him whether the amendment, if it be adopted, would make the restrictions in lines 3, 4, 5, 6, 7, and 8 simply applicable to the hours after school closed?

Mr. GALLINGER. It would not. It applies to the words that follow, and I propose to add some words after that. It would read "nor during school hours in the distribution or transmission of merchandise or messages."

Mr. CLAY. In other words, a child under 14 years of age would not be permitted to work at all in any of the places designated, nor during school hours in the distribution or transmission of merchandise or messages?

Mr. GALLINGER. They would not.

Mr. CLAY. That is not objectionable.

Mr. DOLLIVER. I should like to inquire of the Senator from New Hampshire whether that would not allow employment outside of school hours of a child in the transmission of messages without any age limit at all, so that we might have children of tender years carrying telegrams and messages all over the city?

Mr. GALLINGER. I think not. I think the 14 years applies to that.

Mr. BEVERIDGE. The fourteen years' age limit governs the whole section.

Mr. GALLINGER. Fourteen years governs the whole of the first section without a doubt. I think if the Senator examines it he will see that is so.

Mr. DOLLIVER. I have very great confidence in the judgment of the Senator from New Hampshire, but facts brought to my attention by those who have given very much more attention to the subject than either of us have convinced me that one of the most flagrant evils of child employment in cities like this is in the business of delivering messages and packages in a promiscuous way. I do not see how it will be possible to divide this District into that part of it which is reputable and that part of it which is disreputable. I should exceedingly regret to have this bill left in such a shape that a child under

14 years of age should be found anywhere about the city in the night delivering messages.

Mr. GALLINGER. I agree with the Senator on that point, and would not urge this if I believed that it did allow children under 14 years of age to do this. I think, if the Senator will read the section carefully, he will discover that the exceptions I propose by the amendment, as well as the positive inhibitions, apply to children under 14 years of age. I think when children are not in school, if there is a holiday or before the hour of 9 o'clock in the morning or after the hour of half past 3 in the afternoon, they might well be employed in this light work earning a dollar to help support the family or to take care of themselves.

Mr. BURKETT. Even under 14?

Mr. GALLINGER. No; no child under 14 years of age——

Mr. BURKETT. Or under?

Mr. GALLINGER. No; not under.

Mr. BURKETT. If the Senator puts in "nor during school hours," that clause opens up to a child under 14 years of age the distribution or transmission of merchandise or messages.

Mr. GALLINGER. Let me see. The bill reads:

That no child under 14 years of age—

That is, a child of 14——

Mr. BURKETT. Or under?

Mr. GALLINGER. No.

Mr. BURKETT. "No child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia" in any of the ways which the bill mentions.

Mr. GALLINGER. Exactly. "Nor during school hours in distribution"—no child under 14 years of age.

Mr. BURKETT. "Nor during school hours shall distribute and transmit merchandise." So that outside of school hours a child under 14 years of age will be permitted to do those two things.

Mr. GALLINGER. I confess I can not read it in that way; but possibly the Senator is right. It seems to me it is a mere exception.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. GALLINGER. Certainly.

Mr. BEVERIDGE. If the Secretary has the amendment, I suggest that he read that portion of the bill as it will read if amended, and we will see.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, saloon, hotel, apartment house, pool room, theater, or bowling alley, nor during school hours in the distribution or transmission of merchandise or messages.

Mr. BEVERIDGE. So that it would read, with reference to this particular subject under discussion, that no child under 14 years of age shall be employed during school hours in the transmission of messages.

Mr. GALLINGER. That is the way I read it.

Mr. BURKETT. "Shall be employed during school hours." Therefore they can be employed in the transmission of messages in other hours.

Mr. GALLINGER. Mr. President, the matter that I have suggested might go into the bill now, and Senators can examine it when it is reported to the Senate. I will agree to any modification, but I think I am right in my interpretation of it.

Mr. BEVERIDGE. The intent of all Senators is the same, and the language can easily be arranged.

Mr. CLAY. The Senator from New Hampshire clearly intends by his amendment to allow children under 14 years of age to be employed in the distribution or transmission of merchandise or messages when they are not in school—after school hours, I presume?

Mr. GALLINGER. My purpose is to allow any child 14 years of age to do that. I think my amendment does it; but perhaps it does not. I know how difficult it is to frame bills when we are discussing them.

Mr. CLAY. This bill simply applies to children under 14 years of age.

Mr. GALLINGER. It inhibits them.

Mr. CLAY. Those children, though, can be employed under the provisions of the amendment offered by the Senator in the distribution of merchandise or messages. Does the Senator understand it in that way?

Mr. GALLINGER. No; that is not my purpose, I will frankly say.

Mr. CLAY. Nor in the distribution or transmission of merchandise or messages after school hours?

Mr. GALLINGER. Or during school hours.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I will yield to any Senator who will give me light on this subject. I want to have this just right.

Mr. TELLER. I do not know that I can give any light, but it seems to me that this bill deals only with children under 14 years of age, and, of course, under this amendment any child, whatever his age may be, after school hours would have the right to transmit messages. That is the way it seems to me, but I do not know whether that is so or not.

Mr. GALLINGER. Mr. President, my interpretation of it is that——

Mr. TELLER. It seems to me it is better to leave it as it is; but I do not know.

Mr. GALLINGER. Very well, Mr. President; I will withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. GALLINGER. But I will move to add, after the word "messages," in line 8, the words "or selling newspapers."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 8, after the word "messages," it is proposed to strike out the period and insert a comma and the words "or selling newspapers."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. NELSON. I object to that amendment. I do not want newsboys to be cut off.

Mr. DOLLIVER. Mr. President, it will be seen that a subsequent part of that section gives to these children the right to sell newspapers outside of school hours and in the daytime. I believe that is as far as we ought to go. I myself doubt the wisdom of preventing children from selling newspapers outside of school hours within the hours of daylight.

Mr. BEVERIDGE. I call the Senator's attention to the fact that during the winter the hours of daylight close about the time the evening editions of the newspapers are issued. I merely call the Senator's attention to that, so that he can guard any amendment that is put in upon that point; otherwise it would not be possible to distribute newspapers in the winter.

Mr. GALLINGER. I will ask the Senator if he thinks that the concluding sentence of that section permits children to sell newspapers and transmit messages?

Mr. DOLLIVER. No; the sending and transmission of messages is prohibited in a former portion of the section. The remaining part of it, after their employment is previously mentioned specifically, is as to the hours when the District schools are in session and the hours of daylight. My notion was that the selling of newspapers would be included in that, and the limitation of the right to sell would be that they should not leave school to sell newspapers and that they should not be found in the nighttime on the street.

Mr. GALLINGER. Mr. President, accepting that interpretation, because the Senator from Iowa knows more about this than I do, I withdraw the proposed amendment.

The VICE-PRESIDENT. The Senator from New Hampshire withdraws his amendment.

Mr. GALLINGER. I have one other amendment to offer. After the word "evening," in line 13, I move to insert the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 13, after the word "evening," it is proposed to strike out the period and insert a semicolon and the following words:

Provided, That the provisions of this section shall not apply to children employed in the service of the Senate and the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. If the Senator from Iowa objects to the amendment I am about to propose, I will not urge it; but I have a communication from the board of education asking me to propose an amendment at the close of the bill. Section 11 reads:

That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act.

They ask me to have inserted these additional words—

And in all cases arising under an act providing for compulsory education in the District of Columbia, approved June 8, 1906.

The compulsory education law is one that is akin to the bill we are now considering. The juvenile court is doing such

excellent work with the children of the District of Columbia that the board of education would like very much to have the cases arising under that act placed under the jurisdiction of the juvenile court.

Mr. NELSON. I ask whether this is an amendment to section 1?

Mr. GALLINGER. No; it is to come in at the close of the bill.

Mr. NELSON. Before we pass section 1, if the Senator from New Hampshire is through, I have some amendments to offer to that section.

Mr. GALLINGER. Does the Senator object to the amendment I have suggested? It simply gives to the juvenile court jurisdiction of children under the compulsory education act, as it is given jurisdiction under the provisions of the pending bill.

Mr. NELSON. That ought to come in at the end of the bill.

Mr. GALLINGER. It comes in at the end of the bill. The Senator can recur to section 1.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

Mr. NELSON. I object to the consideration of that amendment, Mr. President, until we get through with other portions of the bill.

Mr. GALLINGER. Well, then, Mr. President, I will withhold the amendment. I think it is immaterial. The Senator is technical.

Mr. HEYBURN. Mr. President, I offer the amendment which I send to the desk.

Mr. NELSON. I do not intend to be technical at all; but I want to perfect section 1, and I move to strike out the word "fourteen"——

The VICE-PRESIDENT. The Chair will recognize the Senator after the amendment proposed by the Senator from Idaho [Mr. HEYBURN] is passed upon.

Mr. NELSON. I was not aware that the Senator from Idaho had proposed an amendment.

The VICE-PRESIDENT. Yes. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. After section 2——

Mr. GALLINGER. The Senator from Minnesota desires first to perfect section 1.

Mr. HEYBURN. This amendment applies to section 1.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After section 2 it is proposed to add the following:

Provided, That the provisions of this act shall not apply to the employment or work required of any child in and about the home or place of business of the parent, guardian, or custodian of such child having the duty of clothing and providing food and lodging for such child.

Mr. HEYBURN. Mr. President, upon a very careful consideration of sections 1 and 2, it seems to me that, in the absence of a provision of this kind, the child will become a very dominant factor in the household and might refuse perhaps to do chores before 6 a. m. or after 7 p. m. or to perform any labor. This bill includes restaurants and boarding houses. There are in this city quite a large number of such institutions that are conducted by women, widows oftentimes, and sometimes by the parents of children who require the assistance of the children in the minor duties of conducting these boarding houses and restaurants. If we undertake to place the child in a position where it could refuse before 7 o'clock in the morning or after 7 o'clock in the evening to assist in the performance of the ordinary duties in connection with the earning of a livelihood, we would make the child the master of the parent and we would deprive the parent of the assistance which it is only natural and proper that the child should render. Therefore, in order that there may be no doubt but that this class of service is excepted from the restrictions of this bill, I have prepared this amendment. It would hardly be becoming that a child, say 13 years of age or near 14, a big strong boy perhaps, or a girl, as you may choose, should be in a position to decline to take part or assist in the service of a house that was, for instance, a boarding house or a lodging house, where there are duties to be performed at all hours in order to make the business profitable; it would hardly be becoming that a child who is sustained and clothed and fed and housed by the parents should be in a position to say, "It is after 7 o'clock, and I will not help clean up this table or wash these dishes or make these beds or bring coal from the cellar. I will not do it, because the law says I shall not do it."

We ought not to enact a law of that kind, and it seems to me it is going a long ways toward taking the ordinary and proper custody of a child from the parent who is responsible for feeding and clothing and providing a home for the child. What would happen if the law should do what is proposed to be done by this bill—say that the child shall not contribute at all, even by the performance of these minor duties, toward the household, toward keeping the house—and the parent should say, "If the public is going to deprive me of the assistance of my family in making a living for them, I decline to clothe them or furnish a house for them?" What would you do? Do you think it would be competent for Congress to enact a law saying that the parents should provide a home and clothe and feed these large, grown children when they decline to contribute the ordinary share of labor toward keeping the household of the poor? This proposed law might work very well if everyone was rich or if people could live without regard to the making of a daily income. But it seems to me we should be very careful not to take away from the parent the right to those services at the hands of the child that are natural and proper because the child is a part of the household. If it is a properly constituted and organized child, it has an interest not only in maintaining itself, but in assisting to maintain its parents where they are feeble or there are other younger children.

Very often one or two children in a household perform absolutely essential duties toward the maintenance of other younger children and infirm and aged or crippled parents. For that reason an amendment of this kind, I think, is necessary.

Mr. BURKETT. I should like to ask the Senator from Idaho a question, since he has looked up that point. I understood the chairman of the committee to say that this bill was modeled very largely after the laws in the thirty-six States that have similar laws. Has it come under the Senator's observation that the leaving out of that clause has caused any trouble in any of the States?

Mr. HEYBURN. It is not my observation that such provisions have been omitted from the legislation.

Mr. BURKETT. The chairman said——

Mr. HEYBURN. This bill is a composite of all the bills. It contains, therefore, all the most drastic measures. Senators will find upon examination that it is not true that all of the various States having laws have gone so far as this bill goes. We have perhaps as good and efficient a child-labor law in the State of Idaho as has any State in the Union. I am thoroughly in sympathy with this class of legislation, and I have taken an active interest in educational matters all of my life. I have been more or less associated with them. So I am not without experience in the education of children. I claim that you can not take the custody of a child entirely away from the parent and then require the parent still to maintain the child. You can not do it.

Mr. BEVERIDGE. Just a word.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. The Senator is right about his statement with reference to State laws, and he might have gone still further. There is no State in the Union that has a law going as far as this.

Mr. HEYBURN. No; not one.

Mr. BEVERIDGE. Not one.

Mr. DOLLIVER. Mr. President, there is nothing in this proposed law that interferes, or possibly could interfere, with a child working in its own home. It says—

No such child shall be employed in any work performed for wages.

Mr. HEYBURN. The Senator has omitted the words "permitted or suffered" to work, in line 4, on page 1.

Mr. DOLLIVER. Yes; but there is nobody in his own home conducting "any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel"——

Mr. HEYBURN. Yes; "restaurant, hotel, apartment house." All of them are conducted in homes in this city, and are conducted largely in connection with the homes.

Mr. DOLLIVER. I think the intention of this bill is to apply only to work that is performed for others for wages, excepting these dangerous occupations where one ought not to be permitted to employ his own children.

Mr. HEYBURN. Is there any objection to the proviso?

Mr. DOLLIVER. I do not think it is necessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

Mr. NELSON. I move, in line 3, on page 1, to strike out the word "fourteen" and insert "twelve," so that the bill will read:

That no child under 12 years of age shall be employed, etc.

Mr. DOLLIVER. Mr. President, I call attention to the fact that practically every State in the Union has made the limit 14, including the State of Minnesota, and while it is true that the statute of the State of Minnesota applies only to factories or workshops or mines, yet it distinctly says that he shall not

be employed in any mercantile establishment or in the service of telegraph, telephone, or messenger companies, except during the vacation of the public schools.

I should regard the reduction of this minimum limitation of age as placing the District of Columbia in a position distinctly inferior to that assumed by nearly every State in the Union.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was rejected.

Mr. NELSON. I move, in line 5, page 1, to strike out the words "mercantile establishment, store, business office." The object of the amendment is to permit boys to work in mercantile establishments and stores and business offices.

Mr. DOLLIVER. Mr. President, I again call the attention of the Senate to the fact that that distinctly places the District of Columbia in a position morally inferior to the State of Minnesota. The statute of Minnesota provides that no child under 14 years of age shall be employed in a factory or workshop; and yet my friend the Senator from Minnesota proposes to strike out "workshop."

Mr. BEVERIDGE. No.

Mr. NELSON. No; I leave in "workshop." I have merely moved to strike out the words "mercantile establishment, store, business office." That is all. They are not excluded under the laws of the State of Minnesota, except during school hours.

Mr. DOLLIVER. My own observation is that there are few abuses in the employment of children equal to the abuses in the department stores of the United States, and especially at those seasons of the year when the store is crowded with people. I should regret exceedingly to have the District of Columbia statute leave it open to these employers to impress into their service children of tender years.

Mr. SCOTT. Will the Senator from Iowa permit me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. SCOTT. Provided this is not stricken out, could you employ your own son in your own law office, if you were in the District of Columbia?

Mr. DOLLIVER. I would not want to do it prior to his attaining the age of 14 years.

Mr. SCOTT. Did the Senator ever do any work prior to the age of 14?

Mr. DOLLIVER. Yes, sir; some.

Mr. SCOTT. I have not any doubt that the Senator——

Mr. DOLLIVER. I got out of as much of it as I could, I will say to the Senator.

Mr. SCOTT. I myself know a little of the Senator's history, and I am sure he was like a good many of the rest of us. He had to rustle in order to get something to eat. I am sure he would not want to prevent a boy who has nothing to depend upon but his own labor from earning a sufficient amount at least to provide himself with some few clothes and a place to sleep. He would not compel him to go to the poorhouse.

Mr. DOLLIVER. No; I would not. If I had my way about it, I would have these boys out in the open air, under the sky.

Mr. SCOTT. I am sure the Senator would, and if I had my way, I would have all of them educated sufficiently. But we can not all have what we would like in this world. There is theory and there is a practical condition. I have been an employer of labor for thirty-eight years, perhaps longer—at least from the close of the civil war.

I have in mind one man who is a stockholder in the company of which I am president. He is to-day a stockholder and a director in this large company. He was left a poor boy. If he had not been allowed to learn a trade and to earn a living, no doubt to-day he would have been like many others, a burden upon the community in which he lives. But by permission to work before he was 14 years of age, or when he was 14 years of age, he made his start, his habits were formed, and he accumulated a sufficient amount of money to enable him to raise a family respectably and to educate them.

Now, as I said a moment ago, there is theory and there is practice. I will not disguise the fact that I was left a poor boy. I had to start to earn my own living at 9 years of age. Suppose I had been deprived of that privilege. What would be my condition to-day as compared with what it is? I have, as the superintendent of the factory belonging to the company of which I am president, a man who came to me as a boy very little over 12 years of age one snowy morning and announced to me that his mother had been buried the day before, and that he had been left the sole support of three little sisters and a brother; one sister older than he and the others younger. A very charitably disposed woman sent this boy to me and said that she knew I would give him something to do. I did, and I gave his older sister employment in wrapping glass with paper in the warehouse. Those two children worked for me, and I sent the boy to night school. To-day he is worth probably $50,000, the superintendent of the factory of which I am president, with from four to eight hundred people in its employ at different times; an honorable, respectable citizen. If he had been deprived, under a law similar to this, of the opportunity of earning his own living and a living for his sisters and little brother, they would all have become charges upon that community and possibly would have become mendicants or paupers.

Now, gentlemen, these are facts. This statement can not be controverted truthfully; and if you are going to deprive a boy of doing any manual labor to earn a living until he reaches the age of 16, you will make an undesirable citizen of him, because he will never, in my judgment, learn to do manual labor or take to it after he is 16 years of age. He must be taught industry; he must be taught hardships and what life means before he reaches the age of 16, or he will never make a citizen willing to do manual labor.

Then if you educate them—and you are going to educate them all—who will do the manual labor of this country? Shall we import labor from foreign countries or shall we have our own labor? I hope Senators will look at this question from a practical as well as a theoretical standpoint.

Mr. DOLLIVER. Mr. President, there has probably never been stated in a more persuasive form the argument against the interference of law with the employment of children than the statements which have been made here to-day by my honored friend, the Senator from West Virginia [Mr. SCOTT], and by the Senator from Minnesota [Mr. NELSON], and I confess that it has appealed very strongly to my conservative view of things whenever my attention has been directed to the history of such exceptional careers as these men have had. The argument drawn from the statement which the Senator from West Virginia has made has always had a great deal of influence; it has operated to influence legislation in all industrial countries, but not altogether to stop the progress of child-labor reform; and for this reason: Men perceive that the present-day occupations of children are not such occupations as gave strength and vigor and hope and success to the careers of the Senator from Minnesota and the Senator from West Virginia.

Men perceive also that modern industrial conditions have eliminated that kindly, fatherly attitude of employers toward employees that enabled the Senator from West Virginia to take orphaned children by the hand and look carefully to their welfare, guarding their bodies against overwork, guarding their minds against the corruption that surrounds life, and bringing them up practically as a father would bring up his children, in kindliness and constant supervision of their welfare. If all the employments of American labor had been such employments as gave credit to the early youth and manhood of the Senator from Minnesota, the question of child labor would never have arisen in this world at all; and if the employers of labor throughout the United States and throughout the world had had the broad, generous, manly, fatherly heart that has always governed the Senator from West Virginia as an employer of labor, such a question as this would never have vexed the Parliament of England or the legislature of Massachusetts or the legislatures of the thirty-six other States in the Union, coming at length even to the attention of the Congress of the United States.

While I admit the force and persuasive eloquence with which my friend the Senator from West Virginia has touched in meager detail the outlines of the great career which has been given to him in this world in the good providence of God, I should dislike to have such an experience and such an example influential in the defeat of legislation intended to help as a whole the great body of children in the United States who are under the despotism of the child-labor customs which prevail in a great many sections of our country.

Mr. BRANDEGEE. I should like to move an amendment. In line 4, page 1, I move to strike out the words "or suffered."

The VICE-PRESIDENT. The pending amendment is the one proposed by the Senator from Minnesota [Mr. NELSON], which will again be stated.

The SECRETARY. On page 1, line 5, it is proposed to strike out the words "mercantile establishment, store, business office."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. NELSON. A division, Mr. President.

Mr. SCOTT. I hope we will have a division on the amendment. I am sure the Senator from Minnesota and I and others here want to give a good bill to the District of Columbia, but those five words could come out without doing this bill any injustice whatever, and they certainly would give a little leeway for a poor boy in order to earn his bread.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota, on which a division is demanded.

Mr. GALLINGER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KEAN. Let the amendment be again stated.

Mr. BACON. I ask that the amendment may be again read.

The SECRETARY. On page 1, line 5, it is proposed to strike out the words "mercantile establishment, store, business office."

Mr. SCOTT. Five words.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily absent from the Senate. I transfer the pair to the senior Senator from Kansas [Mr. LONG] and will vote. I vote "yea."

Mr. FRAZIER (when his name was called). I again announce a standing pair with the Senator from South Dakota [Mr. KITTREDGE]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CULLOM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I do not see that he is present, but I will let my vote stand and transfer the pair to the junior Senator from New Jersey [Mr. BRIGGS].

Mr. DANIEL. I am paired with the Senator from North Dakota [Mr. HANSBROUGH], and therefore withhold my vote.

Mr. BACON. I have been requested to announce that the junior Senator from Florida [Mr. MILTON] is paired with the Senator from New York [Mr. PLATT].

The result was announced—yeas 32, nays 30, as follows:

YEAS—32.

Ankeny	Foster	Nixon	Stephenson
Bankhead	Fulton	Overman	Stewart
Borah	Gary	Paynter	Sutherland
Clapp	Johnston	Penrose	Taliaferro
Clark, Wyo.	McLaurin	Richardson	Teller
Curtis	Money	Scott	Warner
Dillingham	Nelson	Simmons	Warren
Foraker	Newlands	Smoot	Wetmore

NAYS—30.

Allison	Burnham	Frye	McCreary
Bacon	Burrows	Gallinger	McCumber
Beveridge	Clay	Guggenheim	Perkins
Bourne	Cullom	Heyburn	Piles
Brandegee	Dick	Hopkins	Rayner
Brown	Dixon	Kean	Smith, Mich.
Bulkeley	Dolliver	Knox	
Burkett	Flint	Lodge	

NOT VOTING—30.

Aldrich	Davis	Hansbrough	Owen
Bailey	Depew	Hemenway	Platt
Briggs	du Pont	Kittredge	Smith, Md.
Carter	Elkins	La Follette	Stone
Clarke, Ark.	Frazier	Long	Taylor
Crane	Gamble	McEnery	Tillman
Culberson	Gore	Martin	
Daniel	Hale	Milton	

So Mr. NELSON's amendment was agreed to.

Mr. PAYNTER. I propose an amendment, to be inserted on page 4, line 24.

The VICE-PRESIDENT. The Senator from Kentucky proposes an amendment, which will be stated.

Mr. NELSON. I have another amendment to offer to section 1.

The VICE-PRESIDENT. The Chair recognizes the Senator from Kentucky, and will recognize the Senator from Minnesota after the amendment now submitted is disposed of. The amendment proposed by the Senator from Kentucky will be stated.

The SECRETARY. On page 4, line 24, after the word "superintendent," insert the following proviso:

Provided, That in exceptional cases the superintendent of public schools or the person authorized to act for him may, in writing, waive the necessity of the schooling certificate provided for in this act, and in such cases the age certificate shall entitle the holder to be employed without a violation of this act.

Mr. PAYNTER. Mr. President, I will state my purpose in proposing the amendment. In section 5 it is provided:

And that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and thirty days during the school year previous to arriving at the age of 14 years, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic, to and including fractions.

A child of proper age may be brought into this District a month, for instance, or a week before the application is made for the privilege of work; or, in another case that I have in mind, a child might be sick during the one hundred and thirty days he has been required by the act to attend school; and another case might be where a child has had no opportunity to acquire an education as is required by the act. It seems to me that under such circumstances the superintendent of public schools ought to be permitted to waive the necessity of this schooling certificate.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. PAYNTER].

The amendment was agreed to.

Mr. NELSON. I offer an amendment, to come in at the end of line 11, on page 1. It is to insert after the words "session" the words "and he or she is permitted to attend the same," so as to read:

During the hours when the public schools of the District of Columbia are in session and he or she is permitted to attend the same.

There are times here, there have been in the past, and there may be in the future, when the schools are in session and all the children can not attend. There is not room for them. That has been the case in the past, and it may be in the future. So to perfect the law, I think, the words should be inserted, "and he or she is permitted to attend the same;" that is, not only must the school be open, but it must be open so that the child in question can attend the same.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. In section 1, page 1, line 11, after the word "session," insert the words:

And he or she is permitted to attend the same.

Mr. DOLLIVER. I may be in error, but I think the situation in the contemplation of the Senator from Minnesota would be fully covered by the amendment that has just been adopted, the amendment offered by the Senator from Kentucky. I inquire of the Senator from Kentucky if it would not be included in the scope of his amendment?

Mr. PAYNTER. I do not quite understand the scope of the amendment proposed by the Senator from Minnesota. I was not giving it attention.

Mr. DOLLIVER. It is an amendment adding words which will exempt the child from the necessity of attendance at school when there is not room in the schoolhouse to receive such child.

Mr. PAYNTER. My opinion is that that would be an exceptional case provided for.

Mr. DOLLIVER. It would be covered by your amendment.

Mr. PAYNTER. I think so.

Mr. DOLLIVER. I should judge so.

Mr. NELSON. But that relates to another part of the bill, and I think it ought to go in here to make the bill clear.

Mr. BURKETT. If I understand the amendment, it certainly ought not to go in. In the first place, it is not a practical thing. The illustration that has been used by the Senator from Minnesota does not apply in the slightest. There are a few schools in the first, second, and third grades in which children from 5 to 7 years old have not had school room enough for more than half a day. But they could get this same certificate if they attend those. There are enough schools to take care of all the children as the law requires for half a day; but that applies only to the first three grades, which would take them up to 7 years of age. Certainly the Senator is not arguing for anything here that is going to look to the employment of children prevented by the bill previous to 7 years of age. So his amendment is of no consequence.

If you put that amendment in, however, it simply destroys the whole section, in my opinion. I call the attention of the Senator in charge of the bill to the language of the section. It reads:

No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session.

Now, the Senator proposes to add, "if he or she is permitted to attend the same." Permitted by whom? Permitted how? There may be a good many things to prevent a child from attending school aside from not being supplied with school room. But it is not a practical matter, because there are schoolhouses enough here, and there is not any danger now. We are probably in a worse condition now in reference to schoolhouses than we will ever be again, brought about by the necessity of abandoning some schoolhouses on account of lack of fire escapes, but those we provided for in the appropriation bill the other day. So it is not a practical matter.

Mr. DOLLIVER. I think in addition to what the Senator from Nebraska has said the matter is fully covered by the amendment of the Senator from Kentucky already adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. NELSON].

The amendment was rejected.

Mr. NEWLANDS. In line 8, page 1, after the word "messages," I move to insert:

That no child under 14 years of age shall be employed in any mercantile establishment, store, or business office without the approval of the juvenile court of the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada.

Mr. NELSON. That would utterly destroy the effect of the amendment that was agreed to a short time ago.

Mr. NEWLANDS. Mr. President, I voted a few moments ago for the amendment offered by the Senator from Minnesota excluding from the provisions of this section the words "mercantile establishment, store, and business office." I voted for that amendment because I thought there might be many cases in which it would be advisable that children under 14 years of age should have light employment of this order, and I was moved to that view by the earnest appeal made by the Senator from Minnesota that you could commit no greater cruelty than to consign a child to idleness.

I can understand that there are many cases where the strength, the health, and the conditions surrounding a child under 14 years of age might make it very advisable that the child should have the advantage of employment of this kind, but it seems to me that wherever that employment is to be given, it should have the approval of some board or organization charged with the duty of protecting children and particularly weak children. The bill provides for the jurisdiction of the juvenile court of the District of Columbia in all cases arising under this act, and I assume that that court is a court controlled by the highest considerations of humanity, and it could not be induced, except where the conditions absolutely warrant it, to give its approval to the employment of a child under 14 years of age, even where the employment may be of so light a character as is required in mercantile establishments, stores, and business offices.

I therefore urge that this amendment would be entirely appropriate, and that it is wholly consistent with the humane spirit of the act.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. NEWLANDS.]

The amendment was rejected.

Mr. BEVERIDGE. I suggest an amendment, probably omitted by oversight, which I suppose the chairman will accept. On page 5, after the word "shall," at the end of line 4, the words "be deemed guilty of a misdemeanor and" should be inserted.

Mr. DOLLIVER. That is a very proper insertion.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Indiana.

The SECRETARY. In section 6, on page 5, after the word "shall," at the end of line 4, insert the words "be deemed guilty of a misdemeanor and."

Mr. GALLINGER. Let the comma after "shall" come out.

Mr. BEVERIDGE. Yes.

The amendment was agreed to.

Mr. NELSON. In section 6, on page 5, lines 1 and 2, I move to strike out the words "under 16 years of age, and." That is utterly inconsistent with the first section of the bill. It reads now:

That whoever employs a child under 16 years of age * * * shall be deemed guilty of a misdemeanor and for such offense be fined not more than $50.

In the first section the limitation is 14 years of age. The two provisions are utterly inconsistent. While under the first section it is lawful to employ a child over 14 years of age, in this section you make it a penal offense to employ any one under 16 years of age. The words "under 16 years of age" should be stricken out.

Mr. DOLLIVER. I think the Senator from Minnesota is in error. The first section to which he refers is applicable to all children and the occupations named, and this limitation of 16 years is applicable to children who ought to be in school. It refers to the employment of children during school hours.

Mr. NELSON. It is general. It reads—

That whoever employs a child under 16 years of age——

Mr. DOLLIVER. Yes.

Mr. NELSON. Shall "be fined not more than $50." It is unconditional.

Mr. DOLLIVER. It is unconditional; but if the Senator will read the whole section, he will see that it is made dependent upon the school certificate and the duty of the child to be in school.

Mr. FULTON. I wish to ask the Senator from Iowa a question. Section 6 reads:

That whoever employs a child under 16 years of age, and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 1, 2, 8, or 9 of this act.

Why does not that refer to the exact matter that is prohibited in section 1? It refers to section 1.

Mr. DOLLIVER. Section 1 is a prohibition under 14 years of age applicable to certain employments that are named, and the last half of it is applicable to all employments during the hours that the school is in session.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. DOLLIVER. Certainly.

Mr. TELLER. I wish to call the attention of the Senator who has this bill in charge to section 2, which provides:

That no child under 16 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any of the establishments named in section 1—

Why in section 1 is the age 14 years and in section 2 16? The same employment exactly is described in the same places.

Mr. DOLLIVER. The object of section 1 is to prohibit in the named occupations the employment of children under 14 and the object of section 2 is to prohibit the employment of children under 16 in the same employment when the schools are in session.

Mr. TELLER. In section 6, on the fifth page, you have the same provision again as to children under 16.

Mr. DOLLIVER. Yes; that relates to the employment of children under 16 "after being notified by an inspector authorized by this act or a truant officer of the District of Columbia," the idea being to make an absolute prohibition in certain occupations of children under 14 and a limited prohibition within school hours of children under 16.

Mr. NELSON. If the Senator from Iowa will allow me to make a suggestion, you can make the bill perfectly clear in that particular by striking out, after the word "child," in line 1, on page 5, down to and including the word "age" in line 3, and inserting the word "or," so as to read:

That whoever employs a child, or permits such child to be employed, in violation of sections 1, 2, 8, or 9 of this act—

And so forth. There is no doubt at all but that would make it perfectly clear. I suggest that to the Senator.

Mr. BEVERIDGE. It does not even need the specification of the sections, but it should read "whoever employs a child in violation of this act." The language as it stands now is not harmonious. The sections 1 and 2, as I undertand the intent, are perfectly clear and all right, but this language is certainly inharmonious with those sections. It ought to be remodeled. I think the suggestion of the Senator from Minnesota clears up the whole thing, and even the reference to the sections might be left out, so as to read, "whoever employs a child in violation of this act."

Mr. DOLLIVER. If these amendments are offered and on inspection they appear to accomplish that result, I shall offer no objection to them. The bill, however, has been carefully drawn and carefully inspected by the Senator who introduced it, and this language, it seems to me, appears to be suited to the case. It may be a little complex, but it is a complex situation.

Mr. TELLER. Mr. President, I can not understand the bill. The two provisions are absolutely incongruous. We should either limit the years to 14 or to 16, one or the other. If you want "16" to stand, you should strike out "14." I do not like to move to strike out, but I certainly do not know what the bill means.

Mr. DOLLIVER. Section 5 is an effort to enforce the provisions in relation to the age of schooling certificates.

The VICE-PRESIDENT. The Chair would suggest that the pending question is on the amendment offered by the Senator from Minnesota and that it should be first considered.

Mr. FULTON. I wish to ask the Senator from Iowa what the purpose of section 6 is? He has explained section 5, but what is the purpose of section 6?

Mr. DOLLIVER. The purpose of section 6 will be discovered by reading section 4, which provides:

That an age and schooling certificate shall not be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child.

Then the certificate is provided for and the form of it is given in section 5. Then section 6 proceeds:

That whoever employs a child under 16 years of age, and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 1, 2, 8, or 9 of this act shall be deemed guilty of a misdemeanor, and for such offense be fined not more

than $50; and whoever continues to employ any child in violation of any of said sections of this act, after being notified by an inspector authorized by this act or a truant officer of the District of Columbia, shall for every day thereafter that such employment continues be fined not less than $5 nor more than $20.

Mr. FULTON. I ask the Senator to explain to me, if he kindly will, as doubtless he can, how you could employ a child of 15 years of age in violation of section 1.

Mr. BURKETT. If he could not he could not be fined, I will say to the Senator.

Mr. DOLLIVER. Of course section 1 confines the minimum limitation to 14 years.

Mr. FULTON. Section 6 says: "Whoever employs a child under 16 years of age in violation of section 1." How can you employ one under 15 years of age in violation of section 1?

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. DOLLIVER. Certainly.

Mr. McCUMBER. It seems to me the difficulty is fully met and remedied by the suggestion of the Senator from Minnesota, and that is that you strike it out, so that it will read:

That whoever employs a child or permits such child to be employed in violation of sections 1, 2, 8, or 9—

shall be punished, and so forth. There can be no question about that.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. In section 6, page 5, lines 1, 2, and 3, strike out the words "under 16 years of age, and whoever, having under his control a child under such age," and insert the word "or," so that if amended it will read:

That whoever employs a child or permits such child to be employed in violation of sections 1, 2, 8, or 9 of this act shall be deemed guilty of a misdemeanor, and for such offense be fined, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. BRANDEGEE. I move to strike out, on page 1, line 4, the words "or suffered" and to insert the word "or" at the end of line 3, so that it will read:

That no child under 14 years of age shall be employed or permitted to work in the District of Columbia, etc.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Connecticut.

The SECRETARY. On page 1, line 4, strike out, after the word "permitted," the comma and the words "or suffered," and before the word "permitted," in the same line, insert the word "or," so that if amended it will read:

That no child under 14 years of age shall be employed or permitted to work in the District of Columbia in any factory, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

Mr. BRANDEGEE. I move, on line 7, after the words "bowling alley," to insert the words "billiard room."

Mr. BEVERIDGE. That has already been put in.

Mr. BRANDEGEE. The words "pool room" were put in, but not the words "billiard room." I move to insert the words "billiard room" where I have stated.

The amendment was agreed to.

Mr. BRANDEGEE. On page 1, line 12, I move to change the word "or" to the word "nor"—the third word from the end of the line.

Mr. DOLLIVER. In what section is that?

Mr. BRANDEGEE. Section 1, line 12, where it reads:

Nor before the hour of 6 o'clock in the morning or after the hour of 7 o'clock in the evening.

It should read:

Nor after the hour of 7 o'clock in the evening.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 1, page 1, line 12, after the word "morning," it is proposed to strike out the word "or" and insert "nor," so as to read:

Nor before the hour of 6 o'clock in the morning nor after the hour of 7 o'clock in the evening.

The amendment was agreed to.

Mr. BRANDEGEE. In section 2, page 2, line 2, I move, after the word "permitted," to strike out the words "or suffered," and to insert the word "or" after the word "employed," so as to make it read in conformity with section 1 as amended.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 2, page 2, line 2, after the word "permitted," it is proposed to strike out the comma and the words "or suffered;" and before the word "permitted," in the same line, to insert the word "or," so as to read:

SEC. 2. That no child under 16 years of age shall be employed or permitted to work in the District of Columbia, etc.

The amendment was agreed to.

Mr. BRANDEGEE. In section 4, page 2, line 16, after the word "that," I move to strike out the word "an" and to insert the word "no;" and in the same line, after the word "shall," to strike out "not," so that it will read:

SEC. 4. That no age and schooling certificate shall be approved unless satisfactory evidence is furnished—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 4, page 2, line 18, after the word "baptism," I move to insert "or other religious record," so as to read:

Attested transcript of the certificate of birth or baptism or other religious record of such child.

The amendment was agreed to.

Mr. GALLINGER. The Senator will observe that in line 19 those words are used. He will want to move to strike those out.

Mr. BRANDEGEE. I want to move to strike out those. This transfers them to a different place.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 4, page 2, line 19, after the word "child," it is proposed to strike out "or other religious record" and the comma.

The amendment was agreed to.

Mr. BRANDEGEE. I should like to ask the Senator from Iowa [Mr. DOLLIVER] if the last word in line 20, on page 2, the article "a," should not be changed to the word "such," so that it will read "of such child." That is, to make it relate to the children provided for in this bill and not to a child of any age.

Mr. DOLLIVER. I think that would improve the phraseology.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE] will be stated.

The SECRETARY. In section 4, page 2, at the end of line 20, it is proposed to strike out the article "a" and to insert "such," so as to read:

Custodian of such child.

The amendment was agreed to.

Mr. BRANDEGEE. In section 6, page 5, line 7, the bill reads: "After being notified by an inspector." I should like to ask the Senator from Iowa if there should not be inserted after the word "notified" the words "of such violation," so that the bill may state what the inspector was to notify the party of?

Mr. DOLLIVER. That would be satisfactory.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 6, page 5, line 7, after the word "notified," it is proposed to insert the words "of such violation," so as to read:

After being notified of such violation by an inspector—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 6, page 5, line 13, where the bill speaks of the "age or schooling certificates," I think the word "or" should be changed to the word "and," which is the term used all through the remainder of the bill. I suggest that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 6, page 5, line 13, after the word "age," it is proposed to strike out "or" and to insert "and," so as to read:

Any age and schooling certificate—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 8, page 6, line 11, I think the words "or suffered" should be stricken out and the word "or" inserted after the word "employed," in the same line, and that the comma after the word "employed" should be stricken out.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 8, page 6, line 11, after the word "permitted," it is proposed to strike out the comma and the words "or suffered:" and before the word "permitted," in the

same line, to insert the word "or" and to strike out the comma after the word "employed," so as to read:

That no minor under 16 years of age shall be employed or permitted to work in any of the establishments—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 9, line 18, the previous section, section 8, having spoken of minors under 16 years of age, line 18 speaks of "such persons." This should refer to the minors in the previous section. I ask the Senator from Iowa as to that.

Mr. DOLLIVER. I judge so.

Mr. BRANDEGEE. Then I move to strike out the word "persons," where I have indicated, and to insert the word "minors" in lieu thereof.

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In section 9, page 6, line 18, it is proposed to strike out the word "persons" and to insert in lieu thereof the word "minors," so as to read:

SEC. 9. That every employer shall post in a conspicuous place in every room where such minors are employed—

And so forth.

The amendment was agreed to.

Mr. BRANDEGEE. In section 9, page 6, line 25, I move to strike out the word "person," and to insert in lieu thereof the word "minor," so as to read:

The employment of any such minor for a longer time in any day than that so stated shall be deemed a violation of this section.

The amendment was agreed to.

Mr. PILES. Mr. President, in section 1, page 1, line 13 of the bill, I propose the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. At the end of section 1, on page 1, line 13, it is proposed to insert:

Provided further, That any judge of the supreme court of said District may issue a permit for the employment of any child between the ages of 12 and 14 years at any occupation or employment not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support in whole or in part of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judges of said court shall prescribe.

Mr. PILES. Mr. President, I proposed a similar amendment to this bill when it was up for consideration in the Senate at the last session, I think it was. I did that because a number of States in the Union have laws similar to that which is proposed by this amendment and, furthermore, because I believe that the occasion may arise where it may become necessary for a child to perform temporary work in order to support his mother or his disabled father or himself. I think the child should have that right where it can be shown to the satisfaction of the judge, who shall reserve the power to revoke the permit at any time he sees fit, that the child may be employed in a place which will not be injurious to his health or detrimental to his morals. In other words, I believe that if a young boy wishes to take care temporarily of a widowed mother or of a disabled father or provide for himself, he should have the right to do so, if a judge of the court, who presides over the property rights, the lives, and liberties of the people, says, in his judgment, that the employment in which a child may be employed will not be detrimental to his morals or his health. For that reason I have proposed this amendment. Such a law exists in the State of Washington and in many of the other States of the Union.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. PILES. Certainly.

Mr. GALLINGER. With my present light, I shall vote against the Senator's amendment; but I rose to suggest to him that, if it is to be adopted, I think the judge of the juvenile court should be the judge to act in this case.

Mr. PILES. I will consent to that.

Mr. GALLINGER. That would be very much better than one of the judges of the supreme court.

Mr. PILES. I have no objection to any judge acting.

Mr. GALLINGER. Let the Senator's amendment be modified to read "the judge of the juvenile court."

Mr. PILES. I accept the modification.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington as modified.

Mr. TELLER. I do not believe anybody here knows, or, at least, very few know, what the Senator's amendment is. I know I do not.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. On page 1, after the amendment adopted at the end of line 13, it is proposed to insert the following proviso:

Provided further, That any judge of the juvenile court of the said District——

Mr. GALLINGER. No; it should read "the judge." There is only one judge of the juvenile court.

Mr. TELLER. Yes; it should read "the judge."

The Secretary read as follows:

Provided further, That the judge of the juvenile court of said District may issue a permit for the employment of any child between the ages of 12 and 14 years at any occupation or employment not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support in whole or in part of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe.

Mr. LODGE obtained the floor.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. TELLER. I want to take the floor for only a moment.

Mr. LODGE. I have the floor, but I am perfectly willing to yield it to the Senator.

Mr. TELLER. No; let the Senator go on and I will follow after he concludes.

Mr. LODGE. Mr. President, it seems to me from hearing the amendment read that the Senator from Washington can achieve his purpose more simply by voting against the bill. In the first place, it would convert the judge into an executive officer. I think it would put a duty on the court that distinctly does not belong to a court. In the second place, instead of giving the child rights, you take his rights from him, because anyone who wishes to employ his labor can go into court, make out a case, and the child would be perfectly helpless. It appears to me that it would be a very destructive amendment to the bill.

I come from a State where there are many industrial centers, where we have stringent laws to prevent child labor. With such laws I have always been in the most complete sympathy, and I think no one can realize fully the misery of child labor unless he is familiar with industrial centers and great cities where child labor is seen in its worst form.

We have a body of inspectors in the State to enforce the law, but even then, with stringent laws and the best inspection we can get, the greed of parents or guardians or persons who have control of helpless children leads to their employment in all sorts of work in which they ought never to be employed—work which stunts them physically, destroys them morally, and prevents their ever getting a suitable education.

Mr. FULTON. Mr. President, will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. Certainly.

Mr. FULTON. I ask the Senator if he thinks that the conditions which he describes are likely to obtain in the territory covered by this bill. I can understand that the conditions the Senator describes would require a much more stringent law than would be necessary for the District of Columbia or the Territories?

Mr. LODGE. Mr. President, here in the District there are a few factories, but it is not an industrial center. We have, I am sorry to say, stricken out the words "mercantile establishment, store, business office," and I hope that when the bill reaches the Senate a move will be made to restore the word "store" at least.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Certainly.

Mr. GALLINGER. I will say that I had in view to ask for another vote on that amendment when the bill reaches the Senate. I shall ask that that amendment be reserved at the proper time.

Mr. LODGE. Moreover, Mr. President, it must be remembered that while the bill itself only covers the city of Washington and the District of Columbia, the national law adopted for this District will have an effect throughout the country and

will be looked upon as a standard. I think this bill, in the condition in which it now is, is a very mild measure indeed. I think it amounts to about as little as it can and do anything for the protection of children.

One of the subjects, Mr. President, which, it seems to me, is most important at the present time is to try to guard and protect the children and to see that they are educated. The children that this bill seeks to protect are not those of intelligent parents, who are anxious to educate and care for their children. The children we are trying to protect are those who either have no proper guardians or whose parents are willing to work them for the sake of the money they can get in that way. The bill goes but a very short distance, it seems to me, and I sincerely hope that no such door as this will be opened to enable the employment of children in work which can not but be detrimental to them, which would keep them from school, and which would be injurious to their health and morals.

It is impossible that any one man sitting in a court in this town can judge about these cases of children; they would come before him by the score, and it would be utterly out of the question for him to render judgment that would be of any value. He would have to go on the affidavits of people who wanted to make money out of the child, and it is a great deal better to leave the law as it is and try to keep the child at school and protect it.

Mr. TELLER. Mr. President, this is a very important bill. The friends or the enemies of this measure, I do not know which, have found a great many errors in it, and so there have been a large number of amendments made. This is another amendment of great importance, and in some respects I should think it might be of value to the bill, and in others it might not.

There is one thing in it which strikes me, and that is, while it might relieve the conditions created by this bill, it seems to me the question of who is going to make this application to the court has not been as carefully considered as it should be. The application should be made, if made at all, it seems to me, by the parent of the child, if he has a parent, or by his guardian. I should not think it would be wise to let the school authorities do that, and I certainly should not think it would be wise to let anybody do that who might be interested in relieving this bill of what may be its severity in some particulars.

The Senator from Massachusetts [Mr. LODGE] thinks this bill is not a severe bill. I think as it came into the Senate it was a pretty severe bill. The Senator from Massachusetts speaks about a national bill.

Mr. LODGE. The Senator misunderstood me. I did not say anything about a national bill.

Mr. TELLER. I understood the Senator to refer to a national bill.

Mr. LODGE. I said this is national legslation for the District of Columbia, and will be looked to as an example by the country. I said nothing at all about a national bill.

Mr. TELLER. I am glad I made the mistake. I hope the Senator will not present anything of that kind; but the colloquy that took place between the Senator from Indiana [Mr. BEVERIDGE] and the Senator who has this bill in charge [Mr. DOLLIVER] indicated very certainly that this is to be followed by a national bill. I have seen in the newspapers that this is to be the model which we are to follow in the national bill, which is sure to come to us at the next session, and a copy of which I suppose I have on my table now.

Mr. President, in my judgment if there is anything settled in this country at all, it is that the police power of the States can not be invaded by the United States. While we have unquestioned power to legislate for the District of Columbia, and while I approve this legislation in the main and expect to vote for it, yet I should not find myself able at any time to vote for a national law containing these provisions. I believe a majority of the States have already laws of this character. I do not know that any State where it is necessary has neglected to enact such a law. We did not have any such laws in my youth, and I do not suppose we then needed them, because I never heard then of children being huddled in a factory. The boys would work in stores occasionally, but I never heard of any necessity for a law of this kind. As the country grows older, however, the population more numerous, and the manufacturing interests of the country larger, they draft a large number of children. I agree with the Senator from Massachusetts that the employment of children in mills and factories is very injurious, very hurtful, and, as he states, that there is a class to whom our hearts ought to go out and whom we ought to protect and take care of.

The average American home will find its protector there. The American farmer and the American mechanic, as a rule, will take care of his own children and will send them to school if school is open. I understand that in this city we have a compulsory school law; I do not remember when it was passed or how it was passed; I know nothing about the conditions of it; but I should judge from what we have learned that it has not been enforced in this city with any degree of severity. It seems to me that if we open the schools and keep the children in the schools, we have done part of what is necessary to prevent the children from being overworked in factories.

I will not now discuss the national phases of the question, but when it comes up, I presume I shall be here if I live until next winter, I may be possibly persuaded by the eloquence and logic of the Senator from Indiana [Mr. BEVERIDGE] to vote for it; but, if I do, I shall have to reverse all my ideas of the relations between the States and the General Government, which I think just now is the most important thing for the American citizen to think of.

I think there has been no time in our history, not even at the close of the great war, when the relations between the States and the General Government have been so critical and so dangerous to the States as they are to-day. My reading of history leads me to believe that encroachments of power have always come insidiously. They have rarely come openly. There may a time come in the course of history in the affairs of nations when an open movement on the part of some tyrant, as in the case of Napoleon III in France—a sudden stroke, a coup d'état—may change the whole form of government; but such a move is always secretly prepared beforehand. Napoleon prepared for that revolution in France with great skill and ability. He perhaps showed more ability in that than in anything else in his life. He purposely secured the disfranchisement of a very large part of the French people and then he became the defender of them. He insisted that the disfranchisement act must be repealed, and when they did not do that, he said to the French people, "These men are not giving you justice; I will take the reins of government into my own hands, and I will give you justice." Then he became a dictator, as everybody knows, not in name simply, but in fact.

There is not any danger of anybody in this country rising up and at once destroying the relations between the States and the General Government; but there is danger, Mr. President, that step by step we shall disregard those relations, and that we shall minimize, not the power of the General Government, for there is no danger of that, but that we shall by and by minimize the State's powers and the State's rights. Every little while somebody says, "Here is a statute that enables Congress to do this and to do that"—a statute passed through this Senate, just as this bill will pass, without proper consideration and without proper thought, and sometimes without the knowledge of this body or of the other in the confusion that occurs in the legislative bodies of this country. So matters will go on, and then some man who has the power—and if it is ever done the man who leads the movement will be the man the people are looking to as their savior and their protector—will make another move. You may keep your State lines; you may have a distinction between the sections of the country that you now call Pennsylvania, or New Jersey, or New York, but when you disregard the rights of those States and commence to legislate for them, you will not be a very great way from a disruption of this Republic and the breaking of it into several republics, or something worse.

I am a believer in the doctrine that the family is the very foundation of a good government in any country, and in no country more than in ours. I do not myself believe that we have the right to invade the family and interfere with the power of the father and the mother, even in an extreme case. I do not deny that we may say to the manufacturer, "You must not employ a boy or a girl under a certain age." I am in favor of that, but when you do anything else with them, when there is an application made, as this amendment suggests, which the court is to pass upon, that application should come from the father or mother or some guardian. I do not object particularly to that principle.

It may be somewhat difficult to carry it out. You may impose upon a judge not judicial duties, but executive duties, and, so far as I know, in every section of the country where you have a juvenile court of this character they have had imposed upon them not judicial duties, but practically executive duties. They become practically executive officers and not judicial officers.

Within my own section of the country these authorities have powers conferred by the State and not by the General Government, and we have had no trouble there. Colorado has such a law. I do not know whether it is as good as the law of Massachusetts, but I have not the slightest doubt that it was made after the Massachusetts law was made, and probably followed

it. I have never heard any complaint, but of course we do not have any great factories like they have in Massachusetts. But we in that section of the country are all in favor not only of a child-labor law, but of a compulsory school law. We have juvenile courts to take charge of girls and boys and put them in training, so, if possible, to make good citizens out of them.

I am willing to vote for anything that is fair for the District of Columbia, even if it should be considered somewhat strenuous, but I wanted to give notice to my distinguished friend, the Senator from Indiana [Mr. BEVERIDGE], that I probably would not be quite able, much as I should like to please him, to vote for a national child-labor law.

Mr. PILES. I may say to the Senator from Colorado that I have no objection at all to further amending the amendment so as to allow the permit upon the application of the father, mother, guardian, or next friend. I drafted the amendment hurriedly from the law of the State of Washington on the subject.

Mr. TELLER. I presume that might be done if there was a little delay, but we are in great haste about this bill. There is another bill coming up. This is a good deal more important than the pending appropriation bill, because it involves more than dollars and cents; but it will be difficult for us, I think, to get time to make the amendment. I would not venture to make an amendment of the Senator's amendment, but I wish he would make a slight amendment, so as to leave it to the parent or some one.

Mr. PILES. I move, after the word "may," in line 12 of the amendment, to insert the words "upon the application of the parent, guardian, or next friend."

Mr. HOPKINS. How would the amendment read then?

Mr. PILES. The amendment would read:

Provided, That the judge of the juvenile court of said District may, upon the application of the parent, guardian, or next friend, issue a permit for the employment of any child between the ages of 12 and 14 years.

Mr. President, the Senator from Massachusetts [Mr. LODGE] is no more in favor of a law which will prohibit the factories of this country from working children than I am. I believe if there is any one crime committed against the children of this country it is their indiscriminate employment in the factories and sweatshops of the country. While I believe that, and while I would protect him as far as I possibly can against those who have designs upon his labor and who would destroy his mental and physical capacity, I would nevertheless protect him, sir, in that sturdy manhood which has made the great men of this country.

There are many boys 13 years of age, strong physically and mentally, whose father and mother are so circumstanced as to be compelled to rely upon the labor of their boy for a time. One of the parents may suddenly become disabled, so that it is impossible for them to get along without the labor of this child, past 13 years of age, and yet under the terms of this bill it is impossible for him to aid his parents or himself. I should say that if that boy could find employment in a store or in a mercantile establishment or in a shop where the judge found, after a full hearing, that it would not be of injury to him—would not degrade him morally or injure him physically or mentally—the judge should have the power to say to that boy: "You may protect your father or your mother from the poorhouse," and any other doctrine, to my mind, Mr. President, is un-American and can find no response in the hearts of the people of this country.

The Senator from Massachusetts says if I would destroy the child himself I would put this amendment in the bill. The Senator from Massachusetts has destroyed the child himself if he does not permit this amendment to go into the bill.

Mr. LODGE. The Senator does not mean to misquote me?

Mr. PILES. Not at all.

Mr. LODGE. I did not say anything about destroying the child himself. I said if the Senator meant to carry out the purpose of his amendment he could do it most easily by defeating the bill.

Mr. PILES. I misunderstood the Senator's statement, but upon either theory, he said, I remember quite distinctly, that I was limiting or overcoming the rights of the child, or words to that effect. I was sitting far over in a corner, and it was difficult to hear.

The defeat of this bill had better follow, strongly as I favor it, than to say to the fathers and mothers of this country and to the children themselves that they may not go into a store or into an office in vacation time, or at any time when the labor of the child is necessary to temporarily provide for the father or the mother who is ill or disabled.

Mr. President, the greater portion of my life has been spent upon the plains and in the mountains, where men have had to fight their way in the world. The best manhood of our country has been developed through man's own efforts to better his condition, and I would take from no boy the opportunities so many others have enjoyed, except in so far as may be necessary to prevent his employment in places injurious to his moral, mental, or physical well-being.

All I am asking is that a boy between the ages of 12 and 14 years may have the right to work for himself or the persons named in the amendment for such length of time as the judge thinks proper whenever a necessity is shown therefor, and when the work may be performed in a moral and healthful place.

I voted against striking out the provision in this bill prohibiting children from working in mercantile establishments, stores, and so forth, upon the theory that this amendment would be adopted. It would be unlawful under the provisions of this bill for a boy to work in the store of his father's best friend during the summer vacation, or to work in a shop where he could gain much useful knowledge—the same knowledge he would gain in a manual-training school—however necessary it might be for him to earn something to help him obtain a college education, or to provide for his own pressing necessities, even though the employment would be beneficial to the boy's mental, moral, and physical development.

I am not willing to deprive him absolutely of such opportunities. I prefer to let a judge pass upon the facts as they may be presented, and if the necessities of the case demand relief, let the court provide it in the manner set forth in the amendment.

The Senator from Massachusetts says, "How can the judge know anything about this?" Mr. President, let us not forget that this is the capital of our country wherein we are legislating. This is not a manufacturing city, where there are factories and workshops, and where children are being ground to death as they are in great commercial and manufacturing cities having millions of people. There is nothing of that here. This is a modern home city, without great factories, mines, or workshops.

Does anyone doubt that if a man should appear before the court, after such notice as the rules of the court shall prescribe, and file a petition in behalf of a child asking for the privilege of working at some light work in a factory, store, or shop, and the labor of the child was to be used for the benefit of a worthless father, for instance, the court would ascertain that fact and deny the petition, or if it did not that the people of the community in which the child lived would bring the facts before the court and secure a revocation of the permit?

The court has the right, under the terms of the amendment, to revoke the permit at any time.

It seems to me while we should legislate to protect the children of our country, we ought not so to legislate as to prevent the development of those manly qualities of independence and self-reliance which have made the best men of our country. They should not be denied the right to protect those who have protected them when such protection may be given without injury to the child.

Mr. DOLLIVER. Mr. President, the delay in considering the child-labor problem in the District of Columbia has not been altogether without some advantage. These laws throughout the world, including the various States of the Union, have been in the nature of a growth and a development. It has been my pleasant opportunity to investigate the debates on child-labor legislation from the beginning, and I am interested in noting that this widow, this father, these helpless children have been efficient in every English-speaking country to postpone an effective child-labor code.

They are the same people who put the reform off nearly a quarter of a century in Great Britain. They are the same people who held it up for nearly a generation in Massachusetts, after farsighted philanthropists had had their hearts touched by the miseries of the situation there. It is an interesting study in the problem of the evolution of a great statute that they are still on hand here in the performance of a duty now nearly a half a century old in English-speaking countries.

In fact these helpless parents put this provision which my friend the Senator from Washington has offered here as an amendment into every original child-labor statute that was adopted in the United States practically without exception, and the experience of past generations, drawn from the operation of these laws, has removed that amendment out of every statute except in the case, I think, of South Carolina, Georgia, Alabama, and the State of Washington. It will require only

fifteen or twenty years in Washington to determine as a practical question that when you put the statute into the hands of a judge instead of upon your statute books you have done a thing that entirely destroys the efficiency of the law.

I, for one, am gradually growing more and more opposed to having the duties of American citizens defined by an order from a court or a report from some commission or other. I believe it to be the duty of Congress to define what the legislative authority has the right to define—what the conduct of men shall be under certain circumstances. I heard a speech here yesterday, which, while I did not indorse all of it, had in it one element which struck me as profoundly true, and that is that what we think ought to be done should be set down in the statute books, so that a man's duty may be defined by law and not by the discretion of a judge or the report of some commission or other.

But from a practical point of view, in all kindness to my honored friend, the Senator from Washington, I will say to him that this provision has been found, by the experience of nearly every State that first adopted it and then abandoned it, destructive of the efficiency of the statute, and I sincerely hope it will not find its way into this proposed act.

Mr. LODGE. Mr. President, the Senator from Washington [Mr. PILES] talks about the rights of the boy as if the boy would be kept from his rights by this proposed legislation. The boy or the girl, for it applies to both, is a minor, recognized as such by the law, under the control of parents or guardians. The Senator from Washington in his amendment proposes that the next friend should come in and get a permit from the court—to enable the child to work for himself? No. For the next friend.

Mr. PILES. Mr. President——

Mr. LODGE. I have seen some of these next friends. I have seen them coming over the gang plank from immigration steamers. I was on a committee that investigated the atrocities of the padrone system. The padrones were next friends. We have people coming to this country all the time who have not American traditions and American beliefs, people who come from countries where children are worked from their earliest childhood and their money taken from them for the support of adults; where education is not valued. Those people bring these helpless children here and work them even in the States where there are stringent laws and good inspection.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. I do.

Mr. PILES. I should like to ask the Senator from Massachusetts what he proposes to do with the boy who has no father or mother?

Mr. LODGE. I propose to put this law on the statute book and have the law administered by the proper authorities and not have a judge making it from day to day.

Mr. PILES. That is not answering my question. What do you propose to do with that boy? Do you propose to put him in an institution?

Mr. LODGE. I propose, as we do in Massachusetts and other States, to have him taken care of by the proper institutions which exist in large numbers for just that work.

Mr. PILES. Then I understand the Senator from Massachusetts to say that if a boy is mentally and physically able to take care of himself and wants to take care of himself, and the judge says he may take care of himself, in a moral, healthful place, he will not let him do it?

Mr. LODGE. No; what I say is that I will not let somebody else put the boy to work. It is not the boy putting himself to work. It is somebody else doing it. He can not go himself.

Mr. PILES. If you will not let him work——

Mr. LODGE. Let him work? There is no trouble about letting him work. The boy has plenty of time to work under this bill.

Mr. PILES. I beg the Senator's pardon.

Mr. LODGE. He can work at proper times.

Mr. PILES. The bill provides that he shall not work.

Mr. LODGE. It provides that he shall not work at certain injurious trades, but opens to him all the nonschool time to work as much as he likes in healthful employment. It is all in the first section. There is plenty of opportunity for the boy to work, if he wants to work. The object of the bill is to prevent his being abused and his work sold for the benefit of other people.

Mr. President, if we had nothing but the plains and the forests and the farms to deal with we should not need legislation like this, but we have great congested centers in this country. The capital city of my State has got pushed together in a few square miles a larger population than that of the entire State of Washington. That is a great State, magnificent in its possibilities, with an opening for everybody, but with a sparse population in comparison with its area. On the other hand, take the crowded communities where we have large bodies of recent immigrants to this country—people who are in the habit of exploiting their children and wringing all they can from them. We want to turn those children of the immigrants into good American citizens.

We want to compel them to be sent to school. You can not do it if they are to be allowed to go into the factory and the workshop and the department store; and, as the Senator from Iowa [Mr. DOLLIVER] has so well said, making a judge an administrator and applying the statute here and there as he pleases has been tried, and has failed wherever it has been tried. It has been shown to be destructive of the principle of the bill.

Mr. President, the object of this bill is not to destroy the sturdy manhood of the boy. It is to protect the boy in those rights which are greater than the right to work, and more important—the right to have an education, the right to have an opportunity in life, and the right to grow up with a healthy body and a healthy mind, so that he can have a fair chance in the great struggle of life, and not take it from him for the benefit of people—and there are plenty of such people in the world—who want to wring from him the few dollars that he can earn.

Mr. PILES. Mr. President, the Senator from Massachusetts [Mr. LODGE] did not answer the question I put to him. I asked him what he was going to do with the boy who had neither father nor mother.

Mr. LODGE. I am going to put him into one of the institutions that are maintained for just such boys, where he will get an education and get an opportunity. This city is full of them, and so is every other city in the country.

Mr. PILES. What institutions do you mean?

Mr. LODGE. I mean the St. John's Orphanage for one, where they have eighty-five such children at this moment.

Mr. PILES. Suppose the boy says, "I will not go there. I want to work my way in the world."

Mr. LODGE. When was a child under 14 ever, in the eye of the law, anything but a minor?

Mr. PILES. I am not contending that he ever was.

Mr. LODGE. It is not the child to whom you give the right. You give it to his next friend.

Mr. PILES. I give the next friend no right, Mr. President.

The Senator from Colorado [Mr. TELLER] said that somebody ought to be named who should make the application for the child, and I said I was perfectly willing to agree to an amendment providing that it might be made on the application of the parent, guardian, or his next friend. Now, if the child has no parent, if he has no guardian, then he must appear in court by his next friend. That is all there is to that. The next friend gets no benefit from the child. The next friend stands there as the guardian of the child in the court.

Mr. LODGE. How does the Senator know that the next friend does not get anything out of the child?

Mr. PILES. I am assuming it would be a gentleman who would make the petition to the court——

Mr. LODGE. That is a pretty large assumption with some of the people who would work children to death.

Mr. PILES. It may be in some sections of the country, but it is not in mine.

Mr. LODGE. There are several sections of the country.

Mr. PILES. I assume that a man who goes into court representing a child is a man of character, especially in the District of Columbia, and that if he is not a man of character the court will discover that fact. The court is not to sit there blindly in determining a question of this nature.

The court will investigate in the community in which the child resides, and it will look into the character and standing of the man who makes the petition on behalf of the child. I am asking nothing for the next friend, except that the child may have the right to go and choose any man as his next friend, to speak for him in court and give him a standing in court, because, as a minor, he can not get there without the aid of parent, guardian, or next friend.

It does seem to me that a boy who does not want to go into an orphanage, but who desires to make his own way, should, under certain conditions, have the right, through some friend, to present his case to the court, and if the court says, "This boy is perfectly competent, physically and mentally, to engage in the employment designated in the petition, that the employment is moral, and will aid instead of injure the boy," he should

have the right to engage in it for such length of time as the court thinks proper under all the circumstances surrounding the case.

Mr. LODGE. I thought, if the Senator will allow me, that the main object of this was to give the boy a chance to support the widow and the crippled parent who have been opposing this legislation for the last fifty years, as the Senator from Iowa [Mr. DOLLIVER] pointed out.

Mr. PILES. My amendment goes further than that. My amendment is, first, to permit the boy to work for himself, to sustain himself. It is, second, to permit the boy to work for his father or his mother or his brother or his sister, who may have been temporarily injured and it becomes necessary for the boy to help one of his parents or one of his brothers or sisters with his labor, if the judge finds it necessary for him to do it, and that it will not be hurtful for him to do it. That is all my amendment goes to.

The Senator from Massachusetts [Mr. LODGE] is mistaken when he says that a child may work in vacation at any employment he sees fit except certain obnoxious employments. He may not work in a shop, even in vacation. He may not work in a mercantile establishment or in a store, if those words be reinstated, even in vacation, and I can see no harm that would result from a boy working in places of that character if the court itself, after thoroughly investigating the subject, shall determine in favor of the boy's right.

Mr. CLARK of Wyoming. Mr. President, I think the most monstrous proposition that this discussion has developed is that a boy under 14 years of age, without father and mother, shall not be allowed to work, but shall go to an asylum of some sort provided by the public, where every vestige of independence, that which makes for good American citizenship, shall be stunted if not forever destroyed.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. CLARK of Wyoming. Certainly.

Mr. LODGE. Does the bill apply to both boys and girls?

Mr. CLARK of Wyoming. It does. The Senator was speaking of the boy.

Mr. LODGE. I spoke of the boy because it was brought forward, but I mentioned the girls, and I think it is well to remember——

Mr. CLARK of Wyoming. I am speaking of the boy, and I should like to have the hands shown in the Senate this afternoon——

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. CLARK of Wyoming. I was going to finish the sentence, but I will yield.

Mr. DOLLIVER. Congress is called upon every year to maintain institutions in the city of Washington to take care of friendless and orphan children. Do I understand the Senator to say that we are doing those children this infamous wrong and taking their manhood and prospects of good citizenship out of them, or is his remark due merely to his enthusiasm? If it is true that we are doing this infinite wrong to the manhood of those children, I should like to ask——

Mr. CLARK of Wyoming. I yielded for a question, not for an argument.

I want to say, Mr. President, if there is a boy or girl who wants to take advantage of those institutions, all right, and God bless the institution, but if there is a boy with American fiber in him 14 years of age or 13 years of age, cast homeless on the world, who wants to make his own way in the world, for God's sake do not make him dependent on public charity.

I should like to have a show of hands in the Senate and in the other House as to whether boys 14 or 13 years of age imbued with true American spirit to carve out their destiny that has been found among the greatest lawmakers on the face of the earth should be committed to a charitable institution. I say on that question but few hands would go up in this Chamber and in the other in favor of the proposition.

I shall vote for this amendment because I believe in giving the American boy the advantage of his enthusiastic entrance into life with a desire to support himself and a desire to bring his Americanism to the front. Who will favor the idea that a boy of that character, filled to the marrow with a spirit of work and energy and determination, shall become a public charity, and that what little independence of spirit he may have shall perhaps be throttled for all time?

[Mr. FULTON addressed the Senate. See Appendix.]

Mr. LODGE. Mr. President, as I am, I suppose, the unfortunate author of what the Senator from Wyoming politely calls a monstrous proposition, I should like to say a word in regard to it. Senators talk as if this bill prevented boys from doing any work, as if, should the bill become a law, no boy could get employment at all.

Mr. NELSON. Will the Senator please point out what work the boy can engage in if the bill passes? What work can boys do here in the District of Columbia? You cut them off from that.

Mr. LODGE. If the Senator will wait a moment I will tell him. They can engage in every form of employment not specifically mentioned in the bill when it is not in school hours.

Mr. NELSON. What is the employment that they can engage in outside of that in the District? Can the Senator specify anything particularly?

Mr. LODGE. They are excluded from factories and workshops, from telegraph offices, restaurants, hotels, apartments, theaters, bowling alleys, and billiard halls.

Mr. FULTON. All the time?

Mr. LODGE. All the time. Those are the employments which are thought to be bad for them.

Mr. FULTON. Of course, I will say to the Senator I would exclude them all from pool rooms and bowling alleys, and no judge of the juvenile court would permit them to be taken there.

Mr. LODGE. How does the Senator know that?

Mr. FULTON. Because I have that much confidence in the institutions of our country and in the courts of the land.

Mr. LODGE. Confidence in everybody except the people who manage charities.

Mr. FULTON. The Senator is willing to submit to the courts of the country the most important interests he has. Why? Because he has confidence in the courts.

Mr. LODGE. The Senator asked me, in the first place, if a boy can sell newspapers. That is one very obvious thing that he can do. He can be a messenger boy. He can engage in any out of door pursuit.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. Of course the Senator is aware that in the first section of the bill there is a prohibition against employment "in the distribution or transmission of merchandise or messages."

Mr. LODGE. The Senator is right; but he can sell newspapers; he can engage in any household employment; he can engage in any out of door employment, either in farm or garden or about a stable, or anything of that sort at any time when school is not being kept. He has plenty of employment. All the out of door employments are open to him. But this is not to allow a judge to put him into a factory or a mine on the demand of a next friend.

Moreover, the bill protects the girls. I suppose it is for the advantage of the community to give little girls the opportunity, as it is said, to earn their living and exercise no protection over them!

Mr. President, this legislation and all the legislation like it is not intended for the small minority of boys nearly 14 years of age who want to get work for themselves. It is intended to protect those unhappy children, of whom there are many, who are in the hands of parents or guardians or next friends, who are willing to make money out of their misery and weakness.

Mr. President, I have some confidence in the heads of the great charities. I think it is better to be cared for and educated in an orphanage than to be struggling in the streets, especially if it is a girl.

I have seen much more stringent laws than this in operation, and I have not seen them affect materially the manhood or the prosperity of the community in which those laws have been in effect. I think that this ideal boy who is being shut out from occupations, when there are abundance of them here under the bill, appears most frequently when there is an effort to protect the unfortunate children other people want to make money out of.

Mr. GALLINGER. Two years ago, Mr. President, I was somewhat instrumental in securing a compulsory-education law for the District of Columbia. Turning to that law, I find that the first section reads as follows:

That every parent, guardian, or other person residing in the District of Columbia having charge and control of a child between the ages of 8 and 14 years shall cause such child to be regularly instructed in the elementary branches of knowledge, including reading, writing, English

grammar, geography, and arithmetic, and pursuant to this end every such parent, guardian, or other person aforesaid shall cause any child under the charge and control of such person to attend some public, private, or parochial school during the period of each year the public schools in the District are in session, on the customary days and during the customary hours of the school term.

Mr. President, that law, which is on the statute book and which is working satisfactorily, as I am told, absolutely compels children up to the age of 14 years to attend school, and we have truant officers who are charged with the privilege of entering all establishments where children under that age are employed and seeing that they do attend the public schools.

It seems to me that the proposed amendment comes pretty near doing away with that provision in the compulsory education law where we give into the hands of a judge the right to say the child need not go to school; that there are conditions under which that child is better off out of school than in school, and hence not only is the beneficent purpose of the bill under consideration largely emasculated, but the compulsory education law is likewise in a sense destroyed.

Mr. President, I am not going to occupy any time. I have refrained from doing that because of my great anxiety to have the bill voted on. I am not in the habit of alluding to myself or my early struggles, but it would have been a blessing to me, Mr. President, if I had been kept in school until the age of 14 years. All through my life I have felt and realized that fact. I do think the best disposition we can make of children until they are 14 years of age is to keep them in school, and that is precisely what the compulsory education law and what this law contemplate.

The judge of the juvenile court is a most estimable gentleman. He is doing good work, but he is a very busy man. I suggested to the Senator from Washington [Mr. PILES] that this matter, if it is to go in the bill at all, ought to be in his hands rather than in the hands of the judges of the higher courts, who are overburdened, and who in the very nature of things would not pay much attention to these trivial matters. But the judge of the juvenile court is a very busy man likewise.

I think when we stop to consider the population of the city of Washington, 350,000 people in this little territory of 70 square miles, and consider the fact that it is a population different from that of any other city in the United States, we ought to be careful not to give a certain class of parents or guardians this right upon such representations as they might make to a court—false representations, very likely, in many instances—which the judge in the nature of things could not ascertain definitely. I think we ought to hesitate before we put into the hands of the judge of a court already overburdened with work the right to nullify to any extent the legislation of 1906, called the "compulsory education law," or the provisions of the bill now under consideration.

I trust that the Senator's amendment, offered of course in good faith and in the full belief that it will be a valuable addition to this bill, may not be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. PILES.]

Mr. CULBERSON. Let the amendment be read.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. On page 1, and following amendment already agreed to, after the word "evening," in line 13, insert the following additional proviso:

And provided further, That the judge of the juvenile court of said District may, upon the application of the parent, guardian, or next friend of said child, issue a permit for the employment of any child between the ages of 12 and 14 years at any occupation or employment not, in his judgment, dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support, in whole or in part, of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GALLINGER. In view of the fact that I am going to offer an amendment that is included in the letter I hold in my hand, I will ask that the full letter be read, as it is brief and of great importance, I think.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA,
FRANKLIN SCHOOL BUILDING,
Washington, D. C., February 17, 1908.

Hon. JACOB H. GALLINGER, United States Senator,
Chairman Committee on District of Columbia,
United States Senate.

SIR: On behalf of the board of education of the District of Columbia, I have the honor to place before your committee a request for an amendment to Senate bill No. 4812, to regulate the employment of child labor in the District of Columbia. It is the earnest desire of the board of education that section 11, on page 7, and line 9, of the bill be amended by the addition of the following words:

"And in all cases arising under an act providing for compulsory education in the District of Columbia, approved June 8, 1906."

The compulsory education law is one that directly affects the welfare of the children and is closely allied to the child-labor law. In the opinion of the board of education it is for the best interests of the work that both these laws should be administered by the juvenile court.

I earnestly trust that this request of the board of education may reach you in time to have it properly incorporated. Our knowledge of your interest in this matter is sufficient to assure us that it will be most carefully considered; and should you be able to regard it favorably your action will be greatly appreciated. I have the honor to remain,

Very respectfully,
HARRY O. HINE,
Secretary Board of Education.

Mr. GALLINGER. The compulsory education law was approved nearly two years ago and the control of these children was placed in the police court. It needs no argument on my part to persuade Senators that they are much safer under the juvenile court, where they are kept away from the associations that necessarily are found about a police court. This is simply an amendment placing the children in that law under the jurisdiction of the juvenile court, as they are in the bill we have under consideration. I ask the Secretary to read the proposed amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of section 11 the following words:

And in all cases arising under an act providing for compulsory education in the District of Columbia, approved June 8, 1906.

So that if amended the section will read:

That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act, and in all cases arising under an act providing for compulsory education in the District of Columbia, approved June 8, 1906.

Mr. CLARK of Wyoming. I wish to ask the Senator from New Hampshire a question for information. I know in a general way about the compulsory school act and I ask the Senator what penalties are prescribed in that act and upon whom are they visited?

Mr. GALLINGER. I have not examined the act recently and I will have to look at it.

Mr. CLARK of Wyoming. I suppose that they are like other acts of the sort, and that the penalty is visited not upon the child, but upon the parent or guardian.

Mr. GALLINGER. Yes. Section 7 of the act provides—

That any parent or other person who makes a false statement concerning the age or school attendance of a child between the ages of 8 and 14, who is under his control, such false statement being made with intent to deceive under this act, shall upon conviction thereof be punished by a fine not to exceed $20.

Mr. CLARK of Wyoming. It occurs to me that the child does not in any way come in contact with the police court, and that this being a violation of the law by an adult, it would be punished not in the juvenile court, but in the court provided for the punishment of crimes and misdemeanors. I submit to the Senator whether that is not a more reasonable view of the situation.

Mr. GALLINGER. I think the Senator is right in saying that the child does not come in direct contact with the police court, and I was incorrect in making that statement.

Mr. CLARK of Wyoming. It is simply a question of the violation of the law by an adult.

Mr. GALLINGER. But in the law we are now considering we have a penalty, and the juvenile court passes upon it. It has been thought by the board of education that it is better that these two laws be both administered in that regard in the juvenile court. I care nothing about it, and, if there is any controversy over it, I shall not urge the amendment.

Mr. CLARK of Wyoming. I am not going to make any controversy over it. I only want to call the attention of the Senator to the question as to whether the juvenile court has any jurisdiction to punish misdemeanors under the general law—whether it would not make the law absolutely void so far as these penalties are concerned?

Mr. GALLINGER. If the Senator from Wyoming feels that way about it, as I have not time to look it up now, I will withdraw the amendment.

Mr. CLARK of Wyoming. It is simply a question in my mind.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. BEVERIDGE. Mr. President, I am compelled shortly to leave the Chamber, and I desire to say one or two very brief words about the bill in general, because I want to express my very emphatic approval of this measure and my earnest pleasure that we are about to see it passed—this, Mr. President, not because it will effect anything of great consequence, but because it is a step, however short, in the right direction, and because also it is a sort of first fruits of the agitation that has now been going on for a year and a half or two years to remedy the real and critical evil that exists in this country.

Whether the bill be considered merely as an affirmative, though limited, act of the National Legislature, expressing its disapproval of this evil, or whether it be considered as an example upon which further legislation may be based, nevertheless it ought to—and I am glad to say that it does—enlist the hearty support and enthusiastic approval of everybody, regardless of party.

I said a moment ago, Mr. President, that my very earnest gratification at the passage of this bill is not because I think it will greatly remedy anything. As has been pointed out by several Senators, this is not a great industrial center. Perhaps here less than in any city of similar size in the Republic does the evil of child labor exist. There are no factories here; there are no mines here; there are no sweat shops here. This is the capital of the nation; and in a peculiar sense—not true of any other city—it is a residence city, a city given over to official life and to those occupations which minister to those who are thus brought here. Therefore, the affirmative benefits of this bill will not and can not be great.

Neither do I think it will be particularly effective as an example, because, as has already been so clearly stated by the chairman of the committee [Mr. DOLLIVER], examples already exist, not in thirty-six States, but perhaps in as many as seven States. So, if merely moral example were sufficient to induce the legislatures of all the States to pass adequate and wise legislation, it would have long since been upon the statute books.

Those who profit by child labor are not to be influenced by any moral example. I said "child labor;" but I do not mean child labor; I mean child slavery—that is what has aroused the nation. The occupation of children such as the Senator from Minnesota [Mr. NELSON] approves, I also very heartily approve. Nothing better can occur to a child than to be usefully employed in the open air, provided it is within the safe limits of its strength. Such occupation is not only excellent for the child in every possible way, physically, mentally, and morally, but it is also a form of recreation if it is not above the child's strength.

But the child labor that everybody refers to when he uses that phrase now is that species of child destruction which existed in England up to twenty-five years ago, which undermined the manhood of the British people, and which exists in this country to perhaps the extent of at least 1,000,000 children.

Nevertheless this bill is a step, a brief one, a short one, in the right direction. It is at least an affirmative moral action upon the part of the National Legislature. Yet let no person deceive himself. This bill, applicable to the District of Columbia, where the evil does not really exist, will not assuage the wrath of the American people against what is the real infamy that has awakened the conscience of the nation; nor will it in the remotest degree quiet that conscience.

The truth about it Mr. President, is that Senators are now familiar, and the country for some years has been more familiar than we have been, with the extent and the revolting nature of this evil. It is not on the farms; it is not in the stores; no; but it is in the mills, the factories, the sweat shops, and on the breakers of coal mines, where little children, boys and girls as young in many instances as 5 years of age, are at work day and night, not for eight hours, not for ten hours, but, in some instances, for twelve hours. Those are not sporadic examples; there are not hundreds of cases, nor thousands of cases, nor tens of thousands of cases; but there are hundreds of thousands of cases; and those children are being ruined in body and in mind.

Mr. President, there is a good deal of excitement if an occasional wild fanatic, called an "anarchist," lands upon our shores; yet we ourselves have in our country at the present time a system which is creating the material of anarchists; which is producing every year, by the lowest estimate I have been able to find, certainly as many as 250,000 degenerates who have malformed bodies and beclouded minds and hate-filled hearts. That, Mr. President, is the reason that this bill can not greatly touch the real evil, and yet, so earnestly am I in favor of this affirmative act that we are about to obtain that I am willing—in addition to the reason given by the Senator from Colorado [Mr. TELLER], and which I have heretofore referred to, that a report of the national bill will soon be had and a consideration of and vote upon it be obtained in the Senate early next session—to waive the presentation of any other question that might now complicate this one, and also out of regard to the desires of several Senators.

Now, just one word more. The question of the constitutionality of national child-labor legislation has been raised. That, of course, is something that we are going to consider hereafter. It is conceded on all hands to be a grave and a far-reaching question, and yet attention is called to the fact—and it is a matter that will be debated extensively, as it should be, by those who believe on both sides of that question hereafter when the bill is out of the committee and up at an early time next session for consideration—attention is called to the fact that every law that prohibited any article from interstate commerce—of which there have been more, I find, than twenty passed—that has been carried to the Supreme Court of the United States has been upheld by that tribunal without one single exception, and so far as I can find every law that has been presented to an inferior Federal tribunal has been upheld without one single exception.

More than that, I said a moment ago that we have something more than a score of such laws on the statute books. When the time comes to argue the question I shall show that not a single one of them was resisted, excepting only where some great financial interests were profiting by the evil proposed to be suppressed, and we have now on the statute books not only more than a score of laws prohibiting articles from interstate commerce, but some prohibiting articles absolutely harmless in themselves, and which affect the manufactures of various States.

Mr. President, I think that we are to be congratulated upon the fact that we are consummating at last, in answer to a great moral agitation, such as has occurred in this country before when critical evils faced the Republic, a beginning of affirmative legislation. Of course it is nothing more than a beginning, and a very little beginning; but it is something. However little it may accomplish, it at least registers the moral condemnation of every man in this Chamber, which I concede all equally feel against this monstrous abuse; and, further, that we are to be congratulated on the fact that we shall discuss and have an opportunity to discuss in a full and free manner in the Senate, and vote upon it, the larger question of the uprooting of the real evil that is not only injuring the bodies, but, in many cases, killing them and forever ruining the souls of myriads of American children.

I say this with the permission of the Senator from Iowa, because I am compelled to leave the Chamber, and I did want to say some hearty words of my very earnest approval of this measure, for which I shall vote, of course, with the keenest possible enthusiasm; and although as the first fruits of this agitation it may be very small and very limited, it is something.

Mr. HEYBURN. Mr. President, on page 7, line 7, I move to strike out the word "juvenile" and insert the word "police."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 7, before the word "court," it is proposed to strike out "juvenile" and insert "police."

Mr. HEYBURN. I will, Mr. President, say a word in explanation of the amendment. The juvenile court is not invested with the power by the act creating it to hear and determine the class of cases that will arise under this bill. It would not have jurisdiction to determine any case in which the parties were over 17 years of age. In the very juvenile-court act it is provided that violations of the laws there mentioned by persons over 17 years of age must be determined in the police court. That is the limitation placed upon the jurisdiction of the juvenile court by the act creating it. Therefore in this bill it will be necessary to substitute the "police court" for the "juvenile court," it being provided in section 11 of the bill—

That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act.

You can not give the court jurisdiction in that offhand way, inasmuch as the court was created for the very purpose, the limited purpose, of dealing with people under 17 years of age, and the act itself recognized that fact, I repeat, in its own provisions by providing that where they were over 17 years of age they must be sent to the police court for the enforcement of the provisions of the law.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. PILES. I desire to renew my amendment in the Senate, and ask for a vote on it.

The VICE-PRESIDENT. That will be in order later. Are there any amendments to be reserved?

Mr. GALLINGER. I desire to reserve the amendment made on motion of the Senator from Minnesota [Mr. NELSON], striking out the words "mercantile establishment, store, and business office."

The VICE-PRESIDENT. That amendment will be reserved.

Mr. PILES. I have an amendment pending, I think. Have I not?

The VICE-PRESIDENT. Without objection, the other amendments made as in Committee of the Whole will be concurred in. The question now is on concurring in the amendment, made as in Committee of the Whole, proposed by the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. On that I ask for the yeas and nays.

Mr. TELLER. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, on page 1, lines 5 and 6, it is proposed to strike out the words "mercantile establishment, store, business office."

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I transfer my pair with the junior Senator from Virginia [Mr. MARTIN] to the junior Senator from New Jersey [Mr. BRIGGS] and vote. I vote "nay."

Mr. DANIEL (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH], and therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). I again announce the transfer of my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Kansas [Mr. LONG] and vote. I vote "yea."

Mr. TALIAFERRO (when Mr. MILTON'S name was called). I wish to announce that my colleague [Mr. MILTON], who is unavoidably absent, is paired with the Senator from New York [Mr. PLATT].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], but observing that on the previous vote on this same amendment he voted on the same side of the question that I did, I will take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. DOLLIVER. I should like the RECORD to show that my colleague [Mr. ALLISON] is paired with the Senator from Maryland [Mr. RAYNER].

The result was announced—yeas 29, nays 27, as follows:

YEAS—29.

Ankeny	Foraker	Overman	Stewart
Bankhead	Foster	Paynter	Taliaferro
Borah	Frazier	Perkins	Teller
Bulkeley	Fulton	Piles	Warner
Clapp	Gary	Scott	Warren
Clark, Wyo.	Gore	Simmons	
Dick	Johnston	Smoot	
Dillingham	Nelson	Stephenson	

NAYS—27.

Bacon	Carter	Flint	Knox
Bourne	Clay	Frye	Lodge
Brandegee	Crane	Gallinger	McCreary
Brown	Cullom	Guggenheim	Owen
Burkett	Dixon	Heyburn	Smith, Mich.
Burnham	Dolliver	Hopkins	Stone
Burrows	du Pont	Kean	

NOT VOTING—36.

Aldrich	Davis	Long	Penrose
Allison	Depew	McCumber	Platt
Bailey	Elkins	McEnery	Rayner
Beveridge	Gamble	McLaurin	Richardson
Briggs	Hale	Martin	Smith, Md.
Clarke, Ark.	Hansbrough	Milton	Sutherland
Culberson	Hemenway	Money	Taylor
Curtis	Kittredge	Newlands	Tillman
Daniel	La Follette	Nixon	Wetmore

So Mr. NELSON'S amendment was concurred in.

Mr. GALLINGER. I move after the words just stricken out to insert the words "department store," so as to read:

Factory, workshop, department store.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment which will be stated.

The SECRETARY. After the word "workshop," in line 5, on page 1, it is proposed to insert the words "department store."

The amendment was agreed to.

Mr. DOLLIVER. In line 3, on page 5, I desire to substitute the word "a" for the word "such," so that it will read "permits a child."

The amendment was agreed to.

Mr. PILES. I renew the amendment in the Senate which I offered in Committee of the Whole.

The VICE-PRESIDENT. The Senator from Washington proposes an amendment, which will be stated.

The SECRETARY. It is proposed to add, after the amendment inserted on page 1, at the end of line 13, the following:

And provided further, That the judge of the juvenile court of said District may, upon the application of the parent, guardian, or next friend of said child, issue a permit for the employment of any child between the ages of 12 and 14 years at any occupation or employment not in his judgment dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him that the labor of such child is necessary for its support, or for the assistance of a disabled, ill, or invalid father or mother, or for the support in whole or in part of a younger brother or sister or a widowed mother. Such permits shall be issued for a definite time, but they shall be revocable at the discretion of the judge by whom they are issued or by his successor in office. Hearings for granting and revoking permits shall be held upon such notice and under such rules and regulations as the judge of said court shall prescribe.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. PILES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I announce, not only on this vote, but on any other vote that may come upon this bill, the transfer of my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Kansas [Mr. LONG], and I will vote. I vote "yea."

Mr. TALIAFERRO (when Mr. MILTON'S name was called). I again announce the fact that my colleague [Mr. MILTON] is paired with the Senator from New York [Mr. PLATT].

Mr. WARREN (when his name was called). Under the circumstances I have already announced regarding my regular pair, I will vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 37, nays 19, as follows:

YEAS—37.

Ankeny	Dick	Nelson	Stephenson
Bacon	Dillingham	Newlands	Stewart
Borah	du Pont	Overman	Stone
Bourne	Foraker	Paynter	Taliaferro
Brandegee	Foster	Penrose	Teller
Bulkeley	Frazier	Perkins	Warner
Carter	Fulton	Piles	Warren
Clapp	Heyburn	Scott	
Clark, Wyo.	Johnston	Simmons	
Curtis	Knox	Smith, Mich.	

NAYS—19.

Brown	Cullom	Gallinger	Kean
Burkett	Dixon	Gary	Lodge
Burnham	Dolliver	Gore	McCreary
Clay	Flint	Guggenheim	Owen
Crane	Frye	Hopkins	

NOT VOTING—36.

Aldrich	Daniel	La Follette	Platt
Allison	Davis	Long	Rayner
Bailey	Depew	McCumber	Richardson
Bankhead	Elkins	McEnery	Smith, Md.
Beveridge	Gamble	McLaurin	Smoot
Briggs	Hale	Martin	Sutherland
Burrows	Hansbrough	Milton	Taylor
Clarke, Ark.	Hemenway	Money	Tillman
Culberson	Kittredge	Nixon	Wetmore

So Mr. PILES'S amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. Mr. President, I gave notice yesterday that I expected to call up the agricultural appropriation bill to-day. It is perfectly obvious that we could proceed for only a short time this evening. I therefore give notice that I shall ask the Senate to take it up early to-morrow.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 7, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, May 6, 1908.

APPRAISER OF MERCHANDISE.

Samuel Krulewitch, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of George W. Wanmaker, promoted.

PROMOTIONS IN THE NAVY.

Ensign Edward H. Campbell to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1907, upon the completion of three years' service in his present grade.

Lieut. (Junior Grade) Edward H. Campbell to be a lieutenant in the Navy from the 30th day of July, 1907, to fill a vacancy existing in that grade on that date.

Ensign Leo Sahm to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years in present grade.

Lieut. (Junior Grade) Leo Sahm to be a lieutenant in the Navy from the 3d day of February, 1908, to fill a vacancy existing in that grade on that date.

Assistant Naval Constructor Henry T. Wright to be a naval constructor in the Navy from the 4th day of April, 1908, upon the completion of eight years in present grade.

PROMOTIONS IN THE ARMY.

Medical Corps.

Lieut. Col. George H. Torney, Medical Corps, to be colonel from April 23, 1908, to fill an original vacancy.

Lieut. Col. Louis W. Crampton, Medical Corps, to be colonel from April 23, 1908, to fill an original vacancy.

Capt. John H. Stone, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Irving W. Rand, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Powell C. Fauntleroy, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. James S. Wilson, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Basil H. Dutcher, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Leigh A. Fuller, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. George A. Skinner, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

Capt. Carl R. Darnall, Medical Corps, to be major from April 23, 1908, to fill an original vacancy.

POSTMASTERS.

DELAWARE.

Joseph M. Harrington to be postmaster at Felton, Kent County, Del., in place of Joseph M. Harrington. Incumbent's commission expired January 4, 1908.

ILLINOIS.

Archibald B. Campbell to be postmaster at Tolono, Champaign County, Ill. Office became Presidential October 1, 1907.

William S. Rice to be postmaster at Carmi, White County, Ill., in place of William S. Rice. Incumbent's commission expired April 27, 1908.

INDIANA.

John H. Hilty to be postmaster at Berne, Adams County, Ind., in place of Japhet F. Lehman. Incumbent's commission expired April 28, 1908.

KANSAS.

Fred Bartlett to be postmaster at Baxter Springs, Cherokee County, Kans., in place of James S. Price, deceased.

MICHIGAN.

Henry S. Wickware to be postmaster at Cass City, Tuscola County, Mich., in place of Henry S. Wickware. Incumbent's commission expired April 27, 1908.

NEBRASKA.

Jules Haumont to be postmaster at Broken Bow, Custer County, Nebr., in place of Leander H. Jewett, resigned.

PENNSYLVANIA.

Dewitt C. Parkinson to be postmaster at Monongahela, Washington County, Pa., in place of Dewitt C. Parkinson. Incumbent's commission expired April 28, 1908.

Charles A. Straesser to be postmaster at Martinsburg, Blair County, Pa., in place of Charles A. Straesser. Incumbent's commission expired April 9, 1908.

TEXAS.

J. L. Burke to be postmaster at Elgin, Bastrop County, Tex., in place of Florence Burke, resigned.

Samuel H. Cole to be postmaster at McKinney, Collin County, Tex., in place of Hugo E. Smith. Incumbent's commission expired May 1, 1906.

WISCONSIN.

A. H. Jessell to be postmaster at Birnamwood, Shawano County, Wis. Office became Presidential January 1, 1908.

Joseph Longbotham to be postmaster at Cuba, Grant County, Wis. Office became Presidential January 1, 1907.

August J. Seemann to be postmaster at Boscobel, Grant County, Wis., in place of August J. Seemann. Incumbent's commission expired December 14, 1907.

John H. Wall to be postmaster at Highland, Iowa County, Wis. Office became Presidential October 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1908.

PROMOTIONS IN THE NAVY.

Ensign Henry D. Cooke, jr., United States Navy, to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade.

Lieut. (Junior Grade) Henry D. Cooke, jr., United States Navy, to be a lieutenant in the Navy from the 3d day of February, 1908.

POSTMASTERS.

INDIANA.

William R. Elrod to be postmaster at Orleans, Orange County, Ind.

KANSAS.

Gordon H. Broughton to be postmaster at Galena, Cherokee County, Kans.

NEBRASKA.

Loree V. Styles to be postmaster at St. Edward, Boone County, Nebr.

NEW JERSEY.

Charles L. Flanigan to be postmaster at Riverton, Burlington County, N. J.

WISCONSIN.

Charles J. Linquist to be postmaster at Rio, Columbia County, Wis.

CANADIAN INTERNATIONAL BOUNDARY.

The injunction of secrecy was removed May 4, 1908, from a treaty between the United States and Great Britain providing for the more complete definition and demarcation of the international boundary between the United States and the Dominion of Canada, signed at Washington on April 11, 1908.

ARBITRATION WITH SWEDEN.

The injunction of secrecy was removed May 6, 1908, from an arbitration convention between the United States and Sweden, signed at Washington on May 2, 1908.

ARBITRATION WITH THE NETHERLANDS.

The injunction of secrecy was removed May 6, 1908, from an arbitration convention between the United States and the Netherlands, signed at Washington on May 2, 1908.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 6, 1908.*

[*Continuation of the legislative day of Monday, May 4, 1908.*]

The recess having expired, at 11.55 o'clock a. m. the House was called to order by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6826. An act to correct the military record of Albert S. Austin; and

S. 6358. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriations for the support of the Army for the fiscal year ending June 30, 1909.

TARIFF LAWS, PHILIPPINE ISLANDS.

Mr. PAYNE, from the Committee on Ways and Means, reported with amendments the bill (H. R. 21449) to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905, which was read a first and second time and, with the accompanying report (No. 1607), referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

REORGANIZATION OF CONSULAR SERVICE.

Mr. COUSINS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. COUSINS. To move the adoption of a conference report on the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved March 5, 1906.

The SPEAKER. The Clerk will read the report and also the statement.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, and agree to the same.

That the House recede from its amendment numbered 5, and agree to the same with an amendment as follows: Insert "Gibraltar" on page 4, line 8, after "Erfurt."

That the House recede from its amendment numbered 6, and agree to the same with an amendment as follows: Insert "Limoges" on page 4, line 10, after "Leeds."

R. G. COUSINS,
C. B. LANDIS,
WM. M. HOWARD,
Managers on the part of the House.

H. C. LODGE,
S. M. CULLOM,
A. O. BACON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 4112) to amend "An act to provide for the reorganization of the consular service of the United States," submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report:

The act as it passed the Senate placed the salary of the consul at Melbourne at $5,000, at Limoges at $3,500, and at Gibraltar at $3,000. The House reduced these salaries as follows: Melbourne, to $3,000; Limoges, to $2,000, and Gibraltar, to $2,000. By the action of the conferees, Melbourne remains at $3,000 and Limoges and Gibraltar are each increased to $2,500, resulting in no increase in the amount of salaries for the consular service appropriated by the diplomatic and consular appropriation bill as it passed the House last week.

The increases were recommended by the Secretary of State, who submitted reports from the consular inspectors showing the increases to be justified.

ROBERT G. COUSINS,
CHAS. B. LANDIS,
WM. M. HOWARD,
Managers on the part of the House.

Mr. CLARK of Missouri rose.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask a question or two of the gentleman.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. COUSINS. For a question; yes.

Mr. CLARK of Missouri. Is this the diplomatic and consular appropriation bill?

Mr. COUSINS. No; this is the amendment to the readjustment of the consular service, passed a month and a half ago.

The SPEAKER. The question is on agreeing to the consular report.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from New York?

Mr. COUSINS. Oh, for a question.

Mr. FITZGERALD. But, Mr. Speaker, I would like a little time to discuss this report.

Mr. COUSINS. Mr. Speaker, there is really no difference here. If there is a question the gentleman desires to ask, I would be glad to yield to that.

The SPEAKER. The gentleman yields to a question.

Mr. FITZGERALD. Well, but I have not asked a question, Mr. Speaker. I wish to be recognized in my own right. The gentleman knows the rules, and so does the Speaker, and when the Chair puts the question it is tantamount to yielding the floor on the part of the gentleman in charge of the bill.

The SPEAKER. And so does the gentleman from New York know the rules——

Mr. COUSINS. Mr. Speaker, I move the previous question.

The SPEAKER. And the gentleman from Iowa, holding the floor, moves the previous question. The question is on ordering the previous question.

The question was taken.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 148, nays 115, answered "present" 11, not voting 113, as follows:

YEAS—148.

Adair	Diekema	Jenkins	Olmsted
Alexander, N. Y.	Douglas	Jones, Wash.	Overstreet
Allen	Draper	Kahn	Parker, N. J.
Anthony	Driscoll	Keifer	Parker, S. Dak.
Bannon	Dwight	Kennedy, Iowa	Parsons
Barchfeld	Englebright	Kennedy, Ohio	Payne
Barclay	Esch	Knapp	Perkins
Bartholdt	Fairchild	Knopf	Porter
Bates	Focht	Knowland	Pray
Beale, Pa.	Fordney	Küstermann	Prince
Bede	Foss	Lafean	Reeder
Bennet, N. Y.	Foster, Ind.	Landis	Reynolds
Birdsall	Foster, Vt.	Lawrence	Rodenberg
Bonynge	Foulkrod	Lenahan	Slemp
Boyd	Fowler	Longworth	Smith, Cal.
Brownlow	French	Loudenslager	Smith, Iowa
Brumm	Gaines, W. Va.	Lowden	Southwick
Burke	Gardner, Mich.	McCall	Stafford
Burleson	Gardner, N. J.	McGavin	Steenerson
Burton, Del.	Gilhams	McKinley, Ill.	Sterling
Calder	Gillett	McKinney	Sturgiss
Capron	Goebel	McMillan	Sulloway
Cary	Graham	McMorran	Thistlewood
Caulfield	Gronna	Madden	Thomas, Ohio
Chaney	Hale	Malby	Tirrell
Chapman	Hall	Mann	Townsend
Cole	Hamilton, Mich.	Miller	Volstead
Conner	Harding	Mondell	Waldo
Cook, Pa.	Hawley	Moon, Pa.	Wanger
Cooper, Pa.	Hayes	Moore, Pa.	Washburn
Cooper, Tex.	Higgins	Morse	Watson
Crumpacker	Hinshaw	Mouser	Wheeler
Dalzell	Holliday	Murdock	Wilson, Ill.
Darragh	Howell, N. J.	Nelson	Wilson, Pa.
Davidson	Howland	Norris	Wood
Dawson	Hubbard, W. Va.	Nye	Woodyard
Denby	Hull, Iowa	Olcott	Young

NAYS—115.

Adamson	Favrot	Houston	Randell, Tex.
Alexander, Mo.	Ferris	Hughes, N. J.	Ransdell, La.
Ashbrook	Fitzgerald	Hull, Tenn.	Rauch
Bartlett, Nev.	Floyd	Humphreys, Miss.	Reid
Beall, Tex.	Fornes	James, Ollie M.	Rhinock
Bell, Ga.	Foster, Ill.	Johnson, Ky.	Richardson
Booher	Fulton	Johnson, S. C.	Robinson
Bowers	Gaines, Tenn.	Kelliher	Rothermel
Brantley	Garner	Kimball	Russell, Mo.
Brodhead	Garrett	Kipp	Russell, Tex.
Burnett	Gillespie	Kitchin, Claude	Sabath
Caldwell	Glass	Lassiter	Shackleford
Candler	Godwin	Leake	Sheppard
Carlin	Goldfogle	Lee	Sherley
Carter	Granger	Legare	Sims
Clark, Fla.	Gregg	Lindsay	Slayden
Clark, Mo.	Griggs	Lloyd	Small
Clayton	Hackett	McDermott	Smith, Mo.
Cockran	Hackney	McLain	Smith, Tex.
Cox, Ind.	Hamilton, Iowa	Macon	Sparkman
Craig	Hamlin	Moon, Tenn.	Spight
Cravens	Hardwick	Moore, Tex.	Stephens, Tex.
Crawford	Hardy	Murphy	Sulzer
Davenport	Harrison	Nicholls	Taylor, Ala.
De Armond	Hay	O'Connell	Thomas, N. C.
Denver	Helm	Padgett	Tou Velle
Dixon	Henry, Tex.	Page	Underwood
Edwards, Ga.	Hill, Miss.	Pujo	Wolf
Ellerbe	Hitchcock	Rainey	

ANSWERED "PRESENT"—11.

Brundidge	Currier	Gordon	McGuire
Butler	Fassett	Goulden	Sherman
Cousins	Flood	Haggott	

NOT VOTING—113.

Acheson	Byrd	Ellis, Mo.	Hepburn
Aiken	Calderhead	Ellis, Oreg.	Hill, Conn.
Ames	Campbell	Finley	Hobson
Andrus	Cocks, N. Y.	Fuller	Howard
Ansberry	Cook, Colo.	Gardner, Mass.	Howell, Utah
Bartlett, Ga.	Cooper, Wis.	Gill	Hubbard, Iowa
Bennett, Ky.	Coudrey	Graff	Huff
Bingham	Cushman	Greene	Hughes, W. Va.
Boutell	Davey, La.	Hamill	Humphrey, Wash.
Bradley	Davis, Minn.	Hammond	Jackson
Broussard	Dawes	Haskins	James, Addison D.
Burgess	Dunwell	Haugen	Jones, Va.
Burleigh	Durey	Heflin	Kinkaid
Burton, Ohio	Edwards, Ky.	Henry, Conn.	Kitchin, Wm. W.

Lamar, Fla.	McCreary	Powers	Tawney
Lamar, Mo.	McHenry	Pratt	Taylor, Ohio
Lamb	McKinlay, Cal.	Riordan	Vreeland
Langley	McLachlan, Cal.	Roberts	Wallace
Laning	McLaughlin, Mich.	Rucker	Watkins
Law	Madison	Ryan	Webb
Lever	Marshall	Saunders	Weeks
Lewis	Maynard	Scott	Weems
Lilley	Mudd	Sherwood	Weisse
Lindbergh	Needham	Smith, Mich.	Wiley
Littlefield	Patterson	Snapp	Willett
Livingston	Pearre	Sperry	Williams
Lorimer	Peters	Stanley	
Loud	Pollard	Stevens, Minn.	
Lovering	Pou	Talbott	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. COCKS of New York with Mr. LEVER.

For the session:

Mr. COUSINS with Mr. FLOOD.

Mr. SHERMAN with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. TAWNEY with Mr. WILLIAMS.

Mr. SMITH of Michigan with Mr. WEISSE.

Mr. SCOTT with Mr. WEBB.

Mr. PEARRE with Mr. WALLACE.

Mr. MARSHALL with Mr. SAUNDERS.

Mr. LOVERING with Mr. RUCKER.

Mr. LANGLEY with Mr. POU.

Mr. HUGHES of West Virginia with Mr. MAYNARD.

Mr. LORIMER with Mr. GILL.

Mr. HASKINS with Mr. MCHENRY.

Mr. TAYLOR of Ohio with Mr. LEWIS.

Mr. GREENE with Mr. LAMB.

Mr. ELLIS of Missouri with Mr. LAMAR of Missouri.

Mr. DAVIS of Minnesota with Mr. JONES of Virginia.

Mr. CUSHMAN with Mr. HEFLIN.

Mr. COOPER of Wisconsin with Mr. HAMMOND.

Mr. COOK of Colorado with Mr. HAMILL.

Mr. CAMPBELL with Mr. GORDON.

Mr. CALDERHEAD with Mr. DAVEY of Louisiana.

Mr. BURTON of Ohio with Mr. BURGESS.

Mr. BURLEIGH with Mr. BRUNDIDGE.

Mr. BOUTELL with Mr. ANSBERRY.

Mr. ANDRUS with Mr. AIKEN.

Mr. MUDD with Mr. TALBOTT.

Mr. FULLER with Mr. BYRD.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. DUNWELL with Mr. WATKINS.

Mr. POWERS with Mr. PRATT.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. COUDREY with Mr. HOPKINS.

Mr. MCCREARY with Mr. HOWARD.

Mr. FASSETT with Mr. RYAN.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. BINGHAM with Mr. LAMAR of Florida.

Mr. HILL of Connecticut with Mr. GLASS.

Mr. SNAPP with Mr. WILLETT.

Mr. HUFF with Mr. PETERS.

Mr. MCKINLAY of California with Mr. SHERWOOD.

Mr. MCGUIRE with Mr. STANLEY.

Mr. AMES with Mr. PATTERSON.

Mr. HENRY of Connecticut with Mr. WILEY.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on agreeing to the conference report.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. CLARK of Missouri. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 184, nays 95, answered "present" 17, not voting 91, as follows:

YEAS—184.

Adair	Brantley	Cook, Pa.	Dwight
Adamson	Brownlow	Cooper, Pa.	Ellis, Mo.
Alexander, N. Y.	Burke	Cooper, Tex.	Ellis, Oreg.
Anthony	Burleson	Cooper, Wis.	Englebright
Bannon	Burton, Ohio	Crumpacker	Esch
Barchfeld	Calder	Dalzell	Fairchild
Barclay	Campbell	Davidson	Focht
Bartholdt	Capron	Davis, Minn.	Fordney
Bates	Caulfield	Dawson	Fornes
Beale, Pa.	Chaney	Denby	Foss
Bede	Chapman	Denver	Foster, Ind.
Bennet, N. Y.	Cocks, N. Y.	Diekema	Foster, Vt.
Birdsall	Cole	Douglas	Foulkrod
Bonynge	Conner	Draper	Fowler
Boyd	Cook, Colo.	Driscoll	French
Gaines, W. Va.	Hubbard, Iowa	McLachlan, Cal.	Reeder
Gardner, Mich.	Hubbard, W. Va.	McMillan	Reynolds
Gardner, N. J.	Huff	McMorran	Robinson
Gilhams	Hull, Iowa	Madden	Rodenberg
Gillett	Humphrey, Wash.	Mann	Scott
Glass	Jones, Wash.	Miller	Slayden
Goebel	Kahn	Mondell	Slemp
Gordon	Keifer	Moon, Pa.	Smith, Cal.
Graff	Kennedy, Iowa	Moore, Pa.	Smith, Iowa
Graham	Kennedy, Ohio	Morse	Southwick
Griggs	Kinkaid	Mouser	Stafford
Gronna	Knapp	Murdock	Sterling
Hackett	Knopf	Needham	Sturgiss
Hale	Knowland	Nelson	Sulloway
Hall	Küstermann	Norris	Tawney
Hamilton, Iowa	Lafean	Nye	Thistlewood
Hamilton, Mich.	Landis	O'Connell	Thomas, Ohio
Harding	Law	Olcott	Tirrell
Hardwick	Lawrence	Olmsted	Townsend
Harrison	Lever	Overstreet	Volstead
Haskins	Littlefield	Parker, S. Dak.	Vreeland
Haugen	Lloyd	Parsons	Waldo
Hawley	Longworth	Payne	Wanger
Hayes	Loud	Pearre	Washburn
Higgins	Lovering	Perkins	Watson
Hill, Conn.	Lowden	Pollard	Weeks
Hinshaw	McCall	Porter	Wheeler
Hitchcock	McGavin	Pray	Wilson, Ill.
Holliday	McGuire	Prince	Wood
Howell, Utah	McKinley, Ill.	Pujo	Woodyard
Howland	McKinney	Ransdell, La.	Young

NAYS—95.

Alexander, Mo.	Ellerbe	Johnson, Ky.	Rhinock
Ashbrook	Favrot	Johnson, S. C.	Richardson
Bartlett, Nev.	Ferris	Keliher	Rothermel
Beall, Tex.	Fitzgerald	Kipp	Russell, Mo.
Bell, Ga.	Floyd	Kitchin, Claude	Russell, Tex.
Booher	Foster, Ill.	Lassiter	Saunders
Bowers	Fulton	Leake	Shackleford
Brodhead	Gaines, Tenn.	Lee	Sheppard
Brundidge	Gillespie	Legare	Sherley
Burgess	Godwin	Lenahan	Sims
Burnett	Granger	Lewis	Small
Caldwell	Hackney	Lindsay	Smith, Mo.
Candler	Hamlin	McDermott	Smith, Tex.
Carlin	Hardy	McLain	Sparkman
Carter	Hay	Macon	Spight
Clark, Fla.	Heflin	Maynard	Stanley
Clark, Mo.	Helm	Moon, Tenn.	Stephens, Tex.
Clayton	Henry, Tex.	Murphy	Sulzer
Cox, Ind.	Hill, Miss.	Nicholls	Thomas, N. C.
Craig	Houston	Page	Tou Velle
Cravens	Hughes, N. J.	Rainey	Underwood
Davenport	Hull, Tenn.	Randell, Tex.	Wilson, Pa.
Dixon	Humphreys, Miss.	Rauch	Wolf
Edwards, Ga.	James, Ollie M.	Reid	

ANSWERED "PRESENT"—17.

Butler	De Armond	Goldfogle	Sherman
Cary	Fassett	Goulden	Watkins
Cockran	Flood	Kimball	
Cousins	Garner	Marshall	
Currier	Garrett	Sabath	

NOT VOTING—91.

Acheson	Dunwell	Lamar, Fla.	Powers
Aiken	Durey	Lamar, Mo.	Pratt
Allen	Edwards, Ky.	Lamb	Riordan
Ames	Finley	Langley	Roberts
Andrus	Fuller	Laning	Rucker
Ansberry	Gardner, Mass.	Lilley	Ryan
Bartlett, Ga.	Gill	Lindbergh	Sherwood
Bennett, Ky.	Greene	Livingston	Smith, Mich.
Bingham	Gregg	Lorimer	Snapp
Boutell	Haggott	Loudenslager	Sperry
Bradley	Hamill	McCreary	Steenerson
Broussard	Hammond	McHenry	Stevens, Minn.
Brumm	Henry, Conn.	McKinlay, Cal.	Talbott
Burleigh	Hepburn	McLaughlin, Mich.	Taylor, Ala.
Burton, Del.	Hobson	Madison	Taylor, Ohio
Byrd	Howard	Malby	Wallace
Calderhead	Howell, N. J.	Moore, Tex.	Webb
Coudrey	Hughes, W. Va.	Mudd	Weems
Crawford	Jackson	Padgett	Weisse
Cushman	James, Addison D.	Parker, N. J.	Wiley
Darragh	Jenkins	Patterson	Willett
Davey, La.	Jones, Va.	Peters	Williams
Dawes	Kitchin, Wm. W.	Pou	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LOUDENSLAGER with Mr. GILL.

Mr. STEVENS of Minnesota with Mr. SABATH.

Mr. JENKINS with Mr. TAYLOR of Alabama.

Mr. HOWELL of New Jersey with Mr. PADGETT.

Mr. DUREY with Mr. MOORE of Texas.

Mr. DARRAGH with Mr. GREGG.

Mr. BURTON of Delaware with Mr. COCKRAN.

Mr. CAREY with Mr. CRAWFORD.

The result of the vote was announced as above recorded.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER pro tempore. The question now recurs on the motion of the gentleman from Minnesota [Mr. TAWNEY] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21260, the sundry civil appropriation bill.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. CLARK of Missouri. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 270, nays 4, answered "present" 11, not voting 102, as follows:

YEAS—270.

Adair	Ellerbe	Huff	Payne
Adamson	Ellis, Mo.	Hull, Iowa	Pearre
Alexander, Mo.	Ellis, Oreg.	Hull, Tenn.	Perkins
Allen	Esch	Humphrey, Wash.	Pollard
Anthony	Fairchild	Humphreys, Miss.	Porter
Bannon	Favrot	Johnson, Ky.	Pou
Barchfeld	Ferris	Johnson, S. C.	Pray
Barclay	Fitzgerald	Jones, Wash.	Prince
Bartholdt	Floyd	Kahn	Pujo
Bartlett, Nev.	Focht	Keifer	Rainey
Bates	Fordney	Kennedy, Iowa	Randell, Tex.
Beale, Pa.	Fornes	Kimball	Ransdell, La.
Beall, Tex.	Foster, Ill.	Kinkaid	Rauch
Bede	Foster, Ind.	Kipp	Reeder
Bell, Ga.	Foster, Vt.	Kitchin, Claude	Reid
Bennet, N. Y.	Foulkrod	Knapp	Reynolds
Birdsall	Fowler	Knopf	Richardson
Bonynge	French	Knowland	Robinson
Booher	Fulton	Lafean	Rodenberg
Bowers	Gaines, Tenn.	Landis	Rucker
Boyd	Gaines, W. Va.	Laning	Russell, Mo.
Brownlow	Gardner, Mich.	Lassiter	Russell, Tex.
Burgess	Gardner, N. J.	Law	Sabath
Burke	Garner	Lawrence	Saunders
Burleson	Garrett	Lee	Shackleford
Burnett	Gilhams	Legare	Sheppard
Burton, Ohio	Gillespie	Lenahan	Sherley
Calder	Gillett	Lever	Sims
Caldwell	Glass	Lewis	Slayden
Campbell	Godwin	Lindsay	Slemp
Candler	Goebel	Littlefield	Small
Capron	Goldfogle	Longworth	Smith, Cal.
Carlin	Gordon	Lorimer	Smith, Iowa
Carter	Graff	Loud	Smith, Mich.
Caulfield	Graham	Loudenslager	Smith, Mo.
Chaney	Granger	Lowden	Smith, Tex.
Chapman	Griggs	McCall	Southwick
Clark, Fla.	Gronna	McGavin	Spight
Clark, Mo.	Hackett	McGuire	Stafford
Clayton	Hackney	McKinley, Ill.	Stanley
Cocks, N. Y.	Hale	McKinney	Stephens, Tex.
Cole	Hall	McLachlan, Cal.	Sterling
Conner	Hamill	McLaughlin, Mich.	Stevens, Minn.
Cook, Pa.	Hamilton, Iowa	McMillan	Sturgiss
Cooper, Pa.	Hamilton, Mich.	McMorran	Sulloway
Cooper, Tex.	Hamlin	Macon	Talbott
Cooper, Wis.	Harding	Madden	Tawney
Cousins	Hardwick	Mann	Thistlewood
Cox, Ind.	Hardy	Marshall	Thomas, N. C.
Craig	Haskins	Miller	Thomas, Ohio
Cravens	Haugen	Moon, Tenn.	Tirrell
Crumpacker	Hawley	Moore, Pa.	Tou Velle
Dalzell	Hay	Morse	Townsend
Darragh	Hayes	Mouser	Underwood
Davenport	Heflin	Murphy	Volstead
Davidson	Helm	Needham	Waldo
Davis, Minn.	Henry, Tex.	Nelson	Wanger
Dawson	Higgins	Nicholls	Washburn
De Armond	Hill, Conn.	Norris	Watson
Denby	Hill, Miss.	Nye	Weeks
Denver	Hinshaw	O'Connell	Wheeler
Diekema	Hitchcock	Olcott	Wilson, Pa.
Dixon	Holliday	Olmsted	Wolf
Douglas	Houston	Overstreet	Wood
Draper	Howell, Utah	Page	Woodyard
Driscoll	Howland	Parker, N. J.	Young
Dwight	Hubbard, Iowa	Parker, S. Dak.	
Edwards, Ga.	Hubbard, W. Va.	Parsons	

NAYS—4.

Brantley	Harrison	Rothermel	Sulzer

ANSWERED "PRESENT"—11.

Boutell	Cary	Fassett	Roberts
Bradley	Cockran	Flood	Watkins
Butler	Currier	Goulden	

NOT VOTING—102.

Acheson	Edwards, Ky.	Küstermann	Peters
Aiken	Englebright	Lamar, Fla.	Powers
Alexander, N. Y.	Finley	Lamar, Mo.	Pratt
Ames	Foss	Lamb	Rhinock
Andrus	Fuller	Langley	Riordan
Ansberry	Gardner, Mass.	Leake	Ryan
Ashbrook	Gill	Lilley	Scott
Bartlett, Ga.	Greene	Lindbergh	Sherman
Bennett, Ky.	Gregg	Livingston	Sherwood
Bingham	Haggott	Lloyd	Snapp
Brodhead	Hammond	Lovering	Sparkman
Broussard	Henry, Conn.	McCreary	Sperry
Brumm	Hepburn	McDermott	Steenerson
Brundidge	Hobson	McHenry	Taylor, Ala.
Burleigh	Howard	McKinlay, Cal.	Taylor, Ohio
Burton, Del.	Howell, N. J.	McLain	Vreeland
Byrd	Hughes, N. J.	Madison	Wallace
Calderhead	Hughes, W. Va.	Malby	Webb
Cook, Colo.	Jackson	Maynard	Weems
Coudrey	James, Addison D.	Mondell	Weisse
Crawford	James, Ollie M.	Moon, Pa.	Wiley
Cushman	Jenkins	Moore, Tex.	Willett
Davey, La.	Jones, Va.	Mudd	Williams
Dawes	Keliher	Murdock	Wilson, Ill.
Dunwell	Kennedy, Ohio	Padgett	
Durey	Kitchin, Wm. W.	Patterson	

So the motion was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. WILSON of Illinois with Mr. SPARKMAN.

Mr. VREELAND with Mr. RHINOCK.

Mr. MONDELL with Mr. MCLAIN.

Mr. MADISON with Mr. MCDERMOTT.

Mr. KÜSTERMANN with Mr. LLOYD.

Mr. FOSS with Mr. LEAKE.

Mr. DAWES with Mr. OLLIE M. JAMES.

Mr. BRUMM with Mr. HUGHES of New Jersey.

Mr. BENNETT of Kentucky with Mr. BRODHEAD.

Mr. ALEXANDER of New York with Mr. BARTLETT of Nevada.

Mr. ACHESON with Mr. ASHBROOK.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. UNDERWOOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. UNDERWOOD. I ask for order.

The CHAIRMAN. The committee will be in order.

Mr. UNDERWOOD. On yesterday, while I was out of the Hall temporarily, I understand that a matter I had objected to——

Mr. TAWNEY. A parliamentary inquiry, Mr. Chairman. What is before the committee?

Mr. UNDERWOOD. I am trying to state what the proposition is. I understand the bill is before the committee.

Mr. TAWNEY. I understand that it is the reading of the bill.

The CHAIRMAN. The Chair asked the gentleman for what purpose he rose.

Mr. UNDERWOOD. I will state to the Chair what it is. I understand, Mr. Chairman, from the RECORD, which I have before me, that whilst I was absent from the Hall yesterday that a proposition I had objected to while in the Chamber was taken up by unanimous consent.

Mr. TAWNEY. Mr. Chairman, I insist there is nothing before the committee. The gentleman is not in charge of the bill.

Mr. UNDERWOOD. I am seeking to call to the attention of the Chair what the proposition is, and the gentleman from Minnesota is not running this committee.

The CHAIRMAN. The Chair is of the opinion, unless the——

Mr. UNDERWOOD. I am proceeding to state the case to the Chair and what I desire to call up.

Mr. TAWNEY. The regular order is the reading of the bill.

The CHAIRMAN. The Chair holds that that is correct, and unless the gentleman has arisen to a parliamentary inquiry——

Mr. UNDERWOOD. I do——

The CHAIRMAN (continuing). Or to make a motion——

Mr. UNDERWOOD. I desire to call up the item that was passed by unanimous consent yesterday, and is pending. The RECORD states that it was passed subject to be called up. Now I have the RECORD here before me, and if there is any doubt I will read it to the Chair.

The CHAIRMAN. The Chair understands that there is a point of order pending upon that proposition.

Mr. UNDERWOOD. But it is subject to be considered. It was passed until called up, and I want it disposed of now.

Mr. TAWNEY. The subject referred to by the gentleman from Alabama was passed until the conclusion of the bill, with the understanding that the amendment offered by the gentleman from Missouri should be pending, subject to the point of order.

Mr. UNDERWOOD. Mr. Chairman, the statement of the gentleman from Minnesota is not correct, according to the RECORD, I undertake to say; and if the Chair would like to hear the RECORD, I will read it.

The CHAIRMAN. The gentleman may read the RECORD.

Mr. UNDERWOOD. I will read:

Mr. BARTHOLDT. Mr. Chairman, before the Clerk proceeds to read I should like to ask unanimous consent to return to the section in relation to the investigation of mining disasters.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. I understand the objection to the adoption of the amendment offered by the gentleman from Indiana [Mr. CHANEY] making an appropriation of $50,000 has been withdrawn, and, adopting the language of that amendment, I should like to reoffer it, and I ask unanimous consent for that purpose.

Mr. HACKNEY. I think the gentleman is mistaken as to the objection being withdrawn. Until the other gentlemen who are interested in that matter are here I shall have to object. I will say to the gentleman from Missouri [Mr. BARTHOLDT] if certain other gentlemen come in, I will try to confer with them. At this time I will have to object myself.

Mr. BARTHOLDT. I submit to the gentleman that the objector has withdrawn his objection.

It is not a fact; because I had not withdrawn the objection.

Mr. GRONNA. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Missouri asked unanimous consent to return to this paragraph. The Chair put the question, and no objection was heard. The question now is upon the amendment which the gentleman from Missouri offered, and which the Clerk will report.

Mr. BARTHOLDT. The amendment offered by the gentleman from Indiana [Mr. CHANEY]. I adopt that language, and ask that it be reported.

Mr. HACKNEY. I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Missouri makes the point of order against the amendment.

Mr. HACKNEY. I will state to the gentleman that if he will wait until the other parties interested in this matter are upon the floor, we might be able to make an agreement.

Mr. TAWNEY. Unanimous consent having been given to return to the paragraph to offer the amendment, I suggest that we read, and we will recur to the paragraph hereafter.

The CHAIRMAN. Unless objection is heard, the amendment will be considered as pending, subject to the point of order.

Now I say it is pending; it is subject to be called up, and I want it disposed of, and therefore——

Mr. TAWNEY. The gentleman from Alabama is not in charge of this bill, and we will go on reading the bill, unless the committee orders otherwise.

Mr. UNDERWOOD. I make the point of order that this amendment is pending now, and is subject to be called up, especially when the gentleman who did make the objection to it originally and who did not withdraw that objection is here, and demands that it be disposed of. I ask the Chair to rule.

The CHAIRMAN. The Chair is informed that there is no rule on the proposition, and therefore no precedent for disposing of it. But the Chair thinks that it is probably the better practice——

Mr. TAWNEY. I submit it is not within the power of the gentleman from Alabama to control the disposition or movement of the bill now under consideration. This proposition went over to be called up hereafter, and of course the time when it will be called up is within the discretion of those who are in charge of the bill. That it will be called up, I will assure the gentleman from Alabama, there will be no question whatever.

Mr. UNDERWOOD. There is a point of order pending.

Mr. TAWNEY. And we will proceed to read the bill, and it will be called up at the conclusion.

Mr. UNDERWOOD. There is a point of order pending. We have got the right to demand a disposition of the point of order under the rules of the House in this committee.

Mr. TAWNEY. Until the committee agrees to recur to that paragraph and the amendments, or unless the bill is read through, and then it will be the gentleman's right, as well as the right of any other Member, to demand recurrence.

Mr. UNDERWOOD. I understand that there is no precedent in reference to this matter. It is a new question for the Chair to decide; but I wish to call the Chair's attention to the language used here. I objected to the consideration of the proposition. A gentleman on the floor of the House stated that that objection was withdrawn. I did not withdraw the objection. I do not know on what authority he stated that it was withdrawn, but the language clearly shows that the purpose of passing this matter was until I could return to the floor.

Mr. BARTHOLDT. Will the gentleman permit?

Mr. UNDERWOOD. Yes.

Mr. BARTHOLDT. When I stated on the floor that the objection had been withdrawn——

Mr. GAINES of West Virginia. A parliamentary inquiry. A great many of us do not know what provision it is that is referred to.

Mr. BARTHOLDT. I hope the gentleman will not take me off the floor. I am making an explanation. When I stated on the floor yesterday that the objection had been withdrawn, I did not refer to the gentleman from Alabama, but I referred to the gentleman from West Virginia.

Mr. UNDERWOOD. I have no complaint to make of the gentleman from Missouri. I knew that he had made some mistake if he did refer to me; but I did not withdraw my objection.

Mr. BARTHOLDT. I referred to the gentleman from West Virginia [Mr. GAINES].

The CHAIRMAN. The Chair thinks that the question presented is one of orderly procedure of the business of the House, and especially the orderly reading of the bill. Recurring to the language already referred to by the gentleman from Alabama, the gentleman from Minnesota said:

Unanimous consent having been given to return to the paragraph to offer an amendment, I suggest that we read, and will recur to the paragraph hereafter—

No specific time having been fixed.

The CHAIRMAN. Unless objection is made, the amendment will be considered as pending, subject to the point of order.

The regular order this morning, since we have gone into the Committee of the Whole, is the reading of the bill, and it occurs to the Chair that the orderly procedure would be to return to this amendment after the completion of the bill, and not at this time, and that it is not in the power of the gentleman from Alabama or the gentleman from Minnesota, or any other single Member, to destroy or interfere with that order.

Mr. UNDERWOOD. Then, I understand the Chairman to rule that it can not be taken up by anybody until the bill is finished?

The CHAIRMAN. Not by any one person.

Mr. TAWNEY. By unanimous consent.

The CHAIRMAN. Yes; the committee could——

Mr. UNDERWOOD. Of course anything can be done by unanimous consent.

The CHAIRMAN. But it is not in the power of any one person to take it out of its order, and the present is not its order.

Mr. DOUGLAS. I move that we now recur to that pending amendment and dispose of it.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that that would have to be done by unanimous consent, and not by a majority vote, by motion.

Mr. DOUGLAS. A parliamentary inquiry. Why so?

The CHAIRMAN. Well, because it is one of the rules of the House. Here is a fixed order.

Mr. TAWNEY. I demand the regular order.

The CHAIRMAN. The regular order is the reading of the bill, and that can only be interfered with by unanimous consent.

Mr. DOUGLAS. Another parliamentary inquiry: Why is it any more the regular order to proceed with the reading of the bill than to dispose of that amendment?

The CHAIRMAN. Because the regular order is the reading of the bill after we go into Committee of the Whole. The House is in Committee of the Whole, and the regular order is the reading of the bill. The Clerk will resume the reading of the bill.

The Clerk read as follows:

In all, $4,493,800.

Mr. TIRRELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 24, page 137, add the following:

"*Provided*, That no part of the foregoing appropriation shall be expended for any purpose in any Branch of a National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold."

Mr. BARTHOLDT. Mr. Chairman, I reserve a point of order on that amendment.

Mr. TAWNEY. Mr. Chairman, this is a matter that a great many Members of the House are interested in, and unless there is some limit fixed for the debate on the proposition it will consume a great deal more time than is necessary for an intelligent disposition of the question. I ask unanimous consent that all debate on the pending paragraph and amendments thereto close in one hour and a half.

Mr. LITTLEFIELD. Is it the understanding that the time is to be equally divided?

Mr. TAWNEY. The time is to be equally divided between those in favor and those opposed.

Mr. LITTLEFIELD. To be controlled by the Chair, or the gentleman from Minnesota?

Mr. KEIFER. Is it to be under the five-minute rule?

Mr. TAWNEY. To be under the five-minute rule.

Mr. LITTLEFIELD. The time to be controlled by the Chair and recognitions to be made alternately.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this paragraph be closed in one hour and thirty minutes, the time to be equally divided between the two sides, under the five-minute rule, and to be controlled by the Chair.

Mr. BARTHOLDT. Does this arrangement, if agreed to, dispose of the point of order raised?

The CHAIRMAN. Not at all.

Mr. LITTLEFIELD. That is reserved.

The CHAIRMAN. The gentleman from Missouri has not made the point of order, but reserved it.

Mr. BARTHOLDT. That is right.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. GOLDFOGLE. I suggest that the gentleman from Minnesota make it two hours instead of an hour and a half.

Mr. TAWNEY. There is great difference of opinion, and I do not suppose if we debated the proposition for a week that it would change the vote of any man, even though it might change his opinion. [Laughter.]

Mr. FITZGERALD. I suggest to the gentleman from Minnesota that if he desires to limit the debate to one hour and a half, that would permit nine speeches on each side of five minutes each, and if the gentleman from Minnesota does not do it, in order to protect those who shall speak, I give notice that I shall object to every extension of time under the five-minute rule on this question. Members must make their speeches in five minutes.

Mr. SHERLEY. I shall object unless with the request there is coupled the provision that no Member shall speak longer than five minutes.

Mr. TAWNEY. I do not think it is possible for me to couple that with my request, or I should have done so.

Mr. NORRIS. Mr. Chairman, I want to suggest to the Committee on Appropriations that this point of order, if it is going to be made, ought to be disposed of before we conclude this debate, for two reasons: In the first place, there is no use in debating it for an hour and a half if the point of order is going to be sustained, and in the next place, the request says that all debate on this paragraph shall conclude in an hour and a half.

Mr. TAWNEY. On the paragraph and pending amendments.

Mr. NORRIS. If at the end the point of order is sustained, no other amendment made to avoid the point of order could be debated.

Mr. TAWNEY. I will state to the gentleman from Nebraska that this identical question has been ruled upon twice, and I do not think there is any doubt as to whether the proposition is in order or not.

Mr. UNDERWOOD. Mr. Chairman, I rise for the purpose of calling for the regular order.

Mr. LITTLEFIELD. I suppose the regular order would be to pass on the point of order.

The CHAIRMAN. The gentleman from Missouri has reserved the point of order.

Mr. BARTHOLDT. Mr. Chairman, I now make the point of order.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard?

Mr. TAWNEY. I will withhold my request until the point of order is disposed of.

Mr. BARTHOLDT. Mr. Chairman, I am well aware that the same point of order was made two years ago and was not sustained, but this is a new Congress, and consequently I desire a ruling on the part of the Chair as to whether this amendment is in order or not. In my view, Mr. Chairman, it is clearly new legislation on an appropriation bill. It comes here, it is true, in the garb of a limitation, but there can be no two opinions on the fact that it really is new legislation. It imposes on the managers of the Soldiers' Homes a new law, by which they are to be governed in the administration of their duties.

Hence I claim that it is clearly new legislation, and I am sure that at heart every Member on this floor is satisfied that this is new legislation, merely clothed in the garb of a limitation. In other words, a subterfuge is resorted to for the purpose of making this new legislation seemingly in order. But it is new legislation, and I therefore make the point of order.

Mr. KEIFER. Mr. Chairman, I desire only to say in opposition to the claim that this is subject to a point of order; that this is a limitation of the kind recognized within the rule. It prohibits the use of the money unless the provisions of the amendment are carried out. It is a limitation and it is always in order.

Mr. BARTHOLDT. Suppose under the construction which the gentleman cites, namely, that it is a limitation and always in order, that the House should decide that all of these Soldiers' Homes should be closed. That would be a limitation. Would not that be new legislation, I ask the gentleman from Ohio?

Mr. KEIFER. Mr. Chairman, are we not dealing with the question of closing, but with the question of an appropriation, and we wish to prevent the money appropriated from being used in a certain way, and that is a limitation.

Mr. LITTLEFIELD. Mr. Chairman, I would simply request the Chair to examine the precedents of the House on the exact, identical language and the precise proposition ruled upon by the gentleman who now occupies the Chair. With that we will be entirely satisfied.

The CHAIRMAN. The Chair in the Fifty-ninth Congress, in the first session and at the second session, had this precise question presented, and in the first session delivered a very long and elaborate opinion as to the proposition and ruled that the amendment was clearly in order, because it was a limitation and not new legislation. The Chair sees no reason for not adhering to the former ruling, and therefore overrules the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the vote be taken on the pending amendment without debate. [Applause.]

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the vote be taken on the pending amendment without debate. Is there objection?

Mr. FITZGERALD. Mr. Chairman, I object. Some Members of the House desire to illuminate the House.

The CHAIRMAN. The gentleman from New York objects.

Mr. TAWNEY rose.

Mr. FITZGERALD. Mr. Chairman, I will withdraw that objection.

Mr. SMITH of Iowa. Mr. Chairman, I understand the objection of the gentleman from New York is withdrawn.

Mr. KIMBALL. Mr. Chairman, I renew the objection.

The CHAIRMAN. Objection is made by the gentleman from Kentucky.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and amendments thereto be closed in one hour and a half; that the debate proceed under the five-minute rule, and that the Chair have the disposition of the time.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on the pending paragraph and amendments thereto be closed in one hour and thirty minutes under the five-minute rule, the Chair to control the time, the time to be equally divided between those favoring and those opposing the amendment. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I think if this question is going to be debated, that debate may develop the disposition of the House better if it is allowed to run on a while, and therefore I object.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. SMITH of Iowa. Mr. Chairman, I renew my request, that the vote be taken on the pending amendment without debate.

Mr. KIMBALL. Mr. Chairman, I renew my objection.

Mr. PARSONS. Mr. Chairman, I have an amendment to offer to the amendment offered by the gentleman from Massachusetts [Mr. TIRRELL], which I would like to offer now, to have it pending.

The CHAIRMAN. Will the gentleman from Massachusetts yield to the gentleman from New York, who proposes an amendment to his amendment?

Mr. TIRRELL. I do not see how I can.

The CHAIRMAN. The gentleman will be recognized at the close of the remarks of the gentleman from Massachusetts.

Mr. TIRRELL. Mr. Chairman, the amendment that I have offered is substantially the same as the amendment to the sundry civil appropriation bill which was made in 1906 and 1907. To that bill, however, in 1906, there was attached a condition that it should not be operative until March, 1907. Inasmuch, therefore, as the officials of the Soldiers' Homes do not make up their report until the close of the fiscal year, or after June 30 of each year, there is only one official report, that issued last summer, from the officers of these Homes, which gives information relative to the operation of the canteen or anticanteen law. As the anticanteen régime was only in operation four months during that time, the only official report that we have is one which includes a year which had eight months of the canteen and four months without it.

The only other evidence which I have been able to find which has been submitted to this body or any members thereof, or to any committee connected therewith, is what purports to be extracts from hearings before the subcommittee of the House Committee on Appropriations, which will be undoubtedly referred to as a strong argument in favor of the restoration of the canteen. Upon an examination, however, of these alleged hearings, I find that they contain simply an extract of a few lines from the last official report of the officers of these Homes and a series of letters from the governors to the chairman of the committee.

I object to taking any such letters as evidence upon which to base our action. I find upon examination of this document that they have given statistics, or pretended to give statistics, in regard to the operation of the canteen and the anticanteen law. I find that in the Central Branch they report only the

total number of arrests for all crimes. How are you going to ascertain from the total number of arrests for all crimes the number arrested for drunkenness or for leave without absence, or for any other crime for which they may be arrested in these Homes? I find in the Northwestern and Eastern Branches they give the total number arrested for drunkenness only. I find in the Southern Branch for 1906 they give the total number arrested for drunkenness or causes resulting therefrom. What causes resulting therefrom? How many cases cited here in this alleged evidence submitted to the Committee on Appropriations were for one or for the other? I find that they give in 1907 only the total arrests for all crimes and breaking of all regulations of the Southern Home. How many are for breaking of the regulations? In the Western, Pacific, and Marion Homes there are statistics for drunkenness, but whether that included also absences without leave does not appear. In the Danville Home they give only the arrests for drunkenness and bringing in whisky. How many cases are for bringing in whisky and how many for drunkenness? Were half a dozen for drunkenness and the rest for bringing in whisky? You see it gives no detailed information in regard to the operation of the anti-canteen provision. At the Mountain Home they only give the total arrests for 1906 and 1907 for drunkenness. Now, then, so much for the statistics which are, for the reasons given, unreliable and from which you can only draw deductions according to the standpoint you take. But whether there were more cases of drunkenness or not after the canteen was abolished, I want to call attention to what is said here by the governor of the Central Branch, which is a complete refutation of all the other arguments which these governors submit in favor of the canteen. Notice what he says; that is the point for which we, on this side, are contending. But for lack of time I will leave to others the reading of this important admission.

The truth of this matter is there is a predisposition of the governors of these Homes in favor of a canteen. Their reports, in my judgment, are thereby colored and distorted. They see things as they want to see them. I do not assert intentional misrepresentation is intended, but that inevitable misrepresentation which follows from a strong bias in favor of a canteen and the inability to appreciate or apparently comprehend the effect upon soldiers, inmates of the Home, who are total abstainers or very moderate drinkers. These governors should appear before a committee of Congress and be subjected to cross-examination. I want to know what their rules and regulations are relative to discipline in the Homes. I want to know in maintaining a canteen how much restriction they have placed upon the men in buying liquor. I want to know if they are not allowed to pass in and out in droves and buy as many glasses of liquor as they have checks. I want to know if they are limited in the number of checks they can purchase. I want to know if the statement is true which is asserted by scores of eyewitnesses that there is substantially no limitation, and sometimes the same soldier will pass in and out as the line of men sweeps in and out of the canteen from six to a dozen times. I want to know if it is not true that the men intoxicated in the canteen are not quickly taken by their comrades to barracks near by without arrest. I want to know if it has not been their policy to exercise the utmost leniency in enforcing discipline; in other words, not restraining them more than they consider actually necessary. I want to know if they do not take the ground that if the soldiers want beer they will have it; it is better for them to have it and they will assist them in securing it. I want to know if they have not talked this up among the men and advised them to patronize the canteen for the benefit of the amusement fund. As to their latest statistics, will they please inform us when such a cross-examination is afforded why they allow men whom they know will become drunk to leave the Home on pay day and wander to the dives outside for liquor? Why are they not refused leave of absence when it is known certainly that it is solely to get drunk? Are these governors administering a solemn trust to assist inebriates to become intoxicated? Why have they never furnished us information as to the number of times each soldier has been intoxicated or arrested or confined during the year? Are they afraid to disclose the existence of weak discipline or too many cases of veterans with an appetite for liquor allowed to become beastly intoxicated in the dives when if not in the Home they would be sent to an inebriate asylum or a Keely cure?

Let us have some evidence from the soldiers in the Home. Thus far, officially, they have been silent. Let us hear from him who sought the Home that his last days might be passed in peace. Let us hear from the veteran, old and feeble, unable to resist temptation right before him, who expected a Home without a perpetual temptation in a canteen at his very door. Give us the testimony of the total abstainer who, by an open canteen alluring him to destruction, has become addicted to drink. Let us listen to the voice of the aged warriors whose hours in the barracks, as the governors themselves admit, are disturbed by the turbulence and shouts of canteen beer victims. I call for this and similar evidence before another plea is made by the governors of these Homes for the canteen's restoration, and give them notice that these facts must be exploited honestly and fairly before some of us will cease to fight.

If they are incompetent to administer these Homes with the same order and decency as State Homes and benevolent institutions are conducted, where no such orgies and scenes are known, they should be summarily removed from office and men who represent the moral and Christian sentiment of the community substituted in their places. I call attention to the statement of Mrs. Ella M. Thatcher, of Florence, N. J., the wife of a one-armed veteran, the superintendent for soldiers and sailors under the Woman's Christian Temperance Union, who for twelve years, without money and without price, has devoted her time and energies to the interests of the inmates of Soldiers' Homes. She is familiar with the Homes with and without the canteen. She has visited, some of them repeatedly, every Home, except one, in the United States:

At Central Branch, just about pension time, I saw the beer hall, with a long oval bar and eight bartenders behind it; veterans standing five tiers thick, asking for beer, while many of these men sat at tables. The beer mugs are large and are called "schooners." Many of the men with all the full beer mugs that they could handle went back and forth between the bar and the tables supplying those at the tables.

I saw one man with both legs gone wheeled into the room and to the bar—the beer schooner was put into his hands; then a blind man, both eyes having been shot out, led up to the bar and a beer mug put into his hands. A man with one leg followed, and then a man with one arm, some on crutches; in fact, in all sorts of "crippledom."

I asked a guard how long the men could stay in the building. He responded, "All day, if they behave themselves."

"How many drinks may they have?" I asked. "As many as they pay for," was the reply. "You see we have the check system," he said. "What is that?" I asked. "They buy beer checks, then the amount is taken out of their pension money."

As soon as a man became disorderly he was taken out by one of the four guards stationed there.

At Northwestern Branch I saw men flocking in and out of the beer hall in crowds, and about the same things repeated there.

At Eastern, Western, and Pacific Branches, the conditions were about the same.

At Southern Branch I have seen veterans standing in long lines and in large numbers after having received their mug of beer go outside and take their places at the end of the line to get another drink, and do this again and again six or even seven times. This was a daily occurrence.

At the hotel in the camp, on Sunday, all day the men have gone in and out from early morning until evening, drinking beer, and allowed all they wanted if a nickel was spent for food. The bartender told me it was their busiest day, because the canteen was closed.

Before the canteen was closed I saw veterans lying drunk about the streets of Phoebus, a small town adjoining the Southern Branch. In December, after the canteen was abolished, while our fleet was there, not a drunken soldier was seen by me, and the people living in Phoebus said there was a decided change for the better.

When, about 1887 or 1888, the canteen was put in the Southern Branch there were six saloons in Phoebus, outside the gates. In 1900, thirteen years later, there were about ninety saloons, legal and illegal.

Mr. Chairman, nineteen times Congress has voted that liquor shall not be sold in Government buildings; nineteen times in ten years, since 1898, when the first favorable report was made on the Ellis bill. In the report made on that bill occurs the following:

Your committee, after giving the matter earnest and careful consideration, have reached the unanimous conclusion that but few, if any, reasons exist why the United States Government should engage in the liquor traffic, even to the extent of legalizing or permitting the sale of intoxicants within its immigrant stations, Soldiers' Homes, military posts, or any other buildings under its control, including the Capitol or other Government buildings within the District of Columbia, or any reservation upon which any of said buildings are situated.

It would seem incredible that when, as to most of the branches of the Government to which that committee referred, permanent law has been enacted in accordance with its recommendation, now, when a great temperance wave has been rolling over the country, we should take a backward step.

Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may proceed for five minutes.

Mr. TAWNEY. Mr. Chairman, I feel constrained to object, because if we are going to limit this debate and confine Members to five minutes I think both sides should be treated alike. I now move that debate on the paragraph and amendments thereto be closed in one hour and thirty minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending paragraph and amendments thereto be closed in one hour and thirty minutes.

Mr. UNDERWOOD. Mr. Chairman, I move to amend that by moving to close debate in two hours and thirty minutes.

The CHAIRMAN. The gentleman from Alabama moves to extend the time to two hours and thirty minutes. The question is on the amendment offered by the gentleman from Alabama.

The question was taken and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Minnesota.

The question was taken and the motion was agreed to.

The CHAIRMAN. The gentleman from New York [Mr. PARSONS] is recognized to offer an amendment.

Mr. PARSONS. Mr. Chairman, I offer the following amendment to the amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. TAWNEY. Mr. Chairman, if the gentleman from New York will yield, I desire simply to offer a substitute for both amendments for the information of the committee.

The CHAIRMAN. The motion of the gentleman from Minnesota [Mr. TAWNEY] will be put after the proposed amendment to the amendment is read. The Clerk will read the amendment to the amendment.

The Clerk read as follows:

Page 137: "without the sanction of a majority of the inmates of such Branch.

Mr. LITTLEFIELD. I raise a point of order on that amendment.

Mr. FITZGERALD. Let the amendment be reported, so that we will know what it is.

The CHAIRMAN. Without objection, the Clerk will report the proposed amendment of the gentleman from Massachusetts [Mr. TIRRELL] as amended by the amendment of the gentleman from New York [Mr. PARSONS].

The Clerk read as follows:

After line 34, page 137, add the following:
"*Provided*, That no part of the foregoing appropriations shall be expended for any purpose at any Branch of the National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold."

Then add:
"Without the sanction of a majority of the inmates of such Branch."

Mr. LITTLEFIELD. On that I raise the point of order.

Mr. FITZGERALD. What is the point of order?

Mr. LITTLEFIELD. The point of order is that it attempts by affirmative legislation to control the application of the appropriation, not limiting it, but absolutely controlling it. The point of order is that the amendment is clearly legislation.

Mr. TAWNEY. If the gentleman will permit me——

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] will state his inquiry.

Mr. TAWNEY. Motion was made to close debate on the paragraph and pending amendment. Now, is it not proper under that motion, the committee having agreed to it, to go ahead with the proper consideration of the paragraph and amendment, the points of order being considered after debate is closed? Debates on points of order coming out of the one hour and a half will very materially limit the number of Members that can be heard on the proposition.

The CHAIRMAN. The Chair is clearly of the opinion that the time in which the points of order are to be discussed would certainly not be taken out of the one hour and thirty minutes.

Mr. TAWNEY. Then I have no objection at all.

The CHAIRMAN. And the Chair thinks points of order should first be disposed of, because various Members might want to discuss the amendment. The Chair will hear the gentleman from Maine [Mr. LITTLEFIELD] on the point of order.

Mr. LITTLEFIELD. The proposition is that the amendment suggested by the gentleman from New York [Mr. PARSONS] is in the nature of legislation.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Is it not the proper place to determine on the germaneness of that amendment and substitute after we get through with this hour and a half of debate?

The CHAIRMAN. The Chair thinks not.

Mr. LITTLEFIELD. That is about all I have to say in the opening of it, Mr. Chairman. The limitation, of course, is very clearly, as has already been ruled by the Chair, a limitation upon the expenditure of the appropriation. The amendment proposes an affirmative proposition that enables the application of the appropriation to be determined by the inmates of the Branch, which, in my judgment, is delegating to the inmates of that Branch the power to say whether or not the limitation shall apply, and for that reason is practically legislation, although it may be on the end of a limitation, but it gives to the men in the Home the power to determine, and that is a new and affirmative proposition. In a sense it delegates to them legislative power so far as that is concerned.

Mr. SHERLEY. Mr. Chairman, the original amendment offered by the gentleman from Massachusetts was held in order on the ground that it limited an expenditure of money. All of us are aware of the fact that a limitation on expenditure may indirectly result in certain things happening or not happening, and they are so offered for that purpose, but the parliamentary rule that holds them in order is that the limitation is attached to and bears directly upon the appropriation. That is the fundamental of the rule. Now, to simply add to a limitation that does apply to the expenditure certain words as to when it applies is not to change it as a limitation, but is simply to amplify it and to determine the time when as a limitation it shall apply. There is nothing affirmative here. There is nothing that says that votes shall be taken; there is nothing that holds that a canteen must be established, but there is an amendment which says a limitation on the expenditure shall only apply when this canteen is established against a majority wish of the residents of the Home, and it is clearly in a form of a limitation and simply extends the character of that limitation.

Mr. FITZGERALD. Mr. Chairman, this proposed amendment does not change any existing law, does not in any way control the exercise of discretion now reposed in any official. The original amendment provides that the appropriation shall not be expended in any Home where a canteen is maintained. The proposed amendment thereto provides that the appropriation shall not be expended in any Home where a canteen is maintained, except with the sanction of a majority of the inmates of the Home. The limitation does not restrict the discretion that anybody has under the law, does not change any existing law; and, so long as it does not either change any law or does not limit the discretion of executive officials, under the rulings it is a limitation.

Mr. LITTLEFIELD. Now, Mr. Chairman, I am willing to rest this point of order upon the statement, in substance, made by the gentleman from Kentucky. The gentleman from Kentucky says that this——

Mr. FITZGERALD. Pardon me. You have got to include all the arguments made on this side. You can not select those that suit you.

Mr. LITTLEFIELD. Oh, yes; I recognize the gentleman from New York, and by way of courtesy I may say that his suggestions sometimes have relevancy to the subject. [Laughter.]

Mr. FITZGERALD. If the gentleman is attentive, he will find that some of the suggestions of the "gentleman from New York" are sometimes heeded even by the Chair. [Laughter.]

Mr. LITTLEFIELD. That is absolutely right, and sometimes controlling. The gentleman from New York has made many, and once in a while he has made a good one, and sometimes a bad one, and this is one of the bad ones.

Now, on the suggestion of the gentleman from Kentucky that this does not contemplate a vote, let me suggest, when you test that suggestion made by the gentleman from Kentucky in connection with the proposition suggested by the gentleman from New York, it contemplates nothing else but a vote. Now, I will read it. The limitation is:

Provided, That no part of the money of the foregoing appropriation shall be expended for any purpose at any Branch of the National Homes for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold.

Now, that is a definite proposition, predicated on an existing state of facts.

Mr. SHERLEY. Will the gentleman yield to a question?

Mr. LITTLEFIELD. Wait a moment. That is a limitation predicated upon existing fact. Now, what does the gentleman from New York propose? He proposes in the amendment that this limitation, definitely predicated upon an existing condition, definitely and without any uncertainty, shall not take effect, without what? Without the sanction of a majority of the inmates of such Branch; and that definitely contemplates a vote. It expressly provides that this limitation shall not operate unless there is a favorable majority vote upon it by the inmates of the Home to which it is applied. Now, if that test is applied, and to this amendment offered by the gentleman from New York, that is clearly the test, because it can not operate without a vote.

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. LITTLEFIELD. Certainly.

Mr. SHERLEY. Suppose there had been added to the amendment offered by the gentleman from Massachusetts the words "and where tobacco is sold." That would be another condition, and yet would not change the form of the limitation.

Mr. LITTLEFIELD. The mere proposition to add the words "where tobacco is sold" would be an independent question, and has no more connection with the pending point of order than the canals in Mars with the waters flowing in the Potomac.

Mr. SHERLEY. That is a denial, but not an argument.

Mr. LITTLEFIELD. To add the words "where tobacco is sold" is a distinct limitation, like the one already ruled out of order.

Mr. FASSETT. How is, first, the limitation to be determined? They can not determine without there is a canteen.

Mr. LITTLEFIELD. It does not require any action.

Mr. FASSETT. If there is a canteen, that condition can determine; if there is no canteen, where do they sell. Now, somebody must determine whether they do, and this limitation is the method to determine that.

Mr. LITTLEFIELD. The fact is already determined, that condition is already in existence; but this amendment puts it in the power of a body to affirmatively determine the application of the limitation. It puts this limitation in the condition that if it is not followed by an express vote it does not operate, and if that does not authorize another body to determine what the rule is to be, I do not know what does. I appreciate the suggestion of the gentleman from New York. It is a fine hair, but I do not think it is split with great success. I follow the idea of the gentleman, but do not reach the same conclusion.

Mr. SMITH of Iowa. The question whether the money is appropriated depends upon a referendum.

Mr. LITTLEFIELD. Yes; and we are establishing a referendum and delegating to another body the question whether or not this limitation shall take effect.

Mr. SHERLEY. If the Chair please, in reply to the gentleman from Maine, I desire to say just a word or two. There is nothing in the amendment offered by the gentleman from New York that requires anything to be done. The limitation only applies, however, in the event that a canteen is maintained without a majority vote of the residents of the home. Now, the whole limitation is simply one going to the appropriation, that it shall not be expended except on certain conditions. The fact that a vote may or can be taken has nothing to do with the main proposition that the limitation attaches to the expenditure.

Mr. PARSONS. If there is no desire to maintain a canteen in the Home on the part of the managers, then no vote would have to be taken. Only in case the managers did desire to have a canteen maintained would a vote have to be taken. Assuming that that would require some affirmative action, I call the attention of the Chair to a couple of instances cited in the Manual. In one case it was held to be a good limitation where there was a proviso that money for a bridge should not be available until a corporation using it should fulfill certain conditions. That required affirmative action on the part of that corporation. Similarly another limitation that was decided to be proper was a provision that no part of an appropriation should be expended until estimates of the entire cost had been made. That again required some affirmative action. I submit that the rulings show that the fact that there must be some slight affirmative action does not destroy the amendment as a proper limitation.

Mr. HACKNEY. On the point of order raised by the gentleman from Maine, it seems to me that the proposition that he states can not be correct. We are all familiar with the fact that most of the States of the Union have passed local-option laws which say that intoxicating liquors shall not be sold; but there goes a proviso that that law is not operative until the community takes a vote on the proposition. Now, it has been the uniform decision of the courts in the last fifteen or twenty years—I think without any exception in any State—that that proviso allowing the voters to pass upon the proposition of the enforcement of the law is not delegating the authority to legislate.

Mr. LITTLEFIELD. I agree with the gentleman perfectly on that proposition, and he has stated correctly what the authorities hold; but when they do vote to have local option, I will ask the gentleman if it does not impose a new rule of law on that locality and change the law quo ad the section to which it applies?

Mr. HACKNEY. That is true.

Mr. LITTLEFIELD. Now, that is exactly the proposition pending here, and I agree with the gentleman on his legal proposition.

Mr. HACKNEY. In this respect it would make a condition as to the operation of the limitation on the appropriation.

Mr. LITTLEFIELD. Yes.

Mr. HACKNEY. Simply attaching a condition to it, thereby making a conditional limitation.

Mr. LITTLEFIELD. Take your illustration of the adoption of local option by a vote of the people. I will ask the gentleman whether when that vote is taken that does not operate as a change of law quo ad the people to whom it relates?

Mr. HACKNEY. That is true.

Mr. LITTLEFIELD. It does, does it not?

Mr. HACKNEY. It does.

Mr. LITTLEFIELD. That is my proposition with reference to this.

Mr. HACKNEY. The gentleman's objection would sustain the point of order raised by my colleague from Missouri to the main proposition here. The question is, Shall the appropriation be spent or shall it not be spent?

Now, the first proposition is that it shall not be spent at the place where a canteen is maintained, and the gentleman from New York offers an amendment annexing another proposition to that—that it shall not be expended at these places unless the majority are in favor of or against the proposition. That is another condition. If the Chair was correct in his ruling—and I think he was—that the amendment was not subject to a point of order, then this condition is not subject to a point of order. In other words, the Congress passes an act to suspend the operation until the local community may vote on that question. That is not delegating the lawmaking power. That is the same question that arises here.

Mr. KEIFER. Mr. Chairman, I only want to make one suggestion as a test of whether or not the amendment to the amendment is in order. I suggest, Mr. Chairman, that it should be tested now by inquiring whether, if the whole proposition contained in the two amendments had been offered in one amendment, the point of order would have been good against such an amendment. In my opinion, it would have been good, for the reason that it would not have been a limitation on the expenditure of the money. In that case the whole proposition would have been simply the provision that in expending the money you shall determine whether or not you would have a canteen by a vote of the inmates of the Soldiers' Homes, and in any case the money would all be expended. If the amendment to the amendment should be adopted and the amendment as amended should be adopted, there would be no limitation at all on the expenditure of any money appropriated or to be appropriated by the paragraph or the bill. Coming back to the rule that a limitation to be good as against a point of order must be a limitation that prevents the use of the money unless the conditions of the limitation are complied with, and treating the two amendments as one amendment embodied in the two amendments, it is clear that there would be no limitation on the expenditure of the money at all should it be adopted. All the money appropriated would be expended, and we would have a canteen or we would not have a canteen, depending on the vote of the inmates. It seems to me the last amendment offered is subject to the point of order regardless of its merits.

The CHAIRMAN. The Chair is of the opinion that the amendment to the amendment proposed by the gentleman from New York is in order and not obnoxious to the rule. The Chair does not care to go into an elaborate decision. Congress has the right to appropriate or not to appropriate. If Congress does appropriate, it has a right to fix the conditions on which the appropriation shall be made. It has the right to fix the limitation, and this is simply a limitation on that appropriation.

The point raised by the gentleman from Ohio is not in point. The decisions are numerous that appropriations are made in certain contingencies, or that the money appropriated shall not be expended except where certain contingencies occur.

The point raised by the gentleman from Maine [Mr. LITTLEFIELD] was taken into consideration by the Chair. The Chair was at first inclined to believe that because some affirmative action was required that therefore it might not be a limitation, but new legislation. However, there are some decisions in point, and the Chair will not take the time to read them, except one:

A proviso that money for a bridge shall not be available until a corporation using it shall fulfill certain conditions was admitted as a limitation.

The Chair in ruling said:

The Chair will cite a ruling made at the first session of the Fifty-seventh Congress to the effect that the admissibility of the amendment should be judged from the provisions on its face rather than from the purposes which the circumstances may suggest.

In other words, it is not for the Chair to inquire beyond the language of the amendment, and this is simply a limitation on an appropriation which says that the money shall not be appropriated where a majority does not favor the canteen. It might not require a vote; it might be found out or ascertained

by those in charge of the Home in any way; but at any rate, whatever machinery might be used it is not for the Chair to inquire; the only thing the Chair can inquire into is whether or not it is a limitation on the appropriation. The Chair thinks that it clearly limits the expenditure of the appropriation, and therefore overrules the point of order.

The gentleman from Minnesota sent to the desk a substitute which the Clerk will read.

Mr. SMITH of Iowa. The gentleman from Minnesota asked that it be considered as pending.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Is this a substitute offered by the gentleman from Massachusetts?

The CHAIRMAN. The Chair understands that it is a substitute offered by the gentleman from Minnesota to the amendment proposed by the gentleman from Massachusetts.

Mr. LITTLEFIELD. And the amendment thereto.

Mr. TAWNEY. Mr. Chairman, if the amendment offered by the gentleman from New York is in order, I do not care to offer the substitute at this time and I will withdraw it.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] is recognized for five minutes.

Mr. KEIFER. Mr. Chairman, there may be some misapprehension about this. I am in favor of the amendment offered by the gentleman from Massachusetts.

The CHAIRMAN. The Chair understands that the gentleman from Ohio is in favor of the amendment offered by the gentleman from Massachusetts and understood that he asked recognition for five minutes.

Mr. KEIFER. Mr. Chairman, the sundry civil appropriation bill seems to be peculiar in respect to the matter of canteens. It seems that in the supreme wisdom of the Committee on Appropriations they have arrived at the conclusion that the soldiers and sailors who are inmates of the National Soldiers' Homes shall have canteens ad libitum, but others of the same class of soldiers and sailors who go into a State home shall go dry. You will find on page 139 of the present bill a provision substantially like the amendment offered by the gentleman from Massachusetts [Mr. TIRRELL], prohibiting canteens in soldiers' and sailors' homes where they are managed by the States. I have not the time to go fully into this discussion. I know the argument about drunkenness and so on, but I have studied the report of the Committee on Appropriations, and I have gone over the tables annexed to that report, coming from the different branches of the Federal Soldiers' and Sailors' Homes, and I do not reach the conclusion at all that they show in any instance that there is an increase of either criminals or of drunkenness in consequence of the abolition of canteens in these homes. I do find what I know to be a fact, that in almost every case where men leave the grounds of the homes and go out and drink beer or something stronger probably, that they are almost always arrested, and so they get into the table showing drunkenness or disorderly conduct; but I also find that if they get drunk or not, whatever stage they get into at the canteen, they are not arrested, but are permitted to go in their intoxicated condition to their quarters. So you can not make up a table that is very satisfactory, certainly not to show a canteen in a soldiers' home is a blessing. But let me read a key to this thing. I read a paragraph from the letter of Gov. John P. Smith, of the National Soldiers' Home of Tennessee:

> Following the closing of the beer hall it was noted that there was more quiet in the barracks and mess hall, for while beer drinkers were not permitted to indulge to intoxication they did imbibe to such degree that they became jovial and talkative and in some degree noisy. This hum of voices, while good-natured and seldom boisterous, was sometimes subject of complaint by more quiet members.

If the men who patronize the canteen had gotten in this merry, noisy mood outside of the Home, they would have been arrested and reported for drunkenness, and we would have had a tabulation here to show that the matter of the canteen was something that was to be nursed and nurtured in this day, when this matter of temperance is so widely spread and spreading all over the country. In Ohio, where we have the Central Branch of the National Home at Dayton, the law of the State prevents a saloon within 3 miles of the grounds of the Home. It applies to the Federal Home at Dayton and it also applies to the State Home at Sandusky. The committee by its bill here say that the poor old soldiers at Dayton, Ohio, on the Miami River, may have all the canteens they want, but when the same class of soldiers get up on the shore of Lake Erie, they are to be kept dry and no canteen is to be allowed. That is the situation that now presents itself here. There are many reasons and arguments, if I had the time to show, why this amendment should be adopted.

Mr. NORRIS. That is because one is a State Home and the other is a National.

Mr. KEIFER. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELIHER. Mr. Chairman, the zeal manifested by our prohibition friends in forcing the policy of absolute prohibition upon Homes of this character furnishes another striking illustration of their impracticability and an effective argument why we should ponder well the propositions they present. They prosecute this campaign against the canteen in the Homes of the aged soldier with the same earnestness and vigor that they combat the location of the saloon near a school or church.

Mr. Chairman, in one case their action offends our sense of right, and in the other it commands our hearty approbation. The great mistake made by the prohibitionist is that in a majority of cases he is overzealous and apt to shut his eyes to the practical phases of all questions which involve the use of alcohol. They know not the meaning of the words "toleration" and "compromise." Liquor is liquor in their eyes, and its use medicinally excites their opposition as much as when it is used socially. In fighting for its suppression they recognize no distinction between enthusiastic youth and infirm old age. They crusade in the same spirit against the use of alcoholic stimulants by the old soldier of fixed habits that they aim to remove temptation from the path of youth in the adolescent stage, when his habits are in the formative period. With the man who conscientiously believes in the principles of prohibition I have no quarrel. For the man in public life who, realizing the impracticability of many of the measures for which these ardent but often misguided people strive, is convinced that undesired results would follow their adoption, but supports them, I have naught but contempt.

The number of men who sacrifice their intellectual integrity to the desire for prohibition votes is alarmingly increasing.

Mr. Chairman, there are prohibition questions and prohibition questions. We should meet each and every one of them and judge them on their individual merits. Because they believe in the policy of prohibition, or because they desire to enlist the prohibition vote, they should not support every measure which involves the question of drink that is advocated by the prohibition propaganda.

In this particular instance we find ourselves confronted by this proposition. The question involved is whether light wines and beer shall be served in their Homes, and under proper regulations, to the remnants of that grand Army which nearly half a century ago fought and suffered physically that this great Republic might be kept intact. They are all men of extreme old age—whose habits are as fixed as their years. Now, it is proposed, in deference to a sentiment which can not look upon the subject without prejudice, and you know, Mr. Chairman, that "everything looks yellow to the jaundiced eye"—it is proposed to ignore the advice of all competent to judge, to deprive these old men of that stimulation in their Homes which habit and physical conditions make essential to their welfare.

Mr. Chairman, when we legislate upon subjects pertaining to the Army, Navy, State, and other Departments of the Government we call in the heads of those Departments and their trained, experienced, and competent assistants to furnish information. This is a fixed and universal policy. Now, on the question involved in the pending matter the committee has heard from those who are equipped to tender intelligent information. All are unanimous in the opinion that the canteen improves the morale of the old Soldiers' Homes. The doctor who cares for the physical condition, the chaplain who ministers to their spiritual welfare, and the governors who aim to keep high their moral standards declare in one voice that the canteen should be restored. [Applause.]

Mr. Chairman, if the opinions, the sincere, untrammeled opinions that one hears expressed upon this subject in the clubs, in the cloak room of this House, upon the streets, and elsewhere, if that opinion is recorded in the coming vote, the canteen will be restored. [Loud applause.]

Mr. KÜSTERMANN. Mr. Chairman, the distinguished gentleman from Ohio [Mr. KEIFER] read a report here from one of the governors of a Veterans' Home. Now, let me read you another one; and it is only one of the many statements that are in this general report. I have also received similar expressions in numerous letters. The governor of the Southern Branch, National Home for Disabled Volunteer Soldiers, says:

> There are evidences on every hand of the unfortunate results following the discontinuance of the canteen, and the members generally resent the change in the law and consider that they have a grievance. From their standpoint it was the results of their victories and hard service that now enables the American citizen to justly boast of his country, and they think that the least that may be done for them by a grateful people is to allow them the privilege of taking in quiet and comfort a glass of pure beer instead of compelling them to go outside, where vile compounds are sold in viler places.

Now, Mr. Chairman, as a member of the Committee on Alcoholic Liquor Traffic I had the pleasure of listening to a woman who seemed to be very much concerned in the fate of the old soldiers. She had gathered statistics, and here are some of them. She said that in all the different Homes there were at one time during the canteen period 20,757 members, and they spent in beer and wine in a year's time $286,483. Now, that seems a large sum, but reduced to per capita figures it amounts to but $13.80 yearly, or 4 cents a day for every man. Now, even if they did not all drink, the average daily expenditure per man would not have been greater than 6 cents a day, and that is certainly not a large expenditure for these old soldiers, to whom we ought to be grateful at all times and to whom we should give all the comfort and all the care possible.

In this connection this woman told the following heartrending story: "While I was standing near the canteen I saw an old soldier brought in without legs. Poor old soldier, his legs were shot off. He was wheeled up to the bar, and he took—just think of it—a glass of beer! Pretty soon there was led in a poor blind man, and he, too, partook of that terrible beverage. It almost broke my heart," she said, "and touched me so that I wept." [Laughter.] "But," she said, "a great victory has been won now that we have a law passed by Congress so that this blind man and the poor old cripple can not get any more of that vile stuff, except by going outside of the Home grounds, which, in their condition, they are unable to do."

Yes, you have robbed these poor men of what little comfort they find in their glass of beer. In that effort you have been successful, but you would have defied anyone to take this same privilege from you that you have taken from these veterans.

"But" says this woman, "if they can not take care of themselves, let us do it for them." Yes, let us care for them, let us see that they do not get anything stronger than milk; let us assume they have returned to their second childhood, and now take the nourishment they had when they were babies. [Laughter and applause.]

Now, let me say to you the next thing will be to take the tobacco out of the Homes. I had a letter only yesterday from a woman in my district pleading with me to see that in addition to abolishing the canteen that the tobacco evil be prohibited on all premises owned by the United States.

With all these prohibitive efforts the time may come when only the geysers in the Yellowstone Park will be allowed to smoke. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Kentucky [Mr. KIMBALL] is recognized in favor of the amendment.

Mr. KIMBALL. Mr. Chairman, in common with every right-thinking and healthy American I resent the suggestion that any law should be passed that would dictate to any man what he should eat, what he should drink, or wherewithal he should be clothed. But the principle involved here is an entirely different one. There is no legislation here seeking to control individual tastes or individual habits.

The liquor traffic has been regarded through all the years as an evil more or less gigantic. The Government has reserved to itself at all times the right to regulate it or to prohibit it. It has sometimes been regulated too severely, in other instances too leniently. But the suggestion I desire to make is this, that, being an evil under the ban of the law, the American Government should not engage in it. [Applause.]

I do not object to the old soldiers occupying the Homes having their beer, any more than I ought to object to Members of Congress having theirs. But I do insist that the wise, patriotic, and intelligent sentiment of the country, which originally forced the American Congress to eliminate the canteen from the Soldiers' Homes, ought to still be respected. That legislation was enacted in response to the wise, patriotic, and Christian sentiment of the people of America. I honor the old soldier as much as my friend from Wisconsin [Mr. KÜSTERMANN] does, but I undertake to say that the old soldier is entitled to no more consideration than a Member of Congress. They ousted the canteen from the Capitol some years ago, and I would like to see some Member with temerity enough to present to Congress a proposition to restore it.

I come from a district where whisky is largely manufactured and occasionally consumed. [Laughter.] Four of the counties in my district are absolutely dry. In the other four it is sold at the county seats in abundance. Any position that I may take upon this question here can not help me at home. I speak what I believe, regardless of results. I stand for what I regard as the correct principle; not as to whether this legislation is beneficial as a matter of discipline at the Soldiers' Homes, but upon a higher and broader ground, that the American Government should not go into the saloon business. [Applause.]

Mr. GRONNA. Mr. Chairman, the gentleman from Massachusetts [Mr. TIRRELL] read a portion of a letter contained in the report of the House Committee on Appropriations, of which I want to read a part. The gentleman from Wisconsin [Mr. KÜSTERMANN] read a part of a letter from the Southern Branch. This is a letter from the National Home for Disabled Volunteer Soldiers, the Central Branch, dated November 2, 1907, and signed by A. J. Clark, governor, as follows:

On the other hand, it is claimed that since the closing of the beer hall some men who could not stand the temptation of a beer hall in the Home, but would either drink too much at the beer hall or start on beer and then go out and get drunk, are now keeping perfectly sober. It seems to be very generally admitted that the camp in general and most of the barracks are quieter and pleasanter for sober men than when the beer hall was in operation, as in spite of the precautions exercised some men who drank too much at beer hall, but did not show the effect till after reaching barracks, would make it very unpleasant for others in barracks, while under existing conditions most of these men in coming into the Home from the outside are captured by the guards and taken to the guardhouse, and do not get into the barracks to trouble others. It should be stated that the unfortunate increase in the number of offenders against the rules of the Home since March 4 last can not be attributed entirely to the closing of the beer hall. The abolition (with the approval of the board) of the practice of close confinement of certain weak or troublesome members, who would frequently jump the fence, gives this class of men an opportunity to get drunk, which I am sorry to say some have taken advantage of. The large number of members (more than 1,200 up to the September quarterly payment) who have had increase of pension under the new law has brought more money into the hands of members than ever before, thus increasing temptation; and the inability to secure reduced-rate transportation has kept at the Home many who have been in the habit of going on short leaves occasionally, and presented special temptation to spend their money in unfortunate ways near the Home.

Now, Mr. Chairman, as one coming from a State that has constitutional prohibition, I want to say that I believe it is an insult to the intelligence, to the character and habit of the American soldier when we say that he can not get along without the saloon. It has been stated on this floor that even in a prohibition State like ours there are more Government licenses sold than there are in States where they have saloons. I admit, Mr. Chairman, that it is true that Government licenses have been sold, which I regret; but to whom have they been sold? They have been sold to the lawless class that comes to the State for that purpose and for nothing else. They have not been sold to the citizens of the State who believe in this law and who believe in the enforcement of this law. I say to you, Mr. Chairman, that the people of my State are in favor of this law that was enacted and that was placed in our constitution more than twenty years ago, and the law is more popular to-day than it was at that time.

It has been the experience of North Dakota that this law makes for sobriety and good citizenship; that because of it we have more general prosperity, that we have fewer drunkards and more happy homes.

I believe that drunkenness is to be discouraged in the Army as well as in civil life. I do not believe that there is anything either in the profession of the soldier or in the character of the American soldier which makes it necessary to place liquor as easily within his reach as possible. I believe that the best way to discourage drunkenness is to make it as difficult to obtain liquor as possible. I believe that Congress took a wise step in 1901 in abolishing the canteen in the Army, and that instead of receding from the position taken at that time we should refuse to allow the canteen either in the Army or in the various Soldiers' Homes.

In reference to the statements that the canteen at the Army posts prevented desertions and aided in maintaining discipline, I wish to insert in the RECORD an article written by Gen. A. S. Daggett:

LIQUOR SELLING IN ARMY SALOONS—THE TRUTH ABOUT THE CANTEEN.

[By Brig. Gen. A. S. Daggett.]

[This article was written in December, 1905. General Daggett has recently (October, 1907) confirmed all it contains. General Daggett is now retired from active military service after a long and honorable career. In the civil war he fought in the battles of Bull Run, Gaines Mills, Antietam, Fredericksburg, Salem Heights, Gettysburg, the Wilderness, Spottsylvania, Cold Harbor, Petersburg, and many others. He was twice wounded. In the Spanish-American war he fought in the Santiago campaign, at El Caney, etc. In the Philippine war he fought at Imus River, Bacoor, etc. He was second in command (and part of the time in full command) of the international allied forces that made the memorable "march to Peking" in the Boxer rebellion in China, when they rescued the imprisoned legations, missionaries, and others from massacre. The substance of this pamphlet was published in the Christian Endeavor World, Boston, in November, 1906. We believe his article as here published is the most overwhelming refutation of the procanteen arguments that has ever been published. General Daggett's high personal character and his long, honorable Army record make him an unquestioned authority on the canteen subject.—The International Reform Bureau, Washington, D. C.]

On my return from China and the Philippines in 1901 I was requested to write a letter expressing my opinion on the Army canteen. I did not then know of the discussions in the press, investigations by Congressional committees, and the general public interest that had been manifested on this subject prior to the abolishment of the canteen.

Drawing entirely from my own experience, on July 24, 1901, I wrote a letter from which the following is quoted:

"I will give the following reasons for my opposition to the Army canteen, viz:

"1. Many of our soldiers come from the rural districts, where they never entered nor even saw a saloon. Arriving at an Army post they find the saloon, called 'canteen,' established by the United States Government, managed by Army officers, and in some cases made as reputable as such an institution can be. It is the place of resort for nearly all the soldiers of the garrison. They live in an atmosphere that makes them feel that the thing to do is to spend their money at the canteen; it helps the company mess. The most of the recruits yield, and soon form the beer habit.

"DEBT AND DRUNK HABITS CONTRACTED.

"The credit system prevails. The soldier, being out of money, obtains checks on the canteen, presumably for a small part, but actually, in most cases, for a large part of his pay.

"This debt he is compelled to pay on pay day. He receives his money at the pay table and immediately goes to the canteen officer and pays a large part, perhaps all of it, to the canteen. In a few days he is out of money again, and repeats the same process, month after month, during his term of service.

"He entered the service free from the drink and debt habits. He is discharged with both fixed upon him.

"2. The canteen stands as a constant invitation to the total abstainer to drink, as a temptation to the moderate drinker to drink more, and as a convenience for the drunkard to load up on beer when he has not the means to obtain anything stronger.

"3. The constant presence of the canteen and the credit system offer opportunities for the soldiers to keep slightly under the influence of liquor all the time. It was no unusual thing to find a company (I commanded a company more than twenty years) on inspection with a majority of its men more or less under the influence of liquor, but not so much as to subject them to punishment; but they could not perform their duty as well as they could if they had not been drinking.

"4. If there is no canteen at an Army post, saloons will spring up just beyond the military reservation of so vile a character that respectable soldiers will not visit them. When I commanded a company, four-fifths of my men would not go near such dens of vice.

"The drunkard would have his pay-day spree, spend all his money, serve sentence of court-martial, and be sober the rest of the time.

"The viler the outside dens of iniquity are the better for the morals of the garrison, because they keep respectable men away, and the majority are respectable.

"5. There may have been cases when the canteen has been a temporary benefit.

"It is said that falsehood may be a temporary benefit to him who avails himself of it. But it will be ruinous to him in the end. So will the canteen system be to the Army.

"6. The canteen system, in my opinion, resolves itself into this question: Is it best to keep a constant temptation before total abstainers and moderate drinkers for the purpose of controlling the few drunkards, even if it would control them? But we have seen that it will not.

"Many of the railroad companies and business firms require total abstinence of all their employees. Only imagine their establishing canteens for them! Train men slightly dazed with beer! I believe the Government should require the same of the Army.

"You are at liberty to use this as you please.

"Yours, truly,

"A. S. DAGGETT,
"Brigadier-General, United States Army, Retired."

JULY, 1901.

The Army and Navy Journal, commenting on this letter, suggested that I recommend a substitute for the canteen. I wrote as follows to the editor on September 10, 1901:

"I have just read in your paper of August 24 your comments on my letter concerning the Army canteen. You wish to know—very properly, I think—what I would recommend as a means of satisfying their (soldiers') cravings for sociability and good-fellowship. Simply this: 1. Establish ample and attractive reading rooms, which may be the general places of resort, and where games and facilities for all sorts of proper social enjoyments can be found. 2. Establish ample and attractive gymnasiums. 3. Encourage and give facilities for all proper kinds of manly sports. 4. Require the Commissary Department to supply many of the luxuries now furnished by means of the company fund.

"DRUNKARDS NOT WANTED IN THE ARMY.

"Men not satisfied with the above provisions for their welfare are not wanted in the Army. Men whose 'craving for sociability and good fellowship' lead them to the saloon should not be enlisted; they are not a benefit, but a burden, to the Army. In the majority of cases they are in the guardhouse or hospital and require the services of good men to guard or care for them. * * * The remedy is, rid the Army of them as soon as practicable and enlist no more. I am aware that, partly under the influence of the canteen for the last fifteen years, soldiers have lived in an atmosphere which has led the majority of them more or less into the drink habit, and it will take time to bring about the desired change. But let it once be fully understood throughout the country that it is the fixed and unalterable purpose of the Government to have none but sober men in the Army, * * * its ranks will within a reasonable time be filled with such men. It is undeniable, whether justly or not, that the word 'army' is too much associated by the general public with strong drink. It is therefore an inducement to the inebriate and an objection to the sober man to enlist. This I learned during three years of recruiting service.

"But suppose we have drinking men in the Army. Can their desire for drink be lessened by keeping before them a constant invitation to drink? Consider for a moment. Will the cravings of the baser passions be lessened by indulgence? Would you recommend indulging them as a means of curing their cravings? Certainly you would not. But what does the canteen do?"

DIFFERING CONDITIONS.

Considerable discussion was aroused during the following months, and for the first time I learned what had occurred in and out of Congress when the bill for the abolition of the canteen was pending. I read many letters and articles in the press on the subject, and statements before the Congressional committees by officials of the War Department and Army officers, some with profit and some with amazement. The information thus obtained gave me a somewhat more extended view of the workings of the canteen, and emphasized some facts which the experience of no one person could supply. For example, the difference in conditions at different Army posts; at some posts the men are mostly recruits; at others, trained soldiers; some have lax and others strict disciplinarians in their officers, especially commanding officers; some are located near and others remote from towns; some offer facilities for maintaining vile dens near them; others do not; some are located where the local laws are enforced; others are not; and many other differences.

This accounts for some of the seemingly conflicting statements of officers.

From what can be gathered from all sources, the claims in favor of the canteen are:

1. It keeps the men in garrison.
2. It prevents desertions.
3. It helps to maintain discipline.
4. It prevents saloons from springing up near garrisons.
5. That credit is limited to a small part of their pay.
7. It helps company mess.

Let us examine these claims.

1. It may seem that the canteen should keep men in garrison, but this is a superficial view. Closer scrutiny will show that the tendency is the other way after the canteen has been in existence long enough to show its legitimate effects. It entices men to drink beer; the temptation is constantly before them, and they drink freely. But, when the recruit is half full of beer, he is easily led away by the old sot to the outside saloon for whisky. And this is what is done. Two examples:

In 1886, six companies of the Second Infantry moved to Fort Omaha, Nebr. A canteen was established. An officer was put in charge of it who was regarded as one of the ablest in that line of duty. A poor lunch counter and amusement room were attached to it. The canteen was run under a higher pressure than any I have seen in the Army. It was regarded as a wonderful success. The commanding officer made flaming reports concerning it, which, it is said, caused the War Department to establish the canteen officially February 1, 1889.

What was the result? This: The men flocked to the beer room. They avoided the lunch room and amusement room. If my memory serves me, these were finally abandoned. Beer was the thing. There were several saloons just outside of the garrison, within 200 or 300 yards of the canteen. During certain hours of the day and night streams of men could be seen passing between the canteen and the saloons. It was here that I saw the majority of the men of my company slightly under the influence of liquor as they were formed for exercises.

A VERY VILE DEN.

We had just come from Fort Spokane, Wash., where intoxicants were not allowed in the post. There was a very vile den just outside the limits of the military reservation, but so disreputable that respectable men would not visit it. When I went before that company and gave the command, "Attention!" there stood erect and alert a line of men with bright faces and clear eyes, respectable and self-respecting, ready and able to respond to any call. There were boys in that line from the rural districts who had never touched a drop of liquor. And there was no temptation for them to drink. The vile den was no temptation, but the reverse. But what a change! In a year after their arrival at Fort Omaha these same men wore red faces and dull eyes and in a measure were sodden. This is what the canteen did in this case, and I do not think it an exceptional one. This is one instance where the canteen kept the soldiers away from the outside saloons!

I visited old Fort Omaha not long ago, and there was not a saloon within perhaps a mile of it. When the post was abandoned the saloons were abandoned, notwithstanding the post had a canteen.

In November, 1899, I was stationed at Bacoor, about 12 miles south of Manila, P. I. This was the headquarters of the "South Line," regarded by the division commander as the most important line in the Philippines. The troops had not been paid for several months. The canteen officer made unusual preparations for pay day. The canteen wanted the money, and the soldiers must be kept in camp. A large supply of beer was procured. Pay day came. What did the men do? They patronized the canteen, then went where vino was sold, and drank until a large percentage of the command were dead drunk. As a command, it was unable to make much resistance in case of an attack.

TOO DRUNK TO FIGHT.

The Filipinos discovered the condition. Riding about the town and line, I discovered unmistakable signs of an attack. The presidente, a Filipino, warned the headquarters that Trias would try to break through the lines that night. Such was the condition of the troops that the commanding officer did not feel able to resist the attempt. He telegraphed the conditions to the division commander and asked for troops. Troops came as quickly as the steamer could bring them. Their arrival prevented what might have been a disgraceful disaster. This is another instance where the canteen "kept the men in camp," "preserved order," and "helped to maintain discipline!"

DOES THE CANTEEN CAUSE DESERTIONS?

2. It prevents desertions?

It is doubtful whether the canteen has much, if any, influence on desertions, either causing or preventing them. So far as I have observed, the older and more experienced officers say less about this than formerly. General Chaffee, in discussing the causes of desertion in his report, both last year and this year, did not mention the canteen. And, if I correctly interpret the extracts from his last report as published in the papers, he declines to express "an opinion on this subject, pro or con," "this subject" being alcoholism in connection with the canteen.

Inspector-General Burton, in his last report, gives ten causes for desertions, and says: "This (the canteen), however, is only one of the causes reported to the inspectors as leading to desertions, and not one of the greatest at that." This is important, for it shows a great toning down from the statements formerly published, both in and out of the Army, and even now made by the less-experienced officers.

Formerly the terms were "largely the cause," "the main cause," etc. But if it is true in any case that a man deserts because there is no canteen, the sooner he leaves the better for the service. There is not in the Army an officer of long service as company commander who will not agree to this.

And this leads me to say that the experienced company commander is the best judge of the effects of the canteen on the soldiers. He comes into contact with his men every day; often many times a day. If anything goes wrong, the first sergeant reports it to his company commander, who investigates and acts accordingly. He knows every man, his virtues, weaknesses, and peculiarities. If he is the commander he ought to be, his finger is on the pulse of every man, and he knows just when and where to loosen the rein or draw it tighter.

But it is only the commander of long experience, who has taken a deep interest in the welfare of his men, who has this knowledge. It is probable that the lack of good company commanders is the greatest cause of desertions. Many captains are absent from their companies, leaving them in charge of lieutenants who are frequently changed, so that they have no special interest in their companies. This is the greatest evil, so far as discipline is concerned, existing in the Army to-day. But the best company commander in the Army will have desertions. He can not keep bad men; he does not want them.

But the evil of desertion is erratic. No one can account for the sudden rise and fall of percentages of desertions. For instance, in 1867 desertions amounted to 26.7 per cent. The next year they dropped to 16.3 per cent. In 1870 they amounted to 20 per cent; the next year they rose to 30.2 per cent. What caused these sudden changes? No one knows. President Hayes prohibited the sale of intoxicants at Army posts in 1877. During the three following years the desertions amounted to only 8.3 per cent; but in 1882 they rose to 16.4. These figures are given merely to show that desertions fluctuate unaccountably.

REORGANIZATION OF THE ARMY.

The Army was reorganized about four years ago and is in a condition similar to that in which it was after the reorganization in 1866. It has much raw material among the officers and enlisted men. It took at least fifteen years to sift out the bad material and instruct and discipline the remaining after the latter reorganization. It may not take as long now, but it will require many more years to put the Army in as good condition as in 1898.

Several years ago an officer of long service, speaking of the condition of the Army in 1866 and the following years, said:

"The Army has been constantly improving since its reorganization in 1866. Then a very large number of the officers had just been appointed from the volunteers and civil life. They were unfamiliar with the ways and regulations of garrison life. * * * All had to learn, from the highest to the lowest. The class of recruits was the worst that the Army had ever received. The barracks were poor, dirty, forbidding buildings, poorly lighted and heated. Candles were used, and a small allowance at that. Bunks were of rough boards and three stories high. A bedsack, filled with straw, and a blanket or two furnished the soldier's bed. A tin plate, an iron knife, fork, and spoon were his table utensils. The principal ration was bacon, pork, occasionally beef, and bread, beans, coffee, and sugar. Improvement in these things began in the seventies. Now the barracks are warm, cheerful, and well lighted. The beds and mess are much better than most recruits enjoyed at their homes.

BETTER RECRUITS ENLISTED.

"Then the recruiting officer could enlist whomsoever he pleased. Since then he has been held responsible for the utmost care in selecting men morally and physically qualified, on penalty of having to pay the expenses of clothing, feeding, and transporting the recruit to his station, should he be rejected after arriving, and should it be shown that the recruiting officer had been negligent.

"Benevolent associations also began to furnish the soldiers with reading matter, etc. Many other things were done for the betterment of the soldiers. The army of new officers, after fifteen or twenty years of experience, had learned how to command and care for men. Too much importance can not be attached to this consideration.

"The fruits of all these things must necessarily have been a great reduction in desertions, admissions to hospital for alcoholism, and convictions by courts-martial. * * * The number of desertions from 1867 to 1874 was 20.5 per cent. From 1876 to 1880, 8.4 per cent. From 1881 to 1889, they amounted to 12 per cent. From 1890 to 1897, 5 per cent. From 1898 to 1900, 4.4 per cent. For 1901, only 1.9 per cent. This latter period is not for the whole year, but there has been no canteen since February 2. The number of admissions to the hospital for alcoholism during the canteen period, from 1891 to 1897, decreased 12.2 per thousand, while during the preceding period, from 1882 to 1890, the numbers decreased 27.2 per thousand.

"These statistics show that a decrease in desertions and admissions to hospital for alcoholism began long before the canteen was thought of, and that it has been going on up to the present time, and that it was more rapid before than since the canteen was established."

It will be seen that the Army was in bad condition for several years after the reorganization in 1866. It made constant improvement for a period of about twenty years. No one thing had so powerful an influence in improving the Army as did the system of target practice, which began about 1879. It was prosecuted with such intelligence and zeal that in 1898 ours was an Army of the best riflemen in the world. This principle can be made to apply in a measure to other exercises. Having been established formally in 1889, the canteen found the Army in fine condition; it was under these conditions that it was tried. The reorganization in 1901 was not as extensive as in 1866, but it was followed by similar results, as evidenced by courts-martial, dismissals, and desertion of officers during the last few years. These are the conditions under which the anticanteen law has been tried. The Army is now beginning to improve, and will continue to, whether there is a canteen or not. In ten years the officers will have gained experience, and conditions should approach those existing in 1889; and in some respect it should surpass them. In the meantime if the canteen should not be reestablished it is probable a majority of the officers would then be opposed to its restoration.

NO AID TO DISCIPLINE.

3. The canteen helps to maintain discipline.

A few years ago more was said on this point than now. It is probable some have become ashamed to admit they can not maintain discipline either with or without the canteen. They certainly ought to be. There may occur instances when untoward events have arisen suddenly that will seriously affect discipline for a short time, but it is only temporary, and will be speedily remedied. My experience has been invariably that discipline has been more easily maintained with sober than with drunken men, and that a much larger per cent are sober without the canteen.

4. It prevents saloons from springing up near garrisons.

It did not at Fort Omaha, nor at Bacoor, as related above. It did not at Forts Porter, N. Y.; Assinniboine and Missoula, Mont., and Logan, Colo. Nor did it prevent illicit traffic in intoxicants at Fort Sill, Okla.; Fort Custer, Mont., Fort Huachuca, Ariz., all of which were on large Government reservations. I served at all these posts. A constant watch had to be kept over the surrounding country by sending out mounted and unmounted patrols, and even then the traffic could not be entirely suppressed.

This shows that there are men who will have stronger drink than beer, and will resort to desperate means to get it. The canteen has no restraining influence over these men; it whets their thirst, and sends them out for stronger drink. Yes, saloons will spring up as near Army posts as the law will permit—some regardless of law—whether there is or is not a canteen. Whether there be a greater or a smaller number is of no consequence, for there will always be enough to furnish all the intoxicants required. What does it matter, for example, whether there be ten or twenty saloons near Fort Porter, N. Y.? In either case men can get all the liquor they want.

I am amazed at the statements of Army people on this point. But Congressman LITTLEFIELD, in his able, accurate, and exhaustive article on the canteen in the North American Review for March and April, 1904, has given statistics on this phase of the subject, to which the reader is referred. The following extract is quoted:[a]

"The canteen was established at these barracks (Washington Barracks) in 1889. The facts, as given by Maj. Richard Sylvester, superintendent of the police department of the District of Columbia, are that there were only three saloons on Four-and-one-half street, within three 'squares from the point at which it entered the post,' in 1889, and while two of them went out of existence shortly after the establishment of the canteen in 1890, four wholesale liquor stores, where the law authorized the sale of liquor in quantities of not less than a pint, were established, two continuing one year and two three years, and that, on the 2d of February, 1901, when the canteen was abolished, there were in this same location, three 'squares from the point where it entered the post,' four saloons, one more than when the canteen was established, and the number has not increased up to date. The facts show that the theory failed to materialize.

"THE CASE OF FORT MYER.

"Of Fort Myer, Major Seaman says: 'Before the introduction of the canteen there were between ten and twenty low groggeries between the terminus of the street railway and the entrance to Arlington, largely depending upon the patronage of the troops, * * * and that, after ten years of the canteen at the post, only two of these were left.' On the contrary, in that locality, instead of 'between ten and twenty low groggeries,' the commissioner of revenue of Alexandria County, Va., Mr. H. L. Holmes, informs me from his own actual knowledge that there were from three to four saloons open from 1880 to 1891, and instead of 'only two of these being left,' the records show that in 1900, the end of the canteen period, there were five in healthy working order. If all of the major's assertions of facts are equally open to criticism, it may not be entirely safe to rely without hestitation upon his conclusions."

5. It is claimed that the men's credit is limited to a small part of their pay.

So it is, on paper, but so far as my observation went this limitation was disregarded. Officers have said to me that if the canteen does not give men credit they will get it at the saloons, and the money will go outside; we had better have it. The result was that men were allowed to get credit for a large part of their pay, perhaps in some cases nearly all of it. There may have been posts where this was not allowed, but I never knew of one. Regulations do not always regulate.

UNDER CONTROL.

6. It is claimed that beer is sold under control of the commanding officer.

Let us see how this works. It is not expected that the post commander himself will stand behind the bar to see that men do not get too much drink. He appoints an exchange officer. Is he expected to go behind the bar to control the amount of beer sold to each man? If so, you can not find the commissioned officer who will do it. But men were employed, and for some time soldiers were detailed, to tend the bar. Not many, if any, of this class, would care to limit the amount of beer sold. But generally it would be impossible, if they desired to do so. Often a large crowd of men would clamor for beer, compelling the bartender to hand it out as rapidly as possible. No human being could tell how many mugs a man had drunk. The result was that men generally drank all they wanted, and some of them would get drunk.

It came to my knowledge that comrades, even noncommissioned officers, would take men from the canteen to their quarters drunk and put them to bed and allow them to sleep off their stupor, and make no report of it to their company officers. In this way they avoided court-martial, consequently no record was made. I wonder whether the same efforts to avoid making records have been made since the abolition of the canteen.

7. It helps the company mess.

Yes; and this, in my opinion, is the only thing that can be said in favor of the canteen; and a larger number of officers agree with me than is generally supposed. It did increase the company fund. But the deficiency has been largely made up by legislation. If more money is needed for the welfare of the soldier, Congress has shown a proper willingness to supply it; it should not be obtained by traffic in intoxicants.

OBJECTIONS TO THE CANTEEN.

Having discussed the claims made in favor of the canteen, let us now consider the arguments against it. In this connection little need be said beyond what is contained in the letters quoted above. The information I have obtained from all sources during the last four years has emphasized nearly all contained in those letters.

The greatest objection to the canteen is its educative influence. Wherever one was established a canteen sentiment was created. It was talked about, its dividends to the company funds were enlarged upon, and the tables in the mess rooms groaned with luxuries. It was the thing at the post. Everyone, officers and men, lived in a beer atmosphere. None but the strongest could withstand the pressure. What a contrast between the clean sentiment of Fort Spokane and the polluted atmosphere of Fort Omaha, referred to above! It needs not a prophet to tell what effect this would have on all who lived within its influence.

When an amusement room was first established by Colonel Morrow, as an experiment, at Vancouver Barracks, in 1882, or thereabouts, he called it a canteen for want of a better name. Beer was not sold in it at that time. Let me quote from a letter from the colonel's estimable wife, showing how the canteen originated. After relating how the colonel had observed the men going out of the garrison to the saloons, she quotes him as saying to the officers standing near: "Gentlemen, something must be done for these soldiers. It is not right to let them go on as prey and victims to the saloons, where they are soon made

[a] By permission of the North American Review.

irresponsible through vile mixtures and then pushed into the street to become a scandal and a disgrace, debasing their manhood and their uniform. Something must be done, and we will begin to-morrow.

"The beginning was made 'to-morrow' in the humble way of a well-lighted room, a cup of coffee and a ham sandwich, plenty of newspapers and magazines, writing paper, envelopes, pens, and ink, with credit for postage stamps. Such was the birth of the canteen. How well I remember the glow of pleasure and encouragement that overspread my husband's face when he reported, rather recounted, to me the success of the first evening of the canteen—the result of an honest effort to help the private soldier to his own manly self, and yet to spend an evening in recreation. The rest you know—how the dozen or two of men, gathering in that room that evening, swelled in numbers until it was necessary to add another room, give greater facilities for amusements of various kinds, such as billiards, cards, backgammon, dominoes, etc.; beef tea, hot, was added to the drinks, and more appetizing eatables. Just when beer was added I do not remember."

THE COMING OF BEER.

This letter is quoted to show the nature of the canteen when it was first tried as an experiment. Special attention is called to it. It shows that the spirit in which it was conceived was that of a reading, amusement, and lunch room, free from the admitted evil of beer. *As such it was a success.* Had it remained so, it would probably have solved the drink problem in large measure long before this. But in an evil hour beer was introduced. It did not make the traffic in beer respectable, but did degrade the reading and amusement room. Its influence was constantly debasing. Turmoil and confusion on this question have followed ever since.

I well remember visiting Vancouver Barracks in 1883, I think it was, and witnessing the just pride manifested by Colonel Morrow as he explained to me the growth and success of what was called an experiment. The impression made upon me was that it was surrounding the soldiers with an elevating influence, and, if continued, would draw in all the better class of men and tend to establish them in the ways of morality and respectability. Those who would not be attracted to it would go their way to the saloons. It would make a sharp division between the good and the bad, the latter in the minority. And this is very important. This division places the majority on the side of morality and respectability and the minority on the other side, whereas with the canteen the minority are on the side of respectability.

Reports of this canteen soon spread abroad, and reached Fort Spokane, Wash., where I was stationed. A canteen was established there. The results were favorable. The canteen officer, being a beer man, wanted to introduce beer; but the proposition was instantly and severely frowned down.

The name "canteen" was used to designate the whole institution, including amusement, reading, lunch, store, and beer rooms, previous to February 8, 1892. In this sense it has been used in the pages referring to its origin at Vancouver and following. On that date the designation was changed to "post exchange," but the beer-room part still retained the name "canteen." This latter was abolished in 1901; but the post exchange remained, and does to this day. This should be borne carefully in mind, for great confusion has resulted from the persistent statements of procanteenists that the post exchange was abolished.

EXPERIENCE.

Several persons have written articles for magazines and made reports, more or less elaborate, on the canteen, which call for brief attention. Two articles appeared in the North American Review, one by Colonel Church in December, 1903, and one by Major Seaman in January, 1904. But who are Colonel Church and Major Seaman? Probably 99 per cent of the readers of their articles supposed them to be Army officers grown gray in the service. Colonel Church served about two years in the Army, from which he resigned in 1863 to take charge of the Army and Navy Journal. He never saw a canteen unless by courtesy of Army officers he was invited to do so. Major Seaman was in the volunteer service as a medical officer during the Spanish-American war, two or three years, I don't know just how long. But the experiences of a volunteer officer during a time of war gives him no opportunity whatever to observe the workings of the canteen in the Regular Army in time of peace. There is little need of comment on these articles, for Mr. Littlefield, in his article referred to, has so thoroughly exposed their errors that it would seem the refinement of cruelty to pursue them further. Only a few points will be noticed, and those briefly.

The Colonel says much about interference in Army matters by persons who know nothing about it by experience, such as the Woman's Christian Temperance Union and a "small, but most persistent and vociferous, body of theorists." But how much experience has the Colonel had? If they obtain their information from others, so does he. He and they are on the same footing. If he excludes them from exercising influence, he also must keep silent. But the colonel refers approvingly to the action of the American Medical Association favoring the canteen. But what do these gentlemen know about the canteen more than the Woman's Christian Temperance Union or the "vociferous body of theorists?" All depends upon whose ox is gored.

THE SOLDIERS' CLUB.

The same applies in some measure to Doctor Seaman. But the doctor says if "the canteen had been called the soldiers' club or post exchange from the beginning, it never would have been abolished." Why? Because it told the truth? The canteen was the saloon part of the post exchange. The name told the exact truth. Does he want a name given that will deceive people? The doctor and others have spoken of the canteen as the soldiers' club. It was in no sense a club. It was simply a drinking room. Regulations existed at one time prohibiting a soldier from taking his mug of beer away from the counter; he must stand and drink it there. No chairs even were in the room. The club was in the post exchange, not in the canteen. But the doctor's article is so full of errors that space will not permit noticing all of them. Even the colonel had to warn the readers of the Army and Navy Journal that they must take the doctor's report on the Japanese Army with a grain of allowance. "Who is this that darkeneth counsel by words without knowledge?"

So far as I have noticed in the papers, General Grant has made the most elaborate report favoring the restoration of the canteen of any department commander. It is proper to say that the general resigned from the Army October 1, 1881, and was reappointed in 1901, after the canteen had been abolished. He was not in the Army during the existence of the canteen. He was in the volunteer service during the Spanish-American war, but that gave him no opportunity whatever to learn how the canteen affected the Regular Army in time of peace. He knows nothing of the canteen by experience or observation.

Another department commander did not enter the Regular Army till after the canteen was abolished. Nevertheless, he has reported vigorously in favor of it. It is to be noticed that General Wint, who is an old veteran and always served with troops, is not in favor of the canteen, but favors some other method. Others, whose service with troops at Army garrisons has been more or less limited, have reported favorably on the canteen. It would seem that articles and reports on the canteen are elaborate in the inverse ration of experience.

Speaking of his work during the last years of his life, Professor Huxley said in 1892: "As to the substance of these public exercises, I must admit that it is quite correct to say that they have been largely composed of painful efforts to show that many of the lessons I had repeated in early life without a moment's doubts that they were compact of divine truth, are in fact made up either of obvious fictions or baseless assumptions." May not this apply to some of these gentlemen? For, though not young in years, they are in canteen experience.

WHY NOT?

A philanthropic association of Boston has established coffee rooms in different parts of the city and near saloons. They have reading matter, games, a lunch counter, etc., much the same as the post exchange. All sorts of proper methods are employed to make these rooms attractive for the class of men who visit in those vicinities. Why not have a beer counter in these rooms? The Young Men's Christian Association is doing for the welfare of young men what the post exchange is trying to do. Why not establish canteens in their rooms? The mere asking these questions is sufficient.

In December, 1900, a high official of the War Department stated before the Senate Military Committee that "it (beer) is the one thing that makes it possible to make the camp, the military post, an agreeable place for the soldiers." Beer "the one thing" needful! What kind of an Army have we if it is made up of men for whom beer is "the one thing" needful to make a camp agreeable? In case of war, do the people want to depend upon such an army? Were the Army of the Potomac and the Army of Northern Virginia composed of men for whom beer was the "one thing needful" to make camp life agreeable? If they had been, there never would have been an Antietam, a Gettysburg, and an Appomattox on the one side, or a Bull Run, a Fredericksburg, and a Chancellorsville on the other. But it was not true when I commanded a company, and I do not believe it is true now.

It was my privilege to visit that splendid regiment, the Fourteenth Infantry, at Vancouver Barracks last fall. About 1,200 men were in the garrison. I was there during two pay days. I took special pains to observe the conduct of the men. There are many saloons in the town of Vancouver, half a mile distant. I saw many soldiers about the saloons, perhaps a hundred; but suppose there were two hundred, where were the thousand? Shall the blighting influences of the canteen be resorted to just to keep this minority in, even if it would do that? Shall we hold out a constant temptation to the thousand, even if it would benefit the two hundred? But, as we have seen, the canteen will not keep them in the garrison. I inquired of the officers as to breaches of discipline; they said there were but very few.

This regiment has been favorably referred to several times, and especially for its conduct on the way from San Francisco to St. Paul, Minn., in 1901. A bit of history may not be amiss in this connection.

DISCIPLINE WITHOUT BEER.

In December, 1899, there was serious danger of an uprising in Manila, P. I. Reliable troops were needed in the city. This regiment was drawn in from the front and stationed there. This gave an opportunity to institute a rigid system of discipline, which was carried out by all officers with zeal. The bad men were weeded out by courts-martial and discharged; but very few were left. The regiment was officially reported to be in excellent condition. And, although the canteen existed, the beer influence was not the controlling one. There was but very little drinking among the officers. The sentiment was strongly against it. Under these circumstances what could have been expected from this regiment other than good reports of its conduct?

The Fourth Infantry was commanded by Colonel Ray [Colonel Ray has been retired with the rank of brigadier-general], an unusually able officer and a civil war veteran. He is opposed to the canteen. He said, "I can not only maintain discipline without the canteen, but it is always a menace to discipline." He conducted the post exchange under present conditions so successfully that, I am informed, a large percentage of his officers have come to his way of thinking. And so it will be with any organization with a strong man at its head who will carry out the present policy.

In 1899 a circular was issued from the War Department inviting or requiring officers to express their opinion on the canteen. Colonel Ray did not receive that letter. I did not. Thirty-four cavalry and infantry regiments reported. There were forty-seven officers in each regiment. Assume that twenty of them were absent. This would leave 918 in all. Four hundred and twenty-six reported. Where were the 492?

There are officers who were opposed to the canteen who did not think it advisable to express themselves openly against it. If an Australian ballot were to be taken a much larger percentage would be shown to be opposed to the canteen than has hitherto appeared.

"THOU SHALT NOT."

An officer of high rank in the Army was reported to have said some time ago that if you tell a man he shall not do a thing there is something in human nature that will make him want to do just that thing. Must we, then, refrain from saying that a person shall or shall not do certain things? If so, then nearly all orders, the Articles of War, civil laws, and the Ten Commandments must be repealed, for the great body of them is made up of "shalls" and "shall nots."

It is said that men will have their beer, and if not permitted to buy it in the garrison they are "compelled," "forced," "driven" to the low dens outside. All agree that whisky shall not be sold in the garrison. But there are men who will have their whisky. Why "compel," "force," "drive" them to the low dens outside to get it? It is claimed that the canteen helps to maintain discipline and good order in the garrison. Our canteen friends have great respect for the Sabbath. They all make prominent their desire to have the canteen closed on that sacred day. Why? If it helps to maintain good order in the post, why not keep it open on Sunday above all other days? Why "compel," "force," "drive" men to visit the low dives on Sundays?

It is unfortunate that the abandonment of the canteen should be regarded as an experiment. As long as it is so regarded it offers opportunities and inducements to work, either actively or passively, against its success. It is claimed that an overwhelming majority of Army officers are in favor of the canteen. Is it reasonable to expect that persons opposed to the success of an experiment will work with zeal

to make that experiment a success? If a commanding officer believes that beer is "the one thing" needful to make a camp or military post agreeable, what will be the result? If, on the contrary, a commanding officer believes in prohibiting the sale of intoxicants in a post, what will be the result? General Ray's management of his regiment answers these questions.

But let it once be thoroughly understood, in and out of the Army, that it is the unalterable purpose of the Government to prohibit the sale of all intoxicants in the Army, then all will settle down to work for the success of this policy.

But there is a simple remedy for this whole matter. If the Washington authorities will say to the Army, officers and men, that, other things being equal, the total abstainer shall have the preference for all appointments and promotions made by selection, and all important and desirable details, and carry it out faithfully, the battle will be won. In a month there will be a different atmosphere, in a year a great change; in five years the Army will be revolutionized.

Mr. GOLDFOGLE. Mr. Chairman, in desiring to reach a conclusion on the question of maintaing the canteen in Soldiers' and Sailors' Homes, I have read many letters and examined many reports bearing on this matter written by distinguished men whose experience qualifies them to speak with authority. Their relations to both soldiers and Homes were such as to give assurance of their fairness and impartiality. Some were Army officers, some clergymen, some governors of these Homes, and all men who speak from experience and observation.

The weight of authority, it seems to me, is largely in favor of establishing the canteen in the interest of fairness, sobriety, decency, and discipline. I am aware that this view is somewhat bitterly opposed, but you will find the bulk of the opposition comes from those who favor absolute prohibition. They seem to seek through legislative machinery to enforce their views on temperance on the old, worn-out soldier, who, if he has become accustomed to his glass of beer, will get it in the saloons if he can not get it on the grounds of the Home. After all, prohibition is only a theory, which fails in a great measure when you endeavor to put it into practice.

All the laws Congress may pass will not make the soldier who wants his glass of beer an abstainer. Abolish the canteen, and, as experience has demonstrated, you drive him to the outside saloons, and when you do that you subject him to all the temptations and vices that under these circumstances, when away from the watchful eyes of his superiors, he necessarily encounters.

In the canteen only beers and ales are sold. None but the best quality is permitted. If the man shows signs of having taken enough, he will not be allowed to get any more. The canteen is under rules and regulations carefully prepared by the governors of the Homes. These men have no interest to serve but the good of the soldier. The discipline of the Home is one of their chief concerns. Which then, I ask, is the better of the two propositions, to allow the sale of beer and ale under proper restrictions on the grounds where, among the books in the library or in the company of his old comrades, the veteran may partake of his beverage, or else drive him out to seek the saloon where, too often, the poorer kinds of liquor and strong drink are sold? There he may procure whisky and other of the stronger and more intoxicating drinks. In the canteen he can not. If he be given to excessive drinking, there is where he may indulge himself. In the canteen he can not, even if he would. Nor is that all.

The farther he travels to get his drink the more he will want to get. He falls in the company of strangers—away from home and companions and the wholesome atmosphere of the institution. He becomes an easy prey to temptations of every sort; he is left without restraint; he breaks through the discipline which he is accustomed to observe in the Home. No wonder, then, that where the canteen has been abolished many a poor old fellow, whose desire for drink has compelled him to seek the far-away saloon, has been found helpless on the public highway.

In the canteen he enjoys the comfort that the Home affords him; he has the companionship of his comrades; he is free from demoralizing influences; he is compelled to abide by the rules of the institution, which restrict the sale of the beverage and prevent its being given to men who show the least sign of intoxication.

Why, then, should the old soldier be deprived of the enjoyment of his glass of beer or ale within the Home? He has as great a right to enjoy this privilege in his little club within that Home as has the more fortunate man the privilege and opportunity of enjoying his drink in his palatial club.

The old veteran served his country well in the hours of its greatest danger. He risked his life upon the field of battle. He marched valiantly forth and aided in the vindication of the honor of our flag. He earned a nation's gratitude, and though misfortune compelled him to seek the shelter of the Home, he ought not, in the sunset of his life, to be compelled to forego the privileges which the canteen affords him. In his younger days he may have cultivated a taste for beer, which served him either as a pleasant beverage or a necessary stimulant.

In most cases he is a moderate drinker. It is an exception when he drinks to excess. Amid companionship of friends and comrades, whose association he holds dear, he enjoys his glass of beer with them. Though he be deprived of getting beer in the canteen, if he wants it, he will get it outside. If he is a drinking man, he will be the worse off for having to go outside the reservation. There alone is the danger of his engaging in excess, for he is free from restraining influences. If you compel him to seek his beer off the reservation, he will get it, and stronger drink, too, under conditions that we know are sometimes demoralizing.

Physically and morally the old veteran is far better off with the canteen. Men thoroughly acquainted with conditions that pertain to Soldiers' and Sailors' Homes assure me that the canteen is a benefit to the men. It prevents many of the evils to which those who favor prohibition claim to be so strictly and virtuously opposed. I am convinced the abolition of the canteen works an injury to the man.

My able and estimable colleague from New York [Mr. GOULDEN], who served with distinction in the war, is a governor of one of these State Homes. He is intimately acquainted with conditions that obtain in the canteen. No man in the land is more desirous of looking out for the welfare and comfort of the veterans and preserving at the same time order and discipline than my friend and colleague, Colonel GOULDEN. His large and wise experience qualifies him to speak a thousandfold more than men who oppose the canteen guided only by sentiment or by overzeal for the cause of prohibition or animated by a spirit of fanaticism.

My colleague assures me that the canteen is a positive benefit to the men and operates in the interests of sobriety, decency, and good order. I willingly accept his judgment. It is amply supported by excellent authority. It is in complete accord with the judgment expressed by others equally versed upon this subject. Upon their judgment I am willing to rest my vote against the amendment to abolish the canteen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOLDFOGLE. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. LANDIS. Unless consent is given for general extension, I shall object.

The CHAIRMAN. Permission for general extension would have to be given by the House.

Mr. LANDIS. I shall not object, then.

The CHAIRMAN. No objection is heard.

Mr. MILLER. Mr. Chairman, I remember when this same subject was before the House two years ago, and in the closing debate a voice that was heard deprecating the establishment of a canteen in a Soldiers' Home is not here to be heard to-day. That was the voice of a soldier of this Republic who had spent some years of his life on the battlefields to maintain the Union, and he stood on this floor and pleaded for his comrades in the Soldiers' Homes. That was the chairman of the Committee on Interstate and Foreign Commerce, Mr. HEPBURN, of Iowa. I regret that illness prevents his being here at this hour to assist in the adoption of the amendment proposed by the gentleman from Massachusetts. I am glad to have the privilege in this presence to-day of saying a word in behalf of the soldiers who are inmates of Soldiers' Homes, but who are not drunkards. We are told by these governors that the Soldiers' Homes of this country are filled up with drunkards; that a large per cent of the inmates of the Soldiers' Homes are men who have been accustomed to the use of stimulants the greater part of their lives; that the habit has so grown upon them during those forty years of drinking that now, in their old age, it should not be taken away from them.

I stand here, not as a soldier, but as the representative of the soldiers of my district, to resent the charge that is made against the soldiers of the Republic that they are common drunkards. I stand here for the soldiers of my State, who anywhere would resent such a charge and who, forty years after the war is over, are leading honorable and upright lives. They are temperate, most of them, and they are not drunkards. If there are a few drunkards in the Soldiers' Homes—and there may be some—let them be taken to their own homes, where they can be taken care of, rather than be allowed to frequent the dives or saloons in towns surrounding Soldiers' Homes and there become addicted to alcoholism and find a drunkard's grave.

What are the facts of the case about our soldiers that appeared before this distinguished Committee on Appropriations?

Not a single soldier from the Soldiers' Home, not a single letter here from a soldier in a Soldiers' Home, so far as I know, aside from the governors of the Homes. What do those governors say? I call the attention of this body to the statement of some of them. They say that the canteen ought to be maintained in the interest of discipline and in the interest of good morals. Great Heavens! Think of it! You must maintain a canteen in the Soldiers' Homes in order that discipline may be maintained. Everybody, of course, knows if you want to maintain discipline the first thing to do is to get the fellows drunk, and then it is easy to maintain discipline! Everybody knows, according to these governors, that if you make it more difficult for the soldiers in the Soldiers' Homes to get drink, therefore they will get more of it, and therefore that the best way to maintain discipline in a Soldiers' Home is to make them drunkards!

But what are the facts? Here is a distinguished governor of the Soldiers' Home in Kansas who makes a statement as to the difference in the conduct of the inmates when the canteen was out of the Home and when in the Home. He gives the figures, as he says, to show that there were more arrests for drunkenness in 1907, when they did not have the canteen, than in 1906, when they did have it. His figures show that in the four months—August, September, October, and November, 1906—when there was a canteen there were 211 arrests, and during the four months when there was no canteen, in 1907, there were 210 arrests; one more arrest made when there was no canteen than when there was a canteen, which, if it proves anything, proves that there were more arrests when they had the canteen than when they did not have it. As a matter of fact, these statements do not prove anything, and are simply used by the governors of these Homes to deceive Members of Congress and lead us to believe that because there were more arrests for drunkenness when they did not have the canteen, that therefore there was more drinking than when they had the canteen. The facts are when the soldiers go out and get drunk, on their return they are all arrested and sent to the guardhouse, and of course a record is made of these arrests, but when they get drunk in the canteen they are hustled off to the barracks, where they disturb those who are sober, and no record is made of these drunks. I plead for the soldiers in these Homes who do not get drunk that they may be protected from the insolence and abuse of those who do drink. The governors say that the soldiers who go out to the saloons and drink whisky die of alcoholism. If so, the fault is theirs. But if we reestablish the canteen and the soldiers at the Home die of alcoholism, then the fault will be ours. I do not care to assume any part of this responsibility. The report of the committee shows that $35,900 more money was appropriated without the beer canteen than with it, which is startling, to say the least. It shows that the revenue from the sale of beer alone in these Homes is $35,900 a year. And this money is the pensions provided by a grateful country to its defenders, and is being literally wasted, when with proper control of these Soldiers' Homes this money would or could be used in clothing and educating the children of the inmates of the Homes. Strange, indeed, it is that in the American Congress there can be found defenders for such conduct. For one I propose by my vote on this amendment to emphasize my earnest protest against the whole infamous business as regards the manufacture and sale of intoxicating liquors. It is bad, and all bad; not a redeeming feature about it. Its whole pathway is strewn with the wrecks of some of the brightest and best of the citizens of the Republic. And, in my judgment, the hour is not far distant when the decent manhood and womanhood of this country will assert itself and wipe out the legalized saloon not only in Soldiers' Homes, but in every part of our fair land.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BENNET of New York. I ask unanimous consent that the gentleman from Kansas may extend his remarks in the RECORD.

Mr. DOUGLAS. I ask the same privilege for myself.

Mr. GRONNA. I ask the same privilege.

Mr. GOULDEN. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Kansas [Mr. MILLER], the gentleman from Ohio [Mr. DOUGLAS], the gentleman from North Dakota [Mr. GRONNA], and the gentleman from New York [Mr. GOULDEN] may extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOULDEN. Mr. Chairman, the question of canteen in the Soldiers' Homes is an important one. Prejudice should be discarded and the subject considered on its merits. It stands alone, having no connection with prohibition or the local option question. To my mind the warmest advocates and supporters of temperance can with propriety vote for the canteen in the Homes where the brave old soldiers are awaiting the summons of the Supreme Commander to join the heavenly armies. Considered from a patriotic economic view, its effect on the sobriety, morals, and discipline of the fifty-odd thousand inmates of these institutions, there can be no doubt whatever as to the proper solution of this question.

Speaking from the practical side, with an experience of more than six years as a trustee and an officer in the New York State Home at Bath, under both the canteen and anticanteen plans, I am forced to the conclusion that from every point of view the best interests of the inmates and the Homes demand that the canteen should be reestablished and maintained. Our experience in the Bath Home has taught us this lesson.

As I have on former occasions in this Chamber gone into the matter at considerable length, advocating the benefits and advantages of the canteen, where nothing but pure, unadulterated malt liquors are sold, under strict rules and regulations, I will content myself at this time by giving you the views of practical men, whose thorough knowledge of this question entitles them to favorable consideration.

First, I will read the resolution of the board of trustees of the New York State Home, having an average membership of 2,000:

Resolved, That it is the sense of the board of trustees of the New York State Soldiers and Sailors' Home that the best interests of the institution and the good of the members thereof will be subserved by the reestablishment at the Home of the canteen at which only malt liquors are sold, and the board urgently requests the several Members of Congress from the State of New York to use their best endeavors to accomplish this result.

I have here a letter from the Catholic chaplain of the Home, a most devoted clergyman, in which he says:

NEW YORK STATE SOLDIERS AND SAILORS' HOME,
Bath, Steuben County, N. Y., January 16, 1906.

Hon. J. A. GOULDEN, M. C., *Washington, D. C.*

DEAR SIR: In compliance with your request, I send my views as to the advisability of returning to the canteen system in the Soldiers' Homes of the country.

I have been Catholic chaplain at the New York State Soldiers and Sailors' Home for nearly four years. When I began my work here I was opposed to the canteen, but experience has taught me that it is morally impossible to eradicate intemperance. The best we can do is to endeavor to control it. A large number of the inmates formed an appetite for intoxicating liquors early in life and now consider them essential. To my mind it would be far better to establish a canteen at this Home in which the men could obtain mild stimulants under proper restrictions than to practically force them to frequent the saloons, of which there are many in the proximate vicinity of the Home, where the vilest kind of liquors are generally sold.

I am, yours, sincerely,

JOHN F. FARRELL.

While this letter was written in 1906, the chaplain reaffirms his position taken at that time. I have a letter from the commandant of the Home, Col. Joseph E. Ewell, himself a teetotaler, an advocate of prohibition, a consistent member of the Anti-Saloon League. His letter is as follows:

NEW YORK STATE SOLDIERS AND SAILORS' HOME,
Bath, Steuben County, N. Y., February 15, 1908.

Hon. JOSEPH A. GOULDEN,
Washington, D. C.

DEAR SIR: Replying to your inquiry in regard to the canteen at the New York State Soldiers and Sailors' Home, in which you ask my opinion as to its advantages and disadvantages, I beg to say that the canteen was established at this institution many years ago, pursuant to the provisions of a State law authorizing the sale of ale and beer to members of the Home on the Home grounds under such rules and regulations as the trustees of the institution might prescribe, the net proceeds of the sale to be expended for the support of the library and reading room of the Home, and for such other purposes as might be deemed best for the comfort and amusement of the members.

It was discontinued on the 1st day of July, 1904, by reason of Congressional legislation regarding it. In my opinion the canteen, judging from its effects here, was in the highest degree beneficial, and the interests of the Home would be advanced by its reinstatement. I speak from an experience of more than five years partly with and without the canteen.

Just outside the main entrance to the Home there are 19 saloons and hotels, to which all the members have easy and convenient access. The resulting evils are well known. The argument in favor of the canteen, in my opinion, is that it diminishes, at least to some extent, these evils and that it is conducive to discipline and good order. During the period in which we had the canteen there was a slight decrease in the percentage of arrests for intoxication at this institution, and during the remaining years there has been a decided increase.

This seems to me to be a strong and, indeed, an unanswerable argument in favor of the canteen.

Respectfully,

J. E. EWELL, *Commandant.*

I have also the following letters on the same subject from the able governors of two of the leading National Homes and one from that gallant soldier, Col. John R. King, past commander in chief of that splendid organization—the Grand Army of the Republic:

SOUTHERN BRANCH, NATIONAL HOME FOR
DISABLED VOLUNTEER SOLDIERS,
February 14, 1908.

Hon. J. A. GOULDEN,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have your letter of the 10th instant, and in reply desire to say that there is only one opinion among the officers of the

Branch as to the abolishment of the canteen, which is that the effect works injuriously to the members. Our membership is very largely composed of old men, the average age of those from the civil war being about 68 years, very many over 70, and quite a number over 80 years of age. They have not many years to live, and it seems to them a hardship that they are not allowed to take a glass of pure beer of less than 3 per cent of alcohol comfortably and quietly, but instead are compelled to go outside and buy such vile drinks as are sold, much under the name of "whisky," but contain a large amount of wood alcohol.

Surrounded by the influences of the saloon element, whose only desire is to get the money from the old men, frequently when it can not be otherwise obtained, these old men are drugged and robbed. There is a very general impression among the members that their services and the victories won by them from 1861 to 1865 make it possible for the American people to boast of the magnitude, wealth, and power of our united country, and they feel that Congress should aid in their protection from being the victims of persons conducting saloons and the injurious influences. Since the canteen has been abolished the number of arrests from drunkenness and effects incident thereto have greatly increased, as well as the number of cases of acute alcoholism treated at the hospital and the deaths resulting therefrom.

The officers of the Branch are almost without exception total abstainers from drink, but they are unanimous in the opinion that the canteen should be restored for the protection and welfare of the members. The surgeon and the Protestant and Catholic chaplains are pronounced in these views.

Very respectfully, T. T. KNOX, *Governor.*

SOUTHERN BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
January 6, 1908.

Hon. J. A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

(Through the President of the Board of Managers N. H. D. V. S.)

DEAR SIR: In reply to your letter of the 14th ultimo, with reference to the results following the abolition of the canteen at this Branch, I desire to say that the records show as follows:

"Number of arrests from drunkenness or causes resulting therefrom from March 4, 1906, to December 1, 1906, 730; cases of alcoholism treated in the hospital for the same period, 191; March 4, 1907, to December 1, 1907, arrests, 1,261; cases of alcoholism in hospital, 320; total number of arrests incident to drunkenness from January 1, 1906, to December 31, 1906, 1,407; cases in hospital, same cause, 274."

On March 31, 1906, the average present was 2,698; on December 1, 1907, 2,242. There was a large increase in number of arrests incident to drink after the canteen was closed, while at the same time the membership was decreased by several hundred. Had the membership remained the same, doubtless the figures would be greater, showing the results from drink. There is only one opinion among the officers of the Branch, having the welfare of the members at heart, as to the resulting effect of the abolishment of the canteen. Without exception we think it results in great injury to the members. These members in their old age need great care and kindness and should often be treated much as a parent treats a child. When we had the canteen this was done with good results. Large numbers of the members at that time were fully satisfied to take pure beer of less than 3 per cent alcohol, taken in peace and comfort.

The canteen was conducted under strict rules, all tending to the good of the members. Since its abolishment the Branch officers have largely been helpless in controlling the appetites of the members, many of whom acquired the drink habit years ago, and it must not be expected that men in advanced life, with confirmed habits, can be easily persuaded to change them. Such men will drink; if mild drinks are not supplied, they will buy strong ones, and with the temptations such as they receive in saloons are unable to restrain themselves. It is generally believed by the surgeons and others that whiskies of such inferior quality, largely containing wood alcohol, are sold to members, which frequently results in death. Could those who brought about the abolishment of the canteen visit and remain at the Branch for some time, it is believed that they would be convinced that their actions had been injurious to the members of the Home. These members, who take equal pride with other Americans in the magnitude, wealth, and power of our country, feel that had not the victories from 1861 to 1865 been won by them there would be no united country to boast of. They also feel that they should be entitled to the small privilege of drinking in comfort mild beverages at the Branch under proper rules, rather than be compelled to go outside and be the victims in their old age and helpless condition of such persons as compose the saloon element. At these saloons their money is all that is wanted, and in many cases when it can not otherwise be obtained they are drugged and robbed. The number of saloons in the small town adjoining the Branch remains about the same as before March 4, 1907, but this number is quite large—twenty-eight. Of these, twelve are within two squares from the corner of the street near the Home entrance, and not much room for any more.

Congress should do its part to protect the members under such circumstances. The officers of the Branch almost without exception are strict abstainers from drink, but it is their unanimous and firm conviction that the best interests of the Branch suggests the restoration of the canteen. The surgeon states that after eleven years' experience he believes the canteen to be an aid in the maintenance of discipline and the health of the members. Both Protestant and Catholic chaplains are heartily in favor of the canteen being restored.

Respectfully, yours,

T. T. KNOX, *Governor.*

EASTERN BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Togus, Me., February 25, 1908.

Hon. J. A. GOULDEN, M. C.,
House of Representatives, Washington, D. C.

SIR: In reply to your communication of the 10th instant, requesting my views upon the canteen question in the Soldiers' Home, I have the honor to state that the experience of an officer of the Home can not fail to convince him that the presence of a beer hall, where the sale of a mild type of beer is allowed, under control, is a strong aid to discipline.

The closing of the beer hall, instead of advancing the interests of temperance, has had exactly the opposite effect. The difficulties of maintaining proper discipline are very largely increased. At a Home situated as is this one, in a State where the sale of liquor is prohibited, the beer which the men have been accustomed to is certainly much better for them than the vile compound which is sold to them under the name of liquor by the violators of the law who infest the vicinity of the Branch for the purpose of preying upon the members of the Home. Further than this, the records of the hospital will bear out the statement that one debauch in the brothels and dives which, in spite of the prohibitory law of the State, are most evidently doing a thriving business, far more seriously affects the health of the veteran than a continued moderate use of beer. The percentage of cases of alcoholism treated in the hospital since the closing of the beer hall, as compared with corresponding periods during its existence, has almost doubled.

The average age of the members is 68 years. They are men of fixed habits. Those among them who have never used beer or intoxicants can not be induced to drink them, while those who have been accustomed to their use can not be changed. Nearly all of the offenses committed by the members of the Home are directly traceable to the vile liquor obtained outside the reservation. Since the closing of the beer hall, the number of offenses attributable to the use of intoxicating liquor has increased more than 20 per cent. It is therefore reasonable that any system that tends to keep the members from these temptations and supplies, to those who crave it, a mild beer, under rigid control, must work for the betterment of the Home and the welfare and health of its members.

Yours, very respectfully, JOHN T. RICHARDS, *Governor.*

WASHINGTON, D. C., *February 28, 1908.*

Hon. J. A. GOULDEN,
House of Representatives, Washington, D. C.

DEAR COMRADE GOULDEN: You ask me for an opinion relative to the propriety of maintaining canteens at National Soldiers' Homes, and in reply I beg to say at the outset that I am a firm advocate as a fundamental principle of the right of the majority to determine whether or not spirituous or intoxicating liquors shall be sold within certain prescribed territory. In company with the late United States Senator Arthur P. Gorman, we met the question in my county in Maryland, and the advocates of local option prevailed by a large majority, so that my predilections are against the sale of intoxicants; hence what I shall say is from that standpoint.

My observations of the conditions surrounding the Soldiers' Homes is confined to the one at Hampton, Va. I have been a frequent visitor there, have noted the effects of the canteen, and my candid judgment is in favor of this institution. I have seen scores of old veterans in the canteen drinking beer, but never saw one of them drunk.

The best argument in favor of the canteen is the degrading and disgusting low groggeries outside and adjacent to the Home, alarmingly multiplied in numbers since the abolishment of the canteen. Into these low dives the old soldiers are inveigled, made drunk by the vile concoctions kept in the place, drugged and robbed and beaten nigh unto death, and in many cases it is surmised die from the rough treatment received at the hands of the keepers of these rum mills and bawdy houses; hence it is upon purely moral grounds and for the best interests of these old comrades of ours that I favor the restoration of the canteen.

Sincerely, yours, JNO. R. KING.

I also desire to have the following poem, written by an old soldier, an inmate of the Eastern Home, at Togus, Me., who, unlike the one whose letter my colleague from New York [Mr. BENNET] has had read, is not ashamed to have his name known. The poem tells its own pathetic story:

[From Daily Eastern Argus, Portland, Me., October 21, 1907.]

GIVE US BACK OUR OLD CANTEEN.

Turning back to treasured memories, of the times now long ago,
When as boys we marched together through swamps, the rain, and snow;
Charging up the rugged hillside; buried dead beside the streams;
'Twas then we turned for solace to our precious old canteens.
Though often filled with turbid water from the roadside murky glen,
Yet 'twas nectar on our marches, and to lips of dying men;
And we fancy do they sing their song on that far-distant shore,
We are coming, Father Abraham, three hundred thousand more!
We are marching fast toward the end! Still many wear the blue
In the Soldiers' Homes of Uncle Sam, to veterans always true.
He knows our faults and virtues some—has not forgot his due
To men with blood, not angels, who helped to get him through.
Had we not gained the cause we struggled for in years of cruel strife
'Twould have stayed the tide of progress and the cause of human rights.
And why Uncle Sam likes veterans now, we'll tell it just to you:
They kept all the stars a shining on his flag red, white, and blue.
Uncle Sam put canteens in the Homes to cheer vets on the road,
With just enough of lager beer to lighten up their load;
Of broken hopes, apart from friends and homes they held so dear,
'Till some, who claimed to be their friends, deprived them of their beer.
In our case they changed the maxim "Of two evils choose the least,"
For on beer there is a famine, while on rum there is a feast.
We can not reconcile reform, with the facts as they appear;
There is all the rum you want to drink, but you can't have lager beer.

ADDENDA.

We have no votes in Togus, thus our weakness there is seen,
So we ask our friends to help us to restore the old canteen.

HUGH YOUNG.

TOGUS, ME., *October 14, 1907.*

Mr. SMITH of Iowa. Mr. Chairman, I think the amendment offered by the gentleman from Massachusetts should be adopted, and the amendment to the amendment offered by the gentleman from New York should be defeated. Originally, the National Soldiers' Homes were designed, and it was believed that they would be supported by contributions from benevolent people. That, however, has passed away, and they are now maintained solely out of the Federal Treasury and at Federal expense. In every practical sense the Government of the United States owns every one of these Homes, and if intoxicating liquors are to be sold there, the Government of the United States is in fact to sell these liquors at retail.

I am opposed to the Government of the United States directly going into the retail liquor business, and, therefore, I oppose the amendment to the amendment and to any canteen in the Soldiers' Homes of the United States. [Applause.] We owe to these old veterans a home; we owe to these old veterans light; we owe to them food; we owe to them clothing, but we do not owe to them any duty that the Government of the United States shall itself engage in the retail liquor business. [Applause.] I do not propose to inquire whether these men will drink more or less. They are men to whom we owe a duty, but they are free moral agents. We are not guardians over them; it is not our duty to investigate and ascertain and protect them from drinking Peruna if they see fit. [Laughter.] No such obligation rests upon the United States in any sense, in my judgment.

I therefore believe that we are not to consider the question of whether it is good for these people to get pure beer or impure beer. It is beneath the dignity of the Government of the United States to engage in the retail liquor traffic, and that we ought not to do it, let the consequences be what they may. [Applause.]

Mr. SLAYDEN. Mr. Chairman, any phase of the liquor traffic arrests the attention of every citizen who is concerned for the reputation and happiness of his country. On no other question, except possibly that of differences in religious belief, do men divide themselves into more clearly defined and aggressively hostile parties. Each is positive that he is right; at least, he is absolutely certain that the other is wrong.

There is a wave of sentiment in opposition to the official recognition of liquor selling now sweeping over the country. It paralyzes the reasoning faculties of legislators and makes them afraid. It is forcing gentlemen here who should be more courageous to conceal their real views and to play the part of a coward.

The intemperate use of intoxicants is a filthy and disgusting habit that can not be too severely condemned by society. To get habitually drunk ought to be an unpardonable social crime, and when it is so considered and properly punished the sot will disappear from public view.

I am as stanch an advocate of temperance as any man on earth, in the pulpit and out of it, in the temperance forum and out of it. I hate excesses, and I would like to see them properly punished, but I can not shut my eyes to certain well attested facts about the administration of these Soldiers' Homes and military posts.

This paragraph in the bill, this particular question, is important only as it presents one phase of a great social problem, the solution of which perplexes the best minds in the country. Among gentlemen of equal moral worth, people of the highest character, of equal integrity and station, there are to be found radically different opinions as to how the liquor traffic should be treated.

I wish I had the time to go into an extended argument in support of my views on this question. As it is, I shall use the few minutes allowed me by asking the attention of the committee to a statement of certain facts made to me by a surgeon of the United States Army, who was visiting at my house two days ago.

In the course of his military career he has done professional duty in connection with the Army at seven or eight posts. At one of these stations he observed certain peculiarities among his soldier patients that made him suspect that they were addicted to the use of habit-making drugs. He communicated his suspicions to the commanding officer, and received his consent to a searching examination. He assembled the men, stripped them, and made a careful professional examination. As he had thought would be the case, he found that an appalling percentage of them were habitually using a hypodermic syringe with opium as a means of stimulation. He found that other men in the same command habitually used cocaine by snuffing it in their noses.

All that, Mr. Chairman, was in a State where the sale of liquor is prohibited by law.

Mr. SMITH of Arizona. What State is that?

Mr. SLAYDEN. The State of Maine, and in the vicinity of Portland. My friend the surgeon went on to say that in the course of his service at six or seven other stations, not a single man had been brought to the hospital or had come under his observation who was addicted to the use of drugs.

In a perfectly fair spirit, he added that he did not doubt that there might be soldiers at every military post who habitually used these poisonous drugs. He was only certain that none of them had come to him for professional treatment.

Is it not a fair inference that there are not so many soldiers addicted to these enslaving drugs outside of prohibition States as can be found among those who are stationed in communities where liquor is only sold illicitly? Certainly, if they used a drug to the extent that my surgeon says that they did at Portland, in Maine, some of them would have been so much under its control that they would have required the services of a doctor.

I asked him if any of the soldiers ever drank to excess in the prohibition States. He said they did, but that there was certainly less drunkenness among enlisted men in Maine than in other States, like New York for instance.

Mr. Chairman, I do not have to go to the testimony of surgeons to convince me that where you deprive men of the opportunity to get alcoholic stimulants you increase the consumption of hurtful, habit-forming drugs and horrible patent medicines, so-called, that develop the taste for both.

The patent medicine is a double-barreled weapon for evil that should be outlawed without delay. It enriches the rascal, cheats the ignorant, and besots the unwary.

The gentleman from Kansas [Mr. MILLER] has just said that the charge has been made here that the Homes for old soldiers are peopled by drunkards. I have heard no one make that charge. I do not think that he has. He was speaking in the heat of debate and did not measure his words when he made that charge against those gentlemen here who oppose the amendment proposed by the gentleman from Massachusetts. The statement has been made that many of these old men do want a drink now and then, and he will hardly deny that that is true. But a man may want stimulants occasionally and take them without being a drunkard, just as a man may want food three times a day without laying himself open to the charge that he is a glutton. Personally, I do not think that for matured men there is any danger from the proper and moderate use of alcoholic beverages. Certainly it is not as hurtful as overindulgence in foods. Each has its place in the economy of nature. Each should be used; neither should be abused.

The place to regulate the habits of men is, first, at the mother's knee, then the church, and finally the school. I do not believe that we can make them good, or even temperate, by statute.

No, Mr. Chairman, I do not think that these old soldiers are drunkards. As they served in a war that closed forty-three years ago, I know that they are not children, and so I do not think that we can change their habits by an amendment to an appropriation bill.

I hope that these old men, who are not drunkards, who are now looking down the slope toward the sunset of life, who have earned some consideration, may not be deprived of the privilege of an occasional stimulant, a privilege that, I dare say, 95 per cent of them would like, and which can be granted under such circumstances that gross improprieties and breaches of discipline are not possible.

Mr. SCOTT. In the course of this discussion we have heard a great deal from and about two classes of people. We have heard from the officers of the National Homes, who are quoted as declaring that the abolition of the canteen has interfered with discipline, has resulted in a large number of additional arrests, and has been a great hardship to the inmates of the Home. And we have heard pathetic and impassioned appeals in behalf of the old soldiers in these Homes who have formed the drinking habit, have indulged in it all their lives, and whose health and happiness are now destroyed because the Government does not provide within the very walls of the Home it has built for them the means to gratify their unfortunate appetite.

But there are two other classes of people whom we have not heard from, but who, it seems to me, are entitled to consideration. One of these classes is made up of the families of the old soldiers in the various Homes, and who are dependent in whole or in part upon that portion of the soldier's pension which is sent to them. What would they have to say on this question if their voice could be heard here? In all probability they are in poverty now, largely because of the intemperate habit of the husband or father who is now in the National Home. Would they ask us to legislate into this great institution the counterpart of the village saloon which has wrecked their happiness? Would they ask us to keep constantly in the very presence of this husband or father the temptation which had made shipwreck of his life? As a mere matter of money, what would they say to us?

The records show that in 1905 the sales in the beer halls in all the National Homes amounted to $261,427. In 1906 the sales amounted to $291,690, an increase during the year of $30,263. The pensions received by the inmates of all the Homes in 1905 amounted to $3,454,752, while in 1906 the pensions received amounted to $3,572,124, an increase during the year of $117,372. But in 1905 the amount of money sent home by the inmates in

all the National Homes amounted to $786,369, while in 1906, with $117,372 more received, there was sent home only $775,672. That is to say, during these two years, with the canteen in all the Homes, the increase in the liquor sales was $30,263, while in the amount of pension money sent home there was an actual decrease of $10,697. Whatever the presence of the canteen may contribute, therefore, to the happiness and comfort and good conduct of the man in the Home, these figures certainly make it apparent that the family dependent upon him does not share in the benefit.

But let me call your attention to some other figures. In 1906, as I have just stated, the sales in the beer halls amounted to $291,690. In 1907, with the canteen eliminated from the Homes only four months out of the twelve, the sales amounted to $211,429, a decrease over the preceding year of $80,261. Now, the pensions received during 1907 by the inmates of the Homes were $142,837 in excess of the amount received the preceding year, but little more, you will notice, than the increase of 1906 over 1905. But in 1907 the amount of the pensions sent home by the soldiers was $888,559 as against $775,672 in 1906, an increase of $112,887. During the last two years of the canteen there was an actual decrease of $10,697 in the amount sent home, while during 1907, although the canteen still remained in the Homes two-thirds of the year, the increase in the amount sent home over the preceding year was $112,887. In the light of these figures is it not absolutely clear that the great majority of the old soldiers in the National Homes saved the money which they had been accustomed to spending in the canteen and sent it to their families, instead of spending it in riotous debauches in outside dives and brothels, as the attempt has been made to have it appear?

But there is another class of persons interested in this controversy who are entitled to be heard and for whom I wish to speak. And that is the sober men, the men who have never formed the drinking habit, but who have been forced by untoward circumstances to take refuge in the National Homes. What right have we to thrust intoxicating liquors continually in their faces? What right have we to make it possible for their more unfortunate comrades to put themselves in such a condition of mind and body as to seriously disturb the peace and quiet of those who do not join in their tippling? I have a letter here from a personal friend who is now a subordinate officer in one of the Homes, which I believe fairly represents the sentiment of these nondrinking soldiers. I am unable to give the name of the writer of this letter, because I have not his permission to use it, and the letter is a personal one. I may say, however, that I have known the gentleman many years and that I have no doubt he writes what he believes to be the truth. And here is a portion of his letter:

As there is an effort being made to restore the "canteen" in the Soldiers' Homes, I desire to write you briefly. The saloon or "canteen" was abolished in the Soldiers' Homes by a condition placed in the sundry civil appropriation bill for the present fiscal year, and I hope the same prohibition will be made in the present bill now before Congress.

I have resided here, both before and since the exit of the "canteen," and I can assure you that the absence of that institution has wrought a great improvement in the civil conduct and good order of the members of the Home. When the "canteen" was here, that portion of the old veterans who are addicted to drink were constantly under the influence of beer, causing them to be reckless of speech, obscene, and often quarrelsome, keeping their appetites for drink constantly "whetted up," and when pensions were paid them their desire for something stronger caused them to go to the extremes. When the "canteen" was here there used to be from 100 to 200 arrests of veterans in the Home by the police for intoxication within a day or two after each pension pay day. Since the "canteen" went out the number of such arrests has greatly diminished.

The plea made by some officers of the Army and Soldiers' Homes that the "canteen" serves to keep the men from going to outside resorts and getting drunk on "bad whisky" is not true as to this Home, as I can assure you from my own personal observation. It is furthermore an insult to all the old soldiers as a class to say that they are such drinkers of intoxicating liquors as to make it necessary to run a saloon in the Home in order to keep them from going to outside resorts.

The profits of the "canteen" were immense, and as the authorities of the Home who had charge of the proceeds were not required to account to the Government for the same it is reasonable to presume a motive other than the welfare of the men for the clamor being made for the restoration of the camp saloon. No private member of the Home was allowed to know anything about the expenditures of the proceeds or for what purpose they were applied.

The clamor for the "canteen" comes mainly from officers. The majority of the private members of the Home are not petitioning for it. All who love peace, quiet, and decency hope that it will never return.

That letter sounds to me like a sane and faithful report of actual conditions, and I submit that it suggests a very different condition from that which those who have opposed this amendment have attempted to picture. I do not wish to be understood, of course, as giving my assent to the implied charge that the authorities of the Homes have a dishonest pecuniary motive in wishing the canteens restored; although it does seem to me that the Committee on Appropriations might well take the trouble in case they are restored to find out just what is done with the very large amount of money which will be received.

I trust and believe, however, that the canteen will not be restored. I voted to take the canteen out of the Regular Army posts. I have voted to take it out, and to-day shall vote to keep it out of the Soldiers' Homes, and if I could have an opportunity I should vote to exclude the sale of liquor from any institution over which the United States has jurisdiction. In casting these votes I have not only reflected the sentiment of a large majoriy of my constituents, but I have voiced my own profound conviction. I am against the amendment to make the restoration of the canteen a local-option question in each of the Homes, and I am for the amendment to exclude the canteen from all the Homes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes now the gentleman from Kansas [Mr. CAMPBELL] for two minutes, as the Chair understood that the five minutes' time was to be divided between the two gentlemen from Kansas [Mr. SCOTT and Mr. CAMPBELL]—three minutes to one and two minutes to the other.

Mr. CAMPBELL. Mr. Chairman, two minutes is too short a time in which to enter into a discussion of this question. I have been listening for two months to a discussion of the liquor question, and it has been proven beyond any doubt, on the one hand, that it was a good thing to have liquor where you could get it in the most convenient manner possible and, on the other hand, that it was the worst possible thing to have within reach at all. I am not surprised, therefore, at the evidence which has been given here to-day for the establishment and maintenance of canteens in the Soldiers' Homes, on the one hand, and for their abolishment, on the other. We have been given the percentage of the use of liquor under both plans. We have been told that the canteen was a convenience and a benefit to the inmates. We have been told that it was an injury to the Home and the morals of those in them. The evidence is hopelessly conflicting. But I put the question far above the mere matter of the convenience of the soldier who may be the inmate of the Home or the amount that may be consumed with the canteen or without it. I put it far above whether more or less liquor is consumed by the inmates of the Home. The important question is, Shall the Government of the United States engage in the saloon business? Shall representatives of the Government be barkeepers and sell liquor for a profit or sell it at all under any sort of circumstances? I am opposed to the Government selling intoxicating liquors on any of its property, or permitting it to be done. The amendment offered by the gentleman from Massachusetts [Mr. TIRRELL] ought to be adopted and the amendment offered by the gentleman from New York [Mr. PARSONS] ought to be defeated. I sincerely hope both may be done.

Mr. PARKER of New Jersey. Mr. Chairman, I do not quite understand what is meant by the words "Soldiers' Home"—a home. Does it mean a State prison, subject to State-prison government? I would say, No. These men are the defenders of our country and they are entitled to the blessings of freedom. Do those words mean a workhouse? They mean what they say—they mean a home. What man of you would submit to legislation which would say that you should or should not drink temperately in your own home? Mr. Chairman, it is not a question of the United States engaging in the liquor traffic. It is a question of the soldiers' club, whether they shall have the right to have one. It has never been run for the benefit of the United States, this so-called "canteen"—wrongly so called. It has been run for the benefit of the soldiers themselves.

Mr. MILLER. Will the gentleman yield?

Mr. PARKER of New Jersey. For a moment.

Mr. MILLER. The gentleman says it is not run for the benefit of the Government of the United States, but for the soldiers themselves.

Mr. PARKER of New Jersey. Yes.

Mr. MILLER. Have not $35,000 more been appropriated in this bill because of the fact that the canteen was taken out of the Soldiers' Homes?

Mr. PARKER of New Jersey. I do not know.

Mr. MILLER. Well, I do.

Mr. PARKER of New Jersey. I think possibly we have appropriated more in order to give reading rooms.

Mr. MILLER. No; they assign it as a reason——

Mr. PARKER of New Jersey. No, no; I can not yield. Let me proceed. I say that the old soldier has the right to his own club. I appeal to the experience of every man in this House as to whether the institution of clubs—gentlemen's clubs—has not changed the whole state of society in many localities, and whether drinking, instead of being done at ale houses and

drinking saloons, has not come to be decent and in order, not for the purpose of getting drunk, but taken as a mere refreshment.

But I appeal, whether that be so or not, for the right of the old soldier in the Home to establish a place where he can in his home, poor old man, take a glass of beer, that he wants, instead of being forced to go out for it. Now, this amendment to the amendment secures that to a certain extent. It says that with the consent of a majority of those who are there it can be done, and I ask for that amendment, if we can get no more; but I maintain, Mr. Chairman, and I maintain before this whole people, that if 100 or more or less of the old soldiers in a Home choose to have a room where they can serve themselves in decency and moderation with light beers and can sit and read their newspapers, that they have as good a right to have a club of that sort as you or I, and I stand for their freedom in this respect. [Applause.]

Mr. BOWERS. Mr. Chairman, I heartily favor the amendment offered by the gentleman from Massachusetts [Mr. TIRRELL]. It may not be improper for me to state that I offered a similar amendment in the committee while the bill was under consideration there. I agree with those gentlemen who see more in this matter than a mere question as to whether the canteen is beneficial or harmful, and to my mind it can and should be solved independently of any such considerations. The initial inquiry—and one that must be answered before any question as to the good or evil effect upon the soldiers or the Homes can possibly arise—is, Shall the United States as a Government go into the retail liquor or saloon business? Shall the Government, in this day and age, when the liquor traffic is universally regarded as an evil to be repressed and regulated—nay, if possible, to be entirely suppressed—take a stand in the path of moral progress, and in defiance of that wholesome and healthy sentiment proclaim by its conduct that the liquor traffic is a good thing, so good, indeed, that the Government is willing to engage in it? There can be but one answer to this question. The Government can not and must not go into any such business, and that this is the only answer is evidenced by the efforts to escape the fact that wherever the canteen is maintained the Government is in the liquor business. But I am not willing to concede that the operation of the canteen is beneficial, either to the inmates of the Homes or to the Homes as institutions.

I have read with care all the reports from the managers of these institutions and they do not convince me. I can not believe that the passing of the canteen has produced increased drunkenness, and the facts and figures given instead of bringing that conviction to my mind merely establish that when the man who now gets drunk outside the grounds is always caught and arrested when he returns, whereas when he formerly got drunk, in the canteen, he frequently escaped arrest and was thereby enabled to annoy and disturb the sober inmates. On that the report from the Central Branch is significant. I quote:

> In some cases it is claimed that members who were accustomed to drink moderately at the beer hall do not go out and that their health is impaired for lack of their usual stimulant. On the other hand it is claimed that since the closing of the beer hall some men who could not stand the temptation of a beer hall in the Home, but would either drink too much at the beer hall or start on beer and then go out and get drunk, are now keeping perfectly sober. It seems to be very generally admitted that the camp in general and most of the barracks are quieter and pleasanter for sober men than when the beer hall was in operation, as in spite of the precautions exercised some men who drank too much at beer hall, but did not show the effects till after reaching barracks, would make it very unpleasant for others in barracks, while under existing conditions most of these men in coming into the Home from the outside are captured by the guards and taken to the guardhouse, and do not get into the barracks to trouble others.

Besides it has been shown in this argument that these soldiers remitted over $100,000 more to their families during three months in which there was no canteen than they had done the corresponding months of the previous year when the canteen was in operation. Certainly that fact can not be reconciled with the idea of increased drinking or increased expenditures for liquor. I can not be made to believe that the best way to keep the peace is to permit any man who desires to carry a pistol, nor the best way to promote temperance to provide facilities to drink. Again, the sober soldier is entitled to the first consideration. He has a right to be freed from the offensive disturbing conduct of those who drink. He has a right to a quiet, orderly, peaceful home in which to spend his declining years.

That the abolition of the canteen promotes that condition can not be doubted. Let me repeat the language of Mr. Clark, governor of the Central Branch:

> It seems to be very generally admitted that the camp in general and most of the barracks are quieter and pleasanter for sober men than when the beer hall was in operation.

If there was nothing else urged, this alone would be conclusive with me. The drunk have no right to annoy the sober. The sober have a right to be freed from the offensive conduct of those who are intoxicated. To my mind good morals, good administration, and good government all demand the abolition of the canteen. I shall vote to put it, and keep it, out of business. [Applause.]

Mr. BENNET of New York. Mr. Chairman, I am opposed to the canteen in the Soldiers' Home. [Applause.] I stand for the sober soldier. We have heard a good deal from the committee on management and from outside people. Now, I would like to have read a letter from an inmate of the Soldiers' Home at Danville. I know his name, and the gentleman from Indiana [Mr. LANDIS] knows of him. He has asked me not to use his name, I presume so as to avoid some petty persecution in the Home. I would like to have the letter read in my time by the Clerk.

The CHAIRMAN. The Clerk will read the letter in the gentleman's time.

The Clerk read as follows:

NATIONAL MILITARY HOME, DANVILLE BRANCH,
Danville, Ill., April 28, 1908.

Hon. W. S. BENNET,
House of Representatives, Washington, D. C.

DEAR SIR: As a member of this Branch of the Soldiers' Home and interested in its greatest good, I take the liberty to earnestly request you to do all you lawfully can to prevent the reestablishment of the beer hall or "canteen" in the Soldiers' Home.

From my personal observation, before and after the "canteen" went out, I am fully satisfied that the moral tone and condition of the Home have greatly improved since the beer hall closed.

During its existence a mass of men were daily going to the "canteen," and were more or less under the influence of liquor, from the slightest degree to complete intoxication. They would be noisy, profane, obscene in language, troublesome, and unruly in the barracks.

Since it was closed this is much lessened, and the barracks are places of much more decency, quiet, and peace.

One man said in my hearing: "Before I came here I did not drink very much, but the beer hall being so handy, I go there and drink and drink, more and more, until I get real drunk."

Another said: "Every time I go there and take beer it drives me straight downtown for something stronger, and I get drunk."

Both of these men said they "wished Congress would close the thing out."

Each of these men represented many other drinking men who were like minded. And there are a multitude of men here who are glad the "canteen" is out and hope it will never return.

I believe it would be a great calamity and a real disgrace to the Home and to the nation to reestablish it, besides making the Home an unpleasant and undesirable place for those men who wish to have a decent, quiet, and orderly home to live in.

Trusting that you will do your utmost to prevent its reestablishment, I am, most respectfully,

Your obedient servant,

——— ———.

Mr. BENNET of New York. That is the sentiment of the men who live in the Home—the men who have to live in the Home, whether the canteen is there or not there—and I think that this House ought to stand by the sober soldier. Why, there is less than 10 per cent of the men in this Home who come up in the courts on these charges—less than 10 per cent given under the figures which have been sent in by the Committee on Appropriations, from whom they have to get their money and whose sentiments are tolerably well known. Now, there is another thing that does not seem to be taken into account, and that is the families of these soldiers.

It is claimed by friends of the canteen in Soldiers' Homes that the effects of its abolition have been detrimental. It is a fact worthy of note that, while the last report of the Board of Managers of the National Homes only covers a period of about four months, during which the canteen was abolished, the amount of money returned to the families of the soldiers was materially increased. While the report of 1906 shows that .217 of the total amount of pensions received by soldiers in the Homes was returned to their families, the report of 1907 shows that .239 was returned. The total increase of pensions received for the year ended June 30, 1907, over the year ended June 30, 1906, was $143,837.61, but of this increase $112,886.91 was returned to the families of the soldiers, leaving only $30,950.70 of the increase to be retained by the soldiers themselves. The increase of pensioners during the year ended June 30, 1907, over the preceding year was 1.6 per cent; the amount of pensions paid during this period increased 4.03 per cent. The increase of pensions paid to families was 14.55 per cent, while the increase paid to the pensioners direct was only .65 per cent. The increase in the amount paid to the families of the soldiers was three and one-half times the increase paid to the pensioners direct. It is a noteworthy fact that while there was this increase of $112,886.91 paid to the families of the soldiers, as compared with a decrease the previous year of $10,696.50, the sales at the beer halls for the year ended June 30, 1907, decreased $80,261.73, as compared with an increase of $30,263.58 the previous year.

It is claimed by the friends of the canteen that since its abolition, March 4, 1907, the number of offenses committed at each Branch has materially increased. At least one of the Homes presents a record showing the reverse. It would, however, be very remarkable, considering the appetites of some of the men who have been used to drinking in the Homes, if the record for a while did not show an increase in the number of offenses committed, because of the desire of some of the men to go out from the Home without leave to get liquor. That this should be so is one of the indictments against the canteen, because of the appetites for drink which the canteen has created and fostered. Reports from one of the Branches, in order to make a point against the abolition of the canteen, indicate that the mayor and police officers of the city have become enlisted in trying to preserve order among the soldiers. With the aid of the city police to hunt up cases against the men, there is little wonder that the total number of offenses shows an increase.

Perhaps the best test of this whole matter is a comparison of conditions in several Branches of the Soldiers' Homes during the period when the canteen was maintained and the Soldiers' Home at Washington for Regulars without the canteen. Covering a period between 1900 and 1905 the total per cent of offenses of all kinds at the Washington Home without the canteen was 17½, while the total of offenses of all kinds at the several Branches of the Soldiers' Homes which maintained the canteen during this same period was 38.9 per cent. During the same period the average per cent of offenses charged with introducing intoxicating liquors into the Washington Home was one-half of 1 per cent; in the others which maintained a beer hall for the same period the average was 3.4 per cent. In the Washington Home without the canteen the average per cent of cases of drunkenness was 11.4, while in the other Homes for the same period with the beer hall the average was 17.8 per cent. In the Washington Home the per cent of absentees without leave during this period was 4.4, while in the other Homes with the canteen the per cent was 10.3. In the Washington Home the average ratio of deaths per thousand was 47.27; in the other Homes the average was 54.96.

Much is being made over the report of the governors of the various Soldiers' Homes showing an increase in the number of arrests for drunkenness since the canteen was abolished from these Homes. It is necessary, however, to understand the conditions under which these arrests are made. Take, for instance, the statement of Rev. J. W. West, assistant superintendent of the Virginia Anti-Saloon League, concerning the conditions in the Southern Branch at Hampton, Va. After investigation, he reports that during the existence of the canteen the men could go out from their quarters to the canteen and back again without coming under the notice of the officers in charge, and frequently men under the influence of liquor would be returned to their quarters by their comrades, and of course the record shows no arrests for drunkenness. Since the abolition of the canteen, when the men desire to drink they go outside and return in full view of the guards, who make arrests in every instance, so that while conditions are no worse, or even not so bad, the record would show a larger number of offenses for the reason above indicated.

Attention needs to be called to the report of A. J. Clark, governor of the Central Branch at Dayton, Ohio, in which, while making a showing in favor of the canteen, he admits that some of the men who have previously been in the habit of getting drunk are now keeping perfectly sober, and that it is generally admitted that the camp in general and most of the barracks are quieter and pleasanter for sober men than when the beer hall was in operation. While taking it for granted that many of those who have previously formed the appetite for drink will continue to get it if possible, for a while at least, yet a system that will create better order in the Home and in the barracks generally, and which is bound to create this condition more effectively in the future in proportion as the men get away from the habits of drink in the Home, ought not to be condemned or set aside hastily.

It needs to be recalled that the experiment of no canteen in the Homes has not yet been sufficiently tried to judge of the full beneficial effects upon these Homes. It may be said also that the policy of getting State legislation to remove outside saloons from the vicinity of the Home is being urged in most, if not all, the States in which these Homes are situated, and with the enactment of these laws, we believe that every argument for the return of the canteen to these Homes will have been removed.

Although opposed personally to the canteen, I shall vote for the amendment proposed by my colleague [Mr. PARSONS]. It is in form a local-option amendment, and I have always approved that principle. Possibly this is not a case strictly within the local-option principle, but I prefer to err on the side of consistency. If my colleague's amendment is defeated, I shall, with great pleasure, vote for the amendment of the gentleman from Massachusetts [Mr. TIRRELL].

Mr. GAINES of Tennessee. Mr. Chairman, if I am recognized I would like to say a word or two. I am, and have always been, on the dry side of the whisky proposition, gentlemen. [Applause.] I have been so taught and have so voted at all times. I have voted the saloon out of the House and the Senate restaurants, and I shall vote to keep the law that way, and as a result we have a better attendance in this House and the Senate. I remember four or five years ago, Mr. Chairman, I read in the press statements about the Danville Home in substance that on a certain day—that is, on yesterday, we will say, the soldiers drew their money and a large number of them got drunk and raised a row and hurt each other and finally the peace officers of the city had to be called in to stop the row, and I think arrests were made. That was in the Danville Home. I do not know where the Danville Home is, but I do remember that. Now, Mr. Chairman, if a man lives in that Home and wants a drink and there is another man who does not want to drink and does not want to be run over by a drunken man and is run over by one who drinks, I want to know who has the greatest right to have this limitation put on here to prevent that?

That man who drinks trespasses upon the other man's physical rights as well as his peace of mind. This is a Home carried on by taxation. The Federal Government has the right to control these Homes. The Federal Government should control them, so as to prevent the strong man who may be addicted to drink from being drunk and trespassing upon the rights, the liberties of the man who possibly is younger and physically weaker, and wants his home peaceful and protected from such influences and interruptions. Now, the idea of the Government of the United States carrying on a bar in a Home—in anybody's home! If the soldier wants his bar at his door, then let him go, if he chooses, back to his old home, into some State that has no prohibitory laws. I am willing to vote just pension money and all the appropriations asked for to take care of the old soldiers honorably discharged, and I have done so, and will continue to do so, but, upon the other hand, I shall never vote to put or keep a bar in a Home that is created and maintained by the taxpayers of this country in order to protect the heroes of this country in their old age. [Applause.]

Mr. PARSONS. Mr. Chairman, the amendment that I offered provides that if the governors of the Homes should decide that the canteen was desirable they none the less could not have it unless a majority of the inmates approved of having it. Last year I voted for the "no-canteen" amendment; but I have felt ever since that I made a mistake; that I was not justified in voting that way against the judgment of the managers of every one of the Homes practically. On the other hand, it seems to me that if a majority of the inmates, even if the managers think the canteen is desirable, think they are better off without a canteen they ought not to have it, and that is the reason I have offered this amendment.

I differ with the gentleman from Iowa as to the duty that we owe to these old soldiers. We have established Homes for Disabled Volunteers. We owe the duty of giving them the best care that we can, and it is a question, to my mind of what is the best care for the greatest number.

The evidence before the committee is such that, it seems to me, unless the managers are greatly mistaken, the soldiers en masse are much better off with the canteen than without it. If the managers are mistaken, then the inmates know it, and they will have a chance to say so under my amendment.

Mr. GAINES of Tennessee. Does the gentleman think that we should arm the Homes with the power of letting some member go there and get drunk and assault his fellow-soldier? [Laughter.]

Mr. PARSONS. The question answers itself.

Mr. GAINES of Tennessee. Of course it does. Make it easy to get whisky and assaults are liable to occur. It is hard enough to keep assaults down among sober men sometimes.

The CHAIRMAN. Without objection, the gentleman from New York [Mr. FASSETT] is recognized for eight minutes. [Applause.]

Mr. FASSETT. Mr. Chairman, I do not know whether I have the balance of the time of the other gentleman from New York [Mr. PARSONS] or of the gentleman in the gallery. I do not know what side of this question the latter had.

Mr. Chairman, eight minutes is not long enough, or ten minutes, or even twenty minutes, to thoroughly thrash out the merits or demerits of this proposition. I can not add to what I said a year ago, and I would not take from what I said a year

ago. I want to speak to the merits of the amendment proposed by the gentleman from New York [Mr. PARSONS], and it seems to me that my prohibition friends, my temperance friends, my personal-liberty friends, and all friends of local self-government, home rule, and State rule, must support the idea that local option should be granted to the inmates of Soldiers' Homes [applause], that there should go into those Homes the same privileges that exist for soldiers and civilians outside of those Homes.

I can not agree with my friend from Iowa [Mr. SMITH] that our duties to the old soldier are exhausted when we have deprived him of an opportunity to satisfy his appetite in the Home. We owe him not only a home, not alone fuel and light, not alone medical care; we owe him gratitude for a nation saved and a flag purified. [Applause.] We did not ask whether it was within the dignity of the United States Government that he should get whisky, with or without quinine, when he was fighting the battles of his country in a war that ended forty-three years ago. We take these men, the battle-scarred remnants of a strenuous time, and give them, not prisons, not disciplinary institutions, but Homes. The gentleman says that if they can not behave themselves "my way" in a Home, let them go out to the penitentiaries or county jails or the almshouses.

I say, if we owe any soldier a home, it is not alone the sober soldier; it is the soldier who most needs surveillance and protection, the soldier with all the infirmities of the habits contracted in youth gathering around him as he advances in age, that most needs our care.

It is unfortunate that any man should drink anywhere, and if I could have my way I would abolish the drinking and abuse of alcohol, and I would vote, if voting would do it, that alcohol as a beverage be swept off the face of the world. But we have to take human nature as we find it, and we have to discharge our duties according to our conscience and our knowledge of human nature as practical men, not as theorists. It is not a question of the United States being in the retail liquor-selling business. That is a ridiculous business to put the Government in. I sympathize with those gentlemen who think that it is not wise or nice for Uncle Sam to wear a barkeeper's apron. But I am willing to give soldiers in the Soldiers' Homes some of the privileges we ask for ourselves in our own homes. [Loud applause.]

Let them have a club, if they please, run by themselves and not by Uncle Sam. I would like to see them restrained from an improper use of their privileges. The men who have consecrated their lives to the care of these old soldiers tell you when you shut up the canteens in a Home, you open brothels and saloons out of the Home. If it could be arranged that there be no liquor sold within 5 miles of a Soldiers' Home, then we could more safely prevent its sale and use inside the Soldiers' Homes. As it now is, we practically drive these old men to unrestrained indulgence outside the Homes amid unrestricted temptations. I believe in the work of those men and women who are raising up an army for the promotion of prohibition and temperance throughout the United States. It is a grand thing. These devoted reformers are moving forward like an army with banners and accomplishing noble work. These aged men who have to look to the State or the nation for a home are men with fixed appetites and chronic failings. With increasing years their will power diminishes, but their willfulness increases. They remain human even if they grow infirm, and unnecessary restraint irks them. They are not helped to temperance by rules which permit no drink inside the Home and all drinks just outside.

I ask simply that we may exercise intelligent care and plain common sense in providing for this remnant of that grand army of the past. I am making no special plea for the soldier who gets drunk nor for the soldier who does not get drunk. I ask you to listen not to the over-earnest advocates of either intemperance or temperance, but to the declarations of the experienced men and women who are devoting their lives to the study of the needs of these men. I have no personal knowledge of any other Soldiers' Home except the Soldiers' and Sailors' Home at Bath, N. Y., and every trustee and every doctor, whether doctors of the souls or doctors of the bodies, say that since the Home shut out the canteen and outsiders opened up the brothel and the saloon the men have gone from bad to worse, and that if we can restore the canteen it will protect the soldiers from the evils of the saloons, restore them to their former condition in the Home, that it will be of benefit to the soldier and of use and protection to the community.

I advocate the reestablishment of the social club in the Home in the interest of the old soldier himself and in the name of temperance and good order. I am not speaking of the old soldier as he ought to be, nor as I want him to be, but as he is, as shown by experience. The great mass of them are of good habits. Some are weak. The weaker brethren need the most tender care. And it is not tender care to thrust these aged and infirm men out of the gates of our sheltering Homes into the hands of harpies and thugs, to bamboozle and rob and assault.

If we feel we must deny them access to alcoholic beverages, let us make the denial effective beyond the Home as well as inside.

Mr. GARDNER of Michigan. Mr. Chairman, I wish to read as part of my remarks the following message, which has just been handed me:

Methodist General Conference at Baltimore, representing 3,000,000 members, by unanimous standing vote to-day petitioned Congress to continue the exclusion of canteens for the sale of intoxicating liquors from all Branches of the National Soldiers' Homes.

WILBUR F. CRAFTS.

[Applause.]

Mr. Chairman, I desire at the outset to resent the not infrequent, but, I am compelled to believe, unintentional aspersion cast upon the character of the survivors of the civil war. A young person sitting in the galleries during this discussion would get the impression from the advocates of the canteen that we all—and I am proud that I am one of them—were given to the use of intoxicating liquors. It is the glory of my later years, it is the pride of my children, and will be to the latest generation, that their ancestor served under the Stars and the Stripes in that great conflict; but I do not want them or anybody else to get the impression that I or my comrades were men who, as soldiers or as citizens generally, yielded to the immoderate use of intoxicating liquors.

Out of 100 men that went to the war in the company of which I was a member it is not possible to name 5 who drank to excess.

The gentleman from New York [Mr. FASSETT] says we should protect these old soldiers. That man needs protection most who is least able to protect himself. It is true there is a minority of veterans who indulge to excess. I am glad to say it is a small minority. I do not know of 2 per cent of the members of the post to which I belong in my home town who use intoxicating liquors immoderately.

I do not say that this low percentage is universal; I only speak from within the range of my knowledge. There is only a very small per cent in any of the Homes who are either grossly intemperate or immoral. Gentlemen, that minority in a large degree were carried there because they patronized too frequently the canteen in the town in which they had been living before they went to the Home. They call it a saloon there, but the rose smells just as sweet under one name as the other, and the results are just the same.

In this very bill we prohibit in the State Homes the sale of liquors, and you can not get national aid for a State Home without banishing the saloon. In the State Homes the saloons are out now, and they will be kept out.

Would you, as the gentleman from New York [Mr. PARSONS] would have us, put local option in the National Homes and impose absolute prohibition on the State Homes and the National Home in this District? What is fair for one is fair for another. These Homes are not built, as the gentleman from New Jersey would lead us to think, by the soldiers. They are not homes in which the occupants have a proprietary right. [Applause.]

The National Homes are built, furnished, and maintained by the Government. Every real need for the comfort of the veteran is supplied. Surely it is within the right of the Government to put such limitations upon the conduct of these Homes as is believed to be for the best interests of all. [Applause.]

Mr. LANDIS. Mr. Chairman, I recall with no small degree of satisfaction that about six years ago I offered an amendment to a bill then under consideration in this House providing for the abolition of the sale of intoxicating liquors in this Capitol. It passed, notwithstanding the dire prophecies that were made, predicated upon its passage; and I do not believe that there is a Member now on this floor, matching conditions during the past three or four years with those that obtained before, who would vote to restore the sale of intoxicating liquors in this Capitol.

Mr. BARTHOLDT. Will the gentleman allow a question?

Mr. LANDIS. I stated at that time, and I repeat it now, that if I had my way about it I would not permit intoxicating liquors to be sold upon any territory over which the Government has jurisdiction, neither would I permit its sale within 10 miles of any Army post or any Soldiers' Home. [Applause.]

I regret that this contest has been again precipitated. This question has been thrashed out on this floor on several occasions, and it strikes me that it would have been much better to have

settled it this year in the committee by repeating in this bill the language of last year by which the sale of intoxicating liquors was prohibited in Soldiers' Homes.

I deem it appropriate, in this connection, and as an answer against the systematic campaign organized by the officials in charge of these Homes, to read a letter recently received from a veteran in the Home at Danville, Ill. For reasons best known to himself, and which may be inferred by Members of this House in view of the attitude assumed by the management of these Homes, he requests that his name be not made public. I will say, however, that I can vouch for his character and veracity. It is as follows:

NATIONAL MILITARY HOME, DANVILLE BRANCH,
Danville, Ill., April 27, 1908.

Hon. CHARLES B. LANDIS,
Washington, D. C.

DEAR SIR: I recently read in one of the newspapers a quotation from you touching the "canteen" in Soldiers' Homes, and, having lived in this Branch of the Home, both while the "canteen" was here and since it was abolished, I heartily approve of your position in this matter. The absence of the "canteen" has wrought a great improvement in the good order and civil conduct of the veterans in the Home, and its return would be a misfortune to the great majority of the members who love peace, quiet, and decency. The plea on the part of some officers that the "canteen" serves to keep the drinking men from going to outside resorts and getting drunk on "bad whisky" is not true, as I can assure you from my own personal observation, covering several years' residence in the Home. It is an insult to the old soldiers, as a class, to say that they are such drinkers of intoxicating liquors that it is necessary to run a saloon in the Home in order to keep them from going to outside resorts.

When the "canteen" was here those members of the Home who were addicted to drink were daily under the influence of beer, causing them to be reckless of speech, profane, and often quarrelsome. Following the exit of the "canteen" there has come a marked improvement in the civil conduct of the men. Profane and obscene language have greatly decreased and a better and more friendly feeling between comrades is noticeable.

* * * * * * *

The profits of the "canteen" were immense, and as those handling and having charge of the same were not required to account to the Government for the same, it is reasonable to presume a motive other than the welfare of the men for the clamor being made for the restoration of the camp saloon. No private member of the Home was allowed to know anything about the expenditure of the proceeds or for what purpose they were applied.

This is the testimony of a plain soldier, one who is making his home with the Government in the Branch at Danville, Ill. And in this connection I would like to say that the Members of this House should not be deluded nor led away by the amendment such as has been offered by the gentleman from New York providing that this question be left to a vote of the inmates of these Homes.

I have knowledge of the influence exercised by the management of these Homes on occasions when elections are held. Soldiers in these Homes have the right to vote in primaries when the selection of delegates to county, State, and Congressional conventions are made, and I want to say that if the same tactics were pursued when the canteen proposition were at stake as have been followed on certain occasions when the selection of delegates was the chief subject of interest, there would be about as much chance to get an honest expression on the question as there would be to get an unbiased opinion of the right and virtue of free speech from the Czar of Russia. These men on such occasions are frequently threatened, bulldozed, and intimidated to a degree that is at once a scandal and an outrage and will sometime call for a Congressional investigation.

The officers in charge of these Homes are notoriously wedded to the canteen.

Such a thing as a fair vote could not be had in any Soldiers' Home in the United States. These Homes are organized against a fair vote on this question. Out on the Pacific slope within the past twelve months the inmates of that Home voluntarily entered upon such an election. They had cast about 500 votes when the governor of the Home compelled the electors to desist and refused to permit them to carry on that election. But when the votes were counted it was ascertained that out of 500 cast they stood 8 to 1 against the canteen. [Applause.] The officers of these Homes will not permit a vote of that kind to go on unless it is under their jurisdiction.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. LANDIS. No, sir.

There are statistics and testimony and sentiment on both sides of this question, and the deeper we go into it from any one of these standpoints the more mystified we become as to the practical effect of this amendment. It seems to me that the whole thing resolves itself into the question as to whether or not this Congress will recognize the progress that has been made in the control and treatment of the beer and whisky business or will, by giving governmental sanction to the traffic, strengthen and dignify it.

The only defense that is made in justification of the sale of intoxicants in the canteen in the Soldiers' Home that has any force with me, is that embodied in the statement that the habits of these old soldiers have become fixed, that they must have their stimulants, and if they can not get them in the Home they will get them outside of the Home. It is contended that if they can get these stimulants in the Home they will indulge to a moderate degree; but if it is made necessary for them to go outside the Home, then they give themselves up to excesses which are disgraceful and disgusting in the extreme, and make them easy prey for thugs and robbers. I have always contended that nine times out of ten the practice of drinking whisky is a habit. [Applause.] And I believe that nine times out of ten the habit can be broken in old age, even though it may have been formed in young manhood. I recall an aged acquaintance whose habit it was to indulge in a daily spree. That habit was broken by keeping from him the money with which he purchased Angostura bitters. In the early days it was the habit to serve whisky in the harvest field, and entire communities contended that men could not bind wheat without it. That habit has been broken, and the old practice is now unheard of. Had this habit plea been permitted to control, the whisky-drinking engineer would never have been taken off the locomotive, nor the whisky-drinking pilot off the ship. This same specious plea would have rendered it absolutely impossible to establish prohibition in any community in the United States. It is a fictitious contention and an argument without substance. [Applause.]

Mr. Chairman, I have been shocked beyond measure by the statements that have been made by the advocates of the sale of intoxicants in the canteen relative to the conduct of soldiers on the outside when it has been impossible for them to indulge their appetite in a saloon in the Home. Those who profess the greatest interest in these soldiers, those who pretend to be the most solicitous for their happiness and welfare have described their conduct not only as disgraceful and indecent, but beastly beyond description. We have been told that after the quarterly pension payments are made the highways between the doggeries in the cities and these Homes are lined by drunken veterans, helpless in their inebriety, and this performance is practiced quarter after quarter and year after year. I would say to this House that my father was a Union soldier. He entered the Army at the outbreak of the war and remained with his regiment until he was shot out. I do not believe any man has a warmer, more reverential affection for the splendid Army that suppressed the rebellion than I. But I contend there are limits in conduct beyond which even the Union soldier should not be permitted to go. [Applause.]

After the war was over, in recognition of the debt we owed him we made liberal provision for pensions, not only for him, but for his widow and children. We have provided Homes—Territorial, State, and National—and have made good the proud boast that necessity compels no man who wore the blue to take refuge in his old age in an almshouse. We have furnished these Homes with every comfort—aye, with luxury. Having done all this, is there not something we have a right to require of the soldier? I say there is. What is it? Good conduct, decent deportment. [Applause.] He owes that to the country that cares for him in his old age. He owes that to the comrades that marched with him on the field of battle, some of whom never returned. He owes it to the flag of his country which he so valiantly defended. He owes that to the boys and girls, to the young men and young women of the present day, who have read of his deeds of valor. In this instance the nation is the host, and it dispenses its hospitality through these Homes, and if the soldier abuses this hospitality and by his conduct disgraces his host he should be made to suffer for it; he should be separated from the Home. I deny that the typical Union soldier, who by reason of misfortune has been led to take up his residence in a Soldiers' Home, is a drunkard. I contend that rules and regulations could be prescribed and enforced that would reduce to a minimum cases of debauchery such as have been described. An inmate of a Soldiers' Home who wastes in drink the pension money he receives from his Government should have that pension withheld. [Applause.]

This money is given to him by his Government to assist him, not to injure him. [Applause.]

Mr. Chairman, I believe that this entire proposition is born of the desire of the men who manufacture beer to find a market for it. It is a notorious fact that one-half of the saloons of the country are owned by the brewers, their policy being to force the saloon into every community where there is the slightest chance to establish it. The gentleman from Massachusetts says that he resents any attempt to force the canteen out of these Soldiers' Homes. I would say, in answer to the gentleman

from Massachusetts, that we are standing here this afternoon resenting the attempts of the brewers of this country to force the canteen into the Soldiers' Homes. [Applause.]

I resent the insolence with which the brewers and whisky men attempt to force their products upon people and into communities where instinct tells us and common sense should tell them it has no business. [Applause.] To their arrogance and lack of judgment is due the overwhelming sentiment against the saloon which we must recognize in this country to-day. They invited it. They challenged it. They have dared it to conflict in open battle. They have invited and challenged it by attempting to dictate politics, local, State, and national, in every part of the land. They have invited and challenged it by studied, open, willful, deliberate violation of the law. Their conduct has been impudent, brazen, and defiant. They have sown the wind and they will have no one to blame but themselves if they reap the whirlwind in all its fury.

I say, and I say it deliberately, that if they continue their present aggressive policy I expect to live to see the day when there will not be a single saloon in this entire Republic outside the corporation lines of the large cities. [Loud applause.] Nearly 40,000,000 of our people are to-day living in dry territory.

Mr. Chairman, I see in the daily print that a grant has been secured to establish a bar in the new Union Station, that splendid edifice which would never have been erected but for the assistance voted by the American Congress. This exemplifies the shortsightedness of these gentlemen who call themselves friends of personal liberty. They should be wise enough to know that that grant will be of short duration. [Applause.] No District appropriation bill will ever again pass this House that does not carry a provision sounding the death knell to that bar that is to be established at the gateway to this splendid capital city. I would utter a word of warning to these friends of personal liberty. I would warn them that that very grant is likely to precipitate a contest on this floor, under this dome, that will not only prohibit the sale of intoxicating liquors in the new Union Station, but close forever every saloon within the confines of the District of Columbia. [Applause.]

Mr. Chairman, I sincerely trust that this amendment will pass by such an overwhelming majority as will serve notice upon the brewers of this Republic that they can never hope for their business to receive the solemn sanction of the American Congress. [Loud applause.]

Mr. TAWNEY. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Massachusetts [Mr. TIRRELL] because of the facts disclosed to the Committee on Appropriations as the result of our experience with the canteen in the Soldiers' Homes. That testimony shows conclusively that the amendment is in the interest of intemperance and not in the interest of temperance; in the interest of the saloons, not in the interest of the soldiers. [Applause.]

Mr. Chairman, we are not dealing with a question that involves the conduct of young men; we are not dealing with a question that involves the conduct of men whose habits have not been formed. We are not dealing with the habits of men generally; we are dealing with a select few, whose average age is almost 70 years, and who, by reason of their circumstances, are obliged to accept the hospitality of the Government of the United States in their declining years. It is in behalf of these men, the men through whose valor and through whose heroism the Starry Banner of Liberty has been preserved to us and to our children unsoiled by dishonor and unsevered by disunion that I plead here to-day. [Applause.]

Mr. Chairman, the report of the Board of Managers of our Federal Homes shows that the experience in these Homes without the canteen is that acute alcoholism in the National Soldiers' Homes has increased since the abolition of the canteen from 13 to 90 per cent. That, Mr. Chairman, is an indisputable fact, and one that should arrest our attention and prompt us to do our duty as we see it and our duty to these old warriors to whom we are indebted for a united and a prosperous country. [Applause.] At the Togus Home, in Maine, a prohibition State, the increase of intemperance has been 90 per cent since the canteen has been taken out of the Home, and the lowest increase was in the Pacific Home, California, 13 per cent. In the Home in California, according to the report of the surgeon, six old soldiers died within the first seven months after the canteen was abolished of acute alcoholism, while during the preceding seven months there was not a single death from that cause.

I say, therefore, Mr. Chairman, that the amendment offered by the gentleman from Massachusetts is not in the interest of temperance. It is in the interest of intemperance, as shown by the record and by experience during the last year in our Federal Homes.

The gentleman from Indiana [Mr. LANDIS] has a Home in his State, and I want to read a short editorial giving a description of the conditions now in Marion, Ind. The editorial is from the News-Tribune, of Marion, Ind., of the date of Thursday, February 27, 1908. It, and the letter of General Steele transmitting it, is as follows:

MARION BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
National Military Home, Indiana, February 27, 1908.

Hon. J. A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

MY DEAR MR. TAWNEY: I mail you, under separate cover, copy of the News-Tribune, published in this city, with marked editorial on the subject of the canteen. It is absolutely uninspired by any of the officers of the Home or by any member, further than is suggested in the article itself.

Very respectfully,
GEO. W. STEELE,
Governor.

[Editorial in News-Tribune, Marion, Ind., Thursday, February 27, 1908.]

VALUE OF THE CANTEEN.

"It has been worse than usual this time," said a Marion patrolman last night, as he helped the last of a squad of veterans on the last Home car. "I don't know why, but it seems to me that the veterans have invested more money than usual in bad liquor this pension time."

To the resident of Marion the sight of a veteran in the uniform under the influence of liquor is common about pension day. Unable, since Congress, in its infinite wisdom, abolished the canteen, to obtain stimulants at the Home, these unfortunate slaves to an appetite of long ago make the rounds of the saloons of the city, store away a bottle, and are found upon the streets almost unable to navigate. The police are lenient, and it is only when the victim becomes unruly that he is jailed.

But there are few more disgusting sights in Marion than the loading of the last Home car just after pension day at the Home.

Censure for this state of affairs can not be placed upon the Home officers, and only in a measure upon the veterans themselves. With the canteen they were seldom found in their cups. With liquor forbidden them, they frequently overindulge. Practice has shown the canteen to be most desirable, and the records of the Marion police will show it was a potent factor in the reduction of the number of arrests for intoxication.

I hope, Mr. Chairman, in the interest of the old soldiers, the inmates of these National Homes, the amendment will not be agreed to. [Applause.]

Mr. Chairman, with the consent of the committee, I will print that part of the report of the Managers of the Soldiers' Homes that deals with the actual experience and results of the abolition of the canteen, where only a mild beer has been sold.

CANTEEN IN SOLDIERS' HOMES—CANTEEN OR BEER HALL (AGAIN).

The CHAIRMAN. As to the proviso, "That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that maintains a bar or canteen where intoxicating liquors are sold;" do you recommend that that proviso be stricken out?

Major HARRIS. We do; yes, sir.

The CHAIRMAN. The reason for your recommending the striking out of this proviso is given in your annual report, is it?

Major HARRIS. Yes, sir. Here is what the Board says in that report [reads]:

"In compliance with the act of Congress approved June 30, 1906, the sale of beer to members of the Home was discontinued on the 4th of March, 1907.

"The circumstances that influenced the Board of Managers to authorize this practice at the Branch Homes and the opinions of officers of the Home as to its effect upon sobriety and good order were fully explained in the last annual report of the Board.

"A period of eight months has now elapsed since the closing of the beer halls, during which time the general policy as to administration and discipline has not been otherwise changed. Reports from governors of all Branches of the Home show that 1,576 more offenses have been committed by members during this period than during the same eight months of the previous fiscal year, when the beer halls were in operation, an increase of 28.02 per cent. Practically all of these offenses were due to intemperance.

"The number of cases of acute alcoholism treated in the hospitals during this period has increased. The smallest increase reported was 13 per cent, at the Pacific Branch, and the largest, 91 per cent, at the Eastern Branch, in Maine.

"The opinion of the Board, as stated in its last annual report, that the discontinuance of the sale of beer would be a distinct detriment to the moral and physical interests of the members of the Home, appears to be fully sustained by the deplorable results shown by the above figures, and it is strongly recommended and urged that the prohibition against the sale of beer, which was attached as a provision to the appropriation for the support of the Home for the current fiscal year, be not renewed."

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
New York, N. Y., April 3, 1908.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

DEAR SIR: In accordance with your request I have the honor to inclose herewith the following papers containing additional information in connection with the hearing granted to the officers of the National Home for Disabled Volunteer Soldiers on the 1st instant, viz:

Statement showing the number of vacant beds at each of the several Branches March 20, 1908.

Comparative statement of number of members present during the months of December, 1906, December, 1907, January and February, 1907, and January and February, 1908.

(This information is desired by Hon. W. I. SMITH.)

Copy of letter from the surgeon of the Eastern Branch of the Home at Togus, Me., with notation thereon showing the figures from which the statement contained in the annual report of the Board of Managers as to increase in cases of acute alcoholism at the Eastern Branch was based.

(This information was also desired by Judge SMITH.)

Very truly, yours,
MOSES HARRIS, *General Treasurer.*

National Home for Disabled Volunteer Soldiers—Consolidated post return for ten days, ending March 20, 1908.

Branches.	Present for duty and on extra duty.	Present sick.		Total present.	Total absent.	Total present and absent.	Gains by—			Losses by—				
		In hospital.	In quarters.				Admission and readmission.	Transfer.	Total gains.	Death.	Transfer.	Discharged, dropped, etc.	Death.	Total losses.
Staff	5			5		5								
Central	3,422	514	437	4,373	1,056	5,429	16	4	20		1	13	13	27
Northwestern	1,474	262	247	1,983	330	2,313	17	2	19	1	1	14	2	18
Eastern	1,406	334	107	1,847	632	2,479	19	1	20			9	6	15
Southern	1,898	404	105	2,407	775	3,182	22	1	23			1	7	8
Western	2,005	324	111	2,440	1,198	3,638	23		23		1	32	4	37
Pacific	1,969	305	43	2,317	1,299	3,616	14	1	15		1	20	4	25
Marion	1,349	204	109	1,662	498	2,160	14	1	15		6	4	2	12
Danville	2,098	341	51	2,490	780	3,270	22	4	26			23	8	31
Mountain	1,196	169	5	1,370	317	1,687	7	3	10		6	22	3	31
Sanitarium	48	108		156	40	196	5		5		1	4	1	6
Total	16,870	2,965	1,215	21,050	6,925	27,975	159	17	176	1	17	142	50	210

	Number of civilian employees.	Members on extra duty with pay.	Members on extra duty without pay.	Actual number of beds in barracks.	Actual number of beds in hospital.	Vacant beds in barracks.	Vacant beds in hospital.	Number of Spanish war and provincial army members.	Average present.	Average present and absent.	March 20, 1907.		Total deaths to date, fiscal year 1908.
											Average present.	Average present and absent.	
Staff	23								5	5	5	5	
Central	140	942	112	4,070	798	196	33	139	4,369	5,430	4,583	5,630	403
Northwestern	89	497	132	1,781	406	46	30	87	1,989	2,319	2,034	2,396	146
Eastern	109	373	87	1,695	441	269	30	75	1,953	2,476	2,109	2,618	200
Southern	89	498	81	2,137	538	189	34	77	2,402	3,175	2,629	3,469	239
Western	110	528	198	1,727	504	35	28	162	2,464	3,642	2,684	4,022	212
Pacific	76	509	24	1,879	521	101	21	173	2,390	3,623	2,276	3,549	176
Marion	94	268	105	1,748	239	178	6	82	1,660	2,154	1,792	2,309	123
Danville	68	464	66	2,264	509	239	51	207	2,489	3,269	2,582	3,421	173
Mountain	96	336	25	1,356	236	196	22	212	1,392	1,698	1,147	1,440	79
Sanitarium	75	42	1		336		121	40	157	197	4	4	19
Total	969	4,387	831	18,657	4,528	1,359	376	1,254	21,270	27,988	21,845	28,863	1,770

Northwestern Branch: Capt. W. W. Rowley, quartermaster, died March 19, 1908.
Four hundred and forty-four more beds can be installed at the Mountain Branch.
I certify that the above return is correct.

C. W. WADSWORTH,
Assistant Inspector-General.

Comparative statement of number of members average present at the several Branches of the National Home for Disabled Volunteer Soldiers during the months of December, January, and February, fiscal years 1907 and 1908.

	Central.	Northwestern.	Eastern.	Southern.	Western.	Pacific.	Marion.	Danville.	Mountain.	Sanitarium.
Average present during—										
December, 1906	4,558	2,081	2,092	2,592	2,749	2,205	1,778	2,682	1,111	3
January, 1907	4,558	2,077	2,077	2,595	2,864	2,216	1,833	2,720	1,170	4
February, 1907	4,599	2,051	2,122	2,614	2,872	2,263	1,863	2,653	1,191	4
Average for the three months	4,572	2,070	2,097	2,600	2,828	2,228	1,825	2,685	1,157	4
Average present during—										
December, 1907	4,329	1,974	1,911	2,342	2,478	2,310	1,667	2,417	1,352	132
January, 1908	4,330	1,994	1,922	2,359	2,583	2,369	1,717	2,492	1,435	144
February, 1908	4,372	1,991	1,971	2,393	2,588	2,420	1,731	2,502	1,447	159
Average for the three months	4,344	1,986	1,968	2,365	2,550	2,366	1,705	2,471	1,411	145

National Home.

Average present during—	
December, 1906	21,856
January, 1907	22,119
February, 1907	22,237
Average for the three months	22,071
Average present during—	
December, 1907	20,918
January, 1908	21,350
February, 1908	21,579
Average for the three months	21,282

NATIONAL HOME, TOGUS, ME., *November 6, 1907.*

Col. JOHN T. RICHARDS, *Governor.*

SIR: In compliance with your request relative to the number of cases of acute alcoholism treated in the hospital since the closing of the canteen, in comparison with the number treated during the corresponding period prior fiscal year, I have the honor to state as follows:

Whole number treated from March 4, 1906, to November 1, 1906, 990.
Number of cases of acute alcoholism, 130.
Percentage of cases of acute alcoholism to whole number treated, 131.
Whole number treated from March 4, 1907, to November 1, 1907, 1,012.
Number of cases of acute alcoholism, 249.
Percentage of cases of acute alcoholism to whole number treated, 246.

Very respectfully, yours,

B. D. RIDLON, *Surgeon.*

The percentage of increase in cases of acute alcoholism was obtained as follows, viz:

Cases of acute alcoholism treated from March 4, 1907, to November 1, 1907, 249.
Cases of acute alcoholism treated from March 4, 1906, to November 1, 1906, 130.

1907---- 249
1906---- 130

130)119.0000(0.9153+
117.0
2.00
1.30
700
650
500
390
110

CANTEEN IN THE HOMES (AGAIN).

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
New York, N. Y., January 6, 1908.

Hon. JAMES A. TAWNEY,
House of Representatives, Washington, D. C.

MY DEAR MR. TAWNEY: I forward herewith reports from the governors of the various branches of the National Home relative to the effect of the abolition of the beer hall, as requested by you. These letters have been sent through this office, as is customary with reports of this kind.

Sincerely, yours,

J. W. WADSWORTH,
President Board of Managers.

CENTRAL BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
December 23, 1907.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of yours of 14th instant, requesting information as to the effect on this Branch of the National Home for Disabled Volunteer Soldiers of the closing of the beer hall here on March 4 last, and in reply to state as follows: On the 2d of last month, in reply to a request from the president of the Board of Managers, National Home for Disabled Volunteer Soldiers, a statement was made showing the effect at this Home of the closing of our beer hall, and I have thought it best to send you a copy of said statement, marked "Exhibit A," adding such information as you request, which is not contained therein. Instead of giving the number of arrests for "drunkenness," as you request, I am giving the total number of arrests, as the original cause of almost all of the offenses against the regulations of the Home, for which members are placed under arrest, is drinking too much, but in a large number of cases this is not the "charge," as in case of absence without leave, etc.; therefore, to give only the arrests for drunkenness would not furnish the desired information. The inclosed statement, marked "Exhibit B," shows the number of arrests, by months, in 1906 and 1907. So far as known no saloons or other bad resorts have been established in the vicinity of the Home since the closing of the beer hall, this being prevented by the State "mile and a half limit law," which has been in force for many years.

In conclusion, permit me to say that during my connection with this Home, first as treasurer and then as governor, covering a period of six years, I have been a careful observer of conditions existing here, and, as stated in my reply to the president of the board, I feel that on the whole the effect of the closing of the beer hall has been more detrimental than beneficial to the Home.

Very respectfully,

A. J. CLARK, *Governor.*

Through Maj. James W. Wadsworth, President Board of Managers National Home for Disabled Volunteer Soldiers.

EXHIBIT A.

CENTRAL BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
November 2, 1907.

Maj. JAMES W. WADSWORTH,
President Board of Managers National Home for
Disabled Volunteer Soldiers, New York, N. Y.

SIR: Referring to letter of September 9, 1907, from the president's office, requesting a report showing the effect, if any, on the discipline and good order of the Home of the abolition of the beer hall on March 4 last, I have the honor to report as follows:

Since the closing of the beer hall there has been a larger increase in the number of cases which come before the governor's court. From the 1st of March to the 31st of October, 1906, with an average present of 4,375, there were 1,717 cases, while during the same period in 1907, with an average present of 4,150, there were 2,242 cases. The number of cases of whisky drunkenness, before unfortunately large, has greatly increased since the closing of the beer hall, and the same can be said of the amount of whisky brought into the Home by members for personal use or for sale to other members. The difficulty of keeping certain member employees in condition to perform their duties has increased, as some of those who were contented, as a rule, with beer at the beer hall, now go out to get stimulants and frequently return drunk and come before the governor's court or remain overtime and lose their places for being absent without leave. In some cases it is claimed that members who were accustomed to drink moderately at the beer hall do not go out and that their health is impaired for lack of their usual stimulant. On the other hand, it is claimed that since the closing of the beer hall some men who could not stand the temptation of a beer hall in the Home, but would either drink too much at the beer hall or start on beer and then go out and get drunk, are now keeping perfectly sober. It seems to be very generally admitted that the camp in general and most of the barracks are quieter and pleasanter for sober men than when the beer hall was in operation, as in spite of the precautions exercised some men who drank too much at beer hall, but did not show the effects till after reaching barracks, would make it very unpleasant for others in barracks, while under existing conditions most of these men in coming into the Home from the outside are captured by the guards and taken to the guardhouse, and do not get into the barracks to trouble others. It should be stated that the unfortunate increase in the number of offenders against the rules of the Home since March 4 last can not be attributed entirely to the closing of the beer hall. The abolition (with the approval of the board) of the practice of close confinement of certain weak or troublesome members, who would frequently jump the fence, gives this class of men an opportunity to get drunk, which I am sorry to say some have taken advantage of. The large number of members (more than 1,200 up to the September quarterly payment) who have had increase of pension under the new law has brought more money into the hands of members than ever before, thus increasing temptation; and the inability to secure reduced-rate transportation has kept at the Home many who have been in the habit of going on short leaves occasionally, and presented special temptation to spend their money in unfortunate ways near the Home. The number of arrests of members of the Home in Dayton has largely increased since the beer hall closed, and while debauchery and murder of the days before the beer hall was started have not been repeated, as was feared, the members are much older now and the stuff which they drink outside is of such a character, as a rule, that the number of cases of alcoholism and alcoholic gastritis treated in Home hospital has increased greatly, there being 266 cases in 1907 from March 1 to October 31, while with the larger membership in 1906 the number was only 102. The foregoing is a statement of the situation as the governor sees it at this Branch Home, and while there are undoubtedly two sides to the question, he feels that on the whole the effect of closing the beer hall has proved more detrimental than beneficial to the Branch.

Very respectfully,

A. J. CLARK, *Governor.*

EXHIBIT B.—*Number of arrests of members at Central Branch, National Home for Disabled Volunteer Soldiers.*

Month.	1906.	1907.
January	214	233
February	154	133
March	228	210
April	262	363
May	140	239
June	251	241
July	206	392
August	138	184
September	181	219
October	311	394
November	200	198
December	260	
Total	2,545	

NORTHWESTERN BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Milwaukee, Wis., January 2, 1908.

Hon. J. A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

(Through Maj. James W. Wadsworth, President Board of Managers, National Home for Disabled Volunteer Soldiers.)

SIR: In response to your letter of December 14, 1907, requesting information regarding the effect of the abolishment of the canteen at this Home, I have the honor to state that I have been governor of this Home for the past sixteen years, and during all that period until the closing of the canteen March 4, 1907, when the law took effect, the canteen was successfully conducted in the interest and for the benefit of its members; that is, all profits from the sale of beer, which was strictly confined to the members, were expended solely for them in the way of amusements, theatrical entertainments, maintenance of the library, band, card and billiard rooms, and the church choirs.

The discipline of the Home was reasonably good; as good, in fact, as could reasonably be expected from a membership of over 2,000 men of all shades and conditions of life—averaging nearly 70 years of age—and a majority of whom have been accustomed to the use of a stimulant the greater part of their lives.

They still want it and will have it; and from my experience I am fully convinced that it is much better for them to be able to obtain it at home, where they can be kept in reasonable control, than to be obliged to go to the outlying saloons and dives surrounding us. That we are surrounded is evidenced by the fact that there are fifty-six saloons now in full operation within one-half mile of the Home grounds, seven of which have been built since the closing of the canteen.

The situation is one of decided discomfort to many of the lame and blind members, who have been so accustomed to their mild stimulants practically ever since the close of the war that now, in their old age and infirm health, they are compelled to go quite a long distance, and outside of the Home grounds, to obtain what they want.

Many of them were regular patrons of the beer hall (canteen), moderate in their habits, and made little or no trouble. Now, when they leave the grounds, many of them frequently remain out for the whole day, and often for the whole night also, and return in a lamentable condition, injurious to themselves and uncomfortable for their comrades.

They can not be confined to the limits of the Home grounds all the time. This is intended to be a home for dependent old soldiers, and as such they must necessarily be given a reasonable amount of liberty, or, in other words, not restrained more than actually necessary for their comfort and safety. Many of them, being in a partially senile condition, it is necessary to guard them from outside influences as much as possible and have the institution still retain its designation of a home and not a prison.

The following comparative statements show the results of the closing of the canteen. These figures have been taken from the offenders' docket, and show only those offenses which were for or include drunkenness. There were a number of other offenses committed, many of which might properly be charged to the effect of the drink habit, but not being included in the charges proper they have been omitted.

Number of arrests.

Month.	1906.	1907.
March	87	52
April	78	110
May	21	65
June	19	49
July	62	59
August	44	46
September	28	46
October	88	64
November	47	65
December	33	52
Total	457	608
		457
Increase in 1907		151

Arrests for entire year 1906, 595.
Arrests for entire year 1907, 710.

The above statement appears to show conclusively that the closing of the canteen for the past ten months has not proven beneficial to the Home or its members. The number of arrests for drunkenness and the amount of intoxicating liquors brought into camp have very materially increased. The discipline of the Home, however, has been maintained, but it has required rather more stringent measures to do so.

The deprivation of the privileges of a canteen is an absolute discomfort to very many members and the moral effect the very reverse

of good; and if the good people who seem to be desirous of adding to the comfort of the members of the Homes will give a little more thought to the age, condition, and causes which have brought these men together to be cared for by the Government, and to the fact that they seem to have united with the saloon keepers to force these old men to patronize the saloons outside instead of being allowed to obtain a reasonable quantity of stimulants in the way of beer at their own Home, perhaps they may be convinced that their efforts have been misdirected—to the injury and not to the benefit of the old soldiers.

Respectfully,

CORNELIUS WHEELER, *Governor.*
EASTERN BRANCH,

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
January 6, 1908.

Hon. JAMES A. TAWNEY, M. C.,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

SIR: In reply to your communication of the 14th instant, asking for a brief statement of my experience as governor of this Branch of the National Home, with the canteen and without it, I have the honor to give below for your information a detailed statement of the number of offenses committed by the members of this Branch during the entire year 1906; from March 4, 1906, to December 1, 1906; from March 4, 1907, to December 1, 1907, as shown by the offenders' docket record:

Offense.	January 1 to December 31, 1906.	March 4 to December 1, 1906.	March 4 to December 1, 1907.
Penal offenses	3	2	1
Bringing intoxicating liquor within limits of Branch	96	79	99
Drunkenness on duty	9	7	4
Absence without leave while under sentence	17	15	28
Absence without leave	183	150	217
Drunkenness	338	262	302
Disorderly conduct	8	6	6
Other misconduct	22	14	13
	676	535	670

It will be noted that the number of trials, both for absence without leave and for drunkenness, during the period from March 4 to December 1, 1907, is greater than the number of trials for the same offenses during the period from March 4 to December 1, 1906. An examination of the record of the trials for absence without leave, in individual cases, discloses the fact that, in very many instances, the absence without leave is the result of a debauch in some brothel or dive in the vicinity of the Branch, or in the neighboring cities, where the absentee is often found in jail or to have remained away until at least partially sober, in order to avoid trial for drunkenness, preferring to be convicted of the less serious offense of absence without leave. The most significant fact, however, in connection with the closing of the beer hall is its effect upon the health of the members. That one such debauch far more seriously affects the health of the veteran than a continued moderate use of beer is shown by an examination of the hospital records, which show that the percentage of cases of acute alcoholism to the whole number treated during the period from March 4, 1906, to November 1, 1906, was 13.1, while the percentage from March 4, 1907, to November 1, 1907, was 24.6.

The difficulties of maintaining proper discipline at the Branch have been largely increased since the abolition of the beer hall. The number of saloons and other resorts which have been established in the vicinity of the Home, since and as a result of the anticanteen provision of the appropriation act, can not be positively stated, because, this being a prohibition State, all such places attempt to work secretly. Observation would indicate, however, that the number has more than doubled, and that all of them are far more prosperous. There are now places in the vicinity of the Home to which the members resort in large numbers, and to all appearances for no other purpose than to obtain intoxicating liquor. This liquor, sold in spite of the prohibitory law of the State, is of the vilest character, and its injurious effects upon those who drink it can hardly be overestimated. Pocket peddlers are numerous, and the State authorities seem to be utterly unable to suppress them. Some of them have become so bold as to attempt to ply their nefarious trade within the limits of the reservation.

It will be understood, of course, in speaking of the number of arrests for drunkenness, as shown above, that discipline at the Branch is intended to be as mild as is consistent with the preservation of good order, and that arrests for drunkenness are only made when the member is in such condition that restraint is necessary in order to prevent his disturbing the peace and comfort of his comrades.

It is earnestly to be hoped that success may attend the efforts to secure the restoration of the beer hall to the Soldiers' Home. Near-at-hand and every-day observation of the Home, both before and since the abolition of the beer hall, conclusively demonstrates that its closing at the Home is a step backward in the cause of temperance and an injury to the best interests, happiness, and welfare of the veterans who are the wards of the Government.

Yours, very respectfully, JOHN T. RICHARDS, *Governor.*

SOUTHERN BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
January 6, 1908.

Hon. J. A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

(Through the president of the Board of Managers National Home for Disabled Volunteer Soldiers.)

DEAR SIR: In reply to your letter of the 14th ultimo, with reference to the results following the abolition of the canteen at this Branch, I desire to say that the records show as follows:

Number of arrests from drunkenness or causes resulting therefrom from March 4, 1906, to December 1, 1906 730
Cases of alcoholism treated in the hospital for the same period 191
March 4, 1907, to December 1, 1907, arrests 1,261
Cases of alcoholism in hospital 320
Total number of arrests incident to drunkenness from January 1, 1906, to December 31, 1906 1,407
Cases in the hospital, same cause 274
On March 31, 1906, the average present was 2,698
On December 1, 1907 2,242

There was a large increase in number of arrests incident to drink after the canteen was closed, while at the same time the membership was decreased by several hundred. Had the membership remained the same doubtless the figures would be greater, showing the results from drink. There is only one opinion among the officers of the Branch having the welfare of the members at heart as to the resulting effect of the abolishment of the canteen.

Without exception, we think it results in great injury to the members. These members in their old age need great care and kindness and should often be treated much as a parent treats a child.

When we had the canteen this was done with good results. Large numbers of the members at that time were fully satisfied to take pure beer of less than 3 per cent alcohol, taken in peace and comfort. The canteen was conducted under strict rules, all tending to the good of the members. Since its abolishment the Branch officers have largely been helpless in controlling the appetites of the members, many of whom acquired the drink habit years ago, and it must not be expected that men in advanced life, with confirmed habits, can be easily persuaded to change them. Such men will drink. If mild drinks are not supplied they will buy strong ones, and with the temptations such as they receive in saloons, are unable to restrain themselves. It is generally believed by the surgeons and others that whiskies of such inferior quality, largely containing wood alcohol, are sold to members, which frequently results in death.

Could those who brought about the abolishment of the canteen visit and remain at the Branch for some time, it is believed that they would be convinced that their actions had been injurious to the members of the Home. These members, who take equal pride with other Americans in the magnitude, wealth, and power of our country, feel that, had not the victories from 1861 to 1865 been won by them, there would be no united country to boast of. They also feel that they should be entitled to the small privilege of drinking in comfort mild beverages at the Branch, under proper rules, rather than be compelled to go outside and be the victims in their old age and helpless condition of such persons as compose the saloon element. At these saloons their money is all that is wanted, and in many cases when it can not otherwise be obtained, they are drugged and robbed. The number of saloons in the small town adjoining the Branch remains about the same as before March 4, 1907, but this number is quite large, twenty-eight. Of these, twelve are within two squares from the corner of the street near the Home entrance, and not much room for any more.

Congress should do its part to protect the members under such circumstances. The officers of the Branch almost without exception are strict abstainers from drink, but it is their unanimous and firm conviction that the best interests of the Branch suggests the restoration of the canteen. The surgeon states that after eleven years' experience he believes the canteen to be an aid in the maintenance of discipline and the health of the members. Both the Protestant and Catholic chaplains are heartily in favor of the canteen being restored.

Respectfully, yours,

T. T. KNOX, *Governor.*

WESTERN BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Leavenworth County, Kans., January 3, 1908.

Hon. J. A. TAWNEY,
Chairman House Committee on Appropriations,
Washington, D. C.

DEAR SIR: I am in receipt of your letter of December 14, 1907, requesting a brief statement of my experience as governor of this Home, with the canteen and without it, and asking for certain statistics relating to the subject.

Speaking generally, I can say that the canteen had a strong influence for temperance and sobriety among members of the Home. The regulations governing its operation prevented excessive drinking. The only beverage sold was beer, and that of the most wholesome quality. This satisfied the appetites of a large number of old men who had been accustomed to drink beer or other intoxicating beverages all their lives. The regulations as to sale absolutely prevented drunkenness, attendants being constantly in charge for the purpose of cautioning men who showed any tendency toward excess.

Since the abolition of the canteen these old men, not being at their advanced age able to change their life habits, were obliged to go outside the Home for their drinks. In doing this they frequently drank whisky, and that of a bad quality, instead of beer.

The sale of intoxicating liquors in the State of Kansas is prohibited by the constitution and laws, and sellers are compelled to conduct their sales secretly. The risk being considerable, and whisky less bulky and more profitable than beer, it has resulted that the old men can obtain whisky easier than beer. It has come about, therefore, that the old men accustomed to drink beer have quickly become intoxicated by drinking vile whisky and have come into the Home in increased numbers in that condition, frequently bringing in with them bottles of whisky and other drinks. This in turn has resulted in an unusual amount of disorderly conduct, which has compelled the Home authorities to give more frequent penalties for offenses and to considerably increase the number of expulsions for serious and continued ill conduct.

My observation is also that this outside drinking and drinking whisky brought into the Home has been much more injurious to the health of men than the moderate drinking of beer in the canteen.

The number of dives in the vicinity of the Home has increased, but as the business is conducted secretly and in odd and unknown places it is difficult to say how large this increase has been.

The following table shows the number of arrests for drunkenness in this Home from March 4, 1906, to December 1, 1906, during which time the canteen was in operation, and for the corresponding period March 4, 1907, to December 1, 1907, during which time the canteen was not in operation. The table also shows the average number of members present in the Home for each of those periods and the percentage of such arrests to the average number of members present for each period.

Date.	1906.		1907.	
	Arrests for drunkenness.	Average present.	Arrests for drunkenness.	Average present.
March 4 to 31	46	2,778	120	2,660
April	34	2,706	80	2,478
May	94	2,594	107	2,428
June	31	2,348	30	2,158
July	15	2,461	53	2,174
August	75	2,546	68	2,241
September	30	2,491	40	2,157
October	34	2,563	27	2,273
November	72	2,694	65	2,374
Total	431	2,576	590	2,327

RECAPITULATION.

The percentage of arrests for drunkenness for the nine months with the canteen is 0.167
The percentage of arrests for drunkenness for the corresponding nine months without canteen ..... .253
Increased percentage since abolishment of canteen ..... .086

It therefore appears that such arrests have increased 51 per cent since abolishment of the canteen. This increase would doubless have been greater, except for the fact that coincident with the abolishment of the canteen the State authorities inaugurated an energetic campaign to enforce the prohibitory laws in Leavenworth and vicinity. This has necessitated hunting up the whisky dives in the new and secret locations to which they were driven, and in that way made it for a time more difficult for men to find their supplies.

In accordance with your request I beg to state that the total arrests for drunkenness for the calendar year 1906, during which time the canteen was in operation, was 589, as against 590 for the nine months stated during which time the canteen was closed, and during which time the average membership present was much lower than for 1906.

Very respectfully,

S. G. COOKE, *Governor.*

Through Maj. JAMES W. WADSWORTH,
President Board of Managers.

PACIFIC BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Los Angeles County, Cal., January 9, 1908.

Hon. JAMES A. TAWNEY,
House of Representatives, Washington, D. C.

DEAR SIR: Complying with your request for information regarding the effects of abolishing the canteen at this Branch, I have the honor to submit the following:

The effects have been disastrous. Habitual users of stimulants for forty-odd years will not change the habit for any act of Congress, especially those who honestly believe that moderate stimulation is beneficial at their age.

Here State law prohibits the sale of intoxicants within a mile and a half of Home boundaries; but the ingenuity of illicit venders often baffles the combined efforts of the Home and county authorities to enforce the laws. The results of its continued violation can not be more clearly stated than by our surgeon in a recent report:

"There has been an increase of a fraction over 13 per cent in the number of cases of alcoholism treated in the hospital in comparison to the same period of last year. The cases have been of greater severity, there having been six deaths resulting, whereas there were none for the same period last year. Three men fell over the cliff at Santa Monica while drunk, one of these resulting in death, the others in severe bruises only. The ambulance has been called into requisition for bringing in drunks and those injured while drunk outside the Home more often than ever before. This was especially noted after last pension payment, September 16, 1907.

"Of these cases some were brought to the hospital, some to the guardhouse, some bruised and injured, claiming they were beaten and robbed.

"Whisky has been smuggled into the barracks and even into the hospital. Empty whisky bottles used to be found occasionally in these places, but on my last sanitary inspection (the latter part of September) I found hidden away in the dark corners and thrown into the waste cans a large number of empty whisky bottles, and found four one morning in one waste can at the hospital."

The beer hall (canteen), where no other stimulant than mild, pure beer was supplied, while it was in operation under the salutary regulations of the board of managers afforded temperate stimulation to members who from their belief and habit required it, but in no case did it afford means of intoxication. All who were reported drunk during the operation of the beer hall procured their intoxicants from outside the Home, as has been more extensively done since the beer hall was closed.

All of the profit on beer went into the post fund, which provides free amusements for members, as library, dramatic and musical entertainments, billiard halls, etc. All these are now much reduced, and in consequence many members seek other amusements in the "boot-legger's" bottle.

The following tables show the increase of intemperance at this Branch during the period from March 4 to October 31, 1907, over that for the corresponding period of the preceding year:

Date.	Average number present.		Total convicted in governor's court of drunkenness.	
	1906.	1907.	1906.	1907.
March	2,123	2,252	40	61
April	2,059	2,143	13	26
May	2,074	2,112	20	19
June	2,023	2,075	23	50
July	1,981	2,019	31	26
August	2,073	2,088	18	24
September	2,063	2,104	21	70
October	2,042	2,120	30	38
Total			196	314

March, June, and September were the months of pension payments during both periods. Each of those months in the last period show nearly double the number of convictions over the first period, and the totals show a similar result.

Very respectfully,

O. H. LA GRANGE, *Governor.*

MARION BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
National Military Home, Indiana, January 1, 1908.

Hon. J. A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

(Through Maj. James W. Wadsworth, President Board of Managers, National Home for Disabled Volunteer Soldiers.)

DEAR SIR: In reply to yours of December 14 with reference to the effect of the abolition of the canteen upon discipline in the Home, I have the honor to report that the canteen was established at this Home on January 9, 1906, and by operation of law was discontinued on March 3, 1907, no canteen having been in operation before or since the time mentioned. It seemed to me that unusual effort was made on the part of dive keepers to render the canteen unpopular. Credit, I am informed, was extended to many members of the Home who had not before been so favored. Bottle houses were especially active in this direction, with a view to members debauching themselves by overindulgence, at a nominal profit as compared with the traffic indulged in by a great many persons in and about what is known as the "Home Corner."

I do not consider that the statistics inclosed are entirely fair to the Home, in that we had the above trouble to contend with until within a comparatively short time before the law abolishing the canteen became operative, when the beneficial effects of the canteen became very apparent, not only in the good order of the Home, but on account of members having money to their credit who had not before been so fortunate, and more especially in the general contentment that prevailed.

Until very recently the unlawful traffic by druggists, saloon keepers, and dive keepers had been indulged in, so that there was very little trouble for members to become customers of the illegal traffic. By illegal traffic I mean that liquor was sold within the mile limit of the Home, which by law is prohibited, and without license, and to be drunk upon the premises or not upon the premises as the purchaser preferred. While this traffic has not prevailed so openly within the last few weeks as it has before, it is still indulged in, and there are a great many more empty whisky bottles found scattered over the Home grounds now than is usual. Boot leggers or bottle-house keepers are only occasionally apprehended, notwithstanding, I believe, that the governor of the State, through his power, aided by police commissioners of his own appointment, is really trying to prevent the traffic.

Although I have not gone off the Home grounds, nor permitted members of the Home guard force to do so excepting where they have been clothed with police power, I have been made the personal object of assault; wire fences have been cut on a farm that I happen to own; a barn burned, and a suit for damages in the sum of $5,000 is now pending in the supreme court of the State, on appeal from this county. The question of jurisdiction being raised, the judge of our circuit court decided that I had committed no offense; that my act was within the law as governor of this Home. The suit was on account of one James Rowan claiming that I had injured his restaurant business to the extent above stated by issuing an order forbidding members of the Home to visit his resort, where he flagrantly violated the law. After securing police power for certain members of the Home, they were stationed on premises adjoining or near to Rowan's place to see that the order was obeyed, Rowan having constructed a high, tight, board fence for the purpose of shielding members who chose to be his customers, although he had made no pretense, I am informed, and would be able to prove, I think, of running a restaurant.

That the canteen is of advantage to the Home I am absolutely certain, and I believe that any person who desires to be fair, who will investigate the matter, will so determine.

One of the active persons, Humphrey by name, was very busy in his efforts to drive out the canteen (I presume the committee knows of him), and in a letter to Hon. George B. Lockwood, now secretary to Senator FAIRBANKS, among other things stated that he "had the honor to have his picture taken with one of the saloon keepers at the Home Corner," a man engaged in illegal traffic. He did not call upon me or other officers of the Home, so far as I am aware, nor, so far as I can learn or believe, did not undertake to obtain information showing the advantages of the canteen to the members of the Home.

In complance with your request I hand you herewith comparative statement showing the number of arrests on account of drunkenness, including bringing in liquor, from March 4, 1906, to December 1, 1906, and from March 4, 1907, to December 1, 1907; also the total number of arrests on account of drunkenness for the year ending December 31, 1906, and for the year ending December 31, 1907.

Very respectfully,

GEO. W. STEELE, *Governor.*

MARION BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
December 31, 1907.

Comparative statement of arrests for drunkenness from March 4, 1906, to December 1, 1906, and from March 4, 1907, to December 1, 1907, with per cent to average present:

	1906 (canteen).			1907 (no canteen).		
	Average present.	Arrests for drunkenness.	Per cent to average present.	Average present.	Arrests for drunkenness.	Per cent to average present.
March	1,866	45	2.41	1,791	43	2.40
April	1,813	44	2.43	1,711	49	2.86
May	1,744	42	2.41	1,650	63	3.82
June	1,634	33	2.02	1,509	27	1.79
July	1,670	18	1.08	1,532	31	2.02
August	1,684	46	2.73	1,543	63	4.08
September	1,648	32	1.94	1,514	38	2.51
October	1,683	18	1.07	1,562	30	1.92
November	1,741	52	2.98	1,618	68	4.20
Total	1,720	330	19.18	1,603	412	25.70

Total number of arrests for drunkenness, including "bringing in liquor," for the year ending December 31—

1906	444
1907	502

DANVILLE BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
National Home, Danville, Ill., January 3, 1907.

Hon. J. A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

DEAR SIR: Answering your favor of December 14, I have the honor to state that I have furnished the president of the Board of Managers, National Homes for Disabled Volunteer Soldiers, a complete statement of the workings of the canteen and the noncanteen at this Branch of the Home from March 1 to November 1, 1906, and for the same period in 1907, which will appear in the annual report of the Board of Managers. The month of November in these two years shows nothing that would throw light upon this subject at this Branch. In addition to the facts shown there and answering you further, I would state that the number of arrests for drunkeness for the fiscal year ending June 30, 1906, was 237. Also 196 were arrested for bringing liquor into camp.

There have been no saloons or resorts established in the neighborhood of this Branch of the Home, the laws of Illinois prohibiting the sale of liquors anywhere within 1 1/10 miles of a National Home.

The facts related in my communication to the president of the Board of Managers seem to me to be of a character to convince any right-minded man of the necessity of permitting the managers of the Home to control the members in matter of their drinking if possible. Certainly it is not in the interest of sobriety or good government to throw the old men into the hands of the dive keepers in the cities adjacent to the Homes.

The number charged with drunkenness and bringing in whisky from March 4, 1906, to November 30, 1906, was 521. For the same period in 1907 the number was 703. For the entire year 1906 the total number for the same offenses was 702, being 1 less than the number from March 4 to November 30, 1907.

Very respectfully,
ISAAC CLEMENTS,
Governor.

Through the president of the Board of Managers, National Homes for Disabled Volunteer Soldiers.

MOUNTAIN BRANCH,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
National Soldiers' Home, Tenn., December 17, 1907.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to acknowledge receipt of your letter of December 14, 1907, requesting me to give you a brief statement of my experience as governor of the Mountain Branch of the National Home for Disabled Volunteer Soldiers with the canteen and without it; also a detailed statement of the number of arrests on account of drunkenness made from the 4th of March to the 1st of December, 1906, and the number of arrests for the corresponding period of this year; also the number of saloons and other resorts which have been established in the vicinity of the Home since and as the result of the anti-canteen provision in the appropriation act, etc., and in reply thereto to state as follows:

(1) Before the opening of the Mountain Branch, by State legislation, the sale of intoxicating liquors was prohibited within 4 miles of any National Home for Disabled Volunteer Soldiers, and this statute with another known as the "4-mile law," prohibiting sales of intoxicating liquors within 4 miles of a schoolhouse outside of an incorporated town, freed the Branch from the presence in its vicinity of any licensed saloons. The nearest point at which liquors could be legally sold was Bristol, Tenn., 25 miles distant. After each pay day, of both the monthly roll and the quarterly payments of pensions, large numbers of the members visited Bristol for the purpose of indulging in intoxicants, and this usually resulted in debauches which lasted until the members' funds were exhausted, when they would return, and in many instances in such condition that hospital treatment became necessary. This condition continued until a beer hall was opened, when the members, or most of them, inclined to drink appeared content with the beer they received at the beer hall, which was always managed with the strictest regard for the rules, which prohibited members drinking to intoxication.

Soon after the beer hall closed numbers of members commenced to visit Bristol after pay day, the members commenced to order by express, and numerous illicit joints opened in the vicinity of the Branch, and "boot-leggers" were around on all sides of the camp with whisky of a most abominable compound for sale to the members. In fact, ever since the Branch was opened "boot-leggers" have infested the vicinity and have been the source of much annoyance and evil consequences, for the reason that the vile compound they sell to the members is largely made up of pernicious drugs, in some instances wood alcohol being used. Certain merchants (of small stores) have added to their stock a so-called cider, but of such strength that three or four glasses will intoxicate. Members buy this stuff and add Jamaica ginger to induce intoxication.

On the 1st of November, 1907, prohibition statutes became effective in Bristol and Knoxville, so that at this time the nearest points at which saloons are licensed are Chattanooga, 219 miles to the west, and Roanoke, Va., 176 miles to the east. North and south (across country) there are no transportation facilities to reach any nearer open saloons. From these distances "boot-leggers," illicit dives, and the members continue to order liquors.

Active cooperation on the part of the city, county, State, and Federal authorities has failed to break up the illicit traffic.

(2) For the period March 4, 1906, to December 1, 1906, there were 143 arrests and convictions in "governor's court" for drunkenness. In the same period, 11 were arrested and convicted on charge of "bringing whisky into camp."

(3) For the period March 4, 1907, to December 1, 1907, there were 143 arrests and convictions in "governor's court" for drunkenness and 10 for "bringing whisky into camp."

Following the closing of the beer hall it was noted that there was more quiet in the barracks and mess hall, for while beer drinkers were not permitted to indulge to intoxication they did imbibe to such degree that they became jovial and talkative and in some degree noisy. This hum of voices, while good-natured and seldom boisterous, was sometimes subject of complaint by more quiet members.

After the beer hall was closed, there being no open saloons in immediate vicinity of the Branch, many of those addicted to drink left this Branch for the purpose of getting into a Branch nearer to saloons.

Very respectfully,
JOHN P. SMITH, *Governor.*

MOUNTAIN BRANCH.

Statement of arrests for drunkenness and bringing in whisky for periods March 4 to December 1, 1906, and March 4, 1907, to December 1, 1907.

Months.	1906.		1907.	
	Drunkenness.	Bringing in whisky.	Drunkenness.	Bringing in whisky.
March	17	0	26	4
April	15	0	4	1
May	17	5	9	1
June	15	1	12	1
July	13	2	13	0
August	12	1	18	0
September	9	1	10	1
October	13	0	33	1
November	32	1	18	1
	143	11	143	10
	11		10	
	154		153	

Average number present—

1906	1,037
1907	1,164

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment to the amendment proposed by the gentleman from New York.

Mr. SMITH of Iowa. Mr. Chairman, I ask that the amendment be again reported.

Mr. CLARK of Missouri. Mr. Chairman, I think both the amendment and the amendment to the amendment better be reported, so that everybody will have a fair comprehension of what they are doing.

The CHAIRMAN. Without objection, the Clerk will report the amendment as it would read if amended by the amendment of the gentleman from New York.

There was no objection, and the Clerk again reported the amendment and the amendment to the amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and on a division, demanded by Mr. BARCHFELD, there were—ayes 62, noes 146.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts [Mr. TIRRELL].

The question was taken, and on a division, demanded by Mr. BARTHOLDT, there were—ayes 167, noes 46.

So the amendment was agreed to.

The Clerk read as follows:

The necessary expenses for lodging and subsistence actually paid, not exceeding $4 per day, and actual and necessary traveling expenses of the United States district attorneys and their assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business, shall be allowed and paid in the following manner: That the accounts of the United States attorneys and assistant United States attorneys for expenses herein provided for shall be made out monthly in accordance with rules and regulations prescribed by the Attorney-General. And when said expense accounts are made out, as hereinbefore provided, and verified on oath before an officer authorized by law to administer oaths, they shall be submitted to and examined by one of the judges of the circuit court or district court of the district for which said United States attorney or assistant United States attorney was appointed, and when approved by said judge may be allowed and paid by the United States marshal for said district, and the amount of such payments shall be included in said marshal's accounts with the United States and audited and allowed as now provided by law.

Mr. MACON. Mr. Chairman, I make the point of order against that provision just read, as being contrary to existing law.

Mr. FITZGERALD. Will the gentleman reserve his point of order?

Mr. MACON. Certainly.

Mr. TAWNEY. Mr. Chairman, I will say that the provision is unquestionably subject to a point of order. It is inserted in this bill at the earnest request of the Department of Justice and also in the interest of the district attorneys, whose compensation or whose expenses are not in any respect increased by reason of this provision. The effect will be to enable the district attorneys to secure from the marshal the amount of their expenses incurred in the discharge of their duties instead of waiting until the accounting officer of the Department of Justice here in Washington passes upon their accounts.

The account of the marshal who makes the disbursement must subsequently be audited just the same as heretofore; and if there is any improper allowance by the marshal, the marshal would be responsible under this provision for that improper or illegal allowance, just the same as the disbursing officer is now. It is purely a matter of the convenience of the district attorneys and to prevent them from being required to wait sometimes six months for the payment of several hundred dollars of expenses incurred in the conduct of their business. That is all there is to it. The difference is simply this: Under existing law the disbursing officer of the Department makes payment. Under this new provision the United States marshal would make the disbursement, and the amount would be audited just the same thereafter as now, and the district attorney would not be required to wait three or six months to receive his money.

In many instances, I may say, as it appeared before the committee, the amounts were quite large, and the district attorneys are not receiving very large salaries, and when they pay out these expenses they pay them out of their own pockets. It seems to the committee that there is no justice in compelling these men to be without their money for the length of time they have heretofore been compelled to wait.

Mr. MACON. Under existing law are the district attorneys allowed $4 per day?

Mr. TAWNEY. Yes. This does not change the compensation in any respect. It is simply a matter of allowing the district attorneys to be reimbursed for the amount expended on account of traveling and other expenses incident to the transaction of their business by the marshal instead of by the accounting officer here in Washington.

Mr. MACON. Instead of having to wait?

Mr. TAWNEY. Yes.

Mr. MACON. I withdraw the point of order.

The Clerk read as follows:

For fees of United States district attorney for the District of Columbia, $23,800.

Mr. PERKINS. Mr. Chairman, I reserve the point of order to the last section in order that I may ask a question. Does that mean that the district attorney of the District of Columbia receives for his fees—that is, for his compensation—the sum of $23,800? If so, that is very large pay.

Mr. TAWNEY. It does not. The district attorney of the District of Columbia gets $6,000 for salary, and this is for the assistant attorneys and expenses of administering his office.

Mr. PERKINS. They are not fees, but expenses.

Mr. TAWNEY. That is all; and the assistants are paid out of this. The pay of the district attorney for the District of Columbia is $6,000. This is for the compensation of his assistants and the expenses of administering the office.

Mr. PERKINS. But the word used is "fee," which means the fee of the district attorney, which he receives for his own use.

Mr. TAWNEY. I would say to the gentleman that the law allows him to retain of his fees $6,000 for his own salary, and the balance of the $23,800 is for the pay of his assistants and the expenses of his office; and the balance, if any, goes into the Treasury.

Mr. PERKINS. He is not paid beyond $6,000 a year?

Mr. TAWNEY. That is all.

Mr. PERKINS. I withdraw the point of order.

The Clerk read as follows:

For payment of assistants to the Attorney-General and to United States district attorneys employed by the Attorney-General to aid in special cases, $106,000. This appropriation shall be available also for the payment of foreign counsel employed by the Attorney-General in special cases, and such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman where and in what countries foreign counsel are employed?

Mr. TAWNEY. I will say to the gentleman from New York this provision was originally inserted in the bill, I think some four years ago, in connection with the Greene and Gaynor cases, where there was a great deal of legal services required up in Canada in connection with getting extradition papers, and it has been used in several other cases of less importance, but the Department asks that it be continued, so if there was any necessity for the employment of foreign counsel they would have this authority. Without this authority it could not be done.

Mr. DRISCOLL. It is not known now this will be needed?

Mr. TAWNEY. It is not known that any of it will be needed.

Mr. DRISCOLL. I withdraw the pro forma amendment.

The Clerk read as follows:

For payment of assistants to the Attorney-General and of assistants to United States district attorneys, employed by the Attorney-General to represent the United States in naturalization and other proceedings, and for other necessary expenses in connection with such proceedings and cases, $150,000, which shall be paid from the permanent appropriation for expenses of regulating immigration.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment: On line 20, strike out the last word, "one," and insert "two," so that the appropriation shall be $250,000 instead of $150,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 147, line 20, strike out the word "one" and insert the word "two," so that the appropriation will read, "two hundred and fifty thousand dollars."

Mr. BENNET of New York. Mr. Chairman, it is only two or three years ago since this country rang with the story of naturalization frauds. It is a fact that there were gross naturalization frauds. They existed in the city which I represent in part and in other cities. You could buy naturalization papers for $10 apiece, no matter what name you had, in the city of New York, and the same condition existed in other cities, in mining regions, and generally throughout the United States. In the last Congress we passed a bill to do away with these naturalization frauds, passed it under the able leadership of the gentleman from Colorado [Mr. BONYNGE], and it was the intention of the House, I am sure, because the bill passed under the suspension of the rule with only 8 negative votes, that this law should be enforced.

For this fiscal year the appropriation for that purpose is in two parts, $100,000 in the regular bill and $93,000 in the urgent deficiency bill, and yet for the next fiscal year—a year which includes a Presidential election, when there will be extra attempts at fraud, the committee has cut down the appropriation from $193,000 to $150,000. Now, Mr. Chairman, I believe in enforcing these naturalization laws. I value my American citizenship, and I think that my vote when I go to the polls in November ought not to be offset by some man who has perhaps only lived in this country one or two years and got his alleged citizenship by paying $10 for it to some naturalization broker.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. GOULDEN. I think I understood the gentleman to say that these frauds are perpetrated in New York City, a city which the gentleman represents in part——

Mr. BENNET of New York. Both the gentleman and myself.

Mr. GOULDEN. I want to ask whether the same condition did not prevail in other cities—Boston, Baltimore, and elsewhere?

Mr. BENNET of New York. Everywhere.

Mr. GOULDEN. I examined into the matter very thoroughly and I know that is the fact.

Mr. BENNET of New York. And the gentleman had the honor of starting the thing——

Mr. GOULDEN. Thank you.

Mr. BENNET of New York. By introducing a resolution in the Fifty-eighth Congress, which the President took up and which resulted in the Commission and resulted in the law.

Mr. GOULDEN. Thank you.

Mr. BENNET of New York. Now, I want to stand by it.

Mr. DRISCOLL. If the gentleman will allow me; is any of this money taken out of the immigration fund?

Mr. BENNET of New York. It is all taken out of the immigration fund.

Mr. DRISCOLL. Does it say so here?

Mr. BENNET of New York. Yes; in line 22 it says:

Which shall be paid from the permanent appropriation for expenses of regulating immigration.

I want to say, Mr. Chairman, the last quarter showed that they had taken in $50,000 in fees—that is, the Government's share of the fees. We are actually beginning to make money out of the naturalization business, which ought not to be.

The law ought to be enforced, and I hope this House will adopt the amendment.

Mr. BONYNGE. I desire to ask the gentleman a question.

Mr. BENNET of New York. Certainly.

Mr. BONYNGE. Does the gentleman know how many assistant attorneys-general are employed for this purpose?

Mr. BENNET of New York. I will read them to him. There is one at San Francisco, one at Denver——

Mr. BONYNGE. What is the salary paid at Denver?

Mr. BENNET of New York. Twenty-five hundred dollars.

Mr. BONYNGE. What is the salary at San Francisco?

Mr. BENNET of New York. Twenty-five hundred dollars.

Mr. BONYNGE. Let me have the others.

Mr. BENNET of New York. One at Chicago, $2,500, and the assistant, $2,000; one at Boston, $2,500; one at Detroit, at $2,500; one at St. Paul, at $2,500; one at St. Louis, at $2,500, and one at New York, at $3,000.

Mr. BONYNGE. That makes how many assistants?

Mr. BENNET of New York. I thought I was through, but I am not. There is one at Philadelphia at $2,500, one at Pittsburg at $2,500, and one at Seattle at $2,500. The total salary roll of all the officials——

Mr. BONYNGE. Not of all the officials, but of the assistant attorneys-general.

Mr. BENNET of New York. There are eleven.

Mr. BONYNGE. The gentleman from New York [Mr. BENNET], if he will pardon me for an interruption at this point, served very ably on the committee and assisted in having this bill passed. I think the gentleman will remember that it was not in contemplation when we passed the bill that it would be necessary to have special assistant attorneys-general to enforce this law. It was anticipated at the time that the work could be done by the regular district attorneys in the respective districts.

Mr. BENNET of New York. I will say frankly to the House that that was the hope of our committee. The Attorney-General, however, came before the Committee on Appropriations and said——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET of New York. The Attorney-General of the United States came before the Appropriations Committee and said that that could not be done and that he needed additional assistants. They are not very high-priced men. I do not think that $2,500 in Denver is excessive for a lawyer.

Mr. BONYNGE. I think the work that these men have to do is largely ministerial, that there is not any very deep legal ability required of a man to conduct these naturalization cases, and it could be ably done by a young lawyer at $1,500 or $1,800 a year.

Mr. CLARK of Missouri. I would like to ask a question for information. What is the reason the district attorneys can not attend to this business?

Mr. BENNET of New York. The Attorney-General of the United States said that the force in the office of the district attorneys in these places where they had to get the special assistants was not sufficient. You take New York City—and I will have to speak of the things with which I am familiar, of course—their office there is overburdened anyway, and when you are taking in, as you are in the city of New York, say 6,000 cases a year, you need a man, and $3,000 is not too much to pay for an assistant to look after these matters.

Mr. CLARK of Missouri. What is it that these men do?

Mr. BENNET of New York. They investigate the applicant. They find out if they really live in the State. They find out if their statements are true, if they have been here five years; they find out if their witnesses are professional witnesses or genuine, and they prepare the examination so as to save the time of the judges in the court. If you did not have these men you would block the whole scheme of naturalization all over the country.

Mr. SULZER. It is blocked now in New York, is it not?

Mr. BENNET of New York. It is.

Mr. CLARK of Missouri. Do they do that, or do the examiners do it?

Mr. BENNET of New York. Both.

Mr. CLARK of Missouri. Does not the gentleman think that is a service that any student in a law office would be glad to get a chance to do and get money out of it to pay his expenses?

Mr. FITZGERALD. I should like the gentleman just to state what this $3,000 man in New York, outside of bossing a so-called "number of examiners" and having a pretty easy time, does?

Mr. BENNET of New York. I will be very glad to reply to the question of my colleague, although I do not accept the characterization of the easy time that the man has.

Mr. FITZGERALD. Tell me what he does. I have tried to find out and could not.

Mr. BENNET of New York. I will tell you he has under him examiners.

Mr. FITZGERALD. How many in the city of New York?

Mr. BENNET of New York. One chief examiner.

Mr. FITZGERALD. Sixteen others, has he not?

Mr. BENNET of New York. One chief examiner, $2,550; one at $2,200; one at $1,600; three examiners, at $1,400. Do you want the rest?

Mr. FITZGERALD. I want to know it all. It is a very good thing.

Mr. BENNET of New York. All right; I will make it better. One interpreter, $2,242; one at $1,400; five examiners, at $1,200; two special agents, at $1,224; two stenographers, at $1,200; one stenographer, at $960, and one at $600.

Mr. FITZGERALD. How many is that altogether?

Mr. SULZER. It is enough.

Mr. FITZGERALD. Oh, no; they want more examiners. How many are there?

Mr. BENNET of New York. There are twenty people. If my colleague will allow me to answer his question——

Mr. FITZGERALD. I am asking it in good faith.

Mr. BENNET of New York. These twenty people cover not only the Borough of Manhattan, which my colleague [Mr. SULZER] and myself live in, but the Borough of Brooklyn, which my colleague lives in, and all the State of New York and the city of Jersey City. I will tell you what these twenty do. Here comes in a petition. The law says there shall be ninety days between the time of filing the petition and the time of the final order. They look up that man, and they see if he actually lives where he says he does, and is not a fictitious person. They look up his witnesses and see if they are not fictitious persons. They ask him such questions as they can in his home, which is the best place to find out what kind of a man he is. So that if he is a good, deserving man—and most of them are—the attorney can get up in court after the investigation by the examiner and say:

> Your honor, I have looked into this case; I will not delay your honor, but simply ask the statutory questions.

It is for the purpose of putting all the questions that are necessary and not with the view of keeping him out of American citizenship.

Mr. FITZGERALD. How many cases were there in New York?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent that the gentleman may be allowed to proceed five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET of New York. Do you mean the State of New York?

Mr. FITZGERALD. In this place where these twenty men have been employed. How many cases did they have?

Mr. BENNET of New York. In the whole State of New York?

Mr. FITZGERALD. Wherever they examined.

Mr. BENNET of New York. I should say something like 8,000 cases.

Mr. FITZGERALD. How many were rejected?

Mr. BENNET of New York. I have not the exact figures, but I know that in one day in Schenectady they ran into a nest of anarchists and rejected 65 out of 130.

Mr. FITZGERALD. That is a Republican city. I want to get something out about the Democratic city you have maligned.

Mr. BENNET of New York. Oh, there is no question of politics in it.

Mr. FITZGERALD. The gentleman did that, however.

Mr. BENNET of New York. If my colleague will permit me, I know it is a Democratic city, and I am trying to do all I can to facilitate the naturalization of genuine people there, I do not care whether they vote for the Democratic party or not.

Mr. FITZGERALD. We are in accord about that. But I desire to know if the gentleman is able to state the number of rejections and the reasons; because the gentleman from Iowa will give some information shortly as to some of the reasons assigned for rejections in Iowa, and if the same reasons are alleged for the rejections in New York it shows the whole thing is a farce.

Mr. BENNET of New York. All right.

Mr. FITZGERALD. Is it practically agreed that they were the same kind of rejections of cases for which this Bureau claims credit?

Mr. BENNET of New York. I will tell you what they did, and I had personal experience when I sat with the judge when these examinations were made. He would ask, "what officers of the city of New York were elected," and the answer was, "the policemen and firemen were, and nobody else." They rejected the men who did not know the name of the chief officer of the city of New York.

Mr. SHERLEY. Will the gentleman permit a question right there?

Mr. BENNET of New York. Certainly.

Mr. SHERLEY. Does the gentleman consider it requires a highly paid official to enable the court to reject a man because of the ignorance displayed in this case?

Mr. BENNET of New York. Does the gentleman think it possible to say that these are anything like high-paid officials?

Mr. SHERLEY. This is what I asked the gentleman: If he considered it necessary to have officials highly paid or low paid in order to enable a court to reject a case such as he has spoken of?

Mr. BENNET of New York. I will answer the gentleman in my own way——

Mr. SHERLEY. The gentleman can answer the question yes or no.

Mr. BENNET of New York (continuing). By saying that before we had that law that there were naturalized sometimes, not only in New York City, but in many other cities in the country, under a single judge, five or six hundred a day.

Mr. SHERLEY. Now, if the gentleman will permit me to come back again, as I understood him——

Mr. BENNET of New York. I want to finish my answer.

Mr. SHERLEY. If the gentleman will permit, we can come to the issue.

Mr. BENNET of New York. I want to finish my own answer in my own way. Now, I submit to the gentleman from Kentucky, in answer to his inquiry, that a system of that kind demonstrates the need of officials besides the judges on the bench, whom I do not impugn, but who are busy men in a big city and with lots of work. It demonstrates the need of a friend of the people, as you might say, in the courts, to bring out these facts.

Mr. SHERLEY. Now, if the gentleman will permit me again.

Mr. BENNET of New York. Yes.

Mr. SHERLEY. Does the gentleman mean to tell this House that it is necessary to have these officials, not in certain cases, but in cases enumerated by him, which were cases where the naturalization was refused because the men applying did not know that the police and firemen were appointed instead of being elected? Do not you think that fact brought out could have been taken into full consideration by the court without the need of these men?

[The time of Mr. BENNET of New York having expired, by unanimous consent, at the request of Mr. GOLDFOGLE, it was extended five minutes.]

Mr. BENNET of New York. I simply say that under the conditions those facts were not brought out. I am in politics in New York City, and when the old law was in force I got as many men naturalized as I could, seventy or eighty or a hundred, in a campaign.

Mr. SHERLEY. Without regard to their right to become citizens?

Mr. BENNET of New York. I took them and they got naturalized, and they voted.

Mr. SHERLEY. Honest confession is good for the soul. I am glad to see that the gentleman has reformed.

Mr. BENNET of New York. No; I have not, but the law has reformed.

Mr. SHERLEY. I am sorry that the gentleman has not reformed.

Now, I yield to the gentleman from Tennessee, who, I see, is on his feet.

Mr. GAINES of Tennessee. I want to invite the gentleman now to another line of argument, or a suggestion as a remedy for this evil. Does not the gentleman think the law should be so amended as to require the United States district judges in the city of New York to specially instruct their grand juries at each term of the court to investigate violations of the naturalization laws?

Mr. BENNET of New York. If the gentleman will permit me, in answer to that, it was only yesterday that in a United States district court a man was sent up for violating the naturalization laws, and I myself, in that same court room, have seen 300 men stand up and plead guilty to violations of the naturalization laws.

Mr. GAINES of Tennessee. And yet the gentleman is asking for more money, notwithstanding 300 guilty men stand up and confess. Now, I want 300,000 guilty ones punished if guilty.

Mr. BENNET of New York. I am asking for more money to prevent that in the future.

Mr. GAINES of Tennessee. I do not think you will need more money if you will show to the people of New York that here is the grand jury that protects their homes and the country and protects the city of New York from violators of the naturalization law.

Mr. BENNET of New York. So far as I am concerned, I should prefer to prevent crime before it is committed than to punish it afterwards, and if we give these men the appropriation they ought to have and do not cut them down, we can enforce this naturalization law all over the United States.

Mr. GAINES of Tennessee. I will say to my friend that I really believe one of the reasons why we have so much crime and so many violations of our antimonopoly laws and election laws and naturalization laws is because the grand juries are not instructed by the presiding judge at each term to execute the law against violators. Now, I want to be heard on that just a moment. The gentleman himself has just confessed that during election times he seeks to naturalize, I presume, anybody who will vote the Republican ticket. That is the substance of the gentleman's confession, and I must admire him for his frankness.

And yet, in time of peace as it were, recognizing the imposition upon society in the State of New York, and upon our laws, he comes down here and asks us to give more money to create more offices for partisan appointees, and asks more of the sinews of political warfare for the city of New York.

Now, I submit, and I have not done this for the first time, for eight or ten years ago I insisted on amending the Sherman antitrust law so as to compel the district judges in each district of the United States to call at each term especial attention of the Federal grand juries to violations of that law, and asked them to investigate the violations of the law instead of letting the violators accumulate to such an extent that they become terrors of commerce, terrors of ordinary commercial men, until finally some brave fellow will say, "Live or die, survive or perish, I will go to Washington and employ a lawyer," which he does, at the expense of $1,000 or $1,500, to beg the Attorney-General to investigate the matter.

Then it takes eighteen months or two years to investigate and get at whether they are violating the law, instead of having the grand jury throughout the United States constantly investigate for violations of the law, and constantly, when proper, throughout the country bring in indictments against them and thus sustain the majesty of that great piece of statesmanship, the antitrust law of 1890, and to protect the people and small dealers and manufacturers in the end. That law never will be successful until the power is given to the judges. Courts are forced at each term to charge their grand juries to investigate the violations and enforce it by indictment. Now, here is a case that is perhaps equally as dangerous to society. Here the gentleman himself admits in effect that he violated the law. Why, he asked for more clerks and a stenographer and a Department clerk arrangement.

Why, Mr. Chairman, this country has got to be too much of a departmental country. I want it to be more of a country run by Congressional investigations, such as we are trying to have in the pulp matter. Congress has relegated to Department officials and clerks the power of investigating wrongdoers in violating the Federal laws in this country. We have ceased to investigate, except in legislation presented to us.

Twenty or thirty years ago we investigated these things ourselves. Congress investigated the Standard Oil concern, the steel trust, and the armor plate trust for having put blowhole armor on our men-of-war. We did not turn these matters over to the Departments then. We called the trust members together in the proper committee room, and we sent for the witnesses and sent for the prosecutors, and Congress found them guilty when we could find the guilty one.

We never shall have the naturalization laws enforced, we never shall have the immigration laws enforced, we never shall have the antimonopoly laws enforced as they should be and as society and the spirit of the law demand that they should be enforced until we compel the Federal courts to charge their grand juries to look after these violators of the law. Let Congress investigate more. Let grand juries be directed to investigate at each term of the court and happier conditions will prevail.

Mr. LANDIS. Mr. Chairman, I ask unanimous consent to extend the remarks I made to-day in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to extend my remarks by printing the communication received from the board of governors and the several reports of the board.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HARDY. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. SLAYDEN] may be permitted to extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his colleague [Mr. SLAYDEN] may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BONYNGE. Mr. Chairman, it fell to my lot in the last session of Congress as a member of the Committee on Immigration and Naturalization to be appointed chairman of the subcommittee that had in charge the naturalization bill. On that committee also served the distinguished gentleman from New York [Mr. BENNET] and the gentleman from Alabama [Mr. BURNETT], whom I see on the other side of the aisle. The other members of the subcommittee were Mr. MOORE of Texas and Mr. HAYES of California. The bill was carefully considered. It was reported to the House and occupied the attention of the House for many days at different times. In reporting it we did not rely at all, Mr. Chairman, upon the examination made in open court for the enforcement of the naturalization law. I say we did not rely at all—perhaps I overstate the fact—but we did depend largely and almost wholly upon the other provisions of the law to prevent fraud, and not upon the examination that would be had in open court.

It was not expected or anticipated when we reported the bill to the House that there would ever arise any necessity for the appointment of assistant attorneys-general to enforce the law. I well remember, Mr. Chairman, in presenting the bill to the House, that I stated upon the floor when interrogated in regard to the bill that the regular district attorneys of the respective districts and their assistants would be able, in my judgment, to take care of the naturalization cases. It was expected in a few rare cases, when a matter of controversy would arise, that it might become necessary for the United States district attorney to appear in court in opposition to the application and cross-examine the witnesses. I stated in answer to an inquiry in reference to that matter that, in my judgment, more than 90 per cent of the cases would be settled outside of court, and only in the remaining 10 per cent of the cases would it become necessary for the United States district attorney to appear. We felt that a limited number of cases could be taken care of by the regular United States attorney, instead of requiring an assistant for that special work.

Mr. GAINES of Tennessee. I appreciate the gentleman's opinion, Mr. Chairman, and I would like, right along that line, to ask him this—if he does not think it would be wise to amend the law and require the Federal judges to instruct the grand juries touching it, to investigate the violations of the law?

Mr. BONYNGE. In a general way they always do that. It is the duty of the court to instruct the grand juries to investigate all alleged violations of law, including the naturalization law as well as any other law.

Mr. GAINES of Tennessee. I hope the gentleman is mistaken, since we find so many violations of it; but I believe if we were to amend the law and require the Federal judges to charge the grand juries to investigate violations of the naturalization law, it would serve as a deterrent.

Mr. BONYNGE. There certainly could be no objection to the Federal judge giving that special charge to the grand jury, but I do not think there will be a sufficient number of fraudulent cases under the new law we enacted to make it necessary to enact a special law requiring the district judge to charge the juries specifically in regard to violations of the naturalization law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. The gentleman from New York [Mr. BENNET] said he saw 300 stand up in a court room and plead guilty.

Mr. TAWNEY. That is under the old law.

Mr. BONYNGE. The gentleman from New York referred to the old law. I do not know how many convictions there may have been under the new law, but with the many safeguards there are in the bill enacted at the last Congress, I think there will be very few violations of it, and there will not be very many cases when it will be necessary to have an attorney in court to examine the witnesses. There will be some, but such examinations as do occur in the future will be very limited, and the work will not be difficult. It will consist largely in putting stereotyped questions to witnesses. It does not require the ability of a high-priced lawyer to conduct such cases. As evidence of that fact, let me state what occurred in my own city.

The Attorney-General selected as the assistant attorney-general to conduct the cases in the city of Denver a gentleman who had recently removed to Denver from Washington, for the benefit of his health, I understand. He had been in the War Department in Washington, I believe, and at the time he was appointed as a special attorney-general to take care of these naturalization cases in the city of Denver he was an employee in the quartermaster-general's department of the Department of Colorado, and was given a salary, I believe, of $2,500 a year. Now, it may be that he is an eminent lawyer. I do not know him personally. He has been so short a time in the city of Denver that I do not believe the members of the bar of that city have as yet been able to ascertain whether he is a lawyer of special ability or not.

Mr. CRUMPACKER. Will the gentleman tell us how we are going to expend all this money without a large surplus in the immigration fund unless we do employ a lot of lawyers?

Mr. BONYNGE. Yes; I think I can tell the gentleman. I think the clerks of the court are underpaid for the work they do under the naturalization law, and that instead of spending this money in high-priced salaries to unnecessary assistant attorneys-general a large proportion of the fee paid by the applicant ought to be paid to the clerks of the court for the work they do under the law, which is more important, I believe, than the examination of the witnesses in court.

Mr. BENNET of New York. I would like to say to the gentleman that the committee of which he used to be so distinguished a member has taken that view in part and has reported a bill increasing the fees of the clerks.

Mr. BONYNGE. But in order to do that I believe the committee has increased the fee that the applicant for naturalization must pay.

Mr. BENNET of New York. About $3 less than the gentleman and I assisted in reporting——

Mr. BONYNGE. But if we find we can pay the clerks a sufficient amount out of the present fee, provided we do not spend it in high-priced salaries to officers not needed, would it not be just as well to leave the fee where it is and give a larger proportion of it to the clerks?

Mr. BENNET of New York. If in the future we find we can do that, we can take that question up.

Mr. BONYNGE. Mr. Chairman, in conclusion I want to say that I take a very deep interest in the successful operation of the naturalization law. It is a very salutary law and must be upheld. I felt very gratified to have the honor to present that bill to the House and to have charge of it on the floor.

I do not suppose any gentleman on the floor has a deeper interest in the success of the measure than I, and in saying that I realize the great interest many Members have in it. I do not want to see the law discredited by having an unnecessary number of high-priced officers employed to enforce its provisions, which will make it necessary every year when the appropriation bill comes before the House to enter into a discussion of the bill, and perhaps to disparage it. Therefore I trust that this extra appropriation, which I understand has not even been estimated for by the Department, may not be approved by the committee.

Mr. BENNET of New York. But the gentleman is mistaken. The Department has asked for $325,000.

Mr. BONYNGE. Well, I have taken the statement of the chairman of the committee for what I have stated to the House.

Mr. SMITH of Iowa. Mr. Chairman, the appropriation carried by this bill is the exact amount originally estimated for by the Department of Justice for this purpose. It is true that there has been an application made for an increase, but this amount carried in the bill is the exact amount they at first said they wanted for this next year.

This is not the only expense of executing the naturalization law. This law has not been in force quite two years, and if the legislative bill and this bill have no increase given above what is recommended by the committee, $211,340 will be appropriated for next year for the enforcement of this single law. I commented here the other day upon the modern system of appropriating money for enforcing laws and sections of laws as distinguished from appropriations for enforcing all the laws which formerly prevailed, and here is a striking illustration which I want to present to the House in such a way that it will be, as I think, within the understanding of everyone. We are all of us inclined to be provincial, and when I discovered that this Department was engaged in going over every naturalization paper everywhere in the United States where fraud was suspected and where fraud was not suspected, I made inquiry of how many cases in the State of Iowa this Department had succeeded in successfully defending, and they told me something more than forty.

I then asked them to furnish me with a tabulated list of all the rejections in the State of Iowa and the grounds upon which they were rejected, and I hold this statement in my hand. After examination of it I do not know how many cases, but manifestly many hundreds and, indeed, some thousands of

cases in the State of Iowa, the Department of Justice triumphantly defeated something over forty applications, and I want to submit why they defeated them.

The records of the Division of Naturalization show that the following persons have been denied certificates of naturalization by various courts of the State of Iowa for the reasons set forth after their respective names, to wit:

Location.	Petitioner.	Cause.
BOONE.		
District court, Boone County.	Nels Hjalmar Nelson	Improper petition. One witness an alien.
CHEROKEE.		
District court, Cherokee County.	Peter Nicholas Rofer	Denied on ground applicant has not shown he is a man of good moral character.
CLINTON.		
District court, Clinton County.	Christoph Martin Johannson.	Lack of jurisdiction of court.
	Thorvald Cilius Nelson.	Dismissed; declaration of intention made before he attained his majority.
COUNCIL BLUFFS.		
District court, Pottawattamie County.	Nels Michel Hansen	Do.
	Benjamin Hirsch	Do.
DAKOTAH.		
District court, Humboldt County.	Carl Martins	Do.
DAVENPORT.		
District court, Scott County.	Charles W. Haglund	Denied; declaration of intention made before he attained his majority.
	Otto Braucker	Witnesses had not known him to be a resident of the United States for five years.
	Harold Jacobsen	Had not served in United States Navy for five years.
DUBUQUE.		
District court, Dubuque County.	James Kearney	Dismissed for want of prosecution.
IDA GROVE.		
District court, Ida County.	Soren Sorensen	Denied; two years had not elapsed between date of declaration and date of petition.
	Johannes Holdorf	One witness incompetent.
	William Shanahan	Lack of jurisdiction.
	Heinrich Christinsin	One witness incompetent.
KNOXVILLE.		
District court, Marion County.	R. Vande Kieft	Denied; two years had not elapsed between declaration and petition.
	John Vande Kieft	Denied; no declaration filed.
	Albert Vande Kieft	Do.
	Marinus J. Kempenaar.	Do.
	John Marinus Kempenaar.	Do.
NEWTON.		
District court, Jasper County.	Samuel Blount	Made declaration before attaining majority.
	John Slatkoske	Witnesses could not qualify; had not known him five years.
	Frank Stek	Do.
	John Tomljononic	Do.
	Matt Blazina	Do.
	John Bubun	Do.
OSKALOOSA.		
District court, Mahaska County.	Morris Van Holden	Denied; lack of jurisdiction.
POCAHONTAS.		
District court, Pocahontas County.	Joseph Nedved	Two years had not elapsed between date of declaration and petition.
RED OAK.		
District court, Montgomery County.	Axel Anderson	One witness had not known petitioner for five years.
ROCK RAPIDS.		
District court, Lyon County.	Joe Menage	One witness was an alien.
	Frank de Young	Do.
	Louie Livesind	Do.
SIOUX CITY.		
District court, Woodbury County.	August Heinricht	Dismissed; lack of prosecution.
	Samuel Gordon	Do.
	Mart Gordon	Do.
	Nels Danielson	Witnesses had not personal knowledge of petitioner for five years preceding petition.
	Samuel Sudow	Declaration made when a minor.
STORM LAKE.		
District court, Buena Vista County.	Wolder Rasmussen	Petition filed under section 2167, R. S., repealed by existing act.
	John Waldemar Malin	Do.
	Niels Sorensen Buch	Do.
	Peter Fullemwarth	Do.
	Louis Binggemann	Do.
TIPTON.		
District court, Cedar County.	Niels Hansen	Declaration made when a minor.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Here is the triumph of the Department of Justice in the enforcement of the naturalization laws against frauds. Not a man in that State makes a fraudulent application for naturalization. I assert, after ten years' experience in the execution of the old law, that every one of these men would have been rejected had no United States district attorney put his face in the court in which the proceedings were going on.

They searched all the applications—hundreds, yea, thousands of them—in Iowa, and failed to find a single case of fraud, but did reject more than forty on purely formal grounds that would have been rejected without the aid of a Federal attorney. Now, I am in favor of this naturalization law. I voted for it. I believe in it, and I believe in its rigid enforcement. But I do not believe that in strictly rural communities, where there is no substantial proof of fraud being committed, and where there is no ground to suspect fraud, the Government ought to go, by its United States Assistant Attorney-General, through every paper, trying to find some defect in the paper that will be found by the trial judge himself in administering the law under his oath of office, and thus impose this enormous, needless expense upon the Treasury of the United States. This division of a bureau, with its own and the expense made necessary by it, has gone up to more than $200,000 a year in a life of less than two years, and largely its efforts are being wasted in searching for fraud where there is no fraud and no ground to suspect fraud.

Now, let us give this law a rigid enforcement, but do not waste the public money nosing for fraud in those places where it does not exist. Let us spend what money we do spend down in Brother BENNET'S district, stopping the scoundrels down there that are violating the law. I do not want this House, if it can be avoided, to raise this appropriation, and I do not want them to understand that they are to get a deficiency next year. I think over $200,000 a year is enough to enforce one act of Congress, at least until it is demonstrated that frauds are being perpetrated that are not being detected by the system now in existence.

Mr. TAWNEY. Mr. Chairman, I move to close debate in ten minutes.

The CHAIRMAN. The gentleman from Minnesota moves to close debate on the amendment in ten minutes. Is there objection?

The question was taken, and the motion was agreed to.

Mr. SHERLEY. Mr. Chairman, the remarks of the gentleman from Colorado [Mr. BONYNGE] were exceedingly valuable as a matter of history. He stated, and stated truly, that at the time of its enactment it was not expected that the enforcement of the naturalization law would be dependent upon the number of special attorneys employed for that purpose. But, unfortunately, we have a provision in regard to the naturalization law that excites the zeal of men, and that is a provision that puts into a special fund certain fees that come from the operation of the naturalization law. An utterly pernicious system——

Mr. BENNET of New York. Will the gentleman yield?

Mr. SHERLEY. For a question.

Mr. BENNET of New York. I would just like to state to the gentleman that there is no such fund, and all cases that come in are paid from the General Treasury.

Mr. SHERLEY. But there has been this system, that all the money received under the naturalization law has been looked upon by the advocates of that law and by the officials undertaking to enforce it as a fund that should be set apart for their use. And they have undertaken to devise ways and means for the spending of it, and some of the ways and means seem to be to make lawyers out of war clerks and lawyers out of Commis-

sioners of Civil Service, and let them undertake the enforcement of the law.

And it may be that the absence of legal training is the explanation of the number needed to do the work. But it is the only explanation that could possibly be satisfactory. Now, we went into this matter at length before the committee, and if ever there was an absence of information given to a committee by men in charge of this work it was in this particular case. Repeatedly the gentleman from Iowa [Mr. SMITH] and myself asked Mr. Cooley and asked others to give us some proof of the character of frauds that were being discovered. They brought us a table giving the numerical number, but giving absolutely no information as to the facts of the respective cases. Finally, the gentleman from Iowa [Mr. SMITH] has succeeded in getting a statement as to the cases tried in the State of Iowa, and a more pitiful exhibition never was presented. We have been unable to get an exhibit as to the cases tried elsewhere, and if they are similar to those in Iowa we have been spending a great deal too much money and ought to reduce instead of increase the appropriation. Now, there is a constant tendency in this House to take advantage of the pronounced feeling upon certain questions to obtain large appropriations. It is very easy for the gentleman to make a speech about the value of citizenship, and tell how tremendously he values that citizenship, and yet we have the same gentleman, almost in the same breath, tell us that he undertook to have people admitted to citizenship without regard to their right to that citizenship.

My idea about the matter is that there is no question as to the value of American citizenship and no desire on the part of any honest man to have anything done to lessen the value of that citizenship, but that does not warrant us in extravagant appropriations for the purpose of creating unnecessary offices and paying fees to unnecessary employees of the Government. And that is what is involved in the proposition of the gentleman. His speech would be just as much in order and just as pertinent if the amendment offered had been to increase the sum $500,000, and he could have talked a little louder of his admiration for American citizenship and spoken a little lower as to his activity in bestowing that citizenship upon certain undesirable persons, and the speech would have been just as appropriate as the one we have just heard.

I hope, Mr. Chairman, that the committee will vote down the amendment and not give this additional sum.

Mr. FITZGERALD. Mr. Chairman, I stated a short time ago that when the gentleman from Iowa [Mr. SMITH] would read the list that he had received from the Department of Justice the House would be convinced that this so-called "bureau" was engaged largely in a farcical work. The Department took credit for the fact that they had rejected forty-seven applicants in the State of Iowa; seventy-seven in the State of North Dakota, largely, I suppose, similar in character to those in the State of Iowa. In the State of New York, and the city of New York, to which my colleague has made reference, after a close and careful scrutiny of over 8,000 application papers, according to his statement, 228 applicants were rejected. Of course my colleague knows that there are not now gross frauds in naturalization in New York. A Republican legislature a few years ago passed an act under which there is appointed a superintendent of elections for the Metropolitan district, which is practically the city of New York. At every election every man who is a naturalized citizen and who registers is compelled to produce his naturalization papers before this Republican official. They take his papers and hold them until they are satisfied——

Mr. PARSONS. The gentleman knows that is not correct. The man, under the law, must produce them when he registers.

Mr. FITZGERALD. I repeat the statement that practically every naturalized citizen is called before the superintendent of elections, a Republican official, appointed by a Republican governor, and at times his papers are taken from him and withheld until this official satisfies himself that there was no fraud in the issuance of the papers. The citizen is examined. Under the law he is compelled to reply to whatever questions are put to him. I know, and the gentleman knows, that there have been grave doubts as to the constitutionality of the act under which this superintendent acts.

But it is a fact that it is not possible now, if your officials properly enforce that law, for any man to pretend to be a naturalized citizen and vote illegally in the State of New York in any election.

What a farce it is, with only 228 denials in New York since that law has been in effect, to say that $200,000 is not sufficient for the work. My colleague states that he sat in court and saw a man rejected because, when asked which officials in the city of New York were elected, he replied "the policemen and firemen." I know the Republican judges who occupy places in the Federal courts in New York, and I have confidence in their competency. My colleague errs when he assumes that, if the assistant district attorneys had not been present in court these judges would not have been able to obtain the same answers as these examiners did to the several questions.

Mr. PARSONS. Would it not have taken the judges a great deal more time than it did if the preliminary examinations had not been made?

Mr. FITZGERALD. I think not. I do not think the object of having these attorneys and examiners is to withdraw from the courts the discharge of their proper functions. This naturalization act contemplates a proper discharge of their duties by the courts in these cases. If the desire be to stop the courts from the exercise of their functions, then the attorneys should be abolished and the judges required to perform their duties.

The CHAIRMAN. The time of the gentleman has expired. All time for debate has expired, and the question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For fees of United States commissioners and justices of the peace acting under section 1014, Revised Statutes of the United States, $125,000.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill, H. R. 21260, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 14789. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902.

The Speaker announced his signature to enrolled bill of the following title:

S. 4112. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6358. An act to amend an act entitled "An act to incorporate The Masonic Mutual Relief Association of the District of Columbia"—to the Committee on the District of Columbia.

S. 6826. An act to correct the military record of Albert S. Austin—to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. PAYNE. Pending that, Mr. Speaker, I move that the committee take a recess until 11.30 to-morrow morning.

Mr. FITZGERALD. A parliamentary inquiry. Is that a joke or is it in earnest? [Laughter.]

The SPEAKER. That will develop later. [Laughter.]

Mr. CLARK of Missouri. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 152, nays 84, answered "present" 8, not voting 143, as follows:

YEAS—152.

Adair	Chaney	Ellis, Oreg.	Graham
Allen	Chapman	Englebright	Greene
Bannon	Cocks, N. Y.	Esch	Gronna
Barchfeld	Cole	Fairchild	Hale
Barclay	Cook, Pa.	Focht	Hall
Bartholdt	Cooper, Pa.	Fordney	Hamilton, Iowa
Beale, Pa.	Cooper, Wis.	Foss	Hamilton, Mich.
Bede	Crumpacker	Foster, Ind.	Haskins
Birdsall	Dalzell	Foster, Vt.	Haugen
Bonynge	Darragh	Foulkrod	Hawley
Boyd	Davis, Minn.	French	Hayes
Brownlow	Dawson	Gaines, W. Va.	Higgins
Brumm	Denby	Gardner, Mich.	Hill, Conn.
Burton, Del.	Diekema	Gardner, N. J.	Hinshaw
Calderhead	Douglas	Gilhams	Holliday
Campbell	Draper	Gillett	Howell, Utah
Capron	Driscoll	Goebel	Howland
Caulfield	Dwight	Graff	Hubbard, W. Va.

Huff	Longworth	Olmsted	Southwick
Hull, Iowa	Lowden	Overstreet	Sperry
Humphrey, Wash.	McCall	Parker, N. J.	Stafford
Jenkins	McGavin	Parsons	Steenerson
Jones, Wash.	McLachlan, Cal.	Payne	Sterling
Kahn	McMorran	Pearre	Sturgiss
Keifer	Madden	Perkins	Sulloway
Kennedy, Iowa	Madison	Pollard	Tawney
Kennedy, Ohio	Mann	Porter	Thistlewood
Kinkaid	Mondell	Pray	Tirrell
Kipp	Moon, Tenn.	Rainey	Volstead
Knapp	Moore, Pa.	Reeder	Vreeland
Knopf	Mouser	Reynolds	Wanger
Knowland	Murdock	Rodenberg	Washburn
Küstermann	Murphy	Scott	Watson
Lafean	Needham	Shackleford	Weeks
Lamb	Nelson	Slemp	Wheeler
Landis	Norris	Smith, Cal.	Wilson, Ill.
Law	Nye	Smith, Iowa	Wood
Lawrence	Olcott	Smith, Mich.	Woodyard

NAYS—84.

Adamson	Davenport	Hay	Pujo
Aiken	Denver	Heflin	Reid
Alexander, Mo.	Dixon	Helm	Richardson
Ashbrook	Edwards, Ga.	Henry, Tex.	Robinson
Bartlett, Nev.	Ellerbe	Hill, Miss.	Russell, Mo.
Beall, Tex.	Ferris	Houston	Russell, Tex.
Bell, Ga.	Fitzgerald	Hughes, N. J.	Sabath
Booher	Floyd	Hull, Tenn.	Sheppard
Bowers	Foster, Ill.	Johnson, Ky.	Sherley
Brantley	Fulton	Keliher	Sims
Burleson	Gaines, Tenn.	Kitchin, Claude	Slayden
Burnett	Garner	Lassiter	Small
Candler	Garrett	Legare	Smith, Mo.
Carlin	Gillespie	McLain	Smith, Tex.
Carter	Godwin	Macon	Spight
Clark, Mo.	Goldfogle	Maynard	Stanley
Clayton	Hackett	Moore, Tex.	Sulzer
Cooper, Tex.	Hackney	Nicholls	Taylor, Ala.
Cox, Ind.	Hamlin	O'Connell	Thomas, N. C.
Craig	Hardy	Padgett	Tou Velle
Cravens	Harrison	Page	Wilson, Pa.

ANSWERED "PRESENT"—8.

Bennet, N. Y.	Currier	Flood	Lorimer
Boutell	De Armond	Goulden	Watkins

NOT VOTING—143.

Acheson	Edwards, Ky.	Lamar, Fla.	Pou
Alexander, N. Y.	Ellis, Mo.	Lamar, Mo.	Powers
Ames	Fassett	Langley	Pratt
Andrus	Favrot	Laning	Prince
Ansberry	Finley	Leake	Randell, Tex.
Anthony	Fornes	Lee	Ransdell, La.
Bartlett, Ga.	Fowler	Lenahan	Rauch
Bates	Fuller	Lever	Rhinock
Bennett, Ky.	Gardner, Mass.	Lewis	Riordan
Bingham	Gill	Lilley	Roberts
Bradley	Glass	Lindbergh	Rothermel
Brodhead	Gordon	Lindsay	Rucker
Broussard	Granger	Littlefield	Ryan
Brundidge	Gregg	Livingston	Saunders
Burgess	Griggs	Lloyd	Sherman
Burke	Haggott	Loud	Sherwood
Burleigh	Hamill	Loudenslager	Snapp
Burton, Ohio	Hammond	Lovering	Sparkman
Butler	Harding	McCreary	Stephens, Tex.
Byrd	Hardwick	McDermott,	Stevens, Minn.
Calder	Henry, Conn.	McGuire	Talbott
Caldwell	Hepburn	McHenry	Taylor, Ohio
Cary	Hitchcock	McKinlay, Cal.	Thomas, Ohio
Clark, Fla.	Hobson	McKinley, Ill.	Townsend
Cockran	Howard	McKinney	Underwood
Conner	Howell, N. J.	McLaughlin, Mich.	Waldo
Cook, Colo.	Hubbard, Iowa	McMillan	Wallace
Coudrey	Hughes, W. Va.	Malby	Webb
Cousins	Humphreys, Miss.	Marshall	Weems
Crawford	Jackson	Miller	Weisse
Cushman	James, Addison D.	Moon, Pa.	Wiley
Davey, La.	James, Ollie M.	Morse	Willett
Davidson	Johnson, S. C.	Mudd	Williams
Dawes	Jones, Va.	Parker, S. Dak.	Wolf
Dunwell	Kimball	Patterson	Young
Durey	Kitchin, Wm. W.	Peters	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the remainder of this session:

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. BENNET of New York with Mr. FORNES.

Until further notice:

Mr. MARSHALL with Mr. STEPHENS of Texas.

On this vote:

Mr. HOWELL of New Jersey with Mr. GRANGER.

Mr. BURKE with Mr. ROTHERMEL.

Mr. HARDING with Mr. RANDELL of Texas.

Mr. ANTHONY with Mr. BURGESS.

Mr. BATES with Mr. DE ARMOND.

Mr. CONNER with Mr. FAVROT.

Mr. DAVIDSON with Mr. GORDON.

Mr. HUBBARD of Iowa with Mr. GRIGGS.

Mr. JACKSON with Mr. HARDWICK.

Mr. LANING with Mr. HITCHCOCK.

Mr. LOUD with Mr. JOHNSON of South Carolina.

Mr. MCKINLEY of Illinois with Mr. KIMBALL.

Mr. MCKINNEY with Mr. LEE.

Mr. MILLER with Mr. LENAHAN.

Mr. MORSE with Mr. LINDSAY.

Mr. THOMAS of Ohio with Mr. RANSDELL of Louisiana.

Mr TOWNSEND with Mr. RAUCH.

Mr. WALDO with Mr. RHINOCK.

Mr. WEEMS with Mr. RUCKER.

Mr. YOUNG with Mr. UNDERWOOD.

Mr. GARDNER of Massachusetts with Mr. WOLF.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 18 minutes p. m.) the House took a recess until Thursday, May 7, 1908, at 11.30 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6487), to govern seagoing barges, reported the same with amendments, accompanied by a report (No. 1610), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15311) for the relief of Raleigh Brewer, sr., and directing that a patent issue to him to southeast quarter section 10, township 15, range 19, in Noxubee County, Miss., reported the same with amendments, accompanied by a report (No. 1606), which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the resolution of the House (H. Res. 369) referring certain claims to the Court of Claims, reported the same with amendments, accompanied by a report (No. 1609), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 21617) granting an increase of pension to William McClain—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21620) granting a pension to John Harrington—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21622) granting an increase of pension to Fannie E. Furlow—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14540) granting a pension to Albert Baker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 21628) fixing the fees of jurors and witnesses in the United States court for the district of Hawaii, and for other purposes—to the Committee on the Judiciary.

By Mr. BONYNGE: A bill (H. R. 21629) relating to restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 21630) to carry out and extend the provisions of the land act known as the Carey Act—to the Committee on the Public Lands.

By Mr. PORTER: A bill (H. R. 21631) to provide for a survey of Oak Orchard Harbor, Orleans County, N. Y.—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON: A bill (H. R. 21632) to provide for circuit and district courts of the United States at Florence, Ala.—to the Committee on the Judiciary.

By Mr. HALL: A bill (H. R. 21633) to provide for the leasing of public lands containing coal—to the Committee on the Public Lands.

By Mr. CARY: A bill (H. R. 21634) to prevent discriminations in interstate telegraph and telephone rates and fixing requirements governing the receipt and preservation of such messages—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 21635) concerning the receivers of railroads—to the Committee on the Judiciary.

By Mr. KELIHER: A bill (H. R. 21636) to provide transportation for discharged naval prisoners and others—to the Committee on Naval Affairs.

By Mr. OLCOTT: A bill (H. R. 21637) authorizing the purchase of thirteen historical paintings—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 21638) for the relief of Joseph R. Reichardt—to the Committee on Claims.

By Mr. BRUNDIDGE: A bill (H. R. 21639) granting a pension to Matilda Inman—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 21640) for the relief of Jesse J. Kennedy, of Winston County, Ala.—to the Committee on Private Land Claims.

By Mr. BURTON of Delaware: A bill (H. R. 21641) granting a pension to Levi B. Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21642) granting a pension to Silas T. Warrington—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 21643) granting an increase of pension to Hugh McLaughlin—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: A bill (H. R. 21644) to restore the name of Lieut. George K. McGunnegle to the pension roll—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 21645) granting an increase of pension to John A. Stoner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21646) granting a pension to James W. Mosher—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 21647) granting an increase of pension to Warren Myers—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 21648) for the relief of Hamp Harden, of Toombs County, Ga.—to the Committee on Claims.

By Mr. FLOYD: A bill (H. R. 21649) to correct the military record of John C. Fite—to the Committee on Military Affairs.

Also, a bill (H. R. 21650) for the relief of Elizabeth Jenkins, administratrix of the estate of W. D. Jenkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21651) to correct the military record of James Red—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 21652) granting a pension to Andrew M. Watson—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 21653) granting an increase of pension to Harrison C. Wells—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21654) granting a pension to Adelia Franklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21655) granting a pension to Conrad S. Sergeant—to the Committee on Pensions.

Also, a bill (H. R. 21656) granting a pension to Paul Richt—to the Committee on Pensions.

Also, a bill (H. R. 21657) granting a pension to Thomas Wyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21658) granting an increase of pension to John Keffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21659) granting an increase of pension to John K. Pickens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21660) granting an increase of pension to William Russell—to the Committee on Pensions.

Also, a bill (H. R. 21661) granting an increase of pension to L. B. Rowland—to the Committee on Pensions.

Also, a bill (H. R. 21662) granting an increase of pension to Francis M. Good—to the Committee on Pensions.

Also, a bill (H. R. 21663) granting an increase of pension to Taylor K. Shannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21664) granting an increase of pension to Rufus Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21665) granting an increase of pension to Archibald McN. Harrison—to the Committee on Pensions.

Also, a bill (H. R. 21666) granting an increase of pension to O. H. Williard—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 21667) granting a pension to Mrs. Orlando L. Wieting—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21668) granting an increase of pension to Amos C. Keepers—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 21669) granting an increase of pension to Hugh H. B. McMaster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21670) granting an increase of pension to John W. Manning—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21671) for the relief of the legal representatives of Arch Huffman—to the Committee on War Claims.

Also, a bill (H. R. 21672) for the relief of the legal representatives of Samuel Marrs—to the Committee on War Claims.

Also, a bill (H. R. 21673) for the relief of the legal representatives of Thomas O. Marrs—to the Committee on War Claims.

Also, a bill (H. R. 21674) granting an increase of pension to Elijah Bayes—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 21675) for the relief of the Masonic Hall Company, of Atlanta, Ga.—to the Committee on War Claims.

By Mr. MACON: A bill (H. R. 21676) granting an increase of pension to Milton Edwards—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 21677) granting an increase of pension to Josiah Hissong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21678) granting an increase of pension to Henry Brant—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 21679) for the relief of the estate of John Walston, of the State of Alabama—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 21680) to correct the military record of Albert S. Austin—to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 21681) granting an increase of pension to Henry E. Routzong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21682) for the relief of Joseph Porch—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 21683) for the relief of heirs of Sarah E. Wedelstedt and Nimrod Berk, deceased—to the Commitee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Ticonderoga, N. Y., Luzerne, N. Y., Piercefield, N. Y., Sandy Hill, N. Y., and Franklin, N. H.; the Central Trades and Labor Assembly, of Corinth, N. Y.; the International Brotherhood of Stationary Firemen, of Millinocket, Me., and Ticonderoga, N. Y., protesting against the removal of the duty on paper and pulp—to the Committee on Ways and Means.

Also, petitions of United Mine Workers of French Village, Ill.; of the Washington State Federation of Labor; of Local Union No. 85, of Belleville, Ill.; of Local Union No. 208, of Princeton, Ill.; of the Trades and Labor Assembly of Belleville, Ill.; of the Butchers' Union of Belleville, Ill.; of the Musicians' Union of Belleville, Ill.; of the Brotherhood of Foundry Employees of the same place, praying for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, petition of legislative assembly of the State of Oklahoma, praying for the establishment of a consumptives' home—to the Committee on Interstate and Foreign Commerce.

Also, petition of Perchers Union, No. 561, of Lawrence, Mass., praying for the submission of an amendment to the Constitution for the enfranchisement of women—to the Committee on the Judiciary.

Also, petition of Stove Mounters' Union of Belleville, Ill., praying for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, petition of general assembly of the State of Ohio, praying for legislation to increase the power of the National Government concerning certain matters relating to the health of the people—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. W. Burritt Company and other firms and corporations of Bridgeport, Conn., praying for legislation to establish the Appalachian and White Mountain Forest Reserve—to the Committee on Agriculture.

Also, petition of Retail Grocers and Butchers' Association of Fort Worth, Tex., praying for an amendment to strengthen the bankruptcy law—to the Committee on the Judiciary.

Also, petition of W. E. Metzger, of Allenwood, Pa., and 3 others, praying for the establishment of a national highways commission—to the Committee on Agriculture.

Also, petition of Credit Men's Association of Grand Rapids, Mich., praying for an amendment to strengthen the national bankruptcy law—to the Committee on the Judiciary.

Also, petition of Ethan Allen Grange, of Crown Point, N. Y., praying for the establishment of a national highways commission—to the Committee on Agriculture.

Also, petition of Oliver Ball, of Salem, Ohio, and 7 others, praying for the creation of a national highways commission—to the Committee on Agriculture.

Also, petition of Federal Labor Union, No. 8217, of Boston, Mass., praying for the submission of a constitutional amendment for the enfranchisement of women—to the Committee on the Judiciary.

Also, petitions of Chartiers Council, Knights of Columbus, of Crafton, Pa., and Emmetsburg Council, Knights of Columbus, of Emmetsburg, Iowa, praying for legislation to make the anniversary of the discovery of America a legal holiday—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of citizens of Charleroi and Cambridge, Pa., for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Dairy Grange, No. 1308, favoring the McHenry bill (H. R. 12682) to restore public confidence and safeguard the people's savings—to the Committee on Banking and Currency.

By Mr. ALEXANDER of New York: Petitions of Meat Cutters' Union of Buffalo, N. Y.; E. M. Doyle and other citizens of Depew and Lancaster, N. Y., and Insulators and Asbestos Workers' Local Union, No. 4, of Buffalo, N. Y., favoring amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Typographical Union No. 364, of Coshocton, Ohio, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petitions of Brass Molders' International Union of North America, No. 4; Amalgamated Association of Street Railway Employees of America, Division No. 85, of Pittsburg, Pa., and United Mine Workers of America No. 2104, of Bridgeville, Pa., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BARCLAY: Petitions of citizens of Kane, Osceola Mills, Port Allegheny, Clarence, Munsons, and Bradford, all in the State of Pennsylvania, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. BATES: Petition of Lake Shore Rubber Company, against H. R. 19745, Hepburn amendment to Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Eureka Grange, of Crawford County, Pa., for H. R. 12682—to the Committee on Banking and Currency.

Also, petition of Philanthropic Community of Friends, of Philadelphia, against further armament by Army or Navy—to the Committee on Military Affairs.

Also, petition of Gulf Refining Company, favoring an embargo on Venezuelan asphalt—to the Committee on Ways and Means.

Also, petition of Polish-American citizens of Allegheny County, Pa., favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of Mrs. Catherine Lang and others, of Meadville, Pa., favoring concurrent resolution No. 28, of sympathy for the Russian people—to the Committee on Foreign Affairs.

Also, petition of Harriet Akerley and Ida Akerley, of West Springfield, for a postal bank law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Erie Lithographing Company, the Reed Manufacturing Company, the Hammermill Paper Company, the Burk Electric Company, and the Manufacturers' Association, all of Erie, Pa., against the Sterling anti-injunction bill (H. R. 21358), and the Payne anti-injunction bill (H. R. 21359)—to the Committee on the Judiciary.

Also, petition of Corry Council, Knights of Columbus, for making October 12 a national holiday—to the Committee on the Judiciary.

Also, petition of Pennsylvania Antisaloon League, of Harrisburg, against repeal of the canteen law for Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of Union Oil Works, of Erie, Pa., and Pennsylvania Paraffin Works, of Titusville, Pa., favoring H. R. 20353, known as the "antidisclosure act"—to the Committee on Interstate and Foreign Commerce.

Also, petition of Building Association League of Philadelphia, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

Also, petition of the International Congress on Tuberculosis, for adequate housing of same at their forthcoming convention in Washington, D. C.—to the Committee on Assignment of Rooms.

Also, petition of the James R. Ford Company, of Baltimore, for the bill to carry Panama Canal supplies in American vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the working people and their sympathizers of Meadeville and Erie, Pa., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

Also, petitions of Trades League of Philadelphia and City Club of Chicago, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of the Machinists' Association of New York, favoring the Fowler currency bill—to the Committee on Banking and Currency.

Also petition of National Child Labor Commission, favoring S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of J. F. Downing, of Erie, Pa., for currency legislation favorable to business interests in all parts of the United States—to the Committee on Banking and Currency.

Also, petition of Mrs. Catherine Lang, of Meadville, Pa., and A. L. Crick, for H. R. 7554, to create the Calaveras Big Tree National Forest—to the Committee on Agriculture.

Also, petitions of the Associated Press of New York; E. H. Baker, of New York; American Newspaper Publishers' Association, and Erie Iron Works, for removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of American Paper and Pulp Association, against removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Army and Navy Union, favoring the twenty-five year retirement bill for the Navy—to the Committee on Naval Affairs.

Also, petition of Union League Club, of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BENNET of New York: Petition of sundry citizens of the United States, favoring concurrent resolution No. 28, against outrages by the Russian Government—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Joseph Reichardt—to the Committee on Claims.

Also, paper to accompany bill for relief of Lucy Tyler Tuffs—to the Committee on Invalid Pensions.

By Mr. BOWERS: Petitions of citizens of Hattiesburg, Gulfport, and Ellisville, Miss., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. BRADLEY: Petitions of Lodge No. 601, International Association of Machinists, of Middletown, N. Y.; citizens of Port Jervis, N. Y.; Barbers' Union No. 435, of Middletown, N. Y.; Barbers' Union of Port Jervis, N. Y., and citizens of Newburgh, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. BURKE: Petition of sundry citizens of Pittsburg, favoring amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of the Safe Deposit and Trust Company of Pittsburg, favoring S. 6367 and H. R. 20311, refunding of tax paid on legacies—to the Committee on Ways and Means.

Also, petitions of Iron City Laundry Company, Liberty Clothing Company, and Meyers, Jonasson & Co., of Pittsburg, for some kind of remedial currency legislation—to the Committee on Banking and Currency.

Also, petition of Phillips Mine and Mill Supply Company, favoring S. 6159, to establish a bison range on the Flathead Indian Reservation—to the Committee on Indian Affairs.

Also, petition of James W. Houston Company, of Pittsburg, for favorable consideration of S. 4812 (regulating child labor in the District of Columbia)—to the Committee on the District of Columbia.

Also, petitions of Monongahela Council, No. 491, Knights of Columbus, J. A. Loew & Co., Thomas E. Doyle, Walter Butler, Thomas C. Bradley, and Joseph E. McAleese, favoring the making of October 12 a legal national holiday—to the Committee on the Judiciary.

Also, petition of the Standard Underground Cable Company, against passage of any anti-injunction bills—to the Committee on the Judiciary.

By Mr. BURNETT: Petition of citizens of Alabama, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CALDER: Petition of Fulton (N. Y.) Chamber of Commerce, against repeal of wood-pulp duty—to the Committee on Ways and Means.

Also, petitions of M. Goodwin & Co. and Manufacturers' Association, of Brooklyn, N. Y., against the Sterling or Payne anti-injunction bills—to the Committee on the Judiciary.

Also, petition of D. B. Dearborn, of New York, favoring H. R. 20012 (an act to encourage establishment of public marine schools)—to the Committee on Naval Affairs.

Also, petition of Mortimer J. McGrath and H. Vinegrad, of Brooklyn, N. Y., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of the Postal Progress League, for a rural parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDWELL: Petition of citizens of Girard, Ill., and Greenridge Local, No. 163, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. CARY: Petition of Journeymen Barbers' Union and Stereotypers No. 90, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. CAULFIELD: Paper to accompany bill for relief of Lieut. George K. McGunnegle—to the Committee on Military Affairs.

By Mr. CHANEY: Petitions of Garnot Norcutt and others, of Jasonville; James Welty and others, of Pleasantville; James Pierce and others, of Linton; John Johnstone and others, of Jacksonville; Tell Tryon and others, of Linton; T. J. Moon and others, of Linton; Henry Smith and others, of Linton; John Southard and others, of Linton, and R. H. Farmer and others, of Linton, all in the State of Indiana, for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Emil Salisbury and C. H. Austin, of Bedford, Ind., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. COCKS of New York: Petition of Order of Railway Telegraphers, New York Division, National Lodge, No. 556, International Association of Machinists, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of Hartford Fire Insurance Company, for retaining full amount of appropriation in H. R. 21260 for tests of structural material—to the Committee on Appropriations.

Also, petitions of Bartenders' Union, Local No. 115 and A. G. W. I. U of A., Local No. 41, for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of Sorosis Literary Club, of Conneaut, Ohio, favoring concurrent resolution No. 28, of sympathy for the Russian people—to the Committee on Foreign Affairs.

Also, petitions of E. R. Bradbury and other citizens of Norway, Me.; Mrs. H. G. Allen and others, of Marshall, Mich.; citizens of Illinois; Mary L. Haysell and other citizens of Pomeroy, Ohio; Annie Clark and other citizens of Massachusetts; citizens of Coudersport, Pa.; citizens of Needham, Mass.; citizens of Rockland County, N. Y., and citizens of Langhorne, Pa., favoring concurrent resolution No. 28, against outrages by the Russian Government—to the Committee on Foreign Affairs.

By Mr. DARRAGH: Petition of W. Race and 2 other residents of Boyne, Charlevoix County, Mich., favoring H. R. 20584, amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of Local No. 943, United Brotherhood of Carpenters and Joiners of America, of Tulsa, Okla., praying for legislation to modify the antitrust law, to regulate and limit the issuance of injunctions, for employers' liability, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, memorial of the legislature of State of Oklahoma, for a Government exhibit at the International Mining Exposition to be held in New York May 25 to June 30, 1908—to the Committee on Mines and Mining.

Also, memorial of the legislature of Oklahoma, for appropriation to purchase a tract of land in Texas for a consumptive home—to the Committee on the Public Lands.

Also, memorial of the legislature of Oklahoma, for fair share of the reclamation fund—to the Committee on Irrigation of Arid Lands.

By Mr. DAVEY of Louisiana: Petition of citizens of Algiers, La., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of George M. Bitterman and other citizens of Davenport, Iowa, for the enactment of the bill (H. R. 20584) amending the Sherman antitrust law; H. R. 94, to define the injunction power and restrain its abuse; for the enactment of an employers' liability law, and for the extension of the provisions of the eight-hour law—to the Committee on the Judiciary.

By Mr. DRISCOLL: Petitions of Printers' Union and Ironworkers' Union, of Syracuse, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. DUREY: Paper to accompany bill for relief of Levi Hydorn—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: Paper to accompany bill for relief of Flournoy G. Hodges—to the Committee on War Claims.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of William H. Steel—to the Committee on Invalid Pensions.

Also, petition of United Metal Trades Association, of Portland, Oreg., against amendment to Sherman Act legalizing the boycott—to the Committee on the Judiciary.

By Mr. ESCH: Petition of Twentieth Century Club, favoring bill to investigate and develop method of treatment of tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of Fulton (N. Y.) Chamber of Commerce and International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, against removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Clearing-House Association of Philadelphia, Pa., favoring a currency commission—to the Committee on Banking and Currency.

By Mr. FLOYD: Paper to accompany bill for relief of Elizabeth Jenkins, executrix of the estate of W. D. Jenkins—to the Committee on War Claims.

By Mr. FOSTER of Illinois: Petition of United Brotherhood of Carpenters and Joiners of America, Union No. 367, of Centralia, Ill., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FULTON: Petitions of citizens of El Reno and of Oklahoma City, Okla., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, memorial of the legislature of Oklahoma, for appropriation for land in Texas for consumptives' home—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. J. Mendon, of Oklahoma, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Daniel Lyons—to the Committee on War Claims.

Also, paper to accompany bill for relief of Andrew M. Watson—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Civic Club of Pittsburg, against destroying scenic beauty of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Safe Deposit and Trust Company of Pittsburg, favoring S. 6367 and H. R. 20311, in matter of refunding tax paid upon legacies—to the Committee on Ways and Means.

Also, petitions of Fort Pitt Assembly, Knights of Columbus; Monongahela Council, No. 491; Thomas C. Bradley, and Knights of Columbus, for making October 12 a holiday—to the Committee on the Judiciary.

Also, petitions of George Borgfeld & Co. and Stadler & Stadler, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petitions of Liberty Clothing Company and Meyer, Jonasson & Co., of Pittsburg, favoring currency legislation—to the Committee on Banking and Currency.

Also, petition of H. A. Surface, representing horticulturists, nurserymen, and fruit growers of Pennsylvania, favoring S. 6515, governing manufacture, sale, and transportation of fungicides and insecticides in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. GRANGER: Petition of Woonsocket Central Labor Union, against extension of rights of naturalization and for enactment of a more stringent immigration law—to the Committee on Immigration and Naturalization.

Also, petitions of Henry R. Carpenter, of Providence, R. I.; General Fire Extinguisher Company, of Providence, R. I., and Master Printers' Association of Rhode Island, against H. R. 19745, Hepburn amendment, or any anti-injunction legislation—to the Committee on the Judiciary.

Also, petitions of Providence Board of Trade and Providence Lithograph Company, against any anti-injunction legislation—to the Committee on the Judiciary.

Also, petitions of Central Labor Union of Newport, R. I.; Pattern Makers' Association of Providence, R. I., and citizens of Providence, R. I., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. GRIGGS: Petition of citizens of Galveston, Tex., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HAMILL: Paper to accompany bill for relief of Pembroke B. Banton—to the Committee on Claims.

Also, petition of Central Labor Union of Hudson County, N. J., asking for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of H. G. Billings and other citizens of Mankato, Minn., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of United Brotherhood of Carpenters and Joiners of America, No. 431, of Barre, Vt., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HAYES: petitions of citizens of San Francisco, Cal., and Cement Workers' Union, of San Jose, Cal., for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of John J. Connolly and others, of Norwich, Conn., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petition of mass meeting of citizens of Salt Lake City, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of citizens of Philadelphia, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HUFF: Petition of International Association of Machinists, for battle ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. HUGHES of New Jersey: Petition of working people of Philadelphia, Pa., and Paterson, N. J., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. KENNEDY of Ohio: Paper to accompany bill (H. R. 8676) for relief of George B. Cock (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John M. McKee and H. B. McMaster—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petitions of citizens of Hanover, McSherrytown, Centennial, York, and Irishtown, Pa., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of Textile Workers' Union, No. 320, of Adams, Mass., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of Oscar Emilson, of Brainerd, Minn., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Petition of Harry M. Halls, of Williamstown, N. J., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. McCALL: Petition of citizens of Massachusetts, favoring concurrent resolution No. 28, against outrages by the Russian Government against its own people—to the Committee on Foreign Affairs.

By Mr. McHENRY: Petitions of granges Nos. 1164, 1240, 1182, 1085, 60, 400, 608, 248, 1189, and 407, all of the State of Pennsylvania, for enactment of H. R. 12682, to restore public confidence and safeguard the people's savings—to the Committee on Banking and Currency.

By Mr. McKINNEY: Petitions of Branch No. 119, Glass Bottle Blowers, of Danville, Ill.; Iron Molders' Union No. 237, of Moline, Ill., and citizens of Moline, East Moline, Rock Island, and Silvis, Ill., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. MACON: Paper to accompany bill for relief of Milton Edwards—to the Committee on Invalid Pensions.

By Mr. MANN: Petitions of Packing House Teamsters, Iron Molders' Union No. 209, and International Brotherhood of Stationary Firemen, No. 7, all of Chicago, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Civic Federation of Chicago, against abandonment of tunnel for the transmission of the mails in Chicago—to the Committee on the Post-Office and Post-Roads.

Also, petition of Union League Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

By Mr. MAYNARD: Petition of Local No. 58, Brotherhood of C. W. I. U. of A., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. NELSON: Petition of Cigar Makers Union No. 182, of Madison, Wis., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. NYE: Petition of committee on organized labor, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PRAY: Petitions of Butte Local Union No. 456, International Brotherhood of Blacksmiths and Helpers; R. L. Fiske and others, of Helena; Dan O'Neill, of Cigar Makers' Union No. 312, of Livingston, and L. N. Beeler and others, Helena, all of the State of Montana, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of 14 members of the Travel Club of Great Falls, Mont., favoring the bill to investigate and develop methods of treatment of tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: Petition of citizens of Lockport, N. Y., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the

employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of National Lodge, No. 556, International Association of Machinists, for the amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and an eight-hour law—to the Committee on the Judiciary.

By Mr. SIMS: Paper to accompany bill for relief of heirs of Sarah E. Wedelstedt—to the Committee on War Claims.

By Mr. SMITH of Michigan: Petition of Mrs. R. C. Ostrander, Mrs. H. R. Pattengill, and 25 others, of the Woman's Historical Club of Lansing, Mich., against barbarities of the Russian Government—to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of citizens of New York City, for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petition of National Board of Fire Underwriters, for passage of the sundry civil bill (H. R. 21260) without reduction of the amount in said bill for tests of structural materials—to the Committee on Appropriations.

Also, petition of National Lodge, No. 556, International Association of Machinists, for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584); for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. WANGER: Petition of E. F. Gilmer and R. H. Baldwin, of Limerick, Pa., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. WASHBURN: Petition of citizens of Worcester, Mass., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: Petitions of citizens of Williamsport and Jersey Shore, Pa.; Railroad Telegraphers of Lock Haven, Pa.; Order of Railway Telegraphers of Corning, N. Y.; International Association of Machinists of Philadelphia, Pa.; Order of Railway Telegraphers of Hyner, Nesbitt, Pine Station, Kress, Wellsboro, and Middlebury Center, Pa.; T. J. States, C. J. Stace, and Arthur Jecley, of San Antonio, Tex., for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Michael Feeney, John W. Kinney, and William H. Jones, of Arnot, Pa.; E. F. Schramm, George Meikle, and T. W. Dutcher, of Galeton, Pa.; L. G. Hendricks, of Jersey Shore; J. W. Martenis and W. C. Barrow, of Vilas, Pa., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. WOOD: Petitions of Trenton Lodge, No. 398, International Association of Machinists, of Trenton, N. J., and R. L. Lutphin, of Trenton, N. J., for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of James Kenney—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *May 7, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary E. Bell, William H. Bell, Thomas S. Bell, Katie Bell Price, Theodore C. Bell, and Flora Bell Judson, widow and heirs of William H. Bell, deceased, *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4112. An act to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906; and

H. R. 14789. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Supreme Lodge of the American League of Independent Workmen of Spokane, Wash., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 27, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Millinocket, Me., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the legislature of Oklahoma, praying for the enactment of legislation giving to that State its full quota of the reclamation fund, which was referred to the Committee on Irrigation.

He also presented a petition of the legislature of Oklahoma, praying for the enactment of legislation providing for a Government exhibit of minerals at the proposed international mining exposition to be held in New York City May 25 to June 20, 1908, which was referred to the Committee on Mines and Mining.

Mr. CULLOM presented petitions of sundry citizens of Chicago, Arcola, Urbana, Mattoon, and Danville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. FRYE presented a memorial of Local Union No. 27, International Brotherhood of Paper Makers, Pulp, Sulphite, and Paper Mill Workers, of Millinocket, Me., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. PLATT presented a petition of Thousand Island Grange, No. 593, Patrons of Husbandry, of Omar, N. Y., praying for the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of the New York Sabbath Committee, of New York City, N. Y., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of E. H. Emery, of New York City, N. Y., and a memorial of the Commercial Envelope and Box Company, of Binghamton, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of George Borgfeldt & Co., Faulkner, Page & Co., and Dieckerhoff, Raffloer & Co., all of New York City, N. Y., praying for the enactment of legislation to create a Federal commission to investigate and report upon certain proposed amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and labor organizations of Albany, Stapleton, and Troy, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. NIXON presented a petition of Local Union No. 1581, United Brotherhood of Carpenters and Joiners of America, of Rhyolite, Nev., and a petition of Local Union No. 12442, American Federation of Labor, of Goldfield, Nev., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BANKHEAD. I present the memorial of W. H. M. McCarty, relative to the Mason McCarty high-powered gun. The

memorial is short, and I ask that it be printed in the RECORD and referred to the Committee on Coast Defenses.

There being no objection, the memorial was referred to the Committee on Coast Defenses and ordered to be printed in the RECORD, as follows:

Memorial to the Congress of the United States of America.

The Mason McCarty high-power gun is offered to the Government for a test as to its value and power. This gun will puncture 21 inches of steel at 1,000 yards and render obsolete any of our present ships that should approach a fort armed with them.

We ask a 12-inch gun of the present type to be altered to allow the specifications of this system and to demonstrate that all of the present guns may be utilized, thus insuring a great economy in the new armament, as no new guns will be required. All the guns of the present type can be altered to meet the new conditions. We only ask that this system be tried, as we do not desire to offer it or allow any foreign government to possess this valuable improvement in artillery, and we desire the Government to wholly possess this system as a secret and maintain it as such. This system requires no radical change, and all the present coast-defense guns can be readily altered at our gun factory to meet the new condition.

We ask that an amendment to the present naval bill carry this provision, with an appropriation to fully test the guns. There will no longer be a necessity for heavy armament. What will be necessary will be fast and powerful ships with heavy batteries of these guns. When these guns are mounted on our coast-defense forts, it will not be possible for any vessel to approach our harbors or pass our fortifications, as we can puncture the armor plate of any vessel now in existence or that is liable to be made for years to come, as no vessel can carry armor of sufficient thickness to withstand a 12-inch gun of this type. One exhibit, A, accompanies.

W. F. M. MCCARTY,
By PHIL B. THOMPSON, Jr.,
Attorney.

The Mason McCarty high-powered gun has the following improvements over any system known:

First. It has greater range.
Second. Higher velocity.
Third. Lower trajectory.
Fourth. Less breech pressure.
Fifth. No flareback. Hence no danger to officers or men in turrets or fortifications or ships.
Sixth. No possibility of explosion from back fire in handling ammunition in the turrets, handling room, or forts, or handling ammunition from magazine to turrets.
Seventh. Avoiding danger to powder by exposure to the air or dampness in the magazine; no possible hydroscopic absorption.
Eighth. Absolute surety of firing the charge.

Mr. WETMORE presented a petition of the Business Men's Association of Pawtucket, R. I., praying for the enactment of legislation to create a currency commission, and also for the passage of a bill similar to the so-called "Vreeland currency bill," which was referred to the Committee on Finance.

Mr. du PONT presented a petition of Hockessin Grange, No. 4, Patrons of Husbandry, of Hockessin, Del., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Hockessin Grange, No. 4, Patrons of Husbandry, of Hockessin, Del., praying for the enactment of legislation to establish a national highways commission, which was referred to the Committee on Agriculture and Forestry.

Mr. KEAN presented memorials of sundry citizens of Stanhope, Pleasantville, Plainfield, and Jersey City, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens and labor organizations of Jersey City, Hoboken, Millville, and Hudson County, all in the State of New Jersey, praying for adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented the petition of F. E. Rernard, of Atco, N. J., and the petition of Norman Hayes Probasco, of Plainfield, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of Local Union No. 213, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Paterson, N. J., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented the petition of John Harmon, of Ridgewood, N. J., praying for the enactment of legislation for the relief of heirs of Wiley Franks, deceased, which was referred to the Committee on Claims.

He also presented a petition of the Civic Association of Montclair, N. J., and a petition of the Atlantic City Business League, of Atlantic City, N. J., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HOPKINS presented a petition of Leo Council, No. 716, Order of Knights of Columbus, of Moline, Ill., praying for the enactment of legislation making October 12, the anniversary of the discovery of America by Christopher Columbus, a national holiday, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and labor organizations of Alton, Chicago, Galesburg, Belleville, and Peoria, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BURKETT presented petitions of sundry citizens of South Omaha and Grand Island, in the State of Nebraska, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens and labor organizations of Lynn, Boston, Brockton, North Adams, Hudson, Plymouth, Salem, East Weymouth, Turners Falls, Worcester, Milford, Natick, Athol, Haverhill, and Somerville, all in the State of Massachusetts, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Old Homestead Lodge, No. 218, International Association of Machinists, of Keene, N. H., praying for the enactment of legislation providing for the construction of all the proposed new battle ships at the Government navy-yards, which was ordered to lie on the table.

He also presented the memorial of A. W. Felka, of Washington, D. C., remonstrating against the enactment of legislation to change the name of Brightwood avenue, in the District of Columbia, to Georgia avenue, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Washington Citizens' Association of Washington, D. C., remonstrating against the enactment of legislation to change the name of Georgia avenue, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens and labor organizations of Cascade and Manchester, in the State of New Hampshire, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Kensington and Washington, in the State of New Hampshire, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. STEWART presented the petition of L. H. Philbrick and sundry other citizens of Barre, Vt., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 6471) conferring jurisdiction on the Court of Claims to adjudicate the rights of persons who formerly held town lots in the city of Sulphur, in the Chickasaw Nation, Ind. T., which have been taken for a United States reservation, and for other purposes, submitted an adverse report (No. 612) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 4209) to amend the military record of William Morrison, submitted an adverse report (No. 613) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 6383) to provide for the better security of life on certain water craft, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report thereon (No. 614), accompanied by a bill (S. 7023) to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide safeguards to life on boats and scows, which was read twice by its title.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 6190) authorizing a

resurvey of certain townships in the State of Wyoming, reported it with amendments, and submitted a report (No. 615) thereon.

He also, from the same committee, to whom was referred the bill (S. 4829) authorizing a resurvey of certain townships in the State of Wyoming, submitted an adverse report (No. 616) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 6788) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, reported it with an amendment, and submitted a report (No. 617) thereon.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the bill (S. 608) relating to proof of signatures and handwriting, reported it without amendment, and submitted a report (No. 618) thereon.

Mr. TAYLOR, from the Committee on Pensions, to whom was referred the bill (H. R. 3610) granting a pension to James M. Fitch, reported it without amendment, and submitted a report (No. 619) thereon.

Mr. GALLINGER. I am directed by the Joint Select Cmmittee on Disposition of Papers in Executive Departments, to whom was referred the letter from the Acting Secretary of the Treasury submitting schedules of papers, documents, and so forth, on the files of the Department and of no further use in the transaction of the public business, to submit a report (No. 621) thereon.

The VICE-PRESIDENT. The report will be printed and lie on the table.

Mr. PILES, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. ANKENY on the 6th instant proposing to appropriate $24,000 for the construction of a wharf and storehouses thereon at Waaddah Island, Neah Bay, Washington, for the use of the United States Revenue-Cutter Service, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. McCUMBER, from the Committee on Pensions to whom was referred the amendment of the House to the amendments of the Senate to the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war, reported it with amendments and submitted a supplemental report (No. 443, part 2) thereon.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 18347) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1909, and for other purposes, reported it with amendments and submitted a report (No. 622) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 5601) to provide for the sale of timber on the segregated coal and asphalt lands of the Choctaw and Chickasaw nations for use in coal and asphalt mining operations, and for other purposes, reported it with an amendment and submitted a report (No. 623) thereon.

He also, from the same committee, to whom was referred the bill (S. 4288) to empower the Court of Claims to hear and determine the claims of Robert V. Belt and Joseph P. Mullen for services and expenses for the Choctaw and Chickasaw freedmen, reported it with amendments and submitted a report (No. 624) thereon.

He also, from the same committee, to whom were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (S. 5163) to authorize the Secretary of the Interior to segregate for town sites certain lands belonging to the Chickasaw tribes, and for other purposes (Report No. 625);

A bill (S. 6930) to pay certain Cherokee citizens moneys to which they have been found entitled by the Supreme Court (Report No. 626); and

A joint resolution (S. R. 67) empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes (Report No. 627).

PRIVATE SIGNALS AT SEA.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6958) to provide for private signals at sea, to report it favorably, with an amendment, and I submit a report (No. 611) thereon. It will not take more than a few seconds to pass the bill, and I ask unanimous consent that it may be considered now.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of the bill a new section, as follows:

SEC. 2. This act shall take effect sixty days after approval.

So as to make the bill read:

Be it enacted, etc., That if a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals and house flags and funnel marks with the Commissioner of Navigation, who shall give public notice from time to time of the signals, house flags, and funnel marks so registered in such manner as he may think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. The Commissioner of Navigation may refuse to register any signals which in his opinion can not easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions.

SEC. 2. This act shall take effect sixty days after approval.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POCAHONTAS MEMORIAL.

Mr. DANIEL. I am instructed by the Committee on the Library, to whom was referred the bill (S. 4453) providing for a memorial commemorating the preservation of the first permanent settlement of the English-speaking people on the Western Hemisphere, to report it favorably with an amendment in the nature of a substitute and an amended title, and I submit a report (No. 620) thereon. I ask for the present consideration of the bill.

Mr. President, I will briefly explain it. The bill provides for an appropriation of $5,000 to complete the payment for the monument of Pocahontas on Jamestown Island. All but that amount and $1,500 has been raised. The rest is proposed to be raised and will undoubtedly be raised by the ladies and gentlemen of the Association for the Preservation of Virginia Antiquities. The committee has considered the matter carefully and thinks that this is a proper appropriation and for a worthy purpose.

Mr. WARREN. I will not object to the present consideration of the bill if it does not lead to discussion.

Mr. DANIEL. I think it will not.

Mr. WARREN. But I shall feel constrained to object to any other bill being considered this morning.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The committee reports to strike out all after the enacting clause and insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to the Pocahontas Memorial Association to aid in completing and erecting at Jamestown, Va., a suitable monument to commemorate the preservation of the first permanent settlement of the English-speaking people on the Western Hemisphere at Jamestown, Va., through the intervention of the Indian princess, Pocahontas.

SEC. 2. That the Secretary of the Treasury be, and is hereby, authorized and directed to pay said sum to the treasurer of the said Pocahontas Memorial Association: *Provided*, That the treasurer of the said Pocahontas Memorial Association shall, before receiving the amount hereby appropriated or any part thereof, give a bond to the United States in the sum of $5,000, with surety or sureties to be approved by the Secretary of the Treasury, conditioned upon his faithfully disbursing the money hereby appropriated for the purpose and in the manner herein specified, and rendering an itemized account of such disbursements, with satisfactory vouchers, to the Auditor of the Treasury for the State and other Departments, said account to be first certified and approved by the legal counsel of the said Pocahontas Memorial Association: *Provided further*, That the design of said monument, together with the site upon which it is to be erected, shall first be approved by the Secretary of the Treasury and the said Pocahontas Memorial Association: *Provided further*, That no part of the money hereby appropriated shall be so paid until the said Pocahontas Memorial Association shall have raised and paid on said monument an equal sum of $5,000, and satisfactory vouchers therefor presented to the Secretary of the Treasury: *Provided further*, That no part of said money shall be paid until the site upon which said monument shall be erected shall have been donated, granted, or otherwise set apart and secured for said purpose: *And provided further*, That when said monument is erected the responsibility for the care, keeping, and preservation of the same shall be and remain with the Pocahontas Memorial Association, it being expressly understood that the United States shall have no responsibility therefor.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to aid in the erection of a monument to Pocahontas at Jamestown, Va."

EMPLOYMENT OF STENOGRAPHER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HEYBURN on the 6th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Manufactures be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 7004) restricting the practice of medicine and surgery in the district of Alaska, which was read twice by its title and referred to the Committee on Territories.

Mr. LODGE introduced a bill (S. 7005) to incorporate the National Society for the Promotion of Industrial Education, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7006) granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and a silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments, which was read twice by its title and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 7007) authorizing the Secretary of War to bestow a medal of honor on Samuel Turkington, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. GARY introduced a bill (S. 7008) for the relief of the University of South Carolina, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 7009) granting a pension to Julia Scribner, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 7010) for the relief of the Marietta Baptist Church, of Marietta, Ga., which was read twice by its title and referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 7011) granting an increase of pension to William Liebhart, which was read twice by its title and referred to the Committee on Pensions.

Mr. PAYNTER introduced a bill (S. 7012) referring the claim of W. C. McClelland, fireman and engineer, employed by the United States Government on the Louisville and Portland Canal Locks, on the Ohio River, at Louisville, Ky., to the Court of Claims, which was read twice by its title and referred to the Committee on Claims.

Mr. CARTER (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 7013) for the relief of George D. Acker and others; and

A bill (S. 7014) for the relief of Shreve Ackley and others.

Mr. CLARKE of Arkansas introduced a bill (S. 7015) for the relief of the vestry of Trinity Protestant Episcopal Church, of Van Buren, Ark., which was read twice by its title and referred to the Committee on Claims.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7016) granting an increase of pension to George W. Baker;

A bill (S. 7017) granting an increase of pension to Helen L. Seymour;

A bill (S. 7018) granting a pension to Dana A. Smalley;

A bill (S. 7019) granting an increase of pension to L. T. Lapham;

A bill (S. 7020) granting a pension to John T. Rose;

A bill (S. 7021) granting an increase of pension to Joseph Stonerock; and

A bill (S. 7022) granting an increase of pension to W. W. Townley.

Mr. GALLINGER introduced a bill (S. 7024) granting an increase of pension to Reuben Ray, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 7025) granting an increase of pension to Rodney N. Hall, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. du PONT submitted an amendment proposing to appropriate $10,466.27 to reimburse Lydia C. Swayne, executrix of Charles Swayne, deceased, for expenses incurred by him in making defense to the impeachment proceedings brought against him in the Fifty-eighth Congress, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate $100,000 for the protection and improvement of the Yosemite National Park, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FRAZIER submitted an amendment proposing to appropriate $25,000 for the repair, improvement, and care of "The Hermitage," in Davidson County, Tenn., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FRYE submitted an amendment proposing to appropriate $650,000 for the purchase or condemnation of all the land now in private ownership on Cushings Island, Portland, Me., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. HEYBURN submitted an amendment proposing to appropriate $1,500 to pay C. E. Alden for services rendered and assistance employed in preparing an index to the compilation of rules and regulations governing the various Executive Departments, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Printing and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Idaho, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing for the purchase of certain parcels of land in the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing for the survey, without regard to settlement thereon, of all public lands, reserved and unreserved, of the United States now unsurveyed within the States of Idaho, Oregon, Montana, California, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Idaho and the State of Washington, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. FORAKER submitted an amendment proposing to appropriate $190,000 to increase the limit of cost of the public building at Newark, Ohio, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. FRAZIER submitted an amendment intended to be proposed to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

AIDS TO NAVIGATION.

Mr. KEAN submitted an amendment intended to be proposed by him to the bill (H. R. 20784) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

RAILROAD FREIGHT RATES.

The VICE-PRESIDENT. If there are no concurrent or other resolutions the morning business is closed.

Mr. CULBERSON. Mr. President, before we pass from morning business I ask the indulgence of the Senate to make a brief statement in regard to a matter pending in committee.

On February 10, 1908, I introduced a bill (S. 5204) to authorize the Interstate Commerce Commission to suspend advances in rates, fares, charges, and classifications of common carriers of interstate and foreign commerce, and to further regulate commerce among the several States and with foreign countries. So far as I have observed the committee having this matter in charge has taken no final action with reference to the bill or similar proposed legislation. If I mistake not, the Senator from Oregon [Mr. FULTON] introduced a kindred bill, and it is now pending before that committee.

In this connection, with the indulgence of the Senate, I call the attention of the Committee on Interstate Commerce to the fact that in the New York Sun of April 21, 1908, it is said that the railroads of the country propose to make a general increase in freight rates, and among other things in this article the following appears:

In addition the approval of President Roosevelt and the Interstate Commerce Commission will have to be obtained. Among railroad men, it is said, however, that the President has intimated his approval of the advance as an offset for his blocking the reduction of wages and for the added expenses which the employers' liability bill will cause. Chairman Knapp, of the Commission, also hinted in a recent speech that he was in favor of an advance. After yesterday's meeting, which was adjourned indefinitely, the following statement was given out—

Which I will not stop to read in view of the notice given by the Senator from Montana [Mr. CARTER], upon whose time I recognize that I am intrenching.

I invite attention to this article, Mr. President, to make the suggestion that this proposed increase in rates by the companies acting together is in violation of the Sherman antitrust law, and that, if this statement is true with reference to the intimation of the President of the United States and the Interstate Commerce Commission, these high officials propose to permit a general advance in rates, with these companies acting together, in violation of the antitrust law as construed by the Supreme Court of the United States in the Traffic Association cases.

Mr. President, I ask that the article from the New York Sun of April 21, 1908, be printed in the RECORD.

The VICE-PRESIDENT. Without objection, permission is granted.

The article referred to is as follows:

[New York Sun, April 21, 1908.]

MEAN TO RAISE FREIGHT RATES—RAILROADS EAST OF THE MISSISSIPPI CONFER ON IT—CONSENT OF PRESIDENT ROOSEVELT AND THE INTERSTATE COMMERCE COMMISSION LOOKED FOR—THEORY THAT IF THE RAILROADS SPEND MORE MONEY BUSINESS WILL IMPROVE.

The executive officers of all the principal railroads east of the Mississippi River met in New York yesterday and took what is understood to be a preliminary step to a general increase in freight rates. Before a new schedule goes into effect the roads will individually consider the matter further. Another general meeting will be called, after which the required thirty days' notice will be given.

In addition, the approval of President Roosevelt and the Interstate Commerce Commission will have to be obtained. Among railroad men it is said, however, that the President has intimated his approval of the advance as an offset for his blocking the reduction of wages and for the added expenses which the employers' liability bill will cause. Chairman Knapp, of the Commission, also hinted in a recent speech that he was in favor of an advance. After yesterday's meeting, which was adjourned indefinitely, the following statement was given out:

"The present business situation as it more particularly affects railroads was discussed. There was a strong feeling that while the rigid economies which have been introduced should be continued and the expense of operation should be curtailed, so far as is consistent with safety and proper maintenance, still the roads must increase their revenues if there is to be a sufficient margin of profit to make possible the obtaining of moneys needed for extensions and improvements to the service.

"The traffic officials of the different roads have been for some time engaged in making a study of freight rates, and are in favor of increases varying with the different classes and commodities. It was generally believed by those attending the meeting that present conditions required that an increase be made, and the meeting adjourned for each road to give further consideration to the subject."

President George F. Baer, of the Reading Company, presided at the meeting. An increase of freight rates has been discussed ever since traffic began to fall off six months ago—a decline which has been reflected by a steady decline in net earnings of almost every railroad in the United States. In the last few years wages have increased fully 20 per cent, materials are at least 50 per cent higher than they were ten years ago, and taxes have made substantial advance. In more recent times there has been passed the nine-hour law affecting telegraphers, and many of the States have passed 2-cent fare bills and ordered arbitrary reductions in freight rates and the carrying out of certain improvements. As long as the amount of traffic exceeded the facilities the roads were able to bear up under these burdens. This is no longer the case. Constructive activity of every kind has been almost suspended, the iron and steel industry is running at 50 per cent of its normal capacity, and the retail purchases of every class of the population have been sharply reduced. In the face of this the traffic officials look on an increase of railroad revenue as the essential remedy. Until the roads can afford to continue the improvements that were projected before the panic and get into the market again for equipment steel rails, copper, and other of the country's important products the depression is likely to continue, they say. An advance in freight rates is the logical means for increasing revenue.

Mr. CULBERSON. In the Chicago Record-Herald of May 5, on the first page, there is an article headed "Roads Boost Rates," and it is there said that the railroads contemplate increasing the freight rates upon the shippers of the country to an extent amounting to several hundred million dollars annually.

In the New York Tribune of this morning, on the first page, there is an article headed "Agree to raise rates," and among other things in this article I will read the following:

Another meeting of the traffic officials of the railroads east of the Mississippi was held yesterday at the offices of the Trunk Line Association, No. 43 Liberty street, but no definite conclusion in regard to the proposed increase in freight rates was reached, and it was said that the meetings would probably be continued to-morrow. C. C. McCalm, chairman of the Trunk Line Association, said after the meeting that a general increase in rates had been practically agreed to, but the question was how to accomplish it.

The Illinois Manufacturers' Association has already sent a protest to the traffic officers of the eastern railroads against the proposed increase, and shippers, as well as commercial organizations, in this and other cities in the East and West, are said to contemplate similar procedure.

And so on.

My purpose, Mr. President, in calling attention to this matter now is threefold.

First, to suggest that this combination of railroad officials in the United States to increase rates throughout the country is in violation of the Sherman antitrust law.

Second, to invite attention to the suggestion which is publicly made and not denied, but which I trust is untrue, that the President of the United States and the Interstate Commerce Commission have intimated that they are in accord with this proposed action upon the part of the railroad companies of the United States.

And, thirdly, Mr. President, to invite the attention of the Committee on Interstate Commerce to this proposed action upon the part of the railroads of the country with a view that we may have early action of some kind upon the part of that committee with reference to this proposed legislation pending before that committee, one bill upon the subject, I understand, having been introduced by the Senator from Oregon [Mr. FULTON] and the other, to which I have called attention, having been introduced by myself.

I ask that these three articles may be incorporated in the RECORD so that the public may understand what, according to them, is contemplated.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[Chicago Record-Herald, May 5, 1908.]

ROADS BOOST RATES; EXPECT BITTER FIGHT—CLAIM ACTION IS NECESSARY TO MEET CRISIS, BUT FEAR PUBLIC OPINION—MILLIONS MORE REVENUE—MANAGERS PLAN SUPREME TEST OF RIGHT TO UPSET FREIGHT BASIS OF YEARS—DATA ON BIG FREIGHT INCREASE BY EASTERN LINES—WHAT THE ROADS PROPOSE—TO ADVANCE "CLASS" RATES FROM 2 TO 10 CENTS PER POUND AND "COMMODITY" RATES, FOUR EXCEPTED, A MINIMUM OF 40 CENTS PER TON—COMMODITIES TO ESCAPE INCREASE: WHEAT, FLOUR, PACKING-HOUSE PRODUCTS, AND DRESSED BEEF—ESTIMATED INCREASED PROFITS FOR ROADS ANNUALLY, $100,000,000.

Eastern railroads have decided upon a general advance in freight rates which will swell their annual gross revenues by an estimated sum of at least $100,000,000.

This vast amount, and possibly more, will not be added to the coffers of the carriers without a most determined struggle between the railroads and the shipping public, with the Interstate Commerce Commission and possibly the courts as the forums. The decision to increase all freight rates an average of 10 per cent was reached after numerous conferences between executive traffic officials, followed by conferences between Eastern railroad presidents. Two dates have been selected for making the advances effective. On July 1 there will be a general advance of from 2 to 10 cents per pound in all of the "class" rates, and on August 1 all of the "commodity" rates except four will be advanced a maximum of 40 cents a ton.

EFFECT WILL BE MARKED.

The proposed changes will be the first advance in rates of this character in the history of American railroads, will disturb the rate adjustment throughout the country, and will change a rate basis which has existed for the past seventeen years. Its effect, therefore, upon the general business of the country can not fail to be marked.

It is understood that the action of the Eastern roads precedes by a short time similar action on the part of all the railroads in the United States. In fact, the Southeastern roads already have decided, it is claimed, to follow the example of the Eastern lines. The basis for the Eastern increases will be an increase in the rates between New York and Chicago, both east and west bound, but the territory directly affected lies east of the Mississippi River to the Atlantic seaboard and north from the Ohio River to the Canadian border. The roads west of Chicago to the Mississippi River had no voice in the movement in which they are forced to acquiesce because of the general geographical division of territory for rate-making purposes.

HOLD KEY TO SITUATION.

The territory above described is known in the railway world as "official classification territory," and what is known as the "official classification" of freight governs in all of its broad expanse. It is the territory which holds the key to the rate situation in the United States, for in it originates more than two-thirds of all the tonnage carried by all the railroads. More than this, the railroads in this territory enjoy more than one-half of the total revenue of all the railroads in the United States.

The decision to increase rates has been made by the railroad magnates with fear and trembling. Will the people stand it, or will public opinion swamp them at the very outset? is the question that is being whispered in the secret councils of the men who control the great majority of railway mileage. It is to be a supreme test, and careful and exact preparation has been made to defend the drastic action from all attack.

CONSUMER TO BEAR BURDEN.

How will the purposed increases, including as they do all of the necessities and all of the luxuries of life, all of the raw material which enters into manufacturing, and all of the finished products, affect the cost of living? It seems certain from the experience of the past that the shipper will not stand all the advance, if any, but that he will place the burden upon the shoulders of the consumer.

But the railroads, stampeded by failing revenues and increased loss of operation, feel they are between two horns of a dilemma—increased rates or decreased wages. They say they want to know if the people will see the railroads facing a decreased revenue of $400,000,000 annually and not come to the rescue of the greatest industry that exists.

The only commodities to escape the increased rates are wheat, flour, packing-house products, and dressed beef. Upon dressed beef and packing-house products the railroads are practically estopped because of a contract which the Pere Marquette made with the packers three years ago to maintain the present rates to the seaboard upon condition of receiving a certain specified portion of the tonnage.

EFFECT OF COMPETITION.

The grain and flour rates are advanced every winter and are reduced every spring because of the competition of the Lakes which controls this traffic. The official classification divides all products transported into six classes and into scores of commodities. The class rates, on which not to exceed 30 per cent of the business is done, will be increased between Chicago and New York, as follows: First class, from 75 to 85 cents; second class, from 65 to 74 cents; third class, from 50 to 57 cents; fourth class, from 35 to 40 cents; fifth class, from 30 to 33 cents, and sixth class, from 25 to 27 cents. The increase in the commodity rates, on which the great bulk of the traffic moves, will be on an average of 2 cents per 100 pounds.

The railroads which have agreed to this general increase include the Pennsylvania and the New York Central lines and have a total mileage of about 60,000 miles. According to the Interstate Commerce Commission's statistical report these roads earned in 1906 approximately $1,200,000,000 out of a total gross earning of $2,000,000,000 for all railroads.

MEANS INCREASE OF MILLIONS.

In the rate conferences which were held in the East, it was stated that an increase of approximately 10 per cent in the gross revenues was desired and was actually imperative. If the proposed increases have the desired effect, it is not impossible that the revenue of these railroads will be swelled by $120,000,000 annually. These figures, however, are purely an estimate from past earnings and from estimates by traffic men of the effect which the increases will have.

The far-reaching importance of the proposed increase in rates will also be seen from the statement that the roads directly interested in them carried during 1906 a total of approximately 1,100,000,000 tons of freight out of a total of about 1,600,000,000 for all the railroads of the United States. The States which these railroads serve directly are: Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Illinois, and Wisconsin.

SOUTHEASTERN ROADS TO FOLLOW.

It is understood that the Southeastern roads, which serve all the territory east of the Mississippi and south of the Ohio rivers to the seaboard and to the Gulf, have decided to follow the action of the official classification lines. The roads in this territory have announced increases in the rates on fresh meats of from 3 to 10 cents per 100 pounds. As yet no move has been made by the Western roads toward a general increase in rates, and it is thought that none will be made until the outcome of the increases in the East is seen.

A change in the rates will be attended by considerable expense to the railroads. To change all of its freight tariffs will, for example, cost the Pennsylvania at least $100,000, and possibly $150,000, and the New York Central lines approximately $75,000. One estimate of the increased revenue to the Pennsylvania, however, places the figure at $5,000,000 annually. It is not expected that all of the increases in the territory intermediate to New York and Chicago will be put in effect before January 1 next, because of the amount of work entailed in "checking in" or determining the changes which the change in basis will make in the intermediate rates.

OFFICIALS DEFEND ACTION.

When asked what led to the selection of the particular basis of increase, some of the Eastern men replied that it was thought the country would not stand a greater advance. It was also decided that such an increase could be defended before the Interstate Commerce Commission upon the ground of increased cost of operation. Traffic men everywhere insist that the railroads are facing a financial crisis, out of which they can not safely emerge unless they obtain more revenue or reduce the cost of operation. Revenues have decreased, it is claimed, on an average of nearly 20 per cent over the high period of last year, while the cost of operation has been decreased of late only by stopping all improvements and by discharging more than 300,000 employees.

These extraordinary conditions already have spelled bankruptcy for the Seaboard Air Line, the International and Great Northern, the Great Western, and other large systems.

The railroads expect determined, if not bitter, opposition to the proposed increases. Commercial organizations in all of the big cities of the Middle West, at least, have been aware for some time that a general increase in rates was under discussion and have been preparing to make vigorous objection. This determination means a tremendous amount of added work for the Interstate Commerce Commission, as the question of the reasonableness of the new freight rates will surely go to that body for determination.

[New York Tribune, May 7, 1908.]

AGREE TO RAISE RATES—BUT EASTERN RAILROADS HAVEN'T DECIDED HOW TO GO ABOUT IT.

Another meeting of the traffic officials of the railroads east of the Mississippi was held yesterday at the offices of the Trunk Line Association, No. 43 Liberty street, but no definite conclusion in regard to the proposed increase in freight rates was reached, and it was said that the meetings would probably be continued to-day and to-morrow. C. C. McCalm, chairman of the Trunk Line Association, said after the meeting that a general increase in rates had been practically agreed to, but the question was how to accomplish it.

The Illinois Manufacturers' Association has already sent a protest to the traffic officers of the Eastern railroads against the proposed increase, and shippers, as well as commercial organizations, in this and other cities in the East and West are said to contemplate similar procedure. The committee on railway transportation of the New York Board of Trade and Transportation, which includes among its members some of the largest manufacturers and shippers in the country, will meet to-day to discuss the question, and, according to well-informed persons, will oppose any increase.

It is estimated that an increase of 10 per cent in freight rates, which is the rate of increase proposed, if adopted all over the country, would add $200,000,000 a year to the earnings of the railroads. Officers of the trunk lines say that the present rates were established at a time when a large volume of traffic was being offered, and that now that business has fallen off it is impossible to show a profit on these schedules. Shippers, on the other hand, contend that this is not a good time to increase rates.

Mr. FORAKER. Mr. President, before the Senator from Texas takes his seat, I have not had the privilege of reading the articles that he has asked to have placed in the RECORD; I understood, however, from his statement of their contents that it was shown that all this proposed increase of rates was upon application to the Interstate Commerce Commission and with the concurrence of that body, as well as with the concurrence of the President. Am I correct in that?

Mr. CULBERSON. The Senator, Mr. President, will probably recall that with reference to that particular matter I did not state what the article contained, but I read from the article itself in the New York Sun of the 21st of April, 1908, to the effect that it was intimated by the railroads that the President of the United States had agreed to this increase, and that the Interstate Commerce Commission, through the chairman, had intimated its concurrence in that movement.

Mr. FORAKER. I got the impression from what the Senator said as to the character of the articles that this had been done after full conference with the Interstate Commerce Commission. If so, I wondered that anybody who voted that the Commission should have the power to control rates should now make any complaint of the exercise of that power. At the time, almost two years ago, when we conferred the rate-making power on the Interstate Commerce Commission it was generally understood, I imagine, that they would proceed straightway to cut rates to a lower figure. But from that day until this, with the exception of an adjustment that followed immediately after the passage of the law, when some rates were reduced, the rates have been increased, whether justifiably so or not, legally so I do not doubt, if the law conferring that power on the Interstate Commerce Commission shall be upheld when it gets into court, if it ever does get into court.

Mr. CULBERSON. Mr. President, the Senator from Ohio will remember that the law which was passed on the subject of rate making only authorized the Commission to fix rates upon the complaint of shippers. The suggestion which these articles contain is that the President of the United States and the Interstate Commerce Commission, in violation of existing law, propose to permit the railroads to enter into an arrangement among themselves to make a general increase in freight rates throughout the country. That is the proposition.

Mr. MONEY. Mr. President, I wish to say as one of those——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. I yield to the Senator.

Mr. MONEY. I am obliged to the Senator. I was about to answer the Senator as far as relates to myself. As one of those Senators who voted to commit the power of regulating interstate commerce into the hands of the Interstate Commerce Commission, it never occurred to me for a moment that that distinguished Commission would ever attempt to waive the law of the land, but would endeavor to carry it into operation, and of course it tortures my credulity to believe that the President of the United States will deliberately attempt to suspend any law, he having taken an oath to execute the laws. Consequently I can not believe the reports in the papers when they state that the President has agreed to any such thing as a combination of the railroads in this country to raise the rates and, in my opinion, to plunder the people of the States of the Union.

Mr. FORAKER. Mr. President, the connection of the President of the United States with this matter I do not know anything about, and I have made no comment on that. I do not know whether he has any knowledge of this or not. I do not imagine that he is a party to any agreement that would be in violation of law, certainly not an agreement in violation of law to raise rates. His concern about this law was of a contrary character—that the shipper might have the benefit of re-

duced rates. I think everybody wanted the shippers to have the benefit of reduced rates. I know I did, and I think every other Senator here did.

But the only point to which I wanted to direct the attention of the Senator was the point I mentioned a moment ago—that we, by law, conferred upon the Interstate Commerce Commission this supervisory power with respect to rates, and, according to the express language of the statute, they can interfere with rates on complaint. They are the proper authority, therefore, to which the railroads of this country should go if they want to make any change in rates. The Senator from Massachusetts [Mr. LODGE] interrupts me in his seat to say they are required to file the rates that they make with the Interstate Commerce Commission. Consequently they naturally go there, and if there be any necessity for the raising of rates—about which I do not know anything, but about which we see a great deal in the newspapers—it seems to me we ought not to be surprised. I do not know what the facts are, but it is quite interesting, and I am glad to have it noted that there is such a proposition under consideration.

Mr. CARTER. Mr. President, I ask the indulgence of the Senate this morning for the purpose of presenting for consideration Senate bill 6484, entitled "A bill to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes." The bill reported by the committee proposes to subject the machinery of the Post-Office Department to an additional, worthy, beneficient, and consistent use. It does not contemplate the employment of additional force in the post-offices, the purchase of more equipment, nor the imposition of any burden of expense. It proposes, through existing machinery, to extend to the people of the United States the advantages of secure depositories wherein small savings may be deposited at a moderate rate of interest, to be repaid on demand, under regulations to be prescribed by the Postmaster-General. The departure here proposed is not without precedent in the growth of the Department, for the extension of its facilities for the benefit, convenience, and accommodation of the people has become crystallized into a settled national policy.

The Constitution vested in Congress the power to establish post-offices and post-roads and also the power to provide for the general welfare. In the exercise of its constitutional power Congress at first established the postal service within narrowly restricted limits. The carrying of letters and papers for postage and the distribution of Government documents, information, and orders over a limited area measured the scope of the service in the early days. The scope was extended gradually so as to include periodicals, books, and merchandise, and in 1855, responding to a demand for some more effective means of tracing valuable letters or packages sent through the mails, Congress established the registry service, and that system has been adhered to ever since. In 1864 Congress reached the conclusion that the general welfare would be promoted by extending to the people, through the Post-Office Department, some safe and inexpensive means of transmitting small sums of money through the mails, and for the accomplishment of that desirable end the act of Congress approved May 17, 1864, established the money-order service, which went into operation on the 1st day of October following and has since continued not only unimpaired, but liberally extended beyond the limitations prescribed in the original act.

A registry fee was prescribed for the registering of letters by the act of 1855, and a small fee was fixed for the issuance of money orders by the act of 1864. The ratio between receipts and expenditures following the respective acts referred to shows that while the business of the Department was increased in each instance to a pronounced degree, no loss was occasioned because of the extension to the people of additional facilities to aid in the transaction of business.

Later a system of city delivery was established, and within recent years mail delivery by carrier has been extended to the rural districts quite liberally. Every movement to extend the accommodations of the service over broader fields has met with determined opposition, but, in the light of experience, no one can now be found prepared to advocate repeal of the laws establishing the registry system, the money-order system, the city delivery, or the rural free delivery.

The greatest growth in postal receipts has marked the periods succeeding the extension of facilities. When postage was high and the service restricted, development was slow and generally unsatisfactory. As the service was made to reach the needs of the homes and the offices of the people, substantial response came in the form of increased demand for the service, with corresponding returns of revenue. In no department of the Government is our great national development more faithfully registered than in the growth of the Post-Office Department. In 1789 the gross revenue of the Department was only $7,510 and the gross expenditure $7,560. In 1907 the gross revenue was $183,585,005, and the gross expenditures in the same year amounted to $190,238,288. For the fiscal year 1909 the expenditures of this great Department will aggregate, in round numbers, $220,000,000.

The domestic business of the Department is transacted, outside of headquarters in Washington, in 68,000 post-offices, divided into four classes. The number of post-offices January 1, 1907, was: First class, 316; second class, 1,430; third class, 4,524, and fourth class, 57,860. In addition, there are 4,076 substations, making a grand total of 68,179 offices in which mail is received, forwarded, and distributed every working day of the week. The number of first, second, and third class offices, commonly known as "Presidential offices," was 6,721 on the 1st day of April, this year.

Connecting all the post-offices we have a system of post-roads of continental proportions—steel rails, waterways, turnpikes, dirt roads, and mountain trails—with every known transportation power from the superb steam locomotive to the Eskimo dog. This arm of the Government service is preeminently in touch with the people in all parts of the country. It has followed the trail-blazing pioneer into every nook and corner of the continent and reaches out its kindly arm to the isolated whaling schooner off Point Barrow. It connects the circumference with the center of our business world and touches every intermediate point. Through the veins and arteries of this great system the thoughts of the country are coursing, uniting and cementing together our people as no other governmental agency can unite or bind. This Department of the Government has earned and enjoys the confidence of the people everywhere. Men, even when frenzied by passion, stay the hand of destruction in the presence of the United States mail.

For more than a quarter of a century the people in all walks of life and in all sections of the country have been calling for the privilege of using the post-offices as depositories for small savings. In 1871 Postmaster-General Creswell first recommended the establishment of post-office savings banks, and in his reports for 1872 and 1873 he repeated his recommendation. In the latter year, which will be recalled as one of financial disorder, he said:

> The financial difficulties in which the country has been unexpectedly involved and which still continue to oppress it have demonstrated the necessity for some means of maintaining confidence in times of threatened disaster, and of gathering and wisely employing the immense wealth scattered among the people to prevent panic and escape the ruin which inevitably follows in its track.

In 1880 Postmaster-General Maynard approved the recommendation of his predecessor and earnestly urged the establishment of postal savings banks. In the course of his favorable report on the subject he says:

> When in London recently Her Majesty's postmaster-general kindly gave me facilities for observing the management of his department. I learned that the postal savings system had been remarkably successful and had constantly grown in popular favor. As managed in that country, it is a source of some profit to the Government. In this country I incline to the belief that the system would have advantages even greater than in a compact population like that of Great Britain.

In 1881 Postmaster-General James renewed the recommendations of his predecessors for the establishment of a system of savings depositories in connection with the Post-Office Department. In concluding his recommendations he used these words:

> It is my earnest conviction that a system of this description, if adopted, would inure more than almost any other measure of public importance to the benefit of the working people of the United States, and I commend it to the favorable consideration of Congress.

In 1882 Postmaster-General Howe, after full consideration of the recommendations of his predecessors, concurred in their conclusions in these words:

> I follow in the footsteps of many of my predecessors in this office when I invoke Congress to make one more effort to engraft upon the postal service a system of deposits for small sums. The great lesson our people need to learn is that of economy. The American people are apt to earn, but are not wise to save. The easy introduction to the art of saving is to provide a convenient and safe means of saving.

In 1889 Postmaster-General Wanamaker said:

> If the letters and arguments presented at the Department and articles in the newspapers are an evidence of interest in this subject, there is a steadily growing sentiment in favor of the Government offering through the post-offices a depository for savings. Foreign countries have for many years past extended these conveniences for the people, and good results are reported without exception.

In concluding his elaborate report on the subject for that year Mr. Wanamaker employed this language:

> With the undoubted evidence from every nation of the world, save two, that, like the United States, have not established depositories, of the excellent results of this branch of the postal service, with the agitation of this subject in this country for a quarter of a century, with the almost universal cry for it from the plain people, evidenced by letters and petitions to the Department and by the newspapers throughout the country, I urgently ask that some one in each branch of the

coming Congress will study the subject and endeavor to secure favorable action upon one of the many bills presented at every session to establish postal savings depositories for the people. It is to be remarked that at this age no public man in this country seems to make a hobby of postal subjects that so closely touch the people.

In 1897 and 1898 Postmaster-General Gary added the weight of his mature judgment in favor of postal savings depositories. Prefacing a powerful argument in favor of the system, he said:

I have been interested for many years in the suggestions made by several of my predecessors in respect to postal savings depositories, and I believe that the time is ripe for their establishment in connection with other duties of this Department. The adoption of a well-organized system would, in my judgment, confer a great boon upon a large number of people and would ultimately prove of inestimable benefit to the whole country.

The earnest and able advocacy of the system by Postmaster-General Meyer is well known to all. With enthusiasm such as can only proceed from deep-seated conviction, he has not only recommended to Congress the enactment of the necessary law, but through the public press, before committees, and on the public rostrum his position on this question has been made clear.

From 1873 to 1908 bills have been introduced in every Congress, either in the Senate or in the House, or both, containing intelligent and well-considered provisions responsive to public sentiment and official recommendations. If the letters and petitions from the people and expressions from the public press in favor of the system could be assembled, a record would be made up of more formidable proportions than has voluntarily come to the support of any public measure for the last quarter of a century.

Quite successfully and with profit the postal machinery has been employed for the remittance of small sums of money and this money-order system has undoubtedly been a great aid to commerce and a distinct accommodation to the people. It has involved the handling of very large sums by the Post-Office Department, and these large sums have been so handled as to demonstrate the ability of the postmasters and clerks to transact this class of business with ease, safety, and satisfaction to all concerned.

The bill reported by the committee responds to the long continued and earnest demand of the people for the use of the post-offices as savings depositories. Its provisions are simple, and aside from administrative safeguards the bill establishes a system of postal savings depositories in each and every post-office within the United States which is authorized to issue money orders, and such others as the Postmaster-General may from time to time designate are declared to be postal savings depository offices.

To begin with, the Postmaster-General may confine the depositories to the Presidential offices only, and later extend the system to the full authorized limits.

Accounts may be opened by any person over the age of 10 years and by a trustee for a person under that age. Accounts may be opened by the deposit of $1 or more, and may be increased thereafter by the addition of 10 cents or multiples thereof.

A pass book will be delivered to the depositor in which the postmaster will enter each deposit when made and thereupon notify the Postmaster-General of the transaction. The Postmaster-General is required to send notice to the depositor on receipt of advice from the postmaster who receives the money.

No deposit shall ever be allowed to exceed the sum of $1,000, and interest will not be paid on any sum in excess of $500, nor can any deposit exceeding $200 be made during any calendar month.

Depositors are required to send their pass books to the Postmaster-General to be balanced and to have interest credited once each year as near as may be on the anniversary of the first deposit.

Interest is allowed to the depositor at the rate of 2 per cent per annum, to be computed annually on the basis of the average deposit for each quarter of the year. Deposits may be withdrawn in whole or in part under rules and regulations to be prescribed by the Postmaster-General.

The Postmaster-General is required to deposit postal savings in national banks, as far as practicable, in the immediate vicinity of the place where the deposits are received. Collateral security is not required from national banks, but the postal deposit therein is made a prior lien on the resources of the bank. National banks are required to pay interest at the rate of not less than 2½ per cent per annum, and if the banks in any locality will not accept the deposits at the rate of interest specified, the Postmaster-General is authorized, with the approval of the Secretary of the Treasury and the Attorney-General, to invest the unemployed funds in State, Territorial, county, or municipal bonds.

No additional compensation is allowed to postmasters or clerks, except to postmasters of the fourth class, who are paid on a commission and not a salary basis, and to them a commission of one-fourth of 1 per cent is allowed on deposits received.

Postal savings deposits are declared to be public funds and are exempt from taxation and seizure on legal process.

The passage of the bill would result in the establishment within the near future of postal depositories at the 37,684 money-order offices and substations which issue money orders. The simultaneous establishment of depositories in such a large number of offices might be attended with much difficulty, and therefore the bill provides that if the Postmaster-General deems it necessary or more practical to establish at first depositories only at money-order offices of the first, second, and third classes, he may do so and thereafter extend the system as rapidly as practicable.

Mr. BEVERIDGE. Will the Senator repeat that statement about these moneys being public funds?

Mr. CARTER. Postal savings are declared to be public funds and are exempt from taxation, State or national.

Mr. BEVERIDGE. That is to say——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. CARTER. Certainly.

Mr. BEVERIDGE. I want to understand this, and I am listening with great attention to the Senator's very able speech. Do I understand that if a person deposits his savings up to a specified amount, that property is not taxed like other property?

Mr. CARTER. The deposits are not taxed, nor is any employee of the Department permitted to disclose to any person other than the depositor the amount of the deposit, the time when made, nor the conditions surrounding it, except on order of the Postmaster-General.

Mr. BEVERIDGE. Why is this property exempt from taxation any more than other property?

Mr. CARTER. Mr. President, such property is not taxed now. It is manifest that the 50-cent and dime depositor does not submit a list for taxation.

Mr. BEVERIDGE. The Senator will understand that I do not ask this question in a hostile spirit—quite the reverse—but I merely want to get it clear in my mind.

Mr. CARTER. I will state to the Senator that the theory of the committee, when considering this feature of the bill, was that the money which it is proposed here to collect in these depositories is money that is not now listed for taxation anywhere; and further still, if the postmasters of the country were permitted to disclose to anyone the state of a given deposit, public confidence in the depository would be to that extent impaired.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I do.

Mr. HEYBURN. I should like to make an inquiry of the Senator from Montana as to whether, in his judgment, if these become public moneys, there is any law under which the Government of the United States is authorized to invest them in municipal or county or State bonds after they have become public money, in view of the fact that the Constitution provides how public money shall be disposed of?

Mr. CARTER. Mr. President, if this bill becomes a law, of course each and every point embraced within its provisions will be made a part of the law. These funds are declared to be public moneys, it is true; but nevertheless the fund will be a trust fund, held under all the safeguards thrown around public money by the Government for administrative purposes.

Mr. HEYBURN. Mr. President, I do not find in the text of this bill any provision which distinguishes this public money in character from other public moneys, and I am unable to reconcile the idea of the investment of the public moneys of the United States in municipal bonds with the language of the Constitution.

Mr. CARTER. Mr. President, I think if the Senator from Idaho will carefully inspect the provisions of the bill, construing all of its provisions together in so far as they relate to the disposition of the funds of the depositors, he will reach the conclusion that the declaration that these are public funds is only for the purpose of giving a certain legal character to the funds so far as process under the forms of law may be concerned. The declaration does not liquidate the obligation of the Government to the depositor, nor does it limit or cir-

cumscribe the method prescribed by law for the administration of the fund.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana further yield to the Senator from Idaho?

Mr. CARTER. I do.

Mr. HEYBURN. Is it not true that the provision of the bill declaring these moneys to be public moneys is for the purpose of exempting them from the provision of the State laws providing for attachment, garnisheeing, and so on?

Mr. CARTER. We by express terms exempt the money from garnishment or attachment under local or national law.

Mr. HEYBURN. Is it competent for the Government of the United States, or for the Congress of the United States, to take away from the State the right to enforce its laws of attachment by declaring moneys to be public moneys when, as a matter of fact, they are not to be public moneys, according to the suggestion of the Senator from Montana, except within a limited sense.

Mr. CARTER. Mr. President——

Mr. BEVERIDGE. Why is it not competent legally? Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. CARTER. I yield to the Senator.

Mr. HEYBURN. I merely wanted to submit an inquiry to the Senator.

Mr. BEVERIDGE. In reference to the Senator's inquiry, I would ask the Senator, as a legal matter, why would it not be competent? What provision of the Constitution or anything else is there to prevent its being competent if we see fit to do so and it is a wise thing to do?

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. It would not be competent for Congress to declare a State attachment law invalid or to limit its operation. That is one of the functions resting with the State—to make laws regulating individual transactions within the State. Does the Senator from Montana think Congress could say what property within a State should be subject to attachment under the State laws?

Mr. CARTER. Unquestionably Congress can exempt any property in the exclusive possession and control of the United States Government from local taxation.

Mr. HEYBURN. I recognize the general principle; but is it not true that though this becomes public money in the full sense of the word, it bears the same relation to a creditor as private funds, and could Congress enact a law that should say that private funds of one individual in a State should be exempt from attachment at the suit of another private individual?

Mr. CARTER. Mr. President, the bill does not propose to exempt the private funds of citizens having those funds in their possession from attachment or seizure under State law. What the bill does provide is that when this money is delivered to the postmaster, it shall be no more subject to State process issued against the depositor than the money received for postage stamps is subject to State process.

Mr. du PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Delaware?

Mr. CARTER. With much pleasure.

Mr. du PONT. I should like to ask the Senator from Montana if the money, when deposited under the provisions of this bill, would not be immediately turned over to the Treasurer of the United States? If so, how could it then be subject to attachment under any State law? It would not be within the confines of the State. Practically it would be sent to Washington.

Mr. CARTER. The Senator's question is calculated to give proper answer in so far as the actual effect of the proceeding which this bill contemplates. The money deposited in the postoffices is to be redeposited by the Postmaster-General, or under his orders, in the nearest national bank.

Mr. BEVERIDGE. It being a depository.

Mr. CARTER. The banks being depositories when they are willing to pay the necessary interest.

Mr. du PONT. And the funds in the national depositories are subject to the Treasury of the United States.

Mr. CARTER. The funds would remain under the control of the Postmaster-General.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. This bill does not provide that the money shall ever at any time go into the Treasury of the United States. It provides that it shall be deposited with the national banks, with the right of the national bank to place it in its general funds and to loan it and use it as it uses other moneys.

Mr. CARTER. Precisely.

Mr. HEYBURN. So that it never becomes the property of the United States.

Mr. CARTER. Mr. President, the deposit of Government funds made in a depository becomes intermingled with the general currency resources of the bank, and is loaned out as other moneys of the bank are loaned. Certainly, the Postmaster-General in this case would be a depositor of the bank secured by a prior lien upon the resources of the bank in so far as the postal savings may be concerned.

Mr. HEYBURN. The relation between the depositor and the bank, then, is that of debtor and creditor. That is, the identity of the money is swallowed up in the deposits. Now, a creditor may be attached under State laws affecting garnishment or attachment. Can you take away that right?

Mr. CARTER. The postal depository will have no relation whatever with the national bank in which the Postmaster-General deposits the aggregate of the savings.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. CARTER. Certainly.

Mr. BURKETT. I should like to ask the Senator if the protection afforded is not designed rather for the public official—that is, this bill proposes to protect the public official from the process of garnishment? That is why these laws are made, as I understand, to keep the public officials out of court, to prevent the Government or its representatives from getting into court. I should like to ask the Senator, then, What is the object of making and declaring this to be public money for this purpose? Congress certainly has a right, when it creates a public officer, to provide that he shall not be called into court, and if it exercises that right, you protect the depositor in that way without declaring this to be public money and without getting into the difficulty which the Senator from Idaho suggests.

Mr. CARTER. Mr. President, this bill contemplates a law under the provisions whereof the individual deposits in the post-offices can not, under any combination of circumstances, encounter a loss as long as the Government of the United States is solvent. We do not pretend that the Government will act as an agent in the investment of funds or their deposit in the banks. Therefore the money is, in a sense, public money the moment it reaches the hands of the postmaster, and it is so declared in order that there may be no question about the character of this money being entitled to the same respect accorded to other Government money.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. CARTER. Certainly.

Mr. BEVERIDGE. The depositor of these postal savings does not make any deposit in the national bank, as I understand. It is the Postmaster-General who does that. The depositor and the national bank in which his money reposes are strangers.

Mr. CARTER. There is no privity of contract whatever between the postal depositor and the national bank in which the Postmaster-General deposits.

Mr. BEVERIDGE. They are strangers absolutely. So far as the depositor is concerned, it is in the hands of the Postmaster-General; in other words, so far as he is concerned, it is in the hands of the Government of the United States.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield further to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. Mr. President, it was just to develop that position that I made the inquiry first as to whether or not this was strictly public money by virtue of the declaration in this bill; and, if it was public money, whether under the Constitution the Government could invest it in municipal securities? I raised the other question merely to point that inquiry.

Mr. CARTER. Mr. President, the Senator might be furnished innumerable illustrations with reference to the exemption of money belonging to individuals in the hands of the Government. For instance, one of the employees of the Government

in this city may be indebted for an indefinite sum of money for groceries or drugs or doctor's bills or what not, and yet garnishment does not suffice to charge the officer who holds the wages of that individual in his possession. When a money order is purchased by A for the purpose of transmitting to B, in a distant city, a given sum, the money, of course, is by the process assigned to B. It is B's property in law; it can not be recalled by A unless he gets the advice of the order back; but this money in the possession of the Government can not be seized for B's debts or made chargeable with any default of his in any State. It is the money of the United States while it is in the possession of the United States. The fact that the Government is obligated ultimately to pay it out to someone else does not change its character as money belonging to the Government with which to meet a legal obligation in the manner and form prescribed by law.

Mr. FRAZIER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. CARTER. Certainly.

Mr. FRAZIER. Does not the effect of this bill reach to the point of establishing between the depositor and the Government of the United States the relation of creditor and debtor?

Mr. CARTER. I think that is distinctly the relation.

Mr. FRAZIER. When a citizen deposits his money with the Post-Office Department or with a postmaster the Government becomes indebted to him to the extent of that deposit?

Mr. CARTER. There is no doubt about that.

Mr. FRAZIER. Then the bill proceeds one step further, and provides that no officer of the Government shall be subject to garnishment or attachment for that debt. Is not that the effect of the bill?

Mr. CARTER. That is the effect of the bill.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Montana yield to the junior Senator from Montana?

Mr. CARTER. Certainly.

Mr. DIXON. I do not want to disorganize the orderly proceedings of my colleague in presenting this matter; it is certainly very interesting in its theory to me, but the thing about the postal savings-bank proposition which has puzzled my mind is, under what theory of delegated or implied powers the Federal Government has the right to enter into this matter of postal savings banks. I should be glad if the Senator will take that matter up at this time or later on in his address.

Mr. CARTER. I shall be glad at this time to briefly state that, in my opinion, Congress has ample power under the general-welfare clause of the Constitution to devote any Government property or machinery it may have in its possession or under its control to such legitimate use by the people as, in the judgment of Congress, may seem proper.

Mr. ALDRICH. That is rather a broad statement.

Mr. CARTER. Mr. President, I think the proposition as made will stand the test, even in the broad language in which I put it.

Now, if this question may for the time being be passed, I will resume.

Under the limitations referred to the Postmaster-General would be required to install the depositories within three months after the approval of the act in what are commonly known as "Presidential offices," which numbered, April 1, 1908, 6,821. This would result in the prompt establishment of postal depositories in the respective States and Territories as follows:

Alabama	92	Idaho	43
Alaska	8	Illinois	408
Arizona	25	Indiana	221
Arkansas	96	Iowa	322
California	213	Kansas	225
Colorado	79	Kentucky	104
Connecticut	106	Louisiana	66
Delaware	20	Maine	103
Florida	59	Maryland	52
Georgia	138	Massachusetts	188
Hawaii	10	Michigan	267
Minnesota	217	Porto Rico	13
Mississippi	109	Rhode Island	27
Missouri	238	South Carolina	71
Montana	41	South Dakota	84
Nebraska	158	Tennessee	103
Nevada	23	Texas	296
New Hampshire	70	Utah	29
New Jersey	155	Vermont	58
New Mexico	29	Virginia	113
New York	476	Washington	92
North Carolina	115	West Virginia	82
North Dakota	103	Wisconsin	233
Ohio	315	Wyoming	24
Oklahoma	153		
Oregon	67	Total	6,821
Pennsylvania	483		

It will be perceived that in the first instance depository accommodations will be extended to numerous localities now destitute of the beneficent institution this depository system will supply. When the system is ultimately extended, as it will be, to embrace all money-order offices, every village, hamlet, and town will enjoy with perfect security savings institutions equal to the best the world affords. Dwellers in remote country districts will have the same inducements to economize and save now enjoyed by those residing in the vicinity of the best conducted savings institutions in the large cities.

The incalculable benefits to the people and to the Government destined to flow from the establishment of postal depositories no one can estimate, but all can appreciate.

The world's wisest and most farseeing statesmen have realized that the establishment of government, the preservation of good order, and the well-being of society from all points of view may be best promoted by encouraging habits of industry, frugality, and thrift. A prudent, thrifty man is rarely, if ever, a delinquent citizen, and good citizenship insures good government and respect for law. That which will tend to discourage extravagance and encourage a saving disposition will surely tend to suppress vice and encourage virtue.

Again, the individual whose earnings are being safeguarded by the Government will have an added incentive to loyalty. Considerations such as these should impel us to favorably consider this measure in the interest of the Government itself, but far more powerful than the selfish governmental interest is the appeal to our sense of regard for the people upon whose shoulders the burden of government rests. Far be it from me to seek to advance this measure by appealing alone to logical historical deductions. The bill stands upon its merits as a much-needed piece of legislation, supported by sound public policy, as a perfectly consistent extension of the facilities of the Post-Office Department. But I feel warranted in calling to the attention of the Senate the potent influence of savings institutions in uplifting mankind, advancing civilization, with insuring stability of government among men.

It is only about one hundred and thirty years ago that certain philanthropists commenced an agitation in Europe for the establishment of banking institutions to induce the laboring people and the poor generally to save their earnings. The first savings bank was established at Hamburg in 1788, and the first institution of that kind known in this country was established at Philadelphia in 1816. These savings institutions had their origin in the desire of public-spirited men to promote and encourage thrift amongst the poor people. The banks were organized without capital, and the directors served without compensation, thus yielding to the depositors the entire increment excepting only necessary disbursements for clerical aid.

Many savings institutions—indeed, I believe the majority of the savings banks in New England—are still conducted on this philanthropic basis. In due time the stock company entered the field under the name of "savings bank." The new departure involved the subordination of the interests of the depositor to the interests of the stockholder and to that extent did violence to the benevolent theory upon which the savings bank was originally projected.

While in the main incorporated companies have been honestly and fairly conducted, failures have been sufficiently numerous to shake and often to destroy public confidence in their integrity and solvency; but notwithstanding the shocks caused by failures, the potent fact remains that the communities in which savings banks have been adequate and well conducted have developed financial power and civic virtue far greater than in similar communities to which such savings institutions have been unknown.

Disclaiming any purpose to discredit any other agency, I call attention to the significant fact that the toiling masses of mankind have made more wholesome and elevating progress since the savings banks became established institutions than these same masses ever made during any like period of time in the world's history.

For over fifty years the common people of Great Britain, impressed with the usefulness but inadequacy of savings banks, conducted an agitation in favor of postal savings depositories, whereby the people in all parts of the United Kingdom might enjoy the same advantages accorded the small minority residing within easy reach of the existing banks. Finally, under the leadership of Mr. Gladstone, in 1861, yielding to the irresistible pressure of public opinion, in face of a storm of opposition from the financial centers, Parliament passed the postal savings-bank law, which has since become the basis of legislation on the subject in all the countries of the world with few exceptions, of which unhappily our own is one.

In rapid succession the postal savings system was adopted by France, Austria, Russia, Italy, Belgium, Holland, the Netherlands, Sweden, Japan, New South Wales, Cape Colony, New Zealand, Hawaii, Bulgaria, Egypt, Canada, and others.

Mr. McCUMBER. Will the Senator state what, if any, interest is paid by each of these countries? Perhaps he has it further along in his address, and, if so, I will not disturb him now. I should like to know whether they pay any interest, and if so, what?

Mr. CARTER. The interest runs from 2½ to 4 per cent in the countries now operating the system. Under some of the laws which I have examined the executive authority is permitted to change the rate of interest from time to time. But in the main the rate is fixed by law, and ranges, on the average, from 2½ to 3½ per cent.

Mr. McCUMBER. All pay interest?

Mr. CARTER. All pay interest, without exception. There is another feature with reference to the foreign postal banks to which I wish to refer, and that is the use of the money. In the main the governments use the money for governmental purposes and pay interest to the people.

Mr. McCUMBER. If the Senator will pardon me, why would it not be far better for the Government to take that money, on which it is paying 2 per cent interest, and pay off its bonded indebtedness, rather than to take the same money and loan it out again at 2½ per cent interest?

Mr. CARTER. The Senator knows what a difficult question would be raised by an attempt to have this bill enacted with a provision for the prompt retirement of Government obligations. I think we would have more difficulty in getting over that point than in meeting all the other objections we are likely to encounter.

Mr. McCUMBER. That means, if I understand the Senator aright, that we must have Government bonds in order to have the means to secure our banking issues.

Mr. CARTER. Yes, sir. I think the Senator——

Mr. McCUMBER. In other words, we must always have a national debt, unless we change the whole monetary system.

Mr. CARTER. The whole monetary system must be changed before Government bonds are paid off, unless we desire to retire the national-bank circulation.

Germany alone of all the great European powers has failed to adopt the postal savings system, not because its recognized virtue is questioned, but because municipal savings banks, conducted by the municipalities of the Empire, respond to the people's needs. In no country where the postal savings-bank system has been established has failure marked its way, and in no instance has a backward step been taken. The strength of the banks in the various countries and the widespread diffusion of their beneficent influences may be better understood by reference to a table prepared from data on file in our Post-Office Department with reference to certain of the postal savings banks from 1904 to 1906, showing the number of depositors in each case, the aggregate amount of the deposits, and the average deposit to the credit of each individual. This table, with the permission of the Senate, I will insert in the RECORD as a part of my remarks.

Postal savings banks, 1904–1906.

Country.	Date.	Number of depositors.	Deposits.	Average deposit.
Europe:				
Austria—				
Savings accounts	Dec., 1905	1,900,194	$42,536,862	$22.59
Banking accounts	Dec., 1905	67,804	62,225,584	917.73
Belgium	——, 1905	2,316,633	155,646,121	67.19
Bulgaria	Dec., 1904	124,007	2,723,182	21.96
Finland	Dec., 1905	53,455	1,004,488	18.79
France	Dec., 1905	4,577,390	246,703,726	53.90
Great Britain	——, 1904	9,673,717	721,819,296	74.62
Hungary—				
Savings accounts	Dec., 1905	563,973	13,975,300	24.78
Banking accounts	Dec., 1905	13,581	13,031,159	957.51
Italy	Dec., 1906	4,689,609	233,735,421	49.84
Netherlands	Dec., 1906	1,259,681	56,153,000	44.58
Russia[a]	June, 1906	1,488,432	99,649,925	66.95
Sweden	June, 1905	567,032	14,648,559	25.83
North and South America:				
Bahamas	June, 1905	1,864	114,027	61.17
Canada	June, 1906	164,542	45,736,489	277.96
Guiana—				
British	Dec., 1905	9,966	324,075	32.52
Dutch	Dec., 1905	5,785	230,222	39.80

[a] Data for June 1, 1906, and December 31, 1905, showing increase for five months only. Securities deposited with the postal savings banks, the nominal value of which on December 31, 1905, was $10,430,000, and on December 31, 1906, $11,094,000, excluded.

Postal savings banks, 1904–1906—Continued.

Country.	Date.	Number of depositors.	Deposits.	Average deposit.
Asia:				
British East Indies—				
British India	Mar., 1906	1,115,758	$45,396,741	$38.98
Ceylon	Dec., 1905	63,850	567,147	8.88
Straits Settlements	Dec., 1905	3,310	317,208	95.83
Dutch East Indies	Dec., 1906	49,566	2,841,535	57.33
Formosa	Mar., 1906	63,332	552,408	8.72
Japan	Dec., 1906	6,658,758	33,713,037	5.06
The Philippines	June, 1907	2,676	255,050	111.77
Africa:				
Cape Colony	June, 1905	98,328	11,032,093	112.20
Egypt	Dec., 1906	59,084	1,581,613	26.77
Gold Coast	Dec., 1905	862	43,774	50.78
Orange River Colony	June, 1905	5,645	828,439	146.76
Sierra Leone	Dec., 1905	5,623	303,081	53.90
Transvaal	June, 1905	40,844	5,224,635	127.94
Australia:				
New South Wales	June, 1905	254,331	38,702,715	152.17
Tasmania	Dec., 1905	17,045	2,216,107	130.02
Western Australia	June, 1906	63,574	11,271,598	177.30
New Zealand	Dec., 1905	276,066	42,153,735	152.69

These figures are worthy of very close consideration. Note, for instance, that in 1906 the postal savings banks of Japan had 6,658,758 depositors, with an aggregate deposit of $33,713,037, or an average to the credit of each depositor of $5.06. Does anyone suppose that this vast sum of money would find its way into the channels of business and trade through any other agency than the postal savings bank? The small deposits are made, in the main, by persons who feel perfectly at home in the country post-office, but very much out of place in the elaborately decorated and splendidly equipped commercial bank. It is probably not unreasonable to assume that $30,000,000 of the sum total of the postal savings deposits of Japan would be buried or otherwise hidden away so as to be of no use whatever to the business of the country, in the absence of the system.

In every country where these savings institutions have been established they have resulted not only to the advantage of those who, through opportunity furnished, are induced to save, but they have gathered up and made available the latent cash resources of the country which would otherwise be dormant and useless. Still, in the presence of a world-wide demonstration of success and a demand for this legislation from all parts of the United States, there are some financiers and statesmen who present objections and arguments, through the public press and other sources, in opposition to the postal savings system.

Some of the objections urged I beg leave to briefly review. First, it is said that postal savings depositories would savor of paternalism. To this suggestion I answer that by the same token the whole business of the Post-Office Department may be deemed paternalistic. It is an enormous establishment, conducting probably the largest strictly cash business in the country, to enable the people to correspond with each other, to secure newspapers and periodicals from a distance and have the same delivered at their homes and places of business. But it seems needless to discuss the paternalistic objection at a session of Congress which will pass appropriations for stocking the streams of the country with fish, testing the quality of soils, measuring the currents of streams, for examination of trees and other plant life, and hundreds of other kindred items for which the public money is being wisely appropriated to promote the general welfare.

Again, says our objecting friend: "You will next want the Government to buy the railroads and the telegraph lines." To this objection a full answer may be found in the assurance that we do not propose to buy anything in the form of a public utility under this bill. We only propose to devote that which the Government now has in service to the use of the people along lines in perfect harmony and accord with the uses to which the machinery is at present devoted.

Second, it is alleged by way of opposition that whatever can be done by private enterprise as well as by the Government should never be embraced within the scope of Government activity. This leads us to inquire whether or not the thing we seek to accomplish through the postal savings system can be as well accomplished by private enterprise to any reasonable extent. I allege on the strength of recorded facts and well-known experience, that private enterprise never has, and I aver that private enterprise never can furnish to the people of the United States on anything approximating equal terms the facilities offered by this bill. The report of the Comptroller of the Currency for 1907 shows that there are only 1,415 savings depositories in the United States. The table from that report I will insert, with the permission of the Senate, as a part of my remarks.

POSTAL SAVINGS STATISTICS.

Number of savings depositors, aggregate savings deposits, and average amount due to depositors in savings banks in each State in 1906 and 1907.

State, etc.	1906 (1,319 banks).				1907 (1,415 banks).			
	Number of banks.	Number of depositors.	Amount of deposits.	Average to each depositor.	Number of banks.	Number of depositors.	Amount of deposits.	Average to each depositor.
Maine	51	[a] 220,602	$81,130,812	$367.77	51	[a] 221,883	$84,394,909	$380.36
New Hampshire	60	174,476	75,945,667	435.28	55	183,243	81,124,710	442.72
Vermont	45	145,605	52,089,698	357.75	48	154,325	57,444,294	372.23
Massachusetts	189	1,829,487	662,808,313	362.29	189	1,908,378	694,081,142	363.70
Rhode Island	[b] 29	123,208	63,325,908	513.98	[b] 28	122,319	66,391,174	542.77
Connecticut	80	493,883	232,848,307	471.46	88	517,301	246,264,985	476.06
Total New England States	463	2,987,261	1,168,148,705	591.04	459	3,107,449	1,229,701,214	395.72
New York	134	2,637,235	1,335,093,053	506.25	136	2,740,808	1,394,296,034	508.72
New Jersey	26	270,643	89,047,950	329.02	26	283,689	94,211,004	332.09
Pennsylvania	13	441,002	149,963,236	339.98	13	454,995	159,174,012	349.84
Delaware	2	30,119	8,325,800	276.43	2	31,400	8,819,087	280.86
Maryland [c]	15	161,458	70,677,477	437.75	17	[a] 217,183	76,798,308	353.61
District of Columbia	7	22,257	3,798,211	170.65	12	33,034	5,618,338	170.08
Total Eastern States	197	3,562,804	1,656,905,727	465.06	206	3,761,109	1,738,916,813	462.34
West Virginia	1	5,000	1,031,516	206.30	1	5,350	1,125,481	210.37
North Carolina	21	[a] 26,598	5,111,651	192.18	22	[a] 32,770	6,171,535	188.33
South Carolina					31	[a] 27,336	10,453,470	382.40
Total Southern States	22	31,598	6,143,167	194.41	54	65,456	17,750,486	271.18
Ohio	3	97,795	52,798,174	539.89	3	99,651	54,463,676	546.54
Indiana	5	30,652	10,462,297	341.33	5	31,361	11,435,176	364.63
Illinois	[d]	531,990	182,592,597	343.22	[d]	605,918	194,668,858	321.27
Wisconsin	2	5,595	1,083,016	193.57	2	6,181	1,234,606	199.74
Minnesota	14	86,187	22,079,430	256.18	14	93,152	24,028,724	257.95
Iowa	494	[a] 335,527	116,488,371	347.18	541	[a] 376,783	135,370,436	359.28
Total Middle States	518	1,087,746	385,503,885	354.41	565	1,213,046	421,201,476	347.23
California	119	[a] 357,783	265,435,714	741.89	131	[a] 441,751	282,508,956	639.53
Total United States	1,319	8,027,192	3,482,137,198	433.79	1,415	8,588,811	3,690,078,945	429.64

[a] Partially estimated.
[b] Includes 12 banks in 1906 and 11 in 1907 in process of liquidation.
[c] Unofficial.
[d] Included in abstract of State banks having savings departments.

The table is not complete, but I assume that there were not over 1,500 savings banks in the whole country at the close of the last fiscal year. Substantially three-fourths of these banks are located in the Eastern and Middle States, and even in these favored States whole counties and even Congressional districts are destitute of savings institutions of any kind; but if the banks were equally distributed over the country, they would only supply one savings depository for approximately every 60,000 of the population. This would be well enough in thickly populated centers, but in the rural districts present conditions would be little improved by the attempt to distribute such limited facilities over our extended territory.

The effort to supply to the people through private enterprise the widely distributed depositories represented by money-order post-offices would involve an initial expenditure prohibitive in amount.

Third. It is urged that the Government should keep out of the banking business. In reply to this objection, I assert that by no rational construction can the postal depository system provided by the pending bill be regarded as a banking business. Deposits are limited as to aggregate amount and calendar months. No payments are made on check, but only on the application of the depositor under rules and regulations to be prescribed by the Postmaster-General. Exchange is neither bought nor sold, bills are not discounted, and money is not loaned except in so far as a deposit in a national bank at a stipulated rate of interest may be considered a loan.

Mr. HEYBURN. I should like to inquire of the Senator from Montana out of what fund the Government would pay these demands, it having already disposed of the money received from the depositor?

Mr. CARTER. The money would be deposited in national banks subject to call, of course; and every day in the year the Government would have on deposit every dollar received at a post-office.

Mr. HEYBURN. It does not seem to me that the provisions of this bill, having made these public moneys and allowed them to be deposited in the banks, would leave the Government free to check against its credit in the banks, the relation of debtor and creditor having been established. Out of what fund would the Government pay these demands?

Mr. CARTER. Out of the funds to the credit of the Postmaster-General in the banks in which he had deposited those funds.

Mr. HEYBURN. Suppose the money was invested as is provided, in bonds, in this bill? Suppose the banks decline to make a forced loan, bearing 2½ per cent interest, and the Government was obliged to invest it; then, out of what fund would the Government pay these depositors?

Mr. CARTER. The Senator will observe that the bill provides that only the unemployed funds, funds that can not be made to bear the legal rate of interest by depositing banks, shall be invested in bonds. I expect that in the operation of the law every dollar of money taken in at the post-offices will be deposited by the Postmaster-General in the banks, except in times of currency redundancy, when the banks may not desire to pay the interest. But the interest paid on current balances at New York and other financial centers amounts on the average to about 2 per cent. These balances are likely to be drawn down at the very time the New York banks need the money most. It is not so with the postal-savings banks deposits. They would be most reliable and steady deposits, because when the people became frightened, they would more freely deposit in the postal savings banks and in consequence the postal savings deposits would increase rather than diminish in seasons of financial peril.

Mr. HEYBURN. Has the Senator estimated the probable extent or amount of deposits, say at the end of one or two years?

Mr. CARTER. I can only approximate of course, and the approximation would be inspired somewhat by the experience of Great Britain. The deposits have grown steadily, and last year, I believe on the 1st day of January, the deposits in the postal savings banks of the United Kingdom—England, Ireland, Scotland, and Wales—amounted to $950,000,000 in round numbers, and the average deposit of individuals was $72 and some cents. Upon that theory I imagine the deposits in the United States, where, of course, the rates of interest are higher and the opportunities for general investment more inviting, might not amount to the large proportions of the deposits in England. But I think they would run up to several hundred million dollars within a very few years.

Mr. HEYBURN. I should like to suggest this conclusion as it occurs to my mind. Then this would result in an additional accumulation in the national banks of the country of a thousand million dollars, in round figures, running sometimes above that amount and sometimes below. A thousand million dollars would be added to the deposits in the national banks of the country through this system.

Mr. CARTER. That is what the Senator assumes. I think we would be a long time in reaching $500,000,000 of deposits in the postal savings banks of the country.

Mr. HEYBURN. I have seen it stated—and the statment was alleged to be based upon the opinion of the Postmaster-General—that the deposits would run about $750,000,000.

I am not opposed to postal savings banks, but I only, in the beginning of the consideration of this legislation, am endeavoring to throw out some thoughts and to make some inquiries that may be useful in perfecting the legislation, and it would be shortsighted policy for us to take for granted that we have arrived at the ultimate wisdom upon the first consideration. The bill is carefully drawn and contains many points comprehensive in themselves; but they all seem to me to lose sight of the difference between the relation of a constitutional government, such as is ours, to the people and the relation that exists between a monarchy or other character of government to its people.

If it does not tax the patience of the Senator, I should like very early in the consideration of this question to submit these inquiries for consideration.

Mr. CARTER. The Senator from Montana, and I am sure every other member of the Committee on Post-Offices and Post-Roads, will gladly welcome the wise counsel of the Senator from Idaho.

A national or other bank in any town in the country may conduct its operations without encountering any opposition whatever from the postal depositories. Nay, on the contrary, the depository will be a sustaining force behind the banks and an efficient agency in making available for current use all the unemployed cash in the neighborhood.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. CARTER. Certainly.

Mr. McCUMBER. I want to ask a question right along this line. The amount allowed to be deposited by any one individual during a year is $1,000, as I understand the bill.

Mr. CARTER. That is the maximum that an individual may ever deposit or ever have to his credit at any one time.

Mr. McCUMBER. That is the same thing. That would permit every member of a family to deposit $1,000 a year. A family of five could therefore deposit, if they thought it to their advantage, $5,000 in the postal savings banks, on which 2 per cent interest would be paid.

Mr. CARTER. On not to exceed $500.

Mr. McCUMBER. In other words, the other $500 would draw no interest. Is that the provision?

Mr. CARTER. That is the provision.

Mr. McCUMBER. Suppose we reduce this, and say it would be $2,500 for an ordinary family of five. I want to know what effect it is going to have upon the charges of the banks. We will take it especially in the smaller towns, where the deposits may go to the post-offices. The post-offices will transfer it, undoubtedly, to a bank in the same city. The bank has to pay 2½ per cent interest. Will not this have some tendency to raise the interest-bearing rates of that bank 2½ per cent or at least a certain amount in order to meet the extra charges that it has to pay for its deposits?

To explain that, if the Senator will allow me a moment, I agree with him that if the effect will be simply to gather into the channels of trade the dimes, the nickels, the pennies, the little amounts that the child deposits in his toy savings bank, there would be no difficulty and nothing but good could result. But I have a little fear that it might be utilized for the deposit of large sums of money to such an extent as would make the money bring in a certain amount—2 per cent—from the Government, and, the same money being transferred into the bank, the bank raises its rate 2 per cent or 2½ per cent to meet what it has to pay, and the public in the end will pay the greater amount. The deposits might be made by the very men who own the stock in that bank and who will receive their money first from the Government, and then again, in the added account, it would be balanced by the extra charges that would be made to the bank. I may be entirely in error, and as I am one of the Senators who wants to be converted to this doctrine, I will ask the Senator to present it in as favorable a position as he can.

Mr. CARTER. I am much obliged to the Senator, Mr. President, for the privilege.

First, what inducement, if any, would exist for the owners of a national bank to make their deposits in a post-office at 2 per cent interest and have the money returned to the bank at 2½ per cent?

Mr. McCUMBER. The owner of the stock.

Mr. CARTER. The owner of the stock would not deposit at 2 per cent at the post-office if he could get at the bank 2½ per cent or as good a rate as the postmaster could give him.

The question of the concentration of large amounts of money bearing interest drawn in the manner suggested by the Senator the committee had under rather prayerful consideration. It was the desire to avoid a congestion or centralization of the country's money at the national capital. Therefore, we provide that the money received in a post-office in a locality shall be deposited in a bank in that locality as near as practicable.

We apprehended that in time of panic individuals might be inclined to burden the Post-Office Department with large deposits without interest for the mere purposes of temporary security. To avoid such a result as that, the bill was made to provide that no person could deposit more than $200 in any one calendar month. No one can draw interest on over $500; and in no event can more than $1,000 appear to the credit of any depositor.

Now, in reference to the size these accounts are likely to reach, experience in other countries ought to be instructive. Japan has the lowest average savings-bank account per capita, five dollars and a fraction. The average of all the countries will not exceed $50 per capita. This seems to indicate that in the normal conduct of this kind of business at a low rate of interest we would only secure deposits from persons who feel some doubt about the solvency of banks or can not reach the banks readily.

Many persons have been led to believe that the postal savings system would tend to concentrate all the loose money in the country at the national capital. A cursory examination of the bill will supply ample refutation of this current error. It is sufficient to call attention to the provision which requires the Postmaster-General to deposit postal savings in national banks as near as may be in the immediate neighborhood where such deposits are received. The incalculable value of this provision in a time of financial disturbance must be plain to every experienced person. As a rule, small depositors first become alarmed in times of financial disturbance, and as in such cases a small aggregate amount of money calls into the street in front of the bank a large number of persons, panic spreads, large depositors become alarmed, and suspension of a solvent institution is thus not infrequently brought about. Now, if in the community the postal savings depository exists, the small depositors would by choice patronize the Government depository, and patrons of the bank, frightened into withdrawing their money, would not carry it about on their persons nor hide it in a hedge, but would go straightway to the post-office and deposit it with the postmaster, who, at the close of the day, would return the deposit to the bank from which it had been withdrawn by the individual. "Ah, hold on!" says the friend of the savings bank. "This all works out well enough for the national banks, but what of the effect on the private savings banks of the country? Will not their deposits be transferred to the postal depositories?"

To those, who through motives of benevolence, and without pay, are conducting the old style savings bank, it appears that such transfer would be mere exemption from responsibility. Nearly all the savings banks of New England, New York, and Pennsylvania are of the old style, organized without capital and maintained, professedly, at least, for the sole benefit of the depositors. But will the apprehended transfer occur? To begin with, the Government rate of interest is much less than interest paid by savings banks in all parts of the country, and unless human nature changes very radically, we are justified in assuming that a properly conducted savings bank which jealously guards its credit and good name will have nothing to fear from the small-interest-paying depository.

Again, according to my information, the regular savings banks have enjoyed a healthy development in all the countries in which the postal savings banks have been established. It must be borne in mind that savings banks are only located under the patronage of private individuals at well-selected points, to the neglect of the great majority of the people who do not reside within easy reach of such inviting centers. How can the trustees of a well-located savings bank be patiently heard to deny to the millions upon millions of people who can not avail themselves of the advantages of these institutions because, forsooth, some of their patrons might elect to accept from the Government a lower rate of interest? And yet it is true that the chief opposition to the establishment of postal savings depositories everywhere has originated in the fear of competition with existing concerns. Even the commercial banks have feared the competition. Undoubtedly a bill might be drawn which would make the postal competition dangerous to the progress of private enterprises, but the pending bill will be found upon inspection to dedicate the use of the postal machinery for savings purposes only under such conditions as to secure the public good without invading the domain of any legitimate financial institution.

I say legitimate, because I believe that wherever a private bank is recklessly or carelessly conducted the people would avail themselves more liberally of the privilege of the postal savings depository, but in such case the depository would merely be a substitute for a hiding place.

Financial institutions resting on solid foundations and blessed with honest and prudent management need not indulge in gloomy forebodings over the advent of any system destined to call into active service hundreds of millions of the idle money of the country. No man worthy of a director's place in any sound bank will on mature reflection oppose any system conceived in a desire to promote habits of thrift and economy amongst the toiling millions of our countrymen, who under present conditions have no safe and convenient means of conserving their meager weekly or monthly surplus earnings.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Montana yield to the Senator from Michigan?

Mr. CARTER. Certainly.

Mr. SMITH of Michigan. The Senator says that postal savings banks will operate as an assistant or give added strength to the national-bank system. Did I understand him correctly?

Mr. CARTER. Yes, sir; they would strengthen the whole financial system of the country.

Mr. SMITH of Michigan. I have not yet heard the Senator say whether it would prove harmful or helpful to the savings banks operated under State law with as complete supervision as the national banks under the national authority. I am very much interested to know whether this proposition would prove ruinous to the savings banks of the country, now an important part of our commercial life, incorporated under State law, and with limited powers and under very strict supervision.

Mr. CARTER. In reply to the suggestion of the Senator from Michigan, I advance the view that whatsoever results in keeping in active use and service all of the money of the country is a benefit to all the interests of the country. As to competition with the State savings banks or those organized under State law, this may be said: First, the rate of interest here provided is smaller than is paid in any State bank. The facilities furnished by the regular State savings banks will be in many regards more advantageous to the average depositor.

Mr. SMITH of Michigan. The interest may be less, but the risk is smaller under the proposed system.

Mr. CARTER. There is no risk to the postal depositor, and the banks will suffer to the extent that their management permits any appearance of risk to exist.

Mr. SMITH of Michigan. There is always risk. There must be risk in every business undertaking.

Mr. CARTER. Mr. President, the majority of business men take risks. We want the bill passed for the purpose of drawing into active operation and useful service the dollars of the people who doubt the banking institutions and refuse to deposit in any bank.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. Certainly.

Mr. NELSON. Is it not the central idea of the plan that through this system you gather up a lot of money from a class of depositors who would not keep their money in banks nor deposit it at all, but who keep it in their stockings; that it would be gathered up through this process and then be put into the channels of circulation?

Mr. CARTER. Most assuredly.

Mr. NELSON. Is not that the central idea?

Mr. CARTER. It is the central idea. I am very glad the Senator from Minnesota brought it out. Last year the immigrants from Italy, where a most excellent postal savings-bank system exists, sent in money orders over $19,000,000 from the United States to be deposited in their home savings banks, where they know the Government is behind the depository.

The PRESIDING OFFICER. The Senator from Montana will kindly suspend for a moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. FORAKER. I ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana will proceed.

Mr. CARTER. Mr. President, again, not only do foreigners residing in this country send their earnings back to be deposited at small interest in their home savings banks, but our own people in the United States have actually fallen into the habit all over the country of buying post-office money orders, paying the commission for their issuance, holding the money in idleness for a year, and then repeating the process at the end of the year, for no other reason in the world than to be secured in the principal, for which, of course, in most cases, they had worked hard and probably at low wages.

The institution here proposed would reach that class of people who will not deposit in any bank; and let me say to the Senate that most of the people who would freely deposit in the post-offices would be rather dangerous depositors for a commercial bank to have, because persons having but small deposits become quickly excited, assemble in large numbers, and they are a peril to solvent institutions when acting upon mere floating rumor.

Mr. SMITH of Michigan. From the description of the Senator from Montana, that class of depositors exactly meets the situation that we experienced in our own State in the recent panic. If the bill will take care of the senseless rumor-monger who doubts the stability of all banks and withdraws his money on the slightest provocation, then I see no objection to it; but if it operates unfairly against the State banks, it seems to me it ought to be amended so as to be least harmful to present established business.

Mr. CARTER. It has been the disposition of the committee at all times in the consideration of this bill to so circumscribe the operations of the proposed law as to avoid competition and to strengthen rather than to impair existing financial institutions.

Mr. President, in line with the suggestion made by the Senator from Minnesota [Mr. NELSON], a similar illustration may be found down in the Treasury Department. Perchance one-third of all the money in the United States is constantly in hiding somewhere. People are afraid to deposit it, and not being possessed of enough to invest, they spend freely or secrete their hoarded surplus.

In the northeastern part of the Treasury Department there is an old lady, venerable in appearance and long in service there, who is endeavoring each and every day to decipher the figures upon partially destroyed money which has been burned. She said to me some time ago that she could tell the advance of the early frost, beginning in Maine and going south to Florida, by the kind of remittances that came in supported by affidavits for the redemption of partially burned money. The old lady or the old man deposits money in the stove, in the ashes underneath the waste paper. Then there is a sprig of evergreen put through the door and the thing is an ornament. When the first frost comes, if the old man who made the deposit is not there the old lady touches a match to the kindling in order to heat up the room and the money is burned. The father on his return makes an affidavit and sends down what is left of the currency and tries to get the Government to give him something for it. It is possible that the amount of money concealed in the stoves of the country would prevent a panic in the summer time at many a small financial center.

Even in the comparatively few places where banks are accessible, those for whom this bill would provide an inviting opportunity would feel ill at ease in presenting a deposit of 10, 20, 30, or even 50 cents to a receiving teller surrounded by bronze fixtures and marble walls. Everybody feels at home in the post-office, but in the banks it is different. The awkward urchin from the country is at home with the postmaster and would proudly deposit a dollar or a dime with him, but the banker is of another world beyond the horizon of the boy. The toilers everywhere regard the post-office as common ground, where Uncle Sam presides and everybody is welcome. It is the people's meeting place, and distinctions are there unknown. To-day their mail is received and delivered and their remittances are forwarded; to-morrow we would have the service extended to receipt of the surplus earnings of the day, the week, or the month, with a guaranty of small interest and safe return on demand.

To those engaged in business ventures, the prospect of handsome profit fairly counterbalances the burden of possible loss; but what reflection, I pray, is to compensate the laboring man whose meager savings are swept away in a bank failure? He had no prospect of gain, but only a chance for loss. The bank failures of this country have done more to breed reckless spending and dangerous unrest in the minds of well-disposed, struggling men than we can well realize. The business man who suffers by a bank failure may philosophically regard himself as a loser in that part of the game, but the working man or woman, boy or girl, suffering loss in such a way is an innocent victim of a system for which the Government should furnish a substitute, and the pending bill gives us that substitute. The most pathetic scenes ever witnessed on the earth cluster about the

doors of a suspended bank in which the hard-earned savings of the struggling poor are held in jeopardy. Conscious of self-denial long endured adds darker hues to visions of undeserved poverty in store. The Government that willfully refuses the use of its available machinery to relieve the toiling multitudes from the recurrence of such calamities has little cause to complain of the growth of anarchy.

To me the duty of the Government appears plain and unmistakable. Long experience has demonstrated that private institutions have not responded to the public needs in this direction, and the merest academic knowledge of geographical divisions and the course of the country's settlement will force anyone irresistibly to the conclusion that no agency can ever be devised to furnish the people such widely distributed, splendidly organized, and satisfactory facilities for the accumulation of small savings as the post-offices of the country may promptly supply without any tax whatever on the postal revenues.

The recent financial crisis has given birth to many theories, and numerous panic antidotes have been presented to Congress. Some of the measures proposed are novel, all more or less experimental, and many of them are confessedly but temporary makeshifts. The measure I advocate is not novel; it is not experimental, nor is it in any sense a makeshift. Forty-seven years of trial in Great Britain, supplemented by briefer periods of operation in practically all the countries of Europe, must certainly be regarded as a sufficient demonstration of utility.

The postal savings system has furnished financial ballast for every country in which it has been adopted, and in my humble judgment it would do infinitely more to stay the return of panic and give stability to the finances of this country than any measure that has been accorded the serious consideration of Congress during the session.

In answer to a demand repeated over and over again by the American people for more than forty years, supplemented by the deliberate judgment of every Postmaster-General who has given the subject serious consideration since 1871, and in harmony with the recommendation of the President of the United States, the Committee on Post-Offices and Post-Roads has reported this bill to the Senate. Profoundly impressed with the view that sound public policy and just regard for the interests of all the people require that the bill should be enacted into law, I shall earnestly urge and will confidently expect a favorable vote on the measure in the near future.

Mr. LODGE. Mr. President, when the Senator from Montana was asked to what power of the Constitution he placed this postal savings bank, I thought he answered quite correctly. Some Senators around me seemed to think he gave a somewhat liberal interpretation, and therefore I wish to put in the RECORD at this point a very famous passage from a very famous decision, in which it is said:

> We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional. (McCulloch *v.* Maryland, 4 Wheaton, 420.)

PENSIONS AND INCREASE OF PENSIONS.

Mr. WARREN. I desire to call up the agricultural appropriation bill.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Dakota?

Mr. WARREN. Certainly.

Mr. McCUMBER. I wish to say to the Senator from Wyoming that to-morrow will probably be the last pension day in the House to consider Senate pension bills. We have but one of the omnibus bills in the Senate, and if it can be passed to-day it can go over to the House and be disposed of to-morrow. It will probably not take three minutes to pass it, and I hope the Senator from Wyoming will yield to me under the exigencies of those conditions to call up the bill. It is only one of a number on the Calendar, but it is a Senate bill.

Mr. WARREN. I had said that I should object to the consideration of any other bill. I am willing to yield for this purpose, as the Senator says it will not take more than three minutes; but I shall be compelled, if it leads to any debate, to ask for the regular order.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 6987) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain dependent relatives of such soldiers and sailors.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pension at the rate stated per month the following persons:

Philip Liebrick, late of Company I, First Regiment New Jersey Infantry, and pay him a pension of $24.

William R. Tinker, late of Company M, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension of $40.

Frank M. Becker, late of Company I, Third Regiment Minnesota Volunteer Infantry, and pay him a pension of $30.

Flora A. Knight, widow of John A. Knight, late of Company E, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension of $12.

Abraham Walk, late of Company C, First Battalion, Eleventh Regiment United States Infantry, and pay him a pension of $30.

Mattie Allen, widow of William Allen, late of Company I, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension of $12.

James Jones, late surgeon's steward, U. S. S. *Princeton* and *Princess Royal*, United States Navy, and pay him a pension of $30.

Herman Greager, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension of $40.

David H. Norris, late of Company E, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension of $24.

John W. Headington, late captain Company H and major One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension of $30.

James B. How, late of Company A, Rifle Battalion, First Regiment Missouri Volunteer Infantry, and pay him a pension of $12.

Thomas Kidd, late of Company K, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay him a pension of $24.

John L. Middleton, late of Company F, One hundred and tenth Regiment Ohio Volunteer Infantry, and Company F, Seventeenth Regiment United States Veteran Reserve Corps, and pay him a pension of $24.

Adam F. Broyles, late sergeant-major Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension of $24.

Charles Oliver Brown, late of Company C, Third Regiment Ohio Volunteer Cavalry, and pay him a pension of $24.

Theron W. Haight, late of Company K, Twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension of $30.

John G. Wheeler, late of Company F, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension of $30.

Michael A. Leahy, late captain Company D, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $40.

Sarah A. Cooley, widow of Joseph W. Cooley, late first lieutenant Company D, Twenty-fourth Regiment New York Volunteer Cavalry, and Company D, First Regiment New York Provisional Volunteer Cavalry, and pay her a pension of $17.

Joseph Moore, late of Company A, First Regiment Delaware Volunteer Cavalry, and pay him a pension of $24.

Edward B. Louderbough, late of Company F, Ninth Regiment Delaware Volunteer Infantry, civil war, and pay him a pension of $24.

William H. Cable, late of Company E, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension of $24.

Susann D. Cross, dependent mother of Thomas H. Cross, late acting third assistant engineer, United States Navy, and pay her a pension of $12.

Junius A. Parmelee, late of Company K, Third Regiment Iowa Volunteer Infantry, and pay him a pension of $30.

William J. Young, late of Company K, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension of $30.

William E. Dow, late of Company E, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension of $24.

George E. Garland, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension of $24.

Francis E. Wheeler, late quartermaster-sergeant Company A, Second Regiment Minnesota Volunteer Cavalry, and second lieutenant Company D, First Regiment Minnesota Volunteer Infantry, and pay him a pension of $24.

Joseph Cook, late of Battery M, Fourth Regiment United States Artillery, and pay him a pension of $40.

Edwin Morgan, late captain Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $30.

James Ritchie, jr., late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension of $40.

Thomas Black, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension of $30.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MCCUMBER. I am obliged to the Senator from Wyoming [Mr. WARREN] for his courtesy.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 179) amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908, in which it requested the concurrence of the Senate.

RELIEF OF STORM SUFFERERS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 179) amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908, which was read twice by its title.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that the provisions and benefits of public resolution No. 17, for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908, be extended to the sufferers from the same storm or cyclone in Texas, Arkansas, and Tennessee, and that the Secretary of War be authorized and directed to grant the same relief to persons in Texas, Arkansas, and Tennessee whose property was injured or destroyed, as provided in the original resolution for citizens of Alabama, Georgia, Mississippi, and Louisiana.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. Mr. President, I now ask that House bill 19158, being the agricultural appropriation bill, be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. DEPEW. Mr. President, I listened with great interest to the remarks of the eloquent Senator from Idaho when this bill was last under discussion. He illuminates every subject which he touches, but some of us are compelled to differ with him upon his premises, his facts, and his conclusions. If we were back at the time when the country was all forests and wilderness and there were few settlements, his argument would be most impressive, but even under such conditions the flaw in it is that as scientific forestry is now understood and practiced the early settlers, instead of sweeping off the woods with reckless haste and waste, would have preserved a portion of them for the benefit of themselves and their posterity, both in wood supply and for water.

There are few subjects upon which the American people are so keenly alive as this one of forestry. I do not believe there is any branch of the Government where the appropriation commands more general approbation. The forests on the public domain are an estate belonging to the whole people of the United States. The cost of their houses and food largely depends in the future upon scientific forestry. It has been our habit always to get all possible out of the present without reckoning the future. We nearly killed off our game and exterminated our song birds and insect-destroying birds for sport before we became alive to the necessity of their preservation.

We had reduced the fish in our rivers to a point where this food was no longer available at prices which brought it within reach of the people before we adopted a system of fish hatcheries. In some of the rivers when shad was thus propagated the fishermen, who thought the price might be reduced by an abundance of fish, attempted to assassinate the commissioners of the State. Within our recent memory we have been depleting the forests of the country. It has been done by the most wasteful methods. The business has made some of the largest of multimillionaire fortunes. Now, in the older States, tree planting is considered as necessary for agriculture or for profit as tree cutting in the olden time was essential for the clearings.

The State of New York has within the last few years spent nearly two millions of dollars in purchasing what remained of primeval forests in the Adirondack region. They were being so rapidly depleted by wasteful lumbering that the effect was already disastrous upon the navigation of the rivers, water for the canals, irrigation of the farms, and the prevention of floods. It was only day before yesterday that a shipment of a million trees arrived in New York City from Germany in this movement to reforest the Adirondack region.

We have in the United States now a supply of timber sufficient only for the next thirty years. When we consider the economical uses of wood this is appalling. It will be a serious blow to the poor man seeking to secure a home and independence when his material must be either steel, brick, or concrete. The cost then becomes prohibitive. Already hard wood for furniture and domestic purposes has so risen in price as to prove a serious tax upon the homes of the American people. Every tree that is cut down for ties for the railroad requires two growing ones to replace it, and forests are cut from year to year to supply the tremendous demands of our 200,000 miles of railroads. Every one of our great dailies exhaust in a short time 10 acres of spruce cut for wood pulp. There is no doubt that if our forests were thrown open as heretofore a few great lumber companies would make enormous fortunes, but at an expense to the whole people of the United States in generations to come which would be a thousandfold more than the fortunes thus accumulated in one generation to be dissipated in another.

Mr. Cleveland, who did many things in his Administration for which he will receive the praise of posterity, commenced the policy of forest reserves. He placed under the protection of the Government about 20,000,000 acres, but for several years there was no policy of administration for the forests. On the contrary, they were practically locked up. This left them subject to forest fires and timber thieves. Unpopularity of this isolation of a product of public necessity led whole communities to condone the stealing of the wood. In 1898 Mr. Gifford Pinchot was asked to take the head of a Bureau of Forestry. He was at that time the only thoroughly educated and experienced forester in the United States. There were only two others besides himself who had ever given attention or study to the business. He was, happily, so situated as to independence that he could lay aside careers which were open to him in the professional and business world, where large accumulations might have been had, to devote his time, talents, and experience to the public service. This he has done for ten years with astonishing and most beneficent results. When he took up the work the United States had but 40,000,000 acres of this locked-up and unadministered forests. Now there are one hundred and fifty millions, but so managed that the public of the whole country are deriving inestimable benefits from their preservation and use. Mr. Pinchot, as a profound student of this question, had not only learned methods and results in older countries, but experimented practically upon the estate of a gentleman who was deeply interested in the preservation of the woods.

It is an illuminating experience for an American to travel over the continent of Europe and to see the care and scientific skill with which governments there look after the woods. I know of communities in Germany where the forests, owned in common by the municipality, pay the entire taxes by their annual yield under a system by which they are kept unimpaired. Happily for Switzerland, the early inhabitants, over a thousand years ago, saw the effects upon their hillsides and valleys of the destruction of the forests. After visiting deforested mountain sides and devastated valleys in the Uinted States, it is a liberal education to see the Swiss mountains cultivated up to the snow line, the farmhouses perched so high that they look like fairy cabins in the air, and the trees so growing as to catch and hold the rainfall and the water from the melting snow. Except for this intelligent care Switzerland would today be uninhabitable, these farms would long ago have disappeared from the mountain sides, the valley farms would have been destroyed by torrents, and the streams rendered useless by the uneven fall of the water. There is almost as much care in Switzerland, Germany, and France of the tree as there is of a human being to prevent injury or to punish injury.

These countries not only keep their forests up to a full state of efficiency and replacement, but they derive an income of from $3 to $5 an acre from them. There was more wastefulness of the forest in France than in any other of the European countries; but in repairing this France has been spending about

$50,000,000 in reforestation. During the last year the floods destroyed in some departments of France twenty-five to thirty millions of property and ruined thousands of families. The French have found that this was wholly due to cutting the trees from the hillsides, and it has led to an enormous increase of efforts for reforestation.

I had occasion at one time to study the Appalachian situation in our own country, and I came to the conclusion that with the deforesting of the Appalachian Mountains, which has already taken place, there has been a loss along the rivers which find their sources in these hills of more than $20,000,000 a year.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Connecticut?

Mr. DEPEW. Certainly.

Mr. BRANDEGEE. Let me suggest to the Senator that not only are floods caused by deforestation, but the floods are succeeded by droughts, which destroy the navigability of the streams.

Mr. DEPEW. That is absolutely true. The droughts not only destroy the navigability of the streams, but the streams are filled up.

One of the greatest triumphs, in my judgment, of Mr. Pinchot and of his able assistants has been that he has captured the intelligent lumbermen of the country. The lumbermen of the country see already the necessity of the work he is doing. I think it was at the last meeting of the Lumber Association of the United States that they passed resolutions to endow a chair of forestry in one or more of the universities of the country. Of course there are some great interests that are still opposed to this forest-reserve policy—and those great interests are sustained by honest, well-meaning, and intelligent people——

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Wyoming?

Mr. DEPEW. Certainly.

Mr. CLARK of Wyoming. I dislike to interrupt the Senator——

Mr. DEPEW. It is all right.

Mr. CLARK of Wyoming. But for my personal information I should like to be advised as to what the great interests are and of whom they are composed that are opposing the forest policy?

Mr. DEPEW. I understand that many of the great sheep interests are opposed to the forest policy, and I understand that many of the cattle raisers are opposed to the forest policy, and I understand that many lumber companies—and they have come into these forests in spite of everybody and everything—are opposed to the forestry policy.

Mr. CLARK of Wyoming. The Senator, however, would not attempt to specialize as to what lumber interests are in favor of the policy and what lumber interests are opposing it?

Mr. DEPEW. No; I would not do that; but I know human nature and how it works, and I know how it has worked in the past. I call the Senator's attention especially to how the lumber interests have worked when they have had their own sweet will, unrestricted by the Government or by anything but their own judgment, in Wisconsin, in Minnesota, and in Michigan.

Mr. CLARK of Wyoming. I would ask the Senator whether or not he is informed that the largest private lumber interests in the world, the Weyerhauser interests, are in favor of the exact policy which the Forest Reserve Service is now carrying on?

Mr. DEPEW. Because they have been converted.

Mr. CLARK of Wyoming. After having acquired, substantially, all of the lumber in the United States save that which is owned by the Government.

Mr. DEPEW. Mr. Weyerhauser has got enough. He knows that if the Government should yield what it has, he would get that; but he does not want nor think it wise to have it all in private ownership.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. DEPEW. Certainly.

Mr. FLINT. I would suggest to the Senator from Wyoming that if the forest reserves had not been created the timber that has now been preserved and is in the forest reserves would be in Mr. Weyerhauser's possession, and he would have control of every bit of the timber in the United States.

Mr. CLARK of Wyoming. I am afraid the Senator from California misapprehended my position. I want to assure him that I am in favor of forest reserves and not against them.

Mr. FLINT. I understand that.

Mr. DEPEW. Mr. President, under the administration of Mr. Pinchot the work of forestry has been carried to the woods, where it ought to be done. It is no longer mere bureau work of secretaries and bookkeepers. In 1900 we had about eleven foresters in this country who understood the business, and in 1908 we have more than twelve hundred. All European countries have schools of forestry, where young men are educated to enter upon forest care, both for the public and for private individuals as a career. One of the greatest successes of Mr. Pinchot is that he has convinced the lumbermen themselves how unwise it is to destroy in a few years this source of perennial wealth. There is no greater reproduction in actual life of the fable of the goose that laid the golden egg than the cutting off of the forests. The lumbermen now understand that, and at their annual meeting they decided to endow chairs of forestry in some of the universities. Under the system pursued up to the present time the waste was incalculable and irreparable. That lumberman made the most money—and making money was all that was desired—who could best select the trees which would pay the best and could be most rapidly and cheaply cut down and conveyed to the sawmill or the market. Each year saw tens of thousands of acres rendered worthless for all farming or agricultural purposes forever.

But they saw more than that. These vast fields were the storage reservoirs of the rains which held the floods and distributed the water during the dry seasons so that the streams were kept up, navigation was secured, and farms could be irrigated. But with the woods taken off, the humus gathered there for centuries acting as a sponge to hold the water, the soil was swept into the streams and down upon the bottom lands, and then at the seasons of the melting snow or the big rainfalls the torrents did incalculable damage to vast regions of country.

We do not have to theorize or romance in order to establish the disastrous results of our former practice of lumbering. Corporations and individuals were working at their own free will and without any Government supervision or control. Fifty years ago the white pine forests around the Great Lakes stretched continuously across the northern part of the States of Michigan, Wisconsin, and Minnesota. They were the greatest aggregation in one body of this valuable wood in the world.

To-day white pine has become so scarce and expensive as to be almost inaccessible to the ordinary purchaser. In these forests a half century ago was the almost incalculable amount of 350,000,000,000 feet, board measure. The great lumber companies rushed in, each striving to outdo the other in the harvest of the woods. They cut at the rate of nearly 8,000,000,000 feet, board measure, a year. They reduced the price by competition so that it paid only to take the best trees. The cuttings and the slashings and the slabs were left and became fuel for forest fires. These fires, fanned by the fierce winds of the North, burned over the areas from which the wood had been cut and into the woods themselves. They burned up the rich soil which had accumulated for centuries and left only the sand underneath. Then came the floods which washed these sands into the rivers, so that many of the streams of the Northwest which were formerly navigable are now useless. Not only was it made impossible for these woods to grow again, but the whole region became an arid and uninhabitable waste.

The statement has been made that forests cut down this way will easily reproduce themselves without assistance or care, but it takes eighty years for a white-pine tree to reach maturity where it can be profitably cut. The lumbermen, in sweeping off the trees that were marketable and burning the rest, destroyed the possibility of a new growth, and the same would happen if our present forests were thrown open to this destructive competition. We must remember all the while that this destruction is upon the public domain belonging to the people of the United States, and of the property which should be for all time a source of protection and revenue to the people of the United States.

With all the figures that were presented here in regard to Idaho being deprived of her population in the future because of forest reserves within her borders, if I have calculated correctly from the figures given—I have not had an opportunity to examine them since—there is only 5 per cent of Idaho in forest reserves. But under the intelligent supervision and under the intelligent care of the foresters to-day we accomplish many things. They are running roads through the forests, to which they objected. They are extending telegraph and telephone lines through the forests, which were objected to.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. DEPEW. Certainly.

Mr. BORAH. I simply wish to ask if the Senator stated that the forest reserves in Idaho are only 5 per cent?

Mr. DEPEW. That is the figure I have arrived at from the statistics presented. Is it more?

Mr. BORAH. I think it is 30 per cent.

Mr. DEPEW. It is my mistake. I made the mental calculation as the Senator's colleague spoke yesterday. They are running telegraph and telephone lines through these forests, with the result that there is free communication in the forests, with the result that the homesteader can go through the forests, and the wood can be got out.

It is said the homesteader is deprived of his claim. But under the law passed two years ago any land within the forest area which is fit for homesteading can be located the same as it could ever have been before.

Mr. CLARK of Wyoming. I will ask the Senator if he is informed of the fact that the proclamations creating the forest reserves since that time have especially warned every person from making settlement therein?

Mr. DEPEW. I do not know what proclamations have been issued. But the law has not been repealed, and every homesteader has his right under the law, and any proclamation which is in violation of the law is invalid; and I do not think such a proclamation would stand for an instant.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Utah?

Mr. DEPEW. Certainly.

Mr. SMOOT. For the information of the Senator from Wyoming I will state that no matter whether proclamations have been issued or not, the people are now going into the forest reserves and making homestead entries there, and within the last few months over a thousand have been made in the forest reserves in this country.

Mr. DEPEW. There is another way in which the homesteader is protected. He has a home on the outside of the forest reserve, and under the administration of this great Department he can get wood free out of the forest for his house and his fences and his domestic purposes, while if the lands were in private hands, he would be fenced out and he would have no such privileges.

In the course of the debate on this question at various times there has been much said about these woods being cleared to furnish homes, but our experience has been that the methods we have adopted for the clearing of the woods have destroyed thousands upon thousands of homes already in existence and left no region within what was the woods which could be utilized for homes.

Asia in ancient times supported myriads of people in countries which are now practically arid deserts. Modern scientists have demonstrated that this vast destruction of the productive power of the earth to sustain human beings has been the result of the waste of the woods.

Our forestry system, under Mr. Pinchot and his assistants, has gone far enough to demonstrate that the woods instead of being destroyed in thirty years can last productively forever for the people of the United States. With a sufficient number of trained foresters, with pathways and roadways, with telephone and telegraph lines for communication, and with proper apparatus, fires are reduced to a minimum and loss from that cause is practically eliminated. An intelligent cutting of selected trees and conservation of growing ones keeps the forests for all time in healthy and productive conditions. We are exhausting the wealth with which nature has so richly endowed us at a terrific pace. It is estimated that in a hundred years our coal will be gone; that within fifty years our iron ore will be exhausted, and our other minerals will be used up with equal rapidity.

But the forest is never exhausted. It replenishes itself. It is a perpetual source of revenue, safety, health, and income, and gives to the people of the country comfort and wealth, without cost to the National Treasury. Experience and criticism have done away with every complaint which can be legitimately laid against forest reserves. Instead of the land being taken out of public use, it is preserved for the public use. Instead of grazing upon the public domain being a privilege of the strongest and the most unscrupulous, it is now under the supervision and operation of the Bureau of Forestry, brought within the reach of every citizen who chooses to avail himself of the opportunity. Of course cattlemen of great resources, who, few in numbers, have virtually captured the whole grazing country belonging to the United States, make ceaseless war upon this opening to every citizen of his opportunity. Of course the more unscrupulous of the lumbermen, who would combine and seize upon and then destroy the forests, are opposed to the system of preservation, conservation, and sale of the timber, without favors to any.

The home seeker can not complain, because if there is any part of the forests fit for him he can locate his farm. If he has laid out his home upon the borders of the forest, it is not the property of a gigantic lumber company which fences him out, but under the rules of the Bureau of Forestry he is permitted to take the trees that are necessary for his fences or his house and also the ground for the pasture of his stock. Citizens seeking health or sport find that they are no longer fenced out or driven out, but that the woods belonging to the Government, and, therefore, to the people, are open to them, and that the protection granted by the methods carried out by the fire wardens protect them from that danger. It has been said that the United States has no right to go into the lumber or grazing or cattle or sheep or goat business, but the United States has the right, instead of letting a few individuals or corporations have the public domain for nothing, to grant the privilege to all the people who desire to take advantage of it of entering upon the lumber or cattle or stock business within the public domain, upon such terms that the people of the country shall not be taxed to pay for the privileges which these few citizens enjoy. Those who make money by using these forests should contribute a portion of the cost of their administration and preservation.

The administration of the forestry division of the Government compares favorably not only with every other department, but with any private business in the country. The forestry administration in 1899 was without revenue to the Government, but in 1901 the Bureau had been practically organized. Then the cost of administration was $325,000 and the receipts $296,000. In 1907 there was a profit of about $150,000, and in 1908 the area of the forest reserves had risen from about 40,000,000 to 150,000,000 acres. The cost of administration was, in round numbers, $3,400,000. If we take out of that the permanent improvements and the forestry investigation, which is also a permanent improvement, the cost of the administration was only $1,450,000 and the receipts $2,000,000. To show how the people of the United States, without favoritism, are enjoying the privileges of grazing within these forests, and for which a small charge is made per head, the number of cattle in 1901 was, in round numbers, 278,000, and in 1907, 1,200,000; of sheep and goats in 1901, 1,214,000, and in 1907, 6,660,000.

The Government received for these grazing privileges in 1906 $515,000, and in 1907, $864,000. The timber sold in board feet in 1904 was 113,000,000, and in 1907, 1,045,000,000. The receipts from sales of timber was, in 1904, $58,000, and in 1907, $687,000.

Mr. President, I submit as an irrefutable proposition that no other Department of the Government can show results like these. Our one hundred and sixty millions for pensions is a debt of gratitude to the men who fought to save the Union and those dependent upon them. Our two hundred millions a year for the Army and Navy are for the public defense in case of war. Our hundreds of thousands for the diplomatic and consular service are for peace and commerce. Our taxation through the tariff and the internal revenue are to pay this vast debt of gratitude and the annual expense of maintaining our position as a world power. We spend eighty millions nearly every year for rivers and harbors, and forty of that is thrown away because the streams are filled up again from the floods following the deforestation of the lands.

But here is a bureau which preserves the streams for navigation and irrigation, preserves the mountain sides and the valleys with their productive possibilities for the farmer, preserves the timber for the manifold uses which are the necessities of the American people, and keeps down the price of the lumber so that it will remain within the economical reach of our citizens. At the same time it is carried on with such skill, efficiency, and integrity that, while thus preserving and enriching the nation, its administration is without cost to the Government, but, on the contrary, an annual profit is paid into the Treasury.

Sir, I trust that the amendment of the Senator from Idaho, prohibiting the transportation of wood out of any State, will be voted down, and that this appropriation, paid for already without taxation and without cost, will be passed as it came in the recommendation from the Secretary of Agriculture.

Mr. TELLER. Mr. President, I shall not attempt to follow the distinguished Senator from New York [Mr. DEPEW] in his eulogy of the Forest Service of the country. Before I get through I may refer to it. I do not intend to weary the patience of the Senate to any great extent to-day. There is a bill pending before the Senate concerning the Appalachian Range

and the White Mountains which I suppose will be up for discussion some day, and it will be a little more appropriate for me to discuss that question then than on this bill.

I want to discuss this bill, and I shall try to discuss nothing else. I do not think it is out of the way to say that what Germany has done and France has done and what Switzerland has done have little application to what we may do. It may be all right for imperial Germany and semi-imperial France to do certain things that we do not need to do and have not the power to do.

The Senator from New York [Mr. DEPEW] has told us what the State of New York has done. That is what I insist ought to be the case. I agree with him that the forests ought to be conserved wherever they are not required for immediate use, and we ought to grow forests wherever we can do so economically and profitably; and I assert that that is the province of the State and not the province of the General Government. I know that is an unpopular doctrine. I know that to-day when any disturbance occurs in the country, when anything against which citizens may complain occurs, they come to the United States Government for relief. Day after day I receive requests, sometimes by telegraph, more often by mail, "I hope you will favor this amendment to the Constitution" or "that amendment to the Constitution." The other day I received from a distinguished educator a request "I hope you will favor an amendment to the Constitution of the United States to prohibit polygamy." I am not in favor of polygamy, but I replied to him very briefly "I shall not vote for an amendment to the Constitution to prohibit polygamy. I believe every State in the Union has a law against polygamy. That is the place where the law ought to be made, and that is the place where it ought to be enforced. The General Government has not any authority on that subject, and it never will get any authority by my vote."

Mr. President, the Government of the people of this country is divided into two parts. We have a National Government, concerned with national affairs, concerned with those things the States can not well do; and we have State governments—forty-six sovereignties, forty-six powers. We have States in this country bigger than some of the great powers of Europe. Texas is bigger than France. California is nearly as big, if not quite. What will serve and answer the purpose of one part of the world does not necessarily answer that of another.

I understand it is practically useless to talk about the rights of the States in this body. It is not a popular thing to do; and, above all, it is an unpopular thing to attack anything an appropriation bill contains. We are now informed by the authorities who have charge of these things where the appropriations must originate, where revenue bills must originate; that this year we shall run behind; in other words, that our expenditures, normally and properly needed, will be $60,000,000 more than our receipts. Yet the table of the Senate is covered with bills, not necessary, not important, bills that ought never to be on the table, calling for more than twice that amount. This bill to which I am speaking has, in defiance of the common decency of appropriations, a lump sum of $500,000; and the distinguished head of the forest reserves, a man to whom we are looking now for the salvation of the woods of the country, went before the committee and said, "I want $2,000,000," and insisted upon it. Next year he will want more.

The Senator from New York says this is a self-supporting proposition. It is not a self-supporting proposition, and does not support itself by at least two and a half million dollars.

Mr. ALDRICH. Would it interrupt the Senator from Colorado if I were to ask a question?

Mr. TELLER. Not at all.

Mr. ALDRICH. We had considerable discussion last year in this Chamber in regard to the matter of these appropriations.

Mr. TELLER. I was about to speak of that. I wish the Senator would go on and speak of it.

Mr. ALDRICH. We required in the agriculture bill of last year—

That hereafter on or before the 1st day of January of each year the Secretary of Agriculture shall submit to Congress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year, and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year.

I have not been able to discover any evidence that any such statements have been submitted to Congress. If they have been, I should like to know it. They are not printed in the Book of Estimates.

Mr. WARREN. I do not want to intrench upon the time of the Senator from Colorado without his consent.

Mr. TELLER. I am perfectly willing for the Senator from Wyoming to proceed. I should like to hear an answer to the question of the Senator from Rhode Island.

Mr. WARREN. It is true that in the law of last year there is language calling for estimates. I think I have it here.

Mr. ALDRICH. "Classified and detail estimates" for these expenditures.

Mr. WARREN. I have it here, and there is no contention about it.

Mr. ALDRICH. You say you have it here?

Mr. WARREN. The law.

Mr. ALDRICH. Oh, the law. I thought the Senator meant the estimates.

Mr. WARREN. I have now before me the law. The estimates are also near at hand.

Mr. TELLER. We want the detail statements.

Mr. ALDRICH. I want to see the detail statements which the law required from the Secretary.

Mr. WARREN. The matter of classification, the matter of the division of estimates, like many another thing, is in accordance with the temper of the party who has it under consideration. When you undertake to classify and state what you are going to do in a given line of business with a million dollars or any considerable sum, the degree and definiteness with which you subdivide that naturally depends upon the person making the division. But I will say that the Secretary of Agriculture has responded to that law only so far as he had responded heretofore with respect to all the other bureaus.

Now, without either defending or criticising, I desire to say that from the first day I entered upon my duties in the Senate, or as soon afterwards as the committees were arranged, I have served upon the Committee on Agriculture, and during all that time, as in the present bill, there have been lump sums provided for each and every one of the bureaus. Each one, or some of them at least, have had the same requirement as the Senator has read passed in previous laws for classification as to other bureaus.

They have classified and divided, so far as the administration here in Washington is concerned, the number of clerks and what salary each shall receive, and have gone on with certain other classifications, and then the balance is in a lump sum, precisely as it is in the bill for all other bureaus of the Department of Agriculture.

I must say further, if the Senator will permit me, that I agree with the Senator. I should like greater divisions and subdivisions and classifications. Perhaps the Senator will remember that a few days ago——

Mr. ALDRICH. There are no divisions or subdivisions whatever here. There is no classified estimate of any kind in the Book of Estimates. If any others have been submitted, I should like to see them.

Mr. WARREN. The bill itself is divided, as the Senator knows.

Mr. ALDRICH. Oh, no; not in this particular part. There are no divisions at all. I will read the language of the act a little more fully, because I had something to do with it, and I was greatly surprised and disappointed that apparently no attention was paid to it by the Department.

Provided, That hereafter on or before the 1st day of January of each year the Secretary of Agriculture shall submit to Congress classified and detailed reports of all receipts by the Forest Service—

That, I think, has been done.

Mr. WARREN. I will say to the Senator that has been done to the extent of some hundreds of pages.

Mr. ALDRICH. That has been done.

And classified and detailed estimates of all expenditures intended for this Service for the next fiscal year.

Where is that? The estimates contained in the Book of Estimates have but one item—$3,050,000. There is no classification and there are no detailed statements of how the estimates have been made. I am not now undertaking to criticise the propriety of these expenditures or the size of the expenditures, but I will say that so far as anything appears upon the record, this express provision of Congress, growing out of the discussion here about the method in which these appropriations had been made heretofore, has been absolutely ignored.

Mr. WARREN. The Senator has the right, of course, to the criticism he has made. In the manifold duties of the Senator from Rhode Island he can hardly expect to examine all the papers that may come before Congress. The estimates in the regular Book of Estimates come from the Treasury Department early in the season and are made up from estimates that go early from the various Departments to the Treasury Department. I hold in my hand the detailed and analyzed, if you

please, estimates of the Department of Agriculture. Here are a great many pages regarding the Forest Service, which is subdivided according to the opinion of the Agricultural Department as far as is required by the law and as far as is compatible with the other Bureaus of the Department, and, I think, taking it all together, a very complete subdivision of estimate is made.

Now, on the general proposition, I wish to say to the Senator *from* Rhode Island that I agree with him. I believe all our appropriation bills ought to be subdivided more than they are, and as proof of that a few days ago I offered an appropriate amendment to the naval appropriation bill, which has been coming in here from the House for years appropriating from twenty to forty million dollars in one clause. My amendment requires that the next bill for a law shall divide and subdivide this. In the Army appropriation bill which, as to a corresponding paragraph, was formerly made up in the same way, there are now two hundred and forty-odd items covering some six pages of the statutes, while as to the naval bill the similar matter covers in the statute but a few lines. The same thing is true with respect to the post-office appropriation bill. I find in the bill, as it passed the House, some $37,000,000 in a line and a half, with no subdivision. It is probably necessary or expedient, in the view of the heads of the Department, to conduct their business in that manner. We get these bills from the House. Under the Constitution and under our rules these bills are made up in the House. It becomes the duty of the committee there, of course, to examine all these estimates and all these papers. It becomes the duty, to some extent, of the Senate on this side to examine them. But I submit to the Senator that the power is not lodged in the committee on this side to state in what manner the bills shall come from the House, nor does the law which the Senator has read make any requirement upon the House to subdivide in the bills. Suppose the Secretary of Agriculture had given in his estimate every item as the Senator wishes. The trouble is we did not go far enough and we did not require, as I undertook to do in the amendment which I made to the naval bill, that the future appropriation bills shall contain these subdivisions. I will join with the Senator from Rhode Island at any time and at all times in requiring not only that there shall be these subdivisions as estimates from the Departments, but that the House shall incorporate them in the appropriation bills, so that we may have that information here prima facie, without having to dig it out from the numerous documents and papers that come from the other side.

Mr. TELLER. Mr. President, the discussion seems to be drifting away from what I intended to say and what I am going to say.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. I will hear the Senator from Connecticut.

Mr. BRANDEGEE. I wish to ask the Senator from Wyoming if there was no evidence before his committee as to what this money was intended to be used for other than is given in this general language in the bill; and if so, what it was?

Mr. WARREN. Oh, yes. In the first place, there are here in this volume a thousand or so pages of hearings before the House committee. In the next place, there is what would amount to a volume an inch thick or so of the CONGRESSIONAL RECORD debates during the consideration of this bill in the House, which certain members, at least, of the Senate committee had before them and studied. Then there are some hundred or two hundred pages of the testimony given by the Secretary of Agriculture and others before the Committee on Agriculture and Forestry of the Senate.

Mr. TELLER. Mr. President, I do not care to go into any general discussion of the question as to whether the head of the Department complied with the provision of the law. I think the presumption is that they do not. I think it is rarely that we are ever able to bring them actually to book. I will be somewhat surprised if they have made such a declaration.

I have on my table a statement of expenditures in the Department, which seems to have reached the Senate April 7. I have another one, which is a lesser affair, that got here April 9. No one had seen any of these statements until the Senator from Idaho [Mr. HEYBURN] called the attention of the Senate to them and got them printed. But that is not the gravamen of the offense I am complaining of.

Mr. WARREN. The Senator does not lay that blame to the Department of Agriculture, I think.

Mr. TELLER. I do not know who is to blame, and I do not know that I care who is to blame for it.

Mr. WARREN. The Senator knows that such a matter comes usually from the Department in the form of typewritten copy, and it then lies with the House or the Senate as to what they may do with it. They came up, I think the Senator will find, in the usual way.

Mr. TELLER. When they got here I do not know. They ought to be in the Book of Estimates. There is not any estimate here and never has been anything except this lump sum. There is not any pretense here that there is any estimate. The Senator from Connecticut inquired what it is for. Nobody knows what it is for, because it is absolutely under the control of the Department.

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

That carries with it the idea that the purpose of it must be named in the act; and that we have been doing until recently. Within the last few years we have fallen into the very vicious habit of lumping a sum.

We gave to the Department of Justice last year $500,000 as a lump sum. There is a statement here from the Department as to how it was expended. We fix the salaries ourselves for most of the employees. The Department fixed the salaries and the expenditures covered by this appropriation of $500,000. Congress had nothing to do with it. If you will take the pains to look over the testimony of the Attorney-General, you will find that one single individual was paid a salary of $16,000. You will find on his list a number of people who were getting $7,500 a year and expenses when they were traveling, and that most of the time they appear to have been traveling.

Mr. President, I want to enter my protest against that. The understanding was last year with the committee——

Mr. CULBERSON. Mr. President——

Mr. TELLER. I ask the Senator to wait a moment. The understanding was last year with the committee that no more lump sums would be put in these bills. There has never been a lump sum put in that has not been abused, and there never will be a lump sum appropriated that will not be abused. The sooner we stop putting in lump sums the better. There is not a man here who will rise and say he knows what this appropriation of $500,000 is to be expended for. He may guess at it, and if he guessed at it he would not know whether that guess would be carried out by the head of the Department.

Now, I will yield to the Senator from Texas.

Mr. CULBERSON. A number of us in this portion of the Chamber were interested in the statement of the Senator that some official was being paid $16,000 per annum, but we did not catch, at least I did not, the name of the person.

Mr. TELLER. I do not know. I looked it up. I looked over the record. I did not know who got it. The Attorney-General stated before the House committee, and I suppose it will be shown to be true in the statement he has filed—I have not looked at it—that he had paid to one man an attorney fee of $16,000. That will not be disputed, I think, by anybody. Some Senators here know that that is in the record. Who it was I do not recall, except I am told he was a former employee of the Department. He served some time here as an attorney, I think, at a salary of $5,000 and paid his own expenses. He concluded that he could do better, and he resigned and went over to New York. After some time, finding that he could not pick up as much money in New York as he had been picking up here, he came back. There was not any place to which they could put him back and so they hired him as a special attorney. That is the way most of our money goes that is given in lump appropriations.

Mr. President, I have in my desk a statement from a reputable newspaper in the Northwest that one man who had been appearing for the Government had been paid $50,000 for his service, not perhaps in a year, but in the whole time he has had $50,000. I do not know whether that is true or not. It was made in a respectable newspaper in the neighborhood where this man then was, and I have never heard that he denied it. It is possible that he earned $50,000. I do not know about that. Nobody else knows either, and that is the trouble.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I yield to the Senator.

Mr. FORAKER. I did not hear distinctly all that the Senator said about the large amount paid an attorney.

Mr. TELLER. I said in a newspaper in the Northwest there was addressed to this gentleman an inquiry whether he had not received $50,000, with the assertion that he had received that sum for services rendered the United States.

Mr. FORAKER. May I inquire to whom the Senator refers? That is what I want to know.

Mr. TELLER. I refer to Mr. Heney. He is a prosecutor.

Mr. FORAKER. He is the gentleman who hails from California, or from Oregon?

Mr. TELLER. I think he does. I do not know where he is from. He has been very greatly in evidence. Wherever he goes he takes charge of the Government business to the exclusion of the Government officers who are charged by law with that kind of business, as near as I can learn. That is the rule. That $500,000 in the Department of Justice was used for that purpose. I do not know how much is given to them this year as a lump fund.

Now, Mr. President, getting back to the Forest Service, I could not find out from any record or any report or anything else——

Mr. FORAKER. Will the Senator allow me to make an inquiry? Do I understand the Senator to say that the whole of that $500,000 had been exhausted and paid out for counsel fees?

Mr. TELLER. As far as I know it has. I do not know about that.

Mr. FORAKER. And was the $50,000 paid to Mr. Heney for one particular case or for a term?

Mr. TELLER. No; I suppose it was for three or four. I do not know whether the $16,000 was paid in one case or not. I believe it took the man a year to earn that.

Mr. WARREN. Since there is a little break in the course of the Senator's remarks—and I know the Senator wants to be right—I will state that in the hearings before the House committee this $500,000—the amount this committee has approved as coming from the other House and the amount that they allowed—is considerably less than it was proposed to expend if the amount estimated for and asked for had been allowed. But as to the $500,000, as well as all the balance, the estimates were given as to the purpose for which it would be used.

Mr. TELLER. I wish the Senator would bring out the estimate and show what this $500,000 is for. I have not seen it.

Mr. WARREN. The $500,000 was not segregated. It was a larger amount that was asked for, and it is all here in the estimates, but it was cut to $500,000. The amounts are given, and they can be incorporated in the record. They are in the hearings in the House.

Mr. TELLER. Somebody who wants to defend this service can do it. The Senator from Utah [Mr. SMOOT] expects to make some remarks on it, and when he gets through I hope he will put it in, and let us see whether we did have an estimate or not. I have never seen it.

Mr. WARREN. So far as I am concerned, I am not at the present time entering into either the defense of or attacks upon the Service. I am simply accounting for the manner of the treatment of this bill by the committee that has it in charge. I may say that all those matters were looked over on the House side and to some extent on the Senate side.

Mr. TELLER. I am glad the Senator says "to some extent," for I am pretty sure it was not done to any large extent.

Mr. WARREN. Every item is in print and every Senator could have seen it at any time.

Mr. TELLER. Mr. President, I want to call attention here on page 25 of the bill. I want to show specifically how we have appropriated:

And there is hereby appropriated——

Mr. WARREN. The House sent us this.

Mr. TELLER (reading):

And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be expended as the Secretary of Agriculture may direct, for the proper and economical administration, protection, and development of the national forests.

Immediately on the next line, on line 22, we find the following:

Total for Forest Service, $3,796,200.

Mr. President, this is the bureau that began a few years ago with $15,000 a year. That was not when Mr. Cleveland was in, because it began in a small way before that time. It began by a small amendment offered by the Senator from Vermont authorizing the Department having charge of the lands to set aside forest reserves. It was discussed in the Senate very briefly. We were told then that on the top of the high mountains in the Rocky Mountain country there were some heads of streams and it was necessary to protect the forests, to protect the snow, to protect the water in the rivers, and that item was put in the bill; it was put in on the floor of the Senate.

I am not going to look up the acts, because it is too much trouble to do that and it would take too much time, but there was an act passed declaring that the President might by proclamation reserve forest reservations of timber lands, nonagricultural lands, and nonmineral lands. Out of that has grown this Service, through amendments sent here by the Department and passed here because the Department was pressing them, passed here under just such appeals as the Senator from New York made by a misrepresentation, Mr. President, of all the facts—not knowingly, I think. He got his information from the Department.

Mr. President, they will tell you that we are now in danger of a timber famine. The Senator from New York says it is well known that in thirty years the timber will be all gone. If the wants and demands of commerce and trade and the people want to use it they have a right to use it all. We are under no obligation to preserve it unless preserving it will be a greater benefit to mankind than its use.

Mr. President, I have some facts that I want to present before I get through. As I said I do not intend to make a lengthy speech, not much of a speech, anyway, but when the Senator from Connecticut [Mr. BRANDEGEE] gets up his Appalachian and White Mountain measure, I am going to present some facts that I do not think it would be quite pertinent to present now.

Mr. President, there is not a man on this floor who is more interested in forests than I am. There is not a greater lover of trees anywhere than I am. I have lived in the timber, I was born in a timber country, and that was a good while ago, long prior to the time the Senator from New York mentioned.

I can remember when the best portions of western New York were a forest. There was but little civilization and but little population there; it was a forest. There was not an acre of prairie land within 500 miles of where I was born, and I knew nothing about prairies. No man could make a farm who did not cut off the timber and burn it up. There was no other use that he could put it to.

Now, will any man tell me that New York would have been better off if the counties of Allegany, Steuben, Cattaraugus, and Chautauqua, the great timber sections in my day, had been left in timber? It is possible the owners would have got more for it than the land is worth now, for I have seen a single pine tree sold in the State of New York for $100 long after the timber had been cut and removed.

But, Mr. President, there would have been no population there. That community has sent Senators to this Chamber and has given us governors, and at least one President was given to the United States from that immediate vicinity, from this timber-devastated land.

Mr. President, the people made better use of that timber than they would have done if they had kept it. On the border of New York and Pennsylvania were the most magnificent forests of pine that ever grew except those that are growing in British Columbia and some little perhaps in the State of Idaho. They have been cut off. They were cut off and milled, and they were carried by wagons for many miles, and then sent by water to the great city of New York and to the Eastern States.

Mr. President, if you could not have cut the timber from that section, you could not have built the great cities in the State of New York. Not an acre of forest, not a tree, was ever wasted after I became big enough to remember. By that time it had a value, and they cut it for the value and they put it to a beneficial use.

What did the Almighty clothe the hills with timber for if it was not that they might be made beneficial to mankind? They are not beneficial, Mr. President, without their being cut and put into use. Where there were forests of beauty there are now fields and homes. The best people in the world to-day live in that section of the country where forests were once growing. They put it to a better use than to make forest reserves.

That is why we complain here to-day, Mr. President. We say that not only the Almighty intended these forests—some of them at least—to be used where the lands are capable of being occupied by homes, but that the very policy of this Government has been ever since it was organized to make homes for the people.

The Senator from New York talks about what Switzerland has done. Mr. President, in the State in which I live we have counties twice as big as Switzerland. In the adjoining States of Wyoming, Idaho, and Montana we could sink Switzerland inside of one of our counties and never notice it. What Switzerland can do and what Switzerland ought to do is one thing and what we ought to do is another.

Mr. President, I take issue with the Department and I say the statement made, and made here on this floor repeatedly, is not true; in the first place, that we have wasted the timber; in the second place, that we are facing a timber famine inside of twenty-five or thirty years. The Senator from New York says thirty years. Mr. Pinchot, the head of the Bureau, says twenty-five years.

Mr. President, I want to call attention to the timber that we have cut off and I want to call attention to the prophecies of

timber famine. We have been estimating for years in the census reports how much timber we have and how long it would take to cut it off. There never was one of those estimates that have been worth anything whatever. We have some estimates that I could show from the census report, made away back in 1880, and the region from which they said they would cut off the timber in two or three or four years has produced four or five times as much timber as they said grew on it. There is not any reliance to be placed on such statements. They are made for the express purpose of creating a bureau and getting the control of the forests that you may build up a system that is un-American and does not belong to the American people.

I heard a Senator say the other day, when the Senator from Idaho [Mr. HEYBURN] was speaking, that in no other country where the people called themselves free could such things be done.

I want to say here, Mr. President, that I have as much knowledge of the forest reserve as any man, even Mr. Pinchot himself. I know all about them. I have seen one hundred acres where he has seen one. I have traveled over a hundred acres of forest where he has traveled over one. I say the Forest Service is an unmitigated curse and not a blessing. It has driven out the settler, notwithstanding the thousands that the Senator from Utah says made homes there. If there had not been forest reserves, ten thousand would have made homes, and such homes as you can not make in any part of the country—any better, at least, than you can make there.

Every portion of our mountain country has the most delightful valleys in the world, the richest valleys in the world, and the best climate on the American continent. The people go there. They are hungry for land. They have been taking up within the last two years the dry lands upon which we have believed no man could exist. One hundred thousand of them, inside of two years, have left the United States for British Columbia because they were hungry for land on which to make homes, and yet 150,000,000 acres, much of which could be made into homes, are held by the Department away from settlement.

Mr. President, we people in the West have a right to complain. First, we complain of the misrepresentations; second, we complain of the fact that they retard our settlement. Of the 150,000,000 acres there are, I think, about 16,000,000 acres in Colorado, perhaps a little bit less, in forest reserves. That is one-fourth, at least, of the entire State. That is withdrawn from settlement; it is withdrawn from the operation of the taxing power the State that you may save the timber for the coming generations.

The Senator from New York tells us that you can not build cities without wood. Everybody knows that. There is not a city that has been built that has not called on the section of the country I have been speaking of, western New York and Pennsylvania, for the wood with which to build it. But the Senator from New York would have kept the big pine trees because they are so grand. The Senator from Connecticut and his associates would save the timber of the White Mountains because it is such a splendid place for men of wealth and fortune and leisure to go during the hot summer.

Mr. President, I will show from the reports that one of the reasons given why the White Mountains should be put in a reservation is that it is a place where people from the great cities can spend their summers. It would be better if they would make homes there; and if the land is not capable of making homes, then let the States that own it protect the timber and conserve it for the use of the public.

Mr. President, I want to call attention to the expenditures of this beautiful system of ours:

Appropriations under the forest reserve ending June 30, 1907, statutory salaries, $112,133.

Who made the salaries? Whose business is it to make salaries? Is it not yours and mine? You abandoned your right to make the salaries. You have not had anything more to do with it than the janitor. The House has not had anything to do with it either. You turned it over to that distinguished tree man, Mr. Pinchot.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. TELLER. I will yield for a question; but I will not yield for the Senator to put into my speech a defense of the Department. He can do that when his time comes.

Mr. SMOOT. I just wanted to say——

Mr. TELLER. You must confine yourself to a question. Otherwise, I decline to yield.

Mr. SMOOT. Is not the amount of the salaries just quoted by the Senator of $112,000 the statutory pay roll of the Forestry Division?

Mr. TELLER. Perhaps it is. I am coming to the figures. One point in particular is as to lump-sum salaries. That is one which we have not had anything to do with. The sum is $259,657.58. I cited the wrong figures. That we have had nothing whatever to do with. The Department has fixed the salaries, and we have got them, after some trouble, in a book. Salaries outside of Washington, $817,199.89. Here is $1,188,990.63 of salaries. That may be a nice way for us to legislate, but I say, without meaning to be offensive to anybody, that it is a vicious way.

Mr. FORAKER. From what does the Senator read?

Mr. TELLER. I read from a memorandum which I have made from the report of the Forester, Mr. Pinchot.

Mr. FORAKER. Do I understand the Senator to say that we are appropriating $1,188,000—if that is the correct sum—for salaries that Congress has not fixed, but that some head of an executive bureau has determined?

Mr. TELLER. I mean to say that in the city of Washington there is an expenditure of $259,657.58, and the salaries are fixed by the Chief Forester or by the Secretary of Agriculture, I do not know which; and outside of Washington the amount expended is $817,199.89. In other words, the amount expended for salaries that they have fixed is $1,188,990.63 this last year.

Mr. SMOOT. Mr. President——

Mr. TELLER. I decline to yield. The Senator will have plenty of time, and I may learn from him something which I have been expecting to learn from the Department.

Travel and station and field expenses, $183,802.74; estimated number of officials in the Forest Service in Washington, 518; outside of Washington, 1,542, or a total of 2,060.

Now, Mr. President, you can see why this Service wants a million dollars. As I stated before, this bill only carries $500,000 in a lump sum.

Mr. MONEY. Mr. President, will the Senator from Colorado permit a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Yes; I yield.

Mr. MONEY. Mr. President, while the Senator from Colorado is enumerating the great sums that are being expended and the number of officials in the employment of the Chief Forester, and while it is true that he fixes the salaries, yet I want to call his attention for a moment to the area of country over which this gentleman has jurisdiction and which must be protected from fire and otherwise by these officials. The area now in forest reserves amounts to an area that would be comprised in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia. That is the extent of country—larger by 50,000 square miles than any empire in Europe, except Russia, and twice as large as the United Kingdom of Great Britain, Scotland, and Ireland. The Senator will see that to preserve such a vast area of country a very large army of officials is absolutely necessary.

I make this remark simply for information and not that I am justifying any expenditure made that is not perfectly reasonable and necessary, nor that I in any way indorse the plan of purchasing more land for more reserves, for I very much doubt the constitutionality of such an act, but because——

Mr. TELLER. Mr. President——

Mr. MONEY. Just one word further, if the Senator will permit me.

Mr. TELLER. Certainly; go ahead.

Mr. MONEY. I wish to make a further remark—because of the great interest that is manifested all over the United States, as is shown by the printed matter which comes to us from all sorts of forest-reserve clubs, game clubs, and others, demanding that the forest reserves shall be indefinitely and largely increased; that those people may know something of the extent of the country already reserved. I am much obliged to the Senator from Colorado.

Mr. TELLER. Mr. President, what the Senator from Mississippi has said will divert me for a moment. I know, of course, that 150,000,000 acres is very large.

Mr. CLARK of Wyoming. One hundred and sixty million acres.

Mr. TELLER. One hundred and sixty million acres is a very large extent of country. I live in a State which has 103,000 square miles. I do not remember just exactly how long it is, but I know it is pretty long and pretty wide. That State has about 65,000,000 acres. So this is nearly three times as big as that State.

Mr. MONEY. The area is 250,000 square miles.

Mr. TELLER. The Senator from Mississippi states that it is 250,000 square miles.

The Senator from Mississippi has spoken about the demand that is being made on us. Why, Mr. President, I will tell the Senate how that demand is made. I know what I say here about that, and I am responsible for what I say in any way that a man can be responsible for what he says. I know they have spent thousands and thousands of dollars of the money of the people of the United States in a propaganda; they have sent out thousands and thousands of circulars; they have hired writers; they have employed men, Mr. President, and put them on their pay rolls for the express and only purpose of securing their support for this great enterprise. The chairman of the Committee on Appropriations of the other House within a few days read to us in a conference meeting of the large number of illustrious men connected with great colleges, connected with great institutions of the country, who were on their pay roll, and who, when called upon, address us and address the people everywhere.

Mr. President, the other day I received a circular from a Chicago club asking me to support this forest policy. Do you suppose anybody in the city of Chicago, with no forest in sight or near, is concerned about this matter? Why, Mr. President, I would guarantee that I could say that the Department asked these people to appeal to us. Men send me letters and send me telegrams containing: "Write your Senators and write your Members; telegraph your Senators and telegraph your Members to support the forest reserves." We pay for it; the taxpayers of the country pay for it; and there is no limit and no restriction on it. You have never put any rule upon them as to what they shall publish nor when they shall publish it. I have some of those publications here. I shall not put them in the RECORD, but I have a number of them. I have one here——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. I do.

Mr. CULBERSON. Mr. President, some of us are interested in these academic employees of the Bureau of Forestry and, for one, I should be glad to see a list of the names of those gentlemen, if the Senator from Colorado has it convenient.

Mr. TELLER. Mr. President, I do not know whether I can get it, but if I can, I will put it into the RECORD. As I was saying, the chairman of the Committee on Appropriations of the other House read a list to the committee the other day containing the names of some very important people.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. I do.

Mr. HOPKINS. Mr. President, I trust the Senator from Colorado will not think that the interest which the people of Chicago have in the preservation of the forest reserves is a pay-roll interest. I am sure that the feeling in that city and in the State of Illinois for many years has been along the lines that have been developed by those who are now interested in this great work, and whatever interest has been taken there has been an interest of the character that Mr. Pinchot himself takes.

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. TELLER. Certainly.

Mr. WARREN. I know the Senator wishes to be right, and he usually is, so I am asking to see what his information is, because it does not quite agree with mine, now before me, as to the salary expenses under the lump-sum appropriation. Has the Senator the figures before him now?

Mr. TELLER. I have the figures found in the table contained in the statement sent out by the Department. Now, of course, I do not——

Mr. WARREN. I think perhaps the Senator has confounded the headings. Under the heading "Expended of appropriations for general expenses" is $880,000. Is that the amount the Senator means?

Mr. TELLER. The figures I have show the amount expended from the lump sum in Washington $259,657.58, and outside of Washington $817,199.89.

Mr. WARREN. Does that eight hundred and odd thousand dollars refer to salaries alone?

Mr. TELLER. No; in every way, I suppose. I have the figures here.

Mr. WARREN. I think the Senator is wrong about that.

Mr. TELLER. I would not say that the figures are absolutely accurate, because the Department has not given us the information they ought to have given. I have done the best I could with what information I have been able to obtain.

Mr. WARREN. I have here what purports to be the name of every man employed under the lump-sum appropriation and the salary paid him. It is not one-half of the amount that is mentioned by the Senator, and I presume that the Senator has included with salaries other expenses, or these may be another list.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly; I yield to the Senator.

Mr. CLARK of Wyoming. I will say to the Senator that the expenses of the Forest Service, given in answer to the resolution of the Senator from Idaho [Mr. HEYBURN], show that the lump fund for salaries was $705,061.86.

Mr. WARREN. Did the Senator look to see whether that is footed as the salaries of the men themselves outside of their expenses?

Mr. CLARK of Wyoming. That is the footing of the men themselves, and does not include their mileage, I will say to the Senator.

Mr. WARREN. What book has the Senator in his hands?

Mr. CLARK of Wyoming. I have here the statement of expenditures of the Department of Agriculture for the fiscal year ending June 30, 1907.

Mr. WARREN. Has the Senator footed it up himself?

Mr. CLARK of Wyoming. No; the Department footed it.

Mr. WARREN. I know that; but perhaps the Senator has too. The one I have does not give the footings as given by my colleague.

Mr. TELLER. According to that I am a little out of the way; but it is not very material whether it is $100,000 or $800,000. What I am contending for is against the principle of lump-sum appropriations, against making an appropriation and giving to the head of a Department or some subordinate the right to fix the salaries and determine who shall get the money.

Now, Mr. President, as an illustration, I have here a little memorandum—it is too big to undertake to go through all these items in a speech—which shows one forest expert—they are all experts—at a salary of $1,000 per year. That is a reasonable salary. His traveling and field expenses were $1,347.27. Here is another. He got $1,000, and his traveling expenses were $1,409.19. Another one got a salary of $1,200, and his expenses were $1,263.80. Another got $1,300, and his traveling expenses were $2,660.05. Another got $1,500, and his traveling expenses were $1,978.96. Those were just taken at random out of this book.

I will submit to the Senate whether we comply with the law in view of the fact that the Constitution provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Do we comply with the law when we give the money to some one to pay it out in a lump sum? The Constitution evidently intended that we should appropriate it for specific purposes only—that is, for labor, for travel, or for whatever we might designate—but we allow them to pay it for anything.

I thought last year we had killed off the lump-sum system; and I am only making these remarks in the hope that by next year it may die a natural death, or that the Senate will have courage enough to knock it out.

I was going to read—it will interest the Senator from Montana——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. I do.

Mr. CULBERSON. I was interested in the statement of the Senator about the constitutional provision to which he has just referred.

Mr. TELLER. I apologize for referring to the Constitution. It is a little out of order now to do so.

Mr. CULBERSON. Still, Mr. President, it is very well to emphasize another provision of the Constitution in that same connection, which is this—and I read it in connection with the provision of the statute on this subject—

> And a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Not only does the statute which has been referred to by the Senator from Rhode Island call for an estimate and publication of this money, but the Constitution itself requires that the receipts and expenditures of the Government shall be published from time to time.

Mr. WARREN. Mr. President, will the Senator allow me right there a moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. I will yield to the Senator.

Mr. WARREN. In that connection—and perhaps it will come in here best—I have in my hand a report of the Committee on Expenditures in the Department of Agriculture of the House of Representatives, made by a special committee, of which Judge LITTLEFIELD, I believe, is chairman. He went over all the bureaus of the Department and this one in particular. I will read a line or two from that report if the Senator will permit me. He says:

We have examined the method of handling this fund, which has been termed in some quarters an "irresponsible fund," with very great care.

Mr. TELLER. What fund is that?

Mr. WARREN. This is the fund we appropriated in a lump sum for the Forestry Service.

The report continues:

And our judgment is that it is surrounded by ample business restrictions, conservative in their nature and admirably calculated to adequately protect the interests of the Government in the collection and disbursement of the fund.

That was at a time when we were expending such funds as those taken in from the forest reserves for grazing and for lumber, and so forth, instead of covering them into the United States Treasury as we now do.

Mr. TELLER. I am not charging that they stole it.

Mr. WARREN. No, but the quotation is very appropriate. I will read just a few more lines, with the Senator's permission:

The only additional check that we could see any occasion for suggesting was the furnishing of a duplicate certificate of deposit every day by the Treasury Department to the Chief Forester or to the disbursing clerk of the Department of Agriculture showing the amount deposited daily by the fiscal agent of the Forest Service. Under the methods now in practice the amounts received by the fiscal agent every twenty-four hours are certified to two other officials connected with the Department, and with this additional certificate from the Treasury Department three officials who are acting entirely independently of the fiscal agent will be able to check up every twenty-four hours every dollar collected by the fiscal agent. Our recommendation that this additional check be adopted has been promptly accepted by the Forester and will be at once introduced.

Mr. TELLER. That, Mr. President, is not what I was discussing.

Mr. WARREN. I beg the Senator's pardon. I read that in reply to the Senator from Texas [Mr. CULBERSON].

Mr. TELLER. I was discussing the proposition of Congress appropriating certain sums, and in violation of the plainest principles of the Constitution and its exact letter and words, allowing the officers of a Department to put that sum in their pockets and expend it. We did succeed last year, with a good deal of trouble and against the protest of the Department, in cutting that off.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. Yes.

Mr. CULBERSON. If the Senator from Colorado will permit me, in reply to the suggestion of the Senator from Wyoming, I will say this is a matter of which I have no particular personal or even official information; but I call the attention of the Senator from Wyoming to the statement of the Senator from Colorado, made impressively, and for which he held himself responsible, that a large amount of this money had been appropriated to mere writers, professors, school-teachers, and that it was paid to them simply to secure their influence for this character of legislation.

Mr. TELLER. Mr. President, I do not know that I said that. I said that was the inference I drew and which I thought everybody else drew.

Mr. WARREN. And all I replied to that then was to say that the name of every employee and the amount received for salary and for traveling expenses is duly reported in print, and that all of these funds have been handled under the statements made here not only properly, but with all publicity.

Mr. TELLER. Mr. President, what I meant to say, and what I want to repeat now—and I challenge the Department to deny it—is that they have had a propaganda; they have had men all over the country advocating these forest reserves and writing to us, and they put on the pay rolls, not ostensibly for that purpose, but, in my judgment, for that purpose, learned men, scholarly men. When I get a letter from a man whom I know to occupy a high position in the literary world or in the educational world who says, "I think you ought to vote for it," if I did not know as much about this matter as I do I would probably be inclined to do so; but knowing, as I do, something about it, I simply turn it down and say, "I know more about this than you do," and I will not vote for it.

I will venture to say that the most of these articles that appear and are addressed to us are prepared either in the Department or by somebody connected with the Department. I shall probably get a denial of that, as I get a denial of every statement I make on this floor about the matter.

Mr. WARREN. Mr. President——

Mr. TELLER. I do not mean a denial here, but a denial from the Department.

Mr. WARREN. I have no disposition to deny it.

Mr. TELLER. I do not refer to the Senator.

Mr. WARREN. I heard no names of such people read here, and if the Senator knows who they are I wish he would designate them by name, because I would not approve of such employment.

Mr. TELLER. The Senator was present when the names were read. If he can recall them, I am willing he should do so. I do not remember who they were, but I know they were distinguished people.

Mr. WARREN. I do not recall.

Mr. TELLER. They were connected with the educational interests of the country, and I know that some of those people have been writing letters, and they would not have written such letters, I am confident, if they had not been connected with the Department. I do not mean to say they were hired to do these things, but they were put upon the pay roll and they were interested in this bureau.

Mr. BRANDEGEE. Let me ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. BRANDEGEE. Let me ask the Senator in what capacity does he think these men in the educational walks of life are upon the pay roll—hired as what?

Mr. TELLER. Well, I do not know. I do not know what service they can render, except the service they appear to be rendering by acting as correspondents of the Department.

Mr. BRANDEGEE. I desired to inquire whether the Senator meant that the Senate should infer that these men were classified as foresters, for instance, when really they were doing other work?

Mr. TELLER. I do not know how they are classified. I do not say they do not render some service to the Government. I do not mean to say that, because I do not know; but I do mean to say that they are put there for the express purpose of securing their influence.

I have a publication here issued by some forestry association. It is Press Bulletin 337. It refers to the bill which the Senator from Connecticut [Mr. BRANDEGEE] has in hand. I quote a brief extract from it:

The Appalachian-White Mountain bill was called up in the Senate on Wednesday, April 15. Senator HENRY M. TELLER, of Colorado, stated that he desired at some future time to make some remarks on the bill. It therefore went over. His action occasioned surprise, inasmuch as letters bearing his signature show him to be strongly opposed to the measure.

Mr. President, that is true; but I do not see why, if I have written a letter against it, anybody should express any surprise that I was going to speak against it. That is but a mild little tap. We do not always get off that easy when we do not agree with them. Some of these articles are pretty vicious on those who do not agree with them. Sometimes they say that we are the fellows who want to despoil the forests; we are the grafters, and all that.

I am not going to load the RECORD with these matters, but I want to talk a little about the settler going into the forest reserve. The Senator from Utah [Mr. SMOOT] is very confident that that feature is being properly administered. Mr. President, we provided some years ago that the forest reserves should be open to settlement. I supposed that was the law until the other day, when I was making some remarks, the Senator from California [Mr. FLINT] drew a new law on me of which I never had heard. At the last session of Congress, not being in very good health, I missed about a week from the Senate. I believe during that time that law was passed without my seeing it. That law gives to the Secretary of Agriculture the absolute control over the public lands in the forest reserves. It gives him the right to say whether or not a man shall make a home there. In the State of Colorado before this law was passed officers of the Government had demanded the right to say whether or not a man could go into a forest reserve and build a home; they determined for him whether or not he could live on a piece of land; and in not less than eight cases they took men by force off the reserves and said, "You can not live there," although at that time they had the right to go there without any reference to the Department.

Mr. President, what are the conditions of settlement there now? Before a man goes there he must get some fellow who is out there as a forester to go and look at the land and to agree that it is a suitable place for him to live; and, as the policy is to keep people out, he will not get that consent; and if he goes in there without it, he will be put out.

There are in my State a large number of mines inside of these reserves, mines that had been selected under the law long before the forest reserve was established, but now they are making rules and rgulations not justified by the statute under which men who have heretofore secured their rights must work their mines.

I some time ago received from a gentleman whom I know very well, a prominent miner in my State, a letter containing about twenty-eight or thirty interrogatories propounded to him about his mine. He had applied for his patent and had been told he could not get it until he answered these interrogatories. I have not them with me. He was told that if he did not answer them satisfactorily to the Department, he would not get his patent. The statute provides what he should do. The statute has said, under certain conditions, he is entitled to a patent. The Supreme Court of the United States has repeatedly said that if he did do what the law said he should do he should get his patent and become the owner of the land. This man said, "I have put $30,000 into this property. I do not intend to give away my knowledge about the property." They wanted to know how much money he had taken out of it; how much the ore ran. He said, "I do not intend to give the world that information. It is none of its business. I will not do it unless you think the law requires me to do it." I wrote back, "There is no law requiring that to be done." I am not so certain but that there may be some law which has gone through here carelessly, but I do not believe it.

A man I have known for twenty-five years, as reputable a man as you will find in any community, had gone out into the woods on the mountain side and had made locations of mining property. That was long before the forest reserves were made. Then the forest reserves swept over him, and when he went the other day to get his patent he was told that he would have to go into court and prove his rights; that a forest ranger had made a report on him adverse to his rights. He said:

> If I have to go into court, I want to know what that forest-reserve man has done. I want to know why he says I have no right to this patent.

Thereupon I wrote to the Department asking them to furnish this man with the information. He said he had written to the Department and they had declined to furnish it. I wrote the Department, saying I thought this man was entitled to know why an attack was made upon his property, that he might have an opportunity to prepare for his defense. I have two letters from the Department, the General Land Office, controlled in this particular by the forest officials, saying it is not the policy of the Government to give the information. And so the man must go into court unprepared to meet the objections made by a man who has not any right to make an objection at all, and whom he ought to have put off his location by force when he came along.

Mr. President, unfortunately I am working a mine in Colorado. I have worked it for several years. I would have been a great deal better off if I had not worked it at all. I got a letter from one of those people who claim to represent the United States in some capacity. He said: "I send you a blank. I want you to put in how many men you work; how much your mine produces. I want all these items." I sent it back to him and said that I was a free American citizen—my land is not on a forest reserve, either—and I declined to supply the information. I got a letter saying there was some regulation about it, and that if I did not do it I would be arrested. Whereupon I sent him word to arrest and we would see what it would amount to. That is going on everywhere, and there are lots of men who are afraid to combat the United States.

The other day I got a letter from a man who said:

> I had occasion to drive some horses; I drove them on the highway; I drove them across the forest reserve, and a few days later a forest ranger came and said, "You have driven your horses across the forest reserve in violation of the rules and regulations."

He had. They had a regulation that no man should drive stock across the reserve without permission. He said he had no permit. This officer said: "You will have to pay $25." Mr. President, that is robbery. That is an assumption of right over property in the State which the Government of the United States can not exercise by law, much less by a forest-reserve regulation.

Mr. President, I have had some experience with this matter. The Department will say, "Oh, these people did not have any authority." I stated here one day that a man living in the neighborhood of a forest reserve had told me that he went upon a forest reserve with a wagon, loaded up some dead pine timber and knots, and came off, and was met by a forest ranger, who said, "You must pay 25 cents for that." Mr. Pinchot writes me the ranger had no authority to do it. What difference does it make to the man whether he had authority or not? The ranger made the demand.

A gentleman whom I know very well and have known for many years, one of our early settlers, went down into southern Colorado and built a mill on land that was recognized by everybody as mineral land, and under the act of 1878 he was rightfully there, as he would have been if that act had never been passed. He was there under the law. He built a sawmill, and then he built a four-stamp mill, that the miners who were mining in the neighborhood might carry their ore there and test it and see what it was worth. One of these forest rangers said, "You must saw no more lumber." He said, "I have some logs from a Mexican grant. Let me saw them." The ranger said, "No, sir; you can not turn a wheel;" and he did not turn a wheel for nearly two years. It took him nearly two years, not to get permission to continue his work, but to remove his mill. In the meantime there was posted on the side of the mill a notice reading, "This is property of the United States. It has been confiscated."

I thought that was pretty bad, and I saw the head forest ranger who had it in his charge several times. He had to write down here and submit the whole matter here, and finally it came back. He seemed to be a very decent, respectable gentleman. He behaved himself courteously, and I have no doubt he did the best he could. But it was nearly two years before the man could remove his mill and make use of it elsewhere.

At the last session of Congress I got a letter from a friend of mine, saying that a certain man had built a sawmill over on the edge of mineral country, but probably not on what would be denominated mineral land; at least it had not been developed to that extent; and he had cut some timber and the court had fined him $100, because he could not prove it was mineral land. He wanted to move his mill away. They had put upon his mill exactly the same notice as in the other case, "Do not trespass on this mill. It is the property of the United States, having been confiscated."

Mr. MONEY. Will the Senator from Colorado permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. MONEY. Do I understand the Senator from Colorado to say that this mill was marked "the property of the United States" by a judgment of a court?

Mr. TELLER. No, sir; by a forest ranger.

Mr. MONEY. Under what authority?

Mr. TELLER. The authority of Mr. Pinchot, I suppose.

Mr. President, a friend of mine wrote me that this mill man, who was pretty badly treated, being indicted and compelled to pay a hundred dollars and costs, wanted to move his mill off, and they would not let him. I went down to the Department, and I confess I was not overcourteous when I got in there and began to talk about it. I inquired whether they thought they could seize a man's property without due process of law. They said, "Oh, no; we never thought we could do that." I said, "Your man has." They said, "He has no authority to do that. We never told him to do it." Suppose they did not?

That is the way the forest reserves are being managed, as the Senator from Idaho [Mr. HEYBURN] knows. That is why we complain, and when we do complain it is untrue for any man to say we complain because we are opposed to decent forest reserves. We complain because of the vicious administration of what might properly be carried out as a beneficial law. No man has a right, whether he be the President of the United States or anybody else, to dedicate and devote to a forest reserve any portion of the public domain that is susceptible of cultivation and occupation by honest men.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. BACON. I have been unavoidably out of the Chamber during a portion of the Senator's speech, and I do not know whether he has alluded to this fact or not. But am I not correct in the recollection that Congress has passed a law by which the setting apart of further forest reserves has been prohibited?

Mr. TELLER. At the last session Congress provided by act—I have some hesitation in speaking about this, but I will, under the inquiry, although it was not a part of my proposed remarks—that there should be no further forest reserves established in Colorado, Montana, Idaho, Washington, Oregon, and Wyoming. There has not been since the law was signed by the

President, but before the President signed the bill and after it passed the Senate he did make some additions to those reserves.

Mr. HEYBURN. About 20,000,000 acres.

Mr. TELLER. The Senator from Idaho says about 20,000,000 acres. Some of that was in one State and some in another. There was some in my State, but I do not know how much.

Mr. BACON. Does the Senator say that after Congress had acted upon the subject——

Mr. TELLER. I understand that after the bill had left the House of Representatives and the Senate and pending the signature of the President——

Mr. BACON. I beg the Senator's pardon for asking one other question. I have only a general recollection in reference to the passage of that law. To what extent did that prohibition go?

Mr. TELLER. It was absolute. There was no condition about it—"There shall be no further forest reservations in these States except by an act of Congress."

Mr. BACON. I understand the Senator to say that after that measure had left the two Houses of Congress and had gone to the President for his approval—and he did approve it—before approving it he set aside 20,000,000 acres——

Mr. TELLER. He did.

Mr. BACON. As forest reserves?

Mr. TELLER. Lands that were not in forest reserves when the bill passed the Senate and, I think, the House.

Mr. BACON. Yes.

Mr. TELLER. I do not intend to comment upon that. There are some things better left unsaid than said, and I do not trust myself to comment upon that at all.

Mr. WARREN. Would it interrupt the Senator if I should give the figures as to the extent of the forests?

Mr. TELLER. Certainly not.

Mr. WARREN. The total area July 1, 1906, was 106,994,018 acres. There were added during the year and to June 30, 1907, 44,396,531 acres, and there were eliminated something over half a million acres.

While on my feet I call the attention of the Senator from Colorado—and I am doing it only for his information—to the fact that I find on an examination of this list, which seems to give the total, an aggregate of a little less than 16,000,000 acres for Colorado, and I give the Senator the benefit of it, as the Senator, I think, spoke of something like 30,000,000 acres.

Mr. TELLER. No; I said 20,000,000 acres had been added.

Mr. WARREN. I misunderstood the Senator.

Mr. FULTON. The Senator from Colorado said there had been 20,000,000 acres added in these several States, as I understood.

Mr. TELLER. There were about 20,000,000 acres added, the Senator from Idaho said.

Mr. WARREN. I would not venture to correct the Senator about his own State, but the figures being before me, I have given them.

Mr. HEYBURN. I am not undertaking to give the accurate figures. I am giving them according to my best recollection. The quantity I have stated is not far from the amount of forest reserves created during that period.

Mr. TELLER. That is what I understood. The matter has been much discussed and was discussed in the convention held in Denver. Mr. Pinchot denied there the statement I have made here. He subsequently took it back, when the proof was such that he could not any longer dispute it.

I have some memorandum that I wanted to present, but I do not believe I shall be able to do so to-night, and I do not intend further to inflict myself on the Senate with this question. So perhaps I shall leave out some things that I intended to say.

I have this other complaint which I want to make. From time immemorial, that is, ever since we can remember as a nation, the right of the community to make public roads upon public and private lands has been recognized. The State of Illinois asserted the right, which no man ever disputed, to build roads on the section lines. The circuit court, with Judge McLean presiding, way back before many Senators were born, declared that the State had an unquestioned right to condemn if necessary the public lands for this purpose. I have never known an acre of public land to be condemned for this purpose. I have always known, since I have been in the West, roads made across the public lands without any objection on the part of the General Government; and I will venture to say the Senator from Oregon will bear me out that that has been the custom. McLean said that that was one of the rights of the State, and that if the Government did not concede it, the State could condemn the land.

Judge McCrary, who was the circuit judge of the eighth circuit, as you will recollect, and a former Member of Congress, declared that when the State of Illinois—I think it was Illinois—granted a right of way for a railroad in the State it followed that it went across the public lands, and that they got a right of way across it like any dirt road would. I have these citations here, but I will not stop to read them.

Mr. President, there are several other things to which I wanted to call attention. I have here the timber cut of this country, taken from the census report. In the State of Colorado from 1880 to 1906, inclusive, twenty-six years, the total amount of lumber cut was 2,640,000 feet, board measure, or a trifle over 100,000 feet per annum. That is less than a thousand feet to the square mile. It does not appear that we were denuding the forests very rapidly. In Maine the cut was 17,000,000 feet in the same time. In Iowa, with the little forests they have, there were cut 11,000,000 feet; in Michigan, 93,000,000 feet. We heard to-day how Michigan had wasted her fine lumber. Minnesota cut 38,000,000 feet. Montana cut during that time 3,757,000 feet. Wisconsin cut during that time 70,000,000 feet. Pennsylvania cut 53,000,000 feet.

Mr. President, Congress may take charge of the forests of the West, but I do not think it will take charge of the forests of Pennsylvania. I do not think we have yet reached a time when it will be claimed that the Pennsylvania people can not take care of their own interests, and that a man owning a forest there can not cut it to suit himself. New Hampshire cut 10,000,000; Vermont 9,000,000; New England, during those twenty-six years, cut 44,000,000 feet, while the Pacific coast, including Colorado, has cut 58,000,000 feet.

I had a statement of the prophecies made about this matter, showing the estimates made by the Census Department from year to year, and how fallacious they have been. When some man gets up and tells me how much timber there is in the United States and how long it will take before it is gone, I simply want to say that in nine cases out of ten he does not know anything about it. As the Senator from Idaho [Mr. HEYBURN] said, there is now more timber in some sections of the country than there was when the country was settled.

Mr. President, I do not suppose I need to say here, but I ought to say it for the benefit of the Department that has charge of this matter, that it is not possible for Congress or the President or any power whatever to take away the sovereignty of a State over one acre of its lands. The Supreme Court of the United States has declared that the Constitution of the United States was intended as much to protect the State as it was to protect the individuals or to protect the General Government. Without States you can not have a General Government, and as you minimize and reduce the affection of the people for their State, so you reduce and minimize their affection for the General Government. We will be proud of the General Government when it is composed of States of the right kind and of the right character.

As I said not long ago—and I want to repeat it—you can not abolish States rights. I mean some day to present some authorities on this subject. I will not do it to-night. I said yesterday that the most critical period in the history of the country is to-day, more so than it was when the war closed. Executive power and legislative power also are rampant, and State lines and States rights are at a discount.

Mr. President, the old constitution of the State of Massachusetts had in it a provision, which I will not attempt to quote exactly. The Senator from Massachusetts may be able to correct me. It is necessary to have a frequent recurrence to the great principles that underlie this Government. Other writers have said the same thing; and does anybody need to say that an occasional return to the principles upon which this Government was founded is necessary for the purpose of keeping the relation between the States and the General Government intact and as it was intended?

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. TELLER. Certainly.

Mr. BACON. Will the Senator from Colorado permit me, in the presence of one of the Senators from Massachusetts, to quote another sentiment that is in the constitution of Massachusetts; and I think I can quote the exact words?

Mr. TELLER. I referred to the old and first constitution. I do not know what is in the modern constitution.

Mr. BACON. I think Massachusetts has had only one.

Mr. LODGE. We are still living under the constitution of 1780.

Mr. TELLER. It is a good constitution.

Mr. BACON. In that there is this quotation, as I recall it:

To the end it may be a government of laws, and not of men.

Mr. TELLER. I remember that, and on more than one occasion the Supreme Court has reiterated the doctrine that this is a government of laws and not of men, and the Supreme Court has said, too, in so many words, not mincing words, that this is "an indestructible Union composed of indestructible States;" and Marshall said that "a man in his wildest dreams would not think of abolishing State lines." He was not what one would call, in modern days, a "States rights man."

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. TELLER. I do.

Mr. OVERMAN. I desire to say to the Senator that the constitution of North Carolina, I think, has been changed three times, and always has had this in it:

A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Mr. TELLER. I think that ought to be in every constitution. We have lived as a nation nearly one hundred and twenty years. We have lived because we had this theory: The General Government for general governmental affairs; the States for local affairs. I do not myself find any authority for the Government of the United States to go into the wood business or to sell timber to the people of my State. I do not find any authority for them to charge a poor settler, whose cattle run out on the public lands, for grazing privileges and grazing rights, and saying, as some forest ranger may say, "You may put fifty head and the other man may put on a hundred head, provided you pay so and so." Mr. President, free commons——

Mr. FULTON. May I ask the Senator from Colorado a question?

Mr. TELLER. Certainly.

Mr. FULTON. Right here I wish to call his attention to another practice of this Bureau in the administration of the forest reserves. There are settlers along the outside lines of the reserves, of course, and numerous settlers, who have small bands of stock. They turn their stock out in the spring. Naturally they wander off on the reserves, or some of them do. If that happens, the stock are arrested and impounded, and the settlers have imposed upon them a fine.

Last spring one settler living right near a forest reserve—within a mile of it, I think, or less than a mile—turned his stock out. Under the laws of the State he had a perfect right to do it. He turned them at large because we have there a fence law. The stock, or a few head of them, wandered off on the reserve. They were arrested and impounded, and a fine of $50 was imposed on this rancher. They had no right to do it, of course. But they said, "You will either pay this fine or you will not hereafter be allowed to range any stock, even by paying for it, on this reserve."

Mr. TELLER. That has occurred repeatedly in my State.

Mr. DIXON. I wish to say——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. I yield to the Senator.

Mr. DIXON. I wish to say in connection with the statement the Senator from Oregon now makes that a similar case was brought in the Federal court in Montana. The local district court held that under the law, not as the Forest Service fixed it, but as Congress passed it, stock trespassing on a forest reserve were liable to the tax, and that case on appeal was sustained by the circuit court in San Francisco. I think, in justice to the forest-reserve movement, we should not lay it on the forest-reserve officials, but to the law as regarded by the Federal courts.

Mr. CLARK of Wyoming. If the Senator from Colorado will allow me, I should like to ask the Senator from Montana if the case he cites is not an altogether different case from the case which the Senator from Oregon cites? Was not the case in Montana one of willful trespass? Was it not a case where a man had leased 160 acres of land from a private owner in a forest reserve and turned his cattle in and then willfully destroyed the fence, so that his cattle went on the forest reserve, and it was a willful trespass?

Mr. DIXON. No; the Montana case came up expressly on the question whether they were obliged to fence.

Mr. FULTON. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. FULTON. I think the Senator from Montana is mistaken in regard to the facts in that case. I do not think it was a case where cattle were turned at large without being driven on the reserve, where they were simply going at large, according to the laws of the State. I know that the court in Montana has held a different rule from what has been held by all the other district judges on this question.

Mr. TELLER. They held differently in the State of Washington.

Mr. FULTON. Yes, sir.

Mr. TELLER. The Supreme Court of the United States settled that proposition, and the Senator from Idaho presented it to the Senate. It is in 133 United States Reports, I think.

Mr. HEYBURN. I think it is.

Mr. TELLER. That was a case where a company had bought a large amount of land—railroad land, I presume—and went into court to prevent parties from pasturing on the public land, because, they said, the cattle were coming on their land; and Judge Miller decided that an action would not lie, that there was no equity in it. It was an equity case, for an injunction. The case is worthy of being read by Senators. The court then went into a history of the whole question and declared that from time immemorial in this country—that is, from the beginning—that had been a recognized right by the Government itself and by the States.

I took up that question the other day after the Senator from Idaho had made his speech. I went through several States and I found that the States as a rule had declared that unfenced land was open for public pasture. Massachusetts held it, Connecticut held it, and in my State we have always held it. If I have 160 acres of land and I do not fence it, any man can pasture his cattle on it who sees fit.

Mr. President, the right of commons was a right that belonged to every Englishman until the time arrived when the lands became valuable and finally they were fenced up. All lands in England at all times have been public lands and open to pasture by anybody who had stock until they were fenced. I do not suppose there has been any land of that kind for a great many years, and the Supreme Court has settled that proposition beyond a question.

Mr. President, at the expense of wearying the Senate, I want to make one other statement. There has been something said about the interference of these forest rangers with the proceedings of conventions, and so forth. The Senator from Idaho made an inquiry of the Chief Forester, Mr. Pinchot, as to who had attended conventions at the expense of the United States. I have the report on my table. Mr. Pinchot says it will take some time to get the facts, and of course until that time he can not do it; and then he enters upon a defense of the forest-reserve system, which I do not care about bothering with.

Last summer, in June, there was what was called a "land convention" in the city of Denver. It was called by an act of the legislature of Colorado, a Republican legislature, with a Republican governor. The Republican governor was directed to ask the neighboring governors to attend a convention and to provide how the delegates should be elected. The governors of all the Western States appointed delegates. Anyway, they appointed some gentlemen who were to determine the method of carrying out the act, and they provided that certain boards of trade, chambers of commerce, and so forth, might send delegates to this convention.

When the convention met there were 740 people in it. It was a very respectable convention. There were a great many people there who had been settlers for a long time in that country. All of them had interests in it. The committee on credentials met and accepted the credentials and issued a ticket to every man who was entitled to sit in the convention.

The convention met at 9 o'clock in the morning, and before noon the convention was full of men who had practically the same ticket, but not the same kind, gotten up for the occasion, and the forest rangers or people who were in sympathy with them came in. The committee immediately provided that the next morning there should be a different ticket. Those gentlemen the next morning were excluded from the convention. They had no business there under the call, and, of course, when they could not get inside the convention we did not have any further trouble with them. It was said there were a hundred of them there. I do not know how many were there.

I think there are Senators here who will agree with me as to what they have done in certain conventions. I think there was one in Idaho a couple of years ago where they went in in force and dominated the convention. Mr. President, they did not dominate ours. There were 700 men there, reputable men, men who knew what their rights were, and who, if necessary, would themselves have enforced them.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. Certainly.

Mr. HEYBURN. If the Senator from Colorado will pardon me, I will suggest that they only tried to dominate the Idaho convention. They did not make a success of it.

Mr. TELLER. Oh, they did not? I thought they did.

Mr. HEYBURN. They thought they did for a while.

Mr. TELLER. They claimed to have made a great success of it.

When this convention quit, we passed some resolutions. They were mild resolutions. The convention said they did not approve of this forestry system. They did not call anybody a thief or a vagabond. The temper of the convention was pretty highly strung. I think it would not have been very difficult to have gotten some very savage resolutions through, but having made some remarks to the convention I said I hoped that when they got their resolutions ready they would provide moderate resolutions and such as could not be excepted to by anybody. This they did.

Thereupon a forest ranger who was not in the convention, at least, interviewed the newspapers and declared that we were beaten in the convention, and that they could have just as well had an indorsement of it.

Mr. President, I believe I could have secured a condemnation in that convention by the slightest effort in words that would have been very unpleasant to the Department. We did not do that. Of course there were some people who were friendly to the forest-reserve system. There were some great cattlemen there who wanted the leasing of the public land, who wanted to shut out the common farmer and the man with forty head of cattle.

There were men there who had thousands of head of cattle, and they made a determined effort, but that was voted down. The Senator who sits here beside me [Mr. CLARK of Wyoming] was at that convention. He knows exactly what took place. As far as we could we condemned the forest-reserve administration. I do not mean to say that all the people who condemned the administration were opposed to forest reserves, because there are thousands of people who are criticising the administration of the forest reserve who are friendly to the system.

Mr. President, I have here a matter I want to call attention to which I think bears a little on what I have been talking about. This is from Mr. Pinchot, and it is in the RECORD, having been put in the other day. He says:

> The attendance of forest officers at public meetings in the West was investigated last year by the Committee on Expenditures in the Department of Agriculture. The policy which I explained then is the same that obtains now. When considerable bodies of users of the national forests come together it is the custom of the Forest Service to meet them, almost invariably at their own request, for discussion of policies and settlement of difficulties, and in consultation with local people to devise methods of administration calculated to make the national forests more useful and more easily used. I believe this is a good thing to do, and I propose to continue it unless otherwise ordered. I can see no reason why the people of the West should not be entitled to know at first hand what the Forest Service is doing and to have their complaints, criticisms, and suggestions considered and discussed with them, both by the local forest officers and the men from Washington.

Great heavens, Mr. President, we know more about it than we get from the forest rangers! We know it from actual suffering. I think that is an admission of the fact that these people are in the habit of attending conventions and public gatherings. Of course I do not mean to say that the Department intends that they shall go in and override the other people, but I do mean that they are sent there for the purpose of impressing on the people the beauty of this system and its usefulness.

Mr. President, I wanted to say something further, but the hour is so late that I am disposed to quit.

Mr. OVERMAN. Before the Senator sits down, speaking about propaganda——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. TELLER. Certainly.

Mr. OVERMAN. I sent out and got this statement, which is very interesting to me. I find these items:

> Educational addresses, etc.

Mr. TELLER. On what page?

Mr. OVERMAN. Page 299—

> Educational addresses, etc.
> Salaries, $1,508.74.

Does that mean that they have spent that money in employing somebody to make speeches to create sentiment?

Mr. TELLER. I do not know what it means.

Mr. OVERMAN. The next item is:

> Travel and other expenses, $1,169.97.

And just above that there are items for "preparation of articles," and so on, amounting to $47,483.63, including editorial review, distribution, proof reading, and so forth, printing, bulletins, circulars, and so forth.

Mr. WARREN. The Senator from North Carolina will observe that of that amount, $41,516.96 was for "printing, bulletins, circulars, etc." It is the custom of the Department of Agriculture to print bulletins in large numbers, as the Senator knows.

Mr. TELLER. These are not agricultural documents. These are forestry documents.

Mr. OVERMAN. The principal point I want to call attention to is as to whether they have a right to employ men to make speeches and create sentiment by educational addresses.

Mr. WARREN. From the item as it appears, we have no evidence whether it is for speeches or not, but if the Senator will go through the list of salaries and expenses of the persons employed perhaps he can discover that. I am unable to say at a casual glance for what it is expended. It does not state.

Mr. OVERMAN. It says for "educational addresses."

Mr. WARREN. As to the printing of bulletins, of course the Senator will not say that that is confined to forestry or to any bureau of the Department of Agriculture.

Mr. TELLER. I know that, but they are not teaching agriculture. They are teaching the forest-reserve system.

Mr. WARREN. They are teaching the forest-reserve system and those things relating thereto; and I say the Department publishes bulletins from the other bureaus the same as from this.

Mr. TELLER. Mr. President, when the convention was held in Denver I do not think I will exaggerate if I say there was a cord of stuff printed and piled up there to be distributed gratuitously.

Mr. WARREN. If I may be allowed, I want to say further that if $1,508.74 is the total amount that has been spent for salaries to educate the people it is hardly worth mention, I think.

Mr. OVERMAN. The Senator from Colorado said the Department began with $15,000 and had gotten up to $3,500,000. If we begin hiring people to make speeches, where will it end?

Mr. WARREN. Of the $3,500,000, $1,508.72 does not look very formidable for education.

Mr. TELLER. It reads like this: "Educational addresses, etc.: Salaries, $1,508.74; travel and other expenses, $1,169.97." There is $2,678.71 that this does not include; the class of men I have mentioned who are on the pay roll who are doing this thing.

Mr. WARREN. This distinctly means, as I understand the Senator from Colorado, that he is of the opinion that certain employees charged up to the Forestry Service have been engaged in other business.

Mr. TELLER. I have not any question about it, Mr. President.

Mr. FULTON. May I ask the Senator from Wyoming a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. TELLER. Certainly.

Mr. FULTON. I should like to ask the acting chairman of the committee, who has this bill in charge, if, in his judgment, there is any authority whatever in law for this Bureau to employ people to educate public sentiment to what they think it should be or to deliver addresses? Does the Senator think there is any authority whatever in law for that?

Mr. WARREN. The Senator begs the question a little when he assumes that they are to educate the people up to some given theory. That, I presume, is the Senator's assumption.

Mr. FULTON. We will strike out the theory and just say the Bureau.

Mr. WARREN. As to that I will say that in these appropriations, particularly in the Agricultural Department, the entire scheme of most of the Bureaus—take, for instance, Irrigation and Drainage—is directed to educating the people as to how they may raise this crop or how they may develop that piece of land, and so forth, and so forth. In other words, to educate the people is the purpose of the Agricultural Department, and we have continuously appropriated money therefor.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SMOOT. The Senator from Colorado refused to yield to me, but if I may be allowed——

Mr. FULTON. I am not through.

Mr. SMOOT. I wanted simply to answer the question.

Mr. FULTON. Just a second. I am asking the Senator from Wyoming a question. I ask him, however, if he does not understand that this applies to the Forestry Service? I am talking about the Forestry Service.

Mr. WARREN. There is no reason why they should differentiate between the Forestry Service and the others.

Mr. TELLER. Mr. President, perhaps reading what the Chief Forester says might throw some light on it.

Mr. FULTON. I would be glad to hear it, because I should like to know.

Mr. TELLER. This was before the Senate committee.

Mr. WARREN. I will say to the Senator, if I remember, the Chief Forester did not appear before the Senate committee.

Mr. TELLER. I do not know whether he did or not, though it is likely that he should have done so.

Mr. WARREN. I am reminded by the Clerk that he did appear. I now remember distinctly that he did.

Mr. MONEY. The Chief Forester did appear before the committee and made extended remarks.

Mr. CLARK of Wyoming. And his colloquy was with the Senator from Mississippi.

Mr. MONEY. Just read it.

Mr. TELLER. I will read it:

Secretary WILSON. They do not have their office of publications.

Senator MONEY. It is publication when you prepare material and send it off to somebody who publishes it. You do not print it in your office.

Mr. PINCHOT. May I explain how it came about? We found that our scientists had a great deal of information—

Everybody is a scientist now—

We found that our scientists had a great deal of information they did not want to give out, which is natural, because a man getting information in that way very seldom sees the necessity for the immediate publication of it. He wants to write a complete bulletin, a long treatise, that will be satisfactory to him from a scientific point of view, and which will not give popular information. We found that we could not get into the hands of the people a whole lot of valuable information that was being gathered at Government expense unless we had somebody in the Forest Service whose business it was to go to the different chiefs and scientific men and pick up what they had, and then write it out so that the newspaper men could get it.

Now, that they are certainly doing by employees.

Out of that grew the custom of giving out the material in this way. As a result we get each month a distribution of our material which would be utterly impossible in any other way. We got track last month of about 23,000,000 copies of newspapers containing some information about forestry. Of course it would be absolutely impossible to make any publication through bulletins that would reach the public in that way. We were driven to it because we found that the bulletin method did not get out the facts that ought to be known about forestry widely enough among our own people.

That is the reason I suppose the Senator from New York gave it to us to-day, a fact that I have disputed, and if I had not left my memorandum——

Mr. FULTON. Then this is largely newspaper work, is it not?

Mr. TELLER. It is newspaper work.

Mr. HEYBURN. Mr. President——

Mr. TELLER. I yield to the Senator from Idaho.

Mr. HEYBURN. In discussing this subject a few days since I read the affidavit of Edward T. Barber in regard to the forester who attended the meeting held at Denver, to which the Senator has referred. It was his affidavit in which it was said that this forester was instructed to charge his expenses to the hay and grain account. I went home from the Senate after making the remarks on that day and found in my mail a copy of the Shoshone Journal of May 5, which was the current number, and in it this editorial relating to that subject, if the Senator from Colorado will permit me.

Mr. TELLER. Read it.

Mr. HEYBURN. It is an editorial in the Shoshone Journal, published at Shoshone, Idaho, May 5, 1908, and it reads as follows:

"Hay" delegates from Forest Service—

That is the heading of the editorial—

The Senate has adopted the resolution of Senator Heyburn calling on the Secretary of Agriculture for the names of employees of the Forestry Service who have attended forestry conventions, and whether their expenses have been paid by the Government on such trips. The resolution is all right, but it does not go far enough. In fact, it will miss the most essential point which should be brought out in such an investigation. The resolution should call for a report of the names of the employees of the Forestry Service who have attended at Government expense any public meeting or convention, whether a forestry convention or not. The Journal knows of at least one employee of the Forestry Service in Idaho who was ordered to go to Salt Lake in January, 1907, to look after the interests of the Forest Service at the meeting of the National Wool Growers' convention and to charge his expenses on that trip to the "hay and grain" account.

At all meetings during the past three years of either the State or National Wool Growers, or cattle growers, or irrigation meetings—in fact, any sort of public meeting where the methods of the Forest Service were likely to become a subject of discussion—such meetings have been packed by forest employees, many of whom were working for small wages, which made it impossible for them to attend such meetings unless their expenses were paid. Doubtless the Government has paid for thousands of tons of hay and grain to meet such accounts.

That is an editorial written by the party who made the affidavit, who is one of the owners and editors of this responsible journal.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. TELLER. I yield to the Senator from Utah for a question. I do not want the Senator to go into an extensive argument, because I want to conclude.

Mr. SMOOT. I just want to answer. I can not say how responsible the journal is, I do not care who Mr. Barber is, the affidavit that Mr. Barber made is not true, nor is that editorial true.

Mr. HEYBURN. If the Senator from Colorado will permit me a word, I will say the Senator from Utah made some such statement in reply to the affidavit which I read on a former occasion, and the newspapers said that he said my statement was not true. I presume that it came to the Senator's attention. I made no personal statement about it. I think the Senator would not undertake to challenge a statement of mine in those terms. I merely give the affidavit for what it is worth.

Mr. SMOOT. I suppose the Senator has noticed the RECORD. I simply said the statement of the affidavit was not true, and I say so yet. I did not charge the Senator from Idaho with making the statement upon his own information or knowledge, but I said the affidavit was not true, and I say so now, and to-morrow I shall see that the Senate is advised of the untruthfulness of the statement.

Mr. TELLER. Well, Mr. President, if the Senator wants to challenge anything I have said, he can do so. What I have said I will make good here or anywhere. I simply say to the Senator that I have said nothing but what can be proven, and I could have kept the Senate hours in detailing the same kind of thing that I have heard from people complaining. and I do not believe that the Senator will undertake to dispute my statement. If he does, he can do so. I know, Mr. President, the Department will dispute it. They have disputed everything that has been said against their misconduct.

Mr. WARREN. I take it the Senator will allow that there are misunderstandings, and possibly misstatements and mistakes. I assume the Senator does not charge the Department of Agriculture with indulging in and employing methods through which they make false statements.

Mr. TELLER. Mr. President, I will tell you what they do. If you make a statement, they submit it to their forest ranger; he denies it; and then they deny it. That is the way it is done. I suppose that is the usual method in the Departments.

Mr. President, I have some papers sent here with the request that I should put them into the RECORD; but they were so violent in their denunciations that I sent them back and stated that I could not afford to put in papers of that kind. The temper of a great many people in my section of the country is at a high point, and I do not blame them for it. Mr. President, I have myself some temper about it, and I am glad I do not live where one of those dirty forest rangers could come around and give his commands to me. I think if he should do so there would be trouble between him and me, even if I am old. I have never seen the time that I would take orders the way they make our citizens take them. I am sorry that the citizens take them and that they do not assert their rights and settle the matter as American citizens usually settle such matters without going to law.

Mr. MONEY. Mr. President, will the Senator permit me a moment before he sits down?

Mr. TELLER. Certainly.

Mr. MONEY. I think it is nothing but just to Mr. Pinchot, the Chief Forester, to say, in reference to the expenditure of this money for educational purposes, that his force prepared the articles that he thought of great interest and value to the people; that they were published in a great many newspapers which had a vast number of readers; and that he never paid a cent to any newspaper or magazine for the publication and dissemination of this information. It was prepared in the course of their work by the people whom he had under him. Some of them prepared bulletins; but these were short and condensed statements that he considered of great value to the people, which were hardly appropriate in an enlarged bulletin, and the newspaper people came in and got them, and he never had to pay a cent for the publication of any of them. I say that much in the Senator's time and by his indulgence, just simply in justice to Mr. Pinchot.

Mr. TELLER. Mr. President, I have not charged that they paid any newspaper. I did say that I believe those people were put on the pay rolls because they could be useful in writing articles; and I have not been able to find out any other reason why they are on the pay roll except that. If the people need education, if they want to know what a deplorable condition

the forests are in and what a savior this man is, of course we ought not to stand on a mere bagatelle of forty or fifty thousand dollars for publications. We ought certainly to give him a chance to get himself before the public.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly.

Mr. WARREN. In view of what the Senator has said and the comments of the Senator from Mississippi [Mr. MONEY], I wish to state that the Forester, when before the committee, was asked as to this matter, and he made the statement which has already been made, that he paid no newspapers or magazines for any publishments. He was asked then as to who prepared these articles, who edited them, and why they did so; and his answer was that the Bureau was continually being asked for information and for articles and that they found it cheaper to detail a clerk or two to prepare such articles, so that they might be used in bulletins in the one case, or in newspapers in the other; that it took less time and cost less money to do it in that way than to submit to interviews and in an oral way discuss these matters with all the various newspapers, which, of course, were bound to have in frequent attendance their reporters and representatives.

Mr. TELLER. I do not want to do any injustice to Mr. Pinchot. I have stated that these appeals to us from different sections of the country from people of character and standing originated with the Department. I think the discussion shows and that the admissions made and the evidence here show that that is the fact and I am willing to leave it there. He pays for the preparation of these articles, of course. He says it did not cost much, only between five and six thousand dollars a year; but, Mr. President, that is nothing compared to what he wants. He wants a million dollars; and if the committee had been pliant enough he would have got it. He has got $500,000 in this bill absolutely at his disposal, which he can use in any way he sees fit, provided he thinks it is in the interest of the forest reserves. We knocked out that part of it which provided that he might buy other lands. Of course I heard an appeal that some poor settler had gotten inside of a forest reserve. If he got there at all, he got there before the forest was made. He has not got there since, that I know of, although the Senator says there are a thousand of them. He can tell us when he makes a speech where they are. I suppose he is the mouthpiece of the Department in that particular, and that he will tell us. I do not know. Complaints come to me from every part of the State that forest reserves are closed; that upon every entrance into a forest reserve you will find a notice: "Keep out of this; this is Government property."

I think I have kept the Senate long enough. There are many things I intended to say, but I am going to say one or two things before I conclude.

Mr. FORAKER. Mr. President, may I ask the Senator a question before he takes his seat?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I do.

Mr. FORAKER. I wish to ask the Senator from Colorado what he proposes? Has he offered any amendment?

Mr. TELLER. I want to knock that provision out.

Mr. FORAKER. Which provision?

Mr. TELLER. The one for $500,000.

Mr. FORAKER. Is that all?

Mr. TELLER. That is the main thing I should like to knock out. There are many other things that I should like to knock out, but I do not suppose I can do so. I am pretty practical; I know pretty well what the influence of the Department is. I have felt it, and I do not suppose we can get it out. We will try, anyway.

Mr. WARREN. Mr. President, I think I ought to say——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Yes.

Mr. WARREN. In view of what the Senator from Colorado has said, I wish to state that at the proper time his attention will be called to the estimates for this $500,000, and, indeed, for considerably more. I think it is subdivided as much as the Senator would expect it to be. As to whether it shall come in or go out, and how much we may appropriate, that is quite another thing; but I do not, in justice, wish to have the objection rest upon the ground that there is no estimate in detail.

Mr. TELLER. I suppose that this is a matter for the Senate to decide.

Mr. FORAKER. The reason I asked whether that was so, was that I was very much interested in the statement made by the Senator from Colorado [Mr. TELLER] in the course of his remarks, to the effect that to the extent of more than a million dollars—something, I think, in excess of $1,100,000—Mr. Pinchot, who, I suppose, is the official referred to, was allowed to fix salaries and that practically that much money was at his disposal in that respect.

Mr. TELLER. There are a few salaries which Congress has fixed, but the great majority of them are fixed by Mr. Pinchot, or by the Secretary of Agriculture.

Mr. FORAKER. I did not suppose that was allowed. I suppose Congress has authorized it by some blanket provision.

Mr. TELLER. The committee thought last year, when they required a detailed statement, that we would not be required to put in a lump sum.

I want to say a word or two about coal, although it is pretty late.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. TELLER. I am not through.

Mr. LODGE. I beg the Senator's pardon. I thought he was through.

Mr. TELLER. Not quite; though I know I ought to be.

Mr. LODGE. I did not mean to suggest that in the least; but I myself intended to say something in connection with the matter.

Mr. TELLER. Mr. President, the Senator from New York [Mr. DEPEW] says that in a few years we shall have used up all the coal. It has been repeated through the forest reserve circulars again and again that all the lumber is going to be consumed. These people have never made a statement as to how much coal there is in the United States, and there is not a man living who knows; but you might guess somewhat at it. I tell you that lying on our border there are at least 30,000 square miles of coal land in the State of Wyoming. There is probably a good deal more than that, and there is as much in the State of Colorado, and probably a great deal more. There are, I suppose, 60,000 square miles of coal there. Wyoming has more coal twice over than Pennsylvania; Colorado has twice as much coal as has Pennsylvania. Utah has some; I do not know how much. I think she has some, because her citizens have been charged lately with stealing it, I remember; so I suppose there must be some coal there.

Mr. WARREN. I hope the Senator from Colorado will generously include Colorado in the matter of alleged stealing.

Mr. TELLER. Mr. President, some of our best citizens have been charged with stealing coal, and I shall illustrate how they steal it. Up to 1873 there had been no such thing as segregation of coal land from agricultural land. Then there was a segregation made; that is to say, the orders went out from the Department after the statute was passed to separate the different kinds of land, so that when the returns of the surveyors were made it would appear that "this is coal land" and "this is agricultural land." They made the report in that way, and no man could take an acre of coal unless it was returned as coal land. Then he paid $10 an acre for it under one condition and $20 under another. All the rest of the land was returned as agricultural, and was susceptible of homesteading and filing lieu scrip upon it, and all that.

A prominent gentleman in Colorado—I will not use his name, because he has been very much hurt over the thing—a very prominent gentleman and one of high character, with knowledge that some land in the vicinity where he lived returned as agricultural land was undoubtedly coal land, although there is not a man living to-day who knows there is coal there, bought some lieu scrip—something which grew out of this forest business; we never had any before, and we would not have had any if it had not been for the forest reserves—and laid it on this land. Thereupon the grand jury indicted him for a conspiracy to get agricultural land as coal land; that is, to get it for the coal in it. As a lawyer, I need not say that, it being open to occupation as agricultural land, a man could take it as such even though it contained deposits of coal. I believe that case is pending. About 18 or 19 of our citizens were indicted for violating the regulations of the forest reserve and the Department—not the land laws, but regulations, mind you, not made by Congress, but made by the Department. When the case came before the United States judge, who was a man of high character and an excellent gentleman, he said on demurrer: "On the face of your papers you show that no offense is committed. The Department can not make regulations and create a criminal offense. The Supreme Court has said that." Thereupon there was a great outcry. Whether true or not, it was said that the President certainly would do all he could to reverse that decision. I do not know what he had to do with it;

I do not know whether he actually said so; but the newspapers said that. A week or two afterwards the Supreme Court of the United States decided an Oregon case upon that same question, and decided it just as Judge Lewis had decided it in Colorado. I think that some time that matter will probably be understood, and it will be very astonishing to some people. I know the Department, and especially the Bureau of Forestry, think if they can not, under their regulations, make a criminal case against a man they will fall; that the ground will be stricken from under their feet, and that the system will go to the bad undoubtedly.

But that is elementary. Congress can not tell a man that he may make a regulation the violation of which is a criminal act. Congress may provide by law that he may make a regulation to carry out the law, but he can not make a regulation by which he may change the act. So I do not feel any humiliation about the lands that our people have been indicted for stealing, under those circumstances and with this explanation.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. I do.

Mr. HEYBURN. I should like to call attention to the Book of Estimates on this subject, commencing on page 131 and continuing to and including part of page 136. I find that there is no statement as to the items for which an expenditure of $1,167,676 is required or estimated for, except the general title, "General expenses in the Forest Service," found on page 132. There are only three items.

Mr. WARREN. Mr. President, as the Senator knows, the Book of Estimates comes out early and is usually followed with supplemental estimates. There are supplemental estimates respecting the Agriculture Department and the requirements of the Forest Service.

Mr. HEYBURN. Is it not true, I would ask the Senator from Wyoming, in charge of the bill, that the lump fund requested by those supplemental estimates is $1,500,000?

Mr. WARREN. There is a supplemental estimate or requirement and request for $2,000,000.

Mr. HEYBURN. A lump sum?

Mr. WARREN. Well, when you say lump sum, that is the amount submitted; that is the total estimate. As to what shall be done with all of it——

Mr. HEYBURN. With all of it?

Mr. WARREN. It is, in my judgment, very complete. It is too bulky for me to offer it or to read it at this time, but the Senator can inspect it. In fact it is in the hearings before the House committee. It covers several pages.

Mr. HEYBURN. Is it not true that they ask for a lump sum to be expended by the Department under the discretion of the Department, without enumerating the purposes for which it is to be expended?

Mr. WARREN. I do not find it that way. The estimates are all itemized. The bill contains a half million dollars, inserted in exactly the manner it was inserted a year ago, but I find in looking through the estimates that they enumerate all of the uses to which it is to be devoted.

Mr. HEYBURN. But is it not true that they provide in such general terms as "for administration, Forest Service?"

Mr. WARREN. They take up each forestry item by itself and go into the particulars. For instance, here is an item for cabins, $90; barn, $79. We will go to another: "Three cabins, $550; three barns, 7 miles of fence," and so forth.

Mr. HEYBURN. I do not refer to those items. I refer, rather, to what they call the "general administration," which they say is for the purpose of building telegraph and telephone lines, roads, and that class of expenditures.

Mr. WARREN. Had the Senator waited a moment I would have come to that, because in the same place I find an item for repairing 12 miles of road, 30 miles of trail, and so forth. The Department covers all those items.

Mr. HEYBURN. For the coming year?

Mr. WARREN. For the coming year.

Mr. HEYBURN. Is there no lump sum in the request of the Forestry Service?

Mr. WARREN. I know of no request for a lump sum as such.

Mr. CLARK of Wyoming. Will the Senator from Idaho allow me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. CLARK of Wyoming. I should like to ask my colleague whether or not it is a fact that the various items which he is enumerating there are included in the $3,296,200 which the bill carries?

Mr. WARREN. No; they are not as to the particular items I read. This was submitted in the place of the $500,000 now contained in the bill. They asked for $2,000,000 instead of $500,000; and they distributed it as to the entire amount in the manner in which I have indicated by quoting a few lines. As to telephone lines and all that, it is here in this book.

Mr. CLARK of Wyoming. Will my colleague allow me just one moment more? I notice a total of $3,296,200 for salaries paid for the Forest Service on page 25, outside of the $500,000.

Mr. WARREN. Does the Senator refer to the bill?

Mr. CLARK of Wyoming. Yes; page 25 of the bill. I am asking for information, and nothing else. In lines 13, 14, and 15 there is provided for salaries and general expenses of the Forest Service a total of $3,296,200. There must be somewhere, in the possession of the chairman or of somebody else, an estimate that does not appear in the Book of Estimates.

Mr. WARREN. Very true. I have stated that it came up in the supplemental estimates, and I was reading from the supplemental estimates.

Mr. CLARK of Wyoming. I understood the Senator to say that those supplemental estimates were not included in this item of $3,000,000, but were in the $500,000 item.

Mr. WARREN. Well, the first estimate in the Book of Estimates and all the later ones account for that general sum. All of the $2,000,000, of which the $500,000 is a part, is accounted for in the book from which I was reading.

Mr. CLARK of Wyoming. Yes; but what I am suggesting is that those previous estimates do not amount to this sum within $100,000. That is what I am trying to find out.

Mr. WARREN. There is a special estimate for that, separately sent up by the Department, or through the Treasury Department.

Mr. HEYBURN. I think I can throw some light on this matter. On the face of the bill it will be seen, by adding together the amount to be provided in lines 13, 14, and 15, page 25, and the amounts to be appropriated in the suceeding six lines, that $500,000 is the lump sum, and this makes up a difference between the specific appropriation and the grand total. I would call attention to the language to show that it is not estimated for in detail. It says, commencing in line 16, page 25:

> And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be expended as the Secretary of Agriculture may direct for the proper and economical administration, protection, and development of the National Forests.

That leaves that $500,000 to be expended as he may see fit.

Mr. CLARK of Wyoming. I should like to ask my colleague another question.

Mr. WARREN. Just a moment. There is no question about that; but the statement made that there was no estimate for it is not correct.

Mr. HEYBURN. It is not in the Book of Estimates,

Mr. WARREN. Very well. As I explained a moment ago, in my service in this body, which has not been very short, I have never known a time when any one of the great supply bills has been treated in committee upon the Book of Estimates alone. We have had to depend not only upon that, but upon supplemental estimates. We have tried to obtain from the Departments a conformance to our wish that they should not submit supplemental estimates, and that they should endeavor to submit the estimates early enough and fully enough to prevent that; but, nevertheless, they come to us on every one of these supply bills with supplemental estimates.

Mr. CLARK of Wyoming. Now, will my colleague permit a question?

Mr. WARREN. The Senator from Colorado [Mr. TELLER] has the floor.

Mr. TELLER. I will yield to the Senator.

Mr. CLARK of Wyoming. I will ask if there is any way or any source through which members of the Senate can get these estimates? I have been hunting all day for a copy of the hearings to which the Senator has three or four times called our attention, but can not find it anywhere. The copies are either entirely exhausted or have disappeared.

Mr. WARREN. So far as that is concerned, we are not responsible, of course, at this end of the Capitol for documents of the other House; but here is a copy which I shall be pleased to hand to my colleague.

Mr. CLARK of Wyoming. What I want to get is some way by which we can ascertain these estimates and what the expenditures are, for we seem to be at sixes and sevens and at cross-purposes in regard to them.

Mr. WARREN. True.

Mr. CLARK of Wyoming. I have not seen it in anything that has been submitted except in the Book of Estimates, and we are told that the Book of Estimates is not conclusive, and "cuts no ice." What I want to get at is something that will give us the information we are trying to get.

Mr. WARREN. It is true that the Book of Estimates is not conclusive, but I should not like to be quoted as saying that it "cuts no ice."

Mr. CLARK of Wyoming. I withdraw the expression.

Mr. WARREN. But here are the supplemental estimates, I may say, in the House hearings.

Mr. HEYBURN. How are Senators to criticise or consider the wisdom of the items in these estimates that are contained in a volume not freely accessible to every Senator?

Mr. LODGE. They are perfectly accessible.

Mr. CLARK of Wyoming. The Senator from Massachusetts is mistaken. I have been trying to get a copy all day and can not find one, either at this end of the Capitol or the other.

Mr. WARREN. If they are not accessible, I do not know that. It is a regularly printed document on the House side.

Now, as to informing Senators, with all respect to my colleagues, I want to remind them that "you can lead a horse to water, but you can not make him drink." You can not force this Senate as a body or individual Senators to wade through a pamphlet of thousands of pages of testimony, of estimates, and so forth, and of course when the bill reaches the Senate its provisions are naturally new to some Senators. I do not think that for that reason they are debarred from obtaining the information. The fault, perhaps, may be somewhat with the Senators themselves.

Mr. FULTON. Will the Senator from Wyoming allow me to ask him a question right here for information?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. TELLER. Yes.

Mr. FULTON. The Senator from Wyoming has read from the Book of Estimates, and he says the $500,000 is intended to cover, among other things, buildings, barns, and so forth. I find on page 23 where there is a part of the enumeration of the items for the $3,150,000, "to erect necessary buildings." There is a broad statement—"to erect necessary buildings" for the Forestry Reserve Service. Are there other buildings to be erected besides those covered by the words "necessary buildings?"

Mr. TELLER. I believe this question will have to be postponed until to-morrow morning.

Mr. WARREN. I will not answer if the Senator from Colorado refuses to yield. I was simply going to say that possibly I had not explained it sufficiently. The estimates in the first place are printed in the Book of Estimates. They go to the committee on the other side. They are then furnished with additional estimates, and the additional estimates, which cover this $500,000 which we have allowed, include $2,000,000 and also include the additions that they wanted to all the other appropriations, and in reading there as I did I read simply a part of the $2,000,000. Now, we have cut that down to $500,000, or, rather, the House did.

Mr. TELLER. It will be recollected that I did not bring in this estimate question. It was brought in by others. It is quite immaterial to me whether there is an estimate or not. If there is an estimate, I am still opposed to the provision. The estimate does not change my opposition to it. I did not consider it a question worthy of taking up the time of the Senate with. I have been diverted by the colloquy of my colleagues here, and I think they have made more of a speech than I have, at least some of them have. I can not very well conclude to-night. There are some things I wish to take up in the morning.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. TELLER. I will yield the floor with the understanding that I may resume in the morning.

Mr. LODGE. Certainly.

Mr. President, I have listened with interest this afternoon to a great deal of indignant eloquence about the wrongs of lump sums and sums left in the control of officers of the Departments to spend as they please. I felt the liberties of my country shaking under my feet. But I have been surprised to see, looking quite casually at this book, examining the Forestry Service, that in the Bureau of Entomology the statutory salaries are $19,443, and the lump-fund salaries, spent at the discretion and pleasure of the head of the Bureau, are $164,644; Bureau of Soils, statutory salaries $35,384, lump fund $83,178; Chemistry, statutory salaries $27,103, lump fund $121,947; Plant Industry, statutory salaries $160,987, lump fund $429,168; Weather Bureau, statutory salaries $193,918, lump fund $591,042, spent by Mr. Moore; Animal Industry, statutory salaries $76,642, lump fund, spent by the Department at its pleasure, $2,400,669.

Mr. President, I am not concerned to defend lump funds, but it does seem to me that to discharge all these vials of wrath on one bureau in the Department, when every other bureau has a lump fund, which is spent in the same way, and the Animal Industry Bureau has one twice as large——

Mr. WARREN. Will the Senator permit me?

Mr. LODGE. Certainly.

Mr. WARREN. I alluded in brief to that point earlier in the day, but not in so complete a way as the Senator has done. The Department of Agriculture has always provided in this way and these bureaus with lump sums. If the Senator will go a little further, he will find in all the regular appropriation supply bills great lump sums.

Mr. LODGE. I know it.

Mr. WARREN. I do not approve of it, but they are there just the same.

Mr. LODGE. I am aware of it. But I am not arguing the question, I will say, whether the lump appropriations——

Mr. WARREN. Of course that goes to strengthen what the Senator says.

Mr. LODGE. I am not arguing the question whether lump appropriations are wise or not. I simply make the point that this is not a sin of one bureau or a thing given to one bureau alone, and that every other bureau officer in the Department of Agriculture is doing precisely the same thing.

Mr. HALE. I do not know but that the Senator in charge of the bill has already stated it; it may appear in some report of his, but what are the appropriations in this bill for this Bureau for the next fiscal year compared with the appropriations for the present fiscal year? Can the Senator tell me?

Mr. WARREN. The proposed expenditures for the next fiscal year under the bill as it stands will be $223,277.64 more than will have been expended during the present fiscal year.

Mr. HALE. What is the aggregate amount?

Mr. WARREN. The aggregate amount is $3,796,200.

Mr. HALE. Or, for all purposes, about two hundred and odd thousand dollars in excess of the present year?

Mr. WARREN. For all purposes $223,000, in round figures, more than for this fiscal year. However, that is not discovered by a comparison of this appropriation bill with the preceding bill until you look at the provision in the last agricultural appropriation bill, which provides that after the 1st of July, 1907, moneys taken in from forestry should go into the Treasury. That left unexpended on July 1 something over eleven hundred thousand dollars, which was available during the year, and that sum and the appropriation of the present fiscal year, together, make the appropriation for the next fiscal year about $223,000 less than for the coming year as provided for in this bill.

Mr. CULLOM obtained the floor.

Mr. WARREN. Will the Senator yield to me that I may give a notice?

Mr. CULLOM. Certainly.

Mr. WARREN. Mr. President, I wish to give notice that I shall call up the bill immediately after the conclusion of the routine morning business to-morrow, and shall endeavor to press it, to the exclusion of other business.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 8, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, May 7, 1908.

UNITED STATES ATTORNEY.

James J. Crossley, of Iowa, to be United States attorney for the third division of the district of Alaska, vice Nathan V. Harlan, resigned.

APPOINTMENT IN THE NAVY.

Harry H. Lane, a citizen of New York, to be an assistant surgeon in the Navy from the 5th day of May, 1908, to fill a vacancy existing in that grade on that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 7, 1908.

ASSISTANT SECRETARY OF COMMERCE AND LABOR.

William R. Wheeler, of California, to be Assistant Secretary of Commerce and Labor.

PROMOTION IN THE NAVY.

Pay Inspector Thomas J. Cowie to be pay director in the Navy from the 2d day of May, 1908.

POSTMASTERS.

ALASKA.

Lillie N. Gordon to be postmaster at Seward, Alaska.

GEORGIA.

Harry S. Edwards to be postmaster at Macon, Bibb County, Ga.

John F. Jenkins to be postmaster at Ashburn, Turner County, Ga.

Levi L. Spence to be postmaster at Ball Ground, Cherokee County, Ga.

Albert N. Tumlin to be postmaster at Cave Springs, Floyd County, Ga.

NEVADA.

V. L. Adams to be postmaster at Wonder, Churchill County, Nev.

OKLAHOMA.

J. S. Thompson to be postmaster at Wellston, Lincoln County, Okla.

PENNSYLVANIA.

John S. Edmundson to be postmaster at Duquesne, in the county of Allegheny and State of Pennsylvania.

Charles E. Foringer to be postmaster at Kaylor, Armstrong County, Pa.

John H. McDermott to be postmaster at McKees Rocks, in the county of Allegheny and State of Pennsylvania.

Charles Wolfenden to be postmaster at Sheridanville, in the county of Allegheny and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 7, 1908.*

[*Continuation of the legislative day of Monday, May 4, 1908.*]

The recess having expired, the House, at 11 o'clock and 30 minutes a. m., was called to order by the Speaker.

STORM SUFFERERS IN TEXAS AND TENNESSEE.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution (H. J. Res. 179) amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

Resolved, etc., That the provisions and benefits of public resolution No. 17, for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908, be extended to the sufferers from the same storm or cyclone in Texas and Tennessee, and that the Secretary of War be, and he is hereby, authorized and directed to grant the same relief to persons in Texas and Tennessee whose property was injured or destroyed as provided in the original resolution for citizens of Alabama, Georgia, Mississippi, and Louisiana.

Mr. MACON. Mr. Speaker, I would like to ask the gentleman from Tennessee to allow me to make a request for unanimous consent to amend the resolution so as to include Arkansas. I have seen dispatches from there to the effect that certain parts of that State have been afflicted in the same way; and if they have not, it can not do any hurt.

Mr. MOON of Tennessee. I have no objection to the amendment.

The SPEAKER. Is there objection to the present consideration of the joint resolution amended according to the suggestion of the gentleman from Arkansas?

Mr. KEIFER. Mr. Speaker, I did not quite understand the suggestion.

The SPEAKER. It is to include Arkansas in the resolution. The Chair hears no objection.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOON of Tennessee a motion to reconsider the vote whereby the joint resolution was passed was, on his motion, laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The pending question is on the motion of the gentleman from Minnesota, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The question was taken.

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. I make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Sixty-three Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as favor the motion will, when their names are called, answer "yea," and as many as opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 267, nays 2, answered "present" 13, not voting 105, as follows:

YEAS—267.

Adair	Denver	Howell, Utah	Overstreet
Adamson	Diekema	Howland	Page
Alexander, Mo.	Dixon	Hubbard, Iowa	Parker, N. J.
Alexander, N. Y.	Douglas	Hubbard, W. Va.	Parker, S. Dak.
Allen	Draper	Hughes, N. J.	Parsons
Ames	Driscoll	Hull, Iowa	Patterson
Anthony	Dwight	Hull, Tenn.	Payne
Ashbrook	Edwards, Ga.	Humphrey, Wash.	Perkins
Bannon	Ellerbe	James, Ollie M.	Pollard
Barclay	Ellis, Mo.	Jenkins	Porter
Bartholdt	Ellis, Oreg.	Johnson, S. C.	Pray
Bartlett, Nev.	Englebright	Jones, Va.	Prince
Beale, Pa.	Esch	Jones, Wash.	Pujo
Beall, Tex.	Fairchild	Kahn	Rainey
Bede	Favrot	Keifer	Rauch
Bell, Ga.	Ferris	Kennedy, Iowa	Reeder
Bennet, N. Y.	Finley	Kennedy, Ohio	Reid
Birdsall	Fitzgerald	Kipp	Reynolds
Bonynge	Floyd	Kitchin, Claude	Richardson
Booher	Fordney	Knapp	Robinson
Bowers	Fornes	Knopf	Rodenberg
Boyd	Foss	Knowland	Rothermel
Bradley	Foster, Ill.	Küstermann	Rucker
Brodhead	Foster, Vt.	Lafean	Russell, Mo.
Broussard	Foulkrod	Laning	Russell, Tex.
Brownlow	French	Lawrence	Sabath
Brumm	Fulton	Leake	Saunders
Brundidge	Gaines, Tenn.	Lever	Scott
Burgess	Gaines, W. Va.	Lewis	Shackleford
Burke	Gardner, Mich.	Lindbergh	Sheppard
Burleigh	Garner	Lindsay	Sherley
Burleson	Garrett	Littlefield	Sims
Burnett	Gilhams	Lloyd	Slayden
Burton, Del.	Gill	Loud	Slemp
Burton, Ohio	Gillespie	Loudenslager	Smith, Cal.
Calderhead	Godwin	Lowden	Smith, Iowa
Caldwell	Gordon	McCall	Smith, Mo.
Campbell	Goulden	McDermott	Smith, Tex.
Candler	Graff	McGuire	Southwick
Capron	Graham	McKinley, Ill.	Sparkman
Carlin	Greene	McKinney	Sperry
Carter	Gregg	McLain	Spight
Caulfield	Griggs	McLaughlin, Mich.	Stafford
Chaney	Gronna	McMillan	Steenerson
Chapman	Hackett	McMorran	Stephens, Tex.
Clark, Fla.	Hackney	Macon	Sterling
Clark, Mo.	Hale	Madden	Stevens, Minn.
Clayton	Hall	Madison	Sturgiss
Cole	Hamilton, Iowa	Malby	Sulloway
Conner	Hamilton, Mich.	Mann	Tawney
Cook, Colo.	Hamlin	Marshall	Taylor, Ohio
Cook, Pa.	Hammond	Miller	Thistlewood
Cooper, Pa.	Harding	Moon, Pa.	Thomas, Ohio
Cooper, Tex.	Hardwick	Moon, Tenn.	Tou Velle
Cooper, Wis.	Hardy	Moore, Pa.	Underwood
Cox, Ind.	Haskins	Moore, Tex.	Volstead
Craig	Haugen	Morse	Waldo
Cravens	Hawley	Mouser	Wanger
Crawford	Hay	Murdock	Washburn
Crumpacker	Helm	Needham	Watson
Currier	Henry, Conn.	Nelson	Weeks
Dalzell	Henry, Tex.	Nicholls	Wilson, Ill.
Davenport	Hill, Miss.	Norris	Wilson, Pa.
Davis, Minn.	Hinshaw	Nye	Wood
Dawson	Holliday	O'Connell	Woodyard
De Armond	Houston	Olcott	Young
Denby	Howell, N. J.	Olmsted	

NAYS—2.

Johnson, Ky.	Sulzer

ANSWERED "PRESENT"—13.

Ansberry	Cousins	Haggott	Talbott
Boutell	Fassett	Hill, Conn.	
Butler	Flood	Roberts	
Cockran	Glass	Sherman	

NOT VOTING—105.

Acheson	Cary	Focht	Harrison
Aiken	Cocks, N. Y.	Foster, Ind.	Hayes
Andrus	Coudrey	Fowler	Heflin
Barchfeld	Cushman	Fuller	Hepburn
Bartlett, Ga.	Darragh	Gardner, Mass.	Higgins
Bates	Davey, La.	Gardner, N. J.	Hitchcock
Bennett, Ky.	Davidson	Gillett	Hobson
Bingham	Dawes	Goebel	Howard
Brantley	Dunwell	Goldfogle	Huff
Byrd	Durey	Granger	Hughes, W. Va.
Calder	Edwards, Ky.	Hamill	Humphreys, Miss.

Jackson	Lilley	Peters	Tirrell
James, Addison D.	Livingston	Pou	Townsend
Kelliher	Longworth	Powers	Vreeland
Kimball	Lorimer	Pratt	Wallace
Kinkaid	Lovering	Randell, Tex.	Watkins
Kitchin, Wm. W.	McCreary	Ransdell, La.	Webb
Lamar, Fla.	McGavin	Rhinock	Weems
Lamar, Mo.	McHenry	Riordan	Weisse
Lamb	McKinlay, Cal.	Ryan	Wheeler
Landis	McLachlan, Cal.	Sherwood	Wiley
Langley	Maynard	Small	Willett
Lassiter	Mondell	Smith, Mich.	Williams
Law	Mudd	Snapp	Wolf
Lee	Murphy	Stanley	
Legare	Padgett	Taylor, Ala.	
Lenahan	Pearre	Thomas, N. C.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until Friday:

Mr. DAVIDSON with Mr. RANSDELL of Louisiana.

Until further notice:

Mr. WEEMS with Mr. RHINOCK.

Mr. SMITH of Michigan with Mr. WEISSE.

Mr. HUGHES of West Virginia with Mr. MAYNARD.

Mr. MCGUIRE with Mr. STANLEY.

Mr. SNAPP with Mr. WILLETT.

Mr. HILL of Connecticut with Mr. GLASS.

Mr. BINGHAM with Mr. LAMAR of Florida.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. FASSETT with Mr. RYAN.

Mr. BATES with Mr. WILLIAMS.

Mr. CARY with Mr. LAMAR of Missouri.

Mr. CUSHMAN with Mr. HEFLIN.

Mr. HENRY of Connecticut with Mr. WILEY.

Mr. MCCREARY with Mr. HOWARD.

Mr. COUDREY with Mr. HOBSON.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. POWERS with Mr. PRATT.

Mr. DUNWELL with Mr. WATKINS.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. FULLER with Mr. BYRD.

Mr. MUDD with Mr. TALBOTT.

Mr. PEARRE with Mr. WALLACE.

Mr. ACHESON with Mr. AIKEN.

Mr. BARCHFELD with Mr. ANSBERRY.

Mr. ANDRUS with Mr. BRANTLEY.

Mr. BOUTELL with Mr. DAVEY of Louisiana.

Mr. CALDER with Mr. GOLDFOGLE.

Mr. DARRAGH with Mr. GRANGER.

Mr. DAWES with Mr. HAMILL.

Mr. FOCHT with Mr. HITCHCOCK.

Mr. DUREY with Mr. HARRISON.

Mr. FOSTER of Indiana with Mr. KELIHER.

Mr. GILLETT with Mr. KIMBALL.

Mr. GOEBEL with Mr. LAMB.

Mr. HAYES with Mr. LASSITER.

Mr. HUFF with Mr. LEE.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. ADDISON D. JAMES with Mr. LEGARE.

Mr. LANDIS with Mr. LENAHAN.

Mr. LANGLEY with Mr. MCHENRY.

Mr. LAW with Mr. PADGETT.

Mr. LONGWORTH with Mr. PETERS.

Mr. LOVERING with Mr. POU.

Mr. MCGAVIN with Mr. RANDELL of Texas.

Mr. MCKINLAY of California with Mr. SHERWOOD.

Mr. THOMAS of Ohio with Mr. SMALL.

Mr. TIRRELL with Mr. WALLACE.

Mr. TOWNSEND with Mr. TAYLOR of Alabama.

Mr. VREELAND with Mr. WEBB.

Mr. EDWARDS of Kentucky with Mr. WOLF.

Mr. HIGGINS with Mr. THOMAS of North Carolina.

Mr. COCKS of New York with Mr. WILLIAMS.

For the session:

Mr. COUSINS with Mr. FLOOD.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. BRADLEY with Mr. GOULDEN.

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21260, the sundry civil appropriation bill, with Mr. WATSON in the chair.

The Clerk read as follows:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *Provided further*, That no such person shall be employed during vacation; of reasonable expenses actually incurred for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; of reasonable expenses actually incurred for travel and attendance of justices or judges who shall attend the circuit court of appeals held at any other place than where they reside, not to exceed $10 per day, the same to be paid upon written certificates of said judge, and such payments shall be allowed the marshal in the settlement of his account with the United States; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $260,000.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 148, line 14, after the words "New York," insert: "And the northern district of Illinois."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

From and after the passage of this act the Reform School of the District of Columbia shall be know and designated as the "National Training School for Boys."

Mr. SULZER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 19, on page 157, insert:

"For safe or vault for safe-keeping records in the office United States commissioner for Teller, Alaska, $500."

Mr. TAWNEY. Mr. Chairman, I make the point of order on that.

Mr. SULZER. Mr. Chairman, I trust the gentleman will reserve the point of order for a few minutes, as I would like to say a few words.

Mr. TAWNEY. I reserve the point of order.

Mr. SULZER. Mr. Chairman, this amendment just read, appropriating $500 for a safe or vault for the United States commissioner and recorder of the Port Clarence mining district at Teller, Alaska, is offered by me at the request of many people in that section of Alaska, and has the approval of the commissioner of the district, Judge S. G. Hinton. I have here a telegram from Judge Hinton, which reads as follows:

TELLER, VIA NOME, ALASKA, *January 8, 1908.*

Hon. WM. SULZER,
House of Representatives, Washington, D. C.:

Important procure appropriation $500 for vault this office, safe-keeping of records. Ask FAIRBANKS, CALE, JONES, ANKENY, PILES help in my name.

S. G. HINTON,
United States Commissioner and Recorder,
Port Clarence Recording District.

The telegram speaks for itself, and should be controlling in this matter with the Members of this House. It is absolutely necessary for the United States Commissioner at Teller, Alaska, to have a large safe, or a suitable fireproof vault built, for the safe preservation of the important records and record books now in his office. In case of fire, these invaluable records would all be destroyed, and the loss would be irreparable. It would cause endless trouble.

Mr. Chairman, last summer I was in that part of Alaska and I saw for myself. I know from personal observation how important this matter is to the people up there. The Port Clarence mining district in Alaska embraces a territory of nearly 30,000 square miles. It covers one of the greatest mineral sections in the world. The recorder's office and the commissioner's office are located at Teller—a small place with a few dozen wooden houses all close together. Hundreds and thousands of valuable mining claims have been recorded in this recording office. Many transfers have been made. Innumerable deeds have been executed. All these have been recorded in something like thirty or forty volumes of records which are most important to thousands of people and ought to be carefully preserved. The office of the commissioner at present is in a little wooden building. In case of fire, likely to occur at any time, these records would be all destroyed. There would be absolutely no way of saving them. There is no fire department there. Teller is a very small village. I believe the Delegate from Alaska, who is not present this morning, has requested and urged this appropriation before the Committee on Appropriations, and was referred to the Department of Justice.

The Department of Justice, as I understand it, is in favor of the appropriation being made. In case these records were destroyed, the title to all these mining properties on Seward Peninsula would become involved and lead to endless litigation. No man would then know who owned the property, or its record, or be able to follow the title and find out if it was free and

clear. This $500 will either buy a suitable safe in which these records can be kept and preserved or it will build a fireproof vault in which they can be put. This is a most important matter, and the appropriation should be made. I hope the point of order, which I know lies against the amendment, will not be insisted on. If there is anything to-day the people up there want, it is this appropriation for the preservation of these records.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. SULZER. Yes.

Mr. TAWNEY. When was the telegram received of which the gentleman spoke?

Mr. SULZER. This telegram was sent last January.

Mr. TAWNEY. Has the gentleman ever brought the matter to the attention of the Committee on Appropriations?

Mr. SULZER. Yes. The Delegate from Alaska brought it to the attention of the committee and was referred to the Department of Justice. The Department said that it had no money for this safe and commended Mr. CALE to Congress.

Mr. TAWNEY. Well, I have no knowledge of the telegram or of the gentleman from New York bringing it to the attention of the Committee on Appropriations or any member of it.

Mr. SULZER. I talked to the gentleman about it.

Mr. TAWNEY. What member of the committee?

Mr. SULZER. I spoke to you about it.

Mr. TAWNEY. The gentleman spoke to me about the *Slocum* disaster over in New York——

Mr. SULZER. And I spoke to you about this. It is a very important matter, and this appropriation ought to be made. In case these records are destroyed by fire it would be most disastrous to thousands and thousands of people who own mining properties on Seward Peninsula. I trust, therefore, that the point of order will be withdrawn and that the appropriation will be made.

Mr. TAWNEY. Mr. Chairman, inasmuch as the Department of Justice is supposed to be thoroughly aware of all the needs of these officers in Alaska and did not make an estimate for this appropriation, and there is no law authorizing it, I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SULZER. Well, we will have it put in the bill in the Senate.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments; for salaries, compensation, or wages of all necessary clerks and employees additional to the foregoing specific sums and notwithstanding any limitation on such employments contained in the legislative, executive, and judicial appropriation act for the fiscal year 1908; for rents, fuel, gas, electric current, gas and electric fixtures, and ice; for bicycles, horses, wagons, and harness, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of officers of the Government Printing Office when in writing ordered by the Public Printer; for freight, expressage, telegraph and telephone service; for furniture, typewriters, and carpets; for traveling expenses, stationery, postage, and advertising; for advertising for sale documents which have accumulated in the office of the superintendent of documents, not exceeding $12,000; for directories, technical books, and books of reference, not exceeding $500; for adding and numbering machines, time stamps, and other machines of similar character; for repairs to machinery, implements, and buildings; for other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials needed in the prosecution of the work, $5,300,000; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely:

Mr. PERKINS. Mr. Chairman, I offer an amendment, which I think should be read at this place.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars," line 10, page 163, insert:

"*Provided*, That no payment shall be made for any material, machines, or furniture where the order or contract of purchase was for property exceeding $1,000 in value, unless such order or contract was approved by the Joint Committee on Printing, if Congress was in session when such order was given or contract made, or by the Secretary of the Interior if Congress was not in session."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order.

Mr. PERKINS. Mr. Chairman, I have, of course, no objection to the point of order being reserved, but I hope the gentleman from Minnesota will not insist upon it, and I would be very glad if the Chairman would give us a little more order to make this statement as to the conditions in the Printing Office, which I think are of interest and importance to the committee, a statement which I trust will lead the Members not to raise the point of order. Not that I concede the point of order lies against it, for I claim it is a limitation, but whether limitation or not it is so manifestly, as it seems to me, in the interest of the public service that I trust that gentlemen of the committee will cooperate with me in having this amendment adopted. The power of the Government Printer is not actually understood by many Members of this House. Here is an appropriation in lump by which $5,300,000 is put under the control of the Public Printer, and with the exception of the purchase of paper the Public Printer has the entire control of making contracts, of making purchases for any amount within that limitation, which bind the Congress. Now, that is very great power, and the results certainly have not been satisfactory. For instance a year and a half ago the Public Printer was authorized to purchase or make contract with what was called the "Audit System." If that contract had been submitted as this resolution proposes, to the Joint Committee on Printing, which has time for examination which the Committee on Appropriations does not have, certainly that contract would never have been approved. As it was, the Public Printer, being entirely without control and beyond control as to the amount of money for which he could bind the Government, first agreed to pay the "Audit System" at the rate of $40,000 a year. At the end of the first year he, of his own volition, increased that contract so he bound the Government to pay for the "audit system" at the rate of $80,000 a year.

And the Government paid on that contract, until by an examination by the Joint Committee on Printing the contract was canceled, the sum of $125,000. Now, Mr. Chairman, it is my belief, and I think it is the belief of the entire committee, that that $125,000 was wasted; that the Government got from it no permanent good; and it is certain that the corporation which was furnishing these goods under the contract, as it was running during the past year, cleared up above the wages they were obliged to pay for employees to put in their own work, at least $50,000 profit a year. Now, no one, least of all my friends on the Committee on Appropriations, approve of such a result, and yet it is a result that is liable to occur when any official is given unrestrained power to dispose of millions of money as he in his judgment may see fit.

Now, further, Mr. Chairman, I want to state another power that has been exercised, and to ask whether this committee thinks it wise that such power should remain unrestrained and uncontrolled? During the last few years, after very much delay, instruments have been purchased for the setting of type. The Public Printer has bought, in all, machines to the amount of $1,000,000. It is the opinion of Mr. Rossiter, who has investigated the situation at the Public Printing Office, that the amount for purchasing these machines by the present Public Printer and his predecessor exceeded somewhat $1,000,000. We know that there was in the newspapers a large question of controversy as to the giving of the contracts, whether the Mergenthaler Company or some other corporation should get it. Surely, Mr. Chairman, such a power as that should not be left in the hands of any official without control. Now, the law provides that, when it comes to the purchases of paper, which are of considerable amount, for the purposes of the Government printing, the contracts are let under the direction of the Joint Committee on Printing.

The CHAIRMAN. The time of the gentleman from New York [Mr. PERKINS] has expired.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PERKINS. So, when it comes to the purchases of paper that are made by the Government Printing Office, they are advertised in newspapers, directed by the Joint Committee on Printing. At a fixed day those bids are opened and they are let by the Joint Committee on Printing, receiving such advice as we desire from the Public Printer. As a result, through all these years there has been no suggestion that the purchases of paper were not judiciously made, to the best advantage of the Government; and undoubtedly when the law was first passed if the great extension of the Printing Department had been contemplated, there would have been provision that not only the paper but the machinery of that Office should also be bought subject to the approval of the Joint Committee on Printing. But such is not now the law, and the amendment which I have offered puts the purchases of material and of machinery on precisely the same footing that the purchases of paper are upon now.

The report of Mr. Rossiter shows an illustration. Within the last six months there were purchased by the Public Printer, subject to no supervision of anyone, materials and furniture to the value of $500,000. Some of that was wisely purchased and some of it unwisely purchased; but is it wise and will the gentlemen of this committee say that it is wise, that such power, by which the Public Printer can in six months spend for machinery, and for furniture, and for carpeting, or what-

ever he sees fit, one-half million of dollars, should be entirely without control or supervision? He bound the Government for half a million, and he could have bound the Government for a million dollars if he had seen fit, and we would have been obliged to pay the bills. Now, the amendment that I offer is this, that the Public Printer shall be required—that is, the result of it is that no appropriation shall be allowed unless contracts exceeding $1,000 in value made for the purchases of machinery or of material shall be approved by the Joint Committee on Printing. In other words, these purchases are put on precisely the same footing as the purchases of paper for the Government Printing Office. If this law had been in force, Mr. Chairman, within the last eighteen months, first, the $125,000 paid for the audit system would never have been paid. Second—

Mr. SMITH of Iowa. Will the gentleman permit me to ask him a question?

Mr. PERKINS. Surely. I would like to be interrupted.

Mr. SMITH of Iowa. I call the gentleman's attention to the fact that the employment of the audit system was not under the general authority of this section, as the gentleman seems to believe, but that during those years Congress expressly provided in this section for the employment of this Audit System.

Mr. PERKINS. We know that there was provision made for it from time to time.

Mr. SMITH of Iowa. What I want to get at is this: We all agree that there should be a more efficient check. I want to see whether the check proposed by the gentleman is sufficient and suitable. Now, as I understand it, the Joint Committee on Printing for nine months out of every two years consists practically of only the Senate Committee on Printing.

Mr. PERKINS. No.

Mr. SMITH of Iowa. In a practical view, is that not true?

Mr. PERKINS. No; because for the last two years there has been made in the place of the joint committee a joint commission, created with a provision that three Members of the House who were elected to the new Congress, and who were on the Joint Committee on Printing of the last Congress, should act on this joint commission.

Mr. SMITH of Iowa. Now, is that statutory?

Mr. PERKINS. Well, it is statutory; it is law. It is not a permanent statutory law, because we have not yet been able, though we trust we shall ere long, to have this matter properly regulated by statute.

Mr. SMITH of Iowa. But the gentleman does not propose the continuance of this joint commission, a joint committee on which the House has no membership for nine months in every two years.

Mr. PERKINS. Practically the evil which the gentleman supposes does not occur. This is precisely the same as with reference to the purchase of paper. Under the law the joint committee makes the contract for paper.

Mr. SMITH of Iowa. Yes.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. PERKINS. Certainly.

Mr. TAWNEY. While that is true, is not paper a commodity the price of which is well known, and are not these contracts made annually?

Mr. PERKINS. Yes; precisely.

Mr. TAWNEY. Your proposition would require the approval of contracts that are made daily?

Mr. PERKINS. No.

Mr. TAWNEY. And nine months in every two years the House has no representation on the Joint Committee on Printing?

Mr. PERKINS. I think the points made by the gentleman are not of practical value, and I will state why. The Joint Committee on Printing consists of the Committee on Printing of each House. Now, in reference to the contracts for paper, it would be perfectly possible to have the paper purchased as the machines are purchased, from time to time. The joint committee meets at the time when both the House and the Senate are in session.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PERKINS. I only ask time sufficient to explain my amendment. We find that, practically, the Public Printer makes to us and can make a requisition for all the paper he requires during an entire year for printing. Sometimes some special need may exist when Congress is not in session, but that is something that would require the supervision of the Secretary of the Interior, and is easily provided for, for practically 99 per cent, not only of the paper, but of machinery, the needs of the Office, and furniture, it is practically possible for the Public Printer to present to the joint committee a statement of what he reasonably requires, and the Committee on Printing during the time that Congress is in session can supervise and approve the contracts for 99 per cent of what is to be required for the Printing Office during the period Congress is not in session; and for such other things as he may require for amounts over $1,000 it is left with the discretion of the Secretary of the Interior and under his control.

Mr. SMITH of Iowa. I quite agree with the gentleman's purpose, but I simply seek information. I want to know if the purchase of paper is in fact a formal matter that is disposed of by the committee?

Mr. PERKINS. It is not a formal matter. We advertise. We have bids and competition from a great many, and every member of the committee is dunned to death by fellows who want to get the contract. But they all find out that the contract goes to the man who makes the lowest bid and has given satisfactory service.

Mr. SMITH of Iowa. Is the tabulation done by the Committee on Printing?

Mr. PERKINS. It is tabulated in our presence; of course the work of tabulation is done by the clerks of the committee. The members of the committee do not perform the work of tabulation, but everything is tabulated and submitted to the joint committee. When that is done, we go over the tabulations in each case, and if they are not satisfactory to the committee, as was the case in reference to several contracts last January, we did not accept the tabulation, because we thought some of them were made on a somewhat unfair basis; then the matter is examined carefully, and finally the contracts are made. Certainly the result in that branch of the service has been entirely satisfactory, and we were willing to do the same work in reference to stock and machinery, and we felt that this would save much money, and prevent any gross abuse, and we know that there is a possibility of abuse, and often the reality.

Mr. SMITH of Iowa. Now, does the gentleman think that a committee of Congress is the best body to pass upon the details of just what machinery is necessary for a printing office?

Mr. DOUGLAS. Will the gentleman from Iowa allow me to ask him a question in return?

Mr. SMITH of Iowa. Yes.

Mr. DOUGLAS. Is not a committee of Congress better than nothing?

Mr. SMITH of Iowa. I am asking for information now.

Mr. PERKINS. I will say in reply to the gentleman from Iowa that I not only think that a committee of Congress is better than nothing, but I think, taking the present joint committee, of which I am a humble member, that it is the very best thing you could have. Our committee are not as busy as the Committee on Appropriations. We have plenty of time to investigate this. We are interested in the subject. We are zealous, as I think any committee charged with a particular work should be; and, barring myslef, I think you could not find better agents for this work than the Joint Committee on Printing as it is at present organized, and as, in my belief, it will continue to be organized, or as we have reason to expect it will be organized in the future.

Mr. SMITH of Iowa. The selection of a particular kind of machinery, for instance, whether a monoline or a linotype machine, being a somewhat technical question, is not a matter over which Congress ordinarily would exercise control, is it?

Mr. PERKINS. In reply to that I will say that the Committee on Appropriations calls before it persons who can give it information in reference to such details. So we should call before us persons who would give us information, and we think after having been informed by competent persons, we would then be in a position to exercise our judgment, which we hope would be intelligent, and which we are sure would be disinterested, free from any bias or possible interest in contracts, and all the influences to which persons connected with the office are necessarily subjected.

Mr. SCOTT. Will the gentleman allow me to ask him a question?

Mr. PERKINS. Yes.

Mr. SCOTT. Is it not the gentleman's observation, as a member of the Committee on Printing, that machinery has been bought for the Government Printing Office during the past two or three years, to the amount, perhaps, of $100,000, displacing other machinery, which, perhaps, was not quite so up-to-date, but which was yet entirely effective, which machinery was thrown in the scrap heap, in that way imposing an entirely unnecessary burden of expense upon the Government?

Mr. PERKINS. Yes; exactly so; and if the gentleman will allow me just a minute, I will read from the report of Mr. Rossiter, who, under the direction of the President, has made a most careful examination of the conditions in the Printing Office. In relation to the subject referred to by the gentleman

from Kansas [Mr. SCOTT], he says in reference to this purchase of $1,000,000 of these linotype machines—

> An inspection of this great plant of composing machines leads to the conclusion that it has been installed with poor judgment, that an investment of not more than one-half that sum would have been ample for several years, to test the machines and determine their field of usefulness.

In other words, in the opinion of Mr. Rossiter, $1,000,000 has been spent in three or four years, where $500,000 could probably have been more profitably expended.

Mr. DAWSON. I should like to ask a question along the line suggested by the gentleman from Kansas.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask unanimous consent that his time be extended five minutes.

There was no objection.

Mr. DAWSON. Is it not also true, in a measure, regarding furniture, that the same condition exists as is stated by the gentleman from New York with reference to machinery?

Mr. PERKINS. Oh, yes; the purchases of furniture have been, to use the very mildest term, most injudicious. The Public Printer, whatever his motive was, spent a very large amount of money unwisely, and any intelligent committee would have been able undoubtedly to have prevented a large amount of this injudicious expenditure.

Mr. MANN. Will the gentleman from New York yield?

Mr. PERKINS. Certainly.

Mr. MANN. Does the gentleman think that the furniture in the Printing Office shows any more lavish extravagance than the furniture in the committee rooms of the House of Representatives?

Mr. PERKINS. That is a question that the gentleman from Illinois is so peculiarly fitted to answer that I shall leave it to him to do it. [Laughter.] He has had charge of the new Office Building and the furnishing.

Mr. MANN. Not at all; but if they have any more expensive furniture over in the Printing Office than they have in the various committee rooms of the House, I will take a trip over and see it.

Mr. PERKINS. After all, it may be said that furniture suited to the Committee on Ways and Means and the Committee on Appropriations is not necessary for the Public Printer, who receives men who come there to make reports on printing and binding.

Mr. MANN. Undoubtedly; I have been in the Office several times, but I never saw any evidence of extravagance in furniture over there. Probably that is the difference in the point of view.

Mr. PERKINS. There has been some furniture purchased lately. I think it would be wise to have it under the supervision of a committee of the House.

Mr. MANN. Here is a question as to the purchase of all the machines——

Mr. PERKINS. What does the Committee on Appropriations know about the details of the expenditure of the $5,000,000 they appropriate?

Mr. SMITH of Iowa. They do not pass upon the details.

Mr. MANN. They do not pass upon the details; they do not determine whether one binding machine is better than another or anything of that kind.

Mr. PERKINS. We want to pass upon the details for the instruction and information of the Committee on Appropriations. We have no desire to take charge of the appropriation, but we feel that a wise supervision and examination of the details would be useful to that committee.

Mr. MANN. Will the gentleman tell us about printing ink purchased under contract? Is that supervised in any way?

Mr. PERKINS. No; it is not, as I understand. The only thing that is supervised is that purchases of all the supply of paper are supervised by the general Committee on Printing; that and nothing else.

Mr. MANN. Printing paper has been purchased under the jurisdiction of this committee?

Mr. PERKINS. Yes.

Mr. MANN. Will the gentleman from New York inform the special committee in reference to the price and quality of printing paper which has been purchased?

Mr. PERKINS. Yes; we can furnish the committee with the price of all the paper that has been bought.

Mr. MANN. For how long past?

Mr. PERKINS. Five years that I have been on the committee, and I do not know how much longer.

Mr. MANN. The special committee will want the services of the gentleman, or somebody, to inform it with reference to the price and value of paper for a number of years past. We, as yet, have not been able to obtain any real data with reference to that, for some years past.

Mr. PERKINS. The records of the joint committee are open to your investigation.

Mr. MANN. We do not want to go and investigate the records of the Joint Committee on Printing; we have other things to do.

Mr. TAWNEY. Will the gentleman from New York yield?

Mr. PERKINS. Certainly.

Mr. TAWNEY. The gentleman from New York spoke about the purchase of supplies and materials. I would like to ask him if it is not a fact that the general law which applies to the purchase of all supplies and materials in all of the Departments applies with equal force to supplies and materials for the Printing Office?

Mr. PERKINS. I do not know whether the general law applies.

Mr. TAWNEY. It does.

Mr. PERKINS. Then it has not been obeyed, because investigation has shown that contracts have been fixed beforehand, the price fixed beforehand, and bids received were changed and modified until finally the desired customer was reached, and then the contract was let. Those are things that could not occur if a committee of the House had supervision of them.

Mr. SMITH of Iowa. It is a fact, is it not, that for a long time there was a bitter hostility in the office against the introduction of typesetting machines of every kind?

Mr. PERKINS. I have understood so.

Mr. SMITH of Iowa. And it has been a point of issue whether we were proceeding too fast or too slow in substituting machine typesetting for hand typesetting?

Mr. PERKINS. Yes.

Mr. SMITH of Iowa. So the fact that Mr. Rossiter in his investigation concluded that we had been proceeding too fast in installing typesetting machines would not be conclusive on the mind of the gentleman?

Mr. PERKINS. Oh, no; not necessarily.

Mr. SMITH of Iowa. So it was a question of judgment, and a matter of dispute as to how fast we should proceed, and the Public Printer proceeded faster than he should?

Mr. PERKINS. I do not condemn the Public Printer or his predecessor. All I say is that I think, considering the size of the plant and the power, there should be a supervision over the Public Printer, vested in the committee that has charge of this branch of the Government.

Mr. SMITH of Iowa. I wanted to find whether or not the gentleman claimed it conclusively appeared that we had proceeded too fast in getting typesetting machines?

Mr. PERKINS. Oh, no; I do not say that. I am not sure but that we did, but I am not in a position definitely to give that opinion.

Mr. TAWNEY. I will state to the gentleman from New York [Mr. PERKINS] that during the sixteen years I have been in the House, the criticism on the part of the House has always been that the Public Printer was not installing typesetting machines as fast as he ought to do in order to save expense.

Mr. SMITH of Iowa. And I think that criticism was just.

Mr. PERKINS. There is no doubt the Public Printer was too slow in starting them.

Mr. MANN. And now he is too fast in doing it. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has once more expired.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will state that debate is running by unanimous consent. The gentleman from Minnesota [Mr. TAWNEY] reserved a point of order on the amendment proposed by the gentleman from New York.

Mr. SCOTT. I will ask unanimous consent for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. I just want to make a statement. The statement I desire to make is this, in answer to the gentleman from Iowa [Mr. SMITH]: I happen to have learned that when the monotype machines were installed in the General Printing Office, they were used to print the bills which came to this House, among other documents. Prior to their installation the private pension bills, which were set up in great numbers, sent there from this House, were printed by hand, and by reason of the fact that a great portion of them could be "fatted," to use the printer's term, one printer could set four of those bills in an hour, on an average. After the installation of the machines, it took one printer using the machine one hour to print one of those bills.

Mr. SMITH of Iowa. Is not that a question not to be affected by this? That is a question of the administration of the Office after the machines are in, as to what work the machines should be used on.

Mr. SCOTT. I think that any committee, whether they have any technical knowledge of the printing machine or not, would disapprove of any policy which would put in a hundred or more machines which it was possible to use to so great disadvantage as that.

Mr. TAWNEY. That matter is now under the jurisdiction of the Joint Committee on Printing. If the gentlemen of that committee wish to make an investigation, they can get the power to make any investigation they desire in regard to the administration of the Office, and for the last two years they have been engaged in a very expensive investigation.

Mr. SCOTT. And great reforms have been wrought. I only mention this as one unfortunate use of the printing machines.

Mr. MANN. Is the gentleman sure of his facts?

Mr. SCOTT. I have the authority of the foreman of one of the divisions of the Printing Office, who spoke from his personal knowledge and whose word I have not any reason in the world to question.

Mr. MANN. Of course I do not represent the Public Printer, but I have been told that the introduction of the machines over there has very greatly added to the rapidity of printing the bills, including the pension bills, and I feel warranted in saying that the information that the gentleman has is not correct; that it does not and never has taken one hour to set up a pension bill, an ordinary pension bill, with one of the machines.

Mr. SCOTT. As further evidence that the statement is correct, I may say that the present Public Printer has discontinued the use of the machines for the purpose of printing them.

Mr. SMITH of Iowa. This is a question of administration, after what has been put in there.

Mr. SCOTT. Yes.

Mr. DOUGLAS. What difference does it make whether the machines have been well used or ill used, and what objection, I would like to ask, too, of the chairman of the Committee on Appropriations who reserved the point of order—what possible objection can there be, when it seems this power now rests solely in the hands of the Public Printer, to have that discretion revised and superintended by a committee of the House or a joint committee of the House and Senate?

Mr. MANN. You propose to change the discretion. You can not supervise discretion. You change it from the Public Printer to a committee of the House.

Mr. DOUGLAS. As I understand it, this amendment simply does away with the consent of the Public Printer.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman from Ohio and the gentleman from New York that when I reserved the point of order for the purpose of having the gentleman from New York fully explain his amendment, it was for the purpose of ascertaining whether it would be wise or unwise to agree to it. After considering the amendment and listening to the statement of the gentleman from New York I consider his proposition to be wholly impracticable. It is impracticable, not because the joint committee, when we have a joint committee, is not competent or because for a period of nine months every two years we have no joint committee.

Mr. PERKINS. Yes; but this provision provides that during that time, if there are any contracts that have to be made, the power shall be vested in the Secretary of the Interior, which is precisely what the law is now in reference to the purchase of paper. When there is no joint committee here, then the Secretary of the Interior is vested with the power of the Joint Committee on Printing.

As a matter of fact we have had no trouble during all these years that the purchase of paper has been made in this way and there has been no trouble in letting the contracts. Now, if there has been no trouble in that, certainly, I think, my friend is mistaken.

Mr. TAWNEY. I said a moment ago to the gentleman from New York that contracts for paper are annual contracts. Now, the purchase of supplies and material for the Government Printing Office above $1,000 is going on all the time.

Mr. PERKINS. Oh, there are such things as the installation of machines——

Mr. TAWNEY. I understand there may be some particular purchases, but that is only occasionally, but the gentleman's amendment applies to all purchases for all materials above $1,000——

Mr. PERKINS. To large purchases.

Mr. TAWNEY. Now, it would be just as reasonable to say that the Secretary of the Navy, in whose discretion expenditures aggregating $50,000,000 a year are made, before he can make any contract for material and before he can make any contract for supplies he should be required to submit that contract to the Committee on Naval Affairs for its approval.

Mr. PERKINS. Does not the gentleman think——

Mr. TAWNEY. Just a moment.

Mr. PERKINS. Certainly.

Mr. TAWNEY. This proposition is not new. At the beginning of our Government, Congress approved all contracts. The House of Representatives passed as a body upon nearly all contracts for the purchase of supplies or materials; but that was soon found to be impracticable, just as the proposition offered by the gentleman from New York will, if it is ever adopted, be found to be impracticable.

The purchase of all these supplies and material is governed by the general law that applies to all officers that exercise any discretion whatever in the expenditure of money for the purchase of supplies and material for the Departments. And the same authority that holds these executive officers to a compliance with the law also binds the Public Printer. Besides that, while he is an officer of the United States and no longer an officer of Congress, as he was formerly, and we have a committee of this House, and a joint committee of the two Houses authorized to supervise the administration of the Public Printer, nevertheless things are done in that Office, as they are done in all Departments, that should not be done.

Mr. PERKINS. We can supervise him just this way: We can go and find where he has made foolish contracts and wasted money and report it; but we want to have a supervision that will prevent waste.

Mr. TAWNEY. Well, Mr. Chairman, if we had a permanent organization in both Houses of Congress, then the gentleman's argument would apply to the facts that he has stated, but we do not have a permanent organization of that kind and we are not in session—the House is not represented on the Joint Committee on Printing. In that case the gentleman proposes to turn this authority over to another Department of the Government. It seems to me the proposition is absolutely impracticable. Now, the criticism the gentleman makes in regard to the "audit system" can not be made against the Committee on Appropriations. That system originated with the Keep Commission. The Keep Commission originally recommended this "audit system," and authority was given in the sundry civil bill two years ago to inaugurate that system. The expenditures which were made were made out of this appropriation, but there was no material bought under that authorization, as the gentleman will see if he has examined the hearings.

The Public Printer has bought no material of any consequence. The balance of the money was spent for personal services and for equipment. Now, the amendment, Mr. Chairman, being a legislative limitation, changing the discretion of the Public Printer, which is now vested in him by law, to a joint committee of the two Houses, and then again transferring that discretion to the Secretary of the Interior when we do not have a joint committee, makes it a legislative limitation which is clearly obnoxious to the rule of the House.

Mr. PERKINS. In reference to the point of order, I submit that it is clearly a limitation, and is not a provision changing the law. It is pointed simply to this appropriation. It says for the appropriation made now of $5,300,000 a limitation shall be imposed upon its expenditure, and that none of that money shall be paid out except upon contracts made in a certain way.

After that appropriation is disposed of, Congress in the future can decree as it sees fit; but it seems to me, Mr. Chairman, that this is clearly a limitation in reference to this appropriation. This money shall be paid on certain things and shall not be paid on other things, to wit, shall not be paid on any contract that has not been executed in a certain way. What is the change of law in that? In various cases it has been held that Congress might as a limitation say that money should not be paid. Only yesterday the Chairman of the Committee of the Whole decided that it was not subject to a point of order to say that money appropriated for Soldiers' Homes should not be paid to any Soldiers' Home unless certain things were kept out of the Homes. The Board in charge of the Homes must not allow the sale of liquors within its buildings. There was a limitation put upon that appropriation of money.

Now, by this amendment we say that this money shall not be paid upon contracts unless they have been executed in a certain way. And I see no difference in principle between the point on which the Chair ruled yesterday, to say nothing of other innumerable rulings, and the question that is now presented.

Mr. TAWNEY. While that limitation took from the Board of Managers the discretion with respect to the sale of beer or the maintenance of canteens, it did not place the discretion anywhere else. The gentleman proposes to take from the Public Printer the discretion which is now vested in him by law and transfer that discretion to a joint committee, and subsequently, when we have no joint committee, to transfer the discretion to the head of another Department. It is, therefore, clearly a legislative limitation and not in order.

Mr. OLMSTED. Mr. Chairman, not questioning the ruling

made yesterday in regard to an amendment requiring the sanction of the inmates of a Soldiers' Home before a canteen could be maintained, it seems to me it went as far as it would be safe to go in that direction. Yet this proposed amendment goes a little further. Would not this amendment, if enacted into law, be construed as directly, or at least indirectly, conferring upon the Committee on Printing an authority and a discretion which it does not now possess? Would not the Public Printer assume that he had the right, and was indeed required, to call upon that committee for his guidance and assistance? And would not that committee feel authorized, under this provision, to take charge of the purchase of these printing machines—an authority which it does not now possess—and also the purchase of supplies and materials? If that would be the correct construction of this provision if enacted into law, then does it not change existing law in violation of the well-known rule of this House?

The CHAIRMAN. The Chair is clearly of the opinion that the amendment is subject to the point of order, first, because it would vest in the Joint Committee on Printing the power that it does not have; secondly, the Secretary of the Interior power that he does not have, and third, it is a square legislative enactment by its very terms, and not a limitation, for it says:

Provided, That no payment shall be made for any material.

That is legislative enactment, not having reference alone to the appropriation here made, but to all future appropriations.

The Chair is clearly of the opinion it is subject to the point of order, and therefore sustains the point of order.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word. This I do for the purpose of asking the gentleman from New York [Mr. PERKINS] a question. I think I understood him to say that the purchase of paper for the Government Printing Office is in some sense under the supervision of his committee.

Mr. PERKINS. Entirely under the supervision of the committee. We let the contract.

Mr. OLMSTED. Can the gentleman state what price is paid by the Government for print paper at the present time?

Mr. PERKINS. I can not.

When the contracts were before us we knew which was the lowest bid—the gentleman may be assured of that.

Mr. OLMSTED. I can well understand that all these matters can not be carried in mind, but I hoped that the gentleman might remember the price paid by the Government for print paper. The reason I asked for the information was that I have received a letter this morning from a prominent newspaper publisher in Pennsylvania, who says:

The prices we have been paying for the last four years under annual contracts have been: 1905, $2.25 per hundred pounds; 1906, $2 per hundred pounds; 1907, $1.95 per hundred pounds, and 1908, $2.50.

Then he says:

With regard to the increased cost of print paper, I am forced to the conclusion that the big jump in price this year is due to a combination in restraint of trade rather than the tariff. Just the same, however, the increase in the cost of the production of a newspaper, owing to the jump in the price of white stock, is so serious as to imperil the legitimate business. It is particularly burdensome to newspapers like ours. It is not possible for me to say whether there is any real reason for the tremendous increase of price, but the fact that competition has been practically stifled indicates that something is radically wrong.

I had hoped the gentleman from New York, or some member of the committee might be able to tell us how the prices paid by the Government compare with the prices paid by the newspapers.

Mr. MANN. I think the Government does not use what is commonly known as "print paper." At least, I have never seen any that came from the Printing Office.

Mr. OLMSTED. It uses a better quality of paper than newspapers?

Mr. MANN. I would say it uses a better quality of paper than the newspapers.

Mr. SMITH of Iowa. The paper in the proof sheets is not better, is it?

Mr. MANN. Well, as far as I have seen, it is better. I think it is a heavier paper.

Mr. SMITH of Iowa. I am not an expert on paper, but I should judge that it is a very inferior quality.

Mr. MANN. The gentleman may be right, I do not undertake to say.

Mr. OLMSTED. I think the Government buys a good deal of paper for use in the CONGRESSIONAL RECORD and in the printing of bills, and so forth, which is a better quality of paper, but I think the Government does use a good deal of print paper.

Mr. MANN. Oh, "print paper," yes. But the ordinary news paper is a lighter quality of paper than the print paper made from the ground pulp.

Mr. OLMSTED. Well, a comparison with the price paid by the Government would be valuable.

Mr. MANN. It would be valuable to know the price paid by the Government as compared with the price paid by the newspapers. The price paid by the Government this year is considerably in excess of what the prices were heretofore.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, and for rents, $1,825,900. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Mr. SMITH of Iowa and Mr. SCOTT rose.

Mr. SMITH of Iowa. Mr. Chairman, there is one matter in connection with the Public Printing Office that I think ought to be known to every Member of the House, and it seems peculiarly appropriate to state it at this time. You will observe that this bill carries $49,080 for specific salaries of the Public Printing Office. Then it carries $5,300,000 for the public printing. Then that $5,300,000 is allotted to the various Departments and branches of the public service. But the appropriation is not "to the Navy Department" for a certain amount for printing, not "to the War Department" for a certain amount for printing, but to the Public Printer in a gross amount for printing, and that amount is then allotted among the different branches of the Government.

Mr. SCOTT. Is that allotment fixed in such a manner that if the War Department, for example, were not to use the entire amount allotted to that Department, the remainder can not be allotted to another Department?

Mr. SMITH of Iowa. I beg the gentleman's pardon; the purpose of this statement is to explain just what may be done and cover the point made by the gentleman. Now, the appropriation of $5,300,000 carried by this bill is for the public printing, so that the appropriation is not to a Department, not to Congress, but is to the Public Printing Office. We say to it, "You take that money and spend that money," and the subsequent clauses simply limit the amount of work that can be done for each branch of the public service at the Printing Office, and they credit them with that amount at that Office.

Now, the effect of that is this, that if they underestimate the cost on any piece of work the Department may get far more work done at the Public Printing Office than was allotted in the bill. That has constantly been going on for years. They have underestimated the cost of all their work, so that the annual estimates of the value of the product have never equaled the annual expense of the Office. They would express it "that they bought more than they sold," and what it means is that nobody has been charged as much as the actual cost for the work done. We say "For the State Department, $42,000." If they underestimate the value of the work for the State Department, they in effect give more to the State Department than Congress has authorized for that Department from this appropriation. Now, what has been the result?

Mr. DOUGLAS. Do they not have to take it from some other Department?

Mr. SMITH of Iowa. They take it from the $5,300,000. They are entitled to draw all this money, and they are only entitled to charge to each branch of the service up to the amount here allotted to it; but if that scale be below the actual cost then the Department gets more than Congress meant it should get, in fact.

Now, that was a crying evil, and there was the need of an accurate method of ascertaining what the work of this Public Printing Office did cost, and there was a crying need for an audit system. I am not now discussing the worth of this audit system that was attempted to be installed there, but it was, above all things in that Office, important that we find out what the work was actually costing the Government of the United States, and not do work for every Department and charge it with only a fraction of what it cost to do the work.

Now, I will tell you what happened. We were giving a gross sum to the Public Printer and then making certain allotments to the various Departments. Those allotments have for a third of a century been subtracted from the gross appropriation to the Public Printing Office and the balance allotted to the Congress of the United States. So for the year 1904 there was allotted to Congress $3,382,137.

[The time of Mr. SMITH of Iowa having expired, by unanimous consent it was extended five minutes.]

Mr. SMITH of Iowa. The charges to Congress for that year were $2,248,666.49, leaving a balance of the allotment to Congress of $1,133,471 to be actually expended in doing work for all of the various Departments of the Government, underestimating the cost of it and charging it to their allotment, and Congress has thus received the odium of having squandered more than $1,000,000 in printing that Congress never had done at all.

Mr. SCOTT. Can the gentleman state whether his committee

has ever inquired into that matter and found out how much printing is charged to Congress that as a matter of fact Congress never had?

Mr. SMITH of Iowa. It is not charged to Congress directly.

Mr. SCOTT. I ask that question for the reason that in talking with employees in the Printing Office, with many of whom I am familiarly and personally acquainted, they say to me that it is constant talk among the employees there that whenever the allotment to any other Department of the Government is exhausted the word will be passed down, "Oh, charge it to Congress," no matter who it may be done for.

Mr. SMITH of Iowa. I will say that the deputy head of this Government Printing Office denies that anything has been charged to Congress that ought to be charged to somebody else, but he takes the money allotted to Congress and does the work with it and undercharges for the work done for the other Departments of the Government.

Mr. SCOTT. It amounts to the same thing, does it not?

Mr. SMITH of Iowa. I think so; but I am trying to make plain just what is done.

Now, in the year 1905 the allotment to Congress was $3,500,000, and the charges were $2,045,000, leaving the balance allotted never used, but absorbed in the work done for the other Departments of this Government. It was therefore essential, above all things, that we find what this work was actually costing us, and charge each Department with what it cost. Otherwise the Department gets far more than Congress allots, and Congress becomes charged with extravagant expenditures for printing that it, in fact, never had. I have had a statement prepared from the Government Printing Office showing how much has been allotted to each branch of the public service, how much has been charged to it, and how much has been absorbed by reason of their not charging the actual value of this work; and I ask unanimous consent that this table be printed in the RECORD as a part of my remarks.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The table is as follows:

Statement of appropriations by allotments 1904–1907, and allotments 1908.

Year.	Congress.	Orders, private.	Speeches.	Proof paper.	State Department.			Treasury Department.			War Department.	Navy Department.		
					Allotment.	Deficiency.	Total.	Allotment.	Deficiency.	Total.		Allotment.	Deficiency.	Total.
1904	$3,382,137.82				$35,000.00		$35,000.00	$315,000.00	$30,000.00	$345,000.00	$234,500.00	$145,000.00		$145,000.00
Charges	2,248,666.49	$88,217.51	$39,552.15	$2,333.51			29,116.79			334,994.70	221,155.61			141,415.51
Balance	1,133,471.33						5,883.21			10,005.30	13,344.39			3,584.49
1905	3,035,645.82				35,000.00	$5,000.00	40,000.00	320,000.00	25,000.00	345,000.00	239,500.00	145,000.00	$15,000.00	160,000.00
Charges	2,345,902.69	76,567.06	7,100.89	2,527.59			39,384.97			317,752.45	206,910.79			157,045.97
Balance	689,743.13						615.03			27,247.55	32,589.21			2,954.03
1906	3,035,645.82				35,000.00		35,000.00	320,000.00		320,000.00	239,500.00	145,000.00		145,000.00
Charges	2,395,519.19	80,439.52	19,946.44	2,239.66			30,967.56			300,051.12	175,400.35			128,459.36
Balance	640,126.63						4,032.44			19,948.88	64,099.65			16,540.64
1907	2,093,500.00				42,000.00		42,000.00	325,000.00		325,000.00	275,000.00	153,000.00	2,200.00	155,200.00
Charges	1,474,895.85	52,946.50	12,404.81	2,284.45			33,238.42			319,732.89	235,916.79			154,997.42
Balance	618,604.15						8,761.58			5,267.11	39,083.21			202.58
1908	1,731,250.00				42,000.00		42,000.00	325,000.00		325,000.00	275,000.00	153,000.00		153,000.00

Year.	Commerce and Labor Department.	Supreme Court United States.	Supreme court District of Columbia.	Court of Claims.			Library of Congress.	Executive Office.	Interstate Commerce Commission.	Bureau of American Republics.		
				Allotment.	Deficiency.	Total.				Allotment.	Deficiency.	Total.
1904	$163,652.18	$10,000.00	$1,500.00	$15,000.00		$15,000.00	$185,000.00	$2,000.00				
Charges	112,297.37	9,988.97	971.11			12,182.29	145,162.04	1,478.97				
Balance	51,354.81	11.03	528.89			2,817.71	39,837.96	521.03				
1905	500,000.00	10,000.00	1,500.00	15,000.00		15,000.00	185,000.00	2,000.00				
Charges	338,946.51	5,688.74	729.66			12,144.57	184,990.27	2,298.41				
Balance	161,053.49	4,311.26	770.34			2,855.43	9.73					
1906	500,000.00	10,000.00	1,500.00	15,000.00		15,000.00	185,000.00	2,000.00				
Charges	301,921.51	4,634.40	1,124.22			14,918.66	177,220.55	1,716.06				
Balance	198,078.49	5,365.60	375.78			81.34	7,779.45	283.94				
1907	500,000.00	10,000.00	1,500.00	15,000.00	$3,000.00	18,000.00	205,000.00	2,000.00	$58,000.00	$20,000.00	$6,000.00	$26,000.00
Charges	457,085.69	9,487.10	844.53			17,983.38	204,729.16	3,910.71	48,199.83			25,793.39
Balance	42,914.31	512.90	655.47			16.62	270.84		9,800.17			206.61
1908	560,000.00	10,000.00	1,500.00	15,000.00		15,000.00	205,000.00	2,000.00	60,000.00	20,000.00		20,000.00

Year.	Interior Department.			Smithsonian Institution.	Geological Survey.			Justice Department.			Post-Office Department.	Agriculture Department.	Annual Report Agriculture Department.
	Allotment.	Deficiency.	Total.		Allotment.	Deficiency.	Total.	Allotment.	Deficiency.	Total.			
1904	$630,000.00	$62,000.00	$692,000.00	$17,000.00	$215,000.00		$215,000.00	$20,000.00	$3,000.00	$23,000.00	$400,000.00	$185,000.00	$300,000.00
Charges			587,210.22	16,997.21			183,587.41			20,780.80	342,606.63	180,493.56	202,659.09
Balance			104,789.78	2.79			31,412.59			2,219.20	57,333.37	4,506.44	97,340.91
1905	422,000.00	24,000.00	446,000.00	25,000.00	215,000.00	$14,675.56	229,675.56	20,000.00	6,000.00	26,000.00	350,000.00	185,000.00	300,000.00
Charges			432,598.66	24,824.69			200,511.71			24,747.19	349,593.56	181,598.70	140,869.23
Balance			13,401.34	175.31			29,163.85			1,252.81	406.44	3,401.30	159,130.77
1906	422,000.00	27,000.00	449,000.00	25,000.00	215,000.00		215,000.00	20,000.00		20,000.00	350,000.00	185,000.00	300,000.00
Charges			425,601.73	24,775.93			230,435.85			18,824.27	296,358.41	184,114.08	216,654.22
Balance			23,398.27	224.07						1,175.73	53,641.59	885.92	83,345.78
1907	487,000.00		487,000.00	70,000.00	185,000.00		185,000.00	23,000.00		23,000.00	335,000.00	300,000.00	
Charges			472,759.55	66,687.11			174,267.68			21,873.04	334,875.83	241,330.45	
Balance			14,240.45	3,312.89			10,732.32			1,126.96	124.17	58,669.55	
1908	535,000.00	20,000.00	555,000.00	73,500.00	185,000.00		185,000.00	23,000.00		23,000.00	350,000.00	433,750.00	

Statement of appropriations by allotments 1904–1907, and allotments 1908—Continued.

Year.	Government Printing Office.							
	Salaries, legislative.	Contingent expenses.	Leave.	Certified claim.	Court of Claims judgment.	Night messengers.	Public Printer.	Appropriation.
1904	$15,650.00	$3,000.00	$340,000.00			$1,500.00		[a]$6,710,940.00
Charges	15,650.00	2,394.62	331,434.70			1,500.00	$21,165.34	5,294,072.60
Balance		605.38	8,565.30					1,416,867.40
1905	15,650.00					750.00		6,111,721.38
Charges	15,645.55					750.00	17,663.27	[b]5,086,793.13
Balance	4.45							1,024,928.25
1906	15,650.00					1,500.00		6,049,795.82
Charges	14,986.24					1,500.00	21,444.31	[c]5,069,253.64
Balance	663.76							980,542.18
1907	15,650.00			$237.08	$776.75	900.00		5,128,763.83
Charges	14,995.99					900.00	40,256.71	[d]4,422,397.28
Balance	654.01			237.08	776.75			706,366.55
1908	90,790.00							[e]5,110,790.00

[a] Includes $40,000 transferred from leave and $70,652.18 brought forward from a continuing appropriation.
[b] $298.41 of this amount is for work done on requisition from the Department of the Interior for the Executive Office.
[c] Includes $15,435.85 in excess of allotment.
[d] Includes $1,910.71 in excess of allotment.
[e] To March 1, 1908.

Mr. SCOTT. Before the gentleman takes his seat, I should like to ask him how much of this sum of $1,825,900 is to be used in the payment of rents?

Mr. SMITH of Iowa. I am not able to inform the gentleman.

Mr. SCOTT. The attempt was made to segregate the amount that should be appropriated and charged to the printing of Congress?

Mr. SMITH of Iowa. It was not. I have just tried to make plain that what would be the expense of running the Public Printing Office next year an allotment was made for every branch of the public service except Congress, and the balance has been allotted to Congress.

Mr. SCOTT. This balance of $1,825,000 that is in this paragraph is not only allotted to Congress to pay for the printing, but also for the rents.

Mr. SMITH of Iowa. Rents in connection with the printing of Congress.

Mr. SCOTT. I desire to find out what buildings are rented.

Mr. SMITH of Iowa. I can not inform the gentleman now. The point I want to impress upon the House is that this Public Printing Office claims that the money is appropriated for the Office and not for the various Departments.

Mr. SCOTT. I am glad that the gentleman has made the statement for the reason I suggested a moment ago—that it has come to my knowledge that very much of the money charged to Congress ought not properly to be so charged.

Mr. SMITH of Iowa. The money is used, but there is nothing charged against it, so it shows a loss.

Mr. DRISCOLL. The Joint Committee on Printing has jurisdiction of the work the gentleman speaks of?

Mr. SMITH of Iowa. I think they have.

Mr. DRISCOLL. They have not neglected their duty, have they?

Mr. SMITH of Iowa. I do not want to express an opinion upon that. I think they are fairly diligent.

Mr. DRISCOLL. These rents are included in the public printing for Congress?

Mr. SMITH of Iowa. Yes.

Mr. DRISCOLL. All through these appropriation bills are items carried for rent, but they do not state what buildings we are renting nor how much we are allowed for each Department. It strikes me that the Committee on Appropriations ought, when carrying items of this sort, to state what buildings they are paying rent for, so that Members of Congress may know how much we are paying out for rent, and so that people who read the appropriation bills or care anything about them may know how much we are paying out for rentals, because I think we might be disposed to build some buildings for housing of the Departments if we knew how much we were paying for rent.

Mr. SMITH of Iowa. There is nothing in the Book of Estimates as to what is being paid out of this appropriation for rents.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 4812. An act to regulate the employment of child labor in the District of Columbia.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed $25,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the provisions of public resolution No. 13 of the first session Fifty-ninth Congress, and also including not to exceed $125,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $460,000.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word. I want to inquire whether the amount carried in this paragraph is the same as that appropriated in the same paragraph last year.

Mr. TAWNEY. It is the same amount as I understand it.

Mr. SCOTT. The amount here is $460,000.

Mr. TAWNEY. If the gentleman will wait a minute, I have the exact figures here. The amount carried in the current year is $433,750, and that for this year is $460,000.

Mr. SCOTT. An increase of about $30,000?

Mr. TAWNEY. Yes.

Mr. SCOTT. May I inquire about the specific appropriation for publishing farmers' bulletins? The sum given here is $125,000, and I would like to ask whether that amount is the same as last year?

Mr. TAWNEY. That appropriation is increased, but I can not state to the gentleman the exact amount, because it is not carried in the figures I have here.

Mr. SCOTT. The gentleman thinks the amount has been increased?

Mr. TAWNEY. It has.

Mr. SMITH of Iowa. The appropriation last year was $433,750, and this year it is $460,000, an increase of $26,250, of which $5,000 is for the Weather Bureau and $21,000 for the farmers' bulletins.

Mr. SCOTT. Will the gentleman state what the estimate was?

Mr. SMITH of Iowa. Five hundred and fifty thousand dollars.

Mr. SCOTT. I was under the impression that $550,000 was the amount appropriated last year.

Mr. TAWNEY. No; $433,750 for the current year.

Mr. SMITH of Iowa. Then that was the largest amount ever

given, and we give them that and an increase of $21,000 for the farmers' bulletins.

Mr. SCOTT. I am glad to get that information, and I withdraw the pro forma amendment.

Mr. DAWSON. Before that is done, I would like to ask the Chairman of the committee, or the chairman of the Committee on Agriculture, for some explanation as to why individual allotment of farmers' bulletins to Members of this House have been cut down within the last two or three years? Is it by reason of lack of appropriation, or some other reason?

Mr. SCOTT. I think the only reason there can be given for it is the increase in the cost of printing, as the gentleman from Minnesota has suggested. The gentleman has also stated that the appropriation this current year for printing farmers' bulletins is larger than the appropriation for the preceding year. There was no reason why the amount should be cut down except that.

Mr. TAWNEY. Twenty-six thousand dollars more this year than last year.

Mr. DAWSON. Is there any good reason why the cost of printing should be increased?

Mr. SCOTT. I will have to refer the gentleman to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. I don't think the cost of printing has increased very much. They are charging the Department the actual cost of printing. They used to charge the Departments less, probably, some time ago than the actual cost of the printing.

Mr. TAWNEY. Not probably, but as a matter of fact.

Mr. DAWSON. Then I can only commend that matter to the attention of the distinguished Committee on Printing.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

For reprinting 2,000 copies of the advance sheets of the soil surveys of Montgomery and Davidson counties, in the State of Tennessee, to be distributed through the folding room of the House of Representatives, under the provisions of the joint resolution No. 9, approved March 14, 1904, Statutes at Large, volume 33, part 1, page 583, $900.

Mr. TAWNEY. I make the point of order against that.

Mr. GAINES of Tennessee. I hope the gentleman will reserve it for a moment.

Mr. TAWNEY. No; I can not.

Mr. GAINES of Tennessee. I do not believe the gentleman would make it if he fully understood the merits of the proposition.

Mr. TAWNEY. Oh, I fully understand the merits of the proposition. The gentleman from Tennessee was here at my desk for the last half hour trying to convince me.

Mr. GAINES of Tennessee. No; the gentleman only gave me two minutes and a half.

Mr. TAWNEY. I reserve the point of order for two minutes and a half.

Mr. GAINES of Tennessee. All right. Mr. Chairman, this is one of the surveys—I hope the gentleman who made the point of order will listen to what I am saying, as well as the chairman of the Committee on Agriculture, the gentleman from Kansas [Mr. SCOTT], who I see is going out—"the guilty fleeth when no man pursueth." [Laughter.] This survey was made about six years ago, and every one of the advance sheets have been sent out to the farmers in that great section of the country. In Montgomery and Robertson and Stewart and Cheatham counties the main crop was tobacco.

Mr. SCOTT. Will the gentleman permit a question?

Mr. GAINES of Tennessee. Yes.

Mr. SCOTT. I would like to inquire whether or not the gentleman has heard from any of the farmers who received these sheets?

Mr. GAINES of Tennessee. I assure the gentleman that I have heard from them, and by letter and telephone and in person they have importuned me to get copies of this soil survey.

Mr. SCOTT. I am asking whether the gentleman has heard from the farmers who have already had the copies?

Mr. GAINES of Tennessee. Exactly; and the farmers want copies, seeing the benefit the farmer who had the copy has derived from following the direction of Doctor Wilson, and they have been very much encouraged and say they want to get Doctor Wilson's prescription.

Mr. SCOTT. I am very much surprised to hear that statement.

Mr. GAINES of Tennessee. It is one of the old surveys, Mr. Chairman, and was made five or six years ago. The influence of the teachings and the showing of these maps and the directions as given by those soil experts has percolated and gotten into the heads and hearts of some of the people, and they have profited by it. So those who have not been able to get any copies of the survey want to get copies, so that they, too, may derive the benefit that the others have derived from it. These are the facts. In other words, it is an old survey and great benefit has come from it. Those who have not copies want to get them, so that they may derive the same benefits as some of their neighbors who have. An insufficient number was printed at first. They made a survey in Montgomery County, a tobacco county, and then they made a survey in Davidson, which is a garden and horticultural county—nontobacco. Our people are diversifying their crops and want these sheets, which show that you can, on that kind of soil, raise profitably strawberries; you can raise fruit profitably on that soil, and so on, and the farmers have taken that advice, and they have succeeded admirably. There are others owning lands around there that are similar to the lands in Montgomery County, and they want to diversify their crops, and they want to get the prescription that the Government, through Secretary Wilson, gave in these sheets or surveys. He went there to make one speech and made five. He went there to stay one day and stayed about a week, and he talked to our farmers. They believed in him, and they believe in what he says. They believe in the prescription and the directions he has given in these soil surveys. It is a little pittance of $893 that I ask for more than 250,000 constituents.

And yet we have millions and millions of dollars—Mr. Chairman, just a moment—given away here to all sorts of publications, right here in the face of this bill, and yet here is the bone and sinew of my great country asking you to give them this reprint that they may diversify their crops, and they are being denied it.

Mr. TAWNEY. How many were originally printed?

Mr. GAINES of Tennessee. I do not know, but not enough to go around. The Secretary kept a lot for himself, and yet——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Just a minute more—he gave me all the copies he had for his own private use for my people, so great has been the demand. Now, I hope, under the circumstances, and I am not asking much—it is only about $893—the gentleman will withdraw his point of order.

Mr. DAWSON. May I ask the gentleman a question?

Mr. GAINES of Tennessee. Yes.

Mr. DAWSON. Is it not possible to secure a reprint of this document through the Committee on Printing, without the necessity of inserting the item in this bill?

Mr. GAINES of Tennessee. I have introduced a bill to do so, and that committee is unable so far to get the estimates for all cases like mine, but I have got the estimates here as to my district on this piece of paper, which estimate I was able to secure this morning and not before.

Mr. FOSTER of Vermont. Give that to the Committee on Printing.

Mr. GAINES of Tennessee. And I have introduced a bill for that purpose, but here is the actual condition: The farmers are asking me to get this reprint. I am not asking for millions, nor am I asking for anything new; I am asking for simple justice for those people.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to insist upon his point of order.

Mr. TAWNEY. I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the Supreme Court of the United States, $10,000; and the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order.

Mr. SULZER. Mr. Chairman, I move to strike out the last word for the purpose of getting an explanation regarding this section from the gentleman from Minnesota, who is in charge of the bill.

Mr. TAWNEY. Well, the gentleman has not asked me to explain anything yet, as far as I know.

Mr. SULZER. I want the gentleman to explain why the words "shall be done by the printer it may employ" are used? Why not have this printing done in the usual manner, in the usual way that all Government printing is done? Why this departure?

Mr. TAWNEY. This language is in here for the purpose of giving the Supreme Court of the United States exclusive control over whatever amount of printing they have to have done. It may be that a certain portion of their printing should be done secretly. They do not want to give to the public their opinions in advance of their being delivered, and that is the entire purpose, to protect the right of the Supreme Court to have

such printing as they want to have done without its being made public. It has always been the rule and this is no new thing.

Mr. SULZER. Some of us were under the impression that perhaps on account of recent decisions which the court has rendered against organized labor it could not get organized-labor printers to print the decisions and had to get them printed elsewhere.

Mr. TAWNEY. Well, I will say to the gentleman from New York that the Supreme Court of the United States has not been driven to the necessity of going out of the ordinary routine for printing because of any decision that it has ever rendered, which decision was rendered in accordance with the law and the Constitution of the United States?

Mr. SULZER. Now, I wish to ask the gentleman if the court can get its decisions printed in this country?

Mr. WILSON of Pennsylvania. Mr. Chairman, if the gentleman will permit me, I think I can say for the members of the typographical union that there has never been a time and there is never likely to be a time when they will not be willing as members of that organization to do any printing which the Government or any department of it may require. [Applause.]

Mr. SULZER. Exactly, and hence I do not see the reason for having this peculiar provision in the bill. Why not have the printing done as all other Government printing is done?

Mr. TAWNEY. I say this language has no relation whatever to the subject which the gentleman is mentioning purely for political purposes.

Mr. SULZER. Well, I only want to say that I can not understand why Congress should make a departure in its printing methods in regard to one branch of the Government. I simply wanted information.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, $300,000, or so much thereof as may be necessary.

Mr. TAWNEY. Mr. Chairman, I desire to offer the following amendment to that paragraph.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 168, after line 3, insert:
"Section 3 of the act providing for the public printing and binding and the distribution of public documents, approved March 1, 1907, is hereby repealed."

Mr. UNDERWOOD. Mr. Chairman, I raise the point of order on that.

Mr. PERKINS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN (Mr. OLMSTED in the chair). The gentleman from New York [Mr. PERKINS] reserves the point of order, and the gentleman from Alabama [Mr. UNDERWOOD] makes the point of order.

Mr. UNDERWOOD. I reserve it. I would like to know what the proposition is.

Mr. TAWNEY. This section of the law was extended at the last session of Congress. It is necessary for us to extend it for another year, if it is not repealed. The section of the law reads as follows:

That after June 30, 1907, no part of the expense of the administration of the office of superintendent of documents shall be charged to any appropriation or allotment of appropriation for the public printing and binding, but shall be otherwise specifically appropriated for. The administration of said office of superintendent of documents shall be under the direction of the Public Printer as heretofore.

Now, when that section was written in the law it was contemplated that the Public Printer would be required to submit his estimates for the document room and for all of the clerical services in the office of the Public Printer, and that Congress on those estimates would appropriate specifically for that service as we appropriate specifically for all other executive services.

I would say that the Public Printer submitted his detailed estimates for all the clerical services in the Government Printing Office, including the document room. At that time, or about the time that Congress convened, the Public Printer was suspended. His administration of the office was under investigation. When the legislative bill was prepared, in which bill these specific estimates should be appropriated for, it was impossible to get any official of the Government Printing Office to come before the committee and explain the necessity for the salaries which were specifically estimated for for the first time. Thereupon it was decided by the subcommittee having charge of the legislative bill to defer the consideration of these specific estimates until we came to make up the sundry civil appropriation bill. But during the preparation of the sundry civil appropriation bill the committee was in the same dilemma that it was at the time of the preparation of the legislative bill.

The Acting Public Printer appeared before the committee in respect to these detailed estimates, but in view of the fact that he did not make the estimates, in view of the fact that he was to be succeeded by another later on, he did not feel justified in expressing his opinion regarding the estimates that had been submitted. So that it became necessary for the committee to again appropriate for this service, as Congress has heretofore appropriated for the service, in a lump sum, with the exception of the offices that are specifically provided for in this bill, which offices have been specifically appropriated for heretofore in the legislative bill. Now, that includes the document room, and of course it will be necessary to repeal or to extend the operation of this section or close up the document room. There is no necessity of continuing the section any longer, inasmuch as the law now requires the Public Printer at the next session to submit detailed estimates, and of course upon those detailed estimates the committee will make the appropriations specifically for all of the clerical service outside of the operating department of the Government Printing Office.

Mr. UNDERWOOD. Does not the gentleman try now to repeal the law that requires the submission of detailed estimates?

Mr. TAWNEY. Oh, no; we carry the provision in this bill again requiring him to submit detailed estimates.

Mr. UNDERWOOD. Why is the gentleman trying to repeal?

Mr. TAWNEY. For the reason that out of these appropriations that we are now making for the next fiscal year the Public Printer must necessarily have authority to expend the money necessary to maintain the document room. Section 3 prohibits that expenditure unless the operation of the section is extended for another year or the section is entirely repealed. I have a letter here from the Acting Public Printer calling to our attention the necessity for doing this. It does not change any condition whatever.

Mr. UNDERWOOD. The law goes into effect next year that will require detailed estimates to be made?

Mr. TAWNEY. Oh, yes.

Mr. UNDERWOOD. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, $149,000.

Mr. JOHNSON of South Carolina. I move to strike out the last word.

Mr. Chairman, I want to find out by what authority of law the Canal Commission is building macadam roads on the Canal Zone. I have looked through this appropriation without finding any paragraph appropriating money for such a purpose. In the hearings before the Committee on Appropriations which visited the Zone last fall, it appeared that they had spent about four or five hundred thousand dollars in building macadam roads. The Government of the United States has never adopted the policy of building macadam roads in New Mexico or Arizona or any Territory belonging to the United States within our own borders. I do not understand by what authority of law they are expending these large sums of money in building macadam roads. They call them "towpaths," I believe; but investigation shows that they are ordinary wagon macadam roads, leading out to some little settlement where somebody lives.

Mr. KEIFER. Where is this macadam road built?

Mr. JOHNSON of South Carolina. The chairman of the committee will explain it.

Mr. TAWNEY. Mr. Chairman, the authority for the work that the Isthmian Canal Commission is doing in connection with the construction of roads is the same authority that exists for the construction of the canal. The roads to which the gentleman from South Carolina refers are roads that are necessary to the work of canal construction and the administration of the affairs of the Canal Zone. If the gentleman from South Carolina should visit the Zone during the rainy season—say in the month of November—I am satisfied he would not even stop to inquire whether anybody had authority to build a road, but he would do a great deal of emphatic talking in criticism of the Commission for not having constructed roads that would enable him to travel without getting into mud up to his knees. The authority certainly is the same as that for the construction of the canal. It is one of the incidents of the general authority to construct the canal itself.

Mr. CRUMPACKER. Apropos of that proposition, I wish to ask the gentleman whether these roads referred to are constructed under the Good Roads Division of the Agricultural Department? [Laughter.]

Mr. TAWNEY. I will say, for the information of my friend from Indiana and the special friend of the Good Roads Division of the Agricultural Department, that so far as I know that Division of the Agricultural Department has not yet penetrated into the wilds of the Canal Zone. [Laughter.]

Mr. CRUMPACKER. Has it supervised any case of construction of public highways or any other kind of Government construction?

Mr. TAWNEY. In the Canal Zone?

Mr. CRUMPACKER. Anywhere.

Mr. TAWNEY. Anywhere? I do not know of any. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

Second. For incidental expenses, including rents, cable and telegraph service, supplies, stationery and printing, and actual necessary traveling expenses in the United States (including rent of the Panama Canal building in the District of Columbia, $7,500, and text-books and books of reference, $1,000, and additional compensation to the Auditor for the War Department for extra services in auditing accounts of the Isthmian Canal, $1,000), $27,000, and the unexpended balances of appropriations for these objects available June 30, 1908.

Mr. NEEDHAM. I move to strike out the last word.

Mr. Chairman, we are now considering the appropriations for the construction of the Panama Canal, the completion of which will without doubt lead to increased commerce between the Atlantic and the Pacific, and make necessary the building of more harbors, especially upon the Pacific.

I will ask to have read the following dispatch to the Washington Post of May 4.

The Clerk read as follows:

[Washington Post, May 4, 1908.]

BATTLE SHIPS IN STORM—THE ILLINOIS NARROWLY AVERTS CRASH WITH ALABAMA—1,000 SAILORS KEPT ASHORE—UNABLE TO RETURN TO SHIPS DURING GALE, THEY SPENT NIGHT ON MONTEREY FLOORS—ILLINOIS LOSES HER ANCHOR, ALABAMA HAS GANGWAY TORN OFF, AND ADMIRAL SPERRY'S LAUNCH IS BEACHED.

MONTEREY, CAL., *May 3, 1908.*

A northwest gale, sweeping into the harbor, gave the eight ships of the second division of the Atlantic fleet several hours of watchfulness last night and cut off all communication with shore.

A serious accident was narrowly averted when the battle ship *Illinois*, second in line from the *Alabama*, flagship of Rear-Admiral Sperry, parted her anchor chain in the height of the blow and went drifting toward the shore. The *Illinois* headed directly for the *Alabama*, and it looked for a time as though a collision was imminent. But heroic work by the helmsman managed to steer the drifting ship away, and the only damage done was the tearing away of the port gangway of the *Alabama*. The *Illinois* drifted fully 800 yards before her emergency anchors, sent spinning into the white-capped waters, finally held fast.

The wind continued to-day, and the *Illinois* made no attempt to regain her position in the fourth division column. As early as 9 o'clock last night it was announced that no more steam launches would run between the ships and the shore. Many little stout steamers that already had made the shore were held in the sheltered waters, and the launches near the ships were hauled out of the water.

ONE THOUSAND LIBERTY MEN ASHORE.

A thousand liberty men were ashore, and the problem of finding a place for them to sleep severely taxed the available buildings in Monterey. The patrol officers on duty had to share the lot of the men and sleep on hard pine floors, with only their capes to protect them.

Admiral Sperry's barge from the *Alabama* had a hole stove in her bow as a result of a collision with the ship's gangway, and was beached later in the night. A schooner laden with lime also went ashore, and a gasoline launch, in which an unfastened lighted lantern had been left burning, caught fire and went to the bottom.

It is believed that the anchor lost from the *Illinois* when the cable parted last night may not be recovered, as the water is too deep for divers to work in. All of the ships managed to send boats to the shore to-day at intervals. It was said, however, that if the blow continued it might delay the departure of the second squadron ships from Santa Cruz to-morrow.

Mr. NEEDHAM. Mr. Chairman, I have had that dispatch read to show the absolute necessity of the Government of the United States improving the harbor at Monterey. For the last five years I have endeavored to obtain an appropriation to build a breakwater at that point. In the river and harbor bill which passed some years ago there was a provision for a survey and estimate of cost for a breakwater at Monterey, Cal. The report of the local engineer was favorable, but when the recommendation reached Washington and came before the Board of Engineers for Rivers and Harbors that Board reported against it. Twice since then this Board has reaffirmed that position.

Now, Mr. Chairman, I desire to say that the Congress of the United States should not extend to an engineer board here in Washington such great power in these matters. In other words, the policy of the Committee on Rivers and Harbors has been that it will make no appropriation unless the project is favorably recommended by the Board of Engineers for Rivers and Harbors. However excellent these gentlemen may be as engineers, they are certainly not competent to pass upon the commercial possibilities of the country. Besides, there is no harbor of refuge between San Francisco and Port Harford, a distance of over 200 miles.

You will notice from the dispatch that the Government of the United States narrowly escaped the loss of a million or two million dollars, as would have possibly been the case had the collision taken place. The estimated cost of the breakwater at Monterey is only $1,000,000. The Government of the United States just escaped losing a great deal more than that by that storm. It is only periodically that these storms occur, and then there is an undertow which causes the danger to vessels. I want to place that dispatch in the RECORD, so that it may be before the Committee on Rivers and Harbors and the Board of Engineers for Rivers and Harbors, so that it may be of record when we come to act on the next river and harbor bill, and thus have one basis, at least, for making an appropriation to improve the harbor at Monterey. This improvement is demanded not only for safety, but from the commercial standpoint. I withdraw the pro forma amendment.

Mr. TAWNEY. Mr. Chairman, the gentleman says the dispatch illustrates the necessity of improving our harbors to accommodate the needs of the Navy we are constructing. To my mind it is a practical illustration of the folly of constructing battle ships we do not have the facilities to accommodate with safety in our ports and harbors.

The Clerk read as follows:

Eighth. For pay of officers and employees other than skilled and unskilled labor in the service of the government of the Canal Zone, $225,000 and the unexpended balances of appropriations for these objects available June 30, 1908.

Mr. RAINEY. I make the point of order against paragraph 8, on page 170.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. RAINEY. The point of order is that the paragraph is contrary to existing law. It makes an appropriation for the payment of judicial officers and executive officers of courts in the Canal Zone whose business there is to enforce certain laws attempted to be put into operation by Executive order.

This is the eighth clause of the appropriation made, according to the caption here, for the purpose of continuing the construction of the Isthmian Canal in accordance with an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, approved June 28, 1902."

I undertake to say that if there is any authority at all to be found in existing law for the government of the Canal Zone as administered at the present time or at any time, it is to be found in this act, under which this appropriation purports to be made.

Not long ago the gentleman from New York [Mr. HARRISON] introduced a resolution calling upon the President of the United States to inform the House by what authority of law he has exercised the functions of government on the Panama Canal Zone since the expiration of the Fifty-eighth Congress, and in response to that resolution the President advised the House in his message—transmitted to the House on the 4th day of April, 1908, document No. 852 of the first session, Sixtieth Congress—that he was maintaining civil government in the Canal Zone pursuant to authority conferred upon him by the treaty between the United States and Panama concluded November 18, 1903, and the acts of Congress approved June 28, 1902, April 28, 1904, March 3, 1905, December 21, 1905, June 30, 1906, and March 4, 1907.

I am familiar with the rule, and I understand that when I challenge the paragraph for the reason I have given it is incumbent upon the other side to show under what authority of law the appropriation is made.

But without waiting for some gentleman on the other side to make that explanation, I want to discuss these several acts briefly. This is an important matter—the most important in this bill. The Hay-Bunau-Varilla treaty, referred to by the President of the United States, simply provides in its second article as follows:

The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, etc., of the Panama Canal.

Then it proceeds to tell how wide the zone is and how far it extends out into the sea on either side. In other words, we made an agreement with the Republic of Panama, at that time authorized by international law to enter into an agreement of this kind, by which we agreed to enact laws for the government of the particular territory so turned over to us. This particular territory, therefore, became as much a part of the United

States as any territory embraced within the boundaries of continental United States. When a sovereign power confers upon another sovereign power the "use, occupation, and control of a zone of land and land under water," that operates absolutely to annex that particular tract of land. This convention provided that we should be permitted to enact necessary laws for the government of the Canal Zone. We agreed to enact such laws. The "use, occupation, and control" of the zone of land specified means that if it means anything.

Under the Spooner Act we provided for the temporary government of the Canal Zone, and the Spooner Act is the act the President refers to as being the act of Congress approved June 28, 1902. This act was passed in advance of any convention between the United States and the Republic of Panama—passed at a time when we had no authority whatever to exercise any jurisdiction on the Canal Zone. This act simply provided that, if at some time in the future we should enter into a convention with the Republic of Panama and acquire possession of any land there, or the use and control of any land, the President was authorized temporarily to provide for sanitation of the land so acquired and for police regulation there.

After that Congress passed the act of April 28, 1904, the act under which we now propose to make this appropriation, and we so specify in the bill now under consideration. At the time this act was passed we had entered into the convention with Panama to which I have just called attention.

Now, we are appropriating money for the purpose of administering courts, providing for the payment of executive officers of courts and judges of courts, by virtue of the act of April 28, 1904. We are proceeding upon that theory and we say that in this bill. If there is anything in that act authorizing this appropriation it is to be found in the second section of the act, and the second section of the act provides:

SEC. 2. That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers, as well as the power to make all rules and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said Zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

This act therefore provided for the government of the Canal Zone until what period? Until the expiration of the Fifty-eighth Congress, and the act told how it should be done. It repealed by implication the Spooner Act, if there was anything left of the Spooner Act after we entered into our convention with Panama. If it is contended that under that act we are attempting to conduct courts down there, this act operates to repeal it.

The committee recognized that, because they made appropriations in the bill now under consideration under the act that simply provides for the government of the Canal Zone until the expiration of the Fifty-eighth Congress. The Fifty-eighth Congress expired by operation of law on the 4th day of March, 1905. Prior to the expiration of the Fifty-eighth Congress there had been enacted, under authority of the section I have just read, certain laws for the government of the Canal Zone, making a volume of 241 pages, the volume comprising something like twenty-one acts, each act providing as follows:

By the authority of the President of the United States, be it enacted by the Isthmian Canal Commission.

Now, there was some warrant of law for the issue of the volume of laws which I hold in my hand, but whether or not these laws are still in force does not make any difference in the consideration of this point of order.

Mr. HARDWICK. Will the gentleman yield?

Mr. RAINEY. Certainly.

Mr. HARDWICK. Does the gentleman think that the Congress of the United States could delegate to the President of the United States or anybody else the power to legislate?

Mr. RAINEY. I think that matter is worthy of consideration, and I doubt whether such power could be delegated. But, assuming that Congress has the power to do that, and did do it, we are not appropriating in this bill, in this particular clause, anything for the purpose of paying officers of courts created by virtue of the book of laws known as the "Laws of the Canal Zone," which comprises all the laws enacted by the authority of the President of the United States prior to the expiration of the Fifty-eighth Congress. Since that time and without any authority at all the President has been making laws on the Canal Zone by Executive order.

Now, the President continues, in his report, which I have here, and calls attention to other acts since the act of April 28, 1904, and says that by virtue of the act of March 3, 1905, he has also enacted and administered laws on the Canal Zone; and the act of March 3, 1905, is the urgent deficiency bill of that year. He says that by virtue of the act of December 21, 1905, he is also continuing to exercise the functions of government in the Canal Zone, and the act of December 21, 1905, is the act that appropriates $11,000,000 for the purpose of continuing the work on the Canal Zone.

He further says that by virtue of the act of June 30, 1906, he is making laws for the Canal Zone, and the act of June 30, 1906, is the sundry civil bill of that year. Then he says he is also continuing the administration of the government of the Canal Zone by virtue of the act of March 4, 1907, and that act is the sundry civil bill of that year. Next year, if this question is raised, he will include also this bill we are now considering, and clause 8 on page 170, against which I make the point of order.

Since the authority of the President directly and indirectly to create laws for the Canal Zone was terminated by virtue of the terms of the act of April 28, 1904, he has issued by Executive order the book of laws, known as the "Code of Civil Procedure of the Canal Zone," which I hold in my hand, and which comprises 197 pages, published and promulgated under this Executive order, which is printed on the first page of the book:

Under authority vested in me by law, it is ordered that the within code of civil procedure shall be in force within the Canal Zone on and after May 1, 1907.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 22, 1907.*

The offices to be paid for by this appropriation were created not by the laws adopted prior to the expiration of the Fifty-eighth Congress, but by virtue of an Executive order issued from the White House, effective on April 15, 1907, issued March 13, 1907, signed by the President of the United States, which reads as follows:

EXECUTIVE ORDER.

Under authority vested in me by law it is ordered:

1. The Canal Zone, Isthmus of Panama, shall be divided into four administrative districts, to be known as Ancon, Emperador, Gorgona, and Cristobal. The districts of Ancon and Emperador shall be coextensive with the present municipal districts of Ancon and Emperador. The district of Gorgona shall be composed of the present municipal district of Gorgona and that portion of the municipal district of Buenavista lying south and east of a straight line passing through the center of the Panama Railroad Company's bridge No. 38 over the Agujeta River, and intersecting the boundaries of the Canal Zone with an inclination of forty degrees east of the magnetic meridian. The district of Cristobal shall be composed of the present municipal district of Cristobal and that portion of the municipal district of Buenavista lying north and west of a straight line passing through the center of the Panama Railroad Company's bridge No. 38 over the Agujeta River, and intersecting the boundaries of the Canal Zone with an inclination of forty degrees east of the magnetic meridian.

2. In each district there shall be appointed a tax collector, who shall discharge the duties of the present municipal treasurer and board of assessors. He shall be charged with the collection of license taxes, the assessment and collection of all *ad valorem* taxes, the preparation of head lists for work upon public improvements and the issuance of citations and collection of commutation taxes thereunder, the keeping of the civil register, the collection of rents from public and municipal property, the execution of leases thereof under direction of the collector of revenues, and in the proper case with the approval of the chief executive of the Canal Zone, the execution of deeds therefor. He shall also represent the municipality in all necessary litigation affecting municipal property within his district and shall from time to time discharge such other duties of a public nature as may be assigned to him by the duly authorized authorities of the Canal Zone. He shall keep books or rolls showing all assessments made, taxes and rents due, and collections made, and shall give such bond as may be required of him. He shall report to the collector of revenues and deposit all funds as he may be required with the treasurer of the Canal Zone.

3. The existing regulations concerning the assessment and collection of taxes and the enforcement of tax liens shall be followed and applied by the tax collector so far as the same are not inconsistent with the terms of this order. Unpaid taxes of every character shall constitute a personal claim against the person against whom they are levied, and taxes upon real property shall, in addition, until paid, constitute a lien upon the realty. With respect to *ad valorem* taxes or other taxes levied by assessment, an appeal shall be allowed to the circuit judge for the district following a procedure to be prescribed by the circuit judges, by the owner or occupant in all cases where the assessment may be thought to be unduly high, and by the collector of revenues in all cases where it may be thought to be unduly low, when compared with assessments made upon similar property similarly situated elsewhere in the Zone. For the purpose of equalizing assessments in the several districts the three circuit judges shall once a year sit as a board of equalization.

4. There shall be appointed in each district a district judge, who shall exercise all the authority now exercised by the municipal judges, and shall discharge such other duties as may from time to time be imposed upon him by law or Executive order. There shall also be appointed for the whole Zone a fifth district judge, to be known as the senior district judge, who shall sit wherever required of him and who shall once a month preside at and keep minutes of a conference of all the district judges at which matters of common interest pertaining to their office shall be discussed. Any district judge may temporarily be assigned to sit in any other district. Fines and fees shall be accounted for to the collector of revenues and paid in to the treasurer of the Canal Zone.

5. Public works and improvements in the several districts shall be under the charge and direction of a superintendent of public works appointed for the whole Zone, who shall also have charge and direction of slaughterhouse and market inspectors and shall discharge such other duties of a public character relative to the various districts as may be assigned to him.

6. Accounts shall be kept by the collector of revenues with each district and public improvements shall be distributed among the several districts with due regard to the revenue derived from each district. Rents derived from municipal property shall in all cases be expended upon public improvements or schools within the district from which it is collected.

7. Ordinances regulating police, sanitation and taxation, and any other matters now regulated by ordinance, may be enacted, and existing ordinances may be repealed, by the Isthmian Canal Commission, with the approval of the Secretary of War. They may be made operative throughout the Zone or confined to any particular district.

8. The municipal councils and all other municipal offices now existing under the laws of the Canal Zone are abolished.

9. The district officers herein provided for shall be appointed and their salaries fixed by the chief executive of the Canal Zone, subject to approval by the Commission.

10. The rules and regulations of the Isthmian Canal Commission compiled under the title of "Laws of the Canal Zone," in so far as they are inconsistent with this order, are modified and repealed.

Effective April 15, 1907.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 13, 1907.*

We are, therefore, proposing to pay out of this appropriation, against which I make the point of order, district judges made possible and appointed by virtue of an Executive order issued from the White House on the 13th day of March, 1907, over two years after the authority given the President or any commission to make laws on the Isthmus of Panama had absolutely expired.

I have here, and it has been printed heretofore in the CONGRESSIONAL RECORD as a part of the remarks of the gentleman from New York [Mr. HARRISON], the reasons given by the Attorney-General to the President by virtue of which the Code of Civil Procedure of the Canal Zone was enacted by the President, and under which, since that time, every Executive order affecting the Canal Zone has been issued. He simply says in his opinion, in reply to a letter from the President, that Congress did not provide a method of governing the Canal Zone after the expiration of the Fifty-eighth Congress—after March 4, 1905—and because Congress has provided no way since then of making laws for the Canal Zone, and because they need laws down there, therefore the President of the United States has the right under the Constitution and under the organic law to make laws for the government of a strip of land 10 miles wide and 46 miles long. That is the reason given by the Attorney-General.

The President does not take any chances whatever in his reply to the resolution of the gentleman from New York [Mr. HARRISON]. He simply says "by virtue of all these acts I am issuing laws for the government of the Canal Zone and determining what judges shall be created down there and what the executive officers of the courts shall be." Then he calls attention to all these appropriation acts. Now, the process of enacting laws *ex necessitate rei* is a new method in this Republic. It is a new idea everywhere, so far as I know. If the Attorney-General is right in his contention that because Congress has refused to pass needed laws for the Canal Zone therefore the President has a right to do it, then the President, if Congress fails to pass the laws it ought to pass at this session, following the same method of reasoning, has the right to enact them himself by Executive order. If the Attorney-General is right about it in his opinion, then as soon as Congress adjourns, under the same reasoning, the President will have the right, by Executive order, to put into effect a law placing wood pulp and print paper on the free list. This might not satisfy a great many Republicans, although it is much-needed legislation, and the Republican majority do not seem disposed to permit this legislation to pass.

Mr. TAWNEY. If the gentleman will permit, I want to call his attention, Mr. Chairman, to the fact that we are appropriating or proposing to appropriate under this paragraph for the compensation or salary of officers, whose offices were created, whose duties were prescribed under the authority of the act which the gentleman has just read. Now, the rules and regulations prescribed by the Commissioners during the existence of this authority is perpetual until it is repealed, modified, or changed by some subsequent competent authority. We are not appropriating for any officers or for any administration that is supposed to be created or carried under any legislation that was enacted since the power and authority which the gentleman claims has become inoperative because of——

Mr. RAINEY. Mr. Chairman, I regret that I have failed utterly to make my position understood by the gentleman from Minnesota. I am aware of the fact that the attempt is being made to appropriate for the payment of these officers under the act of April 28, 1904.

I am aware of that. I started out with that proposition, and I called attention to page 169 of the bill here, where the bill states in terms that these appropriations, beginning with clause 1 and extending through clause 8 and ending with some subsequent clause, are made by virtue of the act of 1904, and the gentleman from Minnesota calls my attention to the fact that according to his position we are making appropriations for the payment of officers created under the act of 1904. I take issue with him upon that position, because here is an Executive order dated March 13, 1907, effective April 15, 1907, signed by the President of the United States, which is now the authority under which the judges are appointed, their duties explained, their districts defined, and their salaries paid. This Executive order was passed two years and eight days after the termination by operation of law of the life of the Fifty-eighth Congress.

There are few if any judges of courts on the Isthmus now holding office under the act of 1904. They have all been appointed and are acting under subsequent Executive orders issued absolutely without authority. We are simply proposing to pay these officers who have no existence in law.

Now, the President of the United States addressed a letter to the Attorney-General on the 21st of January, 1907. The Fifty-ninth Congress remained in session until March 4, 1907. Forty-two days remained before the final adjournment of the Fifty-ninth Congress by operation of law, and yet on the 21st day of January, 1907, the President wrote a letter to the Attorney-General—and I have it here—asking if under the law and the Constitution he could go ahead and make some laws himself for the Canal Zone. At that time the President was sending to Congress numerous messages on such weighty subjects as the size of a man's family, the way to conduct country churches, simplified spelling, and other similar matters. He absolutely failed, however, to call the attention of Congress to the fact that a more important matter—a matter affecting the government of 5,000 young Americans who had gone down on the Canal Zone—had been neglected by Congress. He said, in effect, to the Attorney-General: "There is no authority now under the act of 1904 for me to continue enacting laws for the Canal Zone, and there seems to be nobody else to do it, therefore is there not some way by which I can continue to do it?"

We have had 204 messages and official communications transmitted to the Congress from the White House since the act of 1904 went into effect, and in not one of them did the President call the attention of the Congress to the fact that he had no longer authority to administer laws for the Canal Zone, but on the 21st day of January, 1907, when he wrote to the Attorney-General, instead of sending one of his numerous messages to the House calling the attention of the Republican majority—who are responsible, as they themselves admit, for all legislation that is enacted and all that is not enacted by Congress—to the omission on their part to provide proper laws for the government of the Canal Zone. Instead of doing that, and while Congress was in session, over forty days before it adjourned, he asked the Attorney-General how he could do it without the assistance of Congress and without letting Congress and the country know anything about it. The Attorney-General said in reply, "Congress has failed to do it, therefore you can do it *ex necessitate rei.*"

Now, the Attorney-General might simply have answered the President of the United States, and he answered him nine days before Congress adjourned and said, "Congress is in session; ask them to give you some authority," but instead of doing that he said, "You can do it yourself because Congress has failed to do it." Under that sort of procedure—that un-American method—laws have been made for the Canal Zone since that time. This appropriation can not be sustained upon the theory that it is being made for the purpose of carrying on some continuing work in progress on the Canal Zone. There is no law under which this appropriation can be permitted to remain in this bill. If it goes out, of course it is necessary for Congress to remain here and pass some laws for the government of the Canal Zone. I know of no reason why they should not do it—why Members should shirk this duty to go back to their homes in order to attend and participate in political conventions. There is no other way under the law and under the Constitution by which they can administer the affairs of government on the Canal Zone than by enacting proper laws in a proper manner for that purpose. That is all I care to say for the present, Mr. Chairman.

Mr. KEIFER. Only a moment, Mr. Chairman. I understand the distinguished gentleman to ask you to uphold the point of order which he has made against the eighth paragraph under the caption in the bill of the "Isthmian Canal" on the theory that the President of the United States, the Secretary of War, and the Attorney-General have been entirely in error in their construction of the law giving them the power to govern the Canal Zone. I think that is a pretty big request to be made on a simple point of order, but without stopping now, for it is unnecessary to go into the intricacies of these statutes

and give them construction, I think it is reasonable for you to assume that they have deliberately through the years with the assent of Congress properly interpreted these laws as to the power the President possesses in governing the Canal Zone. But I desire, Mr. Chairman, to call attention especially to the paragraph against which the point of order is made. It is as follows:

8. For pay of officers and employees other than skilled and unskilled laborers in the service of the government of the Canal Zone, $225,000, and the unexpended balances of appropriations for these objects available June 30, 1908.

The paragraph itself shows that the object for which the appropriation is made, is to continue an object already existing and appropriated for in this fiscal year. We are now doing the same thing under the law that was passed by the last Congress, to wit, providing for the pay of skilled and unskilled laborers in the Canal Zone.

This brings the paragraph within the second clause of Rule XXI of our rules.

Turn now, Mr. Chairman, to the second paragraph of Rule XXI, and you will find that it does not matter whether this is in precise accordance with existing law or not; but, under that second paragraph of the rule, if it is to carry out an object that is in the paragraph already, it is not subject to a point of order. I will not stop to read the paragraph. The Chair will be able to recall it or look at it if he is not familiar with it. So I insist, under every view of the case, the point of order should be overruled.

The CHAIRMAN (Mr. OLMSTED). The Chair is ready to rule. Against the eighth paragraph the gentleman from Illinois (Mr. RAINEY) invokes, as the Chair understands, the second clause of Rule XXI of this House, which declares—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

It is urged that this eighth paragraph appropriating for the pay of officers and employees other than skilled and unskilled labor in the service of the government of the Canal Zone, is without authority of law.

By recent resolution of the House the President of the United States was asked to state by what authority of law he has exercised the functions of government in the Panama Canal Zone since the date of the expiration of the Fifty-eighth Congress, or by what right or authority the executive, legislative, and judicial functions in the Zone have been performed since that date.

Replying to that resolution of inquiry, the President, by message delivered to the House on the 4th of April, 1908, said:

Civil government has been maintained in the Canal Zone under my direction pursuant to the authority conferred by the treaty between the United States and Panama, concluded November 18, 1903, and the acts of Congress approved June 28, 1902; April 28, 1904; March 3, 1905; December 21, 1905; June 30, 1906; March 4, 1907, by which the right to maintain civil government in the Canal Zone was granted to the United States, the duty to maintain it was imposed upon the President, and the means for its maintenance were from year to year expressly and specifically appropriated by Congress.

Now, it would probably be safe for the occupant of the chair in Committee of the Whole to accept the construction of the law as declared by the President, acting presumably under the advice of the chief law officer of the Government. But the gentleman from Illinois calls attention to the second section of the act of April 28, 1904, by virtue of which he claims that upon the expiration of the Fifty-eighth Congress the power of the President to govern the Zone in the manner indicated ceased. Without stopping to inquire into all the acts of Congress referred to in the President's message, the Chair refers first to the treaty with the Republic of Panama. The second article defines the Canal Zone. The third article reads:

The Republic of Panama grants to the United States all the rights, power, and authority within the Zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

It is manifest, therefore, that the Zone must be governed by the United States in some way or not governed at all.

The Chair finds an act later than the act of 1904, namely, the act of December 21, 1905, in the third section of which occurs this language:

That the President shall annually, and at such other periods as may be provided, either by law or by his order, require full and complete reports to be made to him by the persons appointed or employed by him in charge of the government of the Canal Zone, the construction of the Isthmian Canal, and the operation of the Panama Railroad—

And so forth.

Now, the Chair calls particular attention to this clause:

The President shall annually cause to be made, by the persons appointed and employed by him in charge of the government of said Canal Zone and the construction of said canal, estimates of expenditures and appropriations, in detail as far as practicable, which estimates shall cover all annual salaries paid to persons employed on said work, excepting laborers and skilled laborers, and shall be submitted to Congress in the manner provided in section 5 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes."

Here is an act passed in 1905 by the Fifty-ninth Congress, after the expiration of the term of the Fifty-eighth Congress, requiring by reasonable interpretation that the President shall continue to govern the Canal Zone in the manner in which he had governed it, and as pointed out in the act of 1904. In pursuance of that authority the President has, from year to year, caused estimates to be submitted by the proper Department to the House, Congress has each year made appropriations for that specific purpose, and the government of the Zone has continued under that authority.

Mr. RAINEY. May I interrupt the Chair? I think the Chair has failed to catch the point I made. The Chair calls attention to the act of December 21, 1905, authorizing, as the Chair insists, the President to continue the government of the Canal Zone. These officers we are trying to pay now, were they created under the authority of the law of 1904 or were they created by virtue of some subsequent law?

I call the attention of the Chair to the fact that this Executive order, issued by the President of the United States April 15, 1907, defines even the judicial districts and who the judicial officers shall be; and certainly there can be nothing in the act of 1905 which provides simply for expending $11,000,000 more on the Canal Zone, authorizing that sort of administration on the Canal Zone. The officers we are now attempting to pay are all created by virtue of Executive orders issued nearly two years after the act of 1905 was passed. This is simply an appropriation act, and appropriation acts are only laws for that particular year. That is so well settled, I am sure, that I need not call the attention of the Chair to the fact. While I am on my feet, I want to call the Chair's attention to the most dangerous precedent the Chair is making. The position taken by the Chair in the outset is this: Because there are no laws, and because Congress did not make laws, and because the President advised Congress in a message that he had the right to legislate, therefore he had that right. The Chair is making a most remarkable decision. I submit that this will be a most dangerous precedent to establish in this House. Certainly I hope such a precedent will not be followed by any Congress in the future. I think I can can say it will not be followed by a Democratic Congress.

Mr. TAWNEY. I want to know what right the gentleman has to interpret the ruling of the Chair before it is made?

Mr. RAINEY. The Chair has already intimated that he would hold as I have above indicated, if necessary. I also submit that section 3 of the act of December 21, 1905, confers no authority on the President to enact laws for the Zone. This section reads as follows:

SEC. 3. That the President shall annually and at such other periods as may be provided, either by law or by his order, require full and complete reports to be made to him by the persons appointed or employed by him in charge of the government of the Canal Zone, the construction of the isthmian canal, and the operation of the Panama Railroad, including an itemized account of all moneys received and expended, which said reports shall be by the President transmitted to Congress. The President shall annually cause to be made by the persons appointed and employed by him in charge of the government of the Canal Zone and the construction of said canal estimates of expenditures and appropriations, in detail as far as practicable, which estimates shall cover all annual salaries paid to persons employed on said work, excepting laborers and skilled laborers, and shall be submitted to Congress in the manner provided in section 5 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes." And no money shall be expended for any of the purposes of constructing and maintaining said isthmian canal, or for any expenses incident thereto, except in accordance with appropriations made by Congress.

The CHAIRMAN. With the permission of the gentleman, the Chair will conclude and rule. When a provision of permanent law is allowed to remain in an appropriation bill and is enacted into law, it is just as binding and effective as though found in any other statute. But the act of December 21, 1905, is not an appropriation act at all. It was not intended to and did not make law for one year only, but was intended to be and is permanent in character. It requires reports to be made "annually" by those appointed by the President to govern the Canal Zone. It shows the contemplation and intention of Congress that the President shall continue the government of the Canal Zone. If there were any doubt upon this point, there would still remain the fact that an appropriation in continua-

tion of appropriations for a Government work or object already in progress requires no previous authority of law, but is excepted out of the rule. Without any hesitation whatever the Chair overrules the point of order.

Mr. RAINEY. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the ruling of the Chair. The question is: Shall the decision of the Chair stand as the decision of the committee?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. RAINEY. Division, Mr. Chairman.

The committee divided, and there were—ayes 93, noes 44.

Mr. RAINEY. I call for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] and the gentleman from Minnesota [Mr. TAWNEY] will kindly take their places as tellers.

The committee again divided, and tellers reported—ayes 92, noes 50.

So the decision of the Chair stood as the judgment of the committee.

The Clerk read as follows:

Tenth. For material, supplies, equipment, new buildings, and contingent expenses for account of the government of the Canal Zone, the unexpended balances of appropriations for these objects June 30, 1908.

Mr. RAINEY. Mr. Chairman, I make the point of order to so much of the paragraph as applies to contingent expenses for the government of the Canal Zone for the same reasons as already given. It is on paragraph 10, on page 171.

The CHAIRMAN (Mr. WATSON). And for the reasons stated by the previous occupant of the chair, the Chair overrules the point of order.

The Clerk read as follows:

Fourteenth. For the construction of the new Panama Railroad, to be disbursed directly under the Isthmian Commission, $1,085,000.

Mr. BURKE. I move to strike out the last word, for the purpose of asking the chairman of the committee a question. On page 170, paragraph 6, there is an item providing for the expenditure of $1,100,000 for the construction of the Panama Railroad, provided that the obligation of the Panama Railroad Company shall first be given to the United States for that amount. Paragraph 14, on page 172, provides an expenditure of $1,085,000 for the construction of the new Panama Railroad. Now, the question I would like to have the chairman answer for my information and that of the committee is: What has the Panama Railroad Company to do with the new Panama Railroad? What is the relation of the United States Government to the new Panama Railroad as compared with that which exists with reference to the old Panama Railroad?

Mr. TAWNEY. Well, I will say, Mr. Chairman, in answer to the question of the gentleman, that the relation is exactly identical in both cases. The Government of the United States owns the Panama Railroad Company, and this so-called new Panama Railroad is a relocation of so much of the old Panama Railroad as was made necessary by reason of the overflow of the existing roadway in the overflow of the Gatun dam, and the Pedro Miguel dam. Owing to the costruction of the canal, the greater part of the Panama road, as it has heretofore existed, will be entirely overflowed, and the Commission is now engaged in relocating and reconstructing the road outside of the overflowed lands.

Mr. BURKE. Is the relocation and reconstruction to be done under the new Panama Railroad Company?

Mr. TAWNEY. It is all under the Commission.

Mr. BURKE. But is the new Panama Railroad under the jurisdiction of the board of directors of the old Panama Railroad Company?

Mr. TAWNEY. No; it is not. It would not make any difference if it was, because it would all be under the jurisdiction of the United States. The directors of the Panama Railroad Company are all officers of the Government of the United States.

Mr. BURKE. If they are both operated under the same authority, and pertain to the same railroad institution, what is the necessity of two separate appropriations for practically the same amount?

Mr. TAWNEY. The Panama Canal Commission is relocating and reconstructing the Panama Railroad on a new location, for the Panama Railroad Company. In order to keep their accounts in shape, the appropriations are made in such a way that the Panama Canal Commission can go on and expend this money. While it is not directly for the purpose of constructing the canal, it is one of the necessary incidents of the construction, and it does this work at its own expense; that is, out of these appropriations. The expense of operating and maintaining the railroad is paid out of the revenues of the railroad corporation.

Mr. BURKE. That is, the $1,100,000; but what is the second amount, $1,085,000, appropriated for?

Mr. SMITH of Iowa. It is for the purpose of rebuilding the old road in its present location, so far as the new road will follow the line of the old road, and where the new road must depart from the line of the old road by reason of these dams which will flood the old right of way, it is covered by the other appropriation. The one is to build a new road in a new place, to take the place of the old road that was abandoned.

Mr. BURKE. Why, then, the language "construction," instead of "reconstruction," as it should be used in the sixth paragraph?

Mr. MADDEN. At Gatun, where they are building new locks and a dam and creating a lake, the water level will be raised 85 feet above the present surface of the earth, and the railroad is on the present surface of the earth. So, in order to get the railroad away from where it would be buried under water, it is to be placed on a higher level.

Mr. BURKE. I understand that.

Mr. MADDEN. It is simply a relocation of the railroad.

Mr. BURKE. I understand that, but if it pertains to the same enterprise, why are there two separate appropriations for $1,100,000 each made necessary in this bill?

Mr. TAWNEY. If the gentleman from Illinois will permit me, I will answer the question again. I hope I will be able to make myself more clear than I apparently did the other time. Ever since the Government of the United States took over the property and commenced the construction of the canal, we have been appropriating for new equipment for the railroad and for double tracking, which was absolutely necessary in connection with the construction of the canal. We have carried appropriations for that work under paragraph 6.

Now, that was for double tracking and increasing the equipment, the track and equipment being owned by the Government of the United States and paid for out of appropriations made by Congress. The maintenance of the track and the equipment has been conducted jointly under an agreement with the railroad company and the Canal Commission.

Now, as we approach the completion of the canal—and it is known that a large part of this track which we have built and operated in connection with the tracks of the Panama Railroad Company will be overflowed—it becomes necessary to relocate the road, and therefore the appropriation for relocation of that part of the road that must be relocated is carried in a separate paragraph, while the appropriation for the additional equipment of the old road is carried in the same paragraph where we have heretofore carried it. In that way we can tell just what the relocation of that part of the road that must be relocated will cost, what the equipment and double tracking costs, and that is the reason for their being kept separate.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LAWRENCE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6958. An act to provide for private signals at sea.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 179. Joint resolution amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 29. An act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 17516. An act to increase the membership of the Philippine Commission by one member, and for other purposes;

H. R. 14789. An act to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902; and

H. J. Res. 173. Joint resolution for the relief of the sufferers from the cyclone which occurred in the States of Georgia, Alabama, Mississippi, and Louisiana on April 24, 1908.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6958. An act to provide for private signals at sea—to the Committee on the Merchant Marine and Fisheries.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In all, $27,627,000, the same to be available until expended: *Provided*, That all expenditures from the appropriation herein made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902: *Provided further*, That the wages and salaries paid upon the Isthmus for skilled and unskilled labor by the Isthmian Canal Commission and the Panama Railroad Company shall not exceed by more than 25 per cent the average wages and salaries paid in the United States for similar labor and service.

Mr. DAWSON. Mr. Chairman——

Mr. BOUTELL. Mr. Chairman, I make a point of order against the whole of the last proviso in this section. I will reserve the point of order temporarily.

Mr. UNDERWOOD. Mr. Chairman, so that it may be pending, I desire to reserve a point of order against the first proviso.

Mr. TAWNEY. Mr. Chairman, I hope I may have the attention of the committee while I state the reasons for the recommendation that has been made in the proviso against which the gentleman from Illinois [Mr. BOUTELL] has reserved the point of order.

All the members of the Committee on Appropriations that could visit the Isthmus last November for the purpose of examining the estimates for canal expenditures during the ensuing fiscal year did so. We spent a little over a week and devoted every minute of the time while there to an investigation of the conditions and the work that was going on and to the investigation of the estimates and reasons for the estimates for canal expenditure during the year 1909.

It is the unanimous judgment of every man on the committee, and I may say that it is the judgment of the members of the Commission, that the labor cost of the canal, putting it at the minimum, is 75 per cent greater than it ought to be when we include the money value of the privileges they enjoy; that the labor cost of the work we are doing there is at least 75 per cent greater than the labor cost of similar work if done in the United States.

We were also impressed with the fact that, notwithstanding this increased cost, the work is being done under sanitary and health conditions as favorable as work of a similar character would be done in the southern section of our country. So far as the health conditions are concerned, there is no part of the United States where the health of the people is better than in the Canal Zone. There is no city in the United States where the death rate is as low as it is in the Canal Zone.

Now, the investigation we made and the testimony before the committee shows that the increased cost is from 25 per cent—I mean now the cash cost—from 25 to 50 per cent for all skilled and unskilled labor. That does not include the cash value of privileges we give to the canal employees. The wages for clerical services are based upon the standard here in the Executive Departments in Washington, and do not exceed the rate of pay for similar services in the city of Washington by 25 per cent. Now, in addition to the salaries paid to the skilled labor and to the unskilled labor, what do they get?

I want to call your attention to the hearings which we took on our investigation while there, and if gentlemen will turn to page 127, they will find there a complete list of not only the wages paid in Panama, but you will find a comparative list of wages for similar service in the United States, and you also will find a verification of the statement I made a minute ago as to the increased pay received by them down there over what they would receive for similar service here.

In addition to their cash payments for salaries, they receive, if married, quarters free of rent, and in the hearings you will find attached a diagram of all the different types of houses, showing just how many rooms there are, how many bathrooms, and everything else in connection with these various buildings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent for an extension of five minutes.

The CHAIRMAN. The gentleman from Minnesota asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TAWNEY. I consider that the House and the country ought to know what the conditions are in the Canal Zone and the cost of that enterprise. In addition to the cash pay these people receive for their services, they receive, as I said before, a dwelling, and it is no mean, measly little dwelling, but they range in cost from $1,700 to $4,000. The Government of the United States furnishes the house for them with everything except the dishes. In addition to that we frunish fuel free, we furnish them with light, we furnish them with sterilized water free, we furnish ice daily at their door at cost—1 cent a pound—and we also furnish them free medicine and medical attendance at their homes.

We also furnish them their club houses and the Young Men's Christian Association halls, their billiard tables and their literature. We also furnish them with their churches and pay for their preachers. If they are members of a fraternal organizations we furnish them with a lodge room in which to meet, and we take care of it for them. In addition to that the hour men are given thirty days sick leave and the men paid by the month six weeks leave with pay.

In addition to that we pay their expenses to the Isthmus, and if they remain there a year we pay their expenses back to the States, and in addition we sell them what they eat and what they wear at cost, which is from 15 to 20 per cent below what they could obtain the same food or the same provisions or the same clothing for in the States.

Mr. UNDERWOOD rose.

Mr. TAWNEY. I will yield to the gentleman from Alabama.

Mr. UNDERWOOD. I would like to ask the gentleman if he thinks the officers in charge of this canal are honest and capable?

Mr. TAWNEY. I regret, Mr. Chairman, that the gentleman from Alabama [Mr. UNDERWOOD] should even imply, by asking the question, that either myself or anyone else who is acquainted with the men in charge of this work would think that they were not honest or not capable.

Mr. UNDERWOOD. The gentleman said he was there, and I want to know his opinion of this. That is part of the question for this House to consider.

Mr. TAWNEY. I say that I regard the men in charge of this work as being not only absolutely honest, but I regard them as being the most capable men that have yet had charge of that work, and if they are not interfered with I believe that they will complete the work, and complete it far more expeditiously than they otherwise would.

I want to say that when we had the hearings on the estimates for canal expenditures down there, and this question of the labor cost of the canal was brought to the attention of the Commission, there was not one of them who did not admit that the labor cost is from 50 to 75 per cent greater than it should be. When you include all of the privileges which canal employees enjoy, which privileges are paid for by the Government of the United States out of the appropriations made for canal expenses, and add the value of those privileges to the cash they receive for their services, no man can dispute the statement that the labor cost of the canal is at least 75 per cent greater than it should be. Mr. Chairman, it was in the interest of good administration as well as in the interest of economy that the committee made this recommendation.

Mr. DAWSON. Mr. Chairman, will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. DAWSON. Does the gentleman not think that this proposed reduction in the wages of men in Panama would have the effect of depleting the force there?

Mr. TAWNEY. I do not. That matter was thoroughly investigated, and every member of the Commission was perfectly satisfied that if it were necessary to-morrow to supply the entire skilled-labor roll, it could be done, because they have almost three applications now on file for every position that they have at their disposal.

Mr. DAWSON. How does the gentleman account for the fact that during the past year out of a skilled force of 2,500 men it was necessary to fill 1,900 vacancies?

Mr. TAWNEY. It was necessary, Mr. Chairman, because of the character of men who went there and the purposes for which they went. At that time, when they were just beginning to employ skilled labor, a great many men went down there purely as a matter of adventure, and because, too, they had their transportation paid. When they got there and satisfied the curiosity that drew them there, they returned to the States again.

But that is not the condition that prevails there now. Men are going there now, not because of their spirit of adventure. They are going there now with full knowledge of the conditions

that prevail, and they are going there not only for the purpose of remaining, but are remaining, and are going because of the splendid opportunity afforded to have permanent employment at a much higher rate of pay than they could hope to obtain at home.

Mr. Chairman, I do not wish to discuss the matter further. I want to say this, that there is nobody responsible for this increased labor cost except the conditions that prevailed when we first went there, and the American citizens and the press of the United States, which demanded that as soon as we got there we should commence to make the dirt fly. It was impossible for the Commission to secure the services of the men necessary to carry on that work at that time because of the general impression throughout this country that that place was a pest hole.

Consequently, in order to meet the unreasonable public demand that was made instantly upon our taking possession of the Canal Zone that the dirt should fly, the Commission was obliged to hold out every possible inducement in order to get men there for the purpose of making the dirt fly, and in that way we have fixed a standard which, if maintained until the completion of the canal, will cost the American people from 25 to 50 per cent more in cash than the labor cost in the construction of the canal would otherwise be.

With this statement, Mr. Chairman, in justification of the recommendation of the committee, I will say that if the gentleman from Illinois makes a point of order against this provision it will go out. If it is not the desire of Congress to fix the standard of wage in the Canal Zone that will enable the Commission to administer these appropriations economically and give to the American people the canal at a reasonable labor cost, the responsibility rests with Congress and not with the Committee on Appropriations nor with the Commission.

Mr. BOUTELL. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. I would like to have the attention of the gentleman from Minnesota. Are we going to dispose of both these provisos at one time or is this on the last one simply?

Mr. TAWNEY. I was talking on the proviso against which the gentleman from Illinois made the point of order. I had forgotten that the gentleman from Alabama [Mr. UNDERWOOD] had made a point of order on the other.

Mr. HUGHES of New Jersey. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUGHES of New Jersey. To discuss the point of order.

Mr. BOUTELL. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The gentleman from Illinois insists on the point of order.

Mr. BOUTELL. Does the Chair care to hear me on the point of order?

The CHAIRMAN. The Chair is entirely satisfied on the point of order. The point of order is sustained.

Mr. TAWNEY. Mr. Chairman, on the point of order made by the gentleman from Alabama [Mr. UNDERWOOD], I will say that the provision has been carried in all the appropriations and it is in accordance with the law that authorizes the Secretary of the Treasury to meet all canal expenditures out of the proceeds of the sale of bonds. This is simply to keep constantly before us and before the administrative departments that these appropriations are not to come out of the general revenues of the Government, but are to be repaid to the Treasury under these statutes.

Mr. DOUGLAS. Will the gentleman permit me a question in connection with the other proviso? Is not the question of the relative cost between wages there and here, or rather, in other words, is not the price that the Commission pays for labor entirely within their purview? Is there any law now which fixes the relation between wages here and there?

Mr. TAWNEY. No; there is none.

Mr. DOUGLAS. Then what is the necessity for the provision? I could not quite understand why the Commission could not get the labor at any other price.

Mr. CLARK of Missouri. I would like to ask the gentleman one other question. Why do you put in that first proviso?

Mr. TAWNEY. I beg the gentleman's pardon.

Mr. CLARK of Missouri. I say, Why do you put in the first proviso?

Mr. TAWNEY. The first proviso is put in there because the law expressly provides that the expenditures for the canal shall be paid from the proceeds of the sale of bonds.

Mr. CLARK of Missouri. If that is so, why do you put it in?

Mr. TAWNEY. Simply because it is the law and because we want to keep constantly before the administrative officers of the Government and the country the fact that these expenditures are not to be charged to the current revenues of the Government.

Mr. CLARK of Missouri. Do you have to repeat the statute every time you pass an approvriation bill?

Mr. TAWNEY. No; we do not have to repeat the statute and we do not do it. I will say to the gentleman from Missouri that we carry a very similar provision in the District of Columbia appropriation bill every year, notwithstanding the fact that the law imposes the duty of expending half of the appropriations out of the revenues of the District and the other half out of the Treasury of the United States. Notwithstanding the fact that we carry it every year, there is an attempt made to evade it all the time.

Mr. CLARK of Missouri. Why do not you send some of those fellows to jail, if we have a law? Is not the real purpose you want to cover up a deficiency in the revenues?

Mr. TAWNEY. Not at all. There was no occasion last year or the year before to cover up any deficiency, because there was none. This provision has been carried in every appropriation bill that has carried an appropriation for canal expenditures, and it is carried there for the purpose of giving notice to the administrative officers of the Government and to Congress itself that these expenditures must and can only be paid from the proceeds of the sale of bonds.

Mr. LITTLEFIELD. There is no negro there.

Mr. UNDERWOOD. Mr. Chairman, I do not understand that the law is similar to the provision in this bill. My understanding of the proposition is that the gentleman is attempting to change the law. The law authorizes the sale or borrowing of money on certain bonds in order to carry out this work, and in that case it authorizes the use of the money for that purpose. Now, under the provisions of this bill the gentleman is attempting to use money out of the Treasury for this purpose and then carry the provision in the bill so, if they think it necessary hereafter, they can take the money from the sale of bonds and apply it to this purpose. Now, my objection to this paragraph is this: We are facing an election. The gentlemen on this committee, as they have always done whenever they have to face a Presidential election, get ready to pretend to the country that they are economizing. They immediately go to bookkeeping, and we have in some sessions of Congress popgun deficiency appropriation bills, so that they will not all appear in one bill.

At another time facing a Presidential election we carry small appropriations that the committee well know will not be enough to carry on the Government for another year and then expect, when the short session comes, to supplement them in a deficiency bill for the purpose of appearing to the country that they are economizing. Well, now, it looks to me very much like this provision was put in here for the purpose of substituting and transferring these accounts.

Mr. TAWNEY. If the gentleman will permit me, I will say that in view of the votes on both sides of the House to increase appropriations reported from the Committee on Appropriations, there is no fear at all about the country having any misinformation or wrong impression regarding the responsibility for increasing expenditures at this session of Congress.

Mr. UNDERWOOD. Oh, yes; I am well aware how the gentleman votes to increase appropriations. The gentleman votes to increase appropriations and increases them in these bills, and I notice the increases in appropriations usually go where the benefit falls to special interests.

Some gentlemen on this side have recently, and I suppose that is what the gentleman from Minnesota [Mr. TAWNEY] refers to, voted to increase appropriations in questions that were close to the people of the United States, namely, for the gauging of streams, for the investigation of explosions in coal mines, to save life and limb, for cyclone sufferers——

Mr. TAWNEY. The gentleman is not talking to his point of order, and we want to finish the bill to-night.

Mr. UNDERWOOD. For that class of appropriations we are in favor of the increase.

The CHAIRMAN (Mr. WATSON in the chair). The Chair will sustain the point of order.

Mr. FITZGERALD. I hope the Chair will permit reference to the act, which, I think, will make some difference.

The CHAIRMAN. The Chair is perfectly willing to hear the point of order.

Mr. FITZGERALD. The Chair will not sustain the point of order when I show that this is clearly in order under existing law.

The CHAIRMAN. The Chair sustained the point of order made by the gentleman from Minnesota [Mr. TAWNEY] that the

gentleman from Alabama [Mr. UNDERWOOD] was not discussing the point of order.

Mr. CLARK of Missouri. I raise this point of order, Mr. Chairman, that you can not have two points of order pending at the same time, and the gentleman from Alabama had a point of order pending.

The CHAIRMAN. The gentleman from Alabama was supposed to be discussing the point of order, but he was not, and the gentleman from Minnesota [Mr. TAWNEY] made the point of order that the gentleman from Alabama [Mr. UNDERWOOD] was not discussing the point of order, which the Chair has sustained. There is nothing before the House to decide now but the point of order offered by the gentleman from Alabama [Mr. UNDERWOOD], if he presses it.

Mr. UNDERWOOD. The point of order I made was that this was not existing law and it was an attempt to enact legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. UNDERWOOD. I do.

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] desire to be heard on the point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FITZGERALD. The gentleman refers to the act of June 28, 1902, which provides:

That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time as the proceeds may be required to defray expenditures by this act—

And so forth, authorizing the borrowing of the money, up to $130,000,000, for the purpose of constructing the canal. Now, I wish to say to the gentleman from Alabama [Mr. UNDERWOOD] that I am not disposed to conceal any appropriations that may be made by the committee. If there is political advantage to be gained from the publication, I heartily favor the publicity. I have endeavored to emphasize the extravagance of this Administration. The object of the reimbursement of these canal expenditures, however, is to spread over a period of years the expenditures for a great public improvement, as is done in every civilized community on the face of the earth. Instead of paying for the construction of the canal out of the current revenues of the Government, it should be paid out of the proceeds of bonds spread over a period. Now, the act of February 27——

Mr. TAWNEY. Will my colleague from New York——

Mr. FITZGERALD. I want to read a later law. In the act of February 27, 1906, there is this provision:

Provided, That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the act approved June 28, 1902.

Mr. UNDERWOOD. That was from an appropriation bill.

Mr. FITZGERALD. But this refers to appropriations not only made "herein," but "hereinafter." The language of the act is "hereinafter made." So that appropriations made at this time or at any time after the 27th of February, 1906, must be reimbursed out of the proceeds of the sale.

Mr. UNDERWOOD. Does it say "hereinafter" or "hereafter?"

Mr. FITZGERALD. It says, "From the appropriations herein and hereinafter made."

Mr. UNDERWOOD. Well, that applies to that bill, of course.

Mr. FITZGERALD. Oh, no; it does not.

Mr. UNDERWOOD. You would say "hereafter" if it meant some other bill.

Mr. FITZGERALD. As to whether it would apply to that bill alone or some other bill there might, of course, be a difference of opinion. I know that the intention was at that time to stop the practice that then prevailed of paying the greater part of the appropriations for the canal from the current revenues of the Government. It was never contemplated that the current revenues of the Government should be utilized to defray the expense of constructing the Panama Canal. It was contemplated and it was intended that the cost should be defrayed by bond issues, so that the expense would be spread over a period of at least thirty years. The object of this act of February 27, 1906, was to so amend the original law that the Treasury Department, or the Secretary of the Treasury, or the President would not be able to utilize the current revenues for this purpose, but that whatever money was taken from current revenues should be replaced by the proceeds of bond issues for this specific purpose.

Mr. TAWNEY. In addition to what my colleague on the committee has said, there is only one other question that the Chair would be concerned to know, and that is whether or not the appropriations thus far made are within the limitations of the act of June 28, 1902. In that the limit is $130,000,000, and we are yet within that limitation. We have appropriated $17,000,000 less than the maximum limit of cost.

Mr. UNDERWOOD. Mr. Chairman, I wish to call the Chair's attention to the fact that the law referred to by the gentleman from New York does not provide "that hereafter all sums" shall be treated in this manner, but it says "hereinafter," merely referring to sums carried in the appropriation bill on which that law was enacted and not applying to other independent appropriation bills.

Now, as to the question of the limitation of amount. This proviso does not act, and is not intended to act as a limitation upon the appropriation that is made. I do not raise any question that Congress has the right to appropriate money to build this canal. It is a question of building it, and paying it out of the Federal Treasury, taking another sum that it has provided, maybe raised for this purpose, and paying it back into the Treasury. That is the proposition—that hereafter reimbursement may be made to the Treasury from another sum that he has authority to borrow.

The CHAIRMAN. The Chair thinks that the proviso against which the point of order is made is subject to the point of order. There is evidently an attempt made by the Committee on Appropriations, as the Chair gathers, to repeat existing law. But the committee has not repeated the existing law.

Mr. TAWNEY. On what ground does the Chair think that there is an attempt to repeal existing law?

The CHAIRMAN. Restate, not repeal; restate existing law. The gentleman from Minnesota said that it was the law, and that he wanted the country to know and the attention of the country called to it from time to time. The gentleman from New York stated that it was a repetition of the existing law; but it does not repeat the existing law.

Mr. FITZGERALD. I did not state that. I said it was in compliance with the act of February 27, 1906, which provides for the reimbursement.

Mr. TAWNEY. Mr. Chairman, the necessity for this provision grows out of the fact that the act of June 28, 1902, contains a provision which reads:

That the Secretary of the Treasury is hereby authorized to borrow upon the credit of the United States from time to time as the proceeds may be required to defray the expenses authorized by this act.

Now, that is the canal act. It did not necessarily say what particular expenditures herein appropriated for shall be reimbursed under the provision, or that the Treasury shall be reimbursed for the expenditure made under this specific appropriation. It says that he may borrow money from time to time for the construction of this work and carrying out the provisions of this act. Now, it is under this act that we make appropriations, and we are authorized to make appropriations, and we identify this appropriation in the expenditure of the money he is authorized to borrow and pay out. That is the only reason for carrying it.

The CHAIRMAN. The Chair understands the reason. Is it or is it not the contention that the act quoted is sufficient to authorize or is not sufficient to authorize the expenditure that is made here or the reimbursement?

Mr. TAWNEY. The act authorizes Congress to make appropriations for the construction of the canal. But the act does not identify these expenditures now authorized by the appropriations in this bill; and it is for that reason that we carry this proviso, in order to identify these expenditures, for which the Secretary of the Treasury is authorized to borrow money to meet. It has been carried in every appropriation for the same reason ever since we commenced work on the canal.

The CHAIRMAN. The Chair understands that, but that does not bring it within the rule. The Chair thinks it is an attempt by the Committee on Appropriations to supplement legislation which the gentleman has quoted, and in the opinion of the Chair that is clearly legislation.

Mr. FITZGERALD. It simply declares what the law is, not legislation, in the act of February 27, 1906.

The CHAIRMAN. The Chair is clearly of the opinion that if it seeks to declare what existing law is, it must do it verbatim, but it does not do it verbatim. The gentleman from New York himself has read showing the discrepancy, and differentiating as to what is repeated in the appropriation bill. The Chair sustains the point of order.

Mr. MACON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert:
"*Provided*, That no part of the funds herein appropriated shall be expended for the payment of wages or salaries to skilled or unskilled laborers for services rendered or performed upon the Isthmian Canal and the Panama Railroad in excess of 25 per cent above the average of wages and salaries paid in the United States for similar labor or services."

Mr. BOUTELL. I make the point of order against that amendment.

Mr. MACON. Wait until we fix the place where it is to come in. I desire it to come in after the word "expended," in line 6, page 172. Will the gentleman reserve his point of order for a moment?

Mr. BOUTELL. I will reserve it for a moment.

Mr. MACON. I desire to be heard on the point of order. The chairman of the Appropriations Committee has ably discussed the merits of the amendment.

Mr. Chairman, this is evidently a limitation upon this appropriation and nothing else. It simply provides that none of the money herein appropriated shall be expended in the payment of wages or salaries to skilled or unskilled laborers for services rendered or performed upon the Isthmian Canal or upon the Panama Railroad in excess of 25 per cent above the average amount that is paid for similar services in the United States.

Mr. DAWSON. Can the gentleman tell the House how the average wages in the United States in any trade or occupation could be definitely ascertained?

Mr. MACON. I will answer that in language that the gentleman from Kentucky [Mr. SHERLEY] has just furnished me, by saying that the Census Bureau figures it out exactly, so it can be easily determined what the average wages are for similar services in the United States, and all anyone will have to do will be to refer to the calculations made by that department. In other words, in the language used by the gentleman from New Jersey a few days ago when some one wanted to make a calculation upon the floor on the monetary question, he stated that it would not be necessary for anyone else to make the calculation, because he had already made it for them.

The Census Bureau having already made the calculation the parties charged with the duty of the payment of these salaries on the Isthmian Canal will not have to make the calculation at all. It has already been made for them.

Mr. LITTLEFIELD. In what bulletin does the gentleman find that information? I have never been able to get it myself, but I am very glad that the gentleman knows where that information is to be found.

Mr. MACON. I said the Census Bureau.

Mr. LITTLEFIELD. In what bulletin issued by the Census Bureau?

Mr. MACON. I do not know the number or the name.

Mr. LITTLEFIELD. Is the gentleman quite certain that the Bureau has that information?

Mr. MACON. I stated it on the authority of the gentleman from Kentucky [Mr. SHERLEY], a member of the committee that brought this contested provision into the House in the first instance.

Mr. JOHNSON of South Carolina. I should like to ask the gentleman a question.

Mr. MACON. Certainly.

Mr. JOHNSON of South Carolina. Has not the gentleman from Maine made many speeches in which he compared the rate of American wages with the rate of wages paid in other countries?

Mr. LITTLEFIELD. No, sir. The gentleman from Maine never made that kind of a speech, comparing them generally, because he never was able to get the information from any Government publication.

Mr. JOHNSON of South Carolina. The gentleman has heard that sort of talk, has he not?

Mr. LITTLEFIELD. But the gentleman from Maine has not done it. You will have to hunt up some other gentleman.

Mr. MACON. The Chair will not be troubled with that side of the question in rendering his decision on the point of order. That trouble will belong to some one else, and the Chair has only to say whether or not this is a limitation upon the expenditure of this money. The Chair is not concerned or troubled about the question as to who shall make the calculation, where it shall be made, or when it shall be made.

Mr. BOUTELL. Mr. Chairman, without entering into any discussion as to whether this amendment conforms to the general form of an amendment by way of limitation, I wish to call the Chair's attention to this fundamental principle, that no amendment by way of limitation can be in order unless the limitation works itself automatically. A limitation may be placed on an appropriation limiting the expenditure of the money by express terms, but there can not be a proper limitation under our decisions whereby some officer has to make some calculation, or do something before the limitation becomes operative or becomes alive; it must show upon the face of it what the limitation is, and in perfectly definite terms.

The second ground for objection to this amendment is that it is entirely void for uncertainty. It is void for the same uncertainty for which a court will throw out an instrument. We are the lawmakers, and the burden of making intelligible provisions of law is upon us, and it is a burden which we ought not to shift upon the courts. It would be utterly impossible under this amendment for anyone connected with the Panama Canal Commission to tell what the limitation would be. There are no express terms as to time, and there are no express terms as to how the average wages are to be calculated.

No court could construe the language of that amendment intelligently. There is not sufficient basis for anyone to work out what may be generally intended by the limitation, and for these two reasons, without entering upon the discussion as to whether it is in the general form of a limitation, first, because the limitation does not work automatically; and second, because whatever work would have to be done is too vaguely described, I insist that the point of order must be sustained.

Mr. MACON. Mr. Chairman, as to the time, I will state it is limited by the life of the appropriation, the life of the money appropriated in this bill, which is one year, and it could not go beyond that.

Mr. HUGHES of New Jersey. Mr. Chairman, the point I desire to make is that largely made by the gentleman from Illinois [Mr. BOUTELL]. When I first noticed this provision of the appropriation bill, it occurred to me it would be extremely difficult to enforce it and to know what Congress meant by it. I made a little investigation on my own account. I found that the Isthmian Canal authorities are familiar with the language of the appropriation, and, as far as I was able to ascertain from them, they did not know what Congress meant by this. We all know, men who are familiar with wages, that in the large cities throughout this country the wages are in excess of 50 per cent higher than the average wage throughout the country. Who is going to determine whether these high wages should enter into the general average or whether they should be included or not? In other words, how is anybody going to put into effect this limitation? In my judgment this amendment is abolutely subject to the point of order.

The CHAIRMAN. The Chair thinks that it is not the duty of the Chair, in deciding whether or not a proposed amendment is within the rule of limitation, to decide whether or not it is practical or otherwise. As to whether or not the amendment proposed by the gentleman from Arkansas imposes an impossible task, it is for the House to decide and not for the Chair. The Chair thinks that the language of the amendment proposed by the gentleman from Arkansas is one of limitation within the meaning of that term, and well defined by previous decisions for many years past, and therefore the Chair overrules the point of order.

Mr. BOUTELL. Mr. Chairman, I would like to be heard on the merits. I did not make my point of order simply because I considered this amendment technically subject to a point of order, nor to make this bill artistic and perfect in form. I am willing to leave that to the able and capable chairman of the committee in charge of the bill [Mr. TAWNEY]. I made the point of order against it because I do not think it ought to be in the bill. If it is not subject to a point of order, it ought to be rejected by this committee.

This amendment, like the amendment that went out on the point of order that I made before, seeks to tie the hands of the Isthmian Canal Commission in the employment of labor, skilled and unskilled, by limiting in vague terms—terms too vague to be carried out—the maximum rate of wages. We want this canal built as cheaply as possible, of course. But we want the canal built, and the building of the canal and the speedy construction of the canal are of much more importance to the people of the United States than that the canal should be built cheaply.

Another thing, in building this canal as cheaply as possible can we not very well leave to the administrative officers, whom we trust in all other matters and in all other disbursements, the expenditure for wages? Can we not leave to these officials, skilled and experienced men, the matter of determining what wages are necessary to secure capable men and keep the work up to the highest possible rate of progress?

This great work, the greatest work of this or any of the centuries of modern times, is being carried on under power vested

by Congress in the President of the United States, and through him in the Canal Commission, in the executive and administrative officers of the Government, and I insist that we may well trust them in determining what wages shall be paid. I am quite ready to concede that we are paying 75 per cent more for skilled and unskilled labor on the canal than we are paying in some parts of the United States. I will not argue that proposition. It may be that we are giving them superior comforts and superior necessities and luxuries over and above what men in similar ranks of life get anywhere else in this country. All this may be true, but it still remains, Mr. Chairman, that it is difficult to get skilled and unskilled labor to go and remain on the Isthmus.

I have talked with many men who have been down there, and I think I know the reason. We may give them better houses than they have here. We may give them bath houses and ice and distilled water and club rooms and halls, but the thing that oppresses the men on the Canal Zone, as the universal testimony will show, is the sense of isolation, the sense of distance from home. It is the same homesickness or nostalgia that kills men in the Army when they are in foreign lands. I want to impress upon you, Mr. Chairman and gentlemen of the committee, that the workman who goes down there with his pick or shovel, notwithstanding his house and ice and filtered water, soon develops an intense longing for home; and as he goes about in the fine houses and partakes of his ice and his filtered water, and although he appreciates his bath house and club room, he is humming to himself:

'Mid pleasures and palaces though he may roam,
Be it ever so humble, there's no place like home.

[Applause.]

That is the trouble in getting American workmen to go down there on the Isthmus of Panama and stay there and do their work well, and if it takes 50 per cent more than it takes to do the same work in Minnesota or Tennessee or Illinois, or if it takes 75 per cent more to get good men there and keep them—nay, Mr. Chairman, if it takes a hundred per cent more—let us leave the fixing of the necessary wage to the administrative officers, and not tie their hands and cripple them in getting the labor that they need. We may trust them not to pay more than they need, but we must trust them to get all the labor they need, even if they pay this increase over and above the amount that is paid here at home, and I hope that this amendment will be rejected by the unanimous vote of this committee. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I would like to have some one give us some figures and facts about what the wages are down there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I think I can give the gentleman from Tennessee some facts. As near as the Isthmian Canal Commission authorities have been able to determine, the average daily wages in the Isthmian Canal Commission now for the class of men contemplated by this amendment is $5 a day. The amendment now before the committee, if adopted, consequently will result in a reduction of the wages of the men on the canal to the extent of from 25 to 50 per cent. So that is the proposition that confronts us now. The Commission employs on the Isthmus men divided roughly into two classes, those paid by the month or year and the hourly men, and this amendment will affect only the hourly men. It is true that we are paying, say, from 25 to 50 per cent more than perhaps the average throughout the country, but it is not true that we are paying from 25 to 50 per cent more than is being paid in the city of New York and the other great cities of the country to-day; and, as I said a moment ago, this proposition merely means that the United States Government shall be put in the position of being the first employer of labor to yield to the pressure on all sides to cut wages because of the panic which we have just experienced. This is a proposition to force the United States Government to utilize the fact that men are out of employment all over this country and are clamoring at the doors of the Isthmian Canal Commission for work, and to ask the Government to take advantage of their needs and necessities and employ them at a cheaper rate of wages than they were able to get them for before the panic.

Mr. MACON. May I ask the gentleman a question?

Mr. HUGHES of New Jersey. I can not yield. I have only five minutes, and if my time is extended, then I will answer your question. The men that are affected by this proposition are the men who are engaged in making the dirt fly, the men who are doing the work; the big, brawny, strong, muscular men of this country, the men whom the Isthmian Canal Commission last summer were taking into the service as fast as they came—fairly eating them up, as any Member of Congress can testify. Why, there was not any difficulty for me, a Democratic Member of Congress, having no influence with the Administration, to get men placed, for they were taking practically all the skilled mechanics that came there. Now conditions have changed. The panic is here. In the months of October and November I sent hundreds of men to New York to the office of the Commission, not one of whom could obtain employment.

But the names of these men were put on a list and kept. These poor fellows are out of work now, by no fault of their own, perhaps by the fault of this Administration, and the desire now is to use them as a club to beat down the price of the men we have taken to the Isthmus in good faith, and whom we promised wages which were only fair under the circumstances when we employed them. Gentlemen, what does it mean if this proposition is permitted to go into the law? It means there will be labor troubles on the Isthmus. It means that these men you have sent down there will be subject to laws they are not subject to here. It means that these men, now governed by Executive order, who have not the protection you and I have, are to be involved in labor disputes and trouble. The Secretary of War has something to say about these matters on the Isthmian Canal, and we all know the facility with which he can issue injunctions in labor troubles.

I say to you, gentlemen, that it would be unfair and improper for any man who pretends to have the interest of the laboring men of this country at heart to vote for this proposition. These men went down there in absolute good faith; they went down there for not one penny more than they were able to earn or that they were entitled to at that particular time. The conditions have changed, but the men are still the same, the best mechanics that this country could produce. I myself have advised hundreds of young fellows, skilled men, the best of their class, to go down there and rely on the fairness and honesty of the Government of the United States; to go there and do their work and get promoted; to get a reputation for themselves and come back better than when they went down there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask for five more minutes.

The CHAIRMAN. The gentleman from New Jersey asks for five minutes more. Is there objection?

Mr. TAWNEY. Mr. Chairman, the gentleman from Arkansas who offered the amendment, I suppose, is entitled to close the debate, but I want to move to close debate in ten minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate close in ten minutes.

Mr. MACON. Mr. Chairman, before that is put, I desire to have ten minutes——

Mr. TAWNEY. Then I move to close debate in fifteen minutes.

Mr. UNDERWOOD. Mr. Chairman, I hope the gentleman will not move to close debate in so short a time because this is one of the most important questions involved in the construction of the Panama Canal.

Mr. TAWNEY. Mr. Chairman, I move to close all debate in fifteen minutes.

Mr. SULZER. I shall object unless I can have five minutes.

Mr. TAWNEY. It does not make any difference if the gentleman does object.

Mr. SULZER. I hope it will be voted down.

Mr. CLARK of Missouri. Mr. Chairman, I move that thirty minutes be substituted for fifteen.

The CHAIRMAN. The gentleman from Missouri moves to amend by striking out "fifteen" and inserting "thirty."

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. CLARK of Missouri) there were—ayes 70, noes 76.

Mr. CLARK of Missouri. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided, and the tellers (Mr. TAWNEY and Mr. CLARK of Missouri) reported that there were—ayes 81, noes 97.

So the amendment to the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, I move to substitute "twenty-five" for "fifteen."

Mr. TAWNEY. Mr. Chairman, I make the point of order that is dilatory——

Mr. CLARK of Missouri. No; it is not dilatory.

Mr. TAWNEY. It will have that effect.

Mr. CLARK of Missouri. I will compromise with the gentleman on twenty minutes.

Mr. TAWNEY. Well, I will compromise with the gentleman from Missouri on twenty minutes.

Mr. CLARK of Missouri. All right.

The CHAIRMAN. Without objection, the time for debate will be limited to twenty minutes. [After a pause.] The Chair hears no objection.

Mr. HUGHES of New Jersey. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUGHES of New Jersey. I would like to know what happened to me in the Missouri compromise.

The CHAIRMAN. It appears to the Chair that the gentleman from New Jersey was lost in the shuffle. The Chair desires to know whether any person in the affirmative desires to be heard?

Mr. HUGHES of New Jersey. Mr. Chairman, a parliamentary inquiry. As I understand it, I had pending when the motion was made by the gentleman from Minnesota a request that I be permitted to proceed for five minutes. I understood the gentleman from Minnesota included my proposition in his motion.

The CHAIRMAN. The Chair will state to the gentleman that he had made that kind of a request, but that was before the time had been limited. The limiting of time so changes conditions in the Committee of the Whole that the Chair does not believe the original condition should be recognized. The Chair therefore recognizes the gentleman from Arkansas [Mr. MACON]. If no other person desires to speak in the affirmative or negative of the proposition, the gentleman might afterwards get more time.

Mr. MACON. Mr. Chairman, it seems to me that no argument ought to be necessary in behalf of this amendment after what was stated by the distinguished chairman of the Committee on Appropriations in support of the proposition. Why, sir, I can not understand how anybody could want any more favored conditions for the laborers, whether they be skilled or unskilled, in the Panama Zone than that they be paid a wage of 25 cents in excess of the amount that is paid to wage-earners in this country, when they are, in addition to that, given houses in which to live—houses that cost not less than $1,700, and some of them as much as $4,000; when they are given their lights free of charge; when they are given sterilized water free of charge and their ice at cost; when they, Mr. Chairman, are given their clubhouses, their billiard tables, their lodge rooms, together with many other comforts and pleasures that the laborers of the United States do not enjoy at the hands of their Government.

Gentlemen have said, Mr. Chairman, that if this limitation is placed upon the wages of these employees on the canal, it will discourage laborers and that they will not go there. I am advised, sir, that to-day there are several hundred applications for almost every position within the gift of the Panama Canal Commission. I am advised that men are fairly clamoring for these positions, and they will continue to clamor if the price is fixed at 25 per cent in excess of the amount that is paid to laborers in this country for similar services.

Mr. NICHOLLS. Will the gentleman permit a question?

Mr. MACON. Just a question.

Mr. NICHOLLS. I would like to ask the gentleman if he thinks it is proper, because there are so many men out of work and clamoring for work, to lower the wages and compel them, because of their necessities, to accept less wages?

Mr. MACON. Mr. Chairman, to limit the price that is paid labor on the Panama Canal according to the terms of this amendment will not put a single laborer out of a job anywhere in the United States or anywhere within the jurisdiction of the United States. There are men, as I said a moment ago, who are clamoring for these places now, men who are ready to take the positions as soon as they are vacated by those who now hold them. They are considered such favored positions that several hundred applicants are now anxious for each and every one of them. I heard a gentleman a while ago upon this side—I will not call his name—say, when I offered this amendment, that we had the Republicans in a hole up to the time I offered it, because they had offered it in the bill when they brought it in. As a Democrat who loves the principles of his party to the core, I will plainly state that I am not here to play politics, and God forbid that I should live to reach a point when I will be mean enough or small enough to sacrifice the money of the people of this country in order that I might give my party some political advantage. I am here, sir, to represent the whole people. I stand for principle rather than for political spoils. I stand for the cause of the common people from one end of this country to the other, and am not trying to advance the cause of my party, by my vote here upon various questions, at their expense. I will not stultify my honor and my integrity that way, let come what will. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Chair will state to the gentleman from Arkansas [Mr. MACON] that he understands the chairman of the committee [Mr. TAWNEY] wants to take the same side that he has taken, and wants to close the debate.

Mr. SULZER. Mr. Chairman, I ask for recognition, as I am opposed to the amendment.

The CHAIRMAN. The Chair has agreed to recognize the gentleman from Iowa [Mr. DAWSON] now against the amendment.

Mr. SULZER. Then, I ask to be recognized against it.

Mr. DAWSON. Mr. Chairman, aside from the important question involved in this amendment with relation to hampering the work on the canal, I desire to call the attention of the committee to the fact that this amendment is absolutely unworkable, that it can not be put into operation, and that it is incapable of administration.

Mr. MACON. May I ask the gentleman if it will not fail, then, if that is the case? You can adopt it, if you want to, and it will fail because it is inoperative?

Mr. DAWSON. That would be a confession of our own incompetency. The gentleman from Kentucky [Mr. SHERLEY], by way of the gentleman from Arkansas [Mr. MACON], has pointed out that the average wages paid in the United States could be based on the census figures. They have not told us whether these census figures are obtained once a year, or once in five years, or once in ten years. If they are obtained once in five years, of what value are they for basing the wages of workingmen anywhere? But those of us who are familiar with the situation at the navy-yards and the arsenals of the United States happen to know that a principle similar to this governs the wages which are paid at navy-yards and arsenals.

Under regulations of the Department the wages at these institutions are based upon the average wage paid to men in similar occupations residing in the vicinity; and the Department prescribes a limited vicinity which shall be taken into account in fixing the wages at the various arsenals and navy-yards. As everyone knows, there is frequent controversy between the wage board and the men on the question of the average wages paid in those limited vicinities, and it is a task of great difficulty to ascertain these facts correctly in an area of only limited radius. That being so at every navy-yard and arsenal in the United States with respect to a limited vicinity, I would like to have some one tell me how one Department can determine the average wages and salaries paid throughout the entire United States. If the wages of these men on the Panama Canal are based upon the average wages paid in the United States, the average should be determined accurately; and with the experience we have had in limited vicinities, I say it would be impossible to ascertain correctly the average wages paid throughout the entire United States.

Mr. GAINES of Tennessee. Who fixes these wages?

Mr. DAWSON. There is a wage board.

Mr. GAINES of Tennessee. Who controls the wage board?

Mr. DAWSON. The wage board at navy-yards is composed of officers of the Navy.

Mr. GAINES of Tennessee. Is not Secretary Taft behind it?

Mr. DAWSON. The Secretary of the Navy has a reviewing authority of the wage board at each navy-yard.

Mr. GAINES of Tennessee. I want to know who fixes the wages on the Canal Zone?

Mr. DAWSON. The Panama Canal Commission.

Mr. SULZER. Now, Mr. Chairman——

Mr. MACON. I can rise to ask a question, can I not?

Mr. SULZER. But I have the floor. I yield to the gentleman for a question.

Mr. MACON. Mr. Chairman, I desire to state that there have already been three speeches made against this amendment—five-minute speeches—and only one speech in favor of it. There are ten minutes remaining yet, which would only give two speeches of five minutes in favor of the amendment, against three speeches made against it. I would like that order to be adopted.

Mr. SULZER. Mr. Chairman, I have the floor. All I want to say is just a word or two, and then I want to yield the balance of my time to my friend from Pennsylvania [Mr. WILSON]. In my judgment, the adoption of this proposed amendment will be a great mistake. It will be a step backward. It will hamper the work on the canal; it will be a stumbling block; it will strike a blow at the progress the Secretary of War is making with the work at the present time.

I am a friend of the toilers on the Panama Canal, and I shall never vote to curtail their pay. Their lot is hard enough now. This proposed amendment is most unwise and should be defeated. I want to see it overwhelmingly defeated in the interest of fair play and living wages; in the interest of the speedy building of the canal; in the interest of justice to all concerned; in the interest of American honor; in the interest of the American workman. If we want good work done on the canal we must pay good wages. If this amendment should be adopted it will be a penny wise and a pound foolish policy. I now yield the balance of my time to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Chairman, like the gentleman from Arkansas, I have no desire to play politics in connection with this proposition; but I have a desire to see that fair play is extended to those who earn their bread in the sweat of their faces on the Isthmian Canal. [Applause.] This is a proposition that workmen down there shall not be paid more than 25 per cent in excess of the average wages paid in the United States. Is there any gentleman on the floor of the House who can tell what the average wage in the United States is at the present time? It would require the taking of a census of the wages paid for skilled and unskilled labor in order to determine what the average is, and what wage should be paid on the Isthmus.

Mr. TAWNEY. If the gentleman will yield, I will state to the gentleman from Pennsylvania, that this is done every year by the Navy Department in the navy-yards, and it is also being done by the Bureau of Commerce and Labor.

Mr. WILSON of Pennsylvania. And the figures obtained by the Navy Department and those obtained by the Bureau of Commerce and Labor are widely apart. They are never together. So that it is impossible to get exact figures. The average wage, if you did obtain it and did pay it to the men who are working down there, would amount to a less rate than the maximum rate paid in the United States for similar classes of labor. There is not a large industrial center in the United States, from the Atlantic to the Pacific, where the wage rate paid for skilled mechanics and unskilled workmen is not more than 25 per cent higher than the average rate paid for similar labor in the United States; and if you insist upon a proposition of this kind, then it means that the workmen down there will be required to work for less wages than they could receive in the cities on the mainland itself.

So it means a reduction of wages to the men who went down there in good faith. They were induced to believe that they would get good wages, and they gave up their positions and went there. If you pass this provision, it will amount to a reduction of wages, and if they are driven out of employment, after having induced them to go there, when they come back they may not be able to find employment again. I protest against this unjust condition of affairs. It will work injustice upon the men who were induced to go to work upon the Panama Canal. Those men went down there because they believed they could better their condition. Men do not leave their homes and accept employment elsewhere unless you make an inducement for them to do so; and if we are to secure the necessary workmen to continue the work on the Panama Canal, it is absolutely necessary that the wages should be in excess of the wages paid here, that the conditions under which they labor should be better than the conditions here. If the conditions are not better than they are at home, then there could be only one impulse that would take them down there, and that would be the impulse of patriotism. Workingmen are like others, they are not prone to yield to the impulse of patriotism when others are not inspired by that impulse. [Applause.]

Mr. TAWNEY. I do not intend to discuss this proposition any further than I discussed it a few moments ago when the point of order was made by the gentleman from Illinois. I stated then what is simply the fact, as proven by the testimony contained in the hearings on the estimates, on the Isthmus of Panama.

This is not a political question. The construction of the Panama Canal is not a political question. We are called upon to appropriate the money of the people for the construction of that canal. I simply want to say that if any man, I care not who he is, can justify appropriating 75 per cent more for that work than is actually necessary, then, of course, I will vote against this amendment.

The gentleman from Tennessee asked a moment ago what the wages were that were paid. The wages for a blacksmith are 65 cents an hour, gold. For a boilermaker, 65 cents an hour. In the United States the general average is 30 cents an hour. That average is one which has been ascertained by the Department of Commerce and Labor.

Mr. GAINES of Tennessee. Will the gentleman state again the hourly wages of a blacksmith on the Zone and here at home?

Mr. TAWNEY. Sixty-five cents an hour there and 30 cents an hour here.

Mr. BOUTELL. Who fixes the wages of the men employed on the Canal Zone?

Mr. TAWNEY. The Commission.

Mr. BOUTELL. Can we not trust them to fix the wages, just as they fix the price of material?

Mr. TAWNEY. I stated some time ago why it was that we were paying so much more than anybody else was paying for similar services, and that was due to the conditions down there when we first took control there, before the Isthmus was placed in a sanitary condition. In order to meet that condition every inducement was held out to get men to go down there. Now, these conditions have been changed, and the Commission themselves admit that the wages are higher than they ought to be. In the hearings they recommend the very provision which we are discussing, and they recommend it not only in the interest of economy but in the interest of good administration.

Mr. GAINES of Tennessee. Does Secretary Taft approve this proposition?

Mr. TAWNEY. The proposition was not submitted to Secretary Taft.

Mr. GAINES of Tennessee. Secretary Taft stated to me here on this floor that if that limitation was left in the bill, he was afraid that it would cripple his work on the Canal Zone.

Mr. TAWNEY. I do not know what Secretary Taft said to you.

Mr. GAINES of Tennessee. He said that to me.

Mr. TAWNEY. I know what the hearings disclosed in respect to the opinion of the Commission itself in regard to this provision. It was for the purpose of laying these facts before the House and letting the House take the responsibility of the increased cost of the canal that the committee saw fit to report the provision it has.

Mr. GAINES of West Virginia. Did Colonel Goethals say anything about it?

Mr. TAWNEY. Colonel Goethal's testimony is here to that effect.

Mr. DAWSON. Have not the Commission the power to reduce the wages without this provision, if they think it best?

Mr. TAWNEY. They have the power to reduce the wages if the power above them would acquiesce in it.

Mr. HUGHES of New Jersey. Why is it that this proposition only applies to the hourly laborers, the men who do the work, and not to the officers?

Mr. TAWNEY. It does not apply alone to the hourly men.

Mr. HUGHES of New Jersey. In the opinion of the Canal Commission it would apply only to the hourly men.

Mr. TAWNEY. It does not apply to the hourly men. It applies to the skilled and unskilled men.

Mr. HUGHES of New Jersey. They are nearly all hourly men.

Mr. TAWNEY. Oh, no.

Mr. HUGHES of New Jersey. With the exception of train men, they are hourly.

Mr. TAWNEY. Oh, no; they are not.

Mr. HUGHES of New Jersey. With the exception of railroad men and train men, and a few others?

Mr. TAWNEY. Oh, no; a great many men who are called skilled laborers are paid by the month.

Let me give you another illustration, and with the permission of the committee, I want to insert in the RECORD two of these tables.

The CHAIRMAN. The time of the gentleman has expired. All time for debate on this amendment has expired.

Mr. CLARK of Missouri. Mr. Chairman, let us have the amendment read again.

Mr. TAWNEY. Mr. Chairman, have I consent to extend my remarks by printing the two tables contained in the hearings which I have referred to?

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by printing the tables that he referred to.

Mr. CLARK of Missouri. I do not want to object to the gentleman extending his remarks if they are on this subject.

Mr. TAWNEY. I simply want consent to print two tables that I have alluded to.

The CHAIRMAN. The Chair hears no objection.

STATEMENT SHOWING COMPENSATION PAID BY THE ISTHMIAN CANAL COMMISSION TO EMPLOYEES ON THE ISTHMUS, AND ALSO THE COMPENSATION IN THE UNITED STATES, AT THE TIMES DESIGNATED, IN CERTAIN TYPICAL POSITIONS, AND THE PERCENTAGE OF INCREASE OF THE ISTHMIAN RATES OVER THE GIVEN UNITED STATES RATES.

TABLE A.—*Isthmian Canal Commission rate and the general average compensation throughout the United States, as shown by the statistics of the Bureau of Labor as of December, 1905. For the purposes of this comparison 10 per cent is added to the latter rate, as it is understood that since the time stated there has been such advance in the compensation of these positions.*

HOURLY RATE.

Position.	Isthmian.	United States general average.	United States general average, plus 10 per cent.	Increase for Isthmian over latter.	Per cent of increase.
Blacksmith (railroad)	$0.65	$0.3028	$0.3331	$0.3169	95
Boilermaker (railroad)	.65	.3210	.3530	.2969	84
Carpenter (house)	.65	.3773	.4150	.2350	57
Machinist (railroad)	.65	.3101	.3411	.3089	90
Molder (railroad)	.65	.3127	.3440	.3060	89
Painter (house)	.65	.3642	.4006	.2492	62
Plumber	.75	.4912	.5403	.2097	39

TABLE B.—*Isthmian Canal Commission rate and the general average compensation throughout the United States, as compiled by the Interstate Commerce Commission for the year ending June 30, 1905, with 10 per cent increase added to the latter rates. The compilation of the Interstate Commerce Commission, from which such average compensations are taken, bases the calculations on the total payments made to a given class of employees and divides that sum by the number of days' service of all such employees during the period. Thus, the average given does not contemplate the actual number of employees rendering the service, but it is stated that such average is the most satisfactory and more nearly accurate for comparative purposes which may be obtained.*

DAILY RATE.

Position.	Isthmian.	United States general average.	United States general average, plus 10 per cent.	Increase for Isthmian over latter.	Per cent of increase.
Conductor	$6.54	$3.50	$3.85	$2.69	70
Locomotive engineer	6.93	4.12	4.53	2.40	53
Locomotive fireman	3.04	2.38	2.62	.42	16
Railroad machinist	5.20	2.65	2.92	2.28	78
Trainman	3.85	2.31	2.54	1.31	52

TABLE C.—*Isthmian Canal Commission on monthly rate and monthly compensation paid by the O'Rourke Engineering Construction Co., New York; J. G. White & Co., New York; MacArthur Bros. Co., Chicago, Ill., and Wm. J. Oliver, Knoxville, Tenn., and the general average of the four companies. In determining the rates paid by the latter company in positions where it furnishes board to employees, $27 per month, the Isthmian Canal Commission's rate, has been arbitrarily added. Computed on basis of twenty-six working days of ten hours each per month.*

Position.	Isthmian rate.	O'Rourke.			White.			MacArthur.		
		Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.
Powderman	$125.00	$65	$60.00	92	------	------	------	$52.00	$73.00	140
Steam-shovel crane man	185.00	90	95.00	106	$100	$85.00	85	100.00	85.00	85
Steam-shovel engineer	210.00	150	60.00	40	150	60.00	40	150.00	60.00	40
Steam-shovel fireman	83.33	65	18.33	28	60	23.33	39	67.50	15.83	23

Position.	Isthmian.	Oliver.			Average.		
	Rate.	Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.
Powderman	$125.00	$105	$20.00	19	$74.00	$51.00	69
Steam-shovel crane man	185.00	102	83.00	81	98.00	87.00	89
Steam-shovel engineer	210.00	152	58.00	38	150.50	59.50	39
Steam-shovel fireman	83.33	39	44.33	114	57.88	25.45	44

NOTE.—All employees of the Isthmian Canal Commission are also given free (1) furnished quarters, (2) hospital and medical attendance, (3) fuel and light, (4) after six months' service furnished family quarters, if available, (5) thirty days' injury leave, with pay, in case of accident, and (*a*) hourly employees are paid for a full working day of eight hours on legal holidays, as well as time and a half for overtime, the latter being paid on holidays additional; (*b*) monthly employees are granted six weeks' leave of absence, with pay, and entitled to an additional thirty days' sick leave in case of illness in each year's service, and (*c*) hourly employees will soon be granted the additional thirty days' sick leave in case of illness, which now obtains for monthly employees.

For the above sixteen positions the average percentage of increase of the Isthmian flat-wage rate is 64 per cent.

The following comparisons, Tables D, E, and F, are made after reducing the allowances to employees on the Isthmus for furnished quarters, fuel, light, etc., as enumerated in the note under Table C, to a money basis, which for the purposes of comparison may be estimated at 20 per cent of their wage. In the past the Commission has allowed a commutation of 15 per cent of an employee's salary in lieu of quarters, when the same were not available. The 20 per cent mentioned does not include the annual, sick, or injury leave which employees receive with pay under certain conditions.

TABLE D (based on Table A).—*Isthmian Canal Commission rate and the general compensation throughout the United States, as shown by the statistics of the Bureau of Labor as of December, 1905, with 10 per cent added to the latter rate for increase in wages since 1905, and 20 per cent added to the Isthmian Canal Commission rate for furnished quarters, fuel, light, etc., given employees, as explained above.*

HOURLY RATE.

Position.	Isthmian.		United States general average.	United States general average, plus 10 per cent.	Increase for Isthmian plus the 20 per cent over latter.	Per cent of increase.
	Rate.	Plus 20 per cent.				
Blacksmith (railroad)	$0.65	$0.78	$0.3028	$0.3331	$0.4469	134
Boilermaker (railroad)	.65	.78	.3210	.3531	.4269	121
Carpenter (house)	.65	.78	.3773	.4150	.3650	88
Machinist (railroad)	.65	.78	.3101	.3411	.4389	129
Molder (railroad)	.65	.78	.3127	.3440	.4360	127
Painter (house)	.65	.78	.3642	.4006	.3794	95
Plumber	.75	.90	.4912	.5403	.3597	67

TABLE E (based on Table B).—*Isthmian Canal Commission rate and the general average compensation throughout the United States, as compiled by the Interstate Commerce Commission for the year ending June 30, 1905, with 10 per cent added to the latter rate for increase in wages, and 20 per cent to the Isthmian Canal Commission rate for furnished quarters, fuel, light, etc., given employees, as explained above.*

DAILY RATE.

Position.	Isthmian.		United States general average.	United States general average, plus 10 per cent.	Increase for Isthmian plus the 20 per cent over latter.	Per cent of increase.
	Rate.	Plus 20 per cent.				
Conductor	$6.54	$7.848	$3.50	$3.85	$3.998	104
Locomotive engineer	6.93	8.316	4.12	4.53	3.786	84
Locomotive fireman [a]	3.04	3.648	2.38	2.62	1.028	39
Railroad machinist	5.20	6.24	2.65	2.92	3.32	114
Trainman	3.85	4.62	2.31	2.54	2.08	82

[a] Mostly colored men employed on the Isthmus.

TABLE F (based on Table C).—*Isthmian Canal Commission monthly rate and monthly compensation paid by the O'Rourke Engineering Construction Company, New York; J. G. White & Co., New York; MacArthur Brothers Company, Chicago, Ill.; William J. Oliver, Knoxville, Tenn., and the general average of the four companies, with 20 per cent added to the Isthmian Canal Commission rate for furnished quarters, fuel, light, etc., given employees, as explained above. In determining the rate paid by William J. Oliver in positions where he furnishes board to employees, $27 per month, the Isthmian Canal Commission rate, has been arbitrarily added, computed on basis of twenty-six working days of ten hours each per month.*

Position.	Isthmian.		O'Rourke.			White.			MacArthur.		
	Rate.	Plus 20 per cent.	Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.
Powder man	$125.00	$150	$65	$85	131	------	------	------	$52.00	$98.00	188
Steam-shovel crane man	185.00	222	90	132	147	$100	$122	122	100.00	122.00	122
Steam-shovel engineer	210.00	252	150	102	68	150	102	68	150.00	102.00	68
Steam-shovel fireman	83.33	100	65	35	54	60	40	67	67.50	32.50	48

Position.	Isthmian.		Oliver.			Average.		
	Rate.	Plus 20 per cent.	Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.
Powder man	$125.00	$150	$105	$45	43	$74.00	$76.00	103
Steam-shovel crane man	185.00	222	102	120	118	98.00	124.00	127
Steam-shovel engineer	210.00	252	152	100	66	150.50	101.50	67
Steam-shovel fireman	83.33	100	39	61	156	57.88	42.12	73

NOTE.—For the above sixteen positions the average percentage of increase of the Isthmian rate plus 20 per cent for furnished quarters, fuel, light, etc., is 97 per cent.

This is a comparative statement of the wages paid to steam-shovel crane men, engineers, and firemen on the Panama Canal and in the United States of America.

[Table prepared by T. J. Dolan, general secretary-treasurer, International Brotherhood of Steam Shovel and Dredge Men.]

Position.	Isthmian rate.	Lantry Sharp, Kansas City.			Shippy & Outzen, Sherard, Miss.			J. G. White, New York.		
		Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.
Steam-shovel crane man	$185.00	$100	$85.00	85	$125	$60.00	48	$100	$85.00	85
Steam-shovel engineer	210.00	150	60.00	40	200	10.00	5	150	60.00	40
Steam-shovel fireman	83.33	75	8.33	11.11	95	11.67	12.3	60	23.33	39

Position.	Isthmian rate.	MacArthur Bros., Chicago.			W. J. Oliver, Knoxville, Tenn.			M. P. Byrnes Commission Co., Chicago.		
		Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.
Steam-shovel crane man	$185.00	$100.00	$85.00	85	$120	$65.00	54	$110	$75.00	68
Steam-shovel engineer	210.00	150.00	60.00	40	170	40.00	23.5	165	45.00	27
Steam-shovel fireman	83.33	67.50	15.83	23	59	24.33	41	75	8.33	11.11

Position.	Isthmian rate.	Erickson & Peterson, San Francisco.			John Marsh, Cleveland, Ohio.			The Mesaba Iron Range.		
		Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.
Steam-shovel crane man	$185.00	$120	$65.00	54	$100	$85.00	85	$115	$70.00	61
Steam-shovel engineer	210.00	170	40.00	23.5	150	60.00	40	165	45.00	27
Steam-shovel fireman	83.33	65	18.33	28	70	13.33	27	65	18.33	28

Position.	Isthmian rate.	Kirkpatrick Bros. & Collins, Omaha, Nebr.			F. A. Marshall, Erie Canal, Rochester, N. Y.			Alaska rates.		
		Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.
Steam-shovel crane man	$185.00	$100	$85.00	85	$120	$65.00	54	$250	$65.00	26
Steam-shovel engineer	210.00	150	60.00	40	170	40.00	23.5	500	90.00	20
Steam-shovel fireman	83.33	70	13.33	19	80	3.33	4	150	66.67	67

TABLE F (based on Table C).—*Isthmian Canal Commission monthly rate and monthly compensation paid, etc.*—Continued.

Position.	Isthmian rate.	Averages.			Average, leaving out Alaska rates.		
		Rate.	Increase for Isthmian.	Per cent of increase.	Rate.	Increase for Isthmian.	Per cent of increase.
Steam-shovel crane man	$185.00	$121.66	$63.34	52	$110	$75.00	68
Steam-shovel engineer	210.00	174.16	35.84	20	163	47.00	28
Steam-shovel fireman	83.33	77.62	5.71	7	71	12.33	17

In the above scale we have not included the New York scale of wage, which is $174 for engineers and $124 for crane men.
All of above firms supply lodging, fuel, and light when asked to do so.
These rates include board.

W. J. OLIVER.
ERICKSON & PETERSON.
F. A. MESSALLA.
SHIPPY & OUTZEN.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and Mr. MACON demanded a division.

The House divided, and the Chair announced that seven gentlemen had arisen in the affirmative.

Mr. MACON. Mr. Chairman, I withdraw the request for a division.

Mr. BOUTELL. The other side.

Mr. MACON. I have withdrawn my request for a division.

Mr. BOUTELL. I renew the demand for a division.

The committee again divided, and the Chairman reported that there were—ayes 10, noes 101.

So the amendment was lost.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert on page 172, line 6, after the word "expended," the following:

"*Provided*, That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from and reimbursed to the Treasury of the United States out of the proceeds of the sale of the bonds authorized in section 8 of the act approved June 28, 1902."

Mr. FITZGERALD. Mr. Chairman, the object of this amendment is to accomplish what evidently has been the intention of Congress from the outset—that is, to provide that the expense of building the canal shall not be paid from current revenues of the Government, but that the expense shall be spread over a considerable period and paid from bond issues. I hope the amendment shall be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. The foregoing appropriations shall be available to reimburse the Panama Railroad Company for marine losses, or for losses due to destruction of or damage to its plant, equipment, or commissary supplies by fire: *Provided, however*, That upon this appropriation becoming effective the Panama Railroad Company shall cease to carry insurance against loss from causes covered by this appropriation.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. What is the object of that proviso?

Mr. TAWNEY. The object of that whole paragraph is to avoid the payment of between $40,000 and $50,000 in premiums to insurance companies for insurance upon property of the Panama Railroad Company. This insurance is on buildings of various kinds and other property in the city of Colon and Panama.

Mr. CLARK of Missouri. Does the Government insure any of its other property?

Mr. TAWNEY. The Government does not carry insurance on any of its property in the Canal Zone or anywhere else. The Government has always carried its own insurance. The property on which this insurance is carried belongs to the Government. The commissary supplies and buildings belong to the Panama Railroad Company in name while in fact it belongs to the United States.

If the storehouses owned and used by the Panama Railroad Company should take fire and be destroyed with all of their contents, and the company did not or could not be reimbursed by the Commission on account of the loss, the consequences would be most serious, indeed. The Commission would be unable to supply the employees and would be otherwise seriously embarrassed in carrying on the work. Without the insurance there would be no way whereby the railroad company would have the means to purchase a new stock of supplies. If this provision is adopted the Commission, out of its appropriations, could furnish the money with which to purchase a new stock of supplies.

Mr. CLARK of Missouri. The theory on which the Government does not take out insurance is that its property is so greatly diffused that it is cheaper to carry its own risk than to pay the insurance companies to insure it?

Mr. GARRETT. I would like to ask the gentleman a question. This says "marine losses."

Mr. TAWNEY. That means all the supplies, all of the property; they run the steamship line between Colon and New York.

Mr. GARRETT. The Panama Railroad Company and the steamship line are really owned by the Government; it is the Government's steamship?

Mr. TAWNEY. Yes.

Mr. GARRETT. Now, where they carry freight for private parties, and that is lost, or if it should be lost, does this cover that?

Mr. TAWNEY. No; the shipper would have to carry his own insurance. If he did not the Panama Railroad Company would be liable, and this provision does not contemplate insurance against the liability of the company. It only contemplates insurance against actual loss of property belonging to the company.

Mr. GAINES of Tennessee. Will the gentleman inform the committee whether or not there is any item in here carrying money to bring back to the United States the remains of our employees who die down in the Zone?

Mr. TAWNEY. Well, if we pay the expense of those returning who are alive, as we do, I do not think the gentleman from Tennessee needs to concern himself much about defraying the expenses of returning the remains of those who die there. We are, of course, doing that.

Mr. GAINES of Tennessee. I was just in hopes that we would treat our people that go to that terrible death hole as fairly as we do in the Philippine Islands. That is all. I just wanted to know.

The Clerk read as follows:

SEC. 9. That the Secretary of the Treasury is authorized to enter into a contract for furnishing to the United States all electric current used for any purpose whatsoever, except for the lighting of streets, avenues, alleys, or highways, in or in connection with any and all buildings within or in the vicinity of the District of Columbia owned or occupied by the United States or owned or occupied by the District of Columbia, excepting only such buildings as may be occupied by the Congress of the United States; payment for such current to be at the annual rate of 6 cents per kilowatt hour for the first million kilowatt hours and at 2½ cents per kilowatt hour for each or any part of each succeeding kilowatt hour; all current to be metered in the respective buildings and the proportionate cost of the total consumption to be charged against each Department of the United States Government and the government of the District of Columbia, respectively, and paid monthly or quarterly, as it may be agreed, in gross, by the Secretary of the Treasury, to the contractor in accordance with the provisions of the contract herein authorized and out of the appropriations made by Congress from year to year therefor; of the amounts paid on account of the government of the District of Columbia one-half shall be paid out of the revenues of the District of Columbia. During the fiscal year 1909 payments for electric current under any contract made hereunder shall be made out of appropriations made for the purchase of electric current or for purchase, installation, operation, maintenance, or repair of electrical apparatus within the territory covered by said contract, and for the purpose of such payment said appropriations are hereby expressly made available. For the fiscal year 1910, and annually thereafter, the Secretary of the Treasury shall submit estimates for specific appropriations to meet the obligations of any contract entered into hereunder. In consideration of the rates for current herein specified the contract authorized hereunder shall be for the period of ten years, conditioned, however, that the same may be terminated by the Secretary of the Treasury at any time within the period of the contract, provided that written notice of such purpose to terminate shall have been given to the contractor one year prior to the date of the proposed termination.

Mr. GAINES of West Virginia. Mr. Chairman, on that I reserve the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I demand that the gentleman make it or waive the point.

Mr. TAWNEY. I insist on the point of order being made, not reserved.

Mr. GAINES of West Virginia. Mr. Chairman, if the gentlemen of the committee who report this feel that way about it, I make the point of order.

Mr. TAWNEY. The gentlemen of the committee realize, although this is a provision put in here on the recommendation of the Secretary of the Treasury after full consideration and investigation, that it is not in order, and therefore insist on the point of order being made and not reserved.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CLARK of Missouri. Was that point of order made against the whole paragraph?

The CHAIRMAN. Against the whole paragraph.

Mr. CLARK of Missouri. I wanted some information from somebody. I wanted to ask a scientific question, or to ask a question that might elicit some scientific information. I wanted to know what a kilowatt hour is. [Laughter.]

The Clerk read as follows:

From and after the execution of such contract all current actually furnished by the contractor for such buildings as may be occupied by Congress shall be at the same rates fixed by said contract, and the United States shall be entitled at any time during the period of said contract to take and receive such current as the superintendent of the Capitol building and grounds may determine for the buildings occupied by Congress at the rates and under the terms of said contract.

Mr. GAINES of West Virginia. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. The gentleman from West Virginia makes the point of order.

Mr. SMITH of Iowa. The point of order is well taken.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows and concluded the reading of the bill:

SEC. 10. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1909, and all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. BENNET of New York. Mr. Chairman, I make the point of order against the language—

And all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

The CHAIRMAN. If the gentleman makes the point of order, it must be made against the whole section.

Mr. BENNET of New York. No; against that language.

Mr. TAWNEY. Of course the gentleman realizes that this would obviate some litigation in the future.

Mr. CRUMPACKER. Mr. Chairman, I make the point of order on the whole paragraph.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard?

Mr. TAWNEY. No.

The CHAIRMAN. The Chair thinks this is legislation, and sustains the point. The Clerk will return now to the amendment offered by the gentleman from Indiana [Mr. CHANEY], on page 79, and report the amendment.

The Clerk read as follows:

Insert as a new paragraph, after line 9, page 79, the following:
"For continuing the work authorized by the act approved March 3, 1891, and for the protection of the lives of miners in the Territories, in the District of Alaska, and in public and Indian lands wheresoever situated, and for conducting such investigations as will increase safety and efficiency in mining, to be immediately available, $50,000."

Mr. HACKNEY. Mr. Chairman, I renew the point of order that I made the other day, when that was ruled out.

The CHAIRMAN. The gentleman from Missouri renews the point of order, and the Chair, adhering to the former ruling on the proposition, sustains the point of order.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the several amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21260, the sundry civil appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. TAWNEY. Mr. Speaker, I now move that the rules be suspended, that the amendments recommended by the committee be agreed to, and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I should like to ask the gentleman a question. Is there any possibility of getting a separate vote on one particular amendment in this outfit?

Mr. TAWNEY. I do not suppose there is.

The SPEAKER. Is a second demanded?

Mr. CLARK of Missouri. I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Minnesota is entitled to twenty minutes and the gentleman from Missouri is entitled to twenty minutes.

Mr. CLARK of Missouri. I do not desire to occupy any time.

Mr. TAWNEY. Mr. Speaker, I have occupied all the time on this bill that I care to consume.

The SPEAKER. As neither gentleman desires to occupy time, the question is on the motion of the gentleman from Minnesota to suspend the rules, agree to the amendments, and pass the bill as amended.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. CLARK of Missouri. The yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Missouri demands the yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, pending that I move that the House now take a recess until 11.30 to-morrow morning.

Mr. FITZGERALD. Mr. Speaker, a parliamentary question. Are the yeas and nays ordered?

The SPEAKER. The yeas and nays are ordered. The gentleman from New York moves that the House take a recess until to-morrow at 11.30 a. m.

Mr. CLARK of Missouri. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The Clerk proceeded and completed the first call of the roll.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Is not this the anniversary of the birthday of the Speaker of this House?

The SPEAKER. It is hardly in order to interrupt a roll call——

Mr. CLARK of Missouri. I simply wish to say that we all wish you many happy returns. [Loud applause and cries of "Speech! Speech!"]

The SPEAKER. Except by unanimous consent it is hardly in order to interrupt a roll call; but in the absence of objection, I sincerely thank the gentleman from Missouri, my personal friend, as I am his, my political opponent, as I am his, for his kindly remembrance of this, the seventy-second anniversary of my birth. I sometimes wish I could forget it, and that everybody else could; but after all, it is some compensation for being 72, that friends recollect the birthday anniversary with kind words and thoughts. Many years of service in the House of Representatives authorize me to state, as I have stated before, that so far as I know or believe, there is no greater legislative body than the bodies which constitute the Congress of the United States. And after these years of service I want to say that in my judgment the personnel of the Sixtieth Congress is quite equal to the personnel of any Congress in which I have served.

In filibustering times we occasionally have something of temper, something of temporary feeling. In all contests between virile men, touching matters of importance to the country and to civilization, the controversies are sharp; and as ours is a Government through parties, there is a political game to play for advantage in approaching campaigns. But be it said that, while we are partisans in the country and partisans in the House, we are all citizens of the same country, and on each side of the center aisle there is integrity, fidelity, and patriotism; and the policies we advocate are those which, as we see them from our respective standpoints, we believe to be best for the whole country. And one of the things noticeable in the House, and one of the things belonging to our civilization here in the United States, is that in our contests we do not strike below the belt. [Applause.] Or if, perchance, in temper, some individual so strikes, he regrets it. If he does not regret it, he drops out and is forgotten.

I thank you again for this kindly remembrance. And now the Clerk will call the names of those not answering upon the first roll call. [Laughter.]

Mr. MACON. Mr. Speaker, I want to make a parliamentary inquiry. Would it be in order for me to ask unanimous consent that the roll call be further dispensed with out of consideration of the fact that this is the Speaker's birthday?

The SPEAKER. It seems to the Chair that the request would hardly be fair to those who are recorded or, rather, to those who are not recorded, and then the Chair is not sure whether or not a quorum is disclosed.

Mr. MACON. Then, Mr. Speaker, in consideration of the fact that this is the Speaker's birthday, and that he would have to be detained here for perhaps fifteen minutes longer or

more if a quorum was not developed, I ask unanimous consent that the order directing the roll call be vacated, and that the House stand at recess as a mark of respect to and in consideration of the birthday of the distinguished Presiding Officer of the House. [Applause.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Accordingly (at 5 o'clock and 10 minutes p. m.) the House took a recess until to-morrow at 11.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Postmaster-General submitting an estimate of appropriation for payment of transportation of mails from Hawaii to the Orient (H. R. Doc. 916)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of Little Kanawha River, West Virginia (H. R. Doc. 917)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Potomac River at Lower Cedar Point, Maryland (H. R. Doc. 918)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Providence River, Rhode Island (H. R. Doc. 919)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Ogdensburg Harbor, New York (H. R. Doc. 920)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. THOMAS of North Carolina, from the Committee on the Library, to which was referred the bill of the House (H. R. 19922) to provide for erection of a memorial to Maj. Pierre Charles L'Enfant, reported the same without amendment, accompanied by a report (No. 1613), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CRAVENS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 21136) to pay to certain Cherokee citizens moneys to which they have been found entitled by the Supreme Court, reported the same with amendment, accompanied by a report (No. 1614), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21684) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1611), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14974) for the relief of Charles A. Bess, reported the same without amendment, accompanied by a report (No. 1612), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 6715) granting pensions and increase of pensions to certain soldiers and sailors of the Spanish war and other wars, and to the widows of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 1615), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6846) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 1616), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4377) granting a pension to Jennie Carroll, reported the same with amendments, accompanied by a report (No. 1617), which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6569) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1619), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3769) for the relief of George W. Flack, reported the same adversely, accompanied by a report (No. 1618), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULLOWAY, from the Committee on Invalid Pensions: A bill (H. R. 21684) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. BENNET of New York: A bill (H. R. 21685) to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for the relief of clerks of courts exercising jurisdiction under section 3 of said act—to the Committee on Immigration and Naturalization.

By Mr. SPARKMAN (by request): A bill (H. R. 21686) to authorize the establishment of free public schools upon United States naval reservations—to the Committee on Naval Affairs.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 21687) authorizing the construction of a bridge across Tallahatchie River, in Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLESPIE: A bill (H. R. 21688) to provide for the erection of a public building in the city of Weatherford, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. BEALL of Texas (by request): A bill (H. R. 21689) to promote the safety of employees and passengers on steamships engaged in interstate, coastwise, or foreign commerce, by requiring their equipment with wireless telegraph apparatus—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON: A bill (H. R. 21690) providing for the disposition of the cotton-tax fund collected from the several States from 1862 to 1868, inclusive—to the Committee on War Claims.

By Mr. TAYLOR of Ohio: A bill (H. R. 21691) to transfer jurisdiction of a part of the Washington Aqueduct to the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 21692) granting a pension of $30 per month to all honorably discharged soldiers and sailors who served at least ninety days in the Army or Navy of the United States during the war with Mexico, and who have or may reach the age of 62 years—to the Committee on Pensions.

By Mr. MURDOCK: A bill (H. R. 21693) granting additional compensation to surviving Union soldiers, sailors, and marines who were prisoners of war during the civil war—to the Committee on War Claims.

By Mr. KIPP: A bill (H. R. 21694) to establish a fish-cultural station in the State of Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

By Mr. MACON: A bill (H. R. 21695) to provide for the annual maintenance of Black Fish Bayou, in St. Francis County, Ark., from its mouth to Fifteen-Mile Bayou, for purposes of navigation—to the Committee on Rivers and Harbors.

By Mr. ALEXANDER of New York: A bill (H. R. 21696) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment—to the Committee on the Judiciary.

By Mr. VOLSTEAD: A bill (H. R. 21697) to prevent overcapitalization of corporations engaged as common carriers in interstate commerce, and to prohibit the payment of unearned dividends and the consolidation of parallel and competing carriers—to the Committee on the Judiciary.

By Mr. CALDERHEAD: A bill (H. R. 21698) to authorize the Secretary of the Treasury to audit and adjust certain claims of the State of Kansas—to the Committee on Appropriations.

By Mr. HUBBARD of West Virginia (by request): A bill (H. R. 21699) authorizing certain changes in the permanent system of highways, District of Columbia—to the Committee on the District of Columbia.

By Mr. SHEPPARD: Joint resolution (H. J. Res. 180) for relief of storm sufferers in Texas and Tennessee—to the Committee on Appropriations.

By Mr. HAMILTON of Michigan: Resolution (H. Res. 408) requesting the Secretary of the Interior to transmit to the House certain information concerning railroads in Alaska—to the Committee on the Territories.

By Mr. RODENBERG: Resolution (H. Res. 409) for the payment of two special officers for duty in the galleries of the House—to the Committee on Accounts.

By Mr. OLMSTED: Concurrent resolution (H. C. Res. 40) to provide for the printing of the proceedings attending the laying of the corner stone, completion, and occupation of the Office Building of the House of Representatives and accompanying documents—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 21700) granting a pension to Elizabeth Goldt—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 21701) to reimburse Dr. M. K. Knauff—to the Committee on Claims.

Also, a bill (H. R. 21702) granting an increase of pension to Robert Guisse—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 21703) granting an increase of pension to James B. Rumsey—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 21704) to award a medal of honor to John C. Whiting—to the Committee on Military Affairs.

By Mr. CHAPMAN: A bill (H. R. 21705) granting an increase of pension to William H. Coon—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 21706) granting an increase of pension to Isaac Conner—to the Committee on Invalid Pensions.

By Mr. CRAWFORD: A bill (H. R. 21707) granting an increase of pension to Robert N. Jordan—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 21708) granting an increase of pension to Chauncey F. Mitchell—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 21709) granting a pension to Samuel Tilley—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 21710) granting an increase of pension to Jacob W. Keyser—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 21711) granting an increase of pension to John Carroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21712) to remove the charge of desertion from the record of William S. Herrick—to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 21713) granting an increase of pension to Henry Sheaffer—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 21714) granting a pension to Harvey B. Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21715) granting an increase of pension to Joseph Brandle—to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 21716) granting an increase of pension to David D. Pierce—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 21717) granting an increase of pension to Warren F. Williams—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 21718) granting an increase of pension to Eliza C. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21719) granting an increase of pension to John V. Frisby—to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 21720) for the relief of Moses Harrell—to the Commitee on War Claims.

By Mr. LEAKE: A bill (H. R. 21721) granting an increase of pension to Margaret Thew Brower—to the Committee on Pensions.

Also, a bill (H. R. 21722) to correct the military record of L. Metze—to the Committee on Military Affairs.

By Mr. LOWDEN: A bill (H. R. 21723) granting a pension to Anna Harrington—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 21724) granting an increase of pension to Milton Edwards—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 21725) granting an increase of pension to Alfred D. Boyd—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 21726) granting an increase of pension to John B. Hanna—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 21727) for the relief of W. W. Carey—to the Committee on Claims.

Also, a bill (H. R. 21728) for the relief of J. Randolph Peyton—to the Committee on Military Affairs.

By Mr. ACHESON: A bill (H. R. 21729) granting an increase of pension to Jacob Grim—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 21730) granting an increase of pension to Joel Jackson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Methodist General Conference (in Lyric Hall, Baltimore, Md.), representing 3,000,000 members, urging continued exclusion of intoxicating liquors from Branches of National Soldiers' Homes—to the Committee on Military Affairs.

By Mr. ANTHONY: Petitions of labor organizations of Atchison, Leavenworth, Horton, and Topeka, Kans., for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. BEDE: Papers to accompany House bill granting an increase of pension to Robert G. Guisse—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Theodore Rollet—to the Committee on Claims.

By Mr. BENNET of New York: Papers to accompany House bill for the relief of James B. Rumsey—to the Committee on Invalid Pensions.

By Mr. BOOHER: Petition of labor unions of St. Joseph, Mo., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

Also, remonstrances against parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT: Petition of citizens of Alabama, for amendment to Sherman antitrust law—to the Committee on the Judiciary.

By Mr. BURKE: Petition of citizens of Pittsburg, Pa., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

Also, petitions of Branch No. 1, Glass Blowers' Association; Local No. 46, Iron Molders' Union of North America; Division No. 85, Street Railway Employees, and other citizens and members of organized labor associations, praying for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, petitions of Eugene F. Killy, of Munhall; Charles M. McNally, of Pittsburg; Chartiers Council, No. 875, of Crafton, and Allegheny Council, No. 285, of Allegheny, Knights of Columbus, all in the State of Pennsylvania, for making October 12 a legal holiday—to the Committee on the Judiciary.

Also, petition of G. R. Nutty, of the Gulf Refining Company, favoring an embargo on Venezuelan asphalt—to the Committee on Ways and Means.

Also, petition of civic club of Allegheny City, against H. R. 16086 and 16784, relative to Niagara Falls preservation—to the Committee on Rivers and Harbors.

Also, petition of H. A. Surface, of Harrisburg, Pa., favoring S. 6515, governing transportation of insecticides and fungicides in the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chantler & McClung, attorneys, of Pittsburg, favoring H. R. 2311, relating to refunding of legacy taxes—to the Committee on Ways and Means.

By Mr. CHAPMAN: Petition of citizens of Eldorado and Danville, Ill., and Trades Assembly of Harrisburg, Ill., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of E. T. Gardner and other citizens of Florida—to the Committee on the Judiciary.

Also, petition of Adhemar Brady and 53 other prominent ladies of Titusville, Fla., for concurrent resolution 28, against atrocities practiced by the Russian Government upon her own subjects—to the Committee on Foreign Affairs.

By Mr. COUSINS: Petition of H. P. Kneeland and others, citizens of Boone, Iowa, favoring resolution of sympathy for the people of Russia—to the Committee on Foreign Affairs.

Also, petitions of citizens of Davenport, Iowa; Vinton, Iowa; Chicago, Ill.; Fulton, Ky.; Mechanic Falls, Me.; Brookline, Mass.; Danvers, Mass.; Great Falls, Mont.; Albany, N. Y., and Coshocto, Ohio, favoring resolutions of sympathy for the people of Russia—to the Committee on Foreign Affairs.

By Mr. DALZELL: Papers to accompany House bill granting a pension to Chauncey F. Mitchell—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: Papers to accompany bill for pension of Samuel Tilley—to the Committee on Invalid Pensions.

By Mr. DAWES: Petition of citizens of Misco, Ohio, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of J. A. Kinningham and other citizens of Davenport, Iowa, for legislation to modify the antitrust law, to regulate and limit the issuance of injunctions, for employers' liability, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. DENBY: Petitions of James A. Ried and others; William M. Esterling and others; Metal Polishers, Buffers, and Platers' Union, No. 1; D. A. Typographia, No. 21, and Journeymen Bakers' Union, all of Detroit, Mich., for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. DOUGLAS: Petition of Local Union No. 983, United Mine Workers of America, of Nelsonville, Ohio, for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of citizens of New Straitsville, Chillicothe, Beaumont, Pomeroy, Shawnee, Waverly, and Crooksville, Ohio, for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. DRISCOLL: Petition of citizens of Syracuse, N. Y., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. DUREY: Petitions of citizens of Glens Falls and Plattsburg, N. Y., for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. GARDNER of Michigan: Paper to accompany bill for relief of Joseph Brandle—to the Committee on Invalid Pensions.

By Mr. GILLETT: Petitions of citizens of Springfield, Athol, Chicopee, and Monson, Mass., in behalf of amendment to Sherman antitrust law—to the Committee on the Judiciary.

My Mr. GILLESPIE: Petitions of Barbers' Union No. 111, Boiler Makers' Union No. 90, and citizens, all of Fort Worth, Tex., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. GOEBEL: Petition of The Cincinnati (Ohio) Art Club, urging removal of duty on works of art—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Michael A. Shally, of 1820 Sarah street, Pittsburg, against the Wilson bill (H. R. 20584), to amend the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of several hundred citizens of the working class in Pittsburg, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petitions of J. W. Moyer, Sprigg & Schuchmann, and I. M. Marks, of New York City, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petitions of Joseph A. Fisher, of Allegheny; Charlerol Council, No. 956, Knights of Columbus, of Charleroi; J. A. Loew & Co., of Braddock, and Chartiers Council, No. 875, Knights of Columbus, all of the State of Pennsylvania, favoring the bill to make October 12 a legal holiday in honor of Christopher Columbus—to the Committee on the Judiciary.

Also, petition of Anti-Saloon League of Harrisburg, Pa., against giving the canteen to Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of Philanthropic Community of Philadelphia, Pa., against expansion of the Army and Navy—to the Committee on Military Affairs.

Also, petition of Phil Sheridan Post, No. 14, for an appropriation for a memorial to the enlisted men of the Army, Navy, and Marine Corps—to the Committee on the Library.

Also, petition of National Child-Labor Commission, for favorable consideration of S. 4812 (regulating child labor in the District of Columbia)—to the Committee on the District of of Columbia.

By Mr. GRONNA: Petitions of International Association of Machinists' of Enderlin, Fortnightly Club of Bismarck, and Local No. 12018, American Federation of Labor, of Jamestown, all in the State of North Dakota, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HAMILL: Petition of citizens of Jersey City, N. J., praying for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. HAMILTON of Iowa: Petitions of citizens of Beacon, Ottumwa, Oskaloosa, Rutledge, and Evans, Iowa, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HOLLIDAY: Petition of citizens of West Terre Haute, favoring amendment proposed to the Sherman antitrust law, Pearre bill limiting issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of James B. Henderson and Benjamin F. Sutton—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Petition of Bay View Grange, No. 221, for postal savings bank and parcels-post laws—to the Committee on the Post-Office and Post-Roads.

By Mr. OLLIE M. JAMES: Petition of International Metal Workers and other citizens of Paducah, Ky., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. JENKINS: Petition of citizens of Bayfield, Wis., for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. KÜSTERMANN: Petition of Trades and Labor Council of Appleton, Wis., against any amendment or treaty provision to extend right of naturalization, and for a more stringent immigration law, etc.—to the Committee on Immigration and Naturalization.

By Mr. LEVER: Petition of labor organizations of Columbia, S. C., for exemption of labor unions from the operations of the

Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of William Johnson and others, of Elmdale, Minn., for postal savings bank—to the Committee on the Post-Offices and Post-Roads.

Also, petition of W. P. Brady and Mr. E. Reichmann, of Brainerd, Minn., for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

By Mr. McHENRY: Petitions of Granges Nos. 1330, 1339, 1025, 31, 539, 56, 1181, and 1308, of Pennsylvania, favoring H. R. 12682, to safeguard people's savings against bank failures—to the Committee on Banking and Currency.

By Mr. MADDEN: Petition of Division No. 260, Amalgamated Association of Railway Employees of America, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Petition of citizens of Hamilton County, for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

By Mr. MURDOCK: Petition of ex-commissioned officers of the civil war resident in Sedgwick County, Kans., for H. R. 6288—to the Committee on Military Affairs.

Also, petitions of citizens of Leon, Kans., and Western Retail Implement and Vehicle Dealers, of Kansas City, Mo., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Walnut Valley Lodge, No. 369, of Wichita, Kans., for H. R. 19795—to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Labor Union and affiliated organizations of Wichita, Kans., for construction of vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Wichita Credit Men's Association, of Wichita, Kans., for amendment to national bankruptcy act—to the Committee on Banking and Currency.

Also, petition of Kansas State Federation of Labor, against any constitutional amendment to extend the right of naturalization—to the Committee on Immigration and Naturalization.

Also, petitions of Local No. 20, Journeymen Tailors' Union of America, and working people and their sympathizers, of Wichita, Kans., for H. R. 94 and 20584—to the Committee on the Judiciary.

Also, petitions of 33 members of the International Brotherhood of Leather Workers in Horse Goods, trade unionists, with indorsement of Central Labor Union, and Local No. 44, Brotherhood of Leather Workers in Horse Goods, all of Wichita, Kans., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. NYE: Petition of committee on organized labor of Minneapolis, Minn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of A. R. Manning, favoring enactment of the Crumpacker bill (H. R. 19420) for a judicial review of law and facts in fraud-order cases, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Clarence Gaumer, against extension of naturalization rights and for enactment of exclusion law against all Asiatics except students, merchants, travelers, etc.—to the Committee on Immigration and Naturalization.

By Mr. PEARRE: Petition of Division No. 7, Ancient Order of Hibernians, of Frostburg; Robert Emmet Club, of Lonaconing; Celtic Club, of Cumberland; Sarsfield Club, of Frostburg, and Wolf Tone Club, of Midland, all in the State of Maryland, against any treaty of arbitration between United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Department of Maryland, Grand Army of the Republic, against change of the location of the U. S. Grant Memorial—to the Committee on the Library.

By Mr. PRAY: Petition of American Bison Society, favoring creation of national bison range in northwestern Montana, as per S. 6159—to the Committee on Indian Affairs.

Also, petition of Miners' Union of Red Lodge, Mont., for amendment proposed to Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. REID: Petitions of United Mine Workers' Association of Ozark; International Union of United Brewery Workmen, of Little Rock; Local Union, No. 989, United Mine Workers, of Denning, and United Mine Workers' associations of Spadra, Clarkeville, and Coal Hill, all in the State of Arkansas, for modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. RHINOCK: Petition of citizens of Ludlow, Newport, and Covington, Ky., asking for amendment to Sherman antitrust law—to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of citizens of Stapleton, N. Y., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

By Mr. RUSSELL of Missouri: Petitions of citizens of Sikeston, Crane, Charleston, and Cape Girardeau, and Carpenters and Joiners' Unions of Poplar Bluff and Charleston, all in the State of Missouri, for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of citizens of Lawrence, Kans., for concurrent resolution No. 28, against outrages practiced by the Russian Government—to the Committee on Foreign Affairs.

By Mr. SIMS: Petition of citizens of Jackson, Tenn., for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. WEEKS: Petition of Carpenters' Union No. 438, of Brooklyn, Mass., for amendment to the Sherman antitrust law, for the Pearre bill limiting injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. WOOD: Petitions of Typographical Union No. 71, of Trenton, N. J.; Local Union No. 781, Carpenters and Joiners of America, of Princeton, N. J., and William W. Reid, of Trenton, N. J., for the amendment to the Sherman antitrust law, known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour law—to the Committee on the Judiciary.

SENATE.

FRIDAY, *May 8, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

COMMODITY CLAUSE OF INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmittting, in response to a resolution of the 6th instant, certain information relating to the compliance of railroads engaged in interstate commerce with paragraph 5 of the amended section 1 of the act to regulate commerce, commonly known as the "commodities clause," which, with the accompanying paper, was ordered to lie on the table and be printed.

DELAWARE FORCES IN THE REVOLUTION.

The VICE-PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting, in response to a resolution of the 5th instant, copies of all the accounts, papers, and documents relating to Henry Fisher, of Delaware and the Revolutionary forces, which, with the accompanying papers, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 21260) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice-President:

S. 29. An act to provide for registration of all cases of tuber-

culosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District; and

H. J. Res. 179. Joint resolution amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Louisiana, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

Joint resolution making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore be it

Resolved by the general assembly of the State of Louisiana:

SECTION 1. That the legislature of the State of Louisiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

J. W. HYAMS,
Speaker of the House of Representatives.
J. Y. SANDERS,
Lieutenant-Governor and President of the Senate.

Approved November 25, 1907.

NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

A true copy.
[SEAL.]
JOHN T. MICHEL,
Secretary of State.

The VICE-PRESIDENT presented a memorial of the Indiana Bridge Company, of Muncie, Ind., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of the Indiana State Federation of Women's Clubs, of Elkhart, Ind., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Local Union No. 12, International Brotherhood of Paper Makers, of Fitchburg, Mass., and a memorial of the American Paper and Pulp Association, of New York, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. CULLOM presented petitions of sundry citizens and labor organizations of Sycamore, Peoria, Chicago, Champaign, Bloomington, and Kewanee, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PLATT presented petitions of sundry citizens of Albany and Syracuse, in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented the memorial of George A. Haskell, of New York City, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. MARTIN. I present a joint resolution of the legislature of Virginia, which I ask may be read and referred to the Committee on Coast Defenses.

There being no objection, the joint resolution was read and referred to the Committee on Coast Defenses, as follows:

Joint resolution.

Be it resolved by the house of delegates of the State of Virginia (the senate concurring), That the representatives of the State of Virginia in the Senate and the House of Representatives of the Congress of the United States, now in session at Washington, D. C., be, and they are hereby, requested to urge the passage of H. R. bill No. 4848, introduced by the Hon. H. L. MAYNARD, to provide for acquirement, by condemnation, of lands at Cape Henry, Va., for the purposes of fortifications and coast defenses, and that said fortifications may be provided as speedily as possible.

Agreed to, general assembly of Virginia January 15, 1908.

JOHN W. WILLIAMS,
Clerk House of Delegates and Keeper of Rolls of Virginia.

Mr. MARTIN. I present a joint resolution of the legislature of Virginia, which I ask may be read and referred to the Committee on Commerce.

There being no objection, the joint resolution was read and referred to the Committee on Commerce, as follows:

Joint resolution.

Whereas the question of an inland waterway along the Atlantic coast for the passage of large vessels and ships of war is being agitated, and the fact that such route would be of great advantage from a strategetic standpoint in case of war, as well as of great importance from a commercial standpoint, and would permit safe water transportation south, avoiding the dangerous coast off Hatteras, which is of such a menace to commerce, causing high insurance for valuable cargoes, thereby increasing freight rates, etc.; and

Whereas upon the completion of the Panama Canal an inland waterway will be essentially necessary to afford quick transportation under all conditions of weather, and will be of great benefit, especially to the farmers of the country in transporting their produce through this route, thence through the Panama Canal to the Far East to new and larger fields of trade: Therefore, be it

Resolved by the house of delegates (the senate concurring), That our Senators and Representatives in the Congress of the United States be, and they are hereby, requested to use their influence and vote for the passage of a bill embracing a liberal appropriation for an inland waterway along the Atlantic coast; and that before any route is finally selected through this State, our Representatives in Congress are further directed to request the Secretary of the Navy to appoint a board of naval officers to ascertain, upon inspection, the best route, in their opinion, from a naval standpoint, taking into consideration all the advantages other than from an engineering standpoint, which is fully covered by the report of the Army engineers, and this report to be submitted to Congress by the Secretary of the Navy for its information and guidance in dealing with the question.

It is directed that the clerk of this house forward certified copies of these resolutions to the President of the United States, the Secretary of the Navy, the presiding officers of both Houses of Congress, and to each of Virginia's representatives in the Congress of the United States.

Agreed to by the general assembly of Virginia January 14, 1908.

JOHN W. WILLIAMS,
Clerk House of Delegates and Keeper of Rolls of Virginia.

Mr. MARTIN presented sundry papers to accompany the bill (S. 5242) for the relief of Genevieve Griswold Kennon, which were referred to the Committee on Claims.

He also presented a petition of the Chamber of Commerce of Richmond, Va., praying that an appropriation be made for the erection of a suitable monument over the grave of ex-President John Tyler, of Virginia, which was referred to the Committee on the Library.

Mr. HEMENWAY presented petitions of sundry citizens and labor organizations of Wabash, Muncie, Midland, Madison, Newburg, Elkhart, Fort Wayne, Ayeshire, Washington, Peru, Brazil, Kokomo, East Chicago, Cayuga, Milltown, Evansville, Bedford, Indianapolis, Montgomery, Richmond, Jasonville, South Bend, and Terre Haute, all in the State of Indiana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Indianapolis and West Indianapolis, in the State of Indiana, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. du PONT presented sundry petitions of citizens of Wilmington, Del., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented petitions of sundry citizens and labor organizations of Kalamazoo, Houghton, Traverse City, Grand Rapids, South Haven, Menominee, Bay City, Detroit, Adrian, and Muskegon, all in the State of Michigan, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary

He also presented resolutions adopted at a meeting of sundry Polish citizens of Detroit, Mich., expressing their disapproval of the Polish expropriation law enacted by the Prussian Diet, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Trades Council of Bay City, Mich., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. DEPEW presented petitions of sundry citizens of Plattsburg, Kingston, Glens Falls, Yonkers, Albany, New York City, Troy, Buffalo, Flushing, Olean, Syracuse, Ithaca, Utica, Oneonta, Batavia, Elmira, Cohoes, Brooklyn, Watertown, Tonawanda, Newburgh, Corinth, and Schenectady, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., and a petition of sundry citizens of Bryson

City, N. C., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SIMMONS presented a petition of sundry citizens of Bryson City, N. C., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CURTIS presented petitions of sundry citizens and labor organizations of Atchison, Horton, Leavenworth, Topeka, and Osawatomie, all in the State of Kansas, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the American Society of Equity of Lewis, Kans., praying for the enactment of legislation providing for the inspection and grading of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented petitions of sundry citizens and labor organizations of Charlestown, Springfield, Lee, and Roxbury, all in the State of Massachusetts, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens and labor organizations of Belleville, Kewanee, Urbana, Beardstown, Ottawa, Freeport, Bloomington, and Chicago, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented petitions of sundry citizens and labor organizations of Sandpoint and Boise, in the State of Idaho, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the enactment of legislation to discontinue the transmission of mails through the tunnel service in that city, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Audubon Society of Chicago, Ill., praying for the enactment of legislation providing for the conservation of the natural resources of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TALIAFERRO presented petitions of sundry citizens and labor organizations of Tallahassee, Key West, Tampa, and Pensacola, all in the State of Florida, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. STEWART presented a petition of sundry citizens of Barre, Vt., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented petitions of sundry citizens and labor organizations of Denver, Grand Junction, and Lafayette, all in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Wilton Improvement Association, of Wilton, N. H., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented the memorial of Dr. George B. Heinecke, of Brightwood, D. C., remonstrating against the enactment of legislation to change the name of Brightwood avenue, in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Northeastern Suburban Citizens' Association, of Washington D. C., praying for the enactment of legislation granting supervisory powers to the Commissioners of the District of Columbia over street railway companies operating in the District of Columbia, which was ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Seattle, Tacoma, Aberdeen, and the American League of Independent Workmen, of Spokane, all in the State of Washington, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a paper to accompany the bill (S. 1521) for the relief of Julius A. Kaiser, which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 6849) to remove the charge of desertion from the record of Alvah B. Doble, reported it with an amendment and submitted a report (No. 628) thereon.

He also, from the same committee, to whom was referred the bill (S. 565) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America, reported it with amendments.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 6523) granting a patent for land to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, reported it without amendment, and submitted a report (No. 629) thereon.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 4316) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, reported it with amendments and submitted a report (No. 630) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 4542) to authorize disbursing agents of the Indian Service to deposit Indian moneys in national banks, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4735) to fulfill treaty stipulations of the treaty of June 28, 1862, and other treaty agreements with the Kickapoo Indians, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4110) to place on the citizenship roll of the Cherokee Nation the names of certain Cherokee families omitted by the Commission to the Five Civilized Tribes on account of certain technicalities of application and dates of residence, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4291) to remit further payments by purchasers of lands within the limits of the Fort Sill Military Wood Reservation, in Oklahoma, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 5944) for the relief of John F. Wingfield, reported it without amendment, and submitted a report (No. 632) thereon.

BILLS INTRODUCED.

Mr. DIXON introduced a bill (S. 7026) granting a pension to Mary Etta Wittich, which was read twice by its title and referred to the Committee on Pensions.

Mr. BOURNE introduced a bill (S. 7027) granting an increase of pension to Robert Starkey, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BROWN (by request) introduced a bill (S. 7028) for the relief of the heirs of David W. Dodson, deceased, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. PAYNTER introduced a bill (S. 7029) for the relief of the State Street African Baptist Church, of Bowling Green, Ky., which was read twice by its title and referred to the Committee on Claims.

Mr. OVERMAN (for Mr. SIMMONS) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7030) granting an increase of pension to P. C. Monteiro;

A bill (S. 7031) granting an increase of pension to Henry Ipock (with the accompanying papers); and

A bill (S. 7032) granting a pension to James Carroll (with an accompanying paper).

Mr. FORAKER introduced a bill (S. 7033) to prohibit importation of opium into Hawaii except by the Government for medicinal uses only, which was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

Mr. BURKETT introduced a bill (S. 7034) to prevent discriminations in interstate telegraph and telephone rates and fixing requirements governing the receipt and preservation of such

messages, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. GALLINGER introduced a bill (S. 7035) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. BULKELEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7036) granting an increase of pension to Hobert B. Doolittle;

A bill (S. 7037) granting an increase of pension to Francis Hale;

A bill (S. 7038) granting an increase of pension to Judson A. Potter; and

A bill (S. 7039) granting a pension to Anna H. Scofield.

Mr. GUGGENHEIM introduced a bill (S. 7040) granting an increase of pension to Thomas Fox, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7041) for the relief of the legal representatives of W. B. Long, deceased;

A bill (S. 7042) for the relief of heirs or estate of John R. Bain, deceased; and

A bill (S. 7043) for the relief of heirs or estates of Sarah E. Wedelstedt and Nimrod Berk, deceased.

Mr. CLAY introduced a bill (S. 7044) for the relief of William Reed, which was read twice by its title and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 7045) making appropriation for expenses incurred under the treaty of Washington, which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. PENROSE introduced a bill (S. 7046) for the relief of J. Howard Mitchell, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 7047) to provide officers and enlisted men of the Navy and Marine Corps with facilities for the remittance of sums of money by means of postal money orders, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7048) for the relief of Serapio Romero, which was read twice by its title and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7049) granting an increase of pension to Henry K. Dean;

A bill (S. 7050) granting a pension to Susan A. Graden; and

A bill (S. 7051) granting an increase of pension to George Searles.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 7052) authorizing the appointment of Maj. John S. Bishop, United States Army, retired, on the retired list of the Army with the rank of brigadier-general;

A bill (S. 7053) to remit the sentence of general court-martial against Milton Ostheim, late a private of Company H, Twelfth United States Infantry, and grant him an honorable discharge; and

A bill (S. 7054) to authorize inscriptions to be made on the tombstones of officers or enlisted men of the United States Army, Navy, or Marine Corps of the regular or volunteer forces who may be buried in any of the national cemeteries, using the highest lineal and brevet rank held in the militia, Naval Militia, or National Guard of any of the States, Territories, or District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment proposing to appropriate $30,000 to enable A. H. Emery to complete the gun carriage that he is making for the Government, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FULTON submitted an amendment proposing to appropriate $3,000 for the construction of a launch for the use of the customs service at and in the vicinity of Portland, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for necessary repairs to the dredger *Chinook*, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NIXON submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Nevada, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $214,335.25 to pay the unpaid expenses of the constitutional convention of Oklahoma, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Territories and ordered to be printed.

He also submitted an amendment proposing to appropriate $214,335.25 to pay the unpaid expenses of the constitutional convention of Oklahoma, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Territories and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $20,000 for the extension of the public-land surveys over the area embraced within the exterior limits of the Fort Keogh Military Reservation, in Montana, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Lands and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $70,000 for the purchase of private lands embraced within the boundaries of the Sequoia National Park, California, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment providing for the recording hereafter in the division of dead letters all dead letters and parcels containing valuable and salable articles of merchandise, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

He also submitted an amendment proposing to appropriate $78,500 for one shop building for manufacture of artillery ammunition, including its equipment, at the Frankford Arsenal, at Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 to pay the city of Albuquerque, N. Mex., for expenses incident to the international exposition to be held in that city in September, 1908, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $17,000 to defray the cost of printing and binding a new edition of Street Directory of the Principal Cities of the United States, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

He also submitted an amendment proposing to appropriate $178,500 for the enlargement of Frankford Arsenal, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—WILLIAM G. GLASGOW.

On motion of Mr. BURKETT, it was

Ordered, That there may be withdrawn from the files of the Senate all papers relative to the bill (S. 1099) granting a pension to William G. Glasgow, Sixtieth Congress, first session, there having been no adverse report thereon.

ACCIDENTS AT RAILWAY MAIL CATCH STATIONS.

Mr. PENROSE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Postmaster-General be, and he is hereby, directed, if not inconsistent with the public interest, to furnish for the information of the Senate of the United States on or before January 1, 1909, the causes of injuries to persons, and damage and destruction of mail and mail equipment from accidents resulting from delivering and receiving mail to and from moving trains at what are known as "catch stations," and what such damage and destruction of mail or mail equipment costs the United States annually.

HOUSE BILL REFERRED.

H. R. 21260. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30,

1909, and for other purposes, was read twice by its title and, on motion of Mr. ALLISON, was referred to the Committee on Appropriations.

PENSION LEGISLATION—PENSION AGENCIES.

Mr. McCUMBER. I ask to be relieved from further service as one of the conferees on the bill (H. R. 16268) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and also on the bill (S. 2420) granting an increase of pension to Margaret K. Hern, and that the junior Senator from New Hampshire [Mr. BURNHAM] be substituted in my place. I will state that my reason for asking the substitution is that I must leave to-morrow for a short absence, and I think the conferences should go on.

The VICE-PRESIDENT. The Senator from North Dakota asks to be excused from service as a conferee on the part of the Senate upon the bills he has indicated, in conference between the two Houses.

The Chair appoints the Senator from New Hampshire [Mr. BURNHAM] as conferee on the bills mentioned by the Senator from North Dakota [Mr. McCUMBER] and in place of said Senator. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCUMBER. Mr. President, I think it proper at this time to make a very brief statement of our progress in the consideration of the pension appropriation bill. I do this because we seem to be in more or less of a deadlock upon a single proposition; and as the bill passed the Senate without the slightest consideration in the matter of debating any of its provisions, and as the conferees are not informed entirely as to the sentiment of the Senate upon that one provision, I wish that the conferees could receive some information by some method from the Senate touching the particular point in difference.

It will be remembered that the appropriation bill passed the Senate without any debate whatever. As the bill passed the House it provided for the salary of one agent for the payment of pensions at $4,000. The Senate amended this item by providing for eighteen agencies at $72,000. The bill as passed by the House carried for clerk hire in the pension agency $335,000; the Senate amendment provided for $435,000 for all the agencies, or a difference of $100,000.

The Commissioner of Pensions in testifying before the House Committee on Appropriations stated that the appropriation to start with could be reduced about $100,000 for clerk hire, in case there should be an abolition of seventeen of the eighteen agencies; that that would be the amount which would probably be deducted the first year; and that after things were adjusted and running in good shape there could be a considerable further reduction. There would, of course, be the reduction, as the Senate can understand, of $68,000 for the seventeen agencies.

On page 9 of the hearings before the House subcommittee of the Committee on Appropriations the Commissioner of Pensions states that he thinks it would be safe to cut clerk hire $100,000.

On the same page he states:

> We will have room in the event that we are allowed the entire Pension building for pension purposes; that is, if they surrender us the whole building. We have the board of appeals in there now, of the Secretary's office, and one room is occupied by the Indian Office.

I ask to have the testimony of Commissioner Warner, on pages 5 to 11, inclusive, inserted in the RECORD as a part of my remarks, so that it will present concisely and briefly the grounds relied upon for abolishing these agencies.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

CONSOLIDATION OF PENSION AGENCIES.

Mr. GARDNER. In case of consolidation, has an estimate been made including the saving in stationery and other necessary expenses?

Mr. KEIFER. I would suggest that Commissioner Warner state specifically his plan of consolidation and the estimates that would be required in case of the consolidation. We will hear you, Mr. Commissioner, in your own way about that.

Commissioner WARNER. If there is a consolidation here in Washington we should be given time to effect it, though we would call the agencies in as fast as possible. In the case of the agencies which make payment on the 4th day of next April, we would wait until after that April payment had been made by the agencies, and then we would immediately call them in, bringing here their books, their clerks, and all that would be necessary to bring, so as to have them here in time to issue for the next payment, in July, from this Office. For those agencies that pay in May we would wait until the May payment had been made, and then we would call them in, so that they would be ready to make their next payment from here. That would enable us to effect the consolidation without any delay or inconvenience. We could simply keep the matter going, keep step, without any trouble. It would be necessary to bring some clerks from each agency, possibly all of them to start with, until we could get matters adjusted. The appropriation, to start with, could be reduced $100,000 on the item of clerk hire for the first year, anyway, and it would be more than that after we got the thing adjusted and running in good shape. There would also be a reduction of $72,000 on account of the salaries of agents; but it would be necessary, unless you required the Commissioner of Pensions to sign vouchers, to have a disbursing officer do that and to give bond. As far as I personally am concerned, it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor; but looking at it from a business point of view and as if it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government, and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the records be kept in better shape.

Mr. KEIFER. What have you to say on the subject of delay, if there would be any, in the matter of paying pensioners?

Commissioner WARNER. There would be very little delay. There would be some delay on the first payment, for instance, for the pensioners living in California, or on the Pacific coast. The first payment might be delayed a few days, but in my opinion not to exceed five. That is, they would get their first payment five days later than if the payment had been made from San Francisco. But after the first payment is made, they will receive their money every ninety days, that is, with an interval of ninety days between the payments, just as at present; so that there will be no delay excepting in the places on the Pacific coast, and at great distances, and then only in the first payment. Otherwise there would be no delay at all.

Mr. KEIFER. You say, Mr. Commissioner, that there would be no delay excepting on the first payment. Would there not be some delay in sending in the voucher after pay day came; that is, after the voucher was pased upon here, would there not be delay in sending the check back?

Commissioner WARNER. That is true; it would take time to send in the voucher, that is true; but there would be the same interval between the payments after the first payment. They would then receive their pay every ninety days.

Mr. KEIFER. But there would be a delay. The pensioner would have to send his pension voucher on a certain date, and it would have to come here and be passed upon, and the check sent back. The delay would be the difference between the two different times occasioned by the time consumed in the mails.

Commissioner WARNER. Yes; but only for the first time. After that he would receive his pension every ninety days. The first payment would be postponed about ten days on the Pacific coast—that is, he would receive it ten days later than he would otherwise receive it; but after that he would get it just ninety days from that time.

Mr. GARDNER. What delay would there be to pensioners living east of the Mississippi River?

Commissioner WARNER. The mail east of the Mississippi River would arrive in twenty-four hours, and then it would take twenty-four hours to get the check back. There would also be twenty-four hours consumed each way at Chicago. There would be one more day consumed to Milwaukee. Chicago, Detroit, Indianapolis, Louisville, and New York would require twenty-four hours.

Mr. GARDNER. All New England could be reached in twenty-four hours.

Commissioner WARNER. Oh, yes; that is my understanding.

Mr. GARDNER. Substantially all places in New England could be reached in twenty-four hours, though there might be some remote places where it would take longer. How would it be for Texas?

Commissioner WARNER. That is west of the Mississippi River.

Mr. THOMPSON. The naval pensioners in Texas are now paid from this city.

Commisioner WARNER. Yes; and we have never had any complaint from the naval pensioners.

Mr. BOWERS. As I understand it, the result of that delay would be the initial delay on the first payment, and it would establish a new ninety-day period.

Commissioner WARNER. Yes; that is it.

Mr. GARDNER. And the first delay east of the Mississippi River would hardly be perceptible?

Commissioner WARNER. No.

Mr. KEIFER. Is there anything further that you want to say on the subject of these agencies?

Commissioner WARNER. I have nothing to say; they have been running very satisfactorily and the agents have been taking care of the business in good shape. We have no fault to find with any of them.

Mr. GARDNER. Your idea, in case of the consolidation, is to use as many of the clerks now employed by the several agencies as would be necessary to conduct the business.

Commissioner WARNER. Oh, yes. We will want the same clerks. We would bring the majority of them from each agency here with their records, so as to have them go right to work. In the Pension Bureau proper we have no more clerks than we need, and we have no one to spare to put in the agencies to do that work. I do not expect to have any clerks to spare as I never fill any vacancies in the Bureau. If there is a vacancy by death, resignation, or dismissal for cause, I do not fill that vacancy. I have complied with the provisions of every appropriation act without being compelled to dismiss a single clerk, and yet our force is 312 less than it was when I took charge of the office. There have been no dismissals except for cause. If I filled vacancies, I would be compelled to dismiss. Under this arrangement the clerks feel better, they feel more secure in their places, and they are more happy and contented.

Mr. KEIFER. Do you think it will be practicable to remove the clerks from San Francisco, Topeka, and Knoxville, for instance, to Washington to do this work?

Commissioner WARNER. Oh, yes; they would be glad to come.

Mr. KEIFER. At least as many of them as you need.

Commissioner WARNER. Yes. We ask for an appropriation of $10,000 to effect the transfer of the property and the clerks. We will have to have an extra appropriation of $10,000 for that purpose, but we reduce our appropriations $172,000 on account of agents and clerk hire.

Mr. GARDNER. How long, in case it should be decided to make this consolidation, would it be before the consolidation could be made complete?

Commissioner WARNER. I should think that we ought to have it complete in six months.

Mr. THOMPSON. Take the first group; they pay in April. As the Commissioner has stated, we would bring those in here immediately after the April payment and get ready for the July payment, which could be made from the Bureau. The next group would pay in May, and we would bring them right in and get ready for the next payment from here.

Mr. BOWERS. Then the whole transfer would practically be complete before this appropriation went into effect.

Commissioner WARNER. But we could not commence making the payments until July, when the act would go into effect.

Mr. THOMPSON. The agents draw their salary up to the 1st of July. We would have to get the agencies in here and be ready at that time.

Mr. KEIFER. But it is probable that it would take some months after the beginning of the new fiscal year to effect the consolidation.

Commissioner WARNER. If you make the $10,000 appropriation immediately available, then we could commence consolidation at once.

Mr. BOWERS. The transfer would then be completed earlier and the reorganization would be carried for some months in this year. I should think that the reorganization could be cared for out of the appropriation made for clerk hire.

Mr. KEIFER. Would there be any other incidental expenses in transferring the agencies here?

Commissioner WARNER. Nothing that I know of.

Mr. THOMPSON. No expense, excepting the shipment of the records in here from the different cities, though we would probably have to buy some furniture, because the furniture has been furnished by the Treasury Department to agents that are located now in Government buildings, and it belongs to that Department.

Commissioner WARNER. But I think that would not amount to much.

Mr. KEIFER. Mr. Commissioner, will you make a summary of what you think would be necessary to put in our appropriation bill for the next year, or to be made immediately available; and also the appropriation that will be necessary to carry out the plans that you advocate? If you will make such a summary, we will incorporate it in the record.

Commissioner WARNER. We can do that.

Mr. BOWERS. On the first page of Document No. 352, regarding the proposed consolidation, the following language is used: "The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers, checks, is approximately $550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order, all pensioners should be paid by the Commissioner of Pensions or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, $350,000, a saving of 20 cents per annum per pensioner, or $200,000. After the first year of the consolidation I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least $25,000 more."

Mr. KEIFER. What I was after, Mr. Commissioner, and Mr. BOWERS's inquiries are in the same direction, is this: Would we make any mistake if we undertook to provide for your plan of consolidation? We should have all of this in the form of a memorandum.

Commissioner WARNER. We have an amendment already drawn.

Mr. THOMPSON. Yes; you asked me to prepare something showing what would be necessary to add to this bill to make it effective.

Commissioner WARNER. I will read this amendment that we have prepared. [Reads]:

"*And provided, further,* That on and after July 1, 1909, all sums appropriated for the payment of Army and Navy pensions and fees of examining surgeons shall be disbursed by the Commissioner of Pensions, through a disbursing clerk to be designated by him, with the approval of the Secretary of the Interior. The disbursing clerk thus designated shall be required to give bond, with good and sufficient surety, for such amount and in such form as the Secretary of the Interior may approve.

"The Commissioner of Pensions is hereby authorized and directed, with the approval of the Secretary of the Interior, to arrange the pensioners, for the payment of pensions, in three groups, as he may think proper; and may from time to time change any pensioner from one group to another as he may deem convenient for the transaction of the public business. The pensioners in the first group shall be paid their quarterly pensions on January 4, April 4, July 4, and October 4 of each year; the pensioners in the second group shall be paid their quarterly pensions on February 4, May 4, August 4, and November 4 of each year; and the pensioners in the third group shall be paid their quarterly pensions on March 4, June 4, September 4, and December 4 of each year. The Commissioner of Pensions is hereby fully authorized, with the approval of the Secretary of the Interior, to cause payments of pensions to be made for the fractional parts of quarters created by such change so as to properly adjust all payments as herein provided.

"In case of sickness or unavoidable absence of the disbursing clerk from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such disbursing clerk.

"And with the approval of the Commissioner of Pensions and the Secretary of the Interior, the disbursing clerk may designate and authorize the necessary number of clerks to sign the name of the disbursing clerk to official checks.

"The official bond given by the disbursing clerk shall be held to cover and apply to the acts of the person appointed to act in his place.

"The sum of $10,000 is hereby appropriated, to be immediately available, to meet the expenses of carrying into effect the changes herein provided for."

Mr. BOWERS. You have not suggested, Mr. Commissioner, just exactly how much, in case this consolidation goes into effect, this estimate for clerk hire and so forth can be safely cut.

Commissioner WARNER. I think it would be safe to cut it $100,000. I think possibly it could be cut much more, but that is safe.

Mr. BOWERS. You have the expense of the reorganization, of course, to bear out of the clerk hire appropriation.

Commissioner WARNER. Yes.

Mr. THOMPSON. And there is also the extra work involved in making the consolidation.

Commissioner WARNER. I think it would work smoother than you imagine; that is, I think in the work of bringing the agencies in, and changing the location, everything would go smoothly.

Mr. GARDNER. Will you have plenty of room in the Pension building?

Commissioner WARNER. Thank you for that suggestion. We will have room in the event that we are allowed the entire Pension building for pension purposes—that is, if they surrender us the whole building. We have the Board of Appeals in there now, of the Secretary's office, and one room is occupied by the Indian Office. If those rooms were restored to us, we would have plenty of room.

Mr. KEIFER. That could be done without any legislation.

Commissioner WARNER. Yes; I think the Secretary would do that.

Mr. KEIFER. I notice that there has been some effort made to secure part of that building for the purpose of storing away old patent models. Do you think that they ought to be there?

Commissioner WARNER. I do not want them in there, but if the Secretary wants them, then I do. Anything he wants I am for.

Mr. GARDNER. Your thought is that everything strictly connected with the operation of the Pension Bureau should be put under one roof?

Commissioner WARNER. All under one roof.

Mr. GARDNER. So that the Bureau would have ready access to all of the papers in case questions arise.

Mr. WARNER. Yes. It will be a great convenience to have all of the pensions paid from that building. In case we want to know anything about a change of residence of a man who has been paid from a San Francisco agency, or any change regarding his condition whatever, we would be able to get that information at once. As it is now we have to write a letter, and wait for the reply, for we must first communicate with San Francisco. We would be able, in the event of the consolidation, to get any information in regard to any of these cases within a few minutes, no matter whether it related to a pensioner on the Pacific coast, in Iowa, or anywhere else.

Mr. GARDNER. Besides the New York office, where you rent rooms, is there any complaint about any of the quarters in other places where these agencies are now located?

Commissioner WARNER. Occasionally we hear some complaint about the amount of room that they have, the conveniences, and so forth, though I could not specify the agencies at this time.

Mr. THOMPSON. The Columbus agency was very much crowded. Congress has made an appropriation for a new building there, and pending the completion of that building, the Treasury Department has rented a building and is giving us sufficient room.

Commissioner WARNER. I would like to say that there is not a more pleasant or a more healthful office building in the United States for clerical work than the Pension building here in Washington. Every room has an outside exposure, we have large corridors inside, with a very large court, making substantially two outside exposures. It is the healthiest and pleasantest office for clerical work that I know of.

Mr. GARDNER. Your judgment is that this consolidation would be ideal for handling the whole pension business, for the adjustment of pensions, the concentration of the correspondence, and everything connected with them? You believe that putting it all in that building is the best possible arrangement?

Commissioner WARNER. Yes, sir.

Mr. GARDNER. You could not suggest anything more perfect for the operation of the whole pension machinery?

Commissioner WARNER. No; it would all be in a nutshell instead of being scattered all over the United States, as it is now, with eighteen different agencies. The pensions would all be paid from here the same as the interest on the public debt.

Mr. BOWERS. And would there not be some saving in the matter of duplication of records? As it is now a record has to be kept in both the central Pension Office and in the branch offices.

Commissioner WARNER. A great saving, yes. As it is now, the certificate is recorded here, then it is sent out to the pension agency, and it is recorded there, and there is considerable duplication all the way through. Under the consolidation arrangement we would have it all in one office, and that would be the end of it. It would save clerk hire, time, and labor. If this were a private business, no business man would hesitate ten seconds in coming to a decision as to what he would do. He would consolidate it. While, with an official like myself, in the Government service, and for whom it is going to make additional work, he would not be very anxious for it, and personally I do not care anything about the consolidation, yet in the interest of the Government I think it would be a very good thing.

Mr. KEIFER. Are all naval pensions paid from here, from the Washington office?

Mr. THOMPSON. The Washington agency pays the District of Columbia, Maryland, Delaware, Virginia, West Virginia, and all pensioners residing in foreign countries. In addition to that it pays the naval pensioners from the Knoxville district, which comprises all of the Southern States as far west as Texas. Naval pensions are also paid by the Chicago, the San Francisco, Boston, New York and Philadelphia offices.

Mr. KEIFER. But the other pension agencies do not pay naval pensions?

Mr. THOMPSON. No.

Mr. McCUMBER. Secretary Garfield substantiates the statement that is made by the Commissioner of Pensions. He also testifies that he could get rid of these agencies as fast as possible, and he thinks that he could dispose of all of the seventeen in about six months. The Senate will therefore see that it would be necessary, in any event, to appropriate, we will say, for about half of them, for at least three months.

It is stated that there will be $100,000 clerk hire saved. That is assuming that the clerk hire would practically be the same in the city of Washington as it is elsewhere, and that the same number of clerks would perform exactly the same amount of business. Every man acquainted with the Government service knows, first, that the amount of service performed by each clerk generally is about one-third more outside of the city of Washington than in the Departments here in Washington. We all understand also that the amount paid for clerk hire is nearly 50 per cent higher here in the city of Washington than it is in other cities in the United States. So I think when we consider those matters it will be found that it will neutralize to a great extent the statement concerning the saving of $100,000.

The Commissioner also says that he would take practically all the clerks now engaged in the several agencies and transfer them to the Washington agency. If he did that he would have to add about 50 per cent for salaries and deduct about 25 per cent for work, and this would materially reduce the saving.

The Commissioner also says, on page 8, that after consolidation has been completed and is in perfect working order all pensioners could be paid by the Commissioner of Pensions or the disbursing officer located in the city of Washington with an annual expenditure of at most $350,000, saving $200,000, and he is of the opinion that after the first year of consolidation the appropriation for the expenses of paying the pensions could be safely reduced $25,000 more.

It is safe to say also that while under the present distribution no post-office requires a larger number of clerks on account of the pension business, if we consolidate all of them in the city of Washington, meaning the handling of about a million letters, at least, or more every month, there would be a considerable increase in such clerk hire in the post-office, which has not been taken into consideration whatever; and there would be, undoubtedly, an addition of service in other respects.

Now, the House conferees stand upon the position that the undisputed evidence shows the fact that the services could be performed just as well for at least two or three hundred thousand dollars less, and that the interests of economy demand that these extra agencies should be abolished.

Mr. President, as one of the Senate conferees, I think, for the reasons I have mentioned, the savings are overestimated. I will assume that possibly the service could be economized by abolishing the agencies to some extent, but what we would gain in economy, in my opinion, would be more than made up in certain other losses. I can not help but feel that it is for the interest of all of the people of the United States that the functions of government should be performed as much as possible, when it can be done without detriment to the service, away from the seat of government. This is an immense country, Mr. President, and the nearer we can bring the public in contact with the Government and with the functions of government the better it will be for the Government, and for the people as well.

As a matter of education, I believe that the people should be brought into as close proximity with every arm of the public service and into an acquaintanceship with the functions of the public service as near as it is possible to do so without detriment. The majority of the people of the United States have little better understanding of the mode by which they are governed and by which government functions are exercised than they have of the same matters in foreign countries. I do not believe it is a healthful condition to concentrate everything possible in the city of Washington, even though it may be done with a little greater economy.

I have no doubt that it would add very materially to all our great industrial concerns if they were consolidated under one great control, and the cost of production would be less than it is to-day. But to the same extent that the cost of production would be less the individual opportunity would also be lessened. The expense that you would save by concentrating everything in the city of Washington you would lose by divorcing the public from the business of the country. So my view has been that it is better, even though there be a little extra cost, that we perform just as many of the functions of government as we possibly can among the people and all over the United States.

Mr. President, I make this statement simply to give the Senate the view I believe to be that of the Senate conferees, and to receive through argument or by instructions the sentiment of the Senate upon the same question, as it has not had an opportunity to express itself before.

Mr. HALE. I do not understand, Mr. President, that the Senator submits any conference report or anything upon which perhaps the Senate could take formal action. If the conference report had been presented, the Senate could put itself on record by yeas and nays, and I should hope the feeling would be nearly or quite unanimous; but the Senate can by expression here show to the House what is the attitude of this body.

It is not, Mr. President, a question of the saving of a few thousand dollars, but there are no offices of the Government that are so popular with the people, that are so near to them and to the old pensioners as the pension offices throughout the United States. I do not know of a single fault that is found with the management of one of them. I do not know of any scandal that has ever arisen as to the course of business pursued in a single one of those agencies. They are run economically and frugally, with a comparatively small force, and every pensioner knows that the drafts coming to him will be sent to these offices and he can have them at once forwarded to him near by or he can go to the office and get them and can visit the office as pensioners do frequently.

I know in the State of Maine the present agent was a veteran soldier of the Army of the Republic in the war, a man of distinguished service, who lost the use of a leg in one of the great battles of that conflict, and who was afterwards honored by the State of Maine in being selected and serving for several terms as governor of the State. He is to-day in charge of the agency in Maine, and there is no day that some pensioner does not appear there, and his kindly way of treating them and greeting them and hearing their stories all contribute to the comfort and satisfaction of the pensioners.

With such considerations, the mere matter of saving a few thousand dollars is a bagatelle, and I hope the Senate will not consider it. I hope the conferees in this matter will stand pat. The law is good as it is now. Its operation is good. The movement is made from the House to change the existing administration. Everybody knows that in conference the burden is upon the side which seeks to change existing statutes and administration; and all that the Senate conferees need to do is to stand upon that ground, and in the end there can be but one result.

Mr. HOPKINS. Mr. President, I trust that the conferees on the part of the Senate will pursue the course that they have already adopted and insist that the amendment that was placed upon the bill by the Senate in making provisions for the salaries of the eighteen agents shall become a part of the bill. I sympathize entirely with the statement of the Senator from Maine [Mr. HALE].

I have had occasion since my attention was called to the action of the House to look into the question as to whether there is any economy in the suggestion of the House. My judgment, Mr. President, is that there is no economy in the proposition that is made by the House on this question. I find on looking the matter over that the Secretary of the Interior and the Commissioner of Pensions do not agree. In the letter that the Secretary of the Interior sent to the Speaker of the House he thinks that there might be a saving of $200,000 per annum. I find in the hearings that were had before the House committee the Commissioner of Pensions thinks that there could be a saving of $100,000 per year for clerk hire and the $72,000 a year that is provided for the pension agents and rental in New York City.

In that estimate he does not take into consideration that some provision would have to be made for higher salaries than the average clerk to fill the position that is held by the eighteen pension agents. No provision is made for that, and no suggestion is made that the cost of clerk hire is any greater in the city of Washington than it is in the various cities where the pension agencies are located.

I find from a statement that was made by Colonel Mulholland, of the Philadelphia agency, that the average clerk hire in the Pension Office here at Washington is $1,280.72, and the average salaries paid at the various agencies aggregate only $977.99, making a difference of $302.73 per clerk each between the salaries paid in the various agencies and the salaries paid to the clerks in the Pension Office.

Now, there are 432 clerks in these eighteen agencies and the difference in salaries aggregates $125,425.60. So it seems to me, Mr. President, that instead of being a reduction in the expenses in paying old soldiers, the amount that is provided for by the Senate in the bill, there will be an actual increase.

There is another item that I desire to call to the attention of Senators that has not been taken into consideration. With the exception of the New York agency all these other agencies are housed in Government buildings. In Chicago, Detroit, Milwaukee, Des Moines, and other cities provision is made in the public buildings. So there is no rent for these agencies. If the consolidation is to take place, as is proposed by the Secretary of the Interior, some provision must be made for the clerks who are to be brought here to do the business in the city of Washington.

I find in the hearings that were had before the House committee the Commissioner of Pensions says that if they will remove from the Pension building the board of appeals of the Secretary's Office, and the Indian Office, there may be room here.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Wyoming?

Mr. HOPKINS. Certainly.

Mr. WARREN. I do not want to interrupt the flow of the Senator's remarks, but as this seems to be a move toward a final settlement of the question whether the eighteen agencies shall be continued or not, I want to suggest that if they are to be continued, there should be a redistribution or that some should be added. Take the State that I, in part, have the honor of representing. The pensioners there are compelled to get their pension business through San Francisco. Everything goes from Washington directly through Wyoming to San Francisco, and

from San Francisco it is twelve, thirteen, or fourteen hundred miles back to Wyoming; and I think also the same applies to Montana and other States.

Now, that is a matter which ought to be corrected. Possibly we have gone too far now to correct it on the pending bill which is being considered in this conference, but the matter ought to be taken up soon and settled more satisfactorily than the conditions now existing present.

Mr. HOPKINS. Mr. President, I agree entirely with the statement of the Senator from Wyoming, and a little later in my remarks I propose to touch upon that subject and show that instead of consolidating the agencies in Washington we should have more of them, so as to benefit the pensioners, especially in the Western States.

The point I was making when I was interrupted is that there is no economy in the proposition that is made by the Secretary of the Interior, because it is shown that if we consolidate these agencies in Washington, of necessity we must have more space in some other building for the various offices that are now in the Pension building. We must hire offices for the board of appeals, the Secretary's Office, and for the Indian Office. So there would be an additional expense that is not touched upon in the letter of the Secretary of the Interior or by the Commissioner of Pensions.

Another point which has not been considered by them is that it is estimated that nearly 1,000,000 letters per month, if there is a consolidation of the agencies in the city of Washington, will pass through this office to the various sections of the country where these pensioners live that are now handled through the post-offices at the 18 different pension agencies. The consolidation of the agencies at Washington will, therefore, require additional postal service in the Washington post-office to care for this extra work that will be imposed upon the office in this city; and it may be that this extra work which will require an additional clerical force will require additional space, which may entail extra expense upon the Government.

No consideration has been given to any of these questions by the conferees upon the part of the House or by the Secretary of the Interior, who has suggested that the agencies be consolidated.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. HOPKINS. I do.

Mr. McCUMBER. I call the attention of the Senator to the fact that the Commissioner testified that if certain offices were removed—the board of appeals and Indian Office—now occupying space, he then would have room enough, but if they are removed it will necessitate that some other place be secured for them.

Mr. HOPKINS. That would be an additional expense to the Government of the United States.

Here is another question to which I desire to call the attention of Senators. Mr. HALE, a Member of the House of Representatives from the State of Tennessee, stated, when this matter was discussed in the House, that on the 7th of February, 1908, he procured a statement from the Commissioner of Pensions showing the expense per capita at these eighteen agencies. This is his statement:

That the public may know that my figures are correct and my statements based upon facts, I submit the following figures furnished me by Commissioner Warner on February 7, 1908, showing cost per pensioner for paying pensioners at each agency in the United States:

Topeka	$0.425
Columbus	.458
Chicago	.518
Knoxville	.509
Indianapolis	.495
Boston	.511
Philadelphia	.530
New York City	.644
Washington	.631
Des Moines	.534
Milwaukee	.544
Buffalo	.564
Pittsburg	.562
San Francisco	.548
Detroit	.582
Louisville	.638
Augusta	.761
Concord	.776

(CONGRESSIONAL RECORD, March 19, 1908, p. 3611.)

Now, take the pension agency at Topeka, where, under existing conditions, the agent pays 111,508 pensioners. They are paid there at a per capita expense of 42½ cents; at Chicago for 51 and a fraction cents, and here in Washington, where there is an agency, it is 63 and a fraction cents. I have made a computation, and I find that if we were to remove the agency from Topeka, Kans., to the city of Washington on the present basis it would cost for paying the pensioners who are paid at Topeka, Kans., $23,310 per annum more than it does now. If we were to remove the Chicago agency to the city of Washington and have the pensioners who are provided for at that agency paid here in the city of Washington, it would cost the Government of the United States $9,000 more than it does at the present time. If we should remove the Louisville agency here, it would cost the Government of the United States eight thousand and some hundred dollars more than it does at the present time. I will state that the same applies to San Francisco, Philadelphia, Detroit, Milwaukee, Buffalo, Pittsburg, and many of the other agencies. So, from the figures that have been given to us, the consolidation of the agencies here in the city of Washington would be an actual added expense to the Government of the United States.

But, Mr. President, as the Senator from Maine said, we should not be governed by a few dollars one way or the other when we are considering the rights of the old soldiers. The purpose of this legislation was to aid and protect them, and not to save the Government a few thousand dollars one way or the other. The law which provides for these agencies was passed by Congress February 5, 1867, and I call to the attention of Senators the language of the statute which provided for the establishment of the agencies which are now sought to be consolidated in this city. It is section 4780, and reads as follows:

The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interests and the convenience of the pensioners require.

So one of the salient facts that was in the minds of the legislators at that time was to provide legislation for the convenience of pensioners. Then the balance of the section reaches the question that has been raised by the Senator from Wyoming. It reads as follows:

But the number of pension agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall not have exceeded the sum of $500,000.

This shows that it was the intention of Congress at that time to provide agencies enough so that the agent would not be required to disburse much over $500,000 per annum. The intention was to bring the agency home to the old soldiers, so that they could go to the agent and meet him personally and talk with him regarding any question in which as pensioner they might be interested.

Mr. WARREN. Has that plan been carried out, or has any move been made toward carrying it out?

Mr. HOPKINS. I will say to the Senator that it has not, I am sorry to say. I agree with the Senator from Wyoming that the Senate should not only insist that the present agencies should not be consolidated in an agency in Washington, but that there should be a largely increased number of agencies established, especially in the Western States.

Take the Topeka agency. That agency is required under existing law to provide for 111,508 pensioners. Instead of distributing $500,000 per annum, as provided in the law of 1867—a law that was passed by the comrades in arms of those old soldiers who are now pensioners—that one agency in the last fiscal year was required to distribute $15,807,638.24.

Mr. President, take the agency at Chicago. That agency is required to provide for over 75,000 soldiers. Over 60,000 of them live in the State of Illinois. That agency disbursed during the fiscal year 1907 over $10,000,000.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Kansas?

Mr. HOPKINS. I do.

Mr. CURTIS. I should like to interrupt the Senator from Illinois just a second to state that if we paid all pensions at the Washington agency as cheaply as they are paid at the Topeka agency it would save the Government $132,000 a year.

Mr. HOPKINS. Yes, Mr. President, I had that fact to develop later, but I am very much obliged to the Senator from Kansas for bringing it out now, so as to show that the pension agencies in the different States are conducted much more economically than is the agency here in the city of Washington. At least it so seems from figures furnished us.

I will state, in passing, that when this law of a year ago providing for extra pensions to widows, and so forth, was passed, it was charged that the Washington agency, for less than half the work that was imposed upon the other agencies, required seven additional clerks; an additional clerical force not granted to any of the other agencies located in the different States.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Wyoming?

Mr. HOPKINS. Yes.

Mr. WARREN. Mr. President, I want some assurance from the Senator from Illinois, and from other Senators, regarding this plan of procedure as to whether we shall pay all pensioners from Washington, or pay all from the various pension agencies now existing, or those we may create, according to the argument that they can be paid cheaper from Topeka because of the great amount there paid, or cheaper from Washington or some other place, and solely on the ground of economy. This does not agree with the proposition which is laid down by the Senator as one that was first proposed in 1867 to accommodate the pensioners themselves in the establishment of these agencies.

The pensioners in the Rocky Mountain States—there may not be millions of money to pay, but they were just as valiant in arms as any others, and they have been living out there for forty years or more, and have been receiving their pensions a number of days or weeks later than others have received them, and from an office out on the Pacific coast, anywhere from 1,200 to 1,600 miles away from their homes, while the papers and money goes from Washington right by their doors to San Francisco, and is then brought back.

What I want to know is, whether the plan upon which we are to proceed is to be economy only, or whether it is to be to accommodate the various localities? If the latter, it seems to me that we ought to have some assurance from those who wish to continue these eighteen agencies that that Rocky Mountain country, which has been settling up so rapidly in past years, shall have some care, and agencies established there for the accommodation of her veteran soldiers.

Mr. HOPKINS. Mr. President, the whole drift of my remarks are in harmony with the position of the Senator from Wyoming.

One reason why the Topeka agency is conducted more economically than the agency here is because the salaries of the clerks there are less than the salaries in the agency here, and they work a greater number of hours than they do or are required to do here in the city of Washington.

Mr. WARREN. The Senator thinks, then, there should be others besides?

Mr. HOPKINS. I do.

Mr. GALLINGER. I want to ask the Senator from Illinois if I understood him correctly in reading the law that the President of the United States establishes these agencies under the law?

Mr. HOPKINS. Under the law of 1867 the President of the United States establishes the agencies.

Mr. GALLINGER. So that the Senator from Wyoming would have to go to the White House if he desired to have an additional agency established, would he not?

Mr. HOPKINS. Yes; under this law, unless Congress saw fit by legislative enactment to redistribute these agencies, divide them up, and make a larger number than we have at present.

Mr. GALLINGER. I want to ask the Senator one further question, and that is whether it is not a fact that the President can increase, reduce, or abolish all the pension agencies in the United States by Executive order?

Mr. HOPKINS. I am inclined to think that the Senator from New Hampshire is correct.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. HOPKINS. I do.

Mr. McCUMBER. If the Senator from Illinois will excuse me, I tried to look the matter up so as to ascertain when the first agencies were established. The earliest law that I can find, that of 1866, I think is practically in the same wording as this law; but that law was based upon the assumption that some agencies already existed which were created by Congress. If Congress created any by act, then it follows that the President could abolish only those that he had himself under the law created and none that Congress had created.

Mr. GALLINGER. But that, I think, Mr. President, would not apply to the bulk of existing agencies.

Mr. McCUMBER. I do not think it would.

Mr. GALLINGER. Then I understand there have been pension agencies abolished by Executive order.

Mr. WARREN. Mr. President, if I may be permitted to ask the chairman of the Committee on Pensions a question, I wish to ask, Is it his understanding that the President to-morrow or the following day may establish pension agencies without legislation?

Mr. McCUMBER. I think under the law he has absolutely that authority and has absolutely the authority to abolish any one that has been created by him under that law.

Mr. WARREN. From what fund would such an agent be paid, unless Congress should provide?

Mr. McCUMBER. There would be no provision for payment until Congress should appropriate, of course.

Mr. WARREN. Then it amounts to this, that until Congress makes some provision toward appropriating, it is a question whether the President could or, if he could, whether he would establish new agencies.

Mr. McCUMBER. The President may establish an agency, and then Congress, either in a deficiency bill or otherwise, would be supposed to appropriate for the appointee.

Mr. BEVERIDGE. So that amounts, in the last analysis, to the practical fact that he can not.

Mr. WARREN. Has that been the mode of the establishment of these agencies as they now exist?

Mr. McCUMBER. I think all of those established since 1866, at least, have been established by order of the President.

Mr. WARREN. How many were established before that time?

Mr. McCUMBER. I have been unable so far to ascertain the number and what ones were established, and I do not know that a single one exists that was established prior to that time.

Mr. HOPKINS. Mr. President, there is another suggestion that I desire to make to Senators on this proposition, and that is, that while we have over 900,000 pensioners, as I understand, there is not one of them that has petitioned for this consolidation which is proposed by the Secretary of the Interior. I know that in the State of Illinois almost every Grand Army post has sent me letters and protests against this consolidation. What is true of the State of Illinois I think is true in all the different States where we have these Grand Army associations. They believe that the spirit of the law as it was enacted by the legislators here nearly forty years ago should be carried out and that these agencies should be placed where the soldiers, who are the pensioners, can see the agents and converse with them upon the various subjects relating to the payment of their pensions.

The pension agent at Chicago tells me that in the city of Chicago, where there are perhaps 20,000 or 25,000 pensioners, when they come to make these payments every pay day to the pensioners, they pay at the pension office more than 4,000 of these pensioners. They come there and talk with the agent; and the pension agent himself goes out over the State to the various Grand Army posts and talks with the soldiers, so that they feel that the Government, through the agent, is interested in them. But if these local agencies are to be abolished and a central office is to be established here in the city of Washington, instead of having agencies where five hundred thousand or a million dollars are distributed we shall have one agency that is required to distribute the $162,000,000 provided for in this bill.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. HOPKINS. I yield to the Senator from Indiana.

Mr. BEVERIDGE. Just for two questions: First, can the Senator from Illinois tell of any practical questions which the pensioners would have to discuss with the pension agent concerning their pensions?

Mr. HOPKINS. I can tell of many of them. One of them is in respect to errors that the pensioners make in preparing their papers. The pension agent at Chicago tells me that over 18 per cent of those old pensioners who do business with him make errors and have to have their papers corrected. Many of these old soldiers come and talk with him, or with the clerks in his office, with respect to such matters. When the agent goes out among the various Grand Army posts, these questions that are raised in correspondence are discussed, and the pensioners get a more intelligent view as to their duties in preparing papers upon which they are paid their pensions.

Mr. BEVERIDGE. About how many pensioners are there in Illinois?

Mr. HOPKINS. There are over 60,000 in the State of Illinois, and there are over 75,000 pensioners who are paid by the pension agent at Chicago.

Mr. BEVERIDGE. That is 140,000 pensioners yearly.

Mr. HOPKINS. I meant 15,000 in addition to the 60,000 I have named.

Mr. BEVERIDGE. Seventy-five thousand. Now, if a very small percentage of that number were to discuss with the pension agents questions relating to their pensions—and, frankly, I can not see how any would arise—of course it would take

several pension agents to answer their questions. It is perfectly clear that, as to making out their papers, they should become very familiar with the law. They have that attended to in their own towns.

Another question is this: I am not against the position of the Senator, but the point I have heard advanced here as to the petitions from the Grand Army post does not seem to be very sound. Is it not pretty clear that a mere request by letter or, especially, by a personal visit would elicit these petitions from the Grand Army post?

Mr. HOPKINS. There has been no letter, I will say to the Senator from Indiana, written by me or by my colleague.

Mr. BEVERIDGE. No. The Senator misunderstands me. I understand that. The Senator must acquit me of that. I mean by the pension agent himself. Suppose the pension agent did not want the agency abolished, a mere request to the Grand Army post of course would elicit those petitions.

Mr. HOPKINS. I will say to the Senator that, judging from the communications I have received from different Grand Army posts in Illinois, these communications came to me and to my colleague from them and were not inspired by the agent.

Mr. BEVERIDGE. I know, not from the agent.

Mr. HOPKINS. The agent has shown the objections that exist to consolidating all of these agencies in the city of Washington.

Mr. McCUMBER. The Senator will allow me right here. I have within the last two years not only been present at the annual encampment of the old soldiers, but at a large number of their meetings, and where it has been expressed to me, the sentiment in favor of continuing these agencies has been universal. I have found no man that has ever suggested the idea of reducing the number, but many hundreds, I will say, who have written to me and spoken to me at these meetings—not by petitions—have asked that the agencies be retained. I simply give that as the sentiment of the soldiers themselves.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. HOPKINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I am in full sympathy with the contention of the Senator from Illinois, I will say, and shall vote to have these agencies retained, but I want to suggest to the Senator that the old soldiers do not go to the pension agencies to discuss matters relating to the payment of their pensions. That is a matter fixed by law. They are paid by check. They do like to go there and talk about the question of getting an increase or of having a bill submitted to Congress, and all those matters, but so far as the payment of the pensions is concerned, all of that is an automatic thing. They are paid by check and the pension agent even hires a girl to stamp his name on the checks.

Mr. HOPKINS. I will say to the Senator that the pension agent at Chicago says that in preparing the necessary papers upon which the pensioners receive their checks over 18 per cent of them contain errors that have to be corrected.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. HOPKINS. Certainly.

Mr. BEVERIDGE. The Senator from New Hampshire [Mr. GALLINGER] has stated this matter precisely as I have thought it was. Now, with reference to talking to the pension agents about their bills—private pension bills, and things of that kind—of course I think the experience of everybody in both Houses of Congress is that the pensioners do not talk to the pension agents about that question, but they talk to their Representatives or their Senators. So the subjects of conversation are very limited between them.

Mr. HOPKINS. But they send in their applications for increase, and a hundred and one other questions that interest the old soldiers are discussed at these pension agencies. But, as I have stated——

Mr. BULKELEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. HOPKINS. Certainly.

Mr. BULKELEY. I merely want to interrupt the Senator for a moment to confirm, so far as my own State is concerned—and there are several thousand pensioners in Connecticut—every suggestion the Senator from Illinois has made in regard to the feeling of the members of the Grand Army in their respective posts concerning this matter. They are very anxious about it, and endless communications come to me from the old soldiers in Connecticut who are now pensioners asking that the present method be continued as a matter of great convenience to them. They desire to have an agency located somewhere near their vicinity. I think if the number could be increased, so that each State would have a pension agency, it would be better than to attempt to concentrate all of the agencies in Washington.

Mr. HOPKINS. Mr. President, I have already shown that the law that provides for the establishment of the pension agencies was so framed that the agencies should be numerous enough to meet all the requirements of the soldiers. This legislation is in entire harmony with the law that prevails in administering other departments of the Government. Why, Mr. President, do we have free-delivery service of mails in the cities? It is to benefit the people. Why did we establish the rural free delivery? The farmers for a hundred years were accustomed to go to the post-office to get their mail, and they could for the next hundred years go on in that manner. It was believed, however, to be in the interest of the Government itself to bring this mail service as close to the farmer as it is to residents of cities. The appropriations have increased from year to year since the establishment of the rural free delivery, until we are now appropriating from $30,000,000 to $35,000,000 per year for this service alone. In bringing this service close to the people in the rural districts we did not count the cost in dollars and cents. It was believed that it was in the best interests of the Government to do this. Nobody now in this Chamber or in the House of Representatives would be bold enough to oppose making proper appropriations for the rural free-delivey service.

The same principle that has caused Congress to make appropriations for the rural free-delivery service is the one that should govern and control us in caring for the defenders of the flag during the years from 1861 to 1865.

I think, Mr. President, it would be a great injustice to the old soldies who are now pensioners to consolidate the pension agencies in Washington. It would delay the payment of their pensions and put them to unnecessary and vexatious trouble in securing their quarterly payments. I trust when this question comes to a vote in the Senate that every Senator here will support the action of the conferees on the part of the Senate.

Mr. McCREARY. Mr. President, the necessity of retaining the pension agencies as they now are has been made so clear by the Senator from North Dakota [Mr. McCUMBER] and the Senator from Illinois [Mr. HOPKINS] that it seems unnecessary for me to say anything; but it has been suggested by several Senators that as I am a member of the Committee on Pensions and voted to retain the pension agencies as they now are, I should briefly give some of the reasons that control me.

Mr. President, I find that forty years ago the Congress of the United States enacted a law declaring—

> The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interest and the convenience of the pensioners require.

At that time there were about 100,000 pensioners in the United States. Now there are 967,000 pensioners. If it was proper at that time and if it has been proper for forty years since that time to provide for these agencies, I think that is a strong argument in favor of continuing them. If we abolish the eighteen pension agencies that are now established in the various States and have one pension agent here at Washington, it is claimed that we will economize. It is said that by doing that we will dispense with the services of seventeen pension agents and thereby save $68,000.

Mr. President, when I hear—not in this Chamber, but elsewhere—men talking about economy in regard to pensions, talking about saving $100,000, I do not think it is appropriate. The bill carries on the face of it $163,000,000. The great addition made to it this year was for the benefit of widows, to allow widows to obtain pensions and increases of pensions amounting to $12 per month. That action added about $12,000,000 to the bill. I am not criticising the pension appropriation bill as reported here at this session; but I am taking exception to the argument in favor of alleged economy, of saving $100,000. I do not believe there is any economy in abolishing eighteen pension agencies located in various States and concentrating the pension business at Washington. The Commissioner of Pensions has stated that the average amount of salaries of pension clerks is about $1,200, and the average annual salaries of clerks at the various pension agencies is about $900; and when other expenses connected with having our pension agent at Washington are considered, I believe there will be but little difference between the present cost and the cost if the payment of pension claims is made at Washington.

This Government ought to grant pensions for the worthy, and if we give pensions we ought to arrange their payment in such a manner as to reach the pensioner as quickly as possible. Under existing law within a week after the pension becomes due nearly every pensioner is paid. If you concentrate here at Washington all the business connected with the payment of

pensions, it may be that those who reside in California, in North Dakota, in Oregon, and in other remote States will not get their pensions for a month or more.

The act of Congress under which for forty years pensions have been paid declares that the convenience of the pensioners shall be considered. I think there is no doubt that the convenience of the pensioner requires that the pension agencies should be retained where they are at present.

I was impressed with the statement made by the Senator from Wyoming [Mr. WARREN] that, instead of reducing the number to one, and that to be located here at Washington, we should increase the number, as the President has the power to do under the law.

There is another point, too, that impressed me. I am not in favor of centralizing power at Washington any more than we can help. In all of the years that have passed since the civil war we have not deemed it necessary to centralize at Washington the payment of pensioners, and I am opposed now to doing it. If we pay money to pensioners, we ought to give them every advantage and every convenience. I believe we should act justly to all men, whether they be soldiers or civilians.

While I was not in the Federal Army, I have always been in favor of doing justice to Federal soldiers. I know what it is to be a soldier, and I want to do justice to every soldier. There is nothing that makes our Government and our country more conspicuous than our liberality to those who fought in the Federal Army and to their widows and their minor children.

I hope, Mr. President, that every Senator in this Chamber will support the conferees in the position they have taken and that the provision for eighteen pension agencies will be kept in the pension bill.

Mr. LODGE. Mr. President, only a single word. It seems to me, as we spend $163,000,000 in pensions and their disbursement, that to haggle over a possible saving of $150,000 in the expense in dealing with that vast expenditure is rather a small matter. It is a great comfort and convenience to the old soldiers—whether it ought to be so or not is of no consequence—to have these local agencies. It is not apparent that any saving would be made by abolishing them; but even if it were certain that a saving would be effected, it seems to me that we ought to retain the present number of pension agencies. If we are going to distribute these great sums in pensions, we ought to do it in the way that is most agreeable and most convenient to those who receive them. I merely took the floor to say that I am in entire sympathy with the position of the Senator from North Dakota, and I hope the Senate conferees will not think of yielding on the matter.

Mr. WARREN. Mr. President, has the morning business been closed?

The VICE-PRESIDENT. It has not been closed.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. CURTIS. I should like to say a few words on the matter which is under discussion.

Mr. WARREN. Mr. President, of course I have no wish to cut off the Senator from Kansas. I believe there is no business, however, before the Senate.

Mr. CURTIS. I will agree to occupy no more than three or four minutes. I live in a city where there is the largest pension agency in the United States, and I should like to tell the Senate what we think about this proposition.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Colorado?

Mr. TELLER. If I may take the floor on the pending question I will yield to the Senator from Kansas to say what he wants to say. That will be in order.

Mr. GALLINGER. Morning business is not closed.

The VICE-PRESIDENT. Morning business is not closed. This debate is proceeding entirely by unanimous consent.

Mr. TELLER. Excuse me; I thought morning business had closed.

The VICE-PRESIDENT. It has not closed. The Senator from North Dakota [Mr. MCCUMBER] took the floor to withdraw as a member of conference committees on pension bills and then to make a statement. The Senator from Kansas [Mr. CURTIS] is recognized.

Mr. WARREN. Then I understand that this debate is all by unanimous consent?

The VICE-PRESIDENT. The debate is proceeding by unanimous consent.

Mr. WARREN. I have no objection to the Senator from Kansas proceeding, but I hope that after he has finished we may be able to proceed with the regular order.

Mr. CURTIS. Mr. President, there are 967,000 pensioners on the rolls. They are paid from eighteen agencies, located in different parts of the United States. The amount paid out each year is about $140,000,000. It requires, under the present plan, 432 clerks to make the payments. The average annual salary of the clerks at the pension agencies outside of the city of Washington is $977.99, while the average annual salaries paid clerks in the Bureau of Pensions in this city is $1,280.72. The pension agents, eighteen in number, are paid $4,000 each per annum.

The new plan, which I oppose, is to consolidate all the pension agencies, and in the future make the payments from the city of Washington.

THE QUESTION OF EXPENSE.

It is claimed by those who advocate this change that it would be less expensive to pay the pensioners from the city of Washington than it is under the present plan, but it is evident that they have not carefully considered the question. The only saving they can point out is the reduction in the appropriation for seventeen pension agents, which would amount to $68,000, and the amount of $4,500 a year paid in rent for the agency at New York; this would amount to $72,500, and this is all that can be counted on. What would be the extra expense? The increase in the salary of each clerk would be $302.73. This would amount to $125,425.60. Then the increase in the mail would be not less than 8,000,000 letters to be handled at the Washington post-office. The expense of handling this extra mail at the post-office would be at least $10,500 a year, and it is more than likely to amount to $15,000. On this point I desire to have inserted in the RECORD a letter I have received from the Department, advising me that it would cost $10,500 to handle the additional 8,000,000 letters. I will not take up the time of the Senate to read it, but I should like to have it printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The letter referred to is as follows:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, April 1, 1908.

Hon. CHARLES CURTIS,
United States Senate.

MY DEAR SENATOR: With reference to your telephonic inquiry of the postmaster of Washington, D. C., relative to the additional clerical assistance that would be required in his office to handle 4,000,000 additional incoming and the same number of outgoing letters per year for the Bureau of Pensions, also the average salary of the clerks employed, I beg leave to state that from the information furnished by the postmaster as a result of his conversation with you, this additional work, occurring only once each month and probably for a short period, would in all probability be handled by an auxiliary force paid at the rate of 30 cents per hour. It is estimated that this auxiliary service would cost approximately $10,500 a year.

Very truly, yours,
C. P. GRANDFIELD,
First Assistant Postmaster-General.

Mr. CURTIS. Mr. President, this makes a total increase of $135,925.60, and if you deduct from this the $72,500 saved in salaries of agents and rent, you have an increased expense of at least $63,425.60 each year, to say nothing of the inconvenience to the pensioners and the great delay which the proposed change would cause in making the payments. I ask you to look a little further into the cost of paying pensioners from the city of Washington as compared with the cost of paying them from the city of Topeka, Kans. It costs in clerk hire to pay each of the 111,508 pensioners who are paid from the Topeka agency just 38.2 cents, while it costs to pay each of the 53,640 paid from the Washington agency just 51.9 cents, and if you include the expense of paying the 4,709 examining surgeons from the city of Washington and the contingent expenses, all of which should be charged and considered against the Washington agency, the expense of paying each pensioner and examining surgeon from the Washington agency is just 58 cents or nearly 20 cents more than its costs to pay each pensioner from the Topeka, Kans., agency, and 6 cents per capita more than it costs to pay from the Concord agency, which is next highest to Washington in the cost to make pension payments. If it is a question of economy, then you should pay all the pensioners from Topeka; by so doing $132,529.18 would be saved each year, but if the convenience of the soldiers is to be considered, then the payments should be continued under the present plan, but each agency should be raised to the high standard of the Topeka agency, which would result in the work being done with more speed and less expense than at present. Each clerk at the Topeka agency handles the papers of 2,859 pensioners, while each clerk at the Washington agency handles the papers for only 2,235 pensioners.

To change the present plan and make all payments from Washington would be to subject 99 out of every 100 pensioners to delay and inconvenience. The delay would be at least from

three hours and twenty-five minutes to those who now receive their pensions at Philadelphia to one hundred and four hours for those who receive their pensions at San Francisco. Another question of delay and inconvenience which has not been considered is the return of the vouchers on account of defects in execution. There are errors in at least 5 per cent of the vouchers executed.

There is another thing which should be considered, and that is the clerks at the various agencies own their own homes and are comfortably situated, and it would be unfair to compel them to come to Washington, where the expense of living is much higher. The homes and friends these men and women have made are dear to them, and they should not be compelled to give them up just to help swell the pay rolls of Washington, and that is what consolidation means, no more and no less.

There is another point, and that is thousands of old soldiers live in the cities or adjoining the cities where the pension agencies are located, and they call in person at the agency, or at the post-office, for their checks and so receive them on pension day, each quarter. To bring the agencies to Washington would compel these men to send their vouchers in by mail and in some cases to wait for days for their return. The greatest objection, however, is that the Government is already trying to do too much business from bureaus in this city, business that should be done in various sections of the country. It would be much better to have the pension agencies where they are and distribute the business of some of the other bureaus out among the States than to consolidate everything in the city of Washington. The change would cut down the expenses of the Government and the people would know more about our institutions and the workings of our great Departments.

Mr. President, I hope the Senate will vote against the consolidation of pension agencies when the question comes up.

MOTHERS' DAY.

Mr. BURKETT. I offer a resolution, and ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That Sunday, May 10, 1908, be recognized as Mothers' Day, and that it be observed as such by the Members and officers and employees of the United States Senate wearing a white flower in honor of their mothers.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. Let the resolution go over.

Mr. KEAN. Let it be read again.

Mr. LODGE. It has gone over.

Mr. KEAN. No matter, if the resolution has gone over.

The VICE-PRESIDENT. The resolution will again be read.

The Secretary again read the resolution.

Mr. CLAPP. I rise to an amendment.

Mr. KEAN. Let the resolution go over.

Mr. CLAPP. I desire to amend it by adding——

The VICE-PRESIDENT. Objection has been made to the present consideration of the resolution.

Mr. CLAPP. Very well.

Mr. BURKETT. Who made the objection, Mr. President?

The VICE-PRESIDENT. The Senator from New Hampshire asked that the resolution go over.

JAMES KANE.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1159) to correct the military record of James Kane, to submit a favorable report (No. 631), and I ask unanimous consent that the Senate consider the bill.

The VICE-PRESIDENT. The Senator from Connecticut asks unanimous consent for the present consideration of a bill, which will be read.

The Secretary proceeded to read the bill.

Mr. WARREN. I ask that the bill go over. It may be called up later.

The VICE-PRESIDENT. The bill will go over.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask that the Senate take up the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. TELLER. Mr. President, yesterday the senior Senator from Georgia [Mr. BACON] called my attention to a certain matter which I had not intended to present or consider, and I replied as I understood the facts to be. This matter that I refer to was published some time ago, and last evening a gentleman called my attention to an extract from a paper of this city, containing a statement from the President; and I think, in justice to the President, it ought to be inserted in the RECORD, as it is explanatory of the President's action. As I do not care to read it, I will ask that the Secretary read from the slip of paper all that follows the heading "The President's reasons."

Mr. CLAPP. What paper is it from?

Mr. TELLER. I think it is from the Washington Star, but I am not quite certain. It was handed to me last night. I never saw it before. It is evidently an authentic statement from the President, and I think it ought to be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

In signing the proclamation the President added the following memorandum explaining his action:

"These forest reserves were determined upon and the preparation of the necessary papers ordered some months ago—in two-thirds of the cases some years ago—in the exercise of the duty imposed upon me by act of Congress of March 3, 1891. The utmost care and deliberation have been exercised in deciding upon the boundaries of the proposed reserves; in all but a very few cases long-continued and detailed field examinations have been made, and in the remainder examinations amply sufficient to justify the proposed action.

"The necessary proclamations under existing law now come before me, and the question is presented whether I should refrain from acting under the existing law because there is now under consideration by Congress a proposal to change the law so as to require Congressional action upon the establishing of such forest reserves. If I did not act, reserves which I consider very important for the interests of the United States would be wholly or in part dissipated before Congress has an opportunity again to consider the matter, while under the action which I propose to take they will be preserved; and if Congress differs from me in this opinion it will have full opportunity in the future to take such position as it may desire anent the discontinuance of the reserves by affirmative action, taken with the fullest opportunity for considering the subject by itself and on its own merits.

"If by any chance land were valuable for other purposes than for forest reserves is shown to have been included in these reserves, I shall forthwith restore it to entry.

"Failure on my part to sign these proclamations would mean that immense tracts of valuable timber would fall into the hands of the lumber syndicates before Congress has an opportunity to act; whereas the creation of the reserves means that this timber will be kept in the interest of the home maker; for our entire purpose in this forest-reserve policy is to keep the land for the benefit of the actual settler and home maker, to further his interests in every way, and, while using the natural resources of the country for the benefit of the present generation, also to use them in such manner as to keep them unimpaired for the benefit of the children now growing up to inherit the land. This is the final and exclusive object not merely of our forest policy, but of our whole public-land policy.

"THEODORE ROOSEVELT.

"THE WHITE HOUSE, *March 2, 1907*."

Mr. TELLER. Mr. President, I accept the President's explanation as correct, of course.

Yesterday there was some question as to the expenditures out of the lump sum, and I presented what I supposed to be the correct figures. I have since looked over the publication of the Government, and I find that I did not make any mistake.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly.

Mr. WARREN. I may say that when the Senator from Colorado presented the figures yesterday, as they differed from those I had before me, I asked him if he was sure about them, without of course presuming to differ with him. Afterwards I informed myself. The provisions appear in different places in the report. The Senator is undoubtedly correct. He was correct practically yesterday in the figures.

Mr. TELLER. I will repeat the figures, so that Senators may have them. I could not put my hand on them yesterday.

On page 296 of the Statement of Expenditures of the Department of Agriculture you will find for the Forest Service statutory salaries, $112,133.16, that is what I gave yesterday; lump-fund salaries, in Washington, $259,657.58; outside of Washington, $817,199.89. Those are the figures I gave yesterday, and I now present them from the report of the Government. I find them in another sort of a reduced account.

Mr. President, I do not exactly understand this, and while I do not want to open up a discussion over it, I desire to call attention to it, and when some Senator who has greater knowledge comes to speak to the Senate I hope he will speak about it. I have before me Document No. 429, being Estimates of Expenditure for Department of Agriculture. On page 55 I find this:

General expenses, Forest Service, $3,051,900.

Then come the items:

Salaries in Washington, $403,095.
Salaries outside of Washington, $1,946,140.

I am not going to attempt to reconcile these two statements. I find myself quite incapable of reconciling the statistics of this Government as a general thing. I find in one statistical abstract one thing and I find in another publication of this Government an entirely different statement of what ought to be the same facts.

Mr. President, yesterday after I had concluded the Senator from Massachusetts [Mr. LODGE] presented a statement of lump funds. He said:

Mr. President, I have listened with interest this afternoon to a great deal of indignant eloquence about the wrongs of lump sums and sums left in the control of officers of the Departments to spend as they please.

And so forth.

He then cites a large number of lump sums. For instance, he says:

Bureau of Entomology, the statutory salaries are $19,443, and the lump-fund salaries, spent at the discretion and pleasure of the head of the Bureau, are $164,644; Bureau of Soils, statutory salaries $35,384, lump fund $83,178.

And so forth.

Mr. President, those are very different appropriations from this. For instance, you have a lump sum for the railway mail service and you have a lump sum for the rural delivery service and all that. But the lump sum we complain of here is left absolutely to the discretion of the head of the Department. Because we have been doing these illegal and improper things is no reason why we should continue them. For one, I have lifted my voice for several years against lump funds. They are virtually in violation of the Constitution of the United States, and if they are not, they are certainly not good administration.

Mr. President, yesterday the distinguished Senator from New York [Mr. DEPEW] addressed the Senate on this question, and I want to call attention to his conclusion. On page 6110 of the RECORD of this morning I find he made this statement:

Sir, I trust that the amendment of the Senator from Idaho, prohibiting the transportation of wood out of any State, will be voted down, and that this appropriation, paid for already without taxation and without cost, will be passed as it came in the recommendation from the Secretary of Agriculture.

I wonder if the Senator from New York supposes that any money gets into our Treasury without taxation of somebody, except a small amount of money that gets in on the sale of property which we have already appropriated for a special and specific purpose. Every appropriation made here is made out of the tax money of this country.

The Senator also stated that this service had been managed with so much skill that it was self-supporting, or words to that effect. The bill here before us will show that that is not true, for there is a very large expenditure of money derived from the taxpayers of this country appropriated in this bill.

The Senator from New York also called attention to the great danger of the country going to the bad because of the loss of timber, and I notice he is the author of a bill for the purpose of establishing a national forest reserve on the Hudson River, a section of the country that has been settled for a couple of hundred years or more—two hundred and fifty years—and I suppose now, notwithstanding his eulogy of New York for what it has been doing in the forest business, he expects Congress to appropriate money to establish a reservation in the State of New York. But if the Government can do it in other sections, I suppose it can do it in New York.

I was struck with one statement the Senator made, and in looking over some of the forest-reserve literature last evening I found it repeated in several cases. Undoubtedly in the history of the world there was a country in Asia, of which Babylon was the capital for a time at least, and there were other large cities in the same neighborhood. The country was very thoroughly populated, and considering the time of the world in which the people lived, it was a very advanced civilizaton, the highest probably on the earth; and in some respects it was a very good civilization.

The Senator says that that country was turned into a desert—that the Arabian desert resulted from the fact that they had cut off the timber. I claim to be something of a student of history. I have spent all the time I reasonably could give in an examination of the history of that section of the world, and have read all the histories extant with respect to it. It is a very interesting thing. It is the cradle of the race, and it is somewhat interesting to a student of history to know that at least forty-five hundred years before the birth of Christ there was a civilization there that had reduced the relations of men to a code, and had determined practically what they should do and what they should not do, even to the extent of inheritance.

I find that at least forty-five hundred years before Christ there was, in that country, a law with relation to the inheritance by the wife that was practically that of the State of New York when I was 21 years old. I do not know what the New York law is now. It has been said that civilization could be measured by its treatment of women; and here, way back in the dark ages, as we have supposed, a wise provision, as wise as now exists in many of the States, was in operation with repect to inheritance by women. The woman took practically the same relation to the property that the woman took in New York in 1840 and in 1850. And her property rights were better protected by law than it was in New York.

Mr. President, there is not a scrap of evidence anywhere that that was ever a timbered country. It may have been, but if so the timber had been removed before there is any history of that country at all. I do not know how far back history will go. We thought a few years ago that three or four or five hundred years before the Christian era—a thousand years at the most—was as far as we would ever get. Within the last twenty years there have been unearthed, in that section of the country, tablets of two kinds, that which they call the cylinder tablet, which is rolled up, and that which is just in the shape of that book [exhibiting] when I lay it down. The tablets are made of clay, and they are practically indestructible. The only difficulty the scientists have now is to determine when the tablets were made and when they were deposited.

The learned people of the world have concluded that they can go back forty-five hundred years before the Christian era; and as early as twenty-eight hundred years before the Christian era you can know just as much about Babylon and its affairs as you can know about old Rome five hundred years before the Christian era. You can go back to the very earliest notice of mankind in these tablets and you will find that that was a country of irrigation. The exploits of kings are recorded in these tablets, because the tablets were largely inscribed by the kings themselves or their secretaries, and more frequent than are notes of their exploits in war are the statements of services in opening up canals or cleaning out old ones or fixing up the banks when they were destroyed, in order to aid the irrigation of the country. It was not a timbered country then; and when the highest civilization that ever existed in Babylon or any other part of the Asiatic world existed in its greatest strength and glory there were no forests within 500 miles of that country.

That has been repeated ad nauseam by these people who are attempting to alarm the people of the United States about the water of this country. The Tigris and the Euphrates and a half a dozen other rivers that may be named are just as good to-day in all probability as they were five thousand years ago. The mountains that furnished the water then furnish it still. They do not now furnish to the unfortunate inhabitants of that country water for irrigation. Why? Because in the course of time, with the destruction of the settlements by war and by bad government, the canals have gradually filled up until almost all of them are full of débris, first, I suppose, by the silt that naturally came down from the rivers, and later by the drifting sands, and the lack of attention. Every man who has lived in an irrigating country, whether it is in Egypt or Colorado, knows that every few years you have to clean out your ditches. If you do not, they will fill up with the sediment that is found in the water.

An English officer, really an engineer, recently made a report on that country, and he stated that with $20,000,000 he would put it in the same fruitful condition that it was in the days of Babylon's glory, and there is now being considered in England that very question, whether it would pay for that country to be seized and old canals to be opened and new ones dug. They would undoubtedly find as much water in the Euphrates and the Tigris and those other rivers as was ever found in them. At all events, the engineer says there is an abundance of water now, if it were only spread over the land.

Mr. President, it is not worth while for anybody to go into hysterics over the question whether we are going to use up the forests so that we will not have any water, or whether we are going to use up the coal so that we will not have any heat. In the history of the world until recently coal was not a very important item of value. It is only when the use of steam in producing power was discovered that coal came into any great value. It might have been used in a few kitchens and a few homes in England before that time, but it was of no earthly consequence, and wood was the fuel, of course.

To-day we are mining an immense amount of coal in this country. I think we are mining about 300,000,000 tons a year, as I recollect, of bituminous coal, and about 60,000,000 tons of anthracite coal. I believe that is about right, although I am speaking from memory and not from looking it up, which I

usually do. It is my habit when I am going to make a statement to look at the record, but I have it not before me, and so I do not bother with it.

Mr. President, that is a great deal of coal, but when some man stands up and tells you that in a few years the supply of coal will be exhausted in the United States he either does not know the amount of coal we have here or he does not intend to be fair in his statement. I find the statement in these publications that the coal will in a few years be exhausted. I made a calculation of the coal in Colorado a few years ago from the number of acres that I believed then it was possible to be mined. I took only a single vein of coal, and I know that much of Colorado has five veins of coal in it, and the same probably is true of other sections of the country.

I could figure it up and show that at the rate we were using coal in Colorado that will furnish Colorado with coal for more than two thousand years, and by that time we will have learned some method of getting along without coal, I am pretty sure. At all events, I do not think the present generation should refrain from using coal for fear that the supply might be exhausted in the next two thousand years.

Mr. President, I have disposed of some of these statements that I call "hysterical." I do not mean to be offensive to anybody. I am not referring to the Senator from New York [Mr. DEPEW], of course, but to the hysterical statements made in these publications. They go out and the people read them and the people become frightened. I can remember that twenty-five years ago there was a fright in England, and a great fright, over the fear that the supply of coal would be exhausted in a few years, and they are still mining coal in England.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. CULLOM. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Colorado will proceed.

Mr. TELLER. Mr. President, I want to say a word or two about power in this country. In my judgment the time is not far distant when the power in this country will not be steam, but it will be electricity. Of course electrical power has been long coming. It was predicted away back in the forties that electricity would be the final power. It met with many reverses. Away back in the first settlement in Colorado—or, at least, as early as 1866 or 1867—it was attempted to use electricity in the city of Denver to run street cars. It was attempted in other sections of the country, and it was a practical failure. They did not find how to do it. It was too expensive, and it was somewhat dangerous. Now, there is not a large city in the United States that is not running street cars by electricity. There is not a city in the United States that is not running machinery by electricity. It is found to be cheaper everywhere than coal. It is cleaner and safer and, what is the main thing to be considered in securing power, it is cheaper.

If we were to harness the rivers in this country, as we are now beginning to do, in a few years nobody would use coal except for heating in houses, and I prophesy that it will not be twenty-five years before the cities of this country will not only be as they are now lighted by electricity, but they will be heated by electricity, and electricity, in most cases, will be created not by coal, but by water power.

On the great rivers of this country, especially in the mountain regions, you can create electricity so that it will not cost more than 25 per cent of what it will cost to create it with coal. That will give a great opportunity for the manufacturing and productive enterprises of the country. Up in New England a very large number of factories are now run by water. It will be only a few years before water will be used to create electricity, and they will be run by electricity and not by water. Last year, in the State of Colorado, a company organized somewhere back East—because they have more money there than we have; I do not know that I have ever known exactly where it was organized—came into our country and attempted and are now going on with an enterprise to establish a great electric power. They are using one of our rivers that is running to the sea without any benefit to mankind, and they have a plant laid out that will probably cost them fifteen or twenty million dollars. They expect to send electricity not only all over Colorado, but into the adjoining States.

There has been recently discovered, within the last ten or fifteen years, at least, by a certain method that I am not scientific enough to explain to the Senate, a method by which you can send electricity so far, and then, by what they call a "relay," you can send it so much farther, and you can certainly send the power from Niagara to New York City, 400 miles, at least.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. TELLER. I do.

Mr. SMOOT. In answer to the Senator from Colorado, I wish to say that there is no question but electricity can be and is now transmitted 400 miles.

Mr. TELLER. Yes; I think that is done now.

Mr. SMOOT. We have a circuit in our State of nearly 300 miles, and the electricity is used for lighting purposes from almost the northern limit of our State to the southern end of Utah County.

Mr. TELLER. I do not pretend to know about the development in the neighboring States, but I do know that Utah is rich in water power. I know that Utah can create more electricity than she will ever use, and she will have it to sell to other sections where they are not as favorably situated as they are in Utah, because the mountain streams furnish the best power that there is.

Mr. President, I tried to demonstrate the other day that the control of the water of a State is absolutely in the State and not in the General Government, and I am brought to that because the General Government now is asserting the right to control the water. When we had a land convention last summer the President of the United States sent a letter to the convention which I could read here. I have it, but I do not care about taking the time to read it. I will simply make the statement.

The President said it had been charged that the Government through its Forest Service and Reclamation Service was going to attempt to control the water power, the irrigating power, and all that. The President rather denied that, and I have never charged that the President ever had an idea of that until recently when we got a message the other day, a letter I believe written to the chairman of the committee, saying that hereafter when we dam a river, we should provide that the dam should be put up within a certain time and then we should provide some charge for the use of the water.

Mr. President, it is very proper and appropriate for the State to make such a charge if it wants to do so. I do not myself know of any State that has ever attempted to charge for water power. If they have done so I do not know where it is. They do not do it in New England. They do not do it in New York, unless they have done it within the last two or three years.

Mr. FULTON. Will the Senator allow me to ask him a question?

Mr. TELLER. I yield to the Senator.

Mr. FULTON. I simply want to ask the Senator for his views on the proposition as to the existence of any power in the General Government to exact rental or payment for the use of water. In other words, my understanding of the relations between the States and the General Government is that the States own the water absolutely for all and every purpose, except subject to the right of the General Government to regulate commerce.

Mr. TELLER. On the water.

Mr. FULTON. On the water.

Mr. TELLER. I went over that the other day and I do not care to go over it extensively now except to say——

Mr. DEPEW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New York?

Mr. TELLER. I yield to the Senator from New York.

Mr. DEPEW. In regard to the suggestion the Senator made about New York having taken no action in reference to a charge for water rights by way of franchise or otherwise, there is no law in our State on the subject, but Governor Hughes announced at the commencement of the present session of the legislature that he would sign no bill granting water rights or franchises for the use of water unless there was a clause in it that the State should be paid.

Mr. TELLER. Mr. President, I would not have said positively that New York had not provided a tax, but I knew New York had not unless recently, and I do not believe any State in the Union has provided a tax on water power.

I presented, I think, twenty-five or thirty cases—I could pre-

sent as many more—where the Supreme Court have said without any question that the water of a State belongs to the State, even of navigable streams, and the land under the river belongs to the State.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. I yield to the Senator.

Mr. HEYBURN. It is not generally known that the Forest Service claims the right to appropriate the waters of the streams in the State. So I will ask the indulgence of the Senator from Colorado that I may read a telegram received this week from the State engineer of Idaho setting forth the position which the Forest Service takes. It is as follows:

[Telegram.]

BOISE, IDAHO, *May 2, 1908.*

W. B. HEYBURN,
United States Senate, Washington, D. C.:

Forest Supervisor Grand-Jean February 6 last filed applications on following creeks: Huckleberry, Greenhorn, Shake, Long Gulch, Paradise, Deer, Dooley, Lick, Beaver, Wilson, Boulder, Iron, Garfield, Eight Mile, Silver, Warm Spring. Also on North Fork of East Fork and North Fork of Wood River. Quantities claimed vary from 1 to 3 second feet, apparently to be used for irrigation of small tracts near ranger stations in Boise, Blaine, Elmore, and Custer counties. Grand-Jean said it was not desired applications should be treated as in ordinary cases, but should simply be considered as formal notice that the Forest Service intended to appropriate the waters. It was insisted by this department that they pass through usual routine, and February 13 they were returned to Grand-Jean for completion and fees. He was still doubtful whether State water law must be complied with, and said would take matter up with his superior, Mr. Pollock, at Salt Lake. Since then have heard nothing from applications, although State law requires return here in sixty days to hold right.

JAS. STEPHENSON, Jr.,
State Engineer.

My intention in calling the telegram to the notice of the Senate at this time was to indicate the fact that the Forest Service is beginning to assert the right to control the waters in the streams of the State of Idaho, either through the process of making application on behalf of the Government of the United States or, as the Forester suggests, in a merely formal way, without feeling that they are called upon to comply with the laws of the State at all.

Mr. WARREN. Will the Senator from Colorado permit me to ask a question of the Senator from Idaho?

Mr. TELLER. I yield to the Senator from Wyoming.

Mr. WARREN. I suppose the Reclamation Service make their water filings in Idaho in such public work as they are doing in the way of reservoirs, and so forth?

Mr. HEYBURN. They have no right under the laws of Idaho to locate water at all. The Government of the United States is not given the right to locate water in the State of Idaho.

Mr. WARREN. The Senator misunderstands me, I think. They have the same rights as an individual or corporation to come in and locate and apply for water under the State laws, have they not?

Mr. HEYBURN. No; they have not. No municipal corporation, no government is given the right under either the constitution or the laws of Idaho to locate the streams or the water in the streams of Idaho under any circumstances at all.

Mr. WARREN. Is the Senator prepared to say either that there are no irrigation works going on or being constructed by the Government there, and water appropriated therefor, or, on the other hand, that his State has refused to recognize them and accord them the rights of water the same as it would accord to other people?

Mr. HEYBURN. I will not interfere with the Senator from Colorado, but I can answer that from the constitution of the State.

Mr. WARREN. I do not wish to interrupt the Senator from Colorado further at this time.

Mr. TELLER. I should like very much to have the Senator answer it and then I will resume the floor.

Mr. WARREN. I was about to say I assume the Forestry Service could negotiate with the State as to the water the same as the Reclamation Service has done, but if the Senator says they have not been recognized there, I accept his statement. Other States, however, have recognized them, and they do business in other States regarding water rights the same as individuals and corporations do.

Mr. HEYBURN. Idaho has not raised the question against the reclamation project for the use of the water, because Idaho has such a surplus of water that it has not been necessary. There is now, however, a threatened contest between persons who have located water rights on the Snake River under the laws of the State and those who are claiming it for reclamation purposes. I do not care to anticipate it, but I should like——

Mr. WARREN. Is the Government engaged in reclamation service work in Idaho?

Mr. HEYBURN. Yes.

Mr. WARREN. Now, have they made any application to secure any water rights therefor?

Mr. HEYBURN. That is a question the court is going to be called on to determine should there be a scarcity of water. Should there not be a scarcity of water——

Mr. WARREN. Have they made any application for it?

Mr. TELLER. I think I will allow the Senator from Idaho to read his authority, and then I will resume the floor. Otherwise I will not get through to-day.

Mr. HEYBURN. This is the water law. I read from Article XV of the constitution of the State of Idaho.

Mr. WARREN. The Senator does not answer yes or no, whether the Government has or has not negotiated with the State in securing water.

Mr. HEYBURN. I am not advised as to the steps that the Government has taken as to the reclamation project, and I have not found it yet necessary to take that up for consideration.

Article XV of the constitution of Idaho provides that—

The use of all waters now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution; also of all waters originally appropriated for private use, but which after such appropriation has heretofore been, or may hereafter be, sold, rented, or distributed, is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

That is section 1. There are a number of decisions of the Supreme Court that have construed it. That can not be controverted. We have no power to change that; it is the constitution of the State.

Mr. NELSON. I wish to call the attention of the Senator from Idaho to the fact that that does not bear on the question where the United States Government owns the land, whether a forest reserve or anything else, and there is a stream in it. The Government of the United States stands in the position of a riparian proprietor and has all the rights of a riparian proprietor.

Mr. HEYBURN. I can answer the question in a minute. By the constitution it is expressly declared that riparian rights are abolished in Idaho.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER (Mr. DIXON in the chair). Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. TELLER. I want the Senator to finish. I have the floor and I want to go on.

Mr. HEYBURN. I do not want to intrude on the time of the Senator.

Mr. TELLER. I do not want other Senators to take the Senator's place just now.

Mr. HEYBURN. If it is agreeable, I will finish reading the section of the constitution of Idaho.

Mr. TELLER. Go on.

Mr. HEYBURN. It is as follows:

The right to collect rates or compensation for the use of water supplied to any county, city, or town, or water district, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose. And those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling purposes connected with mining shall have preference over using the same for manufacturing or agricultural purposes. But the usages by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in section 14 of Article I of this constitution.

Whenever any waters have been or shall be appropriated or used for agricultural purposes under a sale, rental, or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use.

Then it provides that it can not shut off after the right has attached. Then it goes on to provide for the distribution of the water. That is the law which abrogates the old rule of riparian ownership, and the supreme court of Idaho has held in express terms that riparian ownership is abolished by virtue of those provisions of the constitution, and the title of water is only by appropriation in that State.

The PRESIDING OFFICER. The Senator from Colorado will proceed.

Mr. TELLER. Mr. President, I should like to proceed with some regularity if I can and get through. I can submit to questions and discussions, but if I do, it will be another all-day trip, and I do not want to do it.

Now, Mr. President, I want to answer the Senator from Minnesota [Mr. NELSON]. He says the Government of the United States has riparian rights. It does not have them in Colorado, nor do I think it has them in Idaho. The Supreme Court of the United States declared in the last important case, in Kansas *v.* Colorado, that the State has an unquestioned right to determine whether the riparian rights exist or do not. The Supreme Court has said again and again that the Government of the United States does not hold its land as a sovereign, but as a proprietor, and the Government of the United States must submit to the control of the State except as the State has declared it would not exercise certain powers—that is, the power of taxation, and would not interfere with the sale of land. Otherwise the Government is a proprietor just the same in the State of Colorado as I am on my farm, precisely.

Mr. BEVERIDGE. Except in navigable streams.

Mr. TELLER. The Senator from Indiana says, "Except in navigable streams." Mr. President, the Government owns nothing in a navigable stream. The Supreme Court has said again and again that the Government has an easement over it. An easement does not convey a title. An easement is the right to occupy, to use. That is all the Government has, and in at least four or five cases the courts have said the United States has an easement over the water—that is, the right to control the navigation of it—and with that right goes what everybody will see was a proper right—to see that no one should destroy the navigation of the stream.

Mr. BEVERIDGE. The only reason I made the remark——

Mr. TELLER. I did not find any objection about it.

Mr. BEVERIDGE. I know; but the Senator used the words "Federal Government," and said the Federal Government has no control over the streams. Of course I merely wanted to put in the exception. The Senator is quite right about it. We have absolute——

Mr. TELLER. If I said no control I did not mean to say that. I meant to say no right in the stream. The Government does have control of the navigable part of the stream.

Mr. BEVERIDGE. Absolutely.

Mr. TELLER. Absolutely. You can not obstruct it.

Mr. President, I said one day here, and I think it is the law, that the State of Colorado can not obstruct a navigable stream. The United States can not do that either. It has been held in England that though the King owned the water and the soil, he could not interfere with navigation.

Now, Mr. President, I want to get back to the question raised by the Senator from Idaho. In the first place, if the State has the title to the water and the right to use it as it sees fit, provided it does not interfere with the navigation, then it follows, I think, beyond question, that if you use it for any purpose, for power or anything else, it is still under the control of the State. I have no doubt the State of Colorado could provide that any man using the water of the State for power purposes should pay a rental or a price for it, but the State has never done it. I repeat what I said before, no State ever did do that, because it is thought to be more beneficial to the State to have the powers created and the water used than it is to get a revenue from it. Besides, a revenue from the water used will always be a tax upon those using it. If you want to manufacture, it will add so much to the cost of manufacturing.

I believe the people of New England who are using the water from the Merrimac and other rivers would resent it any day if the State in which they find themselves should put a tax upon the water. They would not agree to it. It would to that extent hamper them in their efforts to produce.

But, Mr. President, I get back now to the question, Is the Government attempting to control the waters of the States? I do not know. I do not think the Government is doing it, in the proper sense of the term. I do not myself recognize the Executive as the Government. Mr. President, I am restive under it when some man tells me the Government of the United States does this because the President does it. I understand the Government of the United States consists of the legislative, the executive, and the judicial power, and the three bodies comprise the Government. The legislature is and has always been in all the history of the world the most important branch of any and every government where there were a free people attempting to administer a government.

This body and the other House might be said properly to be the Government—not in the full, technical sense, but in the common use that mankind makes of it. We are the people who make the laws; we are the people who declare the policies; we are the people who by our legislation encourage industries and protect them; and I want to say here it has been always an idea of mine that we have a right to do that according to our best judgment, within the Constitution.

Here is the statement made in 1907 by the Forest Bureau of the Government, and this I copied verbatim:

Area of forest reserves November 27, 1906, 127,000,000 acres—

That has been enlarged to about 151,000,000 acres—

Stumpage value of 330,000,000 feet of timber, at $2 per thousand, $660,000,000.

Statement of the present capitalized value of the forest reserves—to be found in the RECORD of February 18, 1907, page 3279:

Area forest reserves November 27, 1906, 127,078,658 acres.

1. Stumpage value of 330,000,000 feet of timber, at $2 per thousand	$660,000,000
2. 110,000,000 acres, capable of producing commercial forest, at $1 per acre	110,000,000
3. 110,000,000 acres of range for grazing live stock, at 1½ cents per acre (capitalized at 5 per cent)	30,000,000
4. 83,000,000 acre-feet of water for irrigation purposes, at 10 cents per acre-foot (capitalized at 5 per cent)	166,000,000
5. 3,000,000 horsepower, capable of being developed from water in reserves, at $10 per horsepower (capitalized at 5 per cent)	600,000,000
6. Estimated value of occupancy and use of reserve land, products, and resources additional to the above	5,000,000
7. Permanent improvements now on the reserves, roads, trails, cabins, telephones, etc	5,000,000
Total	1,576,000,000
Less 10 per cent for private holdings	157,600,000
	1,418,400,000

I have no doubt it is worth it, but I do not believe it can be an asset to the Government of the United States, except so far as the public land goes.

One hundred and ten million acres capable of producing commercial forests at a dollar per acre. That is, when the Government has planted 110,000,000 acres it may be worth $110,000,000. One-third, I believe, of this great forest reserve has no timber on it. We had in Colorado for years, and I do not know but we yet have, whole townships of reservations upon which I would guarantee, with a four-horse team, to carry away every stick on it. There is not even brush there, Mr. President.

Mr. BEVERIDGE. Mr. President, may I ask the Senator from Colorado a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. I yield; yes.

Mr. BEVERIDGE. I want to ask the Senator whether it is not a fact that on the reservation of which he speaks there was originally timber, and that it has been burned off or cut off or otherwise destroyed?

Mr. TELLER. Mr. President, on the ground of which I speak there never was any timber in the history of mankind. If there was any timber there, it was before the settlement of the American continent. No. What I refer to is not ground from which the timber has been cut off or burned off, but ground that never grew any timber and never will, unless it is planted and cared for by the hand of man.

I have had some experience in timber raising. I am somewhat given to fads, I confess. When our farmers used to say to me, "We can not raise timber on the prairies under the timber-culture act," I would say, "I think you can; but you are too indolent or too careless; you do not try."

I would not state this if it did not exactly illustrate what I am going to say, because I do not believe in bringing in personal matters. Having some land on the Arkansas River, I went down there and took up a timber claim—the only claim—not for gain, but to prove my theory as to raising trees without irrigation. Under the law I was to cultivate 5 acres of that land the first year; then 5 acres perhaps two years later—I do not remember—and then, when I should have succeeded in cultivating 10 acres for five years, I would be entitled to the land by paying $1.25 an acre for it. I could have bought it for $1.25 an acre. When I took it up it had been offered for sale and had been returned. But I wanted to try the experiment. I plowed 10 acres; I fenced it with a good pine board fence; I made some ditches, so that when the water on the sides of the hills ran down after a storm, as it would do, it would run in on the 10 acres. I not only plowed it, but I cross-plowed it. I then set out 700 trees per acre, as the law requires. I had a man who was a Scotchman, a tree man, to take care of them. In June he wrote me that the trees were doing finely; that they were in fine shape; but about August he wrote me that every tree on those 5 acres was dead.

That was rather a setback to my theory. When I returned the next spring I went down there. I plowed the land over again. I plowed it, and cross-plowed it. I dug 700 holes to the acre—I hired men to do that—and I went down with a wagon to the river bottom and pulled up the little trees,

of which there were millions growing along where it was moist near the river—little cottonwood trees, native trees. I took them up, put them in the ground, put barrels in a wagon, hauled water, and put a pail of water into every hole where I put a tree; and I would have guaranteed against anybody in the world that I would secure a forest in that way. At first the trees grew beautifully, but when September came and I got home, I went down to look at them, and found there was not a live leaf on any one of the trees. Then I abandoned the experiment.

I do not like to put in personal matters of this kind, but I wanted to illustrate this. As I have said, you can not raise trees in that region without water.

I ought to add one other word. I figured up what the experiment cost me, and I found that I was out $1,100, and I did not have a bush. That is the condition under which the Government is going to raise trees. It is possible there may be other sections where the conditions may be more favorable, but I doubt it.

Mr. FRYE. What is the reason why the trees would not grow?

Mr. TELLER. They would not grow because of the burning sun and the dry winds that swept all the moisture out of the land. They did grow and they would grow beautifully along the river where the seepage of the river came, and they would grow along the stream from which I took them. I got them on a little stream. Later I planted a good many thousands of trees along the stream; but I planted them where there was seepage along the river, and there they grew and are still growing on that piece of land, and higher up on the land, that I happened to own.

When the Government comes to planting trees it is opening up a great expense, but if it could make trees grow that did not cost more than three or four dollars apiece, I do not know that I should complain. I have planted trees and have them growing that cost me a good deal more than that. I have on my farm a beautiful ash grove, one of the finest that there is in the State; but it cost me more money than ten times what the trees are worth. So it will be with the Government. You can not raise trees there except you have irrigation.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. I will yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wish to ask the Senator from Colorado as to what he attributed the failure of his experiment? Did he have the soil examined chemically to find out its composition?

Mr. TELLER. I did not examine the soil. If I had had an irrigation ditch to put water on the land the trees would have grown. That soil is of such a character that you can raise anything upon it that can be raised in that climate—corn, wheat, oats, barley, and beets. Plenty of land is of the same character, which under irrigation ditches would raise great crops. It is simply that you can not get water enough out of the sky. We are supposed to have in the State of Colorado in a year 14 inches of rain. There are places in Colorado where the rainfall is but 4 inches, instead of 14 inches.

Now, if the 14 inches should be spread out at the proper time, you could raise a crop, but if the 14 inches of water come in December and you did not get any more until the following December, of course you could not raise a crop under such conditions. When you raise a crop in Colorado without irrigation, it depends upon the season. Some seasons you can raise a fine crop. I have myself raised in Colorado 45 bushels of wheat to the acre with water. Of course without water I could not have raised a bushel, and would not have had any. The whole crop might be burnt up the next year if that did not happen to be a fortunate year.

That brings me back to the question of the inclusion of these forest timber lands. Every act that I know of has been for the reservation of land upon which trees were growing, and I deny the right to-day of the Department to include in such reservations any nontimber lands.

I want to read, in connection with this question, the statutes. Here is an act of Congress which may be found in the statute approved June 4, 1897, volume 30, page 36. After providing for forest reservations, it reads:

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. *Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: Provided, That such persons comply with the rules and regulations covering such forest reservations.*

On February 1, 1905, we made this provision in the act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, approved February 1, 1905 (Stat. L., vol. 33, p. 628):

SEC. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated.

Will any lawyer here assert that when that grant was made to the people of Colorado the executive power in this country was given the right to charge them for running a right of way across a forest reserve? Was not that an absolutely free grant? It was so understood by those who passed it, and it was so understood by the people for whom it was enacted.

In every section of the country the Department is claiming that they must secure the right of way across these lands, and the Department insists on charging whatever it pleases. I have a letter before me showing that a man who desired to run a pipe line for water was required to pay $100 to the Government every year before he was allowed to do it. I want to call attention to this extract:

Eighty-three million acre-feet of water for irrigating purposes, at 10 cents per acre—

Now, there is a declaration on the part of the Forest Service that the right to charge 10 cents an acre for water for watering the land in the arid regions is one of the assets of the Government of the United States.

The other day a question arose between the Senator from North Dakota [Mr. MCCUMBER] and myself as to the provisions of the reclamation act. I did not have it at hand then, but I have it now, and I want to read the seventh section. I asserted that under that law the Department could not irrigate private land nor interfere with it. It provides:

SEC. 7. That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property—

That is, in carrying out the provisions of this act—

That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States upon every application of the Secretary of the Interior, under this act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

That is for the purpose of condemning the right of way over private land. I do not believe that the Government of the United States, even in connection with reclamation projects, has the right to do that. We have a State law under which the Government can proceed if it becomes necessary. There is no authority given to purchase land for the purpose of irrigating under this act.

Mr. WARREN. It would, of course, include reservoir sites with ditch rights.

Mr. TELLER. I presume so; yes, reservoirs. The eighth section of this act is somewhat instructive. It was put in the act by the Western people, and those who know the history of the act and how it was drawn know very well that it was put in by those who represented the arid regions. I want to say here that if it had not been in that bill would never have become a law, for we would never have accepted it without this provision:

SEC. 8. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

That last proviso was put in in the Senate of the United States. It is absolutely useless and worthless, because the States will determine whether the water is attached to the land or not; and the States have determined that, some of the States saying it is attached to the land, and some saying it is not. So far as I am concerned, I should always be glad to see it attached to the land; but that does not change the State law. In Colorado

it is not attached to the land by the State law and by the decision of the supreme court of the State.

I know it is not very popular for a man to complain, and I do not want to weary the Senate with complaints. I recall the first few lines of an old hymn that they used to sing when I was a boy:

He who has nothing to give but tears,
Will weep alone.

He will not find any sympathy or help, but he will weep alone. I know that complaints generally tire and weary, but that they are sometimes necessary.

I called attention yesterday to a case where the Department was requiring a man after he had proved upon his land under the law to further prove. In looking over his letter to me this morning, I thought I would read just a word or two in it. It is from Mr. Roller, who is a prominent citizen of my State and a gentleman whom I have known for many years. He is a man of as high character as any State can produce, a man of means, and of great intelligence. He complains that after he had complied with the law, a sheepherder came around, who did not know a mine from a well, and went with him and looked over the work on ground where they were applying for a patent, and told him it was all right.

The herder went back and made a report, and the Government notified Mr. Roller that the report was adverse to his patent. Thereupon he applied, as I said yesterday, for a copy of the report, which they declined to give. They did say to him that the herder said he thought there was not enough work done on the claim, although all the law requires is $500 on a claim. Then I applied to the Department for a copy of this report, which they declined to give me, although I offered to pay for it. It was not the custom and usage of the Department to give out such reports. This is what Mr. Roller writes me:

The question at issue, as to whether myself and associates are to have patents or not, is a very serious one, as it involves not only the group of claims named in our present case, but two other groups in the same locality and but a short distance away. Upon these three groups some 12,000 feet of shaft, tunnels, and drifts have been run—

I will guarantee that is a correct statement—

representing an expenditure of nearly $100,000 in labor and cash, said three groups being worth at least $300,000, and the one directly in question at least $120,000.

It is incomprehensible to us how the Department or the officials of the Land Office can claim these lands are not mineral, in the face of such facts as these, for it is hardly reasonable to suppose that mining men in Colorado would expend such an amount of labor and cash on ground not mineral.

The work is there and shows for itself.

The man who locates his land will probably know, as well as one of the forest rangers, whether it will pay him to spend a large amount of money upon it.

I think I have wearied the Senate, but I want the Senate to understand that this is a matter of grave concern to the people of the West. It means, if this system is adopted and persisted in, that practically all the land in Colorado, except the dry, arid plains, will be withdrawn from occupation and use. Many acres of these forest reserves, I know, can not be made into homes. Many acres of them are on the mountain tops; but one-fourth of all the State is now—and it is one of the largest States in the Union—in a forest reserve, and not an acre of it was ever brought into a forest reserve at the request of the officials of that State.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. I do.

Mr. CARTER. I inquire of the Senator from Colorado if he has presented an amendment prohibiting any question by the forest ranger or supervisor as to the bona fides of any mining claim unless where it is manifest that the purpose of securing title to the claim is to obtain the timber?

Mr. TELLER. I have not offered such an amendment, but I shall be glad to see it offered by somebody; but any opposition to the administration of these forest reserves is held all over the country as opposition to the principle of the reserve itself. While I do have opposition to many of the reserves, the principle I have not been combating at all, except in so far as it has been abused.

Mr. CARTER. Mr. President, I think the effort of the forest rangers to question the judgment of a miner as to either the value of his claim or its prospects when developed imposes upon the Government a useless burden of expense, and likewise constitutes a severe punishment to the miners seeking title to mining ground. There are cases, no doubt, where placer claims, or, in some instances, even quartz claims, may be located with the obvious purpose of securing title to timber growing upon the surface of the claim rather than with any purpose of developing minerals, but those cases are very few in number and easily detected.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. TELLER. I do.

Mr. FLINT. Mr. President, I simply want to say that I am in entire accord with the views expressed by the Senator from Colorado and the Senator from Montana in reference to the plan now carried on by forest reserves of examining mining claims. I think it has been altogether too technical. On the other hand, I want to call the attention of Senators to the fact that in one case in California some 10,000 acres of the best timber lands in that State were taken up under placer-mining claims, and would have been acquired by a combination of men purely for the timber, and not for the minerals, if it had not been for the management of the forest reserve in investigating those claims and showing that they were fraudulent.

Mr. CARTER. Mr. President, in the case cited by the Senator from California there was an effort made, which was very clear on the face of the record, viewed in connection with the appearance of the land, to perpetrate a fraud on the Government of employing the placer-mining law for a purpose not intended by the law. I would not deprive the forest supervisors or the rangers or the managers of the right, but would rather impose upon them the duty of detecting and preventing frauds of that kind; but the present view of the management is that the forest ranger or supervisor is in duty bound to contest the application of every miner for a mining claim within a forest reserve.

Mr. SMOOT. Mr. President——

Mr. CARTER. I am not prepared to say——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. Certainly.

Mr. SMOOT. As I understand, Mr. President, the Forest Service does not pass on the title to mining claims. That is done by the Interior Department.

Mr. CARTER. That is where the matter should be attended to.

Mr. SMOOT. And that, Mr. President, is where it is finally passed upon.

Mr. CARTER. Mr. President, the Department of the Interior, through the General Land Office, is the proper jurisdiction in which the matter of a man's right to a mining claim ought to be settled; but, under pay of the Government and at Government expense, it seems to be the determined purpose of the Forest Service to contest the application of every man who applies for a title to a mining claim within a forest reserve and thus put the individual to the expense of procuring witnesses, paying their expenses, having testimony reduced to writing, and preparing a large record upon an issue raised by the Government against a claimant who is required under existing law and rules and regulations to make an ample showing before the General Land Office, as it is.

What I insist upon is that where there is no timber growing upon a mining claim, thus making it clear that the purpose of securing the title to the mining claim can not be to secure title to the timber, it should be no part of the duty of a forest supervisor to question the judgment or good faith of the individual whose labor and toil give the highest evidence of good faith in the performance of the requisite $500 worth of mining before he can secure a patent.

Mr. TELLER. Especially if he has done $100,000 worth of work.

Mr. CARTER. I know of many cases that have been called to my attention, where long controversies have been provoked upon the claim by forest reserve rangers bringing on contests with persons who had applied under the law for patents to their claims, without any possible benefit to the forest and without any possible benefit to the Government of the United States, because the individual getting title to 20 acres of land on the side of a bleak mountain, upon which he hopes at some time to develop a mine of value, paying $5 per acre for the surface, is certainly a matter of no great loss to the Government, but it may prove of some benefit to the individual.

Mr. SMOOT. I undertake to say——

Mr. TELLER. I think I will resume the floor and finish my remarks and let the Senator go on after that.

Mr. SMOOT. I do not want to interfere with the Senator from Colorado in any way.

Mr. TELLER. My experience yesterday leads me to think that if I am to get through within any reasonable time I ought to go on now.

I do not object to the suggestion made by the Senator from Montana—that I should offer an amendment to this bill. I have named only two or three cases. I could load up the RECORD with them. I could produce the affidavits of men who

have been complaining. As the Senator from Montana says, there seems to be a determined effort to make it just as distressing as possible for the man who is on a forest reserve, and that exists whether he is a settler or a miner.

A mining claim in most of the districts in my State is 300 feet wide by 1,500 feet long. In some of the new counties it is 600 by 1,500. I think in this county it is 300 by 1,500. There can be no claim that the applicant is trying to get the timber. I will venture to say that if there ever was any timber on the claim it was cut off and put into the mine long ago.

I would not have detained the Senate on this matter, but I know that Senators who have no connection with the mining section know nothing about the trouble we are having. There have been no frauds on the Government in mining claims, so far as I know, and I am fairly familiar with every mining camp in the State of Colorado, which has an area of a hundred thousand square miles. There is not a camp in the State in which I have not been; there is not a camp in the State where I do not know some of the people. I have had a large experience in mining matters, both as a miner and as an attorney at law.

When a man gets a mining claim upon which he spends ten or fifteen or twenty thousand dollars—I know it, because I have in my mind many people who have done that—and gets practically to the end of his own bank account, he wants to call upon somebody to assist him. Then he wants a patent. He can not get a patent with all this red tape. The law is clear and explicit. He must prove that he has a shaft on a vein. I am not speaking now of placer claims, because we worked those out years ago. He must prove he has a vein. He must then prove he has done a certain amount of work—$500 worth—on the claim. He does that by Government officials—engineers—who are licensed to determine those questions. I do not believe anybody could find in the State of Colorado a mining claim that did not have a vein in it, unless it was located by somebody too ignorant to know a vein when he saw it. People do not take mining claims for any ulterior purpose. The land is not valuable enough and the timber is not valuable enough to justify a man in expending the three or four hundred dollars which it costs to survey it. They never do it. Thousands of men never yet have been able to get patents for their claims because they have not been able to get enough out of the mine to pay for working it.

The Department now holds—and that is one of the things it insists upon—that the mine must be a paying mine. Many of the best mines in the State of Colorado were patented before they ever paid a dollar, and they never would have been patented if their owners had to establish the fact that they were paying mines before they got the patents. They got their patents and then they were prepared to go on and put in their money, and not risk it without a patent. Then they found the ore.

Almost everybody who gets into the mining business wishes to get out of it, but it is very attractive so long as the prospect of a good mine is held out. But I have no doubt there are a hundred mines in Colorado that have not paid where there is one that has paid any considerable amount of money. Of course when you find a mine which turns out immense fortunes within a few days it stimulates everybody else. There was a mine in the neighborhood of Leadville which at one time was ready to be abandoned, and the people who were working it would have abandoned it if they had not been men of means, and it produced in ten hours' work $118,000. I have known a mine in Colorado to produce $10,000 a day for every working-day for ten days. I know a mine in the State of Colorado at Cripple Creek—and it can be proved by the records of the mine—which had produced gold in quantities, not a little, but in a large quantity, that did not cost them 5 cents an ounce, and the mint was ready to pay $20.67 an ounce for it. Those are the exceptions. Most miners never have the fortune to drop on a mine of that kind. They can not do it. But such a strike will stimulate thousands of people to work; and sometimes a man will get but little out of a mine, but it is property and he hopes some time to make it a paying mine.

I recall two men from the State of Illinois whom I happened to know who came to Colorado in 1861. They were two common laboring men. They went on the side of a mountain, and opened a vein, and they took a wheelbarrow and wheeled the ore down to the stream and washed it; and when they went home they had made, from their summer's work, enough to buy each of them 160 acres of good Illinois land. That mine has practically paid no money since.

I am afraid that much I have said will fall on deaf ears and will be received with a good deal of question, but I speak from actual knowledge about these affairs, as did the Senator from Idaho [Mr. HEYBURN] when he addressed us on this subject. We have been residents of this Western mining country for a long time. We have both been in the same business—practicing law, and I have mined more or less.

There are a few other things I wish to say before I sit down, in the interest, as I think, of our Western people. Sometimes I hear people say "the Government has been very liberal with you folks;" and you might think so if you knew some of the cases. A man came into my office one day last summer and said, "Senator, I have sold my farm." He was an old man. "I took it up as a timber claim. I have sold it." I said, "What did you get for it?" He said, "$150 an acre, and got the cash." That was a great gift to him, but he had complied with all the requirements of the law, and then he got his claim. There are thousands of men who were not able to do that, and there are thousands of men with claims who make a bare living. The man I refer to happened to locate near a town, and he sold his property at a great price.

The common farmer in our country at the present time is making money if he is in the vicinity of the cities, on farms where they raise beets. But there are thousands of men on these outside farms who are living, if not in poverty, at least not luxuriously. I think myself the time has come when we ought to be somewhat interested in seeing that the common man, the laboring man, the man who lives by his toil, shall have an opportunity, and so I object, and I object as strongly as I can, to these provisions.

I object because I feel the injustice of them. When there is a piece of land upon which a man can go and make a home, I think every interest in this nation demands that he shall be allowed to make that home. We are filling up our cities with a population that ought to be on the farms, and we are withholding from the people the opportunity to go on farms. I need not say how much better it would be to have settlements than to have forests.

There are in the history of the world many instances where the common people have occupied the land in great numbers, and they made a living, and in all history it is the common people who furnish the wealth; it is the common people who, when the Government is in distress, furnish the soldiers; it is the common people who hold up the banner of every country in the world; and it always has been so. It is not the rich men. It is the poor.

When Rome had her citizens on farms, averaging only 12 acres, that was the day of Rome's greatest glory. And when these farms had been aggregated in great estates and the farmer had become a tenant and a serf, then Rome lost the vigor and the influence that it had before, and the Romans would not fight for a government that did not protect them. Some writer has said, and said it truthfully, too, and it ought to be impressed upon every government in the world: "Patriotism only arises from protection. If you do not protect the people, you will have no patriotism." You may talk about love of the flag. No man loves a flag unless it stands for everything that is good to him. It must stand not for power, but for benefit to him.

Mr. President, we are a great nation. We are the greatest nation in the world, it is said. We have been for many years in that category. We are now probably richer in wealth and poorer in men than ever before in the history of this country. I do not mean by that that our men are less honest or less good or less faithful to the country, but we have filled up the country with people who are foreign to our Government, foreign to our principles, and foreign to our flag. We have not always treated the common man as we ought to have done.

It is true we have opened up great areas of country by the citizens. I have before me a statement from the Land Office showing that under the homestead act alone, passed in 1862, 904,674 patents have been issued. In the last eleven years 100,000,000 acres were taken under that act. There are millions and millions of acres yet that ought to be taken under that act. There are a million entries now that have not been patented, not of mineral land, but of agricultural land. There are 1,073,837 patents yet withheld.

Yesterday or the day before a Senator from one of the Western States said to me, "I have a friend who has taken a piece of coal land in Colorado. He paid $20 an acre for it, and he paid for it three years ago. He has not yet got the patent." There are many people in the United States who have paid for coal land in Colorado and who have not got a patent, although years have passed since they paid for it, and they are not men who would be indicted in any court for stealing coal lands or anything else.

I measure my words when I say that for the last five years there has been no encouragement by Government officials to any man to make a home on the public land. There have been

obstructions, hindrances, and annoyances thrown in their way, and while last year there were 13,900,000 acres of homesteads entered, it was because of the inordinate anxiety on the part of our people to make homes.

I said the other day, and I repeat it now, that more than 100,000 men from Iowa, Minnesota, and Wisconsin alone have gone into British Columbia within the last three or four years. They ought to have been kept here and would have been kept here if we had been as liberal with them as the Canadian Government is with the people who go there.

Mr. President, we gave to the railroads 300,000,000 acres of land. There has been great complaint about it. The Government of the United States never lost a dollar by that. You put that charge upon the settlers of the great West. When you did that you raised the price of the land from $1.25 to $2.50, and they are the people who built these railroads, not the United States or the capitalists of the East. They are the people who built the great West.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. TELLER. I will listen to the Senator.

Mr. GALLINGER. I have been attracted, I think for a second time, by what the Senator from Colorado says about the people who have left the agricultural States of the West and gone over into British Columbia. I am somewhat familiar with that exodus. I have seen some of those people. My information is that most of them are men who took up land at $1.25 an acre, and perhaps some of them at a higher price, in those agricultural States, which has become worth $50 or $75 or $100 an acre, and they have sold that land and gone into British Columbia, where they can get virgin land at $8 or $10 an acre, and that it is simply a good business proposition on their part. They have made their fortune practically in the advance in the price of their lands in Iowa and Minnesota and have now gone into a magnificent agricultural region in British Columbia, where they can buy land for a very small proportion of what they sold their farms for. I think a great many of them are of that class.

Mr. TELLER. I do not know much about them personally. I do not think any considerable number have gone from my State, because the opportunities, not to get land, but to better their condition, are perhaps as good in Colorado as elsewhere. But it certainly would have been better to have kept those people at home.

Mr. GALLINGER. There is no question about that.

Mr. TELLER. And we could have kept them at home if we had reserved this land for them instead of giving it to the railroad companies. It is too late to complain, I know.

But when people talk about the great aggregation of land in individual hands you can trace it to those grants. There are men in the West who own 100,000 acres, every acre bought of a railroad company, not an acre from the Government, not an acre from individuals.

Every little while somebody says all the lands are being absorbed by the great capitalists. I have taken occasion to inquire into that by looking at the statistics of the Government. In 1850 there were about 55 acres more land in every farm than there are to-day. In most of the States there has been a reduction in the size of farms since 1850, and the aggregate now is 147 against 202 in 1850. But for the fact that we have allowed the railroad companies to take the lands and sell them out in great quantities there would have been a still greater difference. Take the State of Wyoming. It has more acres in its farms than any other State in the Union. It has an average of about 1,000 acres to a farm, and many of the farms in the older-settled country are less than 100 acres. I am sure no great harm will come to the country because the farms in Wyoming have 1,000 acres. When a neighbor comes from the East and wants to buy, they will sell him half of the land.

The coal lands have passed, it is said, into the hands of large interests. In thirty-three years the Government has sold 406,000 acres of coal lands at from $10 to $20 an acre. It is said that large amounts of land were acquired that had coal in it. If the State of Colorado I can show you lands the surface of which is worth $150 an acre for agricultural purposes, and underneath is coal which makes it worth more than twice as much as the surface value. They were all entered as agricultural lands when there was not a law in the United States that recognized the difference between agricultural lands and coal lands.

There are thousands of acres of land in the State of Illinois—just as good on the surface as any other land in the State—that have value underneath in coal greatly exceeding the surface value, all taken as agricultural lands, and all taken under the law when they could not take land in any other way.

Mr. President, I have detained the Senate long enough. I have not said a great many things which I ought to have said, and I am afraid I may have said some things which I might have left unsaid. But I have said them from a sense of duty. I have not desired to attack anybody. I have not desired to unreasonably complain. I have restrained my feeling on many questions because of the place where I stand. I should like to have said and would have said in some arenas what I have not said here.

Mr. OVERMAN. Will the Senator from Colorado yield to me for an inquiry?

Mr. TELLER. I yield to the Senator from North Carolina.

Mr. OVERMAN. I notice on page 291 of this statement of expenditures of the Agricultural Department that there was paid to the State of California $8,183.61, to the State of Colorado $12,526.45, to the State of Idaho $6,520.57, Montana $5,767.90, Nebraska $790.37, Nevada $24, South Dakota $3,595.36, Utah, $9,003.50, Washington $1,922.23, and the State of Wyoming $6,777.95. It makes in all some forty thousand dollars out of this lump sum which has been paid to those States. I should like to have the Senator explain to me why they paid those sums to these States out of this fund, derived from the sale of timber.

Mr. TELLER. I think I can tell the Senator. If I am wrong, some special friend of the Department can correct me.

Two years ago, I think, we passed a bill here by which we provided that 10 per cent of all the proceeds from the sale of timber and the granting of grazing privileges should be turned over to the States.

Mr. OVERMAN. What States?

Mr. TELLER. The States where the timber was produced or the grazing took place.

Mr. OVERMAN. Why are those particular States entitled to this fund? It all belongs to the Government of the United States. Why should it not go into the Treasury as a part of the general fund?

Mr. TELLER. I did not originate that bill and I did not vote for it. Somebody can tell why, I suppose. I do not pretend to know; and, not being overfriendly toward the administration of this Service, I will not undertake to say.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. I yield to the Senator from Montana.

Mr. CARTER. The payments to the State, to which the Senator from North Carolina refers, are made upon a very logical basis, and I think the payments allowed are inadequate. It must be borne in mind that in the State of Idaho a considerable percentage of the surface of the entire State is embraced within forest reservations. I do not recall the exact percentage; but probably one-fifth of the State in which I live is embraced within the areas of these forest reserves. The States are unable to collect any taxes within this area, permanently withdrawn from settlement and sale. But at the same time the State is burdened with the expense of maintaining the public roads, of executing the criminal laws, and all that appertains to a police jurisdiction over that region.

Mr. WARREN. Especially the schools.

Mr. CARTER. Of course there are schools within the area, established by the few citizens abiding there. Suddenly the property surrounding is withdrawn from settlement and sale and permanently dedicated to forest-reserve purposes. In connection with the forest-reserve purposes is the sale from time to time of timber matured. Instead of leaving the entire burden of police regulation over that area upon the State without any compensating benefit, Congress thought proper to authorize and direct that a certain percentage of the receipts from the sales of timber and other things should be paid over to the States in order to compensate them for the expense incident and unavoidably incident to the administration of the local law.

Mr. OVERMAN. What expense has the State in policing the forest reserves? I see from this statement that the General Government spends a good deal of money in policing and taking care of the reserves and in executing the criminal laws of the country in this particular territory. What expenditures are made by the States in the protection of these forests?

Mr. CARTER. The forest-reserve agent only executes the law of Congress by protecting the timber from devastation, either by individuals or by the elements, by fire. Where, however, a homicide is committed in the remotest part of one of these forest reserves, the county in which the reserve is located must pay the police officers to make arrests, must stand the

burden of the expense incident to impaneling a jury, and the trial of the case just as though the forest reserve did not exist.

The jurisdiction of the United States over the forest reserve does not at all conflict with the local police jurisdiction, nor does the Federal Government assume to bear the burden of sustaining the public schools or the public roads extending through the forest reserves, except to the extent that the forest-reserve people build roads and maintain them for their own use or convenience.

Mr. WARREN. Will the Senator also add that had this land not been reserved for forestry purposes it would have been open to sale, and that 5 per cent of the receipts of the sales would have gone to the States?

Mr. CARTER. Not only the proceeds from the sale of the land, but from the sale of timber as well would go to the State under existing law. I think, upon mature reflection, the Senator from North Carolina will perceive the entire justice of this. My contention is——

Mr. OVERMAN. I inquired only for information, I will say to the Senator. I saw these items here and I could not understand why receipts from the sale of timber should be paid to any particular State.

Mr. CARTER. For the purpose I have indicated such payments are made, and I reassert that I believe the payments allowed to the States are not adequate to compensate for the expense of executing the local laws.

Mr. WARREN. They are not. The amount ought to be double.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. TELLER. Yes.

Mr. FULTON. I beg pardon; I thought the Senator had concluded.

I only wish to say in this connection that a couple of years ago members from the Pacific coast States asked that it be increased to 25 per cent, and it should have been increased to 25 per cent, because that amount will not compensate the State for what they lose in taxes by having these vast areas withdrawn from settlement, and consequently withdrawn from the possibility of entering into private ownership and thereby contributing to the building up and development of the industries of the State and to paying revenue toward meeting the charges of the State government.

Mr. OVERMAN. How does the State lose any taxes? The land is not open to settlement.

Mr. FULTON. It is withdrawing the territory which properly should go in and become a part of the revenue of the State, and become a part of the property of the State.

Mr. OVERMAN. In other words, the State would have received some revenue if somebody had settled on it?

Mr. FULTON. How does the Senator say that nobody would settle on it?

Mr. OVERMAN. I do not say that and I would not say it. I say it is only anticipating that somebody will settle on it and thus revenue will be produced to the State.

Mr. FULTON. I imagine when the first settlers went to North Carolina and South Carolina they rather supposed there would be other people there and that a community would grow up and develop into a State, and that the property would be enhanced by reason of the opportunity which would be given to individuals to enter the public land. Does the Senator not know that when the pioneers went out to Oregon and to Washington they expected that the public land there would be open to settlement and that other people would come and help pay the cost of building up their school systems and all the institutions that go to make a great Commonwealth? Does not the Senator know that that can not be brought about to the fullest extent unless the populations are there to enter and homestead the land and to have homes built?

Mr. OVERMAN. I agree to all that; but the State has not actually lost anything by reason of the land being put into a forest reserve, because it derives no revenue from this territory, as it might have done if there was a settlement there.

Mr. FULTON. If the Senator thinks there is nothing in that, of course there is no use for argument.

Mr. OVERMAN. I ask the Senator how he arrives at the proportion of 10 per cent?

Mr. FULTON. I am trespassing on the time of the Senator from Colorado.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. I will yield for a very brief period.

Mr. HEYBURN. I think I can add something to the suggestion of the Senator from Oregon as well as that of the Senator from North Carolina.

In Idaho just after or about the time of our admission we entered upon the construction of a north and south road throughout the State. That was before we had certain railroads that have been built since. We expended two or three hundred thousand dollars in building those roads, and under an act of the legislature we issued bonds to raise the money to pay for it. We have paid those bonds. We built those roads at a cost, I think, of about $230,000.

The Forest Service has sequestered those roads. They have taken possession of the greater portion of them and included them within the forest reserves and they are no longer open to travel except under the rather embarrassing rules of the Forest Service. Now, I think it would take some time for the State to be remunerated for that loss alone.

Mr. TELLER. Mr. President, the statement made by the Senator from Idaho is somewhat surprising and somewhat terrorizing. What right has the Government of the United States to take possession of a road in the State of Idaho, no matter by whom it was built? It has no right to build a road there unless it wants gratuitously to turn it over to Idaho. Idaho, under the police powers of the State, has the absolute control of its roads. McLean said, away back years ago, that the right of a State to build roads over the national lands could not be controverted. It never had been, he said, and had always been exercised. McCrary, who for many years was a Member of the House and afterwards circuit judge in the eighth circuit, made the same statement in a case which I have already cited to the Senate. He said a State has a right to build its roads if it wanted, and could condemn its roads. The State of Illinois asserted that right, the State of Indiana asserted it, and Iowa asserted it. Every State in the Union having public lands asserted it. The right belongs to the State to build roads. The United States can not take possession legally of a road, nor can it build one unless the State agrees that it may do so.

Mr. President, I say that is an astonishing statement, and it is a terrorizing statement, Mr. President, when you think that the Government of the United States invades a State and determines where its road shall be and who shall travel on it. It is an assumption of sovereignty that the United States can not maintain. I can find a hundred cases in the courts of the United States against that assumption on the part of the Government. It is not on the part of the Government that the assumption is made. It is made by the irresponsible employees of the Forest Service.

Mr. President, the State of Idaho ought to drive them out of that road and take possession of it; and the time will come when the question must be settled between the States and the Government, whether we are without right and these employees in the Forest Service are so omnipotent as the Senator the other day showed they claimed to be in Idaho. They have never made any such assertion in Colorado. They did assert in one of the counties that when the road built by the county touched the forest reserve, upon which there was not any more timber than there is upon any vacant lot in this city, they must give a bond that they would not disturb the forest reserve.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. HEYBURN. I do not like to interrupt the Senator from Colorado, except where I feel that it would help to carry out his idea.

Mr. TELLER. Go on.

Mr. HEYBURN. Not only did they take possession of those roads, but, more startling still, they took more than thirty schoolhouses and included them within the forest reserves, representing more than thirty school communities. They included them within the forest reserves, and they have surrounded them, in many instances, with a solid line of forest reserves.

Mr. WARREN. What have they done with the schoolhouses? What use did they put them to?

Mr. HEYBURN. Those little stranded communities that hoped to be the nucleus of a growing, prosperous, community are staying there and praying that the Government may become rational once again.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. TELLER. I think I will conclude. The Senator can take the floor in his own right after I get through.

Mr. SMOOT. I did not want to interfere with the Senator from Colorado. I merely wanted to ask a question of the Senator from Idaho.

Mr. BACON. Before the Senator from Colorado resumes his seat, as he is speaking about arbitrary measures, I wish to ask him to let me read something. It was alluded to yesterday in his speech. A good deal has been said here about arbitrary power and the irresponsible exercise of power. The Senator quoted from the constitution of Massachusetts, which was apt and appropriate, and I took the liberty at the time of calling his attention to another clause in the constitution of Massachusetts which I endeavored to quote from memory. Since then, the Senator from Massachusetts [Mr. LODGE] has handed me a copy of the constitution of Massachusetts, and in order that the provision may be correctly quoted, I ask leave now, before the Senator closes his remarks, that I may read it. It is the thirtieth article of the constitution of Massachusetts. The language of it is this:

> In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men.

That is a principle, Mr. President, which I think is equally as important in the Federal Government as it is in the State government of Massachusetts, and I think there are some officers of the Federal Government who would do well to regard the injunction and obey the injunction which is contained in that article of the constitution of Massachusetts.

Mr. TELLER. Mr. President, I was about stating what interference had been made on State rights. The county of Mesa, in the State of Colorado, undertook to build a road. It went across one corner of a reservation upon which there was absolutely no timber or never had been any. It was incorporated into the reserve, I suppose, for the purpose of raising timber on it some time, but they have not yet commenced raising timber. The ranger notified the county officers that they must give bond that their roads should not interfere with the reserve, and thereupon the county executed its bond and signed it and sent it to Washington. Then they came back with a statement that they could not accept it without two individual signers.

The county did not feel very much like going out and asking some citizen to sign its bond that they would not interfere with the reservation; and as the road did not interfere with it except to allow people to pass over it, and it was not fenced, the district attorney of the county sent it to me. I wrote him what I have been familiar with, because I lived in Illinois in an early day and knew something about what had been the custom there about roads; that the State had the right to pass over roads in public lands, and that the reservation of forests did not come within that constitutional provision where we were expected to refrain from exercising any power by ceding to the Government the sovereignty over it.

I said in my judgment the thing for the county to do is to proceed and build the road and pay no attention to this man. If the Government thinks it is worth while to bring a suit, then you will try the question whether you are entitled to do it or not. The result was that the county went on and built the road. The Government did not bring a suit, as I knew it would not, because I knew whenever they submitted it to the Attorney-General here he would have sense enough to know they could not maintain it.

That brings me to say we have been for four or five years trying to get the Government of the United States to bring a suit against some of our citizens to test some of these questions, and we have, I believe, got an agreed case that is probably going to get to the Supreme Court in the next three or four years, when these questions will be settled. It will probably take that time to get it through.

There can not be any question about these things. They have been settled again and again by the Supreme Court of the United States. The Supreme Court is not going to change its ruling of forty and fifty years and in forty and fifty cases, not even at the suggestion of the Executive that the time has come when you must give to the executive department more power.

Mr. President, if the executive department need more power, which I do not think they do, there is only one way to get it, and that is by an amendment to the Constitution.

Mr. FULTON. Mr. President, I simply wish to make a suggestion in connection with what the Senator from Colorado [Mr. TELLER] has said in regard to the administration of the forest reserves, the taking possession of highways that have been laid out by the counties, of schoolhouses that have been constructed by school districts, and so forth.

I think it is perhaps not sufficiently clearly understood that the objection of the people of the West to the forest reserves, speaking broadly, is not to the maintenance of reserves proper, but to the manner of the administration, more particularly, of those reserves and to the inclusion within them of lands that are valuable for agricultural purposes and for home building.

We recognize and appreciate the fact that it is important that the timber resources of the country should be conserved, and, indeed, that the water power and the water supply of the country should be conserved; but those who are charged with the administration of these reserves seem to have imbibed the idea and to be moving under the conviction that they are absolute law unto themselves, and that the people of the communities in the region of the reserves have no rights that they are bound to respect.

For instance, I spoke yesterday of a practice they have of impounding cattle from the ranches and the small farms lying in the vicinity of the reserve. Those people have feed enough for their stock during the severe winter months when they are required to feed, but it is important to them to be permitted to turn out their stock as early in the spring as possible. To compel them to keep their stock up beyond the usual feeding time is imposing upon them a very great hardship. Yet if they turn their stock at large, as they are permitted to do under the laws of the State, and the stock wander on the reserves and pasture there, these rangers assume the authority, without a single letter of law to support it, to arrest the stock, impound them, and impose fines and penalties on the owners.

Mr. BACON. Will the Senator from Oregon permit me to ask him a question?

Mr. FULTON. Certainly.

Mr. BACON. I am not familiar with the public-land laws, there not being any public land in my State and none having ever been there, I have never investigated these questions. I want to ask the Senator, as a lawyer and as one living in a State where there is a large amount of public lands, whether, outside of the mere matter of exemption from taxation, when the Government owns land in a State, it has any other relation to that land than any other owner of land has in the State?

Mr. FULTON. None whatever. It is just that proposition I wish to present, because it does seem to me that we ought by legislation to impress that fact on the minds of the people who are charged with the administration of these reserves. The Supreme Court of the United States has held over and over again exactly the proposition which the Senator from Georgia announced, namely, that the only interest, the only title, the only right, the Government had in and over those lands is that of a proprietor. It has been announced in many cases, but I happen to have here the case of Fort Leavenworth Railroad *v.* Lowe (114 U. S.), where Justice Field announced the decision. The question there was concerning one tract of land that had been reserved for a military station, and the court, in discussing that question, said:

> The land constituting the reservation was part of the territory acquired in 1803 by cession from France, and, until the formation of the State of Kansas, and her admission into the Union, the United States possessed the rights of a proprietor, and had political dominion and sovereignty over it. For many years before that admission it had been reserved from sale by the proper authorities of the United States for military purposes, and occupied by them as a military post. The jurisdiction of the United States over it during this time was necessarily paramount. But in 1861 Kansas was admitted into the Union upon an equal footing with the original States; that is, with the same rights of political dominion and sovereignty, subject, like them, only to the Constitution of the United States. Congress might undoubtedly, upon such admission, have stipulated for retention of the political authority, dominion, and legislative power of the United States over the reservation, so long as it should be used for military purposes by the Government; that is, it could have excepted the place from the jurisdiction of Kansas, as one needed for the uses of the General Government. But from some cause, inadvertence, perhaps, or overconfidence that a recession of such jurisdiction could be had whenever desired, no such stipulation or exception was made. The United States therefore retained, after the admission of the State, only the rights of an ordinary proprietor; except as an instrument for the execution of the powers of the General Government, that part of the tract which was actually used for a fort or military post was beyond such control of the State, by taxation or otherwise, as would defeat its use for those purposes. So far as the land constituting the reservation was not used for military purposes, the possession of the United States was only that of an individual proprietor. The State could have exercised with reference to it the same authority and jurisdiction which she could have exercised over similar property held by private parties. (114 U. S., pp. 526–7. Fort Leavenworth R. R. Co. *v.* Lowe.)

Mr. BACON. I understand, though that decision relates only to Kansas, it applies in its principle to all States having public lands.

Mr. FULTON. Certainly.

Mr. TELLER. There are twenty-five or thirty cases of the same kind.

Mr. FULTON. There are many of them. I could get at least a dozen cases.

Mr. NEWLANDS. I wish to inquire of the Senator upon what theory, then, the public lands belonging to the United States are exempt from taxation by the States? Is that expressly stipulated?

Mr. FULTON. The State always stipulates that. The States stipulate, when they are admitted, to except public lands and public property from taxation.

Mr. NEWLANDS. Has that always been done?

Mr. FULTON. I think it has always been done.

Mr. TELLER. That has been done in the admission of every State in which the Government had public lands. Both Judge Sawyer and Judge Field, in the California reports, declared that but for that stipulation the States might have taxed the lands. In the Alabama case the court, speaking on it, said it was a contract only not to tax; that that was all there was of it, and any greater stipulation on the part of the State could not have been of any value to the Government, because the United States had not the authority to exercise any municipal power.

Mr. FULTON. The United States Supreme Court has held time and again that the property which is held by the Federal Government is subject to the right of eminent domain, the same as the property of a private individual is subject to the right of eminent domain, to lay it out into roads or to devote it to any public purpose. And yet, notwithstanding this fact, these people presume to ignore the laws of the State in which the reserves are located and to annul them by arresting the stock of the residents there running at large in obedience to the laws of the State.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Montana?

Mr. FULTON. Certainly.

Mr. DIXON. In this connection I called the Senator's attention yesterday to the decision of the Federal court in Montana, in which they held that stock running on a forest reserve was subject to be put off for trespassing, notwithstanding the State law against fencing. I have made some inquiry since that time, and I find that case was appealed to the circuit court, sitting at San Francisco, and that the contention of the forest reserve official was sustained in a decision of the circuit court some time last February, holding that they did have the right.

Mr. FULTON. I have been unable, I will state——

Mr. NEWLANDS. Mr. President——

Mr. FULTON. Just one second, if the Senator will allow me. I will state to the Senator from Montana [Mr. DIXON] that I have looked very carefully for that decision, and I have been unable to find it. I should be very glad if the Senator will find it for me. Of course I would not pretend to say that the Senator is incorrect in his statement, but I think it is possible he is mistaken.

Mr. DIXON. No.

Mr. FULTON. If the Senator will get the report, I shall be glad to see it, so as to ascertain on what proposition it went off.

Mr. DIXON. The Senator from Utah [Mr. SMOOT] has the decision on his desk. It has not yet been printed in the court reports; but the Senator from Utah, I think, has the decision on his desk.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Nevada?

Mr. FULTON. If the Senator will wait until I complete the statement I was about to make, I will then yield. I do know it has been held by at least two district judges that there is no authority of law for such a holding as the Senator from Montana says was made in the circuit court of appeals, and in the nature of things any such decision must be in violation of the rule announced by the Supreme Court quite recently, which was really only a reiteration of what it has announced time and again, namely, that no Department can by a rule which it makes fix a penalty; and there certainly is no law enacted by Congress making it an offense for cattle to be found at large on a reservation. I will defy any man to point out an act of Congress that makes that an offense.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Nevada?

Mr. FULTON. I promised to yield to the Senator from Colorado, but, with his consent, I will yield to the Senator from Nevada.

Mr. TELLER. Very well.

Mr. NEWLANDS. I wish to inquire of the Senator from Montana [Mr. DIXON] whether the decision to which he refers was based upon an assumption that the United States, by reason of its sovereignty, was exempt from the control of a State law of Montana, or whether it was based upon the proposition that the law of Montana was violative of all rights of property, in that it permitted trespass upon private property generally; for, as I understand, the law of that State permitted cattle owned by parties to run at large.

Mr. FULTON. In the State of Montana?

Mr. NEWLANDS. In the State of Montana.

Mr. FULTON. I do not know what the State law is.

Mr. NEWLANDS. I could well understand how the decision might have been based upon the latter proposition—that is, the taking of private property for public use without compensation—it being practically a confiscation of private property to provide by law that the owner of cattle may run his cattle upon the land of another, whether that land belonged to the United States or to some private proprietor.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Montana?

Mr. FULTON. If the Senator will excuse me, I promised to yield to the Senator from Colorado [Mr. TELLER].

Mr. CARTER. Very well.

Mr. TELLER. Mr. President, I should like to say to the Senator from Nevada [Mr. NEWLANDS] that I have made an examination, and, so far as I have been able to go—I have not seen, of course, the statutes of all the States—I find that in Massachusetts, in Connecticut, in New Hampshire, and other New England States; in Illinois, in Indiana, and in New York, they all have laws of that kind; that in order to charge a man with trespass of his cattle, the party bringing the suit must have a field inclosed with a fence of a certain kind and character, and the Supreme Court has sustained that as good law.

Mr. President, as to eminent domain, I want to call the attention of the Senate to the case of the Union Pacific Railway Company *v.* The Burlington and Missouri River Railroad Company in Nebraska, in 3 Federal Reporter, 106. I do not know whether that case ever went up or not. Judge McCrary, of the circuit court, in that case said:

> It is now well settled that the right of eminent domain is a right inherent in every government, and that it belongs alike to the States and to the United States. Each within its own sphere of governmental action may exercise it. (The United States *v.* Chicago, 7 How., 185; Kohl *v.* The United States, 91 U. S., 367.)

Again, he says:

> Land owned by the United States, as a mere proprietor, and not used for any of the purposes of the National Government, may be taken by the State for public use. (United States *v.* Railroad Bridge Company, 6 McLean, 517.)

Again, on page 111, he says:

> That the condemnation of a right of way in the exercise of the power of eminent domain is a public matter, within the rule, is not only clear, under the authorities, but also upon principle, since the proceedings can be justified only upon the ground that the land should be taken for public use and for the public interest. (In the case of The United States *v.* Chicago, 7 Howard, 194–5.)

The court said:

> It is not questioned that land within a State purchased by the United States as a mere proprietor, and not reserved or appropriated to any special purpose, may be liable to condemnation for streets or highways, like the land of other proprietors, under the rights of eminent domain.
>
> But that was not the condition of this quarter section, being a part of the land originally ceded to the United States as the Northwest Territory, and afterwards specially set apart for their use for military purposes. Here the opening of these streets would also injure, if not destroy, the great objects of the reservation. Nor was any compensation proposed or made, as in other cases, for condemning this land and damaging the building thereon. It seems, too, that, though land purchased within a State for ordinary purposes by the General Government must yield to the local public demands, yet land, when held like this, at first by an original cession to that Government and afterwards appropriated for a specific public object, can not easily be shown liable to be taken away for an ordinary local object, though public, and especially one under another government and by mere implication. (United States *v.* Ames, 1 Woodb. & Min., 88.)

In that instance the law did not apply to that case, because that had been specifically set apart for a governmental purpose, for a court, or something of that kind, I have forgotten what.

In the case of Illinois Central Railroad *v.* Illinois (146 U. S., p. 434) the court said:

> The State of Illinois was admitted into the Union in 1818 on an equal footing with the original States in all respects. Such was one of the conditions of the cession from Virginia of the territory northwest of the Ohio River, out of which the State was formed. But the equality prescribed would have existed if it had not been stipulated. There can be no distinction between the several States of the Union in the character of the jurisdiction, sovereignty, and dominion which they may exercise over persons and subjects within their respective limits. (Art. IV and sec. 3 of the United States Constitution.)

On page 435, in the same case, the court said:

> It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tide waters within the limits of the several States belongs to the respective States, within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the water, subject always to the para-

mount right of Congress to control the navigation, so far as may be necessary, for the regulation of commerce with foreign nations and among the States.

The court adds:

This doctrine is applicable to the lands covered by the Great Lakes.

In the same case above cited the court declares that:

The States hold the title to such lands and the water over them in trust for the people, and can not dispose of the same except in the proper discharge of such trust. (See p. 453.)

And that property so held by the State—

can not be placed entirely beyond the direction and control of the State (p. 454).

Again:

Such property is held by the State, by virtue of its sovereignty, in trust for the public.

In this case the court quotes from Martin *v.* Waddell (16 Peters) and cites the case in support of its opinion. (See pp. 456–457.)

See Weber *v.* Harbor Commissioners (18 Wall., p. 57 et seq). Also Hoboken *v.* Pennsylvania Railroad (124 U. S., pp. 656–657).

Mr. President, I have here—and I think I can put my hand on it—the opinion of Chief Justice McLean. It will be found in 6 McLean. It must have been forty-five or fifty years ago when that case was decided—I do not remember exactly—where this question of the right of a State to put a road across Government national land, land belonging to the Government, was fully held to belong to the State, and the judge said that always from the time the Government was organized it had been, without any special law, exercised by the States and conceded to them by the General Government.

Mr. FULTON. The Senator from Montana——

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. FULTON. Just for a question.

Mr. SMOOT. I was going to call the attention of the Senator from Oregon to the fact that the case cited by the Senator from Montana [Mr. DIXON] is not the only case in which that question has been decided. I see that there are five or six other cases that have been decided by the circuit court of appeals in this country touching that very subject.

Mr. FULTON. Has the Senator from Utah the cases there?

Mr. SMOOT. I have the cases here.

Mr. FULTON. I should be glad to see them.

Mr. SMOOT. In due time I shall furnish them.

Mr. FULTON. If the Senator only rose to tell me that there are such cases without producing them, of course that is his privilege.

Mr. DIXON. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Montana?

Mr. FULTON. I do.

Mr. DIXON. I have here the original opinion of the district Federal judge in the Montana case—the United States *v.* Shannon—where he sustains an injunction forbidding Shannon to trespass; and also the opinion of the circuit court of appeals at San Francisco sustaining the decision of the district court of Montana upon this very point.

Mr. FULTON. Yes; but we were discussing criminal prosecutions. The Senator comes forward with a civil suit, a decree in a civil suit granting an injunction, which, I submit to the Senator, only sustains my contention that the right of the Government is that of a proprietor. It may maintain, of course, a civil suit to protect its right of property; but that is a vastly different proposition from assuming to make a penalty and to enforce the penalty for trespass upon property. It has the same rights, it can exercise the same powers that an individual can exercise concerning the property he owns; but has the Senator ever heard that the individual had a right to prescribe a penalty and to enforce it?

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. FULTON. Certainly; if the Senator has the decisions he referred to.

Mr. SMOOT. I wish to call the Senator's attention to the fact that the act of Congress of June 4, 1897, authorized the Secretary of the Interior to make rules and regulations governing the occupancy and use of the national forests——

Mr. FULTON. Exactly.

Mr. SMOOT. Wait a moment—and to preserve the forests from destruction. The same act of Congress expressly made the violation of such rules and regulations a crime and prescribed the punishment.

Mr. FULTON. Where is the act of Congress that does that?

Mr. SMOOT. The act of June 4, 1897.

Mr. FULTON. Will the Senator show me where the act of June 4, 1897, made it a crime to trespass upon these lands?

Mr. SMOOT. If the Senator will read the act he will find out where that is.

Mr. FULTON. The Senator is citing the act. I say there is no such provision in the act.

Mr. SMOOT. All I can say is that I shall be glad to have the Senator read the act.

Mr. BACON. The Senator might very safely say that if there is any such provision in the act it is absolutely void.

Mr. FULTON. And I should supplement it by the statement of the Senator from Georgia [Mr. BACON]. But, Mr. President, there is a wider question and a greater one than that. Suppose it has been held by some of these inferior courts that the regulations of the Secretary or of a Department officer may have the validity and dignity of law. I would not believe that to be the law until the Supreme Court of the United States had said so, because it is so utterly at war with my convictions as to what the constitutional rights of the States and of the individual are.

But, as I was saying, above all that do we want it to be the law? Do we want the acts of Congress to invade the States and to invalidate the laws and regulations of the States in their domestic affairs? If there is one thing more than another, I take it, which the States ought to be allowed to regulate it is the question of whether or not its farms should be fenced and stock should be allowed to range free on the common lands unless the lands should be fenced. That is a most ordinary and simple matter, usually and customarily left to the State. If we have the power, do we want to exercise it? Was it ever the intention of Congress to exercise such a power? I do not believe there can be found a statute that would indicate that it was the purpose of Congress at any time to exercise such a power.

Mr. TELLER. Congress can not do it under the Constitution.

Mr. FULTON. That is my contention, and it is my firm conviction that we can not do it; but I say, if we could do it, do we want to do it? Has Congress ever indicated a purpose to do such a thing? If the General Government does not want stock that is running at large in a State pursuant to the laws and the policy of the State to go upon its domain, why should it not do as every other proprietor of land in that State is compelled to do—fence its land, or station guards there who would protect the land against trespass?

So I again say, Mr. President—I had not intended to take up time to discuss this question—that it is not that we object to the forest reserves, but it is that we object to the arbitrary and oppressive rules and regulations adopted and enforced in the administration of the reserves. I think the committee charged with providing for these reserves and their administration should bring in a bill that will restrict the officials in the administration of these arbitrary rules.

I do not think that a poor farmer who has gone upon a piece of land within half a mile of a reserve should be subjected to the hardship and the expense of putting a herder in charge of his cattle or his sheep to keep them off the lands of the United States, when he does not have to do it to keep them off the lands of any other proprietor within the State.

If this were really doing an injury to the public lands, there would be an equity in the proposition that would perhaps militate against the propositions that I advance; but it is not doing an injury; it is simply that the Government wants to farm its lands out for so much per acre to the stockmen, and if stock are allowed to range on the land without paying for it, it interferes with the business of leasing the range. I have never had much sympathy with the proposition that the Government of the United States should go into the farming business or the stock business or the leasing business. It has always seemed to me that that is a business that were far better left to the individual; and whatever charge is made for stock going upon the range under the regulation of the Department should only be such charge as is necessary to meet the additional expense by reason of the stock being there, and no more. The Government ought not to seek to profit by it. Such has always been my contention.

Mr. President, I apologize for taking up so much time as I have. I had not intended to discuss this matter at all.

Mr. NELSON. Mr. President, I intend to submit a few remarks in reference to this subject-matter, but they will be of a general character. There is no one whom I desire to attack, and no one whom I care especially to defend, unless it is the Federal Government of the United States. I have no grievance in this matter to vent here before the Senate.

In the first place, is there any justification or necessity for

embarking upon this forest policy? I ask Senators to look at the map of the United States hanging on the wall there. The dark-brown and light-brown parts of that map on the Eastern side of the country represent what was the timber country, much of it what we call "hard-wood timber," and the remainder of it along the ranges of the Alleghenies down through the Southern States represents the pine belt. On the Pacific coast there is, as the map shows, a little more of that brown area near the coast; but all that white expanse of land that you see there between the colored portions of the map is a vast prairie or a vast treeless plain.

The Eastern timber country was settled up many years ago. When the settlers came in there they had to cut down the timber. That was the only way they could open farms and get their meadows. They have been carrying on that work ever since that country was first settled up. Then the vast regions of the Mississippi Valley, the great States on both sides of the Mississippi River, were settled, and then west of that comes an immense arid belt, sparsely settled and with no trees of consequence, except in what you might call the trough of the Rocky Mountain range. The streak of green fragments that you see on the map represents the forest reserves. They are in the trough of what we may call the main range of the Rocky Mountains. You see another strip of green fragments representing forest reserves. They are in the Coast Range. Outside of that all that great white space there [indicating] is a treeless country.

We have settled up the land immediately adjoining the Mississippi River on both sides, and as we move westward we come to an arid and semiarid belt. In this belt it was attempted years ago, under a Federal law, to embark in the raising of trees—"timber culture," it was called. We passed a law, commonly known as the "timber-culture law," that was in force for a number of years. Under that law most of those who sought to profit by its provisions had the same experience and came to the same conclusion as the Senator from Colorado [Mr. TELLER] did in respect to his timber claim. The law, as a rule, proved almost an absolute failure. There were comparatively few timber claims, proved up by pretty doubtful evidence, and finally, to save some of them who were unable to comply with the law, they were afterwards allowed to purchase the land, and then subsequently we totally repealed the law. It is exceedingly difficult, as the Senator from Colorado described it, in that arid belt to raise trees. The soil may be all right, but the water is lacking. Without irrigation you can not raise any trees in that country.

In those troughs in the Rocky Mountains we have a region where timber grows in its natural state. It is at a high altitude. That country has considerable moisture, snow in the winter and rain in the summer; and hence there is a supply of timber there.

The Government of the United States, seeing that the supply of timber in the country was gradually diminishing, embarked upon this policy in order to promote the settlement and build up all that semiarid region, which constitutes to-day over a quarter of the total area of the United States within its continental boundaries.

What is the necessity for it? I can remember when I was a boy, in 1849, when the harbor of Chicago was full of vessels loaded with pine lumber from the State of Michigan. You do not find there to-day a single schooner with pine lumber from the State of Michigan, nor have you for the last ten or fifteen years.

Then the next body of pine timber was in Wisconsin; and that, my friend from Wisconsin [Mr. STEPHENSON], whom I do not see in the Chamber at this moment, knows very well, is utterly gone. The pine timber that was on the Fox River, on the Menominee River, on the Wisconsin River, on the Chippewa River, on the Eau Claire River, and the Big Black River is practically gone to-day. There are just a few fragments that are used for pulp and inferior purposes, but not for real lumber.

My own State of Minnesota, next to the States of Michigan and Wisconsin, had the finest body of white pine timber in this country. In 1871, when I went to the State of Minnesota, most of our pine was a virgin forest, and it was a magnificent forest. But from that day on the lumbermen have been playing havoc with it, until within perhaps ten or a dozen years there will scarcely be any merchantable pine left in the State of Minnesota.

How has all this been brought about? These lumbermen, under our extremely loose and liberal land laws, would in times past secure this most valuable pine for a mere bagatelle. A dollar and a quarter an acre was the maximum. They oftentimes purchased large quantities of it with college and other scrip at a much less price. Years ago Congress gave to the different States an agricultural-college grant, and those States that had public lands within their borders selected the lands, and the other States sold their rights out by the wholesale. I know a number of States that sold that scrip at 40 and 50 cents an acre to lumbermen who entered this valuable pine land, which did not cost them on this scrip more than 50 or 60 cents an acre.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. HEYBURN. I should like to inquire, Has the Government any lands remaining in Minnesota?

Mr. NELSON. Yes, sir.

Mr. HEYBURN. Has it occurred to the Senator that perhaps they should be replanting the timber upon the Government lands?

Mr. NELSON. I want to say for the information of the Senator from Idaho that we have a forest reserve in Minnesota and we hope to get another, and the State has a forest reserve.

Mr. HEYBURN. I will inquire if they are planting trees in them?

Mr. NELSON. Yes; they are planting trees.

Mr. HEYBURN. Then I would merely make a closing suggestion. Would it not be just as well for the State of Minnesota to furnish the land upon which to grow its own timber, rather than to borrow the lands of Idaho upon which to plant a new forest?

Mr. NELSON. We are not borrowing from Idaho. We are not using the lands of the United States to raise timber on. As I said, these lumbermen got this valuable pine land for a mere bagatelle, and then, in embarking on their lumber operations, they carried them on in a most destructive manner. They did not go in, as is done where they have a proper forestry system, and take the dead and down timber and the mature timber. They established their camps and sent in their choppers and, to use an expression that the lumbermen use in that country, they "skinned" it, taking everything—big and little. The worst of it was that after they had taken every possible stick of timber off of a tract of land they would leave the tops and the limbs and everything there to rot and be subject to fires, so that the timber lands that were stripped by the lumbermen in that way were all burned over, and instead of becoming reforested with pine, as they would have been but for the fires, they have grown up in jack oak, grown up in poplar, and grown up in everything under the sun except being reforested as pine lands.

We have lost all that timber, and now our main supply of pine timber is in the Southern States and on the Pacific coast. After we had lost all that timber, it finally dawned upon our Government that we had to do something to stop the destruction of timber; that we ought to take a broad view of it and preserve our forests, not only for our own people and our own children, but for the generations to come. The preservation of this timber, out in the troughs of the Rocky Mountains, is not only good in itself; it not only keeps up the supply of lumber for a much longer period than would be possible without it, but it aids in the settlement and development of the great arid country which is contiguous to that mountain range and to that body of reserves that you see on the map.

What has the Government done? It has done what every other intelligent country on the face of the earth has done. Observing that the supply of timber was gradually diminishing, noticing that we had a great area of treeless country, arid country, that could not be settled without irrigation, the Government said by its legislation in 1891:

> We must make provision for the future; we must take some steps to reserve some of our forests for the future use of the American people.

So, in 1891, the first forest-reserve law was passed. It was amended in 1897. The first forest reserve that we had in this country, Mr. President, was established under the Administration, as I recall, of Grover Cleveland.

There is no use making an imaginary forest reservation on the map or on paper in one of the Departments. If you have a forest reservation you must take care of the forest and protect it, so that it will become of some use and value to the public.

So it came to pass that in 1899 the Government for the first time appointed at the head of the Forestry Service a Forester in the person of Mr. Pinchot. I wish to say about Mr. Pinchot that while in some respects I think he has been a little too radical, has gone a little too hastily and too far, yet I recognize the fact that in that line of work he is an expert of the very highest order, and that he is actuated by the highest and best possible sentiments—sentiments that every public man in this

country could well be proud of. There never was a man who more faithfully went to work at a big task; and he himself had to blaze the way. There had been no beginning. As far as I know, there was no system of forestry in any of the older States. The Federal Government had nothing. He had no prototype, and he had to delve into the archives and study the systems of the old country. He had to establish the system for this country; and, considering the drawbacks he has had to contend with, I think, on the whole, he has done remarkably well.

I can see the nervousness of some of our friends from the West. I do not refer to Senators in this body, but I mean outside gentlemen from the West. Before the Government adopted the policy of forest reservations those men were in the habit of using the lands now embraced in forest reserves according to their sweet will.

They would go and strip off the timber. I remember some years ago riding on the cars from Helena to Butte. I think the Senator from Montana was with me. As we reached the neighborhood of Butte I could see the mountain sides stripped of timber for miles and miles and the stumps black. The stumps indicated that the timber had been chopped off, and there was nothing there but a burned-over waste. They absolutely stripped the country.

Unless the Government had intervened, all these timber reserves out there would in a few years have been entirely stripped and entirely destroyed; and so, Mr. President, to my mind, the Government has moved none too soon in this matter. If, in my own State—Minnesota—the Government had intervened thirty-five years ago and established a forest reserve of our magnificent pine lands, in what a happy condition our great State, with its more than 2,000,000 people, would have been to-day. We have now a small forest reserve in Minnesota. Four years ago I succeeded in getting an act passed through Congress giving the State 20,000 acres of land up in the northeastern corner, up in the iron country, back of Duluth, for forestry purposes; and the Government is about to establish, I think, one or two other reservations, and I wish the Government Godspeed in the matter.

We have a good deal of prairie country still in Minnesota. Most of it is settled up; but we need that timber, and all our farmers need it; and unless the Government intervenes in the matter, I am afraid our supply of timber will soon disappear.

But, Mr. President, the most surprising thing to me in this discussion is the attitude Senators have assumed toward the Federal Government in respect——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. NELSON. Certainly.

Mr. FULTON. I ask the Senator if he does not believe that the States in which there are these large reserves, valuable lands withdrawn from entry and private use, contributing in no way to the revenue of the State, should receive a larger proportion of the receipts than 10 per cent?

Mr. NELSON. The Senator knows I was in favor of that in committee.

Mr. FULTON. I know that.

Mr. NELSON. The Senator knows I favor that.

Mr. FULTON. I do; and the Senator will pardon me for asking the question, but in view of his high standing and influence I was anxious to have it on record.

Mr. NELSON. I should be very glad, speaking for myself only, to see the States, instead of getting 10 per cent, as they do now, for the benefit of the counties and the schools, get 25 per cent. That is not the point, Mr. President—as to how you distribute the proceeds of the pasture and the timber. The point is to preserve the timber.

But what has surprised me—and but for it I do not know that I should have said anything—is the tenor, the spirit, of this discussion, which has been to the effect that the Government in its efforts to establish these forest reserves in the manner it has been doing, has been an interloper, a trespasser, acting outside of its rights. Mr. President, those forest reserves are the public lands of the United States, the property of all the people of this country; and under the Constitution of the United States our Federal Government has control of those lands until it finally disposes of them. The Government has as much control over the timber on those lands as a private proprietor has over his land. It has complete control of it, to the same extent that any owner would have for purposes of use. The Constitution provides it. So far as I now recall, all acts admitting new States into the Union provide that the State admitted shall not interfere with the primary disposal of the soil.

The timber on those lands is part of the land in law, as every lawyer knows. If the Government has the right to sell the land, as is indisputable, manifestly it has the right to sell the timber or do anything it sees fit to do with it.

Mr. PERKINS. And the pasturage.

Mr. NELSON. And dispose of the pasturage, too. It has exactly the same right over its lands, both in respect to the grass and in respect to the timber, that any private owner has as to his lands.

Coming to the matter of pasturage, let us look at it in a fair and candid way. Everybody who has had anything to do with sheep and cattle knows that if you allow sheep and cattle in excessive numbers to range and pasture in a body of timber, they will kill it, especially sheep, and to some extent cattle.

It was out of the question for the General Government, in carrying on its Forest Reserve Service, to protect its growing timber unless it took some steps to regulate and control pasturage. On my own farm when I have had a small piece of brush land that I wanted to clear, I would fence it in by itself and turn in a lot of sheep and cattle and hogs and in a year or two every little brush or tree would be dead and gone. So with our forest reserves. If there was the unlimited right of pasturage in the forest reserves, it would prove utterly destructive to the growth of timber.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly.

Mr. TELLER. Then, I suppose, the Senator would not allow pasturage at all on the forest reserves?

Mr. NELSON. Oh, no; the Senator misunderstood me. I said that the matter of pasturage should be regulated, so that an excessive number of cattle and sheep should not be allowed to range there—a number that would prove destructive to the forests.

Mr. TELLER. The forest ranger determines that for the Department, and he generally puts in as many cattle as he can get in. It is a question of dollars and cents. It is a question of making it pay expenses.

Mr. NELSON. If the Senator from Colorado will allow me, that is a question of mere detail, which I will not argue or discuss with him.

Mr. TELLER. Let me say——

Mr. NELSON. It may be as the Senator says, that sometimes they let in too many cattle. That is a matter of administration. But it does not go to the general principle of the policy that the Government is aiming to carry out.

Mr. TELLER. If the forest reserves are of so much importance and so useful, they ought not to be pastured at all. If you are going to raise——

Mr. NELSON. I have been in the Senator's State. Let me explain it to him. There are many of these troughs or basins, in what is called the "Rocky Mountain Range," where the timber—the pine, the spruce—is scattering and limited. There are trees only here and there. They are not against forests such as the pine forests of Minnesota or Michigan or Wisconsin at an early day. They are straggling, scattered trees, and in between these trees there is a lot of grass and vegetation; and a limited amount of pasturage in that kind of a forest is helpful, because it takes away the dead grass that would otherwise accumulate and might lead to destruction by fire. Cattle grazing there destroy the surplus of grass, and it is not left to be caught by fire, as it would be in many instances.

Mr. TELLER. I want to say to the Senator that there has been no complaint amongst the people of overpasturing in the country in which I live. That comes from the Department. There have been some quarrels with the sheep men and the cattlemen, and sheep have sometimes, perhaps, eaten up the pasture too close. Cattle do not, as I understand.

Mr. WARREN. Has not the complaint been that the Department has not admitted enough cattle and sheep to satisfy the people?

Mr. NELSON. I want to say to the Senator from Colorado, if he will allow me—and I do not want to cut him off in his statement—that I have myself in times past discussed the matter with Mr. Pinchot and told him that I thought that in some instances he was pasturing the land a little too freely; that if pastured less it would be better; but he explained to me the conditions, and last summer I noticed, for the first time, when I was out in the Senator's State that the conditions in the forests in that country are entirely different from those in my country. In the forests in my country there is a dense body of timber. There is no grass at all. The soil is almost bare. But you go into the straggling, scrubby forests of the mountain

ranges and you will find there are big strips and bodies of land and there is no underbrush, while there is a large amount of grass, and I can readily see what advantage it is to have that kind of land pastured.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. NELSON. I really owe an apology to the Senator from Colorado [Mr. TELLER].

Mr. FULTON. I merely want to suggest to the Senator from Minnesota that I hope he will be more specific in naming the States concerning which he is talking when he speaks about scrubby forests. I suppose the Senator meant Minnesota, of course.

Mr. NELSON. I want the Senator to feel that I am in this mood; and he will pardon me if I illustrate it. They tell of a noted prelate in the Northwest who was a great temperance man. He preached against saloons all the time. Finally one day he wanted to raise some money for the church, and he called on one of the leading saloon keepers in town, who had an elegant saloon, with mirrors all around the interior. The reverend gentleman said "Tim, I should like to get $50 from you to-day for the church." "But, Father," said Tim, "you ought not to ask any money of me, when you are all the time running down my business." "Oh, well," said the priest, "Tim, I am not making war on such elegant places as yours. It is the low groggeries." [Laughter.]

Mr. FULTON. I will say that the explanation is quite satisfactory. [Laughter.]

Mr. NELSON. One sometimes can bring an argument home by an illustration. I now yield to the Senator from Colorado.

Mr. TELLER. I am somewhat reluctant to continue this debate, but since I sat down there has been a question raised as to how the Government holds its property. I quoted one authority. I want to put in another. It is the case of the United States *v.* The Railroad Bridge Company, decided in 1855 by John McLean. Everyone who is familiar with court proceedings remembers John McLean, one of the great judges of the United States Supreme Court. I want to read just briefly what he said. It is a long case, and I have picked out the points most important:

Within the limits of a State, Congress can, in regard to the disposition of the public lands and their protection, make all needful rules and regulations. *But beyond this it can exercise no other acts of sovereignty* which it may not exercise in common over the lands of individuals. (P. 532.)

Again:

It is a fair implication, that if the State were not restrained by compact, it could tax such lands. In many instances the States have taxed the lands on which our custom-houses and other public buildings have been constructed, and such taxes have been paid by the Federal Government. This applies only to lands owned by the Government as a proprietor, the jurisdiction never having been ceded by the State.

* * * * * * *

The proprietorship of land in a State by the General Government, can not, it would seem, enlarge its sovereignty or restrict the sovereignty of the State. This sovereignty extends to the State limits over the territory of the State, subject only to the proprietary right of the lands owned by the Federal Government, and the right to dispose of such lands and protect them, under such regulations as it may deem proper. (P. 533.)

* * * * * * *

The State organizes its territory into counties and townships, and regulates its process throughout its limits. And in the discharge of the ordinary functions of sovereignty, a State has a right to provide for intercourse between the citizens, commercial and otherwise, in every part of the State, by the establishment of easements, whether they may be common roads, turnpike, plank, or railroads. The kind of easement must depend upon the discretion of the legislature. And this power extends over the lands owned by the United States as to those owned by individuals.

This power, it is believed, has been exercised by all the States in which the public lands have been situated. It is a power which belongs to the State, and the exercise of which is essential to the prosperity and advancement of the country. State and county roads have been established and constructed over the public lands in a State under the laws of the State, without any doubt of its power, and with the acquiescence of the Federal Government. In this respect the lands of the public have been treated and appropriated by the State as the land of individuals. These easements have so manifestly conduced to the public interest that no objection from any quarter, has hitherto been made. And it is believed that this power belongs to the State. (P. 534.)

He died rather too soon to settle this question, perhaps.

The right of eminent domain appertains to a State sovereignty, and it is exercised free from the restraints of the Federal Constitution. The property of individuals is subject to this right, and no reason is perceived why the aggregate property, in a State, of the individuals of the Union, should not also be subject to it. The principle is the same, and the beneficial result to the proprietors is the same in proportion to their interests. These easements have their source in State power and do not belong to Federal action. They are necessary for the public at large and essential to the interests of the people of the State.

The powers of a State to construct a road necessarily implies the right, not only to appropriate the line of the road, but the materials necessary for its construction and use.

Mr. NELSON. I will say to the Senator from Colorado that it is not necessary to read from the decision. That part of the law no one will dispute. It simply relates to the right of eminent——

Mr. TELLER. This is a part of the law they do dispute.

Mr. NELSON. I mean nobody in this Chamber disputes it. It is not disputed here. The State may have the right of eminent domain to lay out public roads. I am not disputing that. But does the Senator from Colorado dispute that the Government has the right to take care of these forests on its own land? Has it no right to build for its use a road over its own land?

Mr. TELLER. The United States has the rights given to it by the Constitution, and none other.

Mr. NELSON. That is very indefinite. It does not answer the question.

Mr. TELLER. No; it is not, and it has been well settled by the Supreme Court that it extends to the care and preservation of its land; not to its use for any purpose, only its preservation. The court continues:

Whether we look to principle or the structure of the Federal and State governments or the uniform practice of the new States, there would seem to be no doubt that a State has the power to construct a public road through the public lands. (United States *v.* Railroad Bridge Company, p. 535, 6 McLean, Ill.)

Mr. NELSON. There is no dispute about that. I have not taken that stand, and there is no occasion for the Senator to inject that in my remarks, because I have not disputed that proposition.

Mr. TELLER. I am not injecting it into the Senator's remarks, and he can leave it out. I am presenting it here because that has been denied by the forest-reserve people. That is why I am presenting it.

Now, I want to say—and the Senator need not incorporate this in his remarks—that I have never doubted that the Government of the United States could take any measures necessary to protect its property by Congressional act, but I do deny that an individual executive officer of the Government has any right to legislate as to how the lands shall be preserved.

Mr. NELSON. Mr. President, in the act of June 4, 1897, the Secretary of the Interior was given full power to take care of the forest reserves. The Forestry Bureau was at that time, and for some years continued, under the Interior Department. It has since been transferred to the jurisdiction of the Agricultural Department. By legislation—and I will not take up the time to read it, for any Senator can consult the statutes of Congress on the subject—Congress has given full jurisdiction and authority to the Department of Agriculture, through its Forestry Service, to conserve and take care of the timber lands. Those lands are lands of the Government. If the Government deems it wise, for the interest of the people of this country, to preserve those forests, it has the right to take all the necessary steps to carry out that policy. If it is necessary to build roads through its own lands, it has the same right to build a road through its own lands as I have to construct a road through my land. If it desires in an extensive forest reserve to have telephone and telegraph lines, by which its men who are watching the reserve from one side to the other can communicate with each other, it has a perfect right to construct them. If it has men there who have charge of the forest reserves and who have to watch them and stay there, it is proper for the Government to furnish them with a place in which to live. If for the preservation of the forests it is necessary to regulate the pasture in those forests, it is simply a necessity that goes with the subject-matter and pertains to it.

The same principle applies in that matter as in the matter of interpreting the Constitution. Given the power, as Chief Justice Marshall said, to be exercised in a given direction, Congress or the Government has a right to exercise all reasonable and rational means to carry it out. Given the power to the Federal Government to establish a forest reserve on its own lands, and the Government of the United States must inevitably have the power to take all necessary steps for the purpose of protecting the timber on its reserves.

Now, another proposition. The Senator from Idaho read from the constitution of that State, and I undertook to set him right on one point, and the Senator from Colorado thought I was wrong. I said that in respect of water courses and streams in a forest reserve, the Government of the United States stood exactly in the position of a riparian owner. By that I do not mean that a riparian owner has a larger right than the State. I simply mean that in one of the States or Territories, be it a State where they have the doctrine of prior appropriation or a State where they have the common-law doctrine as to riparian rights, in either case the Government of the United States with a stream flowing through its lands has exactly the same

rights in the waters of that stream that I would have if I owned the land. I can refer——

Mr. BORAH. Will the Senator yield for a question?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. If the Senator will allow me to finish this part of my remarks I will yield.

I want to call attention to the decision of the Supreme Court in 174 United States, the title of the case being "The United States *v.* The Rio Grande Irrigation Company." Here is what the court says, the opinion being rendered by Mr. Justice Brewer.

Mr. TELLER. I call the attention of the Senator from Minnesota——

Mr. NELSON. Let me first finish this quotation, and then I will yield.

Mr. TELLER. That was a case in a Territory, and if the Senator reads it he will find that it is confined entirely to the Territory of New Mexico—absolutely.

Mr. NELSON. Here is the doctrine. Let me quote it, and if the Senator thinks the court is wrong, he can correct the court. Here is what the court says:

> Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of lands bordering on a stream, to the continued flow of its waters, so far, at least, as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country even against any State action. (174 U. S., p. 703; United States *v.* Rio Grande Irrigation Company.)

Mr. FULTON. Will the Senator allow me?

Mr. NELSON. Will the Senator permit me to finish this part, and then I will yield.

I agree with the Senator from Colorado to this extent: That where the Government has parted with the title to land within a State, land on the borders of a navigable stream, the title to the water in that stream is either in the State or in the riparian owners, or in both, and not in the Federal Government, except for purposes of navigation. But where in a given tract the Government of the United States still owns the land on both sides through which a stream flows, the Government of the United States, in respect of that stream, stands in the position that any other proprietor in any of the States of this Union would, and it would be a strange doctrine if it did not—if the United States could not have the rights and privileges in respect to the water of that stream that an ordinary proprietor or owner would have.

Mr. FULTON. I ask the Senator if he understands from the authority he has read that the United States has any right to the water on land that it owns superior to what a private individual in the same State would have to the water on land that he owns?

Mr. NELSON. If the Senator had listened to my remarks, he would have understood me. I say the Government of the United States, in respect to its own land, stands exactly in the position of any other riparian proprietor and has the same rights under the laws of your State, or in all the Western States, that any private proprietor has. You can no more divest the United States of its right in the water on land that it is the proprietor of than you can divest any other owner.

Mr. FULTON. I agree with the Senator, but it is not a governmental right; it is a mere property right. It is simply the right of property, that is all.

Mr. NELSON. It is a right appurtenant to the land. The rule laid down by the Supreme Court of the United States is that after the Government has parted with the title to the land bordering a stream the rights of the riparian owner are governed by the laws of the State, and those laws are different. Some States hold that the riparian owner's land extends only to high-water mark, some to low-water mark, and some to the thread of the stream; but whatever the rule may be in any State, it is goverened by the laws of that State after the Federal Government has parted with the title.

Mr. FULTON. I am sure that I agree as a matter of State policy, but while the Government still owns the land through which the stream flows, its rights are subject to regulation by the laws of the State the same as the rights of the individual who owns the land.

Mr. NELSON. Exactly the same. It stands in the same position with any other riparian owner. I have never contended for anything else.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly.

Mr. TELLER. Naturally and originally the Government of the United States had a right to the water that an individual had. It had no more and no less. In 1866 the Government of the United States passed an act that took away from the Government riparian rights, because it passed an act for the use of the water.

Mr. NELSON. Oh, no; the Senator is mistaken. I can give you the law. In 1866 the United States Government, by Congress, recognized the doctrine of what was known as that of the "prior appropriation of water" prevailing in the arid and mining States. It recognized what the courts and the custom of miners had tolerated and recognized for years; that is all.

Mr. TELLER. The Government ceased to have any riparian rights after the act of 1866; but if it did have them, in 1876, when the State of Colorado was admitted, it provided in its constitution that there should be no longer the doctrine of riparian rights in that State. That constitution was approved by the Government of the United States, and it became the law of the land; and in the Kansas case the court plainly recognized the doctrine that the Government has no right as a riparian owner in that land.

Mr. President, I do not know that I care to carry on this discussion. I have a brief on that subject, but I will not present it to-night.

Mr. NELSON. I have a brief in my head on that subject.

Mr. TELLER. Repeatedly after 1866 the Government recognized by acts of Congress the right of the prior proprietor of water to the use of it under the State law. It recognized it in the act of reclamation under the State law. There can not be any question about it.

Mr. NELSON. I have already stated to the Senator that that was recognized by the act of 1866. The law that prevails in the State of Colorado, incorporated in the constitution, and which prevails in all the arid and mining States, is simply changing the doctrine of the common law in respect to the rights of riparian proprietors. Under the bald principles of the common law the rule was that the riparian owner on a running stream could not use or divert the water so as to diminish the supply or deteriorate it to the lower owner. In your State and the other mining States you have the doctrine of prior appropriation. That doctrine affects private owners and the Government of the United States. I do not contend that there is any different rule. I simply say that in respect to the water courses on its own land in your State the United States stands exactly as any private citizen, exactly as I or the Senator from Colorado would stand if we owned the land.

I am unwilling to take up the time of the Senate too much, but I can not help referring to a part of the grievance of the Senator from Idaho [Mr. HEYBURN]. I do not see him in his seat. He spoke of the fact that the Government was pasturing this land, and there were school sections in it. He said the Government had been collecting money for pasturing the school land within the reserve and had paid it to the State.

Now, that is not the case at all. The Senator is in error. Under the last two appropriation acts, at the first session and the second session of the Fifty-ninth Congress, we provided that 10 per cent of all that was realized from forest reserves, whether from timber or from pasturage, should go to the State for the benefit of the county in which the forest reserve was situated. In the last act on the subject we provided that there should be an apportionment in case the forest reserve was in two States. The fund the Senator from Idaho referred to was the proceeds that came from that source, and not from the pasturage of school lands.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly; and I owe the Senator an apology for not yielding as soon as he rose.

Mr. BORAH. That is all right. I simply wish to say the position my colleague takes is that the Government exercises control and dominion over these school sections and leases them; that is to say, it leases a certain portion of territory and takes the sheep upon that territory, and, as my colleague says, the sheep have not yet been able to distinguish the line between the sections which relate to Government ownership and those which relate to the State. So the result of it is that the Government gets the benefit of pasturage over the entire domain, including the school sections.

Mr. NELSON. That may be so, but the Senator can see how it works and how it is difficult practically to obviate it.

The Government establishes a considerable forest reserve. Inside of that forest reserve there may be some school sections. The school lands can not exceed over two sections to the township, that is one-eighteenth of the land within a township. The Government in taking in cattle and sheep to pasture on its forest reserve can not very well segregate the school lands from the other. They let in so many cattle. I presume the State would have a right to ask something for the pasturage of this land. The Government is not leasing the land. It charges so much a head for the privilege of letting the stock come on the reserve, and because of the fact that the land can not be segregated I can see how some of the school sections may be pastured.

There was another matter the Senator was in error about, and that is that the State had no right to relinquish the land. If any of those school lands are within a forest reserve and the State of Idaho sees fit it can relinquish its right to those lands and under the statute of 1891, which I have here on my desk, a general statute, it can select other lands. Certain it is that the Federal Government has no right to interfere with the timber on the school sections, and I do not think it will be shown that that has been the case.

I can very well see how our friends out West in the forest-reserve States feel, and probably I myself would feel just the same way. Before the Government established these forest reserves and took charge of them, the settlers could pasture their cattle, they could go there and take timber, and do anything under the sun except to kneel down and ask for the grace of God.

But now the Government intervenes for the conservation of the timber. They say to these settlers, "We can only allow a limited amount of cattle and sheep in here and you must pay a little something to cover the expenses of maintaining the forest reserve."

In respect to the sale of timber, the Senator from Idaho said the Government was owning the lumber industry. The Government is doing nothing of the kind. It sells the dead and down timber and the mature timber. If the sale amounts to less than $50, it can be sold by a subordinate without advertising. I believe a ranger can sell $50 worth and no more without an advertisement of the dead and down and mature timber. The supervisor, the one next above him, can sell to the amount of $100. But when it comes to an amount in excess of that it must be advertised and sold to the highest bidder. So the Government is well and amply protected.

Now, it may be (and I will not dispute the Senators on that point) that some of these little lordlings dressed in pea green, as the Senator from Idaho describes them, with a green plume in their hats, and so forth, may have been a little rude, may have put on a little assumed dignity; but Senators know that that is not a thing which occurs only on a forest reserve. We see here in the city of Washington, right at our elbow, every day, some fellow with a little brief petty authority putting on a more lordly air than a United States Senator. [Laughter.] If the Senator from Idaho wants my cooperation to prevent those rangers from wearing pea-green suits, or from wearing plumes, or from putting on so much dignity, he has my hearty sympathy, and I will help him to the best of my ability. But beyond that, Mr. President, I can not go.

I feel that the Government has embarked upon a policy that in connection with the Reclamation Service will populate the big arid regions you see there [indicating] at the foot of the Rocky Mountains on the east side. I am a little selfish and a little patriotic. I want that country settled up as rapidly as possible with good American citizens, even though they are Norwegians. [Laughter.]

But, Mr. President, if we want to settle up that country rapidly and make it productive, as prosperous and as happy as the lands in the immediate Mississippi Valley, the way to do it is not only to give them the land and the water, but to have timber close by, so that they will have something to supply them in the early days of their venture on their claims. I can excuse some of the Senators. I can myself imagine if I lived in the State of Idaho with the great green place shown there on the map I would feel a little nervous and mettlesome about having so much green around me. [Laughter.]

But, Mr. President, in this matter we will have to disabuse ourselves of the spirit of our environment. We will have to look after the general welfare of the country and to the good of the American people. If we have that end in view (and I think the Senator from Idaho and the Senator from Colorado will be as happy to take that view of it as any of us), we can not help but say, Godspeed to the Forestry Service. It is now established. Mr. Pinchot has done a great work. He has organized that service. He has it on a good footing. If there is anything in it that needs pruning, that needs correcting, I am ready to join any one of the Senators. I do not want any tyranny or any arbitrary power in this country, but I just want enough of it Mr. President, to protect that fine body of timber, the only remnant that the Federal Government has left.

Mr. DOLLIVER. Mr. President, I do not desire at this hour to enter upon an elaborate discussion of the agricultural appropriation bill, and I would not speak at all if it were not for the fact that earlier in the week I felt moved in that direction, and I have been waiting with such patience as I could command until others better entitled to address the Senate upon this subject and that infinite variety of subjects which have been found kindred to it had delivered their observations.

I have served ever since I have been here upon the Committee on Agriculture, and I have been troubled in my mind at every session by the fact that around these appropriations made for the American farm and those objects which are associated with modern agriculture practically all the debates about our appropriations have circled. The great appropriations pass peacefully through this body, almost without explanation, and practically without debate. Yet every year, for some reason that I have never been able to understand, when an appropriation for the maintenance of the Department of Agriculture comes before the Senate the spirit of free speech seems to run riot in this Chamber, and days and weeks are consumed in a criticism which I have sometimes thought not altogether friendly not only to the provisions which we are debating now, but to practically the whole scheme of the agricultural appropriation.

I am one of those who not only have confidence in the administration of the Department of Agriculture, but I have a very definite confidence in the wisdom and skill with which the estimates for that Department are made and with which the appropriations are passed by Congress.

It has been said that the Department of Agriculture asks these vast sums of money without deigning to give to the Senate an estimate of its needs. The only trouble about a statement of that sort is that it is wanting in those elements of truth which give substance and dignity to our remarks, even in the Senate of the United States.

The estimates for the Department of Agriculture are regularly made upon the suggestion of the Department through the Secretary of the Treasury and are a part of the literature of this session of Congress. They are not only made in gross or in bulk, but if anybody will examine the estimates it will be found that they are made in detail, as the law requires, not possibly in so perfect detail as is the case in other Departments, because much of the work of the Department is in the very nature of things incapable of being resolved in that way into particulars.

That is no uncommon thing in the appropriations of Congress. There is no great appropriation bill considered in this Chamber in which a vast bulk of appropriations are not made without any designation either in the estimates or in the appropriation act itself as to the details and the specific application of specific sums of the money appropriated.

Take the building of a ship. Millions of dollars are appropriated to that without a word further. Take the building of a great public edifice. Millions of dollars are appropriated for that purpose without going further into details. When you come to the Post-Office Department, the vast enterprises of that Department are provided for in appropriations that carry not millions but tens of millions of money appropriated in bulk and applied, so far as particulars are concerned, altogether within the discretion of the Post-Office Department.

In the case which we have been debating here, in the very nature of it, the appropriation could not be in more definite detail than the pending bill presents. This is an enterprise in which the Department of Agriculture is engaged. It is a great business, for which Congress is making provision. The bulk appropriation that has been estimated for and which is carried by this appropriation bill is the working capital of a business of infinite variety that could not be divided into particulars and brought in detail to the attention of the Congress of the United States.

It is perfectly evident to those of us who have followed the hearings, as I trust some of us have at least, both in the House and in the Senate, what this appropriation is for. We made an appropriation similar in amount last year, and by direction of the Congress the Secretary of Agriculture has given us a detailed statement of the expenditure of every dollar of it. Every man's name who drew a dollar by way of salary or day's work pay from the Treasury on the credit of that fund is put down here, and every dollar of it that was paid is recorded in strict detail in accordance with the suggestion of the act of Congress.

And yet, whether it has been intended or not, the atmosphere

of this Chamber, never altogether perfect, has been infected at least by a suspicion that there are loose business methods, that there are faulty administrations, that for aught we know there may be peculations and defalcations, and all these evil things covered up by this bulk appropriation. I deny it in toto in every particular. All these items have been fairly accounted for; the exact use to which these moneys have been put is set down in this report; and no man has taken a dollar of it without a strict accounting by the Department of Agriculture.

I myself think that the appropriation which we make in this bill is not sufficient. I would be glad to see the sum doubled, because I have taken the pains to find out that vast savings have already been made by the care with which the Department has guarded these vast properties of the Government of the United States. We ought not to forget that we have now isolated from the public domain nearly 200,000,000 acres of this forest land scattered in many States and in many latitudes.

Mr. NELSON. One hundred and fifty millions.

Mr. DOLLIVER. My own calculation makes it nearly 200,000,000 acres, but if the acreage is less and the project proceeds, as I hope to see it proceed, it will certainly ultimately reach 200,000,000 acres of land.

Here is an empire, the property of the United States, and the object of this appropriation is to enable the Government of the United States to take care of it. If any man thinks that a million dollars per year for the care and protection of this vast domain, infinite in its resources and in its actual commercial value, is excessive, he has a rather queer notion of what constitutes business prudence in a world like this. By the care and diligence of the Government more millions of dollars were saved by the stopping of fires in these forests last year than will be spent within our lifetime in the defense and protection of these forests.

I undertake to say that there must underlie this debate some secret enthusiasm which is not patent upon the face of the record or upon the transactions which have been had by our Government toward the forests. I have been trying to understand as well as I could what motive there is behind the opposition to the forestry policy of the United States. I have noticed one thing, that very few people come forward affirmatively and deny the wisdom of the policy. The attacks upon it are usually accompanied by apologies and suggestions that they are not inspired by any unfriendly motive or feeling toward the policy itself; and yet if these attacks had no other motive than hostility to the whole policy they could hardly be more elaborate, and certainly they could not be more damaging than they have already been.

The forestry policy has survived the indifference and ignorance of its friends. I hope it will be able to survive the malice of its enemies. I am less hopeful that it will be able to survive these underhand, sidewise insinuations coming from all directions against the wisdom of the system.

For myself I have no doubt about the wisdom of it. I have made a practical study as a traveler and observer of our country, not only of what has happened to us in the past, but of what is now happening to us in the present day. I have traveled as a patient student of the forestry question over the burned districts of Wisconsin, over the burned districts of northern Michigan, over the burned districts of northern Minnesota, and I have seen spread out there, where every man could read it, an indictment against our wisdom and prudence as statesmen and lawmakers which would convict us before the public opinion of the whole world.

There has never been in the history of human society as completely organized a crime against the human race as the destruction of the American forests in Pennsylvania, in New York, in Michigan, in Wisconsin, in Minnesota; and to make the crime all the more ignoble, it was based upon greed and avarice and the love of money, which we are taught is the root of all evil. So it has proved in that vast public domain. It was despoiled by the spoilers who violate the land laws of the United States, and the witnesses still stand there in the burned trunks of great trees, in this pathetic tangled mass of burned logs and vegetable matter scattered over square miles of territory that, if it had been administered with wisdom and patriotism, might to-day be the permanent source of a lumber supply to us and to our children's children.

I for one do not want to see that mistake, that crime against mankind, repeated in the Rocky Mountain region; and I am glad that on the Pacific coast and in the intermountain region men have come forward to speak in the Senate and in the House of Representatives with a farsighted vision not only of these days of which we are a part, but of times after we have passed off this scene of action. I have studied the Forest Service in practically all the Rocky Mountain regions.

I especially found pleasure in studying it in the great State of Oregon, stopping at nearly every town of importance in the State. I have wandered up into the mountains and come in contact with forest rangers and with painted signs with which the Government control of the forest reserves is marked. I was not insulted by anyone; I was met with kindness and friendly interest upon all hands. I saw the signs on great trees: "Forest Reservation. Beware of Fires;" and a recitation of the regulations against setting out fires and against certain other violations of the police regulations which had been established in those reservations. I found there an organized scheme to do for Oregon and for Idaho and for that far-off Western coast of ours what, if it had been done for the Eastern States, would have been an infinite blessing from generation unto generation; and yet, side by side with these magnificent forests, I found this same petulant atmosphere of complaint, hostility arising from one source and another. I found that it was attributable in the main part to the disappointment of gentlemen—good people, I have no doubt—who had enjoyed for many years an undisturbed range for sheep and for cattle on these public domains, and in many cases an undisturbed opportunity to steal from the public forests whatever they needed either for the comfort of their families or for the prosperity of their business. I found those gentlemen gathered around in the villages at the foot of these mountain gorges complaining to me that this forest business was the worst fraud that the Government of the United States has ever embarked in. I do not take that view of it; but I found intelligent stockmen in those mountains who took the very opposite view of it, and I had the privilege, as a member of the Committee on Agriculture, to cross-examine scores of representatives of the live-stock interests of the United States who appeared before the committee; and I made up my mind that it is just as well to put the live-stock business in this intermountain region upon a solid and legitimate basis as it is to leave it as it has been left for so many years to the diligence and to the avarice of individual stock breeders and stock growers.

Why should not the use of our public domain be regulated? Everybody familiar with the pasturage lands of the United States knows that they have been practically destroyed by overgrazing; that they have been tramped until the very roots of the grasses have been destroyed; and what controversies have arisen between the people trying to pasture sheep and the people pasturing cattle, which have resulted in chaos and anarchy over whole sections of the country, in civil war in some sections of the United States, as graphically described by a reliable witness before the Committee on Agriculture at the last session of Congress. He said the cattlemen got up on top of the hills with loaded guns and cannon, and as the sheep came up from the valleys, as the great herd appeared in sight, he said, "they dealt them misery," using his exact language—that is to say, killed not only the sheep, but the shepherds. In the midst of that riot of practical civil war the cattle and sheep business of a great section of the United States has been conducted for nearly a generation.

Now, then, the Government owns this land. It has a right to take care of it, to say the least about it; and it is proposed to lease these pasturage lands in the forest for two reasons: First, in order that they may not be overgrazed, and in the next place, that a little revenue may be derived from them to maintain the forest policy upon which we have entered.

I favor all that. I want to see it indorsed, and I should like to see it not only applied to forest reservations, but applied to all the public pasture lands of the United States. I should like to see the cattle and sheep business put upon a legitimate and substantial basis.

I know from conversation upon the ground with those interested, that at present it is the rule of the strongest, and that the poor people, without means to press their claims, are kept out altogether, while the cattle barons, with their vast herds, practically occupy and monopolize the domain that ought, at least, to be divided with all the settlers interested in the cattle and in the sheep business. For that reason I hope to see the time come when Congress, taking counsel of the distinguished Senators who represent that section of the country, will in some practical way put these lands at the disposal of the live-stock interests in an orderly way, at a nominal rental, so that the lands themselves may be preserved and the business of producing live stock may be made to prosper all through that section of the country.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. DOLLIVER. Certainly.

Mr. TELLER. I wish the Senator from Iowa would give me a list of all the cattle barons who are not in favor of his system. I do not know a cattle baron in the West who is not in favor of leasing the public lands, and I do not know a farmer in the West who is in favor of it.

Mr. DOLLIVER. Mr. President, I will call the attention of the Senator from Colorado to the hearings had at the last session before the Committee on Agriculture, where names and arguments are recorded in a supply at least equal to the Senator's demand.

Mr. TELLER. I presume some of those people said they were not in favor of it; but the great cattle barons and the great cattle organizations of Oregon have declared for it and passed resolutions in favor of it.

Mr. DOLLIVER. I have no prejudices on the subject of cattle barons. I think a man who does a big live-stock business may be as respectable as a man who does a little live-stock business. My notion is that the business itself ought to be placed upon a substantial basis, so that a man's right to pasturage and the maintenance of his flocks and herds might be regulated by law and not by force.

Mr. TELLER. I called the Senator's attention to that because he seemed to be making an argument that we who do not agree in the leasing are governed by the cattle barons.

Mr. DOLLIVER. I beg the Senator's pardon.

Mr. TELLER. I want to say that 90 per cent of the cattle barons are with the Senator.

Mr. DOLLIVER. Such an imputation as that was very far from any purpose of mine. I understand perfectly well that the Senator from Colorado in this matter, as in all other matters, is governed by the highest motives and by his own sense of what is right; and yet I am afraid that he and some other friends of mine, against whom I would be the last man to utter even a suspicion, have been colored in their prejudices by the clamors of surrounding populations and have expressed rather a temporary and shortsighted view of a question that really includes all generations to come in the United States.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Certainly.

Mr. SMOOT. I rather think, perhaps, that there is a great majority of cattle barons in favor of the proposition of forest leasing, while, on the other hand, I think there is a great majority of sheep owners who are opposed to it.

Mr. TELLER. Mr. President, I did not speak of the sheep men, because I do not know anything about the sheep men, and I do not pretend to; but I do know about the cattlemen. Colorado is not a sheep country, except in the extreme southern part, on the New Mexican border. I know very little about the sheep business compared with what I know about the cattle business.

Mr. DOLLIVER. Now, a word further. What is this $500,000 asked for? It is asked by the Chief Forester upon the estimate of the Department, because he has to have a working capital to carry on the business that he is engaged in—the necessary business incident to the administration of the forests. Originally he could take the proceeds of the pastures he rented and of the timber which he sold and use them to pay the current expenses as a substitute for capital stock for the transaction of this business. But very properly, I think, Congress now requires every dollar that he takes in to be covered directly into the Treasury; and, therefore, without this appropriation he would be without means to take any steps toward caring for or protecting these vast property interests. I do not believe for a moment that any Senator will leave the Government of the United States in a position of being charged with the responsibility of nearly 200,000,000 acres of these valuable lands without an adequate appropriation to enable the Department of Agriculture to take care of them and to protect them with at least a partial care.

It requires a good deal of money to take care of them economically. These lands are scattered far and wide. In the nature of the case only a few rangers can be placed upon them. If fires break out, it is important that there should be means of instantaneous communication from one part of the reserve to another, so that the rangers may gather their forces and all appear at the place of danger. That can be provided for only by an elaborate system of telephone wires and poles throughout the forest domain. There must be places for the rangers to live. They can very cheaply construct houses in the forests for their homes, or, at least, for their headquarters. There must be bridges. Often a fire will occur miles away from the place where the ranger's hut is. If he could have a direct route to it, he would be possibly within a mile, but by reason of the canyons, the unfordable streams, and the impassable marshes in the interim between his position and the place of the fire, it becomes impossible for the ranger to reach it. So that the economical administration of the forest requires roadways. It requires oftentimes bridges; it requires the removal of obstructions in footpaths that follow through the mountains. It is for these reasons that this money is absolutely necessary.

I would a good deal rather a man would stand up and say "This forest policy is unnecessary; I am against it; it is a wrong policy," than to leave the Forester without means to take care of these vast interests after the United States has taken them under its protection.

I am not one of those disposed to criticise the Chief Forester. I know him with only a very limited acquaintance, but I have taken a little opportunity to study some of his history and his biography. I regard him as a providential man for the United States. We maintain a good many schools and colleges here, but it was not until he came on the scene that we produced anybody that was willing to turn aside from the emoluments of the great professions and from the opportunities of business in all departments of life to take up an obscure and misunderstood scientific pursuit and stick by it until he arrived at a position to be of service to the whole community of the United States. I confess I rather like the biography of that man, and I am not without a certain sense of irritation when he is referred to as a man calculated to encourage the actions of foresters which have been complained of here. On the contrary, unless I have altogether mistaken his character, if Senators would take the same pains to bring to his attention or to the attention of the Secretary of Agriculture the offensive actions which have caused irritation in the minds of so many of our colleagues here, I think they would get them corrected without the slightest difficulty in the world; for, if I have not misunderstood this man, he is a typical American gentleman, a man who would not encourage or tolerate on the part of the employees under him conduct unbecoming to an official of the United States.

And if I have not misunderstood altogether that fine old Scotchman who presides over the Department of Agriculture, you could not present to him a case of hardship arising in the matter of a homestead settler such as was referred to by my friend from Idaho [Mr. HEYBURN] without at once arousing an indignation in his mind that would result in more reforms than are likely to be produced by these speeches in the Senate. So that to my mind these are incidental matters that can be corrected without noise or clamor or vituperative criticism of any sort; and I do not believe they have any place in this debate.

I think the question is greater than all this. I know of no question with which we of our generation have to do greater than this question—the question of preserving the natural resources for the use of the people, not only for the present, but for future generations. I am not alarmed as some are about the ruin of the forests, being likely to destroy the building material of the United States. I inherited a very comfortable theology, the general central principle of which is, that God made this world that we are living in and made it well and administers it in a general way; and I, for one, do not believe that He ever made a permanent world with a temporary supply of fuel or light or building material or any other necessity of human life. On the contrary, when an estimate was made not so many years ago by an American scientist that within one hundred and fifty years the coal supply of the whole world would be destroyed, the most famous English student of practical natural science answered that within one hundred and fifty years the use of coal will be unknown in the world because it will be superseded by other means of power and heat and light.

I feel the same way about the timber supply of the United States. I think that scientists are now at work that have already written the doom of the American lumber yard. I believe the time is within sight when the use of lumber in the construction of houses to dwell in or in the construction of the great buildings that constitute the pride of our mighty cities, will be practically unknown. In the capital of my State the most costly residences are now being builded without the use of lumber at all.

Granolithic cement, which is a distinct step of progress in building construction in our time, is gradually abolishing the use of lumber even for the ordinary outbuildings that surround the American farm. Already our lumber sidewalks are gone, and in five years our lumber barns and outbuildings on farms will be gone, and every one of us is likely to live to see the total disappearance of the use of lumber in the domestic architecture of the people of the United States. Therefore I am not one of those interested in preserving the forests from destruction for this reason alone, but my reading leads me to believe that this

world is somewhat on an equilibrium. You can not destroy the forests of the country without interfering with its climate and with its other natural forces. I have lived in a country that since it was plowed, since the sloughs were drained, and since the surface vegetation has been converted to the uses of agriculture has seen a gradual drying up of its rivers. The city of Pittsburg is every spring overflowed by a river that in the summer time is practically without water, although once a great highway of American commerce; and there is not a practical student of the question that does not understand that it arises from the destruction of the forests in the mountains of West Virginia, those mighty water supplies that for generations and for centuries and millenniums have been the Divine method of carrying down the floods to those rivers. To-day the rains fall, the floods descend, our cities are buried, and our commerce is interrupted, and we are at the very beginning of these perils in the valley of the Ohio River.

I do not want to see the same thing done in the valley of the Mississippi River. I was glad to hear the Senator from Minnesota [Mr. NELSON] say that, in cooperation with the National Government, the State of Minnesota is protecting by modern scientific methods the headwaters of the Mississippi River. I have visited the headwaters of the Missouri River, and I want to see preserved the forests that were put there for the purpose of safeguarding the sources of that great river. I went by slow stages three summers ago down the valley of the Sacramento River, in California.

I found lumbermen huddled around the base of Mount Shasta with contracts to cut hundreds of millions of feet of those mighty forests that God Himself put there to guard the source of the Sacramento River, and I said to myself and to everybody that I talked with out there, "Unless the people take more interest in their children and in the future of their community than they do in their sawmills, that mighty country, now prosperous and hopeful for the future, will become a desert within three generations."

And yet we have men introducing the forest ranger with his bad manners, the sheep herder with his desire to get in among these trees for nothing, the cattleman unaccustomed to pay for what he gets on the public domain, and a dozen other trifling circumstances to prejudice and even to put a stop to the policy which, in my humble judgment, lies at the basis of any intelligent foresight for the future of the great populations that are to live in the intermountain and coast country of the United States.

I stand for this bill. I wish the appropriation was larger. If a motion is made to make it larger, I shall have no hesitation in voting for it. But I ask the Senate not to make it less, because it certainly is bad business as well as questionable patriotism to require the Department of Agriculture to care for and protect 200,000,000 acres of forest land, and then take away from it the money that is necessary even to enter upon an intelligent discharge of the duties which the law imposes upon it.

Mr. WARREN. Mr. President, there are other large appropriation bills which I understand are ready to follow the one we are considering. I desire to get through with this as early as possible, and to that end I ask unanimous consent that when we adjourn to-day it be until 11 o'clock to-morrow, and that then we may take up this bill immediately after the reading of the Journal.

Mr. BURKETT. I desire to ask the Senator from Wyoming if that is intended to do away with the morning hour to-morrow?

Mr. KEAN. It is.

Mr. WARREN. I had so intended, because during the morning hour sometimes a debate springs up that involves one or two hours, and takes up the time until 2 o'clock, so that I might not be sure of any time before 2 o'clock.

Mr. FORAKER. I suppose if we meet at 11 o'clock the morning hour will expire at 1 o'clock.

Mr. WARREN. Yes.

Mr. BURKETT. To-morrow is Saturday, and it seems to me we ought to have a morning hour. I have no objection to meeting at 11 o'clock.

Mr. WARREN. I have no desire to cut off any particular business that the Senator may have. I wish, however, in some way we might have an agreement to take up the appropriation bill as early as possible.

Mr. CARTER. I suggest to the Senator that a motion be made that when the Senate adjourns to-day it adjourn to meet at, say, half past 10 or 11 o'clock to-morrow, and that the morning hour extend not beyond the hour of 12 o'clock.

Mr. WARREN. Perhaps unanimous consent would be given to that. I will ask it in that way, then.

The VICE-PRESIDENT. The Senator from Wyoming moves that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. WARREN. I ask unanimous consent that the morning hour to-morrow extend not beyond 12 o'clock.

The VICE-PRESIDENT. The Senator from Wyoming asks that the morning hour to-morrow shall not extend beyond 12 o'clock.

Mr. FORAKER. At the hour of 12 o'clock the unfinished business will be laid before the Senate.

Mr. KEAN. The appropriation bill.

Mr. FORAKER. I mean the unfinished business.

Mr. WARREN. I presume the Senator wishes that the unfinished business shall retain its place. There is no objection to that.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the morning hour to-morrow close at 12 o'clock.

Mr. CARTER. I suggest as an amendment that the morning hour close not later than 12 o'clock. It may close before that time.

Mr. HEYBURN. I should like to inquire whether or not under the rules we can not do that by motion? We can do it by unanimous consent, but I doubt if we can change the rule as to the morning hour——

Mr. WARREN. I have put it in that form. I have asked unanimous consent.

Mr. HEYBURN. Oh. A motion was suggested by the Senator from Montana.

Mr. WARREN. The Senator from Montana suggests that it be not later than 12 o'clock.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the morning hour to-morrow shall close not later than 12 o'clock and also that the pending bill be taken up for consideration immediately upon the conclusion of the routine morning business. Is there objection? The Chair hears none, and it is so ordered.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I desire to give notice that I shall ask the Senate to proceed to the consideration of the post-office appropriation bill after the Senate shall have disposed of the pending appropriation measure.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 9, 1908, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 8, 1908.*

[*Continuation of the legislative day of Monday, May 4, 1908.*]

The recess having expired, the House, at 11 o'clock and 30 minutes a. m., was called to order by the Speaker.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The question is on suspending the rules on the pending motion and passing the bill.

Mr. CRUMPACKER. Mr. Speaker, I suggest that there is no quorum present.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] suggests there is no quorum. The Chair will count. [After counting.] There are fifty-six Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as are in favor of the motion will, as their names are called, answer "yea," and as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 214, nays 44, answered "present" 14, not voting 115.

YEAS—214.

Acheson	Beale, Pa.	Burgess	Chaney
Adair	Bede	Burleigh	Chapman
Adamson	Bell, Ga.	Burnett	Clayton
Alexander, Mo.	Bennet, N. Y.	Burton, Del.	Cocks, N. Y.
Alexander, N. Y.	Birdsall	Burton, Ohio	Conner
Allen	Bonynge	Calder	Cook, Colo.
Ames	Boutell	Calderhead	Cook, Pa.
Andrus	Bowers	Caldwell	Cooper, Pa.
Ashbrook	Boyd	Campbell	Cooper, Wis.
Bannon	Bradley	Candler	Cox, Ind.
Barchfeld	Brantley	Capron	Craig
Barclay	Brodhead	Carlin	Cravens
Bartholdt	Brownlow	Carter	Crumpacker
Bartlett, Nev.	Brundidge	Caulfield	Currier

Dalzell	Hall	Lindbergh	Rauch
Davenport	Hamilton, Iowa	Littlefield	Reeder
Davidson	Hamilton, Mich.	Loud	Reid
Davis, Minn.	Hammond	Loudenslager	Robinson
Dixon	Harding	Lovering	Rodenberg
Douglas	Haskins	Lowden	Rothermel
Draper	Haugen	McCall	Sherley
Driscoll	Hawley	McDermott	Sims
Dwight	Hayes	McGavin	Slemp
Edwards, Ga.	Heflin	McKinlay, Cal.	Smith, Cal.
Ellis, Mo.	Higgins	McKinley, Ill.	Smith, Iowa
Ellis, Oreg.	Hill, Miss.	McKinney	Smith, Mo.
Englebright	Hinshaw	McLain	Sperry
Esch	Holliday	McMorran	Spight
Fitzgerald	Howell, N. J.	Macon	Stafford
Focht	Howell, Utah	Madison	Sterling
Fornes	Howland	Malby	Stevens, Minn.
Foss	Hubbard, Iowa	Mann	Sturgiss
Foster, Ill.	Hubbard, W. Va.	Moon, Pa.	Sulloway
Foster, Ind.	Hughes, N. J.	Moon, Tenn.	Sulzer
Foster, Vt.	Hull, Iowa	Morse	Tawney
Foulkrod	Humphrey, Wash.	Mouser	Taylor, Ohio
Fowler	Jenkins	Murdock	Thistlewood
French	Jones, Wash.	Murphy	Thomas, N. C.
Gaines, W. Va.	Kahn	Nelson	Thomas, Ohio
Gardner, Mich.	Keifer	Nicholls	Tirrell
Gardner, N. J.	Kennedy, Iowa	Norris	Townsend
Gilhams	Kennedy, Ohio	Nye	Underwood
Gillett	Kimball	O'Connell	Volstead
Godwin	Kitchin, Claude	Olcott	Waldo
Goebel	Knapp	Olmsted	Wanger
Goldfogle	Knopf	Overstreet	Washburn
Gordon	Küstermann	Padgett	Wheeler
Goulden	Lafean	Parker, N. J.	Wilson, Ill.
Graff	Laning	Payne	Wilson, Pa.
Greene	Law	Pearre	Wood
Griggs	Lawrence	Perkins	Woodyard
Gronna	Leake	Pollard	Young
Hackney	Lee	Pray	
Hale	Lewis	Pujo	

NAYS—44.

Aiken	Fulton	Henry, Tex.	Richardson
Beall, Tex.	Garner	Hull, Tenn.	Rucker
Booher	Gill	Johnson, Ky.	Russell, Mo.
Clark, Mo.	Gillespie	Johnson, S. C.	Russell, Tex.
Cooper, Tex.	Glass	Jones, Va.	Sabath
Denver	Gregg	Lassiter	Shackleford
Ellerbe	Hackett	Lloyd	Sheppard
Favrot	Hamlin	Moore, Tex.	Slayden
Ferris	Hardy	Page	Stanley
Finley	Hay	Rainey	Stephens, Tex.
Floyd	Helm	Randell, Tex.	Tou Velle

ANSWERED "PRESENT"—14.

Burleson	De Armond	Lamb	Taylor, Ala.
Cary	Flood	Moore, Pa.	Watkins
Cockran	Haggott	Roberts	
Cousins	Houston	Sherman	

NOT VOTING—115.

Ansberry	Gaines, Tenn.	Legare	Prince
Anthony	Gardner, Mass.	Lenahan	Ransdell, La.
Bartlett, Ga.	Garrett	Lever	Reynolds
Bates	Graham	Lilley	Rhinock
Bennett, Ky.	Granger	Lindsay	Riordan
Bingham	Hamill	Livingston	Ryan
Broussard	Hardwick	Longworth	Saunders
Brumm	Harrison	Lorimer	Scott
Burke	Henry, Conn.	McCreary	Sherwood
Butler	Hepburn	McGuire	Small
Byrd	Hill, Conn.	McHenry	Smith, Mich.
Clark, Fla.	Hitchcock	McLachlan, Cal.	Smith, Tex.
Cole	Hobson	McLaughlin, Mich.	Snapp
Coudrey	Howard	McMillan	Southwick
Crawford	Huff	Madden	Sparkman
Cushman	Hughes, W. Va.	Marshall	Steenerson
Darragh	Humphreys, Miss.	Maynard	Talbott
Davey, La.	Jackson	Miller	Vreeland
Dawes	James, Addison D.	Mondell	Wallace
Dawson	James, Ollie M.	Mudd	Watson
Denby	Keliher	Needham	Webb
Diekema	Kinkaid	Parker, S. Dak.	Weeks
Dunwell	Kipp	Parsons	Weems
Durey	Kitchin, Wm. W.	Patterson	Weisse
Edwards, Ky.	Knowland	Peters	Wiley
Fairchild	Lamar, Fla.	Porter	Willett
Fassett	Lamar, Mo.	Pou	Williams
Fordney	Landis	Powers	Wolf
Fuller	Langley	Pratt	

The following pairs were announced:

Until further notice:

Mr. WATSON with Mr. WOLF.

Mr. VREELAND with Mr. WEISSE.

Mr. SMITH of Michigan with Mr. WEBB.

Mr. SCOTT with Mr. TAYLOR of Alabama.

Mr. REYNOLDS with Mr. WALLACE.

Mr. PRINCE with Mr. SPARKMAN.

Mr. PORTER with Mr. SHERWOOD.

Mr. PARSONS with Mr. SAUNDERS.

Mr. PARKER of South Dakota with Mr. RHINOCK.

Mr. NEEDHAM with Mr. RANSDELL of Louisiana.

Mr. MOORE of Pennsylvania with Mr. POU.

Mr. MILLER with Mr. PETERS.

Mr. MARSHALL with Mr. PATTERSON.

Mr. MCMILLAN with Mr. MCHENRY.

Mr. MCLAUGHLIN of Michigan with Mr. LINDSAY.

Mr. MCGUIRE with Mr. LEVER.

Mr. LONGWORTH with Mr. LENAHAN.

Mr. LANGLEY with Mr. LEGARE.

Mr. LANDIS with Mr. LAMB.

Mr. KNOWLAND with Mr. KIPP.

Mr. ADDISON D. JAMES with Mr. KELIHER.

Mr. HUFF with Mr. OLLIE M. JAMES.

Mr. HILL of Connecticut with Mr. HITCHCOCK.

Mr. HENRY of Connecticut with Mr. HARRISON.

Mr. GRAHAM with Mr. HARDWICK.

Mr. FAIRCHILD with Mr. HAMILL.

Mr. DUREY with Mr. GRANGER.

Mr. DENBY with Mr. GARRETT.

Mr. DAWES with Mr. GAINES of Tennessee.

Mr. DARRAGH with Mr. DAVEY of Louisiana.

Mr. CUSHMAN with Mr. CRAWFORD.

Mr. COLE with Mr. COCKRAN.

Mr. BURKE with Mr. ANSBERRY.

Mr. FORDNEY with Mr. SMALL.

Mr. CARY with Mr. LAMAR of Missouri.

Mr. MCCREARY with Mr. HOWARD.

Mr. COUDREY with Mr. HOBSON.

Mr. HAGGOTT with Mr. WILLIAM W KITCHIN.

Mr. POWERS with Mr. PRATT.

Mr. DUNWELL with Mr. WATKINS.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. FULLER with Mr. BYRD.

Mr. MUDD with Mr. TALBOTT.

Mr. MADDEN with Mr. BURLESON.

Mr. HUGHES of West Virginia with Mr. MAYNARD.

Mr. DIEKEMA with Mr. WILEY.

Mr. DAWSON with Mr. CLARK of Florida.

Mr. SOUTHWICK with Mr. SMITH of Texas.

Mr. BATES with Mr. WILLIAMS.

Mr. FASSETT with Mr. RYAN.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. BINGHAM with Mr. LAMAR of Florida.

Mr. SNAPP with Mr. WILLETT.

For the session:

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. COUSINS with Mr. FLOOD.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BUTLER with Mr. BARTLETT of Georgia.

The SPEAKER. On this question the yeas are 214; the nays, 44; answering "present," 14—a quorum; the Doorkeeper will open the doors; the ayes have it, and the bill is passed.

ADDITIONAL AIDS TO NAVIGATION.

Mr. MANN. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 20784 as amended.

The bill, as amended, was read as follows:

A bill (H. R. 20784) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following additional aids to navigation in the Light-House Establishment under the Light-House Board in the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded:

FIRST LIGHT-HOUSE DISTRICT.

A tender for use in the first light-house district and elsewhere as may be directed, at a cost not to exceed $200,000.

THIRD LIGHT-HOUSE DISTRICT.

A light and fog-signal station at or near Negro Point, on Wards Island, Hellgate, East River, New York, at a cost not to exceed $10,000.

A light and signal or whistling buoy fitted with submarine bell off Point Judith, Rhode Island, at a cost not to exceed $9,000.

A light and signal or whistling buoy fitted with submarine bell, to be placed at or near the entrance to the dredged channel at Greenville, N. J., in New York Bay, at a cost not to exceed $9,000.

A new spar shop, at a cost not to exceed $3,000, and a wooden dump scow, at a cost not to exceed $7,500, at the general light-house depot, Tompkinsville, N. Y.

A storehouse and dock at San Juan, P. R., at a cost not to exceed $15,000.

FOURTH LIGHT-HOUSE DISTRICT.

The limit of cost for a light and fog-signal station on Elbow of Cross Ledge, Delaware Bay, New Jersey, authorized by an act approved April 28, 1904, is hereby increased by the sum of $21,500, so as to make the limit of cost $96,500 instead of $75,000, as heretofore authorized.

The Schooner Ledge range lights, Delaware River, Pennsylvania, may be moved, so as to comply with the change in position of the dredged channel of the Delaware River, at a cost not to exceed $10,650.

Range lights, Reedy Island, Delaware River. Delaware and New Jersey, at a cost not to exceed $25,000 in addition to the amounts heretofore appropriated.

A temporary light at Goose Island Flats, Delaware River, Delaware, at a cost not to exceed $15,000. And the Secretary of the Treasury shall cause the unexpended balance of the appropriation for the establishment of a light and fog-signal station at Goose Island Flats, Delaware River, in the act of March 3, 1905, to be carried to the surplus fund and covered into the Treasury.

Post lights on Delaware River between Bordentown and Trenton, N. J., at a cost not to exceed $500.

FIFTH LIGHT-HOUSE DISTRICT.

One buoy to be placed off Cape Henry; one buoy to be placed to the northward of the Middle Ground near the entrance to Chesapeake Bay, and one relief buoy, all to be light and signal or whistling buoys, each fitted with submarine bell, at a cost for the three buoys not to exceed $27,000.

For a post-lantern light, at or near the mouth of Lower Broad Creek, North Carolina, at a cost not to exceed $500.

The limit of cost for a light and fog-signal station at Ragged Point, Potomac River, Virginia, authorized by the act approved June 20, 1906, is hereby increased by the sum of $5,000, so as to make the total limit of cost $35,000 instead of $30,000, as heretofore authorized.

SIXTH LIGHT-HOUSE DISTRICT.

A tender for the use of the engineer in the sixth light-house district and elsewhere, as may be directed, at a cost not to exceed $30,000.

A light and signal or whistling buoy, to be placed off the entrance to St. Johns River, Florida, and a relief buoy for same, at a cost not to exceed $18,000.

EIGHTH LIGHT-HOUSE DISTRICT.

A light and fog-signal station at or near the end of Sabine Pass Jetty, at a cost not to exceed $40,000.

The limit of cost for light and fog-signal station at or near the outer end of one of the jetties at Galveston Harbor, as fixed by the act of June 11, 1896, is hereby increased by the sum of $10,000, so as to make the total limit of cost $45,000 instead of $35,000, as heretofore authorized.

A buoy wharf and depot shed at Fort San Jacinto, Tex., Military Reservation, Galveston Harbor, at a cost not to exceed $10,000.

NINTH LIGHT-HOUSE DISTRICT.

A light vessel at Milwaukee Bay, Wisconsin, at a cost not to exceed $75,000.

A fog-signal station at Grand Point au Sable, Michigan, at a cost not to exceed $11,000.

TENTH LIGHT-HOUSE DISTRICT.

A light station at each of the east and west breakwater pierheads, entrance to Cleveland Harbor, Ohio, at a cost not to exceed $45,000.

ELEVENTH LIGHT-HOUSE DISTRICT.

The limit of cost of the relief light vessel for the ninth and eleventh light-house districts, authorized by the act approved March 3, 1903, is hereby increased by the sum of $20,000, so as to make the total limit of cost $50,000 instead of $30,000, as heretofore authorized.

The Light-House Board shall make survey and estimate the cost and report upon the feasibility and need of establishing a light and fog station on Gull Island, or the easterly end of Michigan Island, Apostle Group, and whether when said station is established the existing station on the westerly end of Michigan Island can be safely closed, such survey and report to cost not to exceed the sum of $2,000.

TWELFTH LIGHT-HOUSE DISTRICT.

A light and fog-signal station at or near Four Mile Creek, near Punta Gorda, Cal., at a cost not to exceed $60,000.

A light and fog-signal station at some point on the northerly or westerly coast of Kauai Island, Hawaii, at a cost not to exceed $75,000.

THIRTEENTH LIGHT-HOUSE DISTRICT.

The Light-House Board shall survey and estimate the cost and report upon the feasibility and need of establishing a light-vessel or light station at or near Orford Reef, off Cape Blanco, Oregon, such survey and report to cost not to exceed the sum of $2,000.

SEC. 2. That the Secretary of Commerce and Labor is hereby authorized to enter into contract or contracts for any or all of the items provided for in section 1 of this act within the limits of cost therein respectively provided.

SEC. 3. That the Secretary of Commerce and Labor is hereby authorized to establish and provide in the Light-House Establishment at such places as shall, in the opinion of the Light-House Board, be for the best interests of the Light-House Service, two oil houses, at a cost not to exceed $1,500 for each one.

SEC. 4. That it is hereby made the duty of the Light-House Board to care for and maintain the anchorage buoys in New York Harbor and Philadelphia Harbor heretofore placed there by the United States.

SEC. 5. That any person, firm, company, or corporation required by law to maintain a light or lights upon any bridge or abutments over or in any navigable waters, who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of $100 for each offense, and each day during which such violation shall continue shall be considered as a new offense.

SEC. 6. That it shall be unlawful for any person to obstruct or interfere with any aid to navigation established or maintained in the Light-House Establishment under the Light-House Board, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of $500 for each offense, and each day during which such violation shall continue shall be considered as a new offense.

SEC. 7. That the Secretary of Commerce and Labor shall annually cause the Light-House Board to make a report to him for transmission to Congress of all aids to navigation in service which may be discontinued without distinct injury to the interests of navigation.

SEC. 8. That the Light-House Board is authorized to employ temporarily at Washington, not exceeding three draftsmen, to be paid at current rates, to prepare plans for the tenders and light vessels authorized by this act and to be paid from the respective appropriations therefor, such employment to terminate on or before the date when the plans for such tenders and vessels shall be finished and proposals for building them respectively are invited by advertisements.

SEC. 9. That every light-house keeper and assistant light-house keeper in the Light-House Establishment of the United States shall be entitled to receive one ration per day or, in the discretion of the Light-House Board, commutation therefor at the rate of 30 cents per ration.

Mr. ADAMSON. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is considered as ordered. The gentleman from Illinois [Mr. MANN] is entitled to twenty minutes, and the gentleman from Georgia [Mr. ADAMSON] is entitled to twenty minutes.

Mr. MANN. Mr. Speaker, this is a bill providing for additional aids to navigation for the Light-House Service, running from Maine to California, including one light-house in the Hawaiian Islands, and an additional provision for a light-house station in Porto Rico. The total authorization carried by the bill is $759,650; but the bill provides for one temporary light station at a cost of $15,000 in place of a light station heretofore authorized at a cost of $85,000 upon the Delaware River, so that that temporary light station is estimated will last for some considerable time.

In addition to the authorization for the general aid to navigation, there is a provision for a ration of 30 cents a day for the light-house keepers. That is practically an increase in the pay of the light-house keepers. Under the existing law the average pay of the light-house keepers can not exceed $50 per month. In some places the keepers are paid more than $50 a month, and in other places less; but the law provides an average of not exceeding $50 a month. As an actual fact, the average pay is $46 per month. We have recently increased the pay of the Life-Saving Service by a ration and by other provisions. This bill to that extent increases by the ration per day, or, where the Light-House Board shall authorize, a commutation of the ration. In some places it is undoubtedly more desirable to supply the ration in kind, because the light-house tender can deliver the ration without difficulty, and to the keeper it is a great matter of expense to obtain the ration.

Now, Mr. Speaker, if any gentleman desires to make further inquiry, I will be glad to do the best I can to reply.

Mr. UNDERWOOD. I desire to ask the gentleman a question or two about the bill. I am not posted on it. I see in section 5 of the bill—

That any person, firm, company, or corporation required by law to maintain a light or lights upon any bridge or abutments over or in any navigable waters, who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same, shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of $100 for each offense, and each day during which such violation shall continue shall be considered as a new offense.

Now, I want to ask the gentleman this: Does that provision contemplate punishment for the violation of a rule now in force or a rule to be enacted hereafter?

Mr. MANN. I may say to the gentleman that where we pass bills for bridges over navigable streams—and of course they can only be located by direct or indirect consent of Congress—it is the practice to put in the bill and in the general bridge law a provision that these lights shall be maintained by the persons erecting the bridge in accordance with the rules and regulations to be promulgated by the Department or by the Light-House Board. Now, I think this provision will apply to the rules and regulations hereafter put in force, if they can lawfully be put in force.

Mr. UNDERWOOD. That is what I desire to call the gentleman's attention to. It seems to me clear that we can not delegate to the Light-House Board our legislative authority to create a penal offense, and if we authorize them in the future to make rules and regulations that by virtue of their making becomes a crime, it is clearly unconstitutional; and if that is the construction of the provision, does it not jeopardize all of section 5, because it is all in the same provision? And could the Supreme Court separate what is constitutional and what is not constitutional?

Mr. MANN. It seems to me, and I am frank to say so, that in order to make the provisions of the bill effective at all, it was necessary to refer to the rules and regulations, because the laws that we passed heretofore provide for rules and regulations. I thought it was advisable not to take the unlimited chance of providing for rules and regulations. If the rules and regulations are lawful, we have a right to say that a violation of those rules and regulations shall be a misdemeanor.

Mr. UNDERWOOD. I am satisfied the gentleman will find—I can not now refer to the authority, because I have not got it—that we can not pass a bill providing for rules and regulations to be made hereafter and make a violation of those rules and regulations a misdemeanor.

Mr. MANN. I think the gentleman is mistaken in his recollection. The principal case on the subject is the case involving the cattle quarantine regulations in which the Supreme Court of the United States held that we could not delegate to the Secretary of Agriculture the power to make regulations and then punish. But that case does not go to the extent which the gentleman from Alabama would suggest and which we all thought it should. We have had the matter up constantly in our committee. It is a common thing in these discussions to raise that question, and we have endeavored to guard against it in this bill.

Mr. UNDERWOOD. I would like to know if the gentleman can cite a case which overcomes the decision of the cattle case.

Mr. MANN. I think the decision in the cattle case does not affect this bill.

Mr. UNDERWOOD. If there is no decision, it seems to me clearly along the same line, that we can not delegate our legislative authority.

Mr. MANN. Clearly we could not delegate our legislative authority.

Mr. UNDERWOOD. And allow this Light-House Board by the adoption of a rule to make the violation of it a criminal offense.

Mr. MANN. I do not think there is any question whatever but that we can say to a man when we give him the right to build a bridge that he shall do certain things in accordance with rules and regulations to be prescribed by the Light-House Board, and that we can say if he does not follow those rules and regulations which the Light-House Board have provided it shall be a misdemeanor.

Mr. UNDERWOOD. I agree to that.

Mr. MANN. And when he accepts the provision of law giving him the right to build a bridge, I think he is estopped from raising any question about it.

Mr. UNDERWOOD. I agree with the gentleman that, if the regulation is made in advance, then of course it applies to that regulation. I do not agree with him, if the regulations or rules or law prescribing the crime and fixing the penalty is made after the passage of the bill; I contend that would be unconstitutional and it would be a delegation of legislative authority.

Mr. MANN. I think it is plain that if it is a lawful rule, we can punish the violation of it, and that is all we attempt to do here.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask the gentleman a question. I could find out by reading the bill, but it will be quicker to ask the gentleman from Illinois. Will the gentleman tell me what rate of commutation is provided for rations?

Mr. MANN. Thirty cents a day.

Mr. HULL of Iowa. The same as the Military Academy.

Mr. SULZER. Mr. Speaker, in my opinion, this is a good bill—a meritorious measure—and ought to be passed. It is along the lines of progress and in the interest of good government. Among the most honest, efficient, and industrious men in the service of the Government are the light-house keepers of the country. They are honest and sober, brave and courageous. They do a great work. They should be well paid. I wish the bill went very much further in this regard. Their pay at present is entirely inadequate. They do not receive the recognition to which they are entitled for the long hours of their arduous labors—for the heroic work they so zealously render in season and out of season.

Now, sir, another matter in this connection of much interest to all the people of this country. We have a splendid light-house service and excellent light-houses on the Atlantic and the Gulf coasts. I am sorry I can not say as much for our Pacific coast. We must do something speedily to remedy the lack of light-houses on the Pacific. We are away behind Mexico and Canada out there, and it is very much to our discredit and to our disadvantage. The Light-House Board should wake up, and Congress should take immediate action to build more light-houses on the Pacific—especially in and about Alaska—in the north Pacific and in Bering Sea. We have too few light-houses and a most inadequate light-house service on the Pacific coast, especially in Alaska. There ought to be more light-houses in Alaska. Requests and demands come frequently from people doing business up there to the Government for additional light-houses. Why are they ignored? Some one is blundering. The Canadian government in its possessions on the north Pacific has built splendid light-houses, for which the Canadians are justly entitled to great credit. In recent years very few wrecks have occurred in the waters of the Canadian possessions on the Pacific. We have had some very bad wrecks along our north Pacific possessions, and it is due very much to the fact that in and around Alaska we have very few light-houses. We must remedy this, and the sooner we do so the better.

I am in favor of this bill, because I believe the light-house keepers and their assistants do not receive adequate compensation for the arduous duties they perform, and I want to see the committee which has this legislation in charge give us more light-houses and a better light-house service on the Pacific coast, especially in the waters of Alaska.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Illinois a question.

Mr. MANN. I yield to the gentleman.

Mr. GAINES of Tennessee. The gentleman from Illinois and the gentleman from Alabama [Mr. UNDERWOOD] were talking about these rules a few moments ago, giving some officer a right to make rules and making a disobedience of those rules a misdemeanor. Is that a correct statement of the proposition?

Mr. MANN. In a way, yes; but that is not the point.

Mr. GAINES of Tennessee. If it is not the point, then I want to know what the point is.

Mr. MANN. We provide in the bill that a person who refuses to maintain a light on a bridge that is required by law, or shall refuse to obey any of the lawful rules and regulations relating to the same, shall be guilty of a misdemeanor.

Mr. GAINES of Tennessee. I was just going to make this statement: That a rule made by a Department officer within the limits of the law is perfectly valid and justifiable, and disobedience of it should be punished; but a rule made in excess of the law would be, of course, no rule at all, and punishment for disobedience of it could not be enforced.

Mr. MANN. The gentleman will notice that we have corrected that in the bill. I reserve the balance of my time.

Mr. ADAMSON. Mr. Speaker, as I understand the motion made by the gentleman from Illinois [Mr. MANN], it includes the amendment to strike section 10 out of the bill.

Mr. MANN. That is correct. Section 10 was not read. An amendment provided for the passage of the bill with section 10 out.

Mr. ADAMSON. That eliminates the only ground of opposition that I had to the bill, because I conceived that it proposed to initiate a civil pension list. I have no objection to the bill now. I believe all of the projects carried in it are meritorious ones. I do not care to oppose any of them. We have done the best we could in the preparation of the bill, and think now that it ought to be passed as it is presented with the amendment. If any gentleman is opposed to any part of the bill I will cheerfully yield him time if he desires. Otherwise, I yield to the gentleman from North Carolina [Mr. THOMAS] five minutes.

Mr. THOMAS of North Carolina. Mr. Speaker, I do not wish to detain the House, as the House is now ready to vote on this bill. I am very heartily in favor of it and I regard it as a meritorious bill. It is the usual bill for providing aids to navigation, light-houses, and beacon lights throughout the United States, on the Atlantic coast, on the Pacific coast, and on the Gulf coast and Lakes. The amount carried by the bill is comparatively small. According to the report of the committee, for the whole country, it is about $700,000. I am very glad to see, Mr. Speaker, that the committee has incorporated in the bill, in addition to the provisions for light-houses and beacon lights throughout the United States, a provision for some slight additional compensation to light-house keepers.

I think they are a very meritorious and worthy class of men. Representing as I do in part a coast district, I have been very much interested in some increase of the salaries of this very worthy class of American citizens. Some time ago I addressed a letter to the Light-House Board asking if something could not be done toward an increase of their compensation, and I received the following reply:

DEPARTMENT OF COMMERCE AND LABOR,
LIGHT-HOUSE BOARD,
Washington, February 19, 1908.

Hon. CHAS. R. THOMAS, M. C.,
House of Representatives, Washington, D. C.

SIR: In reply to your inquiry relative to the appropriation "Salaries of keepers of light-houses," the Board has the honor to state that the amount appropriated for salaries of keepers for the present fiscal year is $950,000; for the next fiscal year $1,100,000 has been asked. The increase is intended to pay keepers appointed for lights to be established and to provide for an increase in keepers' salaries.

Section 4673 of the Revised Statutes provides that light-keepers shall not exceed an average of $600 a year each. The Light-House Board in its Annual Report for the fiscal year ended June 30, 1907, page 16, recommended that this average be increased from $600 to $700 a year each, in order that the salaries of all keepers might be increased, provided sufficient funds should be appropriated by Congress for the purpose.

The Board does not find that the Department has taken any action looking to a change in the above-named section 4673, and is under the impression that special legislation changing this statute will be necessary before an increase in the salaries of light-keepers can be accomplished.

Respectfully,
J. H. HELM,
Captain, United States Navy, Naval Secretary.

Following up that letter, Mr. Speaker, I introduced a bill to amend section 4673 of the Revised Statutes of the United States, so as to provide for an increase in the average salaries of this worthy class of men from $600 per year to $700. That bill is now pending before the Committee on Interstate and Foreign Commerce.

Mr. MANN. What is the number of the bill?

Mr. THOMAS of North Carolina. I have not the number here. That bill was referred to by Captain Helm, naval secretary, and connected with the Light-House Board, in his statement made before the Committee on Appropriations, in the following language printed in the hearings:

The Board has recommended, and the Secretary of Commerce and Labor has approved, that the average allowed by law be raised from $600 to $700. The Light-House Board prepared a bill to this effect by request of Representative THOMAS, and we are under the impression

that he has introduced same. At any rate, the Board is anxious for a recommendation from your committee and an act of Congress providing for same.

I did introduce, Mr. Speaker, such a bill as stated by Captain Helm, providing for a slight increase of salary to light-house keepers. My bill has not been reported as yet, and I am informed by the Committee on Interstate and Foreign Commerce that one of the reasons why it has not been reported is the fact that the Committee on Interstate and Foreign Commerce has put in this bill a provision, section 9, which gives some additional compensation to light-house keepers. Section 9 of this bill provides:

That every light-house keeper and assistant light-house keeper in the Light-House Establishment of the United States shall be entitled to receive one ration per day or, in the discretion of the Light-House Board, commutation therefor at the rate of 30 cents per ration.

That provision in the bill, Mr. Speaker, will give about $9 per month additional compensation to light-house keepers, and as the Committee on Interstate and Foreign Commerce, in its judgment, has not seen fit to report my bill—I hope they will do so—I am at least glad to see that they have included this slight additional increase of compensation to light-house keepers in the pending bill. This class of men, in my judgment, living as they do, Mr. Speaker, a solitary life upon the coast in the midst of storm and of constant danger, and separated as they are from their families, in view of the increased cost of living, are justly entitled to this slight increase in compensation. I wish it could be made more. I wish my bill could be passed, increasing their average compensation from $600 to $700 a year, but if, in the wisdom of the committee and of the Congress, no more can be done than simply to give them the increase of one ration a day, I shall, with the other friends of the light-house keepers in the House of Representatives, rest content now with this slight increase. I hope in the future that something more can be done. The present sundry civil bill only carries $1,000,000 for salaries of light-house keepers, so that there is no fund provided, now, from which, if my bill was favorably reported, their salaries could be paid, and as section 9, which I have read, gives some aid to them I am very glad to see it incorporated in the pending bill, which I hope will pass without a dissenting voice.

Mr. MANN. Mr. Speaker, the gentleman's bill was a pretty good bill, but the increase we have proposed is more than was carried by the gentleman's bill, and while he talks about this bill being a slight increase, and he wishes we would report his bill, I will say that the smallest amount is increased $108 a year, and at the greatest, his bill only increases $100 a year, so I suspect the gentleman is fairly well satisfied.

Mr. THOMAS of North Carolina. Mr. Speaker, I am very glad to have that statement made by the gentleman from Illinois.

Mr. ADAMSON. Mr. Speaker, I desire to yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this is for the benefit of the life-saving crews of the United States. They are upon the bosom of the mighty deep saving lives. Now, I would like to ask this great body when are we going to pass a bill here to help save the lives of the miners, who are constantly losing their lives in carrying on the mining of this country? I am gratified to give this increase of salary to these life-saving men—a service so necessary. They are entitled to it, and the committee has reported the bill in their favor. Now, they are all right; they have what they want; their lives are made safe and their wages increased. Now, let us aid by our vigorous and patriotic imagination, our strong arm, and our love of the fair thing the bill that the friends of the miners are trying to pass here, which will protect the heroes who delve in the bowels of the earth and lose their lives in digging up the commodity that makes us warm at our firesides, that builds up and turns the wheels of our commerce and our trade. I have heard it said here, and hence I speak this morning, that since we discussed this mining-bureau proposition here a day or two ago that perhaps the proposition covering this evil will be taken up here in a day or two. I have inquired this morning, and I hear nothing more of it, and I hope—I sincerely hope—that before another week passes over our heads we will have a bill passed in this body and sent over to the Senate, and that it will receive favorable action there. These miners we know are suffering; we know we have the constitutional power to go into the mines in our Territories, in every district, into all public lands within the jurisdiction of the United States and compel obedience to the laws of our great country. There is no just excuse for delay in this matter. [Applause.]

Mr. ADAMSON. Mr. Speaker, I have no other request for time. I will reserve the balance of my time.

Mr. MANN. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. ADAMSON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 268, nays 3, answered "present" 10, not voting 106, as follows:

YEAS—268.

Adair	Douglas	Huff	Olcott
Adamson	Draper	Hughes, N. J.	Olmsted
Aiken	Driscoll	Hull, Iowa	Padgett
Alexander, Mo.	Dwight	Humphrey, Wash.	Page
Alexander, N. Y.	Edwards, Ga.	James, Ollie M.	Parker, N. J.
Ames	Ellerbe	Jenkins	Patterson
Andrus	Ellis, Mo.	Johnson, Ky.	Payne
Ansberry	Ellis, Oreg.	Johnson, S. C.	Pearre
Anthony	Englebright	Jones, Va.	Perkins
Ashbrook	Esch	Jones, Wash.	Pollard
Bannon	Fassett	Kahn	Porter
Barchfeld	Favrot	Keifer	Pou
Barclay	Ferris	Kennedy, Iowa	Pray
Bartholdt	Finley	Kennedy, Ohio	Prince
Bartlett, Nev.	Fitzgerald	Kimball	Pujo
Beale, Pa.	Floyd	Kinkaid	Rainey
Beall, Tex.	Focht	Kipp	Randell, Tex.
Bede	Fornes	Kitchin, Claude	Rauch
Bell, Ga.	Foss	Knopf	Reeder
Bennet, N. Y.	Foster, Ill.	Küstermann	Reid
Birdsall	Foster, Vt.	Lafean	Richardson
Bonynge	Foulkrod	Lamb	Robinson
Booher	Fowler	Landis	Rodenberg
Boutell	French	Lassiter	Rothermel
Bowers	Fulton	Law	Rucker
Boyd	Gaines, Tenn.	Lawrence	Russell, Mo.
Bradley	Gardner, Mich.	Leake	Russell, Tex.
Brantley	Gardner, N. J.	Lee	Sabath
Brodhead	Gilhams	Legare	Shackleford
Brownlow	Gill	Lewis	Sheppard
Burgess	Gillett	Lindbergh	Sherley
Burleigh	Glass	Littlefield	Sims
Burnett	Godwin	Lloyd	Slayden
Burton, Del.	Goebel	Longworth	Slemp
Burton, Ohio	Goldfogle	Loud	Smith, Cal.
Calder	Gordon	Loudenslager	Smith, Iowa
Calderhead	Goulden	Lovering	Smith, Mich.
Caldwell	Greene	Lowden	Smith, Mo.
Campbell	Gregg	McCall	Sparkman
Candler	Griggs	McDermott	Sperry
Capron	Hackett	McGavin	Spight
Carter	Hackney	McHenry	Stafford
Caulfield	Hale	McKinlay, Cal.	Sterling
Chapman	Hall	McKinley, Ill.	Stevens, Minn.
Clark, Mo.	Hamilton, Iowa	McKinney	Sturgiss
Clayton	Hamilton, Mich.	McMorran	Sulloway
Cockran	Hammond	Macon	Sulzer
Cocks, N. Y.	Harding	Madison	Tawney
Cole	Hardwick	Malby	Taylor, Ala.
Conner	Hardy	Mann	Thomas, N. C.
Cook, Pa.	Haskins	Maynard	Thomas, Ohio
Cooper, Pa.	Haugen	Miller	Tirrell
Cooper, Tex.	Hawley	Mondell	Tou Velle
Cooper, Wis.	Hay	Moon, Pa.	Underwood
Craig	Hayes	Moon, Tenn.	Volstead
Cravens	Heflin	Moore, Pa.	Vreeland
Crumpacker	Henry, Tex.	Moore, Tex.	Waldo
Dalzell	Hepburn	Morse	Wanger
Darragh	Higgins	Mouser	Washburn
Davenport	Hill, Conn.	Murdock	Watson
Davidson	Hill, Miss.	Murphy	Wheeler
Davis, Minn.	Hinshaw	Needham	Wilson, Ill.
Dawson	Hitchcock	Nelson	Wilson, Pa.
De Armond	Houston	Nicholls	Wolf
Denby	Howland	Norris	Wood
Denver	Hubbard, Iowa	Nye	Woodyard
Dixon	Hubbard, W. Va.	O'Connell	Young

NAYS—3.

Garner	Hamlin	Helm

ANSWERED "PRESENT"—10.

Burleson	Flood	Hull, Tenn.	Small
Cousins	Gillespie	Roberts	
Cox, Ind.	Graff	Sherman	

NOT VOTING—106.

Acheson	Fairchild	Lamar, Fla.	Rhinock
Allen	Fordney	Lamar, Mo.	Riordan
Bartlett, Ga.	Foster, Ind.	Langley	Ryan
Bates	Fuller	Laning	Saunders
Bennett, Ky.	Gaines, W. Va.	Lenahan	Scott
Bingham	Gardner, Mass.	Lever	Sherwood
Broussard	Garrett	Lilley	Smith, Tex.
Brumm	Graham	Lindsay	Snapp
Brundidge	Granger	Livingston	Southwick
Burke	Gronna	Lorimer	Stanley
Butler	Haggott	McCreary	Steenerson
Byrd	Hamill	McGuire	Stephens, Tex.
Carlin	Harrison	McLachlan, Cal.	Talbott
Cary	Henry, Conn.	McLain	Taylor, Ohio
Chaney	Hobson	McLaughlin, Mich.	Thistlewood
Clark, Fla.	Holliday	McMillan	Townsend
Cook, Colo.	Howard	Madden	Wallace
Coudrey	Howell, N. J.	Marshall	Watkins
Crawford	Howell, Utah	Mudd	Webb
Currier	Hughes, W. Va.	Overstreet	Weeks
Cushman	Humphreys, Miss.	Parker, S. Dak.	Weems
Davey, La.	Jackson	Parsons	Weisse
Dawes	James, Addison D.	Peters	Wiley
Diekema	Kelliher	Powers	Willett
Dunwell	Kitchin, Wm. W.	Pratt	Williams
Durey	Knapp	Ransdell, La.	
Edwards, Ky.	Knowland	Reynolds	

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:
Until further notice:
Mr. SCOTT with Mr. WEBB.
Mr. TOWNSEND with Mr. WEISSE.
Mr. THISTLEWOOD with Mr. STEPHENS of Texas.
Mr. TAYLOR of Ohio with Mr. STANLEY.
Mr. MARSHALL with Mr. RANSDELL of Louisiana.
Mr. HUGHES of West Virginia with Mr. PETERS.
Mr. HOWELL of New Jersey with Mr. MCLAIN.
Mr. GRONNA with Mr. OLLIE M. JAMES.
Mr. CURRIER with Mr. HULL of Tennessee.
Mr. COOK of Colorado with Mr. HARRISON.
Mr. BURTON of Delaware with Mr. GARRETT.
Mr. BURKE with Mr. GILLESPIE.
Mr. GAINES of West Virginia with Mr. LENAHAN.
Mr. ALLEN with Mr. CARLIN.
Mr. HOLLIDAY with Mr. COX of Indiana.
Mr. MCMILLAN with Mr. LIVINGSTON.
Mr. KNAPP with Mr. DAVEY of Louisiana.
Mr. JENKINS with Mr. CLARK of Florida.
For balance of this day:
Mr. GRAFF with Mr. BRUNDIDGE.
The result of the vote was announced as above recorded.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 179. Joint resolution amending the joint resolution for the relief of storm sufferers in Alabama, Georgia, Mississippi, and Louisiana, approved April 30, 1908.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6987. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain dependent relatives of such soldiers and sailors.

S. 4453. An act to aid in the erection of a monument to Pocahontas at Jamestown, Va.

The message also announced that Mr. MCCUMBER, at his own request, was relieved from further service as one of the conferees on the bills H. R. 16268, making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1909, and for other purposes, and S. 2420, granting an increase of pension to Margaret K. Hern, and that the Vice-President had appointed Mr. BURNHAM in his place.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4453. An act to aid in the erection of a monument to Pocahontas at Jamestown, Va.—to the Committee on the Library.

S. 6987. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

REPRINT OF REPORT.

Mr. BRANTLEY. Mr. Speaker, I ask unanimous consent for reprint of Report No. 1514 with views of Judiciary Committee, with permission for certain members of the committee who have not filed views to file them as a part of such reprint.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I move to suspend the rules and adopt the conference report on the bill making appropriation for the Army for the ensuing fiscal year, and pending that, Mr. Speaker, I desire to ask unanimous consent that the debate may be extended to one hour on a side.

The SPEAKER. Is there objection?

Mr. SULZER. We have no objection to that.

The SPEAKER. Is there objection to the request as to debate? [After a pause.] The Chair hears none.

The gentleman from Iowa [Mr. HULL] moves to suspend the rules and agree to the conference report on the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

Mr. HAY. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa desire to ask that the statement be read?

Mr. HULL of Iowa. I ask unanimous consent that the statement may be read in lieu of the report.

Mr. HAY. Mr. Speaker, before that is done——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I ask that there be some understanding as to who shall control the time. I demand a second.

The SPEAKER. If there is no understanding, recognition would be in the hands of the Chair. Does the gentleman desire to submit a request?

Mr. HAY. I demand a second, and I think that will give me control of the time.

Mr. HULL of Iowa. Mr. Speaker, it is too late to demand a second now, I should imagine, on that. The second is ordered under the rules anyhow, but my idea was that I would take the floor and control one hour, and I assume that the gentleman from Virginia [Mr. HAY] or the gentleman from New York [Mr. SULZER] will take the floor and control the other hour.

Mr. HAY. As I am on the conference committee, I presume I would have control of the time.

Mr. SULZER. I ask that my colleague on the committee, who is opposed to the conference report, control the time in opposition to it.

The SPEAKER. And the gentleman from Iowa [Mr. HULL] the other hour. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT 1608.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, 28, 31, 40, 41, 60, 73, 74, 77, 78, 79, 80, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 33, 35, 36, 37, 38, 42, 43, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 75, 76, 82, 84, 85, and 86, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "thirty-five" and insert in lieu thereof "fifteen;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows; In line 4 of said amendment, strike out "thirty-five" and insert "twenty;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"That hereafter the annual pay of officers of the Army of the several grades herein mentioned shall be as follows: Major-general, eight thousand dollars; brigadier-general, six thousand dollars; colonel, four thousand dollars; lieutenant-colonel, three thousand five hundred dollars; major, three thousand dollars; captain, two thousand four hundred dollars; first lieutenant, two thousand dollars; second lieutenant, one thousand seven hundred dollars. And the pay of cadets at the Military Academy shall hereafter be six hundred dollars a year. That hereafter the United States shall furnish mounts and horse equipments for all officers of the Army below the grade of major required to be mounted, but in case any officer below the grade of major required to be mounted provides himself with suitable mounts at his own expense, he shall receive an addition to his pay of one hundred and fifty dollars per annum if he provides one mount, and two hundred dollars per annum if he provides two mounts. Section twelve hundred and sixty-seven of the Revised Statutes of the United States is hereby amended to read as follows: 'In no case shall the pay of a colonel exceed five thousand dollars a year; the pay of a lieutenant-colonel exceed four thousand five hundred dollars a year, or the pay of a major exceed four thousand dollars a year:' *Provided*, That nothing in this section is intended to increase or change or shall be construed as increasing or changing the present pay or allowances of any officer in the United States Navy; and section thirteen of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March third, eighteen

hundred and ninety-nine, shall not be construed as changing the pay of any naval officer by reason of the provisions of this act.

"That hereafter, immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.

"That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, seventy-five dollars; engineers, sixty-five dollars; sergeants first-class Hospital Corps, fifty dollars; regimental sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, sergeants-major senior grade coast artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance-sergeants, battalion quartermaster-sergeants of engineers, electrician-sergeants first class, sergeants first class Signal Corps, and first sergeants, forty-five dollars; battalion sergeants-major of infantry and field artillery, squadron sergeants-major, sergeants-major junior grade coast artillery, battalion quartermaster-sergeants field artillery, and master gunners, forty dollars; electrician-sergeants second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color-sergeants, thirty-six dollars; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, stable-sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, thirty dollars: *Provided*, That mess sergeants shall receive six dollars per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics, coast artillery, twenty-four dollars; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, twenty-one dollars: *Provided*, That not to exceed one blacksmith and farrier in each troop of cavalry and one mechanic in each battery of field artillery shall receive nine dollars per month additional for performing the duty of horseshoer; privates first class of engineers, ordnance, Signal Corps, and Hospital Corps, eighteen dollars; privates, Hospital Corps, sixteen dollars; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance, fifteen dollars.

"That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: For those whose initial pay as provided herein is thirty-six dollars or more, an increase of four dollars monthly pay for and during the second enlistment, and a further increase of four dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is eighteen, twenty-one, twenty-four, or thirty dollars, an increase of three dollars monthly pay for and during the second enlistment, and a further increase of three dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is fifteen and sixteen dollars, an increase of three dollars monthly pay for and during the second and third enlistments each, and a further increase of one dollar for and during each subsequent enlistment up and to including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this act; that the present enlistment period of men now in service shall be determined by the number of years' continuous service they have had at the date of approval of this act, under existing laws, counting three years to an enlistment, and the former service entitling an enlisted man to reenlisted pay under existing laws shall be counted as one enlistment period: *And provided further*, That hereafter any private soldier, musician, or trumpeter honorably discharged at the termination of his first enlistment period who reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

"That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive two dollars per month; as sharpshooters, three dollars per month; as expert riflemen, five dollars per month; as second-class gunners, two dollars per month; as first-class gunners, three dollars per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, seven dollars per month; as plotters, observers first class, and casemate electricians, nine dollars per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

"That increase of pay for service beyond the limits of the States comprising the Union, and the territories of the United States contiguous thereto, shall be as now provided by law.

"That hereafter the monthly pay during the first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

"Chief musicians, seventy-five dollars; principal musicians and chief trumpeters, forty dollars; sergeants and drum-majors, thirty-six dollars; corporals, thirty dollars; and privates, twenty-four dollars; and the continuous-service pay of all grades shall be as provided in this act: *Provided*, That Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

"That sections twelve hundred and eighty, twelve hundred and eighty-one, and twelve hundred and eighty-four of the Revised Statutes be, and are hereby, repealed, and so much of section forty-eight hundred and nineteen as pertains to the deduction of twelve and one-half cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

"That section six of the act entitled "An act for the better organization of the line of the Army of the United States," approved April twenty-sixth, eighteen hundred and ninety-eight, be amended so as to read as follows:

"'SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.'

"That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army; and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed;"

And the Senate agree to the same.

Amendment numbered 34. That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the matter proposed in said amendment, insert the following:

"The specific appropriations hereinbefore made for officers and enlisted men in the line of the Army and in the several staff corps and departments, enlisted men in the Hospital Corps, officers and enlisted men in the Porto Rico Provisional Regiment of Infantry, and officers in the Philippine Scouts, being based upon former rates of pay, said specific appropriations are hereby increased to the amounts necessary for payment of such increase of pay at the rates established in this act: *Provided*, That the sum of seven million dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to provide for such increases in the said specific appropriations, and for the purpose of paying officers and enlisted men, including enlisted men of the Hospital Corps, at the rates provided for in this act;"

and change the location of the amendment so that it will precede the paragraph which it now follows, viz: The paragraph reading "All the money hereinbefore appropriated," etc.; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert $300,000 (making the total for regular supplies, Quartermaster's Department, $9,300,000); and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert $3,750,000; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "including the cost of packing and crating; for transportation;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert $11,250,000; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert:

"*Provided*, That the trophy and medals herein authorized shall be contested for only by officers below the rank of major and by enlisted men of the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia."

And the Senate agree to the same.

J. A. T. HULL,
RICHARD WAYNE PARKER,
Managers on the part of the House.
F. E. WARREN,
H. C. LODGE,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 1 grants $25 per month in addition to regular compensation to chief clerk of division for superintendence of the War College building, and the House recedes.

Amendment No. 2 provides for $5,000 for entertainment purposes at military posts in the United States, and the Senate recedes.

Amendment No. 3 simply provides for the acceptance by the United States of a lot in the town of Fairbanks, Territory of Alaska, and the House recedes.

Amendment No. 4 is for increase of post telephone systems at interior posts, and the House recedes from its disagreement and agrees to the Senate amendment striking out "thirty-five" and inserting "fifteen," leaving the amount $15,000.

Amendment No. 5 provides for the installation of post telephone systems, and the House recedes from its disagreement to the Senate amendment and agrees to the same with an amendment striking out "thirty-five" and inserting "twenty," leaving the amount $20,000.

Amendment No. 6 is an increase of appropriation for officers of the line, and the Senate recedes.

Amendment No. 7 is an increase of appropriation for the enlisted men of all grades, and the Senate recedes.

Amendment No. 8 provides for pay and increase compensation to officers and enlisted men of the Army of all grades, and the House recedes from its disagreement and agrees to the same with an amendment fixing the pay of officers of the line from major-general to second lieutenant, at an increase of about $500 for each grade, and agrees to the pay of enlisted men by which hospital sergeants first class will receive $50 a month in place of $45, putting in stable sergeants and acting cooks of the Hospital Corps at $30 and giving horseshoers and farriers $9 per month in addition to their regular pay, and striking out the bonus for enlistment, except granting privates, musicians, and trumpeters a bonus of $3 per month for the first enlistment. Also, by adding, in the provision for expert marksmen, etc., the words, "under such regulations as the Secretary of War may prescribe," and by the reinstatement of the section repealing sections 1280, 1281, and 1284 of the Revised Statutes and so much of section 4819 as refers to the 12½ cents per month deduction of the pay of the regular soldiers for the support of the Soldiers' Home in the District of Columbia.

Amendments Nos. 9, 10, 11, 12, 13, 14, 15, 16, and 17 are made necessary if the increase in pay of the Army shall be adopted by both Houses, and the House recedes as to all of them.

Amendments Nos. 18 and 19 provide for the promotion of lower-grade clerks to higher salaries, and the House recedes.

Amendment No. 20 reduces the number of clerks receiving a thousand dollars each per annum from one hundred to eighty-four, and the House recedes.

Amendment No. 21 simply refers to the totals, and the House recedes.

Amendment No. 22 relates to pay of officers in the Medical Department made necessary by the passage of the medical bill, and the House recedes.

Amendment No. 23, additional pay for length of service, occupies the same position, and the House recedes.

Amendment No. 24 is simply verbal, and the House recedes.

Amendment No. 25 inserts the word "(female)" after the word "nurses," and the House recedes.

Amendments Nos. 26 and 27 are simply verbal, and the House recedes.

Amendment No. 28 relates to extra pay to enlisted men as switchboard operators, and the Senate recedes.

Amendment No. 29 increases the amount of extra pay of the enlisted men of the Signal Corps in the Territory of Alaska, and the House recedes.

Amendment No. 30 increases the amount of mileage, and the House recedes.

Amendment No. 31 changes the mileage provision allowing actual expenses in certain cases, and the Senate recedes.

Amendments Nos. 32 and 33 simply change the provision for increased pay to enlisted men on foreign service, making it follow the provision to increase the pay of officers in place of preceding it, and providing that it shall apply to officers serving on transports in the Philippine Archipelago, and the House recedes.

Amendment No. 34 is an appropriation for $7,000,000, added on account of the increase of pay of the officers and enlisted men provided in this bill, and the House recedes from its disagreement and agrees to the same with an amendment, striking out three months' bonus for reenlistments and changing its language so as to make the appropriation specific for only $7,000,000.

Amendment No. 35 provides $1,000,000 for encampments and maneuvers for the organized militia, and the House recedes.

Amendment No. 36 increases the amount for rations for the Army for the fiscal year covered by the bill, and the House recedes.

Amendment No. 37 is verbal, and the House recedes.

Amendment No. 38 relates to fuel and lights for enlisted men and is simply a reinstatement of present law in different language, and the House recedes.

Amendment No. 39 relates to the amount appropriated for regular supplies of the Quartermaster's Department, and the House recedes from its disagreement and agrees to the amendment by striking out "nine hundred and thirty-seven thousand" and inserting "three hundred thousand," making a net increase over amount allowed by the House of $300,000.

Amendment No. 40 relates to incidental expenses for the Quartermaster's Department, and the Senate recedes.

Amendment No. 41 is a provision for remounts, and the Senate recedes.

Amendment No. 42 strikes out the words "relating to heavy and permanent furniture for officers' quarters," and the House recedes.

Amendment No. 43 removes suspension of accounts of the purchase of heavy furniture for two fiscal years, and the House recedes.

Amendment No. 44 relates to barracks and quarters; the Senate struck out the limitation of the House bill on expenditure at any one post and increased the amount to fifteen hundred thousand dollars and added a proviso that no part of the same should be used for the construction of officers' quarters at the Army War College, and the House recedes from its disagreement to the Senate amendment and agrees to the same by fixing the amount at three million seven hundred and fifty

thousand dollars and retaining the proviso as to construction of officers' quarters at the Army War College.

Amendment No. 45 includes heating and light for buildings erected at private cost, and the House recedes.

Amendment No. 46 is verbal, and the House recedes.

Amendment No. 47 relates to transportation of the Army and its supplies, and the House recedes from its disagreement and agrees to the same with an amendment retaining so much of the Senate amendment as relates to the cost of packing and crating.

Amendment No. 48 refers to transportation on land-grant railroads. Under the construction of the language of the bill as it passed the House it would not protect the rights of the Government sufficiently, and the House recedes from its disagreement and agrees to the Senate amendment, which simply states the law heretofore carried in the appropriation bills.

Amendments Nos. 49, 50, 51, and 52 are simply verbal, and the House recedes.

Amendment No. 53 strikes out the total on account of a consolidation of three items by the Senate, and the House recedes.

Amendment No. 54 is simply verbal, and the House recedes.

Amendment No. 55 inserts the words "and other vessels," and the House recedes.

Amendment No. 56 relates to the amount appropriated for transportation, and the House recedes from its disagreement and agrees to the Senate amendment with an amendment striking out "eighty-six" and inserting "fifty."

Amendments Nos. 57, 58, and 59 are intended to make more plain what is covered by the provision, and the House recedes from its disagreement to all three amendments.

Amendment No. 60 increases the total appropriation, and the Senate recedes.

Amendments Nos. 61, 62, and 63 are verbal, and the House recedes.

Amendment No. 64 inserts a provision for repairs to water and sewer systems and for hire of employees, and the House recedes.

Amendment No. 65 increases the total for these purposes, and the House recedes.

Amendment No. 66 enlarges the power for the purchase of additional military reservations in the Philippine Islands, and the House recedes.

Amendment No. 67 increases the amount for construction and repair of hospitals and makes specific appropriation, practically as originally reported to the House by the Committee on Military Affairs, and the House recedes.

Amendment No. 68 increases the amount for shooting galleries and ranges, and amendment No. 69 provides for purchasing additional land for a rifle range in order that the range at Fort Des Moines may be used this year, and the House recedes from the two amendments.

Amendment No. 70 provides for a permanent water supply for Fort William Henry Harrison, in Montana, and the House recedes.

Amendment No. 71 makes a provision for the care of insane natives in the Philippine Islands serving in the Army of the United States, and the House recedes.

Amendment No. 72 relates to the purchase of special apparatus and supplies for field medical equipment, strongly recommended in a supplementary estimate from the War Department, and the House recedes.

Amendment No. 73 relates to the library in the Surgeon-General's Office, and the Senate recedes.

Amendment No. 74. Senate amendment struck out the prohibition of double salaries to any employee of the Engineer School, and the Senate recedes, leaving the language in the bill.

Amendment No. 75 is verbal, and the House recedes.

Amendment No. 76 authorizes the issue of old ammunition for target practice to certain institutions. It was originally reported to the House by the House Committee on Military Affairs, struck out on a point of order, and the House recedes.

Amendment No. 77 provides for machine and automatic guns, including carriages, etc., to the organized militia, and the Senate recedes.

Amendment No. 78 increases the amount appropriated for field artillery for the organized militia, and the Senate recedes.

Amendment No. 79 is for the purchase, manufacture, and test of machine and automatic guns, and the Senate recedes.

Amendment No. 80 is an increase for the amount of manufacture of arms, and the Senate recedes.

Amendment No. 81 is a limitation on those competing for trophies and medals at national shoots. The Senate struck out all the limitation. The House recedes from its disagreement and agrees to the same, with an amendment limiting the competition to officers below the grade of major.

Amendment No. 82 simply provides that the Federal Government may, in time of war, call in all equipment issued to seacoast State artillery organizations.

Amendment No. 83 provides for sale of arms to heads of Executive Departments and Members of Congress, and the Senate recedes.

Amendment No. 84 authorizes the Chief of Ordnance to purchase articles of such nature that the interest of the public service would be injured by publicly divulging them, in such manner as he may deem most economical and efficient, and the House recedes.

Amendment No. 85 provides for the construction of an iron fence about the monument erected on the Big Hole battlefield, and the House recedes.

Amendment No. 86 provides for the construction at Fort Bayard, N. Mex., of necessary quarters for officers and army nurses, and the House recedes.

J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES HAY,
Managers on the part of the House.

Mr. HULL of Iowa. Mr. Speaker, the bill as it passed the Senate carried appropriations of $98,840,469.12; as agreed to by the conference committee, there will be dropped from the amount of increase by the Senate $3,463,162.51. There was restored in conference, on account of library in the Surgeon-General's office, the sum of $5,000, making the bill carry, as submitted by the two Houses, $95,382,240.61, if the conference report shall be adopted.

The main point of disagreement, as I apprehend, will cover but two items in the bill. The House passed an amendment giving an increase of pay to all the enlisted force in the Army. It made a very large increase in the pay of the noncommissioned force of the Army and a reasonable increase for the privates, but provided for an increased pay for each enlistment. The Senate practically adopted the provision of the House amendment, so far as it relates to the enlisted force. They changed it in very few particulars, one office only being substantially increased, that which we always called "hospital steward," but, as it is now called, "hospital sergeant of the first class."

During my service in the Volunteer Army we had no hospital sergeants; they were all hospital stewards, and I am sorry they changed the name. In the bill we passed we gave them $45; under the Senate amendment their pay was increased to $50 a month. That is the only change in the increases except for farriers and blacksmiths, when they perform the duty of farriers or blacksmiths, in addition to their pay of the rank as sergeant the Senate amendment gives them $9 per month for such service.

Mr. GOLDFOGLE. How many officers are there whose pay is increased, and what is the amount of the increase of pay?

Mr. HULL of Iowa. There are about 16,000 noncommissioned officers.

Mr. GOLDFOGLE. How much increase does that make?

Mr. HULL of Iowa. For the enlisted force the increase will be about $5,000,000.

Mr. GOLDFOGLE. Over and above what it is now?

Mr. HULL of Iowa. Over and above what it is now.

Mr. GOLDFOGLE. About $4,000,000?

Mr. HULL of Iowa. More than that.

The Senate added to this amendment of ours—and you will find it as amendment No. 8 in the bill as printed with the Senate amendments—by an increase of pay of all the officers of the Army. They had their proposition on a percentage increase, starting with the Lieutenant-General, granting him 5 per cent, major-generals and brigadier-generals 10 per cent, colonels, lieutenant-colonels, and majors 15 per cent, captains and lieutenants, as I remember now, 25 per cent. The House conferees were opposed to any percentage increase. It meant an increase, even with a smaller per cent, of a much larger sum to the higher officer than it did for the lower officer, while we believed the highest officers were fairly well paid now and the lower officers absolutely inadequately paid. So that in conference we agreed to eliminate the Lieutenant-General, and give no increase on that grade. In fact the grade expires with the expiration of the active service of the officer now holding that commission. Major-generals are now getting $7,500 a year, and we make their flat pay $8,000 a year. The brigadier-general gets $5,500 a year and we make his flat pay $6,000 a year. There is no increase pay for length of service of general officers; but there is an allowance to general officers that increases their pay. I want to be entirely frank with the House.

Mr. GOLDFOGLE. Does the bill increase the allowance, also?

Mr. HULL of Iowa. Not at all. The allowance of a major-general of the Army or a rear-admiral of the Navy is $108 per month for rent. They only get that in the event of the Government not furnishing quarters. It is largely expended in the cities where there are headquarters, such as at Washington, Chicago, San Francisco, and New York. I think every gentleman here familiar with the conditions of the city will realize that the officers would be better off if the Government would furnish them quarters than the officers are with the commutation of quarters; in other words, that they pay more for rent than the Government pays them in lieu of the house the Government should furnish.

Mr. GAINES of Tennessee. Does the gentleman think when the Government has paid the officers $108 that they should pay for rooms for them to live in?

Mr. HULL of Iowa. The Government gives them rooms, or pays for so many rooms. It is graded by rank.

Mr. GAINES of Tennessee. How many rooms do they get?

Mr. HULL of Iowa. A major-general is allowed nine rooms for himself and family.

Mr. TAWNEY. Which would aggregate $1,296 a year.

Mr. HULL of Iowa. Certainly. It only goes to the man that is not furnished quarters. The Government contracts with every officer either to furnish quarters or commutation for them while he remains in service. I can say to the gentleman that I have in mind one officer he probably knows, General Humphrey, who, when quartermaster-general, refused to accept commutation, and traveled to Fort Myer and returned each day because he could not hire a suitable house for the amount that the Government furnished, and preferred to take Government quarters to receiving the commutation.

A brigadier-general or a rear-admiral of the second class gets $96 a month for commutation. Colonels in the Army or captains in the Navy get $84 a month. Lieutenant-colonels in the Army or commanders in the Navy get $72 a month. Majors of the Army and lieutenant-commanders of the Navy get $60 a month; captains in the Army or lieutenants in the Navy $48 a month; first lieutenants in the Army or lieutenants of the junior grade in the Navy (the second grade I am reading all the time refers to the Navy, I will say, corresponding to the grade in the Army) get $36 a month; second lieutenants in the Army or ensigns in the Navy get $24 a month, and officers of any rank occupying one room as quarters get $12 a month.

Mr. GOLDFOGLE. Do they get this commutation while they occupy Government quarters?

Mr. HULL of Iowa. Oh, no; not at all; not a penny. They only get it where the Government does not furnish the quarters.

Mr. GAINES of Tennessee. How much of this money goes to the retired officers—how much of this increase?

Mr. HULL of Iowa. None of this. Retired officers get no allowances.

Mr. GAINES of Tennessee. Do we increase their pay?

Mr. HULL of Iowa. I will come to that in a minute.

Mr. GAINES of Tennessee. You have not reached that yet?

Mr. HULL of Iowa. No, sir.

Mr. TAWNEY. Will the gentleman state how much the additional allowances aggregate in addition to the quarters?

Mr. HULL of Iowa. There are no additional allowances.

Mr. TAWNEY. Light, heat, and fuel, $576 a year, to a major-general.

Mr. HULL of Iowa. There is no commutation in that. They get nothing unless they use the fuel. A man in Florida who does not need the fuel gets no money for not using it. A man in Alaska that has to use it simply gets fuel to keep him warm. I think every gentleman will see the fairness of that. If you did not have a uniform allowance, the officer in Alaska could hardly live on his salary and buy fuel to keep him warm, while a man in Porto Rico or the Hawaiian Islands or Cuba would not need it at all for that, and if he drew it would get it as profit. He gets not one penny of commutation of fuel and light. He only gets the fuel and light where he uses them.

Mr. RICHARDSON. Will the gentleman allow one question for information?

Mr. HULL of Iowa. Certainly.

Mr. RICHARDSON. I understood the gentleman to say just now what was the compensation, for instance, of a first lieutenant or captain.

Mr. HULL of Iowa. A captain is allowed four rooms at $12 a month each.

Mr. RICHARDSON. What pay does he get?

Mr. HULL of Iowa. It depends upon the branch of the service he is in.

Mr. RICHARDSON. Suppose he is in the Army? What I want to get at is this: What does the Government require that officer, captain or lieutenant, to pay out to supply himself with clothing annually?

Mr. HULL of Iowa. I think a captain's uniform costs about $1,100. I do not suppose he has to buy it every year, but his outfit costs $1,100, and he must keep it up to date all the time.

Mr. RICHARDSON. He must keep it up out of his salary, if he has no other source of income?

Mr. HULL of Iowa. He gets it out of his salary, unless he marries a rich girl or has private means.

Now, I want to come to the retired officers for one minute. There is a flat increase in this provision of about $500 to the grades from major-general down to second lieutenant, with the exception that under this conference report a captain will get $2,400 a year, while a captain of infantry to-day gets $1,800 a year and a captain of cavalry or a captain of artillery gets $2,000. In the increase which we have made we have equalized that, giving the one $400 and the other $600. Then we provide that where the Government furnishes the mount for a mounted officer he shall have no additional compensation for that; but where he furnishes his own horse and equipment, he gets $150 a year extra for one horse or $200 a year where he keeps two horses, and it is limited to that, so that it equalizes the pay. As it is to-day the Government furnishes all the mounts for everybody who goes to the Philippine Islands. The Government furnishes mounts for all the light artillery, and in many cases in this country to the different branches of the service required to be mounted, and the men are paid extra besides. Your committee felt that that was absolutely wrong, and cut it off, except where a man provides his own mount, and that is limited to officers below the grade of major. Majors, lieutenant-colonels, colonels, and generals are now required to be mounted, and the Government pays them nothing extra for their mounts. The flat pay covers the mount as well.

Mr. BUTLER. That is, no increase is provided by this bill for the mount?

Mr. HULL of Iowa. No, sir; not for officers above the rank of captain.

Mr. TAWNEY. The gentleman has stated what is the pay of officers, and also the commutation for quarters. What is the amount of the longevity pay which officers receive in addition to these things?

Mr. HULL of Iowa. Forty per cent of their pay for twenty years' service; but we have limited that in the case of colonels, so that it can not exceed $5,000 a year. The law now gives a colonel $4,500 as a limit. We have limited it in the case of lieutenant-colonels so that it can not exceed $4,500 a year. It is now limited to $4,000. In the case of a major we have limited it to $4,000, and it is now limited to $3,500. So that longevity and all never increases a man beyond the $500 more than what he is getting to-day. So you will see that it is safely guarded.

Mr. GAINES of Tennessee. The gentleman undertook to state something about the pay of retired officers, and then he diverted to active officers going to the Philippines, and backward and forward. I should like to get at the lump sum you are paying retired officers that are doing nothing. The retired officer is practically out of the Army, practically a civilian, and it seems you are increasing his pay.

Mr. HULL of Iowa. We are.

Mr. GAINES of Tennessee. Can you give it to us in a lump sum and then give it to us in detail?

Mr. HULL of Iowa. You will have to figure it up on the number of officers. I have not the lump sum. We have the lump sum of the pay as it is to-day, and I can give the gentleman the number of officers on the retired list.

Mr. FITZGERALD. Will the gentleman make a statement justifying the proposed increase of $17,000,000 in the cost of maintaining the Army next year over this, without adding a single man to the service?

Mr. HULL of Iowa. I think I can. I will do my best to satisfy my friend from New York, and if I can only succeed in doing that I know that I shall have accomplished a great deal.

Mr. FITZGERALD. I would be glad to hear a statement that would satisfy me on that.

Mr. GOLDFOGLE. Approximately, what is the increase per annum in the pay of retired officers?

Mr. HULL of Iowa. I would say the approximate increase in the pay of retired officers would be about $200,000 a year, or a fraction over that, certainly not over $225,000.

Mr. GOLDFOGLE. What particular reason is there for increasing the pay of retired officers, who are rendering no service to the Government?

Mr. HULL of Iowa. This bill does not deal with the retired officers at all; there is a law now on our statute books which provides that every officer retired shall receive three-quarters of the pay of his grade on the active list. For instance, if a major is retired he gets three-quarters of the pay of a major serving on the active list, without any allowances. So by increasing the pay of a major on the active list we increase the pay of a major on the retired list, because he will receive three-fourths of the pay of a major on the active list.

Mr. GOLDFOGLE. That is the effect of this legislation?

Mr. HULL of Iowa. Absolutely.

Mr. OLMSTED. When a man goes into the Army, under the act of 1861, does he not go in under a contract that if he spends forty years in the service he will be retired on three-quarters of the amount of pay he would get if he was on the active list?

Mr. HULL of Iowa. Yes; but we could abrogate that if we wanted to by law.

Mr. OLMSTED. That would be hardly honorable, would it?

Mr. HULL of Iowa. There is this trouble about it: Of course a man on the retired list gets no allowance and gets nothing but his three-quarters flat pay. To make up for that he can live where he pleases, in any style he pleases, although to a certain extent he can never forget the fact that he does represent the Government.

Mr. OLMSTED. The cost of living is increased just as much for an officer on the retired list as on the active list?

Mr. HULL of Iowa. Possibly. Now, it has been contended that if those on the retired list should not have any benefit of this bill and the pay should not be increased, then the men that were to be retired to-morrow—this is their argument—would have one class of pay, and another officer living right beside him would have another class of pay. Of course there is some weight to that, but it is not conclusive.

Mr. SLAYDEN. Is it not true that they have an executed contract and that a man that is retired is retired under that contract?

Mr. HULL of Iowa. Yes; the Secretary of War took that ground. I am not arguing that point, but I do want to call attention of the House to this point that seems to me will appeal with force to any man who has had any experience in it. The very minute you undertake this discrimination—and that is what they would call it—life would not be worth living to any Member of Congress. [Laughter.]

Mr. BUTLER. Except in the skies.

Mr. HULL of Iowa. Well, I do not want to go to the skies just now. The total number of officers on the retired list to-day is 942.

Mr. RICHARDSON. Let me ask the gentleman: An officer on the retired list is liable to be called into active service of the Government at any time?

Mr. HULL of Iowa. That is the theory, but practically, no. They are allowed to do certain work and they get the whole pay of their rank while discharging those duties. It is a very remote contingency that officers on the retired list will be called upon for active service.

Now, I want to call the attention of the House to the fact that a great deal of objection is made to the increase because there are 268 retired brigadier-generals on the list. That looks like a tremendous number. But, gentlemen, remember this fact, that every one of them, almost without a single exception, are retired because of civil-war service; nearly every one of them. They have been ground through Congress and through the Executive Mansion, confirmed by the Senate at a rate that is now impossible to keep up. Since the 1st day of January nine of these brigadier-generals have passed beyond. Almost without exception every man on that retired list above the grade of major had civil-war service, and every man that had civil-war service has passed beyond the meridian of his life and has but a few years left him.

Mr. TAWNEY. What rate of pension do they receive?

Mr. HULL of Iowa. They receive no pension, only three-quarters of the pay of their rank. Three-quarters of $5,500 is all that any brigadier on the list receives. After a man has served his country and retired for old age—and many of them bear the wounds received in battle in saving the Union—I would not care if it was increased beyond what we have increased it, and I would not vote to take one dollar away from them.

Now, as to the criticism of the number of brigadier-generals. The fact that nine have died since the 1st of January makes it almost a certainty that in less than five years the list will be reduced over three-quarters, and so I am not alarmed about that.

Mr. DRISCOLL. How much of a pension does the widow of a brigadier-general get?

Mr. HULL of Iowa. Thirty dollars a month if he dies as a result of wounds received in the service. Nothing if he does not.

Mr. CONNER. Is it a fact that the brigadier-generals get no pension?

Mr. HULL of Iowa. The general gets no pension and the widow none unless the husband dies as a result of wounds received in the service or disease contracted in service. I know a widow of a brigadier-general here in town whose husband died of old age, and she does not get a cent of pension. They can get nothing unless it is by special act of Congress.

Mr. GAINES of Tennessee. Does the gentleman mean to say that the widow of a brigadier-general has no pension?

Mr. HULL of Iowa. Not at all, unless her husband died as the result of service.

Mr. RICHARDSON. And the gentleman knows that the trouble must have originated in the service?

Mr. HULL of Iowa. It had to originate in the service, or he would not die as a result of the service. In a volunteer officer, it has to originate in the service in time of war. You eliminate the civil-war men from your retired list, and you have not more than 265 on the retired list who did not have civil-war service, and they are all below the grade of major.

Mr. BUTLER. Will the gentleman please repeat that statement?

Mr. HULL of Iowa. I think there are but 265 that have no civil-war record that are on the retired list.

Mr. BUTLER. Of all grades?

Mr. HULL of Iowa. Yes.

Mr. BUTLER. Below the grade of major?

Mr. HULL of Iowa. Yes. I know men that are retired as lieutenants and captains on the retired list that have a civil-war record, but I am not counting them in so as to offset anybody that might be above that grade who did not have a civil-war record.

Mr. RICHARDSON. What is the mortality of those retired men that had service in the civil war?

Mr. HULL of Iowa. I have given you one grade of brigadier-general. They are dying off so fast that in a very little while there will be a very few of them left. The gentleman from New Jersey [Mr. PARKER] calls my attention here in the Army and Navy Register to one page on which there are eight, and the youngest of those is 83 years old. I am not finding fault with the fact that we give any increase to the major or brigadier generals. There are seven major-generals, and there will be only six when General Ainsworth retires. There are seven now on the active list, and at $500 apiece that is $3,500 a year. There are twenty-seven brigadiers, fifteen of the line only, and with $500 apiece a year it is a mere bagatelle.

I did not feel that I was justified in tying up a great appropriation bill here indefinitely simply to try to save less than $15,000 a year in this way. It is true these men have extra expense. It is true they are not as hard up as men of the line. But what I wanted above everything was to increase the pay of the field and line officers. I will volunteer this proposition: That there is not a man in the Army to-day of the rank of major or below the grade of major who, if he has not private means of his own or if he has not married a rich wife, is not in debt. And they are compelled to be in debt by the exigencies of the service. They ought all to be compelled to marry rich wives—but that would be foreign to our theory of marriage.

Mr. COCKRAN. We should make them competitors with foreign dukes.

Mr. HULL of Iowa. Yes. We increase the pay of the cadets at the two academies $100 a year each. Their flat pay now at each academy is $500. Congress some few years ago equalized the Military Academy with that of the Naval by granting one ration a day or a commutation at 30 cents, making the pay of each of the academies for each cadet $609 a year. We gave them in this agreement $100 increase on that, making it $709 a year, in place of $609.

Mr. TIRRELL. Are the parents or guardians of these cadets or midshipmen allowed to furnish them any money while they are there?

Mr. HULL of Iowa. They are not. Of course, when they graduate the man whose parents are well to do can help him all they want to so far as his uniform is concerned, but the man who has not anything, or whose parents have nothing, has to save that from his pay, or go in debt for his uniform. The theory of both of these academies, I think, is a splendid one for our country—that all cadets must be on an exact equality, while cadets, at least, and no cadet is allowed to have money to expend from the private funds of his parents or from his own private funds, but must live in the same way that every other

cadet does. In other words, the son of a washerwoman and the son of a millionaire stand upon the same equality, and I want it to always be that way, and so do you, gentlemen. [Applause.]

There is another feature of this amendment No. 8 that I desire to call attention to, that we have agreed to, and that is that the widow or next of kin of an officer who dies from wounds received in battle or disease contracted in active service gets six months' pay of his rank, and the widow or next of kin of a private soldier will get six months' pay of his rank. It is a new proposition. It will cost the Government probably money in time of war. In time of peace it will cost very little, because the man has to die in active service as a result of the service either from wounds or disease. We now take charge of the burial under a construction of the law in the appropriations for the Quartermaster's Department, a construction only. This makes it positive that the Government will give the widow six months' pay of the rank her husband held, retaining for an officer $75 for immediate funeral expenses and for a private soldier $35 for immediate funeral expenses.

Mr. DAWSON. Will the gentleman yield for a question?

Mr. HULL of Iowa. Yes.

Mr. DAWSON. Will that in any way change the pensionable status of that widow?

Mr. HULL of Iowa. Not a bit; not a bit.

Mr. KAHN. That simply carries it for the Army practically what is done now in the case of a United States minister or consul abroad, or Member of the House.

Mr. HULL of Iowa. Yes. We now give to the widow of every Member of Congress who dies a year's salary; I think I am not wrong in that, and to every employee of the House six months' pay.

Mr. KAHN. That is very true.

Mr. HULL of Iowa. It simply extends to the Army, and will to the Navy and Marine Corps, this recognition, that when a man is called away and his family may be left dependent and need something at once, to care for them.

Mr. PADGETT. Might I ask the gentleman a question?

Mr. HULL of Iowa. Oh, certainly.

Mr. PADGETT. I notice in the amendment to which the gentleman is speaking it says:

> Shall cause to be paid to the widow of such officer or enlisted man or to any other person previously designated by him.

Mr. HULL of Iowa. Yes; previously designated——

Mr. PADGETT. And the question I wish to put is, Suppose he has no next of kin at all? Can he designate an entire stranger and the Government give to that stranger six months' pay? Ought not it to be limited to the widow and next of kin; or, if he wants, let him designate some one as a recipient for the benefit of the widow or next of kin?

Mr. HULL of Iowa. I think anyone he designated could receive it.

Mr. PADGETT. This will allow him to give six months' pay to an entire stranger, would it not?

Mr. HULL of Iowa. Well, if you go on the theory that you may find a man who has neither relatives nor family, yes; but it is a very remote possibility that any man would not have some relative, widow, or next of kin.

Mr. PADGETT. Suppose he has a widow and children and he designates that an entire stranger is to receive the benefit of this six months' pay?

Mr. HULL of Iowa. That he can not do.

Mr. PADGETT. It does not say so here.

Mr. HULL of Iowa. It is to go to the widow and children first, and it is to be under regulations to be prescribed by the Secretary of War.

Mr. PADGETT. It says here "to the widow of such officer or enlisted man, or to any other person previously designated by him."

Mr. HULL of Iowa. But it says later on, "The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person."

Mr. PADGETT. Suppose he designates not the widow and the children, but an entire stranger.

Mr. HULL of Iowa. I do not believe that would be a proper person at all, and I do not believe——

Mr. PADGETT. It does not say so here. It says it shall go to any person designated by him.

Mr. HULL of Iowa. No; it says the Secretary of War shall make regulations for the designation of a proper person.

Mr. PADGETT. It says, "The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army." Now, it does not say he shall designate some one for the benefit of the widow or children or next of kin, and the objection I have to the qualification is not that the widow would get it or the next of kin or the children, but he might designate an entire stranger to pay some debt.

Mr. HULL of Iowa. Mr. Speaker, of course——

Mr. PADGETT. Is it possible to amend it?

Mr. HULL of Iowa. You can not amend it; you will have to take it as it is or reject it.

Mr. KEIFER. I think the suggestion is a good one.

Mr. HULL of Iowa. If such a construction could be held——

Mr. PADGETT. It is the language in the bill, and I am willing for the widow and children to have it, but I do not think it is proper for an entire stranger to have it.

Mr. HULL of Iowa. That is a mere construction, something I think will never happen. It can not be amended now.

Mr. PADGETT. It is not only a mere construction, but it is the express language, and it says it shall be paid to anyone whom he designates.

Mr. KAHN. Is not it a fact that when a man enlists either in the Army or in the Navy he designates his parents or somebody next of kin, so in case of an accident to him the Department knows with whom to communicate? Is not that the fact?

Mr. HULL of Iowa. I have very little time, but the point I want to bring out is that the only way to change this is to vote down the conference report. I do not know it would be changed in conference. It can not be amended, and I want to say right here that if there is any danger of such a state of affairs happening as that to which the gentleman refers that Congress meets next December and the House will be unanimous in placing such a limitation on it, so that no evil can come from it between now and next December, and no harm can come to the Government by this action.

Now, I want to reserve the balance of my time, Mr. Speaker, because it may be necessary for others to speak and for me to say something more.

The SPEAKER pro tempore (Mr. CAPRON in the chair). The gentleman from Iowa [Mr. HULL] reserves the balance of his time.

Mr. HAY. Mr. Speaker, I have always admired the skill and ingenuity with which the gentleman from Iowa [Mr. HULL] manages the Army bill on this floor, and I have been very much struck with the skill with which he has diverted the attention of the House from the question which we ought to consider and has undertaken to appeal to their patriotism about civil war veterans, whose increase of pay is really a very small portion of the money appropriated in the bill.

Now, the Army bill of the current year carries $78,000,000. This bill under consideration carries $95,000,000, an increase of $17,000,000. Of that increase $7,000,000 is proposed for the increase of pay, $2,000,000 being set aside for the increase of the pay of the officers, and $5,000,000 for the increase of the pay of enlisted men. A calculation of the number of officers on the active list of the Army will show that it will take $2,071,000 to pay them; so that that is not enough to pay the officers of the Army. It would take $50,000 more to pay the increase to cadets. It will take something over $500,000 to pay the increase of the officers on the retired list. So that the bill does not provide money enough for the increase of pay carried in the bill. Therefore, when you say that $7,000,000 is carried for the increase of pay, you do not tell exactly what the increase of pay will be.

The $5,000,000 set apart for the increase of pay of enlisted men will not, in my judgment, do it—certainly not after the first year. So that a fair statement of the case will show that this increase of pay will carry not less, after the first year, than $6,000,000. Now, apart from the increase of pay, this bill increases the expenses of the Army $10,000,000 more than last year, while there has not been added to the Army a single man; while, so far as I am informed, there has not been added to the expenses of the military establishment anything more than they had last year. And why this increase of $10,000,000? The gentleman from Iowa [Mr. HULL] said he was going to explain it to the gentleman from New York, but I observed that he did not make any explanation of that increase. Now, as to this increase of pay, I want to say that in five years, when it comes into operation, the Government will have to appropriate every year not less than $25,000,000 as a result of this increase of pay, as much as the Army was costing at the beginning of the Spanish war.

So, you see, we are embarking upon a very considerable expenditure of the public money, and we are not sure that that will be the end of it.

Now, I want to call attention to the fact that we have been increasing the pay of the officers of the Army almost every year. It was only year before last that we increased their commutation for quarters; it was only year before last that

we gave them fuel and light in addition to their pay, and we have been adding one thing and another until the mere flat pay which you hear about is not the actual pay which an Army officer gets. This bill carries about $1,000,000 for heavy furniture for the officers of the Army—$949,000, I think, is the exact figure.

Mr. HULL of Iowa. Will not the gentleman in that connection, because I know he wants to be as fair in the House as I do myself, state that the furniture belongs to the Government and is expected to save its cost to the Government in transportation?

Mr. HAY. Of course it belongs to the Government, and the officer gets the benefit.

Mr. HULL of Iowa. The Government saves, however, the transportation as an offset for the purchase.

Mr. HAY. It saves some transportation, but it is an increase of the officer's emoluments, and it is an allowance that they have never had before, and while something may be saved in transportation, yet I am talking about what the officer gets.

Mr. HULL of Iowa. The officer does not get it.

Mr. HAY. Well, he uses it.

Mr. COCKRAN. Would the gentleman allow me to ask him a question just for the information of the House? To what extent is the officer compelled now to supply his own furniture? To what extent does the Government furnish it?

Mr. HAY. Now he is compelled to furnish all of his furniture.

Mr. COCKRAN. Out of his pay?

Mr. HAY. Out of his pay. Now the Government proposes to put in all necessary furniture of the kind that we call heavy furniture, which includes tables, sideboards, and chairs, and all the beds, and so forth.

Mr. COCKRAN. Does it include chairs?

Mr. HAY. I think so; yes.

Mr. HULL of Iowa. No.

Mr. COCKRAN. It would be difficult to understand what it would be like if——

Mr. HAY. I understand that chairs were in the list published by the War Department.

Mr. HULL of Iowa. I do not understand that the chairs are included—only the large furniture.

Mr. HAY. Well, I will give up the chairs, then.

Mr. GAINES of Tennessee. You do not expect them to stand all the time.

Mr. LANDIS. Will the gentleman permit me to interrupt him?

Mr. HAY. Certainly.

Mr. LANDIS. Has the gentleman ever moved himself?

Mr. HAY. Oh, yes; "the gentleman" has moved.

Mr. LANDIS. Does not the gentleman know that, coupled with the proposition of moving furniture and other household effects, as a general rule, the loss is from 25 to 50 per cent?

Mr. HAY. That is true; but heretofore the Government has been paying for the moving and not the officers.

Mr. LANDIS. But the wear and tear is great, and the gentleman knows the adage that "three moves is equal to a fire."

Mr. HAY. That is true; but I do not see how that affects the proposition of giving the furniture which the officer will find in his quarters when he gets there.

Mr. LANDIS. I would say, coupled with these frequent removals and the fact that we recognize that the salary is not extravagant, that it would be curtailing the pay of these officers if we did not stand some part of the expenses.

Mr. HAY. That is a matter of opinion. As I was going on to say, for instance, a captain of cavalry gets a flat pay of $2,000. Now, quite many captains in the Army have served twenty years; and you must remember that every Army officer's pay, including the colonel, gets longevity or "fogey" pay. When he has served five years he gets 10 per cent additional; when he has served ten years he gets 20 per cent additional; when he has served fifteen years he gets 30 per cent added, and when he has served twenty years he gets 40 per cent added. So that a captain of cavalry, instead of getting $2,000 only, when he has served twenty years gets $2,800. In addition to that he gets his fuel and lights and other benefits. He gets his furniture; he gets his quarters given him when he is at a post or commutation of quarters when not stationed in any Army post. Now, all these things added up make not less than $3,200 or $3,300 a year; so that it seems to me, in the present condition of the Treasury and the expenses in which we are placed, it is not the proper time to increase the pay of these Army officers.

Mr. BEALE of Pennsylvania. Will the gentleman permit me to ask him a question?

Mr. HAY. Certainly.

Mr. BEALE of Pennsylvania. I would like to ask the gentleman whether he does not know that a man who has the ability to serve as an officer in the United States Army, if he were employed by any corporation of any size in this country, would receive a greater compensation as an increase than would be ten times the cost of this little bit of furniture?

Mr. HAY. Well, I do not know about that.

Mr. BEALE of Pennsylvania. I do; and I know that that is the case.

Mr. HAY. I decline to yield further.

Mr. GAINES of Tennessee. Mr. Speaker, I had in my mind the furniture proposition when the gentleman was interrupted. Now, does the gentleman think it is altogether fair to charge up as part of the officer's salary, or-so-called "emoluments." the furniture that is bought by the Government, which is owned by the Government, not by the officer at all, except, for the time being, that he uses it for the purpose of the Government? Is it exactly fair to charge that up to the officer's salary?

Mr. HAY. I do not say so. I say it is part of the perquisites pertaining to the office, just as this furniture at the Office Building is part of your perquisites and mine——

Mr. GAINES of Tennessee. Not at all.

Mr. HAY (continuing). And which we would have to pay for or pay for its use.

Mr. GAINES of Tennessee. I paid for mine for the past ten years and my office, too, in which I did the public's work.

Mr. HAY. So did I.

Mr. GAINES of Tennessee. We ought to have been furnished offices twelve years ago.

Mr. HAY. That may be so; but still we get it, and I am relieved and you are relieved to just that extent.

Mr. GAINES of Tennessee. Yes, that is true; but I do not think that ought to be charged up to me.

Mr. HAY. Oh, well, you know it will be charged.

Mr. GAINES of Tennessee. It is a Government investment for official purposes.

Mr. DAVIS of Minnesota. Will the gentleman allow me to ask him a question or two?

Mr. HAY. Certainly.

Mr. DAVIS of Minnesota. I appreciate what the gentleman says about furniture, and that while it does not belong to the officer, still he gets the benefit of it in its continuous use. But I would like to ask the gentleman, he having made a study of the Army and Navy officers, perhaps, and I am somewhat interested myself, if he thinks that the officers, especially the line officers, are now receiving adequate compensation?

Mr. HAY. I do.

Mr. DAVIS of Minnesota. You stated, furthermore, that you did not think, owing to the condition of the Treasury, that this was the proper time to raise the salaries. Is that the substance of it?

Mr. HAY. Yes.

Mr. DAVIS of Minnesota. Has there been heretofore, in the opinion of the gentleman, any time that he thought was a better time to raise these salaries than at the present, when prices of living are high?

Mr. HAY. Yes; I think when the country was prosperous and the Treasury was overflowing and the revenues of the Government were very much larger than they are now, that would have been a very much better time.

Mr. DAVIS of Minnesota. Does the gentleman think there is any prospect of any better time coming in the future to raise these salaries than now?

Mr. HAY. I hope so. If the Democratic party can get control of the Government, I hope they will bring better times. [Laughter and applause on the Democratic side.]

Mr. DAVIS of Minnesota. I appreciate the gentleman's fond but delusive hope, yet I simply wanted to know what the gentleman thought about the increase of these salaries—whether the time had gone by when we ought to have raised them, or whether there will be a better time in the future than the present to do so.

Mr. HAY. I think a better time may come, when it might be done. I want to say to the gentleman that I have the very highest regard for the officers of the Army. I have personal relations with a great many of them, and it is not a pleasant task for me to antagonize this legislation.

Mr. DAVIS of Minnesota. Does the gentleman not know, if he has personal relations with a good many Army officers, that a majority of them can hardly meet their legitimate expenses at the present time.

Mr. HAY. No; I do not know that. I know that some of them say they can not do it, and some of them do it. I suppose it depends largely upon the individual.

Mr. DAVIS of Minnesota. But as to the majority of them, do they not have a hard time to pay expenses under present conditions?

Mr. HAY. I do not know that. It depends upon what their expenses are, and what they make their expenses.

Mr. HITCHCOCK. Is it not a fact that one of the chief hardships of military officers, and one of the causes that makes it difficult for them to make both ends meet, is the constant moving from post to post, incurring traveling and moving expenses, and is there any justification for that?

Mr. HAY. I imagine that with the small Army we have it is necessary to move the Army and the different commands in it very frequently. Otherwise you would keep some men in the Philippines, for instance, for years and keep other men here for years. You have got to shift them about. Part of the Army is in Cuba, part in the Philippines, and part in Alaska, and one command ought not to be kept in the Philippines, for instance, all the time. They must be shifted about. I do not see how you are going to obviate that.

Mr. HITCHCOCK. I do not deny that some change is necessary, but it seems to me preposterous that officers should be bankrupted and the Government put to heavy expense by shifting them every six months, or a year or two years, from one place to another.

Mr. HAY. Well, the Government is put to a heavy expense. The officer himself is not put to any personal expense, because he gets 7 cents a mile when he travels on duty. Of course if he moves his family, that is an expense; but his personal travel expense is provided for by the Government.

Mr. HITCHCOCK. The Government is taxed heavily, and many of these officers are almost bankrupted by this constant moving, and I have never been able to find any justification for it.

Mr. HAY. I do not see how the officer can be bankrupted, because the Government not only pays him mileage, but it also pays for the transportation of his baggage.

Mr. HITCHCOCK. Many of these officers have families.

Mr. HAY. Oh, well; that is true.

Mr. HITCHCOCK. And many of them have furniture.

Mr. HAY. That is true.

Mr. HITCHCOCK. And, as the gentleman from Indiana said, three moves are equivalent to the total destruction of the furniture.

Mr. HAY. We are providing for that, so that they will not be compelled to move the furniture. They will have furniture provided for them.

Mr. HITCHCOCK. I think that is wise.

Mr. COCKRAN. I do not know that I have understood the gentleman's position correctly. Does he claim that officers of the Army are sufficiently paid now, or does he claim that the pay is inadequate but the condition of the Treasury such as to make it unwise at this time to give them adequate compensation?

Mr. HAY. I think that certainly all officers above the rank of captain are now adequately paid.

Mr. COCKRAN. Does the gentleman include captains in that?

Mr. HAY. I said above the rank of captain.

Mr. COCKRAN. Then the gentleman admits that captains and those below that grade are inadequately paid?

Mr. HAY. It is possible that there should be additions to the pay of second and first lieutenants and captains, but I do not think this is a good time to do it.

Mr. COCKRAN. I understand the gentleman's position is that this additional compensation should be made, but that it would be too expensive to do it now?

Mr. HAY. Well, no; the gentleman did not understand me to say that.

Mr. COCKRAN. I should like to know the gentleman's position.

Mr. HAY. The gentleman understands me to say that I consider the pay of officers above the rank of captain to be adequate.

Mr. COCKRAN. I understand that. How about the others?

Mr. HAY. It may be that the other officers should be paid more. I am not prepared to say that they should be. For instance, take a second lieutenant. He gets $1,400 a year now. He comes out of West Point and he is credited with four years' service, and at the end of one year's service he has 10 per cent added to his pay, which makes $1,540, besides other perquisites. It does seem to me that a young man who has just come out of college, educated at the expense of the Government, who has been given everything that can be given to a young man in the way of advantages of every sort, that after being out one year in the world receives $1,540 a year, together with other perquisites, that for the time being that is an adequate compensation. I do not know of any other case of any man in the world who has equal advantages.

Mr. COCKRAN. Does the gentleman know what a bookkeeper is paid in New York City?

Mr. HAY. How old is the bookkeeper?

Mr. COCKRAN. Twenty-one or 22; and what does the gentleman suppose he gets; would he think that such a man was overpaid at $1,500 a year?

Mr. HAY. I do not know what pay he gets, but I know that it does not cost an Army officer as much to live where he does live as it would in New York.

Mr. COCKRAN. Does the gentleman think there is any comparison in the preparation of each man for his work?

Mr. HAY. I do not; and I think a man educated by the Government is much better qualified.

Mr. COCKRAN. But do I understand the gentleman from Virginia to say that because a second lieutenant is peculiarly qualified for work of an exceptional value, that he should be paid less?

Mr. HAY. I do not say anything of that sort. The gentleman from New York can not put words into my mouth.

Mr. COCKRAN. I beg to assure the gentleman that I do not wish to put words into his mouth; I want to get the view of the gentleman.

Mr. HAY. I do not presume the gentleman from New York cares very much what my views are.

Mr. COCKRAN. I do care very much, indeed; the gentleman does himself faint justice.

Mr. HAY. The gentleman from New York wants to muddy the water. I have stated repeatedly what my views were.

Mr. COCKRAN. If the gentleman will allow me to remind him, a few moments ago he stated that all the officers under the rank of major were underpaid.

Mr. HAY. I did not say anything of the sort, and the gentleman can not put words into my mouth. I decline to yield further.

Now, I want to call attention to what the Army is costing or will cost in the event of the adoption of this conference report. This bill, as I said, carries $95,000,000. The fortification bill carries $10,000,000. The sundry civil bill carries $4,000,000 for purely Army purposes, and the permanent appropriation for the Army which is made every year is $4,000,000 more, which makes $113,000,000 that the Army will cost the country after the passage of this bill.

Now, if gentlemen think that we are justified in voting for the bill, adding this burden to the country, of course it is their lookout. I have endeavored, as best I could, to show the conditions about this increase of pay and about other increases. and I believe that the House should vote down the conference report.

Mr. DAWSON. Can the gentleman tell the House what the lump sum would be both in the active and retired list for the two highest grades in the Army, brigadier-general and major-general?

Mr. HAY. The increase on the active list of a major-general is $500.

Mr. DAWSON. I mean the lump sum, showing how much the total would be.

Mr. HAY. I can not give you that, for I have not the figures. I can give you the increase on the retired list of a major-general, which is $375; and there are twenty-five major-generals, which would be an increase of $9,375. The increase of a brigadier-general is $375 a year, and the increase would be $99,750 for all of them.

Mr. GAINES of Tennessee. Does the gentleman think it would be more just to increase the pay of the retired Army officer than to increase the pay of those on the active list?

Mr. HAY. No; I do not.

Mr. GAINES of Tennessee. We are doing both in this bill.

Mr. HAY. Yes.

Mr. GAINES of Tennessee. If we could not do both, which does the gentleman think would do more justice to the Treasury?

Mr. HAY. I think the men on the active list should be increased before those on the retired list, undoubtedly.

Mr. GOULDEN. Will the gentleman please tell us just how much the increase is on the rank beginning with the second lieutenant and ending with major?

Mr. HAY. It is $500.

Mr. GOULDEN. All the way through?

Mr. HAY. All the way through.

Mr. GOULDEN. Including the second lieutenant?

Mr. HAY. No; I think it is $300 to the second lieutenant.

Mr. GOULDEN. How much to a cadet at West Point?

Mr. HAY. One hundred dollars.

Mr. GOULDEN. What is the lump sum for these grades, beginning with the cadet and ending with the rank of major, how much is required to raise their salaries as proposed?

Mr. HAY. It will require, I suppose, a little under a million dollars.

Mr. GOULDEN. I think the gentleman is in favor, perhaps, of that increase?

Mr. HAY. Not at this time.

Mr. GOULDEN. I am, most heartily.

Mr. GOLDFOGLE. Mr. Speaker, the gentleman from Virginia has been a very active member of the Committee on Military Affairs and is of course familiar with all these matters. I would ask the gentleman whether he has received any light in the committee from the hearings or in any other place as to why the increase is at this time demanded or requested?

Mr. HAY. Well, this is not the first time that it has been demanded or requested. The increase has been demanded and requested repeatedly for years back. It has just now culminated.

Mr. GOLDFOGLE. Is it not a fact that in almost every one of the Congressional districts the requests for appointments for cadets are very much in excess of the number that can be filled?

Mr. HAY. Unquestionably.

Mr. GOLDFOGLE. And all are willing to go in at the present rate?

Mr. HAY. Undoubtedly. Mr. Speaker, I reserve the balance of my time.

Mr. HULL of Iowa. Mr. Speaker, I yield ten minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, in my opinion this conference report is fair and just and ought to be adopted. As a member of the Committee on Military Affairs I shall vote for it. We have a very small Army, and I am in favor of making it just as practicable and just as efficient as possible. We all know that within recent times there have been a great many desertions from the Army, because the enlisted men are not treated as they should be treated, and because their pay is entirely inadequate. I want the enlisted men treated better and paid more.

This matter was carefully considered in the committee, and the committee agreed to the increase of pay of the enlisted men. If I had my way, I would be willing to make the pay of the soldiers more than is provided for in this conference report. The committee of the House did not touch upon the increased pay of the officers. It was thought advisable to pass the bill in the House with the increase of pay only for the enlisted men, but the Senate in the meantime passed a bill increasing the pay of the officers, and that bill is now pending. When the House appropriation bill went over to the Senate it was amended and the whole matter went to conference. The increased pay for the officers is a very small item. It gives cadets at West Point $100 a year more. It gives colonels, brigadiers, and major-generals $500 a year more. Their salaries have not been increased in forty years, whereas the expense of living during that time has very materially increased. It was represented to the committee by the officers of the Army that the increased cost of living in the city of Washington and other places throughout the country was at least 35 per cent, and their salaries for forty years had remained practically the same. They appealed to us to give them a very material increase. The best they can get at present it seems is this increase of about $500 a year. Now, I do not think that is too much. I do not think this small increase is going to be a great burden on the taxpayers of the country.

These officers are most efficient men. They do a great work for the Government in various lines of usefulness—especially engineering work. They have got to live in accordance with the positions they occupy. They are cultivated, accomplished gentlemen. They have to entertain more or less. They have to dress well. They have families. They can not live as they are expected to live on the pay they are now receiving, and I am willing for one, as a Member of this House, and as a member of the Committee on Military Affairs, to pay the officers decent salaries to live on, and to pay the soldiers of the Army adequately, justly, and fairly, because I want to see in the American Army the best men we can get in the country, and we are not getting the best men at present, and the reason is because we do not pay them enough wages.

The officers of the Army have been educated at West Point, have gone into the Army and remained in the Army; they are the men who do our great engineering work from one end of the country to the other, great work of which we are all proud, and for which we appropriate millions and millions of dollars every year; and I am willing to pay them decent wages, so that they can live in accordance with the positions they are expected to occupy. These men do not have the opportunities to make money other men have in other walks of life. They can not go into various enterprises to make money. They are entirely dependent on their salaries. The opportunities of money-making are all closed to them, and they are compelled to depend, not only themselves but their families, upon the pay they get as Army officers. This small increase is not too much. In the opinion of many it is not enough.

Mr. GAINES of Tennessee. What per cent do we increase the salaries of these officers?

Mr. SULZER. We increase them about $500 a year.

Mr. GAINES of Tennessee. But what per cent?

Mr. SULZER. Less than 10 per cent. An officer getting $6,000 a year, $500 increase would be less than 10 per cent, whereas the necessaries of life, as I pointed out, have gone up over 35 per cent, and I know myself from investigations I have made that the statements of the officers of the Army who appeared before the Committee on Military Affairs and submitted the data, which is a matter of record, are absolutely true so far as the increased cost of living is concerned——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Speaker, I ask for a few minutes more. I want to answer any questions submitted.

Mr. HULL of Iowa. How much time does the gentleman desire?

Mr. SULZER. Just a few minutes more.

Mr. HULL of Iowa. I yield five minutes additional to the gentleman.

Mr. GAINES of Tennessee. Since you answered my question a minute ago that the raise was about 10 per cent, the gentleman from Virginia [Mr. HAY] informs me that they are raised about 40 or 50 per cent.

Mr. HAY. In the lower ranks.

Mr. SULZER. That is for the enlisted men.

Mr. HAY. No; first and second lieutenants.

Mr. SULZER. The gentleman from Virginia, as I understand it, has no objection to the increase in pay for the enlisted men.

Mr. HAY. I said to the gentleman from Tennessee the lieutenants were increased about 40 per cent under the provisions of this bill.

Mr. GAINES of Tennessee. Is it not true that when they move, say from Fort Myer, out here, to some other station the Government gives them mileage and pays for carrying their furniture? Is that correct?

Mr. SULZER. Not for carrying their furniture.

Mr. SLAYDEN. Three thousand pounds to each officer.

Mr. GAINES of Tennessee. That amounts to nothing.

Mr. SULZER. Not much in moving.

Mr. GAINES of Tennessee. Now, the increased cost of living, according to the evidence before your committee, is how much?

Mr. SULZER. In the last ten years or so it is about 35 per cent.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. SULZER. Certainly.

Mr. GOULDEN. I would like to ask the gentleman if he considers the increase recommended by the conference committee or the Senate as commensurate with the increase in the cost of living?

Mr. SULZER. Not at all, not at all; entirely too little.

Mr. GOULDEN. You think the cost of living is much larger in proportion than the advance made along the line of increase?

Mr. SULZER. The cost of living has increased at least 35 per cent, and we are giving the officers an increase of salary of less than 10 per cent.

Mr. GAINES of Tennessee. Does the gentleman think it fair to charge up to these officers, because we give them a furnished room to live in—that is the short of the proposition, the furniture, and so forth—does the gentleman think that should be taken into consideration in fixing their pay?

Mr. SULZER. Oh, yes; that is taken into consideration.

Mr. GAINES of Tennessee. Does the increase in compensation in one sense take that into consideration?

Mr. SULZER. Yes. It is part of the compensation that is always taken into consideration, of course. But, as a matter of fact, I want to say that if we want an army of which we can be proud, we have got to pay the enlisted men decent wages, and we have to pay the officers of the Army living salaries.

Mr. SLAYDEN. What do you call decent wages for an enlisted man?

Mr. SULZER. Enough to live on decently and save a little for a rainy day. The enlisted men, I think, have been pretty fairly dealt with in this bill. I would be willing, however, to give the enlisted men a little more than they will get under this proposed amendment, but I am satisfied, and I understand the

enlisted men of the Army are pretty well satisfied, with the increase pay carried in this bill. However, I think the officers of the Army ought to receive more pay than they get now or will get under this proposed increase. I would be willing to vote for more. I believe in economy, but I believe in practical economy. I do not want to be penny wise and pound foolish; and the commentary I would make on the legislation of this Congress is that when it comes to appropriating millions of dollars for some matter in which very few people are interested it is done unhesitatingly, but when it comes to appropriating money for the men who are really entitled to it we quibble about it. We strain at a gnat and swallow a camel. It is everything for the few, very little for the many.

We do not legislate fairly and justly for the best interests of all concerned, but that is what we should do.

Now, sir, I believe that this conference report is the best report that the House can get. I believe that the conferees have done the best they could to come to an agreement, and, having reached this agreement, I am in favor of the House adopting the conference report. I shall vote for it, and I hope it will be adopted. If it is adopted and these increases of pay become law, we will find that the personnel of the Army will be very much improved in all respects. [Applause.]

Mr. HULL of Iowa. Now, Mr. Speaker, I hope the gentleman can use some more of his time. I have very little remaining, and I must reserve that largely.

Mr. HAY. I yield fifteen minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, when the Army appropriation bill was before the House and that paragraph increasing the pay of the enlisted men was under consideration I reserved the point of order, and the merits of the proposition were discussed. The gentleman from Iowa [Mr. HULL] informed the House that he was not in favor of increasing the pay of the officers of the Army and did not feel that we were justified in doing that at this time.

Mr. HULL of Iowa. I will yield to the gentleman time, if he will allow me to correct him. I did not state anything of the kind. I stated that no doubt the Senate would put it on and a proper increase should be made, instead of saying what the gentleman says I did.

Mr. TAWNEY. My recollection is that the gentleman not only said that, but said that he would resist the proposition to increase the pay of the officers of the Army.

Mr. HULL of Iowa. Mr. Speaker, I challenge that absolutely. There is not a word of truth in it.

Mr. TAWNEY. The proposition was then before the committee as to whether or not the proposed increase for the enlisted men should be carried in the Army appropriation bill.

I took the position upon that occasion to say that if we carried the provision, which I was in favor of, to increase the pay of the enlisted men, in the Army appropriation bill, it would afford an opportunity for the Senate to increase also by amendment the pay of the officers of the Army. And at that time the sentiment of the House was universally opposed to the proposed increase of the pay of the officers of the Army, either on the active or the retired list.

Mr. SLAYDEN. Mr. Chairman——

Mr. TAWNEY. Just a minute. Now, another proposition that was considered by the Committee of the Whole House on the state of the Union and voted down was $1,000,000 for maneuvers of the Army, the "grand maneuvers," as they are called, during the next fiscal year. That proposition the gentleman from Iowa [Mr. HULL] himself made a speech against, and it was rejected by the committee. That amendment has gone into the Army appropriation bill in the Senate and has been agreed to by the House conferees.

Mr. HULL of Iowa. I was opposed to it.

Mr. TAWNEY. And the gentleman stated to the House what is the fact, that the Military Committee in reporting this bill to the House, instead of appropriating $1,000,000 for these maneuvers, had given to the Secretary of War power and authority to send the regular troops to the State encampments, and that the necessary expenditures for that purpose had been provided for in the bill, and would be made for the purpose of giving to the State troops the benefit of this participation in maneuvers with the Regular Army troops. The Senate amended the House bill, putting in the $1,000,000 for the maneuvers, and the bill also carries the appropriation to defray the expense of sending the regular troops to the State encampments in addition to that.

Now, he informs us that the increase in the pay of the enlisted men of the Army is $5,000,000 as carried in this bill. When the bill was before the Committee of the Whole House on the state of the Union he stated that that would not be the maximum increase; that it would be the minimum increase, because this increase would encourage additional enlistments; the aggregate, he said, would be $8,000,000 or $9,000,000. Now, Mr. Speaker, to that has been added over $2,000,000 for increase of the pay of the officers of the Army.

The total increase carried by the bill over the amount the bill carried when it went to the Senate is $10,000,000.

Mr. Speaker, there has nothing been said as yet as to what the items are that go to make up the greater portion of the $10,000,000 increase. The increase in the pay of the enlisted men was authorized in the bill that passed the House. The addition of $2,000,000 or over is for the increase of pay of the officers.

Then, in addition to that, there is $1,000,000 for maneuvers that has been added. Now, what items go to make up the balance of the $10,000,000 I do not know. I submit, Mr. Speaker, in all fairness the gentleman from Iowa—in view of the action of the House in respect to the appropriation of $1,000,000 for maneuvers, and in respect to the sentiment of the House on the subject of the increased pay of the officers of the Army—ought to have brought that bill back so that the House would have had an opportunity to consider the several increases, particularly those on which the House had previously expressed an adverse opinion. Instead of that, the report comes back here in the form of a complete agreement, with no opportunity for the House to vote specifically on any one of these items, it matters not what its judgment might be as to the advisability of making the increases proposed by the Senate. When you propose to increase the expense of the Army above the amount appropriated for the current year to the extent of $17,000,000, I submit that the House is not only entitled to know the several items of increase, but to have the right to a separate vote on some of them—at least the most important—and especially those regarding which the House had previously given an adverse vote.

Mr. GOLDFOGLE. Why would it not be well to modify the special rule so that we could give justice to these particular items?

Mr. TAWNEY. The rule under which we are operating does not change the situation. If we were operating under the ordinary rules of the House, the conditions would be exactly the same. This report is a complete agreement and is not subject to amendment. This is a complete report—a complete agreement—so if there is any item in the report which the House does not approve of, the only recourse the House has is to reject the report and send the bill back to conference.

Mr. HULL of Iowa. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. Suppose this report is voted down. If the gentleman's argument means anything, then he proposes to take up these items specifically and pass upon each where there is a difference of opinion?

Mr. TAWNEY. I am not in favor of that.

Mr. HULL of Iowa. That is what you would do.

Mr. TAWNEY. But I am in favor of giving to the House further opportunity to insist upon its disagreement to the Senate amendments, and that the gentleman from Iowa may take the bill back to conference. I am satisfied that if that is done, he will bring the bill back here carrying a less amount than it carries now, or that the House will be given an opportunity to give specific instructions regarding items that it does not agree to.

Now, Mr. Speaker, this matter of war expenses is one that the House is quite familiar with. But the rate of increases this year in Army and Navy expenditures is greater than it ever has been in the sixteen years that I have served in this House, greater than it has ever been since the gentleman from Iowa has been chairman of the Military Committee, except in time of war. I submit, Mr. Speaker, that when we are confronted, as we are to-day, with decreasing revenues, with a large deficit, there is no man that can justify increasing the pay of the Army officers or increasing the pay of the 900 officers, I think the gentleman from Iowa said, on the retired list, aggregating in all for the retired officers over $500,000, as stated by the gentleman from Virginia [Mr. HAY]. I say that in view of our present situation, in view of the condition of the Treasury of the United States, no man can justify before the American people this enormous increase in war expenses when we have not got the money to meet them and when there is no imminent danger threatening our Government or our country requiring these enormous additional war expenditures.

In all fairness to the House, I submit that this committee of conference ought to have brought back this bill so as to give the House an opportunity to express its judgment in regard to the items that it voted down when the bill was before the House on a former occasion, and that in regard to the increase in the pay of the officers, this House ought to have an oppor-

tunity to express itself specifically upon that proposed increase. But in the parliamentary situation as it is now no man can have a separate vote on any item in this report. We must vote it up or vote it down; no matter how objectionable some of these items may be, we have no opportunity to express by our vote our dissent to those propositions.

Now, Mr. Speaker, if the report is voted down or rejected, the House would then further insist upon its disagreement to the Senate amendments and ask for another conference; and I believe that I am not stating that which the gentleman from Iowa would disagree to when I say that if this bill is sent to conference again it will be brought back here with a less amount authorized, or afford the House the opportunity to express its judgment on these two important items, items that can not be voted upon unless the report is rejected. I therefore hope the report will be rejected in order that we may have an opportunity to express our further disagreement to the Senate amendments in order that the conferees may continue their conference with a view to reducing these expenditures, or at least with a view of giving to the House an opportunity of voting on the most important items in disagreement. I yield back the balance of my time.

Mr. HULL of Iowa. I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. I have listened with much interest to this debate, and I must confess with some surprise at the attitude of the gentleman from Virginia [Mr. HAY], who, appearing to recognize in at least part of his speech that some of our Army officers are underpaid, yet seemed to feel that the condition of our finances would justify the country in refusing to meet its obligations to this very deserving class of public servants.

Now, Mr. Speaker, it seems to me that if we are to have an Army at all—I am one of those who gladly welcome a reduction in it—it is incumbent upon us to provide against one condition which has resulted in every country that undertakes to maintain a standing army. In every other country where a standing army of any size exists the officers are composed entirely of men with independent fortunes. Officers are underpaid for the express purpose of excluding from that number all men who are not possessed of private means. Now, if this House declines to provide adequate compensation for officers of our Army, there can be no alternative except either to be content with the service of inferior men, men of inferior equipment and preparation, or else to depend entirely upon men able to support themselves independently of the pay allowed by the Government.

The gentleman from Virginia [Mr. HAY] described the compensation of a young man leaving West Point as adequate. He said it was some $1,400 a year when the young man joined the regiment, and that one year afterwards he becomes entitled to an increase of 10 per cent, which allows him about $1,500. The gentleman did not state that under the rules of the service the officer must provide himself with an outfit costing some $800. That outfit must be maintained, which means that in some respects it must be renewed from year to year. The cost of providing and maintaining that outfit is a reduction in the amount of his pay that leaves him less than $1,000 a year. It is idle to expect that any man of the abilities and preparation which are qualifications for entry into the United States Army and for remaining in it will be content to accept a career where, according to the gentleman himself, at the end of twenty years' service, he can hope to attain as a captain the munificent compensation of $2,800 a year and supply his own equipment out of that.

Mr. Speaker, I believe that these officers of our Army are the best qualified in all the world for the discharge of military duties. There is no other military service which exacts such thorough preparation from persons seeking commissions as the United States Army. The standard of qualification required, not merely for admission, but for remaining in the Army, is higher than anywhere else in the world. And if we are to maintain this Army as a citizen force, representative of the entire citizenship of our country, we must be satisfied to make sufficient provision for reasonable compensation to the men drawn from all walks of life who officer it.

Sir, when I realize that Members of this House increased their own compensation 50 per cent but one year ago; that we are now the highest-paid legislators in all the world—for there is not in all civilization a nation that pays its legislators, if my recollection is correct, one-half what we receive—it is little short of scandalous that we should be urged on the score of economy to leave officers of our Army, especially those of the inferior grades, grossly underpaid, when we come to consider the cost of living throughout the country. When a proposal is made here in this House to provide them with nothing beyond the necessary means of securing the absolute necessaries of life, to pay them a smaller compensation by one-half than any man would receive in any other walk of life with qualifications equal to theirs, we are met with the statement that this being an inauspicious season, we can not afford to be just; and this declaration of poverty is made on this floor at the same moment that are own pockets are bulging out with a compensation for public service generous beyond parallel in the experience of mankind.

Mr. Speaker, I hope the House will not assume an attitude so little creditable to its dignity, its patriotism, or its sense of justice. [Applause.] I trust this very moderate provision for reasonable pay to our officers will prevail.

Mr. SLAYDEN. Mr. Speaker, I shall only ask the attention of the House to one feature of the conference report, and if there were no other reasons for opposing the adoption of it, that one provision would determine me to vote against it. The amended bill as brought in with the conference report has this paragraph:

> And the pay of cadets at the Military Academy shall hereafter be $600 a year.

A large number of the Members in this House do not know, I take it, what the real compensation of cadets at the Military Academy is.

Mr. HUGHES of New Jersey. Does that include equipment?

Mr. SLAYDEN. If the gentleman from New Jersey will possess himself with patience I will endeavor to explain these points. In 1902, on June 28, the Military Academy bill for the succeeding fiscal year was approved. It contained this paragraph:

> That hereafter the pay of cadets shall be fixed at $500 per annum and one ration per day, with commutation thereof, such commutation to be at 30 cents per day.

So that by the act of June 28, 1902, the compensation of cadets at the Military Academy was fixed at $609 per year. Now, the proposition brought in by the conference committee is that we shall pay the cadets at the Military Academy $709 per year. I concede every virtue and every high quality that gentlemen claim for them, but to pay them $709 a year to go into the most comfortable quarters that any school on earth, as far as I know, possesses, to receive education at the public expense, to be provided with a profession for life, is preposterous in my judgment. It is excessive overpayment.

Mr. FOSTER of Vermont. Is it not a fact that every cent of this alleged compensation is charged up against them by the institution known as the "academy?" The gentleman does not mean to say that at the end of the year they have any of it left?

Mr. SLAYDEN. I have not meant to say anything of the kind. The cadets are compelled to buy their clothing; they are compelled to pay for their food——

Mr. FOSTER of Vermont. And they pay for blacking their boots.

Mr. SLAYDEN. But they get both at cost. They are housed and educated; they are furnished with clothing at cost, they are furnished with food at cost, and both of the very highest quality. Let us contrast their situation with that of other Government servants. Only a few days ago the gentleman from New York [Mr. PERKINS] called attention to the case of a lighthouse keeper within his own personal knowledge, the head of a family, a man doing valuable public service, a man who had a wife and two children dependent upon him, whose compensation was $520 per year.

I dare say that except, perhaps, in that locality known as the "island of Manhattan," where everything seems to be pitched upon a high and, I believe, artificial scale, where men possess more talent, where bookkeepers earn fortunes each year, where they receive a compensation altogether out of proportion to that paid men of equal ability for the same service in other parts of the country—these cadets are paid more to receive an education and to take a commission providing them with an honorable profession and a certain living for the balance of their lives than the majority of the heads of families throughout the country—always excepting New York—receive for their services.

Mr. GOLDFOGLE. Will the gentleman kindly inform us what percentage of cadets after graduation leave the Army and enter civil life?

Mr. SLAYDEN. I can not tell the gentleman what percentage leaves the academy or the Army and enter civil life. I think it is a very small percentage.

Mr. SULZER. I was going to say very few.

Mr. SLAYDEN. I can not yield, Mr. Speaker, for the gentleman's interruption. The suggestion has been made that a cadet necessarily has to pay $800 for uniforms on graduation. That is not so. The statement has been made that it has to be re-

newed every year. I dare say except for an occasional fop in the military service, just as we find an occasional fop in civil life, who is in possession of a large income, that there are not half a dozen officers in the United States Army who pay $800 a year for uniforms. [Applause.] This paragraph alone, which incites to extravagance, will justify the rejection of the report.

Mr. HAY. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I shall vote to disagree with this conference report. It seems astounding that in a time of profound peace, without any threatening clouds of war, without proposing to add a single man to the Army of the United States, the proposed appropriation for the next fiscal year for the Army should exceed the appropriation for this year by more than $17,000,000. It is immaterial to me whether this is due to an increase in the compensation of the officers and men or whether it is due to other items in the bill. It can not be justified, even if the Treasury were overflowing, instead of facing a tremendous deficit. This day last year the receipts exceeded the expenditures of the Government by $60,480,121.33. To-day for the present year the expenditures exceed the receipts by $54,130,538.28, a difference in the condition of the Treasury to-day and this time last year of $114,610,659.61. It has been repeatedly pointed out here that this year, despite the prediction of the Secretary of the Treasury that there would be in this fiscal year a surplus of about $42,000,000, there will be a deficit of from $70,000,000 to $85,000,000. In the coming year the deficit will be much greater. The gentleman from Minnesota [Mr. TAWNEY] at the opening of this session called the attention of the country to the fact that the estimates for the public service for the coming fiscal year were $118,000,000 in excess of the anticipated revenues. He then stated that it would be possible to appropriate $100,000,000 less than the administration asked without interfering in the slightest degree with the efficiency of the administration. Within a week he has called the attention of the country to the fact that this House has reported appropriation bills carrying $99,000,000 less than the estimates of the administration, and that if the bills were enacted as reported by the House committees the efficiency of administration of the public service would not be impaired.

The Army bill passed the House carrying $84,000,000, about $5,000,000 less than the estimates. The Senate has added $11,000,000, making it $6,000,000 more than the estimates. How long do Members of this House believe that the Congress can continue, not only to appropriate up to the estimates this year, $118,000,000 in excess of the anticipated revenues, but 15 per cent in addition to the estimates, which are so much in excess of the anticipated revenues?

Mr. Speaker, I have had some experience in the city of New York within a not very distant period. I know somewhat of the compensation that men are able to earn there. Seventeen years ago I was graduated from college, and after spending two years in a law school I was admitted to the bar, just fifteen years ago this month. I was like all—if not, 90 per cent—of the 220 young men in my class in the law school. I was glad to take a position as a law clerk at $10 a week, and I undertake to say that not only then, but now, unless the average graduate of the law schools, who has been admitted to the bar, has been greatly favored by fortune or has rich connections or associations who are ready to pay him out of all proportion to the services that he is able to render, the young man is lucky to-day to receive $10 a week in any law office upon being graduated from a law school.

Mr. COCKRAN. Would the gentleman have accepted at that time any compensation that would have limited him to earning $2,800 a year after forty years' service in his profession?

Mr. FITZGERALD. Mr. Speaker, I should have welcomed the opportunity to have entered some profession at that time which would have guaranteed to me at the end of a life of activity and usefulness a support for the rest of my life out of the Public Treasury of the United States. [Applause.] That is what these young men in the Army have. No man in civil life can expect that some great and beneficent government will provide for him when he is incapacitated, but he must depend upon his own exertions to put by the competency upon which he can live during the declining years of his life.

Mr. LANDIS rose.

The SPEAKER. The time of the gentleman has expired.

Mr. LANDIS. I will ask the gentleman from Iowa to grant me half a minute in which to ask a question.

Mr. HULL of Iowa. I yield half a minute for that purpose.

Mr. LANDIS. I want to make this statement, which I consider a great tribute to opportunity in New York and a complete answer to the argument of the gentleman from New York [Mr. FITZGERALD]. Col. J. B. Curtis commanded a battery in the Spanish-American war. There were 175 men in that battery. After service in Porto Rico the regiment landed in New York City and Colonel Curtis and a number of the members of the battery located there instead of going back to Indiana. He told me recently that he had kept track of all of them and that seventeen of them were now enjoying salaries in excess of $5,000 per year. Not one of them could have hoped for such compensation had they remained in the service.

Mr. FITZGERALD. Oh, Mr. Speaker, everybody living in the city of New York has not been so fortunate as to have been born in the State of Indiana. [Laughter.]

Mr. MANN. It is a wonder there is any population left in Indiana.

Mr. LANDIS. While I question their judgment and wisdom in leaving Indiana, I submit that that is a complete answer to the argument advanced by the gentleman from New York [Mr. FITZGERALD].

Mr. MANN. If it were, the gentleman would have no constituents. [Laughter.]

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, a few moments ago I referred to the debate on the provision increasing the pay of the Army which occurred when the Army appropriation was under consideration in the House. At that time, as all the Members of the House who were present will recall, the only question before the House was the question of increasing the pay of the enlisted men, which I favored. I read from the RECORD of the first session of this Congress, page 2617. I was addressing a question to the chairman of the Committee on Military Affairs, and I said:

> Is it not also a fact that the pressure for increasing the compensation of the officers of the Army is even stronger, and that there is an organized effort in that direction much greater than there has been to increase the pay of the enlisted men?
>
> Mr. HULL of Iowa. Mr. Chairman, there has been, of course, an effort to increase the pay of the officers, and I think in a sense it is a proper question to be discussed.

Then, again, on page 2617, the gentleman from Iowa said:

> Then the question of increase would also be determined somewhat by whether that provision would apply to those on the retired list (referring to officers). If it did not, you would reduce it by $250,000.

Then, again, he went on to say:

> I want to say to my friend that there has been a tentative talk among the members of the committee of an increase which would commence with a brigadier-general and give him $500 a year additional salary, which would make his pay the same as the pay of a rear-admiral of the junior grade in the Navy.

Then he goes on and enumerates what was embraced in this tentative talk among the members of the Committee on Military Affairs on the subject of increasing the pay of officers, and he said:

> That is a matter that should be taken up if the measure is brought before us and fully debated and discussed. The proposition here is simply to increase the pay of the enlisted force of the Army.

Then, again, Mr. HULL said:

> I would like to ask the gentleman a question right there. That is one of the points; the committee believed it was better to put it on here, and we could control it better than we could if it was in a separate and independent measure. Is it not always the rule that the House making the amendment, if the other House will not agree to it, must recede?

Now, Mr. Speaker, this shows that this whole question of the increase of the pay of the officers of the Army when the matter was before the House was conceded to be a matter that should be fully discussed and considered. That statement was made by the gentleman from Iowa himself. Now, it is proposed to smuggle this proposition through the House in a conference report and deprive the Members of the House of the opportunity of expressing their opinion by their vote on this proposition, and the same is also true of the proposition that this House voted down an appropriation of a million dollars for maneuvers, and I submit under all the circumstances, this being an important proposition, involving an increase of several millions not only for the next year, but a permanent charge upon the revenues for years to come. Mr. Speaker, this we are asked to do without an opportunity to consider or vote upon the proposition. If this is not abdicating our legislative function to a conference committee of the House, then I know of no way whereby this House can surrender that important prerogative. I submit, Mr. Speaker, that it is not fair to this House to ask the House to vote on the proposition without an opportunity for consideration and without an opportunity for a separate vote. I yield back whatever time I may have remaining.

Mr. HULL of Iowa. I yield two minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, as a member of the conference committee I had not thought that it was necessary to say anything in support of the very modest increase given, after forty years of increase of values and prices in this country, to the officers as well as to the men of our Army. I am forced to do so by the words of the gentleman who has just sat down and of his predecessor, who said they did not understand the increases in this bill. Four-fifths of the $7,000,000 is given to the men. They served in the civil war at $16 a month and they serve now at $13 a month, and we can not fill our Army in these days without paying them more. Part of it is for the noncommissioned officers, because in order to have a good army there must be good noncommissioned officers who will stay in that army. The pay of commissioned officers was thought worthy of consideration, and the chairman of this committee so stated in the House, but he thought then that we had to make one step at a time. Mr. Speaker, it is likely that we can not make any step at all unless we take both steps now, because it is thought fair and insisted that a small increase should be made to the salaries of the officers. There are about 4,000 officers of the American Army, and of these there are 3,350 and odd who are captains, or of lower grade than captains. It would take a man, therefore, out of the average forty years' service in time of peace, five-sixths of that forty years, or certainly over twenty-five years, to get above the pay of a captain.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. HULL of Iowa. I hope the gentleman will now conclude. I desire to finish in one speech.

Mr. HAY. Is the gentleman going to conclude his remarks in one speech?

Mr. HULL of Iowa. I am.

Mr. HAY. I do not care to use any more of my time.

Mr. HULL of Iowa. Mr. Speaker, the gentleman from Minnesota has not treated this question with the fairness that a man occupying his great position in this House should have exhibited. In his first statement of my position on the increased pay to officers he misstated it absolutely, as the small portion of my remarks at the time this bill was before the House that he read conclusively proves. He did quote one statement of mine correctly, that it was understood in my mind at that time that where the one House would not agree to an amendment of the other the House proposing the amendment must recede. But I desire to read what the gentleman from Minnesota [Mr. TAWNEY] said on that when I made the statement.

He said:

No. If it is an amendment to an appropriation, but that rule does not obtain if it is an amendment to legislation.

This he held was an amendment to legislation, and therefore the Senate had just as much right to amend to put in the officers as the House had the right to amend to increase the pay of the men. In this he was right.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. HULL of Iowa. Yes.

Mr. TAWNEY. Do you think that gave the conferees the power or authority to legislate on a subject that had not even been brought to the attention of the House?

Mr. HULL of Iowa. We legislated on an appropriation bill, and I stated to the House in all frankness at that time, directly and positively, that this was laying the foundation for an amendment on the part of the Senate to increase the pay of officers; that it had been discussed by the Military Committee of the House, and that we had determined to put in, first, the men, and then consider the other when it came up.

Now, Mr. Speaker, the gentleman lays great stress upon this idea of the separate consideration of all these amendments treated in conference. He will not bring in during this Congress any conference report that will open to discussion each individual amendment of his report. The idea will be in his case, as in all others, to get a full agreement, if possible, and dispose of it with one vote. If this report is voted down, as he hopes it will be, it will not lead to a discussion of each individual amendment, and the gentleman from Minnesota [Mr. TAWNEY] would himself oppose any proposition of that kind. We must either reject all or accept all.

I want to say a word as to the maneuvers. He lays great stress on the fact that there is $1,000,000 here for maneuvers this year, and he also lays stress on the fact that I opposed this proposition. I did oppose it then, and I opposed it in conference, and I am not in favor of it now. I do not believe we ought to have it. I believe it is a million of dollars that could be better expended in many other ways.

But what did the House do on that? On a test vote this House voted by just one majority to keep from inserting it in the bill—just one majority on tellers—and they voted us down on the rising vote. And at least four Members that voted with me at that time stated that they were opposed to my position, did not want to see the committee turned down on it, but they hoped the Senate would put it in. When it came back here they gave notice they would vote to concur in the amendment, and I have no doubt on earth that if it was a separate proposition, to be determined on its merits on the roll call of this House, the pressure from the National Guards of the different States would insure the adoption of that amendment of a million dollars by a large majority. The gentleman talks about an increase of $17,000,000 made by the Senate in this bill. The bill as it passed the House carried in round numbers $85,000,000.

Mr. TAWNEY. Seventeen million dollars is over the current law. If I said that the increase was above the amount carried as the bill left the House, it was an error, and I subsequently corrected it.

Mr. HULL of Iowa. We passed the bill in the House that in round numbers carried $85,000,000. It came back from the Senate carrying in round numbers $98,000,000, an increase of $13,000,000. In conference this amount was reduced to $95,000,000. But over $5,000,000 of this was provided for when this House increased the pay of the enlisted men of the Army. We did not increase the amount appropriated, because, as I stated at that time, it was impossible to tell what would be the final agreement as to the pay of the enlisted men of the Army, and when we reached that agreement, we could then fix the amount. But the House remembers that I gave notice at that time that the increase would be, approximately, $5,000,000. So that disposes of half of the amount. Then we put the $1,000,000 back for maneuvers. I was not in favor of it. The conferees on the part of the House, and a majority of this House, is in favor of this. We recommended an increase of at least $300,000 more for transportation of the Army and its supplies on account of maneuvers than would otherwise have been given. We increased the ration allowance $500,000, because they have increased the value of the ration.

They increased, in addition to that, $200,000 for medical supplies, to prepare a reserve amount that had been estimated for, but not considered by the committee on the part of the House and not submitted to the House. They increased also the different lines of transportation of the Army and its supplies, coming up not much beyond what the current law carries, when you consider what was given by the Military Committee and the deficiencies that were added by the Committee on Appropriations.

The SPEAKER. All time has expired.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to put in my remarks exactly what this increase is for the different grades of officers:

668 officers, majors and above, $500 each	$334,000
2,500 officers, captains and first lieutenants, $500 each	1,250,000
828 officers, second lieutenants, $300 each	248,400
Total	1,832,400

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the motion to suspend the rules and agree to the conference report.

Mr. HULL of Iowa. Division!

The House divided, and there were—ayes 17, noes 61.

Mr. HAY. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 141, nays 92, answered "present" 15, not voting 139, as follows:

YEAS—141.

Acheson	Chapman	Fornes	Hill, Conn.
Alexander, N. Y.	Cockran	Foss	Hinshaw
Allen	Cocks, N. Y.	Foster, Ill.	Howard
Ames	Conner	Foster, Vt.	Howell, Utah
Andrus	Cook, Colo.	Foulkrod	Howland
Anthony	Cook, Pa.	French	Hubbard, Iowa
Barchfeld	Cooper, Pa.	Gaines, W. Va.	Hubbard, W. Va.
Barclay	Craig	Gilhams	Huff
Bartholdt	Crawford	Gill	Hull, Iowa
Bartlett, Nev.	Currier	Godwin	Jenkins
Beale, Pa.	Dalzell	Gordon	Jones, Wash.
Birdsall	Darragh	Goulden	Kahn
Bonynge	Davidson	Greene	Keifer
Boutell	Davis, Minn.	Gregg	Kennedy, Iowa
Bradley	Dawson	Gronna	Kennedy, Ohio
Brownlow	Denby	Hale	Kipp
Burleigh	Draper	Hall	Knopf
Burton, Del.	Dwight	Hamilton, Mich.	Küstermann
Calder	Ellis, Mo.	Haskins	Lamb
Calderhead	Englebright	Haugen	Landis
Caldwell	Fassett	Hawley	Lassiter
Capron	Floyd	Henry, Conn.	Lee
Caulfield	Focht	Hepburn	Legare

Longworth	Murdock	Reid	Taylor, Ohio
Loud	Needham	Richardson	Tirrell
Loudenslager	Nicholls	Robinson	Townsend
McCall	Norris	Rothermel	Vreeland
McGuire	O'Connell	Slemp	Waldo
McLachlan, Cal.	Olcott	Smith, Mich.	Washburn
McMorran	Olmsted	Sparkman	Watson
Macon	Overstreet	Sperry	Wood
Malby	Parker, N. J.	Steenerson	Woodyard
Maynard	Parker, S. Dak.	Sterling	Young
Miller	Pearre	Sturgiss	
Moon, Tenn.	Pollard	Sulloway	
Mouser	Prince	Sulzer	

NAYS—92.

Adair	Favrot	James, Ollie M.	Rauch
Aiken	Ferris	Johnson, Ky.	Reeder
Alexander, Mo.	Finley	Johnson, S. C.	Russell, Mo.
Ansberry	Fitzgerald	Jones, Va.	Russell, Tex.
Ashbrook	Fulton	Kimball	Sabath
Beall, Tex.	Garner	Kinkaid	Shackleford
Booher	Garrett	Kitchin, Claude	Sheppard
Bowers	Gillespie	Lloyd	Sherley
Boyd	Glass	Mann	Sims
Brantley	Griggs	Mondell	Slayden
Burgess	Hackett	Moore, Tex.	Smith, Mo.
Burton, Ohio	Hackney	Morse	Spight
Carlin	Hamilton, Iowa	Murphy	Stafford
Clark, Mo.	Hammond	Nelson	Stephens, Tex.
Clayton	Harding	Nye	Tawney
Cole	Hay	Padgett	Thomas, N. C.
Crumpacker	Heflin	Page	Thomas, Ohio
Davenport	Helm	Patterson	Tou Velle
Denver	Henry, Tex.	Payne	Volstead
Dixon	Hill, Miss.	Perkins	Watkins
Douglas	Houston	Rainey	Williams
Edwards, Ga.	Hughes, N. J.	Randell, Tex.	Wilson, Ill.
Ellis, Oreg.	Hull, Tenn.	Ransdell, La.	Wilson, Pa.

ANSWERED "PRESENT"—15.

Adamson	Cary	Goebel	Roberts
Burleson	Cousins	Goldfogle	Small
Butler	Cox, Ind.	Hayes	Stanley
Candler	Flood	McKinney	

NOT VOTING—139.

Bannon	Fordney	Langley	Powers
Bartlett, Ga.	Foster, Ind.	Laning	Pratt
Bates	Fowler	Law	Pray
Bede	Fuller	Lawrence	Pujo
Bell, Ga.	Gaines, Tenn.	Leake	Reynolds
Bennet, N. Y.	Gardner, Mass.	Lenahan	Rhinock
Bennett, Ky.	Gardner, Mich.	Lever	Riordan
Bingham	Gardner, N. J.	Lewis	Rodenberg
Brodhead	Gillett	Lilley	Rucker
Broussard	Graff	Lindbergh	Ryan
Brumm	Graham	Lindsay	Saunders
Brundidge	Granger	Littlefield	Scott
Burke	Haggott	Livingston	Sherman
Burnett	Hamill	Lorimer	Sherwood
Byrd	Hamlin	Lovering	Smith, Cal.
Campbell	Hardwick	Lowden	Smith, Iowa
Carter	Hardy	McCreary	Smith, Tex.
Chaney	Harrison	McDermott	Snapp
Clark, Fla.	Higgins	McGavin	Southwick
Cooper, Tex.	Hitchcock	McHenry	Stevens, Minn.
Cooper, Wis.	Hobson	McKinlay, Cal.	Talbott
Coudrey	Holliday	McKinley, Ill.	Taylor, Ala.
Cravens	Howell, N. J.	McLain	Thistlewood
Cushman	Hughes, W. Va.	McLaughlin, Mich.	Underwood
Davey, La.	Humphrey, Wash.	McMillan	Wallace
Dawes.	Humphreys, Miss.	Madden	Wanger
De Armond	Jackson	Madison	Webb
Diekema	James, Addison D.	Marshall	Weeks
Driscoll	Kellher	Moon, Pa.	Weems
Dunwell	Kitchin, Wm. W.	Moore, Pa.	Weisse
Durey	Knapp	Mudd	Wheeler
Edwards, Ky.	Knowland	Parsons	Wiley
Ellerbe	Lafean	Peters	Willett
Esch	Lamar, Fla.	Porter	Wolf
Fairchild	Lamar, Mo.	Pou	

So the rules were suspended, and the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. THISTLEWOOD with Mr. UNDERWOOD.

Mr. STEVENS of Minnesota with Mr. WOLF.

Mr. SCOTT with Mr. TAYLOR of Alabama.

Mr. RODENBERG with Mr. STANLEY.

Mr. MARSHALL with Mr. RHINOCK.

Mr. MCKINLEY of Illinois with Mr. PUJO.

Mr. MCGAVIN with Mr. CLARK of Florida.

Mr. LOVERING with Mr. MCDERMOTT.

Mr. LAWRENCE with Mr. LEWIS.

Mr. LAW with Mr. LEVER.

Mr. ESCH with Mr. LEAKE.

Mr. DUNWELL with Mr. HARDY.

Mr. BURKE with Mr. DE ARMOND.

Mr. BATES with Mr. CRAVENS.

Mr. BARTHOLDT with Mr. BURNETT.

Mr. BANNON with Mr. BRODHEAD.

Mr. DIEKEMA with Mr. GOLDFOGLE.

Mr. WEEMS with Mr. RYAN.

Mr. GARDNER of Michigan with Mr. CARTER.

Mr. MCKINNEY with Mr. HAMLIN.

Mr. MOORE of Pennsylvania with Mr. ELLERBE.

Mr. SMITH of Iowa with Mr. BELL of Georgia.

Mr. LAFEAN with Mr. RUCKER.

Mr. BENNET of New York with Mr. HARDWICK.

Mr. MOON of Pennsylvania with Mr. COOPER of Texas.

Mr. LOWDEN with Mr. CANDLER.

For this session:

Mr. WANGER with Mr. ADAMSON.

For the balance of the day:

Mr. GILLETT with Mr. HITCHCOCK.

On this vote:

Mr. HAYES (against) with Mr. GAINES of Tennessee (in favor of).

Mr. COOPER of Wisconsin (against) with Mr. WILEY (in favor of).

The result of the vote was then announced as above recorded.

PORTO RICO PROVISIONAL REGIMENT.

Mr. HULL of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk, with the amendments recommended by the committee.

The Clerk read as follows:

A bill (H. R. 18618) fixing the status of the Porto Rico Provisional Regiment of Infantry.

Be it enacted, etc., That on and after the 30th day of June, 1908, the Porto Rico Provisional Regiment of Infantry shall be designated the Porto Rico Regiment of Infantry of the United States Army. It shall be composed of the two existing battalions of the Porto Rico Provisional Regiment of Infantry.

SEC. 2. That the field officers of said regiment shall be one lieutenant-colonel and two majors, who shall be detailed for four years by the President from officers not below the rank of captain of the Army.

SEC. 3. That the present captains and lieutenants of the Porto Rico Provisional Regiment of Infantry who have had not less than five years' service therein, and who were reappointed after a mental, physical, and professional examination, may be recommissioned as officers of the Porto Rico Regiment of Infantry.

SEC. 4. That the lieutenants, natives of Porto Rico, now holding provisional commissions, may continue to serve until the expiration of such commissions, when, after an examination as to their mental, physical, and professional fitness, they may be recommissioned as officers of the Porto Rico Regiment of Infantry.

SEC. 5. That vacancies in the grade of second lieutenant may be filled by the President, in his discretion, by the appointment of citizens of Porto Rico whose qualifications for commissions shall be established by examination.

SEC. 6. That promotions to the grade of first lieutenant and captain shall be according to seniority within the regiment, subject to the examination provided by law. All appointments and promotions herein provided for shall be made with the advice and consent of the Senate. Officers of the Porto Rico Regiment of Infantry shall have the same rank, pay, rights, and allowances provided by law for officers of similar rank in the Army of the United States, except as herein provided with regard to promotion. Any of the officers provided for by section 3 who may have become incapacitated for active service by reason of disability incident to the service shall be placed upon the retired list with the rank to which they would otherwise be entitled.

SEC. 7. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. SLAYDEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore (Mr. OVERSTREET). Under the rule the second is considered as ordered. The gentleman from Iowa [Mr. HULL] is entitled to twenty minutes and the gentleman from Texas [Mr. SLAYDEN] is entitled to twenty minutes.

Mr. HULL of Iowa. Mr. Speaker, I think I can explain the bill to the House in a few words. The House is familiar with the question, I think, especially the older Members, that at the conclusion of the Spanish war, when we acquired sovereignty of Porto Rico, in an appropriation bill there was a provision made for a provisional regiment. Under that provision the colonel, lieutenant-colonel, major, and all the captains were appointed from the United States; the lieutenants were largely appointed from the noncommissioned force of the Regular Army. That has been gradually broadened, until to-day the lieutenants are largely citizens of Porto Rico. There are two battalions there. It is proposed to make that force permanent in place of carrying it for each period of four years in an appropriation bill. It is a question, Mr. Speaker, whether it is not now permanent under the provision adopted four years ago in the appropriation bill. At that time, I will frankly say to the House, I did not believe in this regiment, and I did not really intend to concede its permanence under the provision agreed to by the Senate and the House; but the Judge-Advocate-General has declared it was a permanent continuance of the regiment.

Mr. CLARK of Missouri. I would like to ask the gentleman a question or two.

Mr. HULL of Iowa. I yield to the gentleman.

Mr. CLARK of Missouri. Four years ago, when we first had this talk about this Porto Rican battalion, did you not promise or intimate that just as quick as their term of service expired that you would join me and others in shaking that Porto Rican establishment from the service?

Mr. HULL of Iowa. I think that is true, substantially, though it is a little strong.

Mr. CLARK of Missouri. How would you reconcile that with now getting it in as a permanent force?

Mr. HULL of Iowa. I was trying to say that when that bill was up in the House the gentleman will remember we refused the appropriation in the House, but the Senate put on a certain legislative enactment for it, and in the conference we agreed to a certain provision that provided for it absolutely for four years, and then provided for recommissioning the officers for periods of four years, and the Judge-Advocate-General declares that that makes it permanent.

Now, I want to say to my friend that I believe that I know more to-day than I did four years ago.

Mr. CLARK of Missouri. I am glad to hear it.

Mr. HULL of Iowa. And I am inclined to think that my friend from Missouri, if he was expressing his honest views, would admit that his opinions have changed somewhat on this subject.

Mr. CLARK of Missouri. Of course they have. Now, I want to ask you another question. Do you know of any way of getting rid of conferees or conference reports in general? If you do, I should like to have you state it.

Mr. HULL of Iowa. No; I do not. I can see no way on earth of accomplishing anything of that kind.

Mr. CLARK of Missouri. How many men does this battalion carry?

Mr. HULL of Iowa. This regiment carries two battalions of four companies each.

Mr. CLARK of Missouri. One hundred and nine men in a company?

Mr. HULL of Iowa. No; this is not an artillery company. It is a company of 100 men, when on a war basis, with the company at full strength, 96 enlisted men besides the officers. But, Mr. Speaker, this will make it permanent, and on a peace basis provide for 65 enlisted men to the company.

It abolishes the grade of colonel. It creates the highest office in the regiment, a lieutenant-colonel, whose command is two battalions. But this officer is detailed from officers now in the Regular Army.

Mr. HAY. There never was a colonel of this regiment.

Mr. HULL of Iowa. There was in the first place, I think. This provides that up to the grade of captain the Porto Ricans who can pass the examination may be promoted. It releases the captains that are there from the Regular Army, if any, as this promotion comes up. It makes them permanent officers of the Army, and the only difference, as I have already stated, is that these Porto Ricans may be promoted, and it gives them a status on the retired list. That is the effect of this bill.

Mr. CLARK of Missouri. The Porto Ricans are said to be the most peaceable people living under our flag, are they not?

Mr. HULL of Iowa. Yes.

Mr. CLARK of Missouri. Why do they want this regiment at all, then?

Mr. HULL of Iowa. We want it because it is a splendid education for these people, and if a war ever comes on the Isthmus we have a trained force of enlisted men going back among the people on the expiration of their enlistment educated in military science, and also educated to the love of the flag. There is no one thing that we have ever done for Porto Rico that is so highly appreciated by all of the people of the island as the establishment of this regiment of Porto Rican troops.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. HULL of Iowa. I should prefer that the gentleman take his own time.

Mr. SLAYDEN. I want information from the gentleman.

Mr. HULL of Iowa. The gentleman from Texas is full of information.

Mr. SLAYDEN. I can not give the gentleman from Iowa any information.

Mr. HULL of Iowa. I reserve the balance of my time.

Mr. WILLIAMS. I should like to ask the gentleman a question.

Mr. HULL of Iowa. I yield, of course, to my friend for a question.

Mr. WILLIAMS. This regiment as it stands is a sort of Porto Rican national guard regiment, is it not?

Mr. HULL of Iowa. It is a Porto Rican regiment that serves in that island, but that could be sent to the Isthmus or any place that we wanted to send it. It is the understanding that it is largely for the benefit of the islanders at home.

Mr. WILLIAMS. Its relations toward the service are those of a regiment in the National Guard?

Mr. HULL of Iowa. Oh, not at all. The National Guard does not stay in the service. This is for all practical purposes a regiment of the Regular Army, or two battalions, two-thirds of a regiment of the Regular Army. The men are not engaged in any civil employment during their time of enlistment.

Mr. WILLIAMS. I did not ask the gentleman what this regiment would be after the passage of this bill.

Mr. HULL of Iowa. We do not change its status at all.

Mr. WILLIAMS. I asked the gentleman what it was now.

Mr. HULL of Iowa. Just the same exactly as it will be after this bill passes.

Mr. WILLIAMS. Is not the object of this bill to make this regiment a part of the Regular Army?

Mr. HULL of Iowa. No; it is to make permanent what is now questionable, whether it is permanent or not, and, to be entirely frank with the gentleman, this regiment to-day is entirely engaged in the duties of drilling and policing, or whatever duty would come to that many regulars if they were there. The members of it have no civil employment. They are not permitted to do anything else outside of their military duties.

Mr. WILLIAMS. I understand that.

Mr. HULL of Iowa. The only thing this bill does is this: It makes permanent what is now a four years' term. It limits, however, the promotion of officers to the grade of captain, all above that grade being detailed from the line of the Army.

Mr. WILLIAMS. What does it do in regard to the rank, pay, and retirement of officers; does it put them on the status of Army officers?

Mr. HULL of Iowa. It does not, for this reason—a second lieutenant of the Regular Army can be promoted to all grades in the Regular Army, while the first and second lieutenants of this regiment are limited to promotion to the grade of captain, and never can go beyond it.

Mr. KEIFER. And they can only be promoted in this regiment and not in the general Army?

Mr. HULL of Iowa. There can be no promotion except in the regiment.

Mr. WILLIAMS. Who is the lieutenant-colonel of this regiment?

Mr. HULL of Iowa. He is a lieutenant-colonel of the Regular Army.

Mr. WILLIAMS. He is not a Porto Rican?

Mr. HULL of Iowa. No, sir; the majors belong to the Regular Army, and this bill does not affect them at all.

Mr. WILLIAMS. A Porto Rican, under the bill, can not become a lieutenant-colonel?

Mr. HULL of Iowa. No.

Mr. WILLIAMS. No Porto Rican can ever become commander of a regiment?

Mr. HULL of Iowa. Not unless they go and graduate at West Point, and then they could have the same promotion as any other officer in the Regular Army. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. SLAYDEN. Mr. Speaker, in response to the question submitted by the gentleman from Mississippi to the gentleman from Iowa, I will say that this bill adds thirty-two commissioned officers to the Regular Army of the United States. There are eight regimental captains, eight regimental first lieutenants, and eight regimental second lieutenants. For the battalions there is a quartermaster, a commissary, and adjutant—altogether eight more. That increases the official personnel of the Army of the United States by thirty-two men, conferring upon them all the privileges of retirement, giving them the advantages of the increase of pay and allowances that were adopted by this House a few minutes ago.

Mr. WILLIAMS. Is there, in the gentleman's opinion, any greater reason why this should be done with regard to this regiment in Porto Rico than why it should be done in regard to any regiment of a National Guard in Texas or Mississippi?

Mr. SLAYDEN. Yes; there is, I will say to the gentleman, some distinction, but I believe there is no more reason why this should be done in Porto Rico with reference to this regiment than why it should be done with the very considerable body of men in the Philippine Islands known as the "constabulary;" and I rather expect that before another Congress shall have come and gone the large body of men in the Philippine Islands, not in the Army and not out of it, occupying to some extent a similar position that this Porto Rican regiment has hitherto occupied, will also be incorporated with the Army of the United States.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. SLAYDEN. I will yield to the gentleman from Indiana.

Mr. CRUMPACKER. This is the only military organization of the Army in Porto Rico?

Mr. SLAYDEN. We have some regular artillery down there.

Mr. CRUMPACKER. How many?

Mr. SLAYDEN. I do not know; I have the report of the Secretary of War that gives it.

Mr. CRUMPACKER. It is not necessary to look it up. This is the only effectual military organization that can do ordinary duty throughout the islands?

Mr. SLAYDEN. Yes.

Mr. CRUMPACKER. The islands contain a million and a half in population, and if the regiment was disbanded would it not require the United States to send a regiment of regular troops down there and keep them there?

Mr. SLAYDEN. If the reports of the pacific nature of these people be true, if what the Commissioner from Porto Rico [Mr. LARRINAGA] tells me is true about their character and history, I should say no. He says in all their long political union with the Kingdom of Spain they never had such an important political division as to compel a resort to arms.

Mr. CRUMPACKER. Would the gentleman discriminate against Porto Ricans because they are ordinarily a peaceful people and deny them this badge of confidence that we have in them as American citizens?

Mr. SLAYDEN. I am grateful to the gentleman from Indiana for the use of the word "discrimination." I would not discriminate against the people of Porto Rico, but I would not add by one single man to the size of the United States Army, nor by one single dollar to the already great burden borne by the American people. He speaks of discrimination against the Porto Ricans. The Commissioner from the island of Porto Rico, Mr. LARRINAGA, who I regret to say is not present, spoke to me to-day about the discrimination in this bill against his people; he charges that sections 3 and 4 are a rank discrimination, and the language of the bill sustains the charge. He says it is a discrimination against the native officers, in that it compels them to submit to an examination, compels them to gain an admission to the regiment under conditions not imposed on other officers, and limits their promotion to the rank of captain, restrictions not applicable to Americans. He hopes to be here before this bill shall be put upon its passage, and will ask that it be amended by striking out sections 3 and 4.

Then, if I can have my way about it, we will strike out all the other sections.

Mr. YOUNG. Will the gentleman permit me to ask him a question?

Mr. SLAYDEN. Yes.

Mr. YOUNG. Is it not a fact that the pay of this regiment will go on just the same, whether this bill passes or not?

Mr. SLAYDEN. I think that is doubtful. My own impression is that under the specific terms of the law the regiment will cease to be an organization after the 30th of June.

Mr. HULL of Iowa. We have continued the appropriation.

Mr. YOUNG. We have continued the appropriation already for this purpose on the other bill.

Mr. SHERLEY. When did having an army get to be a benefit to the people? Most people think that it is an evil.

Mr. SLAYDEN. Just after we began having insular possessions and pro consuls whose glory was to be contributed to by military display.

Mr. KAHN. Is it not a fact that this regiment has been in existence for many years, probably several hundred years; that it has simply been continued down from the time of the Spanish possession?

Mr. SLAYDEN. No; it is not a fact. This regiment was created by act of the American Congress, and, please God, we have not had that sort of thing for several hundred years.

Mr. KAHN. Haven't they had the same regiment for many hundred years?

Mr. SLAYDEN. I dare say that all military organizations are similar in character, and I dare say that the Kingdom of Spain maintained a military organization in its colony just as we are doing now.

Mr. Speaker, I will not be able to yield to any more interruptions, because I want to give the balance of my time to the gentleman from Virginia [Mr. HAY]. But before yielding I do want to call attention to one or two statements made by the Secretary of War in his argument in support of this bill.

I think it hardly necessary to remind the House, as I have already done so on two or three previous occasions, that when the eminent man who now presides over the State Department was the Chief of the Department of War he recommended that it was not necessary to any longer continue the Porto Rican regiment. The people were peaceful. The Army of the United States was big enough to keep the peace, and therefore the burden of the support of this additional organization need not be further borne. However, another gentleman now presiding over the War Department and the Philippines and the Isthmus, and sundry other places in Ohio and Massachusetts and elsewhere, holds a different opinion. In a speech recently made at Columbus, Ohio, he frankly stated that the Army of the United States was not big enough, and I assume this is one of his ways of increasing the size of it. But I want to give the House the benefit of his statement as to the practical service rendered by this Porto Rican regiment. Mr. Secretary Taft says:

> I doubt if there is any one thing that makes the Porto Ricans feel so much like a part of our country as to have that regiment there, parading, drilling, maneuvering, and the only defense that the island has, substantially.

Parading, drilling, and maneuvering! Great stress is laid upon the fact that the people of Porto Rico delight to hear the band play in the plaza, that the people of the island of Porto Rico are pleased to have processions occasionally through their streets, that they were entranced with the military music, that they are persuaded that the military tread of these mighty heroes is an inspiration to heroic deeds on the part of the mixed population in our valuable gem of the Antilles. If there is any other argument that has ever been advanced anywhere by any gentleman that will justify the continuance of the appropriation and the maintenance of the regiment, I have never heard it. It is all summed up in that paragraph of the hearings before the committee, and in the statement of the Secretary of War, that it is the pomp and circumstance, the music, the banners, the plumes, the gorgeous uniforms that are attractive to the people and justify a continuance of the appropriation.

I now yield the balance of my time to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I am not especially concerned as to whether or not the Republicans vote or do not vote for the passage of this bill, but I am concerned that the Democratic party shall not put itself on record as being in favor of adding any more officers or men to the Army of the United States. [Applause on the Democratic side.] That is what this bill does. It adds forty-one officers to the Regular Army of the United States, and gives them the same status as officers in the Regular Army. As my colleague from Texas [Mr. SLAYDEN] has said, there has been no argument advanced for this except that it will be pleasing to the people on the island of Porto Rico. That is no reason at all.

Mr. WILLIAMS. The gentleman from Virginia forgets that the gentleman from Iowa [Mr. HULL], the chairman of the committee, said that this regiment was there as an education to the Porto Ricans. Precisely what education he did not state, but I would not have the gentleman from Virginia leave out any of the arguments.

Mr. HAY. Yes; to educate them up to the militarism which is prevailing in some parts of this country, I presume. I do not care to make any extended remarks about this bill. I do trust that we will vote against it. I call attention to the fact that the Senate has passed a bill adding 612 officers to the Army of the United States. I do not know whether that bill is to be brought here and passed under suspension of the rules or not, but it simply shows the tendency to increase the Army, to multiply expenses of the American people for military purposes in times of peace, and I think the time has come at least when the Democratic party can solemnly call a halt to this sort of legislation. [Applause on the Democratic side.]

Mr. HULL of Iowa. If the gentleman does not desire to use all of his time, I would be glad if he would yield part of it to the gentleman from Porto Rico.

Mr. SLAYDEN. I reserved the balance of my time. How much does the gentleman want?

Mr. HULL of Iowa. He wants all he can get.

Mr. SLAYDEN. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. SLAYDEN. Mr. Speaker, I want to ask the gentleman from Iowa a question. A while ago I was diverted by the question of the gentleman from Mississippi.

The SPEAKER pro tempore. The Chair wishes to know if the gentleman is using his own time.

Mr. SLAYDEN. I am, Mr. Speaker. I desire to ask the gentleman what is the object of this language in section 6:

> Any of the officers provided for by section 3 who may have become incapacitated for active service by reason of disability incident to the service shall be placed upon the retired list at the rank to which they would otherwise be entitled.

I will be glad if the gentleman will answer that.

Mr. HULL of Iowa. I will say that if any officer is incapacitated for active service by reason of disability incident to the service it is competent to retire him.

Mr. SLAYDEN. In other words, this is to provide for some individual now.

Mr. HULL of Iowa. Yes; that is my understanding.

Mr. SLAYDEN. Who is the individual?

Mr. HULL of Iowa. I do not know; I do not know any of their names. I would not remember their names if I knew them.

Mr. SLAYDEN. That is the "nigger in the wood pile"——

Mr. HULL of Iowa. This is to provide for men being incapacitated. As soon as officers in the provisional regiment become incapacitated they may be placed on the retired list for incapacity.

Mr. SLAYDEN. The great objection we have to legislation for this regiment is that it has from the beginning been personal. The regiment would have gone out of existence long ago if officers with friends in Congress and throughout the country had not come here and urged that they be allowed to retain their commissions. I now yield the balance of my time to the gentleman from Porto Rico [Mr. LARRINAGA].

Mr. LARRINAGA. Mr. Speaker, I do not care to take up the sections of the bill in detail; I do not believe it is my place, and the details have already been discussed here; but I want to improve the opportunity, which the kindness of the gentleman from Texas gives me, to submit a few words about the convenience of the continuance of the regiment. I do not know whether it is so that the existence of the Porto Rico regiment is due to some officers having friends in Congress, as the gentleman from Texas has said, but if anything concerning Porto Rico is kept because it does good to somebody on this side, I am not at all surprised, because that has always been the rule in matters concerning Porto Rico. [Applause.] But be it as it may, I want to say a few words about the utility of this regiment. As I had occasion to say once before when speaking on this same matter, the Porto Ricans have proved their capacity to defend their country against foreign attacks from the seventeenth century on many occasions. The discontinuance of this regiment, I believe, would be a very unfair thing to do; its efficiency will only be doubted by those who have not taken the trouble to study the military history of Porto Rico. As I said before, we repelled the attacks of the English, of the Dutch, and of the French.

The Spanish army is full of Porto Rican officers from the rank of general, now living, to that of captain in that army. All the military academies of Spain were open to Porto Ricans. They have fought in all the wars which Spain has had for the last several centuries and they have never been discriminated against. They were free as soon as they passed the mental and physical examinations to go into any of the military academies of Spain, the artillery academy at Segovia, the infantry academy at Toledo, the military academy at Guadalajara, and so forth. In the ten years' war in Cuba many Porto Ricans went there, and a great many died on the battlefield helping the Cubans to fight for their independence. When in the last stage of the last Cuban war, right before the American declaration of war to Spain, General Maceo, commander of the department of the western part of the island, was killed, and Gen. Rius Rivera, a Porto Rican, had to take command of the army and fight every day, for there are no woods in the western part of Cuba, but he never surrendered. He was only taken prisoner when shot through his head and through one of his legs.

Mr. Speaker, the Porto Ricans as soldiers have a good record. Now, to those gentlemen who have said in the Philadelphia Press that they doubted the efficiency of the Porto Ricans as fighters I will say that standing right in front of Morro Castle there is a monument commemorating the action of the commander in chief of the Morro forces. That monument commemorates the signal victory achieved by a Porto Rican general commanding that fort.

Mr. Speaker, as I said before, the Spanish army is full of Porto Rican officers. It just happened that on the 12th of May, when the North Atlantic Squadron shelled the city of San Juan for four hours, which we all think was an error, the three commanders of the three forts of San Juan—the Morro, the San Cristobal, and Escambron—were three native Porto Rican captains. For four hours they answered shell by shell and shot by shot to the fleet. Of course they had nothing but 6-inch cannon and they did no harm. I am rather glad they did not. But, Mr. Speaker, I believe it is a most unkind campaign—the one that they are always waging against the Porto Ricans.

The press of the United States is full of slanders. The gentleman from Texas [Mr. SLAYDEN] the other day asked unanimous consent to put in the RECORD a letter published in the New York World that contained a good many inaccurate statements about Porto Rico and very wrongly interpreted a speech made by our leader in the house of delegates. Mr. Chairman, I have here a translation of that speech, and I ask unanimous consent of the House to have it inserted in the RECORD, so that the two papers may be compared.

The SPEAKER. The gentleman from Porto Rico asks unanimous consent to insert in the RECORD certain papers mentioned by him. Is there objection?

There was no objection.

Mr. LARRINAGA. The gentleman from Texas, who is a fine Spanish scholar, can compare the original Spanish speech with the translation.

Mr. KIMBALL. Will the gentleman yield for a moment for a question?

Mr. LARRINAGA. Certainly.

Mr. KIMBALL. What is the attitude of the people of Porto Rico toward this regiment? Do they favor its continuance and maintenance under its present status? Do they favor the legislation proposed by this bill, or do they not? What do the people think about it?

Mr. LARRINAGA. The people of Porto Rico are unanimous to a man that the regiment should be made permanent as per the bill. One of the most unfair things to the people of Porto Rico was the abolishment by the Spanish Government of the seven Porto Rican militia regiments. So when the United States established this regiment the Porto Ricans took it as a token of friendship, consideration, and confidence.

Mr. SLAYDEN. Does the gentleman approve of this bill in all particulars? Does he indorse the bill throughout?

Mr. LARRINAGA. As the question is put to me, I will say that I observe some discrimination between officers here, and this should not be. I have spoken to different officials here in Washington, and they are of the opinion that there should not be any discrimination.

Now, in its third section, the bill says:

That the present captains and lieutenants of the Porto Rican Provisional Regiment of Infantry who having had not less than five years' service therein, and who were reappointed after a mental, physical, and professional examination, may be recommissioned as officers of the Porto Rico Regiment of Infantry.

Section 4 reads:

That the lieutenants, natives of Porto Rico, now holding provisional commissions, may continue to serve until the expiration of such commissions, when, after an examination as to their mental, physical, and professional fitness, they may be recommissioned as officers of the Porto Rico Regiment of Infantry.

Here I see that the five years' service line is traced to leave out the Americans in the question of examination. The Porto Rican officers are willing to be again examined and as often as required, but why should not the American also be examined? [Applause.]

The speech to which I referred, and asked to have inserted in the RECORD, is as follows:

Messrs. Delegates, we followed yesterday with extraordinary interest the brilliant report of the Speaker in his journey from Porto Rico to Oyster Bay, and from Oyster Bay to Porto Rico, stopping at New York, Washington, and Jamestown. I asked for a vote of gratitude for Mr. De Diego; the House unanimously and enthusiastically agreed to it. In commenting afterwards my ideas, somebody may have thought that there were disagreements and discrepancies between my illustrious compatriot who rendered the country such eminent services and myself. There are no such disagreements; there are no discrepancies. Mr. De Diego and I are going together in the same direction, and to-day, as well as yesterday, and to-morrow as well as to-day, we were always and will always be, in perfect accord in the idea and in absolute conformity in the procedure.

President Roosevelt, Secretary Taft, and Speaker CANNON came one day to Porto Rico. The three of them as if moved by the same impulse, declared that the people of Porto Rico were not prepared for self-government. In answering such statements which the people of Porto Rico find to be offensive to their dignity we drew and we sent our memorial. Mr. De Diego was the bearer of that extensive document; he delivered it personally to President Roosevelt; he accompanied it with eloquent periods; he strengthened it with his genial argumentation, and, gentlemen, he received in exchange the affirmation that the status was but only temporary.

New Mexico has lived under the régime for sixty years, and when it asks to be admitted as a State of the Union, the press answers it—I have read it in the New York papers—that New Mexico is not prepared; that New Mexico speaks Spanish, and does not yet possess the American spirit. If we are to wait sixty years for our autonomy, the present generation will have passed away, two more generations after us will pass, and we shall have gone not only through suffering and anguish, but we will have suffered, also, humiliation and shame. A people with dignity does not resign itself to this, but it arises and protests. When the lash is raised, the people protest in the same act—the same as I now protest, at this very moment, in the name of the people of Porto Rico. We saw the American Army land on our southern coast; we saw them advance through the roads of the interior; we heard the promises of General Miles; we knew the history of the United States, and this country almost unanimously—and I say "almost unanimously" because I never shared this mirage—believed that we were to be granted the liberties enjoyed in North America, and that there was to be a place for our country in the community of the free peoples of the world. Military rule was established. We understood it, and we accepted it. Such a transitory condition was imposed by the circumstances, and it was our duty to facilitate their work. We afforded such facilities. And after that came the civil régime, in which we put high and noble confidence. Governors arrived on our shores, there remained, and then left; but under them all a grave injustice

was committed. The Porto Ricans, the natives of the island, were always placed under the Americans, the strenuous in the island.

It is the Venezuelans who rule in Venezuela, the French in France, the Teutons in Germany, and thus in all the other places of the globe. In Porto Rico the Porto Ricans do not govern; on the contrary, it is the will of a few functionaries, to whom the mission of civilizing and administering them is given, who rule. And it is not possible to suffer in silence that such a system should continue, and, at any price, it is necessary to speak the naked truth of our profound sorrow. The crudest argument used to refuse the recognition of our personality is the never-ending ritornello that we are not prepared. This is the eternal reason given by the strong who oppress the weak. Gentlemen, we must always bear in mind that in the opinion of the masters the servants are never prepared to come out of servitude. Thus in the opinion of the colonizing nations it never happened that they should consider their colonies prepared to enjoy the splendors of liberty. Such a phrase should not be allowed to a stranger; it is an insult. Much less should it be on the lips of a Porto Rican. And it is really very hard that a very few of our compatriots should also give utterance to it. There is no such thing as a slave country before God and nature. God and nature made free all countries on earth.

As to the Dominicans, to the Cubans—and I cite them because they are our nearest neighbors—ask them if they are prepared to govern themselves, and one single cry will answer the question from one end to the other of our sister islands; you will hear that single cry resounding in the highest mountains and in the seas. "We are free men; we want to be free men." Unfortunately the Porto Ricans are not, and it is for this reason that in struggling against a personal tyrannical government, there should rise at every step in our public life the acknowledgment of our sorry vassalage. But if it was given to open the breast of every one of the Porto Ricans, if it was possible to see into the collective soul of this million of human beings inhabiting this forgotten rock, we would find therein written in indelible characters, the word "Independence." [Continued applause.] This magnificent word has not yet been pronounced in this chamber as an energetic demand. Only my illustrious friend, Dr. Zeno Gandia wrote it in the declaration of principles of the Union of Porto Rico. Only my other illustrious friend, Mr. De Diego, supported it in brilliant periods in the convention of Olimpo amidst the most resounding applause as that which is now heard here. It is a confirmed idea; it is a sentiment which has been ratified. It is a sentiment and the opinion of the popular masses; condensed in the pen of the writers in the voice of their tribunes. It is the Porto Rican conscience taking real existence and going up to heaven as a complaint against our cruel destiny.

It is necessary for me to analyze and destroy the theory of our lack of preparation. The people of Cuba have our same origin, our own education, the same customs, but the people of Cuba were formed in the fight against tyranny. Cuba is in possession of the spirit of war; Porto Rico in the spirit of mansuetude and peace. The Congress of the United States recognized that Cuba deserves her independence and denies to Porto Rico self-government. And while Cuba expects that her ties should be broken, Porto Rico is less than a tribe, for tribes struggle and fight for their honor and existence. Porto Rico is but a pack of illards, submissive to the hard caprice of its masters. And maybe some one will wonder that a citizen may pronounce these words in this chamber. For those who may so think I have only my most generous pity.

Another reason, which they find of great weight, is given by our governing masters to prove the native inaptitude. This is the reason of our illiteracy. True it is that there are about 700,000 natives who do not know the first elements of learning. But what could we say of Syracuse and Alexandria, of Athens and Rome, which in the highest period of their progress barely had 5 per cent of learned men? Diffusion of learning began only shortly before the conquest of America, when Gutenberg discovered the art of fixing ideas on printed paper.

And yet the great civilizations of China and India had had their development; that civilization had gone over to the Greek and the Roman, had propagated through Gaul and Germany; nationalities arose, and in the somber centers of the middle ages the modern spirit was taking shape. With that 95 per cent of illiterates the Roman Empire reaches its great power and its splendid glory, the civil republic, in which the multitudes climbed to the Aventino Mountain and the czars went down to the Tarpeyan Rock. We, the descendents of that cyclopean effort, having inherited Latin culture, and having 30 per cent of literates, are doomed to see how the aptitude for self-government is denied to us.

One more argument which is used against us is the mixture of races in our country. The same exists in Cuba; in the United States there are 9,000,000 of colored people; and nobody would ever think that the Cubans and the Americans are not prepared for the self-government they enjoy. In Abysinnia there is a negro government; in Hayti the government is also of negroes; in Liberia, a creation of the American genius, the government is also of negroes. All nations established in Africa are constituted by negroes. Go and propose to them that they should renounce their liberties, and that they should submit to a master. They live happy in their homes, and their only misfortune is that every now and then the European thinks of them to go and enslave them.

And when this thing happens, the Sulus fight against the English, and the Abyssinians of Menelick rout the Italians of Baratiere. And when those people succumbed something in nature protests against the abuse of those who with their guns carry out their method and their plans. The colored people of Porto Rico, who fraternize with us, who jointly with us are in the struggle, show their aptitude for the exercise of political functions. And in this particular point we are superior to the United States, where the negro lives like a pariah in isolation and in the inferiority imposed by the white man.

I maintain that there is no reason to withhold from us the administration of our own business, of our own affairs.

The argument used by Spain in her colonies of America; that England used for her colonies of Africa; that France uses in Madagascar, and Russia in Finland and Poland, is a false argument that does not resist examination. Japan affirms that Korea is not prepared; the United States thinks that the Philippine Islands are not prepared. Ah, Mr. Delegates, we know that a country that one day was not prepared according to its masters, the next day was found to be prepared when it took hold of the sword and the gun and vindicated for itself by its right and its force. Thus, it seems to appear that there is no other road than the roads leading to the woods, if such a preparation is to be effected.

It is necessary that the victims should raise their voices and give vent to their sufferings. I raise my voice in the name of those victims. If I were alone, if I were to be left alone in the undertaking, I would live and die satisfied of having done my duty. [Great applause.] We Porto Ricans had a hundred causes of affection toward Spain. She gave us her blood, her laws, her language, and the pride of her legendary traditions and of her remarkable progress. The Madrid press received us fraternally when we went to claim firmly our rights; and yet we were called rebels. I was born in 1859. Spain retired from our shores in 1898, and although in my spirit the Spanish spirit was firmly rooted, never from my lips there came the hail of "Long live Spain!" Neither from the balconies of my home was the Spanish flag seen to wave, because more than a Spaniard I was a Porto Rican, and before the sovereignty of the nation I defended the autonomy of my country. In 1897 we went to Madrid and said: "Here comes the daughter to demand justice at the hands of the mother. Here comes Porto Rico to claim for the last time the recognition she deserves. If what we demand is not given to us, we shall return to Porto Rico; but we shall return by the way of New York."

To return by way of New York, Messrs. Delegates, meant open rebellion, with guns in our hands. Our rights were recognized, and we returned directly to Porto Rico, and right after us came a system of government more complete and more dignified than that of Canada and Australia.

Our hard feelings were turned into sincere love, because servitude had disappeared, because liberty was dawning. The same would occur in regard to the Americans. Before 1898 and after 1898 they had the confidence of our fellow-citizens. Their tricolor flag was hailed with respect and fondness. They arrived, and our sympathetic friendship continued, because we thought that the freedom enjoyed by the United States would be extended to Porto Rico, no longer in the form of the Latin autonomy of Moret and Sagasta, but in the shape of Anglo-Saxon autonomy prevailing in the British colonies. Instead of that we had the military government first and afterwards the civil government, with the Foraker Act, within which we see its autonomic and independent petty kings arising. This is the only kind of autonomy, the only kind of independence, that we have in Porto Rico. It would seem impossible that a people, speaking of our aptitude, would create bossism so absurd.

The statesmen at Washington thought that they had reached the limit of aptitude, and, in fact, they reached incredible anarchy. Those petty kings constitute a six-headed government; there is no government rule here, but misrule. The insular house, the only legitimate organism representing the people, carries out a useless labor, always wrecked on that perpetual reef, the executive council, formed of six Americans from the continent and six Americans from the island, appointed by the President of the United States.

The office of governor of the island is not a desirable one. The governor, in his relations to the system, lacks force and prestige, because as powerful as he, and even more so, are the heads of the departments, and the governor, in fact, is the one who governs the least; the direct power, the administrative functions are concentrated in the six offices which often act at variance with the governor. And in this way it is impossible to establish a fixed criterion, or a fixed policy. The leaders of the parties must confer with the governor, and with the six secretaries who are equal to the governor, and it often happens that in the executive mansion and in the various departments there are seven different opinions. It is a perfect gamut, with all the different tones, without the baton or the conductor being able to bring the whole orchestra into unison. [Great applause interrupts the orator.]

The inventors of this labyrinth find pleasure in repeating that we are not prepared. I wish to return this charge word for word, affirming here and repeating that the American statesmen are not prepared to govern foreign colonies so different in character and of such peculiar civilization. [Continued applause.] Four petitions did our house of delegates send to the President of the United States. None of them had the good fortune or the honor of an answer. President Roosevelt recommended to Congress that we should be made American citizens. Congress ignored the benevolent recommendation. I would say to Speaker CANNON, to that gentleman who, in our own house of delegates, reminded us of our so-called inferiority, I would tell Mr. CANNON that if American citizenship is going to be granted to us without the full rights of an American citizen; if it is only to consist in a mere formula, we prefer our Porto Rican citizenship. They may be proud of what belongs to them. I fully understand it, since there does not exist in the world a greatness superior to the greatness of the United States. But here we are proud of what belongs to us, that although poor and rachitic, it is our own. [Great applause.]

Mr. De Diego, my dear friend, and the worthy speaker of this house, gave us an account of his excursion through the United States in phrases admirable for their patriotism and rhetorical forms; that excursion was perhaps the most fruitful of all that have been carried out in representation of Porto Rico. I had the honor to go and plead the cause of my country in 1899. I accomplished nothing. Delegates from the Republicans, from the Federals, from the commerce and the agriculture, were later sent there. They accomplished nothing. In 1900 and 1902 the Republican party won the elections in the island, and sent to Washington one of our most competent men, my good friend and affectionate opponent, Mr. Degetau. He accomplished nothing. In 1904 and 1906 the Unionist party sent to Washington a man of exceptional energy and of very high intellect, Mr. LARRINAGA. It is already four years that he has been exerting himself to obtain a change, a reform. He has assiduously struggled. I have received his letters every week. As I read them I feel as though a cold wave would pervade my soul.

The intelligence and push of our Commissioner is powerless to make us advance one single step. It was necessary for us to send to Washington, as it was more direct, if possible, and we sent the speaker of our house of delegates. He went, talked, struggled, until he lost his health. He returned sick in health, and was only told that our régime was merely temporary. In spite of all this, I shall not advise my country to prepare for a fight with the machete and the gun in the mountains. I shall reach my speech to the point when I shall offer my own solution. I regret that at this very moment the ghost of Betances and Baldorioty, Acosta Celiand Vizcarrondo, and Ruiz Velvis, and a hundred other illustrious dead can not rise from their sepulchers and lend me their energies, so as not to feel discouragement and bend under the weight of despair. It is necessary that the Porto Rican people should defend themselves with a Spartan resolution against injustice. By submitting oneself it is not possible to reach a bright future. We must yet rally the remnants of our confidence, the last stitch of our faith; but before all we must resist with patriotic fortitude. We are small, but we shall be great; we are weak, but we shall be strong; if we unite shoulder to shoulder in this up-hill Calvary through which we go. Union

will save us, and for that purpose and in order to save ourselves, the union of Porto Rico was formed, which stretches out around and opens her doors to all Porto Ricans.

I am talking politics, gentlemen; I wish, and I have a right, to speak politics. I am a member of a legislative body in which the people of Porto Rico placed its faith, and in which we are working with our faculties and with our decisions. We occupy a position in which politics is in its own domain, although we may be told that the function of this chamber is purely legislative. The cry of the people will be heard here in a more resounding manner. Let it be heard near and afar, gentleman; let it be known everywhere that the sons of this country, although compelled to suffer, at least know how to protest with dignity.

I now come, gentlemen, to the study of local political affairs, not so high but not less important than national politics. And all at once I stumble on the executive council. This is the greatest obstacle and, without any doubt, is the supreme hindrance to our insular aspirations. It is next to us and, by misfortune, is above us. There are bills here in our desks which are wise and practical. But, ah, gentlemen, these bills will never crystallize, they will never be presented to the House, because we know beforehand that it would be useless to develop them, to present them, to defend them, and to put them through in this house. They will then go to the other house, and there they will find the "requiescat in pace." We passed a hundred bills last year. This year there are already a hundred read by the clerk, and they will amount to 200 in the course of this legislature. Twelve or sixteen at the most will become law. This is the limit fixed by the executive council.

And do you know where all the work of the Porto Rican delegates can be found? You will find it in the wastebasket of the executive council. All this we must endure, and we have only the right to express our complaint, our indignation, in the face of such absurdity. Only one legitimate representation of the people there exists in Porto Rico, and this is the house of delegates. The house is a concentration, a condensation, of the will of the people. The house is the only one that has a right to speak and to vote for the country. The executive council is but a beaurocratic body; its members are the employees of President Roosevelt, imposed upon us without being heard by the organic act enacted for us by the Congress of the United States. In every country the lawmakers are the natives of the nation, or of the colony for which they enact laws. In Ireland, which is oppressed as we are, it is the Irish who make their laws; in Canada, more free than we are, it is the Canadians; in Budapest, under the despotic rule of Austria, it is the Hungarians who form the Hungarian Diet. In Porto Rico the members of the Porto Rican senate are Americans, and we are given the laws of Montana, of California.

The honor of establishing such a liberal and wise system belongs, gentlemen, to the American people, to the more democratic people and the more just people ever known in the annals of history. Now, a fact that has been often repeated, members of the executive council arrive here who, with astonishing lack of apprehension, legislate within twenty-four hours after their arrival for the people of Porto Rico without any knowledge of our language, without having looked at our laws, without having studied the wants and the customs of the country. In speaking of the members of the council I refer to the present as well as to the past ones. Both are the most ardent proclaimers of our meager preparation for self-government. And it becomes necessary to answer such a propaganda, not in the shadow of private and confidential reports, but in plain light and in a parliamentary session. It is necessary to prove in this legislative assembly that some are not prepared, but that such are not the natives of our country, nor their representatives. Please, gentlemen, lend me your attention. There are yet remaining thirty Republican independencies of the department of charities, health, and corrections, which is presided over by insular statesmen. The chief of the department had full authority to dismiss them before the 31st of December and appoint others in their places. He did not dismiss them, because their chief did not choose to stain by an abuse the law of civil service voted by both houses, and there are the thirty Republicans under a Unionist chief. Meanwhile, other chiefs of departments, other American chiefs, took advantage of the last moments of the expiring of the old law to arbitrarily dismiss employees.

And we are not prepared. It is only that we have respect for our own resolutions, while others have no respect for their own. They are the dominant ones; they fix the rule, and that rule is always favorable to them. They always have the favorable and we the unfavorable side of the question. And in this way things are going. But if in going in such a way, I can tell those gentlemen of the other House that they want that it is convenient for them to learn the lessons, the eloquent lessons of our local patriotists. There in the office of the consolidated departments a venerable Porto Rican, a man without a blot in his conduct, full of prestige on account of his great intellect and his prudence, competent and energetic, if there ever was one, is constantly working.

If that gentleman had dismissed many of his employees forty-eight hours before the civil-service law went in force, we would have heard a clamor and the commentaries of all the other gentlemen chiefs, affirming that Mr. Acuna was not prepared for the exercise of self-government. There is a gentleman now in the executive council whom I have not the pleasure to be acquainted with. It is reported that he is a great authority in pedagogy. It is affirmed that he devoted his whole life to public teaching, and in fact that he is a real instructor. And I have here before me, gentlemen, the programme for the examination of the rural teachers in Porto Rico. They are given out in English, without any Spanish translation, and it is asked that the teacher should answer on anatomy and physiology such questions as the following ones:

"Name of the principal organs of the human body and description of their functions.

"Which are veins, arteries, capillary. Which arteries have valves.

"Express opinion about tissues. Principal tissues of the human body.

"Describe the composition of the bones. Use of the same.

"Describe the nervous system. Discuss the influence of stimulants and narcotics."

Messrs. Delegates, these are very useful points of human knowledge. But the programmes ought to have been given to the candidates in Spanish. How can we ask a professor with $30 per month that he could be conversant with a foreign language and that without previous advice he should pass an examination on elemental physiology and anatomy? I am quite sure that the members of this house, excepting those who by their technical studies know thoroughly the scientific points, could not pass an examination; they could not become rural teachers with $30 per month.

I for one confess, my friends, that I could not, right now and without any preparation, take the risk of such a programme as this I am presenting to you, in which I see questions on hygiene, history, arithmetic, geography, and the Spanish language. [Laughter and applause through the house and the galleries.]

We now come to the great injustice, to a monstrous injustice. We have here in Porto Rico a department genuinely insular, and six other departments genuinely continental; a clerk, a director of sections, an employee whatsoever if he is an American, has a higher salary than the clerk, than the director, than the same employee with the identical work if he is a Porto Rican.

So that, in this also, the native inferiority is apparent as compared with the exotic superiority. And there is no such inferiority; such a superiority does not exist. The employees from here are as capable as the employees from abroad. And this obtains for the last ten years. I do admit that Americans may come to our office, although I think that they ought to be natives. What I do not admit is that Americans should have the higher salaries. This is unfair, it is abusive and offensive, Messrs. Delegates. I have the honor to be the chairman of the committee on ways and means; I here express frankly my opinion, which is not offhand, as the words of my speech are, but is the result of reflection and meditation. And I here tell you that I will take to the committee on ways and means this criterion which I now express before the house. [Applause.] I accept the cooperation, but not the superiority. I enthusiastically approve of the Americans building our system of roads with our money, but for the benefit of the island; I enthusiastically approve of the maintenance of our schools, with the enormous appropriations voted by this house, and for the progress of the country. In these two points they really carry out a good work, in which some deficiencies may be found, but which in the end are fruitful. I pay to them my tribute of sympathy, and I encourage them to go on.

But this house is not going to permit for a day longer that anybody should try to raise himself above us. There, in the North, it is very well for them to think themselves superior to the rest of the world; in fact, they are so. They give to humanity a gigantic impulse; they improve methods, they broaden ideas, they realize the progress, which nobody denies or tries to discuss, a progress for which they get recognition and for which they are glorified. No Porto Rican ever went, he will never go, and will never be permitted to go to dispute the supremacy in politics or administration to Wisconsin, Rhode Island, or Massachusetts. Here in our own country we do not permit anybody to stand above us. [Prolonged applause.] And the Americans themselves, if they are real Americans, after the fashion of Washington and Jefferson, will understand the attitude, which is not the result of pride or vanity, but which is the natural impulse of the heart and the serious promptings of reason.

The Porto Rican government ignores the opinion of the Porto Rican people, and ignores it not unconsciously, but in a deliberate and systematic manner. The affairs of the country are acted upon after consultation with some private friends, and not with a political organization. And thus during the American régime the same clique (camarilla) which worked in the Spanish time has been formed. Against that clique I always stood; against this new clique I stand to-day. In this country of ours there is a Republican party and a Unionist party. They are the only representatives of the 1,000,000 human beings inhabiting our cities and our country districts.

Now, gentlemen, the government ignores both of these factors, and only lends an ear to eight or ten favorites (they are no more than ten) which sometimes emerge from half obscurity. Nobody knows who they are, what they have accomplished, what is their meaning, or what they advise. And it is necessary to speak out very clearly; those men do not represent anything; they are nobody; their advice does not mean anything in the problems of our forgotten island and the problems of this poor island symbolically represented by a lamb.

It is for this reason, gentlemen, that I said before that the greatest error of the government consists in ignoring the organized factors of this community, factors that are organized not to oppose that government, but to help it if it goes on the right path and correctly. Porto Rico has a million inhabitants, five hundred thousand of which are males. Amongst those five hundred thousand, one hundred and fifty thousand voted at the polls from the one hundred and seventy thousand who had the right to do it at the last election of 1906, and I would like, gentlemen, to see also the Porto Rican women having a vote in our country. Out of this one hundred and fifty thousand one hundred and two thousand belonged to the Unionist party and fifty-one thousand to the Republican party. The government having at hand this powerful nucleus of public opinion, ignores it and slights it.

I wish that at this present moment a Republican minority would be occupying those seats. I would then appeal to the loyalty and sincerity of that minority, asking of them to declare clearly if my affirmations are not true. When my cordial opponents had the majority in this house, when they sent their representation to Washington, when they said they were in power they were no power at all. They were entirely ignored, as we were ignored; everything that represented here an active force was ignored; the country itself was ignored. I am a member of the central directing committee of the party of which I am proud to form a part. Many times did I discuss within that honorable committee this important question. Many times I visited the executive mansion, and I presented these problems to the governors of the island. Sometimes I left that palace with the conviction that the demand of the country was to be listened to. But afterwards I was convinced of the absolute incompatibility which existed, and that we should never reach a point of mutual transactions without very strenuous efforts. The Union party of Porto Rico made great sacrifices to come to a compromise with the government. The central directing committee maneuvered with dignified ability and encomiums and with tact to avoid a rupture. And it yet continues to work in that direction. It has continued to do so as long as the common dignity and decorum will permit it. I initiated and defended for two years such policies; I defended them in my speeches in the legislature in 1907; I yet stand for them. I believe that we should go with the government, with those governments which deserve it. We wish to be sincerely with the government, working to come to an understanding with established power; not with those governments if it is necessary to be unconditionally servile.

We can yield a good deal if a good deal is granted to us; we must be in a reciprocal attitude. In a word, we ought to pay the Government in the same coin that the Government pays us. [Applause.] I am of the opinion, and I advise, to place the independence of the insular house face to face with the independence of the insular government. We are not going systematically to oppose just as Machiavelicy and quietly we are combated. We are not going to refuse or to defeat the good laws of the executive council, as we are not going to approve or vote down the bad laws coming from that body. Our attitude is noble, but firm. We are not here to serve a power that mal-

treats us, but to a people who elect us and sustain us. If that power stands in opposition to the country, we will be very sorry for him, and for us we will be sorry for Porto Rico. It is convenient for everyone concerned a harmonious tendency and good will. But it should not be asked of us that while cooperating to that harmony we should give it all, while others are not willing to give anything. We demand that the will of the people should be listened to; that within this régime mistaken and bad officials called to apply it should not go even further. We demand that in our country the prime interest shall be the interest of the country. I have already explained my opinion, gentlemen, an opinion which is personally my own and the one which I feel should be the opinion of the Union of Porto Rico.

I have not ascertained the opinion of the central directing committee. I speak from my own personal account, without involving anybody else in my declarations. If any glory or profit comes from this opinion, let them be for my party and for my country; if they develop hatred and rancors, let them be for myself alone. I calmly accept them, after the satisfaction I experience in expressing the bare facts, as I think is necessary to express them, and as they are not frequently expressed in our public life. [Prolonged applause.] This is, gentlemen, my issue and the local policy. After many bitter sacrifices, after a series of efforts to keep silence, I am convinced that such a silence is of no avail. Would that the policy in the highest sphere should change. If this happens, I shall always stand by those who do justice, with those who are convinced that tyranny, though veiled, is always odious and intolerable. The path to right doing is broad and luminous. The path to evil is narrow and dark. It is necessary to choose between the two. By the first one the Union will willingly go; by the second, those who will prefer it will go alone.

I end, gentlemen, by explaining my meaning in what relates to our relations to the national policy. Our duty is to ask for, to claim, to demand that the political status of Porto Rico should be determined upon—either with a conditional State within the community of the other States, either with a form of a frank autonomy with a community of the other American colonies. The task will be a hard one. The demand will have to be energetic and continuous. And if at the end we lose all hope, if at the end we exhaust our last effort without being heard and without our rights being recognized, then will rise in our consciences the fifth plank of the union of Porto Rico, and we shall call for independence of the island. It will then be heard—our constant hammering on the anvil, our constant energy, until the links of our servitude are broken to pieces. [Applause stifled the voice of the orator. The whole house applauds. The people in the gallaries stand on their seats, and the ovation lasts for several minutes.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. Ten minutes.

Mr. HULL of Iowa. I yield three minutes to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I have just voted to return the Army appropriation bill to conference, and I would not vote for the present bill if I thought, as the gentleman from Texas [Mr. SLAYDEN] has asserted, that it would add a dollar to the military expenses of this country. But it does not. It simply continues this regiment permanently instead of provisionally, and there are two excellent reasons why that should be done, reasons which I am sure appeal to gentlemen upon that side of the aisle just as strongly as to gentlemen upon this side.

The first is this: Certainly anyone who knows the island of Porto Rico knows that we have an island there containing over a million of people. Now, no matter how peaceable these people may be; no matter how pacific their disposition may be, they are a people of mercurial and somewhat uncertain temperament. Therefore to leave that island without any military force whatever, facing as it does the Panama Canal, I can not believe any of us will agree. But, second, and to my mind the more important reason, is this: Anyone who has been to Porto Rico and knows the real temper of the public mind there, knows there is not at present a friendly feeling for the American flag in Porto Rico, unjust and unwarranted as this feeling may be. Now, this regiment of Porto Rican soldiers, in which the Porto Rican people take the greatest pride, is a veritable school——

Mr. WILLIAMS. Will the gentleman allow me to ask him a question?

Mr. DOUGLAS. I will in a moment. What I was going to say is that anyone who has been there knows this to be the fact, that this regiment of Porto Ricans is a nucleus of patriotism among the Porto Ricans toward this country. The officers and men are substantially all of them loyal Porto Ricans, and they inculcate throughout the island a spirit of loyalty to us and to our flag greater than any other one influence abroad in that island; so that I sincerely hope we will continue this regiment.

Mr. WILLIAMS. Does not the gentleman think that we could produce a feeling of patriotism toward America and love of the American flag very much less expensively and very much more rightly by simply giving to Porto Rico a delegate upon this floor?

Mr. DOUGLAS. I do not; and I shall embrace the very first opportunity upon this floor of stating why I do not.

Mr. HULL of Iowa. I yield three minutes to the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Speaker, for one I am in favor of this bill, and I believe it ought to pass by the united Republican vote at least. It is a matter of a great deal of importance in the administration of affairs in the island of Porto Rico. The political status of that island in its relation with the United States has been considered as somewhat anomalous, and I know that natives of the island have felt somewhat uncertain about their rights under the American flag. This military organization is the only movable military organization in the island. It is the successor of that old Porto Rican regiment that is surrounded with such splendid traditions as was just described by the gentleman representing that island on this floor. As a matter of sentiment alone, as a token of recognition of the inhabitants of the island as citizens of the United States, as members of the great American family, it is worth all it costs.

But, Mr. Speaker, that island has a population of between a million and a million and half people. It is three or four days' travel from continental United States to the island; and if this regiment should be disbanded, that island, with its population, would be absolutely without any military protection. There is no national guard, as we call it, on the island. I undertake to say that there is no territory, no section, no locality, in the United States with a similar population that would be as far from a military organization as the island of Porto Rico would be if this regiment should be disbanded. For the purpose of aiding in the police protection of the island it is of great importance. It ought to be continued; it ought to be made permanent, I repeat, as a recognition of the Americanism of the people of the island. I believe in enacting other legislation that would recognize the inhabitants of the island of Porto Rico as full citizens of the United States in a practical and effectual manner.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. Can the gentleman yield me any time?

Mr. HULL of Iowa. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has three minutes.

Mr. WILLIAMS. Can you not yield me one minute or a minute and a half?

Mr. HULL of Iowa. I want very briefly to explain the situation, as far as this regiment is concerned, in addition to what I have already said. I do not think the Porto Rican regiment will be disbanded if we do not pass this bill. We have already provided in the appropriation bill for the recommissioning of the officers for terms of four years. We have provided for the continuance, so far as the expense is concerned, of the regiment, and to the extent of this bill, in giving this additional status to the officers, giving recognition of the right to retired pay.

Mr. SLAYDEN. I would like to ask the gentleman this question: You admit that if this bill does not pass it will prevent addition to the personnel of the officers of the Army?

Mr. HULL of Iowa. On the retired list.

Mr. SLAYDEN. On the retired list.

Mr. HULL of Iowa. It does not make any addition to the officers on the active list, but it does make an addition to the retired list when the time comes for them to retire. And whether the gentleman from Texas or myself shall be in Congress when they reach the age of 64 years, Congress will pass special acts to put them on the retired list, in my opinion, as an act of justice. But this regiment is a great educational factor to the people of Porto Rico. We provide that there shall be only one term of enlistment. When that term expires the men are scattered over the island; and I claim that that is one of the most efficient means of cultivating a love for the United States and its flag that you could have in Porto Rico.

I do not agree with the gentleman from Virginia [Mr. HAY] when he says that he wants the Democratic party not to vote for one additional man in the Army of the United States. So far as I am concerned—and I speak for myself only in this—I want the Republicans to vote for any man or any measure that is necessary for the dignity, safety, and prosperity of the United States of America. [Applause on the Republican side.]

Mr. HAY. The gentleman does not want to put me in a false position——

Mr. HULL of Iowa. I do not want my party to be afraid of voting for what is right, with the idea that if they do somebody may criticise them on the stump this fall. I have fought this battle out in my State, and I am known there as a friend of the Army, and the people I represent are willing to do whatever is necessary to safeguard the rights and interests and dignity and prosperity of the country.

Mr. HAY. The gentleman can not make me say I would not vote for anything that is necessary. I never said anything of that sort.

Mr. HULL of Iowa. I understood you to say you did not want your party to go on record in favor of an increase of any officers of the Army.

Mr. HAY. Because I do not think it is necessary.

Mr. HULL of Iowa. Well, I think it is, and therefore I hope our side will all vote for it. But this does not increase the number of officers a single man. It does increase the retired list.

Mr. HAY. Yes; but the gentleman will admit that the Comptroller of the Currency will probably not pay these officers unless this bill is passed.

Mr. HULL of Iowa. That has been construed, and the Comptroller will pay just as long as Congress appropriates for them.

Mr. HAY. Not when the law provides that they shall go out of office on the 30th of June.

Mr. HULL of Iowa. As long as Congress appropriates they will be paid. I think there is absolutely nothing in that, and as long as conditions are as we believe them to be now, Congress will appropriate separately for them. There is nothing in the question of expense except the ultimate expense of the retired list. I want to say that every one of these line officers who serves until he is 64 years of age, and every one of them who serves until he becomes disabled in the line of duty will be placed on the retired list by the Congress of the United States whether you pass this bill or not.

Now, Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. All time has expired. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill with the committee amendments.

Mr. SLAYDEN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 129, nays 80, answered "present" 4, not voting 174, as follows:

YEAS—129.

Adair	Driscoll	Hull, Iowa	Parker, S. Dak.
Alexander, N. Y.	Dwight	Jenkins	Payne
Ames	Ellis, Oreg.	Jones, Wash.	Perkins
Andrus	Englebright	Kahn	Pollard
Bannon	Esch	Kimball	Pray
Barchfeld	Fassett	Kinkaid	Rauch
Bartholdt	Focht	Knopf	Reeder
Birdsall	Fornes	Küstermann	Rothermel
Bonynge	Foss	Lafean	Slemp
Bradley	Foster, Vt.	Landis	Smith, Cal.
Brownlow	French	Lawrence	Sperry
Burleigh	Gardner, N. J.	Longworth	Steenerson
Burton, Del.	Garrett	Loudenslager	Sterling
Calderhead	Gilhams	Lovering	Sturgiss
Campbell	Gill	McKinley, Ill.	Sulloway
Capron	Goulden	McKinney	Sulzer
Caulfield	Graff	McLachlan, Cal.	Taylor, Ohio
Chapman	Greene	McMorran	Tirrell
Cocks, N. Y.	Hale	Madison	Townsend
Cole	Hall	Mondell	Volstead
Cook, Colo.	Hamilton, Mich.	Morse	Vreeland
Cook, Pa.	Harding	Mouser	Waldo
Cooper, Pa.	Haskins	Murdock	Wanger
Cooper, Wis.	Haugen	Murphy	Washburn
Crumpacker	Hawley	Needham	Watson
Currier	Hayes	Nelson	Wheeler
Dalzell	Henry, Conn.	Norris	Wilson, Ill.
Darragh	Hill, Conn.	Nye	Wood
Davis, Minn.	Hinshaw	Olcott	Woodyard
Dawson	Howell, Utah	Olmsted	Young
Denby	Howland	Overstreet	
Douglas	Hubbard, Iowa	Padgett	
Draper	Hubbard, W. Va.	Parker, N. J.	

NAYS—80.

Adamson	Edwards, Ga.	Henry, Tex.	Patterson
Aiken	Ferris	Hill, Miss.	Rainey
Alexander, Mo.	Finley	Houston	Randell, Tex.
Ansberry	Fitzgerald	Howard	Robinson
Ashbrook	Floyd	Hughes, N. J.	Russell, Mo.
Bartlett, Nev.	Foster, Ill.	Hull, Tenn.	Russell, Tex.
Beall, Tex.	Garner	James, Ollie M.	Sabath
Bell, Ga.	Gillespie	Johnson, Ky.	Shackleford
Booher	Glass	Johnson, S. C.	Sheppard
Bowers	Godwin	Jones, Va.	Sherley
Burgess	Gordon	Kitchin, Claude	Slayden
Burnett	Griggs	Lamb	Smith, Mo.
Candler	Hackett	Lee	Sparkman
Clark, Fla.	Hackney	Lloyd	Stanley
Clark, Mo.	Hamilton, Iowa	Macon	Stephens, Tex.
Clayton	Hammond	Maynard	Thomas, N. C.
Crawford	Hardy	Moon, Tenn.	Tou Velle
Davenport	Hay	Moore, Tex.	Underwood
Denver	Heflin	O'Connell	Watkins
Dixon	Helm	Page	Wilson, Pa.

ANSWERED "PRESENT"—4.

Burleson	Butler	Cox, Ind.	Richardson

NOT VOTING—174.

Acheson	Bennett, Ky.	Burke	Cockran
Allen	Bingham	Burton, Ohio	Conner
Anthony	Boutell	Byrd	Cooper, Tex.
Barclay	Boyd	Calder	Coudrey
Bartlett, Ga.	Brantley	Caldwell	Cousins
Bates	Brodhead	Carlin	Craig
Beale, Pa.	Broussard	Carter	Cravens
Bede	Bromm	Cary	Cushman
Bennet, N. Y.	Brundidge	Chaney	Davey, La.
Davidson	Higgins	Lorimer	Riordan
Dawes	Hitchcock	Loud	Roberts
De Armond	Hobson	Lowden	Rodenberg
Diekema	Holliday	McCall	Rucker
Dunwell	Howell, N. J.	McCreary	Ryan
Durey	Huff	McDermott	Saunders
Edwards, Ky.	Hughes, W. Va.	McGavin	Scott
Ellerbe	Humphrey, Wash.	McGuire	Sherman
Ellis, Mo.	Humphreys, Miss.	McHenry	Sherwood
Fairchild	Jackson	McKinlay, Cal.	Sims
Favrot	James, Addison D.	McLain	Small
Flood	Keifer	McLaughlin, Mich.	Smith, Iowa
Fordney	Kelliher	McMillan	Smith, Mich.
Foster, Ind.	Kennedy, Iowa	Madden	Smith, Tex.
Foulkrod	Kennedy, Ohio	Malby	Snapp
Fowler	Kipp	Mann	Southwick
Fuller	Kitchin, Wm. W.	Marshall	Spight
Fulton	Knapp	Miller	Stafford
Gaines, Tenn.	Knowland	Moon, Pa.	Stevens, Minn.
Gaines, W. Va.	Lamar, Fla.	Moore, Pa.	Talbott
Gardner, Mass.	Lamar, Mo.	Mudd	Tawney
Gardner, Mich.	Langley	Nicholls	Taylor, Ala.
Gillett	Laning	Parsons	Thistlewood
Goebel	Lassiter	Pearre	Thomas, Ohio.
Goldfogle	Law	Peters	Wallace
Graham	Leake	Porter	Webb
Granger	Legare	Pou	Weeks
Gregg	Lenahan	Powers	Weems
Gronna	Lever	Pratt	Weisse
Haggott	Lewis	Prince	Wiley
Hamill	Lilley	Pujo	Willett
Hamlin	Lindbergh	Ransdell, La.	Williams
Hardwick	Lindsay	Reid	Wolf
Harrison	Littlefield	Reynolds	
Hepburn	Livingston	Rhinock	

So the motion to suspend the rules and pass the bill was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LOUD with Mr. HARRISON.

Mr. MANN with Mr. SIMS.

Mr. FOULKROD with Mr. SPIGHT.

Mr. KENNEDY of Iowa with Mr. PUJO.

Mr. TAWNEY with Mr. WILLIAMS.

Mr. THOMAS of Ohio with Mr. LASSITER.

Mr. SMITH of Michigan with Mr. REID.

Mr. MALBY with Mr. RANSDELL of Louisiana.

Mr. MCGUIRE with Mr. NICHOLLS.

Mr. KEIFER with Mr. LEGARE.

Mr. HUMPHREY of Washington with Mr. KIPP.

Mr. HUFF with Mr. GREGG.

Mr. GOEBEL with Mr. GAINES of Tennessee.

Mr. FOSTER of Indiana with Mr. FULTON.

Mr. ELLIS of Missouri with Mr. FAVROT.

Mr. DAVIDSON with Mr. CRAIG.

Mr. CHANEY with Mr. COCKRAN.

Mr. CALDER with Mr. CARLIN.

Mr. BOUTELL with Mr. CALDWELL.

Mr. LOWDEN with Mr. BRODHEAD.

Mr. SMITH of Iowa with Mr. BRANTLEY.

Mr. ALLEN with Mr. WILEY.

For the balance of the day:

Mr. HEPBURN with Mr. RICHARDSON.

The result of the vote was then announced as above recorded.

BOARD OF MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HULL of Iowa. Mr. Speaker, I move to suspend the rules and pass House joint resolution No. 178, for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the joint resolution, as follows:

Resolved, etc., That Thomas J. Henderson, of Illinois; Walter P. Brownlow, of Tennessee; Edwin P. Hammond, of Indiana, and Joseph S. Smith, of Maine, be, and the same are hereby, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States—Gen. Thomas J. Henderson to succeed himself, his term of service having expired April 21, 1908; Col. Walter P. Brownlow to succeed himself, his term of service having expired April 21, 1908; Col. Edwin P. Hammond to succeed himself, his term of service having expired April 21, 1908, and Gen. Joseph S. Smith to succeed Gen. J. Marshall Brown, whose term of service would have expired on April 21, 1908, but who died on July 20, 1907.

The SPEAKER pro tempore. Is a second demanded?

Mr. UNDERWOOD. I demand a second.

The SPEAKER pro tempore. Under the rule a second is considered as ordered. The gentleman from Iowa [Mr. HULL] is entitled to twenty minutes and the gentleman from Alabama [Mr. UNDERWOOD] to twenty minutes.

Mr. HULL of Iowa. Mr. Speaker, there is nothing in this resolution except what is made necessary by the present laws governing the National Homes. There are twelve members of of the Board of Managers of National Homes, and the offices of four expire every two years. This Congress has not filled these new places as promptly as they should have been, for the reason that it seemed impossible to get an opportunity to put

in a resolution like this, which has always been passed heretofore by unanimous consent. I reserve the balance of my time, for I have no desire to take the time of the House to discuss it any further.

Mr. UNDERWOOD. Mr. Speaker, I yield such time as he may desire to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, a moment ago when the question of the Porto Rican regiment was up, I desired to say a few words, but the time on this side was exhausted and the time on that side was needed.

The gentleman from Indiana [Mr. CRUMPACKER], in the course of his remarks, said that this regiment ought to be kept up in Porto Rico for the purpose of "teaching Americanism" there. It is to that remark that I desire to address myself.

Porto Rico has become a part of the United States. It is going to remain permanently a part of the United States. Unlike the Philippines, very much unlike in every respect, it is destined to be for all time a part of our country. It is very important that Americanism should be taught in Porto Rico, that the people there should learn to love American institutions and to feel a fellowship with American citizens. The right way to teach them the lesson is not to give them a regiment, the highest office in which that can be held by a native Porto Rican is a captaincy. To expect to gain them this way is to take them for fools or children. The right way to give them an education in Americanism is not to educate them to the sound of the fife and drum, to military parade, "the pomp and circumstance of glorious war," and all that, but to realize now and to act upon the realization that the Porto Rican people ought to be made Americans whether they speak a foreign language or not, and the right way to make Americans of them, to teach them Americanism and a love of American institutions, is to give them American institutions. Nobody can have a taste for a thing unless he first have a taste of that thing.

Porto Rico ought to be made a Territory of the United States; it ought to have a Delegate upon this floor. We ought no longer to keep the people of Porto Rico in the status where they are now, where they are adjudged to be neither foreigners nor citizens, neither fish, flesh, nor fowl; something like Mohammed's coffin, hanging unfixed between high heaven and the earth—nowhere a fixed status.

If the Porto Ricans are to honor and love the flag which hangs above your head, they are to love it because that flag benefits them, brings brotherhood and fraternity to them, brings American institutions to them, and the only way in which American institutions can be brought to them is in the manner I have stated.

Mr. DOUGLAS. Does the gentleman doubt that the flag has brought benefits of all sorts to them?

Mr. WILLIAMS. I will answer the question which the gentleman has asked, although he has asked it without permission to interrupt. I do not doubt that the flag has brought benefits to them, but I do deny, and the gentleman himself will not assert, that the flag has brought all the benefits to them that the flag ought to have carried. The flag can not carry all the benefits that it ought to carry until these people are recognized as part and parcel of the body politic of the United States and given the right that the people of Arizona and New Mexico are given. Their case is not like that of the Filipinos. We hope some day to be rid of the Filipinos, because they are an alien and nonassimilable race. These Porto Ricans are not nonassimilable, and there is no reason why they should not become just as all American citizens are in everything except in the language which they speak, and perhaps gradually they will even assume the English language.

I tell you now that if you keep them in the status in which you have them now, within ten years from now there will not only be, as the gentleman says there is now, an "unfriendly feeling toward Americans in Porto Rico," but there will be a hatred equal to that which the Irish feel for England. You have not even given them as much recognition as England has given Ireland. The Irishman is nearer a fellow-subject of the Englishman than the Porto Rican is a fellow-citizen of the American today. [Applause on the Democratic side.] You can not teach men to love you by providing them with a regiment, with the innuendo "If you are not good, the regiment is here to make you good." You can make men a part of your national household only in one way, and that is to admit them into your household. You can not make people love the family by treating them as stepchildren. You have got to treat them as children.

And one of the things that history will charge up against this Republican party is the fact that instead of teaching these people to love American institutions, you are teaching them to hate them and Americans with them. They came into the Union not unwillingly, they welcomed our American troops; "tossing their caps high in air," with huzzas when the American troops landed. Now, already it is confessed upon the floor by one of your own body that "an unfriendly feeling toward America is general" over the island. Whose fault is it except our own?

Mr. DOUGLAS. Mr. Speaker, I can answer the question if the gentleman will give me an opportunity.

Mr. WILLIAMS. When I say our own, I mean those in control of the country. I did not hear the gentleman, and if the gentleman from Ohio [Mr. DOUGLAS] has a question to propound, if he would pursue the usual course I would then be able to understand his question. I now yield to the gentleman.

Mr. DOUGLAS. I say the gentleman pointed at me and asked a question and I am willing to answer it.

Mr. WILLIAMS. I did ask the gentleman no question. What question did I, in his opinion, ask the gentleman?

Mr. DOUGLAS. The question is as to why the Porto Rican people are not more friendly to the flag.

Mr. WILLIAMS. I will yield to the gentleman to tell me why.

Mr. DOUGLAS. The reply is in one word. It is due to the peculiar character of the Porto Ricans.

Mr. LARRINAGA. Will the gentleman yield to me for a moment?

Mr. WILLIAMS. Mr. Speaker, I can not yield further. There is one thing that I think I know. There are not many things in this world that I am cocksure about, but one thing I think I know. I think I know that human nature in the Caucasian race, in the white race, is pretty much the same all over this world. I have known it upon the banks of the Tiber, the Thames, the Seine, the Avon, the Rhine, the Mississippi, the Ohio. The white man's human nature is nearly everywhere the same, just as the Chinaman's human nature is, whether he is in Hongkong or New York, and the negro's human nature, whether he is in Timbuctoo or New Orleans. They differ on broad racial lines, but within racial lines men are subject to identical motives and influences. There is no white man living upon the surface of this earth that can be made to love another white man and honor him by fear, by arrogance, by assumption of superiority, or except in one way, and that is by receiving justice and respect and honor.

And whenever you give the Porto Ricans that they will love your institutions and love you, and as long as you keep them as you are trying to keep them now, in a sort of unconscious arrogance of superiority, as inferiors to yourselves, they not only will necessarily distrust you, but that distrust will grow. They not only, necessarily, will be unfriendly to you, but that unfriendliness will gradually become hostility, enmity, deep-seated hatred, almost ineradicable. Porto Rico is represented here by a Commissioner. What man upon the floor who knows him does not honor him just as much as any other man here? [Applause.] Why should he not have the same right upon this floor that a Delegate from Arizona or New Mexico has? Why should you pronounce beforehand that the white people of Porto Rico are unfit to be citizens of an American Territory? I am not speaking of statehood for them, because they have, perhaps, neither the population nor the wealth nor as yet the political training, but they have at least the right to be admitted into the preparatory school of the great college of Americanism, the great college of American patriotism—a Territorial condition. [Applause on the Democratic side.]

All that I said that has any reference to the gentleman from Ohio was this, that he had himself admitted that there was in Porto Rico a feeling of unfriendliness toward America. I myself do not know whether his admission be founded on fact or not, because it is my misfortune not to know the Porto Ricans, never to have been among them. But if it be true—and for the sake of argument I am admitting it to be true—then I deny that it can grow out of any "peculiarity" of the white people of Porto Rico. I deny that it can grow out of anything except that rock-bottom fact, which is based in all white human nature, that "you that have friends must show yourselves friendly." Solomon said that in a little bit different phraseology, and it is true and has been true always.

Mr. DOUGLAS. Will the gentleman yield?

Mr. WILLIAMS. When you are dealing with a race that is alien and nonassimilable, a race whose blood fraternity with yourselves you can not admit—and all fraternity is based upon actual or potential relationship in lawful wedlock—lawful blood kinship—then you have a different problem altogether. There fraternity is impossible, there assimilability is impossible, there common and equal citizenship is impossible, there genuine equality is impossible, because genuine equality is based upon genuine fraternity. But when you are dealing with a people with whom you can assimilate, a people of your own race—a white peo-

ple—then all you have to do, if you want them to love the household, is to admit them into the household as children and not as stepchildren.

Mr. DOUGLAS. Will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. DOUGLAS. I desire to state to the gentleman I have introduced a bill in this House to give citizenship to the people of Porto Rico; what has the gentleman done?

Mr. WILLIAMS. The gentleman from Mississippi welcomes the knowledge of the fact hitherto not known to him that the gentleman from Ohio has introduced such a bill. Not only the gentleman from Mississippi but his party have been standing upon the Committee on Insular Affairs and the Committee on Territories and elsewhere for making a Territory of Porto Rico and giving it a Delegate upon this floor. In the Fifty-eighth and Fifty-ninth and this Congress we have stood without division for it. We are opposed to crown colonialism in Porto Rico.

Mr. COOPER of Wisconsin rose.

Mr. WILLIAMS. I did not wish to mention the party question, but the gentleman from Ohio has forced it.

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Wisconsin?

Mr. WILLIAMS. I yield to the gentleman from Wisconsin always.

Mr. COOPER of Wisconsin. I desire to inform the gentleman from Ohio that the Committee on Insular Affairs in the last Congress unanimously reported a bill to confer citizenship upon the people of Porto Rico, and that in the present Congress it reported such a bill, and it is now upon the Calendar.

Mr. WILLIAMS. And can not obtain a hearing.

Mr. COOPER of Wisconsin. I did not say that. [Laughter and applause on the Democratic side.]

Mr. WILLIAMS. I did, and I repeat, "and can not get a hearing."

Mr. DOUGLAS. If the gentleman from Wisconsin will permit, I will say, if that is the case, he is more entitled to indulge in glittering generalities upon Porto Rico than the gentleman from Mississippi——

The SPEAKER pro tempore. The gentleman from Wisconsin has not the floor; the gentleman from Mississippi has the floor.

Mr. WILLIAMS. I am not dealing in glittering generalities, but am thrusting home a concrete instance of manifest right.

Mr. Speaker, I thought it well to say thus much, because I did not have the opportunity at the right time to say it, as my desire to interrupt could not be granted, so that what I said, or attempted interrogatively to interject in the matter, was "left up in the air" and unexplained. I wanted, when I attempted to interrupt the gentleman from Indiana and the gentleman from Iowa, to say that if we really desire to "educate" the people of Porto Rico in "Americanism" and the appreciation and love of Americanism, the right way is to educate them in the primary school, in the preparatory school, the Territorial school, and then in the course of time they will be Americans all right. I am not afraid of white men anywhere undertaking the duties of American citizenship after primary training, but you had better begin now and give them the primary training. But "regiments" do not do it; drums and trumpets do not do it; epaulets do not do it, and the idle pomp and circumstance of holiday warfare do not do it; the turning of a national-guard regiment into a Regular Army regiment, with a retired list, does not do it. All that is idleness and puerility. It may appeal to the vanity of individual Porto Ricans here and there, but it does not reach the heart of Porto Rico, and that is what I want to reach. I now yield back whatever time I may have remaining to the gentleman from Alabama. [Applause.]

Mr. HULL of Iowa. Mr. Speaker, I am perfectly willing to rest the joint resolution which is now before the House to elect managers of the National Home on the argument made by the gentleman from Mississippi. [Applause.] I now surrender all of my time and I call for a vote.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the resolution.

Mr. PAYNE. Mr. Speaker, pending that I move that the House do now take a recess until to-morrow at 11.30 a. m.

The SPEAKER pro tempore. Pending that the gentleman from New York moves that the House now take a recess until 11.30 to-morrow morning.

Mr. UNDERWOOD. Mr. Speaker, on that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—ayes, 137, nays 77, answered "present" 9, not voting 164, as follows:

YEAS—137.

Adair	Denby	Hubbard, W. Va.	Parker, S. Dak.
Allen	Douglas	Huff	Payne
Ames	Draper	Humphrey, Wash.	Perkins
Andrus	Driscoll	Jenkins	Pollard
Bannon	Dwight	Jones, Wash.	Pray
Barchfeld	Ellis, Oreg.	Kahn	Rainey
Barclay	Englebright	Kennedy, Iowa	Rauch
Bartholdt	Esch	Kennedy, Ohio	Reeder
Bennet, N. Y.	Fassett	Kinkaid	Rodenberg
Birdsall	Focht	Knopf	Slemp
Bonynge	Foss	Küstermann	Smith, Cal.
Brownlow	Foster, Ind.	Lafean	Smith, Mich.
Burleigh	French	Landis	Sperry
Burton, Del.	Gaines, W. Va.	Laning	Steenerson
Calderhead	Gardner, N. J.	Lawrence	Sterling
Campbell	Gilhams	Longworth	Sturgiss
Capron	Goebel	Lowden	Sulloway
Caulfield	Graff	McKinlay, Cal.	Sulzer
Chaney	Greene	McKinley, Ill.	Tawney
Chapman	Hale	McKinney	Taylor, Ohio
Cocks, N. Y.	Hall	McLachlan, Cal.	Tirrell
Cole	Hamilton, Iowa	McLaughlin, Mich.	Volstead
Conner	Hamilton, Mich.	McMorran	Vreeland
Cook, Colo.	Hammond	Madison	Waldo
Cook, Pa.	Haskins	Mondell	Wanger
Cooper, Pa.	Haugen	Morse	Washburn
Cooper, Wis.	Hawley	Mouser	Watson
Crawford	Hayes	Needham	Wheeler
Crumpacker	Higgins	Nelson	Wilson, Ill.
Currier	Hill, Conn.	Norris	Wood
Cushman	Hinshaw	Nye	Woodyard
Dalzell	Howell, N. J.	Olcott	Young
Darragh	Howell, Utah	Olmsted	
Davidson	Howland	Overstreet	
Dawson	Hubbard, Iowa	Parker, N. J.	

NAYS—77.

Adamson	Edwards, Ga.	Henry, Tex.	Rothermel
Aiken	Ferris	Hill, Miss.	Russell, Mo.
Alexander, Mo.	Finley	Houston	Russell, Tex.
Ansberry	Fitzgerald	Hull, Tenn.	Sabath
Ashbrook	Floyd	James, Ollie M.	Shackleford
Bartlett, Nev.	Fornes	Johnson, Ky.	Sheppard
Beall, Tex.	Foster, Ill.	Johnson, S. C.	Sherley
Bell, Ga.	Garner	Lee	Small
Booher	Garrett	Lloyd	Smith, Mo.
Bowers	Gill	Macon	Stanley
Brantley	Gillespie	Maynard	Stephens, Tex.
Burgess	Godwin	Moore, Tex.	Thomas, N. C.
Burnett	Gordon	Murphy	Tou Velle
Candler	Griggs	O'Connell	Underwood
Clark, Fla.	Hackett	Padgett	Watkins
Clark, Mo.	Hackney	Page	Williams
Clayton	Hardy	Patterson	Wilson, Pa.
Craig	Hay	Pujo	
Denver	Heflin	Randell, Tex.	
Dixon	Helm	Robinson	

ANSWERED "PRESENT"—9.

Burleson	Goulden	Moon, Tenn.	Roberts
Cox, Ind.	Hull, Iowa	Moore, Pa.	Sherman
Goldfogle			

NOT VOTING—164.

Acheson	Fairchild	Kitchin, Wm. W.	Pearre
Alexander, N. Y.	Favrot	Knapp	Peters
Anthony	Flood	Knowland	Porter
Bartlett, Ga.	Fordney	Lamar, Fla.	Pou
Bates	Foster, Vt.	Lamar, Mo.	Powers
Beale, Pa.	Foulkrod	Lamb	Pratt
Bede	Fowler	Langley	Prince
Bennett, Ky.	Fuller	Lassiter	Ransdell, La.
Bingham	Fulton	Law	Reid
Boutell	Gaines, Tenn.	Leake	Reynolds
Boyd	Gardner, Mass.	Legare	Rhinock
Bradley	Gardner, Mich.	Lenahan	Richardson
Brodhead	Gillett	Lever	Riordan
Broussard	Glass	Lewis	Rucker
Brumm	Graham	Lilley	Ryan
Brundidge	Granger	Lindbergh	Saunders
Burke	Gregg	Lindsay	Scott
Burton, Ohio	Gronna	Littlefield	Sherwood
Butler	Haggott	Livingston	Sims
Byrd	Hamill	Lorimer	Slayden
Calder	Hamlin	Loud	Smith, Iowa
Caldwell	Harding	Loudenslager	Smith, Tex.
Carlin	Hardwick	Lovering	Snapp
Carter	Harrison	McCall	Southwick
Cary	Henry, Conn.	McCreary	Sparkman
Cockran	Hepburn	McDermott	Spight
Cooper, Tex.	Hitchcock	McGavin	Stafford
Coudrey	Hobson	McGuire	Stevens, Minn.
Cousins	Holliday	McHenry	Talbott
Cravens	Howard	McLain	Taylor, Ala.
Davenport	Hughes, N. J.	McMillan	Thistlewood
Davey, La.	Hughes, W. Va.	Madden	Thomas, Ohio
Davis, Minn.	Humphreys, Miss.	Malby	Townsend
Dawes	Jackson	Mann	Wallace
De Armond	James, Addison D.	Marshall	Webb
Diekema	Jones, Va.	Miller	Weeks
Dunwell	Keifer	Moon, Pa.	Weems
Durey	Kelliher	Mudd	Weisse
Edwards, Ky.	Kimball	Murdock	Wiley
Ellerbe	Kipp	Nicholls	Willett
Ellis, Mo.	Kitchin, Claude	Parsons	Wolf

So the motion was agreed to.

The Clerk announced the following additional pairs:
For the session:
Mr. BRADLEY with Mr. GOULDEN.
Until further notice:
Mr. SMITH of Iowa with Mr. LAMB.
For this vote:
Mr. DAWES with Mr. GREGG.
Mr. PARSONS with Mr. BRODHEAD.
Mr. BURTON of Ohio with Mr. SPARKMAN.
Mr. BRUMM with Mr. MOON of Tennessee.
Mr. BEDE with Mr. CLAUDE KITCHIN.
Mr. BEALE of Pennsylvania with Mr. KIMBALL.
Mr. ALEXANDER of New York with Mr. JONES of Virginia.
Mr. HARDING with Mr. HUGHES of New Jersey.
Mr. FOSTER of Vermont with Mr. GLASS.
Mr. MURDOCK with Mr. DAVENPORT.
Mr. HULL of Iowa with Mr. SLAYDEN.

CHANGE OF CONFEREES.

The SPEAKER pro tempore. Pending the announcement of the vote the Clerk will read the following request of a Member.

The Clerk read as follows:

Mr. LIVINGSTON has requested that he be relieved from serving as a manager of the conference on the legislative bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair will appoint the gentleman from Texas [Mr. BURLESON] in the place of the gentleman from Georgia [Mr. LIVINGSTON]. Is there objection?

There was no objection.

RECESS.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 19 minutes p. m.) the House took a recess until 11.30 a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the chief clerk of the Court of Claims submitting an estimate of appropriation for contingent expenses, Court of Claims (H. R. Doc. 921)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriations for repairs, etc., in Chickamauga and Chattanooga national parks (H. R. Doc. 922)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an additional estimate of appropriations for salaries in the office having charge of the national-bank currency (H. R. Doc. 923)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 4289) for the relief of the people of Hartshorne, Okla., reported the same without amendment, accompanied by a report (No. 1620), which said bill and report were referred to the Private Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4809) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts, reported the same with amendments, accompanied by a report (No. 1621), which said bill and report were referred to the House Calendar.

He also, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3345) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla., reported the same with amendments, accompanied by a report (No. 1622), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21591) regulating salaries of district attorneys and United States marshals in Oklahoma, reported the same without amendment, accompanied by a report (No. 1623), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21632) to provide for circuit and districts courts of the United States at Florence, Ala., reported the same without amendment, accompanied by a report (No. 1624), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21736) to provide for holding terms of United States courts at Clarksdale, Miss., reported the same without amendment, accompanied by a report (No. 1625), which said bill and report were referred to the House Calendar.

Mr. MOON of Pennsylvania, from the Committee on the Judiciary, to which was referred the resolution of the House (H. Res. 257) relative to impeachment of Lebbeus R. Wilfley, judge of the United States court for China, recommending that no proceedings be taken on the resolution, reported the same without amendment, accompanied by a report (No. 1626), which said report was referred to the House Calendar.

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 552) amending section 553 of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 1627), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6359) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1628), which said bill and report were referred to the House Calendar.

Mr. LAW, from the Committee on Patents, to which was referred the bill of the Senate (S. 3969) to amend the laws of the United States relating to the registration of trade-marks, reported the same without amendment, accompanied by a report (No. 1629), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 21644) to restore the name of Lieut. George K. McGunnegle to the pension roll, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GILLETT: A bill (H. R. 21731) to improve the navigation of the Connecticut River between Hartford and Holyoke, and to develop water power in connection therewith—to the Committee on Rivers and Harbors.

By Mr. SMITH of Michigan: A bill (H. R. 21732) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902—to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 21733) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader—to the Committee on the Judiciary.

By Mr. SIMS: A bill (H. R. 21734) for the relief of the State of Tennessee—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 21735) to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes—to the Committee on Indian Affairs.

By the Judiciary Committee of the House of Representatives: A bill (H. R. 21736) to provide for holding terms of United States courts at Clarksdale, Miss.—to the House Calendar.

By Mr. OLMSTED: A bill (H. R. 21737) granting to the borough of Carlisle, Pa., the right of way for a sewer pipe through and under lands owned by the United States and now used in connection with the United States Indian Industrial School—to the Committee on Indian Affairs.

By Mr. McGUIRE: A bill (H. R. 21738) appropriating the receipts from the sale and disposal of public lands in Oklahoma to the construction of works for drainage of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. HALL: A bill (H. R. 21739) to provide for the establishment of a fish-cultural station at Lake Kampeska, Codington County, S. Dak.—to the Committee on the Merchant Marine and Fisheries.

By Mr. FORNES: A bill (H. R. 21740) to amend an act entitled "An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia," approved February 25, 1831—to the Committee on the District of Columbia.

By Mr. CRAIG: A bill (H. R. 21741) to amend an act authorizing the construction of dams and power stations on the Coosa River at Lock 2, Alabama—to the Committee on Rivers and Harbors.

By Mr. GILL: Resolution (H. Res. 410) requiring information from the Secretary of War as to bids for supplying semi-bituminous coal for the Panama Railroad Company and other information in relation thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNLOW: Resolution (H. Res. 411) to pay the clerk of the late Representative Campbell Slemp for services from October 1 to October 13, 1907—to the Committee on Accounts.

By Mr. FOWLER: Resolution (H. Res. 412) for payment of extra clerical and stenographic services rendered to the Committee on Banking and Currency—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 21742) granting a pension to John Umensetter—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 21743) granting an increase of pension to Edwin Snyder—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21744) for the relief of the estate of John R. Colvin, deceased—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 21745) granting a pension to Susan J. Rose—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 21746) granting a pension to Mary Muller—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21747) granting a pension to Allen Kirk—to the Committee on Pensions.

Also, a bill (H. R. 21748) to correct the military record of Henry M. Roberts—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 21749) granting an increase of pension to John W. McCullough—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 21750) for the relief of George Kingsland—to the Committee on Claims.

By Mr. KIPP: A bill (H. R. 21751) for the relief of Loron W. Forrest—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 21752) to amend the military record of Thomas Greene—to the Committee on Military Affairs.

By Mr. McLAIN: A bill (H. R. 21753) for the relief of heirs of Moses J. Ferguson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21754) for the relief of the heirs of James F. Wooley, deceased—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 21755) granting an increase of pension to Evi T. Nichols—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21756) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 21757) granting a pension to C. A. M. Yarbra—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 21758) to correct the military record of and grant to Louis F. Upwright, alias Ludwig F. Rupprecht, an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 21759) to correct the military record of William D. Garner, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 21760) to remove the charge of desertion from the record of James Orange—to the Committee on Military Affairs.

By Mr. WEEMS: A bill (H. R. 21761) granting an increase of pension to George D. Moore—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 21762) granting an increase of pension to James A. Roche—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21763) granting an increase of pension to Hugh J. Magee—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of general conference of the Methodist Episcopal Church, praying for the enactment of the so-called "Littlefield interstate liquor shipment bill"—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Local Union No. 51, N. B. of O. P., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petition of many citizens of New Castle, Pa., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. ANTHONY: Petition of Jefferson County (Kans.) Veterans' Association, urging that each public building be designated by the words "United States of America" or some other appropriate insignia—to the Committee on Public Buildings and Grounds.

By Mr. BARCLAY: Petition of citizens of Bradford, Clearfield, and Hawk Run, Pa., for the enactment of H. R. 94 and 20584—to the Committee on the Judiciary.

By Mr. CALDER: Petition of James Reagan, jr., for remedial legislation excluding labor organizations from the provisions of the Sherman anti-injunction law—to the Committee on the Judiciary.

Also, petition of H. Krantz Manufacturing Company, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of George and John McKee, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

Also, petition of the Knox Hat Manufacturing Company, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of citizens of Chicago, Ill., for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. CAPRON: Petition of Business Men's Association of Pawtucket, R. I., favoring the Vreeland bill and for a currency commission—to the Committee on Banking and Currency.

Also, petitions of National Founders' Association and Master Printers' Association of Providence, against any anti-injunction legislation—to the Committee on the Judiciary.

Also, memorial of sundry citizens and labor organizations of Rhode Island, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. CARLIN: Papers to accompany bill for the relief of John R. Colvin, deceased—to the Committee on War Claims.

By Mr. CARY: Petition of Glass Bottle Blowers' Association of Milwaukee, for legislation and modification of the Sherman antitrust law, for employers' liability law, for limitation on injunction, and for the extension of the eight-hour law—to the Committee on the Judiciary.

Also, petition of citizens of Buffalo, N. Y., for H. R. 15123 and S. 4395, for regulation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. CAULFIELD: Petitions of E. F. Knepper and F. S. Holton, Painters' Union No. 115, and Mailers' Union, all of St. Louis, Mo., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COOK of Pennsylvania: Petition of Post B, Pennsylvania Division of Travelers' Association, against H. R. 17520—to the Committee on Ways and Means.

Also, petition of Master Builders' Exchange, against Hepburn amendment to Sherman antitrust bill and H. R. 15651, limiting hours of daily service for laborers on Government works—to the Committee on the Judiciary.

Also, petition of citizens of Pennsylvania, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. COUSINS: Petitions of Detroit (Mich.) Review Club; Christian Endeavor Society of Presbyterian Church of Marengo, Ill.; and citizens of Kentucky; Sheldon, Iowa; Stoughton, Mass.; Allegan, Mich.; Mount Vernon, Iowa; Sterling, Ill.; New York City; Auburn, Me., and Boston, Mass.,

for concurrent resolution 28, against atrocities practiced by the Russian Government upon her own subjects—to the Committee on Foreign Affairs.

By Mr. DALZELL: Paper to accompany bill for relief of Chauncey F. Mitchell—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of T. E. Behrens and many other citizens of Davenport, Iowa, for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of citizens of Troy, N. Y., for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. DUNWELL: Petition of Order of Railway Telegraphers, for amendment to Sherman antitrust law, for the Pearre bill regulating injunctions, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petitions of Music Engravers' Union; Labor Lyceum; National Lodge, No. 556, International Association of Machinists, and others; citizens of Third Congressional district and Kings County, and Bernard O. Rouke and others, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. FOCHT: Paper to accompany bill for relief of Henry Sheaffer—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of citizens of New York City, for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

Also, petition of National Board of Fire Underwriters, of New York City, favoring appropriation for Geological Survey—to the Committee on Appropriations.

By Mr. FOSTER of Illinois: Petition of labor union of Odin, Ill., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of Division No. 308, Amalgamated Association of Street Railway Employees of America, of Chicago, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of organized laborers of Bethel, Vt., for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: Papers to accompany bill for relief of John R. Bain, of Davidson County, Tenn.—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Chamber of Commerce of Los Angeles, Cal., favoring legislation extending the Sierra Forest Reserve—to the Committee on the Public Lands.

Also, petition of citizens of New York, for legislation to modify the Sherman antitrust law, to establish employers' liability, to regulate the issuance of injunctions, and to extend the eight-hour law—to the Committee on the Judiciary.

Also, petition of Fargo (N. Dak.) Council, No. 782, Knights of Columbus, for H. R. 7559, for making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of National Lodge, No. 556, International Association of Machinists, for legislation to amend the Sherman antitrust law, etc.—to the Committee on the Judiciary.

By Mr. GRAFF: Petitions of Tinners' Union of Peoria, Ill.; Peoria Trades and Labor Assembly; Peoria Street Car Men's Union; Elmwood (Ill.) labor unions; union laboring men of Peoria; union men of Peoria and vicinity; Boiler Makers' Union of Peoria; Amalgamated Association of Street Railway Employees of America, of Peoria; Bricklayers' Union of Pekin, Ill.; trades and labor unions of Peoria, Ill., and Labor Union No. 2711, of Cherry, Ill., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. GRANGER: Petitions of State Federation of Women's Clubs; the Current Topics Club, of Newport; the Sarah E. Doyle Club, of Providence; the Sorosis, of Providence; the Providence Section Council of Jewish Women, and others, all of the State of Rhode Island, in favor of passage of H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Providence Lithograph Company; Henry A. Carpenter, of Providence, and Narragansett Machine Company, against anti-injunction legislation—to the Committee on the Judiciary.

Also, petitions of Providence (R. I.) Local, United Brotherhood of Leather Workers on Horse Goods, and Pavers and Rammers' Union, of Providence, for amendment proposed by American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of Pawtucket (R. I.) Business Men's Association, favoring a currency commission to settle the currency question—to the Committee on Banking and Currency.

By Mr. GRONNA: Petition of citizens of Grand Forks, N. Dak., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HAMILTON of Iowa: Petition of citizens of White City, Iowa, for passage of H. R. 20584—to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petition of Cassopolis (Mich.) Woman's Club, favoring concurrent resolution 28, protesting against the atrocities of the Russian Government toward its own people—to the Committee on Foreign Affairs.

By Mr. HARRISON: Petition of National Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of National Lodge, No. 556, International Association of Machinists, for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HASKINS: Petitions of Lumber Dealers' Association of Connecticut; National Wholesale Lumber Dealers' of New Jersey; G. C. Leary, of Russell, Mass.; Charles N. Betts Lumber Company, of Philadelphia, Pa.; E. B. Delabane, of Providence, R. I.; Crete Nurseries and Orchards, of Crete, Nebr.; Orange Judd Company, of Springfield, Mass.; Herbert C. Sakin, of 49 Wall street, New York; Lumberman's Exchange of Philadelphia, Pa.; Vassar College, New York; The Marsh & Bingham Company, of Chicago, Ill.; Pacific Mills and other companies of Massachusetts; Society for protection of New Hampshire Forests; Campbell Art Company, of New York; Smith College, Massachusetts; Charleston (S. C.) Chamber of Commerce; A. A. Tenny, of New York City; Massachusetts Institute of Technology; Colorado Federation of Women's Clubs; B. M. Carson, of San Francisco, Cal.; S. K. Humphrey, of Boston, Mass.; Trades League of Philadelphia, Pa.; City Club of Chicago, Ill.; New England Shoe and Leather Association, of Boston; H. Humphry & Co., of Camden, N. J.; Edmond A. Souder & Co., of Philadelphia, Pa.; the Universalist Church of Haverhill, Mass.; Louisiana Federation of Women's Clubs; Massachusetts State Federation of Women's Clubs; Woodcroft, Cleveland, Ohio; Whitman College, Walla Walla, Wash.; the Greater Charlotte Company, of Charlotte, N. C.; Frank A. Cutting, of Boston; Tuft's College, Massachusetts; Weston Underhill & Co., of Philadelphia, Pa.; John P. King Manufacturing Company, of Augusta, Ga.; Rice & Lockwood Lumber Company, of Philadelphia, Pa.; North Carolina Geological and Economic Survey; Samuels, Cornwells & Stevens, of New York; Eastern States Retail Lumber Dealers' Association, of New Haven, Conn.; Illinois Manufacturing Association, of Chicago; John S. Durand, of New York; Philip P. Calvert, of Philadelphia, Pa.; National Association of Manufacturers, of New York; Alumni Association of Randolph-Macon College, of Lynchburg, Va.; Virginia Federation of Women's Clubs of Alexandria, Ashland, Danville, Bedford City, and Lynchburg; Boston Merchants' Association of Massachusetts; Riverside Cotton Mills, of Danville, Va.; Commercial Association of Danville, Va.; and Leander Club College, of Toledo, Iowa, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. HAYES: Petition of citizens of San Francisco, Cal., favoring amendment proposed to the Sherman antitrust law, Pearre bill limiting issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

Also, petition of Association of Machinists, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HINSHAW: Paper to accompany bill for relief of John W. McCullough—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of meeting of working

people held at Ogden, for amendment to Sherman antitrust law and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. HULL of Iowa: Petition of citizens of Des Moines, Iowa, for legislation to modify the antitrust law, to regulate and limit the issuance of injunctions, for employers' liability, and for the extension of the eight-hour law—to the Committee on the Judiciary.

By Mr. HUFF: Petitions of W. H. Rankin, A. L. Bauer, F. G. Canan, L. M. Connery, A. S. Shimel, E. E. Gunter, W. G. Drum, R. M. Jaunstem, D. J. Davis, H. A. Barto, A. B. McDowel, and Frank Smith, citizens of Pennsylvania, for exemption of labor unions from the Sherman antitrust law; for the Pearre bill regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. JENKINS: Petition of citizens of Glenwood, Wis., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. JONES of Washington: Petitions of citizens of Aberdeen, Walla Walla, Seattle, and Spokane; Local Union No. 78, of Tacoma, and Central Labor Council of Seattle and vicinity, all in the State of Washington, for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

Also, petition of the American League of Independent Workmen, opposed to any change in the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. JONES of Virginia: Petition of Old Dominion Lodge, for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Playground Association of America, favoring appropriation for playgrounds in the District of Columbia—to the Committee on Appropriations.

Also, petition of National Lodge, No. 556, International Association of Machinists, favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of Watson Flagg Engineering Company, John Williams (Incorporated), Edwin Outwater, Master Carpenters' Association, National Bridge Works, Hatzel & Buehler, R. H. Casey, E. Bartalicius, Hopkins & Co., Richey, Brown & Donald (Incorporated), William J. Olvany, Hecla Iron Works, Michael Power, J. Odell Whitenack, the Norcross Brothers Company, Employers' Association of Architectural Iron Workers, Edgar P. Reynolds, Nimis & Nimis, and Building Trades Employers' Association, against any anti-injunction legislation—to the Committee on the Judiciary.

By Mr. LLOYD: Petitions of laborers of Hannibal, union laborers of Noringer, laborers of Connelsville and Bevier, and union laborers of Hannibal, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. LOWDEN: Petition of Freeport Trades and Labor Council, of Freeport, Ill., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of citizens of Chicago, for the amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and an eight-hour law—to the Committee on the Judiciary.

By Mr. McMILLAN: Petition of Iron Molders' Union No. 50, of Poughkeepsie, N. Y., for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of William F. Anderson, of James County, Tenn.—to the Committee on Invalid Pensions.

By Mr. PRAY: Petition of N. T. Harnaday and American Bison Society for a bison range in northwestern Montana—to the Committee on Indian Affairs.

Also, petition of United Brotherhood of Carpenters and Joiners, of Billings, Mont., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Mr. SABATH: Petition of United Bohemian Building and Loan Association of Illinois, for an amendment to H. R. 18525—to the Committee on Ways and Means.

Also, petitions of the Switchmen's Union of Chicago; working people and their sympathizers, of Danville; Division No. 260, Amalgamated Association of Street and Electric Railway Employees of America, of Chicago, and working people and their sympathizers, of Chicago, all in the State of Illinois, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. SMITH of California: Petition of C. B. Cone and other citizens of California, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. SULZER: Petitions of Master Carpenters' Association, Edwin Outwater, Michael Power, Nimis & Nimis, Employers' Association of Architectural Iron Workers, the Norcross Brothers Company, R. H. Carey, William J. Olvany, E. Bartolicius, Hopkins & Co., Hatsel & Buehler, Building Trades Employers' Association, John Williams (Incorporated), all of New York City, and Edgar P. Reynolds, against all anti-injunction legislation—to the Committee on the Judiciary.

By Mr. THISTLEWOOD: Petition of U. N. W., of Pickneyville, Ill., for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. WHEELER: Petition of Committee on Organized Labor of the Twenty-eighth Congressional District of Pennsylvania, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. WILSON of Pennsylvania: Petitions of W. E. Smith, W. C. Weir, and William Shoves, of International Association of Mechanics, of Galeton, Pa., for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 9, 1908.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 18618. An act fixing the status of the Porto Rico Provisional Regiment of Infantry; and

H. R. 20784. An act to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

The message further announced that the Speaker of the House had appointed Mr. BURLESON as a conferee on the bill (H. R. 16882) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes, vice Mr. LIVINGSTON, relieved.

PETITIONS AND MEMORIALS.

Mr. TELLER presented petitions of sundry citizens and labor organizations of Colorado Springs, Grand Junction, La Junta, Brownfield, Durango, Pueblo, Denver, and Las Animas, all in the State of Colorado, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. MCCUMBER presented a petition of sundry citizens of Grand Forks, N. Dak., and a petition of sundry citizens of Enderlin, N. Dak., praying for the adoption of certain amend-

ments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. HANSBROUGH) presented a memorial of sundry business firms of Aneta, N. Dak., remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. HANSBROUGH) presented petitions of sundry citizens and labor organizations of Enderlin and Jamestown, in the State of North Dakota, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also (for Mr. HANSBROUGH) presented a memorial of Local Union No. 12018, American Federation of Labor, of Jamestown, N. Dak., remonstrating against the enactment of legislation to extend the right of naturalization, which was referred to the Committee on Immigration.

He also (for Mr. HANSBROUGH) presented a petition of the American Society of Equity, of Manvel, N. Dak., and a petition of sundry citizens of Brazil, N. Dak., praying for the enactment of legislation providing for the inspection and grading of grain under Federal control, which were referred to the Committee on Agriculture and Forestry.

Mr. PLATT presented a petition of the Westchester Woman's Club, of Mount Vernon, N. Y., praying for the enactment of legislation to conserve the natural resources of the United States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Albany, Brooklyn, and Green Island, all in the State of New York, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DICK presented petitions of sundry citizens and labor organizations of Massillon, Columbus, Canton, and Bellaire, all in the State of Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Jeffrey Manufacturing Company and the Ohio Malleable Iron Company, of Columbus, Ohio, remonstrating against the passage of the so-called "anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of the Merchants' Association of New York, remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented a memorial of the Consolidated Hopewell Company, of Cincinnati, Ohio, and the memorial of J. W. Freeling, of Cincinnati, Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were ordered to lie on the table.

Mr. WARREN presented a petition of sundry citizens of Sheridan, Wyo., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens and labor organizations of Stapleton, Brooklyn, Syracuse, Lancaster, Depew, and Troy, all in the State of New York, and of Allegheny, Pa., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the congregation of the Second Baptist Church of Newport, R. I., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Providence, R. I., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DIXON presented petitions of sundry citizens and labor organizations of Billings, Great Falls, Missoula, Kalispell, Helena, Red Lodge, Butte, and Livingston, all in the State of Montana, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented a petition of Vestmakers' Local Union, No. 117, United Garment Workers of America, of Baltimore, Md., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Dietz, Big Muddy, and Sheridan, all in the State of Wyoming, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 1589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, as amended by the House, to submit a report (No. 635) thereon, and I move that the Senate concur in the House amendment to the amendments of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6373) waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same (Report No. 633); and

A bill (S. 6923) for the relief of John M. Kelly. (Report No. 634).

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. FULTON on the 8th instant proposing to appropriate $3,000 for the construction of a launch for the use of the customs service at or in the vicinity of Portland, Oreg., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. CARTER on the 8th instant, providing for a public land survey of the Fort Keogh Military Reservation, in Montana, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 7055) granting an increase of pension to James M. Thomas, which was read twice by its title and referred to the Committee on Pensions.

Mr. OWEN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 7056) authorizing the Secretary of the Interior to set aside a certain tract of land for town-site purposes; and

A bill (S. 7057) granting certain lands to the State of Oklahoma.

He also introduced a bill (S. 7058) granting a pension to Abraham H. Onstott, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 7059) for the relief of Thomas H. Barrett, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7060) granting an increase of pension to Joshua B. Shumate, which was read twice by its title and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 7061) to consolidate under the title of "Merchandise" the third and fourth classes of mail matter at the third-class rate, which was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7062) granting an increase of pension to Daniel A. Grosvenor, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER (for Mr. HANSBROUGH) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 7063) granting an increase of pension to William Benard;

A bill (S. 7064) granting an increase of pension to Frederick Frankhouse;

A bill (S. 7065) granting an increase of pension to George W. Sumpter;

A bill (S. 7066) granting an increase of pension to Albert Roberts; and

A bill (S. 7067) granting an increase of pension to William W. Darrow.

He also (for Mr. HANSBROUGH) introduced a bill (S. 7068) to pay Irvine Church for services rendered the United States as

examiner of Chippewa Indian lands, which was read twice by its title and referred to the Committee on Claims.

He also (for Mr. HANSBROUGH) introduced a bill (S. 7069) to establish a National Commission of Cooperative Service to promote agricultural cooperative organization and to appropriate money therefor, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

He also (for Mr. HANSBROUGH) introduced a bill (S. 7070) to provide for the utilization of State and Territorial lands in connection with projects under the reclamation act, and for other purposes, which was read twice by its title and referred to the Committee on Irrigation.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 7071) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture, which was read twice by its title and referred to the Committee on Public Lands.

Mr. FLINT introduced a bill (S. 7072) granting a pension to Annie E. Ripley, which was read twice by its title and referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 7073) to compensate H. D. Chapman and J. W. Hicks, patentees of certain improvements in sight adjustments for guns which were used by the United States without their permission or consent, which was read twice by its title and referred to the Committee on Patents.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 7074) to grant an honorable discharge to John Flaherty;

A bill (S. 7075) to grant an honorable discharge to Samuel H. Knepley, alias Samuel Hunter;

A bill (S. 7076) to grant an honorable discharge to Isaac Addis; and

A bill (S. 7077) to grant an honorable discharge to Timothy A. Maher.

Mr. BULKELEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7078) granting an increase of pension to Iphigenia E. Crane; and

A bill (S. 7079) granting an increase of pension to Rowena C. Lummis.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCUMBER submitted an amendment proposing to appropriate $1,000 to pay Robert W. Farrar for indexing and for extra services as clerk to the Committee on Pensions, and $1,000 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KNOX submitted an amendment proposing to appropriate $52,000 for continuing improvements at Lock No. 2 by extending guide walls and guard walls, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. MONEY submitted an amendment proposing to appropriate $125,000 for improving and maintaining the harbors on the Gulf coast of Mississippi, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. KNOX submitted an amendment providing that hereafter all laws fixing annual salaries of the United States attorney for the southern district of New York and the assistants in his office shall apply in all respects to and be construed as fixing the annual salaries of the United States attorney for the eastern district of Pennsylvania, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $115,000 for a light-ship on the Knuckle of the Frying Pan shoal, off Cape Fear, North Carolina, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also (for Mr. SIMMONS) submitted an amendment proposing to appropriate $1,500 for post lights on Pasquotank River, North Carolina, between South Mills and the mouth of the river, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. KNOX submitted an amendment proposing to appropriate $10,000 for the purchase of a site to be used for a United States post-office building in Ridgway, Pa., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. DICK submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Military Affairs and ordered to be printed.

BOUNDARY BETWEEN GEORGIA AND FLORIDA.

Mr. BACON. I desire to ask an order of the Senate to print certain documents. There are certain ancient documents and reports relating to the boundary between the State of Georgia and the Territory of Florida, the location and marking of the same, which are almost entirely out of print. I will enumerate them:

Senate Document No. 55, Twentieth Congress, first session;
Senate Document No. 204, Twentieth Congress, first session;
House Document No. 50, Twentieth Congress, second session;
Senate Report No. 17, Twenty-first Congress, first session;
House Document No. 152, Twenty-third Congress, first session;
Senate Document No. 96, Twenty-ninth Congress, first session;
Senate Document No. 133, Twenty-ninth Congress, first session; and
House Document No. 43, Twenty-second Congress, first session.

It will be readily recognized from the Congresses in which those documents and reports were made that they were very early in history of the Government. It is important that they should be preserved. I ask that all may be printed as one Senate document.

There being no objection, the order was agreed to, as follows:

Ordered, That the ancient documents and reports relating to the boundary between the State of Georgia and the Territory of Florida, the location and marking of the same,
Senate Document No. 55, Twentieth Congress, first session;
House Document No. 204, Twentieth Congress, first session;
House Document No. 50, Twentieth Congress, second session;
Senate Report No. 17, Twenty-first Congress, first session;
House Document No. 152, Twenty-third Congress, first session;
Senate Document No. 96, Twenty-ninth Congress, first session;
Senate Document No. 133, Twenty-ninth Congress, first session; and
House Document No. 43, Twenty-second Congress, first session,
be printed.

STATE CONTROL OF LIQUOR TRAFFIC.

Mr. BACON. As a part of the minority of the Judiciary Committee of the Senate I made not a report, but an expression of views in regard to legislation to regulate interstate commerce in intoxicating liquors. It was a part of Report No. 499, known as part 5. The edition published has been nearly exhausted, and I ask that 1,000 copies of it may be again printed.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

H. R. 18618. An act fixing the status of the Porto Rico Provisional Regiment of Infantry was read twice by its title and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LANDIS, Mr. PERKINS, and Mr. HOWARD managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the bill (H. R. 17288) making appropriations for the support of the Army for the fiscal year ending June 30, 1909, and it was thereupon signed by the Vice-President.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, agree to the conference asked for by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. HALE, Mr. CULLOM, and Mr. CLAY as the conferees on the part of the Senate.

MOTHERS' DAY.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read the resolution submitted yesterday by Mr. BURKETT, as follows:

Resolved, That Sunday, May 10, 1908, be recognized as Mothers' Day, and that it be observed as such by the members and officers and employees of the United States Senate wearing a white flower in honor of their mothers.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. KEAN. I move to strike out all after the word "Resolved" and to insert the Fifth Commandment: "Honor thy father and thy mother: that thy days may be long in the land which the Lord thy God giveth thee."

Mr. CLAPP. I move to amend the resolution by inserting after the words "nineteen hundred and eight" the words "and annually thereafter," so that it will read: "That Sunday, May 10, 1908, and annually thereafter be recognized," and so forth.

Mr. BURKETT. I suggest to the Senator from Minnesota that if he is going to add that it should read "and the second Sunday in May, annually thereafter."

Mr. CLAPP. I accept the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be read as modified.

The SECRETARY. Add after the words "nineteen hundred and eight" the words "and the second Sunday in May annually thereafter."

Mr. TELLER. I understood that the Senator from New Jersey had an amendment pending.

The VICE-PRESIDENT. That is an amendment in the nature of a substitute. The amendment proposed by the Senator from Minnesota is to perfect the text of the resolution.

Mr. TELLER. It may be a substitute, but I think I should rather vote on the proposition of the Senator from New Jersey.

The VICE-PRESIDENT. The Senator will have that opportunity after the original text is perfected.

Mr. TELLER. If we have to vote, I would rather vote on striking out and inserting something else. I do not think this amendment is in order.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota is in order, as it is to perfect the text.

Mr. FULTON. I move that the resolution be referred to the Committee on the Judiciary.

The VICE-PRESIDENT. The Senator from Oregon moves that the resolution be referred to the Committee on the Judiciary.

Mr. BURKETT. Mr. President, I should like to say just a word before that motion is voted on. I introduced this resolution upon the request of some Young Men's Christian Association workers. As I understand it, the Young Men's Christian Association are trying to establish a Mothers' Day. The Young Men's Christian Association is organized for the boys of the cities who come from the country all over. They gather them into the Young Men's Christian Association and try to do them good. On Sundays, especially, they gather together, and they do great good. Perhaps the most good that the Young Men's Christian Association does is the gathering together of the boys for social intercourse and religious teaching that come from the country to the cities. They are away from home and among strangers. This idea of a Mothers' Day has been started by some of the most prominent workers. It is believed it will get the boys together and make them think of home and mother and the surroundings there, and that it would be a good thing to establish Mothers' Day.

I have received several telegrams from Young Men's Christian Association workers, asking the Senate to recognize this day this year. They did not ask us to go any further. But I have not any objection to the amendment offered by the Senator from Minnesota. I did not make it a joint resolution or ask to make it a law. I simply wanted to pass a resolution through here so as to give it somewhat of a standing, and let it be known that the members of the Senate of the United States could afford to set aside one day in honor of their mothers.

I did not expect that a single objection would be offered when I introduced the resolution, because I consulted with some older in service here as to the propriety of it, and so far as I have yet heard no one has objected to the propriety of the resolution. It is not attempted to make a holiday. I have not attempted to make it perpetual. I simply intended to give some standing to this day, which some of the Young Men's Christian Association organizations of the country are trying to recognize.

I think the Senators will admit that there is no sentiment which would bring home to the boys a sweeter and a better thought than to devote one day in honor of their mothers. They are away from home; they are in the cities; they are among strangers, and it does seem to me that the Senate can afford to pass through this resolution and put its seal of approval in behalf of this movement.

I have been somewhat surprised that there has been a substitute offered for the resolution, and objections made to it, and light made of it. If any Senator will stand up here and say that this is an improper resolution for the Senate to pass, or if they will stand up here and criticise it in any way, that is all right. But it is not right to offer as a substitute for the resolution one of the Commandments, a thing that we are not asked to pass, that has nothing whatsoever to do with this day, nor the motive that is behind this day. I submit that the Senate can afford to send out to the country that we think—as a matter of sentiment only, and that is all it is—this idea a good one, and that we indorse the Young Men's Christian Association workers of the country in trying to bring home to the boys from the country who are in the cities and among strangers the thought of the old homes that they left and the mothers who gave them birth.

Mr. FULTON obtained the floor.

Mr. CLAPP. If the Senator will pardon an interruption——

Mr. FULTON. I yield to the Senator from Minnesota.

Mr. CLAPP. I wish simply to say to the Senator from Nebraska that while this measure is perhaps somewhat unique I am heartily in sympathy with it.

Mr. BURKETT. I understand the Senator.

Mr. CLAPP. I think it would be a wise thing to do, and if the Senator felt that my amendment in any manner imperils the resolution I certainly should withdraw it.

Mr. BURKETT. I have not had any such feeling, I will say to the Senator from Minnesota.

Mr. FULTON. I have not made the motion I did—to refer the resolution to a committee—out of levity or any disposition to belittle the thought suggested by the resolution. Nor is it necessary to go into any argument to show our appreciation of the work the Young Men's Christian Association of this country are doing for the boys and the young men of the country.

Mr. BURKETT. The Senator said he did not have any intention, in making the motion, to defeat the resolution. Of course it does defeat it, because to-morrow is the Sunday designated, and if the resolution is referred to the committee that ends it, of course, so far as action by the Senate is concerned.

Mr. FULTON. It may end it for the present and it may not. That depends on how early a report is made.

I will say to the Senator very frankly that I am, myself, opposed to the resolution unless it shall receive a little more consideration through a committee and at the hands of the Senate. We all appreciate the mothers of the land and we stand ready at any time to do anything and everything in honor of them. But it is not necessary, Mr. President, in order to show our appreciation of the mothers of this country to set aside some special day dedicated to them or to their names and to their memories.

There are some thoughts that are so great and so sacred, Mr. President, that they are belittled by movements of this character. If we are going to take up this line of legislative action I think we should not stop by drawing the distinctions. I think we should have a "fathers' day." Then I have a great respect for my grandfather and I think we should have a "grandfathers' day." Then, perhaps, we ought to bring in our cousins, and our aunts, or uncles. I can see no reason why we should make these invidious distinctions. At least, Mr. President, I think the matter should be taken under consideration and a committee should determine it. Everybody would agree that we should have a "mother-in-law day." [Laughter.] I am sure the committee would report it. I want them to consider very solemnly in connection with it, everything. I think the resolution should unquestionably go to a committee to receive that careful thought and consideration which the vastness and importance of the subject require.

Mr. BURKETT. The Senator admits that he means to kill the resolution. Doubtless it will kill it if it is referred to the committee. I think we understand the motive.

Mr. GALLINGER. Mr. President, as it was upon my objection that the resolution went over yesterday, I desire to say just a word.

It was a surprise to me when it was read. I had never heard of any movement in behalf of a "Mother's Day" in the District of Columbia or in the country at large, nor have I yet heard of it except through the Senator from Nebraska. He says he has received a telegram or telegrams concerning this matter. I am in pretty close touch with the Young Men's Christian Associations, especially in a financial way, and I have a great many

friends in those associations. We have a very fine association in my own city, and the public-spirited citizens of that little city have built a beautiful home for that association. But they have never suggested this to me, and I never heard of it until yesterday.

Mr. President, I think this is an unnecessary resolution. I do not need to wear a white flower to remember my mother, although she left me when I was a lad. I do not think the employees of the Senate need to wear a white flower to-morrow to remind them of the fact that they had mothers who cared for them and loved them, and whose memory, if they have passed away, is embalmed in their hearts.

I can not see any necessity for the resolution. As I entered the Chamber a moment ago I heard the Senator from Oregon make a suggestion relating to our fathers, which appealed to me. If we are to wear a white flower to remind us of the fact that we had good mothers, some of us would want to wear a white flower to remind us of the fathers who cared for us when we needed care and protection.

Feeling that way, Mr. President, respecting my mother's memory and remembering the tender care she gave me, I should feel it was almost a reproach to lay a burden upon me even by way of suggestion that her memory could only be kept green by some outward demonstration on Sunday, May 10.

If this movement is as serious as the Senator from Nebraska seems to suggest, we will hear of it, and if it is taken up in earnest by the Young Men's Christian Association, or any other association of that kind, in due time they will tell us why they want it and what is the necessity for it, and we can give it more serious consideration than we can possibly give it to-day.

For the reasons I have suggested, Mr. President, I shall vote for the motion of the Senator from Oregon to send this matter to a committee of the Senate for its consideration and report.

Mr. TELLER. Mr. President, the Senator from New Hampshire has expressed quite fully my views upon this subject. It seems to me it is trifling with the things that we come here to perform. What benefit can anybody derive from the Senate declaring that on the 10th of May this year and hereafter there shall be a mothers' day and those who have not forgotten their mothers will wear a white flower?

I am like the Senator from New Hampshire. I do not need anything of that kind. Every day, Mr. President, with me is a mother's day. I do not forget her, not even in the busy affairs of life. I remember her every day and what I owe to her. It seems to me to be trifling with that holy affection of our mothers that we should think it necessary to have a day.

It grates upon my feelings, Mr. President. I would not want to say anything offensive to the Senator from Nebraska, who introduced the resolution, or those backing it——

Mr. BURKETT. Say anything you want to say. Do not hesitate.

Mr. TELLER. I have never heard from any of the organizations of which the Senator speaks even a suggestion, and if I had I should have regarded it as absolutely absurd.

Mr. President, I think perhaps the best way is to send the resolution to a committee. If the committee differ with the Senator from New Hampshire, the Senator from Oregon, and myself, they can present the matter and we can consider it. If I could see any good that would come of it, I would not object to it. If I thought it would keep their mothers in the memory of men and be a stimulant to them to remember their mothers and remember their services and to be better men, I would not object to it. I do not believe that the man who forgets his mother will have it called to his mind because he sees somebody wearing a white ribbon or a white flower. I believe it is to be a white flower.

Mr. President, I am sorry that the resolution has been offered and I would vote, if necessary to vote on the resolution, for the amendment the Senator from New Jersey [Mr. KEAN] offered. I believe it to be our duty to honor our fathers and our mothers. I do not see, if we are going to have a mothers' day, why we should not have a fathers' day. Dear as my mother is to me, she is not dearer to me than my father. Much as she may have had to do with the formation of my character, so had my father. I am not going to declare that one of my parents is entitled to consideration that the other is not. And, as the Senator from Oregon [Mr. FULTON] has said, some of us have grandfathers that we have high respect for.

Mr. President, if I can say it, and the Senator says I may, it seems to me to be puerile.

Mr. BACON. Mr. President, I do not agree with either the Senator from New Hampshire [Mr. GALLINGER] or the Senator from Colorado [Mr. TELLER]. It may be true, and doubtless is true, that the resolution was unnecessary, but having been offered, it seems to me that it would be the graceful thing for the Senate to treat it with respect and to act upon it favorably.

The Senator asked why should there be any invidious distinction. I think, sir, I may safely say that an invidious distinction in favor of the mothers of the land is not one entitled to condemnation. They occupy a very peculiar relation, a tender relation, which no other approaches. These young men being scattered as they are from their homes in different localities, the time having been short since they left their mothers' guardianship and care, I can very readily understand how they should have originated a movement of this kind, and it does them very great honor.

The Senators say it is not necessary that any day should be set apart in order that they should remember their mothers. Mr. President, that is not the ground upon which days are set apart in honor of any event or of any individual. National holidays are declared not to guard the people against the danger of forgetting great events like the Fourth of July or other great anniversaries. People of the United States wear a red rose on a certain day in honor of President McKinley. Does anybody say it is done in order that he may not be forgotten? And so I might enumerate other things. It is not to guard people against the danger of forgetting that these symbols are worn, but it is the gratification it gives to give an outward expression and manifestation of an inward sentiment and emotion that does honor to the man who conceives its use, and who wears it, and is proud of it.

Mr. President, unfortunately for me, a white rose will not bring back to me the memory of my mother, for I have no memory of her. I was not a year old when she died. But I would wear it, Mr. President, not because of danger that I would forget I owe to her my life, but because I would be glad of the opportunity to manifest the fact that although I do not remember ever to have seen her, I have always loved her memory.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Oregon to refer the resolution to the Committee on the Judiciary.

Mr. BEVERIDGE. Mr. President, however I might vote upon the resolution itself, it seems to me that the motion of the Senator from Oregon [Mr. FULTON] should not prevail. If it is the desire of Senators to kill the resolution and vote against it, why not do it directly? The reference of a bill or a resolution to a committee is for a very different purpose and a very clear reason. It is that where the machinery of a law needs to be carefully considered, where its workability needs to be assured and its wisdom determined, a committee shall give it the attention of its thought and its correction.

But this resolution involves no law. It concerns no matter of administration. Its reference is of course, as the Senator from Nebraska so truthfully said, nothing more than to kill the resolution in that way. So there can be no possible good in referring it to a committee. I should think that the franker way, if you wish to reject it, would be to vote against it directly. To refer it is to assassinate it in an indirect manner.

Of course all of us know perfectly well that the consideration of a committee is not necessary on a question of this kind to advise the Senate either as to its wisdom or as to the administration of any law or as to the perfection of any law.

Mr. McCUMBER. Will the Senator tell me why referring the resolution to a committee would necessarily kill it, if the committee were in favor of it? Suppose we would make it the 15th instead of the 10th? I do not understand that there is any particular reason for the 10th rather than the 15th or any other day.

Mr. BEVERIDGE. There are two questions involved. The first is because the Senator knows that a matter of this kind once referred to a committee is disposed of for good.

Mr. BURKETT. The day has been already set as the 10th, I will say to the Senator from North Dakota.

Mr. BEVERIDGE. However, it does not get out of the committee as a matter of fact and of practice.

Now, as to the second question the Senator asked, the Senator says that the committee might say the 15th instead of the 10th. With all possible deference to the Senator it occurs to me that that is hardly a worthy argument. Of course it does not require the deliberations of a committee to determine whether the 10th or the 15th shall be the date.

Mr. McCUMBER. But the Senator does not understand me. Of course we undertand that this being the 9th, and the 10th being fixed, the committee could hardly consider it in time to make it effective for to-morrow if they gave it any consideration, but they could make it effective at some future date. For that reason it does not seem to me it necessarily follows that the committee would treat it with disrespect or treat it in any way except in that fairness with which the Judiciary Committee treats all subjects.

Mr. BURKETT. I should like to answer the Senator by saying that the 10th has been set by the movement. The movement, whatever it is, has set the 10th of May. So if we are going to recognize this year's Mothers' Day, we must recognize the 10th, and we could not recognize the 15th.

Mr. BEVERIDGE. So that is another rather conclusive reason. If it were a question which involved the necessary deliberation of a committee, of course, like any other Senator, I should vote for the motion to refer it. But I think we will all recognize that this is simply a way of disposing of the resolution. I think it would be far better for the Senate frankly to meet the question. It is not a grave question, as the Senator from Nebraska so well said; it is a question of sentiment. Of course, questions of sentiment have been the questions that have moved the world. Questions of sentiment founded this Government and underlie all broad human movements.

I did not rise to speak to the resolution at all, but merely to this method of its disposition.

Mr. HEYBURN. Mr. President, I should ask to be excused from voting upon a resolution of this kind. The Senator from Indiana has compared the sentiment involved in the resolution with that of the sacrament of the church. We do not believe in outward symbols——

Mr. BEVERIDGE. If the Senator will permit me, he misunderstood my words. I was merely answering the argument made here, that it was not necessary to recall anything by a symbol, and I pointed out that that is the reason and philosophy of sacraments. I merely used that as an illustration to answer that point.

Mr. HEYBURN. The religious creed which I profess does not believe it necessary to make demonstrations of sentiments of this class. We deem them proper to be confined to the individual. We believe that they belong sacredly within the ties of the home, and we do not recognize either the necessity or the propriety of making public demonstration of those sentiments. I should feel constrained not to vote upon a resolution of this kind. It is not because we are lacking in the highest appreciation of the sentiment that is undertaken to be expressed by the resolution. There are no people in the world in whose hearts a sentiment is more deeply and more sacredly fixed than in those and in the words of those who believe in the silent worship of their Creator, without manifestation for the benefit or enlightment of the outer world.

Mr. President, I think this is inappropriate legislation. It is not a proper subject for legislation. We are here to legislate, and this is in no sense of the word a proper subject for legislation. The question of the home sentiment, the sentiment that exists between the parent and the child, are too sacred to be made the subject of bandying words or to be subjected to the rules of parliamentary practice and parliamentary law.

We need to set aside no day to remind us of these sacred relations that belong within the sacred precincts of every person's conscience and the most sacred recesses of their hearts. We need no such legislation. It is not a proper subject for legislation. I would not vote against it, out of regard for the feelings of others. I would not vote for it, because I do not believe in an outward expression of those sentiments or a sentiment belonging to that class. Therefore I say that I should not vote upon a resolution of this kind, either to refer it to a committee or to adopt it or to reject it. I would not want it to be thought for a moment that by my not expressing an opinion I was not in thorough sympathy with the sentiment which actuates the distinguished Senator who presented this resolution.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon [Mr. FULTON] to refer the resolution to the Committee on the Judiciary. [Putting the question.] The "ayes" have it.

Mr. BURKETT. Mr. President, I ask for the yeas and nays.

The VICE-PRESIDENT. Is the demand for the yeas and nays seconded? In the opinion of the Chair a sufficient number of Senators have not seconded the demand, and the yeas and nays are not ordered.

Mr. BURKETT. I call for a division, Mr. President.

The VICE-PRESIDENT. A division is asked for.

Mr. DANIEL. Is this on the motion to refer the resolution to the Committee on the Judiciary, Mr. President?

The VICE-PRESIDENT. A division is asked on the motion to refer the resolution to the Committee on the Judiciary.

The question being put, there were, on a division—ayes 29, noes 18.

Mr. BURKETT. What is the vote, Mr. President?

Mr. GALLINGER. Mr. President, I am of the impression that the question was not quite understood by the Senate.

The VICE-PRESIDENT. The Chair will again put the question.

Mr. GALLINGER. I should like to have the vote again taken after an announcement of the Chair as to precisely what is the question.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon [Mr. FULTON], that the resolution of the Senator from Nebraska [Mr. BURKETT] be referred to the Committee on the Judiciary.

The question being again put, there were, on a division—ayes 33, noes 14.

The VICE-PRESIDENT. The motion to refer is agreed to.

Mr. BURKETT. I ask for the yeas and nays.

Mr. GALLINGER. The yeas and nays have been refused.

The VICE-PRESIDENT. The request for the yeas and nays has been denied.

Mr. BURKETT. I ask for a division on the question of taking the yeas and nays.

The VICE-PRESIDENT. There has been a division, and the Chair has announced the result.

Mr. BURKETT. I think the Chair misunderstood me. I asked for a division on the question of taking the yeas and nays.

Mr. GALLINGER. That is never done.

The VICE-PRESIDENT. There can be no division upon the question of ordering the yeas and nays, as requested by the Senator from Nebraska.

Mr. BURKETT. I now move that the Judiciary Committee be instructed to report forthwith on this resolution.

Mr. TELLER. I move to lay the motion on the table.

The VICE-PRESIDENT. The Senator from Nebraska [Mr. BURKETT] moves that the Committee on the Judiciary be instructed to report forthwith upon the resolution, and the Senator from Colorado [Mr. TELLER] moves to lay the motion of the Senator from Nebraska on the table.

Mr. BURKETT. Is that debatable, Mr. President?

Mr. GALLINGER. It is not.

The VICE-PRESIDENT. No; the motion to lay on the table is not debatable. The question is on the motion of the Senator from Colorado to lay the motion of the Senator from Nebraska on the table. [Putting the question.] The "ayes" have it, and the motion is agreed to.

Mr. TELLER. Mr. President, we came here at 11 o'clock this morning because it was supposed that there was some important business to be transacted by the Senate. Some of us came here at some inconvenience, having other things to attend to. We have practically wasted this morning, Mr. President, on a matter which never ought to have come before the Senate.

Mr. BURKETT. Mr. President, I invited the Senator from Colorado [Mr. TELLER] to make any personal attack on me he might wish to make when he made his suggestion a while ago. He did not do it then, though he might have stated his objections to the resolution at that particular time.

I want to say to the Senator from Colorado that we might as well afford to spend twenty minutes on a question of this kind as to have spent the days and days that have been occupied in the Senate listening to the wrangling about something or other of less consequence out in that particular section of the country from which the Senator comes.

I have no apology, I will say to the Senator, for offering this resolution, and, in my opinion, we should have had a vote upon it by yeas and nays. In my opinion, Senators will see the time when they will regret that they have not voted for this resolution.

The Senator objected because it was not proper that we should pay any attention to a matter of this concern, yet I have seen the Senate spend hours and hours and spend money in building a monument to some particular man in recognition of some particular service, not to celebrate what he had done, but to inculcate in the minds and to burn into the memories of the young people of this land the things which that man had done for the glory and welfare of his country. And it does seem to me that this Senate could well have afforded to have passed a resolution saying that we join in that splendid sentiment that the Young Men's Christian Association people of this country are trying to establish, and set aside one day when we shall recall the mothers who gave us birth. It was not asking very much; it would not have taken very much time; and yet we have refused to recognize a little movement on the part of these young men who are trying to do good in the world, which, in my opinion, would do more good for the young men, if he could have this day observed in spirit and in truth throughout

the country, than all the monuments that we have erected here in the years that have passed.

I recall, sir, in this Senate at this session two or three occasions when we have appropriated money to build monuments to celebrate some particular event or the life of some particular man. Why did we do it? Not because we would not think about those men if we did not, not because we could make those men any greater in history, but we have done it, sir, to call to the minds of the people what such men stood for, what they lived for, and what they died for, and that is all there was in this resolution. It was simply a matter of sentiment, simply a statement to the wide, wide world that United States Senators though we were, we still looked fondly back to our dear old mothers, whose memory we honor, and that we are willing on one day in the year to join with the Christian people of the country in wearing a white flower in memory and in honor of those mothers.

Sir, it is one of the proudest recollections of my life, that, since I have been away from home—I was nearly 17 years old when I left home—I have never missed one Sunday in all those years writing a letter to my dear old mother. She would have lived as long without it; perhaps she might have thought just as much of me without it; and I did not have to do it to make me love her; but, sir, I never would have thought as much of myself if I had not done that thing; and it would be a proud thing for every man in this Senate if we had voted this resolution through, and said to the world, to those boys that have gone out into the world from their homes, "Boys, it is proper, it is appropriate; it is fitting for you to go into the Young Men's Christian Association assemblies as well as into your churches one day in the year, and let your memories go back to the days when you were at home with mother." It is the sweetest and tenderest thought that ever comes to anyone. It is the most pathetic thing. There is not another thought, there is not another sentiment in the world that brings a man as close to his duty to his fellow-man and to his duty to his God as in those moments when he is thinking of that dear old mother; I can not sit here and have the Senator from Colorado get up and say that I am puerile and accuse me of wasting time, when I have taken up so little of the time of this Senate—I ought to take but little time of the Senate, I realize that I am a new member, and I want to sit and listen to the wisdom of the older members—but after we have spent the days and days we have in trying to rip up a particular part of the administration of the affairs of this country with no hope of success, it seems to me it is with poor grace to say that we can not afford to give twenty minutes to the thousands and thousands of boys there are in this country and to the honor and the memory of all the mothers that have ever lived; we do not do it for ourselves, we do not do it alone for the mothers, but for the sake of those boys that are out in the world alone. We could well afford to pass this resolution, and we could well afford to devote this time we have devoted to it if, for no other reason, than to call the attention of the country to it.

It is a sad reflection that in this United States Senate only fourteen members of the United States Senate are willing to encourage the Young Men's Christian Association in trying to call the minds of the boys back to the old mother that they left at home on the farm or in the village when they came to be a part of the great city.

So I say the Senator may call me puerile and may accuse me of wasting the time of the Senate; but, sir, in my opinion, before the Senator shall leave this Chamber and before any of us shall leave this Chamber, by the expiration of our terms, we will perhaps have reconsidered this matter and thought we might at least have done as much for the young men as to have indorsed the movement that is being started. It is not a very large movement; it is not very great as yet; it is not very long since its inception; but it is a movement which, if at the beginning of it could have had the impetus of the support and the moral uplift a resolution of this sort would have given them, would have meant untold things for good to the young men of the land.

ADDITIONAL AIDS TO NAVIGATION.

Mr. FRYE. I ask the Chair to lay before the Senate the bill relating to light-houses.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated.

The bill (H. R. 20784) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, was read twice by its title.

Mr. FRYE. Mr. President, owing to the peculiar condition of affairs in the House of Representatives, that bill has received the consideration of the Senate Committee on Commerce, and, as a result of that consideration, I ask that it be placed on the Calendar as if reported from the committee. Possibly I may be instructed to offer some amendments when the bill is up for consideration.

The VICE-PRESIDENT. The Senator from Maine, under instructions from the Committee on Commerce, reports from that committee House bill 20784, the title of which has been stated. The bill will be placed on the Calendar.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. FRYE. Certainly.

Mr. BACON. I did not understand the Senator from Maine.

Mr. FRYE. I said that this bill had received the consideration of the Senate Committee on Commerce and that I was authorized to report it to the Senate and have it placed upon the Calendar, reserving the right, possibly, to offer some amendments to it when it is up for consideration.

Mr. BACON. The thing which I did not understand was something the Senator said about the other House.

Mr. FRYE. I was only alluding to the press of business in the House and the possibility that this bill might not be able to receive a second consideration there if it should be amended here.

Mr. KEAN. I should like to ask the Senator from Maine a question.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from New Jersey?

Mr. FRYE. Yes.

Mr. KEAN. Did I understand the Senator from Maine to report back this bill for additional aids to navigation without amendment?

Mr. FRYE. I reported it back, and stated that possibly I might, under instructions from the committee, offer some amendments when it is up for consideration.

Mr. KEAN. I only want to state to the Senator from Maine that I am very anxious to have placed on that bill an amendment that has been passed many times by the Senate, and I trust the Committee on Commerce will report it favorably.

SUSPENSION OF COMMODITY CLAUSE, INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT. The hour of 12 o'clock having arrived, under the unanimous-consent agreement the Chair lays before the Senate the unfinished business, the title of which will be stated by the Secretary.

The SECRETARY. Joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law.

Mr. KEAN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. FORAKER. Mr. President, I was asked by the chairman of the Committee on Interstate Commerce [Mr. ELKINS], before he was compelled to leave the city for a few days, to ask each day that the unfinished business might be laid aside. I told him I would do that for a day or two, but I wanted to make some other business the unfinished business, and if he were not back in a day or two I would move to substitute as the unfinished business the business I had in mind. I think, however, I will let this go over for the present, but I take advantage of this opportunity to say that on Monday I shall move that the Senate proceed to the consideration of Senate bill 5729, for relief of the discharged soldiers of the Twenty-fifth Infantry. For the present I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN obtained the floor.

Mr. McCUMBER. Will the Senator yield to me for a moment to present an amendment?

Mr. WARREN. I should like to know whether the agricultural appropriation bill is before the Senate.

The VICE-PRESIDENT. The Chair will lay that bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

Mr. McCUMBER. Will the Senator from Wyoming yield to me for morning business?

Mr. WARREN. I yield to the Senator.

The VICE-PRESIDENT. Morning business is not in order under the rule.

Mr. McCUMBER. That is why I wanted to present it before the bill was taken up.

Mr. WARREN. Then, I ask that we proceed with the consideration of the appropriation bill.

Mr. SMOOT obtained the floor.

Mr. CARTER. I ask the Senator to yield to me to secure the adoption of an order.

Mr. SMOOT. If it will lead to no discussion.

Mr. CARTER. It will lead to no discussion.

Mr. SMOOT. Then I yield.

Mr. CARTER. With the permission of the Senator from Utah, I ask unanimous consent for an order for the printing of a document.

The VICE-PRESIDENT. Under the rule of the Senate it is the duty of the Chair to call the attention of the Senator to the fact that that is not now in order.

Mr. CARTER. And unanimous consent can not be granted?

The VICE-PRESIDENT. Unanimous consent can not be granted under the rule of the Senate.

Mr. SMOOT. Mr. President, I do not think it necessary, after listening to the most eloquent speech of the Senator from Iowa [Mr. DOLLIVER] and the very logical address of the Senator from Minnesota [Mr. NELSON] upon this appropriation bill, to speak at length, but I do feel it is necessary to take up a short time of the Senate this morning in answering some of the innuendoes, insinuations, complaints, and charges against the Forestry Division. I wish to state that for three years past I have listened in this Chamber to the same complaints and to similar charges. I have not felt that it was my duty to answer them before, and have contented myself in the past with investigating the charges made, where specific ones were mentioned, for the purpose of ascertaining whether there was any truth or foundation in them. I have found in the past that all the insinuations and charges made, when investigated, have proved to have very little truth in them, and most of them to be utterly false.

Mr. President, I want the Senate and the country to know that as a Senator from one of the mountain States where forest reserves have been created I have taken interest enough in these questions to investigate them thoroughly and know whereof I speak.

The great question of forestry and its effect upon the growth and development of a nation are worthy of the most careful study and consideration by the law-making power. America, the greatest nation on earth, has been negligent in the past in the proper care and preservation of her forests, but I trust the policy we have adopted, late as it is, will be maintained, and that no backward step will be taken. I believe the policy of conserving the products and increasing by reforestation the timber of the forests of our country is here to stay. I care not who says it is not; my judgment tells me it is. I believe the people in the East as well as the West are in favor of it. I believe through absolute necessity the American people have been convinced in the last few years that the policy of the preservation of the forests of our country came too late, and from now on they must be controlled for the people instead of being owned by a few timber barons.

I wish to refer to the forest reserves of the State of Utah, for I have given them personal attention and know of the benefits they have been to the people, not only to those using the reserves, but to the farming interests in the valleys and the water supply of the cities.

The reserves have been under the supervision of the Forest Service long enough to compare successfully present conditions with past, as affecting the growth of young timber, grazing, and the protection of our watersheds. The change has been marvelous, and all in favor of the regulations of the Forest Service. Mr. President, if the system of grazing, which had been followed for twenty years before, had been continued five years longer within the present forest reserves, the grass and forage would have been greatly reduced, if not virtually destroyed, and as a result the sheep and cattle interests of our State would have severely suffered. If we overstock a private pasture, the productive quantity of feed grows less each year, and it is but a very short time before it will scarcely sustain any life. It is so with the great national pastures, and particularly so in a mountainous country.

The regulation of the forest reserves means the preservation of the trees, the preservation of the watersheds, and the preservation of the feed for our stock, and all should be interested in these worthy objects.

As I look at that map upon the wall it is a warning to me, and should be to every American citizen, that our forests are fast passing away; and, Mr. President, I can not help but think that the man who says it is only a question of prophecy and not a question of fact has not studied the conditions as he should.

A level-headed philosopher once said: "Save me from my friends." When the eloquent Senator from Idaho [Mr. HEYBURN] was professing his undying loyalty to the preservation of the forests of this country, I could not help but say: "Save the American forest from its friends; it will take care of its enemies." The Senator said he believed in the preservation of the forests "for the people" and not "from the people."

I want to call the attention of the Senate to the fact that in my State to-day there are five men—yea, Mr. President, I believe ten of them—using the public forests and the ranges within those forests where one used them ten years ago. Ten years ago the cattle interests of the State were in the hands of a few men; ten years ago there were sheep men owning ten, fifteen, and twenty thousand head of sheep. They had so many of them, Mr. President, that the man who started in business on a small scale was absolutely at the mercy of these large flock masters, and if he secured any chance of grazing his sheep at all, it was upon areas that had been already fed over. To-day there is not a man in all the State who has a permit for more than 2,000 head of sheep for any reserve in the State, and I know that with respect to some of the reserves the limit is but 785 head. So, as far as the possibility of the use of forest reserves is concerned, I say under the policy of the Forest Division they are being used by the people, and not by a few favored individuals.

There has been complaint made that this vast estate, carved out of the public lands of the United States, takes that much land from citizens seeking homes, and prevents the people from settling and making their homes in that part of the country. Mr. President, I can not conceive of a man making such a statement and believing it to be true.

The Senator from Colorado [Mr. TELLER] said the citizens of this country were hungry for land. The trouble is their hunger for land within a forest reserve in many cases is not satisfied with land they can cultivate and make farms upon, but it must be a particular kind of land, and must be covered with trees, and it is this class of cases that are bitterly complaining of the Forest Service interfering with their rights.

Mr. President, there is in the RECORD now a list presented by the Senator from Idaho of some 29 homestead entrymen claiming that the Forestry Service has interfered with their receiving title to their land. Since that statement was made I have taken interest enough to go to the Land Department and find out just what there is in the claim, and before I am through I wish to call attention to the facts as they exist.

A hundred years ago there were within the United States one million square miles of the most magnificent forests in the world. Not twenty years ago people were saying it was inexhaustible; that it could not in the lifetime of this nation be consumed; and yet to-day we are absolutely facing a timber famine. I have noticed through the reports that there are one hundred billion feet of timber and wood of all kinds consumed annually in this country; and in connection with that it is estimated that only one-third of that amount is produced by new growth upon all the forests in this country.

Mr. President, where are we going to get our timber when our supply is exhausted? Not from Canada, for I believe that Canada will make the necessary laws at an early date to preserve her great forests from destruction. I have traveled through some of her forests, and I know what a magnificently timbered country it is, and the Canadian government will see, if I am not mistaken, that her forests are protected. Not from South America, because the timber that is grown there is not of the class of timber usually required in the United States. Not from Siberia, because the timbers there are so far from water transportation that it makes their use almost prohibitory.

What is the next best thing for this country to do? Protect what we have, and reforest the denuded areas of our country. If the policy which has been adopted and is now in vogue by the Forestry Division is allowed to be carried out to a successful conclusion, I know it will be the means of providing this nation with timber sufficient for its absolute needs for generations to come.

In our forest reserves there are a great many millions of feet cut, but I notice that one-third of all the timber that has been used from the forest reserves in this country has been given, absolutely without cost, to the people living adjacent to the reserves. The other two-thirds have been sold—sold in the way that the rules and regulations of the Department have set out. Citizens have been asked to bid upon the timber sold, and any citizen of the United States had a perfect right to bid upon it, and from the sales a revenue has been derived by the Government, and in some instances nearly enough to pay the cost of the care and protection of the reserve.

Mr. President, the protection of the timber in these forest re-

serves is but one advantage. Another one and a most important one is the protection of our watersheds. The watersheds of every stream need protection, and that can only be accomplished by preventing overgrazing and the removal of trees and undergrowth. Where the undergrowth has been fed off and the trees removed, the land becomes parched and its surface so hard it can not retain the moisture that may fall.

Take my own State. I know in one county that four years ago, and before that almost every year, there were spring floods that brought the débris from the hills, covering the farms with rocks, gravel, and stumps, and thousands and thousands of dollars were expended each year in trying to prevent their recurrence. A forest reserve was established, covering the watersheds of all streams; regulations prohibiting grazing within a given number of miles from the streams were enforced, and the result has been that for the last four years no floods have occurred in that particular county, notwithstanding last year a greater fall of moisture occurred than had fallen for a number of years before. So far as the people of Utah are concerned, they are in favor of forest reserves, and no amount of inflammatory talk can change their views, as they have already experienced the value of forest reserves. I believe the time is fast approaching when other States will see the absolute necessity of them, and I look to see the time when not a single solitary voice will be raised against the Forestry Service.

The Senator from Idaho [Mr. HEYBURN] in his speech the other day said he had lived for thirty years in the forests, and that he did not think ten trees had been cut wantonly during that whole time. I hold in my hand some photographs of timbered lands in the State of Idaho, and it seems to me I can count more than ten trees upon this one photograph that have been wantonly cut. This was in Shoshone County, at Fishhook Creek and St. Joe River. The timber was cut from Government land and some from railroad lands. No animals are used. The logs are rolled in by hand. Cedar logs only are cut. I might go on and call the attention of the Senate to dozens of other such cases. No one claims that timber, owned by the Government, growing upon Government land, should not be used for the advancement of civilization. It has in the past and will be in the future used for the building of houses, the building of barns, the building of mammoth business blocks, and in all the modern necessities requiring timber. I do not believe for a minute an appeal to the people will be successful if based upon the statement that because an entryman on a forest reserve does not build a modern house and is content with a little cabin he should not be entitled to the land entered by him. No Department of this Government has ever taken that position. When the question of title to an entry is passed upon it is not decided upon the point whether the entryman lives in a small log cabin or whether it is a modern home.

The Senator from Idaho spoke of the humble cottage of Lincoln. Mr. President, Lincoln did live in an humble cottage, and he made it his home in good faith. I have seen in the forest reserves in the West cottages constructed even more pretentious than the cottage home of the immortal Lincoln, with no thought of making them a permanent home for the entrymen, but simply for the purpose of a temporary abode, in the hope that they could secure title to the land and by securing the title secure the vast estate of timber on it.

No one, Mr. President, has more sympathy with the pioneer home maker than I have. My father was a pioneer of the West. In 1847 he located away out in the Rocky Mountains a thousand miles from civilization. I was born there and have seen the hardships of pioneer life. I have experienced a little of it. My mother was also a pioneer of that country, walking every step of the way from the Missouri River to the valley of the Salt Lake; and God knows I would not advocate anything that would increase the burden of an honest pioneer home builder. I know, and every sane person knows, it seems to me, with respect to the pioneer who goes to the West for the purpose of honestly establishing a home, that the question of a domicile, whether it be humble or pretentious, cuts no figure whatever. I say success to the pioneer who seeks to secure a permanent home under any law of this country.

Mr. President, before I get through I want to call attention to the fact that there are dishonest locators, also timber thieves in the guise of home seekers, and these are the people that are making such bitter attacks upon the Forestry Service.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Certainly.

Mr. FLINT. If it will not interrupt the Senator, as he has given a great deal of thought and study to the subjects, I should like to ask him a question. He has investigated it very carefully. I will ask whether or not in his investigations of those who are complaining about the Forestry Service he has found any complaint other than from those who have been charged something more than they had been in the past or who were desirous of now obtaining something without any charge at all. In other words, the only complaint these people have is that the Government is now conducting the public domain in a businesslike way and asking compensation for what citizens receive?

Mr. SMOOT. I thank the Senator from California for calling my attention to this fact, and I take it for granted that there is not a man in the United States who has studied this question for one moment who does not know that that is absolutely true. Of course a man who has had the use of the public domain for years and years, who has had control of vast areas now in forest reserves for the running of cattle and sheep, and never paid one cent for it, will naturally complain, even when asked to bear only a portion of the expense attendant upon the administration and preservation of the same.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I yield with pleasure.

Mr. CLARK of Wyoming. If it will not interrupt the Senator, I did not distinctly hear the colloquy between the Senator from Utah and the Senator from California. Do I understand the Senator to state that the only people who are finding fault with the administration of the Forestry Service are those who are complaining because they are charged more than they were years ago?

Mr. SMOOT. I thought the Senator from Wyoming was asking a question of the Senator from California. I do not think that the question asked by the Senator from California went that far, but he did say that in the great majority of cases it was that class of people, and I say so, too, Mr. President.

There is another thing I wish to say, and that is this: If any person makes a complaint to the Forestry Service or to the General Land Office of this Government, it is immediately investigated, and I have confidence enough to believe that if the complaint is just it will be righted, and righted quickly.

From the remarks of the Senator from Idaho we were led to believe that Idaho was being robbed by the Forestry Service in leasing her school lands—sections 16 and 36. I can positively state that Mr. Pinchot (the Forester), the General Land Office, and the Secretary of the Interior are now and always have been only too anxious to have the State receive its pro rata of the proceeds from school sections within a forest reserve, and I know there have been propositions made the States time and time again looking to that end. The State of Idaho has been offered the chance to accept four alternative ways of settlement with the Government of the school sections within the forest reserves of that State. What are they, Mr. President? First, the State to select lieu lands outside of the reserves. Second, to select lieu lands in as compact a body as possible inside of the reserves, and maintain the selection as a State park, to be administered by the State or by the Forest Division, and if by the Forest Division, all the receipts to go to the State. Third, to ascertain the number of acres of school lands in the reserve, and charge the State with the pro rata of the cost of administration and pay to it the pro rata of all revenues received. Fourth, to let the unsurveyed school sections be administered by the Forestry Division until they are surveyed, and then the State may use them and dispose of them as it may see fit.

Mr. President, is there anything more fair? Is there anything in this proposition that would justify a Senator in saying that the Forest Division was robbing the State of the revenues from all the school sections within the forest reserves in the State?

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield with pleasure.

Mr. FLINT. As I understand from the statement of the Senator from Utah, instead of its being a disadvantage to the State of Idaho to have these school sections included within forest reserves, it is really a benefit in this, that the State now obtains a revenue from the school sections, whereas if it was in the open country, without a reserve, the State would receive no income.

Mr. SMOOT. Before ever the forest reserves were created those school sections, both surveyed and unsurveyed, were in the public domain, and anybody could graze them, no matter whether they were citizens of Idaho or not. But to-day it is otherwise.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Certainly.

Mr. BEVERIDGE. So that it amounts to this, that before this Service, as pointed out by the Senator from California, some one man got all the benefit of the Government's and even of the State's property, whereas now the State and all the people thereof get the benefit.

Mr. SMOOT. I would not want to say that one man——

Mr. BEVERIDGE. Whoever herded his flocks free of charge.

Mr. SMOOT. I will say it was a few men.

Mr. BEVERIDGE. A few men is the same thing. A few men herded their flocks free of charge, whereas now all of the people of the State get the advantage.

Mr. SMOOT. In connection with the school sections in the State of Idaho within forest reserves I find the following in the able address of the Senator from Idaho:

Mr. DIXON. But has the Congress of the United States ever attempted in any way to interfere with the State of Idaho as to ousting her from the control or ownership of sections 16 and 36?

Mr. HEYBURN. Yes. I am glad the Senator asked me that question. I will call his attention to it right on the record. They are attempting, or assuming, to dole out to the States the proceeds of those lands. They have been selling some timber off the 16's and 36's in Idaho.

Mr. DIXON. Without the consent of the State of Idaho?

Mr. HEYBURN. Certainly. The State of Idaho has taken no legislative action on the subject. I have here its official action, and will call the attention of the Senate to it directly. They have taken possession of and placed these 16's and 36's under the dominion of the Forester; they have sold timber, and they notified us the other day officially that we have "nineteen thousand and some dollars to your credit."

The Forest Service has sold no timber from surveyed school sections 16 and 36 in the State of Idaho. It may be that sales of timber have occurred from unsurveyed lands that if surveyed would prove to be sections 16 and 36, but neither the Forester nor any other person can tell that until the lands are surveyed.

Grant that sales were in the same proportion for school sections as for all other sections within the reserve, let us see whether Idaho has been unjustly dealt with or not. Sections 16 and 36 in a township amount to one-eighteenth of the township. The sale of timber from all forest reserves in Idaho for the fiscal year 1907 amounted to $55,173.31; timber settlements $852.31; timber trespass $4,968.89; grazing $137,384.67; special uses $477.25; showing a net amount received from the forest reserves of the State of Idaho, after refunding $2,939.86, of $195,916.57. One-eighteenth of this amount is $10,884.25. Idaho received $19,591.65, or a difference in favor of Idaho of $8,707.40.

I do not think, Mr. President, that the Senate has shown any inclination to rob the State of Idaho, for I remember as a member of the Committee on Public Lands of the Senate voting for a bill, aye, two of them, granting a million acres of land each, or a total of two million acres, to the State of Idaho, to be entered under the Carey Act—two million acres, and not a cent to be paid to the Government for it.

Mr. FLINT. Mr. President——

Mr. SMOOT. And, Mr. President, I want to say that I am heartily in favor of such legislation.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I do, with pleasure.

Mr. FLINT. I call the attention of the Senator to the further fact that this is in addition to one million acres of land that the State of Idaho heretofore obtained from the National Government under the same act.

Mr. SMOOT. There were a million acres given to the different States in the West at the time of the passage of the act, and as the Senator from California says, it makes three million acres all told. I was in favor of granting it to the State of Idaho. I was in favor of granting two million acres to the State of Wyoming; for, Mr. President, I felt that in doing so we were providing an additional chance for citizens to secure homes. But I assure you of one thing, that men taking homes under the Carey Act will never be permitted to take lands covered with trees.

This question of school sections has been under discussion for a number of years. Plans that would meet with the approval of all the States have been outlined and submitted to most of the governors of the Western States. I have letters here from the governor of South Dakota. I have a letter here addressed to the governor of Idaho upon the same subject, making practically the same kind of propositions that I stated all the States could avail themselves of if they thought proper.

So it is not a fault of the Government. And no department of the Government wants to take control in any way of the school sections in a State or even in a forest reserve. It is said that the Government has eliminated this vast forest reserve estate from the public domain, thereby preventing people from making homes and becoming citizens of the State in which the reserves are located. I call attention to the act of June 11, 1906, which provides that citizens may make a homestead in a forest reserve, and they have done it by the thousands. Not only that, Mr. President, but the Department has asked for an additional hundred thousand dollars to pay men to examine entries within the forest reserves so that they can be acted upon as speedily as possible.

Mr. President, there has been considerable said here in relation to grazing regulations. Considerable complaint has been made that the Forestry Service has violated the law, and that the laws of the United States are such that where the Government land within a forest reserve is not fenced it precludes the Government from bringing an action against trespassers.

The act of Congress of July 4, 1897 (30 Stat. L., 35), authorized the Secretary of the Interior to make "rules and regulations" "to regulate the occupancy and use" of the national forests and to "preserve the forests thereon from destruction." And the same act of Congress expressly made the violation of such rules and regulations a crime and prescribed punishment.

Under the authority of the act the Secretary of the Interior prohibited the grazing of sheep on some portions of some of the national forests.

His action was questioned and his prohibitory regulation was violated.

The Government brought an action to test the validity of the regulations of the Secretary of the Interior. The action was for an injunction. It was brought in the circuit court for the northern district of California. The court, in August, 1902, granted the injunction and held that the regulations were valid and that Congress in authorizing the Secretary to make them had not delegated legislative power. (See United States *v.* Dastervigues, 118 Fed. Rep., 199, Use Book, p. 204.) The defendant was not satisfied and took the case to the circuit court of appeals for the ninth circuit. On March 2, 1903, the circuit court of appeals sustained the judgment of the court below. (See Dastervigues *v.* United States, 122 Fed. Rep., 30; Use Book, p. 205.)

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I yield to the Senator.

Mr. FULTON. I call the attention of the Senator to the fact that the authority which the Department has sought to exercise and which was brought in question as far as my remarks were concerned was that of imposing fines and prosecuting, by criminal action, people whose stock had not been driven but had wandered upon the reserve.

The fact that the courts have held that an injunction may be maintained and civil suit prosecuted to protect the lands is an entirely different proposition. A private owner of lands can by injunction protect his lands against willful trespassers. If the Senator himself has a tract of land on which people are willfully forcing their stock he has a civil remedy.

What I contended was that the Government occupies no other relation than that of a proprietor so far as the public lands are concerned, and that it is without authority to make it a crime for stock to run at large in a State in violation of the laws and the policy of the State. A civil suit is an entirely different proposition and presents an entirely different question.

Mr. SMOOT. Mr. President, I was not upon the question the Senator has brought up, but as he has brought it up I want to say this in answer to him.

A recent case of this character was that of the United States *v.* Domingo et al. in the district court of the United States within and for the central division of the district of Idaho.

The defendant demurred to the indictment on the ground that a breach of the regulations of the Secretary of Agriculture was not a criminal offense. The demurrer was overruled on March 14, 1907, by Beatty, district judge, whose opinion is reported in volume 152 of the Federal Reporter at page 566 and is reprinted in the Use Book at page 208. After the overruling of the demurrer, the defendants were convicted of a misdemeanor for having driven a band of sheep upon the national forest without a permit. No appeal was taken, and the case has been closed.

Other decisions to the same effect as that of Judge Beatty, above cited, are: Dent *v.* United States (76 Pac. Rep., 455, supreme court of Arizona); United States *v.* Bale (156 Fed. Rep., 687); United States *v.* Deguirre (152 Fed. Rep., 568).

The Domingo, Bale, and Deguirre cases are more recent than the case of United States *v.* Matthews (146 Fed. Rep., 306), in

which Judge Whitson of the eastern district of Washington held that the violation of the regulations of the Secretary was not a crime.

This important question has never been passed upon by the Supreme Court of the United States, because, prior to the passage of the criminal appeals act, March 2, 1907 (34 Stat., 1246), the Government had no right to appeal in such cases and in every instance where the judgment of the court was against the defendant the fine imposed has been paid.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield further?

Mr. SMOOT. I do.

Mr. FULTON. I am well aware, Mr. President, that two district judges have so held. Other district judges have held to the contrary. But the Supreme Court itself has finally and for all time settled the matter, holding that mere regulations, although authorized by law, can not impose a penalty and can not authorize the prosecution of a criminal case or a criminal charge.

Mr. SMOOT. That, I believe, is true as to all of the cases cited already by the Senator from Idaho and also by the Senator from Colorado, but they were cases that were carried to the Supreme Court before the creation of a forest reserve, and it was land that was in the public domain.

Mr. FULTON. Mr. President, does the Senator think there is or can he point out a distinction, so far as the exercise of legislative power is concerned by a Department, between a forest reserve and any other public land?

Mr. SMOOT. All I have to say is that the judges of the circuit court of the United States seem to think so.

Mr. FULTON. I think the Senator is mistaken in regard to that, because the Supreme Court of the United States has lately held, and held since the decisions the Senator is citing, that the Department is without such authority, and in the nature of things must be without it, because it is a delegation of legislative power.

Mr. SMOOT. Mr. President, I would rather proceed now.

Mr. FULTON. I beg pardon for interrupting the Senator.

Mr. SMOOT. Not at all, I will gladly yield at any time. At the time of the later decision I have just cited a criminal action for the violation of the regulations was pending in the supreme court of Arizona. It was contended that the decision of the circuit court of appeals would not apply in the criminal case, but the supreme court of Arizona followed it and the defendant was convicted. (See case of Joseph Dent *v.* United States. 76 Pac. Rep., 455, Use Book, p. 206.)

These decisions were all made before the control of national forests was transferred from the Department of the Interior to the Department of Agriculture. On October 2, 1906, after such transfer, the district court of the northern district of California sustained an indictment for a violation of the grazing regulations and fined the defendants. (See United States *v.* Deguirre, et al., 152 Fed. Rep., 568.)

There was considerable stress laid upon the fact that some poor fellow living out in Colorado and driving his stock from one part of the county to the other happened to pass over a part of a forest reserve and was met by the forester and prevented from doing so, and for the act of trespass he was fined the sum of $25. In pathetic terms the Senator from Colorado [Mr. TELLER] painted this picture to the Senate as one that sustained the charge of this czar-like power of the Forestry Division.

This is what is known as the W. K. Ross grazing trespass case, and I am going to state the absolute facts touching the case. It has received considerable publicity through the Southwest, due largely to the evident intention of Mr. Ross to enlist the sympathy and aid of persons not conversant with the facts in the case, and to his desire to pose as a martyr to bureaucratic rule. He is a very hard man to deal with because he refuses to be convinced, even when evidence to the contrary of the most pronounced character is presented to him.

Mr. Ross was accused of having committed a trespass in the San Francisco Mountains National Forest by driving 17 head of horses across the forest, from his ranch to the town of Williams, Ariz., without permit and after the grazing season had expired.

He declares that he was not given a chance to present his side of the case in the action for trespass, but this statement is absolutely untrue. Efforts were made by Forest Ranger R. L. Neil at the time when the trespass was discovered to settle the case amicably by having Mr. Ross take out a free-crossing permit. Mind you, Senators, all that was required of him was simply to take out a free-crossing permit, but he not only refused to take out the permit, but also refused to give the officer any information that might tend to clear up the case. A second effort was made by Mr. Neil to settle the case on December 22. This also failed. The case was then taken up by the supervisor, stating the charge against him, and informing him that he would be given ten days in which to make a reply before the matter was reported to the Forester.

The letter written at this time is the one that Mr. Ross has had published. Inclosed with the letter was a blank form, proposition of settlement, on which Mr. Ross was at liberty to state his side of the case, if he knew he had been wrongfully charged with trespass. This he declined to do. The statement in Supervisor Breen's letter that he would recommend that the sum of $25 be accepted in settlement of the trespass was merely an expression to Mr. Ross of his estimate of the damage, and left it open for Mr. Ross to offer such amount as he saw fit. At the same time he was informed that if he did not make a settlement of the case, which might have been done by showing that he had not committed a trespass, it would be necessary to refuse him a grazing permit the coming year and cancel his leases.

When the case was reported to the Forester a letter was written to Supervisor Breen telling him that it might be possible that Mr. Ross did not understand what the proposition of settlement was for, and hence thought that he was not to be allowed to present his side of the case, and informing him that the Forester prefers to settle all cases of grazing trespass amicably if possible, and does not desire to commence criminal proceedings unless absolutely necessary in order to protect the interests of the national forests.

Further investigation of this case by the Forester disclosed the fact that Mr. Ross had committed only a technical violation of the regulations that was not of sufficient importance to warrant prosecution, and the case was dropped.

The fact that a trespass charge was made against Mr. Ross will not jeopardize his rights to privileges upon the national forests, and any applications he may make will be considered upon their merits and will be acted upon without prejudice.

Another case that has been referred to by the Senator from Colorado was where it is claimed a poor man went upon a forest reserve and while there gathered a load of pine knots, for which the ranger demanded 25 cents, and this was also pointed to as a case of the bureaucratic rule of the Forest Service.

Mr. President, I have a copy of a letter from Hon. Gifford Pinchot, the Forester, which is as follows:

APRIL 13, 1903.

Hon. HENRY M. TELLER,
United States Senator.

MY DEAR SENATOR: My attention has been called to the following statement made by you in the Senate on April 7 (RECORD, p. 4642):

"A very well-known settler said to me: 'I drove on the forest reserve my horses and wagon, and I picked up a load of pine knots, and when I drove off there was a forest ranger there who said: "You must pay for these pine knots." And I finally gave him a quarter of a dollar to avoid arrest.'"

If the above statement made to you is correct, the forest ranger was guilty of extortion and should be dismissed from the Service. I will therefore be very greatly indebted to you if you will give me the name of your informant and any other facts which will aid me in securing the punishment which this public officer deserves if he is guilty.

Very sincerely, yours, GIFFORD PINCHOT, *Forester.*

That letter was written April 13, 1908, and up to the present time no word in answer to it has been received.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. Certainly.

Mr. CLARK of Wyoming. I did not catch the name of the writer of the letter.

Mr. SMOOT. The writer of the letter is Mr. Pinchot, the Chief Forester.

Mr. CLARK of Wyoming. I have no doubt the information which the Senator has just given the Senate that the letter remains unanswered also comes from Mr. Pinchot.

Mr. SMOOT. There is no doubt of it. I asked for the information.

I want to call the attention of the Senate to some figures and a statement of the damage done by forest fires covering a period of years past, and comparing the past, when there were no forest reserves, with the conditions to-day. I find in the reports, under the heading of "Loss of life," 1,956 people have perished within thirty years from forest fires, or an average of 65 lives per year.

Mr. GALLINGER. That is all over the country, I suppose.

Mr. SMOOT. All over the country.

Under the head of "Destruction of property" the official census for 1880 gives the area burned per year as 10,000,000 acres, and the Division of Forestry in 1891 collected records of 12,000,000 acres burned over in one year. The value of the tim-

ber destroyed is estimated at from $25,000,000 to $50,000,000 a year. In addition to the loss of merchantable timber, new growth of equal or greater value is destroyed. While now the area burned over every year is somewhat smaller the damage is not less but even greater, for the stumpage value has increased since 1880 at least five times, and therefore it is now necessary to burn only 2,000,000 acres annually to cause the same amount of damage. The cost of fire patrol upon the national forests amounts to less than 1 cent per acre. No civilized country on earth spends less, but all spend more.

That the estimate of the fire loss is not exaggerated can be seen from a few examples of individual fires. The Hinckley fire in Minnesota in 1894, for instance, burned over an area of 250 miles, killed 418 people, and, entirely apart from the vast quantities of timber burned, destroyed $750,000 worth of property. A fire in Washington and Oregon in 1902 destroyed $12,000,000 worth of timber. We must not forget that all big conflagrations start from small fires, which under fire patrol would probably be checked.

Through forest fires there is a loss of soil fertility the value of which can not even be estimated, and damage to river courses and property along them due to floods that cost the nation many millions of dollars a year.

The Forest Service, by fire patrol, reduced the burned-over area on the national forests from 0.66 of 1 per cent in 1904, the year before the forests were put under its control, to 0.16 of 1 per cent in 1905, 0.12 per cent in 1906, and 0.07 per cent in 1907. The total area burned over within the national forests in 1907 was approximately 100,000 acres, and the loss $31,000.

The other day, Mr. President, in the arraignment of the poor forest rangers the Senator from Idaho [Mr. HEYBURN] recited a case in one of the forest reserves of his State of a legislator being shot. In an interview with the Senator from Idaho, which was published in the Northern Idaho News under date of August 22, 1907, the statement was made that a ranger riding along a public highway had demanded exclusive right of way against Hon. A. H. Connor of Wallace, and had opened fire upon him with a gun.

From a report dated August 19, 1907, from the supervisor of the Coeur d'Alene National Forest, it appears that F. A. Wagner was temporarily employed as a guard, and not a ranger as charged, and that he had been discharged on July 22, having served seven days. His dismissal was due to his misconduct and discourtesy toward a citizen in disputing with him for the right of way over the public road. In this the supervisor adjudged him guilty and entirely at fault. While Wagner had been temporarily employed for but seven days, his action clearly showed his unfitness for employment in the Forest Service. The supervisor acted promptly upon his own initiative and in strict accordance with the regulations of the Service and the dictates of common sense. I have certain clippings from the Northern Idaho News giving the interview with Senator HEYBURN, and the copy of the Acting Forester's letter to the editor of the Northern Idaho News.

Mr. President, I will ask to have inserted in the RECORD that part of the interview and also the letter of Mr. Adams, if there be no objection.

Mr. HEYBURN. I ask that it be read. I do not like to have things introduced into the RECORD to be printed without reading.

Mr. SMOOT. I have noticed, however, in the past that the Senator from Idaho has done it quite often. However, at the request of the Senator from Idaho, I will read the interview.

Mr. HEYBURN. If you please.

Mr. SMOOT. The interview reads:

A few days since one of these rangers riding along a public highway, not within a forest reserve, mounted on horseback, armed to the teeth, demanded the exclusive right of way as against a member, A. H. Connor, of Wallace, of the legislature of Idaho—

Mr. HEYBURN. Will the Senator permit me a moment there?

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. HEYBURN. The party who interviewed me made a mistake in the name. It was not Mr. Connor, it was Mr. Herman J. Rossi. They were both members of the legislature.

Mr. SMOOT. The letter of Mr. Adams will so state. I am reading, however, from the interview. It continues:

driving along the public highway with his family in a carriage, and because the carriage hub grazed some part of this mounted authority, he opened fire upon this member of the legislature with a gun and at the trial for this offense, sought to justify himself on the ground that he was a forestry officer and that the people must get out of his way.

Mr. HEYBURN. Now, Mr. President, if the Senator from Utah will permit me, the interview is correct except as to the name of the member of the legislature. I am not responsible for the interviewer making that mistake. I suppose he happened to be acquainted with the fact that Mr. Connor was a member of the legislature and had forgotten the name I mentioned. I mentioned the correct name; but the statement of facts was as developed at the trial of this man in court.

Mr. SMOOT. I want to ask the Senator a question while he is on his feet. In your remarks the other day you stated that this ranger shot the legislator. Is not that true?

Mr. HEYBURN. In my statement the other day I said that he shot at him. I noticed the statement in the Washington newspapers in regard to that, which gave the impression that it was the man in the carriage who refused to give the right of way. I did not so state. It was the forest ranger who refused to give the right of way.

Mr. SMOOT. Mr. President, I do not take especial notice of newspaper reports. Sometimes they are true and sometimes they are not. I am answering the charge found in the CONGRESSIONAL RECORD, and had interest enough in it to find out what the facts in the case were.

But, Mr. President, if there is any case that could be cited to show that the Forestry Division will not stand for any wrong acts toward any citizen of this country, it is this case. This man was not a ranger; he was a temporary employee of the Government; he was simply a guard. He did not shoot the man. But I do not excuse him for even taking his pistol out and firing it; nor did the Department; and the Department acted promptly. They did not even wait for letters to pass between Washington and Idaho; but as soon as the supervisor learned what the employee had done he immediately discharged him. To me it seems that no more summary action could be taken, and taken properly, than that which was taken.

Mr. President, there has been complaint made that in this lump-sum appropriation the salaries of certain men are less than their expenses, and, by intimation at least, it was believed that these expenses were not altogether right. I have gone through the list of expenditures; I have taken every name where such a condition occurs; but I will only cite one case here, and ask that the others be placed in the RECORD:

Mr. D. D. Bronson, forest inspector, salary paid from the general expense, $466.67; from the Albuquerque Forest Reserve, $933.33; total, $1,400.

His duties were acting supervisor of Bull Run and Cascade National Forest and general inspection of forests.

Field travel and station expenses, $2,907.24.

And what were they for?

Services of laborers—practically all for fighting fires on the Cascade Reserve in July and August, 1906, $1,577.20; tools and equipment, $195.93; miscellaneous station expenses, $113.18; transportation (paid to railroads for travel on Government requests), $286.52; other travel expenses, $734.41, or a total expense of $2,907.24.

Mr. Bronson was a chief inspector at Albuquerque, N. Mex., in April, 1907, and part of his expenses were incurred in establishing office headquarters.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I do.

Mr. WARREN. Evidently the Senator from Utah has looked this matter up thoroughly. I have not given so much attention to that particular thing. My observation was in examining accounts that there were very few, comparatively speaking, whose traveling expenses or mileage amounted to any considerable sum, and that they were always inspectors. I want to ask the Senator from Utah if the number is proportionately large, and if they are not usually inspectors where there is much traveling expenses?

Mr. SMOOT. Mr. President, I want to say that in nearly every case they are inspectors and they are sent from one forest reserve to another. In the case above cited there was $734.41 of the total expenses for traveling expenses. He was an inspector and acted under orders of the Department here at Washington.

With the leave of the Senate I will insert a complete statement of all of these cases.

The VICE-PRESIDENT. In the absence of objection permission is granted.

The statement referred to is as follows:

MAY 1, 1908.

D. D. Bronson, forest inspector; salary paid from general expense, $466.67; administration forest reserve, $933.33; total, $1,400. Duties, acting supervisor of Bull Run and Cascade (N) National forests and general inspection of forests.

Field travel and station expenses $2,907.24

Expended as follows:

Services of laborers—practically all for fighting fire on the Cascade (N) in July and August, 1906	1,577.20
Tools and equipment	195.93
Miscellaneous station expenses	113.18
Transportation (paid to railroads for travel on Government requests)	286.52
Other travel expenses	734.41
Total	2,907.24

Mr. Bronson was made chief inspector at Albuquerque, N. Mex., in April, 1907, and part of his expenses were incurred in establishing office headquarters.

M. L. Erickson, assistant forest inspector; salary, $1,200; duties, general inspection, acting forest supervisor, Fremont and Goose Lake forests from February 18 to May 31, 1907. Total expenses, $1,303.78.

Of the above amount $185.50 was for travel on transportation requests. Of the remaining $1,118.28, reimbursement accounts, a large part was for services of temporary laborers, supplies, equipment, etc., on the Fremont and Goose Lake forests.

Edward A. Sherman, forest supervisor; chief forest inspector; salary received for fiscal year 1907, general expenses, $500; administration forest reserve, $1,400; total, $1,900. Duties, supervisor of Bitter Root, Hell Gate, and Lolo. General inspection work. Total expenses, $1,279.13.

Of the above amount, $220.45 was for travel on transportation requests. Most of the remaining expenses, $1,058.68, was incurred in connection with the administration of the Bitter Root, Hell Gate, and Lolo national forests. This expense includes cost of temporary labor, supplies and equipment, and necessary travel performed in the administration of these areas.

He was made a chief inspector at Missoula, Mont., in April, 1907, and part of his expense was incurred in the establishment of headquarters.

MAY 1, 1908.

J. D. Guthrie, forest assistant, July 1, 1906; salary, $1,000. Duties, forest planting work, July 1 to February 28; reserve boundaries, March 1 to June 30; expended, $1,137.52.

Of this amount $220.11 was for travel on transportation requests.

The remainder, $917.41, was expended for travel and subsistence in forest planting work on the national forests and in the examination of lands to be included in national forests. In this work it was necessary to hire saddle and pack animals and purchase food supplies, etc.

MAY 1, 1908.

W. H. B. Kent, forest assistant, at $1,000 and $1,400; salary paid, $1,200; expenses, $1,591.83. Duties, forest boundary work; examination of homestead applications under act of June 11, 1906; general inspection.

The "field, travel, and station expenses" were as follows:

Paid to railroads direct by Forest Service for travel on Government requests		$579.74
Paid reimbursement accounts to Kent:		
Tools and supplies	$35.19	
Miscellaneous expenses	42.20	
Travel expenses	934.70	
		1,012.09
Total		1,591.83

This was in no way excessive, since Mr. Kent is a general inspector and is continually traveling from one forest to another to assist supervisors and look into administration matters under the direction of the Forester.

W. H. Mast, forest assistant; salary paid, general expense, $733.33; administration forest reservation, $355.67; total, $1,100. Duties, forest planting work, July 1, 1906, to February 28, 1907; forest assistant on Dismal River National Forest, March 1, 1907, to June 30; expenses, $1,822.07.

Of the above amount $102.87 was for travel on transportation requests.

Of the remainder, $1,719.20 paid on reimbursement accounts, the greater part was for temporary labor, supplies, and general station expenses on the Dismal River Forest while engaged on forestry planting work and experiments.

W. R. Mattoon, forest assistant; salary, $1,300. Duties, assistant in forest planting work; general inspection in forest planting work after May 16, 1907; total expenses, $1,820.25.

Of the above amount $126.70 was for travel on transportation requests. Of the balance, $1,693.55, the greater part was for labor and supplies and station expenses at Fort Bayard-Gila Forest where he was engaged in forest planting work and experiments. Was made inspector of planting work in the spring of 1907.

S. J. Record, forest assistant, at $1,300; chief of reconnaissance, at $1,600. Duties, timber sale work in the field until April, 1907, when assigned to reconnaissance, administrative inspection of field work. General expenses, $1,371.30; cooperative, $695.39.

Of the above amount $159.46 was for travel on transportation requests.

Of the remaining $1,211.84 paid on reimbursement accounts, part was for temporary assistants' wages and subsistence on timber sale work.

H. O. Stable, forest assistant; salary, $1,000. Duties, reserve boundary work; examination of claims under act of June 11, 1906. Total expenses, $1,202.93.

Of the above amount, $133.60 was for travel on transportation requests.

Of the remaining $1,069.33 spent for travel and station expenses a considerable amount was for the hire of assistants in examining lands under the act of June 11, 1906, and for the hire and maintenance of saddle and pack animals necessary in the proper execution of the work. A comparatively small amount was spent for personal traveling expenses.

MAY 1, 1908.

L. Von Wernstedt, forest expert, at $1,000; duties, reserve boundary work; examination of claims under act of June 11, 1906; expenses, $1,347.27.

Of the above amount $111.44 was for travel on transportation requests.

L. Von Wernstedt was engaged in the examination of lands under the act of June 11, 1906, during the greater part of the year. This work took him in a number of different forests and he was obliged to hire assistants and pay for their subsistence. A large part of the $1,235.83 paid him on reimbursement accounts was expended in this way.

MAY 1, 1908.

I. F. Eldredge, forest student from June 30, 1905, to September 9, 1906, at $300; forest assistant from September 10, 1906, to June 30, 1907, at $1,000; salary, fiscal year 1907, general expenses, $865.83; duties, timber-sale examination; expenses, $1,409.19.

A large proportion of this expense was for hire of temporary laborers, team hire, and other necessary field expenses while engaged on timber-sale examination.

Approximately $600 was expended for travel and subsistence.

MAY 1, 1908.

H. S. Bristol, expert, July 10, 1905; salary received for fiscal year 1907, general expenses, $1,000; duties, wood chemistry investigation, July 10, 1905, to June 30, 1906; total expenses, $1,263.80.

Practically all of the $1,263.80 reimbursed was for expenses connected with the administration of the experimental laboratory at Boston, Mass., operated under the direction of the Branch of Products of the Forest Service. The great portion of this expense was for supplies used in equipping the laboratory and, later, in moving it to Washington, D. C.

The actual travel expenses incurred were less than $300.

MAY 1, 1908.

J. H. Clark, assistant forest ranger to August 31, at $900; forest ranger from September 1 to June 30, at $1,200; salary received for fiscal year 1907, general expenses, $1,110; duties, reserve boundaries, September 1 to April 30; engineering May 1 to June 30; total expenses, $1,241.83.

Of this amount, $169.05 was for travel on transportation requests. A large part of the remaining expense, $1,072.83, was incurred in hire of laborers, supplies, etc., in the execution of field operations on the national forests. The operations include the retracing of obliterated surveys along the boundaries of national forests and in marking the boundaries so determined. Also the examination of agricultural lands in the national forests under the act of June 11, 1906.

George W. Peavy, forest assistant; salary, $1,300; duties, forest planting work, inspection of forest planting, general inspection; expenses, $2,660.05.

Of this amount $440.50 was for travel on transportation requests.

Of the remainder about three-fourths was for hire of laborers, supplies, etc., at the Pasadena planting station, of which Mr. Peavy had general charge a part of the year.

The balance was expended in connection with the regular inspection work of the Forest Service. Mr. Peavy was first engaged in the inspection of planting work on the National Forests and later in general inspection work.

Charles A. Scott, forest assistant, at $1,300 and $1,500, and forest supervisor, at $1,700 salary, fiscal year 1907; general expenses, $783.90; other appropriations, $670; total, $1,453.90. Duties, reserve planting work July 1 to January 14; forest supervisor, Niobrara, North Platte, Dismal River, and Garden City forests, January 15 to June 30; expenses, $1,978.96.

Of this amount $216.34 was for travel on transportation requests. The greater part of the remaining $1,762.62 was incurred in connection with the administration of the Dismal River, Niobrara, North Platte, and Garden City National Forests, of which Mr. Scott was in charge. This expense included hire of temporary labor, cost of equipment and supplies, and necessary travel performed in the administration of these forests, and the conduct of the planting experiments in operation at the same time.

Mr. SMOOT. Mr. President, the Keep Commission has spent considerable time in examining the different Departments of this Government to ascertain how their accounts are kept and to make certain recommendations as to improvement. As this lump-sum appropriation has been criticised very severely here, I thought there might be something in the question as affecting the Forest Division different from all other Departments of this Government. I have here the report made by that commission. It is a comparison of salaries paid civil officers and employees in Washington, D. C., or directly on detail therefrom, with total appropriations of each Department for the fiscal year 1906. It gives the name of every Department of this Government, the salaries on the statutory roll, the lump sum appropriated, the total salaries paid, the percentage of the salaries of the lump sum, and the percentage of the salaries of the statutory roll. I find that for the legislative department—our department, if you please—the statutory amount for that year was $400,150, or a percentage of 7 per cent; the lump sum appropriated for salaries was $4,726,481, or 93 per cent; while for the Department of Agriculture the statutory amount was $993,317, or 22.41 per cent, and the lump sum was $3,439,110, or 77.59 per cent. Mr. President, I will ask that this summary of all the Departments be placed in the RECORD without reading.

The VICE-PRESIDENT. Without objection, permission is granted.

Comparison of salaries paid civil officers and employees in Washington, D. C., or directly on detail therefrom, with total appropriations of each Department for the fiscal year 1906.

LUMP SUM.

Department.	Salaries.					Appropriations for all purposes.	Per cent of total appropriations for Department expended for salaries.	Per cent of total appropriations for all Departments expended for all purposes in Department specified.
	Statutory.		Lump.		Total.			
	Amount.	Per cent.	Amount.	Per cent.				
Legislative	$400,150	7.00	$4,726,481	93.00	$5,126,631	$12,097,554	42.46	1.78
Executive	357,762	100.00			357,762	385,762	92.74	.05
State	181,620	100.00			181,620	2,558,441	7.09	.37
Treasury	3,652,560	46.95	4,290,933	53.05	7,943,493	48,596,596	16.34	7.17
War	1,880,106	88.05	261,423	11.95	2,141,529	118,955,973	1.80	17.45
Navy	586,020	88.36	77,273	11.64	663,293	116,634,358	.56	17.01
Interior	4,641,644	58.53	3,285,832	41.47	7,927,476	170,131,367	4.66	25.08
Post-Office	1,767,680	94.91	95,000	5.09	1,862,680	182,624,295	1.02	27.42
Agriculture	993,317	22.41	3,439,110	77.59	4,432,427	7,785,487	56.93	1.14
Commerce and Labor	1,967,180	44.75	2,431,016	55.25	4,398,196	9,062,221	48.53	1.33
Justice	251,460	46.25	292,082	53.75	543,542	8,751,700	6.21	1.20
Total	16,679,499	46.90	18,899,150	53.10	35,578,649	677,584,116	5.25	100.00

Mr. SMOOT. Mr. President, I live in a mining State, and I wish to say that not one single solitary complaint has been made to me against the Forest Service with reference to the workings of a mine, the location of a mine, or the development of a mine, and no complaint has been made that a ranger or a supervisor has ever interfered with a mine or a miner. No person is prevented from entering a forest reserve and locating and working a mining claim; but the records show that a great many of these people, hungry for land, have tried to have their appetite satisfied under the guise of mining-claim locations. The following instructions in regard to reports in mining claims appear in the Field Program for April, 1908:

Reports should be made on supposed *invalid* locations, to which an active claim is being asserted, if the claimants are interfering with timber sales or *otherwise injuring national forest interests.* If a sufficient description or identification of such locations can not be otherwise secured, supervisors should get the necessary information from the county records.

No reports are necessary on locations which have been abandoned, or of which no use is being made.

Reports *on valid mining locations should not be made until application for patent is filed, unless claimants are cutting the timber or using the surface* for any purpose other than mineral development, or are doing some other act indicative of bad faith or injurious to national forest interests.

In all cases prompt examination should be made and a report forwarded to the Forester, as soon as it is ascertained that application for patent has been filed.

There was the case of Frank E. Johnesse cited here by the Senator from Idaho.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. With pleasure.

Mr. FLINT. Mr. President, the Senator from Utah has had great experience in mining matters and the rules and regulations in reference to the locating of mines. I would ask him if, in his opinion, the rules and regulations laid down by the Department are too drastic, or, in his opinion, are they proper and right for the adequate protection of the forest reserves, and at the same time to give the miner a fair opportunity to locate and prove upon his claim?

Mr. SMOOT. Mr. President, the rules are not drastic, and no honest miner will ever object to them. It is only the dishonest man that will object to the rules and regulations affecting mining claims within a forest reserve.

Great stress has been laid upon the charge that a forest ranger is the final judge as to whether a mining location is a mine or not. The truth is that the examination of mining claims is not intrusted wholly to the forest rangers even when the claims are within a forest reserve. Where there is doubt as to the validity of a claim, expert miners and geologists from the Geological Department are always detailed to make the examination, and no action is taken by the Forest Service until the reports are received.

Referring now to the case of Frank E. Johnesse, Mr. President, I will say that the trouble in this case was that Mr. Johnesse violated the law. He was a trespasser. He was a manager of a mining company in Idaho. The claim that he was working contained no timber, or if it ever did contain timber, every stick of it had been cut off. He made a location on an adjoining claim on which was a growth of mining timber. He thought that the mere placing of a location notice upon it gave him a right to cut the timber from it for use elsewhere. He undertook to do it. To show that it was not located for the purpose of working as a mine I call the attention of the Senate to the fact that the assessment was allowed to lapse from year to year. He never did any work to get a patent. He did not intend that it should be patented. All he wanted it for was for the timber that was on it. I have a letter here from the same gentlemen, acknowledging that he was a trespasser and sending to Washington the amount of $10.97 for the timber he had stolen.

Mr. President, there have been cases in my own State—in years past, however—of the same nature. I remember of speaking to a miner of my own State once as to a number of locations made by him, and I said: "What on earth are you going to do in that part of the country in the way of mining?" "Why," he said, "I do not ever intend to mine it; I intend to patent it, and when I receive a patent for it the timber that is on it is worth four or five times more than what it will cost me to patent the claims."

Cases are not lacking, Mr. President, of timber thieves trying to gobble up great tracts of timber land by placer-mining locations. Let me cite you to one instance—and there are plenty of them. This case is known as H. H. Yard placer claims in Shasta National Forest Reserve, of California.

H. H. Yard and associates between the years 1902 and 1906 located approximately 265,000 acres of land in Butte and Plumas counties, Cal., and within the Plumas and Diamond Mountain national forests. These claims are held by H. H. Yard, or H. H. Yard and the North California Mining Company.

From general reports it was learned that many of these claims were probably fraudulent in character. Upon the suggestion and request of the Forest Service, the Secretary of the Interior sent geologists from the Geological Survey to make an investigation of the claims. Shortly after the investigation the North California Mining Company, through H. H. Yard, its president, relinquished locations for 34,000 acres. In 1906 the geologists examined 25,000 acres of land involved in these alleged illegal locations, and reported 17,000 acres as certainly invalid for lack of mineral discovery, and a hearing was ordered by the Department of the Interior to determine the validity of these locations. A hearing involving 11,000 acres actually took place at the local land office at Susanville, Cal., in August, 1907. Upon this hearing, the local office found that the 11,000 acres were covered with 160,000,000 board feet of timber, valued at about $320,000, and that although the claims had been held by H. H. Yard and the North California Mining Company for from two to five years, there had been recovered only about $3 worth of gold, and this recovery was made during six weeks of prospecting, after the hearing had been ordered. The decision of the local officers declared every claim involved in the hearing invalid. The hearing, which will involve the remaining 6,000 acres which were reported invalid by the geologists, has not yet been had. The decision of the local office is on appeal before the Commissioner of the General Land Office.

No wonder these timber thieves are howling against the Forest Service; no wonder they are directing their shafts of hatred and misrepresentation against the Chief Forester.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. The thought occurred to me in the discussion of the Johnesse affair and other matters as to why these loca-

tions were permitted and why this party in California was permitted to hold this land during the length of time he did hold it, because the law was just as efficient if it had been enforced without the forest reserve as it was with it.

Mr. SMOOT. Mr. President, the trouble in the past has been that the examinations have not been made thoroughly. I do not altogether blame the Department for that, because Congress never gave them sufficient money to pay the expenses of examiners, and perhaps they have done just as well as they could under the circumstances. All the money they got they expended for that purpose; but many a claim went through without sufficient examination.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I do, with pleasure.

Mr. FLINT. Answering the Senator from Idaho [Mr. BORAH], I would say that in my opinion if this appropriation should be cut down the very proposition as stated by him would be continued and exaggerated to such an extent that practically all the land in those two or three forest reserves that have been covered by placer mining claims will be located, and in some of the instances at least, if there are not investigations by the Department such as have been carried on in the past, patents will be issued, mining land will be turned over to these fraudulent locators, and timber cut from it, and the timber land that is now in the reserves will be turned over to these great corporations that have stolen practically every foot of timber in our State, and will now take the balance of it under these fraudulent placer claims.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. With pleasure.

Mr. BORAH. The suggestion which I made was not in the interest of cutting down this appropriation. I am not in favor of cutting down the appropriation.

Mr. FLINT. I understand that, but some here are.

Mr. BORAH. Yes. I simply suggested it in view of the proposition that the law is already, without any aid from the Forest Service, efficient and sufficient to protect that situation and that there need not be any stealing of land if the officials do their duty. The situation is that the local land officers and those who are in charge of this matter have sufficient power under the law to protect the public lands of this country if they perform their duty.

Mr. FLINT. I will ask the Senator from Idaho when an application for a patent is made and proof that there is gold or other mineral found in paying quantities is made, and the parties obtain a patent for the land, how would the Department know?

Mr. BORAH. Has not the Department the power, without any aid from the Forest Service, to make these examinations?

Mr. FLINT. They have no funds to make these investigations. It was not until the present Administration that these mining claims were investigated, even by the Interior Department.

Mr. BORAH. How do they protect the public lands which are not in the forest reserve?

Mr. FLINT. They do now have inspectors out there to ascertain when the application is made, but that has only been within a few years.

Mr. SMOOT. This is not a question of the Forest Service passing on mining or homestead claims. That is done by the General Land Office.

Mr. TELLER. I should like to ask the Senator to yield to me for a moment.

Mr. SMOOT. I yield to the Senator with pleasure.

Mr. TELLER. I want to just make the statement that in some of these cases the Department has been at the mercy of their inspectors. The most flagrant case that I know of was in the Northwest. Two inspectors reported in favor of a patent. It was found afterwards that they had been purchased by the robbers or thieves and they had made false reports. That was the most flagrant case that I know of. I believe there were twelve or fifteen and possibly more engaged in that transaction.

Mr. SMOOT. In the whole transaction?

Mr. BORAH. Mr. President, just a word.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield.

Mr. BORAH. I merely want to say that the mistake which they make with reference to the inspector and the people on the land is in always presuming that the inspector is honest and presuming that the man upon the land is dishonest. The fact of the business is that there are just as many people engaged in taking up these lands who are absolutely honest and working from conviction as to the kind of land as there are inspectors in the field examining those people.

Mr. SMOOT. Mr. President, there are more of them honest than dishonest, but when honest you never hear a word of complaint; when dishonest a howl immediately goes up when interfered with. Continuing along that line, I want to call the attention of the Senate to another case, and this one is in Colorado.

The Libby Placer Mining Company is seeking title to about 3,500 acres of land near Libby, Mont., under mineral applications. These lands have been examined by expert miners and are reported to have no mineral value, but to be covered by a growth of about 60,000,000 feet of timber, worth, approximately, $150,000. The lands lie in the Cabinet (N) national forest, and the said mining company is said to claim, under mineral locations, about 2,500 acres of additional land, or total of about 6,000 acres which is covered with a like growth of timber, for which they have not yet applied for patent. It is said that in the vicinity of Libby 16,000 acres of heavily timbered land of no mineral value are embraced in such claims. These claims are being vigorously contested by the officials of the Forest Service and the General Land Office. The hearing was ordered by the General Land Office. I want to say that I hope not only the Land Office, but every supervisor, every ranger or other Government official will fight all such mining locations with every power at his command.

Between July 1, 1907, and March 31, 1908, the Forest Service recommended 1,746 lode mining claims for patent and 362 for cancellation, and 111 placer claims for patent and 146 for cancellation.

In view of the H. H. Yard placer claims in the Plumas National Forest, California, the statement of the Senator from Colorado [Mr. TELLER], that there can be no such thing as a fraudulent mining claim in intention, is not borne out by the facts. The Yard placer claims aggregated over 200,000 acres of valuable timber land.

Mr. TELLER. I never made any such statement.

Mr. SMOOT. I will let the RECORD speak for itself.

Mr. TELLER. What I did say was that there was very little inducement in the way of timber on those small claims. The frauds have never been in getting timber on lode claims. It has been in getting it on placer claims.

Mr. SMOOT. I know of a number of lode claims with an area of only 600 by 1,500 feet taken up for no other purpose than the timber.

Mr. TELLER. That was probably in Utah.

Mr. SMOOT. I know of other places.

Mr. TELLER. Not in Colorado.

Mr. SMOOT. Now, what are the facts in relation to homestead entries in forest reserves? The law was passed June 11, 1906, authorizing those entries, and the record shows from that date to April 1, 1908, the following:

District.	Received.	Listed.	Rejected.	Withdrawn.	Canceled.	Pending.	Error in numbers.	Unexpired.	Area listed.
No. 1	1,650	477	506	89	34	68	39	437	56,672.34
2	1,215	604	122	90	18	28	25	328	61,387.409
3	1,321	523	133	93	30	77	23	440	60,020.101
4	549	210	86	13	24	16	6	194	42,984.49
5	332	93	68	8	11	11	15	126	7,190.51
6	1,895	391	776	58	61	77	39	493	39,170.799
Total	6,962	2,298	1,691	351	178	277	147	2,018	267,425.649

I notice by the CONGRESSIONAL RECORD that the Senator from Idaho [Mr. HEYBURN] in his speech on Monday last brought up the claim of Mrs. Guay and others as showing how mandatory, how czarlike these rangers were in relation to locations within a forest reserve, and that the policy was to make it so unbearable that people would not locate within a reserve.

Upon inquiry I am informed that the case of Mrs. Amelia Guay, as stated in her letter to the Senator from Idaho [Mr. HEYBURN], printed on page 5732 of the CONGRESSIONAL RECORD of May 5, is one of the list of cases printed on page 5733 of the same RECORD, heretofore under investigation by the General Land Office.

There are thirty-nine cases in the list on page 5733. Of these cases the Forester has favorably recommended seventeen to the General Land Office for patent, and has recommended that entries in three of the cases be canceled, the evidence adduced warranting it. In seven of the cases he has merely asked the General Land Office to suspend action until

reports can be secured establishing the character of the entries. In two cases there are no reports from the Forest Service and no action has been taken. In two of the seventeen cases recommended for patent the Commissioner has been asked temporarily to suspend action, one of the two being the case of Mrs. Guay, and it is probable that in both cases the original favorable recommendation will stand. The character and validity of nearly all the entries published in the list were first called to the attention of the General Land Office in reports by special agents as early as 1902. Reports were also made by special agents in 1904 and 1905, involving many, if not all, of these entries. The claims are all more or less heavily timbered.

Under the decisions of the Department of the Interior there must be no more pretense of cultivation of the land as required by law than a pretense of residence. (See Glomset, 36 Land Decisions, 255.)

In the case of homestead entries where proof is submitted after five years, and the land is covered with a heavy and valuable stand of timber and there has been but meager cultivation for the period of five years, say, of no more than a quarter of an acre, or one, or two, or three, and the land is far more valuable for timber than for agriculture, the question of the claimant's good faith arises and is properly a subject of investigation, especially in cases where an attempt is made to dispose of the timber shortly after final proof.

Let us see about this Guay family. I find here No. 27, Joseph Guay, jr. I find in the same list No. 33, George Guay. I find in the same list No. 37, William R. Guay. I find in this same list No. 38, John Guay. I find in the same list No. 13, Joseph Guay, sr.

I read Mrs. Guay's letter, addressed to the Senator from Idaho, with a great deal of care. Mind you, Mr. President, I find that it is not altogether a complaint of the Forest Service, but if the language is to be taken as it is written, she has a complaint from another source. Let us see what it is.

> We have for several years been annoyed and threatened in various ways by representatives of lumber companies and forest rangers and representatives of the Forestry Service, who have represented to us that we couldn't get title to our homes because there was timber on the land which the lumber companies wanted.
>
> The settlers believe that you are not influenced by the timber interests, and I am writing you in the hope that you may see that justice is done us and that our homes may not be taken away from us.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. As these people are constituents of mine, I should like to ask the Senator what point he makes that there were several Guays in this filing.

Mr. SMOOT. I wish to make the point that the Guays and the whole lot of complainants as named in the bunch of complaints submitted by the Senator from Idaho [Mr. HEYBURN] came from one section of the country, from Ashland, Wis., and no doubt all with the same purpose in view, and I could tell the Senator the history of denuding the forests around Ashland and the effect it has had upon the place, if necessary.

I do not object to one Guay or five Guays locating land there, but what have the timber barons or the great timber interests to do with Mr. Guay's homestead entry? Mr. President, if report has it correct, if certain agreements were carried out, the timber interests would have a special interest in Mrs. Guay's homestead entry; and mind you, Mr. President, I have not the testimony to show that the report is absolutely true, but it has the earmarks of truth in connection with the Guay letter.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield to the Senator.

Mr. HEYBURN. I merely suggest that it is the timber barons in our country who are in favor of the creation of forest reserves, and it is the homestead settlers who are opposed to the method under which they are now being conducted.

Mr. SMOOT. I have here a number of petitions from citizens of Idaho, asking the extension of certain reserves. They are not timber barons, either.

Mr. HEYBURN. I called attention the other day to the fact that the vice-president of the national association is Mr. Weyerhauser, who is the largest timber owner in the world.

Mr. SMOOT. Mr. Weyerhauser has all the timber he needs, and perhaps he does not want anybody else to get in the same position.

Mr. HEYBURN. The Senator has struck the keynote of the whole situation. He has. Mr. Weyerhauser has all the timber he needs, and if he can shut off every other milling enterprise he will have the biggest monopoly in the world.

Mr. SMOOT. If the timber is in forest reserves every citizen in Idaho has the same chance to purchase it, and therefore no monopoly can be created as long as the reserves are controlled by the Government.

Mr. BORAH. Were these filings by the Guays made under the timber and stone act?

Mr. SMOOT. They are homestead entries.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. With pleasure.

Mr. FLINT. In reply to the senior Senator from Idaho, I simply want to say that the question of Mr. Weyerhauser's holdings in relation to the lands included within forest reserves has been brought up a number of times. If, as a matter of fact, there was passed to-day a law repealing the law creating the forest reserves, it would be only a very short time before the same dishonest practices that were carried on for years and years, and which were the basis of the holdings of all these large timber owners, would continue from now on, as there has not been a repeal of a single statute under which all these fraudulent timber entries have been made, although there has been an effort made by some of us in the Congress of the United States to repeal the laws under which these various fraudulent acquisitions of public land have been made.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. I simply wish to ask the Senator from California under what law they would proceed to do this—under the stone and timber act?

Mr. FLINT. Yes, sir.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. Certainly.

Mr. NEWLANDS. I merely wish to say one word, heartily indorsing what the Senator from California has said. The main effort of Mr. Pinchot, as Chief Forester, and of the men associated with him has been to preserve the public domain for the home seekers and to protect it from absorption by monopolistic corporations. Repeatedly during the last six years the President of the United States and the Secretary of the Interior have urged upon the Congress the reform of the land laws with a view to prevent the absorption of the public domain in large holdings. Such absorption has been going on for many years, and the recommendation of the President and of the Secretary of the Interior has not been complied with by Congress. It is largely due to the fact that these great spoliative interests are strongly intrenched in the political organization of every State in the West, and they are as influential and powerful there as the monopolies elsewhere are powerful in legislation. They have prevented reform in this direction.

So far as I am concerned I wish to say that Mr. Pinchot has moved along in a quiet, modest, unobtrusive, nonsensational way, having steadily in view the preservation of this great domain to the vast mass of the people. Everything that he has stood for has been democratic in character. He has stood there to protect the rights of home seekers and to protect future generations in the rights that belong to them—of settling upon those lands. I think he should receive commendation instead of criticism.

Mr. SMOOT. I think so, too, Mr. President.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. Nothing I have said has been intended to be a criticism of the character of the work of Mr. Pinchot, but I do say that the rules and regulations in reference to the manner in which these reserves are to be used are an impediment to the development of a large portion of our State. I do not say it is the fault of Mr. Pinchot, but it is certainly the fault of Congress that these things are not changed, because the law-making power of this Government rests with us, and there should never be given to any Department the power to make rules and regulations, the decision of which is absolutely conclusive against a citizen.

Mr. SMOOT. The rules and regulations as to the examination of an entryman on a forest reserve are not left finally to the decision of the Forester. And why attack this division on that ground?

Mr. BORAH. I do not attack this division alone on that ground, but I do say with this Department and with other Departments of the Government there has been growing up in the

last twenty-five years a claim that they can make rules and regulations, the violation of which constitutes a crime; and that is absolutely at war with every theory of republican institutions.

Mr. SMOOT. I prefer to go on now, Mr. President.

The other case referred to by the Senator from Idaho was that of J. A. Parker, and it seems to me that the answer of the Forester, Hon. Gifford Pinchot, to the Senator himself, was a complete answer to Mr. Parker's letter to him. Who is Mr. Parker? I notice from the letter to the Senator that he is the kind of a man who says of himself:

I dare to say that I have done more for the West and this nation than any other man living in it to-day and got less for my services.

Mr. NELSON. Who is that?

Mr. SMOOT. Mr. Parker. He has done more for the nation than any other man who lives in it.

Mr. NELSON. Who is this Mr. Parker?

Mr. SMOOT. He is one of the complainants. He is a man who went out to Idaho and located on a forest reserve, and because, forsooth, he made a location in error, locating on one piece of land when his selection was for another, he claims that the Forest Service is depriving and robbing him of his rights.

Mr. BORAH. Do you know where Mr. Parker comes from?

Mr. SMOOT. I do not know, and it has nothing to do with the case.

Mr. BORAH. It might have if you would trace him back to where he does come from.

Mr. SMOOT. It would not, so far as this argument is concerned. I have taken some interest——

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. NELSON. It seems to me the Senator ought not to have brought in that matter. It is a reflection on the Senate for any man to come here and pretend that he has done more for the country than anybody else.

Mr. CLARK of Wyoming. May I ask the Senator if he knows Mr. Parker?

Mr. SMOOT. No; I do not know Mr. Parker.

Mr. President, I have taken some little interest in finding out the relinquishments that have been made in certain forest reserves and the reasons why they were compelled to relinquish. Let me read you the relinquishments in one forest reserve. I wish the Senator from Oregon [Mr. FULTON] were present, because the forest reserve is located in his section of the country:

CASES RELINQUISHED WITHIN RAINIER NATIONAL FOREST.

Bell J. Dermody, H. E. 2990, Olympia L. D. (No report from Forest Service.) Abandoned.

Francis G. Hanson, H. E. 3022, Olympia L. D. Relinquishment executed before forest officer. Eight million feet B. M. on claim.

Frank D. Stephenson, H. E. 2998, Olympia, L. D. Relinquished before Forest Officer F. F. Spark. About 7,000,000 feet B. M. on claim.

Mr. FLINT. I should like to ask the Senator, as he goes along, if he can state whether, in any of these cases where persons have filed such homestead entries, they cut any timber from the claim before they relinquished it?

Mr. SMOOT. They may have cut some timber from them for their own purpose. But that was not the object of the location. The object was to locate the land under the homestead law, commute it, and sell it for the timber that was on it. I do not wish to take the time of the Senate to designate the names and number of each case in each particular reserve, but I ask that I may be allowed to put the information into the RECORD. I will state, however, that these twenty-three relinquishments were in one forest reserve, with a total board measure of 158,500,000 feet of timber upon them.

The matter referred to is as follows:

George J. Steuben, H. E. 2992, Olympia L. D. Copy of relinquishment forwarded by forest officer. About 9,000,000 feet B. M. on claim	9, 000, 000
Edward Werren, squatter, Olympia L. D. About 11,000,000 feet B. M. on claim	11, 000, 000
Mary E. Pringle, H. E. 2989, Olympia L. D. About 4,000,000 feet B. M.	4, 000, 000
O. W. Vaughn, H. E. 2986, Olympia L. D. Relinquished before forest officer. About 7,000,000 feet B. M.	7, 000, 000
William Ball, squatter, Olympia L. D. Copy of relinquishment forwarded by forest officer. 5,000,000 feet B. M.	5, 000, 000
B. B. Todd, H. E. 2987, Olympia L. D. Relinquishment witnessed by A. L. Thayer and forwarded by forest officer. About 7,000,000 feet B. M.	7, 000, 000
Frank O. Watson, squatter, Olympia L. D. Claim abandoned. About 8,000,000 feet B. M.	8, 000, 000
John A. McKinnon, H. E. 3027, Olympia L. D. Copy of relinquishment forwarded by forest officer; witnessed by A. L. Thayer. 8,000,000 feet B. M.	8, 000, 000
R. A. Wilson, H. E. 3026, Olympia L. D. Copy of relinquishment witnessed by A. L. Thayer, forwarded by forest officer. About 8,000,000 feet B. M.	8, 000, 000
Rufus L. Sherrill, H. E. 3025, Olympia L. D. Relinquishment witnessed by A. L. Thayer; copy forwarded by forest officer. About 3,500,000 feet B. M.	3, 500, 000
John E. Raught, squatter, Olympia L. D. Application withdrawn. About 8,000,000 feet B. M.	8, 000, 000
John O. Jensen, H. E. 2964, Olympia L. D. Copy of relinquishment forwarded by forest officer; witnessed by A. L. Thayer. About 8,000,000 feet B. M.	8, 000, 000
John Senn, H. E. 2966, Olympia L. D. About 8,000,000 feet B. M. Copy of relinquishment forwarded by forest officer; witnessed by A. L. Thayer	8, 000, 000
Miss Lucy Chapman, H. E. 2997, Olympia L. D. Original relinquishment in this case filed by Acting Supervisor Park in the local land office February 24, 1908. About 3,000,000 feet B. M.	3, 000, 000
Thomas McIntyre, H. E. 3020, Olympia L. D. Relinquishment witnessed by A. L. Thayer and forwarded by forest officer. About 6,000,000 feet B. M.	6, 000, 000
Joseph M. Sherrill, H. E. 3023, Olympia L. D. Copy of relinquishment forwarded by Forest Officer A. L. Thayer. 3,000,000 feet B. M.	3, 000, 000
Mary M. Vaughn, H. E. 3000, Olympia L. D. Relinquishment witnessed by A. L. Thayer and copy forwarded by forest officer. About 4,000,000 feet	4, 000, 000
Silas E. Baker, H. E. 2988, Olympia L. D. Relinquishment witnessed by A. L. Thayer and forwarded by forest officer. About 8,000,000 feet B. M.	8, 000, 000
John C. Watson, squatter, Olympia L. D. A. L. Thayer, examiner of claims, reported relinquishment March 30, 1908. About 8,000,000 feet B. M.	8, 000, 000
James F. Sherrill, H. E. 3001, Olympia L. D. Relinquishment witnessed by Thayer and copy forwarded by forest officer. About 10,000,000 feet B. M.	10, 000, 000
Hans D. Schlotfeldt, H. E. 2995, Olympia L. D. About 6,000,000 feet B. M. Relinquishment witnessed by A. L. Thayer and copy forwarded by forest officer	6, 000, 000
Total	158, 500, 000

COQUILLE NATIONAL FOREST.

Joseph Olson. S. S. No. 8591. Cancellation due to efforts of forest officers. Canceled for failure to make final proof March 26, 1908. Almost a complete burn, only a few green trees on claim.	
Edmund K. Chaffey. T. and S. No. 8738. Cancellation due to efforts of forest officers. Canceled for failure to make final proof March 26, 1908; 2,000,900 feet B. M.	2, 000, 000
Bernard Brewer. T. and S. (number not given). Canceled by local land office for failure to make final proof. 1,500,000 feet B. M.	1, 500, 000
Orton Glen. T. and S. No. 8228. Canceled by the local office for failure to make final proof; 1,500,000 feet B. M	1, 500, 000
Total feet B. M.	5, 000, 000

The above cases would undoubtedly have been proved up on, and in all probability patent would have issued, but for reports by forest officers. It is a pity these high-toned timber thieves have been interfered with.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield to the Senator from California.

Mr. FLINT. I desire to ask the Senator if from any investigation he has made he has determined whether or not the parties who had made the applications for homesteads and commuted would have perfected their entries and the lands would have passed from the Government to the various applicants if it had not been for the system now carried on by Mr. Pinchot and the Forestry Service of having the various entries examined to ascertain the facts as to the condition of the land in each case?

Mr. SMOOT. There is no doubt at all in my mind of it. They did it in years past, time and time and time again; and if the system of the past had not been changed, the same thing would have happened in these very claims upon this very land.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. Do I understand the Senator to refer to some of these particular homestead entrymen in Idaho as being land thieves?

Mr. SMOOT. This is not in Idaho. This is the Rainier Forest Reserve.

Mr. HEYBURN. That is in the State of Washington.

Mr. SMOOT. An article in the Washington Evening Star of Monday, April 20, 1908, entitled "Sales of public documents," and describing the work of the superintendent of documents, contains the following statement:

Over 700,000 volumes have the past year been reclaimed from the 300 carloads of "junk" accumulated through departmental and library cleanups, and many tons of the useless books have been sent to the L street warehouse to await condemnation. Formerly the upper floors of the old Printing Office building were loaded with huge piles of this miscellaneous rubbish, but now those volumes suitable for preservation, distribution, or sale are carefully filed in huge stacks in the seven-story annex to the old building. It is expected that the entire documents office will be safely housed in this fireproof annex by the 1st of July, although the rearrangement of elevators and entrances will not be finished for some months.

The Forest Service goes on the principle that Government publications ought to be printed not in order to be stored by the hundred carloads in the Government Printing Office, but in order to be read. This means that (1) they must be readable, and (2) that they must find readers.

The Forest Service puts its publications into readable form for whatever class of readers the subject-matter is intended. Such technical bulletins as are prepared for the use of specialists are given the necessary technical form and sent only to specialists. But information which can help ordinary, average citizens is put into the shape which will best bring it home to such citizens, and when the publication appears the Forest Service does its best to see that the man who can use it gets it.

Most of the publications issued by the Forest Service cost but a small fraction of a cent a copy. These cheap publications are printed in editions of scores and even hundreds of thousands, and distributed by means of a special mailing list. This mailing list is classified both by States and by occupations or predominant interest in forestry. Thus, for example, a publication written especially for farmers in New England can be readily mailed to them, without making it necessary to send them another intended for lumbermen in the Lake States or for engineers all over the country.

Until within the last two years the Forest Service publications were generally illustrated bulletins, usually from thirty to eighty pages long, and costing on the average about 10 cents apiece. The usual edition was 10,000. The cost of 10,000 press bulletins at 10 cents apiece pays for an edition of 500,000 circulars at one-fifth of a cent apiece.

Thus it will be seen that the Forest Service publication policy aims at securing the widest possible circulation of useful information at the minimum of expense.

Mr. CLARK of Wyoming. I am much interested in the figures the Senator is producing, and I should like to know the difference between the cost. He says the bulletin costs 10 cents and something else costs so much. I should like to know the difference between the cost of the two publications that diffuse the same knowledge.

Mr. SMOOT. I can show the Senator the difference. I have it here. One is a bulletin perhaps of half a dozen pages and printed in bulletin form, perhaps 6 by 9 or 5 by 7. The other is a sheet of paper that is got out here in a form comprising perhaps not more than one sheet, and it is distributed daily to all the newspapers of the country that desire to receive the same.

Mr. CLARK of Wyoming. The Senator was making a comparison in price between the bulletin and the sheet. I ask him if he thinks that is a just comparison?

Mr. SMOOT. I was simply trying to show that through the modern system of getting information throughout the country the Forestry Division is following a policy that reaches millions where the old policy of publishing a bulletin reached only hundreds.

Mr. FLINT. And at much less cost.

Mr. SMOOT. And at much less cost.

Mr. CLARK of Wyoming. Then, do I understand that the publications of this Department on the same subject-matter, containing the same amount of information, can be given out in a sheet of one page that heretofore has required bulletins of ten or twelve pages?

Mr. SMOOT. Oh, no, Mr. President; that is not the idea I intended to convey.

Mr. CLARK of Wyoming. I so gathered from the Senator's comparison of the expense.

Mr. SMOOT. I suppose if the Senator had waited until I had finished with the explanation he would have understood me better. There is now only an expense of about $7,000 for preparing these articles, and with that $7,000 the publications as prepared reach perhaps twenty-three or twenty-five million readers during a month. I have here a daily sheet of the information prepared for the month of March. The papers asked for the information, and from the returns that have been received by the Department it is shown that at least 23,000,000 readers were reached during that month.

Mr. CLARK of Wyoming. I think the Department is to be congratulated upon reaching so many readers, but as a matter of further information, I want to know if the Senate is to understand from the statement the Senator now makes that six or seven thousand dollars is the entire amount that is used in diffusing the information for the Forestry Service.

Mr. SMOOT. That is not the entire amount, and I did not intend to convey that idea to the Senate, but I did say that that is the amount that was paid for the preparation of these daily bulletins.

Mr. CLARK of Wyoming. The Senator did not convey that idea to the Senator from Wyoming, and the Senator from Wyoming is asking for information and nothing else.

Mr. SMOOT. Well, that is the information I have to give to the Senator.

Mr. CLARK of Wyoming. I ask the Senator, who has investigated this matter very closely, as I observe, if he can give us the figures as to the cost of the information per annum sent out by the Bureau?

Mr. SMOOT. Exclusive, I will say to the Senator, of the printing charges.

Mr. CLARK of Wyoming. Everything.

Mr. SMOOT. I can not say as to the exact cost of the printing charges, nor can anyone else, because they do not know how many copies will be printed, but I can state that the total cost in all the branches of the Department for all the editorial work and for all the collection of information that goes out in the bulletins does not exceed $17,500 a year.

Mr. CLARK of Wyoming. I am exceedingly unfortunate in asking my question. What I am trying to get at is the cost of spreading the information of the Forestry Service.

Mr. SMOOT. Yes, sir; and that is the cost outside of the actual expense of the printing of the bulletins. It does not cost the Service one cent for the circulation of this information by the papers and magazines of the country. All the cost is $17,500, and I say to the Senator now——

Mr. CLARK of Wyoming. That is all the cost?

Mr. SMOOT. That is all the cost, outside of the expense of printing. The printing of the bulletins is done by the Government Printing Office.

Mr. CLARK of Wyoming. Can the Senator give us an idea as to what that amounts to?

Mr. SMOOT. I said I could not, and no one else can do it.

Mr. CLARK of Wyoming. It certainly can be done, because the Government Printing Office renders regular bills to each Department.

Mr. SMOOT. Then I will say I am not able to state what the cost has been.

Striking evidence of the fact that Forest Service publications are useful to the public is furnished by the annual reports of the superintendent of documents. Though the service distributes its publications free so widely, more than six times as many Forest Service publications were sold by the superintendent of documents last year as in any previous year.

The superintendent of documents sells more publications of the Forest Service than of any other bureau in the Government, and more than of any Department except Agriculture, of which it is a bureau. The number of Forest Service publications sold in the fiscal year 1907 was 15,558, and the amount received was $2,301.15.

It is sometimes charged that the Forest Service publishes a monthly magazine laudatory of its work. This is presumably due to the fact that the American Forestry Association, a private organization with headquarters in Washington, publishes the magazine Forestry and Irrigation. This is absolutely independent of the Forest Service. The Service issues a monthly Field Program, no doubt each Senator is familiar with it, but this is published purely for the use of members of the Service and contains only official orders, notices, assignments of work, and similar matters.

Mr. President, I have here a sample of the Field Program for April, 1908, also the daily bulletins of information for the month of March, 1908. I do not wish to take up the time of the Senate in reading these, but I do believe that it would be an advantage to know just what sort of information is being given to the country, and I ask that permission be given that I may insert these bulletins in the RECORD without reading.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Forest Service publicity matter given out during month of March, 1908.

ARGENTINE REPUBLIC TO PROTECT FORESTS.

South America is beginning to show the world that she recognizes the value of her natural resources by taking up the question of forest preservation. The Republic of Colombia has already outlined a forest policy, and now the people of the Argentine Republic have taken up the discussion of forestry and its application to the management of the country's rich hard-wood timber areas.

Up to the present time the subject of forestry has received but little consideration in the various South American states. Most of these countries have large areas of forested land, but owing to the fact that they are so remotely situated and that they are composed mainly of broad-leaf species, which are too hard for ordinary building and construction lumber, and hence not in very great demand, they have not as yet been extensively lumbered. As an illustration of this might be cited the fact that the small country of France furnishes more saw material than does the whole of South America.

Wasteful exploitation of the forests of the Argentine Republic is increasing, however, and their wanton destruction is beginning to attract attention there. So far the destruction of valuable fruit trees has received more attention than that of forest trees. The following is a quotation from an article which recently appeared in La Nacion, and was translated by the Buenos Aires Herald:

"It is not only in the province of Buenos Aires that the ancient tree plantations are being destroyed; the evil has spread to the remotest inhabited corners of the Republic. In a recent journey to and through the provinces of the interior I have found on every hand the effects of the savagely reckless felling of timber and the censurable carelessness of the authorities who allow it. The destruction is general; the finest specimens of our indigenous trees have been ruthlessly sacrificed, not only those of spontaneous growth, but also those planted by our ancestors on behalf of their posterity.

"To make a beginning of my discomforting recital, I will first mention that in La Rioja this senseless war against nature has laid low large plantations of magnificent and highly productive orange trees, the fruit of which is vastly superior to the importation from Paraguay here consumed. Had these trees been properly cultivated the province would now possess a source of wealth which would have spared it the shame of going a-begging from the national budget.

"In Mendoza the olive trees, cultivated as far back as two hundred years ago by the Jesuits, have completely disappeared. There, however, be it said with satisfaction, there are men of the stamp of Civit, Seru, and others like them, who are busied with plantations that promise to make good the loss. In San Juan the felling has been stupidly prodigal, with the result that not even half of the plantations remain which thirty years ago tempered its torrid climate and beautified its valleys.

"In Santiago del Estero, Salta, Catamarca, and Jujuy there are signs of the same barbaric destruction which, unless it is arrested, will soon leave those provinces as bare as a maize field that has been ravaged by the locusts.

"As for Tucuman, the Tucuman of poetic legends mentioned by Avellaneda, it is to-day almost unrecognizable. It would no longer be true to repeat his words where he says: 'The orange and lemon tree, which produce in rich abundance flowers and fruit, perfuming the ambient air, feeding the inhabitants and affording them a house and a home, are most beloved by them as the emblem of the felicitous union of the useful and the beautiful.' No; even the famous and magnificent orange trees of the city plaza have disappeared to make way for more pretentious plants that, unfit for the climate and inappropriate for the spot, cut the feeble and sorry figure of weazened and sapless consumptives."

From the destruction of the fruit orchards to that of the forests is but a step, and the people are already waking up to the fact that they must take measures to protect their enormous and valuable forest resources. The work of the United States Government along this line is attracting attention there and is being watched with considerable interest.

One writer points out the laws of the United States, Canada, and British India, and commenting on the fact that the usefulness of forests is now admitted, goes on to state that the lack of suitable forestry laws to prevent the wasteful exploitation of the forests will, if continued, witness the total destruction of the immense forests of valuable woods of the Republic. So far the damage done is comparatively slight. The enormous lumber resources of the country are, with few exceptions, as yet practically untouched, and the Argentine has a splendid opportunity to show its wisdom and foresightedness in this matter by taking action before it is too late. The progress of the forestry movement there will certainly be watched with great interest in this country.

BIRCH IS VALUABLE, BUT LITTLE KNOWN.

The paper birch is a tree to which the average person seldom has more than a passing introduction. The summer visitor often gains a fair acquaintance with its bark and learns that it is used for making canoes, baskets, and similar ornamental and useful articles. In some places the wood also supplies the local demand for fuel. Outside of these uses the public has little knowledge of the practical value of the birch. As a matter of fact it is an exceedingly important wood in a number of wood-working industries, and there are certain articles for the manufacture of which no satisfactory substitute has yet been found.

The most important of these minor industries which are dependent upon paper birch is the spool industry. Practically every spool used in this country is made from this species alone. In the neighborhood of 20,000,000 feet of it, board measure, are cut every year for this purpose, and of this about 4,000,000 feet are shipped to England in the form of spool bars for use over there. Insignificant as a spool may seem, its manufacture is by no means an easy task. From the tiny spools holding only 200 yards of thread to the large, three-piece ones holding 12,000 yards there is an almost innumerable variety of shapes and sizes. Yet each of these types must have every single spool belonging to it precisely identical. In order that the thread may afterwards be wound upon the spools without difficulty, accuracy in manufacture is a prime requisite. This necessity has led to the invention of a number of very ingenious automatic machines which not only turn the spool with great accuracy, but also with great speed, some of them at a rate of a spool a second.

In order that all of the spools of a particular type may be absolutely uniform, the wood must be thoroughly seasoned before it is used, and it must also be of some species which holds its shape after it has once been seasoned. Paper birch possesses this quality to a large degree, and this is one thing which adapts it so well to spool manufacture. Another thing is the fact that it is hard enough not to be easily dented, while at the same time it is not too hard to work easily. It is a wood particularly adapted to all sorts of lathe work, and this is perhaps its most important qualification, since it turns readily and presents a clean, smooth surface. Various other woods have been tried as substitutes for it, as well as pulp and sawdust, consolidated by hydraulic pressure, but none of these have as yet proved satisfactory.

Still another industry which uses nothing but paper birch is that of the manufacture of shoe pegs and shoe shanks. These are used quite largely in this country in making the cheaper grades of shoes. They are also exported to quite an extent to foreign countries, principally to Germany and Japan. The industry does not consume so much wood as the spool industry, but it is nevertheless an important one in the Northeast, and helps to make inroads into the forest.

The toothpick is still another article for which the paper birch is used almost exclusively. Perhaps it may seem to some that so small an article as the toothpick can not consume very much wood. In comparison with many other things, this is relatively true, of course; yet a single mill in Maine uses 2,000 cords of birch every year for this purpose alone. Quite recently shipments of toothpicks to England, France, and Germany have begun to be made, and this is now an important part of the industry.

The dowel and novelty mills also use paper birch very largely in their work, although many of these also use other hard woods to a limited extent. The bobbin and shuttle manufacturers may also be included in this same class, which all together consumes nearly as much paper birch as the spool industry.

Still another very interesting peculiarity of these industries, particularly of the three first mentioned, is that they not only confine themselves to paper birch, but that they are also limited almost entirely to a very small section of the country, Maine and eastern New Hampshire. Although paper birch is one of the few North American trees with a transcontinental range, being found from Newfoundland and Labrador on the east to Alaska on the west, it occurs in the United States only along the northern border, and is most abundant and most accessible in the extreme Northeast. Maine in particular is the great paper birch State, and here large tracts of it in almost pure stands are found. This is due to the fact that the birch readily takes possession of land that has been burnt over, and the great Miramichi fire in 1825, together with other similar fires of about that same period, gave it a chance to obtain quite a foothold there.

Unfortunately the paper birch is a short-lived tree and becomes red-hearted quite early in life, so that many of these stands are now overmature and ought to be cut at once. The red heart is inferior wood and can not be used except for the cheapest grade of spools and novelties, so that these old stands are constantly decreasing in value. The birch near the railroads has also been very largely cut out, and the lumbermen are having to go far back to get the necessary supply. In the case of these species, as well as practically all others in the country, the decreasing supply is beginning to make itself felt, and conservation in its use must be practiced if the woodworking industries now dependent upon it are to continue.

PORTO RICAN NATIONAL FOREST TO BE PUT UNDER ADMINISTRATION.

WASHINGTON, *February —, 1908.*

Porto Rico will soon have its only national forest under administration. Mr. M. Rothkugel, of the United States Forest Service, has just sailed from New York for the island to make a study of forest conditions and outline a plan of management of the Loquillo National Forest.

The Loquillo is the only national forest in the insular possessions of the United States, and while it was created in 1903, provisions for its administration were not made until early in January, when the Comptroller of the Treasury affirmed the jurisdiction of the Department of Agriculture over the forest.

The forest takes in a little less than 66,000 acres, and is located in the northeastern part of the island. Mr. Rothkugel, who goes to make the plan of its administration and study its forest conditions, is eminently fitted for the work, having had long experience in forest work, both for the Government and for private corporations. Mr. Rothkugel, on reaching Porto Rico, will confer with Governor Post, who has been exceedingly anxious that the forest be put under early administration. He will spend three months studying conditions and making his plans, and will report to Forester Gifford Pinchot.

While in Porto Rico he will select and appoint native rangers, picking men who have a thorough knowledge of forest conditions in Porto Rico. This is in keeping with the Government's policy of putting all national forests under administration of local officers.

Many of the laws governing the regulation of the national forests in this country will not apply to Porto Rico forests, because of the different conditions. It is expected that the Loquillo National Forest will be put under actual administration next fall, by which time the details of Forest Agent Rothkugel's plans will have been worked out and approved by the forest officers in Washington.

WHITE FIR AS A PULP WOOD.

On the Pacific coast, especially in Oregon and California, there is an immense amount of white fir (*Abies concolor*) timber now going to waste for lack of some commercially profitable means of disposing of it. At present it is very little used for lumber, and since it is not cut to any extent its proportion in the forest tends to increase at the expense of other and more valuable trees.

Experiments conducted at the Forest Service laboratory at Washington show that this wood is admirably adapted for the production of paper pulp by the sulphite process. The wood is found to yield very readily to the action of the sulphite liquors used, which are of the usual commercial strength, viz, about 4 per cent total sulphur dioxide, 1 per cent combined and 3 per cent available. The length of treatment has varied in the different tests from eight to ten hours and the steam pressure from 60 to 75 pounds. These pressures correspond to maximum temperatures of 153° to 160° C.

The pulp produced in these experiments is from nearly white to light brown in color, according to the variations in the method of cooking, and by selecting the proper conditions of treatment it would be readily possible to produce a grade of fiber which could be used in many kinds of paper without the least bleaching. If, however, it is desired to employ the fiber for white book or writing papers, it could be readily bleached to a good white color. Results of laboratory tests show that the bleach required to bring the fiber up to the usual color for bleached sulphite spruce fiber is from 15 to 23 per cent to the weight of unbleached fiber—that is, assuming the bleaching powder to contain 35 per cent available chlorine. Sulphite spruce fiber now on the market requires from 175 to 500 pounds of 35 per cent bleach per ton of product, or from 9 to 24 per cent of the unbleached fiber. It is seen, therefore, that so far as bleaching is concerned the pulp made from white fir is just as good as that made from spruce.

The yields obtained in these experiments ranged from 43 to 49 per cent on the bone-dry basis. This is exclusive of screenings, which in no case exceed 1¼ per cent of the dry wood used. From careful observation of the methods employed in determining the yields it seems probable that these figures will be increased slightly when larger quantities of wood are used, and it is believed that in the matter of yield the fir wood is fully equal to spruce.

The fiber from these cooks is in most cases light colored and somewhat lustrous, and the sheets formed from it, without any beating, are remarkably tough and strong. Microscopic examination and measurements show that the fibers are of very remarkable length, being from one-half to two-thirds as long again as the commercial sulphite spruce fiber.

It is believed from the results that, so far as the product is concerned, the manufacture of fiber from white fir would be a commercial success and that the fiber produced would find its greatest usefulness

in the production of manilas where great strength is required and in tissues which need very long fibers. It seems probable also that it would make very good news paper, for which purpose its naturally light color would particularly adapt it.

ARBOR DAY.

MARCH 4, 1908.

Arbor Day should have as wide significance as possible to be of the greatest value to the nation. The term should connote knowledge of trees and plants, the care of trees and wood lots, the improvement of homes and school grounds by planting trees, the value of trees for the protection of the home, the planting of trees to produce material for the farm, and to augment the waning supply of timber.

Every child in the United States should know the native trees that grow near his home place, as well as how they grow and how they are reproduced by seeds or sprouts.

In the Northeastern and Lake States the glory of the pines has gone and most of the timber lands are now waste. White pine is being planted in this region by States and individuals, with sure prospect of money return for the next generation and increased land values as well as returns for the present generation. New York State alone has reforested 2,000 acres in the Adirondacks within a very short time.

Railroads in the East are cutting the forests carefully and planting mountain sides, because ties are getting scarce. Coal companies are planting trees to produce mining props—species such as oak, chestnut, European larch, locust, etc., always the trees suited to the place where they are to be planted.

Farmers in the wind-swept Middle West and out on the open irrigation projects are setting out shelter belts and wood lots to protect their homes and to grow fence posts and farm-repair material. The fastest-growing species in use are cottonwood and Norway poplar, and if treated with preservatives last well in the ground as posts. European larch, catalpa, locust, osage orange, and other trees produce durable crops, and three or four rows of pines and spruce form a dense shelter belt which gives protection for homes and crops the year round.

In southern California the whole country is dotted with groves of eucalyptus, that wonderful tropical tree adapted only to this State, and one which has such rapid growth that within a few years good-size trees are grown.

Finally, children should know that Uncle Sam is planting thousands of trees annually on deforested lands in the national forests, for the distinct purpose of improving the stream flow, so that cities and towns may have better water and more of it, and always to conserve the water for the immense irrigation projects which require it.

The principal species which the Government is planting are Douglas fir, yellow pine, Jeffrey pine, incense cedar, etc.

LANDS ELIMINATED FROM NEW MEXICO NATIONAL FOREST.

WASHINGTON, *March 4, 1908.*

The President has just signed a proclamation eliminating 109,312 acres from the Lincoln National Forest, in Lincoln County, N. Mex. This reduces the area of the forest to 518,123 acres. This elimination is in accordance with the established policy of the Forest Service to eliminate all lands from the national forests which are not chiefly valuable for forest purposes.

The lands which have been eliminated from the Lincoln Forest include a considerable amount of the valuable agricultural lands in townships 9 and 10 south, range 13 east, along Magoda, Rio Bonito, and Little Eagle creeks. The title to nearly all of this class of land has already passed from the Government, and its elimination will simplify the administration of the forest. A block of approximately 10,000 acres south and west of the town of Lincoln and a large area east of the Capitan Mountains is included in this elimination.

The towns of White Oak and Nogal have also been thrown out of the forest by this proclamation, along with all the open land on the flats at the base of the mountains. This elimination will not affect the watersheds of any important streams, for the reason that it lies along the base of the mountains and forms only a very small portion of the drainage basin of any one stream.

TREES AS CROPS.

"It is as sure that forest land can be made to grow successive crops of trees under proper methods as that plow land can be made to grow successive crops of wheat," says the Secretary of Agriculture in the part of his annual report wherein he speaks of the national forests.

This country, which once could boast of forest resources richer than any other nation in the world, has been cutting three times as much timber for a number of years as there is grown, and the consideration of timber as a crop to be carefully harvested has come at a time when many of the virgin forests are already depleted. Continuing, Secretary Wilson says in part:

"Just as American farming has had to develop and is still developing methods adapted to the conditions of each region to make the best use of the agricultural lands, so must the forester learn by scientific study and practical trial to make the best use of our timber land. And the best use means, of course, not merely its best use for the growing of trees, but its best use with reference to all interests directly or indirectly affected by it.

"As time passes, it will doubtless appear that the principles which centuries of experience in older countries have placed at our command can be applied with increasing good results as we grow more familiar with our own special conditions. The issue is sharply between caring for our forests by applying a system of known efficiency or suffering certain loss, not only of the forests but of usable water and soil as well, through the operation of causes as certain to act as are the rivers to run to the sea."

The Forest Service now has administration over more than 164,000,000 acres of land. This is slightly more than one-fifth of the country's total forested area; the remainder is in the hands of private owners. Nearly all the timber land of the unappropriated public domain is now in the national forests. This means that it is being protected against fire, theft, and wasteful exploitation, that its power to grow wood and store water is being safeguarded for all time, and that, nevertheless, its present supply of useful material is open to immediate use whenever it is wanted. The report says:

"The timber in the national forests, which is the legacy of the growth of centuries, is now in the truest sense public property, administered for the benefit of the people—primarily for the benefit of the people of the West, since they are nearest at hand, but on the whole for the benefit of every part of the country, since the welfare of every section is interwoven with that of all others. The communities and settlers adjacent to the forests are safe from any fear of monopoly of one of the chief necessities of civilized man."

The Secretary tells interestingly of how the Government manages its timber lands as a trustee. It gives timber away through free-use permits in small quantities to the actual home maker who comes to develop the country, and in larger quantities to communities for public purposes. Its system of management is vastly different from that of a landlord. When large quantities of timber are harvested from the national forests, sales are made to the highest bidder, but under such restrictions as look to the maintenance of a lasting supply answering to the needs of the locality, to be had without favoritism and without extortionate demand based upon the necessity of the consumer.

FOREST SERVICE NOTES.

WASHINGTON, *March 6, 1908.*

Arizona.—The following forest guards have been appointed on Arizona national forests: Donald P. Johnston, on the Verde National Forest; W. E. Rogers, on the Tonto National Forest; Thomas L. Mercer, on the Verde National Forest; Asa Bogarth, on the Prescott National Forest.

Arkansas.—William E. Mershan and Alvin B. Highfell have been appointed forest guards on the Arkansas National Forest.

Colorado.—James L. Blackburn has been appointed a forest guard on the Park Range National Forest, Colo.

Oklahoma.—Herbert Hodge has been appointed an assistant forest ranger and A. H. Edwards a forest guard on the Wichita National Forest.

New Mexico.—C. H. Shinn has been appointed a forest guard (hunter and trapper) on the Gila (N) National Forest.

Utah.—The following assistant forest rangers have been appointed: George P. Low and Bert L. Robins, on the Fillmore National Forest; Will M. Irons, on the Monticello National Forest.

Montana.—Charles M. Hains has been appointed forest guard on the Lewis and Clark (S) National Forest, and George Gardener on the Cabinet (S) National Forest.

LECTURES ON FORESTRY BEFORE FARMERS' INSTITUTES.

WASHINGTON, *March 6, 1908.*

C. A. Kupfer, of the office of extension, United States Forest Service, has just left Washington for Kansas, where he will be engaged for two weeks beginning Monday, March 9, in connection with the regular farmers' institute work carried on by the State agricultural experiment station. He will deliver lectures on "Forest planting in Kansas" at twelve different points, as follows: March 9, Gove; March 10, Hoxie; March 11, Waldo; March 12, Barnard; March 13, Pleasant Hill; March 14, Excelsior; March 16, Cawker City; March 17, Wayne; March 18, Miltonvale; March 19, Longford; March 20, Talmage, and March 21, Solomon.

NEW NATIONAL FOREST PROCLAIMED IN ARKANSAS.

WASHINGTON, *March 7, 1908.*

The President has just signed a proclamation creating the Ozark National Forest in the northwestern part of the State of Arkansas. The Ozark and the Arkansas National Forest, which was created in December last, form the two easternmost national forests. The new forest has an area of nearly 920,000 acres, and is located in Johnson, Newton, Searcy, Hope, and Van Buren counties, on the divide between the Arkansas and White rivers. It includes the Boston Mountains and other ridges along the southern extremity of the Ozark Range of Missouri.

The area included in the new Ozark Forest is natural forest land, for the most part covered with unbroken stands of hard wood and short-leaf pine. Oak, hickory, elm, gum, maple, and ash are the predominating trees, while the pine is found in limited areas in the southeastern part of the forest.

The timber is estimated to be worth not less than $1,500,000 just as it stands, and may bring $5,000,000 if properly handled, as the people of the country who are now selling the timber do not realize the value of their possessions and are accepting $1.50 to $3 per thousand board feet, and in some cases $3 to $5 per acre. The stands on the forest run all the way from nothing up to 12,000 feet per acre, averaging about 3,000 feet in merchantable timber. The value of the timber is conservatively placed at $3 to $5 per thousand feet. It is estimated that there is not less than one-half billion feet of hard-wood saw timber alone, besides a vast amount of timber suitable for railroad ties, handles, spokes, and wagon stock, and timber which is not now cut except for fuel, but which will later become merchantable as the shortage of hard wood increases.

The destruction of the timber through fire has reduced the value of much of the land, and in many places the slopes are washed so badly that the soil has lost much of its power to produce timber. It is thought, however, that under careful management most of these areas can, in time, be reforested

Samuel J. Record, supervisor of the Arkansas National Forest, will also be in charge of the Ozark, and will continue to have his headquarters at Fort Smith. It is thought that he will have four to six guards added to his force to begin the administration of the new forest in addition to those who have been appointed on the Arkansas National Forest. These men will be natives of the State.

The Ozark and Arkansas forests will give the State a total national forest area of nearly 2,000,000 acres, but all of the land is not under Government control, as considerable areas have been taken up under various claims. The creation of the Ozark National Forest has put another relatively small tract of the immense forest area of the Mississippi Valley under a system of management according to the principles of scientific forestry. The work on the forest will serve as an object lesson of conservative lumbering and will surely be watched with interest by private owners of large tracts of forest land in other parts of the Mississippi Valley.

The headquarters of Buffalo Fork, White River, and Little Red River are included in the Ozark forest, as well as numerous smaller streams. On account of the more frequent occurrence of fire and the larger area of denuded land on the south side, the streams are nearly all muddy, testifying to the rapid erosion which is in marked contrast to the clear sparkling water of Buffalo Fork. At the present time, the streams are not used for developing water power, but in all probability they will be of great importance for this use in the near future.

All claims valid prior to the withdrawal of the lands in question will not be affected by the creation of this forest, and all lands chiefly valuable for agriculture and not needed for administrative purposes, that were unavoidably included within the boundaries of this forest, upon application will be listed by the Secretary of Agriculture with the Secretary of the Interior for settlement under the homestead laws.

The new forest brings the total area of the national forests in the United States up to 164,963,555 acres. Practically all of this land is located in the Rocky Mountains and Pacific coast region, and all of it is west of the Mississippi.

PROGRESS MADE IN STUDY OF KENTUCKY FORESTS.

Kentucky is making good progress in the movement for the preservation of the forests of the State. In 1906 the legislature enacted the law providing for the State board of agriculture, forestry, and immigration. During the following winter the board asked and received the cooperation of the United States Forest Service in a study of the forest conditions of the State. The work was begun last summer and the investigations of a considerable area of land in the eastern part of the State completed. At the third annual meeting of the Kentucky Farmers' Institute, at Frankfort, in February, the subject of forestry was discussed with an interest which promises for Kentucky a high place among the other progressive States which are looking to the careful use and conservation of forest resources.

The manner in which the forestry problem has been approached indicates that the people of Kentucky realize that the ultimate solution of the impending timber scarcity must, for the farmer, depend largely on how he handles his individual timber resources, and that there is no better way than for him to consider the wood lot as a bank account, using the interest which is constantly accruing, but leaving the capital undiminished. Much education work, however, will be needed to secure this desirable end.

A bill has been introduced in the legislature providing for the appointment of a State forester. The wisdom of this is evident since only by the appointment of a State forester can the work begun in cooperation with the Forest Service be maintained and carried to a successful conclusion. Until such time, however, as the State of Kentucky is ready to assume the management of its own forest problems the national Service is willing and anxious to cooperate in every way possible for the furtherance of forestry among private owners in Kentucky. In the cooperative investigations of forest resources now in progress the Government has agreed to apportion a sum equal to the $2,000 appropriated by the State, making a total of $4,000 available for the work. During the past summer the study has exhausted $2,300 of this amount, leaving $1,700 with which to continue investigations this season.

Kentucky has always been rich in forest resources, but, like many other States, she has reached the place where the timber is produced on a continually decreasing scale, and it is necessary to protect and use carefully the forests which remain. In 1899 Kentucky cut 734,000,000 board feet of hard-wood lumber. In 1906 the cut had fallen to 615,000,000 board feet, a decrease of over 16 per cent in the past eight years. In the same period the cut of yellow poplar has fallen off over 37 per cent. This reduction is in spite of the fact that during the same time prices of hard wood have advanced on an average of 20 per cent, and the demand has increased accordingly. These figures mean that Kentucky, which is one of the chief hard-wood producing States in the Union, and is still the first State in the production of yellow poplar, has a rapidly diminishing supply of timber.

NEW ZEALAND INTRODUCES FOREIGN TREES.

WASHINGTON, *March 10, 1908.*

Trees from the United States, Europe, and Australia are being systematically introduced into the native forests of New Zealand. In the climate of that country trees from almost anywhere will thrive, and this fact is taken advantage of to plant the most profitable species. Eleven million larches, oaks, spruces, Douglas firs, and eucalyptuses have been set in plantations, and vast numbers of seedlings are coming on in nurseries. These are rapidly growing species which also make excellent timber.

The reason given for introducing foreign trees is that the native trees of New Zealand are too slow in growth. Some of them, as the kauri pine, grow to gigantic size and produce excellent timber, but it takes from two hundred years up to do so. Successful forestry demands quicker returns.

More rapid changes in animal and vegetable life are taking place in New Zealand than almost anywhere else in the world. The native Polynesian race is rapidly disappearing before the European. The wild animals—native to the islands—amount to little in the contest with animals brought in, many of which now run wild. The streams are full of American and European trout, which grow to enormous size. The very forests are to be replaced, tree by tree, by planting foreign species as the native woods disappear.

New Zealand has 1,200,000 acres of forest, with 200 kinds of trees. It is estimated that the native forests will last, at the present rate of cutting, for seventy years. The replacement will therefore be gradual. But in the end, if the imported trees prove to be more valuable economically than the native ones, they will make up the future forests of the country.

Forestry was taken up in New Zealand over thirty years ago, but was abandoned after a few years. The reason given for dropping it was that it cost more than it was worth. After several years of exploitation, it was generally conceded that the abandonment of forestry by the Government was a serious mistake, and it was taken up again with renewed energy. Nurseries and plantations are being extended as rapidly as circumstances will allow. The yearly timber cut of New Zealand is about half a billion feet, nearly the same amount as the annual cut of British Columbia.

[From the New York Tribune.]

AMERICA PRODUCES MUCH EXCELSIOR.

Excelsior seems to the average man a trifling product, and one that by reason of its lightness can not represent a large consumption of timber; yet there are so many uses for it that the total annual production for the country requires 60,000,000 feet of timber, or the growth of 10,000 acres of forest land.

Besides the constant use in general packing, excelsior is in demand by upholsterers of furniture and carriages, by mattress makers, occasionally for stable bedding, and by steamships to filter sea water. A richly upholstered chair and a mattress which a customer fondly supposes to be filled with hair contain nothing but excelsior beneath—possibly a layer of cotton. Thus, we sit and sleep on wood as well as read wood-pulp newspapers, and at the mortal end of things we are likely to repose in a coffin upholstered with a choice grade of excelsior. One New York mattress factory uses a carload a day. Teddy bears owe their rotundity to a special quality of fine excelsior.

Logs must be perfectly dry for the manufacture of excelsior. They are generally seasoned for six months in sheds and then cut into 16-inch lengths and quartered. These blocks are fastened in the machine and are automatically fed thereafter. A series of sharp spurs, 8 inches wide and placed a fraction of an inch apart, rapidly scores the surface of the block to a depth that is less than the thickness of a match. A knife follows, planing the block to the depth of the scoring, and a bunch of curly excelsior falls on a traveling belt.

One excelsior machine turns out half a ton a day, and the total annual production is estimated at 25,000 carloads, averaging 15 tons each. There is not much wood left on 10,000 acres of land when the excelsior machines have had their year's rations.

CONSERVATION OF FOREST RESOURCES ADVOCATED BY LUMBER WHOLESALERS.

That the lumbermen of the country who are engaged in the manufacture and distribution of forest products are interested in the work of the Government in conserving the natural resources of the United States was evidenced at the recent annual meeting of the National Wholesale Lumber Dealers' Association in Washington, D. C., when more time was given up to the question of forestry than to any other topic that came up before the convention. This association takes in approximately 400 of the wholesale lumbermen from all parts of the country, and what they had to say about the practical value of forestry is naturally of much public interest.

The secretary of the association in his annual report recommended that the wholesalers as a body should encourage in every way the study of forestry as a part of the regular curriculum of the public schools. A report also was received from the delegate appointed to attend the Congressional hearing to urge the taking of a census of the standing timber. The report, which pointed out the absolute necessity of determining accurately the amount of timber in the country and which carried with it an indorsement of the project, was adopted without a dissenting voice. The deep interest of the lumbermen in the matter of forestry was again manifested when the programme of the meeting was extended to permit of the calling upon representatives of the Forest Service to address the meeting.

The attitude of the lumbermen toward forestry was aptly described during the meeting by a wholesaler, who said: "Lumbermen are not interested in forestry or the work of the Forest Service on any theoretical grounds, but we look upon forestry as a business proposition solely and what it will return to us in dollars and cents. We all realize that the available supply of timber is becoming smaller and smaller each year, and that if we are to continue in business we must conserve the supply. When I first began business many years ago we got our white pine and hemlock from Pennsylvania exclusively to distribute in the eastern markets. To-day practically all our white pine comes from Michigan and Minnesota and our hemlock from West Virginia and adjoining States. In a comparatively few years, at the present rate of cutting, we will have to go still farther for our supplies, and even substitutes, and at the same time lumber will cost us considerably more, and the consumer will have to pay the price."

INCREASING GRAZING ALLOTMENT ON OREGON NATIONAL FOREST.

The Forest Service has recommended that the number of cattle and horses allowed to graze upon the Blue Mountains (W) National Forest in the State of Oregon during the season of 1908 be increased from 16,000 to 17,900 head and the number of sheep from 150,000 to 152,500 head. This forest has recently been divided into three administrative units, and the increase in the number of head of stock to graze on the range this year was made to permit an equitable adjustment among the former users of the forest.

THIRTY-SIX THOUSAND SHEEP TO GRAZE ON PRESCOTT NATIONAL FOREST.

The Forest Service has recommended that the number of sheep allowed to graze on the Prescott national forest, in the Territory of Arizona, during the season of 1908, be increased from 30,000 to 36,000 head.

This is the first year of administration on a large area which was added to the forest, and the grazing allotment has been increased to provide for all of the stock which is entitled to be grazed upon this range through regular use in the past.

FOREST RANGER'S EXAMINATION IN SEVENTEEN STATES.

The United States Civil Service Commission has just announced that examinations will be held for the position of ranger at the supervisor's headquarters at every national forest on April 23 and 24. It is estimated that 300 more rangers will be required during the present fiscal year than were on duty last year, and eligibles to fill these vacancies will be furnished the Forest Service by the coming examinations. The examinations will be held in seventeen States and Territories at the following places:

Alaska.—Ketchikan.

Arkansas.—Fort Smith.

Arizona.—Benson, Douglas, Flagstaff, Nogales, Roosevelt, Safford, Show Low, Springerville.

California.—Alturas, Bishop, Elk Creek, Hemet, Hot Springs (Tulare County), Los Angeles, Nevada City, North Fork, Quincy, Salinas, San Luis Obispo, Santa Barbara, Sisson, Sonora, Weaverville, Yreka.

Colorado.—Cillbran, Delta, Denver, Sonora, Durango, Estes Park, Glenwood Springs, Gunnison, La Veta, Leadville, Meeker, Monte Vista, Saguache, Steamboat Springs, Westcliffe.

Idaho.—Boise, Hailey, Idaho Falls, Kooskia, Mackay, Meadows, Oakley, Pocatello, St. Anthony, Salmon City, Wallace, Weiser.

Minnesota.—Cass Lake.

Montana.—Anaconda, Ashland, Bozeman, Dillon, Great Falls, Helena, Highwood, Kalispell, Libby, Livingston, Missoula, Sheridan, Thompsons Falls, Townsend.

Nebraska.—Halsey.

Nevada.—Austin, Elko, Las Vegas.

New Mexico.—Alamogordo, Albuquerque, Capitan, Magdalena, Santa Fe, Silver City.

Oklahoma.—Cache.

Oregon.—Eugene, Grants Pass, Heppner, John Day, Lakeview, Medford, Portland, Prineville, Roseburg, Sumpter, Wallowa.

South Dakota.—Camp Crook, Deadwood.

Utah.—Beaver, Ephraim, Escalante, Grantsville, Kanab, Logan, Moab, Panguitch, Payson, Provo, St. George, Salina, Salt Lake City.

Washington.—Chelan, Hoodsport, Newport, Orting, Republic, Sumas, Wenatchee.

Wyoming.—Big Horn, Cody, Jackson, Pinedale, Saratoga, Sundance.

Applicants can secure information on the examination from the United States Civil Service Commission, Washington, D. C., or from the forest supervisor at any of the places mentioned in the seventeen States. Those who wish to take the examination should ask for application form 1093, a copy of the Use Book and a copy of "Information regarding employment on the national forests." The papers in the examination will all be forwarded to the Civil Service Commission and the results announced in due time.

Experience, a thorough knowledge of forest conditions, and a sound body, rather than book education, are the qualities sought in examining applicants who desire to become forest rangers. The man must have the ability, however, to make simple maps and write intelligent reports upon forest business connected with the position. A ranger must be able to take care of himself and his horses in regions remote from settlement and supplies. Necessary qualifications of applicants include the knowledge of trail building, construction of cabins, and the ability to ride, pack, and deal tactfully with all classes of people. They must also know something of the land laws, surveying, estimating, and scaling timber, logging, mining, and the live-stock business.

The applicant should be thoroughly familiar with the region of the country in which he seeks employment. In Arizona and New Mexico the ranger must know enough Spanish to conduct forest business with the Mexican users of the nation's forests. Personal equipment and horses for use in connection with duty of a ranger are furnished by the rangers themselves, and not by the Forest Service.

Working under the direction of the forest supervisors, the ranger patrols the forests to prevent fire and trespass, estimates, surveys, and marks timber, supervises and performs other duties which a man thoroughly familiar with forested regions and possessing a fair education is able to fulfill.

Only those men who are at least 21 years of age and not more than 40, of good character, temperate, and in good physical condition are eligible to take the examination. The salary paid to beginners is $75 per month. Compensation runs as high as $1,400 per year for rangers who have had some experience and demonstrate their capability. Still better places are open to these men, for it is the policy of the Forest Service to fill vacancies in higher positions by the promotion of rangers who have proved their capacity.

GOVERNMENT HARVESTS BASKET WILLOWS.

WASHINGTON, *March —, 1908.*

The work of cutting the basket willows to supply slips for free distribution has just been begun at the Government's experimental holt at Arlington, just across the Potomac from this city. These experiments in intensive willow culture are carried on by the United States Forest Service, which distributes each year a great many cuttings, together with special instructions for growing them, to applicants in all parts of the country.

This country's willow-ware industry now has to depend on foreign growers for the great part of its supply, but each year marks an increase in the number of American holts. Experiments have shown that the product of the United States is equal to that of Europe, when the proper methods of cultivation are followed, and the owners of holts have found that willow cultivation is sometimes more profitable than the growing of other crops.

The four varieties of approved basket willows propagated at Arlington have made an excellent growth compared with those of other holts throughout Maryland and Pennsylvania. The unfavorable weather in the spring of 1907 greatly retarded the growth of the young rods in most localities, but the holt at Arlington is so favorably situated that little or no harm was done the willows there. On the contrary, the "American Green" has made a better growth in the Government holt this year than in any previous year. The rods are long, straight, and branchless. In the case of the Welsh the rods are not so long as those of last year, but the average number of rods per stool is higher and the total weight far exceeds that of all previous crops.

Both the Lemley and the Patent Lemley have again yielded very satisfactory results, but they, more than any other variety, show that close spacing is necessary in order to shade the soil sufficiently to prevent it from drying out. In plats where the spacing is 6 by 18 inches or 9 by 20 inches apart the rods are long and slender and almost entirely without branches. In plats where the stools are set 12 by 36 inches apart, the rods remained very short and produced numerous side branches, which shows that close spacing is the proper method of management in holts where the object is the production of high-grade rods.

After the rods of each plat are cut and carefully sorted into different height classes, they are tied into bundles weighing from 40 to 50 pounds and placed on their butt ends in a pit containing water from 4 to 6 inches deep. They remain in this position until the sap rises and the rods put forth new leaves. During the latter part of April and early May the bark will be removed by ordinary hand peeling. A large percentage of the rods of all varieties have been selected to make cuttings for free distribution.

FOREST SERVICE NOTES.

Arizona.—Paul P. Pelichlynn has been appointed forest guard on the Tonto (N) National Forest, Arizona, and A. C. Hockderffer, of Flagstaff, has been appointed a forest guard on the San Francisco Mountains National Forest, Ariz.

Arkansas.—The following have been appointed guards on the Arkansas National Forest: Edgar V. Biler, Sidney A. Chappell, of Prescott, Ark., Redmon D. Stone, of Waldron, and Samuel S. Little, of Rich Mountain.

The following have been appointed guards on the Ozark National Forest: C. Edward Boyd, of Elberta; Lewis Carlton, of Jasper, Shelbey B. Hinkle, of Mountain View; Andrew J. James, of Combs, and Ben Vaughan, of Eureka Springs.

California.—Pascal K. Hargrave has been appointed a forest guard on the San Gabriel National Forest, Cal.

Idaho.—Charles West, of Boise, Idaho, and Frank Hendrick, of Lardo, have been appointed deputy forest rangers on the Sawtooth (W) National Forest.

Frederick C. Haman, of Salmon, and Ross S. Tobias, of Challis, have been appointed assistant forest rangers on the Salmon River National Forest.

Charles E. Hess has been appointed a forest guard on the Sawtooth (W) National Forest.

Montana.—Charles A. Spencer has been appointed a forest guard on the Big Hole (N) National Forest, Mont., effective April 1.

New Mexico.—Crispin Wright has been appointed a forest guard on the Gila (S) National Forest.

Washington.—Albian J. Finch, of Hoodsport, Wash., has been appointed an assistant forest ranger on the Olympic National Forest.

Wyoming.—F. S. Ripper and William D. Clemons have been appointed forest guards on the Yellowstone (Wind River Division) National Forest, to act as hunters.

[From the New York Tribune.]

WILD HORSES.

Wild horses by the thousands are overrunning the Government national forests of Nevada and neighboring States, and the authorities in Washington are besieged with petitions from stockmen and farmers begging them to put a stop to the nuisance. A recent dispatch from Reno conveyed the intelligence that there are 15,000 of the untamed beasts upon the Toivabe, Toquina, and Monitor forest reserves in Lander County alone, and that orders have been received by the forest rangers to begin a systematic war of extermination upon them. This dispatch, although twisted as to facts, does not exaggerate the number of horses now supposed to be roaming at large in the districts mentioned. As a matter of probable truth there are a good many more than 15,000 wild horses in Nevada and the neighboring States, and every herd is a pest to the owners of vegetation and domestic stock.

The part of the Reno telegram which is not true is that relating to the orders sent from Washington. Neither the forest rangers nor any other employees of the Government have been told to destroy the horses, and unless they do receive such orders they will confine their energies to fencing crops from the trespassing animals or rounding them up when they appear and threaten damage to the range. Indeed, if half the stories brought to the capital are true, all the rangers in Uncle Sam's service would have little chance of destroying the big herds that are roaming over the Western States.

Within the last few years they have increased to such an extent that in many localities they are classed as "varmints," with wolves, wildcats, and grizzlies, and every man's rifle is turned against them. No fence is strong enough to stop these horses, and when they appear in force they have even been known to knock down and kill cows and calves. After each visitation from a herd the ranchman is likely to mourn the loss of his domestic horses, and it requires only a few days' association with their new companions for the best-broken animals to become as wild as their nomadic comrades.

A study of the wild-horse problem brings to light many interesting facts about the animals. The legislature of Nevada, it seems, passed a law many years ago specifically allowing hunters to shoot wild horses and to sell their hides for what they could get in the open market. The law opened the way to a new and unusual industry, and many men found the killing of wild horses very profitable. Besides, the work was exciting and gave the business the added zest of sport.

As time went on and the business of killing these "outlaws" (as the wild horses were often termed) on the ranges assumed greater and greater proportions, stockmen found that the professional hunters were, in many cases, abusing their rights and were killing branded and shod horses. This put an end to the business, for on complaint of the stockmen the Nevada legislature promptly repealed the law. It is estimated that 15,000 animals were killed during the time that the law was in force. This figure gave the basis for last week's story.

The report, however, had good basis of fact, for the wild-horse question has grown to be as serious in the last few years as it was when the Nevada legislature was forced to enact the old law. The United States Forest Service has not given orders for the killing of a single horse, because it has no right to do so. The forest officers of the Nevada national forests realize how bad conditions are, and will do anything to assist the stockmen to put down the nuisance.

Any one who finally discovers an effective method to settle this problem will have done a great service for the stockmen of every State west of the Missouri River. As an old and experienced stockman, now in the employ of Uncle Sam, said of the wild-horse problem, "Theoretically it seems a very simple matter to handle, but practically it is quite the reverse." On the ranges of many of the national forests the supervisors have been at their wits' ends for several years trying to devise a method to meet the difficulty. Apparently an entirely satisfactory method can not be found, because of the inadequate estray laws now enforced in the different States. Under the circumstances, the following plan has been recommended to meet the conditions in the national forests:

"If the presence of the horses is seriously damaging the national forest range and public sentiment favors such action, the supervisor may, upon petition of a majority of the permittees of a grazing district, allow the horses to be gathered and disposed of according to the State or Territorial laws. In such cases the Forest Service will, upon recommendation from the supervisor, cooperate in the construction of corrals or fences for the purpose of capturing the horses.

"Forest officers may drive unpermitted horses from the national forests at any time, but if the owners of the horses are known and ownership acknowledged, the owner should be allowed to adjust the matter by paying the grazing fee. If he refuses to apply for a permit, then a trespass charge should be brought against him and the case conducted according to instructions.

"Unbranded horses may be handled according to the State estray laws, but forest officers can not be allowed to gather such horses for the purpose of using or selling them, nor can they be allowed to collect any remuneration from any person for corralling unclaimed horses. The policy of the Forest Service will be, therefore, to cooperate with the stockmen of the State or Territorial authorities when they take the initiative in disposing of wild horses in the national forests, but the present laws and regulations do not admit of independent action by the Forest Service."

The wild-horse problem is only one of the many which stockmen have to contend with which the Government is trying in one way or another to solve on the ranges of the national forests. Predatory animals, such as wolves, coyotes, mountain lions, and wild-cats, do thousands of dollars' worth of damage to stock each year in all parts of the country. On some ranges forest officers have to contend with rustlers, who sometimes succeed in stealing the greater part of the stock which the predatory animals do not kill. Poisonous plants are another nuisance which give the stockmen considerable trouble in many parts of the country.

Uncle Sam has always shown a disposition to cooperate with the stockmen in combating these nuisances; in fact, he is doing better than merely meeting the stockmen halfway in the work. On many of the national forest ranges for the last year rangers and guards have been assigned to the work of hunting and trapping, with the sole aim of killing off the animals that prey upon stock. The work has met with marked success, and hundreds of wolves and coyotes have succumbed to the bullets and the poison of the hunters. Each animal killed means a decided saving to the sheep industry, for it is estimated that one wolf averages about $1,000 damage each year.

Forest officers are cooperating with the stock associations to stop the stealing of live stock and run the rustlers out of the country. The war on poisonous plants has been carried on for more than a year by the Forest Service, in cooperation with the Bureau of Plant Industry, and, while the investigations have just been begun, it is already seen that their growth can be checked in many States.

If it is possible to check the wild-horse nuisance as easily as the other troubles which have bothered the stock interests, both the stockmen and forest officers will find the Western ranges rid of another serious drawback which helps to retard progress in the business.

PINE TREES RECLAIM ABANDONED FARMS.

Everywhere in the Eastern and Southern States the ax is transforming the magnificent forests of the past into culled and cut-over land. The demand for lumber is so great and operations are so extensive that in a comparatively few years those who wish to see timber in its virgin luxuriance will have to visit distant and isolated sections of the country.

Under the new conditions brought about by the exploitation of the virgin forests a type of woodlands known as "the old-field pine" has developed into commercial importance within recent years as a result of clearing away the original forests for agricultural purposes. This old-field type promises to increase in value more and more with the corresponding increase in the price of wood products. Old fields are common both in the South and in the North, although they arise from different causes and become reforested with different species of trees.

In the South, before the civil war, vast areas of land were in cultivation which have since been allowed to return to forest. Many thousands of acres were often included within a single plantation, mostly cleared, and growing splendid crops of cotton, corn, tobacco, and many other valuable farm products. It is common to-day to see in certain sections of the South old plantations of great extent that are now growing up with loblolly, or, as it is generally called, "old-field pine."

The war was responsible for this neglect of cultivated land. With the freeing of the slaves the immense plantations could no longer be managed, and the land was abandoned. In many cases, however, the land was impoverished through many years of cultivation, but with the use of fertilizers will be reclaimed in the future. Farmers now point out splendid stands of pine already large enough to be lumbered on land that they once plowed. Growth has been phenomenal, the trees being often 12 to 14 inches in diameter at an age of no more than 20 to 25 years.

Loblolly pine bears seed prolifically nearly every year, and, being light, these seeds are carried long distances by the wind. The open fields offer ideal places for the young trees to start. The ground has been worked many years and there is no young oak brush to interfere with their growth, as in the case of the stump or cut-over lands. Long-leaf pine, on the other hand, seeds much less abundantly, and the seeds being heavier are not carried by the wind far from the mother trees, so that its reproduction is much less abundant. The loblolly, however, is most aggressive in taking possession of abandoned lands, and preeminently deserves its popular name of "old-field pine."

Through this natural reforestation nature has freely furnished a source of income on land that would otherwise have been unproductive all these years. Yet it has not been until recently that the old field pine was thought to have any value. There were forests of long-leaf pine everywhere close at hand and the wood was much superior for every purpose. Fence rails made from long-leaf pine last many years, but loblolly rails soon decay and must be frequently replaced. Railroads through the pine country would accept nothing but long-leaf pine for ties. So the old fields were allowed to grow up and remain untouched except that occasionally the owner would cut down a few trees to prevent them from encroaching into his very dooryard.

Ideas are changing rapidly now as to the value and uses of certain woods. The long-leaf pine is disappearing from the land and there are few young trees to take the place of the old. Necessity for future wood material has resulted in many investigations and experiments with inferior kinds of wood. Loblolly, or old field pine, has been found to be exceedingly durable when impregnated with creosote. This has given the old-field pine a new value and to-day thousands of railroad ties are cut near the railroads and shipped to treating plants to be creosoted. Small portable mills are easily and cheaply located, and many of these are now cutting the best trees in these old-field stands for lumber, to be used locally among the farmers. The future lumbering will be carried on exclusively in these second-growth stands of old-field pine.

The situation in the North is very much the same. White pine is here found occupying the old fields much as loblolly pine does in the South. The seeds are light and are carried considerable distances to the open fields, where they find plenty of light and suitable soil conditions to make excellent growth.

Fifty years ago or more there were many small areas under cultivation, which have since been abandoned and have now grown up to white pine. Farming has always been on a small scale, but with the development of great farming interests in the West the farmer of the Northeast has been handicapped in his competition for the markets. Many of the younger generation have left the old home farms and gone to the cities for more lucrative employment. All this has resulted in abandonment of old farms and fields, and many of these are growing up to pine. There is a tendency for men who left the farms many years ago to return and spend the summer months among their boyhood surroundings. They love the native forests and consequently encourage the growth of pine in the fields once cultivated. So there is an esthetic as well as a commercial value attached to this young growth.

The white pine of the Northeast does not compare in rate of growth with the old-field pine of the South, but the wood is more valuable for lumber, box boards, shingles, and other purposes, and the demand for second growth pine is very great. It is estimated there are 800,000 acres of abandoned land in southern New Hampshire, and a large part of this is growing up to white pine. Investigations show that it is most profitable to lumber these second growth stands of white pine when they are 50 to 60 years old.

There is a large and increasing source of wealth in our old-field pine lands. It is never the object of forestry to encourage tree growth on land that is better suited for agriculture. At the same time there are vast areas uncultivated that are producing no income to their owners. Such land should be permitted to grow trees and be protected from fire and misuse until such time as they may become more desirable for other purposes.

TO STUDY PROBLEM OF FOREST TAXATION.

WASHINGTON, *March —, 1908.*

The first exhaustive study of the forest taxation problem, as it is presented by the actual workings of existing laws, to be attempted by any State has just been begun by the New Hampshire State forestry commission, in cooperation with the United States Forest Service. The study will take in all of the many questions of forest land taxation and the protection of New Hampshire forests from fires. If necessary to complete the work, $3,000 will be available. J. H. Foster, of the Forest Service, has been sent up from Washington to take up the investigations on the ground immediately.

Because of its thoroughness, New Hampshire's study is sure to be followed with great interest by New York, Maine, Michigan, Pennsylvania, and the other States which are finding the forest tax problem a serious check to forest preservation. Mr. Foster will find out by painstaking inquiry in different parts of the State and among all classes of citizens just how the present laws are administered, how they are regarded, and what their effect is on the lumber industry and forest preservation. The result will be to furnish New Hampshire with a better basis for revising its system of taxing forest lands than any State has ever had before, if changes in the present laws are found to be needed.

Taxation of timber land is regarded by officers of the Forest Service as one of the most important matters now up for discussion. They believe that upon the right settlement of this question largely depends the rapidity with which private owners adopt forestry. Agitation for a change is taking place along two directly opposite lines—for an increase in the amount of taxes to be paid by wild lands, on the one hand, and on the other for the passing of laws which will partially or wholly exempt from taxation reforested lands or will defer the collection of taxes on the forest crop until it is harvested. Those who urge increasing the tax believe that this class of property does not now pay its just share of the general tax burden. Those who advocate laws to lighten the weight of taxation on forest lands in one way or another maintain that the public welfare is promoted by the preservation of forests, and that the more heavily they are taxed the more certain it is that they will either be wiped out altogether or lose most of their value through destructive lumbering.

In Maine and New York proposed changes in existing laws are now up for discussion. In Maine a tax commission appointed by the last legislature is about to hold public hearings, and the report goes that it will be asked to recommend a scheme whereby wild lands may be taxed on the same basis as municipal property, or about 2 per cent annually. In the New York legislature a bill has been introduced which would tax timber lands managed with the approval of the forest, fish, and game commission at a rate not higher than that for barren unproductive land in the same tax district, with an additional tax of 3 per cent on the stumpage value of the timber when it is cut. Both measures would create a special class of property—in Maine to make it pay heavier taxes; in New York, lighter. In Maine the value of standing timber is regarded as a part of the value of the land, and the owner is expected to pay a rising tax as his timber grows more valuable, until he cuts it off. In the New York bill the timber is regarded as a growing crop, which, like other growing crops, should be exempted from taxation until it is harvested. The New York bill seeks to encourage forestry as a means of increasing the wealth of the State. The Maine plan, if carried through, will powerfully discourage forestry.

The New Hampshire study has been undertaken in the belief that it will help solve what is undeniably a knotty problem. A forest taxation law which is both wise and practicable is by no means easy to draw. In Pennsylvania, a State which appreciates the value of its forests and the importance of foresighted action to prevent non-agricultural lands from becoming worthless wastes, a law passed in 1905 providing for a rebate of taxes levied upon forested lands was pronounced unconstitutional by the courts, because it destroyed uniformity of taxation. On the other hand, the State of Michigan has one-sixth of its area on the delinquent-tax list because the land is worthless for any purpose but growing forests and is taxed too high to be held by the owners for this purpose. It is not easy to draft a law which is workable, fair to all property owners, and in the best interest of the State, as this is involved in keeping its forest lands productive.

One of the guiding principles to be recognized, however, the Government's foresters point out, is that it does not pay any community to tax one of its productive industries out of existence. It is much better to have timber lands pay a low tax steadily than to have them so lumbered as to lose practically all of their value. The heavy tax advocated in Maine, for example, will probably, if carried through, drive a great deal of capital out of the State. This capital is now invested in standing timber. At present the owners have shown that they wish to cut conservatively, protect their holdings against fire, and plan for growing as heavy future crops as possible on the same land. But a tax of 2 per cent a year on young timber, they say, sets a premium on its destruction. A powerful incentive is given the owner to reduce the value of his property by cutting off everything in sight. If this is true, it will not help the citizens of Maine in the long run to tax heavily for a short time property which can and will quickly get away, leaving only a waste behind.

It is the old fable of the goose and the golden egg over again. The forests are a valuable asset to the State of Maine, not only for the timber they grow, but also for the support they give to other industries and the money they bring in through the expenditures of sportsmen and tourists. Putting a disguised bounty on cutting them off will, in the opinion of forestry experts, lower the tax-paying power of the State and throw a heavier burden on the very persons who are hoping to decrease their present taxes by making the wild lands pay more. The farmer who is discontented because woodlands are assessed so low should remember that he does not himself pay taxes on standing crops, that half a loaf is better than no bread, and that it is better for a man to look before he leaps than to find too late that he has landed in a hole.

FRANCE PLANTS FORESTS.

France has given the world many valuable lessons in forestry. One of the most interesting articles in recent consular reports is the description of the reclamation of sand dunes and marshes by the Department of the Landes in the south of France and the high returns from the cultivation of pine there.

Comprising about two and a half million acres of what were barren sand dunes prior to 1803, this area has been reclaimed by forest planting until it has become one of the most productive and healthful regions of the Republic. The underground drainage of the country has been changed by the roots of the trees penetrating the layer of clay which underlies the sand.

In addition to supplying timber this area supports a number of industries dependent on the cultivation of the pine, including the production of turpentine, rosin, tar, pitch, charcoal, and other products of similar nature.

In the system by which the forest is managed, so that early returns are obtained, the trees are divided into two classes: The "short-life" trees and the "standing" trees. The former are tapped as soon as they are big enough to stand "bleeding," about 4 or 5 inches in diameter, and when they are bled to death they are removed as "thinnings," the wood being used for pit props, the English demand guaranteeing a steady and profitable market. The second class, composed

of the most vigorous individuals, are not tapped until they are about 10 to 15 inches in diameter. The age of these trees when they are felled is from 50 to 60 years. The timber is used for lumber, poles, and railway ties.

Of these forests, about 80 per cent belongs to individuals, while from the 125,000 acres belonging to the Government there was obtained as revenue in 1905, $98,811, as against $640 in 1885, the first year in which any revenue was obtained.

FOREST SERVICE NOTES.

Arkansas.—Seward C. Logan has been appointed a forest guard on the Arkansas National Forest.

Arizona.—Franklin R. Taylor, of Pima, Ariz., has been appointed an assistant forest ranger on the Tonto (S) National Forest.

Idaho.—Sterling R. Justice, of Idaho, has been appointed a forest guard on the Port Neuf National Forest.

Nevada.—James McNamara has been appointed a forest guard on the Independence National Forest.

Wyoming.—Willis E. Broadhurst, of Laramie, has been appointed an assistant forest ranger on the Sundance National Forest.

Montana.—John A. Daeley and Fred Holbrook have been appointed forest guards on the Lewis and Clark (S) National Forest.

Harry Ralvley has been appointed a forest guard on the Bitter Root National Forest.

John D. Kinsey has been appointed a forest guard on the Long Pine, Ekalaka National Forest, Mont., and on the Short Pine and Slim Buttes National Forests, S. Dak. Mr. Kinsey's work will be in hunting and trapping predatory animals on the forest ranges.

South Dakota.—John D. Kinsey has been appointed a forest guard on the Short Pine and Slim Buttes National Forests. Mr. Kinsey will be assigned to the work of hunting and trapping predatory animals on the forest ranges.

Colorado.—V. B. Bryan, of Fraser, Colo., has been appointed a forest guard on the White River National Forest.

David C. Montgomery, jr., has been appointed an assistant forest ranger on the Pikes Peak National Forest.

James L. Tagert, of Meeker, has been appointed an assistant forest ranger on the White River National Forest.

Tobias Torres has been appointed a forest guard on the San Juan National Forest, Colo.

Martin K. Slane has been appointed a forest guard on the Cochetopa National Forest. Mr. Torres and Mr. Slane will be assigned to the work of hunting and trapping predatory animals on the forest ranges.

IMPORTANCE OF CELLULOSE.

"Cellulose is the foundation of our modern civilization" is the rather startling statement made by one of Uncle Sam's experts in the section of wood chemistry in the United States Forest Service. Not until one begins to figure just how intimately his daily life is bound up with cellulose can he appreciate the truth of this statement.

Just what is cellulose? Cellulose, as the name implies, is a constituent of the cell, that vital unit of all vegetable life. Cellulose is the framework of the vegetable cell and is therefore necessary to all plant and life growth. It is, however, not only in this indirect manner that cellulose is so important, but also directly in the practical application which is found for so many plant products which are mostly or partly composed of cellulose. What is wood? Mostly cellulose. What is paper? Merely a purer form of cellulose. If cotton is king, cellulose is the power behind the throne, because cotton is almost pure cellulose. Your fine linen is cellulose; thread, twine, and rope are all cellulose.

The most powerful form of cellulose is gun cotton, or nitrocellulose. Celluloid is a combination of nitrocellulose with camphor. An artificial silk is made from cellulose which is said to be superior to the real article in many respects. Coal used to be cellulose, way back in the middle ages of this globe's history, so the geologists tell us. By charring cellulose becomes charcoal. These are some of the ways in which cellulose has been, is, and may be useful to man.

One of the most serious problems confronting engineers to-day is the silting and destruction of large and costly reservoirs for the development of power, irrigation works, and other purposes. Foresters have always pointed out that forests exert a beneficial influence in lessening erosion and silting and that filling of reservoirs can be prevented only by the protection of watersheds. A letter to Forester Pinchot from J. B. Lippincott, consulting engineer of the city of Santa Barbara, Cal., throws light on this subject. Mr. Lippincott writes:

"It was determined that the city should excavate a tunnel through the Santa Ynez Mountains, back of the town. This tunnel will be 19,600 feet long, and is now nearly half finished. It is proposed, then, to build a storage reservoir on the river, impound flood waters, and discharge them through the tunnel to the coastal plain around the city. The one grave question was the silting up of any reservoir that we would build, as the river was very muddy in flood, and samples of flood water sent to the Geological Survey gave results that were rather discouraging. Consequently, the city bought two reservoir sites, so as to use the second in case the first was destroyed ultimately by silting. The city also appealed to the Forest Service for assistance. The Santa Ynez Reserve was created, private lands largely eliminated from our drainage basin, and a vigorous policy was inaugurated by the Forest Service to prevent fires and overgrazing.

"For the past three years we have had no fires in the basin above our proposed diversion point and overgrazing has been prevented, sheep and goats being entirely excluded. During the past three years we have also had good rains, giving vegetation a good chance to grow.

"I have just returned from an inspection trip to the river. It was in moderate flood, discharging about 500 second-feet from its basin of 220 square miles above our diversion point. The river was as clear as one of the high Sierra streams. There was practically no silt in it. Over 3 inches of rain had fallen during the week. The higher peaks were covered with snow, which may in part have aided the stream. None of us had ever before seen the Santa Ynez clear in flood."

Arbor Day will be celebrated in the District of Columbia to-day. In practically all of the schools there will be special exercises into which will be introduced lessons on tree planting. Trees have been provided for planting in the grounds of 100 schools, and one of the most important parts of the day's exercises will be given over to the planting of the tiny seedling.

Nearly 100 boys were taken yesterday morning to the country place of Dr. David Fairchild, of the Department of Agriculture, where they were each provided with a small Japanese flowering cherry tree. Each boy represented a school, and the tree given him will be planted to-day somewhere in the school grounds. The trees were imported from Japan by Doctor Fairchild especially for the school children of the District.

The boys were very much interested yesterday morning in the lessons in planting which were given them by Mori, the Japanese gardener at the Fairchild place. The children of the Franklin School, under the direction of Miss Sipe, who conducted the boys to Doctor Fairchild's place yesterday morning, will plant their tree to-day in Franklin Park, permission to do this having been granted them by Col. Charles S. Bromwell, superintendent of public parks and grounds.

The Japanese flowering cherry is a beautiful ornamental tree of Japan, which is so loved by the people of that oriental country that they take a holiday when it first comes into bloom each year. It is the flower which is so much used to decorate the many beautiful art objects and paintings by the Japanese.

Doctor Fairchild has nearly 250 of these trees planted at his place. They are now three years old and are expected to bloom this year. The land company which has developed Chevy Chase has also been interested in the beautiful flowering cherry, and has planted 300 of the trees on one of the avenues just off from Chevy Chase Circle.

The boys went to Doctor Fairchild's place and returned in his special car which was furnished them. Supervising Principals Elliott Kramer and Charles S. Clark accompanied the party.

Doctor Fairchild will talk on the significance of Arbor Day to-day at 1.45 before the girls of the Normal School. At this meeting Mrs. J. R. Hill, chairman of the committee on school gardens, will preside.

ADVANCE IN WOOD PRESERVATION.

"Timber thoroughly treated with proper preservatives will last almost indefinitely," says a Government expert who is an authority on wood preservation. "Engineers have known for years that this is true," he continues, "but up to the present time, at least in America, complicated and expensive plants have been necessary for the work, and wood preservation has often been too expensive an operation to allow treated timber to come into general use."

Methods in wood preservation have undergone a marked change in the last few years, however, and the work which a few years ago was limited to a few experiments carried on in scattered parts of the United States has grown with such rapidity that wood preservation has become a business which figures most prominently in the industrial life of this country.

Each year railroads are treating an increasing portion of their crossties, miners their mine props, farmers their fence posts, and the men of many other industries are bringing preservatives into play to close the pores and prepare the timber they use to resist the fungi which cause decay.

The work points the way to one of the chief means of the conservation of the nation's forest resources, for as the length of the life of timber is increased the drain upon the forests is lessened and more wood made available for use.

In nearly all localities in the Rocky Mountain and Pacific States is found an abundant supply of certain kinds of timber which have only a slight commercial importance. Engelmann spruce, lodge-pole and other kinds of pine, aspen, and cottonwood are only a partial list of the kinds of wood which are strong enough and abundant enough to win high value for construction purposes, were it not for one single defect which has prevented their general adoption—when exposed to the soil and weather they decay so rapidly that they have to be renewed too often to justify their use.

Dead timber of lodge-pole pine and other species also is found in large tracts, but is sharply discriminated against by all constructing engineers and contractors. As a matter of fact, the dead timber, provided it is sound, is just as good as green timber of the same species; and, indeed, in some ways is even more valuable. For it is well known that thoroughly seasoned timber is both stronger and more durable than the same timber when green. Timber which was killed by fire or insects, and which is still in a sound condition, differs from green timber chiefly in being thoroughly seasoned—that is to say, it is stronger, more durable, and lighter. And so not only are the freight rates considerably reduced, but a better grade of timber is secured.

Even in a thoroughly seasoned condition, lodge-pole pine, Engelmann spruce, and the other species mentioned above, are by no means durable woods when compared with Douglas fir, Oregon cedar, and the other kinds of wood which are used so extensively in construction work. And before they can successfully compete with such timbers, in spite of their lower price, they must be made to last longer under unfavorable conditions.

After several years' study, the United States Forest Service has proved that in many cases the complicated and expensive plants are not necessary for the proper treatment of many kinds of timber; and that many of the timbers which decay most rapidly in the natural state are among the easiest and cheapest to treat. Many of the species mentioned above offer little resistance to the entrance of the preservative. The principle of the method is to immerse the thoroughly seasoned wood in a hot bath of the liquid, leave it in for a few hours, and then either plunge it into a cold bath of a preservative, or else run out the hot liquid from the treating tank and fill it up again with liquid of a lower temperature. This requires only the simplest kind of machinery, and the cost of operation is so slight that even cheap timbers like fence posts and shingles can be treated by the average farmer of small means.

Although the Forest Service, by extensive experiments in all portions of the country, considers that the practicability of the process has been conclusively proved, more or less difficulty has been encountered in inducing others to adopt the process on a commercial scale. In order to demonstrate beyond any doubt that the process is adapted to commercial treatments, the Service has arranged to erect small treating plants—semicommercial in size—on several of the national forests. Tests will be made on the local timbers and careful record kept of the cost of the work. The treated timber will then be placed in permanent position, where its future durability can be compared with untreated timber of the same or other kinds.

Three such plants will be erected this spring, and it is expected that they will be in successful operation by early summer. According to the present plans one plant will be erected at some locality on or near the Black Hills National Forest, S. Dak., another on the Holy Cross National Forests in Colorado, and the third on the Henrys Lake National Forest, near St. Anthony, Idaho.

The investigations in wood preservation by the use of creosote, which is nothing more than the dead oil of coal tar and zinc chloride, is considered of such importance by the Government that one branch of a bureau in the Department of Agriculture—the office of wood preservation, in the Forest Service—is given over entirely to the work of

experiments in cooperation with railroad companies, mining corporations, and individuals who desire to prolong the life of the timber which they use. Advice and practical assistance is furnished all who request it of the Forester at Washington.

WOOD PRESERVATION, AND THE PROCESS OF PRODUCING CREOSOTE OIL.

One of the significant signs of the times is the awakening of the American people to the dangerous destruction of their forest wealth, and the necessity of a wise use of what remains of it. Undoubtedly, in the future the nation must utilize its forest crop less wastefully, both in the woods and in the mill, and must make provision for future crops, but that is not the only way to prolong the timber supply. If the service of the wood which is used can be lengthened, it will largely decrease the amount of timber which must be cut. And this can be done by treating the wood with chemicals which will poison the low forms of plant life which attack it and cause it to decay. The growth of timber is slow, and, when the dearth of it becomes pressing, a new crop can not be grown quickly enough to prevent a time of severe shortage. Preservative treatment of timber has the advantage, as a remedy, that it can be applied immediately. Its importance is therefore attracting increasing attention.

Many chemicals have been used for the preservation of timber, among them being blue vitriol, corrosive sublimate, and chloride of zinc. The most effective preservative is the substance called "creosote oil," or "creosote." On account of the similarity of the names, many people suppose this to be the creosote obtained from wood, such as can be obtained, refined for medicinal purposes, at the drug stores. But the two are quite different and should not be confused. The creosote used in wood preservation is obtained from coal, by a most interesting process.

Nearly every city now uses gas for light and fuel, and many people know that this illuminating gas is often made from coal. But the many things besides gas which are obtained in this process are not so well known. It is one of these other products from which is obtained the creosote oil used for wood preservation.

To understand how all these things are produced, it is necessary to know something which the chemists can tell us. Coal, they say, is composed partly of the substance called "carbon," partly of compounds of this carbon with the gas hydrogen, which they have named "hydrocarbons." When the coal is heated sufficiently, away from air, the hydrocarbons are driven off in the form of gas. Illuminating gas is made by subjecting coal of the proper kind to this process, which is known as "dry distillation." The coal is put into a long, fire-clay oven or retort, shaped much like the giant model of the little cakes which the bakers call "lady fingers," the retorts being about 13 feet long, 2 feet wide, and 16 feet deep. A number of these retorts are built side by side, in three rows, one above the other, the ends of the retorts being supported in a brick wall, which also extends around the ends of the rows and over the top, and thus entirely incloses the retorts. Fire, from furnaces below, is carried by flues into this inclosure, so that the retorts are entirely enveloped in flame and can be heated to a very high temperature.

The retorts are partly filled with coal, after which they are sealed so that no air can get into them. They are then heated to a temperature of about 2,100° F. Under this intense heat almost all the hydrocarbons of the coal pass off, leaving behind only the "fixed" carbon, which comes out of the retort as coke. Many of the lighter compounds distilled off by the heat will now remain in the form of gas when they are cooled to ordinary temperatures, and it is some of these which make the gas finally used for lighting and fuel. But as it comes from the retorts the gas is like a thick, yellowish-green smoke, and could not be used at all for such purposes. This gas escapes from the retorts into a series of large and costly machines where the lighting gas is cleansed from its impurities and the different by-products are separated from each other. First are great "condensers," in which the gases are cooled. The cooling condenses the heavier compounds into thick liquids, which are then left behind.

One of the substances later removed from the gas is ammonia, and from such gas works comes the ammonia water which is used in every household. Another important product of the gas-making process is the coke which is left in the retort. Every year an increasing number of people use this coke for burning in kitchen stoves, and even in furnaces, instead of coal, for it makes a very hot fire and burns without any smoke.

The heavy, strong-smelling, black liquid which is collected in the cooling of the gas is what we know as coal tar. This is an exceedingly complex mixture of substances. From it are obtained not only creosote oil, but most of the dyes which are used nowadays, perfumes, and even flavoring extracts.

Gas, coal tar, and coke are also made in what is known as the by-product coke oven, which is adapted to different objects, but is operated on the same principle. Its coal tar is equally as good as the gas-works tar for making creosote oil. In recent years a great amount of gas has been made in the United States by another process and is known as water gas. This process also produces a tar which looks much like coal tar and is often difficult to tell from it. But this tar is really derived from petroleum and does not make a good oil for preserving wood from decay. Wood creosote, with which so many people are familiar, is likewise obtained from a wood tar which is produced by distilling wood. But, like water gas tar creosote, wood creosote is not so good for wood preservation as is the coal-tar creosote. When creosote is bought for that purpose, therefore, it should be certain that it is coal-tar creosote.

To obtain creosote oil from coal tar the tar is, in its turn, distilled. But this distillation is like that used for other liquids instead of that employed for the coal. The still is heated, and as the heat increases the "light oils" first pass over. Among those is the familiar carbolic acid. This is a powerful antiseptic, but it is not desirable in a wood preservative, for it evaporates so readily that it soon becomes lost from the wood. When a temperature of about 400° has been reached the distillate is turned into another receiver, and from this point on to 600° or 700° creosote oil is produced. One of the substances which is contained in this mixture is "naphthalene," from which common moth balls are made. Coal-tar creosote thus produced is the great wood preservative.

The residue remaining in the still after the distillation is "pitch," which is used chiefly in the preparation of roofing felt. In America roofing pitch is the chief end for which tar is distilled. In Europe this is not so true. Now, pitch for roofing must be rather soft. Therefore, tar distillation is not carried so far in this country as it is in Europe. For creosote oil it would be better if it were carried further, since the substances which distill at the higher temperatures in most cases neither evaporate in the air nor dissolve in water as readily as those which distill more easily. Consequently, they stay in the wood for a longer time and protect it correspondingly longer from decay. Much study is being devoted by the United States Forest Service to creosote oil to determine what its composition should be to give the best results in preserving timber under different conditions and how the most desirable creosotes may be obtained. The reports of these studies, together with detailed description of the more economical processes of applying the preservatives to wood, have been worked into circulars, which the Government has placed at the disposal of all users of timber, and which will be furnished to all who make the request of the Forester at Washington.

FOREST SERVICE NOTES.

Oregon.—James H. Looney has been appointed forest guard on the Freemont National Forest and Orloff A. Stafford, of Spray, Oreg., assistant forest ranger on the Heppner National Forest.

Colorado.—Robert L. Addington, of Gardner, Colo., has been appointed a forest guard on the Wet Mountains National Forest and Frank J. Broll, of Sapinero, Colo., has been appointed an assistant forest ranger on the Gunnison National Forest.

Utah.—James G. Houston, of Panguitch, Utah, has been appointed an assistant forest ranger on the Sevier National Forest, effective April 1.

New Mexico.—The following forest guards have been appointed: E. D. Rockwell on the Sacramento National Forest and R. M. Straw on the Gila (S) National Forest. Mr. Straw's work will be in hunting and trapping predatory animals on the forest ranges.

California.—Ferris Hoborn has been appointed a forest guard on the Stanislaus National Forest.

Idaho.—The following forest guards have been appointed: Dick Kenelty and Francisco Bockman have been appointed on the Kootenai National Forest and Frank H. Knowlton has been appointed an assistant ranger on the Priest River National Forest.

Nevada.—The following forest guards have been appointed: Charles D. Keough on the Toiyabe National Forest, James A. Cirvin on the Toquima National Forest, Will Tremewan on the Independence National Forest, and C. E. Jones on the Ruby Mountain National Forest.

Mr. SMOOT. The convention of the National Wool Growers' Association at Salt Lake, Utah, January 17, 18, and 19, 1907, was attended by the Forester and twenty-two other members of the Forest Service. These men, who included Mr. A. F. Potter, chief of the branch of grazing, and twenty-one supervisors and rangers from national forests in Idaho, Wyoming, Nevada, and Utah, were called to Salt Lake by the Forester, in order to hold an official meeting with him for the purpose fully described as follows by the Secretary of Agriculture in his letter of April 27, 1908, to the Senate (Document No. 449, 60th Cong., 1st sess.) in response to Senate resolution No. 157:

Members of the Forest Service attend meetings, official or unofficial, for three purposes:

(1) Improvement of the efficiency of the national forest administration through instruction of forest officers in their duties and conference with each other concerning their work.

These are official meetings of the Forest Service. They are schools of instruction or institutes, at which practical difficulties of administration are discussed, in the light of actual experience, to the end that the methods which have been found most desirable may be brought out, judgment trained, standards raised, and practice made uniform along the best lines. These meetings have immensely increased the efficiency of forest officers and the practical usefulness of the national forests.

These men by instruction from the Forester also attended the convention of the National Wool Growers' Association at Salt Lake for the purpose also fully described by the Secretary of Agriculture as follows, in his letter of April 27 to the Senate:

(2) Forest officers attend meetings of users of the national forests to learn their views, discuss their needs, and explain the objects and methods of the Government.

Such meetings include local informal gatherings, meetings of regularly organized associations, local, State, or national, and conventions representing interests affected by the national forests. To refuse such opportunities for mutual conference, for the removal of misunderstandings, and for the promotion of action along lines approved, supported, and modified by public sentiment I should consider a serious mistake in judgment. The frequent result of such conferences has been to remove misunderstanding or opposition on the part of users of the forests, either through recognition that they had just cause of complaint and removal of the cause, or through recognition on the part of the users themselves that their demands were inconsistent with the greatest good to the greatest number. So commonly at these conferences has dissatisfaction been replaced by approval of the course of the Forest Service that it has been assumed at times that the result was due to some form of coercion or manipulation.

To the best of my knowledge and belief such a charge is altogether without foundation, nor have any facts to establish such a charge, beyond the unsupported assertion of a belief that the charge was true, ever reached my attention. If any facts exist tending to show the stifling of public opinion by acts of forest officers, I earnestly hope that they will be brought forward. This matter was investigated by the Committee on Expenditures in the Department of Agriculture, upon the basis of charges made during the second session of the Fifty-ninth Congress. The findings of the committee were presented on March 1, 1907, in House Report No. 8147, second session, Fifty-ninth Congress, pages 22–27.

The statement that there was any attempt made by the Forester, or any other member of the Forest Service concerned, to conceal expenses incurred, in whole or in part, through attendance upon the wool growers' convention, by disguising it under any other item of expenditure, is unqualifiedly false. I have copies of the official letters and telegrams to supervisors and rangers, signed by the Forester, ordering their attendance at Salt Lake. I also have copies of the accounts on file in the Treasury, upon which the official expenditures rendered necessary by the attendance of these men at Salt Lake are itemized. The utter falsity of the charge that expenses incident to the

official meeting and the convention of the Wool Growers' Association at Salt Lake were concealed in items covering purchase of hay and grain is rendered still more obvious by the fact that no forest officer in attendance at Salt Lake was authorized to purchase hay or grain in bulk, but only when actually traveling on his forest, and then only for the keep of his own pack and saddle animals en route.

Meetings of the supervisors and rangers were held twice a day at Salt Lake and all phases of national forest business fully discussed, with great benefit to forest officers and consequently to those who use the national forests.

Mr. President, last week I heard it intimated that there had been corruption on the part of the Forest Service in ordering a certain ranger named Bergh to attend the wool growers' convention at Salt Lake City by ordering him to charge his expenses to hay and grain account.

I went to the Chief Forester and asked him if he knew of any such case. Mr. Pinchot was dumfounded. Mr. Adams, the assistant, knew nothing of it. I told them there was a rumor to that effect and more than likely it would be brought up on the floor of the Senate, and I wanted them to go through every telegram and every letter; I wanted the vouchers for every dollar that was expended by every one who attended that convention, and I wanted, if possible, to find out on what ground the charge was based.

I will not stop to read the telegrams, because that is unnecessary, but I do want to call the attention of the Senate to a copy of the letters of instructions, which I shall read:

JANUARY 3, 1907.

Mr. EMIL GRANDJEAN, *Boise, Idaho.*

DEAR SIR:—

By the way, Mr. Grandjean was supervisor of the Payette and Sawtooth reserves.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I do.

Mr. FLINT. The Senator is now addressing his remarks to the charge made by the Senator from Idaho [Mr. HEYBURN] that one of the foresters had charged his expenses in attending one of the national congresses to the hay and grain account.

Mr. SMOOT. Yes; that is correct. The letter from Mr. James B. Adams, acting forester, dated January 3, 1907, is as follows:

Mr. EMIL GRANDJEAN, *Boise, Idaho.*

DEAR SIR: I inclose herewith a letter to Assistant Forest Ranger Henry A. Bergh—

This is the gentleman referred to by the Senator from Idaho [Mr. HEYBURN]—

which explains itself. Please deliver the letter to Mr. Bergh at once and give him the necessary vouchers for use on the trip.

It is expected that a number of important problems will come up at this meeting, and since it is Mr. Fenn's intention that Mr. Bergh act as stock ranger on the Payette and Sawtooth reserves, it is desired that he be present.

Very truly, yours, JAMES B. ADAMS,
Acting Forester.

Inclosure.

Now follows the letter to Mr. Bergh:

JANUARY 3, 1907.

Mr. HENRY A. BERGH,
(Through Acting Supervisor Grandjean, Boise, Idaho.)

DEAR SIR: The National Wool Growers' Association will hold a meeting at Salt Lake City, January 17–19. Mr. Pinchot and Mr. Potter will be present and will make their headquarters at the Kenyon Hotel. Since you are acting as stock ranger on the Payette and Sawtooth reserves, this meeting will be of much help to you in the work of next season, and you may consider this letter your instructions to attend. A special authorization will be issued to you to cover your travel and subsistence expenses on this trip, and will be charged to grazing. If the authorization does not reach you in time for you to begin the trip please do not wait for it. You should pay cash for any expenses incurred and take receipts therefor on vouchers which will be supplied you by Mr. Grandjean. Your expenses will be reimbursed you when your account is rendered on Form 4.

Very truly, yours, JAMES B. ADAMS, *Acting Forester.*

Mr. President, I have here the working plan of the Forest Service, and all the accounts are kept according to this plan. Here [indicating] the Senate will see is the division of the Forest Service. Standing at the head of it is the Forester. That is divided into two great systems, one grazing and the other operation. When the ranger received notice that his expenses were to be charged to grazing he knew that it was under the branch of grazing that the charge was to be made. He was so instructed, and any other man in the Service would have understood it the same way.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield, with pleasure.

Mr. FLINT. I have given some study to the diagram the Senator has presented and I think it is very important that it should be placed in the RECORD. I suggest, though the Senator has not asked it, that the diagram be placed in the RECORD.

Mr. SMOOT. I should like very much, if there is no objection, that it be placed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Utah.

Mr. TELLER. Mr. President, if one objection will prevent it, I want to object.

The VICE-PRESIDENT. Objection is made.

Mr. SMOOT. I will not insist on it. I certainly will yield my request to the judgment of the Senator from Colorado.

Mr. TELLER. The other day some photographs were put in. They are entirely outside of the rule and ought not to be put in. I understand there are others to be offered, and I want to give notice now that I shall not permit, if I can help it, photographs being reproduced in the RECORD.

Mr. SMOOT. This is not a photograph, but I shall not insist on it.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I do.

Mr. FLINT. I want to state to the Senator from Colorado that this is not a photograph; it is simply a diagram, a working chart, showing how the employees in the Department are divided into various systems.

Mr. TELLER. It does not belong in the RECORD.

Mr. SMOOT. Let it go.

The VICE-PRESIDENT. Objection is made to the request of the Senator from California.

Mr. SMOOT. Mr. President, I was not quite satisfied with the working plan of the Forest Service, so I asked that every voucher be submitted to me, for I wanted to see just exactly what the understanding of that forester was. Here is the account of Henry A. Bergh, and let me read it for the information of the Senate:

Itemized statement of traveling expenses, and station and field expenses incurred under stress of urgent and unforeseen public necessity.

Date.	Character of expenditures.	Sub-voucher No.—	Amount.
1907.			
Jan. 16	One berth on sleeping car from Boise, Idaho, to Salt Lake City, Utah	1	$2.50
16	Supper on diner, $1; porter on sleeper, 25 cents		1.25
17	Breakfast on diner, $1; lunch, 25 cents; diuner, 70 cents		1.95
18	Breakfast, 65 cents; lunch, 25 cents; dinner, 75 cents		1.65
19	Breakfast, 45 cents; lunch, 65 cents; dinner, 90 cents		2.00
19	One berth on sleeper from Salt Lake City, Utah, to Boise, Idaho (night of 19–20)	2	2.50
20	Breakfast		1.00
20	Three nights' lodging at 75 cents (as per voucher)	3	2.25
20	To porter on Pullman sleeper		.25
20	Breakfast on Pullman diner		1.00
	Amount carried forward		16.35

I also have the vouchers here for every item charged.

Now, Mr. President, that trip cost $16.35; and as I read the items I thought to myself what right had anybody to claim that the forest rangers were living extravagantly. My experience has been that they do not loll around hotels, that they do not sail on yachts, that they are not demanding that bath houses be placed in their forest cabins. I have met these men at forest gatherings and in the forest reserves, and know them to be earnest workers in the protection of the interests of the people and the Government.

While upon this subject I want to say a word about the employees of the Forest Service. I wish that every Department of the Government had as loyal workers as the employees of the Forest Service. You may go upon a forest reserve in any State in this Union and meet the supervisor or the rangers and they talk of nothing else but the forest work.

Mr. President, I consider the Government very fortunate, indeed, in having a man like Hon. Gifford Pinchot at the head of this department. He is enthusiastic in the work; he is devoted to it; and I know that this enthusiasm and devotion is partaken of by every member of the Service. He has men as assistants who work early and late. All the rangers, office employees, and supervisors are enthusiasts in their particular lines of work.

I desire, Mr. President, to say that much in defense of these men, who have been accused of lolling around hotels and assuming the roll of lords of all creation. If there was half the

energy expended by some of the pretended friends of forestry to effect a settlement wherever there is a complaint, or even lay before the Members of the Senate and the House information that they claim to have, as there is to criticise, I think it would be better for the Service and the people in general.

I notice in the report of the Committee on Expenditures in the Department of Agriculture of the House of Representatives of the Fifty-ninth Congress, second session, Mr. LITTLEFIELD wanted to learn something about certain statements which had been made in this Chamber by certain Senators, and this is what he says regarding it:

Before our hearings were concluded, this Service became the subject of criticism upon the part of Members of the United States Senate. The alleged irresponsible character of this fund was referred to. Your committee immediately called the attention of the gentlemen making the criticisms to the fact that our hearings were not concluded and that we would have the Forester or anyone else connected with the Department before our committee, where they could be examined and cross-examined on oath for the purpose of developing all facts that might relate to the efficiency of the Department, the character of its organization, the propriety of its conduct, or the wisdom of its expenditure. None of the gentlemen desired to be present and cross-examine the officials of the Department.

Senator HEYBURN submitted to the committee a list of seventeen questions, which we herewith quote:

"1. How much land have you included in forest reserves upon which there is no merchantable timber?

"2. How much land have you included in forest reserves valuable principally for grazing?

"3. How much land have you included in forest reserves mineral in character?

"4. How many homestead entries have you included in forest reserves?

"5. How many public schools have you included in forest reserves?

"6. How many post-offices have you included in forest reserves?

"7. How much acreage of grazing lands have you granted permits for grazing stock upon?

"8. How many head of stock have you granted permits to graze upon per acre—giving the character of stock?

"9. How many acres of forest reserve have been withdrawn in each State and Territory, and what percentage of the total area of such State and Territory is forest reserve?

"10. How much timber in quantity, and value realized, has been sold by the Government from each reserve—given by State, reserve, and county?

"11. How much money has been realized from the grazing permits upon each reserve?

"12. How much money is now in the special fund resulting from sale of timber and grazing, stated separately?

"13. How many men are now employed in each department of the Forestry Service? State in detail and give full list, and compensation paid each man, by class.

"14. State in detail amounts paid out of special fund and for what purpose paid.

"15. State fully the permits issued for grazing upon forest reserves, giving the names and extent of the permit.

"16. State fully the quantity of land surrendered in each forest reserve, and by whom surrendered, for which lieu right of selection has been allowed, and to what extent such lieu selections have been made. State by whom such right to select lieu lands has been exercised, and where such lands have been selected. State what part of land surrendered as base for lieu selection has been merchantable timber land, what part has been grazing land, what part has been arid land, and upon what character of land the right of lieu selection has been exercised, and where.

"17. State the quantity of land represented by sections 16 and 36 included in forest reserves in each State and Territory."

Mr. SMOOT. The committee then say:

It will be seen that they all relate to the policy of the law and do not in any way reflect upon or suggest any criticism or give information in relation to any facts that would furnish the foundation for an examination of the Department in the line of the manner in which its business is conducted from an administrative and executive standpoint or as affecting its honesty or efficiency.

We proceeded to examine carefully the Forester on Saturday, February 16, using Senator HEYBURN'S memoranda as a basis of the examination, propounding during the course of the examination all of his questions and such others as occurred to us as calculated to develop any additional information. We were unable to elicit anything that in any way reflected upon the manner in which the affairs of this Bureau had been conducted.

Later, noticing that Senator HEYBURN made on Tuesday, February 19, the following statement in a speech in the Senate—

"If I am accurately informed—and I believe I am—a number of these forest rangers and employees had been brought there (Boise, where the Senator addressed a convention) and placed in a body in that meeting, as I believe, for the avowed purpose of interrupting its proceedings should I presume to express my views there. (CONGRESSIONAL RECORD, p. 3340.)"

we recalled the Forester, Mr. Pinchot, and examined him specifically with reference to that statement. We found that Mr. Pinchot was on the platform at Boise, where the meeting took place; that there was a meeting of fifteen hundred or more people, and that some fifteen or twenty representatives of the Forest Service were in attendance for the purpose of conferring with the people who were interested in the reserves, getting their views in relation to the manner in which the reserves should be handled, answering questions and discussing generally the policy of the Department with a view to improving its efficiency and getting it nearer the people. We learned that Mr. Pinchot was on the platform when the Senator made the speech referred to and conferred with the Senator both before and after the speech, and that no complaint was made to him at the time by the Senator of the action of the representatives of his Service, and that no complaint had been made to him since in relation thereto, and that the first intimation he had ever heard that the employees of the Department were supposed to have been guilty of such conduct, or believed to be guilty of such conduct, was in the speech made by the Senator on Tuesday, February 19.

Mr. Pinchot testified that he saw no signs of the men who were connected with his Service engaging in the conduct referred to, and that he would not tolerate any such conduct, and that if he could be shown that any representative of his Service had on that or any other occasion had any of the rangers or employees of the Forest Service present for any purpose of that kind, or had authorized them to engage in any such conduct, that he would immediately discharge such representative of the Bureau.

To the statement made in the Senate that a man must get a permit before he can enter a forest reserve to reach his own property, Mr. Pinchot stated that the contrary was the fact, and that the law specially provided "that the forest reserves shall be open to all persons for all lawful purposes." The statement that the Government is selling timber and collecting grazing fees from State lands in Idaho he stated also was an error. (880.)

We have no hesitation in saying, so far as we have been able to examine this Bureau from the testimony of its officials on oath before us, and our personal inspection of the work (and we do not say that either has been complete and exhaustive, because the time at our disposal has been clearly inadequate for that purpose, but so far as our examination has gone) we do not hesitate to say that we heartily concur in the conclusions testified to by Mr. Garfield with reference to the efficiency and character of this Bureau.

We should not have gone into this matter in detail and selected this Bureau for illustration as distinguished from other bureaus in the Department of Agriculture, in all of which we found officials that were able, intelligent, and expert in the work of their respective bureaus, had it not been for the fact that it was made the special object of criticism and attack.

Mr. President, I hope the Senate will not only vote to include the $500,000 which is now provided for in this bill for permanent improvements, but ask that the Senate increase the amount to $1,000,000. They are permanent improvements, and every dollar thus spent will give greater security to the Government's property. It will enable the supervisors and rangers to know what is going on in any part of any forest reserve in this country. Mr. President, I hope that an amendment will be offered increasing the amount from $500,000 to $1,000,000 at least.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I yield.

Mr. CLARK of Wyoming. If it will not disturb the Senator, as he proposes to increase this sum from $500,000 to $1,000,000, I wish to ask him if he would be willing to specify in the amendment for what the $1,000,000 is to be used?

Mr. SMOOT. I certainly would; and I want to say here that in the hearings before the House committee the Forester stated just exactly what use would be made of these additional funds and exactly where they would be spent.

Mr. President, I was going into the question of the expenses and returns of the Forest Service, but I see that time is flying and I shall not burden the Senate with it. Mr. President, it is not the policy of the Forest Service to make money out of the forest reserves. The intention is to preserve the reserves; and when I speak of preservation of the reserves I do not mean nonuse of the reserves, but absolutely the contrary.

It was intimated yesterday by a Western Senator that the sole purpose of the Forest Service was to make money, and that the only reason there are not more grazing permits issued is because of the lack of applications. Mr. President, the only complaints that I have ever heard of the Forest Service in my State have been because it was impossible for the applicants to secure permits to graze all the sheep and cattle they desired. I know men in my State who years ago had fifteen to twenty thousand head of sheep who to-day, through this system, have been compelled to dispose of them and not to carry more than 2,000 head; and where formerly there was one man using the reserve, there are at least ten men using it to-day. So the Forest Service is for and not against the interests of the people.

Mr. President, I know, so far as revenue is concerned, that the Forest Division could make millions of dollars over and above the expenses of maintaining the reserves if that were its policy. I believe this coming year the revenues from the forest reserves of this country will amount to $2,500,000.

This bill proposes to make an appropriation of $3,796,200, and I hope, as I have said, that $500,000 more will be added to it. If it is, I expect to live to see the day when the men who have stood the brunt of establishing this great forest system will be called blessed by the people, and the memory of Gifford Pinchot will not only live for this generation, but it will live as long as the American people read history.

The Forest Division has no desire to conceal the name of a single person in its employ nor for what purpose employed.

It has been intimated, if not directly charged, that the Forest Service puts influential men upon its pay rolls in order to make illegitimate use of their influence. The utter absurdity of this charge is evidenced by the fact that with the exceptions hereinafter noted, all members of the Forest Service enter it only after examination by the Civil Service Commission, aimed specifically at determining their fitness for the work upon which they are employed. This charge, therefore, is, in effect, a

charge of collusion between the appointee, the Forest Service, and the United States Civil Service Commission. It is, moreover, a charge against the Secretary of Agriculture, who approves all appointments of members of the Forest Service, no appointment in that Service being possible except by the action of the Secretary.

Those employees of the Forest Service who enter it without examination are forest guards, employed in manual labor upon the national forests at a salary of $75 a month. The influence of these men, who are engaged in building roads and trails, fighting fires, and in other subordinate capacities, upon the press, upon Members of Congress, and upon legislation, is presumably not far-reaching.

The collaborators of the Forest Service are also appointed by the Secretary of Agriculture, without examination. They are selected from among men eminent in forestry outside of the Government service, or in associated lines of work, and appointed to carry on special lines of investigation. They are paid either on a per diem basis, in no case exceeding $5 per day, for the days actually employed, or at the munificent salary of $25 per month.

Their names, occupations, rate of remuneration, and the work that they are performing are as follows, and I ask that they be placed in the RECORD without reading.

The VICE-PRESIDENT. Without objection, permission is granted.

The list referred to is as follows:

H. P. Parker, professor of forestry, Pennsylvania State College: Salary from the Forest Service $525 a year, for which he conducts experiments and research work in forest planting in Pennsylvania.

F. W. Besley, State forester for Maryland: Salary from the Forest Service $300 per annum, for which he conducts experiments in forest planting in Maryland.

Austin Cary, professor of forestry, Lawrence Scientific School, Harvard University: Salary from the Forest Service $300 per annum, for which he reports upon forest conditions and methods of lumbering in New England.

G. L. Clothier, professor of forestry, Mississippi Agricultural College: Salary from the Forest Service $625 per annum, for which he makes experiments in forest planting and lectures on care of wood lots at farmers' institutes.

H. S. Graves, director, Yale Forest School: Salary from the Forest Service $300 per annum. Inspects work on national forests and cooperative work with private landowners. Has written Part I of Bulletin 36, The Woodsman's Handbook, and is now engaged in the preparation of Part II.

R. S. Hosmer, superintendent of forestry, Hawaii: Salary from the Forest Service $300 per annum. Collects information and plant material of species suitable for planting in the subtropical regions of the United States.

G. B. Lull, State forester for California: Salary from the Forest Service $300 per annum, for which he advises concerning forest planting and collects information on eucalyptus in California.

R. S. Mackintosh, professor of horticulture at the Alabama Polytechnic Institute: Paid by the Forest Service $4 per diem for the time actually employed. Examines and reports upon woodlands and lectures on care of wood lots before farmers' institutes.

F. J. Phillips, professor of forestry, University of Nebraska: Employed by the Service during the summer, at the rate of $108.33 per month, as forest assistant. Engaged in experimental and research work for the Forest Service in forest planting in Nebraska.

J. W. Toumey, professor of forestry, Yale Forest School: Salary from the Forest Service $300 per annum. Inspects and studies forest planting on the national forests.

A. L. Dean, expert chemist, Boston: Collaborator, at $300 per year. Until June 30, 1907, was chief, section of wood chemistry; is retained during present fiscal year to complete unfinished reports.

William F. Fox, superintendent of State forests of New York: Collaborator, at $300 per year. Assists actively in collection of annual statistics on the production of forest products. The Forest Service and the Bureau of the Census collect such statistics for the entire United States and depend wholly upon Mr. Fox for the statistics on lumber cut from the State of New York.

William C. Geer, expert chemist, Akron, Ohio: Collaborator, at $5 per day for the time actually employed. Till July 31, 1907, he was in charge of wood-distillation studies, at a salary of $1,500 per year, and gave his full time to the work. He has been retained at the rate of $5 per day during time actually employed in order to complete reports that were unfinished when he left the Service. The amount paid him as collaborator since August 1, 1907, is $120.

George K. Smith, secretary National Lumber Manufacturers' Association, St. Louis, Mo.: Collaborator, at $300 per annum. Assists Forest Service and the Bureau of the Census in the collection of annual statistics of forest products.

W. L. Jepson, assistant professor in botany, University of California: Salary from the Forest Service $300 per annum, for which he is making studies and preparing reports on certain trees of the Pacific coast and their commercial products.

William L. Bray, professor of botany, University of Texas: Salary from the Forest Service $300 per annum, for which he is making special studies of Texas trees and forests.

Mr. SMOOT. Mr. President, the following members of the National Advisory Board on Fuels and Structural Materials are paid by the Forest Service:

J. F. Deems, C. B. Dudley, Charles A. Hexamer, Robert M. Hunt, Francis B. Cracker, William G. Irvine, H. G. Kelley, Hunter McDonald, George B. Post, and John L. Kaul.

They receive $5 per day for the time actually employed. The entire sum paid them during the fiscal year 1907 was $322.50, and during the current fiscal year $359.22.

The National Advisory Board on Fuels and Structural Materials was appointed by the President early in 1906 for the purpose of giving advice and suggestions to the Forest Service and the Geological Survey in regard to their tests on structural materials and fuels. It is composed of representatives from seventeen national associations and technical societies, such as the American Institute of Mining Engineers, the American Society of Civil Engineers, the American Society for Testing Materials, the American Railway Engineering and Maintenance of Way Association, the National Lumber Manufacturers' Association, and so forth, together with representatives from a number of the Government bureaus which are largely engaged in construction work, such as the Corps of Engineers of the United States Army, the Isthmian Canal Commission, the Reclamation Service, the Supervising Architect's Office, and so forth.

The purpose of the President in appointing this board is set forth in his letter to the individuals composing it, inviting them to become members, which was as follows:

The United States Government, through the Geological Survey and the Forest Service, is engaged in investigating the properties and best methods of use of building materials and fuels of the United States. These investigations are so intimately connected with the industries and welfare of the nation that they should be carried forward as rapidly as possible, and should have the advantage of the best service and cooperation which is possible to secure. Accordingly, I have decided to invite selected members of the national engineering societies and allied organizations to form, with representatives of such Government bureaus as are carrying on actual construction work, an Advisory Board on Fuels and Structural Materials, and I invite you and your successors * * * to become members of it. The times and places of meeting and other details will be arranged through the Director of the Geological Survey and the Chief of the Forest Service. Once each year during the remainder of the present Administration the board shall report to the President its suggestions and recommendations, and from time to time each year I shall be glad for each member of the board to give to the Director of the Geological Survey and the Chief of the Forest Service, or to those who are directly charged with the investigation, such suggestions as will best forward the objects of the work. At the beginning of each year the plans for the investigations proposed will be submitted to the members of the board for their consideration, suggestions, and advice.

The personnel of the entire board is given in the following list:

LIST OF MEMBERS NATIONAL ADVISORY BOARD ON FUELS AND STRUCTURAL MATERIALS.

From the American Institute of Mining Engineers.—John Hays Hammond, past president, Empire Building, New York; Robert W. Hunt (of Robert W. Hunt & Co., testing engineers, Chicago, Pittsburg, and New York), Chicago, Ill.; B. F. Bush, manager and vice-president, Western Coal and Mining Company, St. Louis, Mo.; E. V. D'Invilliers, mining engineer, 506 Walnut street, Philadelphia, Pa.

From the American Institute of Electrical Engineers.—Francis B. Crocker, professor of electrical engineering, Columbia University, New York; Henry C. Stott, superintendent motive power, Interborough Rapid Transit Company, Eleventh avenue and Fifty-ninth street, New York.

From the American Society of Civil Engineers.—C. C. Schneider, president, chairman committee on concrete and reenforced concrete, Pennsylvania Building, Philadelphia, Pa.; George B. Webster, chairman committee on cement specifications, city engineer, City Hall, Philadelphia, Pa.

From the American Society of Mechanical Engineers.—W. F. M. Goss, dean of the school of engineering, Purdue University, Lafayette, Ind.; George H. Barrus, steam engineer, Pemberton square, Boston, Mass.; P. W. Gates, 210 State street, Chicago, Ill.

From the American Society for Testing Materials.—Charles B. Dudley, president, Altoona, Pa.; Robert W. Lesley, vice-president, Pennsylvania Building, Philadelphia, Pa.

From the American Institute of Architects.—George B. Post, past president, 33 East Seventeenth street, New York; William S. Eames, past president, Lincoln Trust Building, St. Louis, Mo.

From the American Railway Engineering and Maintenance of Way Association.—H. G. Kelly, president, Minneapolis, Minn.; Julius Kruttschnitt, director of maintenance and operation, Union Pacific Railroad, 135 Adams street, Chicago, Ill.; Hunter McDonald, past president, chief engineer Nashville, Chattanooga and St. Louis Railway, Nashville, Tenn.

From the American Railway Master Mechanics' Association.—J. F. Deems, general superintendent of motive power, New York Central lines, Grand Central Station, New York; A. W. Gibbs, general superintendent of motive power, Pennsylvania Railroad, Altoona, Pa.

From the American Foundrymen's Association.—Richard Moldenke, secretary, Watchung, N. J.

From the Association of American Portland Cement Manufacturers.—John B. Lober, president, Land Title Building, Philadelphia, Pa.

From the Geological Society of America.—Samuel Calvin, professor of geology, University of Iowa, Iowa City, Iowa; I. C. White, State geologist, Morgantown, W. Va.

From the Iron and Steel Institute.—Julian Kennedy, metallurgical engineer, Pittsburg, Pa.; C. S. Robinson, vice-president, Youngstown, Sheet and Tube Company, Youngstown, Ohio.

From the National Association of Cement Users.—Richard L. Humphrey, president, St. Louis, Mo.

From the National Board of Fire Underwriters.—Charles A. Hexamer, chairman board of consulting experts, Bullitt Building, Philadelphia, Pa.

From the National Fire Protective Association.—E. U. Crosby, chairman executive committee, Philadelphia, Pa.

From the National Brick Manufacturers' Association.—John W. Sibley, treasurer, Sibley-Menge Press Brick Company, Birmingham, Ala.; William D. Gates, American Terra Cotta and Ceramic Company, Chicago, Ill.

From the National Lumber Manufacturers' Association.—William Irvine, president, Chippewa Falls, Wis.; John L. Kaul, president Southern Lumber Manufacturers' Association, Birmingham, Ala.

From the Ordnance Bureau, United States Army.—Gen. William Crozier, Chief, Washington, D. C.

From the Corps of Engineers, United States Army.—Lieut. Col. William L. Marshall, Army Building, New York.

From the Bureau of Steam Engineering, United States Navy.—Admiral Charles W. Rae, Chief, Washington, D. C.

From the Bureau of Yards and Docks, United States Navy.—Frank T. Chambers, civil engineer, Washington, D. C.

From the Supervising Architect's Office, United States Treasury Department.—James K. Taylor, Supervising Architect, Washington, D. C.

From the United States Reclamation Service.—F. H. Newell, chief engineer, Washington, D. C.

From the Isthmian Canal Commission.—John F. Stevens, chief engineer, Washington, D. C.

Mr. President, I also have a great number of letters from private citizens of Arizona, Idaho, Utah, and New Mexico and leading newspaper editorials from almost every State where there is a forest reserve, commending the policy of the establishment of these reserves; and, if there is no objection, I should like to put in the RECORD a few letters, petitions, and editorials, so that Senators can see how some of the influential newspapers and leading citizens in Western States feel in relation to this great Service and the benefits accruing from it.

The VICE-PRESIDENT. Without objection, permission is granted.

The letters referred to are as follows:

[From James W. Clyde, Joseph R. Murdock, E. J. Cummings, J. C. Jensen (cashier bank), Abram Hatch, Wilford Van Morgan.]

HEBER, UTAH, *June 13, 1907.*

W. I. PACK, Esq., *Forest Supervisor, Provo, Utah.*

DEAR SIR: In compliance with your request for an expression of our views regarding the policy of the Government in converting the public domain into forest reserves, to be operated under the supervision of the Forestry Department, and its relation to the interests of the people of Wasatch County, we have pleasure in submitting our unqualified indorsement, not only of the policy of creating such reserves, but also of the manner in which those with which we are familiar are being conducted.

We feel that our thorough acquaintance with the conditions which have existed on the former Uintah Indian Reservation and the public domain for the past twenty-five years qualifies us to judge understandingly the effects upon the interests of the community since a part of said reservation has been made a forest reserve as compared with the benefits which the people received from said lands before, and it is our opinion that far greater advantages and benefits result from the manipulation of the public domain in the form of forest reserves under the Government direction than were or are possible under the unrestricted use of the ranges by the public.

It has been our observation, as well as experience, that where ranges have been open to promiscuous public use and occupancy, they become in a very short time overstocked and destroyed and of practically no value to anyone. Too frequently, also, the owners of the larger herds crowd their less prosperous neighbors off; while under the supervision of the Forestry department, whereby the grazing upon the several districts of the forest reserves is limited to the reasonable capacity of such district, together with the policy of reducing the privileges of the larger stock growers as rapidly as consistent with justice and without undue hardship to them, and substituting in their places men of more limited requirements, is decidedly more advantageous to the people generally and to these having small herds especially.

In our opinion it would be advantageous to still further extend the Uintah Forest Reserve by adding to it the remainder of the public domain now in the former Uintah Indian Reservation, and in this connection we recommend that the lands in the Strawberry Valley reserved for reclamation purposes be placed under the regulation of the Forestry department.

We wish at this time to express our appreciation of the labors of the officers who have had and now are in charge of the regulations of the Uintah Forest Reserve, and to commend them for their efforts to equitably and justly adjust and fix the privileges granted on that reserve.

Very respectfully,

JAMES W. CLYDE.
JOSEPH R. MURDOCK.
E. J. CUMMINGS.
J. C. JENSEN, *Cashier Bank.*
ABRAM HATCH.
WILFORD VAN MORGAN.

[From Aquila Nebeker, Laketown, Utah, June 3, 1907.]

LAKETOWN, UTAH, *June 3, 1907.*

Mr. W. W. CLARK,
Supervisor Bear River Forest Reserve, Logan, Utah.

DEAR SIR: To your inquiries relative to whether or not there has been an increase in the weights of the product of cattle and sheep, and as to the general condition of the ranges since coming under National Forest regulations as compared with its condition before said regulations were in force and effect, have this to say:

1. Unquestionably the weights of cattle and sheep are increasing from year to year. The condition is the result of two causes; first, range is better and therefore the most important cross to the practical farmer, viz., the "cross of good feed" exists; and second, sheep men and cattle men are striving to increase the quality of their herds and flocks by using better blooded sires (one condition is the concomitant of the other). Of course both causes contribute to the above effect, but in my twenty-five years of range experience I would be very loath to attempt to expect better results by breeding alone and on a decreasing quality of range. There is another feature I desire to call to your attention. The ranges in the Logan Reserve are supporting to-day nearly, if not quite, as many sheep and cattle as they were before National Forest regulations went into effect, and they all are in better condition.

Now, I imagine I can hear some individual who may object to said regulations stand up and holler, "Absurd!" and exclaim, "These are the fellows who are favorable to your control" and that "they do not know what they are talking about." But to all such I would say to suspend their criticisms a few moments and let us reason a little together. First. Is it not natural for us all to be more solicitous of the condition of something we own as against that which we do not own? The districting of the ranges under permit regulations makes of the user a party in interest to said range. Second. Is it not a fact that much of the feed on the open ranges has been worn out by herds traveling to and fro, rather than being consumed through the stomach of the animal, and thereby contributing to the production of mutton and wool? Any observant range user, if he will be fair, will admit both of the above statements without argument. Third. The national-forest regulations go far to prevent the wearing-out process mentioned in my second question by fixing a locus for the range user, thereby permitting him to conserve his range and getting its benefits as to him seems reasonable, without fear of some one else getting that which could be used at some other time or in some other manner to much better advantage.

The cattle are in better flesh in the fall of the year, since regulations, than they have been for years at that season in the past. This is no wild statement, but is a fact conceded by everyone who has had occasion to take notice. Also, and not an unimportant item either, the friction and ill feeling usually prevailing between cattlemen and sheepmen is being fast overcome, and these old-time prejudices of cattlemen against their brother sheepman's industry is fast becoming a condition of the past. The writer was at one time possessed of as much prejudice on this subject as anyone. He has moved from Arizona to northern Utah and back to Arizona with cattle to escape meeting a sheep or sheepman. But I say to you, if national-forest regulations and forest reserves had been in existence the past twenty-five years as they are to-day, he would have been saved much peace of mind and at times a condition bordering on crime. As to increase of weights, I would call anyone's attention who desires to investigate, to the records of national stock yards of shipments of sheep and lambs from our section for several years past. Those records will disclose that our lambs, before regulations averaging 60 pounds, and our yearlings averaging 90 pounds, are now averaging for lambs 65 pounds and for yearlings from 95 to 100 pounds (weighed at Omaha). Many bunches of our March lambs marketed in August average 75 pounds. So, as to range, I can unhesitatingly say to you that it is improving, and although we are paying in part for its administration by grazing fees, I regard the compensating benefits outweigh the cost.

Another thing which may not be out of place to mention in this connection: I have been acquainted with the Bear Lake side of the Logan Forest Reserve for over thirty years. In all that time before regulation there has hardly ever been a year when there has not been great fires in that section, devastating hundred of acres of timber. The last timber fire we had occurred the summer the lands went under regulation and was extinguished by the Department officials, and, I believe, was about their first work. While you people can not prevent lightning from striking and fires from being sometimes started, but by parties being located in the section, whose business it is to do what they can to prevent fires, and if started to put them out, millions of feet of timber is being preserved for future use.

To conclude, will say that if the users of the ranges are willing to pay a reasonable fee for compensating advantages, and the taxpayer a reasonable amount for his future timber supply being preserved to him and his children, the National Forest regulations can not be viewed as simply a part of the Government to provide jobs for politicians out of employment, as is now sometimes designated.

The sales certificates verifying the within-mentioned weights I have at my home, at Laketown, of my own shipments, which, if you will favor me with a visit, I shall be pleased to show you.

As to per cent of increase: With cattle and horses, I can not say that there is any material increase further than what would naturally follow by the breeding stock being in general better condition. With sheep, yes, there is a decided increase of lambs from our breeding ewes, but this result is more the effect of lambing at home in sheds provided for that purpose rather than any condition existing on the range. By such lambing I would fix the increase in lambs fully 16 per cent.

Respectfully,

AQUILA NEBEKER.

[From Robert Scott, address, Show Low, Ariz., date, June 4, 1907.]

Mr. F. S. BREEN, *Forest Supervisor, Flagstaff.*

DEAR SIR: Referring to the benefits derived from grazing sheep upon the national forest reserves, personally I am glad to say that my range is in better condition than it has been for years, and I attribute its good condition to the Forest Service regulations. The results have been that I have raised a greater per cent of lambs and the loss of old stock from shortage of feed has been nothing, and I would regret very much if I thought that we would have to go back to the old style of running sheep before the Forest Service regulations were established. As it is now, when we leave our ranges in the fall we know that it will not be fed off by other herds, and in place of seeing bare ground and sheep tracks, we see green feed.

Yours, truly,

ROBERT SCOTT.

[From J. W. Brough, Nephi, Utah, June 4, 1907.]

Mr. A. F. POTTER, *Denver, Colo.*

DEAR SIR: In answer to your information asked as regards to the reserve, I will say it has increased nearly one-half with feed. The cattle come down looking well in the fall. Previous to this being a reserve they came down very poor, on account of scarcity of feed, and our loss on cattle was 10 per cent. Now, we do not have 3 per cent, and the growth of cattle has increased 20 per cent; the water has increased one-third more. I do not think this reserve is able to carry any more stock than those that are raised on the farm; if it does that it will suit the majority of the people.

J. W. BROUGH.

[From the Idaho Daily Statesman, Thursday, April 2, 1908.]

MISREPRESENTING THE WEST.

It is not flattering to the people of the West that some of their representatives in Congress should be continually fighting the policy of the National Administration in its efforts to conserve the natural resources of the country. The West, more than any other section, has been made a beneficiary of this policy and it must be hard for the country at large to understand why its people should seem to be forever protesting against a policy that so plainly confers great benefits upon them. The people of the East are not likely to remember that the West, like every

other section of the country, has private interests selfish enough to oppose any policy that does not directly benefit them, or which takes from them some of the special privileges that they had previously enjoyed, and that these interests, like interests elsewhere, are represented by men in Congress who look out for them first, and for the people afterwards.

The great majority of the thinking people of the West are not opposed to the Government's forest-reserve policy and they must resent the attempt now being made in the National House of Representatives to show that the policy is unpopular here. The masses of our people fully realize that the National Government has aided them immeasurably by protecting their water and timber supplies and providing for the reclamation of vast tracts of arid lands, and that instead of "building a Federal fence around the public domain," as charged by Congressman CUSHMAN, of Washington, it has opened to settlement tracts heretofore inaccessible.

Such a charge is in fact absurd and misleading, for it must be remembered that the placing of the public domain in forest reserves does not shut agricultural land off from settlement, but rather opens it to settlement. The regulations provide that any land in a forest reserve shown to be better adapted for agricultural purposes than for timber land may be homesteaded, and as the Government has built roads through the national forests and established telephone communication with many out-of-the-way regions, a large acreage has been made desirable for homes that would never have been developed under the old conditions. It should be remembered, also, that the public domain belongs to the Government, representing the whole people, instead of to a few who feel that they should have special rights upon it, and that therefore it makes no difference whether a certain portion of the public domain is in a national forest or not, so long as no one is robbed of a privilege that really belongs to him.

But, some opponent of the Administration will say, we have been robbed of privileges that really belong to us. Analyze this complaint and you will find that some one merely has been denied some special privilege that he thought belonged to him because he had been permitted to use it for years at the expense of the general public. The fact of the matter is that the regulations governing the national forests are so liberally formed that the few can not benefit at the expense of the many in the reserves, and so there is naturally a resentment against the regulations in certain quarters.

Everybody knows that at the present rate of consumption our timber will not last more than from twenty to thirty years longer unless steps be taken to preserve the young growth, yet we have men so short-sighted as to maintain that this makes no difference, that what the West needs is the earliest possible development of its resources and that future generations should be left to look out for themselves. But even if this were true, there would be no merit in the charge that development has been stopped on account of the Administration's policy to conserve the natural resources. Development has not been stopped in the West by any action of the Government, but has been aided by it along many lines unusual in a republic.

As Representative HEPBURN, of Iowa, pointed out in the debate in the House Tuesday, the agricultural lands of the older sections of the country are being improved by a succession of their title from the Government, but "it was an act of largess upon the part of the Government to improve the waste spaces and make them blossom into fertile lands for the benefit of all the people." That is a fact that should be constantly borne in mind by the people of the West. They should remember that vast sums were voted to them for the improvement of their desert areas and the preservation of their forests by men representing States that had enjoyed no such benefits, but who were broad enough to rise above selfish considerations and make possible to a progressive people in a new country a development which they could not otherwise have attained for years. They should remember, moreover, that the present National Administration has understood the West more thoroughly than any other Administration the country has ever had, and that it was largely through its efforts that these great benefits were conferred upon them. And remembering these things they should make it plain that they do not uphold the vicious attacks that are so constantly being made upon the National Government by the representatives of special interests because of private grievances.

It is a disgrace to the West that its people should be made to appear so ungrateful for what has been done for them, and they should lose no opportunity to show the country that they are being shamefully misrepresented by some of their public servants.

[From the Weiser (Idaho) Signal, January 29, 1907.]

NATIONAL RESERVE POLICY.

Ever since the adoption by our Government of its policy to protect and regulate the use of our forests and grazing lands, a continual round of objection and criticism has been indulged in by the public in many localities. But when both sides of the question are presented, it would seem that the Government is doing nothing but its duty to the present generation and making a wise provision for posterity in taking charge of our Government domain in a manner that will give the greatest possible good to the greatest possible number of people. A government based upon any other hypothesis would be unsound and dangerous. There are governments now in existence whose laws and whose policies throw the power and benefits into the hands of the few to the exclusion of the many, but these forms of government are not nor ever will be our ideals. Our Government forest policy is one of vast proportions, and in many instances it is as yet in a crude form and it will require time and many experiments to get it down to a harmonious basis. When we consider that under past conditions our forests would be denuded of timber in twenty-five years, it is very easy to understand the avidity with which the timber barons were gobbling up every available tract of timber land and the fraudulent methods by which they sought to acquire them. Place the control of our forest lands in the hands of these barons and the country would soon face a trust whose magnitude would be appalling. For the general good of the country, far better leave the control of the situation in the hands of the General Government than to eventually be squeezed by a trust more soulless and gigantic than the Standard Oil, with all of its kindred tentacles. It is true that seemingly in many instances it may seem annoying to be compelled to go to some forestry agent for permission to cut a few cords of wood for family use; but would conditions be any the less onerous were we compelled to go down upon our knees and beg this same privilege from some haughty timber baron, who certainly would have less consideration for our personal welfare and comfort than our own Government? Should conditions be allowed to drift as in the past, in a few years we would be compelled to face conditions as are faced to-day in Germany, England, France, Russia, and many other countries, where the common people are glad to glean the twigs from the forests for fuel after the owner had disposed of the body of the tree to the individual whose wealth would enable him to buy it. Better by far be patient under present conditions than to face the inevitable.

In regard to our grazing lands, these, too, were being gobbled up at an alarming rate and in a few years the stock business would have been corralled and held under absolute control of the grass barons. Better by far pay a small fee to a government that should be our friend than to ask for favors from private individuals who, in too many instances, believe in a "public-be-damned" policy. There is no question but under proper conditions more stock can be herded upon our public domain than under the old system where might was law. We are constrained in too many instances to look at these questions in a selfish and personal light, losing sight of the rights of others. If a mistake has been committed by the Government, it is that this policy was not established twenty years ago, and to-day, instead of grazing upon the barren, sun-blistered hillsides, the old familiar succulent bunch grass would still be waving in the sunlight. Overstocking our public pastures without suitable regulations would go further toward putting an end to the stock business than anything else, and proper regulation toward the use of our grazing lands will eventually rebuild this industry upon a solid and permanent basis. That the Government forestry policy has come to stay is beyond question, and it makes very little difference as to who succeeds Mr. Roosevelt as President, the public will never permit a backward step in this direction, but it will be carried forward and the public will soon be proud of the day when it was first suggested.

[From the Salt Lake City (Utah) Republican, January 18, 1908.]

POLICY IS ALL RIGHT.

It is not going to be easy for the gentlemen at Helena to make the people believe that President Roosevelt has been holding to a policy harmful to the nation, or unfair to the men who want to plant homes in the West.

In spite of all the clamor that may be made against the President, made by stockmen who want more than the law allows them, the people are going to ask: Does this forestry policy of the President permit actual settlers to found a home in the forest reserve? Does it permit an American citizen to locate and perfect title? Does it afford the manhood and the womanhood of the Republic the homestead rights which have been theirs from the founding of the nation?

And the answer will have to be affirmative in each case. The Government has not prevented any actual settler from establishing a home wherever on the public land—even the forest reserve—he may select a place. It has in every way encouraged his making a home. The Government idea has been that actual settlers are more to be desired, are of more value to the nation, than is stock. It is believed the nation would be better for the settlement and development, the farming and cultivation of the land, than for any amount of pasturing. It is believed this big range, now becoming so valuable, would be better in farms than in pasture land.

And while the stockmen are going to receive justice, they will not be allowed to stand in the way of the development, the reclaiming, and the enrichment of any part of the public domain.

[From the Colorado Springs (Colo.) Gazette, Wednesday, April 1, 1908.]

THE ATTACKS ON PINCHOT.

The attacks on Chief Forester Gifford Pinchot, made in the House Monday by Congressmen MONDELL of Wyoming and SMITH of California, appear to be a continuation of the programme inaugurated at the convention held in Denver a few months ago. At that time, it will be remembered, the various forces throughout the West that are opposed for one reason or another to the Federal forestry policy got together and made a noise entirely disproportionate to their importance. They got the support of the Denver papers and succeeded in flooding the country with dispatches designed to create the impression that Colorado in particular and the West in general were simply boiling over with indignation against the President, Mr. Pinchot, Secretary Garfield, and everybody else concerned in the work of preventing the wholesale destruction of what remains of the American forests.

It is perfectly safe to say that this view does not correctly represent the attitude of the West, and it may also be assumed that Western opinion does not indorse the position of the Congressmen who are now leveling their heavy artillery on the Chief of the Forestry Bureau. Mr. Pinchot is by far the most capable and efficient man that has ever had charge of this work; he is a trained forester of long experience, with a reputation in his profession that extends beyond the borders of this country, and his integrity has never been called into question. It is due more to him than to anybody else that the nation has at last been awakened to the vital importance of protecting the forests, an object which can not be attained without the creation of vast reserves, or national forests as they are officially known. It is perfectly natural that the setting aside of these tracts should arouse opposition among those individuals and corporations which have been and still are exploiting them for their own profit. It is undeniable that some minor injustices have been done in pursuance of this policy, but many of them have been corrected as soon as they were brought to the attention of the proper authorities, and there is no reason to believe that any of them will be permanent.

[From the Denver (Colo.) Republican, Friday, April 3, 1908.]

APPROVE POLICY OF PRESERVING STATE FORESTS—THE CHAMBER OF COMMERCE ADOPTS RESOLUTION FAVORING SERVICE—PROTEST AGAINST CIRCULATION OF REPORT THAT THE WEST IS AGAINST PINCHOT—ORGANIZATION ALSO VOTES FOR ANTERO WATER FOR DENVER'S BENEFIT.

Realizing the importance of preserving the forests of Colorado and approving of the policy of the present Administration on that problem, the board of directors of the Denver Chamber of Commerce last night indorsed the following resolution:

"Of the many issues so forcibly presented by the able and vigorous Executive of our National Administration on questions of public policy, none is of more vital interest or more far-reaching in its effects upon present and future generations than the question of the conservation of our forests, already sadly decimated, affecting, as it does, our water supply, the basis of all our material wealth, agriculture, manufactures, and even life itself. While we may differ in minor details as to the administration of our forestry laws and in the regulations and uses of public lands and streams, we must subordinate these minor

differences to the central idea—the preservation of the small remnant of the splendid heritage which was once ours, and jealously guard what yet remains of our forest possessions.

"We therefore strongly protest against the general prevailing idea that the people of the West are not in full accord and sympathy with the Forestry Service of the Agricultural Department of the United States in their efforts to preserve to us and to our posterity that which affects the very life forces of the nation itself, and we hope the time may come when the feelings of the public may become so aroused on this question as to compel by statutory enactment the replanting of a new tree for every old tree destroyed, as is now the law in many European countries: Therefore be it

UPHOLD FORESTRY SERVICE AND URGE ITS CONTINUANCE.

"*Resolved*, That we indorse and uphold the policy of the Forestry Service of the Agricultural Department of the United States in their effort toward forest preservation, and urge the continuance of such efforts in the shape of rules and regulations as will accomplish the end to be desired with the minimum of loss and inconvenience to those interests that may be affected thereby.

"*Resolved*, That we recommend to our Representatives in Congress their support of such measures and appropriations as may be necessary to the proper and successful safeguarding of public land and streams: Be it further

"*Resolved*, That copies of this memorial and resolutions be sent to our Members in Congress, to the honorable Secretary of Agriculture, and to the Hon. Gifford Pinchot, whose patriotic efforts so largely added to the advances made in forestry and forest preservation in recent years.

"W. A. HOVER.
"F. J. CHAMBERLAIN.
"ZEPH CHARLES FELT.
"DAVID BROTHERS."

The board also indorsed the resolution of its committee on the Antero and Lost Park reservoirs, in which the committee advised that all means be taken to induce the owners of the reservoir sites to bring the water to the lands east of Denver rather than send it down the Platte River into another county.

[From the San Francisco (Cal.) Call, Tuesday, April 2, 1908.]

THE RAID ON THE FORESTS.

Representative SMITH is doing himself no good when he takes service alongside of the Congressional contingent which is so active in forwarding the schemes of the timber thieves and franchise grabbers who are striving to loot what is left of the national domain. The purposes of that endeavor have become perfectly well understood all over the country and the hypocrisy of their appeal to State pride only excites contempt. Their purpose is purely selfish.

The national Forestry Service has stood like a lion in the path of these freebooters and, accordingly, their advocates in Congress are engaged in an attack all along the line on that Department of the Government. They seek to cripple it by withholding the necessary appropriations. They do not hesitate to spread false charges, and they use every device that political ingenuity can invent. It is a dirty business and it is regrettable to see Mr. SMITH enlisted in the ranks of their Congressional supporters. Quite possibly he is there by mistake.

The conflict of testimony between SMITH and Pinchot appears to have settled itself disastrously for the California Representative. It seems as if Mr. SMITH might have some just cause of quarrel with his colleagues of the California delegation. In this instance they appear to have made the mistake—from the politician's point of view—of putting themselves down in black and white and delivering up their scalps to Gifford Pinchot, all except JULIUS KAHN, who, as usual, was concealed somewhere in the brush and could not be found. It was, of course, due to an unhappy lapse of memory that they committed themselves so unreservedly to Mr. SMITH. Some Congressmen should have good memories.

The trouble with SMITH is that he is unable to understand that he is getting in the way of a great national movement, and if he does not look out he stands an excellent chance of being run over. It does not pay to tie up with a bad crowd.

[From the Santa Fe (N. Mex.) New Mexican, February 11, 1908.]

THE GOOD OF FOREST PRESERVATION.

The question of the preservation of the present timber supply of the United States and the extension of its forests is assuming greater and more important proportions as time advances and as the subject is becoming better known and better understood by the intelligent people of the country.

The United States began taking care of what little in the forest line is left at a rather late day in its history. For a century and a quarter the destruction of most valuable timber resources in Uncle Sam's dominions was ruthless, and, in fact, in many cases criminal to the highest degree. Fortunately, for the good of the country, for the saving of its water supply, and for the protection of billions of property and millions of lives, the stop came not too soon.

It is believed by experts that had the destruction which has been in vogue for the past century and a quarter kept up for the next twenty-five years this country would have been virtually stripped of its timber supply and forests. Referring to a circular recently published by the Bureau of Forestry, entitled "What Forestry Has Done," a highly interesting story is told by the experts of the Bureau, and this brochure should be read and carefully studied, especially in the Rocky Mountain States and Territories. The Pueblo Chieftain reviews the contents of this very valuable pamphlet correctly and timely when it says that uninformed Americans, who are opposing the forestry policy of the Federal Government either because of a lack of knowledge of important facts or because of a standpoint of selfish interests, might profitably devote their attention to Circular No. 140, which has recently been issued by the Forestry Service of the United States Department of Agriculture. The title of this pamphlet is "What Forestry Has Done," and it is a careful review of what has been accomplished along this line in the principal countries of the world outside the United States.

While the forestry problem is a new one to this country, it is not so elsewhere, and all the civilized nations of the world, with the exception of Turkey and China, are now devoting much thought and effort to the protection and development of the national forests. And these efforts are the results, not of a theoretical consideration of the benefits of forestry, nor an amateurish fondness for experiments in this line, but they are due rather to an urgent need of increasing and assuring the wood supply, and of preventing the waste and devastation that invariably results from forest waste and mismanagement.

The principles of forestry are the same all over the world, and there is no country that can safely neglect its resources of this class. What is being done in the United States is merely to apply these principles to local needs and local conditions, and there is every reason to believe that this is being most successfully accomplished.

There should be no opposition in Colorado or any other Western State to the work of the Forest Service, which, while it may cause hardship in a few individual cases, and while it may interfere with the selfish interests of a few people, is of inestimable value to the general welfare.

If the present policy is continued—and there is every reason to believe that this will be the case—the time will surely come when Colorado will look upon its great national forests as one of its greatest blessings, not alone for what they are in themselves, but even more in their relations to the agricultural, the manufacturing, and the general business interests of the State.

[From the Great Falls (Mont.) Daily Tribune, June 26, 1907.]

SUGAR-COATED POISON.

The public-lands convention in Denver was sly enough to yield to public opinion to the extent of declaring in favor of the policy of treating the public lands of the nation as a public trust, to be disposed of in all cases and wherever possible to actual settlers. The necessity of forest reservations was also recognized and reasonable regulations by the Government commended. But the sting in the resolutions is in this paragraph at the close:

"It is finally demanded that, in States wherein forest reserves are situated and not desired, and are excessive, the reservation should be reduced to reasonable limits, whether the land restored contains timber or not."

If the question is left to the timber thieves, they will certainly decide that forest reserves are not desired and always excessive, and that the reasonable limit is not reached until every stick of wood is at the mercy of the "skinners." But the declaration that each State should settle such questions can mean nothing else but a desire to eliminate President Roosevelt from any control in the matter. They know that the interests of bona fide settlers will continue to be safe in his hands, while their own cupidity will encounter unflinching opposition.

The sugar coating of general statements in favor of the rights of the settler will not render any more palatable the specific demand for larger opportunities for the tree robber.

[From the Spokane (Wash.) Spokesman-Review, July 2, 1907.]

IDAHO WANTS SETTLERS.

President Roosevelt and Gifford Pinchot, United States Forester, are right in the forest-reserve policy. It may be conceded that excessive zeal has resulted in occasional errors of judgment. Some of the proclamations creating forest reserves have been too sweeping. Some land has been included within these reserves which would be better left open to agricultural settlement.

But these mistakes of judgment will be corrected, and the policy of the Administration is to extend to the people affected the widest opportunity to be heard, and to investigate with care all alleged mistakes and grievances. An illustration of this fair and liberal policy was recently seen in the action of the Administration in restoring to general settlement a large part of the Priest River Forest Reserve, in Stevens County.

President Roosevelt is right, and the powerful interests which are industriously and noisily trying to destroy the forest reserves are wrong. As President Roosevelt has well said, their only interest is to "skin the land" and move on.

These interests seem to have been represented at the public meeting at Coeur d'Alene City Saturday night. Representative Joseph Fallon, in an attack on the forest-reserve policy, declared, "What we want is not trees, but settlers," a cunning catch cry designed to befog the question and deceive the public. Idaho will get more settlers, and get them over a longer period, with forest reserves than without them.

The purpose of these reserves is to protect some part of the forest wealth of the West against the raids of a few big timber operators, and hold that forest wealth for the use and benefit of the real settler. These great timber interests have acquired gigantic tracts of the best of northern Idaho. How many settlers are upon their lands? Very few, indeed. Almost without exception these lands were taken under the timber act, which requires no settlement, cultivation, or improvement. They were taken largely by people of the towns and cities in a pure spirit of speculation, who later sold out to the big lumber companies.

[From the Fargo (N. Dak.) Call, Wednesday, June 26, 1907.]

LAND GRABBERS.

"Nothing so became the public land convention at Denver," says the Omaha Bee, "as its sine die adjournment after a determined but ineffective effort to create a public sentiment opposed to the President's forestry and public-land preservation policy. The convention adopted a series of resolutions rather platitudinous in character, proclaiming the opposition of the West to any policy that deprives the 'home builder' from access to the public lands by purchase or preemption, and demanding a reduction of the forest reservations made by the President, in order that available agricultural lands shall be left open to the homesteader and the bona fide settler. The resolutions were decidedly mild compared with the anteconvention talk of the aggressive individuals who have made fortunes or want to make fortunes by monopolizing for present-day profit the natural resources of the West which the President insists shall be held as a public heritage and developed for the common good. President Roosevelt's letter to the convention proved unanswerable, and doubtless did much to temper the tone of the resolutions finally adopted. He made it plain that the only purpose of the Government was an enforcement of the laws or the enactment of new ones limiting the amount of Government land which may be acquired by one person, stopping the fraudulent practices by which the land syndicates and the lumber barons have secured control of property which belongs to and should be held for actual home builders; that the Government proposes to maintain for the children of to-day and the future some small supplies of timber, and to so protect the mountains with forest cover that water for irrigation shall not fail, and the rivers—whose use as highways of commerce it is sought to restore—shall always have a sufficient flow; that the settler, the man of small means who has taken up a

farm which he intends himself to work and on the proceeds of which he intends to support and bring up his family, shall not be irreparably injured by the demands of the syndicates that have fattened on the public resources at the expense of the home builders. The entire policy of the Administration, both in the matter of public lands and forestry reserves, has been and is to safeguard the rights of the home maker and make settlement and development of the country easier and safer than it is under existing conditions. Even the cattle barons, the land syndicates, and the timber looters, so ably represented in the convention at Denver, have been unable successfully to assail this policy, which has, in fact, been strengthened by the attempt of this convention to overthrow it."

[From the Portland (Oreg.) Oregonian, Friday, June 21, 1907.]

THE PEOPLE AND THE FORESTS.

Control and disposition of the public lands is one of the most important problems now before the American Government, for we have reached a period in our development when control of natural products vitally affects the personal and business interests of all the people. That the public land should be given free to the people has long been one of our most cherished principles. This principle was based upon the theory that free land meant cheap homes, and consequently many home builders. To the extent that free land, or even cheap land, increases the number of home owners who get their living from the land they have thus acquired, the policy of giving away the public domain is a wise one and has never been seriously questioned or attacked. But there are different kinds of public land and different purposes for which ownership is desired. The public-land policy was framed at a time when the great West meant the prairie region east of the Rocky Mountains, where the settler could build his cabin, plow the sod, sow the grain and raise a crop the second season, if not the first, after settlement. The expression "public land" conveyed a mental picture of land that could be tilled or that was suitable for home building. While it was then known in a general way that much of the public domain was timbered or contained deposits of coal, the ultimate value of these natural products was not appreciated. Heavily timbered land was scarcely considered in forming the policy which contemplated the giving away of the public domain to home builders.

In recent years, however, we have come to realize the value of timber and coal lands, and understand that purchasers of either do not seek the land with a view to building homes thereon. We now perceive that the public-land policy, as it applies to tillable land, should be different from the policy that determines the disposition of timber and coal lands. The man who acquires tillable land usually expects to go upon it and make it productive. The man who acquires timber land hopes to sell it to some large corporation. The corporation, founded by men who foresee a scarcity of timber, expects to hold the timber land until it has greatly enhanced in value. The wait may be ten, twenty-five, or fifty years, but the certainty of advancing value makes the purchase a safe speculative investment. Much of the timber land goes into the possession of corporations that do not desire it for milling purposes, but expect to make a profit by reason of the future conditions of supply and demand. Tillable land goes to the people; timber land to the capitalistic few, who expect to levy tribute upon the people who eventually must buy the timber in the form of lumber.

Out of this difference in the character and the purposes for which it is acquired has grown the forest-reserve policy, which contemplates the reservation of lands not suited to home building, but which are either valuable for present growth of timber or may become valuable when trees now young reach maturity. To prevent wanton destruction of timber, young and old, and to retain ownership in the Government, is the end to be accomplished by the forest-reserve policy. At no time has the reserve policy contemplated the withholding of lands suited to settlement or the withholding of timber needed for the manufacture of lumber. The forest-reserve policy therefore includes neither the retarding of settlement nor the hampering of the lumber industry. Incidentally the forest-reserve policy extends to the regulation of grazing on a reservation, the building of roads, cutting of timber, and so forth.

It would be easy to foresee that the forest-reserve idea would meet strong opposition from those persons who wish to acquire timber and those who wish to graze their cattle upon the public domain unrestricted. The capitalist with money to invest can see no good in a forest reserve. The cattle owner who feels confident of getting his share of the range, if left to his own devices entirely, has no word of commendation for a system of regulation which guarantees to a weaker cattleman a just share of the public range. One would expect, too, that a great majority of the people, who have no interest except that possessed by every citizen, would favor the forest-reserve system, for it proposes to retain for them the vast wealth that is theirs.

That there has been strong opposition to the forest-reserve idea is due in part to the abuses which were permitted to grow up in it, chief among them the scripping evil, which enabled large corporations to exchange their worthless lands for good and still retain their good lands within a reserve. In a few instances some lands may have been included in a forest reserve which should have been omitted. This, with some inconvenience in securing grazing permits, may have caused some opposition to the reserves. But, in the main, the fight now being waged in the public lands convention at Denver against the policy of conserving the public lands has its origin in the selfish desires of men who want free timber or free range. The forest system undoubtedly has its faults, but its defects are not serious enough to justify throwing down the lines of the reservations and permitting all who wish to rush upon the last of the timber lands, seizing them in sections and townships to hold until the needs of the people and the concentration of control shall enable the holders to dictate the price of lumber. There are some indications of an effort on the part of the timber interests to control the convention and determine its expressions upon public-land questions. If such a movement has been undertaken and should succeed, the opinions voiced by the convention would have but little weight with the people. On the contrary, it would tend to make them more than ever supporters of the policy which is designed to retain for the people the land that belongs to them.

The argument offered that the creation of a forest reserve withholds land from taxation is a shallow one. If a timber syndicate can afford to buy a township of timber and pay taxes on it for ten years in order to make a profit on the advance in value, can not the people afford to retain that same land and go without the taxes in order to realize the profit on the advance in value? Wherein are the people gainers if they lose the large profit represented by growing value, and gain the small amount of money paid in the form of taxes? And more—wherein have the people profited if they sell the standing timber to a speculator to-day and buy it back from him ten or twenty years hence at many times the price he paid? If a sawmill proprietor needs logs for his mill, let him buy from the people's supply of timber at prices that prevail to-day; but let him not buy the timber in large tracts at present prices to hold until he can exact from the people a much larger price because he controls the supply.

A PETITION.

MACKAY, CUSTER COUNTY, IDAHO, *January 19, 1907.*

The honorable PRESIDENT OF THE UNITED STATES,
Washington, D. C.

THEODORE ROOSEVELT: The following undersigned citizens and resident freeholders of Custer County, State of Idaho, do petition to have the forest reserve known as the "Sawtooth," to be extended so as to include all of township 3 north, in ranges 22 east and 23 east, and townships 3, 4, 5, and 6, in range 24, except sections 1, 2, 3, 4, 10, 11, 12, 13, 14, and 15, in township 6, range 24 east, and sections 25, 26, 35, and 36, in township 3, 24 east, Boise meridian, and a strip of agricultural land 1 mile wide, up Antelope Creek, extending to the line between ranges 23 and 24.

And we present the following reasons, to wit, why such extension is very necessary: Township 3, in ranges 22, 23, and 24, also townships 4, 5, and 6, in range 24 east, Boise meridian, and watersheds of Alder, branches of Antelope, White Knob, and Sheep creeks, also some very valuable timber and grazing lands which are by the present boundaries of this reserve left out.

We guarantee that if such extension is granted that permits for grazing will be applied for for sufficient stock to stock the extension completely.

Notice on the Forestry Reserve map that timber and watersheds petitioned are not on the reserve.

In view of the foregoing facts we respectfully submit this petition.

S. M. Miller, Wm. N. Miller, Edward McKelvey, Ernest Paetsch, Thomas Lemon, Daniel W. Woods, Christ. Rogers, A. P. Sally, M. S. Vaught, Peter Donahue, S. G. Donahue, J. D. Daniels, Chas W. Morrison, E. P. Huffman, Alex. Burnett, H. M. Evans, Frank Delenen, Levi Warren, F. J. Gacker, J. W. Beck, Antelope Valley Land and Cattle Co., D. M. Burnett, A. N. Anderson, A. Savaria, L. D. Savaria, U. M. Savaria, Jas. P. Haney, C. B. Anderson, Charles R. Hoalst, E. O. Haney, B. A. Pearson, N. Swanson, A. Callahan, Chas. Lowe, Dan Jones, Joe Jones, King Brothers, C. C. Judd, C. E. Judd, E. C. Richardson, G. P. Richardson, J. E. McClellan, Wiley Jones, William H. Cherry, Geo. R. Miller, John N. Smith, J. C. Merrett, W. M. Goodman, E. S. Crawford, W. C. Purdy, Joseph Vanous, D. P. Wells, J. G. Richardson, Geo. L. Morgan, United States commissioner.

REPORT AND PETITION OF SETTLERS OF EAST FORK OF SALMON RIVER.

We, the people of East Fork of Salmon River, have this 14th day of March, A. D. 1907, assembled for the purpose of sending to the President of the United States and Bureau of Forestry the following facts:

1. That we are actual citizens of the United States and State of Idaho.

2. That we are all actual landowners and residents in this valley, and have been for a period of from three to twenty years.

3. That we, who have recently settled here, have bought out ranches that have been improved, and herds that have been ranged for the past twenty years.

4. That we annually cut from our ranches various amounts of hay, ranging from 25 to 150 tons.

5. That we have no accessible market for our hay product, except by feeding.

6. That we under the present conditions will use the reserve ranges for three or four months and our ranches for three or four months, and depend upon range lying between our ranches and reserve lines for the balance of the year.

7. That we anticipate that large numbers of cattle, horses, and sheep will be put upon these ranges lying between our ranches and reserve lines, and thereby overstocking them, and rendering them utterly useless to the bonafide residents and property owners, which will render it necessary for us to dispose of our herds and go out of the business.

8. That we hereby petition the President of the United States and the Bureau of Forestry to extend the present lines of the Sawtooth extensions of the Sawtooth Reserve to include the drainage of that part of the East Fork of Salmon River and Antelope Valley, down to the survey line, which is not already in the reserve, in order that we may secure the protection of its laws.

9. That we feel that if we can not receive the desired extension, the reserve, as now created, will work numerous hardships upon the bona fide settlers.

10. And we pledge ourselves, if said petition is granted, to observe the rules and regulations governing said reserve and to support any reasonable policy for the protection of the timber and the range.

11. And we do individually and collectively affirm that the foregoing statements are true, and we do respectively beseech the President to speedily grant our petition, that we may at once come under the administration of the Sawtooth Forest Reserve.

Mackey and Central Stage Company, C. V. Hanson, C. B. Jenson, Joseph Rodgers, Pettus McGowan, Daniel Breyers, Louis Germer, Earl J. Michael, Pat Lynch, D. B. Drake, J. N. Van Camp, Frank H. Olsen, James Papwortt, August Betz, George Baker, John Tam, Philip Maraffio, Joe Anderson, Filippo Zossi, G. E. Pauwortt, J. Lenzinger, Fred Lenzinger, Thomas Bradshaw, William Bradshaw, sr., Thomas Howell, Edmund Cearley, B. L. Carman, Lee Kerr, T. W. Cheney, William Elder.

THE HAILEY COMMERCIAL CLUB,
Hailey, Idaho, March 8, 1906.

At a general regular meeting of the Hailey Commercial Club, held March 5, the following "Extract from Report on Water Supply of Cities Near the Sawtooth Forest Reserve" was presented and read:

"Ketchum, Hailey, and Bellevue are dependent upon Wood River and its tributaries for their water supply, but that watershed is not within a forest reserve. These three towns are very greatly in need of adequate protection of the watershed upon which they must rely. At present the basin of Wood River is given up to sheep grazing almost entirely and the denudation of the range is nearly complete. The soil conditions are such that persistent grazing kills out the grass and herbage quickly and transforms the surface into a dust heap. All three towns are

favorite shipping points for sheep, and hundreds of thousands of sheep are herded in the vicinity every year about shipping time. Flocks of ewes are taken there from the hill ranges for the shipment of lambs, and herded there during the time of shipment, and then returned to the higher lands, near the sources of the tributary creeks, for further pasture. These practices make the region around the three towns a steadily used trail rather than an ordinary range, and the injury to the watershed is correspondingly great. The timber supply in the mountains drained by the Wood River has been greatly depleted to supply the mines in that region, and since the timber was cut off the presence of sheep has prevented reforestation. I know of no other section of Idaho where the needs of the people call more loudly for the protection afforded by forest reserves than this Wood River country, nor is there a better field in which to demonstrate the benefits of forest planting. If that watershed could be included in a reserve and forest planting pushed there, the benefits would be incalculable."

Mr. SMOOT. Mr. President, there are a number of things that I desired to say, but the time is so far spent that I believe it would be proper for me to content myself with what has already been said. I wish, however, to express the hope that this discussion will lead at least to a better understanding in the future between complainants and officers of the Forest Service.

Mr. LODGE. Mr. President, I do not intend to detain the Senate long, nor do I mean to enter into any detailed discussion of the particular points in this bill, or as to the different phases of the Forestry Service, which have already been so fully and ably discussed.

I think that the so-called great outrage of lump-sum appropriations has been pretty well disposed of. That is a common form of making appropriations in every bureau of the Department of Agriculture as well as in many other Departments. The Bureau of Animal Industry expends about $2,400,000 in lump sums, and I think there is no need of our getting excited over this particular bureau.

Nor do I care to argue, Mr. President, the point of what may be called forest economics; that is, the wisdom of so managing forests that they shall return revenue from timber cut and from land used for grazing or other purposes. Nor do I think, Mr. President, that the Forestry Service or the Chief Forester need any defense. Mr. Pinchot's service, to my mind, has been of the most admirable character. There is one thing certain about it. No more disinterested service has ever been rendered to a government.

All that I desire to say here is in regard to the general policy. I am sorry, Mr. President, to be obliged to use the word "policy," which my friend, the senior Senator from Idaho [Mr. HEYBURN], commented on with such severity the other day; but the fact is that no other word occurs to me to express the meaning which I wish to convey. I think it is legitimate to speak of an agreed method or plan of dealing with any governmental interest as a policy, and I wish to defend the policy in regard to the Forest Service on somewhat broader grounds than the details which we have necessarily been obliged to discuss.

In the first place, Mr. President, while I agree with the Senator from Idaho that the forests should be administered in the interest of the people, I think perhaps we differ as to our definition of the word "people." I do not confine it to the people of Idaho or to a portion of the people of Idaho. I think the people interested in the preservation of those forests are the people who created the Government of the United States—the entire people of the United States. The land now occupied by the great States of the Northwest was land acquired by the United States, by the older States, by purchase, by conquest, or by discovery, and that land was the property of the United States. When States were carved out of that land the United States had an entire right to reserve certain portions of it for such uses as they saw fit to apply them to, and therefore this public domain belongs to all the people of the country, and they have a right to deal with it as seems to them best.

It is a great mistake, Mr. President, to suppose that we of the older States have any feeling but one of pride and interest in the people who built up the great States of the Far West in the new country. We realize that our future and our prosperity is bound up in theirs, and we can wish for nothing but what is for their interest. But we do not want to have the interests of the whole country and the larger interests of the great future sacrificed to an immediate purpose of money making.

Mr. President, the Senator from Idaho referred to the pioneers, to the old settlers of New England and the Middle States. It is out of the experience of New England that I seek to defend this policy. Of course for many years the people were so comparatively small in number that, with the old-fashioned appliances, the destruction which they effected in the forests was but slight, but, with the enormous growth of population, the immense development of machinery, and the vast improvement in transportation, the methods of destruction have been so accelerated that it is a commonplace and a truism to say that our forests are disappearing.

In New England from the beginning down almost to the present day we followed the theory that nobody must be interfered with in the use or waste of the natural resources of the country. What has been called in this debate "a God-given right to destroy or use up any natural resources without interference" was pretty fully exercised; and to-day, at immense expense, we are trying to restore and preserve our forests. We are trying to protect our game and our song birds; we are trying to replace the fish, which have been in many places driven almost out of existence and brought inshore fisheries to an end. The reckless waste and abuse of our natural resources has been one of the great misfortunes of the older parts of the country.

The State of Maine was the first State, in New England certainly, and, I think, one of the first States in the Union, to adopt more intelligent laws as to the regulation of our forests and equally intelligent laws for the protection of game. The result of those wise laws which have been adopted in Maine is that game is reappearing and is a source of revenue to the State. Game is furnished for the market, instead of the people going on in a reckless extirpation of those valuable birds and animals.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Yes.

Mr. HEYBURN. Mr. President, I would inquire of the Senator from Massachusetts as to which conduces more to prosperity and the welfare of a country—a wild deer or an Alderney cow—the wild deer in the forest and the Alderney cow on the farm?

Mr. LODGE. I will come to that, Mr. President, as the Senator suggests it. He told us a great deal about the home. He said that what we wanted were homes; what we wanted were houses. To have houses and homes in treeless wastes, where no song bird is ever heard, where the game has been extirpated, the fish destroyed, and all the natural resources have been abandoned and abused, is not civilization; it is retrogression. It is the act of the improvident Indian, or the savage, to destroy these great gifts, because we can make immediate profit out of them, instead of husbanding them for the use of those who are to come after us.

Mr. HEYBURN. Mr. President, would it interrupt the Senator if I were to suggest that the best game preservers that this country ever knew were the Indians, and that when the Indian had been living alone on this continent for more centuries than we are able to reckon the game was at the high tide, and that all we have done that we call "civilization" is to substitute the domestic animal for the wild game?

Mr. LODGE. If I did not do the Indian justice in comparing him with the white man who destroys the game, I beg the Indian's pardon. I thought the Indian was reckless; but it does not alter in the least my opinion of the white men who have destroyed the game. They went so far—I am not criticising other States, but I am speaking of my own home—that the very existence of the song bird, one of the joys of life, was endangered in my State and in many others. We have had to enact national legislation to protect them. I have been in parts of Europe where any bird is regarded as game, and where you scarcely ever hear the song of a bird.

In the same way we have recklessly abused the fisheries. The migatory fish have been driven away in my time from the rivers of our coast, and because of the modern appliances—nets, steam trawlers, and things like that—and the utterly reckless way in which the fish are killed at the wrong season, that great food supply is being diminished all along our coasts. We are spending hundreds of thousands of dollars to try and keep up the fish and game supply.

Mr. President, I think the policy applies equally to all. It is not merely that the forests are valuable for lumber and for furnishing timber that we greatly need them. It is that they are also very important to our water supply, very important to our streams. It is the existence of the forests that prevents our streams from oscillating between floods and torrents and dry river beds, with just a little thread of water trickling through them. I do not want to see the mistakes of the past repeated. I want to see the wisdom that we learned too late, or, at all events, if not too late, which we are compelled now to put into practice at great expense, to be made good use of in the newer portions of the country on the public domain.

We have lingered far behind other nations of the world in many directions, where intelligence and an advanced civilization make their mark, and in none more than in the protection of our forests. The reason is in all these things, not that we are not alert and progressive, for there is no more intelligent, alert, and progressive people in the world than the American people,

but we have lingered behind in these directions because these movements of different kinds have been always accompanied by the resistance of those who wish to make immediate profit, who wish to make money out of it. That has stopped many of the needed reforms or the needed policies for the protection of our natural resources.

Mr. FULTON. Mr. President, will the Senator allow me a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. Certainly.

Mr. FULTON. I wish to suggest to the Senator from Massachusetts that I think he unwarrantably assumes that the people of the West are opposing forest reserves or the reservation and preservation of the forests. I have heard no one contend that there should be no forest reserves. I have misunderstood everybody if that is what they have been contending for. My understanding is that the objection is to the character of the administration they are receiving in many details, but particularly the inclusion in the reserves of vast quantities of lands that are suitable for homes, suitable for farms, and are not forest lands proper. That, at least, is my position.

If the Senator will allow me, I will make another statement. While I believe that it is proper enough, in the interest of the whole people, as the Senator contends, to reserve and preserve the forest lands proper in the Western States, I do think that some just measure should be provided to compensate those States for the loss they necessarily sustain by this great body of land being withdrawn from private entry and becoming private, tax-paying, and revenue-producing property. I am going to offer, before the consideration of this bill is concluded, an amendment providing that the States be given 25 per cent of the proceeds of these reserves. That will go a long way toward compensating them for the loss they are suffering. The Senator knows that if one-fourth of his State were withdrawn altogether from private use it would be a very great and serious loss to that State.

Mr. WARREN. Mr. President, with the permission of the Senator from Massachusetts, I want to ask the Senator from Oregon a question.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. Yes.

Mr. WARREN. Does the Senator from Oregon understand that there can not be homestead entries made in the forest reserves?

Mr. FULTON. The Senator from Oregon understands exactly what the law is.

Mr. WARREN. I want to get his opinion of the law.

Mr. FULTON. The Senator from Oregon understands that under the law agricultural land is not properly to be included in forest reserves, and he knows that it is, or understands that it is, subject to entry in the reserves.

Mr. WARREN. After having been included?

Mr. FULTON. Yes; after having been included; but he knows that such restrictions and obstacles are put in the way of such settlement that the privilege is a practical nullity.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. I do.

Mr. FLINT. I should like to ask the Senator whether he does not know, as a matter of fact, that thousands of homestead entries have been made in the forest reserves every year since the act was enacted?

Mr. FULTON. I know there are a great many. I do not undertake to say that there are thousands, or what numerals indicate the number; but I do know, and I think every representative from the Northwestern States knows, that there are continual complaints being brought and, on investigation, they are found to be just. Men are seeking to take up lands that are suitable for agriculture, and yet such obstructions are thrown around them that they can not do it. But that is not all. I know I am intruding on the time of the Senator from Massachusetts, but a question was asked and I am trying to answer it.

It is one thing to say that a man may go into a forest reserve and enter a tract of land for a farm. It is another thing to say that it is really any great privilege to him that he may enter a tract of land there and then no other person be allowed an entry in that vicinity. The result is he lives there isolated from schools and churches, from all the benefits and privileges of civilized life. There can be no community there. There is no way of making county roads. There is no way of getting the advantages of community life. Therefore this great privilege which Senators talk about of being allowed to enter lands in a forest reserve after all is giving to him mere husks.

Mr. LODGE. Mr. President, I do not suppose these lands could be precisely described as withdrawn from taxation, because they never were subject to taxation by the State except so far as they were taken up. It was withdrawing them from the possibility in many cases of turning them into taxable property.

Mr. NELSON. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Certainly.

Mr. NELSON. I want to say that under recent legislation, while the Government may create a forest reservation, the Secretary of Agriculture, through the Forester, is allowed, after a reservation has been created, to examine the lands, and if any of the lands are better fitted for agricultural purposes than for forestry, he can so declare them. Then they are open to homestead entry. That is the law now.

Mr. LODGE. I am much obliged to the Senator for stating the law just as it is.

I think, Mr. President, that the energetic and determined movement against the forests and against control of them comes largely, as is characteristic of human nature, from those who expect to make money out of them. I think those people are shortsighted, and that the policy of the Government should be to take a longer look ahead.

Mr. President, there may have been mistakes in the administration of some of the details. But I am very confident that the general policy in all its branches is sound and correct. There may have been mistakes in administration. It would have been amazing if in such a great body of employees as that under the Forestry Division there should not be some incompetent and some injudicious person. They are not paid very well, and no doubt some of them may not have the best of manners. The jack-in-office is not confined to the Forestry Service. The man who "drest in a little brief authority"—and the smaller the man the more he feels the authority—is rude to his fellow-citizens, and the people who come to him on business is not confined to Idaho. I have met some of them much nearer where we are standing than is the State of Idaho.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Certainly.

Mr. HEYBURN. If it would not divert the Senator from Massachusetts from the line laid down by him in this matter, I should be glad to have his opinion on one point, recognizing as I do his ability as a lawyer and his extensive learning on economic questions. I should like to have his opinion as to the right and the propriety of including within a forest reserve the State school lands, which it is provided shall be sold at a minimum price of $10 per acre, and placing them out of the control of the State and under the control of the forestry officers.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. HEYBURN. I should like to hear the opinion of the Senator from Massachusetts on that point.

Mr. LODGE. That subject has been very thoroughly discussed here to-day, and it seems to me it is entirely reasonable, as I understand the case to be. There are a number of unsurveyed school sections in the forest reserves.

Mr. HEYBURN. And many surveyed.

Mr. LODGE. Some, I suppose, have been surveyed. A proportionate payment is made to the State, as was shown here by the figures given by the Senator from Utah, of all the revenues derived from these lands; and if they are necessary for the preservation of the forest reserves, I can not see why that is not a perfectly legitimate and fair arrangement.

Mr. HEYBURN. But the question I desired to submit to the Senator from Massachusetts was as to the right of the Government to sequester those lands.

Mr. NELSON. Will the Senator from Massachusetts allow me?

Mr. LODGE. Certainly.

Mr. NELSON. The question of the Senator from Idaho assumes as a fact what is not a fact. The Government of the United States does not assume control of the school sections or deprive the State of them. The United States simply includes a body of land in a reservation, and it happens that the school sections are within the reservation, but the Government of the

United States does not interfere with the State at all in the disposal of that land or the timber that is on it.

Mr. LODGE. That is the situation as I understand it.

Mr. HEYBURN. The trouble is, that is not the fact. That might form the basis of an argument, but I will take the instance of the Bitter Root Forest Reserve, which is one of the largest. It includes the school sections 16 and 36. That is under the control of the Forestry Service, and if the State were to attempt to sell those lands, it could not deliver the goods and place the purchasers in possession, because they are under the control of the Forestry Service. That is the fact. There are nearly 800,000 acres of those school lands in the forest reserves in Idaho.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. I shall take only a moment more, and then I shall be glad to yield the floor to the Senator from Nevada, unless he merely desires to ask a question, in which event I will yield.

Mr. NEWLANDS. I wish to ask the Senator from Idaho a question.

Mr. LODGE. If the Senator wishes to ask somebody else a question I should prefer to conclude.

Mr. HEYBURN. I have no doubt I could get answers from many sources, but I have great confidence in the legal judgment of the Senator from Massachusetts, and I was submitting to him the question of the right of the Forestry Service or the Government of the United States to take those lands to any extent for any purpose.

Mr. LODGE. I am flattered by the kind opinion which the Senator from Idaho expresses of my legal abilities. I am afraid he will not think quite so well of them when I say that it seems to me it is a perfectly lawful thing to do. But I will not undertake to argue that question. Better lawyers than I will discuss it. I merely wish to finish what I was saying.

I think there has been a tendency to try to divert this debate onto the question of the employees of the Forestry Service. I was about to say when I was interrupted that it is not necessary to go to Idaho to find subordinate officers who do not have good manners. I know that I have seen in the subordinate officers of a court, which I will not name, the most offensive manners displayed to everybody without distinction, but I should be sorry on that account to argue that the judicial system of the United States should be abolished or that it should be crippled or its appropriations cut down. We are dealing with a great policy, and I think these mistakes of some of the employees, these instances of bad manners or bad conduct are trifling when we are deciding a question which is of the utmost moment to the people of the United States not only now, but in the future. If there have been errors in administration, let them be brought to the attention of the proper authorities and they will undoubtedly be corrected.

Mr. President, what I care about is the maintenance of what I think is a great and useful policy, which will be of benefit to all the people of the United States, a policy which is not for to-day, but which is for our children and our children's children.

Mr. CLARK of Wyoming. Mr. President, with nearly every word that the Senator from Massachusetts [Mr. LODGE] has uttered I am in thorough accord, and while it is not my intention to go into the details of the Forestry Service further than some computations in the bill itself, I want to enter here and now my solemn protest as to the ground upon which this debate has proceeded for two or three days, particularly the ground on which it has proceeded most of the afternoon, and that is that everyone who opposes this specific appropriation in the pending bill is opposed to the general principles of forestry.

The Senator from New York [Mr. DEPEW], in his eloquent address of two or three days ago, pictured the beauties of the forests. With all due deference to the Senator from New York, he can not half appreciate them. The man who has lived all his life among the trees, in the fields, in the city, in the parks, can not fully appreciate the forests.

Leave it to the man who has lived his life on the arid lands. Can a man living in the city of Washington, with all of the beauties surrounding it, appreciate the forests as can a man living in my town, where for 30 miles from it there is not a tree the size of a man's body? It ill suits me to find this discussion carried on with the idea that those who are opposed to some administrative features of the forest policy are actuated by any selfish motive or have any desire except for a good, energetic, fruitful forest policy for this nation.

It has been intimated by nearly everyone who has spoken that the only men who are opposed to the present system and the present policy are those who have some personal interest to serve. The Senator from New York [Mr. DEPEW], when he was inquired of as to what interests are opposing the present condition of affairs, cited the sheep interests. The sheep interests are opposed not to what is, but to what they fear; not so much to what is the present policy of administering the forest reserves as to what they fear from the declared purposes of the Forester of the United States. They are not complaining especially of the 5-cent fee charged for ranging upon the public forests, but they are fearful that the policy of permits on the public lands will be extended not only to the forests, but to every acre of unoccupied land in all our arid region. That is the seat and foundation of the opposition on the part of the sheep interest.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wyoming yield to the Senator from California?

Mr. CLARK of Wyoming. With pleasure.

Mr. FLINT. I desire to ask the Senator if the opposition of the sheep men is not a selfish interest, then?

Mr. CLARK of Wyoming. It is a selfish interest as the interest of every man in every business is a selfish interest. However, the point I make is that they are not complaining so much because of the present forest reserves, but that the proposed immense expansion of this great service will operate to control every unoccupied acre of the public domain; and that is the declared policy now, as it was the policy a year ago. The fact that the Senate of the United States said a year ago that this policy should not reach out over the arid lands has not stopped for one moment the propaganda that the time must come when all the unoccupied public lands of the United States shall be taken under the control of the Bureau of Forestry in the Department of Agriculture.

No, Mr. President, we are not opposed to a legitimate, honest, energetic forest policy. It is not my purpose, and it never has been, to attack any person, either the present Forester or any of the officials of his Department. But I shall not be moved from my views because of the esteem in which I hold that gentleman, nor because of the esteem in which others hold him. Neither am I moved by the prophecies that I see depicted on the map upon the wall. Prophecies often fail.

I am not concerned so much as are some of the Senators who have spoken to this question as to exhausting our national resources. Rather am I inclined to agree with the eloquent Senator from Iowa [Mr. DOLLIVER] when he said that when the timber is gone better material will be here.

There are some things to which I wish to call the attention of the Senate, and I will speak now, not of the administration of the Forestry Service, but to the recklessness, the almost criminal recklessness, with which the Senate of the United States is voting public moneys to unknown purposes. I defy any man upon the floor of the Senate to take the reports which have been furnished by the Forestry Bureau and state how much has been earned and how much will be spent next year, and what for. It has been asserted here by nearly everyone who has taken part in the debate—I notice that the Senator from Utah [Mr. SMOOT] is an exception—that the forest reserves of this nation are self-supporting, and that the amount received from timber sales, for grazing privileges, and for special privileges, and turned into the Treasury of the United States is sufficient to pay for the administration of this service. We might as well meet that at once.

It does not come within a million and a half dollars a year of it. One million and a half dollars a year more than is received from all the timber that is sold, from all the permits granted, from all the grazing that is charged for, we are asked to contribute toward the management of forest reserves.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from California?

Mr. CLARK of Wyoming. With great pleasure.

Mr. FLINT. Does the Senator include in that the further item of permanent improvements and also the reforestation of various forest reserves?

Mr. CLARK of Wyoming. I am including everything that the Forestry Service takes in and the expenditures of the Forest Service to the debit of its account.

Mr. FLINT. Part of it is for permanent improvements.

Mr. CLARK of Wyoming. I presume, likely, a small part of it. No very great permanent improvements in the forest reserves of the United States have yet been made.

As I said, we are asked to appropriate a million and a half dollars in excess of the revenues of the forests; and if our friends, the professional foresters, outside of official life, have

their way, we will soon be obliged to appropriate every dollar necessary for the management of the forest reserves, and not one dollar from the revenues of those reserves will be put into the management, protection, development, or care of those reserves.

I want to call attention, Mr. President, in that connection to a bill which is now pending in Congress providing for the purchase of land in the Appalachian Forest Reserve; and this bill is advocated and special appeals have been sent out, not by the Bureau of Forestry, but by its organ, the journal of the American Forestry Association. I have it here. An appeal has been sent out by the American Forestry Association that this bill shall be supported; that it would not cost much after all to buy the Appalachian forests because the bill to which our attention is called and for which we are urged to vote provides that from 1910 to 1918 or 1919 all the proceeds of all the forests of the United States shall be used in the purchase of the Appalachian reserve.

I ask Senators of the United States to consider what sort of an appropriation we shall have to go up against in a few years if we proceed at this rate. Five million dollars wanted by the Forester this year, according to the statement before the House committee—$5,000,000 per annum. I see some members of the Appropriations Committee here. The very bill before us provides for the forest reserves of this nation, a service which has been going on for only four or five years, and it shows how rapidly has been the advance, that more than one-third of all the appropriations for the Department of Agriculture, embracing within its scope the great Mississippi Valley and every farm in the United States, is for the Forestry Service, which is still in its very infancy.

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from California?

Mr. CLARK of Wyoming. Certainly.

Mr. FLINT. I want to suggest to the Senator from Wyoming that if it were not for these forest reserves there would not be any farms in a good deal of this territory for which to make any appropriation.

Mr. CLARK of Wyoming. The forest reserves have been established for only five years. The farms have been there for fifty and a hundred years.

Mr. FLINT. As an instance, I call the attention of the Senator to my own State. If the forests had been allowed to be cut as they had been for five years prior to the creation of the reserves, one of the most fertile parts of my State would to-day be a desert.

Mr. CLARK of Wyoming. The Senator can get into no argument with me in relation to that. I believe, as I said, as well as he does in the creation of forest reserves. I believe in having them created where they are needed in exactly such places as the Senator has referred to. I do not believe in having them created indiscriminately because upon the map there is a mountain range or a stream heading up. I do not believe in creating forest reserves from maps and plats.

I have some well-defined notions in regard to what I think are wrongs connected with the forest reserves. I further believe it is wrong for the Forestry Service to seek by indirection to do what it can not do directly. I do not believe that is honest dealing with the American people.

A year and a half ago it was insisted by the Forestry Service and the Agricultural Department that they had the right to control the waters within the various States if they were within a forest reserve. A year ago that was insisted upon. It was insisted upon on the floor of the House and on the floor of the Senate, and it was said in support of that claim that because they had the right to control and sell this water it could be capitalized in such a way as to produce hundreds of thousands of dollars to the Forest Service. I think the Senator from California has a distinct recollection of that. But since that time the Forestry Service have awakened to a due appreciation of the law, and no longer does that Bureau or the Agricultural Department claim that it has the right to the waters in a State. I am glad to see that in this bill there is provided an appropriation of $500 for the purchase of law books for the Forestry Service. I hope those people will read them. They will have less difficulty if they do.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from California?

Mr. CLARK of Wyoming. Certainly.

Mr. FLINT. So that I may not be placed in a false position in regard to the charge for water to which the Senator refers, I desire to say it was my understanding last session—and it is my understanding this session—that the proposed charge is not for the water within the reservation on account of any claim of ownership by the Government, but simply a charge for conserving the water and for the use of the public lands for a right of way.

Mr. CLARK of Wyoming. That is the claim which is now made for the first time since the Forestry Service has been stretched over the Rocky Mountain country. Last year it was specifically claimed that they had the distinct right to the water and to control the water within the State. This year it is not so claimed.

Mr. FULTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. CLARK of Wyoming. Certainly.

Mr. FULTON. I ask the Senator if the present claim is not manifestly a mere subterfuge whereby to get in a charge for the use of the water?

Mr. CLARK of Wyoming. I said in starting that I censured that Bureau now for seeking to get by indirection what it could not get directly under the law.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Connecticut?

Mr. CLARK of Wyoming. Certainly.

Mr. BRANDEGEE. I should like to ask the Senator in what bill it is that there is a provision that one-third of the proceeds of the forest reserves shall be applied to the purchase of the proposed Appalachian Mountain Reserve.

Mr. CLARK of Wyoming. Not one-third, but all of the proceeds.

Mr. BRANDEGEE. What bill is it? Is it the Senate bill reported by the committee?

Mr. CLARK of Wyoming. It is not the Senate bill reported by the committee. The American Forestry Association does not seem to care for that bill.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to his colleague?

Mr. CLARK of Wyoming. Certainly.

Mr. WARREN. While my colleague has a break in his remarks I may say that he incorrectly, though not intentionally, stated the proportion of the appropriations for the Agricultural Department which went to forestry. I take it he has forgotten that, while this bill represents all that is expended by the Forestry Division, it does not represent all that is expended by the Agricultural Department. There are $3,000,000 in addition to this for meat inspection, and a million or more for agricultural colleges, etc.

Mr. CLARK of Wyoming. Certainly.

Mr. WARREN. That changes the proportion.

Mr. CLARK of Wyoming. I realize that, but they are special appropriations for special purposes, and hence are not included in the agricultural appropriation bill. I was speaking, of course, of the agricultural appropriation bill, which carried, all told, $11,642,146, while the Forestry Service carried $3,796,200.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. Certainly. I will postpone my reply to the Senator from Connecticut until afterwards.

Mr. SMOOT. In this connection I think the Senator from Wyoming will admit that as far as the total expense is concerned, the investigations and everything else connected with the Forest Service, there is besides that a receipt coming to the Treasury of the United States from the proceeds of these forests that nearly offsets the amount appropriated.

Mr. CLARK of Wyoming. It offsets it within half, but that, of course, the Senator from Wyoming understands. The Senator from Wyoming understands that there are charges made upon the forest reserves.

The Senator from Wyoming further understands that those charges when collected go into the Treasury of the United States and are there the same as other moneys in the Treasury, and that when the Congress of the United States votes $4,000,000 for the Forest Service it votes it from the Treasury of the United States, and it does not make any difference how it got in there any more than it makes any difference how the money that we vote for the postal service got in there. It makes no difference whatever.

But to return to the question of the Senator from Connecticut: I received in due course of mail a day or two ago what appears to be a business sheet or a press bulletin from the American Forestry Association. This is in answer to the question of the Senator from Connecticut. It calls attention to three bills now before Congress—first the Pollard bill, and second the Weeks bill, and then the Lever bill. It goes on then to give

the individual names of the members of the Committee on Agriculture in the House. It says:

Of these, Messrs. COCKS of New York, HASKINS, LAMB, LEVER, LORIMER, and WEEKS, are counted as certainly for the measure—

Getting them all sized up—

Messrs. GILHAMS, McLAUGHLIN of Michigan, and STANLEY are also believed to be favorable—

Now, talk about your lobbying—

All possible pressure should at once be brought to bear upon the doubtful members of this committee to the end that they may promptly and favorably report the Weeks or Lever bill.

I sent for one of them, which is House bill 21357.

Mr. WARREN. If I do not disturb my colleague, perhaps I did not catch his idea. What association sends out that circular?

Mr. CLARK of Wyoming. The American Forestry Association.

Mr. WARREN. Of course the Senator does not claim that the American Forestry Association is the United States Forestry Service?

Mr. CLARK of Wyoming. I hope my colleague will give me credit for enough intelligence to know that that is true.

Mr. WARREN. I should like to have that stated.

Mr. CLARK of Wyoming. But, of course, my colleague will not deny the fact that the publications of the American Forestry Association are largely the product of the Forestry Bureau of this Department.

Mr. WARREN. To show my ignorance, I do not know the first thing about it, and if my colleague knows it I should be glad to have him state it. My idea is that the American Forestry Association is just like a great many other associations, made up of a class of enthusiastic people that do not have a great deal to do but to assume to take care of public affairs and the Congress of the United States. There may be those in the Forestry Service who are associated with them, but we are constantly surrounded with circulars and letters and propositions from volunteer associations that surely are not chargeable to any one of the Departments of the Government as such.

Mr. CLARK of Wyoming. I think if my colleague will take the publications of the American Forestry Association and notice the exceeding good humor with which they support every proposition of the Forestry Bureau, and the exceeding ill-humor with which they treat every person and every utterance that is opposed in any way to the administration of the Forestry Bureau, he will come to the conclusion that at least they are living in the same town, if not under the same roof.

Mr. WARREN. I will ask further if that is the same association that asks that there shall be stables built and hay provided for the live stock on the plains of the West?

Mr. CLARK of Wyoming. No.

Mr. WARREN. That is still another association.

Mr. CLARK of Wyoming. That is a kindred association—a society for the prevention of cruelty to animals.

Mr. HEYBURN. If the Senator from Wyoming will permit me——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. CLARK of Wyoming. Yes; I am glad to yield, but I should like to finish answering the Senator from Connecticut.

Mr. HEYBURN. I was going to give a statement as to the officers of the American Forestry Association. I have here a publication which I received from them.

Mr. CLARK of Wyoming. I shall be very glad to hear it.

Mr. HEYBURN. The Chief of the Agricultural Department of the United States is the president of the American Forestry Association, the Hon. James Wilson, Secretary of Agriculture. The vice-presidents of the American Forestry Association are Dr. Edward Everett Hale, Mr. F. E. Weyerhaeuser, Mr. James W. Pinchot, Dr. B. E. Fernow, and Mr. John L. Kaul.

I have the offices noted here, so that if there is any question as to the identity of the American Forestry Association with the administrative department of the Government, to whose action the Senator is addressing himself, that can be readily settled.

Mr. CLARK of Wyoming. I do not think there is any question at all, and I think both parties are proud of the union. But I want to read the bill for the information of the Senator from Connecticut. The provision to which I refer is as follows:

That to carry out the provisions of this act the sum of $1,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and said sum shall be available immediately and until expended; and there is hereby appropriated, to be available on July 1, 1909, and on July 1 of each year thereafter, until 1918, out of any moneys in the Treasury not otherwise appropriated, a sum equal to the moneys received from the sale of any products or use of any lands or resources of all national forests for the previous fiscal year, said sums to be available until expended to further carry out the provisions of this act.

Now, that is one of the things that the Congress of the United States and the Appropriations Committee are soon going to be up against.

Mr. BRANDEGEE. Will the Senator state the number of the House bill?

Mr. CLARK of Wyoming. It is No. 21357.

Now, Mr. President, a good deal has been said in defense of lump-sum appropriations. I do not object to them particularly. I think, as the Senator from Massachusetts says, very many lump-sum appropriations are bad; but neither the Senator from Massachusetts nor any other Senator on this floor, whether he is a member of the Appropriations Committee or not, can point to an appropriation that is the same or of like character as this.

The lump-sum appropriation to which the Senator called attention was an appropriation of something like $3,051,000. There is an estimate in the Book of Estimates of the appropriation for salaries outside of Washington of $144,300. That is the specific appropriation for statutory salaries. Then there is a lump-sum appropriation for all other salaries, for all the expenditures of the reserves, for all the administration of the reserves, a lump sum of $3,051,900.

I am not an expert on appropriations. It occurs to me, however, that the safest way would be to be a little more specific in that respect. I think the members of the Committee on Appropriations will agree with me. We have gotten into a habit of appropriating money in that way, but there follows another appropriation that we have not as yet gotten in the habit of making, and I hope we will not get into it now.

It is this: After the estimates have been furnished from the Department of Agriculture, after every conceivable thing has been covered by this blanket or lump appropriation, after provision has been made for every sort of thing possible—for the planting of trees, erecting buildings—and "to pay all expenses necessary to protect, administer, and improve the national forests."

If there is a thing that can be done in an administrative capacity with reference to any of those forests, I believe it is included in this first lump-sum appropriation "to pay all expenses necessary to protect, administer, and improve the national forests."

But my mind is somewhat sluggish. It does not work at all at times. I have been trying to think since I read this appropriation bill of one thing that is necessary to be done that can not be done under that appropriation which was first asked for.

Mr. WARREN. Mr. President, would the Senator rather that I should offer a brief explanation of that as I understand it now, or wait until he finishes?

Mr. CLARK of Wyoming. The Senator may suit his own pleasure. It would not interrupt me at all.

Mr. WARREN. The appropriation bills, as the Senator knows, are made up on the House side. The chairman of the Committee on Agriculture over there, I believe, has no assignments upon other committees—no committee duties excepting those of his Agricultural Committee.

The members of that committee do not have five or six committees apiece to serve on, as do Senators. They give a great deal of attention to these matters. They also have on the House side a special committee whose duty it is to investigate the Agricultural Department.

Now, these matters come to the Agricultural Committee of the House first. They take up and construct the bill from the estimates.

The Committee on Agriculture and Forestry on this side, as Senators know, has had a rather peculiar experience during this session, having been conducted in the usual way under the late able, experienced, and venerable Senator from Vermont, Mr. Proctor, who was chairman of the committee until quite late in the session. He passed over.

The Senator from North Dakota [Mr. HANSBROUGH] assumed his place as chairman. At the time he accepted it he was in a hospital at St. Paul; he has since been in a hospital in Washington; and, because of his continued and severe illness, he has been on the floor of the Senate, I think, but once, and then only for a few moments. The old clerks of that committee have gone out and a new force has come in—a most excellent chief clerk and assistant. Naturally one might think this committee had been sluggish or neglectful. However, such, I claim, is not the case.

The committee on the other side evidently, in constructing the bill, took and patterned it after the bill of last year, which was in terms almost precisely like the one before us which my colleague now alludes to. That is to say, there was a lump sum in one place for a large amount and a lump sum in another for

a half million dollars. That, I take it, was not the fault of, but it was nevertheless done by the Senate last year, if I remember aright. So when it—last year's—left the Senate, the Senate had reconstructed the bill and it was like this new one.

Now, the House followed that. We are not permitted to criticise the House, and I have no desire to criticise it. When the bill came over on this side the acting chairman of the committee—and I suppose others of the committee—looked very carefully back through all matters and papers and debates. There is no paper lacking; there are no figures lacking to show precisely what all this money is to be expended for, and it is all very easily explained, but the committee was not prepared to take the bill to pieces and reconstruct it in the last hours of the session of Congress and divide it up.

Furthermore, as the Senator knows, ever since he has been in the Senate the agricultural appropriation bill has been one continuation of lump sums for every bureau. So there has been no reason to expect that there might be any special opposition to these lump sums. But as to what is to be done with the money appropriated here, as the Senator probably knows, there is a list of items for every dollar that is appropriated, and even more is called for.

I will agree with the Senator that lump sums are not the best way to appropriate money, and we are gradually wiping them out in the various bills and putting in detailed appropriations. The Senator knows that. We are making progress; but there is no reason, in my judgment, why now there should be any criticism called to this particular matter other than the general criticism that the bill has been carried along in lump sums heretofore.

Mr. CLARK of Wyoming. I hope my colleague did not misunderstand me. I said explicitly I did not particularly object to this lump-fund appropriation of $3,000,000, and I know the difficulties under which the Committee on Agriculture has labored. I know that my colleague is acting chairman of that committee, and as chairman of the Military Affairs Committee and a member of the Committee on Appropriations, he has all his time occupied and more than occupied. I am certainly making no criticism of the committee. I am simply asking the Senate of the United States not to embark on a new way of appropriating money.

Mr. WARREN. Mr. President, I understood perfectly that the Senator was not criticising that, but I want to enter a disclaimer now, and assert that the Senate is not entering in this bill upon new territory so far as appropriations in lump sums are concerned, but is following precisely what has been done before.

Mr. CLARK of Wyoming. I think I shall demonstrate that the Senator is entirely mistaken. Never until last year was the sum of $500,000 given on this bill, to be expended without let or hindrance by the head of the Department.

Mr. WARREN. Mr. President, never until last year was there any appropriation of considerable size, because they formerly used the income from the forests.

Mr. CLARK of Wyoming. The Senator knows very well that the reason why we gave the $500,000 last year, which is now cited as a precedent, was because they said they had to have it as they were going to be deprived of the revenue out of the forest reserves.

Now, what I object to is this. After asking for this appropriation of $500,000 last year, to be used without let or hindrance because of some supposed injury by reason of our legislation of last year, I object to using that as a precedent why we should continue this sort of an appropriation.

Mr. President, I will try to go on with the thought I had in my mind when I was interrupted. I said, and say now, there is nothing necessary to the administration under the care and the protection of any of the forest reserves that is not included in the wording of the first great lump appropriation of over $3,000,000. Then we come to this remarkable paragraph in the bill:

> And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be expended as the Secretary of Agriculture may direct for the proper and economical administration, protection, and development of the National Forests.

Mr. President, I submit that if that is to be used in the care and development and the protection of the national forests, it should have been included in the general lump sum, and it should not have been as a separate item branching out on a new way of appropriating money.

It is said that that is necessary to be used for permanent improvements. That $500,000 was first foreshadowed in the Book of Estimates.

Mr. WARREN. Does the Senator wish to add the $500,000 to the other and make it one sum?

Mr. CLARK of Wyoming. I do not wish to do anything of that sort.

Mr. WARREN. The committee will not object to assembling the two amounts, if the Senator wishes.

Mr. CLARK of Wyoming. I do not believe that it is necessary to appropriate it at all.

Mr. WARREN. Then the fault the Senator makes is not as to its being in two amounts, but he thinks the total is too much.

Mr. CLARK of Wyoming. No; the fault I find is that after the Secretary of Agriculture has made his estimates, stating everything that he wants for the Department of Agriculture and the Forestry Service, he should have not one, but two afterthoughts, one of $500,000 and one of $100,000, both of which thoughts must have been in his mind and in his knowledge at the time he made the original estimates.

Mr. WARREN. The Senator is wrong, as far as my knowledge goes about an afterthought of $500,000. The amount he asked for is $2,000,000, and twenty-six pages of the hearings give all the items for which he wanted it, in case the $500,000 or more was appropriated.

Mr. CLARK of Wyoming. I am speaking of the Book of Estimates which is furnished through the Treasury Department, and which is what the ordinary lay Congressman and Senator has to take. I was about to say that it came as an afterthought, and the afterthought was foreshadowed when the estimate was sent in. I want to read from the Book of Estimates as throwing some light upon this proposition. "Administration, etc., of the National Forests"—appropriated for the fiscal year ending June 30, 1908—"$500,000." The total appropriation to be appropriated under the head of appropriations therein, is given. Then, there is this note:

> NOTE.—The appropriation of $500,000 for the administration, protection, and development of the National Forests, together with its several provisos, have been omitted, as the provisos are continuing legislation, and as a separate estimate will be submitted for such money as may be necessary for the administration, protection, and development of the National Forests.

That is what was submitted afterwards in the hearing of the House committee.

But there is another matter in connection with this appropriation which shows how carelessly we are acting. I am not attacking the Forest Service in what I say of this appropriation. I have no doubt it can find room to spend $5,000,000, and spend it profitably, but I do protest against the careless method in which we are considering and passing our appropriation bills.

There is $100,000 carried in this appropriation bill that I have not yet been able to find a single "t" or an "i" in reference to except what was incidentally mentioned by the Senator from Utah this afternoon, and I should like to comment upon that for a moment. There is nothing furnished to us by the Committee on Agriculture of either House as to this $100,000. The Book of Estimates asked for $114,300 and three million and some odd hundred dollars, making a total of $3,196,200. The bill as it comes to us is for $3,296,200, with no information as to where or what the $100,000 is for until the slight intimation given by the Senator from Utah this afternoon.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. Certainly.

Mr. SMOOT. For the information of the Senator from Wyoming I will say that there was a supplemental estimate for the $100,000; that the Secretary specificially stated that it was for the purpose of carrying out the provisions of the act of June 11, 1906; and that is for the examination of homestead entries in the forest reserves.

Mr. WARREN. Will my colleague give me a moment? I have in my hand the special estimate.

Mr. CLARK of Wyoming. That is what I should like to see.

Mr. WARREN. It was sent up from the Treasury Department. It seems to have started with the Commissioner of the General Land Office, and it is dated December 11, which of course would be later than the general Book of Estimates.

> DEPARTMENT OF THE INTERIOR,
> GENERAL LAND OFFICE,
> *Washington, D. C., December 11, 1907.*
>
> SIR: I submit herewith an estimate for an appropriation to cover the cost of surveying homesteads within national forests. The act of June 11, 1906 (34 Stats., 233), provides among other things that—

I will read it; it is short—

> "Any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall within five years of the date of making settlement file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such land which shall be distinctly marked * * * and further that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds."

Then the Commissioner goes on:

It not infrequently happens that settlements are made upon unsurveyed lands within national forests, and an entry of such land necessitates a survey either at the expense of the settler or at the expense of the Government. For the purpose of relieving themselves of the expense of making these surveys, many settlers are, with the sanction of the Forestry Service, petitioning this Office for surveys to be paid for out of the general appropriation for the survey of public lands. In making an estimate for the next fiscal year for the purpose of defraying the expense of the survey of the public lands, surveys within forest reserves were not taken into consideration, and they should not, in my judgment, be paid for out of the appropriation which was intended for the survey of public lands outside of forest reserves. It is, therefore, respectfully suggested that you make the necessary recommendation—

It is directed to the Secretary of the Interior—

It is therefore respectfully suggested that you make the necessary recommendation to secure an appropriation for the purpose of making such surveys.

Very respectfully, R. A. BALLINGER, *Commissioner.*

Mr. CLARK of Wyoming. I am sorry the Senator from Utah has left the Chamber, because the explanation of the Senator from Utah, who seems to be thoroughly posted on this matter, as well as my colleague, of course, and the Senator from Utah was specifically informed, undoubtedly, by the Bureau——

Mr. WARREN. I will state to the Senator that this is only one among the several supplemental estimates submitted for appropriations. The bill does not contain all the estimates sent in for various items.

Mr. CLARK of Wyoming. No; but I say I regret that the Senator from Utah is not here, because the explanation of the Senator from Utah was entirely different from the one given by my colleague.

Mr. WARREN. I am not giving this explanation; I am reading from a regular public estimate, and I concluded that the purpose for which they asked this money, which was satisfactory to me, would be satisfactory to my colleague. Expense of surveys, of course, includes inspection of same. This is always the case.

Mr. CLARK of Wyoming. I understand that this money is not to be used for that purpose at all.

Mr. WARREN. That is what it is estimated for.

Mr. CLARK of Wyoming. That is what I understand from the only explanation that I have had. It seems that there is a difference between those who are supposed to know.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. CLARK of Wyoming. Yes.

Mr. NEWLANDS. I ask the Senator from Wyoming whether he has referred to page 300 of the House hearings, in which Mr. Pinchot gives a detailed statement of the sum of $2,000,000, which he desires for the improvement of the forests entirely outside of the expenses of administration included in the $3,000,000 covered in this bill?

Mr. CLARK of Wyoming. Oh, yes.

Mr. NEWLANDS. The Senator will observe that he gives a summary by States and Territories—Arizona, $166,000; Arkansas, $30,000; California, $321,000, and so on, going through all the States. He makes up a total of $2,000,000. Then he gives in detail all the forests, according to States, and shows what will be necessary in each forest. In those estimates he asks, for instance, in one forest for 10 miles of drift fence, 2 miles of pasture fence, three watering troughs, and in other forests for four inexpensive cabins, to cost $450 each.

There are a great number of forests in each State, and the total estimate is given in great detail, covering about twenty-five or thirty pages of reading, and amounts in all to $2,000,000.

Now, I would ask the Senator from Wyoming whether he would deny the Forester the money necessary to improve these forests for the purpose of properly administering the grazing and for the purpose of providing cabins—inexpensive cabins—for the foresters. Will not the entire administration of these forests fail unless the practical expenditure is met outside of the mere expenses of administration, salaries, and so forth, which will permit all these improvements that are intended to aid the people in their grazing facilities, to aid in the administration of the forests, and to provide cabins for the foresters?

I find the items made up almost entirely of fences, watering troughs, cabins, barns, and things of that kind. Of course, the number of forests is so large and the number of States so many that, in the aggregate, it is a large amount; but the Senator will find that the expense for each forest is a very small one, amounting to not more than from $25,000 to $150,000 each.

Mr. CLARK of Wyoming. Mr. President, the Senator's inquiry is very pertinent, and I will answer him without hesitation. No; I would not, if I had my way, allow the full amount estimated for the improvement of the forests at the present time. Certainly if the forests amount to anything, or if their administration amounts to anything, it must be a matter of slow growth, it must be a matter of taking step after step, providing one step, and then taking another, a matter of a great deal of administration.

What we complain of more than anything else is the idea of seeking to do everything in one year, when we know very well that it can not be done. We would not say, make the American Navy as you would want it fifty years from now, and lay all the keels in one year. We would say do it year by year and from time to time as the country can afford it. The Senator knows very well, from the advices which we have had from those best qualified to know, that the United States is confronted with an annual deficit of nearly $100,000,000 now.

These forests have gone on without this expenditure of $1,000,000 a year for a great many years, and I think we can well afford to make our advance slowly, all the time having the definite end in mind of accomplishing permanently good results to the Forest Service of the future.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. CLARK of Wyoming. Certainly.

Mr. NEWLANDS. Let me remind the Senator that Mr. Pinchot asked for $2,000,000 for these permanent improvements in the numerous forests in thirteen or fourteen States and Territories, and the committee has allowed him only $500,000. I certainly do not see how the Senator can contend——

Mr. CLARK of Wyoming. So far as this appropriation bill shows, I do not know that they have allowed him anything for these objects; but I do know that there is an item in this appropriation bill of $500,000 to be expended at the discretion of the Secretary of Agriculture. I do not know, if this bill becomes a law, whether the appropriation is for building fences or for building cabins or what it is for, but I simply know that it is a fund to be used at the sweet will and pleasure of one man. To that sort of an appropriation I object; and I further object to it because I believe the appropriation is excessive in amount.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. CLARK of Wyoming. I do.

Mr. NEWLANDS. It would be very easy for the Senator from Wyoming to move to restrict this $500,000, or, if a larger sum shall be allowed, as I hope it will be—a million dollars—by providing that the expenditures shall be made for the items covered by this estimate included in the hearings before the House committee, on page 324. Of course it would be very easy to put all of those items into the bill itself, but it seems to me entirely unnecessary. It is well known that this $500,000 is for those items estimated for, and they are there given with great particularity.

The Senator from Wyoming admits that this work is necessary, but he says it should not all be undertaken in one year.

Mr. CLARK of Wyoming. I did not admit that the work was necessary at all at the present time.

Mr. NEWLANDS. I understood, Mr. President, the Senator to admit—though I may have been mistaken in that—that this expenditure would in time be necessary, but that he objected to the expenditure all in one year. Now, I call the Senator's attention to the fact that the committee has only allowed one-fourth of the amount asked for. Mr. Pinchot presents the pressing necessity of this entire expenditure. I ask whether the committee could have acted in a more reasonable way, in accordance with the Senator's views, than it has done?

Mr. CLARK of Wyoming. On that line of argument, I suppose, if Mr. Pinchot had presented an estimate of $20,000,000, the committee would have allowed him $5,000,000.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. CLARK of Wyoming. I do.

Mr. HEYBURN. If the Senator from Wyoming will permit me, I desire to redirect his attention to the $100,000 item.

Mr. CLARK of Wyoming. We were considering that when I was interrupted by the Senator from Nevada [Mr. NEWLANDS].

Mr. HEYBURN. It has been stated, as I understand the acting chairman of the committee, that that was for the purpose of surveying those tracts upon which settlers within the forest reserves made application to enter under the homestead law, under the act of June 11, 1906. I think I was correct in understanding it so.

Mr. CLARK of Wyoming. The Government does not pay that.

Mr. HEYBURN. I understood the acting chairman of the committee to say that that was the purpose.

Mr. CLARK of Wyoming. The acting chairman of the committee did not state that that was the purpose, but he read a bulletin or estimate of some sort from the Office of the Commissioner of the General Land Office, which stated that that was the purpose.

Mr. HEYBURN. Yes. I call attention to the fact that the Government does not make those surveys at its expense; but that the act of June 11, 1906, provides that those surveys shall be made at the expense of the settler, and it expressly in detail provides how those surveys shall be made under the direction of the surveyor-general of the State, in the same manner as is now provided in mining claims. I have the statute before me.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly; but I was speaking with the permission of the Senator from Wyoming [Mr. CLARK].

Mr. CLARK of Wyoming. I yield to the Senator from Montana.

Mr. CARTER. It is but proper to say that it never was intended by the framers of that law that the United States should pay for the surveys contemplated by the act.

Mr. HEYBURN. And it is not so provided.

Mr. CARTER. It was not so provided and was not intended to be so provided, and no appropriation was ever made and none ever should be made for such surveys any more than for the surveys of mining claims.

Mr. HEYBURN. Mr. President, if the Senator from Wyoming [Mr. CLARK] will permit me, it was to point out the fallacy of the claim that they should have this extra $100,000 for that purpose that I was led to refer to the text of the statute itself in order that there might be no misunderstanding about it.

Mr. CLARK of Wyoming. Mr. President, recurring to the $100,000 to which I called attention, I think my colleague, the acting chairman of the committee, was misled by the order which he read. I think I was informed by the Senator from Utah, in his speech this afternoon, that the purpose of this $100,000 was to pay for the examination of lands supposedly sought to be entered under the homestead law. I have not the detailed information that the Senator has. He has somewhere, I think, a statement or an estimate showing the officers and the exact amount that will be necessary in order to perform this service according to the view of the Department. I wish I might have that. I saw a copy of it, and I wanted to direct some remarks toward that particular point.

Mr. SMOOT. I will say to the Senator that I have not with me the matter, as I have not my papers here. If the Senator does not want to go on with this particular subject, I would like to refer to the $500,000 appropriation.

Mr. CLARK of Wyoming. I should like to go on with this particular subject for a moment.

Mr. WARREN. Before my colleague goes on with that, I think the acting chairman of the committee had better state his grounds. I simply read from the regular estimates sent from the Treasury Department. The question raised by my colleague was that he did not know upon what authority that money was appropriated and that he could find no estimate.

Mr. CLARK of Wyoming. Not at all.

Mr. WARREN. I simply read from that estimate.

Mr. CLARK of Wyoming. Then, do I understand my colleague to say that this $100,000 is provided for in this appropriation bill upon and to carry out the estimate which he now holds in his hand?

Mr. WARREN. So far as the $100,000 is concerned, it is just like the $500,000. We looked the papers over. The House had put into this bill certain appropriations, and when we looked through the estimates we found them largely in excess of the appropriations. There was this estimate of $100,000 and some other estimates that could or could not have been included, and we saw there was room enough at least for that amount of money to be appropriated and not exceed or even equal the estimate. The same is true as to the $500,000. It is only one-fourth of the estimate that was submitted.

Mr. CLARK of Wyoming. Mr. President, I am getting no light. I am trying to find out, and I am trying to find out from those who know or who are supplied with the information, as to what these appropriations are made for, and I am utterly unable to get it. I can not get it from the Book of Estimates; I can not get it from any hearings before the committee of either House; and when I come upon the floor of the Senate I find the acting chairman of the committee citing one estimate and the spokesman of the Bureau, on the other hand, citing another estimate as to what this $100,000 is to be used for.

Now, Mr. President, that is simply an illustration of the very thing I am inveighing against this afternoon—that we are making a reckless, extravagant, uncalled-for appropriation, and we do not know what they are going to do with the money. It is no reflection on the Bureau of Forestry that they ask for $2,000,000; it is no reflection on the Bureau of Forestry that they have asked for $500,000 in one sum or for $100,000 in another sum; but it is a reflection upon us as Senators of the United States if we vote blindly for appropriations and are unable to find what the money is to be used for.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. Certainly.

Mr. SMOOT. Then, I take it for granted that the Senator is not so much objecting to the amount of $500,000 as——

Mr. CLARK of Wyoming. I do not want now to go into the question of the $500,000; I want first to finish up the $100,000 item.

Mr. SMOOT. As the Senator is objecting to it being a lump sum——

Mr. CLARK of Wyoming. I decline to be interrupted on the $500,000 appropriation until I get to it.

Mr. SMOOT. I thought the Senator had reached that.

Mr. CLARK of Wyoming. I am seeking to find out, if I can, what the $100,000 is for. The Senator from Utah has in his possession information, undoubtedly, which shows that this $100,000 is to be used to pay the salaries and expenses of the men who are to examine homestead entries in the forest reserves, to see whether or not they embrace land proper to be included in homestead entries.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. Yes.

Mr. SMOOT. I have no detailed statement as to how many men are to be employed; I have no detailed statement as to where they shall be employed; I simply have the information, as I said here before to the Senator from Montana, that the $100,000 was to be appropriated for the purpose of carrying out the provisions of the act of June 11, 1906.

Mr. CLARK of Wyoming. Well, if it is to be appropriated for that purpose, it is absolutely futile.

Mr. SMOOT. Mr. President, there has been——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. Certainly.

Mr. SMOOT. There has been objection made here that the Forestry Division are doing everything in their power to prevent homestead entries being made on forest reserves; and now when they come here to ask for $100,000 for the very purpose of hastening these entrymen securing title to their land, there is objection to it.

Mr. CLARK of Wyoming. Now, Mr. President, right there I will say there is only one thing necessary to be determined when a man enters a forest reserve for a homestead, and that is whether or not it is agricultural land.

Mr. SMOOT. Mr. President, that is just exactly what this appropriation is for, so far as a portion of it is concerned. It is to find out whether it is agricultural land and carry out the provisions of the act of June 11, 1906.

Mr. CLARK of Wyoming. And that appropriation provides for one general supervisor, for three or four deputy supervisors, and for twenty-eight appraisers. Mr. President, that is simply another instance of the effort that is being made to keep men off of these reserves. Instead of being an advantage, it is a distinct hindrance.

Mr. President, we are told, and it is reiterated in every convention that is held, and has been reiterated on this floor time and time again, that the purpose of this forest-reserve policy is to protect the poor man; and when we cite the fact that they are withdrawing agricultural land from entry we are told, "Why, the farmer can go in and make his homestead there, as he always could." Mr. President, the impediments that are put in the way of the settler are such that a man who can overcome them must be more than human. In the first place, notwithstanding the law says that these reserves shall be open and free to settlement, every proclamation that is issued warns settlers not to go into the reserves.

A man can not go into the reserves as he does upon public land and make a homestead. He must first go in and spy out the land. Then, if he sees a piece of land that he thinks would make a farm, he can not go to the nearest land office and file upon it; but he must make application for a view of that particular piece of land. Then the Forest Service sends a man to look after it to see whether or not it is fit for a farm. The

Forest Service tells the man who is hunting a home and who has found a piece of land that he thinks will make a good farm and is willing to venture his future on it making a good farm, the Forest Service tells him whether it is good agricultural land; and if the Forest Service says it is not, there is no appeal. Instead of having one man of the Forest Service pass upon that matter, it is proposed to have not less than three—first, the ordinary appraiser; second, the next in command; and third, the general supervisor of this Service; and this $100,000, if it is granted, will be used, not to further the interests of the homesteader, but to further impede and harass him in seeking to make a home upon the public domain. Therefore, Mr. President, I protest against this appropriation of $100,000. If you would only let us cut the red-tape in that Western country we would make it something.

There are a number of other things about this appropriation as to which I should like to speak, but the Senator from Utah interrupted me in regard to the $500,000 appropriation, and I should now be glad to yield to him to ask his question.

Mr. SMOOT. I was simply going to ask this question: Why is it that the Senator objects to the lump-sum of $500,000 for the Forestry Service when every other Department of this Government, with the exception of two, has the same kind of appropriations every year?

Mr. CLARK of Wyoming. The Senator can see a dozen bureaus provided for in this bill, but can he show me any one of them that is like this one?

Mr. SMOOT. In relation to——

Mr. CLARK of Wyoming The $500,000 appropriation.

Mr. SMOOT. Mr. President, every bureau provided for in the bill receives a lump sum.

Mr. CLARK of Wyoming. Mr. President, not one other Bureau provided for in the bill receives a like appropriation in the same way.

Mr. SMOOT. Not specifically as a $500,000 appropriation or being provided for by two appropriations, perhaps, but the Senator knows why the $500,000 was carried in the original appropriation.

Mr. CLARK of Wyoming. I know nothing of the sort.

Mr. SMOOT. It appears in the hearings before the House committee. The House thought proper to put it in there, and a year ago the appropriation of $500,000, for providing improvements on reserves, passed this body, and the Forester is only carrying out that same policy this year.

Mr. CLARK of Wyoming. Why, Mr. President, the Senator is entirely, absolutely, and unqualifiedly mistaken.

Mr. SMOOT. Well, I should like to know how, and I will certainly acknowledge it if I am.

Mr. CLARK of Wyoming. There is no other sum appropriated in this bill that is not appropriated for some specific purpose.

Mr. SMOOT. I did not make that statement at all. We were speaking of the other bureaus, and I said that the other bureaus secured lump-sum appropriations; and so they do.

Mr. CLARK of Wyoming. Oh, Mr. President, the Senator—I was going to say willfully misunderstands me, but I will not do so, knowing that the Senator never willfully does anything wrong.

Mr. SMOOT. That is very nice of the Senator.

Mr. CLARK of Wyoming. We have a lump-sum appropriation in this bill for this very Bureau of over $3,000,000.

Mr. SMOOT. It might be called a "lump-sum appropriation," but even then the percentage of the lump sum to the specific appropriations is very much less than in the case of a good many of the Departments of this Government.

Mr. CLARK of Wyoming. If the Senator will bear with me until I finish my sentence, I think perhaps he and I can get on common ground and not be so greatly misunderstanding one another. This bill carries for this Bureau, first, a lump sum of, substantially, $3,000,000, and for every other bureau provided for in the bill, so far as I have seen, there is a substantial lump-sum appropriation.

Mr. SMOOT. That is exactly as I said.

Mr. CLARK of Wyoming. In addition to this lump-sum appropriation, however, which is for the purposes mentioned in the lump-sum appropriation itself, for this Bureau, is carried an additional appropriation of $500,000, to be used at the will and pleasure of the Secretary of Agriculture; and no other like appropriation is provided for any other bureau by this bill or any other bill, except for the Department of Justice.

Mr. SMOOT. There is no difference whatever between the Senator from Wyoming and myself as to that. That is just exactly as I wanted to say it, whether I did say it that way or not.

Mr. CLARK of Wyoming. The Senator simply said as to the sum of $500,000, of which we were speaking, that a like provision was carried for every bureau in the bill.

Mr. SMOOT. Oh, Mr. President, not so broad as that; I do not think I said that.

Mr. CLARK of Wyoming. Well, we will call it off. I understood the Senator, and he understood me, I think.

Mr. WARREN. If my colleague will allow me, there need be no difficulty about it. If he will move to add the $500,000 under the other heading, making it that much more, I will accept it.

Mr. CLARK of Wyoming. Mr. President, that suggestion has been made several times. If we do not succeed in stopping what we think is an uncalled-for and extravagant appropriation, Senators may rest assured that this practice of making an appropriation in this way will be sought to be stopped in the way they suggest.

Mr. WARREN. Well, Mr. President, so far as the committee are concerned, they are only too ready to accept any amendment as to how the bill may be constructed next year that is conformable with other appropriaton bills; but if it shall be that the Senator wishes to reduce this amount, and failing in that, wishes then to control the manner of appropriation, it would hardly seem to be comity for him then to move it. He should either take one or the other horn of the dilemma.

Mr. CLARK of Wyoming. I am obliged to my colleague for the suggestion, but I fail to see where there would be anything unseemly if one amendment is defeated that another should be proposed.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. CLARK of Wyoming. With great pleasure.

Mr. CARTER. It may possibly be agreeable to the acting chairman of the committee to explain to the Senate why an aggregate sum for a given purpose generally stated was divided into two items. What was the purpose of the division? Why was it not originally consolidated as one item when the two items relate to the same purpose and might well have been included in an aggregate sum?

I believe on that subject the committee is silent. It is rare that things are done without some purpose. This seems an unusual thing. Why was it done in this way?

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to his colleague?

Mr. CLARK of Wyoming. Certainly.

Mr. WARREN. I desire to say that, first, the Senate committee did not construct the bill. Second, the Senate committee did not amend it in this particular. As to why the House constructed the bill this way, while it may not be a sufficient reason, it was exactly the way the bill was framed last year. As to appropriation bills, in Congress we are very apt to follow the language of the last law—I am speaking of it, of course, at a distance, because the bill, as I said before, was constructed in the House.

We are very apt to follow this year the language of last year, and last year that of the year before, with respect to the division referred to by the Senator from Montana. I will say that it is exactly as it was a year ago. But the idea, as explained to me when I asked that same question of the House committee, was, first, that it was the same as last year and could be so understood, and, second, the first amount was for the care, general administration, and such improvements as might be necessary and could be made with that sum. Then they asked for an additional $2,000,000, giving all the items by States, and subdividing the States into separate forest reserves, and then separating each amount into items, and it will be observed in looking them over that they are of a more permanent nature—that is, for telephones, for bridges, for barns, for cabins, and matters of that kind not mentioned in the first paragraph.

Mr. CARTER. But the singular feature connected with the phraseology is what strikes me as rendering the duplication unnecessary. The item of three million and odd dollars is appropriated for substantially the same purpose specified for the $500,000 appropriation. I can readily understand that if the three million and odd thousand dollars had been appropriated for general administrative purposes, it would be questionable whether construction would be regarded as administration; whether under the guise of administration telephone lines or buildings could be constructed; and it would have followed very logically, I can see, to make a subsequent item of $500,000 for construction purposes. A reason would

thereby be found for a change or subdivision. But it happens in this case that the phraseology as to both items is substantially the same.

Mr. NEWLANDS. Will the Senator from Wyoming permit me?

Mr. WARREN. I hope the Senator from Nevada will permit me just to finish this statement.

In my service in connection with appropriation bills I have made the same observations time and again concerning different appropriations where it seemed as though two or more sums could well be in one paragraph and under one head, but I make the statement here now that you not only find such cases in this bill, but in a great many other appropriation bills that come here. Of course this discussion arises for the purpose of cutting down this amount. That is all there is to that, and we understand it so. But if you pick up almost any appropriation bill one could well ask the same question which is now asked of me with respect of this bill. I will say to the Senator that he can take up a bill which he has probably helped to construct, for the Post-Office Department, and find very nearly the same repetition also, including lump sums of twenty to forty million dollars for various purposes, and so on.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming [Mr. CLARK] has the floor. Does he yield to the Senator from Montana?

Mr. CLARK of Wyoming. Most gladly.

Mr. CARTER. I called on the chairman of the committee for information, which seemed to me perfectly proper. I did not understand that I thereby became subject to the criticism of being possessed of a desire to interpose opposition to an appropriation by any indirect method.

Mr. WARREN. Oh, Mr. President——

Mr. CARTER. Any appropriation I oppose here I am perfectly willing to oppose in the open.

Mr. WARREN. I did not intend to infer or insinuate that the Senator from Montana [Mr. CARTER] was making any objection to the appropriation; but my colleague had already stated that he considered the amount too large, and proposed to move to reduce it, and thus this discussion arose.

Mr. SMOOT. Just one word.

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. Certainly.

Mr. SMOOT. I think the appropriation of $3,000,000, in round numbers, in a lump sum, is for the purpose of meeting the expenses that will be absolutely necessary for the maintenance of the reserves. The $500,000 is for permanent improvements, and could be done without. But if it were in one lump sum and reduced to $500,000, the question would arise, Will the Forester use of the reduced amount a fund for the permanent improvement and cut short something else for the maintenance of the reserves?

Mr. CLARK of Wyoming. The most marvelous thing about this whole business is the extreme looseness of understanding. There is nothing in this bill from A to Z that says that the $500,000 is to be used for permanent improvements.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. CLARK of Wyoming. Yes; having gotten through with one sentence at last, I shall be glad to yield.

Mr. NEWLANDS. I shall interrupt the Senator for only a moment. I think perhaps I can give the Senator from Montana some information regarding his inquiry.

This item for the first time appeared a year ago. Prior to that time the only item that appeared in the appropriation bill regarding the Forestry Service appeared in front of this item of $500,000. But last year for the first time an attack was made upon the method which had been pursued of putting the proceeds from the sales of timber into a fund against which the Forester drew for permanent improvements. The Congress revolutionized that practice. The result was that the Secretary of Agriculture came before the Senate committee and presented the fact that the Service would lack a million dollars necessary to its proper administration. The Senate committee therefore put in this item of $500,000 to cover moneys which otherwise would in the ordinary administration of the Forestry Service have been expended without appropriation by Congress out of the moneys received from the sales of timber, and so forth. So in that way that practice grew up. They have simply followed the item of last year.

But the Senator will find, on pages 300 to 326, the items of the $500,000 given with great particularity——

Mr. CLARK of Wyoming. There is no question about that.

Mr. NEWLANDS. And a gross item of $2,000,000, which has been cut down to $500,000.

Mr. CARTER. I was not dealing with the details of the expenditure, but with the method of appropriation. The explanation of the Senator from Nevada does not quite satisfy my mind, I am sorry to say.

Last year Congress did not revolutionize, but it compelled the Forestry Service to do what every collection agency of the United States Government does—pay the collections into the Treasury—whereas theretofore they had been collecting and disbursing without any sort of connection with appropriations by Congress.

When that disposition was made, a provision was put in the bill to the effect that the existing fund in the hands of the Forester might be used, the receipts up to the 1st of July might be used, and in addition, to meet any deficiency for the coming year, the appropriation was made to which the Senator refers. That contingency has now passed. No such exigency exists, and that which led to that peculiar line of legislation last year can not be urged as a reason for its repetition this year.

Mr. CLARK of Wyoming. The Senator from Montana has the same recollection exactly of the appropriation of last year that I have, and which in a weak sort of a way I tried to give to the Senate a few minutes ago.

Now, I want to ask the Senate this; I want to ask the chairman of the committee or any member of the Appropriations Committee; I want to ask the chairman of the Committee on Naval Affairs—suppose the Committee on Naval Affairs should bring in here a bill providing $120,000,000 for the support of the Navy for the year 1909, including in that all the general terms of such an appropriation, and then should come in and ask the Senate of the United States to add to that appropriation the sum of eighteen or twenty million dollars to be paid out at the discretion of the Secretary of the Navy. Would the Senate take kindly to an appropriation of that sort? And yet in kind and in percentage it would be exactly a duplicate of the appropriation presented here.

I have gone further into this appropriation than I intended, but I have hardly touched upon forest reserves. There are a few matters which have been called to the attention of the Senate to which I wish to direct my attention.

The Senator from Massachusetts [Mr. LODGE] makes the statement, with which I heartily agree, that the public lands of the United States belong to the people of the United States or to the Government of the United States and not to the citizens of any particular State. I agree to that, but I call the attention of the Senator from Massachusetts to the fact that the people of a particular State have a peculiar interest in the lands within their borders which is not shared by the people of any other State; and it is of the utmost concern to the people of the State which I represent, to the people of the States wherever these forest reserves are, that they should be administered in such a way as will best conserve the interests of the National Government and the interest of that particular State, especially, and not be allowed to impede the development of the State nor harass the people in any of their lawful undertakings.

Mr. President, I do not share in the idea that our natural resources are going to be exhausted. There is a great crusade being carried on up and down the line, shouted in our ears and through the press, that we are soon going to be without timber with which to build our houses, and that we are soon going to be without coal to warm our hearths. And we are urged to take immediate steps to withdraw from the use of the people as individuals all of our natural resources.

I want to make a statement supplementing the statement of the Senator from Colorado in regard to coal. The State of Wyoming has 30,000 square miles underlaid with coal. Within 50 miles of my own town is a coal field in which there is one vein of coal alone—and it is not the only one—which from floor to roof has 90 feet of solid coal, without a parting as big as a lead pencil.

There are 90,000 tons of coal in every acre of that land, and down below that vein there is another and another and another and another. No man can measure the possibilities of the coal fields of the United States. As was said by somebody in the debate yesterday—I think it was the the Senator from Iowa [Mr. DOLLIVER]—long before the coal is exhausted men will be doing without coal, and the most worthless land on the face of the earth in that day will be the coal land we are now so anxious to preserve.

Mr. President, it would take overmuch time to go into further details. I know the debate has been long. I know it has been very tiresome. In many phases it has been uninteresting.

I realize that the Senator from Nebraska was probably right when he said this morning that we wasted two or three days in useless wrangling, seeking to accomplish things that could not be accomplished.

Mr. President, I shall not be surprised if again this year, as in the past, we are run over by the steam roller. But we are going to try to insist from this time on, year after year, that the affairs of the Forestry Bureau shall be conducted as the affairs of other bureaus of this Government are; that there shall not be the sentiment worked in this Bureau that carries people off their feet; that there shall be nothing done by the Bureau of Forestry that can not be done in their legitimate spheres by other bureaus of this Government.

Mr. President, the difficulty with this whole forest business is indicated by a statement which I will read. It states my position and, I think, the position of nearly everyone who stands with me upon this whole forestry proposition. It shows we are not against the forest reserves. It shows we are against some of the administrative measures of the forest reserves.

It shows what we fear for the future and that we want to confine the activities and the business of this Bureau within its legitimate scope and within the scope for which it was created by law. I am going to take the liberty of reading it at length. It is from the Cincinnati Commercial Tribune of April 24:

Francis Perry Elliott, formerly editor of the Home Magazine of New York and a well-known Eastern magazine writer, has been visiting friends in Cincinnati during the past week.

Mr. Elliott hails at present from Denver, where he went for his health two years ago, and has built up a great popular representative magazine for the Rocky Mountain region. Yesterday he talked entertainingly to a Commercial Tribune representative.

"The most interesting question in the Far West just now," said Mr. Elliott, "is the problem of the disposition and administration of Uncle Sam's public domain, especially the national forests. You know that practically all our national forests are in the West. They are very carefully and scientifically tended.

"A great deal has been accomplished in the past six years in perfecting the Service, and the credit for this is due to the President, Secretary Wilson, and Mr. Pinchot, the Chief Forester. But there is spreading widely a sentiment that we are 'slopping over' a little in the matter of the forest reserves."

"Are the people out West opposed, then, to forest reserves?" he was asked.

"Not on your life," said Mr. Elliott, emphatically. "Nowhere in the whole world are people in such intimate and intelligent sympathy with the purpose of forest reserves as out in the arid West. Irrigation has transformed the Great American Desert—irrigation, you understand, not rain. It is still 'the land of the rainless years.' But the water for spring and summer irrigation comes, of course, from the melting snows caught and held through the winter in the arms of the mountain forests. You people here in the Middle West long ago realized your wanton prodigality with your forests; your floods and the alternate droughts and the wasting soil have created an alarm only second to that caused by your vanishing timber supply.

"Your farmers depend upon rain, and must continue to do so; but out in the Rocky Mountains we are chiefly concerned about snow. The first snowflake in winter is the farmer's star of hope. These mountain forests are therefore perpetual reservoirs, and the people realize their dependence upon them.

"The dissatisfaction I refer to is not with the institution, therefore, but with some features of the administration of the national forests. It is right to be zealous about our national forests, right to learn to use them and not abuse them, but it is not right to be fanatical and to sacrifice all the comfort, prosperity, and development of the West to-day for the sake of locking up a vast undeveloped domain for posterity, if that domain, or portions of it, does not contain any forests, never did, and never will contain any forests; does not minister in any way to the conservation of water supply, and is absolutely fit for no purpose except for agriculture or grazing. There are millions and millions of acres of this sort that are locked up from the people in the forest reserves.

"Another thing you want to remember," he continued, "we do not consider in the West that the agricultural lands of the public domain belong to the people of the West alone. We are specially anxious to impress that they belong to the citizens of Ohio, Indiana, Illinois, and every other State. Anybody may go out there and take them up in the manner the law specifies. The people of the West want settlers to come; they want them more than anything else in the world. The act of June 4, 1897, which set aside timbered areas of mountain watersheds for forest reserves, specifically and distinctly forbids the including of lands good only for other purposes. The idea was that the interest of the settler should have first consideration. Land unavailable for timber protection or reforestation, or for conserving the flow of streams, was to be kept open for farms and homes and communities. This principle is not being adhered to and the people do not like it, for it is restricting settlement.

"There is too much red tape about our forest reserves; too much elaboration and complication of system; too many obstacles are placed in the way of settlers; too many expenses, exasperations, and petty humiliations. This is one reason why so many American settlers are passing over the Government lands of our broad domain and journeying into Canada by thousands. Too much power is placed in the hands of the petty employees, and it is only too common to find people afraid to make complaint to superior officers. This condition of things results from the latitude possible under a system of government by Department regulations within the reserves rather than by a detailed and defined code of laws."

That, Mr. President, is the sum and substance of two days' debate upon this floor. The very things which he mentions are the very things that are complained of, the very opposition that he says here is the opposition to the administration of the forests is the opposition complained of on the floor of the Senate.

"For example," said Mr. Elliott, "the law creating the forest reserves certainly never contemplated that a citizen living 10 or 20 miles away from one should be liable for prosecution for trespass and damages in case his wandering stock drifted on a reserve. You know in the open West cattle stray sometimes for ten, twenty, or even a hundred miles; and then these forest reserves are not fenced. The law contemplated protecting forest reserves, but never contemplated making a man a trespasser on one without his own knowledge or overt act. But the regulation says, whether intentionally or otherwise. This is pretty hard.

Eastern people and their Congressional representatives should wake up to the fact that whatever menaces the public lands in the great West menaces something that is the property of the whole nation. This is not a local question—this matter of public lands and the forest reserves—it is the biggest kind of a national question. Just now there is a scheme on foot to have Congress authorize the turning over to the Forest Service (and leasing for grazing purposes)—

There is no question about the correctness of this information, because it is embodied in bills in both Houses of Congress—

(and leasing for grazing purposes) something over 3,000,000 acres of the unappropriated public domain. This would shut out settlers from a pretty big strip of country—well, equivalent to an area 200 miles wide and over 2,000 miles long. The big cattle barons favor this scheme, for the day of the open range is passing and the settler is crowding the big cattlemen up against the Rocky Mountains. The only portion of the open range that the settler does not want is the vast arid stretch, such as is found up in Wyoming, treeless—

There is very little of it there—

without possibilities as to irrigation, with no good herbage or forage, except sage brush, and good for all time for no purpose except sheep grazing.

Under the proposed leasing policy, any cattle baron may lease and fence as much as 10,000 acres; his friend may lease next door to him 10,000 more, and his friend next, and so on. They may fence this area up, and if they spend as much as $100 upon their leasehold, this debars any settler from entering. You see this is all mighty fine for the fellow with a long purse. But I have been out among the small ranchmen, homesteaders, and small cattle and sheep men—and, by the way, these small men constitute about 80 per cent of those engaged in the cattle or sheep industry—and they regard this leasing scheme as ruin for them and only for the benefit of the few who have the wealth and prosperity. So we people out West do not want the public domain leased in great baronies to a favored few, and our agricultural lands tied up so as to debar the settler, as would be the case with these ten-year leases.

Now, Mr. President, I have said more than I intended to say, more, surely, than I ought to have said. At the proper time, when the amendment of the Senator from Idaho is disposed of, I shall move to strike out, on page 25, from line 16 to line 21, inclusive—that portion of the appropriation against which I have attempted to direct my remarks, with the earnest hope that the Senate will come down from the mountain top of a mistaken sentiment and give its vote along cool, reasonable, and definite lines.

Mr. NEWLANDS. I ask unanimous consent that that portion of the hearings in the House in relation to this appropriation of $500,000, contained on pages 299 to 327, containing all the items included in this appropriation, be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the matter he has stated included in the House hearings in regard to this appropriation be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

The CHAIRMAN. You have spent $500,000 during the current year.

Mr. PINCHOT. We are spending it.

The CHAIRMAN. Just for this purpose. How much do you think you could economically expend for the purpose during the next fiscal year?

Mr. PINCHOT. Two millions. I should like to ask for two millions with authority to continue that expenditure until January 1, 1909, instead of July 1, 1908, for this reason: You get pieces of work of this kind started and they necessarily run right through the summer. The break at the beginning of the fiscal year, July 1, makes us a great deal of trouble and prevents us from carrying on work straight through, this improvement work. If it were possible for you to give the Forest Service a reasonable sum for this work and allow that sum to be expended for a year and a half instead of just a year, it would be of advantage.

Mr. HAWLEY. You mean January 1, 1910, do you not?

Mr. PINCHOT. Yes; 1910. It would help us very much indeed in the business conduct of our work.

The CHAIRMAN. Two million dollars to be expended over a stretch of territory covering many hundreds of miles in the construction of trails and roads and ditches and telephone lines is a very large sum of money, and the work would necessarily require high organization and a great many overseers of large responsibility. Is your Bureau organized, do you think, in such a way that you could spare men enough to do that overseeing and economically expend that $2,000,000?

Mr. PINCHOT. I think, when I read the amount that would be spent in each forest—I have a detailed estimate here for each forest—you will see, Mr. Chairman, that the problem becomes comparatively easy. For example, in California, on the Trinity National Forest, the total expenditure would be $15,000; on the Gunnison in Colorado, $11,000; on the Las Animas, $2,400, and so on. This money would be expended under the supervision of these various forest supervisors, who are, for the most part, thoroughly well-trained men. I will insert the detailed estimate in the record. It is as follows:

SUMMARY BY STATES.

Arizona	$166,281
Arkansas	30,575
California	321,305
Colorado	194,655

Idaho	$251,353
Kansas	1,402
Montana	252,177
Nebraska	7,972
Nevada	36,746
New Mexico	120,637
Oklahoma	901
Oregon	203,495
South Dakota	18,119
Utah	107,660
Washington	149,129
Wyoming	111,227
Alaska	25,401
Porto Rico	965
Total	2,000,000

DETAILED ESTIMATES BY STATES.

ARIZONA.

Summary by forests.

Baboquivari	$1,569
Black Mesa, N. and S.	31,790
Chiricahua	3,547
Dragoon	853
Grand Canyon	28,909
Huachuca	3,881
Mount Graham	1,743
Pinal Mountains	569
Prescott	9,183
San Francisco Mountains	24,412
Santa Catalina	5,030
Santa Rita	6,069
Tonto	13,781
Tumacacori	2,521
Verde	7,924
Contingent fund	24,500
Total	166,281

Detailed estimates by forests.

Baboquivari:	
10 miles drift fence, at $125	$1,250
2 miles pasture fence, at $125	250
3 watering troughs, at $23	69
Total	1,569
Black Mesa, N. and S.:	
150 miles telephone line, at $60	9,000
300 miles trails, at $50	15,000
8 cabins, at $500	4,000
8 barns, at $75	600
15 miles pasture fence, at $125	1,875
6 miles drift fence, at $125	750
3 bridges, at $150	450
Inclosing 4 springs, at $28.75	115
Total	31,790
Chiricahua:	
1 cabin	450
1 barn	50
7 miles pasture fence, at $125	875
16 miles boundary or drift fence, at $125	2,000
Water supply for stock	172
Total	3,547
Dragoon, 6½ miles drift fence, at $132.23	853
Grand Canyon:	
120 miles telephone line, at $60	7,200
16 miles drift fence, at $125	2,000
5 miles road, at $400	2,000
Repairing road	684
Water supply for stock and use of forest officers, involving 9-mile pipe line	15,000
3 cabins, at $425	1,275
6 miles pasture fence, at $125	750
Total	28,909
Huachuca:	
21 miles boundary drift fence, at $125	2,625
6 miles pasture fence, at $125	750
1 cabin	450
1 barn	56
Total	3,881
Mount Graham:	
22 miles trail, at $50	1,100
4 miles pasture fence, at $125	500
1 barn and repairs to cabins	143
Total	1,743
Pinal Mountains:	
1 cabin	490
1 barn	79
Total	569
Prescott:	
3 cabins, at $550	1,650
3 barns, at $75	225
7 miles pasture fence, at $110	770
28 miles drift fence, at $125	3,500
12 miles telephone line, at $70	840
30 miles trails, at $55	1,650
Repairing 12 miles road, at $45.66	548
Total	9,183
San Francisco:	
15 miles road, at $400	$6,000
100 miles trail, at $45	4,500
49 miles telephone line, at $60	2,940
73 miles telephone line, at $75	5,475
7 cabins, at $500	3,500
5 barns, at $60	300
10 miles pasture fence, at $125	1,250
Repairs to cabins, barns, watering	447
Total	24,412
Santa Catalina:	
31 miles drift of boundary fence, at $125	3,875
4 miles pasture fence, at $125	500
1 cabin	540
1 barn	65
Repairs to fences	50
Total	5,030
Santa Rita:	
2 cabins, at $550	1,100
2 barns, at $75	150
9 miles pasture fence, at $125	1,125
12 miles drift fence, at $125	1,500
7 miles fire break, at $300	2,100
Watering trough and inclosing spring	94
Total	6,069
Tonto:	
90 miles telephone line, at $75	6,750
32 miles drift fences, at $150	4,800
2 cabins, at $600	1,200
2 barns, at $75	150
5 miles pasture fence, at $125	625
1 stone house	156
Painting and repairing to superintendent's house	100
Total	13,781
Tumacacori:	
1 cabin	450
1 barn	75
3 miles pasture fence, at $125	375
13 miles drift fence, at $124.69	1,621
Total	2,521
Verde:	
3 houses, at $550	1,650
3 barns, at $100	300
22 miles trails, at $60	1,320
8 miles road, at $250	2,000
25 miles telephone line, at $60	1,500
7 miles pasture fence, at $125	875
10 miles drift fence, at $127.90	1,279
Total	7,924

ARKANSAS.

Summary by forests.

Arkansas	$13,275
Ozark	15,000
Contingent fund	2,300
Total	30,575

Detailed estimates by forests.

Arkansas:	
100 miles telephone, at $50	$5,000
10 cabins, at $450	4,500
10 barns, at $75	750
10 miles pasture fence, at $125	1,250
7 miles fire line, at $253.57	1,775
Total	13,275
Ozark:	
10 cabins, at $500	5,000
10 barns, at $75	750
14 miles pasture fence, at $125	1,750
40 miles telephone line, at $60	2,400
16 miles fire line, at $250	4,000
20 miles trails, at $55	1,100
Total	15,000

CALIFORNIA.

Summary by forests.

Diamond Mountain	$8,034
Inyo	2,732
Klamath	23,435
Lassen Peak	12,843
Modoc	3,560
Monterey	4,140
Pinnacles	173
Plumas	9,741
San Benito	1,730
San Bernardino	9,110
San Gabriel	7,700
San Jacinto	21,643
San Luis Obispo	4,487
Santa Barbara	24,498
Shasta	18,838
Sierra	62,419
Stanislaus	20,333
Stony Creek	11,595
Tahoe	17,245
Trabuco Canyon	1,891
Trinity	15,363
Warner Mountains	3,795
Contingent fund	36,000
Total	321,305

Detailed estimates by forests.

Diamond Mountain:	
30 miles telephone line, at $60	$1,800
8 cabins, at $500	4,000
8 barns, at $75	600
12 miles pasture fence, at $125	1,500
Repairs to cabins	134
Total	8,034
Inyo:	
4 cabins, at $500	2,000
3 barns, at $75	225
4 miles pasture fence, at $126.75	507
Total	2,732
Klamath:	
12 cabins, at $500	6,000
10 barns, at $75	750
16 miles pasture fence, at $125	2,000
92 miles trails, at $50	4,600
90 miles telephone line, at $60	5,400
1 bridge	600
11 bridges, at $100	1,100
8 miles road, at $350	2,800
Repairing cabins and fences	185
Total	23,435
Lassen Peak:	
10 cabins, at $500	5,000
8 barns, at $75	600
18 miles pasture fence, at $125	2,250
50 miles telephone line, at $55	2,750
47 miles trails, at $47.72	2,243
Total	12,843
Modoc:	
5 cabins, at $500	2,500
4 barns, at $75	300
4 miles pasture fence, at $125	500
Irrigating ditch and repairs to cabin	260
Total	3,560
Monterey:	
4 cabins, at $500	2,000
4 barns, at $75	300
32 miles trails, at $57.50	1,840
Total	4,140
Pinnacles, addition to cabin and repairs	173
Plumas:	
7 cabins, at $500	3,500
6 barns, at $75	450
12 miles pasture fence, at $125	1,500
32 miles telephone line, at $60	1,920
1 bridge (cooperation)	600
3 bridges, at $300	900
Road repairs, 6 miles, at $75	450
Repairs to cabins and barns	421
Total	9,741
San Benito:	
2 cabins, at $500	1,000
2 barns, at $75	150
4 miles pasture fence, at $125	500
Storehouse	80
Total	1,730
San Bernardino:	
4 cabins, at $550	2,200
4 barns, at $75	300
6 miles pasture fence, at $125	750
15 miles fire line, at $350	5,250
12 miles trails, at $50.83	610
Total	9,110
San Gabriel:	
4 cabins, at $550	2,200
4 barns, at $75	300
6 miles pasture fence, at $125	750
12 miles fire line, at $350	4,200
4 miles trails, at $62.50	250
Total	7,700
San Jacinto:	
30 miles road (cooperation), at $200	6,000
12 miles fire line, at $300	3,600
8 cabins, at $550	4,400
8 barns, at $75	600
14 miles pasture fence, at $125	1,750
60 miles telephone line, at $75	4,500
Repairing 60 miles trails, at $13.20	793
Total	21,643
San Luis Obispo:	
4 cabins, at $500	2,000
4 barns, at $75	300
6 miles pasture fence, at $125	750
4 miles telephone line, at $75	300
3 miles road, at $200	600
1 mile road	537
Total	4,487
Santa Barbara:	
15 miles trails, at $250	$3,750
120 miles trails, at $60	7,200
60 miles trails, at $40	2,400
6 cabins, at $500	3,000
6 barns, at $75	450
12 miles pasture fence, at $125	1,500
21 miles fire line, at $295.15	6,198
Total	24,498
Shasta:	
6 cabins, at $550	3,300
6 barns, at $80	480
10 miles pasture fence, at $125	1,250
70 miles telephone line, at $60	4,200
2 bridges, at $625	1,250
112 miles trail, at $74.62	8,358
Total	18,838
Sierra:	
30 miles wagon road (cooperation), at $533.33	16,000
26 cabins, at $500	13,000
26 barns, at $75	1,950
30 miles pasture fence, at $125	3,750
240 miles trails, at $60	14,400
150 miles telephone line, at $50	7,500
2 bridges, at $500	1,000
12 miles fire line, at $300	3,600
Repairs on 9 cabins and on trails	1,219
Total	62,419
Stanislaus:	
12 cabins, at $500	6,000
12 barns, at $75	900
16 miles pasture fence, at $125	2,000
6 bridges, at $200	1,200
70 miles telephone line, at $60	4,200
100 miles trails, at $60.33	6,033
Total	20,333
Stony Creek:	
1 bridge (cooperative)	900
5 cabins, at $600	3,000
4 barns, at $75	300
10 miles pasture fence, at $125	1,250
60 miles trails, at $60	3,600
40 miles telephone lines, at $60	2,400
Repairs to fences and cabins	145
Total	11,595
Tahoe:	
8 cabins, at $550	4,400
8 barns, at $75	600
12 miles pasture fence, at $125	1,500
2 bridges, at $700	1,400
60 miles telephone line, at $60	3,600
96 miles trails, at $59.85	5,745
Total	17,245
Trabuco Canyon:	
2 cabins, at $500	1,000
2 barns, at $75	150
4 miles pasture fence, at $125	500
3 miles trails, at $80.33	241
Total	1,891
Trinity:	
10 cabins, at $600	6,000
10 barns, at $75	750
14 miles pasture fence, at $125	1,750
140 miles trails, at $49	6,863
Total	15,363
Warner Mountains:	
4 cabins, at $500	2,000
4 barns, at $75	300
7 miles pasture fence, at $125	875
10 miles trails, at $50	500
Repairs	120
Total	3,795

COLORADO.

Summary by forests.

Battlement Mesa	$9,864
Cochetopa	14,013
Frujta	98
Gunnison	11,135
Holy Cross	13,313
La Sal	370
Las Animas	2,422
Leadville	15,079
Medicine Bow	16,636
Montezuma	19,923
Ouray	3,125
Park Range	14,015
Pikes Peak	20,789
San Isabel	3,967
San Juan	27,240
Uncompahgre	7,700
Wet Mountains	2,965
White River	12,001
Total	194,655

Detailed estimates by forests.

Battlement Mesa:	
5 miles wagon road, at $470	$2,350
6 cabins, at $500	3,000
6 barns, at $75	450
8 miles pasture fence, at $125	1,000
10 miles drift fence, at $125	1,250
4 bridges, at $150	600
10 miles telephone line, at $60	600
Inclosing springs, watering troughs, and repairs	614
Total	9,864
Cochetopa:	
8 cabins, at $550	4,400
8 barns, at $75	600
12 miles pasture fence, at $125	1,500
15 miles drift fence, at $125	1,875
120 miles trails, at $46.98	5,638
Total	14,013
Fruita, three-fourths mile pasture fence	98
Gunnison:	
80 miles telephone line, at $58.56	4,685
7 cabins, at $500	3,500
6 barns, at $75	450
10 miles pasture fence, at $125	1,250
10 miles drift fence, at $125	1,250
Total	11,135
Holy Cross:	
8 cabins, at $550	4,400
8 barns, at $75	600
12 miles pasture fence, at $125	1,500
Repairs to 6 cabins and barns, at $50	350
60 miles telephone line, at $60	3,600
3 bidrges, at $216.67	650
Repairs to 50 miles trails, at $14	700
24 miles trails, at $61.38	1,513
Total	13,313
La Sal, 1 cabin	370
Las Animas:	
3 cabins, at $516.67	1,550
3 barns, at $75	225
5 miles pasture fence, at $129.40	647
Total	2,422
Leadville:	
100 miles trails, at $60	6,000
8 cabins, at $600	4,800
8 barns, at $75	600
10 miles pasture fence, at $125	1,250
40 miles telephone line, at $60.72	2,429
Total	15,079
Medicine Bow:	
80 miles telephone line, at $60	4,800
80 miles trails, at $60	4,800
8 cabins, at $500	4,000
6 barns, at $75	450
10 miles pasture fence, at $125	1,250
4 miles road, at $334	1,336
Total	16,636
Montezuma:	
8 cabins, at $550	4,400
8 barns, at $75	600
15 miles pasture fence, at $125	1,875
30 miles drift fence, at $125	3,750
120 miles trails, at $60	7,200
38 miles telephone line, at $55.21	2,098
Total	19,923
Ouray:	
3 cabins, at $500	1,500
3 barns, at $75	225
4 miles pasture fence, at $125	500
9 miles drift fence, at $100	900
Total	3,125
Park Range:	
10 cabins, at $550	5,500
10 barns, at $75	750
16 miles pasture fence, at $125	2,000
8 miles drift fence, at $125	1,000
60 miles trails, at $50	3,000
35 miles telephone line, at $50.43	1,765
Total	14,015
Pikes Peak:	
10 cabins, at $550	5,500
10 barns, at $75	750
16 miles pasture fence, at $125	2,000
50 miles boundary or drift fence, at $125	6,250
80 miles trails, at $50	4,000
40 miles telephone line, at $57.22	2,289
Total	20,789
San Isabel:	
3 cabins, at $500	$1,500
3 barns, at $75	225
6 miles pasture fence, at $125	750
10 miles drift fence, at $125	1,250
Inclosing springs and placing watering troughs	242
Total	3,967
San Juan:	
8 cabins, at $550	4,400
8 barns, at $75	600
12 miles pasture fence, at $125	1,500
120 miles telephone line, at $60	7,200
160 miles trails, at $60	9,600
30 miles drift fence, at $125	3,750
Repairs to cabins	190
Total	27,240
Uncompahgre:	
40 miles telephone line, at $60	2,400
4 cabins, at $500	2,000
4 barns, at $75	300
6 miles pasture fence, at $125	750
2 bridges, at $175	350
3 miles road, at $183.33	550
4 miles drift fence, at $125	500
17 miles trails, at $50	850
Total	7,700
Wet Mountains:	
2 cabins, at $500	1,000
2 barns, at $75	150
4 miles pasture fence, at $125	500
25 miles trails, at $56.60	1,315
Total	2,965
White River:	
12 miles wagon road (cooperation), at $125	1,500
44 miles telephone line, at $60	2,640
4 cabins, at $500	2,000
4 barns, at $75	300
6 miles pasture fence, at $125	750
2 cattle drives, at $150	300
3 bridges, at $266.67	800
20 miles drift fence, at $125	2,500
25 miles trails, at $48.44	1,211
Total	12,001

IDAHO.

Summary by forests.

Bear River	$5,129
Big Hole	3,758
Bitter Root	47,722
Cabinet	6,118
Caribou	9,060
Cassia	4,030
Coeur d'Alene	28,811
Henrys Lake	9,876
Kootenai	2,040
Lemhi	16,624
Palouse	2,398
Payette	18,058
Pocatello	618
Port Neuf	1,236
Priest River	10,073
Raft River	3,621
Salmon River	23,237
Sawtooth	41,282
Weiser	13,917
Yellowstone	3,745
Total	251,353

Detailed estimates by forests.

Bear River:	
5 cabins, at $550	$2,750
5 barns, at $75	375
8 miles pasture fence, at $125	1,000
22 miles telephone lines, at $45.64	1,004
Total	5,129
Big Hole:	
3 cabins, at $500	1,500
2 barns, at $75	150
6 miles pasture fence, at $125	750
25 miles trails, at $54.32	1,358
Total	3,758
Bitter Root:	
280 miles trails, at $75	21,000
12 miles road, at $300	3,600
80 miles telephone lines, at $50	4,000
20 miles trails, at $150	3,000
3 bridges, at $500	1,500
10 cabins, at $550	5,500
10 barns, at $75	750
12 miles pasture fence, at $125	1,500
Cooperative road construction with State and county	6,000
Repairs to 60 miles trails, at $14.53	872
Total	47,722

Cabinet:	
26 miles telephone lines, at $50	$1,300
4 cabins, at $500	2,000
4 barns, at $75	300
8 miles pasture fence, at $125	1,000
30 miles trails, at $50.60	1,518
Total	6,118
Caribou:	
Repairing 30 miles road, at $450	1,350
4 cabins, at $500	2,000
4 barns, at $75	300
6 miles of pasture fence, at $125	750
70 miles trails, at $40	2,800
12 miles drift fence, at $125	1,500
Repairs to cabins	360
Total	9,060
Cassia:	
5 cabins, at $500	2,500
5 barns, at $75	375
9 miles pasture fence, at $128.33	1,155
Total	4,030
Coeur d'Alene:	
160 miles trails, at $40	6,400
140 miles trails, at $75	10,500
40 miles trails, at $100	4,000
6 cabins, at $550	3,300
6 barns, at $100	600
8 miles pasture fence, at $125	1,000
50 miles telephone lines, at $60.22	3,011
Total	28,811
Henrys Lake:	
6 cabins, at $500	3,000
6 barns, at $75	450
8 miles pasture fence, at $125	1,000
52 miles trails, at $50	2,600
50 miles telephone lines, at $56.52	2,826
Total	9,876
Kootenai:	
1 cabin	450
1 barn	90
1 mile pasture fence	125
25 miles trails, at $55	1,375
Total	2,040
Lemhi:	
120 miles telephone lines, at $60	7,200
7 bridges, at $142.86	1,000
80 miles trails, at $50	4,000
5 cabins, at $500	2,500
5 barns, at $75	375
12 miles pasture fence, at $129.08	1,549
Total	16,624
Palouse:	
2 miles pasture fence, at $125	250
1 cabin	500
30 miles trails, at $54.93	1,648
Total	2,398
Payette:	
160 miles trails, at $60	9,600
5 cabins, at $500	2,500
4 barns, at $75	300
8 miles pasture fence, at $125	1,000
Cooperative road work	1,200
60 miles telephone lines, at $57.63	3,458
Total	18,058
Pocatello:	
1 cabin	450
1 barn	75
¾ mile pasture fence, at $124	93
Total	618
Port Neuf:	
1 cabin	500
1 barn	75
1 storehouse	125
4 miles pasture fence, at $134	536
Total	1,236
Priest River:	
8 cabins, at $600	4,800
8 barns, at $75	600
8 miles pasture fence, at $125	1,000
78 miles trails, at $47.09	3,673
Total	10,073
Raft River:	
2 cabins, at $500	1,000
1 barn	75
2 miles pasture fence, at $125	250
8 miles drift fence, at $125	1,000
10 miles telephone line, at $60	600
2 bridges, at $150	300
Repairs to roads and cabins	396
Total	3,621
Salmon River:	
170 miles trails, at $60	$10,200
70 miles telephone lines, at $60	4,200
8 cabins, at $500	4,000
8 barns, at $75	600
11 miles pasture fence, at $125	1,375
Cooperative road work with county and State	2,000
Repairs on road, including 3 bridges	862
Total	23,237
Sawtooth:	
300 miles trails, at $60	18,000
150 miles telephone lines, at $80	12,000
Cooperative work with State, wagon roads	3,500
8 cabins, at $500	4,000
8 barns, at $75	600
12 miles pasture fence, at $125	1,500
1 bridge	525
3 bridges, at $133.33	400
Repairs on 82 miles trails, at $9.17	757
Total	41,282
Weiser:	
Cooperative road work with county	2,500
70 miles telephone line, at $60	4,200
5 cabins, at $500	2,500
4 barns, at $75	300
6 miles pasture fence, at $125	750
60 miles trails, at $50	3,000
Repairs on trails and cabin	667
Total	13,917
Yellowstone:	
2 cabins, at $500	1,000
2 barns, at $75	150
3 miles pasture fence, at $125	375
15 miles trails, at $81.33	1,220
18 miles telephone line, at $55.55	1,000
Total	3,745

KANSAS.

Summary.

Garden City	$1,202
Contingent fund	200
Total	1,402

Detailed estimate.

Garden City:	
4 miles fire line, at $150	$600
Addition to cabin	202
Barn	100
Repairs on fences and buildings	300
Total	1,202

MONTANA.

Summary by forests.

Big Belt	$7,930
Big Hole	19,937
Bitter Root	8,553
Cabinet	19,361
Crazy Mountains	2,902
Ekalaka	418
Elkhorn	2,301
Gallatin	10,984
Helena	9,668
Hell Gate	19,558
Highwood Mountains	556
Kootenai	10,968
Lewis and Clark	68,489
Little Belt	13,018
Little Rockies	383
Lolo	14,976
Long Pine	1,377
Madison	11,851
Missoula	2,403
Otter	7,301
Pryor Mountains	973
Snowy Mountains	1,557
Yellowstone	16,713
Total	232,177

Detailed estimates by forests.

Big Belt:	
56 miles trails, at $75	$4,200
4 cabins, at $500	2,000
4 barns, at $75	300
6 miles pasture fence, at $125	750
12 miles telephone line, at $56.67	680
Total	7,930
Big Hole:	
10 miles road, at $300	3,000
120 miles trails, at $60	7,200
6 cabins, at $500	3,000
6 barns, at $75	450
10 miles pasture fence, at $125	1,250
50 miles telephone line, at $60	3,000
4 miles fire line, at $300	1,200
1 bunk house	287
Repairs on roads, trails, and cabins	550
Total	19,937
Bitter Root:	
4 cabins, at $500	2,000
4 barns, at $75	300
4 miles pasture fence, at $125	500
92 miles trails, at $62.53	5,753
Total	8,553

Cabinet:	
220 miles trails, at $60	$13,200
7 cabins, at $500	3,500
6 barns, at $75	450
8 miles pasture fence, at $125	1,000
20 miles telephone lines, at $60.55	1,211
Total	19,361
Crazy Mountains:	
3 cabins, at $550	1,650
3 barns, at $80	240
4 miles pasture fence, at $125	500
4 miles drift fence, at $128	512
Total	2,902
Ekalaka, 1 cabin	418
Elkhorn:	
2 cabins, at $550	1,100
2 barns, at $75	150
3 miles pasture fence, at $125	375
Cleaning out and repairing 25 miles old road, at $15	375
6 miles telephone line, at $50.16	301
Total	2,301
Gallatin:	
66 miles telephone line, at $60	3,960
105 miles trail, at $38.28	4,020
4 cabins, at $500	2,000
4 barns, at $75	300
5 miles pasture fence, at $140.80	704
Total	10,984
Helena:	
45 miles trails, at $50	2,250
52 miles telephone line, at $60	3,120
5 cabins, at $600	3,000
6 miles pasture fence, at $133	798
5 barns, at $100	500
Total	9,668
Heil Gate:	
8 cabins, at $550	4,400
8 barns, at $75	600
10 miles pasture fence, at $125	1,250
200 miles trails, at $60	12,000
22 miles telephone lines, at $59.45	1,308
Total	19,558
Highwood Mountains:	
1 cabin	475
1 barn	81
Total	556
Kootenai:	
110 miles trails, at $60	6,600
4 cabins, at $550	2,200
4 barns, at $90	360
5 miles pasture fence, at $125	625
20 miles telephone lines, at $59.15	1,183
Total	10,968
Lewis and Clark:	
250 miles trail, at $50	12,500
120 miles trail, at $75	9,000
150 miles trail, at $40	6,000
75 miles trail, at $100	7,500
1 bridge	2,000
4 bridges, at $162.50	650
Cooperative road work	4,500
Repairing 60 miles road, at $15	900
180 miles telephone lines, at $60	10,800
12 cabins, at $600	7,200
12 barns, at $100	1,200
16 miles pasture fence, at $125	2,000
2 bunk houses, at $175	350
11 miles road, at $300	3,300
Repairs to cabins	589
Total	68,489
Little Belt:	
52 miles trails, at $75	3,900
60 miles telephone lines, at $60	3,600
5 cabins, at $600	3,000
5 barns, at $80	400
7 miles pasture fence, at $125	875
1 bunk house	200
Addition to 2 cabins, at $221.50	443
Repairing trails and cabins	600
Total	13,018
Little Rockies:	
2 miles pasture fence, at $125	250
Barn	75
Repairs to house	58
Total	383
Lolo:	
125 miles trails, at $80	10,000
6 cabins, at $550	3,300
6 barns, at $75	450
10 miles pasture fence, at $122.60	1,226
Total	14,976
Long Pine:	
1 cabin	$550
1 barn	100
4 miles pasture fence, at $125	500
Clearing out old trails and roads	227
Total	1,377
Madison:	
100 miles trails, at $75	7,500
5 cabins, at $500	2,500
5 barns, at $80	400
6 miles pasture fence, at $125	750
4 miles drift fence, at $125	500
Repairs to cabins and trails	201
Total	11,851
Missoula:	
3 cabins, at $500	1,500
3 barns, at $75	225
5 miles pasture fence, at $135.60	678
Total	2,403
Otter:	
4 cabins, at $500	2,000
4 barns, at $75	300
6 miles pasture fence, at $125	750
50 miles telephone lines, at $60	3,000
6 miles drift fence, at $125	750
Repairs to roads and trails	301
Addition to cabin	200
Total	7,301
Pryor Mountains:	
1 cabin	300
1 barn	100
3 miles pasture fence, at $124.33	373
Total	973
Snowy Mountains:	
1 cabin	500
1 barn	75
2 miles pasture fence, at $125	250
10 miles trails, at $50	500
2 miles drift fence, at $116	232
Total	1,557
Yellowstone:	
150 miles trails, at $60	9,000
60 miles telephone lines, at $60	3,600
5 cabins, at $550	2,750
5 barns, at $90	450
7 miles pasture fence, at $130.43	913
Total	16,713

NEBRASKA.

Summary by forests.

Dismal River	$1,051
Niobrara	1,530
North Platte	4,291
Contingent fund	1,100
Total	7,972

Detailed estimates by forests.

Dismal River:	
6 miles fire breaks, at $125	$750
Barn	100
Repairing cabin and other buildings	201
Total	1,051
Niobrara:	
3 miles fence, at $125	375
20 miles telephone lines, at $57.75	1,155
Total	1,530
North Platte:	
10 miles fire breaks, at $125	1,250
1 cabin	600
1 barn	100
1 storehouse	250
2 miles hog-tight fence, at $250	500
34 miles telephone lines, at $46.80	1,591
Total	4,291

NEVADA.

Summary by forests.

Charleston	$1,842
Independence	1,669
Monitor	7,079
Ruby Mountains	5,235
Tahoe	729
Toiyabe	7,724
Toquima	4,548
Vegas	2,420
Contingent fund	5,500
Total	36,746

Detailed estimates by forests.

Charleston:	
1 cabin	$650
1 barn	150
2 miles pasture fence, at $150	300
5 miles boundary drift fence, at $148.40	742
Total	1,842

Independence:	
1 cabin	$650
1 barn	150
5 miles pasture fence, at $150	750
Repairs to cabins	119
Total	1,669
Monitor:	
2 cabins, at $600	1,200
2 barns, at $100	200
5 miles pasture fence, at $125	625
15 miles trails, at $100	1,500
28 miles telephone lines, at $89.20	2,500
7 miles boundary fence, at $150.57	1,054
Total	7,079
Ruby Mountains:	
2 cabins, at $600	1,200
2 barns, at $100	200
4 miles pasture fence, at $125	600
20 miles trails, at $100	2,000
5 miles fire lines, at $247	1,235
Total	5,235
Tahoe:	
1 mile pasture fence, at $125	125
14 miles trails, at $43.14	604
Total	729
Toiyabe:	
2 cabins, at $650	1,300
2 barns, at $125	250
5 miles pasture fence, at $150	750
36 miles telephone lines, at $78.88	2,840
Irrigating ditches and piping for water supply	720
Repairing 4 miles road, at $100	400
10 miles drift fence, at $146.40	1,464
Total	7,724
Toquima:	
2 cabins, at $650	1,300
2 barns, at $125	250
6 miles pasture fence, at $150	900
Irrigating ditches and piping water on 2 ranger sites	780
19 miles telephone line, at $69.37	1,318
Total	4,548
Vegas:	
2 cabins, at $650	1,300
2 barns, at $125	250
6 miles pasture fence, at $145	870
Total	2,420

NEW MEXICO.

Summary by forests.

Big Burros	$1,941
Gallinas	964
Gila	34,893
Guadalupe	3,499
Jemez	18,047
Lincoln	7,750
Las Animas	6
Magdalena	1,903
Manzano	5,687
Mount Taylor	1,372
Pecos	5,327
Peloncillo	2,212
Sacramento	10,903
San Mateo	5,253
Taos	2,880
Contingent fund	18,000
Total	120,637

Detailed estimates by forests.

Big Burros:	
1 cabin	$500
1 barn	100
2 miles pasture fence, at $125	250
9 miles drift fence, at $121.22	1,091
Total	1,941
Gallinas:	
1 cabin	500
1 barn	100
3 miles pasture fence, at $121.33	364
Total	964
Gila:	
150 miles trails, at $60	9,000
60 miles road, at $100	6,000
120 miles telephone line, at $75	9,000
12 cabins, at $550	6,600
12 barns, at $75	900
16 miles pasture fence, at $125	2,000
11 miles drift fence, at $126.63	1,393
Total	34,893
Guadalupe:	
2 cabins, at $500	1,000
2 barns, at $100	200
6 miles pasture fence, at $125	750
12 miles drift fence, at $129.08	1,549
Total	3,499
Jemez:	
60 miles telephone line, at $75	$4,500
10 cabins, at $500	5,000
10 barns, at $75	750
16 miles pasture fence, at $125	2,000
80 miles trails, at $60	4,800
8 miles drift fence, at $124.62	997
Total	18,047
Lincoln:	
2 cabins, at $500	1,000
2 barns, at $100	200
5 miles pasture fence, at $125	625
4 corrals, at $50	200
Piping water supply	350
20 miles drift fence, at $125	2,500
Repairing roads and trails	420
30 miles trails, at $32	960
30 miles telephone line, at $49.83	1,495
Total	7,750
Las Animas, repairs	6
Magdalena:	
2 cabins, at $550	1,100
2 barns, at $100	200
5 miles pasture fence, at $120.60	603
Total	1,903
Manzano:	
4 cabins, at $500	2,000
4 barns, at $75	300
8 miles pasture fence, at $125	1,000
18 miles drift fence, at $132.61	2,387
Total	5,687
Mount Taylor:	
1 cabin	500
1 barn	75
1 mile pasture fence	125
5 miles drift fence, at $134.40	672
Total	1,372
Pecos:	
3 cabins, at $500	1,500
3 barns, at $75	225
6 miles pasture fence, at $125	750
16 miles drift fence, at $125	2,000
20 miles telephone line, at $42.60	852
Total	5,327
Peloncillo:	
1 cabin	450
1 barn	75
2 miles pasture fence, at $125	250
12 miles drift fence, at $119.67	1,437
Total	2,212
Sacramento:	
3 cabins, at $500	1,500
3 barns, at $75	225
3 miles pasture fence, at $125	375
Driven well	1,000
Tank and dam	1,100
40 miles drift fence, at $100	4,000
50 miles telephone line, at $54.06	2,703
Total	10,903
San Mateo:	
2 cabins, at $500	1,000
2 barns, at $75	150
4 miles pasture fence, at $62.50	250
40 miles trail, at $50	2,000
15 miles drift fence, at $123.54	1,853
Total	5,253
Taos:	
1 cabin	500
1 barn	100
2 miles pasture fence, at $125	250
Repairing roads and trails	200
15 miles drift fence, at $122	1,830
Total	2,880

OKLAHOMA.

Summary.

Wichita	$751
Contingent fund	150
Total	901

Detailed estimates.

Wichita:	
1 cabin	$500
1 barn	75
1½ miles pasture fence, at $117.33	176
Total	751

OREGON.

Summary by forests.

Ashland	$2,138
Blue Mountains	44,545
Bull Run	1,755
Cascade	72,763

Coquille	$1,829
Fremont	15,277
Goose Lake	7,787
Heppner	3,609
Imnaha	21,631
Siskiyou	14,003
Tillamook	2,176
Umpqua	9,864
Wenaha	6,118
Total	203,495

Detailed estimates by forests.

Ashland:	
1 cabin	$500
1 barn	100
2 miles pasture fence, at $125	250
25 miles trail, at $51.52	1,288
Total	2,138
Blue Mountains:	
160 miles telephone line, at $75	12,000
320 miles trails, at $75	24,000
8 cabins, at $500	4,000
8 barns, at $75	600
10 miles pasture fence, at $125	1,250
Repairing 110 miles trail, at $10	1,100
Repairing 25 miles road, at $50	1,250
5 bridges, at $69	345
Total	44,545
Bull Run:	
30 miles new trail, at $50	1,500
Repairs to old trail	255
Total	1,755
Cascade:	
500 miles trails, at $50	25,000
100 miles trails, at $75	7,500
100 miles trails, at $100	10,000
150 miles telephone lines, at $60	9,000
20 cabins, at $500	10,000
20 barns, at $75	1,500
30 miles pasture fence, at $125	3,750
10 miles fire line, at $300	3,000
1 bridge	400
6 bridges, at $225	1,350
3 miles road, at $300	900
Repairs to old trails	363
Total	72,763
Coquille:	
1 cabin	500
1 barn	75
2 miles pasture fence, at $125	250
20 miles trails, at $50.20	1,004
Total	1,829
Fremont:	
20 miles wagon road, at $400	8,000
6 cabins, at $550	3,300
6 barns, at $75	450
8 miles pasture fence, at $125	1,000
48 miles telephone line, at $52.65	2,527
Total	15,277
Goose Lake:	
50 miles trails, at $50	2,500
4 cabins, at $500	2,000
4 barns, at $75	300
6 miles pasture fence, at $125	750
3 miles road, at $300	900
25 miles telephone line, at $53.45	1,337
Total	7,787
Heppner:	
2 cabins, at $500	1,000
2 barns, at $75	150
4 miles pasture fence, at $125	500
20 miles telephone line, at $60	1,200
16 miles trails, at $47.44	759
Total	3,609
Imnaha:	
140 miles trails, at $75	10,500
100 miles telephone lines, at $60	6,000
6 cabins, at $550	3,300
6 barns, at $75	450
8 miles pasture fence, at $125	1,000
Repairs to trails and cabin	381
Total	21,631
Siskiyou:	
35 miles Rogue River trail and road, at $200	7,000
30 miles telephone line, at $58.33	1,750
4 cabins, at $500	2,000
4 barns, at $75	300
4 miles pasture fence, at $125	500
50 miles trails, at $49.06	2,453
Total	14,003
Tillamook:	
1 cabin	$500
1 barn	75
1 mile pasture fence	125
30 miles trails, at $49.20	1,476
Total	2,176
Umpqua:	
4 cabins, at $500	2,000
4 barns, at $75	300
4 miles pasture fence, at $125	500
30 miles telephone line, at $60	1,800
10 miles drift fence, at $125	1,250
80 miles trails, at $50.17	4,014
Total	9,864
Wenaha:	
55 miles telephone line, at $60	3,300
4 cabins, at $500	2,000
4 barns, at $75	300
4 miles pasture fence, at $129.50	518
Total	6,118

SOUTH DAKOTA.

Summary by forests.

Black Hills	$14,378
Cave Hills	286
Short Pine	234
Slim Buttes	721
Contingent fund	2,500
Total	18,119

Detailed estimates by forests.

Black Hills:	
8 cabins, at $550	$4,400
8 barns, at $100	800
10 miles pasture fence, at $125	1,250
75 miles telephone line, at $60	4,500
3 bridges, at $200	600
Cleaning out and repairing old roads	600
3 miles fire line, at $300	900
10 miles boundary fences, at $132.80	1,328
Total	14,378
Cave Hills, cabin	286
Short Pine, barn and fence	234
Slim Buttes:	
Cabin	450
Barn	75
Pasture fence	196
Total	721

UTAH.

Summary by forests.

Aquarius	$8,973
Bear River	3,312
Beaver	3,547
Dixie	5,760
Fillmore	4,944
Fish Lake	4,487
Glenwood	2,151
Grantsville	853
La Sal	1,594
Manti	9,715
Monticello	3,906
Payson	2,064
Raft River	1,446
Salt Lake	1,174
Sevier	8,788
Uinta	27,044
Vernon	852
Wasatch	1,050
Contingent fund	16,000
Total	107,060

Detailed estimates by forests.

Aquarius:	
3 cabins, at $500	$1,500
2 barns, at $75	150
6 miles pasture fence, at $125	750
24 miles drift fence, at $125	3,000
55 miles telephone line, at $55.54	3,000
Repairing roads and cabins	573
Total	8,973
Bear River:	
3 cabins, at $500	1,500
3 barns, at $75	225
7 miles pasture fence, at $125	875
15 miles telephone line, at $47.46	712
Total	3,312
Beaver:	
2 cabins, at $500	1,000
2 barns, at $75	150
6 miles pasture fence, at $125	750
Repairing roads and cabins	247
11 miles drift fence, at $127.30	1,400
Total	3,547

Dixie:	
4 cabins, at $500	$2,000
4 barns, at $75	300
6 miles pasture fence, at $125	750
16 miles drift fence, at $125	2,000
15 miles telephone line, at $47.45	710
Total	5,760
Fillmore:	
2 cabins, at $500	1,000
2 barns, at $75	150
6 miles pasture fence, at $125	750
20 miles drift fence, at $125	2,500
Repairs to roads and cabins	544
Total	4,944
Fish Lake:	
2 cabins, at $550	1,100
2 barns, at $100	200
6 miles pasture fence, at $125	750
4 miles roads, at $300	1,200
2 bridges, at $105	210
20 miles telephone line, at $51.35	1,027
Total	4,487
Glenwood:	
2 cabins, at $500	1,000
2 barns, at $100	200
4 miles pasture fence, at $125	500
4 miles drift fence, at $112.75	451
Total	2,151
Grantsville:	
Cabin	500
Barn	100
2 miles pasture fence, at $126.50	253
Total	853
La Sal:	
Cabin	500
Barn	75
2 miles pasture fence, at $125	250
6 miles drift fence, at $128.16	769
Total	1,594
Manti:	
4 cabins, at $550	2,200
4 barns, at $100	400
8 miles pasture fence, at $125	1,000
58 miles telephone lines, at $54.20	3,200
20 miles drift fence, at $125	2,500
1 mile road and repairs	415
Total	9,715
Monticello:	
2 cabins, at $550	1,100
2 barns, at $75	150
8 miles pasture fence, at $125	1,000
Repairs to cabin	156
12 miles drift fence, at $125	1,500
Total	3,906
Payson:	
2 cabins, at $500	1,000
2 barns, at $75	150
4 miles pasture fence, at $125	500
3½ miles drift fence, at $118.30	414
Total	2,064
Raft River:	
Cabin	500
Barn	100
2 miles pasture fence, at $125	250
4½ miles drift fence, at $132.50	596
Total	1,446
Salt Lake:	
20 miles trails, at $30	600
3 miles fire lines, at $191.30	574
Total	1,174
Sevier:	
3 cabins, at $500	1,500
3 barns, at $75	225
6 miles pasture fence, at $125	750
40 miles telephone line, at $55	2,200
20 miles drift fence, at $125	2,500
5 miles road, at $322.60	1,613
Total	8,788
Uinta:	
120 miles telephone line, at $75	9,000
50 miles boundary fence, at $125	6,250
8 cabins, at $600	4,800
8 barns, at $100	800
12 miles pasture fence, at $125	1,500
30 miles trails, at $53.33	1,600
12 miles drift fence, at $125	1,500
6 miles road, at $200	1,200
Repairing cabin	394
Total	27,044
Vernon:	
1 cabin	$500
1 barn	75
2 miles pasture fence, at $138.50	277
Total	852
Wasatch:	
10 miles trails, at $30	300
Addition to cabin	250
2 miles pasture fence, at $125	250
2 miles drift fence, at $125	250
Total	1,050

WASHINGTON.

Summary by forests.

Colville	$10,747
Olympic	19,709
Priest River	5,025
Rainier	31,713
Washington	78,000
Wenaha	3,935
Total	149,129

Detailed estimates by forests.

Colville:	
50 miles telephone line, at $75	$3,750
80 miles trails, at $60	4,800
3 cabins, at $500	1,500
3 barns, at $100	300
3 miles pasture fence, at $132.33	397
Total	10,747
Olympic:	
Opening and repairing 50 miles old road, at $50	2,500
3 bridges, at $600	1,800
6 bridges, at $166.67	1,000
5 cabins, at $550	2,750
5 barns, at $100	500
6 miles pasture fence, at $125	750
170 miles trails, at $50	8,500
35 miles telephone line, at $54.54	1,909
Total	19,709
Priest River:	
2 cabins, at $500	1,000
2 barns, at $75	150
4 miles pasture fence, at $125	500
20 miles telephone line, at $55	1,100
45 miles trail, at $50.55	2,275
Total	5,025
Rainier:	
1 bridge	1,250
200 miles trail, at $60	12,000
100 miles trail, at $90	9,000
6 cabins, at $600	3,600
6 barns, at $100	600
8 miles pasture fence, at $125	1,000
7 bridges, at $166.15	1,163
50 miles telephone, at $62	3,100
Total	31,713
Washington:	
10 miles trail, at $310	3,100
100 miles trail, at $75	7,500
120 miles trail, at $60	7,200
400 miles trail, at $50	20,000
24 cabins, at $500	12,000
24 barns, at $100	2,400
30 miles pasture fence, at $125	3,750
25 miles road, at $400	10,000
10 bridges, at $150	1,500
150 miles telephone line, at $75	9,000
Repairs on 20 miles road, at $50	1,000
Repairs on cabins and barns	550
Total	78,000
Wenaha:	
1 cabin	500
2 miles fence, at $125	250
40 miles trails, at $50	2,000
25 miles telephone line, at $47.40	1,185
Total	3,935

WYOMING.

Summary by forests.

Bear Lodge	$1,694
Big Horn	14,240
Black Hills	575
Caribou	100
Crow Creek	692
Medicine Bow	6,947
Sierra Madre	4,585
Uinta	50
Yellowstone	82,344
Total	111,227

Detailed estimates by forests.

Bear Lodge:	
1 cabin	$550
1 barn	100
2 miles pasture fence, at $125	250
16 miles telephone line, at $49	794
Total	1,694

Big Horn:	
8 cabins, at $550	$4,400
8 barns, at $75	600
10 miles pasture fence, at $125	1,250
60 miles telephone line, at $60	3,600
85 miles trails, at $51.60	4,390
Total	14,240
Black Hills, barn and fence	575
Caribou, fence	100
Crow Creek, cabin, barn, and fence	692
Medicine Bow:	
4 cabins, at $550	2,200
4 barns, at $100	400
6 miles pasture fence, at $125	750
40 miles telephone line, at $60	2,400
30 miles trails at $39.90	1,197
Total	6,947
Sierra Madre:	
4 cabins, at $500	2,000
4 barns, at $100	400
6 miles pasture fence, at $125	750
20 miles trails, at $50	1,000
3 miles drift fence, at $145	435
Total	4,585
Uinta, fence	50
Yellowstone:	
240 miles telephone line, at $60	14,400
160 miles trail, at $75	12,000
400 miles trail, at $50	20,000
100 miles trail, at $100	10,000
30 cabins, at $500	15,000
30 barns, at $100	3,000
40 miles pasture fence, at $125	5,000
24 miles drift fence, at $123	2,944
Total	82,344

ALASKA.

Summary by forests.

Alexander Archipelago	$8,000
Afognak	4,000
Chugach	9,000
Tongass	801
Contingent fund	3,600
Total	25,401

Detailed estimates.

Alexander Archipelago, Afognak, Chugach, Tongass:	
Boats, etc.	$3,801
50 miles fire line, at $300	15,000
2 cabins, at $750	1,500
2 barns, at $150	300
6 miles fence, at $200	1,200
Total	21,801

PORTO RICO.

Summary.

Luquillo	$815
Contingent fund	150
Total	965

Detailed estimate.

Luquillo, house, barn, and cabin	$815

The CHAIRMAN. You have estimates there calling for this $2,000,000?

Mr. PINCHOT. I have detailed estimates for every national forest, showing just how it would be spent. I would present these with the statement that they indicate that the Service is pretty well aware of the situation and knows what is needed in the different forests.

Mr. POLLARD. That $2,000,000 you want in the administration of the present forest reserves?

Mr. PINCHOT. Yes; not in the administration, Mr. POLLARD, but in making these permanent improvements. I would like to spend that much money in making permanent improvements, if I make that clear.

Mr. POLLARD. How much, may I ask, do you think you ought to have of an increase for this work of cooperation with the private foresters?

Mr. PINCHOT. I think if you will let me treat the forests from the point of view I have suggested, I can just about double, or a little less than double, with great advantage, the money spent on that. We are spending on all kinds of cooperative work and investigation and study of the forests about $300,000, or slightly over that.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. WARREN. I will state to the Chair that that is not exactly the question.

The PRESIDING OFFICER. The present occupant of the chair understood that to be the question.

Mr. WARREN. I understand. I wish to state that I did not object at the time the amendment was offered to its being submitted and discussed, but under the unanimous-consent arrangement the committee amendments were to be first considered. The first amendment, the one at the bottom of page 22 and the top of page 23, was considered and stricken out on a point of order. The next amendment occurs in line 18, on page 23.

Mr. CLARK of Wyoming. Will my colleague yield to me for a moment?

Mr. WARREN. Certainly.

Mr. CLARK of Wyoming. After the words "United States," in line 23, on page 22, I move to insert the words that were stricken out on a point of order.

Mr. WARREN. Let me understand my colleague. He wishes to reinstate the entire amendment?

Mr. CLARK of Wyoming. Yes.

Mr. WARREN. I will ask the Senator if he had not better wait until we get the bill into the Senate. The Senate as in Committee of the Whole has acted upon it once.

Mr. CLARK of Wyoming. I am not specially concerned, but I was laboring under a misapprehension, and I am willing to let it remain in the bill.

Mr. LODGE. I should like to ask, for information, if it went out on a point of order.

Mr. WARREN. It went out on a point of order. I have forgotten whether my colleague made the point of order.

Mr. CLARK of Wyoming. I made the point of order.

Mr. WARREN. If he wishes to withdraw the point of order and reinstate the amendment, we can ask unanimous consent for that purpose.

The PRESIDING OFFICER. The Chair does not understand the suggestion of the Senator from Wyoming.

Mr. CLARK of Wyoming. The motion I made was to move the amendment inserting after the words "United States," on page 22, line 23, the words following in italics, including the word "Islands" on page 23, line 1, which were stricken out on a point of order made by myself.

Mr. WARREN. The Senator from Colorado [Mr. TELLER] reminds me that he made the point of order. I was of the opinion when the matter was called to my attention by my colleague that a point of order could not lie, as the proposed amendment was the existing law, as to a part of it, but the Vice-President decided that it was obnoxious to the rule, and it went out on a point of order. Now, if my colleague and the Senator from Colorado, one of whom made the point of order, will settle it by both withdrawing, we will have it brought up.

Mr. TELLER. I think we both made the point of order.

Mr. FLINT. The Senator from Oregon [Mr. FULTON] made the point of order, if I remember correctly.

Mr. TELLER. The Senator from Oregon also made the point of order. I made it, certainly. The Chair sustained the point of order, and the amendment is not before the Senate now.

Mr. HALE. No; a motion to reinsert it does not get at it, because that is just as much subject to a point of order as the original proposition.

Mr. TELLER. Precisely.

Mr. HALE. The motion to reinsert is an amendment; and if the original clause went out on a point of order, any motion to reinstate the amendment would be subject to the same point of order.

Mr. WARREN. It can be done only by unanimous consent.

Mr. HALE. Only by unanimous consent.

Mr. WARREN. If the Senator will ask unanimous consent and obtain it, it can be done.

Mr. CLARK of Wyoming. I think the motion I made was the proper one. If there is any objection to it, of course I realize that it is subject to a point of order the same as the original proposition; but if nobody raises a point of order against the amendment, I suppose it will carry and the words will go back into the bill.

Mr. TELLER. The amendment is out on a point of order. I do not see anything here to discuss.

Mr. WARREN. The next amendment is, on line 18, page 23. The committee will ask that that may be disagreed to.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, line 18, insert the word "hereafter," so as to read:

And hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska in which said forests are respectively situated.

The amendment was rejected.

The next amendment of the Committee on Agriculture and Forestry was, on page 24, line 3, after the word "checked," to insert "but in no case after July 1, 1910," so as to read:

That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forest are practically checked, but in no case after July 1, 1910.

Mr. WARREN. I will state that this amendment was objected to when we came to it by the Senator from Minnesota [Mr. NELSON], but that he has since withdrawn his objection to it.

The amendment was agreed to.

The next amendment was, on page 25, line 9, after the word "elsewhere," to insert:

And hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department.

Mr. TELLER. I am not going to object to the amendment, even if it is susceptible to a point of order. I only want to say I regard it as an extremely vicious practice; but I know if I object to it, it will be said that I am afraid to allow the Department to have the means of carrying out what they profess is their purpose. However, I will venture to say that this is the first time we have ever put money in the hands of people in this way.

Mr. WARREN. Oh, no, Mr. President. The Geological Survey and, I think, other bureaus have had this privilege.

Mr. TELLER. It is possible we have done something of that kind, but I do not remember it in any bill. I do not believe it exists in any bill, but as they will give bond, and possibly it might embarrass the Department if they did not have it, I am not going to raise a question against it.

The amendment was agreed to.

The next amendment passed over was, on page 25, line 3, to strike out the period and insert a colon and the word "*Provided*," and in line 9, after the word "*Provided*," to insert "*further*."

The amendment was agreed to.

The next amendment was, on page 25, line 7, before the word "Service," to strike out "Forestry" and insert "Forest;" and in line 11, before the word "of," to strike out "preparation" and insert "publication," so as to make the proviso read:

Provided, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: *Provided further*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the publications of any newspaper or magazine article.

The amendment was agreed to.

The next amendment was, on page 25, line 20, after the word "the," to strike out "national forests" and insert "National Forests," so as to make the clause read:

And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, to be expended as the Secretary of Agriculture may direct for the proper and economical administration, protection, and development of the National Forests.

The amendment was agreed to.

Mr. WARREN. That completes the amendments offered by the committee, Mr. President.

Mr. HEYBURN. The amendment striking out the word "preparation" and inserting "publication" in line 11, page 25, was passed over so rapidly that it escaped my attention. I understood that the Senator from Wyoming [Mr. CLARK] intended to object to the committee amendment.

Mr. CLARK of Wyoming. I intended to ask that the committee amendment be disagreed to.

The PRESIDING OFFICER. The Chair will consider the question on the amendment open and put it again.

Mr. CLARK of Wyoming. I ask the Senate to disagree to that amendment of the committee. I will state to my colleague why I ask that this action be taken.

Mr. WARREN. Excuse me; my attention was diverted.

Mr. CLARK of Wyoming. I started to say that I ask the Senate to disagree to the amendment proposed by the committee in line 11, page 25. I do this not because I object to the use of the word "publication," but because I think the word "preparation" should remain in the bill and the word "or" should be inserted before "publication," so as to read "preparation or publication."

Mr. WARREN. Was the Senator in the Chamber, and did he observe what I said in the discussion yesterday about this? I will, in just a word, give the Senator the reason the committee had for changing it through the amendment offered.

The Forester was examined, as well as the Secretary of Agriculture, and they understood perfectly that there was to be no money paid out for newspaper or magazine articles. The Secretary asked that we might not use the word "preparation" unless we thought it strictly necessary, because it was the cheapest and most effectual way that matter could be furnished to the newspapers as they called for material, from time to time, for information regarding the work. He said unless they were able to put it in some typewritten or other form so that it could be seen, some of the clerks or the heads of bureaus were almost constantly being—I will not say annoyed—engaged in submitting to interviews with newspaper and magazine men and in explaining and giving out items of news or information of what was going on. To have it prepared beforehand and ready for use when inquired for is the cheaper and better way.

The committee did not see why the inhibition should be stronger than it is now, which reads:

That no part of this appropriation shall be paid or used for the purpose of paying for in whole or in part the publication of any newspaper or magazine article.

It is not the intention of the Department to go into the business under this appropriation of preparing articles expressly to be published in newspapers and magazines, but to dispose of news items and information in that way. Sometimes, for instance, there would be some embarrassment as to whether it was not a matter of preparation for publication for a newspaper if the Bureau should publish a bulletin, and, as my colleague well knows, the Department of Agriculture makes a practice under the law of publishing very many bulletins.

Mr. CLARK of Wyoming. My desire is to do exactly what my colleague suggests, and that is to prevent the use of this appropriation for the preparation of newspaper and magazine articles by anyone, either inside or outside the service. If there is to be any publication made by this Bureau, I insist it should be made along the same lines that the publications of other bureaus are made. Other bureaus make their publications either through the general Department or by the bureaus themselves in the form of bulletins or statements or daily reports or things of that sort.

The fact that the Division of Forestry does not want to be restricted in preparing magazine articles and paying for them, and in preparing other things and paying for them, is the very reason why I want to have this word restored, because I do not want the Bureau of Forestry or any other Bureau of this Government to go into the business of spending Government money, either preparing articles for magazines or newspapers or editing them, to advance the interests of their particular Bureau.

I am perfectly frank in my statement. It has been denied that anything of this sort has been done. Yet this very bill carries provision for things of that sort in a moderate degree. We all know that the articles that appear in the newspaper are not volunteer articles.

We all know, further, that when a man takes a camera or a magic lantern and travels through State after State exploiting the glories of the Forestry Service free and without an admission fee, he is not doing it at his own expense. I want to cut off anything of that kind as far as I can.

Mr. WARREN. The Senator does not think there is any magic-lantern business in this?

Mr. CLARK of Wyoming. No; I am simply giving that as an illustration.

Mr. WARREN. May I say to my colleague, I think I should give, as he will, the Secretary of Agriculture the benefit of what he says, and also the Forester, who says that this is a matter of economy; that it takes the time of a clerk or two, or, perhaps three, in preparation work, when otherwise perhaps half a dozen men would be bothered by those who are seeking information. I give it as the Secretary of Agriculture and the Forester gave it to the committee.

Mr. CLARK of Wyoming. I have read the hearings before the committee. I read the hearings pretty carefully, and I was more firmly convinced than ever that this restriction ought to be in the bill. Mr. Pinchot said specifically that he would prefer to have in the bill the word "publication," because, he said, we do not pay anything for publishing. That indicated, to my mind, that he did pay for the preparation of the magazine articles and newspaper reports, and I do not think it is a proper appropriation to be made.

Mr. NEWLANDS. I should like to call the attention of the Senator from Wyoming to Mr. Pinchot's statement regarding this item. I will read briefly from the hearings:

Senator MONEY. What I want to get at is why the Office of Publications can not deal with this matter and put it in bulletins, if it is worth going to the public at all. Why should each Bureau, like the Forestry Bureau, have its bureau of publications?

Secretary WILSON. They do not have their office of publications.

Senator MONEY. It is publication when you prepare material and send it off to somebody who publishes it. You do not print it in your office.

Let me say here that my recollection of the act creating the Agriculture Department is that one purpose is to disseminate

useful information on subjects relating to that Department. Now, Mr. Pinchot makes this statement:

Mr. PINCHOT. May I explain how it came about? We found that our scientists had a great deal of information they did not want to give out, which is natural, because a man getting information in that way very seldom sees the necessity for the immediate publication of it. He wants to write a complete bulletin, a long treatise, that will be satisfactory to him from a scientific point of view, and which will not give popular information. We found that we could not get into the hands of the people a whole lot of valuable information that was being gathered at Government expense unless we had somebody in the Forest Service whose business it was to go to the different chiefs and scientific men and pick up what they had and then write it out so that the newspaper men could get it.

Out of that grew the custom of giving out the material in this way. As a result we get each month a distribution of our material which would be utterly impossible in any other way. We got track last month of about 23,000,000 copies of newspapers containing some information about forestry. Of course it would be absolutely impossible to make any publication through bulletins that would reach the public in that way. We were driven to it because we found that the bulletin method did not get out the facts that ought to be known about forestry widely enough among our own people. That is why we took this up. We print nothing but facts, no controversial material of any kind, no attacks on any man or any measure, and we have never paid a cent to any newspaper or magazine or to any newspaper man for publishing our material. They simply accept it as news or turn it down as news, as they please.

The ACTING CHAIRMAN. Question in the House was made on the ground that you were spending money for articles in newspapers.

Mr. PINCHOT. Yes; the charge was made very definitely that we were paying newspapers and magazines for publishing our material.

The ACTING CHAIRMAN. As a matter of fact, is that true or not?

Mr. PINCHOT. As a matter of fact, it is absolutely untrue. We never paid one cent.

Secretary WILSON. There are a few words that might be said in regard to this matter. This work is wholly done by the Bureau of Forestry. In consulting with Mr. Pinchot about it he made the same argument to me that he makes now to the committee, and I was willing to have the experiment tried; but it has not gone beyond his Bureau. The reason for that is that his Bureau is entirely new. We have destroyed our forests, and I thought I would let Mr. Pinchot ascertain what the value of this kind of work would be.

Senator MONEY. Has any estimate been made of the cost of the preparation of this material for newspapers or magazines?

Mr. PINCHOT. Yes; I suppose it costs between $5,000 and $6,000 a year.

Now, Mr. President, it seems that the sole purpose of preparing these circulars which are given out to the newspapers, abbreviated information of what is ordinarily presented in a bulletin, is to secure a wider circulation with the least cost to the Government of this very useful information. It seems to me it would be very unwise to provide that this method of publication, effective in the way of education and economical as to the cost, should be entirely done away with.

Of course if this is presented merely as an advocacy of appropriations and matters of that kind, it would be entirely inappropriate, but so far as the testimony of Mr. Pinchot shows, the whole purpose of it is commendable. He says:

No controversial material of any kind, no attacks on any man or any measure, and we have never paid a cent to any newspaper or magazine or to any newspaper man for publishing our material.

It is simply an effective way of giving out to the entire public through the newspapers abbreviated bulletins of information.

Mr. CLARK of Wyoming. With the amendment proposed by myself there would be no restriction whatever upon the proper dissemination of information from the Bureau. Mr. Pinchot himself says that he desires the right to pay for prepared articles for magazines and newspapers. I respectfully differ as to the wisdom of that policy from Mr. Pinchot and from the Senator from Nevada [Mr. NEWLANDS]. I do not believe it is a part of the business of the Government of the United States to subsidize writers. I think the legitimate object of the publications of the Departments is to disseminate through the particular Department, in whatever way it sees fit, information that it has on hand to the people who would be interested in such information; but to pay for the preparation of newspaper and magazine articles, I think, goes far beyond the proper function of this or any other bureau.

Mr. HEYBURN. I should like to call the attention of Senators to the real objection to this provision, and I think it will probably be a surprise to some of them. The proposition to restore the words "preparation or," and prohibit the use of public funds for that purpose, is more far-reaching than Senators might imagine. It has been the practice of the Forestry Service to prepare articles in defense of their policy, as they call it, and to send them to the newspapers of the country, accompanying such communications with franks, and requesting the newspaper, if it should publish the article, to send them a marked copy of the newspaper containing it under the Department frank.

I wish to ask any Senator here—and there are many older in the service than I—if that is a proper use of the frank? I will ask whether or not under the law it is permissible for a Senator writing in regard to official business to a constituent to send that constituent a frank under which to reply?

Mr. TELLER. I have never done so; and I do not believe that we have the right to do so.

Mr. HEYBURN. I should like to know if there is any law authorizing it.

Mr. TELLER. No; but there is a special law making it a crime against the United States.

Mr. HEYBURN. I have had sent me, and I have in my possession, a specimen of this kind of work. I have in my possession a blank frank from the newspaper to whom one of these articles lauding the Forestry Service was sent with the request to publish it and when published to return a copy of the paper under this frank. Now, I merely call attention to that fact as a specimen of the manner of administration——

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Yes.

Mr. NEWLANDS. May I ask the Senator from Idaho whether he would regard it as a violation of the franking act if the Department should send a bulletin prepared by one of the scientists of that Department upon the subject of forestry?

Mr. HEYBURN. They have a right to send out matter under a frank, but I have never known that it was the right of a party who enjoyed the privilege of using a frank to transfer it to his correspondent.

Mr. GALLINGER. To frank a newspaper?

Mr. HEYBURN. To frank a newspaper back.

Mr. TELLER. That can not lawfully be done.

Mr. GALLINGER. Of course not.

Mr. NEWLANDS. Do I understand that the custom is for the newspapers to frank publications back?

Mr. HEYBURN. Yes; in order that the Department might have the benefit of the published article. I make that statement, and there is no danger of them contradicting it, because, if they do, we will confront them with some of the evidence of it.

Mr. WARREN. Does the Senator make that statement believing that that is the general custom?

Mr. HEYBURN. Yes. I have been so told by a large number of newspapers in our section of country who have received these articles. I have seen the articles bearing the earmarks of this Bureau. I have inquired as to how they came, and I have been advised by the proprietors and editors of the papers of the circumstances that I have related. I requested a certain reputable daily newspaper in the State of Idaho to send me one of these communications, and I have it in my possession.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. I do.

Mr. FLINT. I would ask the Senator from Idaho whether there are a great many articles in the newspapers of Idaho favorable to the Forest Service?

Mr. HEYBURN. Mr. President, I think that that is not very material to consider at this time, and that it would minimize to some extent the statement I have made, which I intend shall stand for itself. I did not rise to do more than to make the statement, and I do not think any Senator here will defend the right which is claimed for such a transaction.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; I yield.

Mr. SMOOT. I wish to say that the Department does just exactly what the Senator from Idaho says. It is their custom to send out articles prepared by the Department to newspapers, and the articles are in defense of, or rather pertaining to, the Government work and the work of the Department.

Mr. HEYBURN. Mr. President——

Mr. SMOOT. Just a moment; I am not through. I do not think that that is the only Department that is doing this. I have frequently received letters from the various Departments asking questions of me and inclosing a franked envelope, and the answer has gone back to that Department in that franked envelope.

Mr. GALLINGER. Why do that, I will ask the Senator, when the Senator could send it back in his own franked envelope?

Mr. SMOOT. That was before I was a Senator of the United States.

Mr. GALLINGER. Oh, yes.

Mr. HEYBURN. There is a complete answer to that. That was a communication requesting some official information for the Department; but this is a frank for a newspaper which contains no official communication to anybody, because these

articles either to or from a newspaper are not official communications.

Mr. SMOOT. That is a question that people may differ on.

Mr. HEYBURN. The Senator from Utah, who speaks for and on behalf of this Bureau, admits that that is their custom, but he places it upon the ground that it is a custom. Mr. President, pretty soon we shall have a government of custom, instead of a government of law, and we are drifting toward it every day through this kind of legislation.

Now, just a word about the amendment proposed by the Senator from Wyoming. The proposition is to restore the words "preparation for," so that the appropriation which we make can not be used for the purpose of franking publications for newspapers or magazines. What other branch of the Government of the United States publishes or writes or prepares articles and sends them out under that condition? I know of none; and I undertake to say that no other branch of the Government has ever dared to do it.

Mr. HALE. Does the Senator——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. I yield.

Mr. HALE. Does the Senator from Idaho remember the prompt action of the Senate when we discovered that the Panama Canal Commission was doing this kind of thing? Does the Senator remember how quickly we struck at that and put an end to it?

Mr. HEYBURN. We did not put an end to it, for I received one in to-day's mail.

Mr. HALE. That is another thing from what they had. They had a bureau which was employing men to write articles; and we put an entire stop to it.

Mr. HEYBURN. Mr. President, I remember it very well. I think you will find in the communications accompanying this bill, in some of the reports or statements, that the Forestry Service sent out over 60,000 of this class of communications last year. Those communications are prepared by men who are drawing salaries; they are performing some official duties for the Government, and they are prepared by the Bureau. I have the names of some of the members of that Bureau, but I do not think it necessary to give them. It is sufficient that they have such a bureau. The newspapers are filled with articles, wherever they can induce one to accept them and publish them, which are prepared at the expense of the Government.

The amendment proposed by the Senator from Wyoming should be adopted, and there should be a prohibition against using this appropriation for the purpose of preparing or publishing articles in newspapers and magazines. The Forestry Service and every Department of the Government is provided by established, recognized law with a proper method, a sufficient method, of coming in contact with the people of this country. I think there should be a prohibition against a single dollar of this appropriation being expended for the purpose of writing these laudatory articles, giving statements as to what splendid speeches were made by this man and that man on behalf of this Service, how they participated in public meetings, and what great public works and good they have performed. I think it is time to stop it, and I would stop it by restoring the words "preparation or;" and, as suggested by the amendment proposed by the Senator from Wyoming, I would make it read just as he has indicated:

That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article.

Mr. NEWLANDS. Mr. President——

Mr. WARREN. Mr. President, I was about to seek an agreement as to the work on Monday. Does the Senator from Nevada wish to proceed now?

Mr. NEWLANDS. I simply wish to say a word upon this matter.

Mr. WARREN. Well, Mr. President, we have had a long session, and Senators have been very kind to remain. It is perfectly obvious that we can not finish the bill this evening, and I should like to have the Senate cooperate with me and other members of the committee in the further consideration of this bill by meeting at 11 o'clock on Monday morning and proceeding as we did to-day, having the morning hour end at not later than 12 o'clock and that we should finish the bill and vote upon all amendments and the bill itself before adjournment on Monday. I therefore ask unanimous consent to proceed in that manner.

The PRESIDING OFFICER. The Senator from Wyoming moves that when the Senate adjourn to-day it be to meet at 11 o'clock a. m. on Monday.

Mr. GALLINGER. Let that motion be put separately.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming that when the Senate adjourns to-day it be to meet at 11 o'clock on Monday morning.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming further asks unanimous consent that when the Senate meets on Monday at 11 o'clock, the morning hour shall close not later than 12 o'clock, and that immediately upon the conclusion of the morning business on that day the Senate proceed to the consideration of the agricultural appropriation bill, the vote on the bill and amendments to be taken before adjournment on that day.

Mr. FORAKER. Mr. President, I think that after a certain hour, say 3 o'clock or 4 o'clock at the latest, speeches should be limited to ten minutes.

Mr. MONEY. I was going to suggest to the Senator from Wyoming that we take the vote at 4 o'clock. That would cut off debate. I think we have had so much debate on this bill that we can get general consent for that arrangement.

Mr. WARREN. The acting chairman is unadvised as to how much debate may be expected, but I should be glad to have such an arrangement made.

Mr. HALE (to Mr. WARREN). Try the proposition to vote at 4 o'clock.

Mr. WARREN. I should be glad to make the request that at 4 o'clock the vote be taken.

Mr. FULTON. I will suggest to the Senator an earlier hour, say 2 o'clock. I think that will give sufficient time in view of the speeches that have been made.

Mr. FORAKER. I will suggest that after 2 o'clock the debate be limited to ten minutes, and that we vote at 4 o'clock on the bill and amendments.

Mr. HALE. That is better.

Mr. FORAKER. Make it not later than 4 o'clock.

Mr. HALE. Not later than 4 o'clock.

The PRESIDING OFFICER. The Secretary will state the agreement as suggested.

The SECRETARY. Unanimous consent is asked that on Monday, May 11, 1908, the morning hour shall close at not later than 12 o'clock meridian; that immediately upon the conclusion of the routine morning business on said day the Senate proceed to the consideration of the agricultural appropriation bill, so called—House bill 19158—and that a vote be taken at 4 o'clock p. m. upon the amendments pending or to be offered and upon the bill itself, debate after 2 o'clock p. m. to proceed under the ten-minute rule.

Mr. FORAKER. The vote to be taken not later than 4 o'clock.

Mr. HEYBURN. I do not believe it was the intention to confine the ten-minute debate to the bill itself, because there may be amendments offered.

Mr. HALE. To the bill and amendments.

Mr. HEYBURN. I think it should be on the bill and amendments.

Mr. HALE. Undoubtedly.

The PRESIDING OFFICER. The ten-minute rule will apply to the bill and amendments. Is there objection to the agreement as stated? The Chair hears none, and it is so ordered.

Mr. GALLINGER. I offer a proposed amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. Without objection, it will be so ordered.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I desire again to give notice that after the Senate has disposed of the pending bill I shall ask that it proceed to the consideration of the post-office appropriation bill.

CALIFORNIA STREET, DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4308) to restore the name of California avenue to that certain street lying and being in the county of Washington and running from Florida avenue to Nineteenth street NW., and now known as V street.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the name of the street lying in the county of Washington, District of Columbia, in the tract of land known as the Commissioners' subdivision of Washington Heights, running from Florida avenue west to Nineteenth street extended, and now called V street, be, and the same shall henceforth be, known as California street. And the Commissioners of the District of Columbia are hereby directed to cause the name of California street, from Florida avenue to Nineteenth street NW., to be placed upon the plats and maps of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to change the name of V street, from Florida avenue to Nineteenth street NW., to California street."

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. I desire to change the notice I gave this morning with respect to Senate bill 5729, namely, that I shall ask the Senate to proceed to the consideration of it after the agricultural appropriation bill is disposed of, subject, of course, to appropriation bills.

POSTAL SAVINGS DEPOSITORIES.

On motion of Mr. CARTER, it was

Ordered, That 15,000 copies of S. 6484, a bill to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes, be printed; also that 5,000 copies of Report No. 525, to accompany S. 6484, be printed.

STANDARDS FOR MINERAL-OIL PRODUCTS.

Mr. DICK. I ask unanimous consent for the present consideration of Senate resolution No. 172, which is on the table.

There being no objection, the resolution submitted by Mr. DICK on April 30, 1908, was considered by unanimous consent, and agreed to as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate as to any plans now in progress for international standards for testing mineral-oil products, and as to what legislation is advisable to secure their adoption.

JAMES KANE.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 1159) to correct the military record of James Kane. It is a short bill and will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 7, after the words "United States," to insert "*Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby authorized and directed to correct the military record of James Kane, late a member of Company C, Fourteenth Regiment Ohio Volunteer Infantry, and to issue to said Kane an honorable discharge from the service of the United States: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BLADENSBURG ROAD, DISTRICT OF COLUMBIA.

Mr. CARTER. There is a District bill on the Calendar, which I think should be passed. I therefore ask unanimous consent for the present consideration of the bill (S. 6580) to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDING OFFICER. The Chair would suggest that the bill should be amended, in section 2, page 2, line 18, by striking out the word "are" and inserting the word "is."

Mr. GALLINGER. Yes; let that amendment be made.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, section 2, line 18, after the word "same," it is proposed to strike out the word "are" and to insert the word "is," so as to make the section read:

SEC. 2. That the limitation of thirty days after the date of dedication within which condemnation proceedings are directed to be instituted for the widening of said Bladensburg road be, and the same is hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF TIMBER ON CHOCTAW AND CHICKASAW LANDS.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (S. 5601) to provide for the sale of timber on the segregated coal and asphalt lands of the Choctaw and Chickasaw nations for use in coal and asphalt mining operations, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 5, after the word "operations," to strike out "or such other purposes as he may deem proper," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, under such rules as he may prescribe, to sell, for use in mining operations the timber, whether dead, standing or fallen, or green and growing, on any of the lands of the Choctaw and Chickasaw nations segregated and reserved from allotment by written order of the Secretary of the Interior of March 24, 1903, in accordance with the provisions of the act of Congress approved on July 1, 1902 (32 Stat. L., p. 641); and the funds accruing from such sale shall be deposited in the Treasury of the United States to the credit of the Choctaw and Chickasaw nations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, May 11, 1908, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 9, 1908.*

[*Continuation of the legislative day of Monday, May 4, 1908.*]

The recess having expired, the House, at 11 o'clock and 30 minutes a. m., was called to order by the Speaker.

BOARD OF MANAGERS NATIONAL SOLDIERS' HOMES.

The SPEAKER. The question is on suspending the rules and passing House joint resolution 178.

The question was taken.

Mr. CLARK of Missouri. Yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] Sixty-seven Members present; not a quorum. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; as many as are in favor of agreeing to the motion will, as their names are called, answer "yea;" those opposed will answer "nay;" those present and not voting will answer "present." The Clerk will call the roll.

The question was taken, and there were—yeas 202, nays 5, answered "present" 10, not voting 170, as follows:

YEAS—202.

Acheson	Denver	Holliday	Padgett
Adair	Dixon	Houston	Page
Adamson	Douglas	Howell, N. J.	Parker, N. J.
Aiken	Draper	Howland	Parker, S. Dak.
Alexander, Mo.	Edwards, Ga.	Hubbard, Iowa	Payne
Alexander, N. Y.	Ellis, Oreg.	Hubbard, W. Va.	Pearre
Allen	Englebright	Hull, Tenn.	Perkins
Ames	Esch	Humphrey, Wash.	Pollard
Ansberry	Fairchild	James, Ollie M.	Pray
Barchfeld	Favrot	Jenkins	Pujo
Barclay	Ferris	Johnson, S. C.	Ransdell, La.
Beale, Pa.	Finley	Jones, Va.	Rauch
Beall, Tex.	Floyd	Jones, Wash.	Reid
Bede	Foss	Kahn	Rhinock
Bennet, N. Y.	Foster, Ill.	Kennedy, Iowa	Richardson
Birdsall	Foster, Vt.	Kennedy, Ohio	Robinson
Bonynge	French	Kinkaid	Rothermel
Booher	Fulton	Kipp	Rucker
Boutell	Gaines, W. Va.	Kitchin, Claude	Russell, Mo.
Boyd	Garner	Knopf	Russell, Tex.
Brantley	Garrett	Knowland	Scott
Brodhead	Gillespie	Laning	Shackleford
Brundidge	Gillett	Lassiter	Sheppard
Burleigh	Glass	Lawrence	Smith, Cal.
Burnett	Godwin	Leake	Smith, Iowa
Burton, Del.	Gordon	Lewis	Smith, Mich.
Burton, Ohio	Gregg	Littlefield	Smith, Mo.
Calderhead	Griggs	Loudenslager	Snapp
Caldwell	Gronna	Lovering	Sparkman
Candler	Hackett	McCall	Sperry
Capron	Hackney	McGavin	Spight
Chaney	Hale	McGuire	Steenerson
Clark, Fla.	Hall	McKinlay, Cal.	Sterling
Clark, Mo.	Hamilton, Iowa	McKinney	Sturgiss
Clayton	Hamilton, Mich.	McLain	Sulloway
Cockran	Hamlin	McMorran	Tawney
Conner	Hammond	Macon	Taylor, Ohio
Cook, Colo.	Harding	Mondell	Thomas, Ohio
Cook, Pa.	Hardwick	Moon, Tenn.	Tou Velle
Cooper, Tex.	Hardy	Moore, Tex.	Underwood
Cooper, Wis.	Haskins	Morse	Volstead
Cox, Ind.	Haugen	Mouser	Vreeland
Craig	Hawley	Needham	Waldo
Crumpacker	Hay	Nelson	Wanger
Currier	Hayes	Nicholls	Wheeler
Cushman	Henry, Conn.	Norris	Williams
Dalzell	Henry, Tex.	Nye	Wilson, Pa.
Davenport	Hepburn	O'Connell	Wood
Davidson	Higgins	Olcott	Young
Davis, Minn.	Hinshaw	Olmsted	
Dawson	Hitchcock	Overstreet	

NAYS—5.

Ashbrook	Helm	Johnson, Ky.	Stephens, Tex.
Harrison			

ANSWERED "PRESENT"—10.

Brownlow	Cary	Hull, Iowa	Washburn
Burleson	Cousins	Sherman	
Butler	Hill, Miss.	Small	

NOT VOTING—170.

Andrus	Fitzgerald	Lamar, Mo.	Pratt
Anthony	Flood	Lamb	Prince
Bannon	Focht	Landis	Rainey
Bartholdt	Fordney	Langley	Randell, Tex.
Bartlett, Ga.	Fornes	Law	Reeder
Bartlett, Nev.	Foster, Ind.	Lee	Reynolds
Bates	Foulkrod	Legare	Riordan
Bell, Ga.	Fowler	Lenahan	Roberts
Bennett, Ky.	Fuller	Lever	Rodenberg
Bingham	Gaines, Tenn.	Lilley	Ryan
Bowers	Gardner, Mass.	Lindbergh	Sabath
Bradley	Gardner, Mich.	Lindsay	Saunders
Broussard	Gardner, N. J.	Livingston	Sherley
Brumm	Gilhams	Lloyd	Sherwood
Burgess	Gill	Longworth	Sims
Burke	Goebel	Lorimer	Slayden
Byrd	Goldfogle	Loud	Slemp
Calder	Goulden	Lowden	Smith, Tex.
Campbell	Graff	McCreary	Southwick
Carlin	Graham	McDermott	Stafford
Carter	Granger	McHenry	Stanley
Caulfield	Greene	McKinley, Ill.	Stevens, Minn.
Chapman	Haggott	McLachlan, Cal.	Sulzer
Cocks, N. Y.	Hamill	McLaughlin, Mich.	Talbott
Cole	Heflin	McMillan	Taylor, Ala.
Cooper, Pa.	Hill, Conn.	Madden	Thistlewood
Coudrey	Hobson	Madison	Thomas, N. C.
Cravens	Howard	Malby	Tirrell
Crawford	Howell, Utah	Mann	Townsend
Darragh	Huff	Marshall	Wallace
Davey, La.	Hughes, N. J.	Maynard	Watkins
Dawes	Hughes, W. Va.	Miller	Watson
De Armond	Humphreys, Miss.	Moon, Pa.	Webb
Denby	Jackson	Moore, Pa.	Weeks
Diekema	James, Addison D.	Mudd	Weems
Driscoll	Keifer	Murdock	Weisse
Dunwell	Kelliher	Murphy	Wiley
Durey	Kimball	Parsons	Willett
Dwight	Kitchin, Wm. W.	Patterson	Wilson, Ill.
Edwards, Ky.	Knapp	Peters	Wolf
Ellerbe	Küstermann	Porter	Woodyard
Ellis, Mo.	Lafean	Pou	
Fassett	Lamar, Fla.	Powers	

The following pairs were announced:

Until further notice:

Mr. WOODYARD with Mr. WOLF.
Mr. WATSON with Mr. WEISSE.
Mr. THISTLEWOOD with Mr. WEBB.
Mr. STEVENS of Minnesota with Mr. WALLACE.
Mr. SLEMP with Mr. THOMAS of North Carolina.
Mr. REYNOLDS with Mr. TAYLOR of Alabama.
Mr. REEDER with Mr. SULZER.
Mr. PRINCE with Mr. STANLEY.
Mr. MOORE of Pennsylvania with Mr. SAUNDERS.
Mr. MOON of Pennsylvania with Mr. POU.
Mr. MILLER with Mr. PETERS.
Mr. MARSHALL with Mr. PATTERSON.
Mr. MALBY with Mr. MURPHY.
Mr. MADISON with Mr. MCDERMOTT.
Mr. MCLAUGHLIN of Michigan with Mr. LLOYD.
Mr. LOWDEN with Mr. LINDSAY.
Mr. LOUD with Mr. LEGARE.
Mr. LONGWORTH with Mr. LENAHAN.
Mr. SCOTT with Mr. LEVER.
Mr. LANGLEY with Mr. LEE.
Mr. LANDIS with Mr. LAMB.
Mr. KÜSTERMANN with Mr. KIMBALL.
Mr. KEIFER with Mr. SABATH.
Mr. HUFF with Mr. HILL of Mississippi.
Mr. HILL of Connecticut with Mr. HUGHES of New Jersey.
Mr. GARDNER of Michigan with Mr. LIVINGSTON.
Mr. FOWLER with Mr. HEFLIN.
Mr. FOULKROD with Mr. HAMILL.
Mr. FOCHT with Mr. GRANGER.
Mr. FASSETT with Mr. RYAN.
Mr. DWIGHT with Mr. GOLDFOGLE.
Mr. DENBY with Mr. GILL.
Mr. DARRAGH with Mr. FORNES.
Mr. COOPER of Pennsylvania with Mr. FITZGERALD.
Mr. GRAFF with Mr. ELLERBE.
Mr. COCKS of New York with Mr. DE ARMOND.
Mr. CAMPBELL with Mr. CRAWFORD.
Mr. CALDER with Mr. CARTER.
Mr. BATES with Mr. CARLIN.
Mr. BANNON with Mr. BURGESS.
Mr. ANDRUS with Mr. BARTLETT of Nevada.
Mr. HULL of Iowa with Mr. SLAYDEN.
Mr. SOUTHWICK with Mr. SMITH of Texas.
Mr. MANN with Mr. SIMS.
Mr. GRAHAM with Mr. RANDELL of Texas.
Mr. PORTER with Mr. SHERWOOD.
Mr. FORDNEY with Mr. SMALL.
Mr. CARY with Mr. LAMAR of Missouri.
Mr. MCCREARY with Mr. HOWARD.
Mr. COUDREY with Mr. HOBSON.
Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.
Mr. POWERS with Mr. PRATT.
Mr. DUNWELL with Mr. WATKINS.
Mr. FULLER with Mr. BYRD.
Mr. MUDD with Mr. TALBOTT.
Mr. MADDEN with Mr. BURLESON.
Mr. DIEKEMA with Mr. WILEY.
Mr. ROBERTS with Mr. BROUSSARD.
Mr. BINGHAM with Mr. LAMAR of Florida.
Mr. KNAPP with Mr. DAVEY of Louisiana.
Mr. MCMILLAN with Mr. WILLETT.

For the session:

Mr. BUTLER with Mr. BARTLETT of Georgia.
Mr. SHERMAN with Mr. RIORDAN.
Mr. COUSINS with Mr. FLOOD.
Mr. LORIMER with Mr. HUMPHREYS of Mississippi.
Mr. BRADLEY with Mr. GOULDEN.

For the balance of the day:

Mr. GILHAMS with Mr. GAINES of Tennessee.
Mr. CHAPMAN with Mr. MAYNARD.
Mr. RODENBERG with Mr. MCHENRY.
Mr. BARTHOLDT with Mr. RAINEY.
Mr. WASHBURN with Mr. SHERLEY.
Mr. MURDOCK with Mr. KELIHER.
Mr. ANTHONY with Mr. BOWERS.
Mr. GREENE with Mr. BELL of Georgia.
Mr. CAULFIELD with Mr. CRAVENS.

The SPEAKER. On this question the yeas are 202, the nays 5, present 10—a quorum. The Doorkeeper will open the doors; the ayes have it; the motion is agreed to, and the resolution is passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the amendment of the House to the amendment of the Senate to the bill (H. R. 1589) granting an increase of pension to Susan M. Yeoman.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Speaker laid before the House the bill H. R. 20345, an act making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1909, with Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

Mr. UNDERWOOD. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 193, nays 10, answered "present" 8, not voting 176, as follows:

YEAS—193.

Acheson	Cooper, Wis.	Glass	Hubbard, W. Va.
Adair	Cox, Ind.	Godwin	Hull, Tenn.
Alexander, Mo.	Craig	Goebel	Humphrey, Wash.
Allen	Crumpacker	Gordon	James, Ollie M.
Ames	Currier	Griggs	Jenkins
Ashbrook	Cushman	Gronna	Johnson, S. C.
Barchfeld	Dalzell	Hackett	Jones, Wash.
Barclay	Darragh	Hackney	Kahn
Beale, Pa.	Davenport	Hale	Kennedy, Iowa
Beall, Tex.	Davidson	Hall	Kennedy, Ohio
Bede	Davis, Minn.	Hamilton, Iowa	Kinkaid
Bennet, N. Y.	Dawson	Hamilton, Mich.	Kipp
Birdsall	Denby	Hamlin	Kitchin, Claude
Bonynge	Denver	Hammond	Knopf
Booher	Dixon	Harding	Laning
Boutell	Douglas	Hardy	Lawrence
Boyd	Draper	Haskins	Lewis
Brodhead	Driscoll	Haugen	Littlefield
Brownlow	Dwight	Hawley	Longworth
Burgess	Ellis, Mo.	Hay	Loudenslager
Burleigh	Ellis, Oreg.	Hayes	Lovering
Burnett	Englebright	Helm	Lowden
Burton, Ohio	Esch	Henry, Conn.	McCall
Calderhead	Fairchild	Henry, Tex.	McDermott
Caldwell	Fassett	Hepburn	McGavin
Candler	Ferris	Higgins	McGuire
Capron	Finley	Hill, Miss.	McKinlay, Cal.
Chaney	Foster, Vt.	Hinshaw	McKinley, Ill.
Clark, Mo.	French	Hitchcock	McKinney
Clayton	Fulton	Holliday	McLachlan, Cal.
Cockran	Gaines, W. Va.	Houston	McLain
Conner	Gardner, Mich.	Howell, N. J.	Macon
Cook, Colo.	Garner	Howell, Utah	Maynard
Cook, Pa.	Gillespie	Howland	Mondell
Cooper, Tex.	Gillett	Hubbard, Iowa	Moon, Tenn.

Moore, Tex.	Patterson	Shackleford	Tou Velle
Morse	Payne	Slemp	Underwood
Mouser	Pearre	Smith, Cal.	Volstead
Needham	Perkins	Smith, Iowa	Vreeland
Nelson	Pollard	Smith, Mich.	Waldo
Nicholls	Pray	Smith, Mo.	Wanger
Norris	Rauch	Sparkman	Weeks
Nye	Reid	Sperry	Wheeler
Olcott	Rhinock	Spight	Williams
Olmsted	Rothermel	Sterling	Wilson, Pa.
Overstreet	Rucker	Sturgiss	Wood
Padgett	Russell, Mo.	Sulloway	
Page	Russell, Tex.	Taylor, Ohio	
Parsons	Saunders	Thomas, N. C.	

NAYS—10.

Adamson	Floyd	Ransdell, La.	Stephens, Tex.
Aiken	Harrison	Richardson	
Ansberry	O'Connell	Robinson	

ANSWERED "PRESENT"—8.

Burleson	Cousins	McMorran	Small
Butler	Hull, Iowa	Scott	Washburn

NOT VOTING—176.

Alexander, N. Y.	Fitzgerald	Knowland	Prince
Andrus	Flood	Küstermann	Pujo
Anthony	Focht	Lafean	Rainey
Bannon	Fordney	Lamar, Fla.	Randell, Tex.
Bartholdt	Fornes	Lamar, Mo.	Reeder
Bartlett, Ga.	Foss	Lamb	Reynolds
Bartlett, Nev.	Foster, Ill.	Landis	Riordan
Bates	Foster, Ind.	Langley	Roberts
Bell, Ga.	Foulkrod	Lassiter	Rodenberg
Bennett, Ky.	Fowler	Law	Ryan
Bingham	Fuller	Leake	Sabath
Bowers	Gaines, Tenn.	Lee	Sheppard
Bradley	Gardner, Mass.	Legare	Sherley
Brantley	Gardner, N. J.	Lenahan	Sherman
Broussard	Garrett	Lever	Sherwood
Brumm	Gilhams	Lilley	Sims
Brundidge	Gill	Lindbergh	Slayden
Burke	Goldfogle	Lindsay	Smith, Tex.
Burton, Del.	Goulden	Livingston	Snapp
Byrd	Graff	Lloyd	Southwick
Calder	Graham	Lorimer	Stafford
Campbell	Granger	Loud	Stanley
Carlin	Greene	McCreary	Steenerson
Carter	Gregg	McHenry	Stevens, Minn.
Cary	Haggott	McLaughlin, Mich.	Sulzer
Caulfield	Hamill	McMillan	Talbott
Chapman	Hardwick	Madden	Tawney
Clark, Fla.	Heflin	Madison	Taylor, Ala.
Cocks, N. Y.	Hill, Conn.	Malby	Thistlewood
Cole	Hobson	Mann	Thomas, Ohio
Cooper, Pa.	Howard	Marshall	Tirrell
Coudrey	Huff	Miller	Townsend
Cravens	Hughes, N. J.	Moon, Pa.	Wallace
Crawford	Hughes, W. Va.	Moore, Pa.	Watkins
Davey, La.	Humphreys, Miss.	Mudd	Watson
Dawes	Jackson	Murdock	Webb
De Armond	James, Addison D.	Murphy	Weems
Diekema	Johnson, Ky.	Parker, N. J.	Weisse
Dunwell	Jones, Va.	Parker, S. Dak.	Wiley
Durey	Keifer	Peters	Willett
Edwards, Ga.	Kelliher	Porter	Wilson, Ill.
Edwards, Ky.	Kimball	Pou	Wolf
Ellerbe	Kitchin, Wm. W.	Powers	Woodyard
Favrot	Knapp	Pratt	Young

The following additional pairs were announced:

For the remainder of this session:

Mr. McMORRAN with Mr. PUJO.

Until further notice:

Mr. THOMAS of Ohio with Mr. SHEPPARD.

Mr. BURTON of Delaware with Mr. EDWARDS of Georgia.

Mr. BATES with Mr. BRANTLEY.

Mr. DAWES with Mr. CLARK of Florida.

Mr. DUREY with Mr. FAVROT.

Mr. ADDISON D. JAMES with Mr. GARRETT.

Mr. LAFEAN with Mr. GREGG.

Mr. LAW with Mr. HARDWICK.

Mr. PARKER of South Dakota with Mr. JOHNSON of Kentucky.

Mr. TIRRELL with Mr. JONES of Virginia.

Mr. TOWNSEND with Mr. LASSITER.

Mr. WILSON of Illinois with Mr. LEAKE.

For the balance of the day:

Mr. TAWNEY with Mr. BRUNDIDGE.

The result of the vote was then announced as above recorded.

Mr. PARKER of South Dakota. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name should have been called and failed to hear it?

Mr. PARKER of South Dakota. I am not prepared to say that.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was then announced as above recorded.

The SPEAKER announced as conferees on the part of the House Mr. LANDIS, Mr. PERKINS, and Mr. HOWARD.

DISAPPROVAL OF CERTAIN LAWS OF THE TERRITORY OF NEW MEXICO.

Mr. BIRDSALL. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S. R. 37) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico.

The Clerk read the joint resolution, as follows:

Whereas on the 11th day of March, 1903, the legislative assembly of the Territory of New Mexico passed an act known as chapter 33 of the acts of the thirty-fifth legislative assembly of New Mexico entitled "An act establishing the law and procedure in certain cases," as follows:

"LAWS OF NEW MEXICO. THIRTY-FIFTH LEGISLATIVE ASSEMBLY, 1903.

"CHAPTER 33.

"AN ACT ESTABLISHING THE LAW AND PROCEDURE IN CERTAIN CASES.

"H. B. No. 155. Passed over veto March 11, 1903.

"CONTENTS.

"SEC. 1. Civil procedure in personal-injury cases. Persons injured to file affidavit when. Case to be dismissed when. Proviso.

"SEC. 2. On petition district court may issue summons for person injured to appear in court and file complaint. Procedure when person summoned fails to answer.

"SEC. 3. Unlawful to begin action in any other State or Territory. Procedure in case such action has been begun.

"SEC. 4. When action begun in any other State or Territory district court may issue injunction.

"SEC. 5. Provisions of this chapter not to apply in case process can not be served in this Territory.

"SEC. 6. Claims for damages may be compromised.

"Whereas it has become customary for persons claiming damages for personal injuries received in this Territory to institute and maintain suits for the recovery thereof in other States and Trritories, to the increased cost and annoyance and manifest injury and oppression of the business interests of this Territory and the derogation of the dignity of the courts thereof; therefore

"*Be it enacted by the legislative assembly of the Territory of New Mexico:*

"SECTION 1. Hereafter there shall be no civil liability under either the common law or any statute of this Territory on the part of any person or corporation for any personal injuries inflicted or death caused by such person or corporation in this Territory, unless the person claiming damages therefor shall within ninety days after such injuries shall have been inflicted make and serve upon the person or corporation against whom the same is claimed, and at least thirty days before commencing suit to recover judgment therefor, an affidavit which shall be made before some officer within this Territory who is authorized to administer oaths, in which the affiant shall state his name and address, the name of the person receiving such injuries, if such person be other than the affiant, the character and extent of such injuries in so far as the same may be known to affiant, the way or manner in which such injuries were caused in so far as the affiant has any knowledge thereof, and the names and addresses of all witnesses to the happening of the facts or any part thereof causing such injuries as may at such time be known to affiant, and unless the person so claiming such damages shall also commence an action to recover the same within one year after such injuries occur, in the district court of this Territory in and for the county in which such injuries occur, or in and for the county of this Territory where the claimant or person against whom such claim is asserted resides, or in event such claim is asserted against a corporation, in the county in this Territory where such corporation has its principal place of business; and said suit after having been commenced shall not be dismissed by plaintiff unless by written consent of the defendant filed in the case, or for good cause shown to the court; it being hereby expressly provided and understood that such right of action is given only on the understanding that the foregoing conditions precedent are made a part of the law under which right to recover can exist for such injuries, except as herein otherwise provided.

"SEC. 2. Whenever any person or corporation shall file a petition in the district court of this Territory for the county in which said petitioner lives, or, if a corporation, in the district court for the county in which such corporation has its principal place of business, stating in effect that such petitioner is informed and believes that some party named in said petition claims that he is entitled to damages from said petitioner for personal injuries inflicted in this Territory upon the party named in said petition, or for personal injuries inflicted upon or death caused to some other person for which such party claims to have a cause of action against said petitioner, and stating as near as may be the general character of such injuries, and the manner and the date said party claims they were inflicted, and the place where he claims they were inflicted, as near as petitioner knows or is informed as to such facts, and praying that the said party may be required to appear in said court and file therein a statement of his cause of action in the form of a complaint against said petitioner, summons shall issue out of said court and be served and returnable as other processes, commanding and requiring the said party named in said petition to appear in said court and file such statement in the form of a complaint against said petitioner, if he has to make, and upon such complaint being filed by such party as required, the defendant named therein may demur to or answer the same and such further pleading had as the parties may be entitled to, or as may be meet and proper as in other cases of a similar character, and from thence forward such further proceedings shall be had in such cause as in other cases, and the same shall be determined upon its merits and final judgment, subject, however, to appeal or writ of error, shall be rendered therein either for the petitioner named in said complaint or for the adverse party, and if the court finds the petitioner guilty of any of the wrongs, injuries, or trespasses complained of against him in said statement such damages shall be assessed against the said petitioner as the law and the facts may require, in the same manner as though said cause had been instituted by the filing of said statement as a complaint.

"In event said party complained of in said petition, after being duly served with such summons, shall fail or refuse to appear or file his said statement as required herein, judgment shall be rendered by default against him and in favor of the petitioner as in other cases, and thereupon the court shall try and determine the issues raised by such petition, including the question as to whether or not the petitioner is liable to said party on account of any of the matters or things stated in said petition in any sum of money whatsoever, and, if so, in what amount, and final judgment shall be rendered in accordance with the facts and the law, and such judgment as the court may render shall

be final and conclusive upon the question of the liability or nonliability of said petitioner to said party, and of the amount of the liability.

"SEC. 3. It shall be unlawful for any person to institute, carry on, or maintain any suit for the recovery of any such damages in any other State or Territory, and upon it being made to appear to the court in which any proceeding has been instituted in this Territory, as herein provided, that any such suit has also been commenced, or is being maintained in any other State or Territory contrary to the intent of this act, it shall be the duty of the court to set down for hearing and try and determine the proceeding so pending in this Territory as expeditiously as possible upon such short notice to the other party thereto or his attorneys as the court may direct; and for the purpose of trying the same said court shall have the power to compel the parties thereto to plead or answer on such short day as it may determine; and in event the same is triable by jury it shall be the duty of the court, upon motion, to change the venue thereof to such county in said district as in the opinion of the court will afford an opportunity for the most speedy hearing; but in event such action is not triable by jury, then the court shall immediately proceed to try and determine the same, giving such reasonable notice as it may determine, to the parties or their attorneys, at any place in the Territory which the court may designate, and witnesses may be compelled by subpœna to attend such place personally, from any part of the Territory, and testify, as at present, at such time and place. The institution of any such suit in any other State or Territory shall be construed by the court as a waiver upon the part of the party so instituting the same of the right of trial by jury in the case pending in the courts of this Territory.

"SEC. 4. Whenever it shall be made to appear to the district court of this Territory for the county in which petitioner or plaintiff lives, by any petition filed under section three hereof, or by a supplemental petition, or by an original complaint filed for that purpose, that petitioner or plaintiff fears or has good reason to fear that any other person is threatening or contemplating instituting suit in some other State or Territory to recover damages against petitioner or plaintiff for personal injuries inflicted or death caused in this Territory, or that he has already instituted and is then maintaining such a suit, it shall be the duty of the court, upon such bond as the court may require being given, to issue its injunction pendente lite restraining such party from instituting or maintaining such suit in any court sitting in any other State or Territory, and, at the final hearing, if such facts are found by the court to be true, the court shall make such injunction perpetual; and at the final hearing in all cases instituted under the provisions of section three hereof the party complained of in the petition shall be perpetually enjoined from further instituting or maintaining any suit or action to recover damages by reason of any of the matters or things set up in said petition.

"SEC. 5. This act shall not apply to cases in which the person or corporation against whom damages for personal injuries are claimed can not be duly served with process in this Territory.

"SEC. 6. Nothing herein contained shall be construed as in any way preventing anyone in this Territory claiming to have a right of action for any such damages from compromising such claim.

"SEC. 7. All acts and parts of acts and laws in conflict with this act are hereby repealed, and this act shall be in effect from and after its passage."

Therefore, be it

Resolved, etc., That said law of the Territory of New Mexico, as aforesaid, be, and the same is hereby, disapproved and declared null and of no effect.

Mr. HENRY of Texas. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Iowa is entitled to twenty minutes and the gentleman from Texas to twenty minutes.

Mr. HENRY of Texas. Mr. Speaker, I desire to ask the gentleman from Iowa whether, in repealing this act, it will reenact any law of any kind upon the subject? I would like to have the gentleman state whether it does not reenact some law that may be worse than this.

Mr. BIRDSALL. Mr. Speaker, prior to the passage of this act there was no particular legislation in New Mexico governing the procedure in personal-injury cases, so that the passage of this resolution will not reinstate any particular legislation affecting the question.

If attention was paid to the reading of the resolution, it will readily occur to the Members of the House that certainly this is the most remarkable piece of legislation ever enacted. Instead of being entitled "An act to regulate the procedure in certain cases in the Territory of New Mexico," it should have been entitled "An act to prevent the recovery of damages for injuries received in accidents or otherwise, upon railways, within that Territory." This resolution passed the House about a year ago, too late to receive the attention of the Senate. It has now been passed by the Senate and unanimously reported by the Committee on Territories. It is only necessary to call the attention of the House to three or four provisions of the legislation of New Mexico to demonstrate its iniquity.

We are all aware of the fact that in cases of death or accident resulting in death there is no survival of the action unless preserved by the statute of the State. This law undertakes to make as a condition precedent to recovery of damages in any action for personal injury that within ninety days the person injured shall serve upon the offending party an affidavit containing the particulars of the accident, the nature of the injuries received, the witnesses by whom it is expected to be shown, their names and their residences. It further provides that this affidavit must be made within the Territory of New Mexico, before an officer in that Territory qualified to administer oaths. So that if one of you were traveling within the Territory of New Mexico and was injured in a railway accident and returned to your home, you would have to again go to the Territory of New Mexico and swear to this affidavit.

It further limits the recovery in actions of this nature, fixes the period of limitation at one year, and that is a shorter period than that prescribed by any statute that I know of within any State or Territory in the United States.

It contains another peculiar provision, that in case the railroad company, or any person who has an idea that you may have an action against them for personal injury, they may compel you to come into court upon notice, and bring your suit, file your declaration, and proceed against them. This is an innovation upon the law of every State and every Territory and every nation, as far as I know, the only exception being the old action termed "quietus tenet," an action to quiet title.

I know of no State or Territory in the Union that has a law whereby you may bring a person into court to sue you, and if you fail to appear, the parties get what is termed a judgment of nonliability against you, or if the court adjudicates that you have no cause of action against them.

Mr. CRUMPACKER. Will the gentleman permit a question?

Mr. BIRDSALL. Yes.

Mr. CRUMPACKER. Does the railroad company, the defendant in a personal-injury case, the company that inflicted the injury, become the plaintiff in this peculiar and extraordinary proceeding?

Mr. BIRDSALL. It does.

Mr. CRUMPACKER. And recover the judgment against the person injured?

Mr. BIRDSALL. Against the party, of what is termed nonliability. [Laughter.] That seems a little peculiar, but the Texas court of appeals had this question before it——

Mr. CRUMPACKER. I am somewhat familiar with the statute. There is a bill pending now on the Calendar from the Committee on Territories in the House disapproving of this same law.

Mr. HAMILTON of Michigan. That is this bill.

Mr. CRUMPACKER. This is a Senate resolution.

Mr. BIRDSALL. It has passed the Senate and is reported from the Committee on Territories.

Mr. CRUMPACKER. We passed the same bill through the last Congress.

Mr. BIRDSALL. Yes.

Mr. CRUMPACKER. And then reported one in this.

Mr. BIRDSALL. I say this is a peculiar proposition; but the circuit court of appeals had the question before it in a suit brought in the State of Texas after a New Mexico court had declared a judgment of nonliability, and the court of appeals of Texas said that while this was a very peculiar statute, that it was unique in its character and its purpose, yet they were not authorized to say that it is not such as the Territory of New Mexico had the power to pass, and it was for that Territory to determine; and that court held that it was a bar to a suit brought against a railroad company in the State of Texas.

The whole purpose of this statute was to compel the bringing of all actions of this character which are of a transitory nature, so recognized by all the courts of the United States, within the Territory of New Mexico, and to compel them to be brought either in the county where the action occurred or at the principal place of business of the railway company. So that a citizen of New Mexico would have to travel perhaps two or three hundred miles in order to bring his suit. Another peculiar provision is this: It provides that such action shall not be maintained in any other court, State, or Territory, outside of the Territory of New Mexico, and if the railroad company or any person has reason to believe that you intend to bring such a suit elsewhere than in the Territory of New Mexico, the bill provides that you may be enjoined from bringing it. [Laughter.] An injunction will be granted against you, and notwithstanding that, if you proceed in a foreign jurisdiction with your suit, this act provides that the court shall rush the injunction suit in the Territory of New Mexico, and if there does not happen to be a jury in the county where the action is pending, it shall transfer it to some other county in the Territory where there is a jury, so that immediate trial may be had in order that you may be effectually and thoroughly enjoined.

Mr. BUTLER. Where was this act passed—in a railroad office?

Mr. BIRDSALL. It was born in iniquity. I do not know how it was passed.

Mr. DRISCOLL. This act was passed in 1903?

Mr. BIRDSALL. Yes.

Mr. DRISCOLL. Has it been in force ever since in the Territory of New Mexico?

Mr. BIRDSALL. It has been in force in the Territory of New Mexico, and it has not only applied to personal-injury cases against railroad companies, but has been held to apply between individuals and to all classes of cases, even down to libel and slander.

Mr. DRISCOLL. Suppose this is annulled by the action of Congress; what would be the legal status of people to whom a cause of action arose during those five years? Can we put them back into the same legal status they would have been in if this law had not been enacted?

Mr. BIRDSALL. I do not think so. From my investigation I am satisfied that this is not retroactive.

Mr. DRISCOLL. Does the gentleman think that the rights that would inure to them under the common law of negligence will all be renewed?

Mr. BIRDSALL. I do not think so.

Mr. DRISCOLL. If this is repealed or declared void?

Mr. BIRDSALL. I do not think so. I think they will be governed by the statute of the Territory of New Mexico, infamous as it is, until this resolution passes. In other words, the law of a Territory is the law until it is disapproved by Congress, and it is only affected by an act of disapproval here, so it could not have any retroactive force.

Mr. DRISCOLL. So that by no action on our part can the causes of action be revised——

Mr. BIRDSALL. I do not know of any.

Mr. DRISCOLL. Which have been outlawed or which have been lost by force of this law, which this resolution is intended to repeal.

Mr. BIRDSALL. I do not think so. I am inclined to think it takes effect only from the passage of a resolution here.

Mr. STEPHENS of Texas. I desire to ask the gentleman from Iowa if this law is repealed what law will cover this class of cases in New Mexico?

Mr. BIRDSALL. The common law.

Mr. STEPHENS of Texas. I thought possibly there was some act equally objectionable to this that might be restored. If we repeal this act, then, the heirs of those killed would have no right of action. I know no way of forcing the legislature of New Mexico to pass a law.

Mr. BIRDSALL. I do not see that we can help that proposition.

Mr. PAYNE. Why can not the Congress of the United States pass a reasonable statute upon this subject, and thus prevent the legislature of New Mexico from inaugurating any other—I was going to say fool legislation—any other legislation on this subject of a character similar to this?

Mr. BIRDSALL. Well, there is no doubt about the power of Congress to legislate for the Territory, I will say to the gentleman from New York.

Mr. PAYNE. Do not you think Congress ought to do this? If you pass this resolution and annul this statute, what warrant of authority have you that the legislature will not get together on the first opportunity and repass this statute?

Mr. BIRDSALL. I will say to the gentleman that unless there is some change in conditions in the Territory of New Mexico it will be a very wise thing to do.

Mr. PAYNE. I hope the gentleman and the Committee on the Judiciary will see to that.

Mr. CHANEY. Ought not there to be some provision for the cases which will be interfered with if we repeal this statute by this resolution?

Mr. BIRDSALL. I am satisfied there is no way of providing, I will say to the gentleman from Indiana, to make this resolution or action of ours retroactive so as to save any cases that have been lost under this statute.

Mr. CHANEY. There will naturally be some worthy cases——

Mr. BIRDSALL. There may be some cases yet in existence within the ninety days, so they would be preserved, but any case that has been lost by virtue of this statute is gone.

Mr. DRISCOLL. Would not the rights of the people under the common law survive if this is declared void?

Mr. BIRDSALL. I hope so, but I am inclined to think not, I will say to the gentleman from New York. I reserve the balance of my time.

Mr. HENRY of Texas. Mr. Speaker, my object in demanding a second was that we might have a full explanation in regard to this statute passed by the legislature of New Mexico. The gentleman from Iowa is an able lawyer and has very fully and satisfactorily explained it. I am thoroughly satisfied that Congress should pass this joint resolution. We not only have the power to annul a law enacted by a Territorial legislature, but in a case like this it becomes the duty of Congress to do so. Glancing at some of the provisions of this law hastily as it has been possible for me to do so, I believe with the gentleman from Iowa that the statute should be properly characterized as an infamous one. It is true that if we annul the statute we are then remitted to common-law rights and remedies in the Territory of New Mexico, except where the employers' liability bill may apply in cases coming under its provisions. Understanding the statute in the light above indicated, I shall cast my vote in favor of the joint resolution. I yield ten minutes time to the gentleman from Porto Rico [Mr. LARRINAGA]. [Applause.]

Mr. LARRINAGA. Mr. Speaker, I want to avail myself of the courtesy of the gentleman from Texas to make a few remarks about the subject that was treated here yesterday. In the course of the remarks of the gentleman from Mississippi he spoke about the discontent growing in Porto Rico. It is a fact, Mr. Speaker—unfortunately a fact—that in spite of all the efforts of the best and most patriotic Porto Ricans, a sentiment of discontent still pervades the island. The gentleman from Mississippi [Mr. WILLIAMS] was right, and when the gentleman from Ohio [Mr. DOUGLAS] said that that was due to the peculiar character of the Porto Ricans it in some way reflected on the people of Porto Rico, in my opinion, although I believe, Mr. Speaker, that every race and every people on earth have their peculiarities. In fact, I did not take it as a reflection on my people, but I say, Mr. Speaker, let no gentleman in this House, or outside of this House, speak of the cause of the discontent on such a flimsy basis as a peculiarity of character of our people, when every people of every race has its own peculiarities.

I shall call the attention, Mr. Speaker, of every fair-minded man to the act passed by the Fifty-sixth Congress by which the rights and the liberties of our people were killed. The act of April 12, 1900, is the leaden block that closed the sepulcher where the liberties and rights of a million freemen are buried; and why, Mr. Speaker, should we be obliged every day to see in the press, and even on the floor of this House, to hear such reflections upon the people of Porto Rico, perhaps only to justify the Government that this Congress has imposed upon us, for this is adding insult to injustice. Any fair-minded man, Mr. Speaker, has but to take the Foraker Act and begin with the first section. And what does he find there? He finds, Mr. Speaker, that the citizenship of Porto Rico is done away with, and we are made citizens of Porto Rico. We think, Mr. Speaker, that nature had done that for us long ago.

Coming to the question of political rights, what do you find there in that act? Instead of the self-government that the people of Porto Rico had, you will find that it has practically ceased; the executive is mixed with the legislative, and officers that are appointed by the Executive go down there to make the laws for a people whose customs they do not know; for a people whose faces they have never seen before in their life, and for a people whose laws and language they do not know. Mr. Speaker, that is practically the government of Porto Rico. That house of delegates does not amount to anything. It has been honestly said by some member of the executive council, and it is so, that they are mere figureheads. No law can be passed that those six gentleman do not approve of. Those six gentlemen go there and make our laws, they vote our taxes, they collect them by the employees they appoint, and they spend them through those same people. Is it strange, Mr. Speaker, that discontent, after eight years of suffering this tyranny, should be spreading through the islands?

Mr. Speaker, I have but little time to go over the whole subject. It would take many hours to slightly touch the main points I could treat here, but I will now get to a point of which a good deal is made. Let us come to the economic part of that act. What does it provide for the people of Porto Rico? It provides that the fiscal laws of the United States shall be applied. They were applied, and ruined the country, because no provision was made to protect our main industry, the industry of the poor man, the coffee industry. The Fifty-sixth Congress, a Congress committed to protection, like every Congress that has succeeded it, never thought for a moment of protecting the production of our poor people. And there you are. One of the best features of our people has disappeared. Property was quite equally distributed in the coffee districts, and every poor man had his tract of land, where he cultivated his coffee. What has become of that land? It has passed into the hands of the rich. The way is therefore paved for the third trust. We have the sugar trust and the tobacco trust, and pretty soon we will have the coffee trust, when prices rise and this Congress votes protection for Porto Rico coffee.

I am sorry to have to bring before the House these facts. Mr. Speaker, for years among my people I made a gospel of American principles and taught them to love and revere the American people. And they sent me here because

they believed in me. They did not send one of the great men, one of their brilliant orators, here. They wanted a man who had faith in his work, and they trusted me. They sent me here to make good, so to speak.

What other provision that will not breed discontent would anyone find in that Foraker Act when he goes over it? He finds an exchange of our currency made in a day from six and a quarter millions to less than four millions. Think of that, Mr. Speaker! When Spain exchanged our Mexican dollars, she charged to the people of Porto Rico 5 per cent and gave us the Spanish dollar. Instead of our 6,000,000 of pesos, what does the Foraker Act give us? It gave us less than four millions in silver dollars and silver certificates, and as we had had a very bad crop the year before and were owing more than a million to the United States, we received in cash less than three millions.

Just think of that, gentlemen, in this country, having in one day reduced its circulating medium to one-third of what it is now. What would happen in the streets in every city in the United States? Why were we made to suffer so much in the first four years, for, to be honest, Mr. Speaker, those times have passed away to some extent, and we are prospering now. Porto Rico is coming ahead financially. I hear every day in the political campaign here, "We have made Porto Rico prosperous." I wish you had. Then no discontent would exist, and perhaps I could be looked upon by my countrymen with more kind regard. I wish you had made Porto Rico happy, but you have not, Mr. Speaker. When a cyclone strikes the island, and a cyclone comes about once in twenty years, we always come to the rescue, and it is a matter of one crop. But this time there were those six men there. When the last cyclone struck the island, we could not come to the rescue and help those that had suffered, and so to this day, day by day, hundreds and hundreds of small properties have been sold.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes more to the gentleman from Porto Rico, and reserve three minutes.

Mr. LARRINAGA. Mr. Speaker, I was telling the House that whenever a cyclone came to the island it was a matter of one crop ruined. The people came to the help of those who had suffered, and next year we went right ahead. We tried to do it when the last cyclone came, but the executive council would not tolerate it. It seemed that it was easier to collect the taxes from one rich man than from a hundred poor men. All mortgages were foreclosed, and the small properties passed into the hands of the banks and other institutions of credit. You will find in Porto Rico that banking institutions and commercial houses and financiers of all kinds hold from thirty to forty and even fifty different coffee properties. Not only that; but as I said, the poor men could not pay their taxes, and their properties were sold day after day by the treasurer of Porto Rico. I challenge contradiction on every fact I mention here, and I want anybody who thinks I am exaggerating to stand up and give me his argument.

Mr. PARSONS. Will the gentleman permit me to ask him a question?

Mr. LARRINAGA. Certainly.

Mr. PARSONS. As I understand the gentleman, he was alluding to the failure of the executive council to approve an act passed by the lower branch of the legislative body to authorize the issuance of ten millions in bonds?

Mr. LARRINAGA. Five millions. There were different projects presented at different times, and I had the honor of being the author of one of them.

Mr. PARSONS. There was to be an issuance of $5,000,000 in bonds, proposed to be loaned the coffee planters whose trees had been killed by storms. Was not that correct?

Mr. LARRINAGA. To every planter who had enough responsibility left in his property to have some money. Of course the people of Porto Rico were not to lose a cent.

Mr. CHANEY. It was a loan?

Mr. LARRINAGA. Yes, sir.

Mr. PARSONS. I also understood the gentleman to argue that unless a tariff was put on coffee the coffee crop could not be made profitable?

Mr. LARRINAGA. Not at all.

Mr. PARSONS. Does not the gentleman contend that a tariff on coffee is necessary in order to grow a coffee crop there?

Mr. LARRINAGA. We wished to help the planters.

Mr. PARSONS. Then the proposition of the lower house in Porto Rico was that they should create a bond issue of $5,000,000, to be loaned to the people whose crops can not be profitable unless the United States passes a tariff bill putting a duty on their coffee?

Mr. LARRINAGA. Not at all. The gentleman from New York came to a very wrong conclusion. [Applause.] My proposition is this——

Mr. PARSONS. I will be very glad if the gentleman will explain my error, because in reading the reports that have been submitted that is the only conclusion I have been able to come to.

Mr. LARRINAGA. Well, I will explain the proposition to the gentleman from New York. It is a very simple one. The loans were to be made to people who had sufficient property left in their coffee plantations to secure some money to fix them. The money was to be loaned to the poor people who had their buildings blown down by cyclone; to those who had the large shade trees thrown on the coffee trees and needed money to remove them and clear their plantations.

The loan was to be made on thirty years' time, at 6 per cent interest, so as to help those people and prevent them from having their property sold to pay their debts or their taxes, and so forth. The provisions of the bill were that not more than 40 per cent of the appraised value of the property should be loaned to a man. It was perfectly secure. The people of Porto Rico could not have lost a single cent.

Now, the tariff on coffee is a different proposition. The people of Porto Rico thought that as Congress was committed to protection, they were to be given a little protection. [Laughter and applause on the Democratic side.] We hear so much said about a "square deal," Mr. Speaker, that we believed we were justified in assuming that we would get it. [Great laughter.] We are a very credulous people [renewed laughter]; one of the peculiarities of our character, Mr. Speaker [renewed laughter], and that is the reason why we sometimes get the worst end of it. [Renewed laughter.]

Mr. CHANEY. I ask unanimous consent that the gentleman may have unanimous consent to extend his remarks in the RECORD.

Several MEMBERS. Oh, give him more time.

Mr. CHANEY. I ask unanimous consent that the gentleman may have ten minutes more.

Mr. HENRY of Texas. I have only three minutes remaining, and I desire to retain that much; but, of course, I have no objection to the gentleman having ten minutes, or as much more as the House will give him.

Mr. HAMILTON of Michigan. I ask unanimous consent——

Mr. BUTLER. Why not ask how much time he wants?

Mr. LARRINAGA. I will thank you for all the time the House will give. [Laughter.]

Mr. HENRY of Texas. I ask unanimous consent that the gentleman from Porto Rico be allowed to conclude his remarks.

Mr. HAMILTON of Michigan. I object.

Mr. JONES of Virginia. I ask that the gentleman be granted ten minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Porto Rico be extended ten minutes. Is there objection?

Mr. CRUMPACKER. I think the rules of the House ought to be observed, and I object.

The SPEAKER pro tempore. The gentleman from Texas [Mr. HENRY] has three minutes and the gentleman from Iowa [Mr. BIRDSALL] has five minutes.

Mr. ADAIR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ADAIR. Was permission granted to the gentleman to extend his remarks in the RECORD?

The SPEAKER pro tempore. It was not.

Mr. DOUGLAS. Since the last visit I made to Porto Rico, I have kept up a correspondence with several warm friends I made while there; and just the other day I received a letter from one of them, a man of fine character and great intelligence, a gentleman devoted patriotically to the interests of Porto Rico. I will not disclose his name, but there can be no objection to my reading a part of a letter received from him within the month. You will notice that while he writes very well, he at times uses words somewhat curiously; but, upon the whole, I think he makes himself very clearly understood. It is as follows:

Returning to our correspondence about the unreasonably disgusted people of this island of Porto Rico with the American Government, I am prone to believe that it is no one's fault but the political leaders, who in their speeches create sometimes bitterness against the American Government generally, among the ignorant people of this island. All these leaders say that we should be granted the self-government. I do not myself amount to much, but in my humble opinion I say to you frankly that they are mistaken, for we are not prepared for self-government yet, and many a year shall have to pass before we are prepared to rule ourselves. Porto Rico has never been so smartly, well, and freely ruled as it is now, and I feel sure that when we are indeed prepared for self-government the United States will grant us that privilege, but in the meantime we really do not deserve it.

Now, Mr. Speaker and gentlemen, no one can visit that beautiful island and see its present prosperity and the abounding happiness of the people without feeling impressed with the idea——

Mr. STEPHENS of Texas. Will the gentleman allow me?

Mr. DOUGLAS. Excuse me. I have but five minutes.

Mr. LARRINAGA. Will the gentleman yield for a question?

Mr. DOUGLAS. No; I beg your pardon. I should be glad to answer all questions if I had time. No one can go there without becoming profoundly interested in that island. I did become interested, and I heartily approve of the appeal of the Commissioner for encouragement to the coffee crop of the island. I think the people there ought to have it. It is essentially the poor man's crop.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. DOUGLAS. No; I beg your pardon, but I can not. I am also in favor of citizenship for these people, but under certain conditions. I have introduced a bill, one section of which I should like to read; because, while I am not in favor of wholesale citizenship conferred upon all the people of the island without any individual action on their part, I am in favor of citizenship to those who want it, who ask for it, and who are willing to accept it under proper conditions.

I have prepared and introduced a bill, of which I will read the first section:

Be it enacted etc., That any male person over the age of 21 years, actually resident in the island of Porto Rico, and an elector of Porto Rico under the laws thereof, may, upon his own motion, become a naturalized citizen of the United States by complying with the following forms and conditions:

First. He shall appear in person before the municipal judge of that municipality and judicial district within the island of Porto Rico wherein he may reside and file a declaration of his desire to become a citizen of the United States.

Second. Having filed such declaration, he shall, within not less than thirty and not more than sixty days thereafter, appear again in person before such municipal judge and take and subscribe an oath to support, maintain, and defend the Constitution and laws of the United States; whereupon a certificate of citizenship shall be issued to him by said municipal judge and he shall thereupon become a citizen of the United States, and his name and residence shall be entered by said municipal judge upon a register to be kept by him for that purpose.

The other sections provide for some details, and the last section provides that on and after a certain date in the future no one not a citizen of the United States can hold office in Porto Rico.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOUGLAS. I should like to have the three minutes that the gentleman from Texas has reserved, if he will be kind enough to give that time to me.

Mr. HENRY of Texas. I would gladly yield to the gentleman, but I have already promised the time.

Mr. Speaker, I see that the report accompanying the joint resolution has an explanation, and I ask unanimous consent that the report be inserted in the RECORD.

The SPEAKER pro tempore (Mr. NEEDHAM). The gentleman from Texas asks unanimous consent that the report be printed in the RECORD. Is there objection?

There was no objection.

The following is the report (by Mr. HAMILTON of Michigan):

[To accompany S. R. 37.]

The Committee on the Territories, to whom was referred the joint resolution (S. R. 37) for the disapproval of certain laws of the Territory of New Mexico, having had the same under consideration, report it back with the recommendation that it do pass.

A House joint resolution (H. J. Res. No. 94) identical with the Senate resolution accompanying this report was reported to the House by the Committee on the Territories February 21, 1908. That report states the reasons assigned by the committee for favorable consideration of the resolution, and is as follows:

"The Committee on the Territories, to whom was referred the joint resolution H. J. Res. 94, having had the same under consideration, report it back to the House with the recommendation that it do pass.

"This legislation of New Mexico, to say the least, is unique and demonstrates the wisdom of the law giving Congress absolute control over the legislation of the Territories.

"It is entitled 'An act establishing the law and procedure in certain cases.' In the judgment of the committee the title should be 'An act to prevent persons receiving injuries through the carelessness of railroads and other corporations in the Territory of New Mexico from recovering any damages therefor.'

"In passing, the committee would say that the act did not commend itself to the governor of New Mexico, and was promptly vetoed by him, yet the legislature, for some cause which may be imagined, readily passed it over his veto.

"The first section says there shall be no civil liability either at common law or under the statute on the part of any person or corporation for any personal injuries inflicted or death caused by such person or corporation in the Territory unless the person claiming damages shall within ninety days after such injuries serve upon the person or corporation against whom it is claimed, and at least thirty days before the commencement of suit, an affidavit made before some person authorized to administer oaths, giving the name of the person receiving the injuries if the person be other than the affiant, the character and the extent of the injuries, the manner in which they were caused, the names and addresses of all witnesses, and the facts or any part thereof relating to such injuries, and shall also commence his action within one year after the injuries occurred in the district court in the county in which they occur or where the defendant resides, said action not to be dismissed or discontinued except by consent of the defendant, and all the foregoing conditions are made a condition precedent upon which the right to recover for such injuries can exist, except as provided in section 2.

"The second section permits the person or corporation in the district to file a petition in the district court in the county where the petitioner lives stating that he is informed that some one claims damages for personal injuries or both, setting forth as near as he can the manner in which the claim arose, asking that the party injured be required to appear in said court and file a statement of his cause of action against such petitioner in the form of a complaint, to which the petitioner may demur or answer, when the matter shall proceed to trial, and damages, if any are awarded, shall be assessed as the law and facts may require, subject to the right of having the matter reviewed on writ of error; but in case the party summoned does not appear, the court shall proceed to try and determine the whole matter ex parte.

"The third section prohibits a person injured in that Territory to bring any action or maintain any suit in any other State or Territory therefor; and if anybody has done it, it shall be the duty of the court in the Territory to set down for hearing and try and determine the question as expeditiously as possible and on short notice to the other party, and gives the court power to compel the parties to appear and plead; and in case it is not triable by jury, the courts shall proceed at once to try and determine the same, and providing also that the bringing of a suit in any other State or Territory shall be construed by the court as a waiver on the right of the person so bringing it to have a trial by jury in the courts of the Territory.

"Section 4 authorizes the court to issue an injunction prohibiting the party from prosecuting his suit in any other State or Territory.

"Section 5 makes these conditions and limitations apply to all cases in which damages for personal injuries are claimed.

"Section 6 does, however, concede the right of parties to compromise the claim.

"It seems to the committee that this act throws so many obstacles around the maintenance of an action for personal injuries as to be in many cases a virtual denial of justice and right and that it ought to be expunged from the statutes of New Mexico.

"It should be stated that recently the United States district court in Colorado held the act in question to be unconstitutional.

"One suit was brought in the State of Texas in which a judgment of nonliability had been ordered by a court in the Territory of New Mexico under this act, and the court in Texas said that while it was a very peculiar provision, such as they had never heard or known of in jurisprudence, yet they did not know any reason why there was not a legal right of the legislature to provide that action of nonliability, and declined to pass on the constitutionality of the law in a sister State or Territory."

Mr. HENRY of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Arkansas [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this matter has been under consideration before the Committee on the Judiciary. I do not violate any secrets of that committee or transgress the rules of the House when I say that, in my opinion, this measure which is now before the House ought to pass, and met with the entire approval of the membership of that committee. This particular resolution was not before the Committee on the Judiciary, but there was and is pending before the committee a bill looking to the appointment of another judge for the Territory of New Mexico, and the evidence submitted to the committee showed that it was necessary to have another judge in that Territory for the due and proper administration of public justice.

But I may say to this House that so outrageous were the provisions of this Territorial law embodied in this resolution that when it was called to the attention of the committee at the time they had this bill for the extra judge under consideration that committee had determined to attach to the bill providing for that judge a provision annulling this law. It was, however, suggested that the House would probably pass this joint resolution and make it, therefore, unnecessary to attach an annulling provision to the bill for the separate judge.

I want to say that no lawyer, no laymen here, can read this law which it is proposed to repeal by this joint resolution without being horrified by its outrages. It was passed at the instance of the railroads out there in the Territory of New Mexico, where the railroads tyrannize over these people under this Territorial law, and where the people are deprived of public justice, and this House should pass this resolution, and that speedily. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, in order to save the time I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken, and there were—yeas 193, answered "present" 12, not voting 183, as follows:

YEAS—193.

Adair	Bede	Clark, Fla.	Darragh
Adamson	Birdsall	Clark, Mo.	Davenport
Aiken	Bonynge	Clayton	Davidson
Alexander, Mo.	Booher	Cockran	Davis, Minn.
Alexander, N. Y.	Brodhead	Conner	Dawson
Allen	Brownlow	Cook, Pa.	Denby
Ames	Burgess	Cooper, Wis.	Denver
Ansberry	Burton, Ohio	Cox, Ind.	Dixon
Ashbrook	Calderhead	Craig	Douglas
Barchfeld	Candler	Crumpacker	Draper
Barclay	Capron	Currier	Driscoll
Beale, Pa.	Carlin	Cushman	Ellis, Oreg.
Beall, Tex.	Chaney	Dalzell	Englebright

Esch	Helm	McCall	Richardson
Fairchild	Henry, Conn.	McGavin	Robinson
Ferris	Henry, Tex.	McGuire	Rucker
Floyd	Higgins	McKinlay, Cal.	Russell, Mo.
Foster, Ill.	Hill, Miss.	McKinley, Ill.	Russell, Tex.
Foster, Vt.	Hinshaw	McKinney	Saunders
Fowler	Hitchcock	McLachlan, Cal.	Shackleford
French	Houston	Macon	Sheppard
Fulton	Howell, N. J.	Mondell	Slemp
Gaines, W. Va.	Howell, Utah	Moon, Tenn.	Smith, Cal.
Gardner, Mich.	Howland	Moore, Tex.	Smith, Mich.
Garrett	Hubbard, Iowa	Morse	Smith, Mo.
Gillespie	Hubbard, W. Va.	Mouser	Snapp
Gillett	Hull, Tenn.	Murphy	Sparkman
Glass	Humphrey, Wash.	Needham	Sperry
Godwin	Jenkins	Nelson	Spight
Gordon	Johnson, Ky.	Norris	Steenerson
Griggs	Johnson, S. C.	Nye	Stephens, Tex.
Gronna	Jones, Va.	O'Connell	Sterling
Hackett	Jones, Wash.	Olcott	Taylor, Ala.
Hackney	Kahn	Olmsted	Thomas, N. C.
Hale	Kennedy, Iowa	Padgett	Thomas, Ohio
Hall	Kennedy, Ohio	Page	Tou Velle
Hamilton, Iowa	Kinkaid	Parker, N. J.	Volstead
Hamilton, Mich.	Kipp	Parker, S. Dak.	Vreeland
Hamlin	Kitchin, Claude	Parsons	Waldo
Hammond	Knopf	Patterson	Watson
Harding	Knowland	Payne	Weems
Hardwick	Laning	Perkins	Wheeler
Hardy	Lawrence	Pollard	Williams
Harrison	Lee	Pou	Wilson, Pa.
Haskins	Littlefield	Pray	Wood
Haugen	Longworth	Pujo	The Speaker.
Hawley	Loudenslager	Ransdell, La.	
Hay	Lovering	Rauch	
Hayes	Lowden	Reid	

ANSWERED "PRESENT"—12.

Bennet, N. Y.	Butler	Scott	Tawney
Boutell	Goebel	Sherman	Wanger
Burleson	Haggott	Small	Washburn

NOT VOTING—183.

Acheson	Edwards, Ga.	Kimball	Porter
Andrus	Edwards, Ky.	Kitchin, Wm. W.	Powers
Anthony	Ellerbe	Knapp	Pratt
Bannon	Ellis, Mo.	Küstermann	Prince
Bartholdt	Fassett	Lafean	Rainey
Bartlett, Ga.	Favrot	Lamar, Fla.	Randell, Tex.
Bartlett, Nev.	Finley	Lamar, Mo.	Reeder
Bates	Fitzgerald	Lamb	Reynolds
Bell, Ga.	Flood	Landis	Rhinock
Bennett, Ky.	Focht	Langley	Riordan
Bingham	Fordney	Lassiter	Roberts
Bowers	Fornes	Law	Rodenberg
Boyd	Foss	Leake	Rothermel
Bradley	Foster, Ind.	Legare	Ryan
Brantley	Foulkrod	Lenahan	Sabath
Broussard	Fuller	Lever	Sherley
Brumm	Gaines, Tenn.	Lewis	Sherwood
Brundidge	Gardner, Mass.	Lilley	Sims
Burke	Gardner, N. J.	Lindbergh	Slayden
Burleigh	Garner	Lindsay	Smith, Iowa
Burnett	Gilhams	Livingston	Smith, Tex.
Burton, Del.	Gill	Lloyd	Southwick
Byrd	Goldfogle	Lorimer	Stafford
Calder	Goulden	Loud	Stanley
Caldwell	Graff	McCreary	Stevens, Minn.
Campbell	Graham	McDermott	Sturgiss
Carter	Granger	McHenry	Sulloway
Cary	Greene	McLain	Sulzer
Caulfield	Gregg	McLaughlin, Mich.	Talbott
Chapman	Hamill	McMillan	Taylor, Ohio
Cocks, N. Y.	Heflin	McMorran	Thistlewood
Cole	Hepburn	Madden	Tirrell
Cook, Colo.	Hill, Conn.	Madison	Townsend
Cooper, Pa.	Hobson	Malby	Underwood
Cooper, Tex.	Holliday	Mann	Wallace
Coudrey	Howard	Marshall	Watkins
Cousins	Huff	Maynard	Webb
Cravens	Hughes, N. J.	Miller	Weeks
Crawford	Hughes, W. Va.	Moon, Pa.	Weisse
Davey, La.	Hull, Iowa.	Moore, Pa.	Wiley
Dawes	Humphreys, Miss.	Mudd	Willett
De Armond	Jackson	Murdock	Wilson, Ill.
Diekema	James, Addison D.	Nicholls	Wolf
Dunwell	James, Ollie M.	Overstreet	Woodyard
Durey	Keifer	Pearre	Young
Dwight	Keliher	Peters	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. BURLEIGH with Mr. CALDWELL.

Until further notice:

Mr. PEARRE with Mr. MCLAIN.

Mr. SULLOWAY with Mr. RHINOCK.

Mr. YOUNG with Mr. UNDERWOOD.

Mr. COLE with Mr. ROTHERMEL.

Mr. OVERSTREET with Mr. OLLIE M. JAMES.

Mr. BOUTELL with Mr. BURNETT.

Mr. HEPBURN with Mr. GARNER.

Mr. MCMORRAN with Mr. GILL.

Mr. GARDNER of New Jersey with Mr. FINLEY.

Mr. COOK of Colorado with Mr. COOPER of Texas.

Mr. SMITH of Iowa with Mr. NICHOLLS.

Mr. WEEMS with Mr. LEWIS.

The result of the vote was announced as above recorded.

CHILD LABOR IN DISTRICT OF COLUMBIA.

Mr. OLCOTT. Mr. Speaker, I move to take from the Speaker's table the bill (S. 4812) to regulate the employment of child labor in the District of Columbia, to strike out all after the enacting clause, and to insert in lieu thereof the following, which I send to the desk and ask to have read, to suspend the rules, and pass the bill.

The Clerk read as follows:

A bill (H. R. 16063) to regulate the employment of child labor in the District of Columbia.

Be it enacted, etc., That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any factory, workshop, mercantile establishment, store, business office, telegraph or telephone office, restaurant, hotel, apartment house, club, theater, bowling alley, laundry, boot-black stand, or in the distribution or transmission of merchandise or messages. No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the District of Columbia are in session, nor before the hour of 8 o'clock in the morning or after the hour of 7 o'clock in the evening.

SEC. 2. That no child under 16 years of age shall be employed, permitted, or suffered to work in the District of Columbia in any of the establishments named in section 1, unless the person or corporation employing him procures and keeps on file and accessible to the inspectors authorized by this act and the truant officers of the District of Columbia an age and schooling certificate and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed.

SEC. 3. That an age and schooling certificate shall be approved only by the superintendent of public schools or by a person authorized by him in writing, who shall have authority to administer the oath provided for therein, but no fee shall be charged therefor.

SEC. 4. That an age and schooling certificate shall not be approved unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child, or other religious record, or the register of birth or the affidavit of the parent or guardian or custodian of a child, which affidavit shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not procured and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor.

SEC. 5. That the age and schooling certificate of a child under 16 years of age shall be in the following form:

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, guardian, or custodian) of (name of child) ——— ———, and that (he or she) was born at (name of town or city) ——— in the county (name of county, if known) ——— and State (or country) ——— on the (day and year of birth) ——— and is now (number of years and months) ——— old.

Signature of (father, mother, guardian, or custodian).

(Date.)

There personally appeared before me the above-named (name of person signing) ——— ——— and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) ——— ———; complexion (fair or dark), ———; hair (color), ———, having no sufficient reason to doubt that (he or she) is of the age therein certified. I hereby certify that (he or she) can read at sight and can write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools, or a school equivalent thereto, for not less than one hundred and thirty days during the school year previous to applying for such school record, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, and arithmetic.

This certificate belongs to (name of child in whose behalf it is drawn) ——— ——— and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same, but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools.

(Signature of person authorized to approve and sign, with official character of authority.)

(Date.)

A duplicate of each age and schooling certificate shall be filed out and kept on file by the superintendent of public schools. Any explanatory matter may be printed with such certificate, in the discretion of said superintendent.

SEC. 6. That whoever employs a child under 16 years of age, and whoever having under his control a child under such age permits such child to be employed in violation of sections 1, 2, 8, or 9 of this act shall, for such offense, be fined not more than $50; and whoever continues to employ any child in violation of any of said sections of this act, after being notified by an inspector authorized by this act, or a truant officer of the District of Columbia, shall for every day thereafter that such employment continues be fined not more than $20. A failure to produce to an inspector authorized by this act, or a truant officer of the District of Columbia, any age or schooling certificate or list required by this act shall be prima facie evidence of illegal employment of any person whose age and schooling certificate is not produced or whose name is not listed. Any corporation or employer retaining any age and schooling certificate in violation of section 5 of this act shall be fined not more than $20. Every person authorized to sign the certificate prescribed by section 5 of this act who knowingly certifies to any materially false statement therein shall be fined not more than $50.

SEC. 7. That inspectors authorized by this act and the truant officers of the District of Columbia shall visit the establishments named in section 1 and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the superintendent of public schools and the corporation counsel of the District of Columbia. Inspectors authorized by this act and the truant officers of the District of Colum-

bia shall require that the age and schooling certificates and lists provided for in this act of minors employed in the establishments named in section 1 shall be produced for their inspection.

SEC. 8. That no minor under 16 years of age shall be employed, permitted, or suffered to work in any of the establishments named in section 1 more than eight hours in any one day, or before the hour of 6 o'clock a. m., or after the hour of 7 o'clock p. m., and in no case shall the number of hours exceed forty-eight in a week.

SEC. 9. That every employer shall post in a conspicuous place in every room where such persons are employed a printed notice, stating the number of hours required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the inspectors authorized by this act and the truant officers of the District of Columbia, and the employment of any such person for a longer time in any day than that so stated shall be deemed a violation of this section.

SEC. 10. That the Commissioners of the District of Columbia are hereby authorized to appoint two inspectors to carry out the purpose of this act, at a compensation not exceeding $1,200 each per annum.

SEC. 11. That no male child under 10, and no girl under 16 years of age shall exercise the trade of bootblacking, or sell or expose or offer for sale any newspapers, magazines, periodicals, or goods, wares, or merchandise of any description whatsoever, upon the streets, roads, or highways, or in any public place within the District of Columbia.

SEC. 12. That from and after July 1, 1908, no male child under 16 years shall exercise the trade of bootblacking or sell or expose or offer for sale any newspapers, magazines, periodicals or goods, ware or merchandise of any description whatsoever upon the streets, roads, or highways, or in any public place within the District of Columbia unless a permit and badge as hereinafter provided shall have been issued to him by the superintendent of public schools of the District of Columbia, or by a person authorized by him in writing for that purpose upon the application of the parent, guardian, or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian, or custodian, then on the application of his next friend, being an adult.

SEC. 13. That such permit and badge shall be issued free of charge to the applicant, but shall not be issued until an age and schooling certificate shall have been issued as provided in this act.

SEC. 14. That such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian, or next friend, as the case may be, and describe the color of hair and eyes, the height and weight, and any distinguishing facial mark of such child, and shall further state that the age and schooling certificate has been duly examined and filed, and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. The badge provided for herein shall be worn conspicuously at all times by such child while so working, and all such permits and badges shall expire annually on the 1st day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person, nor be engaged in the District of Columbia in any of the trades or occupations mentioned in this section without having conspicuously upon his person such badge, and he shall exhibit the same upon demand to any police or truant officer or to the inspectors in this act provided for.

SEC. 15. That no child to whom a permit and badge are issued as provided for in the preceding sections shall sell or expose or offer for sale any newspapers, magazines, or periodicals after 10 o'clock in the evening or before 6 o'clock in the morning.

SEC. 16. That nothing in this act contained shall apply to the employment of any child in a theatrical exhibition, provided the written consent of one of the Commissioners of the District of Columbia is first obtained. Such consent shall specify the name of the child, its age, the names and residence of its parents or guardians, together with the place and character of the exhibition.

SEC. 17. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act.

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule, a second is ordered. The gentleman from New York [Mr. OLCOTT] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. OLCOTT. Mr. Speaker, the first part of the House bill 16063, which has been read and offered as a substitute for the Senate bill, with the exception that 14 years is substituted in place of 12 years, is largely similar to the bill passed by the Senate. The bill as it has passed the Committee on the District of Columbia has been made much more comprehensive than the Senate bill.

Mr. WILLIAMS. This bill contains 14 years instead of 12 years.

Mr. OLCOTT. Fourteen years instead of 12 years, and, as I say, the bill itself has been made much more comprehensive, in that it makes provision for newsboys and venders of such merchandise as shoe laces and things of that kind, allowing them, after securing a permit and badge from the superintendent of public instruction, to sell, in certain hours, newspapers, but they must be provided with the badge and the permit by the superintendent. After a child becomes 10 years of age he can, under certain circumstances, sell newspapers and merchandise in the streets.

Mr. WILLIAMS. But not during school hours?

Mr. OLCOTT. Not during school hours. In the summary of the provisions of the act as contained in the report we state that no child under 14 years of age is to work in a factory or store or anywhere else during public school hours or before 8 o'clock a. m. or after 7 o'clock p. m., and that between the years of 14 and 16 children employed in any factory or shop must secure schooling certificates, stating that they have attended school and have been instructed in rudimentary subjects for one hundred and thirty days during the previous school year. No child under 16 years of age is to work more than eight hours in a day or forty-eight hours in one week. Then comes the provision in regard to newspaper venders, that no boy under 10 or girl under 16 shall sell newspapers or other merchandise or engage in bootblacking on the streets; and all boys under 16 are required to obtain a permit and badge to pursue these occupations.

Mr. NORRIS. Mr. Speaker, I notice that newsboys are required, if they come under the bill as to age, to have a badge.

Mr. OLCOTT. Yes.

Mr. NORRIS. There is not anything in this bill, is there, that makes it unlawful for one newsboy to transfer that badge to somebody else.

Mr. WILLIAMS. Yes.

Mr. OLCOTT. Yes; the name of the child must be inscribed on the badge.

Mr. NORRIS. I understand that the name must be, and the color of the eyes, and so forth, but there ought to be some provision, I should think, notwithstanding that, to safeguard against the transfer of badges.

Mr. OLCOTT. There is a provision. There is no penalty attached. There is a provision on page 8 that no child to whom such a badge is issued shall transfer it to any other person.

Mr. NORRIS. But that has no penalty clause.

Mr. OLCOTT. No.

Mr. NORRIS. Does the gentleman think that the section would be effective without a penalty attached to it.

Mr. OLCOTT. I think so. The matter is in charge of the superintendent of public instruction, and the truant officers and inspectors provided for under this bill can arrest the child and examine the permit and make inquiries.

Mr. KAHN. A description of the child is on the badge anyway.

Mr. NORRIS. I understand that. It is proper, so far as the description is concerned, but unless there is some penalty—and I think if there is any it ought to be light—there would be no reason why they could not transfer the badges.

Mr. KAHN. This provision is very similar to the provision of the New York law. Of course in the city of New York there are hundreds of these boys on the streets where there are probably tens here, and the law is identical with the New York law. There is no trouble there at all in enforcing this provision of the law.

Mr. NORRIS. Of course the only object that I have is that I would like to have the law efficient, and if the experience has shown that it is efficient there——

Mr. OLCOTT. That has been the experience in New York City, and the experience there has shown that the power to withhold the issuance of a badge or permit has worked to such an extent that it is not necessary to impose a penalty.

Mr. NORRIS. Well, the gentleman thinks this particular reason should be used for the withholding of the badge?

Mr. OLCOTT. Oh, I think there is no doubt about it at all.

Mr. CRUMPACKER. Will the gentleman allow a suggestion——

Mr. OLCOTT. He must secure a badge, and it is in the discretion of the superintendent whether the badge is issued or not, and it must be renewed once a year. The worst that might happen would be that some boy unauthorized might sell newspapers for a little while, but I think with the truant officers and inspectors and superintendent of schools, and in view of the fact that the entire jurisdiction is put in the juvenile court, the difficulty which the gentleman suggests will not be a serious one.

Mr. BOUTELL. I would like to ask the gentleman a question. Is there any provision in this bill as to who pays for these badges?

Mr. OLCOTT. The badges are to be given free. There is no charge for them nor for school certificates or permits.

Mr. BOUTELL. I think that is an essential provision, and I am very glad it is in the bill.

Mr. CRUMPACKER. One suggestion I want to make to the gentleman from New York, and that is to take into consideration when the bill goes to conference, as doubtless it will, the propriety of inserting in the bill a penalty for the revocation of the permit and that possibly another penalty, not upon the child—I do not think children ought to be made criminals at all——

Mr. OLCOTT. That is the feeling the committee had when we considered that.

Mr. CRUMPACKER (continuing). Possibly a penalty upon the parent or guardian or any person who furnishes papers to a child who has not a permit to sell newspapers—for instance, to

a newsboy. A penalty might be imposed upon the publisher or newsdealer who furnishes the papers to a boy who has not complied with the law. Then there should be a penalty for revoking a permit and then a penalty upon anyone who furnishes papers to one who has not a permit. I think perhaps that might strengthen that feature of it.

Mr. OLCOTT. I want to say to the gentleman I think that is *entirely* covered. No child can be employed under 14.

These provisions in regard to children 10 years old are simply for those little fellows in business for themselves. I will be very glad, however, to take the matter under consideration when it comes to the matter of a conference.

Mr. WALDO. I would like to ask the gentleman, Do I understand the age limit has been changed from 12 to 14?

Mr. OLCOTT. To 14; as it was reported it was 14.

Mr. WALDO. That is the amendment the gentleman offered with the bill?

Mr. OLCOTT. Oh, yes; it is now 14 years. I reserve the balance of my time.

Mr. BURTON of Ohio. Will the gentleman from New York yield for a question or two?

Mr. OLCOTT. Certainly.

Mr. BURTON of Ohio. In the print of this bill, as given in the report of April 20, the age limit in section 1 is 12 years.

Mr. OLCOTT. Yes; but that has been changed to 14. As this bill was read, it gave the age at 14.

Mr. BURTON of Ohio. In other respects is the bill the same as the print of this report?

Mr. OLCOTT. In other respects it is the same as the print in the report.

Mr. BURTON of Ohio. Will the gentleman please state briefly what is the compulsory education law of the District, or is there no compulsory education law in the District?

Mr. OLCOTT. I am unable to state to the gentleman from Ohio, I regret to say. There is a compulsory education law, but I can not state it in full, requiring children to go to school one hundred and thirty days out of the year to be instructed, but I am sorry to say I can not state the exact details of it; but it requires one hundred and thirty days, and that is the reason one hundred and thirty days is carried in this bill. I have already reserved the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I hope that it is needless for me to say that I am delighted to see this bill come out from the Committee on the District of Columbia and put upon its passage before the House. Mr. Speaker, I believe that Congress, having plenary power of legislation in the District of Columbia, subject only to the Bill of Rights contained in the Constitution—having all the powers of our dual sovereignties, State and Federal—ought to make the city of Washington and the District of Columbia a model territory. I am delighted to see a model child-labor law attempted. From what I have been able to learn of this bill it is a good bill, and we on this side are going to show after a bit our realization of the merits of the members of the Committee upon the District of Columbia for bringing it in, not only by permitting this bill to go through without a roll call, but as a matter of reward to the members of that committee, I announce that we will permit several other bills, if from that committee, not exceeding six in number, providing they are in themselves meritorious, to go through without a roll call.

Every time that the Republican side of the House shows a disposition to enact remedial legislation in the interests of the people this side of the House will extend a reward of merit to the deserving committee for their act. Now, Mr. Speaker, I would not only like to see Congress pass for the District of Columbia a model child-labor law, but I would like to see Congress pass a model corporation law.

Mr. CUSHMAN. Mr. Speaker, I want to ask the gentleman from Mississippi [Mr. WILLIAMS] whether there is any child-labor law in the State of Mississippi or not?

Mr. WILLIAMS. I am sorry to say that the child-labor laws of Mississippi are not model labor laws, but I am not discussing them just at this moment. I am standing here for the position that the Congress of the United States ought to set an example to the States, Mississippi included, by making a model child-labor law.

Mr. CUSHMAN. I agree with that.

Mr. WILLIAMS. And whether the State of Washington be derelict in its duty, whether the State of Mississippi has been derelict in its duty or not, does not cut any figure in this controversy.

Mr. CUSHMAN. I agree partially with that.

Mr. WILLIAMS. And I am thoroughly astonished that my friend should attempt to throw my parliamentary street car off the trolley with that question.

Mr. CUSHMAN. Now, Mr. Speaker, I was merely going to submit, that while Congress does have jurisdiction and authority in this particular instance, it seems to me it ill becomes some of us who have not done the best we could within the jurisdiction where we come from, to attempt to make so much capital out of a matter of this kind.

Mr. WILLIAMS. That remark may apply to the gentleman from Washington, because it may be true that in the State of Washington he has not done his best along this line. But that does not apply to me, and I will merely quote Shakespeare in final reply and say, "Let the galled jade wince, my withers are unwrung."

Mr. JONES of Washington. I would like to say that the State of Washington has passed a very efficient child-labor law.

Mr. WILLIAMS. It may be true. I know nothing about that. Now, Mr. Chairman, I would like to see the city of Washington pass a model corporation law. I would like to see Congress pass for the District of Columbia a model insurance law. I would like to see Congress pass for the District of Columbia a model fire-protection law, and a model manual training school law. I would like to see established here a model agricultural college for the District of Columbia. I would like to see Congress pass a law which should be a model for all the cities of the United States with regard to the management of public utilities in the city of Washington. I would like to see Congress pass for the District of Columbia a law that should be a model for everybody everywhere upon the subject of marriage and divorce. I should like to see Congress pass a law that should be a model for all upon the subject of labor hours, giving eight hours to men to work in, eight hours to sleep in, and leaving them eight hours for edification, worship, and amusement. In a word I would like to see Washington, in the words of the Scriptures, "Like a city on an hill," shedding its light everywhere. And, so far as I am concerned, I am ready always to cooperate with that end in view.

Now, Mr. Speaker, I have not called for a second with the idea of consuming time. I merely called it for the purpose of emphasizing the fact that upon this side of the Chamber we want to show you how quickly we can pass this law through, and we want to show you right afterwards that we will reward the Committee upon the District of Columbia by allowing you to pass six other bills, provided they be meritorious, and provided the Speaker will recognize the chairman of that committee to propose them, in the usual course, without demand for a second or a roll call, or obstruction of any description.

How much time have I consumed, Mr. Speaker?

The SPEAKER. Seven minutes.

Mr. WILLIAMS. I now yield five minutes to the gentleman from Wisconsin [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, as the leader of the minority on this committee is not present, and as no other member from the minority side of the committee has risen to say anything in favor of this, I simply rise to state the position of the minority members of the committee as I understand it, and I believe I am also stating the position of every member of the committee when I say that we are heartily in favor of the enactment of this bill as presented. When the bill was first presented a change was made to 12 years. The object of that was to relieve some of those who were employed about the Capitol, but it was subsequently considered advisable to change that and place the age limit at 14 years, and that was unanimously agreed to. I represent a State, Mr. Speaker, which has one of the best child-labor laws in the United States. We insist strongly that children shall be protected in their tender years, that they shall have an oportunity to attend school and receive an education that will fit them for places in after life. Comparing this law with our law, I think this, if anything, is a better law than ours. The gentlemen who have prepared this bill have taken special care to select the best child-labor laws in the Union as a guide, and the law as presented for the District of Columbia is a model child-labor law. It is so regarded by all organizations all over the United States who have this matter under consideration, and the only objection that has been presented to any members of the committee, I think, upon this question was the provision which made the age limit 12 years. Now that they have been satisfied as to the 14-year limit, no objection whatever is heard upon this ground against this bill from any portion of the United States. The people from all over the country are watching this law. I believe, sir, that it will be a model law. I believe that its provisions will be adopted in States that have no such law to-day; and while we may in the working of it find some little imperfections, those are only matters of detail and can easily be perfected in further laws. I have nothing further to say than that I am heartily in favor of the bill, and I believe that every Member of the minority desires the bill to pass.

Mr. POLLARD. I would like to ask the gentleman from New York why it is, in the classification of work that children can perform, that the sale of newspapers is not included?

Mr. OLCOTT. The sale of newspapers is covered in the same act. If the gentleman will read the bill, he will find that the italicized part at the end of the bill refers to the sale of newspapers and other things on the streets.

Mr. POLLARD. It covers that?

Mr. OLCOTT. Oh, entirely. I yield to the gentleman from New York——

Mr. WILLIAMS. Will the gentleman from New York pardon me just a moment? Is there anybody on this side who desires any time?

Mr. WILSON of Pennsylvania. I desire to ask the gentleman from New York a question.

Mr. OLCOTT. I yield to the gentleman for a question.

Mr. WILSON of Pennsylvania. What provision is made in the bill for the education of children from 10 years of age who are engaged in the sale of papers and other employments on the streets?

Mr. OLCOTT. Before a permit can be granted for the sale of newspapers the child must be provided with a school certificate, which is provided for in other sections of the bill, showing that they have received instruction in the rudimentary subjects for one hundred and thirty days in the previous year.

Mr. WILSON of Pennsylvania. I understand, then, that the intent of the bill is that those who sell newspapers and engage in other employments mentioned on the streets are required to have similar certificates to those who are engaged in other occupations.

Mr. OLCOTT. The bill provides that a permit can not be granted until a school certificate has been secured. I would like to know, Mr. Speaker, how much time I have left?

The SPEAKER. The gentleman has nine minutes remaining.

Mr. OLCOTT. I yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I only desire to say that at the beginning of this session I interviewed some of the members of the Committee on the District of Columbia, to find out whether their intention was to take up this question of a child-labor law and bring in a bill. They assured me it was their intention to do so, and they believed, further, that they would be able to report it in ample time to have it pass at this session of Congress. That was before we had heard very much from the gentleman from Mississippi upon the subject. I felt the necessity of passing such a law, and a law that would be in some respects a model, although we had presented a model of such laws in the State of New York some years ago, and there have been in the State of Massachusetts and nearly all the industrial States of the North good child-labor laws for years. I was aware of the fact that they had not an adequate law in the State of Mississippi and in other States of that locality, and I was anxious that there should be good, timely legislation on this subject, and that there should be put upon the national statute book, as well as the statutes we have in the Republican States, an adequate child-labor law, so that the gentlemen down there should have an object lesson [applause on the Republican side], and, perhaps, they might awake out of their lethargy on the subject and not spend the whole time in scolding the Republican majority in this Congress. We are taking up these matters as they come along, working them out in our own way, without any help or aid from the gentleman from Mississippi. It does not make any difference whether he calls for the yeas and nays on this bill or any other. It will not turn Members on this side against using their own judgment as to the merits of any proposition without any reference to the action of the gentleman from Mississippi or anybody else on that side of the House. [Renewed applause on the Republican side.] Members on this side simply do their duty as they see it, Mr. Speaker. I trust they will do it intelligently, and with a view to the best interests of the people. They will not be driven by any demagogic appeals into making mistakes. I trust they will pass wise legislation, that the quality of the legislation will be right, and the quantity doubtless will satisfy the American people, as it has during the sway of the Republican party in Congress and in the nation for the last twelve years. [Loud applause on the Republican side.] We do not confine ourselves, over on this side, simply to carping and criticising. We are doing the business of the people, and we are doing it in our own way; and we will continue to do that, without let or hindrance by the minority—the people who sit upon that side of the Chamber. If it amuses them, satisfies their intellect, and furnishes enough intellectual pabulum for them upon this or any other subject to stand up, as most anybody can stand up, and demand the yeas and nays, and second the demand, even if it is enforced by an agreement in writing, to follow the leader upon such a weighty proposition as that—even if they do that, and try to delay the House, we will find some way, Mr. Speaker, in the future, as we have in the past, to pass the laws that we desire to pass. [Loud applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker, nobody is better aware than I am of the absolutely irrestrainable eagerness of the gentleman from New York [Mr. PAYNE] in behalf of reformatory legislation of every description. Nobody is better aware of the fact that no amount of spurring or nagging can have any effect upon the slow, lethargic, but constant and self-conscious wisdom of the Republican leader. He is a recent, but very arduous and very strenuous, convert to many things. He is not only now—here of these late days, for the first time—in favor of a model child-labor law for the District of Columbia, but we have got him to where he has absolutely introduced a bill with an anti-injunction title—a title, at any rate—to prevent the undue and hasty issuance of injunctions sacrificing the rights of laboring men. It will not be long before we will have him right up on the front bench—the mourners' bench—right under the pulpit, shouting "Salvation! I've got it! Hallelujah, hallelujah! Amen!" [Laughter.] Why, I would not be surprised if before we get through this session of the House the gentleman would be going through the motions, at any rate (having learned how to go through them in the case of his anti-injunction bill)—going through the motions, at any rate, of advocating a bill for publicity of campaign contributions, especially those made at the expense of innocent stockholders. [Applause on the Democratic side.]

The gentleman is mistaken if he thinks that I do not know that nothing ever stirred him up to attempt to do anything, except perhaps the fear of popular wrath to come in the future, and even that has to be borne in on him by outside party pressure. I am more rejoiced than anybody at even the small amount of acceleration of unaccustomed legislative activity that has been lately noticed in the gentleman from New York.

Now, perhaps, a moment ago in answer to the gentleman from Washington I did some injustice to the good old State of Mississippi. There are hardly any child-labor laws there, and there ought to be better ones; but it must be remembered in excuse for Mississippi that she has no mines at all, no little children during their play hours, when their hearts ought to be singing with gladness to God, working down in the mines. It should be remembered that Mississippi has almost no factories, and the few that she has are of the most healthful sort, or are sawmills where strong-muscled men are needed; and the few children who are working in Mississippi are for the most part working during school vacation times, out under the open sky, in the fields, upon the farms. It is a fact that whenever necessity comes and creates a problem, good men solve the problem by legislation. Had the necessity come to Mississippi, I doubt not that the philanthropy and patriotism and good feeling of her people would have passed laws equal in effect to those of Massachusetts, or to the best laws in the Union; and I mention Massachusetts with peculiar honor in this connection, because I believe she has the best laws upon this subject, as far as I know.

Now, Mr. Speaker, let me appeal to the gentleman from New York not to turn his face against good things merely because Democratic sinners desire them, not to be prone to nonactivity and lack of motion merely because of activity upon this side. Let him help us to pass a model child-labor law for the District of Columbia; let him be the first Republican; let him, being the leader of his "great party," be the first man to speak out in favor of honesty in elections and the publicity—and pre-election publication at that—of campaign contributions, so that hereafter, when the American people shall elect a President, we shall know that he has been elected by men whose ballots have fallen swift to do justice, and not by money. What is the matter with us, that we can not pass such a law before election? Shall it go over until after the election, too, like so many things, or shall we confess that we have no information upon that question, as upon nearly all other questions, and appoint a commission or a special committee to find out what there is to know about it? Shall we appoint a commission to find out whether or not in the past money has been corruptly used in elections in America, whether or not the Republican party has received a great deal of it? Or shall we act now, before the election, and shall we have the benefit of the gentleman's all-powerful leadership in it? Mine is powerless. Here stand I, who have no power to do anything, save to criticise, save to suggest, save to nag, save to try to arouse a public opinion that shall force others to act.

The gentleman delights in telling us that we of ourselves in this Congress can do nothing. He does not even admit that we can bring pressure to bear from the common country, though I think we can. But there you stand—great leader of the majority—all powerful. A mere word from him will bring recognition from you, Mr. Speaker, who honor him so highly, and that recognition will enable him to put upon its passage the McCall bill for publicity of campaign contributions, that has been reported favorably, if reluctantly and lately by the Committee on Election of President, Vice-President, and Members of Congress. The gentleman from New York tells me that he will be guided by his own judgment. "A Daniel come to judgment. I thank thee, Jew, for the word." It is to your judgment I appeal, to your patriotism. I am not trying to bulldoze him or you, I am not trying to force him or you, I am not trying to coerce him or you, I am trying to see if you have got a heart and a mind in you that can be appealed to in behalf of honesty in elections, in behalf of fairness to the laboring men, in behalf of justice, when the Federal courts are acting upon secret and ex parte testimony, in setting aside solemn laws passed by sovereign States in solemn State legislatures.

Why, the gentleman from New York seems to take it as a personal offense that a Democrat on this floor should have an opinion about legislation, that he should attempt to rivet public attention on affairs of legislation. He hopes to be able to go to the country in the last few days of the session with a few of the bills demanded by public opinion, purposely kept back until it is hoped that they can go to sleep in the Senate and thus save the faces of Members on the Republican side who may thus go to their constituents and say, "Well, we passed a campaign contribution publicity or other bill in the House, but the Senate didn't pass it."

Why not pass bills now? Why wait until six or seven days before Congress adjourns? Why not act as you are acting about this child-labor bill? If you do it, do we Democrats gain any advantage in a partisan sense? No; you gain it. If you pass good legislation, you will get the credit for it. As far as I am concerned, as a mere partisan Democrat, if I were not actuated by a desire to do good to the country, as well as by a desire to do good to the Democratic party, I would go down on my knees and pray that you pass no good legislation, so that you might be by the people damned on the day of your final hearing and judgment. Being guided however by some idea of public benefit, I pray that you may pass some good legislation; all of credit I ask for us is the recognition of the fact that we spurred you on and did our share. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OLCOTT. I now yield three minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the gentleman from Mississippi, in apologizing for his State in not having passed a good child-labor law, says that Mississippi has neither mines nor factories. Neither has the District of Columbia mines or factories. But that is no reason, in my judgment, why a child-labor law should not have been placed on the statute books of the great State of Mississippi. I sincerely hope that the gentleman from Mississippi, after he shall have given up his seat in this House and before he takes his seat in the body at the other end of this Capitol, will go among his people and plead with them that they may place upon the statute books of that State a suitable child-labor law.

Mr. WILLIAMS. He has already done it.

Mr. KAHN. The Committee on the District of Columbia that had charge of this bill studied the child-labor laws of practically every State in the Union, and in bringing in this bill in its present form we believe that we have adopted the best features of all the legislation that has been enacted upon the subject of child labor in this country. Practically every State that has enacted this class of legislation has provisions similar to those which appear in the Senate bill as it was passed by that body. These provide for the regulation of the labor of children in stores, in factories, in workshops, and so on; but there are very few States that make provision for regulating the labor of children who work upon the street.

Mr. HACKNEY. I understand that you have a few mines in California?

Mr. KAHN. Yes.

Mr. HACKNEY. I see no provision against children working in mines, as stated in this report. Is that correct?

Mr. KAHN. The children do not work in the mines of California. We never had children at work in the mines of California. The child-labor law of that State is admittedly one of the best child-labor laws found in the United States. As a matter of fact, the provisions with respect to children on the streets are exceedingly necessary here in the District. I dare say that it has been the experience of almost every Member of this House in coming from the theater, probably at 11 o'clock at night, to have been met by some child that ought to have been at home and in bed, and that told a pitiful tale, which had been learned by heart, the while it offered to sell shoestrings or newspapers or something of that kind.

It seems to me that it is exceedingly necessary that those children should be looked after by the proper authorities of this District. The committee felt that by inserting those provisions of this bill they are doing those children and this community a great service.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The gentleman's time has expired.

Mr. OLCOTT. Mr. Speaker, I will yield one more minute to the gentleman in order that he may answer the question.

Mr. WILLIAMS. I find in the report that accompanies this bill a statement, and I want to ask the gentleman from California [Mr. KAHN] if the statement be true. It is to the effect that in California, the gentleman's State, there is a prohibition against children under 12 years of age working in any factory, workshop, or mercantile establishment, but no prohibition against their working in mines.

Mr. KAHN. The only kind of mines we have in the State of California are gold mines, and children do not work in gold mines.

Mr. WILLIAMS. Is that statement true?

Mr. KAHN. I think that the law since then has been amended, and I feel quite confident that the age limit in the State of California is 14 years.

Mr. WILLIAMS. Instead of 12.

Mr. KAHN. Instead of 12.

Mr. WILLIAMS. Does the gentleman think they are now forbidden by law to work in mines?

Mr. KAHN. Why, there is no necessity to pass any law on that subject, because they do not work in gold mines.

Mr. WILLIAMS. If not, then why should there be any necessity to pass any in Mississippi, when there are not any kind of mines there, gold or any other? [Laughter.]

Mr. KAHN. The gentleman from Mississippi gave that as a reason why there was no child-labor law in Mississippi. The State of California has passed a child-labor law, notwithstanding the fact that children do not work in the mines in that State. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WILSON of Pennsylvania. I desire to call the gentleman's attention to the fact that there are some coal mines in California.

The SPEAKER. The gentleman is out of order.

Mr. OLCOTT. Mr. Speaker, there is only one thing I wish to say in regard to the work that has been done by the Committee on the District of Columbia on this bill. At the very beginning of the session, as soon as the committee organized and the subcommittees had been named, a child-labor bill was considered by that committee and a considerable study was made by the members of the subcommittee and by the members of the entire committee as to what the laws were in the several States. We did not need any urging by gentlemen on the other side of this House. We worked at it conscientiously and consistently, and I wish to say further that two years ago, at the first session of the Fifty-ninth Congress, the House of Representatives brought in and passed a child-labor bill which then received the commendation of most of the people who have made a study of the welfare of children throughout the entire country. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules, agreeing to the substitute, and passing the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. OLCOTT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 200, answered "present" 9, not voting 178, as follows:

YEAS—200.

Adair	Bonynge	Capron	Cushman
Aiken	Booher	Chaney	Dalzell
Alexander, Mo.	Boutell	Clark, Mo.	Darragh
Alexander, N. Y.	Bowers	Clayton	Davidson
Allen	Boyd	Conner	Davis, Minn.
Ames	Brodhead	Cook, Colo.	Dawson
Andrus	Brownlow	Cook, Pa.	Denby
Ansberry	Brundidge	Cooper, Tex.	Denver
Barchfeld	Burleson	Cooper, Wis.	Dixon
Barclay	Burnett	Cox, Ind.	Douglas
Beale, Pa.	Burton, Ohio	Craig	Draper
Beall, Tex.	Calderhead	Crumpacker	Dwight
Bede	Candler	Currier	Ellis, Mo.

Ellis, Oreg.	Harrison	Lovering	Robinson
Englebright	Haskins	Lowden	Rucker
Fairchild	Hawley	McCall	Russell, Mo.
Fassett	Hay	McGuire	Russell, Tex.
Favrot	Hayes	McKinlay, Cal.	Saunders
Ferris	Helm	McKinley, Ill.	Scott
Finley	Henry, Conn.	McKinney	Shackleford
Floyd	Henry, Tex.	McLachlan, Cal.	Sheppard
Foss	Higgins	McLain	Slemp
Foster, Ill.	Hill, Conn.	McMorran	Smith, Cal.
Foster, Vt.	Hill, Miss.	Macon	Smith, Mich.
French	Hinshaw	Marshall	Smith, Mo.
Fulton	Hitchcock	Mondell	Snapp
Gaines, W. Va.	Holliday	Moon, Tenn.	Sparkman
Gardner, Mich.	Houston	Moore, Tex.	Sperry
Garner	Howell, N. J.	Morse	Spight
Garrett	Howell, Utah	Mouser	Steenerson
Gillespie	Howland	Murphy	Stephens, Tex.
Gillett	Hubbard, Iowa	Needham	Sterling
Glass	Hubbard, W. Va.	Nelson	Sturgiss
Godwin	Huff	Norris	Tawney
Goebel	Hull, Iowa	Nye	Taylor, Ala.
Gordon	Hull, Tenn.	O'Connell	Taylor, Ohio
Griggs	Humphrey, Wash.	Olcott	Thomas, N. C.
Grouna	Jenkins	Padgett	Thomas, Ohio
Hackett	Johnson, S. C.	Page	Tirrell
Hackney	Jones, Va.	Parsons	Tou Velle
Haggott	Jones, Wash.	Patterson	Voistead
Hale	Kahn	Payne	Waldo
Hall	Kennedy, Iowa	Pearre	Watkins
Hamilton, Iowa	Kennedy, Ohio	Pollard	Watson
Hamilton, Mich.	Knopf	Pou	Wheeler
Hamlin	Laning	Pray	Williams
Hammond	Lawrence	Pujo	Wilson, Ill.
Harding	Lee	Ransdell, La.	Wilson, Pa.
Hardwick	Longworth	Rauch	Wood
Hardy	Loudenslager	Reid	Young

ANSWERED "PRESENT"—9.

Bennet, N. Y.	Cousins	Sherman	Wanger
Bradley	Driscoll	Small	Washburn
Butler			

NOT VOTING—178.

Acheson	Edwards, Ky.	Knowland	Peters
Adamson	Ellerbe	Küstermann	Porter
Anthony	Esch	Lafean	Powers
Ashbrook	Fitzgerald	Lamar, Fla.	Pratt
Bannon	Flood	Lamar, Mo.	Prince
Bartholdt	Focht	Lamb	Rainey
Bartlett, Ga.	Fordney	Landis	Randell, Tex.
Bartlett, Nev.	Fornes	Langley	Reeder
Bates	Foster, Ind.	Lassiter	Reynolds
Bell, Ga.	Foulkrod	Law	Rhinock
Bennett, Ky.	Fowler	Leake	Richardson
Bingham	Fuller	Legare	Riordan
Birdsall	Gaines, Tenn.	Lenahan	Roberts
Brantley	Gardner, Mass.	Lever	Rodenberg
Broussard	Gardner, N. J.	Lewis	Rothermel
Brumm	Gilhams	Lilley	Ryan
Burgess	Gill	Lindbergh	Sabath
Burke	Goldfogle	Lindsay	Shirley
Burleigh	Goulden	Littlefield	Sherwood
Burton, Del.	Graff	Livingston	Sims
Byrd	Graham	Lloyd	Slayden
Calder	Granger	Lorimer	Smith, Iowa
Caldwell	Greene	Loud	Smith, Tex.
Campbell	Gregg	McCreary	Southwick
Carlin	Hamill	McDermott	Stafford
Carter	Haugen	McGavin	Stanley
Cary	Heflin	McHenry	Stevens, Minn.
Caulfield	Hepburn	McLaughlin, Mich.	Sulloway
Chapman	Hobson	McMillan	Sulzer
Clark, Fla.	Howard	Madden	Talbott
Cockran	Hughes, N. J.	Madison	Thistlewood
Cocks, N. Y.	Hughes, W. Va.	Malby	Townsend
Cole	Humphreys, Miss.	Mann	Underwood
Cooper, Pa.	Jackson	Maynard	Vreeland
Coudrey	James, Addison D.	Miller	Wallace
Cravens	James, Ollie M.	Moon, Pa.	Webb
Crawford	Johnson, Ky.	Moore, Pa.	Weeks
Davenport	Keifer	Mudd	Weems
Davey, La.	Kelliher	Murdock	Weisse
Dawes	Kimball	Nicholls	Wiley
De Armond	Kinkaid	Olmsted	Willett
Diekema	Kipp	Overstreet	Wolf
Dunwell	Kitchin, Claude	Parker, N. J.	Woodyard
Durey	Kitchin, Wm. W.	Parker, S. Dak.	
Edwards, Ga.	Knapp	Perkins	

So the motion to suspend the rules and pass the bill was agreed to.

The Clerk announced the following additional pairs:

Until Tuesday:

Mr. OLMSTED with Mr. ROTHERMEL.

Until further notice:

Mr. VREELAND with Mr. UNDERWOOD.

Mr. COLE with Mr. WEISSE.

Mr. LITTLEFIELD with Mr. WILLIAM W. KITCHIN.

Mr. LINDBERGH with Mr. CLAUDE KITCHIN.

Mr. KNOWLAND with Mr. KIPP.

Mr. KINKAID with Mr. DAVENPORT.

Mr. HAUGEN with Mr. CRAVENS.

Mr. ESCH with Mr. COCKRAN.

Mr. DUNWELL with Mr. BURGESS.

Mr. DRISCOLL with Mr. ASHBROOK.

Mr. MADDEN with Mr. LEVER.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. HULL of Iowa. Mr. Speaker, I am paired with the gentleman from Texas [Mr. SLAYDEN]. On the first roll call I voted "present." I have been informed that if the gentleman from Texas were present he would vote "aye." I desire to withdraw my former vote and vote "aye."

The SPEAKER pro tempore. Call the name of the gentleman from Iowa.

The Clerk called the name of Mr. HULL of Iowa and he answered "aye."

Mr. BUTLER. Mr. Speaker, on this measure I voted "aye." I have a general pair with the gentleman from Georgia [Mr BARTLETT], and I desire to withdraw my vote and vote "present."

The SPEAKER pro tempore. Call the name of the gentleman from Pennsylvania.

The Clerk called the name of Mr. BUTLER, and he answered "present."

Mr. WASHBURN. Mr. Speaker, on this vote I voted "aye." I have a pair with the gentleman from Kentucky [Mr. SHERLEY]. I desire to withdraw my vote and vote "present."

The SPEAKER pro tempore. Call the name of the gentleman from Massachusetts.

The Clerk called the name of Mr. WASHBURN, and he answered "present."

Mr. BURLESON. Mr. Speaker, on this roll call I voted "present." I am paired with the gentleman from Illinois [Mr. MADDEN], but under an arrangement made with the Republican whip, I desire to change my vote.

The SPEAKER pro tempore. Call the gentleman's name.

The Clerk called the name of Mr. BURLESON, and he answered "aye."

Mr. HAGGOTT. Mr. Speaker, on the first roll call I answered "present." I am paired with Mr. WILLIAM W. KITCHIN of North Carolina, and I understand that if he were present he would vote "aye." By arrangement, I wish to vote "aye."

The SPEAKER pro tempore. Call the gentleman's name.

The Clerk called the name of Mr. HAGGOTT, and he voted "aye."

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CULLOM, and Mr. CLAY as the conferees on the part of the Senate.

AMENDING ACT CREATING BUREAU OF IMMIGRATION AND NATURALIZATION.

Mr. BENNET of New York. Mr. Speaker, I move to suspend the rules and pass the following bill with the amendments indicated in the bill.

The SPEAKER. The Clerk will report the bill as amended.

The Clerk read as follows:

A bill (H. R. 21052) to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States."

Be it enacted, etc., That section 11 of an act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States, approved June 29, 1906, be, and the same is hereby, amended by adding thereto the following:

"At any time within sixty days from the date of the entry of a final order in a naturalization case, either the applicant for admission to citizenship or the United States may take an appeal from such order on questions of law only to the United States circuit court of appeals for the circuit in which such order is entered. The judgments, orders, or decrees of the circuit courts of appeals in such cases shall be final in the same manner and to the same extent as is now provided by section 6 of the act of March 3, 1891, establishing circuit courts of appeals."

SEC. 2. That section 13 of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," is hereby amended by striking out the last sentence of the section, which reads as follows: "And in case the clerk of any court collects fees in excess of the sum of $6,000 in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance," and inserting in lieu thereof the following:

"And in case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of $6,000 in any fiscal year the Secretary of Commerce and Labor may allow salaries, only for naturalization purposes, to pay for clerical assistants, to be selected and employed by that clerk, additional to the clerical force, which clerks of courts are required to pay for by section 13 of the act of June 29, 1906 (34 Stat., p. 596), from fees received by such clerks in naturalization proceedings, if, in the opinion of said Secretary,

the naturalization business of such clerk warrants further additional assistance. Such amount as may be necessary to pay the additional clerical assistance herein provided for is hereby permanently appropriated from any naturalization fees collected by such clerk and deposited in the Treasury of the United States: *Provided*, That the total salaries of such additional clerical assistants shall in no instance exceed the fees received by the United States from the clerk of that court during such fiscal year: *Provided further*, That when, at the close of any fiscal year, the business of such clerk of court indicates that the naturalization fees for the succeeding fiscal year will exceed $6,000 the Secretary of Commerce and Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed on the last day of the fiscal year until such time as the remittances indicate that the fees for the ensuing fiscal year will not be sufficient to allow the additional clerical assistance authorized by this act.

"That payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe."

Mr. GARRETT. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Tennessee demands a second. Under the rule a second is ordered.

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. Which gentleman desires to be recognized for a second? The Chair recognizes the gentleman from Tennessee [Mr. GARRETT]. He is on the committee, I presume.

Mr. WILLIAMS. Mr. Speaker, that is all right.

Mr. GARRETT. I would like to ask the gentleman from New York [Mr. BENNET] what this is. Is it a rearrangement of the fees?

Mr. BENNET of New York. It is a little more than that. Mr. Speaker, this bill does two things. In the first place, it provides for appeals by either party on questions of law only, and, in the second place, it corrects an error in the act of 1906. There is a law, passed in 1902, which provides that when you appropriate money from the Treasury you have to use the words "is hereby appropriated," or something equivalent. When we drew our act of 1906 all we said was "that the Secretary of Commerce and Labor may allow to such clerks," without the specific words for appropriation. When the first request got up to the Comptroller of the Currency he refused it, and he drew a substitute for the language.

Mr. HARRISON. Does this increase the cost to an alien to become a citizen of the United States?

Mr. BENNET of New York. It does not. Before my colleague takes his seat I would like to state that that language is in the original bill, but that is stricken out by amendment, so the cost of naturalization is not increased by this bill.

Mr. HINSHAW. Wherein does this bill change the fees to be paid to the clerk of the district court?

Mr. BENNET of New York. It does not change them an iota. It simply corrects an error.

Mr. BONYNGE. Will the gentleman yield?

Mr. BENNET of New York. Certainly.

Mr. BONYNGE. How much is the fee to be paid on filing the application for naturalization? Is it $2, the same as before?

Mr. BENNET of New York. Whatever it is now. This language here is struck out as the amendment.

Mr. BONYNGE. That entire paragraph on page 3 is stricken out?

Mr. BENNET of New York. Yes, sir.

Mr. BONYNGE. Can the gentleman answer a few questions that I would like to ask in regard to it?

Mr. BENNET of New York. I will try. The gentleman's knowledge is more extensive than mine.

Mr. BONYNGE. I want to get information. That is why I am asking the gentleman. How much has been collected, does he know, from naturalization fees during the existence of the naturalization law and paid into the Treasury?

Mr. BENNET of New York. Something over $200,000, I should say.

Mr. BONYNGE. Since the law went into effect?

Mr. BENNET of New York. Yes.

Mr. BONYNGE. So that it would be possible, would it not, to allow the clerks of the court additional fees, or a larger percentage of the fees paid by the applicants, without increasing the fees to the applicants?

Mr. BENNET of New York. It might be possible to do it.

Mr. BONYNGE. And at the same time make the law self-supporting?

Mr. BENNET of New York. No, sir; because the operation of the law now for this fiscal year costs something like $214,000, and the law has been in effect a little bit over a fiscal year. It went into effect on the 28th of September, 1906, as the gentleman recollects, and up until the 31st of March the money that has been paid in to the Government has been something over $200,000.

Mr. BONYNGE. How much has been appropriated out of the Treasury for the support of the Bureau and for all other expenses incident to the establishment of the Bureau?

Mr. BENNET of New York. There had been appropriated originally in the bill $100,000. Of that less than $30,000 was used. Then there has been appropriated for this fiscal year up to the 1st of July $193,000, making a total which will have been expended at that time of $223,000.

Mr. BONYNGE. Now, how much, if the gentleman can tell me——

Mr. BENNET of New York. That is approximate.

Mr. BONYNGE. Yes. How much has been expended for the maintenance of the Bureau in Washington? What does that cost?

Mr. BENNET of New York. My recollection is that the expenses of the Bureau in Washington are something like $30,000 a year.

Mr. BONYNGE. Thirty thousand dollars a year. And all the balance of the $193,000 that has been expended, then, has been expended for agents and attorneys outside of the city of Washington?

Mr. BENNET of New York. Exactly. The balance, outside of expenditures at the rate of $30,000 a year for the division, has been spent in the field work.

Mr. BONYNGE. Now, at the time the committee was considering the bill we anticipated that the larger part of the expense would be in maintaining the Bureau in Washington. Is not that the fact?

Mr. BENNET of New York. I will answer what was in my friend's mind, that the intention and hope was that, while the direction should be in the division, the expense should be largely division expense.

Mr. BONYNGE. And the expense outside was to be merely incidental?

Mr. BENNET of New York. And small.

Mr. BURNETT. I want to know of the gentleman from New York whether there is a reprint of the bill? Part of section 2 has been stricken out. Now, I want to know whether there is a reprint of the bill with that stricken out?

Mr. BENNET of New York. It is offered now as an amendment.

Mr. HINSHAW. I would like to ask the gentleman whether there is any bill reported that proposes to raise the fees of the clerks?

Mr. BENNET of New York. There is not. There is a bill reported to the House increasing the fee to be paid by the applicant. That was a part of this bill, but has been stricken out by the amendment.

Mr. HINSHAW. How much of an increase is provided?

Mr. BENNET of New York. Three dollars for each applicant.

Mr. HINSHAW. Do you not consider that too large an increase?

Mr. BENNET of New York. I do not think it is.

Mr. FINLEY. Does the bill purport to change the qualifications of persons seeking naturalization?

Mr. BENNET of New York. No, sir.

Mr. FINLEY. To what extent does it change the law?

Mr. BENNET of New York. None. In that regard it simply corrects a defect. We did not use the words "the money is hereby appropriated." We simply stated it was allowed.

Mr. FINLEY. What was the number of persons naturalized last year, if the gentleman knows?

Mr. BENNET of New York. Why, my recollection is that the naturalization was at about the rate of 80,000 a year. [Cries of "Vote!"]

Mr. WILSON of Pennsylvania. I desire to ask the gentleman a question.

Mr. BENNET of New York. I yield to the gentleman.

Mr. WILSON of Pennsylvania. I understand this bill provides the right of appeal to both sides.

Mr. BENNET of New York. It does—to both sides.

Mr. WILSON of Pennsylvania. In the event of the attorney in the case taking an appeal, would not that throw an extra expense upon the person desiring to be naturalized?

Mr. BENNET of New York. It would throw the expense of his attorney upon him, of course.

Mr. WILSON of Pennsylvania. And if an appeal was taken under these circumstances—say, sixty days before an election takes place—would not that tie up the naturalization during that length of time, or until the appeal was decided?

Mr. BENNET of New York. It would not; there is no supersedeas in the bill.

Mr. GRIGGS. I desire to ask the gentleman a question.

Mr. BENNET of New York. I yield to the gentleman for that purpose.

Mr. GRIGGS. This bill says that there are to be appeals on questions of law. Is there any appeal on questions of fact?

Mr. BENNET of New York. No, sir.
Mr. GRIGGS. This does not admit it?
Mr. BENNET of New York. No, sir.
Mr. GRIGGS. Why not?
Mr. BENNET of New York. Well, because the matter of naturalization is so largely in the discretion of the judge. He can tell so much from the appearance and demeanor of the applicant that you could never get into the record that, as a matter of fact, it is hardly worth while to allow an appeal on the facts; whereas if the man is denied a legal right, he ought to have it.
Mr. GRIGGS. What is the present law in that regard?
Mr. BENNET of New York. There is no appeal provided for.
Mr. GRIGGS. At all?
Mr. BENNET of New York. None whatever.
Mr. GRIGGS. And this bill simply provides an appeal on questions of law?
Mr. BENNET of New York. Exactly. It enlarges the remedy to that extent. I reserve the balance of my time.
Mr. GARRETT. I yield five minutes to the gentleman from Nebraska.
Mr. HITCHCOCK. Mr. Speaker, when this same bill was brought before the House under request for unanimous consent some time ago, I stated, and now repeat, that it seems to me manifestly unjust after providing qualifications for the admission of aliens to citizenship in the United States, and providing a small fee for admission in order that the path to citizenship may be made simple and easy, to defeat the purpose by a bill like this. This bill will permit any United States district attorney to appeal naturalization cases and force an applicant for naturalization to employ an attorney at his own expense in order to defend his application in the circuit court of appeals. Practically, so far as the applicant is concerned, it may operate as an enormous increase in the cost of his becoming a citizen, not because of any question of fact, but simply because of an alleged error of the local judge in admitting the man to citizenship.
Now, it seems to me that if it is so important to provide that district attorneys and immigration officials may appeal from the decision of the local judge in these cases, in order to unify and harmonize the law, the poor applicant for citizenship should not be made to bear the whole burden of testing the judgments of State or Federal judges; and for that reason, if for no other, I shall vote against this bill.
But, Mr. Speaker, I believe that there is another reason here. The gentleman from New York [Mr. BENNET] has said that this does not operate as a supersedeas, and that the applicant for citizenship will still have the right to vote pending the appeal. I think there is a very grave question whether the gentleman is correct in that statement. If the gentleman is satisfied of its correctness, I should like to have him cite his authority. It looks to me as though it would be possible for any United States district attorney or immigration official at the time that a large number of applications for citizenship are made to the proper court, and after the judge had admitted the applicants to citizenship, by appealing a large number of those cases to deprive those men of the right to vote at the approaching election, and certainly unless that matter can be clarified it offers an additional reason for voting against this bill in its present form. But, Mr. Speaker, it seems to me, while this country is clamoring for bills of real importance, clamoring for measures which are generally demanded by the people, clamoring for measures which are recommended by the President of the United States, clamoring for measures which have the support of a majority of the Members of this House at the present time, it seems to me it would be better to bring in some of those bills than to bring in these ill-considered and partly digested bills, of which not even a print has been made in the perfected form. I do not see why the time of the House should be taken up on bills of a questionable character of this sort when we have bills that are demanded by the people that are of vast interest to everybody.
Mr. GARRETT. I yield eight minutes to the gentleman from Alabama [Mr. BURNETT].
Mr. BURNETT. Mr. Speaker, there are two amendments to the naturalization law which we passed at the last session of Congress embraced in this bill. One, as has been stated, is an amendment to make clear the right of appeal to the United States circuit court of appeals of both the Government and the applicant for naturalization. The purpose of the act that was passed at the last session was that there should be a uniform naturalization law. Yet we find, as a matter of fact, that this naturalization law, as it is being executed, is not uniform. I have heard of judges, and no doubt have heard correctly, who have decided that Japs were not entitled to naturalization. It shows that different judges construe the law in different ways, and the committee believe that there ought to be some tribunal whose decision would be binding upon the inferior courts, and hence it has provided in this bill that both the Government and the applicant may appeal to the United States circuit court of appeals.
Mr. HITCHCOCK. Will the gentleman permit an interruption at that point?
Mr. BURNETT. Certainly.
Mr. HITCHCOCK. Is it in the interest of a correct decision of the law to provide for the appeal of a case to an upper court, and then not to provide that both sides shall be represented and heard? And does not this bill, by providing that one side shall be heard in the person of the district attorney, when the poor applicant on the other side may not be heard at all, because unable to hire a lawyer, virtually provide for only an ex parte hearing of the case?
Mr. BURNETT. This bill does provide that both sides shall be heard, but the other proposition would not permit both sides to be heard. We believe the Government ought to be represented; but if there has been improper action by the courts below, that the Government ought to have the right to appeal in order to have that corrected. Is not that right? If there has been an error of law against the Government, if those Japanese that I referred to were improperly naturalized, ought not the Government to have the right of appeal? And that is just what this bill does. It gives both sides the right to be heard. The gentleman's idea would only allow the applicant's side to be heard, and no matter how unjustly the Government might have been treated by the judge below in his conclusions of the law, the Government can not now be heard in the upper court, because the Government can not appeal.
Mr. HITCHCOCK. Is it not a fact that both sides are heard before the district court?
Mr. BURNETT. Why, yes.
Mr. HITCHCOCK. When the appeal is taken, suppose the appellee does not appear; suppose he is too poor to spend $50 or $100 for an attorney; then only one side is heard in the upper court.
Mr. BURNETT. Not at all; because it is presumed that the judges will decide the law, not in the interest of the side that appeals, but in the interest of justice and the interests of the proper execution of the law. [Applause.] But what would be the effect of the other proposition? The other proposition is that, though the interests of the Government may be never so egregiously offended against, it has no right of appeal whatever. Is it not just as proper that the rights of the Government should be protected as those of the applicant? Take the argument of the gentleman. There is many a man to-day who has been convicted of crime who would like to appeal his case to the Supreme Court of the United States, but because he is unable to employ counsel, he can not do it. I remember representing twenty-six Whitecappers in my district at one time. Thirteen of them were convicted, and by reason of the fact that there were thirteen of them they were able to employ an attorney, and they came here, and the Supreme Court of the United States, in a decision about an inch long, said they were unfairly and improperly tried; that the adjudication was wrong, and that the indictment ought to have been quashed, and they quashed it from the bench. And yet, if there had been but one of these men, that man could never have had the case tried.
Mr. HITCHCOCK. We have a case in which there is only one man. Suppose John Smith applies for naturalization and the court decides in his favor. He would get his papers; but the United States Government appeals the case, and he is too poor to prosecute his appeal on his side.
Mr. BURNETT. But he is represented by a court that decides justly, not for the Government alone, but for both sides. The law says that he may appeal if he has been decided against. But if the case has been decided against the Government the gentleman would not say that the Government ought not to appeal the case where a man has wrongfully been admitted to be a citizen of this country.
Mr. HARRISON. Will the gentleman give his opinion in regard to the criticism that this measure, if it becomes a law, may suspend a duly made citizen's right until after the election?
Mr. BURNETT. I have not investigated that, but I am inclined to think that it would not suspend it.
Mr. BENNET of New York. I have investigated it, and I say that it would not suspend naturalization.
Mr. HARRISON. What reason has my colleague for that opinion?
Mr. HAY. I have looked it up and there is no supersedeas provided for.

Mr. BURNETT. I do not think that the bare fact that the Government has appealed would for that reason suspend the rights of the applicant, unless the statute so stated; but, gentlemen, I do not think it would be harsh if it did.

Mr. FINLEY. Will the gentleman yield?

Mr. BURNETT. I will yield to the gentleman.

Mr. FINLEY. In case of an appeal, would not the case be heard on the record as made up in the lower court?

Mr. BURNETT. Certainly; it is the question of law which goes upon the record.

Mr. FINLEY. So the court would have every fact upon which to base a proper determination?

Mr. BURNETT. The appellate court would not decide the facts, but it would decide if there was any error of law.

Mr. FINLEY. But it would have the facts in the case to judge whether or not any error at law had been made.

Mr. BURNETT. Of course the record would be before the court. But now, gentlemen, in regard to the other amendment provided for in the bill. It is a mere question of administration. We attempted in the bill to provide for the payment of clerks and additional clerical force necessary to prevent congested naturalization, but we failed to say "which is hereby appropriated;" and under the rulings of the Comptroller they had no authority to make payment under it, and for that reason the second proposition in the bill is merely for the purpose of correcting that.

I do not think this is an unjust law, and I say that the Government of the United States ought to have its rights in the appellate court as well as the applicant himself. It is in the interest of good citizenship and of a uniform administration of the law. Even suppose the applicant is temporarily suspended during the appeal, I do not believe it would be harsh. I do not believe it would be unjust or wrong to require him to wait for the purpose of having the question of citizenship decided by the appellate court when by the decision in his case it would possibly decide the case of thousands of others. I do not believe that even if it suspended his citizenship pending the appeal it would be an unjust or harsh law. I now yield back the remainder of my time to the gentleman from Tennessee. [Applause.]

Mr. BENNET of New York. I now yield five minutes to my colleague from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, a few minutes ago the gentleman from Mississippi made an astounding statement as to the number of factories in Mississsippi. The gentleman from California understood him to say that there were none, and I understood him to say scarcely any. Since then the gentleman from Pennsylvania [Mr. BUTLER] has had occasion to inquire at the Bureau of Manufactures about factories in Mississippi, and the Bureau reports that the census of 1900 shows that there were 1,294. That is a pretty good start for Mississippi. It shows that there were 36,799 wage-earners, and of these there were 1,015 children under 16. In the census bulletin of 1904, the children had increased to 1,272. Now, the gentleman when he goes to Mississippi ought to be able to recognize a factory when he sees it [laughter], and the fact that children are working in the factory. I hope that in the next two years after he ceases to be a Member of Congress and before he takes his seat in the other body, he sees to it that Mississippi does something on the child-labor law.

Mr. Speaker, the most astounding thing to this side is to see the Democratic party clamoring for a national law interfering with Congressional elections. The gentleman from Mississippi has the hardihood to say that he is in favor of honest elections, and taunts somebody on this side as not being in favor of it. Since when was the Democratic party in favor of honest elections? Was it when they were depriving a certain class of fellow-citizens of suffrage by every means they could invent—by fraud, and intimidation, and murder, and riot, and every crime under the sun? Was it when they were depriving these poor people of their right of suffrage that they were in favor of honest elections? Was it in my State, Mr. Speaker, when time after time they carried the election, not by the honest ballot, but by fraudulent votes deposited in the ballot box and by fraudulent counts, well known to all the world, in the great city of New York, in the city of Troy, in the city of Albany—sending around gangs of five to repeat from poll to poll, impersonating well-known Republican citizens and swearing that they were the citizens registered under that name; and being allowed by Democratic officials to vote these men, and then when the honest voter came around depriving him of his vote? Was it then that they were in favor of honest elections?

Mr. HARRISON. Will my colleague yield?

Mr. PAYNE. Were they in favor of honest elections when we passed through the Republican legislature in the State of New York a corrupt-practice act, when we followed it up by a publicity act, and was the Democratic party standing by doing anything? Yes—criticising and caviling and scolding and all that sort of thing. I do not need to describe it. We see an exhibition of it here in the halls of Congress day after day—the kind of performance that those same gentlemen up there indulged in. When were they in favor of honest elections? Why, only when they got a majority that way. Is it necessary for the Democratic party in the State of Maryland to disfranchise the black man in that State? You put it on the plea in the South that they were an overwhelming number and that they were led by dishonest men, and that they were getting their hands into the Treasury and were mulcting the taxpayers and depriving people of their property. Is that necessary in the State of Maryland? Maryland has got the habit of going now and then Republican in these later days. The people are getting educated; they are getting educated up to Republican ideas. The Republican party has an honest majority in that State, and in order to meet it—temporarily having gotten into power in that State—you are bending every effort to deprive every colored citizen of the right of franchise, hoping thereby to make a Democratic State of the State of Maryland. Oh, I like to hear a Democrat talk about honest elections. It is talk, talk, talk, from beginning to end. [Applause on the Republican side.]

Having the power, when you are in power, point me to the statute that you have ever put on the statute books that insures honesty in elections. Mr. Speaker, we get this thing day by day; we get it from the gentleman from Mississippi [Mr. WILLIAMS], and once in a while we hear a weak echo from the State of Nebraska upon these various subjects, and still we go right on in our own way. We are doing this business, we are legislating; we are responsible for what we do and we are responsible for what we do not do, and we propose to assume the responsibility for it from beginning to end. [Applause on the Republican side.]

Mr. GARRETT. Mr. Speaker, I yield eight minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, it is refreshing, because amusing, to hear a lecture upon honesty in elections from the floor leader of the Republican party; the party of "fresh new crisp $2 bills;" the party of "blocks of five;" the party of the city of Philadelphia [laughter and applause on the Democratic side]; the party of the returning boards of Louisiana, Florida, and South Carolina, way back in '76; the party that carried or counted the election in '96 by wholesale bribery; the party that in 1904—even that late—denied through its candidate for President that it had been receiving money from the fiduciary funds of corporations for political purposes, and was afterwards convicted of falsehood in the denial; the party of "My Dear Harriman;" the only party that ever stole as big a thing as the Presidency and by its after conduct confessed the theft. Why, here is the good old City of Brotherly Love, just across the way up here. I like it, have been there several times, and have been subjected to arguments of a persuasive character at banquets, but if politically there ever was a thing that was a stench in the nostrils of all humanity, it is the boss-ridden, Republican city of Philadelphia. Why, it was such a bad smell that even the Republicans themselves could not stand it all the time, and they came together for a little while and threw it off, but later, like the dog, went back to their vomit.

There was a time in the history of my own section when there was intimidation and when there was fraud. There was some excuse for it—I do not say justification, though I think so, as far as the intimidation went, but at least for all minds extenuation. When a great race is engaged in saving its civilization, "the fruit of all the ages," there is some excuse, at any rate some extenuation, for setting civilization up above the niceties of statute law. But there was never any excuse, there was never any extenuation for the Republican party in its plebian, plutocratic programme of wholesale bribery in 1876, in 1896, in 1900, and in 1904, when it took the money that belonged to widows and orphans out of fiduciary funds, and never has had the manhood nor the sense of justice to return it since. [Applause on the Democratic side.] One of the most honest men in the Republican party is now sitting in the White House, and at one time did have the manhood, or he is at least reported to have had the manhood, to have said that the Republican campaign committee ought to return the money that had been filched from the widows and orphans and beneficiaries and policy holders of the New York Life and the New York Mutual and the New York Equitable insurance companies to the treasuries of these companies so that it might go to their accumulation funds.

But, under the advice, I presume, of his environment—too strong for him—he has ceased to cheep upon that subject, and

no longer do we hear, either in any message to the Congress, wherein ordinarily all matters are dealt with, nor in any interview to the public press, wherein he is freely expressive concerning platitudes of "civic righteousness," any proposition to restore those stolen funds. Yes; there was a time in the history of the South when, as the gentleman from New York charges, revolution sat in the saddle; but since the time when those States adopted their new constitutions there has been no claim upon the part of any honest man that there has been any fraud in Mississippi or, so far as I know, in other Southern States—certainly not in Mississippi. Why, the gentleman speaks of the disfranchisement laws of the Southern States as if they were themselves a fraud. They were passed, on the contrary, for the purpose of preventing fraud, while saving the ideals and civilization of the race from Africanization. They have gone to the Supreme Court of the United States, where better lawyers sit than the gentleman from New York, great lawyer, nonpartisan, and impartial as he is. [Applause on the Democratic side.]

And the Supreme Court of the United States has said that those constitutions do not violate a tittle of the Constitution of the United States. Why, the gentleman's soul rebels, he would sententiously pretend, at the idea of "Democrats mentioning" honesty in elections and honesty in administration! Think of that coming from the floor leader of the party of the whisky frauds, the party of the Credit Mobilier, the party of De Golzer-Ames achievement, the party of the star-route frauds! Oh! I could bandy history with the gentleman all day, but I do not want to bandy history. Let the dead past bury itself on both sides. Let the fraud that constituted and constitutes Republicanism in various parts of the country, the fraud that stalked through the South for a while when white men were in desperation saving a race's civilization—let it all go for what it amounts to in history. What are you saying now, now at the present moment? What new history shall we make? What do you, Mr. Republican floor leader, say? [Loud applause on the Democratic side.] Here I stand with shoulders not too broad and strength not too great and presence not too imposing, but standing here at least knowing that I represent the Democratic party in that regard, and so standing here I challenge you that every dollar that goes into campaign funds shall be published to the world the day after it is received so that the world may judge the motive of the giver and the cause of the giving and the means of corruption in the possession of the recipient. [Applause on the Democratic side.] What do you say for the present? What do you say for the future? Let the dead past go. Results I—— [Loud and continued applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

The gentleman from New York has five minutes.

Mr. BENNET of New York. Mr. Speaker, I am perfectly willing to take a vote.

Mr. WILLIAMS. Mr. Speaker, we had better have the yeas and nays upon this proposition.

The yeas and nays were ordered.

Mr. PAYNE. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will have to count.

Mr. WILLIAMS. Mr. Speaker, I make the point of order that that is dilatory. I think there is a quorum present.

The SPEAKER. The Chair overrules the point of order and will count. [After counting.] One hundred and fifty-six Members are present, not a quorum, and the Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members. As many as favor the motion will, as their names are called, answer "yea;" as many as are opposed will answer "nay," and those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 181, nays 8, answered "present" 15, not voting 183, as follows:

YEAS—181.

Adair	Calder	Davenport	Fowler
Adamson	Calderhead	Davidson	French
Aiken	Candler	Davis, Minn.	Gaines, W. Va.
Alexander, N. Y.	Capron	Dawson	Garner
Allen	Chaney	Denby	Garrett
Andrus	Clark, Fla.	Denver	Gillespie
Ansberry	Clark, Mo.	Dixon	Godwin
Ashbrook	Clayton	Douglas	Goebel
Barchfeld	Conner	Draper	Gordon
Bartlett, Nev.	Cook, Colo.	Dwight	Gregg
Beall, Tex.	Cook, Pa.	Ellis, Mo.	Griggs
Bede	Cooper, Wis.	Ellis, Oreg.	Gronna
Bonynge	Cox, Ind.	Englebright	Hackett
Boutell	Craig	Fairchild	Hackney
Boyd	Crawford	Fassett	Hale
Brodhead	Crumpacker	Ferris	Hall
Brownlow	Currier	Finley	Hamilton, Iowa
Burgess	Cushman	Floyd	Hamilton, Mich.
Burnett	Dalzell	Foss	Harding
Burton, Ohio	Darragh	Foster, Vt.	Haskins
Hawley	Kitchin, Claude	Olcott	Sperry
Hay	Knopf	Padgett	Spight
Hayes	Knowland	Page	Steenerson
Helm	Laning	Parker, N. J.	Stephens, Tex.
Henry, Conn.	Lawrence	Patterson	Sterling
Higgins	Longworth	Payne	Sturgiss
Hill, Conn.	Loudenslager	Pearre	Sulloway
Hill, Miss.	Lovering	Perkins	Tawney
Hinshaw	Lowden	Pollard	Thomas, N. C.
Holliday	McCall	Pray	Thomas, Ohio
Houston	McGavin	Randell, Tex.	Tirrell
Howard	McKinley, Ill.	Rauch	Tou Velle
Howell, Utah	McKinney	Reid	Underwood
Howland	McLachlan, Cal.	Robinson	Volstead
Hubbard, Iowa	McLain	Russell, Mo.	Waldo
Hubbard, W. Va.	Macon	Russell, Tex.	Wanger
Huff	Mondell	Scott	Watkins
Humphrey, Wash.	Moon, Tenn.	Shackleford	Watson
Jenkins	Moore, Tex.	Sheppard	Weeks
Johnson, Ky.	Morse	Slemp	Wheeler
Johnson, S. C.	Mouser	Smith, Cal.	Williams
Jones, Wash.	Needham	Smith, Mich.	Wood
Kahn	Nelson	Smith, Mo.	Young
Kennedy, Iowa	Norris	Snapp	
Kennedy, Ohio	Nye	Southwick	
Kipp	O'Connell	Sparkman	

NAYS—8.

Alexander, Mo.	Foster, Ill.	Harrison	Murphy
Booher	Hardy	Hitchcock	Wilson, Pa.

ANSWERED "PRESENT"—15.

Bennet, N. Y.	Butler	Hull, Iowa.	Sherman
Bradley	Cary	Legare	Small
Brundidge	Cousins	McMorran	Washburn
Burleson	Haggott	Maynard	

NOT VOTING—183.

Acheson	Fitzgerald	Knapp	Porter
Ames	Flood	Küstermann	Pou
Anthony	Focht	Lafean	Powers
Bannon	Fordney	Lamar, Fla.	Pratt
Barclay	Fornes	Lamar, Mo.	Prince
Bartholdt	Foster, Ind.	Lamb	Pujo
Bartlett, Ga.	Foulkrod	Landis	Rainey
Bates	Fuller	Langley	Ransdell, La.
Beale, Pa	Fulton	Lassiter	Reeder
Bell, Ga.	Gaines, Tenn.	Law	Reynolds
Bennett, Ky.	Gardner, Mass.	Leake	Rhinock
Bingham	Gardner, Mich.	Lee	Richardson
Birdsall	Gardner, N. J.	Lenahan	Riordan
Bowers	Gilhams	Lever	Roberts
Brantley	Gill	Lewis	Rodenberg
Broussard	Gillett	Lilley	Rothermel
Brumm	Glass	Lindbergh	Rucker
Burke	Goldfogle	Lindsay	Ryan
Burleigh	Goulden	Littlefield	Sabath
Burton, Del.	Graff	Livingston	Saunders
Byrd	Graham	Lloyd	Sherley
Caldwell	Granger	Lorimer	Sherwood
Campbell	Greene	Loud	Sims
Carlin	Hamill	McCreary	Slayden
Carter	Hamlin	McDermott	Smith, Iowa
Caulfield	Hammond	McGuire	Smith, Tex.
Chapman	Hardwick	McHenry	Stafford
Cockran	Haugen	McKinlay, Cal.	Stanley
Cocks, N. Y.	Heflin	McLaughlin, Mich.	Stevens, Minn.
Cole	Henry, Tex.	McMillan	Sulzer
Cooper, Pa.	Hepburn	Madden	Talbott
Cooper, Tex.	Hobson	Madison	Taylor, Ala.
Coudrey	Howell, N. J.	Malby	Taylor, Ohio
Cravens	Hughes, N. J.	Mann	Thistlewood
Davey, La.	Hughes, W. Va.	Marshall	Townsend
Dawes	Hull, Tenn.	Miller	Vreeland
De Armond	Humphreys, Miss.	Moon, Pa.	Wallace
Diekema	Jackson	Moore, Pa.	Webb
Driscoll	James, Addison D.	Mudd	Weems
Dunwell	James, Ollie M.	Murdock	Weisse
Durey	Jones, Va.	Nicholls	Wiley
Edwards, Ga.	Keifer	Olmsted	Willett
Edwards, Ky.	Kelher	Overstreet	Wilson, Ill.
Ellerbe	Kimball	Parker, S. Dak.	Wolf
Esch	Kinkaid	Parsons	Woodyard
Favrot	Kitchin, Wm. W.	Peters	

The Clerk announced the following additional pairs:

Until further notice:

Mr. MADDEN with Mr. BURLESON.

Mr. SCOTT with Mr. LEVER.

Mr. MCCREARY with Mr. FULTON.

Mr. HOWELL of New Jersey with Mr. HULL of Tennessee.

Mr. DAWES with Mr. HARDWICK.

Mr. MARSHALL with Mr. RUCKER.

Mr. VREELAND with Mr. RANSDELL of Louisiana.

Mr. MCKINLAY of California with Mr. LEE.

Mr. MCGUIRE with Mr. HENRY of Texas.

Mr. LAFEAN with Mr. HAMMOND.

Mr. DUNWELL with Mr. HAMLIN.

Mr. BIRDSALL with Mr. COOPER of Texas.

Mr. BEALE of Pennsylvania with Mr. BRUNDIDGE.

Mr. AMES with Mr. BRANTLEY.

For the balance of the day:

Mr. ESCH with Mr. RICHARDSON.

The SPEAKER. Upon this vote, the yeas are 182, nays 8, answering "present" 14, not voting 183—a quorum.

The bill is passed. The Doorkeeper will open the doors.

IMMIGRATION STATION, BOSTON, MASS.

Mr. O'CONNELL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass., with committee amendments, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Massachusetts [Mr. O'CONNELL] moves to suspend the rules and pass the bill as amended, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.

Be it enacted, etc., That the Secretary of the Department of Commerce and Labor be, and he is hereby, authorized and directed to cause to be erected, upon a site now owned by or to be ceded to or purchased by the Government for the purpose of establishing a new immigration station, suitable fireproof building or buildings in connection therewith, at the port of Boston, Mass., on the mainland or in the city of Boston, or on some island in Boston Harbor other than Castle Island.

SEC. 2. That the expenditure of the sum of $250,000 is hereby authorized for the purchase of ground for and the complete erection and furnishing of said building, which shall be paid from the "immigrant fund;" that the said building shall be erected in accordance with plans and specifications to be prepared by the Supervising Architect of the Treasury Department, and under the supervision of said Department.

The SPEAKER. Is a second demanded? If not, as many as favor the motion will say "aye," and as many as are opposed will say "no." [After a pause.] The ayes seem to have it. The ayes have it, and, in the opinion of the Chair, a majority have voted therefor, and the bill is passed.

MICHIGAN CITY (IND.) HARBOR.

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I move to suspend the rules and take from the Speaker's table Senate joint resolution No. 79 and pass the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. R. 79) authorizing the widening of the channel of Michigan City Harbor.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to use any unexpended balance of money heretofore appropriated or that may be hereafter appropriated for the improvement or maintenance of the harbor at Michigan City, Ind., for the rebuilding of the western revetment of said harbor upon a new alignment, with the view of widening the channel of said harbor.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. CRUMPACKER. Mr. Speaker, the resolution simply authorizes the Secretary of War to make such use of an appropriation carried in the river and harbor bill of the last Congress as was intended but not expressed. The recommendation of the War Department was for the rebuilding of the western revetment of the Michigan City harbor. Fifty thousand dollars was estimated as the necessary amount, and upon the recommendation of the engineer in charge $10,000 was added to that, with the view of widening the harbor at one place. And when the Secretary of War came to make use of the money he decided that he could not change the alignment of the revetment without authority from Congress, and he held up the appropriation of last year until the necessary authority could be obtained from Congress. The resolution does not increase the appropriation. It simply authorizes the use of the money for the purpose for which it was intended to be appropriated, and that is all there is to the resolution.

The Committee on Rivers and Harbors of the House reported unanimously a resolution in identically the same language as the one under consideration, and it is now on the Calendar of the House. I had the resolution introduced in the Senate, and it passed the Senate, so that there can be no question about losing out. If the House takes the proper action upon the Senate resolution, that will be the end of the matter.

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, a few moments ago the Committee on the District of Columbia had a bill before the House that had some very important matters in it and I acted on the assumption that more of that committee's bills would be recognized for consideration. Of course I am not criticising the parabolic and circular manner in which recognitions are being given or scattered by the Speaker about the House; his recognitions are like "the peace of God" in one respect only, their causes are "past finding out." But we had just indicated a willingness to let six good bills from the District of Columbia Committee go through if they were brought up. One of them I know they have ready is the Benning road antigambling bill, which is very much desired by the citizens of Washington, and by "gude people" everywhere. It is ready to be reported to the House at any minute. I had hoped the Speaker would let us consider and pass it. I have no objection to this particular bill now under consideration, except it seems to me it is not nearly as important as a great many bills which the Speaker could have recognized gentlemen to offer to the House. Amongst others, at least, six bills from the District of Columbia Committee. My friend from Wisconsin [Mr. MURPHY] tells me they have at least six that are perfectly good.

And then, again, the Speaker might have recognized somebody to put through the McCall bill for preelection publication of campaign contributions, or to take up the bill that has come so strangely and unexpectedly out from the mind of the gentleman from New York [Mr. PAYNE]—his so-called "anti-injunction bill"—but not to take that last bill up, however, under suspension, but to take it up in the ordinary way, subject to amendment, because it would need very material amendments before it became much more than existing law or corresponded in context with its pretext. I do not want to spend the time of the committee, Mr. Speaker. You know how careful I am of the time of the House and how desirious I am to expedite really important public business. I do not feel like opposing this bill of the gentleman from Indiana [Mr. CRUMPACKER] just because it is in the wrong place. It is perhaps like somebody said of Andrew Johnson when he was President. They said "He was the blamedest rightest man in the blamedest wrongest place that they knew of." This bill may be a very good bill, but it seems to me to be out of place—unduly promoted. It would be better to be permitting us to pass upon the Benning road antigambling bill, as we announced our willingness to do, without any call for a second or without even a roll call. It could be passed in about three minutes. Or we could pass the McCall bill from the Committee on Elections of President, Vice-President, and Members of Congress, requiring preelection publication of campaign contributions. We could pass it in fifteen minutes by the Speaker's watch.

That, too, could pass without a demand for a second under motion to suspend the rules and without a roll call. I am in favor, of all things, Mr. Speaker, of economizing public time. [Laughter.] And instead of taking up the time of the House on bills which require a second and forty minutes of debate and a roll call, as this bill does, I think the Speaker ought to have recognized somebody for a bill that would not have required any second and would not have required any roll call. I have said all this, Mr. Speaker, with the modesty that becomes the leader of the minority—helpless and powerless, everything except speechless, and nearly that, and daily admonished that it can not do anything and that the other fellows—the Big Four—are responsible, and gladly responsible, for all sins of omission as well as of commission. I think that their prayer ought to be one of those contained in the English prayer book. I think you are all good Episcopalians on the Republican side of the House, Mr. Speaker, at least in so far as the prayer you ought to pray is concerned. You are always "leaving undone those things which ought to be done and doing those things which ought to be left undone," and there is precious little political health in you. Why prefer for recognition this poor little bill? And this is not by any means the strongest instance of that sort of preference, but I am perfectly willing it shall be allowed to go through after a roll call. I thank you for your evident pleasure in listening to me, Mr. Speaker. [Laughter.]

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. WILLIAMS. Mr. Speaker, we had better have the yeas and nays, to expedite the public business.

Mr. PAYNE. I make the point of no quorum present.

The SPEAKER. The Chair will count. [After counting.] Before announcing the result of the count, the gentleman from New York will withhold the point of no quorum. The gentleman from Nebraska desires to have a reprint of a report.

Mr. WILLIAMS. Mr. Speaker, what was the result of the call for the yeas and nays?

The SPEAKER. The gentleman from Nebraska desires to ask unanimous consent to have a reprint of a report.

Mr. WILLIAMS. Oh, I have no objection to any request for a reprint. What is it upon?

Mr. NORRIS. I ask unanimous consent, Mr. Speaker, for a reprint of House Report No. 1505.

Mr. WILLIAMS. What is it?

Mr. NORRIS. It is a report on House bill No. 20111.

Mr. WILLIAMS. Is it now exhausted?

Mr. NORRIS. It is now exhausted.

Mr. WILLIAMS. What is the subject of the bill?

Mr. NORRIS. It is on the publicity of campaign expenses. [Laughter.]

Mr. WILLIAMS. Is that the hearings of the committee?

Mr. NORRIS. No; it is the report of the committee.

Mr. WILLIAMS. The report of the committee, and it is exhausted already! What a wonderful amount of report with so slight a suspicion of legislation! [Laughter.]

The SPEAKER. The Chair hears no objection. The gentleman from New York renews the point of no quorum. One hundred and fifty present; not a quorum. The Doorkeeper will close the doors, and the Sergeant-at-Arms will notify absent Members. As many as are in favor of the motion will, as their names are called, answer "yea;" those opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 179, nays 1, answered "present" 18, not voting 190, as follows:

YEAS—179.

Adair	Draper	Holliday	Payne
Aiken	Driscoll	Houston	Pearre
Alexander, Mo.	Dwight	Howard	Perkins
Alexander, N. Y.	Ellis, Mo.	Howland	Pollard
Allen	Ellis, Oreg.	Hubbard, Iowa	Pray
Andrus	Englebright	Hubbard, W. Va.	Randell, Tex.
Ansberry	Fairchild	Huff	Rauch
Ashbrook	Fassett	Humphrey, Wash.	Reid
Barchfeld	Ferris	Jenkins	Robinson
Bartlett, Nev.	Finley	Johnson, Ky.	Russell, Mo.
Beall, Tex.	Floyd	Johnson, S. C.	Russell, Tex.
Bede	Focht	Jones, Va.	Shackleford
Bonynge	Foss	Jones, Wash.	Sheppard
Booher	Foster, Ill.	Kahn	Slemp
Boyd	Foster, Vt.	Kennedy, Iowa	Smith, Cal.
Brantley	French	Kennedy, Ohio	Smith, Mich.
Brodhead	Gaines, W. Va.	Kitchin, Claude	Smith, Mo.
Brownlow	Gardner, Mich.	Knopf	Southwick
Burgess	Garner	Knowland	Sparkman
Burnett	Garrett	Laning	Sperry
Burton, Ohio	Gillespie	Legare	Spight
Calderhead	Godwin	Loudenslager	Steenerson
Candler	Goebel	Lovering	Stephens, Tex.
Capron	Gordon	Lowden	Sterling
Chaney	Gregg	McGavin	Sturgiss
Clark, Fla.	Griggs	McKinley, Ill.	Sulloway
Clark, Mo.	Hackett	McKinney	Tawney
Clayton	Hackney	McLachlan, Cal.	Taylor, Ohio
Cook, Colo.	Hale	Macon	Thomas, N. C.
Cook, Pa.	Hall	Mondell	Thomas, Ohio.
Cooper, Wis.	Hamilton, Iowa	Moon, Tenn.	Tirrell
Cox, Ind.	Hamilton, Mich.	Moore, Tex.	Tou Velle
Craig	Harding	Morse	Underwood
Crawford	Haskins	Mouser	Volstead
Crumpacker	Hawley	Murphy	Vreeland
Currier	Hay	Needham	Watkins
Cushman	Hayes	Nelson	Weeks
Dalzell	Helm	Norris	Wheeler
Davenport	Henry, Conn.	Nye	Willett
Davidson	Henry, Tex.	O'Connell	Williams
Davis, Minn.	Higgins	Olcott	Wilson, Pa.
Dawson	Hill, Conn.	Padgett	Wood
Denby	Hill, Miss.	Page	Young
Denver	Hinshaw	Parker, N. J.	The Speaker
Dixon	Hitchcock	Patterson	

NAYS—1.

Harrison.

ANSWERED "PRESENT"—18.

Adamson	Burleson	Haggott	Scott
Bennet, N. Y.	Butler	Hull, Iowa	Small
Boutell	Cary	Hull, Tenn.	Washburn
Bradley	Cousins	McMorran	
Brundidge	De Armond	Maynard	

NOT VOTING—190.

Acheson	Davey, La.	Hammond	Lewis
Ames	Dawes	Hardwick	Lilley
Anthony	Diekema	Hardy	Lindbergh
Bannon	Douglas	Haugen	Lindsay
Barclay	Dunwell	Heflin	Littlefield
Bartholdt	Durey	Hepburn	Livingston
Bartlett, Ga.	Edwards, Ga.	Hobson	Lloyd
Bates	Edwards, Ky.	Howell, N. J.	Longworth
Beale, Pa.	Ellerbe	Howell, Utah	Lorimer
Bell, Ga.	Esch	Hughes, N. J.	Loud
Bennett, Ky.	Favrot	Hughes, W. Va.	McCall
Bingham	Fitzgerald	Humphreys, Miss.	McCreary
Birdsall	Flood	Jackson	McDermott
Bowers	Fordney	James, Addison D.	McGuire
Broussard	Fornes	James, Ollie M.	McHenry
Brumm	Foster, Ind.	Keifer	McKinlay, Cal.
Burke	Foulkrod	Kelliher	McLain
Burleigh	Fowler	Kimball	McLaughlin, Mich.
Burton, Del.	Fuller	Kinkaid	McMillan
Byrd	Fulton	Kipp	Madden
Calder	Gaines, Tenn.	Kitchin, Wm. W.	Madison
Caldwell	Gardner, Mass.	Knapp	Malby
Campbell	Gardner, N. J.	Küstermann	Mann
Carlin	Gilhams	Lafean	Marshall
Carter	Gill	Lamar, Fla.	Miller
Caulfield	Gillett	Lamar, Mo.	Moon, Pa.
Chapman	Glass	Lamb	Moore, Pa.
Cockran	Goldfogle	Landis	Mudd
Cocks, N. Y.	Goulden	Langley	Murdock
Cole	Graff	Lassiter	Nicholls
Conner	Graham	Law	Olmsted
Cooper, Pa.	Granger	Lawrence	Overstreet
Cooper, Tex.	Greene	Leake	Parker, S. Dak.
Coudrey	Gronna	Lee	Parsons
Cravens	Hamill	Lenahan	Peters
Darragh	Hamlin	Lever	Porter
Pou	Roberts	Smith, Iowa	Wallace
Powers	Rodenberg	Smith, Tex.	Wanger
Pratt	Rothermel	Snapp	Watson
Prince	Rucker	Stafford	Webb
Pujo	Ryan	Stanley	Weems
Rainey	Sabath	Stevens, Minn.	Weisse
Ransdell, La.	Saunders	Sulzer	Wiley
Reeder	Sherley	Talbott	Wilson, Ill.
Reynolds	Sherman	Taylor, Ala.	Wolf
Rhinock	Sherwood	Thistlewood	Woodyard
Richardson	Sims	Townsend	
Riordan	Slayden	Waldo	

The Clerk announced the following additional pairs:

Until further notice:

Mr. GRAHAM with Mr. GRANGER.

Mr. DOUGLAS with Mr. MCLAIN.

Mr. ACHESON with Mr. HARDY.

For the remainder of this day:

Mr. BOUTELL with Mr. GLASS.

The SPEAKER. On this vote the yeas are 179, nays 1, present 18. The ayes have it. The motion is agreed to. There is a quorum present. The Doorkeeper will open the doors. The Senate joint resolution is passed.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17288. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1909.

THE LATE REPRESENTATIVE MEYER.

The SPEAKER. If there be no objection, the Clerk will read the order for to-morrow.

The Clerk read as follows:

On motion of Mr. RANSDELL of Louisiana, by unanimous consent,

"*Resolved*, That the House of Representatives shall meet at 2 o'clock p. m. on Sunday, May 10, 1908, for the purpose of having eulogies on the life, character, and public services of the Hon. ADOLPH MEYER, late a Representative in Congress from the First District of Louisiana." (Resolution agreed to in the House April 8, 1908.)

The SPEAKER. The gentleman from Nebraska [Mr. POLLARD] is hereby designated to act as Speaker pro tempore to-morrow.

ADJOURNMENT.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.), under the order heretofore adopted, the House adjourned until Sunday, May 10, 1908, at 2 o'clock p. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Chief of Division of Printing and Stationery submitting an estimate of appropriation for printing and binding for the Treasury Department (H. R. Doc. 924)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, calling attention to the necessity of authorizing the destruction of certain useless papers in the Department of the Interior (H. R. Doc. 925)—to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 19468) authorizing the Secretary of the Interior to sell sites for schoolhouses, not exceeding 2 acres in quantity, to school districts in the State of Oklahoma, reported the same without amendment, accompanied by a report (No. 1630), which said bill and report were referred to the House Calendar.

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the resolution of the House (H. Res. 408) requesting the Secretary of the Interior to furnish information to the House relative to railroads in Alaska, reported the same without amendment, accompanied by a report (No. 1631), which said resolution and report were referred to the House Calendar.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 18988) to provide additional judges for the district of Alaska,

and for other purposes, reported the same with amendment, accompanied by a report (No. 1633), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson, reported the same without amendemnt, accompanied by a report (No. 1632), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOWLER: A bill (H. R. 21764) to establish a credit currency, to be redeemed by the banks of issue in gold coin or its equivalent, and to relieve the United States Treasury from the further redemption of national-bank notes—to the Committee on Banking and Currency.

By Mr. BURTON of Delaware: A bill (H. R. 21765) to provide for the construction of a canal to connect Rehoboth and Delaware bays, in the State of Delaware—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 21766) to provide for the improvement of Smyrna River, in the State of Delaware—to the Committee on Rivers and Harbors.

By Mr. POLLARD: A bill (H. R. 21767) to create forest reserves outside of existing national forests in order to conserve the waters of navigable streams, and for other purposes—to the Committee on Agriculture.

Also, a bill (H. R. 21768) to authorize cancellation of trust patents in certain cases and direct reinstatement of cash entry and the issuance of patent thereon—to the Committee on Indian Affairs.

By Mr. CAULFIELD: A bill (H. R. 21769) providing, upon certain conditions, for the pay of judges after they shall resign, and repealing section 714 of the Revised Statutes—to the Committee on the Judiciary.

Also, a bill (H. R. 21770) providing for the resignation of judges of courts of the United States—to the Committee on the Judiciary.

By Mr. RIORDAN: Memorial of the legislature of New York relating to contingent expenses of the war of 1812—to the Committee on War Claims.

By Mr. LINDSAY: Memorial of the legislature of New York relating to the contingent expenses of the war of 1812—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 21771) granting an increase of pensions to Charles Newton—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 21772) granting a pension to Peter Miner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21773) granting a pension to Alvina McCabe—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 21774) making an appropriation for defraying losses sustained by lumbermen on the Allegheny River, Allegheny County, Pa., caused by the erection of a dam on said river in said county—to the Committee on Claims.

By Mr. BRADLEY: A bill (H. R. 21775) granting a Congressional medal of honor to Lieut. John Ritchie—to the Committee on Military Affairs.

Also, a bill (H. R. 21776) granting an increase of pension to Margaret Thew Brower—to the Committee on Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 21777) for the relief of Mary Sherman McCallum—to the Committee on Claims.

By Mr. CANDLER: A bill (H. R. 21778) for the relief of the heirs of Jeremiah E. Cunningham, deceased—to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 21779) for the relief of the estate of Curtis Grubb, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 21780) granting an increase of pension to John E. Warren—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21781) for the relief of William F. Smithey—to the Committee on War Claims.

Also, a bill (H. R. 21782) for the relief of Joseph S. Muster—to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 21783) for the relief of the legal representatives of James H. Doyle, deceased—to the Committee on War Claims.

By Mr. ENGLEBRIGHT: A bill (H. R. 21784) granting an increase of pension to Julia C. E. Hubbard—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 21785) granting a pension to Martin V. Dignan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21786) granting an increase of pension to Samuel S. Smith—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 21787) for the relief of Perry Rumler—to the Committee on War Claims.

By Mr. McLAIN: A bill (H. R. 21788) for the relief of heirs of Eliza McDowell, deceased—to the Committee on War Claims.

By Mr. MURPHY: A bill (H. R. 21789) granting an increase of pension to Charles J. Woodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21790) granting an increase of pension to Daniel Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21791) granting a pension to Lillie Mae Patterson—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 21792) for the relief of Dixon N. Garlinger—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 21793) for the relief of J. N. Baldwin—to the Committee on War Claims.

Also, a bill (H. R. 21794) granting an increase of pension to B. H. Mayfield—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 21795) for the relief of James L. Fowle, executor of Samuel R. Fowle, deceased—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 21796) for the relief of estate of Riley Wetherington, deceased—to the Committee on War Claims.

By Mr. TOU VELLE: A bill (H. R. 21797) granting an increase of pension to Daniel Wrights—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 21798) granting an increase of pension to Thomas Davis—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 21799) granting an increase of pension to Emanuel Gross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21800) granting an increase of pension to John L. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21801) granting an increase of pension to Thomas Conley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21802) granting an increase of pension to Philip Hawn—to the Committee on Invalid Pensions.

Also a bill (H. R. 21803) granting an increase of pension to William H. Dike—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21804) granting an increase of pension to William H. Loghry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21805) granting an increase of pension to John Spies—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21806) granting an increase of pension to Jacob L. Etnire—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Local Union No. 593, of Charleroi, Pa., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. BEALE of Pennsylvania: Petition of Cush Creek Grange, No. 753, Patrons of Husbandry, favoring banking bill (H. R. 12682)—to the Committee on Banking and Currency.

Also, petition of Harry Bailey, of Soldier, Pa., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petitions of citzens of Pardus, Clymer, and West Monterey, Pa., favoring amendment proposed to the Sherman antitrust law, Pearre bill limiting issuance of injunctions, employers' liabilty bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. BIRDSALL: Petition of citizens of Dubuque, Iowa, for the passage of the Wilson bill (H. R. 20584), Pearre bill (H. R. 94), employers' liability bill, and labor's eight-hour bill—to the Committee on the Judiciary.

By Mr. BOOHER: Petition of Joseph E. Corby and 75 other citizens of St. Joseph, Mo., for H. R. 7559—to the Committee on the Judiciary.

By Mr. BURKE: Petition of citizens of Pittsburg, Pa., for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petition of Lockhart Iron and Steel Company, of Pittsburg, Pa., against the Heyburn bill and the anti-injunction bill—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: Petition of Lauren D. Morse and others, of Cleveland, Ohio, for repeal of section 3 of the service-pension act of February 6, 1907—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of George Ward Cook, of Boston, for the enactment of the Currier-Lever bill, for White Mountains Reservation—to the Committee on Agriculture.

Also, petition of M. B. Steczynski, favoring the Bates resolution of sympathy in behalf of the Prussian Poles—to the Committee on Foreign Affairs.

Also, petitions of William Crawford and others and National Lodge, No. 556, International Association of Machinists, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

Also, petitions of Edwin Outwater, Master Carpenters' Association, E. Bartalicius, R. H. Casey, William J. Olvany, W. C. W. Child, the Norcross Brothers Company, National Bridge Works, Building Trades Employers' Association, Richard L. Walsh Company, Hatzel & Buehler, John Williams (Incorporated), Edgar P. Reynolds, and John Thatcher & Son, all of New York City, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. CALDWELL: Petitions of organized labor of Springfield, Ill., and Local Union No. 1391, of Thayer, Ill., favoring amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. CHANEY: Petition of David F. Newman and others, of Vincennes, Ind., for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

Also, petition of M. B. Steczynsk and others, of Chicago Association, favoring the Bates resolution of sympathy for the Poles—to the Committee on Foreign Affairs.

Also, petitions of citizens of Vincennes and Washington, for amendment to Sherman antitrust law, and for the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of John E. Warren—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: Petitions of Council of the Allied Building Trades of Philadelphia and vicinity and Edward Neily and other citizens of Philadelphia, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. COUSINS: Petitions of citizens of Rochester, N. Y.; St. Joseph, Mich.; Wyoming, Iowa; Delta, Ohio; Benton Harbor, Mich.; Stockbridge, Mass.; Plymouth, N. H., and Chicago, Ill., favoring concurrent resolution No. 28, expressing sympathy for people of Russia—to the Committee on Foreign Affairs.

By Mr. DAVENPORT: Petition of Henrietta local union labor organization, for amendment proposed by the American Federation of Labor conference to the Sherman antitrust law, and for the Pearre bill, the employers' liability bill, and the national eight-hour law—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of August Westphal and other citizens of Davenport, Iowa, for amendment to Sherman antitrust law, and for Pearre bill, employers' liability bill, and eight-hour law—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of National League of Employees of Navy Yards, Naval Stations, Arsenals, and Gun Factories, for H. R. 16734, to compensate civilian Government employees for injury in line of service—to the Committee on Naval Affairs.

By Mr. FOSTER of Illinois: Petition of United Mine Workers of America, of New Baden, Ill., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

Also, petitions of F. W. Case and 16 other citizens of Effingham, Ill., and members of Effingham Federal Labor Union, No. 12080, for abolition of the saloons in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Trades and Labor Assembly of Breese, Ill., for amendment to Sherman antitrust law (H. R. 20584), and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of Local Union No. 683, of Burlington, Vt., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. FRENCH: Petition of citizens of Coeur d'Alene, Idaho, for permanent arbitration tribunal at The Hague and recommending increase of the Navy—to the Committee on For eign Affairs.

By Mr. GARDNER of Massachusetts: Petitions of Sole Leather Workers' Union, No. 341, and Boot and Shoe Workers' Union, No. 26, of Haverhill, Mass., and working people of Salem and Haverhill, Mass., for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Gulf Refining Company, for an embargo on Venezuelan asphalt—to the Committee on Ways and Means.

Also, petition of citizens of Pittsburg, Pa., favoring amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petitions of H. A. Greiner, Dexter S. Luther, C. R. Tack, and Providence Lithograph Company, all of Central Falls, R. I., against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. GRONNA: Petition of Local No. 12018, American Federation of Labor, of Cleveland, N. Dak., favoring bills affecting labor, amendment to Sherman antitrust law, the Pearre bill, employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. HARRISON: Petition of M. B. Steczynski and others, for Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

By Mr. HIGGINS: Petitions of Ernest C. Opperman and other citizens of New London and F. W. Breckenridge and other members of the Connecticut State Council, Carpenters' Union of America, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. HITCHCOCK: Petition of Polish societies of Omaha, favoring the Bates resolution of sympathy with the Prussian Poles—to the Committee on Foreign Affairs.

By Mr. HUFF: Petition of Arthur Semmon, Joseph Powers, and M. J. McCarthy, of Pennsylvania, for amendment to Sherman antitrust law and for the Pearre bill, employers' liability bill, and the eight-hour l[illegible]—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of the American League of Independent Workmen, of Washington, opposed to any change in the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. OLLIE M. JAMES: Petition of Tobacco Growers' Association, for amendment to Sherman antitrust law (H. R. 20584) and for Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. JENKINS: Petition of citizens of Superior, Wis., for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of L. W. Roth, of Brainerd, Minn., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of National League of Employees of Navy-Yards, Naval Stations, Arsenals, and Gun Factories, favoring H. R. 16734, to compensate civilian Government employees for personal injury in line of service—to the Committee on the Judiciary.

Also, petition of M. B. Steczynki and others, in behalf of the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of United Harbor, No. 1, American Association of Masters, Mates, and Pilots, favoring S. R. 40, relative to carrying freight in American bottoms only—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of M. Reid & Co. (Incorporated), Oliver & Burr, Andrew J. Robinson Company, Armstrong-Cook Company, Levering & Garrigues Company, Brunswick-Balke-Collender Company, W. C. Westburgh Manufacturing Company, and Union Equipment and Bronze Company, all of New York City, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. LONGWORTH: Petitions of citizens of Cincinnati; Glass Bottle Blowers' Union of Cincinnati, and Local No. 9, Amalgamated Glass Workers' International Association, in meeting at Trades Union Hall May 4, 1908, for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), for a just and clearly defined general employers' liability law, and for an eight-hour law—to the Committee on the Judiciary.

By Mr. MADDEN: Petition of citizens of Chicago, for enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of heir of John Hunter—to the Committee on War Claims.

Also, petition of citizens of Hamilton County, Tenn., for the exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. MURPHY: Papers to accompany bills for relief of Daniel Doyle, Charles J. Woodman, and Lillie May Patterson—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of Paint and Oil Club of Boston, protesting against paint legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Irish County Clubs of Boston, against the treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of M. B. Steczynski, favoring Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petitions of International Brotherhood of Boiler Makers, of Charlestown and South Boston, and of the Firemen's Union, of Mattapan, Mass., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PEARRE: Petitions of Iron Molders' Union No. 19, Bricklayers' Union No. 1, Vest Makers' Union No. 1, and Bartenders' Union, Local No. 532, all of Baltimore, Md., for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. PETERS: Petitions of John E. Potts and others, George J. Umscheid and others, and A. C. Langlois and others, all of Boston, for the enactment of the bills H. R. 94 and H. R. 20584, a general employers' liability law, and bill limiting a day's labor to eight hours upon work done for the Government—to the Committee on the Judiciary.

By Mr. PRAY: Petitions of Harlowton Federal Labor Union; United Brotherhood of Carpenters and Joiners, of Kalispell, Mont.; Iron Molders' Union No. 93, of Great Falls, Mont., and Brotherhood of Carpenters and Joiners' Union, No. 28, of Missoula, Mont., for the amendment to the Sherman antitrust law known as the "Wilson bill" (H. R. 20584), for the Pearre bill (H. R. 94), the employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. PUJO: Papers to accompany bills for relief of heirs of Jean Louis Lambert; Alphonse J. Tailleur, heir of Jean Marie Tatin; Blaize Motte, administrator of the estate of Blaize Motte; heirs of Joseph Bloch; Alphonse A. Voinche, administrator of Odon Ducatte, and Florimond Izard—to the Committee on War Claims.

By Mr. SHERMAN: Petition of citizens of Utica, N. Y., for exemption of labor unions from the operation of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. SHERWOOD: Petition of citizens of Toledo, Ohio, praying for legislation to amend the Sherman antitrust law, to regulate and limit the issuance of injunctions, to establish employers' liability, and to extend the eight-hour law—to the Committee on the Judiciary.

By Mr. SLEMP: Paper to accompany bill for relief of B. H. Mayfield—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Petition of national convention of the unemployed, held in St. Louis, Mo., asking the Government to employ all idle laborers in improving and developing the roadways of the country—to the Committee on Agriculture.

Also, petition of American Federation of Labor, for exemption of labor unions from the operations of the Sherman antitrust law, for the Pearre bill regulating injunctions, for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of National League of Naval Employees in United States navy-yards, for H. R. 16734, relative to compensation of civilian employees injured when in line of duty—to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of Bloomington, Ill., for amendment to the Sherman antitrust law (H. R. 20584), for the Pearre bill (H. R. 94), employers' liability bill, and the eight-hour bill—to the Committee on the Judiciary.

By Mr. SULZER: Petitions of the Brunswick-Balke-Collender Company; Oliver & Burr (Incorporated), contractors; M. Reid & Co. (Incorporated), contractors and builders; W. C. Vosburgh Manufacturing Company (Limited); Union Equipment and Bronze Company, and Andrew J. Robinson Company, builders, all of New York City, against anti-injunction legislation—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of estate of Riley Wetherington—to the Committee on War Claims.

By Mr. WEISSE: Petition of Los Angeles Chamber of Commerce, for extension of the Sierra Forest Reserve—to the Committee on Agriculture.

By Mr. WOOD: Petition of New Jersey State Council of St. Patrick's Alliance of America, of Newark, against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 10, 1908.*

The House met at 2 o'clock p. m. and was called to order by Mr. POLLARD as Speaker pro tempore.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father in Heaven, center and source of all our longings, hopes, and aspirations, we gather here to-day in response to a pure and holy desire which springs from the deeps of our being.

Death has claimed for its own one who served for many years with distinction and fidelity his State and nation upon the floor of this House and left behind him a memory which shall not fade while those who knew him shall live.

We come to thank Thee for what he was and what he did, to recall the qualities of mind and heart which made him attractive and lovable, and we most fervently pray that his life and character may be an inspiration to those who knew him and to those who shall come after us. We thank Thee that Thou dost live and reign; that love and affection, faith and hope, are immortal. Comfort us all, especially those who were bound to him by the ties of kinship—wife and daughter—by the blessed promises of our Lord and Master, "and songs of praises we will ever give to Thee," in His name. Amen.

The SPEAKER pro tempore. The Clerk will cause the Journal of the proceedings of yesterday to be read.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with and that it be approved without reading.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent that the reading of the Journal be dispensed with and that it be approved without reading. Is there objection?

There was no objection.

The Journal was accordingly approved.

EULOGIES ON THE LATE REPRESENTATIVE MEYER.

Mr. RANSDELL of Louisiana. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of the Hon. ADOLPH MEYER, late a Member of this House from the State of Louisiana.

Resolved, That, as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. DAVEY of Louisiana took the chair as Speaker pro tempore.

Mr. RANSDELL of Louisiana. Mr. Speaker, I rise to pay a tribute of respect to the memory of my deceased colleague, Hon. ADOLPH MEYER, late a Representative in Congress from the First District of Louisiana, who died at New Orleans on the 8th of March, 1908, and is honored and mourned by his State and nation.

General MEYER was born at Natchez, Miss., October 19, 1842, and spent his childhood in that State. He matriculated in the University of Virginia, and before graduation left that famous training school of the South to enter the Confederate army in 1862. During the trying times of the greatest civil war the world has ever seen General MEYER played an active, honorable part, serving on the staff of Brig. Gen. John S. Williams, of Kentucky, and holding the rank of adjutant-general when the war closed. In 1879 he was elected colonel of the First Regiment Louisiana National Guard, and in 1881 was appointed by Governor Wiltz brigadier-general of the First Louisiana Brigade, embracing all the uniformed militia in the State. In connection with the organization of the State Militia his services were very efficient.

At the outbreak of the Cuban war General MEYER was urged on account of his military experience and ability, for a position as either brigadier or division commander of Southern volunteers. The following was written by Gen. John S. Williams, of Kentucky, upon whose staff General MEYER served:

To the President.

YOUR EXCELLENCY: I beg leave to recommend to your favorable consideration Mr. ADOLPH MEYER, of Louisiana, for position of division or brigade commander of Southern volunteers.

Mr. MEYER served on my staff during almost the entire civil war. He was preeminent for soldierly qualities, the loftiest courage, fidelity, and endurance. In fact, he seemed a natural-born soldier and commanded the confidence and admiration of the entire command.

I know of no young officer who manifested more military aptitude; his resourcefulness in emergencies and quickness to avail himself of every possible advantage and devotion to duty were unsurpassed.

Mr. MEYER'S experience in actual war has been supplemented by command in the Louisiana Militia and National Guard.

I know the appointment would be a good one and highly acceptable to the Southern people.

With sentiments of the highest regard, I am,
Most respectfully, yours,

JOHN S. WILLIAMS,
Brigadier-General, Afterwards Commanding Kentucky Division.

MAY 2, 1898.

At the close of the civil war General MEYER engaged largely in cotton planting on the Forest plantation, in Concordia Parish, La. Later he entered the cotton factorage and commission house of Meyer, Weis & Co., of New Orleans, and afterwards was a member of the big cotton firm of V. & A. Meyer, which went out of business some years ago. The other member of this firm was his twin brother, Victor. There was the deepest love and devotion between them, and the General was never the same after Victor's death two years ago. Indeed, another brother, Cassius, also died within three months of Victor, and the double loss was a crushing blow to one so fond of his family and so warm-hearted as the General. I could see how deeply he was affected and predicted at the time that he would not survive his beloved brothers many years.

In the fall of 1868 General MEYER married the beautiful and accomplished Miss Rosalie Jonas, daughter of the late Abraham Jonas, of New Orleans, and sister of ex-United States Senator B. F. Jonas, who survives him. Their only child is a daughter, Mrs. Louise M. Swift, widow of the late Capt. Franklin Swift, of the United States Navy. Mrs. Meyer was very popular in Congressional circles and entertained delightfully in her elegant home on Q street. While not much of a society man, General MEYER was very fond of his friends, and nothing pleased him better than to have a small party of intimates around the hospitable board over which his cultured wife presided with such grace and dignity.

In 1890 General MEYER was elected to the Fifty-second Congress, and was reelected every two years since down to and including the term beginning in 1907. The Fifty-second Congress was the Democratic successor to Reed's "billion-dollar" Congress, and he has served eight full and successive terms and one-half of the ninth, ranking eighth in length of service, those older than he being Speaker CANNON, sixteen terms; BINGHAM, of Pennsylvania, fourteen; PAYNE, of New York, eleven; DALZELL, of Pennsylvania, and HEPBURN, of Iowa, ten, and SHERMAN, of New York, nine. Representatives JONES, of Virginia; DE ARMOND, of Missouri, and LIVINGSTON, of Georgia, are the only other Democrats who entered the Fifty-second Congress with General MEYER.

Speaker Crisp assigned General MEYER to the Committee on Naval Affairs, and he has held an important place there ever since, serving under two distinguished Democratic chairmen, Hon. Hillary A. Herbert, of Alabama, who became Secretary of the Navy during President Cleveland's Administration, and Hon. Amos Cummings, of New York. His intimacy with these gentlemen and with Chairman Boutelle, of Maine, as well as with Mr. Metcalf, of California, who left the committee to reenter the Roosevelt Cabinet, and at length to become Secretary of the Navy, together with the assistance given by Senator MCENERY, on the Naval Affairs Committee of the Senate, accounts for his success in getting large appropriations for the New Orleans naval station. General MEYER made it his serious business on entering Congress to have a naval station erected on the reserve at Algiers, and to have a floating dry dock tied up there for the accommodation of the heaviest battle ships. He lived to see these things accomplished, and was ever hopeful of witnessing the construction plant in full operation, either building or repairing battle ships.

During his second term in Congress, the Fifty-third, General MEYER held the chairmanship of the Committee on Militia. Having had large experience in matters pertaining to the National Guard, Speaker Crisp picked him from among several to take charge of all militia bills that were introduced.

The Fifty-fourth Congress being Republican, he lost this chairmanship, but was glad to trade his membership on Militia for a place on the District of Columbia, which gave him both social and political prestige in the city of Washington, where he subsequently purchased a home. These three are practically the only committee assignments which General MEYER cared to hold during his seventeen years in Congress. He was faithful in the performance of his duties and labored diligently in the interest not only of New Orleans, but of Louisiana in general.

The services performed by General MEYER, while not notably brilliant, as one might speak of the services of Reed, Randall, and Carlisle, of recent years, or those famous statesmen, Clay, Calhoun, Hayne, and Webster, of an earlier period, were substantial and will not soon be forgotten. He spoke occasionally, perhaps once or twice during a session of Congress, in behalf of some measure or committee report, but he never engaged in partisan debates, in bickerings over parliamentary rulings, or in the vaporings which have made some statesmen notorious, if not ridiculous, because their purpose was simply to make reading matter for their own districts.

General MEYER spoke pleasingly and well, but he had not the voice that could be heard above the ordinary din of the House. His powers of conviction, therefore, lay in what was printed and read in the RECORD, rather than in what was heard on the floor, and in his very persuasive presentation of matters in personal intercourse and in committee rooms, where the real work is done.

His work as a member of the Committee on Naval Affairs was of considerable importance. As he was the minority leader, he was always one of the conferees on the naval appropriation bill to settle differences between the two Houses over amendments. In this position he occasionally felt the embarrassment of acting contrary to the wishes of his party, as expressed on the floor, but he was a firm believer in the great advantage that is to be derived from the state of readiness for war and fearlessly supported every recommendation from the White House for more vessels, more stations, or more men.

General MEYER'S special pride was the naval station and dry dock in New Orleans, the largest in the South and equal to any in the country. The State owes this great work to the combined efforts of Senator MCENERY and himself, ably seconded by his New Orleans colleague, Judge DAVEY. He was absolutely tireless in working for this station and never lost sight of it under any circumstances.

He was an expert on naval matters, made many strong speeches on that subject, and his loss will be keenly felt by the Naval Committee.

He took most intelligent and active interest in the appropriations for the levees of the Mississippi River, the 35-foot channel at Southwest Pass of the Mississippi, the New Orleans post-office, the maintenance of the New Orleans mint, the immigration station bill, and everything pertaining to Louisiana. Always at his post and always watchful, applying to his legislative work the fine business training and acumen acquired by his long commercial career, he was very successful in getting results and bore a prominent part in all legislation affecting his State during the last seventeen years. One of his characteristics was his care and attention to requests and suggestions from the people of Louisiana, whether residents of his district or not. All matters received his personal, prompt, and cheerful attention.

His last public work, performed during the closing days of the Fifty-ninth Congress, was to secure $25,000 for the Chalmette monument. He had labored long and hard for this most worthy object, and was delighted when success finally crowned his efforts. In recognition of this service to our nation's history, the Louisiana Historical Society, at a meeting held April 15, passed the following resolution:

NEW ORLEANS, *April 15, 1908.*

To the members of the Louisiana Historical Society:

Your undersigned committee appointed at the meeting of March 18, 1908, to draft suitable resolutions out of respect to the memory of our deceased member, Gen. ADOLPH MEYER, beg leave to report the following:

"Whereas Divine Providence has removed from our midst our fellow-member, Gen. ADOLPH MEYER, who died on March 8, 1908: Therefore be it

"*Resolved*, That in the death of Gen. ADOLPH MEYER this society lost one of its most zealous and valued members, whose wise counsel and advice were very beneficial to the society, and tended in a considerable degree to the success of our celebration of the one hundredth anniversary of the transfer of Louisiana from France to the United States, on December 20, 1903: Be it further

"*Resolved*, That by the death of General MEYER the State of Louisiana has lost a Member of Congress whose place will be hard to fill; that in the seventeen years of his service in the National House of Representatives he made a record of which anyone might be proud, and the great dock at New Orleans and the new post-office building, both of which were obtained largely through his efforts, evince in a high degree the work he did and the influence he exerted in the halls of Congress; that his many and steady efforts to procure the completion of the Chalmette Monument on the battlefield of New Orleans, just below the city, were finally crowned with success, when on March 4, 1907, immediately before the adjournment of Congress, the President signed the bill making the necessary appropriation for the purpose; that this particular work was made by General MEYER a work of love, and it was, owing to his failing health, the last public work in which he was engaged, and it is a source of deep regret to all that his life was not spared that he might see in the completion of the monument the culmination of his efforts: Be it further

"*Resolved*, That in all walks of life, whether as citizen, soldier, or statesman, General MEYER measured full to the responsibilities imposed upon him, and all in all we soon shall not see his like again: Be it further

"*Resolved*, That these resolutions be spread upon the minutes of the society upon a page specially devoted to that purpose; that an engrossed copy be sent to his bereaved wife and daughter, to whom our heart-felt sympathies are extended; that a copy be sent to his colleagues in Congress, with the request that same be used when memorial services are had in his honor, and that copies be furnished to the press of this city and of Washington."

Respectfully submitted.

W. O. HART, *Chairman.*
N. C. BLANCHARD.
H. M. GILL.

Mr. Speaker, I was very fond of General MEYER and deeply deplore his untimely death. He was only 65 years of age, and with his regular habits and good constitution ought to have lived many years longer. He was always affable, kind, and considerate; ever ready to accommodate a colleague, whether one of the leaders or the most obscure Member of the House. I frequently called on him during the early years of my service, and never in vain. He was a methodical, careful business man; carried those qualities into his legislative work, and, knowing thoroughly what he was about, was able as well as willing to give efficient aid. In his death this House has lost one of its most useful Members, and it is not flattery to say that Louisiana will find it very difficult to fill his place.

Long may the memory of ADOLPH MEYER live in these halls and in the State and nation he served so well. I earnestly hope and believe that the good work done here by him entitles General MEYER to a happy and honorable position in his present home—that undiscovered country from whose bourne no traveler has ever returned.

Mr. FOSS. Mr. Speaker, the Committee on Naval Affairs, of which General MEYER was so long a member, at a meeting soon after his death unanimously adopted the following resolutions, which I will read:

Whereas the Hon. ADOLPH MEYER, a Member of the House of Representatives from the State of Louisiana, and the oldest member in point of service on the Committee on Naval Affairs, died in the city of New Orleans on the 8th day of March, 1908: Be it therefore

Resolved, That, holding his memory in affectionate regard, we, the members of the Committee on Naval Affairs of the House of Representatives, mourn his untimely death.

Resolved, That as Representative and a member of the Committee on Naval Affairs he exhibited splendid gifts of statesmanship, true patriotism, stainless integrity, and great wisdom in council, and that in his death the country has lost a faithful public servant.

Resolved, That his private life was as pure and gentle as his public career was noble and distinguished, and that we tender to his family the sympathy that flows from hearts which are deeply moved with a great personal sorrow.

Resolved, That a copy of these resolutions be presented to his family and be spread upon the records of the committee and be printed in the CONGRESSIONAL RECORD on the day set aside for eulogies in the House of Representatives.

Mr. Speaker, I myself desire to pay a brief tribute to the memory of him with whom I have been so long associated in the work of building up the Navy. And, first, I desire to speak of his loyalty to his own constituency, for no man, I think, was more industrious and anxious to serve the people who elected him than he, and the many things which he obtained for his city testify to the zeal and success with which he labored at all times for it. The establishment of the navy-yard at Algiers was due entirely to his effort, and I am sure that the great city of New Orleans will always treasure in fondest memory the man who so tirelessly worked for her interest.

But General MEYER's greatest work consisted not so much in serving the constituency which elected him as it did in serving that greater constituency which extends from the Atlantic to the Pacific and from the Gulf to the Great Lakes. It was his labors in the upbuilding of the American Navy for which he will be longest remembered. He was the oldest member of the Committee on Naval Affairs. He had served for seventeen years, and no man was more familiar with the great subjects pertaining thereto than himself. The many and able reports on naval subjects which he has written will stand as a monument to his faithfulness, ability, and industry. When he became a member of the Naval Committee we had not a single battle ship in commission and the tonnage of our new Navy was less than 200,000, whereas now, when the pending naval bill shall have become a law, the tonnage of our Navy will reach 850,000. General MEYER can rightfully be called one of the legislative builders of the new Navy, because during the seventeen years of his service upon the committee more than three-fourths of the new American Navy has been built.

I may say that no Member was more intimately acquainted with General MEYER than myself. I saw a great deal of him in the committee room and outside of the Capitol, and I came to know him in a personal and intimate way, and as the years rolled on I came to appreciate his splendid worth. He was the gentlest and kindliest man I ever knew. He seemed to be full of the milk of human kindness. I never knew him to offend anyone, and if he did he would have been the first man to make immediate reparation, and if one offended him he was eager to give to him the consolation of a happy reconciliation. There was no room in his heart for even the slightest resentment.

There is no place, perhaps, where men are more accurately measured than in this forum, but the measure which we give men here is largely the world's measure, and we attribute to them ability as we may note their generalship in handling some measure upon the floor or by their eloquence in debate. Indeed, we are apt to measure men here as they appeal to us, on what might be called the public scale of human action. But the true measure of a man is recorded elsewhere. It is written that "he that overcometh himself is greater than he that taketh a city." It is written, also, that meekness, charity, long suffering, patience, forbearance one with another shall be the instruments of man's measurement in the great hereafter.

General MEYER won his way and accomplished the things which he did through the gentleness of his manner, the sweetness of his character, the persistency of his efforts, the geniality of his disposition, the persuasiveness and logic of his position.

He never won his contests by a brilliant dash or charge, although as captain in the Confederate army he had made them on the field of battle, but here in this forum he won his victories through kindliness and benevolence. If one gave him his ear, he soon had possession of his heart. Such was this gentle and kindly man.

General MEYER, as I have above stated, was a captain in the Confederate army. He was a follower of what is sometimes called the "lost cause." And yet the bravery and courage displayed by the soldiers of the South, no less than that of the soldiers of the North, the Gray as well as the Blue, will be a common heritage to our children and our children's children through all the ages yet to come. We are not far enough removed from the war to measure its full meaning in its just proportions. All must realize that we are but the instruments of the Almighty's plan and purpose in the development of civilization and the liberty of mankind. Liberty is a mighty stream. It reaches back through all the ages that are past, and rushes on through all the ages yet to come, until its mighty current loses itself into the boundless ocean of the Creator's love.

When a century shall have rolled by and the historian of the future comes to write the story of that great war in which so many thousands were engaged on both sides, where so much blood was spilled, where brother fought against brother in fratricidal strife, and where untold misery and suffering has been dragging its weary length all these years down in the deep, dark valley of humiliation and despair—I say, when the historian comes to write the history of that great conflict in the

mellow light of history, he will, perchance, simply say, "The North and the South, two brothers, sitting on the lap of the Infinite; one struck the other, and the other returned the blow; yet all the while the tender, loving arms of the Almighty Ruler of nations were around them both."

General MEYER had been tried in the old faith. He was true to the old gospel, and yet he preached the new, the gospel of brotherly love and reconciliation between the two great sections of our common country. He believed that whereas the old North and the old South had crossed swords in war, the new North and the new South should henceforth clasp hands in peace. And so would we all advance this sentiment, in the name of all the dead who sleep upon the hillsides of the North and those as well who sleep where they fell along the banks of many a Southern stream, whose slow and sluggish current seems to murmur a solemn requiem to the dead; in the name of all the living, "whose scars give to modest lips the voice of eulogy;" in the name of Lee, who, at the close of the war, stated that he willingly would have sacrificed all that he had sacrificed in order that this blessed consummation might be brought about; and lastly, in the name of Grant, whose patient suffering on Mount McGregor made the "couch glorious like the cross," where he reiterated again and again those words which he had spoken at the close of the war, "Let us have peace." So say we all of us, a perpetual peace in the everlasting bonds of American brotherhood.

Soldier, statesman, legislative builder of the new American Navy, reconciler of the North and South, lover of mankind, husband, father, friend, associate, thou hast earned thy rest. Sleep on until the angel shall call thee on resurrection morn before the great white throne to receive thy eternal reward.

Mr. CLARK of Missouri. Mr. Speaker, Louisiana was the first State carved from the magnificent domain which Jefferson bought from Napoleon for a song, and Missouri was the second. This close kinship, together with their intimate commercial relations, has from the first caused them to entertain deep and abiding sympathy for each other—deeper and more abiding than the average—in every joy and sorrow, in prosperity and in adversity. Being for a long time the only States beyond the great river, they formed the habit of fighting in pairs, and habit at last becomes second nature.

Louisiana has been a member of the Union ninety-six years. There are persons yet living who were old enough to walk and talk when she was admitted into the rare and radiant sisterhood. In the years of her statehood the world has made greater progress in the utilitarian arts and sciences than in any three preceding centuries. To this bewildering progress Louisiana has contributed her part, and of the fruits thereof she enjoys her full share. Her position at the mouths of the Mississippi has from the first given her a prominence greater than her acres, her population, and her wealth entitle her to. The desire to possess the island of Orleans was really what made us a continental power—a world power, for let it never be forgotten that we have been a world power ever since the 30th day of April, 1803. Until we acquired the Floridas, Louisiana was the southernmost of all our possessions, and so different in climate and productions from the rest of our country that she was enveloped in romance to an extraordinary degree, and became the pet theme of poets, orators, and novelists.

The cosmopolitan character of her population has added a perpetual charm to her history.

When I entered Congress, in 1893, Louisiana was represented in the Senate by Donelson Caffery and E. D. White; and in the House by N. C. Blanchard, ROBERT C. DAVEY, H. W. Ogden, S. M. Robertson, ADOLPH MEYER, Andrew Price, and C. J. Boatner. Of that goodly company Judge DAVEY is the only one left with us. Senator Caffery, Mr. Ogden, Judge Boatner, and General MEYER have joined the great majority; Senator White is now Mr. Justice White of the Federal Supreme Court; Mr. Robertson and Mr. Price are now in retirement; Mr. Blanchard, after being a Senator of the United States and supreme judge of Louisiana, is now Governor. This brief recital of facts shows with what startling rapidity the dramatis personæ change here.

To be elected to this House once is a high honer, but to be elected nine times, as was General MEYER, is not only a high honor, but an exceptional one. To prove this it is only necessary to state that of our membership of 391 Members only 4 men have served the same length of time as General MEYER—Judge DEARMOND, of Missouri, Governor HULL, of Iowa, Mr. JONES of Virginia, and Colonel LIVINGSTON of Georgia. Only 6 have served longer—Mr. Speaker CANNON, General BINGHAM, of Pennsylvania, Mr. PAYNE, of New York, Mr. DALZELL, of Pennsylvania, Colonel HEPBURN, of Iowa, and Mr. SHERMAN, of New York. General MEYER served his constituents faithfully and successfully. His constitutents recognized that fact and would probably have kept him here till his death, no matter how long his life.

He was a modest, unassuming gentleman, but a most persistent worker. The suaviter in modo was developed in him to a remarkable extent and enabled him to accomplish much with little noise and with little friction. While representing a great city gives a Member exceptional prestige, it imposes exceptional duties and exceptional labors. General MEYER enjoyed the exceptional prestige and also seemed to enjoy the exceptional duties and labors. He exercised eternal vigilance in looking after the interests of Louisiana in general and of her great metropolis in particular.

He was educated at the University of Virginia; in his youth he served in the Confederate army on the staff of Gen. John S. Williams, of Kentucky, popularly called "Cerro Gordo" Williams. General MEYER rose to the rank of assistant adjutant-general before his beard was grown, and in Congress he rose to be the ranking Democrat on two great committees—Naval Affairs and District of Columbia.

General MEYER died in his sixty-sixth year, worn out in the service of his city, of his State, and of his country.

Mr. BROUSSARD. Mr. Speaker, in addressing you to-day I bear my last tribute to the memory of one with whom I held associations of peculiar intimacy, social, political, and official, for a period of more than ten years—the late ADOLPH MEYER, of Louisiana. I only wish to say a few simple, honest words of the life, character, and public services of this friend and colleague who has gone to the peaceful slumbers of his tomb.

When my people saw fit to honor and send me here some years ago, it was General MEYER who first extended me a cordial greeting and bade me welcome. From that time he was my friend, and as the years passed on our friendship ripened, and I learned to regard him as an able, scholarly gentleman, devoted to the service of his State and country. His longer legislative experience and kindly nature made him at once my preceptor, and as time passed I sought more and more his counsel and advice.

General MEYER was the possessor of a sunshiny, genial nature, as well as a forgiving disposition, that never harbored revenge. He was a plain, simple man who loved mankind. He was small in stature and his bearing was quiet and unpretending, but his step was steady and firm and was the expression of great will power. Habitually social and kindly disposed, always affable and active was he. Much of his activity was the result of that good nature which prompted him to readily respond to any call of his people; and while his generous, easy nature and pleasing address made his presence especially desirable, his willing kindness emboldened desire to almost demand. Many of his fellow-citizens seemed to consider his services a sort of common property, and this notion he never appeared disposed to change or modify. As a worker he was untiring. For him labor was not a task, but a pleasure. His ambition was to represent his people properly and conscientiously. In committee, on the floor, at all times he was keenly alive to their interest, and never let an opportunity to serve them pass neglected.

Sixty-five years ago, on the banks of the great Mississippi River, at the city of Natchez, General MEYER was born. There he passed his childhood and boyhood days, a part of the time in school, so that when he had attained the age of 18 he was ready to enter the University of Virginia. For two years he zealously confined himself to intellectual pursuits in that famed old institution. But in 1862, unable to longer restrain that enthusiasm which stirred within him for the defense of his country, he was impelled to join the Confederate ranks and fight for country's sake. It is needless to dwell on his record, other than to say it was an enviable one. On enlisting he was assigned to the staff of Gen. John S. Williams, of Kentucky. There he served through the years of war, at the end of which he held the rank of assistant adjutant-general. Not many years ago his old commander, General Williams, testified to the young soldier's worth in these words:

> He was preeminent for soldierly qualities—the loftiest courage, fidelity, and endurance.

His history in service is linked and written with that of the army of Lee; its history is his history, and its fame his fame; its valorous deeds are the sum of the many brave deeds of the thousands of gallant men who, with him, went forth at the call of his country to battle for her defense. When the cause for which he had contended was lost and his country's flag forever furled in gloom and glory he turned his face to the South and took for his new home no less a place than Louisiana.

There he stood with other Confederates through all the dark

days of reconstruction—days more trying than war, more humiliating than defeat. Ever hopeful, he strove with untiring might and effort to redeem the Southland from shameful misrule and political strife and to rebuild that shattered land.

For several years General MEYER lived for the most part on a plantation not far from New Orleans, and about the year 1870 he became a resident of that city. There he followed commercial pursuits, and by his thrift, ability, and honest efforts quickly found success. Even while he was busiest in his own work General MEYER was ever ready to respond to the call of his fellow-citizens in city, State, or nation. To reorganize and build up the State militia he deemed essential. Enlisting in this work, he unsparingly gave to it his time and the fruits of his Confederate service, and just prior to his election to Congress he was made commander of all the Louisiana troops. It was duty rather than desire that prompted General MEYER to accept this charge, for of war he had had sufficient.

Eighteen years ago the people of New Orleans, appreciating the sterling worth of ADOLPH MEYER, saw fit to send him to this House as one of their Congressmen. So well, so faithfully, did he serve them, guard and protect their interests, that his service here has been unbroken for all these eighteen years. The fruits of his labors are many, notable, and worthy. Largely to his energetic efforts and tireless work are due the establishment of the great naval station in New Orleans; the system of jetties at the mouth of the Mississippi, as well as levees to hold in check the waters of that great river; the maintenance of the New Orleans mint, and the appropriations for a new Federal building for that city. His last good deed, his last work in this House, and in which I had the privilege and pleasure of being closely associated with him, was the securing of an appropriation of $25,000 at the past session for the completion of a monument to the soldiers who fell in the battle of New Orleans in the war of 1812.

To Mrs. Richardson, president of the United States Daughters of 1776 and 1812, and her splendid organization of patriotic women is due the happy consummation of this plan to place a fitting shaft to the memory of those fearless men of Jackson who saved the day at New Orleans. This organization of ladies raised much of the money expended in the partial erection of this monument. They interested me in their work, and when Representative Story, of Louisiana, introduced a bill in the State legislature to donate the grounds and unfinished monument to the United States, I went to the State capital and, with Mr. Story, secured the passage of his measure. Besides this, the Daughters have obligated themselves to assume the care of the monument and contiguous grounds, relieving the Government of all expense and responsibility.

This battle, this monument, was the theme of General MEYER's last speech in this House. It was on the anniversary of the battle, January 8, 1907, that he appropriately, eloquently, and forcibly urged his fellow Members to memorialize this battlefield commensurately with the splendid deeds enacted there.

Such achievements as this; his great work for his people and his State; his generous soul; the righteousness of his daily life; his sympathetic nature; his deeds of kindness, charity, and generosity will rear a monument to his memory more lasting than stone, more enduring than bronze.

Mr. KAHN. Mr. Speaker, we have met to-day to pay a last sad tribute of love and respect to one whose voice was heard for many years in these legislative halls, but who now sleeps the sleep everlasting 'neath the balmy skies of his well-beloved Louisiana.

I first met Gen. ADOLPH MEYER during the Fifty-sixth Congress. He was then serving his fifth term in this House. He had acquired an enviable position among his colleagues. He was regarded as a man of great industry, possessing the soul of honor. He knew the right and always dared maintain it.

One of our American poets has said:

So many gods, so many creeds.
So many roads that wind and wind,
While just the art of being kind
Is all this great world needs.

Our lamented colleague knew "the art of being kind." I do not think that he had it in his nature to speak a harsh or unkind word. He was always courteous, affable, companionable. He would not knowingly have wounded the feelings of the humblest of his fellow-creatues. Indeed, it well can be said of him that—

None knew him but to love him,
None named him but to praise.

He had been ailing for many months when the final summons came, and it was a matter of deep regret to all of his friends that illness prevented his presence in the Sixtieth Congress. As the ranking minority member of the Committee on Naval Affairs he had taken an active interest in the upbuilding of the American Navy. He was proud of all the traditions that attached to that branch of the Government's service. His ambition was to see the American Navy the equal of any in the world. He was particularly solicitous for the welfare of "the men behind the guns," and was ever ready to give his voice and his vote to better their condition.

Coming, as he did, from the city of New Orleans, the metropolis of the South, he was especially well qualified to sit upon the Committee on the District of Columbia. As a member of that committee he readily championed any measure that tended to make the city of Washington the most magnificent capital in the world.

His colleagues on both committees will miss his genial presence, will listen in vain for his words of counsel.

His was a busy life during the sixty-five years he was permitted to walk among men. Born in 1842, he was scarcely come to man's estate when the great struggle of the civil war commenced. He naturally followed the fortunes of his beloved State of Louisiana during that momentous period, and as an officer on the staff of Gen. John S. Williams, of the Confederate army, he rendered signal service to the cause which he believed to have been right. But with the coming of peace he gladly returned to the pursuits of peace. He did not mourn for the lost cause, but immediately set to work to upbuild the industries of a reunited country.

As a planter and as a business man fortune smiled upon him, and he reaped the reward of industry in his commercial enterprises. In these days of high finance, when men of large affairs in the business world are not always overscrupulous as to the methods employed in accumulating wealth, it shall always be said to the everlasting credit of General MEYER that his business career was both honorable and creditable.

His people, recognizing his sterling qualities as a citizen and as a man, his splendid abilities, his honesty, his probity, his integrity, his patriotism, elected him as their Representative to the Fifty-second Congress, and wisely continued him in that position till the day of his death. In having thus honored him, they honored themselves; for if ever a Representative sought to serve his constituency faithfully, zealously, patriotically, Gen. ADOLPH MEYER did. And his people recognized his great worth—for when the news spread among them that the Grim Reaper had cut down their friend and neighbor when he was at the very fullness of his powers there was universal sorrow in his city and his State.

In the closing years of his life he was especially interested in the improvement of the Mississippi River—the great Father of Waters—whose improvement is especially important to the city of New Orleans. One of his last utterances on the floor of this House was in relation to this subject. He had the matter close at heart, and it must have been a great solace to him during the long, trying days of his suffering and illness to have learned that the question of the improvement of the great waterways of our country had grown to be one of the vital issues and was engaging the attention of the progressive men of the entire nation, regardless of politics or partisanship.

General MEYER was an optimist. During his long public career he had faced many problems, he had participated in many debates, he had helped to solve many great questions of national policy; but during all of that time he had marched forward and never backward. There was never a pessimistic note in any of his speeches. He realized that the world was advancing, that mankind was growing better and better. He went about among his fellow-men with a smile and not with a scowl. He was a man of high ideals, and in his own life he tried to live up to those ideals.

It is these qualities that made him a gentle, a devoted husband, a loving father, and a faithful and loyal friend. He is no more. He has gone to that long sleep that knows no waking, and all is well with him. And we, who were permitted to know him in his lifetime, who loved and honored and respected him, will always cherish his memory.

Mr. PUJO. Mr. Speaker—

* * * The race is not to the swift nor the battle to the strong, neither yet bread to the wise, nor yet riches to men of understanding, nor yet favor to men of skill; but time and chance happeneth to them all.

Mr. Speaker, this great philosophic truth, uttered nearly three thousand years ago by the wisest of men, was well exemplified by the traits of character and life efforts of our late colleague, Gen. ADOLPH MEYER, of the First Louisiana District, of whose memory we have met to-day to accord words of commendation and regret.

LBAp'09